

California Hard Core

By

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Abstract

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California Hard Core is a narrative history of the pornographic film industry in California from 1967 to 1978, a moment when Americans openly made, displayed, and watched sexually explicit films. Two interrelated questions animate this project: Who moved the pornographic film from the margins of society to the mainstream of American film culture? What do their stories tell us about sex and sexuality in the U.S. in the last third of the twentieth century?

The earlier academic literature concentrates on pornographic film and political debates surrounding it rather than industry participants and their contexts. The popular literature, meanwhile, is composed almost entirely of book-length oral histories and autobiographies of filmmakers and models. *California Hard Core* helps to close the divide between these two literatures by documenting not only an eye-level view of work from behind the camera, on the set, and in the movie theater, but also the ways in which consumers received pornographic films, placing the reader in the viewing position of audience members, police officers, lawyers, judges, and anti-pornography activists.

I argue that in the late 1960s a small group of sexual entrepreneurs, motivated by profit and inspired by the sexual revolution, moved pornographic film from the illicit to the mainstream of American film culture. Hard core film put sex on display, both reflecting and advancing the central tenet of the sexual revolution, which sought to increase the visibility of sex above all else. This movement, however, was mediated by a give and take relationship with the state, a relationship that, in turn, rendered pornographic films relatively tame in comparison to the sexual fluidity that marked the personal and professional lives of industry participants. Their stories demonstrate that when it came to sexual behavior, the sexual revolution was more easily lived in the private realm than the public sphere because the state seemed to have far less influence in private spaces. Paradoxically, however, it was in those private spaces that the state ultimately had the most control over sexual behavior because the individual was unaware of its quiet internalizing, regulatory presence.

Introduction

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Chapter 1, "Overlap and Exclusion," introduces the reader to the filmmakers and models that built the pornographic film industry in the late 1960s and early 1970s. In it I argue that a collective feeling of "exclusion" marked the experiences of individuals who would become involved in pornographic film industry. Most of them had failed in their pursuits to land jobs in the mainstream entertainment industry, so they ended up joining the pornographic film industry to make money. A significant cross section of these individuals excluded themselves from the entertainment mainstream, shunning traditional careers to work in the underground precisely because it reflected their politics of authenticity and sexual liberation.

This chapter, in addition, shows that "overlap" was a prominent characteristic of the modern pornographic film industry. For example, many of people who made hard-core films came from the sexploitation film industry, a loose collection of filmmakers and models who made films that featured simulated sex. This overlap is significant because scholars treat different film genres as wholly unto themselves. Second, there was also a great deal of overlap between the "straight" and "gay" pornographic film industries. Pornographers in this period made all kinds of sex films that featured all kinds of sexual acts. Actors, especially bi-sexual men, moreover, starred in films made for both gay and straight audiences. The boarder between gay or straight films, in other words, proves to be much more porous than the literature suggests.

Chapter 2, "Reinforcement and Resistance," examines the representations of African-

Americans in two of the first pornographic features, Wakefield Poole's *Boys in the Sand* (1971) and the Mitchell Brothers' *Behind the Green Door* (1972). It argues that these two films wrestle with the cultural legacy of the Black Freedom Struggle through their respective depictions of interracial sex. Wakefield Poole tries to present a utopian vision of interracial sex with "no top or bottom," mimicking the interracial coalitions that won the Civil Rights Movement. The Mitchell brothers, on the other hand, exploited whites' fear of miscegenation, which had taken on new erotic valences for both audience and actors alike in a cultural/movie landscape deeply influenced by the Black Power Movement.

The movie theater owners that screened films, such as *Boys in the Sand* and *Behind Green Door* are the subjects of chapter 3. This chapter, "More than 'P going into the C,'" posits that the individuals who owned pornographic theater, specifically in San Francisco, saw sex films as a necessary ingredient of the blossoming Sexual Revolution: one of the main tenets of which was to make sex more visible. They hoped that their actions - screening films that violated sexual and racial taboo, creating welcoming theaters for young people etc. - would help, in the parlance of the time, "un-hang," Americans, or make them more sexually open. The political language that they developed was a unique form of oppositional politics that lost some of its critical edged, though, because of its association with an industry that many considered exploitative.

Chapter 4, "Fascination and Disgust," places the reader into the shoes of police officers who conducted surveillance on Vincent Miranda's Pussycat Theaters. This chapter demonstrates that in reaction to the pornographic film industry's success in making sex more visible, the state, using techniques of surveillance, subjected its citizens (moviegoers) to a Foucauldian program of discipline. Over the course of their investigations, state actors developed a keen interest in particular kinds of sex acts such as male ejaculation, masturbation, and sodomy. These types of non-reproductive self-indulgent homoerotic sexual practices became central to the definition of obscenity. The state's real power, however, can be seen in the self-incriminating confessions it elicited from industry participants and audience members who were caught engaging in this type of sexual behavior. They had been disciplined into knowing what they were doing was wrong and admitted their guilt under very little pressure.

After their arrest, industry participants turned to a handful of defense lawyers who specialized in obscenity cases. Chapter 5, "Unorthodox Causes and Comrades," tells the story of Stanley Fleishman. Between the late 1950s and early 1980s, Fleishman represented Vincent Miranda and countless other sexual entrepreneurs in their legal battles with the state. He collided with prosecutors in the courtroom, fought off cities that used zoning ordinances to ban hard core theaters, stopped the police harassment of moviegoers, and clashed with social conservatives who wanted to eliminate the display of sexually explicit film. These legal battles pushed him to adopt an absolutist position on the First Amendment. He argued that the Constitution protected all forms of speech, not matter how distasteful.

Fleishman's story suggests that the American left took many different forms that are all but impossible to see at the level of party politics. The American left that he embodied defended individual rights; they did not advance a revolution of the proletariat. He had no desire to overthrow American capitalism and liberal democracy. On the contrary, he wanted to make it more inclusive, even for sexual entrepreneurs. Fleishman articulated the principles of classical liberalism, American's version of the left.

Chapter 6, "Law and Order," traces the story of four prosecutors – Cecil Hicks, Oretta Sears, James Clancy, and Al Fabris - who faced Stanley Fleishman in obscenity trials up and

down the state of California. This chapter finds that by studying the politics and implantation of the “law and order politics” at the local level, specifically in Orange County, the birthplace of the New American Right, we can see new developments. This focus on municipal institutions (the prosecutor’s office, the police departments, local courts, and city halls), the cultural taste of elites, and Evangelical Christianity adds to the understanding of the role of these developments in the formation of the right wing of the Republican Party. Law and order politics made the New Right at the same time as the New Right made law and order politics.

The dissertation concludes with a genealogy of the feminist anti-pornography movement in the San Francisco Bay Area. Chapter 7, entitled “WAVPM,” shows that in 1970, a group of radical lesbian feminists founded the San Francisco Women’s Center (SFWC), a non-hierarchical multiracial hub for grassroots organizing. SFWC held a “Conference on Violence Against Women” to coincide with the 1976 International Tribunal on Crimes Against Women. Members of Women Against Violence in Pornography and Media (WAVPM) meet for the first time at this conference.

WAVPM developed the position that pornography, a microcosm of all media, perpetuated sexual violence by manufacturing pornographic representations that distorted women’s sexuality. WAVPM picketed pornographic movie houses, educated the local community with slide show presentations, boycotted major national corporations that ran sexist advertisements, and established close ties with San Francisco Mayor Diane Feinstein’s administration. The organization’s anti-pornography activism culminated in a 1978 conference entitled “Feminist Perspectives on Pornography.” Women from around the country attended the conference and pledged to eradicate pornography. The high point of the conference was marked by a “Take Back the Night” march where Andrea Dworkin led three thousand women through the sex district of San Francisco.

WAVPM’s activism came at the exact moment when pornographic films began to go back underground. In many ways, their assault on highly visible forms of sexual imagery proved to the market that the safest place to watch hard core was in the privacy of one’s own home. WAVPM’s collaboration with civic leaders mirrored the anti-pornography actions of social conservatives Cecil Hicks and Charles Keating. Furthermore, the organization’s all-or-nothing stance on pornography (and the feminists who vehemently disagreed with it) laid the groundwork for what would come to be called sex negativity and sex positivity, a polarizing debate among feminists about the place of sex, desire, pleasure, pornography, and the women’s movement.

Chapter 1: Overlap and Exclusion

Shortly after 8:00am on Saturday, February 7, 1971, Virginia Ann Myers, a former sexploitation actress, entered a soundstage located at 1714 North Wilton Place in Hollywood, California. Her cameraman had arrived a few minutes earlier, loading the rented 16mm camera with a magazine and attaching it to its tripod. A production assistant passed out the film scripts while holding a live gibbon in her arms. The crux of the plot rested on the model's using the ape's ejaculate as an aphrodisiac. The sound and lighting technician helped the cameraman set up the rest of the moviemaking equipment. Two other men were in charge of the props and the clapperboard. Once the remaining members of cast and crew arrived, Myers directed four actresses to change for the first sex scene of the day. The women returned wearing nothing but blue aprons. They then paired off and began performing cunnilingus on one another. The male cast members, waiting off stage, most likely worked on their erections by touching themselves, quite possibly touching each other, or perhaps asking a fluffer to give them head. Myers, trying to get a better shot, yelled to the actresses, "Move down lower so you can go down on it."¹

Throughout the shoot, the producers, Joseph Justman and Jack Schwartz, ordered two members of the crew to periodically check outside for the Los Angeles Police Department (LAPD). It would have been very bad publicity if the handful of technicians from the studios, who had secured an invitation to watch Myers direct, were caught on the set of a pornographic film. For whatever reason, the lookouts never spotted the officers who had been conducting surveillance on the building since 5am. Even if they had, an informant who "had provided information on approximately 40 occasions relating to hard-core pornographic activity and unlawful sexual activity which has been corroborated and found to be correct during the course of further investigation" was working Myers' shoot. LAPD also positioned officers in the attic of the sound stage to document the shoot and back up the informant in case he blew his cover. Near lunchtime the principal officers investigating the case gave the order to raid 1714 North Wilton Place. Myers distinctly remembers being chased around a desk by a policeman while she used a rotary phone to call her lawyer, Stanley Fleishman. Fleishman told her: "Just don't say anything. Just don't talk to them." LAPD arrested everyone on the premises and collected a trove of evidence relating to the pornographic shoot that day.²

The reels that police seized provide an episodic yet illuminating window into the burgeoning California pornographic film industry of the early 1970s. In the first reel, officers watched the complete version of the lesbian number directed by Myers. When investigators screened the second reel, they saw "John Doe #3" (masquerading as a woman) "orally copulate" a male model. John Doe #3 then orally copulates another model named "Jim." An actress from

¹ Note on sources: The papers of Stanley Fleishman housed at the University California, Los Angeles and California State University Northridge are all unprocessed. The document and folder titles that I used in the footnotes are taken verbatim from Fleishman's actual legal files. W. Dixon and J. Ganley, "Los Angeles Police Department Complaint Application," n.d., box 248, folder: "Myers, Virginia Ann, et al adv. Peo L.A. M.C. No. A269594 (Don Davis)," *Stanley Fleishman Papers (SFP)*, Charles E. Young Research Library, University of California Los Angeles.

² W. Dixon and J. Ganley, "Los Angeles Police Department Complaint Application"; Jill C. Nelson, *Golden Goddesses: 25 Legendary Women of Classic Erotic Cinema*, (Duncan, Oklahoma, 2012).

the lesbian number then fellates Jim. In the final reel seized by police, the production assistant is seen “comforting her monkey” after one of the models had “apparently” given it head. Had investigators waited just a bit longer to raid Myers’ shoot they would have seized film that also captured explicit acts of sodomy and intercourse, sexual acts that the informant told police would take place during Myers’ shoot.³

Despite this miscue, investigators still possessed overwhelming evidence that Myers directed a “hard-core obscene film” that contained fellatio, cunnilingus, homosexuality, bisexuality, transvestism, and a suggestion of bestiality. The footage allowed officers to identify and subsequently press charges against key members of the cast and crew. The unedited reels, the police noted, showed Jack Schwartz, for example, sitting “on a chair next to the camera in a position normally used by a producer.” Myers, the director, could be heard saying things like, “Get a girl that can give good ’head.” The Los Angeles D.A. used the films along with police affidavits to charge Myers with “conspiracy to commit oral copulation” (her lawyer would beat the charge). This filmic evidence, more importantly, forces us to rethink how we write about the people and history of underground films and their respective industries.⁴

Virginia Ann Myers’ role as a screenwriter and director challenges preconceived ideas about the kinds of work women did in the pornographic film industry. The production side of the industry in this period is characterized as being dominated by men. The conventional narrative of the industry goes that it was not until the 1980s, with the rise of actresses-producers-writers who described themselves as “pro-sex feminists,” that women began making pornography that approached pornographic film from the point of view of women. Meyers’ story suggests that women, while only a small fraction of the number of workers in production, played a significant role in the founding of the modern pornographic film industry. In other words, as the industry moved from the illicit to licit, between 1967 and 1973, women worked not only in front of the camera but also behind it.

Myers’ transition from acting in sexploitation films to writing, producing, and directing hard core demonstrates a rarely acknowledged overlap between different genres of grindhouse fare (horror, exploitation, sexploitation, and hard core). In film studies, every genre of film, from horror to hard core, has its own dominant narrative that details its specific filmic conventions as well as its singular history. Myers’ transition from sexploitation to hard core requires a more exhaustive consideration of the intersections between different genres of film. My argument is that film content (themes, plots, dialogue etc.) seeped from one grindhouse movie into the next just like a double feature that jumped its intermission. Furthermore, the presence of Hollywood technicians on Myers’ set, suggests that technical work specific to hard core (camera angles, lighting, sound, etc.) may have made it into Hollywood film. Perhaps we will think to look to hard core for the origin of unconventional camera shoots, a strangely familiar mise-en-scene, or diegetic sound that seems hyper realistic when Hollywood screened sex after the early 1970s.

Last, Myers’ story makes us reexamine the way in which the history of hard core is written. The confiscated reels featured a variety of sexual acts that cannot be easily filed under pornographic film categorized as “straight” or “gay male.” Myers’ film demonstrates that pornographers in this period made all kinds of sex films that featured all kinds of sexual acts. Actors, especially bi-sexual men, moreover, starred in films made for both gay and straight audiences. The border between gay or straight films, in other words, proves to be much more

³ W. Dixon and J. Ganley, “Los Angeles Police Department Complaint Application”

⁴ Ibid.

porous than the literature suggests. We continue, nevertheless, to write about these subgenres of pornographic film as separate entities with a different workforce, different filmic conventions, and different audiences. There are books on the straight pornographic film industry and then there are books on gay pornographic film industry, but there needs to be a book on the entire industry. Even within the genre of hard core, the overlap between subgenres has been neglected and needs to be examined with an eye toward seeing the pornographic film industry more holistically.

Taking a step back from the way in which the theme of overlap transcends Myers' individual story, I detail the motivations as well as the historical forces that brought filmmakers and models to the pornographic film industry between the late 1960s and the early 1973. Put another way, how and why did men and women, gay and straight, come to work on the set of Myers' pornographic shoot in early February 1971? What factors drove them to make sex films? What historical forces pulled them into the industry? Did their reasons for becoming involved in pornographic film differ from staying involved in pornographic film?

The experience of exclusion marked both filmmakers' and models' involvement in hard-core pornography. Some of them, for a variety of reasons, failed in their pursuit to become part of the mainstream entertainment industry, so they joined hard core to make money and learn filmmaking. Part of this marginalized group would carve out careers in sex films, while others unsuccessfully tried to use their experiences as means to find a path back to theater, film, or television. A significant cross section of these individuals excluded themselves, shunning mainstream careers to work in the underground because it reflected as well as focused their politics of authenticity and sexual liberation. Their work in pornographic film granted them the opportunity to make sex visible, an act that had, in their view, been invisible for much too long.

At the center of this story of overlap and exclusion is the relationship between counter culture and commerce. This romance began with equal parts possibility and recriminations; sexual freedom and exploitation, but it quickly became subsumed by the market. In other words, in the late 1960s and early 1970s, a handful of young people with far left to libertarian politics tried to combine their counter cultural ideas about sex with entrepreneurship. The outcome was the fragmentation of pornographies that ultimately had to abide by the rules of capitalism. The vacillations of this affair will be traced throughout the dissertation.

Filmmakers

Many individuals working in the production of pornographic films became involved in hard core because the mainstream entertainment industry offered very few opportunities for novices. The directors, film editors, cameramen, screenwriters, light and sound technicians who did manage to find work in a Hollywood studio or in television often found themselves underemployed. So, they ended up moonlighting in the shadows of the entertaining industry to make money as well as gain filmmaking experience. The all-too-familiar trope of the wide-eyed transplant who dreamt of "making it" in Hollywood, but only found an insular community controlled by gatekeepers in the form of risk adverse management and powerful unions, proved all too real all too often.

Bill Osco, one of the most successful pornographers of the late 1960s and early 1970s, moved from Akron, Ohio to Southern California because he wanted to work in the Hollywood film industry. "Since I was nine years old I always wanted to do something in Hollywood," Osco told Joyce Haber, the *Los Angeles Times* entertainment reporter. Studio executives'

unwillingness to take a chance on seventeen-year-old Osco and his partners, Howard Ziehm and Mike Light, left them little choice but to learn filmmaking as outsiders, in their case, through the genre of sexploitation. At about the same time, they also began supplying the storefront theatre circuit and adult bookstores with well-made 16mm pornographic loops that they had shot. By all accounts, Ziehm worked the cameras while Osco helped with the screenwriting, directing, and editing. "Our main concern was breaking into legitimate movies somehow, and without the money and the experience it's impossible," Osco explained. "We weren't living for today; we were living for the future. Get some bucks in the bank, get new experiences, and go out and do a legitimate movie, that's what we kept thinking."⁵

In 1970, Osco and Ziehm produced what is widely considered to be the first hard-core feature film, *Mona: The Virgin Nymph* (1970). *Mona*, like many of the canonic films of the genre, features a female protagonist, played by Fifi Watson, who possesses a voracious sexual appetite that is sated by performing fellatio and cunnilingus on a number of strangers. *Mona*'s promiscuity is a "product" of her unwillingness, molded by society, to engage in sexual intercourse before her wedding night. The film critic Kenneth Turan explained the moral of the film this way: "Distorted sexuality is often the product of repression and hypocrisy, and the rigid, unrealistic Victorian standards under which women must wait for marriage to have intercourse are false and harmful."⁶

Turan's reading of *Mona* credits the filmmakers for their implicit critique of the sexual mores of American society, a critique that also conveniently protected the filmmakers from obscenity convictions because it met the "redeeming social importance" clause of the *Roth* test. *Roth* was a 1957 Supreme Court decision that provided a three-prong test to determine if a work was obscene. The opaqueness of the test resulted in future challenges (*Miller v. California*, 1973) that ultimately refigured the definition of obscenity.

Turan fails to note the way in which *Mona* also possessed a meta-narrative about the filmmakers' experiences of being left out of the studio system in Hollywood. *Mona*'s "nymphomania" is akin to the various jobs that Osco and his partners had to engage in on the margins of the filmmaking industry because they were never given an opportunity to work in Hollywood. The impregnability of the studio system, in other words, forced them to make "dirty" films just as "repression and hypocrisy" led *Mona* to perform a litany of "dirty" sex acts.

By 1973, in fact, with the economic and filmmaking capital to produce a mainstream film secured, Osco distanced himself from hard core. He told Turan that he was done making pornography, "You can't do nothing in hard core. It's people fucking and sucking, you know? That's about it. I made money; I got publicity and experience out of it. I've got nothing against it, but I'm not gonna pursue it. What can I say?" Osco's recut his next two pornographic films, *Flesh Gordon* (1974) and *Alice In Wonderland* (1976), to be soft-core, so that they could play in more theaters. In October 1977, the *Los Angeles Times* reported that he was casting for a "PG" rated film called "Peewee Pigskin," starring former NFL star, Jim Brown, as a "nasty, berating, must-win coach." Osco said that film would be a commentary on how "parents put pressure on their children to succeed." Looking back on the pressures that he faced, the once excluded Osco

⁵ Joyce Haber, "Dishing the Dirt with Boy King of Porno," August 27, 1972, *Los Angeles Times*, V11; Kenneth Turan and Stephen Zito, *Sinema: American Pornographic Films and the People Who Make Them* (New York, 1974), 135. I rely heavily on Turan's book for this chapter because it contains a number of interviews with industry participants.

⁶ William Osco, *Mona: The Virgin Nymph* (1970); Turan, *Sinema*, 125.

self-servingly said, “I was kind of forced into the other stuff to make money. This is a very tough, very cold town... Family films is what I’ve always wanted to do and now I can do it.”⁷

Gerald Damiano, the most famous director of the pornographic film industry, was another person who began his career making sexploitation films. Having no prior filmmaking experience, Damiano, a professional hairdresser by trade, used his 1963 Cadillac Coup de Ville as a way to open doors. In exchange for the use of his car as a prop in the films of local sexploitation filmmakers, they gave Damiano a non-paying job on set. “But while they were exploiting me and my ability, I was exploiting them, using the opportunity to work and learn and evolve into every phase of film,” Damiano said in 1973. “Low-budget sexploitation film...it gave you an opportunity. I started off as a grip, then worked my way up to assistant cameraman and production manager and then finally director. I spent three years paying my dues, working constantly on half a dozen features,” Damiano said in the wake of success following the wildly popular *Deep Throat* (1972) and *The Devil in Miss Jones* (1973).⁸

A handful of porn producers living in San Francisco found themselves in a similar position as Osco and Damiano early in their career. They were on the outside wanting to gain access to the tools and skills of filmmaking. Alex DeRenzy, an aspiring filmmaker could only find work in ephemera films. In his two years with Gordon Newsfilms in San Francisco, he learned how to shoot and edit commercials, documentaries, and newsreels. In the mid-1960s, he “started moonlighting, making a girlie movie here and there” and sold them to The Roxie, a pornographic theater in San Francisco’s Mission District.

The “girlie film,” also known as “beaver,” “split beaver,” or “pornographic loops,” featured a woman who undressed, performed a sexual tease or sexual act, and then allowed the cameraman to take a close-up shot of her genitals (“beefcake” or boy films were the gay male equivalent). “Stag films,” on the other hand, typically depicted a couple who engaged in fellatio or intercourse. Pornographic theaters created a film program by screening five to six of these approximately 10-12 minutes films back to back.⁹

When the opportunity to purchase one of these pornographic theaters in San Francisco presented itself, DeRenzy quit his job at Gordon Newsfilms and devoted himself full-time to making and screening sex films. His investment in the burgeoning industry was not solely a moneymaking venture, though. DeRenzy, like many of the individuals soon to be described, was part of the counter culture; a hippie who lived with multiple lovers and the children that they had together. He saw his activities in hard core as an extension of his alternative lifestyle because he himself was helping to change the way sex films were made as well as presented to the public.¹⁰

DeRenzy’s The Screening Room, a 50-seat grind house theater that he remodeled into an inviting 150-seat theater, helped usher in a new wave of pornographic movie houses owned by young filmmakers of the underground who wanted to broaden the audience base of the genre by attracting young people to the theaters. “We spent a lot of money remodeling this theater to make it appear what it is – a nice little, small theater, you know – and get away from the sleazy lust-

⁷ Turan, *Sinema*, 138; Kevin Thomas, “It’s ‘Gordon’ in the Flesh,” October 11, 1974, *Los Angeles Times*, F12; Lee Grant, “From X to PG,” October 20, 1977, *Los Angeles Times*, H22.

⁸ Greg Kilday, “The Movies and Pornography: Part 1,” July 11, 1973, *Los Angeles Times*, D8; Turan, *Sinema*, 152.

⁹ Richard Ogar, “Balling with Alex DeRenzy,” *San Francisco Ball*, No.1, May 1970, 13.

¹⁰ William Murray, “The Porn Capital of America,” January 3, 1971, *New York Times*, SM8-9.

house image we've fought for years," said DeRenzy. "We wanna be an erotic film theater, where you can bring your old lady and sit back and watch a horny flick."¹¹

To this end, in 1970, DeRenzy, understanding the industry trend toward longer-format films, produced a feature-length documentary, *Pornography in Denmark* (1970), which details the 1969 liberalization of sex laws and its impact of Danish society. His second documentary, *A History of the Blue Movie* (1970), strung together old stag films and surveyed the contemporary erotic film industry (the last third of the film focused on stag films made for The Screening Room). Reporters describe both documentaries as essentially being vehicles to show audiences explicit sex. This assessment, though, fails to take into account the films' messages, which highlighted the backwardness of Americans' sexual attitude vis-à-vis those of Scandinavia, and the rich history of underground sex films in American culture despite the country's sexual Puritanism. The reporters' critique also failed to acknowledge the belief within the industry that young people wanted narrative sex films, rather than the wall-to-wall sex that had come to defined films programs at pornographic theaters prior to 1970. At least one cultural critic, William Murray, recognized DeRenzy's promise, describing him as the "Jean-Luc Godard" of pornographic films.¹²

The lack of opportunity as well as the cultural politics of 1960s youth culture – notably the opposition to authority, the generational divide, and the turn toward underground institutions - shaped Lowell Pickett's filmmaking career. Sex films allowed Pickett to earn a living and make visible, through film, his ideas about sex. Before Pickett founded Leo Productions, a pornographic film company based in San Francisco, he worked as the Director of the Haight Ashbury Clinic, which offered free medical care to the hippies overwhelming the city's social services. In his free time, he was active in the Sexual Freedom League (SFL), an organization that functioned as part advocacy group and part group sex club. He hosted a number of SFL-sponsored orgies at his home. Pickett, just like DeRenzy, was part of the sex scene, living and participating in the so-called "sexual revolution."¹³

Between 1966 and 1967, he decided to pursue filmmaking, an on-and-off interest he traced back to his days as photography student at the Chicago Institute of Art, where he never finished his degree. Pickett borrowed a cheap 16mm camera and used his contacts in the counter culture to find a "very uninhibited" model to shoot his first beaver film that he then sold to The Roxie. "I got into erotic films because that was the only way I could actually get into production without putting years in school and going through a lot of hassle." Pickett said, with his sexual politics in mind: "This was a way of getting into film-making, literally through the back door. But there will probably always be sex in my movies because sex is a part of life." Underground films permitted him to circumvent "the hassle" of film school and admittance into the Hollywood unions and guilds. Pickett could fast track his learning, while simultaneously working towards the goals of the sexual freedom movement.¹⁴

Pickett's belief that sex needed to be screened made his work all consuming. He even introduced his lover, Arlene Elster, to the pornographic film industry. Elster, a college-educated medical lab technician, sat for nude stills and pornographic loops because she wanted to escape

¹¹ Ogar, "Balling with Alex DeRenzy," 13.

¹² Murray, "The Porn Capital of America," SM8-9.

¹³ William Rotsler, *Contemporary Erotic Cinema*, (New York, 1973), 206-207.

¹⁴ Phil Pukas, "SF's Sexy Filmfest, Or the ... Hi Art of the Wet Dream," November 13- 19 , *Berkeley Barb*, 7; Murray, "The Porn Capital of America," SM9.

the all-too-familiar pattern of job, marriage, and family. “I thought I might be missing something. I thought I wasn’t well, free enough. Like the hippies were into the free thing, and I had my nose stuck in a laboratory all the time.” They then shot beaver films together, and, in 1970, they opened Sutter Cinema, a pornographic movie theater located in the financial district of San Francisco. Elster exhibited the films produced by Leo Productions, but as Sutter Cinema became successful, it required more product than Pickett could manufacture.¹⁵

The two solved their problem by providing young filmmakers the opportunity to make sex films, a break that Pickett had once sought. “We are constantly looking for new film makers. We are always picking one up here and losing one there. A lot of young film makers try to get a start in erotic films, then they go on to other things.” Elster told a reporter from Oregonian newspaper, “We take all the risk with a new film maker, too. We supply the film equipment, even the models, for a 10-minute test film. If a film maker can do it, then he goes to work for us.” The gay pornographer, Pat Rocco, broke into the Los Angeles sex film scene this exact way. “Somebody wanted a photographer to shoot male nudes, and I thought well, I’ll try it, just for the heck of it.” Pat Rocco detailed, “So I went to see the people, and they handed me a camera and a model and a roll of film and said, ‘Go ahead, we’ll see what you can come out with. And they liked the results, so they handed me more models and more film and it went on and on.” Back in San Francisco, a dearth of quality sex films most certainly drove Elster’s and Pickett’s generosity, but their decision was also informed by an ideology: they wanted to create a new type of erotic film for young people.¹⁶

Pickett would go onto to produce some of the first ever hard-core features, such as *Straight Banana* (1970) and *Cozy Cool* (1971). *Straight Banana* is a comedy-love story about two sexual “deviants” (a streaker and a female nymphomaniac) who eventually, as the catalogue for Leo Productions describes, “find each other for some serious balling.” In addition to the narrative, the film contains a lesbian sex scene, several boy-girl numbers, and ends with a four-person orgy. Pickett depicted these acts because he wanted to show audiences the range of sexual experience. As Pickett’s filmmaking career matured, he, like Bill Osco, re-cut his pornographic films to secure a wider release. For instance, he edited out all of the explicit sex scenes in *Cozy Cool*, a pornographic comedy-gangland film that features underworld characters, such as a “Mister Big” and a call girl who kills Johns during sex. The film, another testament to the pair’s sexual politics, opened at a benefit for a legislative bill that expunged antiquated sex laws from the California penal code. Pickett had helped to invent a new kind of pornographic film for the underground. But when he tried to reformat them for a mass audience, he and his films remained marginalized, never gaining respect or a purchase in the marketplace.¹⁷

Harold Call’s decision to become a gay pornographer was directly linked to his sexual politics. But contrary to Osco and Pickett, he had no desire to use pornography as a stepping stone to other genres of film. In the late 1940s, after being caught engaging in “lewd conduct” with three other men in a parked car, Call, a journalist, moved from Illinois to California, where he joined the Mattachine Society, one of the first homophile rights organizations in the United States. He spent his spare time shooting pornographic loops that he would screen for gay friends

¹⁵ Fred Stuckey, “The Day They Raided Sutter Cinema – Again,” November 1971, *San Francisco*, 60.

¹⁶ Ted Mahar, “Dignified Image Sought for Erotic Films,” November 15, 1970, *The Sunday Oregonian*, 20; Turan, *Sinema*, 110.

¹⁷ Michael Grieg, “Not Just for Sex Alone,” July 27, 1971, *San Francisco Chronicle*, 38.

(he had picked up photography and filmmaking in the Army during World War Two). When the Mattachine Society splintered in 1953 because of an internal “Red Scare,” Call built one of the strongest regional branches of the organization in San Francisco, California. He had been forced to flee the Midwest because of his sexual identity, but in his new life out West he embraced his minority status, living openly as a gay man at a time when very few chose to do so.¹⁸

Call, the former newspaperman, intertwined his activism with his economic livelihood, using Pan-Graphic Press, his store front print shop, to churn out the publications of the Mattachine Society and the Daughters of Bilitis, the first lesbian rights organization in America. Call’s print shop was part of a bulwark of gay-friendly businesses that, at the exact moment the homosexual community began to emerge from the closet, provided services that most Americans took for granted, such as developing photos of everyday gay life or hosting a gathering for a gay party. Around 1970, Call founded Adonis Bookstore, which sold gay literature and 8mm gay pornographic loops - many that he had shot himself. His bookstore led to the establishment of a gay movie club, Circle J Cinema, in 1971. Call advertised Circle J as a cruising spot with “hot movies for hot men who want to meet and play with others into J/O [jerk off].” The interconnectedness between gay politics and pornography is perhaps best demonstrated by the fact that all three establishments, plus the Mattachine Society, shared the same physical address: 369 Ellis Street in San Francisco, California.¹⁹

Call’s idea about activism and business spread to other branches of the Mattachine Society. Between the mid- to late-1970s, with his help, different California chapters of the organization established “Cinemattachines,” which were private gay social clubs/ theaters. For a small monthly fee, Cinemattachine members could enjoy amenities, such as a gym, showers, lockers, a lounge, and a TV room. Each club also had a weekly social program that included the screening of gay pornographic films. The San Diego, Los Angeles, and San Francisco chapters of the Mattachine Society each created their own Cinemattachines. Harold Call’s gay-centric businesses, especially Circle J Cinema and the idea of Cinemattachine, provided the homosexual community spaces where it could take off its mask to relax, socialize, and even fornicate.²⁰

The Mitchell brothers’ filmmaking careers shared similarities with the porn producers mentioned above, but their end goal differed from the goal of those who thought of porn as a training ground. They also came late to articulating the relationship between sexual politics and pornography. Jim Mitchell was an undergraduate at San Francisco State University, where he majored in Political Science, but he spent a great deal of time in the film department. Hearing that The Roxie paid good money for beaver films, Jim bought a Bolex camera and started shooting films between 1967 and 1968. Artie Mitchell joined his brother’s venture upon being released from service in the Army. The two brothers, in a similar fashion to Osco and Pickett, used porn “to make money to learn how to make movies.” But the key difference, Artie explained, “We never thought in terms of ‘moving out,’ or what we were doing—which was

¹⁸ Randy Collins, ““Dr. Hal Call Turns 80: Mattachine Founder Has Had a Helluva Ride So Far,” September 18, 1997, *Bay Area Reporter*, n.p.; For more on Harold Call see James Sears, *Behind the Mask of the Mattachine: The Hal Call Chronicles and the Early Movement for Sexual Emancipation* (Binghamton: 2006).

¹⁹ Harold Call, Cinemattachine ad., box 1, folder 1, *Harold L. Call Papers* (HCP), One National Gay and Lesbian Archive.

²⁰ For more on the Cinemattachine see box 4, folder 4, HCP.

essentially movies for fornication—or ‘moving on.’ We’ve really been striving to make explicit films entertaining.’²¹

The Mitchells believed they could become the best pornographers in the nascent sex film industry, and that by being the best, they would reap substantive financial rewards. On July 4th, 1969, the Mitchells opened the O’Farrell Theater, a pornographic movie house located at the corner of O’Farrell and Polk in San Francisco. They would often point out the significance of this date, especially after years of police raids. The theater allowed the Mitchells to vertically integrate their business because they could now screen films made by their production company. They never envisioned pornographic film as a path to Hollywood; instead, they wanted to corner the pornographic film market by producing the best quality films. “We were trying to make good *erotic* films. You know we weren’t trying to make Hollywood film. These people want to see erotic films – there’s plenty of selection of other films in town, if they want to see that. They’ll do a hell of a lot better than *we’ll* ever do. But we’re making dirty movies, or whatever you want to call them, and business picked up real good.” The Mitchells, like Harold Call, made peace with their choice to be on the fringes of society. They embraced their roles as countercultural “heroes” who had chosen to be excluded from traditional forms of business as well as polite society. At the same time, because of their economic motivations as entrepreneurs, they tried to shoot pornographic film that appealed to the America they had dropped out of.²²

The Mitchells were not alone in their desire to make pornography that was both “good” as well as profitable. Shan Sayles and Monroe Beehler have been described by Jeffery Escoffier as “the founding fathers of the gay porn business in southern California.” The two men owned a chain of grindhouse theaters, which included The Park in Los Angeles and the Nob Hill in San Francisco. In the mid-1960s, with business in the red, they began screening soft-core homoerotic film to attract gay men who lived near their Silver Lake Theater in Los Angeles. These sexual entrepreneurs recognized an underdeveloped segment of the market. The typical fare included physique films or so-called “beefcake” films, which featured a bodybuilder, dressed in a posing-strap, flexing for the camera. Pat Rocco’s early “sentimental” films – men necking and petting in romantic settings - were also popular. Nudist films that documented sports activities at nudist retreats were also a staple of the circuit. The eroticism came from male genitals in motion.

Sometime between 1968 and 1969, Tom DeSimone approached Shan Sayles after seeing a gay film program at The Park, which he described as “a lot of young kids...jumping around on pogo sticks and other such nonsense.” DeSimone, a lifelong cinephile with training from the masters program in cinema at The University of California, Los Angeles, told Sayles he could make much better pornographic films.²³

DeSimone, following a career path that resembled the path taken by pornographic filmmakers introduced above, had been honing his skills editing low budget horror and ephemera films. Sayles asked DeSimone to make a short test film. The short turned out so well that it would eventually be included in the 1973 film *Erotikus: A History of the Gay Movie*. In addition, according to DeSimone, the success of that short test film led Sayles to put him in charge of the

²¹ Rotsler, *Contemporary Erotic Cinema*, 224.

²² Elliot Borin, “The Making of a Movie: How the O’Farrell Does it,” *The San Francisco Ball*, No. 6, 1970, 17.

²³ Jeffrey Escoffier, *Bigger Than Life: The History of Gay Porn Cinema From Beefcake to Hardcore* (Philadelphia, 2009), 52-53; Paul Alcuin Siebenand, “The Beginnings of Gay Cinema in Los Angeles: The Industry and the Audience” (USC Dissertation: 1975), 81-83.

production unit at Signature, a film company recently founded by Sayles and Beehler. DeSimone went right to work producing both gay and straight pornographic films at a rate of four features per month. In many ways, Sayles and Beehler were like the Mitchell brothers, sexual businessmen, who understood that “good” pornographic film would bring in more customers. They comprehended, in other words, the value of hiring someone like DeSimone because he could help them make a lot of money in gay pornography.²⁴

The most critically acclaimed porn producers, though, had a desire to make better films regardless of monetary concerns. They usually brought an aesthetic training to the industry that had been whetted in other fields of art. Wakefield Poole, for example, came from the world of dance and musical theater. At the age of fifteen, he attended a performing arts school where he trained in “tap, ballet, acrobatics and dramatics.” “I knew I was a dancer,” Poole said after taking his first class. “Dancing made me feel like nothing else could. It was even better than sex. Well, maybe not better but different and just as good.” He toured with Ballet Russe de Monte Carlo, which led to work in industrial shows for major corporations, such as Ford, Quaker Oats, Nabisco, and Lee’s Carpets. He also found work on television and Broadway. Between appearances on *The Ed Sullivan Show* and the *Gary Moore Show*, he directed musicals such as *Oklahoma*, *The Sound of Music*, and *George M!* As Wakefield’s career as a performer waned, he taught dance and did contract choreography work. Linda Williams’ observation in *Hard Core* (1989) that the musical is hard core’s closest kin seems to bare some truth not only in the structural parallels between dance/sex “number and narrative,” but also the overlap in the genres’ workforces.²⁵

The cultural scene in New York City during the 1960s, just like in California, played a significant role in Poole’s transition from dance and musical theater to pornographic films. He followed contemporary art: Warhol was his favorite artist. Poole experimented with psychedelic drugs such as mescaline and acid, as well as marijuana. Poole writes that the avant-garde, especially its emphasis on the visual, along with music and drugs helped him imagine a world where gay men could “shamelessly express our feelings for each other just like ‘normal’ people around us.” His contribution to the gay community’s emergence from the closet would find full expression in his second career as a pornographer.²⁶

A few months before Poole viewed his first gay film program at the Park-Miller in New York City, his lover bought him a 8mm camera. The technological advances in film combined with the increase in the affordability of camera equipment had made filmmaking more accessible. Eric Schaefer argues that these dramatic changes in film technology gave “rise to the pornographic feature” because amateur filmmakers could now make sex film at much lower costs. Poole spent hours experimenting with his camera (filming upside down, learning dissolves and double exposures, etc.) and would incorporate films into his theater work. “Film had begun to be a means of creative expression for me, so when I was offered an off-Broadway show to direct and choreograph, the concept I came up with, naturally included film,” Poole writes in his autobiography. He became so confident in his filmmaking that upon seeing “degrading” gay films at the Park-Miller, one film apparently depicted a man being sodomized while a knife is

²⁴ Siebenand, “The Beginnings of Gay Cinema in Los Angeles,” 81-83.

²⁵ Wakefield Poole, *Dirty Poole: The Autobiography of a Gay Porn Pioneer*, (Los Angeles: 2000), 23, 41-135; Linda Williams, *Hard Core: Power, Pleasure and the “Frenzy of the Visible”* (Berkeley, :1989), 120-152.

²⁶ Poole, *Dirty Poole*, 138.

held to this throat, he suggested to his friends that he could make better pornography. In 1971, Poole's *Boys In the Sand* (1971), the first gay feature-length pornographic film, quietly opened in New York and Los Angeles, receiving critical acclaim. He had aged out of the world of theater, but he found a new way to make art for a historically ostracized group of Americans.²⁷

Fred Halstead, the director-writer of *L.A. Plays Itself* (1972), a gay S&M autobiographical pornographic film that became famous for its depiction of fist-fucking, demanded even more of pornographic films than anyone in the industry. He took himself and the genre very seriously. "This is a film, cinema, a work of art." Halsted said about promoting *L.A. Plays Itself*, "It also happened to be gay hard-core porno. A sadomasochistic, fistfucking faggot film, but that is not the point. No one had ever done this before with a sex film. To me sex is the most viable area of human interest, it is the most important area, so I was proud of what I was doing. I wasn't the least bit ashamed and never have been."²⁸

If Wakefield Poole had brought the training of a choreographer to pornography, then Halstead, a self-proclaimed Zen Buddhist and sadomasochist, was one of the first to articulate a philosophy of sex for the industry. He describes sex as being something more than just frenzied bodies fumbling toward orgasm. "I am interested in the more subtle aspects of sex. The mind-fucking aspects of sex." Halsted said,

I am not interested in coming. I got out of that years ago. I am interested in getting my head off, my emotions off—and if I get my dick off, my rocks off, it really doesn't matter that much to me, that is very down on the scale. I am interested in emotional satisfaction and intellectual satisfaction—mine.²⁹

A chorus of voices from the industry echoed a strain of Halstead's desire to produce pornography that, in the parlance of the time, explored people's "head trips." Gordon Hall, of Jaguar Productions, an offshoot of Signature Films, described his gay pornographic films as a cinematic representation of "blowing the mind, so to speak, instead of the body." In 1971, Lowell Pickett told a reporter "audiences are getting bored with the plain sex film that only gives them close-ups of such things as masturbation and oral-genital goings-on. They want insight into why the people are doing what they're doing. They want stories."

As stated earlier, Pickett's desire to include psychological motivations in his films was a byproduct of market considerations (what pornographers believed the audience wanted), and a particular sexual milieu of bohemian San Francisco. Within gay male culture, the audience's relationship to pornography held significant meaning because pornography had a long history of helping gay men realize their true sexual identities. Film and art critics understood that *L.A. Plays Itself* was an important work of gay art, giving the film rave reviews. The Museum of Modern Art even bought a print of Halsted's film for its permanent art collection.³⁰

Halstead's career, marked by critical acclaim, was far from typical. Virginia Ann Myers' story, while unique because of the relatively small number of women working in the production

²⁷ Poole, *Dirty Poole* 137, 147-148; Eric Schaefer, "Gauging a Revolution: 16 mm Film and the Rise of the Pornographic Feature," in *Porn Studies* ed. Linda Williams (Durham: 2004), 370-394.

²⁸ Siebenand, "The Beginnings of Gay Cinema in Los Angeles," 201.

²⁹ Siebenand, "The Beginnings of Gay Cinema in Los Angeles," 206.

³⁰ Turan, *Sinema*, 195; Greig, "Not Just for Sex Alone," 38; For more on the link between pornography and gay identity see Thomas Waugh, *Hard to Imagine: Gay Male Eroticism in Photography and Film from their Beginnings to Stonewall* (New York: 1996).

of pornographic film, was much more representative of the range of work and lack of critical reception that industry participants could expect. Myers began her career as a minor star in sexploitation films. She appeared in grindhouse fare such as *House on Bare Mountain* (1962), *Marsha: The Erotic Housewife* (1970), and *The Toy Box* (1971). The films are vastly different in plot. *House of Bare Mountain* is about a headmistress and werewolf tandem that uses an all girls school as a front for their illegal distillery, while *Marsha* details one housewife's sexual conquests. But what they all had in common were actresses who were willing to appear nude on film. Myers was one of these so-called "nudie-cuties." She then moved into the production, direction, and writing of both sexploitation as well as hard-core features. On the side, she and her husband, Don Davis, a longtime producer-director of "nudie cutie" films, ran a mail-order business selling pornographic loops out of their Los Angeles home.³¹

By 1974, Myers had established her own production company, Diana Films. Again, like Bill Osco and Gerald Damiano, she had picked up filmmaking by working on the sets of B-rated movies. Her transition from actress to producer-director-writer was unique, though, in the sense that it foreshadowed the career trajectory of many latter-day porn stars, such as Candida Royale and Nina Hartley. In 1975, Myers invested all the money she had made from her work in sexploitation films, the mail-order business, and the eleven films released by her production company to make her first 35mm pornographic feature. *Count the Ways* (1975), aimed at the growing audience of single women and couples, told the story of an English professor who uses lyric poetry to seduce his students. "It was a romantic story and women liked it which was great, as far as I was concerned. There was a little poetry in there and it was handled delicately. It did very well," Myers recalled. While the film made a departure from traditional hard-core fare by trying to anticipate women's pornographic taste, it re-inscribed a set of aesthetic conventions, such as the poetic, romantic, delicate, and lyrical.³²

Following the success of *Count the Ways*, she continued to produce sex films and became an outspoken advocate for their legality. In the late-1970s, she served as the first female president of the Adult Film Association of America. At about the same time, she divorced her third husband and married Joseph Rhine of Kennedy & Rhine, the famous San Francisco law firm that specialized in first amendment and obscenity cases. Kennedy & Rhine defended an array of countercultural figures, such as Timothy Leary, members of the Black Panther Party, the Mitchell brothers, and Arlene Elster. In the early 1980s, Rhine and Myers moved to Spokane, Washington, so that they could care for her ailing mother. Like many industry couples before them, they bought an old movie theater, the Dishman, and transformed it into a pornographic movie house.³³

Models

William Rotsler's 1973 book on the contemporary pornographic film industry contains an interview with a "Porno King" who describes how he scouts for talent. The mogul tells Rotsler that it is "very difficult" to approach women because they "always suspect the worst." Men, on the other hand, are a different story. "If I see someone that looks good - like in one of the gay houses - I'll introduce myself and ask them to look me up if they are ever in Los Angeles," the

³¹ Jill C. Nelson, *Golden Goddesses*, 5-20.

³² Nelson, *Golden Goddesses*, 5-20; Turan, *Sinema*, 127.

³³ Nelson, *Golden Goddesses*, 5-20.

mogul states. “Some of them call me and I have them come by and I introduce them to the head of the boy-boy department.”³⁴

For the most part, though, the act of picking up talent off the street was, in fact, quite rare. The partnerships of Myers and Rhine, Osco and Zeihm, the Mitchell brothers, and Elster and Pickett, attest to the significance of familial and familial-like relationships to the establishment of the modern pornographic film industry. Intimate social networks were no less essential to building a labor force willing to have sex on camera. Many times, the first person that an amateur pornographer filmed was his partner, a former lover, or someone within his immediate circle of friends. Because these relationships could only produce a finite number of actors, compounded by an industry wide demand for new faces and new bodies, pornographers, both gay and straight, had to find other means to attract talent. They mined extended social networks (friends of friends). They asked actors to spread-the-word about the availability of work. They followed the practice of sexploitation filmmakers who placed newspaper advertisements.

As much as actors were pulled into the industry by pornographers, certain economic and ideological factors, born from 1960s and 1970s America, pushed them to star in sex films. The early 1970s marked the first time since World War Two that the GDP failed to grow. Recession in 1972 quickly turned into stagflation by 1973, a condition (high inflation, high unemployment, and stagnant demand) believed to be theoretically impossible in the field of economics. Ideologically, the Civil Rights Movements combined with 1960s protest culture helped spark a “sexual revolution.” But rather than being a revolution in sexual acts, or an increase in sexual promiscuity, the sexual revolution’s principal tenet was a revolution in visibility. The pornographic film industry (filming sex, screening sex, and being seen watching sex on screen) was a manifestation of this tenet and a vehicle used by individuals to both spread and engage in the sexual revolution.³⁵

Wakefield Poole asked his longtime lover, Peter, and their friends, Tom and Michael, to star in a sex film while they took a holiday together on Fire Island in the summer of 1971. He writes that the promiscuous atmosphere of Fire Island, a well-known gay vacation spot, in addition to the “ever-present sexual tension” in the rental house that summer drove him to proposition his friends. Everyone agreed to participate in the film, but on the day of the shoot Tom and Michael backed out. Wakefield and Peter, easing their disappointment with food and beverage, spent the afternoon at a restaurant-bar housed inside a local hotel. Poole describes what happened next,

Peter and I were talking to Dino, a good-looking Italian man who worked at the gift shop. The three of us had been flirting for weeks. I suddenly turned to him and asked if he’d like to make a film with Peter. They both looked a bit startled, but moments later we agreed to shoot the next day at 6 A.M.³⁶

Poole’s account suggests that he and his partner’s open sexual relationship helped make *Boys In the Sand* possible. The role that historical events played in actors’ motivations must also not be understated. Gay men, in the wake of the Stone Wall Riots, were trying to find ways to publicly articulate their sexuality. What better way to announce one’s gay sexual identity to the world

³⁴ Rotsler, *Contemporary Erotic Cinema*, 145.

³⁵ Bruce Shulman, *The Seventies: The Great Shift in American Culture, Society, and Politics* (New York: 2002) ; Eric Schaefer, *Bold! Daring! Shocking! True!* (Durham: 1999).

³⁶ Poole, *Dirty Poole*, 150.

than to make a sex film? Cal Culver, the male lead in Poole's film, lends supports to this connection between art and historical context when he explained why his character walks so much in the film. "It is a statement on all the walking that is part of gay's life—the pursuing, the cruising, the walking on the streets, the walking at the baths, the walking up and down the theatre aisles."

Making a pornographic film with someone you had a sexual history with was a common phenomenon in the late 1960s and early 1970s. Poole hired Tommy Moore, the African-American actor in *Boys in the Sand*, because Cal Culver recommended him. "I made it with Tommy the Black guy earlier that summer. We really got it on, and I recommended him for the film." Culver said, "Yes, you have to be really turned on to your partner to make things look really good." Tina's and Jason Russell's sexual chemistry led to marriage. They then began performing in live sex shows together. They moved on to stag films and hard core features. As mentioned earlier, Arlene Elster modeled in her first beaver film for Lowell Pickett, her boyfriend.³⁷

An intimate relationship, albeit an abusive one, brought Linda Lovelace into the pornographic film industry. She claims in her memoir, *Ordeal*, that Chuck Traynor, her husband/agent, first forced her into prostitution. On one visit to New York City, he made her pose for S&M theme photographs. By 1970, the photographs led to work in 8mm stag films. She writes that he threatened to kill her if she did not participate in bestiality and urination numbers. During the filming of *Deep Throat*, he carried a gun in his pocket that he would cock just so she could hear it. After one shoot where she seemed to "enjoy" the sex too much "he went berserk." she said, "He picked me up off the bed and threw me against the wall. By this time I had learned that the best way to handle the beating was to roll myself up into a tight ball on the floor—protecting my breasts and my stomach from his boots." Traynor readily admitted to the domestic violence. "With Linda, if she and I got into a hassle, it wouldn't be beneath me to backhand her or bend her over my knee and beat her ass," Traynor said. "She dug it." Lovelace's narrative of the abuse is complicated by the fact that she would issue many contradictory statements about the pornographic film industry in the coming years.³⁸

Many times, actors learned about a pornographic shoot through word-of-mouth. Harry Reems, the male lead in *Deep Throat*, began making stag films to supplement his miserable income as an actor in the theatre world of New York City. In 1970, with his rent past due, he asked a fellow actor, "Do you know how I could get some fast bread?" His friend replied, "Yeah, I do. If you consider \$75 'bread.' You can pick up \$75 a day doing stag films." The actor gave Reems the name of a couple that worked as casting agents for pornographic films. Reems visited the couples' apartment where they explained the job to him. "You'll have to fuck. You have to fuck on camera. You gotta do something else. You gotta come. You gotta come on camera," the women said. "Now how about it? Do you feel up for it?" Reems' first stag film shoot was in a rundown tenement on Manhattan's Upper Eastside.³⁹

³⁷ Siebenand, "The Beginnings of Gay Cinema in Los Angeles," 153; Tina Russell, *Porno Star: The Autobiography of One of Today's Most Erotic X-Rated Actress* (New York: 1973).

³⁸ Linda Lovelace with Mike McGrady, *Ordeal* (New York: 1980), 103-113, 131; Legs McNeil and Jennifer Osborne, *The Other Hollywood: The Uncensored Oral History of the Porn Film Industry*, (New York: 2005), 61.

³⁹ Harry Reems, *Here Comes Harry Reems!* (New York: 1975), 31.

Cal Culver, the most famous star of 1960s and 1970s gay pornography, made his first pornographic loop, *Casey*, out of economic necessity. “I did it simply because I had no money and I needed bread and it was instant money.” He noted that his co-star in *Casey* had similar motivations. “The kid opposite me... was married, and I don’t think that he had ever sucked cock in his life. He just answered an ad in the papers.” Culver, though, had a background in drama like Reems, appearing in a number of college productions while he earned his degree in education. Struggling to find work in teaching, a girlfriend landed him a job in a sexploitation film, which he described as “grotesque.” A number of porn stars felt that hard core was more authentic because it did not tease the audience with stimulated sex. In 1971, a “dancer friend” introduced him to Wakefield Poole. Culver watched a few short sex films that Poole had made for his friends in the gay community. Finding the films “very impressive” because they explored common gay fantasies, Culver agreed to do *Boys in the Sand*.⁴⁰

The alternative press in California, in particular the classified section, served as an another entry point for men and women who wanted to work as models in the sex film industry. Pornographic filmmakers in California mined the counter culture by placing advertisement in underground newspapers, such as the *Los Angeles Free Press*, *The San Francisco B.A.L.L.*, the *Berkeley Barb*, *The Bay Area Reporter*, and the *Advocate*, a gay male newspaper. Between 1969 and 1970, a typical wanted ad featured the name or description of the employer, the desired characteristic of the potential employee, an assurance that the workplace would be both fun and safe, a phone number to call, and most importantly, the promise of “Good Pay.”

The majority of the ads simply called for “attractive girls” and “couples.” A few companies were very specific in the type of models they wanted. One gay male pornographic photograph and film company sought a certain look: “Athletic, muscular, super hung men and boys under 23 years,” the ad read. The potential employee could also be “GAY or straight.” The advertised pay, \$150 a day, was close to double the pay of equivalent work in pornographic films tailored for the heterosexual market. Another company would not hire hippies. It placed ads that used language, such as “No long hairs” and “Clean cut models only.” There were, however, a few notable exceptions. Leo Productions, the pornographic film company run by Lowell Pickett and Arlene Elster, wanted models that came in a variety of shapes and sizes. Its July *Berkeley Barb* ad read: “Straight hip, young, old, etc; for silent and sound erotic films. For further enlightenment 9am-7pm 861-9574.”⁴¹

The more ambitious productions companies bought extra space in alternative newspapers to place larger copy. Alex De Renzy ran a 5x2 ad that featured stylized portraits of two women and a man. Their smiling face and De Renzy’s promise that the “pay is good and the working conditions are fun” were meant to alleviate potential fears that models might have about joining a quasi-legal industry. The Mitchell brothers tried to use humor to ease the reservations that new models might have. Their 1970 advertisement features a cartoon drawing of an actor lying on his back while an actress straddles his face. Studio lights and camera equipment surround the actors. There are a number of film assistants on the set trying to make them comfortable. One assistant waves a large fan and remarks, “We treat our models swell.” Another assistant cuts the actor’s toenails, while the actress receives make-up, and a waiter asks, “Tea or blue chip stamps?” To the left of drawing there are modeling rates, “\$35 Per Model, \$70 Per Couple for Silent Films, \$50 Per Model, \$100 Per Couple for SOUND FILMS!” The ads placed by De Renzy and the

⁴⁰ Siebenand, “The Beginnings of Gay Cinema in Los Angeles,” 154, 149.

⁴¹ Classified ads, July 17-23, 1970, *Berkeley Barb*, 16.

Mitchells tried to combat the illicit connotations associated with pornographic film. They tried to assure models that “working conditions are safe” and that models would be “treated swell.” The new wave of pornographers, in short, tried to convey to models the fact that they ran professional operations.⁴²

Between 1969 and 1971, as the industry rapidly matured, casting advertisements mirrored the more sophisticated films that pornographers began to make. The Mitchell replaced their 1970 cartoon advertisement with a slick-looking photo of an actual woman straddling a man. The new advertisement reads,

The Mitchell Bothers want you to be in a 90-minute sound and color film by Cinema 7. NOW CASTING. Creative Eroticism. Experienced and inexperienced actors and actresses needed. Balling and non-balling roles available. We are willing to pay.⁴³

The 1971 ad by the Mitchells makes no mention of silent film because they had moved toward feature-length narratives with “sound and color.” They, furthermore, used the euphemism “Creative Eroticism” to describe the increased sensitivity and art that they had brought to pornographic films. The new advertisement also calls for “experienced” actors and “non-balling roles” because pornographers needed talent that could read dialogue. The Mitchells’ realized that if they made narrative films they needed a wide range of talent that could act as well as sexually perform. The early 1970s marked an important transition for industry that had seemed to grown up overnight.

Individuals who became involved in pornographic film by answering a classified ad in an alternative press newspaper became so ubiquitous that Alex DeRenzy produced a stag film about the experience. His self-aware loop follows a young hippy couple that answers a pornographic film ad in the *Berkeley Barb*. The pair ends up at The Screening Room where they sign model releases and then proceed to make a stag film. De Renzy shoots the sex number straight on and through mirrors. Kenneth Turan, the film critic, describes the stag as “artsy” and “self-conscious.” The film depicted the contemporary erotic film industry as an idyllic byproduct of sexual liberation (the couple who’s willing sign up to “ball” on film), alternative youth culture (hippies and the *Berkeley Barb*), and sensitive filmmaking (De Renzy’s use of mirrors in the shot).⁴⁴

Pornographers who turned their focus toward hard-core features placed advertisements in mainstream newspapers because they wanted to tap a larger talent pool. Marilyn Chambers recalls answering a casting call placed by the Mitchell brothers in the *San Francisco Chronicle*. “I saw an ad in the paper for a big-budget commercial film. I immediately thought, Far out! That’s what I’ve been waiting for! I mean I had visions of another *Gone With the Wind* being shot in San Francisco and I was high with enthusiasm and hope when I walked into the office which had been listed in the ad.” The Mitchells offered Chambers the lead in their first pornographic feature, *Behind the Green Door* (1972). The *Los Angeles Times* as well as the *New York Times* carried similar advertisements.⁴⁵

⁴² *Berkeley Barb* (July 24-30,1970), 13.

⁴³ n.a., advertisement, *Berkeley Barb* (June 18-24, 1971), 14.

⁴⁴ Alex De Renzy, *A History of the Blue Movie* (1971); Foster Hirsch, “He’s Happy in His ‘Blue’ Heaven,” January 24, 1971, *New York Times*, D13; Alan Kriegsman, “Blue-Movie History,” March 16, 1971, *The Washington Post*, C8; Turan, *Sinema*, 88.

⁴⁵ Marilyn Chambers, *Marilyn Chambers: My Story*, (New York: 1975), 6, 9.

As pornographers invested more money in their filmmaking, they became more selective in the talent they hired. Steve Howe, production manager for Lowell Pickett's Leo Productions, observed, "We have hundreds of girls coming in here asking for work, but we use maybe five to ten percent of them." In October of 1971, Jim Mitchell was quoted saying, "No longer can we have people drop in off the street, pop onto a mattress and shoot. Six months ago, it would have been enough to have somebody come in and fuck before the camera. Now we're making 90-minute stag movies with sound and a story line; we have to have reliable people with proven ability."⁴⁶

The pornographic film industry ended up finding "reliable people with proven ability" from the broader entertainment industry. Marilyn Chambers had done modeling in print and landed a small role in Barbara Streisand's *The Owl and the Pussycat* (1970). In 1971, she did a sexploitation film called *Together*. After moving to San Francisco, she discovered that the "San Francisco theater was a closed circle; there was no way of penetrating in short of being born into it or marrying into it." Johnnie Keyes, her co-star in *Behind the Green Door* and *Resurrection of Eve* (1973), was a musician, dancer, and actor who starred in a production of *Hair* right before he joined the industry. Armand, the other male lead in *Resurrection of Eve*, had trained as a Shakespearean actor. "A friend of mine pointed out that whenever he got mad or had a heavy scene to play he'd 'start doing Hamlet.' I cracked up — I don't know how my friend noticed it, but he did — because Armand was a Shakespearean actor, and was in fact appearing in a production of *Hamlet* when we shot *Eve*," Chambers wrote. "Now when I see the film again I hear a little of Macbeth in Frank's speech pattern and see a little of King Lear in his walk. It cracks me up."⁴⁷

Similar to the case of the pornographers, some models maintained the convictions they had carried with them since their initial involvement in hard core. Other actors generated new rationales for their work once they cast their lot with the industry. The two groups, though, repeated three themes over and over again to the press: the societal need for authenticity, a belief in sexual revolution, and the strong desire for exhibitionism. Lucinda Housman, a model, told a reporter from *The Washington Post*, "If I was going to be embarrassed about it, I wouldn't do it. I go under my own name because I see no reason why not to. I don't think sex is dirty. I don't think to have sex for a movie is dirty. And I don't think getting paid to have sex is dirty." Housman rejected the notion of feeling shame for being paid to have sex on camera. She articulated an early version of what would be described as "a sex positive attitude" in the industry. Housman believed that nothing was wrong with sex or sexual representations and she was willing to endorse this line of thinking. Even when a particular film could be seen as problematic in terms of reproducing racist stereotypes, sexist roles, etc., for actors, it was the act of being filmed, of making sex visible that mattered most because it carried a small agent of change.⁴⁸

Correspondingly, a common refrain among actresses critiqued simulated sex in Hollywood film because it failed to represent peoples' sexual experiences in an authentic fashion. It was another example of the way in which a powerful institution hid the "truth" about sex from everyday Americans. Performers thought that the only way to enhance the sexual health of America was to show people having actual sex. "This fake simulation stuff, that's a bunch of

⁴⁶ n.a., "The Porno Girls," *Playboy* (October 1971), 138-139.

⁴⁷ Chambers, *My Story*, 75, 87.

⁴⁸ n.a. "Making Dirty Movies for Fun and Profit," June 6, 1971, *The Washington Post*, K3.

crap. Faking it is horseshit. I don't want any part of that: I don't agree with that at all. If there is a sex scene, fuck it, do it, don't be so uptight!" Marilyn Chambers said, "I think the thing that really bugs me the most is going out and seeing a film that's really far out and then it turns out to be a lie as far as sex goes." Mary Rexroth, the daughter of the beat poet Kenneth Rexroth, vowed, "I won't do a soft-core film, and I won't do sort of standard beaver films because, as I said, I don't understand the tease trip. I think there's something lewd and dirty and sick and so on and so forth about soft-core films, I really do. You gotta know how to do that. I mean, I know how to fuck, I don't know how to do that. And it all seems rather silly, that's what I think it boils down to, it's silly." Her feelings of distaste for past filmic representations of sex derived from her belief that if people were honest about sex, its display would be a non-issue.⁴⁹

Beside an allegiance to the politics of authenticity and a more visible sexuality, porn stars shared one peculiar reason for making sex films. This reason originated from their desire to be performers in the first place. Harry Reems wrote in his 1975 autobiography, "Frankly, I was enjoying the sex as much as the bread. I grooved on fucking in front of others, the circus act of performing. It was good clean fun. And good physical exercise to boot. It was a period of real sexual coming-of-age... and personal growth." Johnnie Keyes, as mentioned earlier, starred in a production of *Hair* immediately before venturing into pornographic film. He describes fulfilling his goal of becoming a performer: "Most of my fantasies are just being a great actor and a great entertainer. That's what I've wanted all my life. It's happening. When I was a kid I fantasied being in the biggest play in the world and here I am, twenty-three, and I'm doing *Hair*, right? The biggest play in the world at the time." Both Reems and Keyes understood that part of the draw of doing porn was its performance aspect. Reems "grooved on fucking in front of others" while Keyes said in another context that could easily be applied to his work in *Behind The Green Door*: "I fantasied being a great actor and a great entertainer... I fantasied being in the biggest play in the world." Filming porn, in essence, gave actors the opportunity to satisfy their deep-seated need to be exhibitionists.⁵⁰

The statements of Harry Reems and Johnnie Keyes suggest that it is quite difficult to reduce the motivations of industry participants to economics alone. Mary Rexroth dismissed the claim by models that monetary gain was the only reason for starring in pornographic films. It was, according to Rexroth, one reason but not the only reason. In the late 1960s, she needed money for rent and to pay for her classes at the California College of the Arts in Oakland, California. Her decision, nonetheless, to become involved with the sex films industry was primarily an outgrowth of her sexual politics. She had been working four nights a week at the Modern Sex Institute in the city where she did sex counseling. She also taught dance and led a class on sexual techniques. "A lot of chicks claim they're just in it for the money. But there are a whole lot easier ways to make money than that. I generally only made \$50 a day." Rexroth continued, "The reason I do it -- is because I enjoy making films. It's a complete sex trip."⁵¹

Conclusion

⁴⁹ Turan, *Sinema*, 174, 106.

⁵⁰ Reems, *Here Comes Harry Reems!*, 48; Legs McNeil, *The Other Hollywood*, 93.

⁵¹ Mary Rexroth to Kenneth Rexroth, letter entitled "Dear Kenneth: greetings from the jungle," n.d., box 25, folder 5, *Kenneth Rexroth Papers*, Charles E. Young Research Library, University of California, Los Angeles; Maitland Zane, "New Star of S.F.'s Porny Films," January 20, 1971, *San Francisco Chronicle*, n.p.

Georgina Spelvin's work-life experiences were strikingly similar to that of other industry participants and her experiences elucidate many of the findings in this chapter. As a teenager, she trained with a former member of Ballet Russe de Monte Carlo, the same dance company that had employed Wakefield Poole. Near the end of high school, at about the same age as Bill Osco and Marilyn Chambers, she moved with her mother to New York City to pursue a career in entertainment. In 1954, the stage manager for a Broadway production of *The Pajama Game* hired her to dance in the chorus. When the show's run on Broadway ended six months later, she joined a new production of the show set to tour in South Africa. Again, like Poole, her next job came in the form of industrial shows that traveled to cities throughout the U.S. In 1957, she took a small role in Radley Metzger's sexploitation film, *The Twilight Girls*. The hard-core careers of Virginia Ann Myers, Bill Osco, Gerald Damiano, Cal Culver, and Marilyn Chambers, all overlapped with sexploitation film. Spelvin would never forget this fruitful time in her career and those fond memories of being a performer would unknowingly influence her later decision to star in pornographic films. Spelvin then moved into the production side of these shows and eventually took a job as a media producer with the J.C. Penney Company.⁵²

Spelvin's corporate identity unraveled in the 1960s. The anti-war movement along with the assassinations of John F. Kennedy and Dr. Martin Luther King Jr. spurred her to quit her job. She put her energy into a film commune called the Pickle Factory, which she had co-founded while still at J.C. Penney's. Its membership consisted of an idealistic "rag-tag bunch of underground filmmakers" who wanted to create a film that "would make a scathing indictment of the so-called police action in Vietnam" and "run Tricky Dick out of office." They planned to project the film, a compilation of graphic war footage spliced with interviews of amputated veterans, "right on the face of the Washington freakin' Monument" at the 1971 May Day protest in the nation's capital. "It also scratched my itchy dissatisfaction with my life in Korporate Amerika," Spelvin said about the commune. "I was tired of making commercials like "The Perils of Polly Ester" – a film extolling the virtues of the JC Penney line of polyester fabrics. I burned with the desire to make meaningful films." She had chosen, like Arlene Elster and Lowell Pickett, a path of self-exclusion that led her away from a mainstream career.⁵³

To help pay the Pickle Factory's rent, Spelvin agreed to star in Gerald Damiano's *The Devil in Miss Jones* (1973). Their post-production space was located on little West 12th Street in Manhattan, which was on the same block as the Stone Wall Inn. In a well-worn pattern, she scanned the trade papers for work in film production but only found want ads calling for "actresses willing to show their tits." Needing the money, she answered one of the ads at random, and, in the late 1960s, returned to sexploitation films. Her work in sexploitation led to her first pornographic film, *The High Priestess of Sexual Witchcraft* (1973). She even secured jobs for members of the Pickle Factory who worked as nude extras in the final orgy scene. Knowing that she still needed production work, Marc Steven, her co-star, put her in contact with Harry Reems, who sent her to Gerald Damiano. Damiano originally hired her to cater the film shoot and help with the wardrobe, but after hearing her recite a few lines of the script he gave her the female lead. The promise of \$100 dollars-a-day for each day of filming on top of the \$25

⁵² Spelvin, *The Devil Made Me Do It*, (Los Angeles: 2006), 19.

⁵³ *Ibid.*, 132-133, 19-20.

dollars-a-day to do the commissary was too much money for the poor anti-war activist to pass up.⁵⁴

Again, like other industry participants, monetary concerns informed her initial decision to work in pornographic film. But like so many producers and models, she was in the process of remaking herself, and being remade, both politically and sexually, by the times. “When the Flower Children marched by, their songs resonated in my ultra-liberal head and I fell into step beside them,” Spelvin said about her turn towards activism. She had lost focus on her “ultra-liberal” politics while working at a job whose sole purpose was to sell material goods to America consumers. The Pickle Factory allowed her reclaim her political self by making art that might contribute to helping Americans see the injustice of the war in Vietnam.⁵⁵

Spelvin’s range of new sexual experiences in the underground primed her for her work in the pornographic film industry. Her story of the underground has echoes of the stories of Elster, Pickett, Rexroth, and De Renzy. She could hardly be described as someone that had been awakened by the sexual revolution. By the time Spelvin made *Devil in Miss Jones*, the 36-year-old had engaged in multiple affairs, been divorced twice, and wrote that her “hyman hadn’t been intact” since she was fifteen. Her life in the counter culture, though, did change her from a professional working in the corporate world into a self-described “free-wheeling free-loving hippy.” The Pickle Factory encouraged sexual experimentation where “every possible coupling out of the assembled ménage had been tried at one time or another, up to and including some rather bizarre group gropes.” In this same period, she discovered her bi-sexuality with women, notably Claire, a partner she describes as a “Jane Fonda type who broadened my views of sex” (Claire and Spelvin shared an orgy number in *Devil*).

In 1973, Spelvin offered a “philosophy” of sex films that resonated with how the Mitchell brothers defended their products. At the same time, she distances herself from people like Fred Halstead and Wakefield Poole by anticipating Foucault’s solution to the repressive hypothesis: “My philosophy is, if you don’t dig it, don’t go see it, you don’t have to. What we’ve got to do is get to the point where sex isn’t the be-all and the end-all. The all-consuming interest is as bad as the taboo (which a lot of the time is the same thing disguised). I’d like to see it become unimportant.”⁵⁶

Underneath the need for money and the sexual justifications, Spelvin was a thespian like Reems, Keyes, Armand, and Chambers. Pornographic film in the early 1970s allowed her and many of her colleagues to obtain the fame that had eluded them in their earlier acting careers. “I think maybe I was looking for something – anything – that would make me feel as good as I used to feel when I was doing *The Pajama Game*... Doing that show, I felt for the first time in my life like I really belonged where I was and was doing what I was meant to do. I felt like a real Broadway Gypsy you know? I felt like someone special,” she wrote, after years of self-reflection, about her work in pornographic film.⁵⁷

⁵⁴ Spelvin, *The Devil Made Me Do It*, 20, 31; www.youtube.com (search under “Al Goldstein Interview: XXX Star Georgina Spelvin”).

⁵⁵ Spelvin, *The Devil Made Me Do It*, 7.

⁵⁶ Spelvin, *The Devil Made Me Do It*, 15,17,143; Charles Champlin, “Critic At Large: The ‘Stor’ of ‘Miss Jones,’ August 10, 1973, *Los Angeles Times*, D1.

⁵⁷ Spelvin, *The Devil Made Me Do It*, 207

Chapter 2: Reinforcement and Resistance

On June 12, 1972, a hard-core feature that would come to represent an entire generation of pornographic films began screening at the New Mature World Theater on West 49th Street in Manhattan. *Deep Throat*, directed by Gerald Damiano and starring Linda Lovelace, is about a young woman who tries to understand why she feels apathetic about sexual intercourse. She visits a doctor who discovers that the reason she does not, in her words, experience “bells ringing and dams bursting” during sex is because her clitoris is located in her throat. The doctor solves her problem by teaching her deep-throat fellatio: a sexual technique that allows her to stimulate her clitoris and finally obtain an orgasm. She spends the rest of the film searching for a lover to satisfy her newfound desire for fellatio. This was the first time in cinematic history that a film problematized a woman’s sexual fulfillment. The quaint storyline, the campy acting, the one-line jokes, and most importantly, Lovelace’s extraordinary ability to perform deep-throat fellatio created a formula that made the film a surprise blockbuster. At the same time, a particular set of historical forces converged to transform the film into a cultural touchstone.

Roughly seven months after the film’s premiere, in late January 1973, Ralph Blumenthal, a writer for the *New York Times*, assessed the impact of *Deep Throat* on American culture. He noted how the film was now screening in “70 theaters across the country,” attracting thousands of moviegoers including “celebrities, diplomats, critics, businessmen, women alone and dating couples.” The massive profits at the box office had surpassed any Hollywood release in recent memory. Civic authorities, at the state and federal levels, meanwhile, raided dozens of theaters that had shown the film. *Deep Throat* had become the latest focal point for a long-running legal debate about sexual materials and the limits of the First Amendment. The subsequent trials and accompanying news coverage created even more publicity for the film. Conservative politicians also joined the fray, portraying *Throat* as an obvious sign of moral decay that had flourished under the Democrats’ watch. *Throat*, in addition, generated fascinating questions about what kinds of business establishments Americans wanted to see in their cities. Did sex businesses, which obtained the consent of all adults involved, have the right to exist in the public marketplace? *Deep Throat*, in short, had, in Blumenthal’s words “engendered a kind of porno chic.” The film became required viewing for any American who wanted to stay abreast of popular culture in the early 1970s.⁵⁸

Linda Lovelace’s actions, in the ensuing years, were as instrumental in making *Deep Throat* synonymous with 1970s pornographic film as Blumenthal’s article had been. Lovelace’s subsequent allegations of battery and rape, which had occurred during the filming of *Deep Throat*, provided Americans a cautionary tale about an industry that at its core profited from the sale of sexual representations. She claimed, in her memoir, *Ordeal* (1980), that she had been repeatedly beaten and forced to engage in everything from prostitution to the making of sex films. She wrote that her husband/manager, Chuck Traynor, went so far as to carry a gun in his pocket that he would cock during the filming of *Deep Throat* to remind her to act like she “enjoyed” what was tantamount to rape. In the mid-1980s, Lovelace caught the attention of the national press once again when she joined anti-pornography feminists such as Catherine McKinnon and Andrea Dworkin to testify in front of the Senate Commission, which sought to portray the pornographic film industry in the most negative light possible. Together, through advocacy, law, and government regulation, the activists wanted to eliminate pornography from

⁵⁸ Ralph Blumenthal, “Porno Chic,” January 21, 1973, *New York Times*, 272

American life. Lovelace would, though, turn her back on the anti-pornography movement altogether in 2001, posing for a nude photo spread in the magazine *Leg World*. Lovelace stated at the time of the magazine's release that there was nothing wrong with pornography so long as it was done tastefully. The preeminent cultural status of *Deep Throat* and its star has only been solidified in today's culture by the widely seen documentary, *Inside Deep Throat* (2005) as well as the recent biographical picture, *Lovelace* (2011). As of today, *Deep Throat's* position as *the* pornographic feature of the 1970s looks to be secure.⁵⁹

The fanfare surrounding *Deep Throat*, though, obscures a number of significant pornographic features made during the same period. This chapter seeks to bring greater attention to these pornographic films that have been all but forgotten by the general public. In particular, I want to reintroduce readers to Wakefield Poole's *Boys in the Sand* (1971) and the Mitchell brothers' *Behind the Green Door* (1972), two films, one gay and the other "straight," that in their own unique ways wrestle with the cultural legacy of the Black Power Movement through their respective depictions of interracial sex. Wakefield Poole tries to present a utopian vision of interracial sex with "no top or bottom," a vision that attempts to reconcile labor strife, Black Power, and Gay Liberation. The Mitchell brothers, on the other hand, exploit fantasies of interracial sex and whites' fear of miscegenation, which had taken on new valences for both audience and actors alike in the last third of the twentieth century.

Blaxploitation and Hard Core

In the early 1970s, at the precise moment that hard core went mainstream, a new genre of film called blaxploitation began attracting audiences to the theaters. Blaxploitation films basically reworked outlaw and detective cinema. It featured strong, hypersexual black protagonists who combated powerful white institutions (the police, the Italian mob), which had long terrorized black life in the inner city. *Sweet Sweetback's Baadasssss Song* (1971), *Shaft* (1971), and *Superfly* (1972), all of which were made by black directors, epitomized the genre with their black antiheroes (drug dealers, pimps, and rouge private investigators) who beat white villains, while flaunting their sexual prowess with women. The genre would eventually offer films that featured tough, female protagonists, such as Foxy Brown and Cleopatra Jones. In a very real way, blaxploitation reflected African-Americans' frustration with the lack of social and economic change wrought by the Civil Rights Movement. It celebrated black urban folk heroes who pointedly rejected Martin Luther King Jr.'s call for nonviolence and racial integration. The ethos of these films drew more from the Watts Rebellion in 1965 than the peaceful March on Washington D.C. in 1963. Blaxploitation, in other words, was a product of the Black Freedom Struggle's turn toward militancy and black separatism. In a cinematic metaphor, the interracial harmony and plans for a future wedding depicted at the end of *Guess Who's Coming to Dinner* (1967) gave way to the interracial violence, proscribed sex, and disregard for civic institutions that fueled *Sweet Sweetback's Baadasssss Song* (1971).⁶⁰

⁵⁹ Linda Lovelace with Mike McGrady, *Ordeal*, 103-114; "Linda Lovelace: The Ordeal is Over," *Leg Show* (January, 2001)

⁶⁰ Ed Guerrero, *Framing Blackness: The African American Image in Film* (Philadelphia: 1993); Donald Bogle, *Toms, Coons, Mulattos, Mammies, and Bucks: An Interpretive History of Blacks in American Films* (New York: 2001).

The explosive racial environment that shaped blaxploitation also seeped into pornographic features, a fact that most scholars have missed.⁶¹ The depiction of interracial sex by 1973 pornography was so prevalent that William Rolster, a writer and pornographer, devotes a whole chapter on this “trend” in his survey of the industry, *Contemporary Erotic Cinema* (1973). He writes that pornographers made “interracial porno” because “once you’ve gone ‘all the way’” (shown explicit sex) they had to find new subject matter to depict. He describes at least fifteen different pornographic films and shorts that feature sex between black men and white women. His review of these films brings him to the conclusion that pornographers have fetishized black men. “The long-forbidden black stud has become the symbol of raw, primitive sex, and an uncompromising figure of sensuality, an epitome of fucking,” Rolster writes. He even deploys the term “Black Power fucking” to describe the superior sexual technique used by blacks to “convert” white women in erotic films to the joys of sex with black men at the expense of white men. At the end of the chapter, Rolster speculates about the motives of actors who engaged in interracial sex films, “The young white liberals bed black people to show how liberal they are. The blacks bed the whites perhaps to strike back.” Underpinning the motivations of everyone in the industry is the desire to do what society says they should not do.⁶²

The interracial sex numbers in some of the first pornographic features, such as *Boys in the Sand* (1971) and *Behind the Green Door* (1972) belie Rolster’s assessment about the genesis of interracial sex in hard core. Interracial sex was clearly a significant theme in pornographic film when the industry moved from the underground to the very center of popular culture in 1972.⁶³ There was, moreover, nothing new about black men being used as symbols of “raw, primitive sex” in film. This fetishization can be traced back to the figures of Gus and Silas Lynch in D.W. Griffith’s *Birth of Nation* (1915). The “brutal black buck,” as Donald Bogle writes, became a stock character in Hollywood film after *Birth of a Nation*. Subsequent directors reintroduced the malevolent character to generations of Americans. The real insight that Rolster provides comes when he references the social context that informed interracial sex in pornographic film of the early 1970s. The racial-political atmosphere created by black militant activism combined with white liberal guilt can be seen to different degrees throughout the interracial sex scenes in *Boys in the Sand* (1971) and *Behind the Green Door* (1972).

Boys in the Sand

The interracial sex presented in Wakefield Poole’s *Boys in the Sand* reproduces a similar set of racial stereotypes that William Rolster saw at work in the straight hard-core film market. Nonetheless, reading the entire film against the backdrop of the political and economic events of the late 1960s and early 1970s helps uncover a subtext about sexual freedom, changes in the labor market, and the untold relationship between Gay Liberation and Black Freedom Struggle. *Boys in the Sand*, the first gay pornographic feature, in other words, struggles to break away

⁶¹ Linda Williams, “Skin Flicks on the Racial Border: Pornography, Exploitation, and Interracial Lust,” in *Porn Studies* ed. Williams (Durham: 2004), 299-302.

⁶² Rolster, *Contemporary Erotic Cinema* (New York: 1973), 82, 87.

⁶³ Constance Penly, “Crackers and Whackers: The White Trashing of Porn,” in *Porn Studies*, 309-334; Linda Williams, “‘White Slavery’ or the Ethnography of ‘Sex Workers’: Women in Stag Films at the Kinsey Archive, The Moving Image (Fall 2005).

from the way in which popular culture depicted African-Americans, but at the same time the film's hidden transcript features a significant story about race, work, and Gay Liberation.

The first sex number in *Boys in the Sand*, entitled "Bayside," features Poole's lover, Peter Fisk, and Cal Culver in an artistically film sequence of fellatio, anal sex, and mutual masturbation. After a long walk in the woods, a bearded man (Fisk) ends up on sandy beach (Fire Island, New York City). A phantom (Culver) materializes from the ocean like a gay version of Botticelli's *Birth of Venus*. Poole builds tension by filming the sequence in long shot, allowing the viewer to see the distance that apparition must walk in order to approach the bearded man who waits on the beach. The film rewards the viewer for his patience: the phantom's golden hair, athletic tanned and naked body radiates in the sunlight. The bearded man takes the apparition's flaccid penis in his mouth, fellating him on the beach. The sex number then moves to the more intimate setting of the woods where the two actors finish their lovemaking. Linda Williams in *Screening Sex* notes that Poole uses the play of natural light on the actors' bodies, which at times even obscures the sex, to evoke a softer, more erotic mood; whereas in straight hard-core pornography, directors want maximum visibility. Straight films use well-lit close-up shots to capture explicit sex, creating a scientific medium. The director's use of form, in other words, creates an aesthetic difference connected to the overall meaning of the scene. Poole's first sex number ends with the bearded man masturbating until he ejaculates on the phantom. He then kisses him good-bye and disappears into the ocean.⁶⁴

The romanticism in Bayside was a direct outgrowth of the way in which the director and his partner reconciled the complicated emotions that came with being in an intimate relationship while making a pornographic film. In an earlier version of the scene, Poole filmed Fisk having sex with a man (Dino) whom they had both found attractive. But Poole could not control his initial feelings of trepidation and jealousy, even though he had asked Fisk and Dino to participate in the scene. Poole's wish for his partner to live out his sexual fantasy, a wish bred from the sexual liberation movement, helped him overcome his anxiety and possessiveness. "I had a hard time. From their first kiss, I felt a knot developing in the pit of my stomach... Peter was fucking Dino while I was recording it for others to see, and Dino was fucking my lover right in front of me," wrote Poole. "But filming the sex scene fascinated me. I told them to experiment with each other as if it were the first time (and it was). I wanted them to do everything. No top, no bottom, just two men discovering each other."⁶⁵

The director and his lover were far from monogamous, but the shooting of a sex film, with Poole behind the camera and Fisk and another actor fucking in front of it, added a new layer of complexity to their relationship. They were serious, however, in their desire to make gay pornography that was not only well done, but also a work of eroticism that the gay community would be excited to claim as its own. One social practice of many in gay society, especially before AIDS, was sexual promiscuity, or what Gay Talese describes, in *Thy Neighbor's Wife* (1980), as "swinging." Poole's and his partner's actions in *Boys* reflected this belief in free love. In this deeply personal-political context, the idyllic nature of Bayside served as a way for the director and his partner to see the affair as a kind gift of "sexual liberation" where they made their sexual and artistic fantasies come true. Poole, perhaps too idealistically, wanted his partner to experience utopian sex where neither "top" nor "bottom" existed.

⁶⁴ Linda Williams, *Screening Sex* (Durham, 2008), 145-148; Escoffier, *Bigger than Life: The History of Gay Porn Cinema From Beefcake to Hardcore* (Philadelphia: 2009), 96-100

⁶⁵ Wakefield Poole, *Dirty Poole*, 151.

While *Bayside* is about sexual liberation and the fulfillment of fantasies, the second episode, entitled “Outside,” is a metaphor for coming out. A man (Cal Culver again) sits by a pool reading an article in the newspaper, *Gay*, which details the police crackdowns on gay bars. He then sends a letter to one of the advertisements in the homophile newspaper. Days go by before he receives a package in the mail. It contains a large tablet that he throws into the pool. From the water, a man emerges (Danny Di Cioccio) who proceeds to have sex (fellatio, anal sex, and ass rimming) with his conjurer. When they are done, Linda Williams writes, they walk “arm and arm” out of the “private enclave of the pool surrounded by a high fence and emerge into the publicness of the community, still entwined, an overt couple.” They do so, despite knowing (by way of the article in the homophile newspaper) that the authorities are willing to use its police powers to harass gays. Poole, writing about the scene, acknowledges: “The second [episode], about coming out, includes the attainment of love and finding a partner.”⁶⁶

The last sex number, entitled “Inside,” depicts gay interracial sex that alludes to the politics of race and work in the early 1970s. The scene begins with a black telephone line repairman, played by Tommy Moore, who inspects a handful of telephone poles while on foot. A “vacationing” white man (Cal Culver), meanwhile, wakes up from bed in the middle of the day and mirrors the repairman’s “cruising” by pacing around his house naked. The film cuts back to the repairman who removes a pair of work gloves for his heavy tool belt, puts them on, but never actually climbs any of the telephone poles he is inspecting. Poole works on this phallic object (telephone pole) to not only build anticipation for the interracial sex number that awaits the audience, but also to blatantly reference the “pole” that is inside the telephone repairman’s pants. The scene cuts back to the white man who has made his way to a large bay window where he spots the repairman. The repairman sees the white man. They cruise each other with their eyes, the white man longingly so, which is conveyed in a shot reverse shot. The white man then makes his invitation for sex explicit by stroking his penis while continuing to stare out the window at the repairman. The repairman, though, rejects the white man’s advances, walking away until he fades into the distance. Just as the white man thinks that he has missed out on sex, the repairman materializes on his couch wearing nothing but his tool belt.

The white man performs vigorous fellatio on the repairman. The scene is framed in a medium shot with the white man’s head bobbing back and forth as he fellates the repairman, who resembles a black version of Manet’s *Olympia*. It is as if the white prostitute and the black servant have morphed into one body but the white man, unlike Manet, seeks to pleasure the object of his affection. Once again, though, the repairman disappears. The film cuts back to the white man standing alone in the house. When the black repairman reappears, the white man fellates him. The exoticism of the interracial encounter is underscored by music from a sitar, or what Edward Said, the literacy theorist, would describe as a clear example of orientalism.⁶⁷

The interracial number moves to the bedroom where the white man rims the repairman’s anus, but he repays him by disappearing once again. The white man responds by fetching a large black dildo from a dresser. He lubes it and then sits on it while stoking his penis. The racial difference in this scene is made visually apparent when the black dildo penetrates the white man’s pale ass that looks like it has been hiding under swimming briefs all summer long. At this moment in the film, the audience realizes that the white man has built this interracial sexual fantasy around his relationship to the black dildo. Linda Williams reads the appearance of the

⁶⁶ Poole, *Dirty Poole*, 157.

⁶⁷ Edward W. Said, *Orientalism* (New York: 1978).

black colored sex toy as the moment when it becomes obvious that “the black man functions more as a sexual object than a sexual subject.” She continues, “The black man is racially fetishized and reduced to his penis in the form of a black dildo.”⁶⁸

The white man closes his eyes as he rides the black dildo. Poole uses the opportunity to give the audience a flashback of the white man undressing the black man for the first time. They kiss and finger each other. This time around the repairman fellates the white man. The scene then cuts to white man on his knees giving the black man fellatio while his hands hold onto the large metal loops in the repairman’s tool belt as if to make sure he cannot get away again. At one point in the sex number, the tool belt hangs over the repairman’s shoulder. The camera focuses in on the tool belt while the white man fellates away. The prolonged attention paid to the tool belt underlines Williams’s point about the black man’s objectification; he is literally a “tool” to be used in the white man’s fantasy. Something Williams misses, though, is that the tool belt also functions to signify the repairman’s “manly” occupation (which will be discussed at length). Fellatio soon gives way to anal sex. First, the repairman receives it from behind and then they swap positions; the white man ends up riding the black man’s penis while masturbating. The scene then cuts back to the clip of the lonely white man who rides the black dildo while he strokes himself. The black man has disappeared once again.

The film ends with the repairman walking up to the white man’s house. He waits at the front door. The camera takes a portrait shot of the white man who gives a knowing smile. The black repairman enters the house and closes the door behind him.

The world that Wakefield Poole presents in *Boys in the Sand* is what Steven Marcus, the literacy scholar, calls a “pornotopia,” a perfect world where it is bedtime all the time and every character engages in sex that is free from power dynamics, violence, and even racism. Poole, in fact, remembered telling Culver that he had “no problem” that Tommy Moore was black. “He was hot, and after a few minutes he agreed [to make the film],” Poole said simply. The director celebrated his film’s utopian depiction of gay sex and its integrated cast: “The whole film features high-profile homosexuality with no guilt – and includes an interracial cast.” Again, Linda Williams, writing about “Inside,” channels George Bataille to remind us, “To transgress a taboo is not to defeat it.” She argues that what gives “Inside” its “extra erotic charge” is the “vestigial taboos and prohibitions against not only male-male sex but interracial sex as well.” In other words, what makes the scene between the actors “sexy” is the knowledge that they are violating taboos against homosexuality and interracial sex. Their violation of the taboo, though, does not mean it has been overcome.⁶⁹

Although Williams’ critique of the fetishized black man is certainly correct, I also see a more hopeful story about the collaboration of white and black labor in response to the economic violence caused by de-industrialization - the movement of heavy industry to the “Sun Belt” combined with an ever enlarging service sector of the economy. Here, my interpretation is informed by Siegfried Kracauer’s *Mass Ornament*, in which he argues, especially in his discussion of the Tiller Girls, that popular culture serves as a means to perpetuate capitalism by distracting audiences. In our case, the fetishization of the repairman elicits sexual excitement and perpetuates racial stereotypes, while also exposing consumers to the way in which capitalism

⁶⁸ Williams, *Screening Sex*, 153.

⁶⁹ Steven Marcus, *The Other Victorians: A Study of Sexuality and Pornography in Mid-Nineteen-Century England* (New York: 1966); Poole, *Dirty Poole*, 154-155, 157 ; Williams, *Screening Sex*, 153

exploits labor. Remember, the black man's occupation as a "telephone repairman" is prominently featured in "Inside." Even when he is naked, he still wears the tool belt that marks his trade (at one point the camera focuses on the tool belt as he receives fellatio). In the late 1960s and early 1970s, black workers, who had previously made modest inroads into the industrial belt that stretched from the Mid-West to Northwest, began to lose their jobs, like their white cohorts, because of the decades-long process of de-industrialization. White workers all too often responded to this structural unemployment with racism, blaming African-American workers (who were just beginning to reap the economic fruits of the Civil Rights Movement) rather than de-industrialization for the massive layoffs.

The sex between the unemployed white man (he wakes up in the middle of the day) and the black repairman reproduces this tale but also offers a way out. Blacks were "fucking over" whites in the job market like the black repairman fucks the white man in *Boys*. Alternatively, Poole demonstrates that when blacks and whites labor together sexually (the pumping, the felling, the ass rimming, the masturbating), when they built a bi-racial coalition, they can bring each other immense pleasure. Perhaps that pleasure, though, can only be had in the bedroom, which Linda Williams has pointed out remains marked by a discourse of power in spite of the genre's wish for utopia.⁷⁰

The second and perhaps more speculative story I see at work in "Inside" speaks to the unexplored relationship between the Civil Rights-Black Power Movement and Gay Liberation. The laboring telephone repairman calls to mind the black militant who labors for equality. He literally tries to make his voice heard by circumventing power institutions (the telephone company), and he does it alone. He is tasked with repairing the lines of communication that allow Americans to talk to one another but he understands that these lines are first and foremost the responsibility of white Americans, not black Americans, who bear the primary responsibility for alleviating white racism. Indeed, in the film, he never fixes the lines. The white man (Culver), meanwhile, symbolizes the "white liberals" who in William Rolster's words, "bed black people to show how liberal they are." Poole, describing the mind set of white men in "Inside," seems to support Rolster's analysis when he said in 1974, "The third segment is the most significant sexually. [Culver] cruises a black lineman and loses him, and he can't stand it. So he keeps imagining the guy all around the house in different areas. So finally he goes and he takes out a dildo, and it happens to be a black dildo. It's a private moment. It's not someone else shoving a dildo up his ass, it's him doing it to himself and freaking out on losing that guy and saying, Well, if I lost him there, I'm gonna get him in my head anyway."⁷¹

Their sexual interaction, particularly the repairman's disappearance and reappearance, reads like the cultural disconnect that affluent white activists in the southern Civil Rights Movement and poor southern blacks experienced in the day-to-day operations of running a southern Black Freedom insurgency. More broadly, the repairman's comings and goings and the white man's pursuit of him mirrored the difficulties that Civil Right workers had in building an interracial coalition for equality, especially as black separatism splintered the movement. Still, within the homosexual community that was on the precipice of coming out, gay solidarity superseded racial difference, or at least that was what Poole and his actors wanted to believe.

⁷⁰ Siegfried Kracauer, *Mass Ornament* (New York: 1995), 75-89; Jefferson Cowie, *Stayin' Alive: The 1970s and the Last Days of the Working Class* (New York: 2010).

⁷¹ Turan, *Sinema*, 191.

Gay filmmakers and models tried to perform the social world that they wanted to live in. They sought a world where gay men who were out would be treated as equals in American society. Culver, for example, knew that in real life he had a profound chemistry with Tommy Moore, a gay sexual chemistry that overcame their racial difference. Therefore, he recommended Moore for the film because he saw no reason not to be filmed having interracial sex (still a taboo in the nascent industry). "I had made it with Tommy the Black guy earlier that summer. We really got it on, and I recommended him for the film," Culver said, "Yes, you have to be really turned on to your partner to make things really good." Likewise, in Poole's memoir, he writes that the sexual reciprocity between the actors, rather than the transgression of racial taboos, gave "Inside" its erotic charge. "It was the easiest to shoot, just the three of us. Cal and Tommy were evenly matched, both liking everything. They also had no sexual preferences with one another, so there's no top or bottom in the segment. I still think it's one of the best sex scenes I ever filmed. Just two hot men satisfying themselves and each other." According to Poole, Culver and Moore, one white man and the other black, were sexual equals in the bedroom; a coda for what could be a social reality in America.⁷²

Behind the Green Door

The influence of the Black Power Movement on the Mitchell brothers' *Behind the Green Door* (1972) is much less subtle than its influence on *Boys in the Sand*. Their depiction of interracial sex undeniably pulled from the militant racial politics at work in the San Francisco Bay Area. The Black Panther Party, the Oakland based civic and political organization, reached the height of its popularity in 1969, at about the same time that the Mitchells began shooting more elaborate pornographic films. The pornographers befriended the leaders of the Black Panther Party, who in turn visited the O'Farrell Theater. Simone Corday, a stripper who worked at the theater, remembered: "One night a handsome black man was walking around upstairs smiling to himself. 'See that guy,' one of the dancers said to me. 'That's Huey Newton.' I was impressed. The rebel hero of the Black Panther Party dropped by once in a while to visit Art and Jim."⁷³ Black nationalists, as Corday shows, belonged to the Mitchell brothers' circle of friends and their ideology, Black Nationalism, undoubtedly shaped the brothers' representation of interracial sex. Market pressures also drove the brothers to make interracial pornographic films. The McKnights had established a competing pornographic movie house on Sixth Street in San Francisco before the Mitchells were able to open their theater. The black movie house owners exclusively screened interracial pornography because, as they told a reporter, "It helps knock down these myths about the black man." Market forces, then, as well as social relationships, prompted the Mitchell brothers to produce pornographic films that, in complicated ways, both "knock[ed] down" and reinforced "these myths about the black man."⁷⁴

The Mitchell brothers' first pornographic feature, *Behind the Green Door* (1972), begins with two white truck drivers sitting at a diner describing the evening they spent at a mysterious sex club. Their story, told in flashback, begins when they witness two men (the Mitchell brothers) kidnap a white woman named Gloria (played by Marilyn Chambers). The truck drivers

⁷² Siebenand, *The Beginnings of Gay Cinema in Los Angeles*, 153; Poole, *Dirty Poole*, 157-158.

⁷³ Simone Corday, *9 ½ Years Behind the Green Door: A Memoir* (Minneapolis: 2007), 28.

⁷⁴ Muriel Dobbin, "Explicit Sex Films Divide San Francisco," *The Sun, Baltimore*, December 3, 1970, A16.

follow the men to a club where they are able to talk their way past the bouncer. On the club's stage, Gloria, at first hesitant and then increasingly more enthusiastic, engages in lesbian, interracial, and multiple partner sex. The sex on stage reaches a frenzied climax that leads to an orgy in the audience. One of the truck drivers, Barry (George McDonald), leaps onto the stage and throws Gloria over his shoulder and together they escape through a green door located at the back of the stage. The film then cuts back to the present time where the truck drivers are at the diner. Barry, the trucker who ran off with Gloria, stands up from his seat at the counter and walks out, promising his friend that he will finish the rest of story some other time. The other man is left wondering what happened between to his friend and Gloria. As Barry drives away, his thoughts of his evening with Gloria are superimposed on the screen. With the lights of San Francisco as a backdrop, Barry and Gloria engage in fellatio and sex intercourse.

Despite the fact that film ends with one last sex number between the male and female leads, the interracial sex scene between Johnnie Keyes (who is black) and Chambers (who is white) would become the most celebrated scene of the film. In the sex number, the "African," played by Johnnie Keyes, "ravishes" Gloria. The scene begins with the African walking through a green door located at the back of the stage. A funk rift fills the air as the African slowly stalks his way toward Gloria who is being erotically massaged by a group of women clad in black robes. He is dressed in crotch-less white tights, wears a necklace made up of round stones and sharp animal teeth, and his face is covered in thin lines of white war paint. Someone in the audience who is watching the scene unfolding on stage says, "Wow!" The interjection underscores the animality of the African in the mind's eye of the audience. His large semi-erect penis almost pulls him toward Gloria. The African perform cunnilingus on Gloria and then has sex with her at a feverish pace. The pace of the sex, in fact, synchronizes with the rhythm of the drums beating in the background. The interracial sex number does not feature any "meat shots" (explicit footage of penetration), and instead the camera focuses on the faces of the actors and the African's ass as he pumps away. "I think what the camera caught was us getting into each other, we had to do that to get into the scene," Keyes said. "We stopped acting and used the communication of getting into each other to make it come off good on film, and the camera caught it, and it was really good because it was really happening." The scene ends when Gloria appears to pass out from the sex. The African then pulls his wet penis out of Gloria and stalks back through the green door.⁷⁵

On one level, the interracial sex number traffics in the familiar racial and sexual stereotypes of the hypersexual black man and the sexually insatiable white woman. William Rolster describes in 1973 the fetishization of the black actor and the female sexual cliché this way: "[In] *Behind the Green Door*, a muscular black man is used as the prime tool of the girl's sexual awakening." Linda Williams argues, though, that filmic representations of interracial lust at the time of "porno chic" meant something different to American audiences than it had in the past. Since the nineteen-teens, Williams suggests that Hollywood, which adopted the racial codes of chattel slavery, used the specter of miscegenation as "cautionary tools to maintain sexual-racial hierarchy of white men over black men and white women" (*Birth of a Nation*). In the 1970s, the cinemas of pornography and sexploitation, which liberally appropriated the celebration of black sexuality by the Black Power Movement, demonstrated, however, that attitudes toward the black male body had changed from one of pure phobia to a source of sexual

⁷⁵ Rolster, *Contemporary Erotic Cinema*, 107

eroticism. In short, the depiction of interracial sex in *Behind the Green Door* exploits this “new” racial desire that had once been racial fear.⁷⁶

Perhaps nobody articulated the “new” racial-sexual currents and their pitfalls better than the actors themselves did. In the first few pages of her autobiography, Marilyn Chambers shows that while she thinks she transgresses racial and sexual taboos she is actually, as George Bataille reminds us, honoring the transgressed taboos. “For five dollars you could see me sucking a big black cock in *Behind the Green Door*,” and squealing ‘Fuck me, Frank. Fuck me hard!’ in the *Resurrection of Eve*,” Chambers said. Chambers’ writings celebrate interracial sex and the type of sex that brings audible pleasure, but in the process, she inadvertently fetishizes her black co-star, Johnnie Keyes. The actress reduces Johnnie Keyes to his “big black cock” while the white actor who played “Frank” retains his personhood. She is unable to come out from under the dominant racial ideology, a racial essentializing, which casts a long shadow.⁷⁷

Still, the interracial lust that Chambers articulates is worth examining because it illustrates the mixture of fear and desire that the bodies of African-Americans generated in this period. “I had a lot of sexual fantasies when I was growing up and the best one—I think every woman has this fantasy at one time or another—was seeing myself being raped and violated and forced into submission, especially by a black man,” she writes in her autobiography. Chambers then explains that she agreed to play the role of Gloria in *Behind the Green Door* because the script was “my whole masturbation trip ready for the screen.” The film allowed her to “live out and turn on to a sexual dream,” which she would “probably never have had chance to realize” in her lifetime. The unattainable sexual fantasy that she verbalizes illustrates the cultural change that Linda Williams highlights. The phobia that had once defined Americans’ reaction to the black male body had transformed to desire.⁷⁸

Chambers plainly reinforced the myth of the black rapist, but she believed, however naïvely, that the visual spectacle of interracial sex evacuated from the plot would free viewers from their sexual “hang-ups.” These issues ranged from a Victorian unwillingness to perform certain sex acts to a sexual phobia of other races. “Our goal is, I don’t know what to call it, to unhang-up people,” Chambers told film critic Kenneth Turan. “They wouldn’t be so uptight about sex, I think, if they see the people on the screen not being uptight about it.” Her comment, in an uncanny fashion, supports Michael Foucault’s “repressive hypothesis”: the idea that the very institutions, professions, and experts that claim society is “sexually repressed” reinforce that very same social sexual repressiveness in order to study, document, and categorize sex, thereby, controlling it. Chambers, though, was not the typical “expert” that Foucault believed to be responsible for the repressive hypothesis. She was a sex worker who actually had sex. Nevertheless, she contributed to the sex discourse, becoming what Foucault describes on one hand as “an instrument and an effect of power”; she perpetuates the stereotypes of the black rapist as well as the white women who, as she describes them, have fantasies about being raped by a black man. On the other hand, Chambers functions as “a point of resistance and a starting

⁷⁶ Rolster, *Contemporary Erotic Cinema*, 82; Williams, “Skin Flicks on the Racial Border: Pornography, Exploitation, and Interracial Lust,” 299-302.

⁷⁷ George Bataille, *Eroticism* (San Francisco: 1986); Marilyn Chambers, *My Story*, 11.

⁷⁸ Chambers, *My Story*, 11; Williams, “Skin Flicks on the Racial Border: Pornography, Exploitation, and Interracial Lust,” 302-303.

point for an opposing strategy”; she transgressed racial taboos and violated taboos against making sex visible.⁷⁹

Like Chambers, Johnnie Keyes’ experience of shooting *Behind the Green Door* demonstrated how participating in hard core could simultaneously reinforce “myths about the black man” while also inverting them. Keyes agreed with the Mitchell brothers (two white men) to star as the African, giving new life to the old stereotype of the “brutal black buck.” “I just regressed myself, like I had just come out of the jungle, my natural trip, and nature just took over. I became what you saw. When I walked through the green door I had become just a magnificent animal, a leopard or something,” Keyes said about his approach to the character. His choice of the verb “regressed” and the way in which he imagined himself as a “magnificent animal” that had “just come out of the jungle” speaks to how his interpretation of the African was in fact racially loaded. He adopted an animal-like state, a performance that lent itself to racist characterizations of blacks as uncivilized, primitive people who are unable to control their desires.⁸⁰

In the early 1970s, with the Black Power Movement at the forefront of the public consciousness, the “African,” though, took on additional significance. William Van DeBurg’s *New Bay in Babylon* argues that the Black Power’s greatest contribution was how it changed black culture and thought, and, in turn, how it changed American culture and thought. African-Americans reclaimed their West African heritage by donning dashikis and growing out their Afros. They also sought to make American society come to grips with its history of black chattel slavery. Johnnie Keyes literally thought about the sins of America’s white forefathers while he performed the African. “I was fucking the hell out of this chick—I was acting like I was ten thousand Africans making up for that slavery shit. Here’s this white woman that the African is fucking to get revenge on all those white motherfuckers that used to rape our mothers and aunts all those years ago, right?” Keyes said. “That’s what I used as an incentive to fuck Marilyn Chambers.” He inscribed his own meaning to the Mitchells’ character by using the interracial sex scene as an opportunity to claim revenge for the rape of black women by their white masters during slavery. His resistance to power, however, while directed toward the deeds of dead white men (and perhaps the Mitchell brothers too), was displaced on the white female body of Marilyn Chambers.⁸¹

Keyes’ thinking encapsulates both the promise and the failure of the Black Power Movement. It allowed him to reimagine a racist typecast, but at the cost of missing the chance to make common cause with another historically oppressed group: women. The depiction of interracial sex in *Behind the Green Door* featured a similar dichotomy. The scene between Gloria and the African perpetuated a racial stereotype (blacks as animal-like in nature) and a sexual cliché (the insatiable white women), but also it flaunted racial and sexual taboos (miscegenation and making sex visible). Interracial hard core, thus, reinforced “myths of the black man” and knocked them down.

Conclusion

⁷⁹ Turan, *Sinema*, 178; Michael Foucault, *The History of Sexuality: Volume 1* (New York: 1978), 100-101.

⁸⁰ Rolster, *Contemporary Erotic Cinema*, 108-109.

⁸¹ William L. Van DeBurg, *New Day In Babylon: The Black Power Movement and American Culture, 1965-1975* (Chicago: 1992), 272-292; McNeil and Osborne, *The Other Hollywood*, 93.

Modern pornographic cinema was born, in part, from the crucible of race. The interracial sex in *Boys in the Sand* and *Behind the Green Door* represented the best examples of this birthmark. The two films had many siblings, though. Pornographers, the genre's symbolic and literal fathers, rushed to make pornographic film that crossed the color line. Their motives for depicting interracial sex ranged from outright exploitation to an idealistic belief in making race relations better. One pornographer, for example, told his production unit in the early 1970s that he wanted his first "boy-girl" film to be about "blacks and a white girl." "I just told them to make a flick about four or five black men balling a white girl. They came up with the plot, cast it, shot it and so forth," the pornographer said. "It wasn't an inter-racial film, it was a movie about a white girl getting it from four black studs at one time. I thought it was something that would sell and I was right." This pornographer's insouciant attitude toward interracial sex and his profit-driven motives contrast with the way in which directors like Wakefield Poole approached interracial sex scenes in their hard-core films. Poole depicts interracial sex that feature "no top or bottom... Just two hot men satisfying themselves and each other." Poole's egalitarian vision of sex was an ideological statement about his belief in equality for all racial and sexual minorities.⁸²

Actors filtered the interracial sex in 1970s pornographic film through a political milieu that was marked by black nationalism, sexual revolution, the fracturing of interracial coalitions (New Deal Liberalism), and Gay Liberation. Johnnie Keyes used his interracial sex number as an opportunity to "get revenge on all those white motherfuckers that used to rape our mothers and aunts," while Marilyn Chambers envision pornographic work as chance to make people less "uptight" about sex. In a similar idealistic fashion, Peter Fisk, Cal Culver, and Tommy Moore performed the gay interracial utopia that they wanted America to be.

Moviegoers read early pornographic features against the same political backdrop that influenced industry participants. One fan who identified himself as "Socko" send Marilyn Chambers the following letter: "Wow, baby, right on with that dude, Johnnie Keyes, right fucking on! Good seeing a honky chick making like that with a black stud dude. We're at the front of the bus now, honey, and George Wallace, he's driving, and you're fucking giving head all down the aisle! Right on, baaaaaaby!" Setting aside Socko's graphic sexism for a moment, it is clear that he viewed *Behind the Green Door* through a political lens. His reference about sitting at the "front of the bus" alludes to the dismantling of de jure segregation in the wake of the Montgomery Bus Boycott in 1956. Strangely, the driver of the bus is George Wallace, the racist governor from Alabama, but perhaps Socko meant to say George *McGovern*, the racial progressive and anti-war presidential candidate. Socko's letter, in short, envisions a post-Civil Right Movement America that is led by a white liberal who is supported by newly enfranchised black men. White women, in the form of the sexually insatiable Marilyn Chambers, play a part in Socko's fantasy too; they give "head all down the aisle" of the bus. The similarities between Socko's fantasy and the things that Keyes and Rolster said about interracial pornography are striking. In an echo chamber-like effect, interracial pornographic cinema, born out of a specific racial moment, supplied industry members and consumers with a language to talk about that very same racial moment.⁸³

⁸² Rolster, *Contemporary Erotic Cinema*, 143; Poole, *Dirty Poole*, 157-158;

⁸³ Chambers, *My Story*, 178

Chapter 3: More than “P going into the C”

Much historical evidence illustrates how economic gain motivated people’s participation in the industry, especially the segment that took root in Northern California. No one articulated this more succinctly than the Mitchell brothers, the San Francisco based pornographers who produced *Behind the Green Door* (1972) and *Resurrection of Eve* (1973). In an interview conducted for a 1974 book entitled *Sinema*, Artie Mitchell explained, “Our early motivation was almost a hundred per cent, you know, in it for the money,” while Jim Mitchell added, “There was never any other motivation, it’s always a hustle, this was a hustle, a way to make some bucks. It was an opportunity to make money and we latched onto it, you know. I mean. I wouldn’t want to take it so seriously and think it was anything else than that.” The Mitchells’ desire to turn a profit and warning to not read into their actions fits nicely with the story we tell ourselves about hard core.⁸⁴

Reducing the motivations of industry participants to a monetary pursuit, however, has concealed the oppositional politics that was an integral part of the pornographic film industry. What happens to our conception of hard core when porn stars like Mary Rexroth, the daughter of poet, Kenneth Rexroth, categorically expressed their motivations in terms other than economic? “Anybody who says she’s doing it for the bread is hedging a bit.” Mary Rexroth explained, “There’s a definite sense in a subtly political kind of way, of ‘us-against-them’ in the industry.”⁸⁵

This essay suggests that the adversarial politics that Mary Rexroth conveyed were a defining characteristic for a small but important number of individuals taking part in the 1970s pornographic film industry. Using Rexroth’s quote as a touchstone, it details how Arlene Elster, a young college graduate, developed a political consciousness through her involvement in the Sexual Freedom Movement. The essay then follows Elster as she applied the movement’s ideas, as well as her middle class values, to the production and exhibition of hard core pornography. In 1968, Elster began shooting films with her boyfriend, Lowell Pickett. Sutter Cinema, founded by Elster in 1970, screened tasteful erotic films geared toward young couples. Elster genuinely believed that sex films – done with art, sensitivity, and projected in a welcoming environment – could be a catalyst for sexual freedom and a way to make money. Around 1975, police harassment and a lack of good films convinced Elster to abandon Sutter Cinema. Elster’s story is, nevertheless, significant because she challenged the perceived wisdom of who could make, display, and watch pornographic films. Elster is the vital link that connects the overt politics of an idealistic sexual community to the hard core film industry.

This essay additionally sketches out the problematic story of the Mitchell brothers whose self-serving characters make the general claim of political activism within the industry tenuous. Unlike Elster, the Mitchells employed a political rhetoric after entering the pornographic film industry, rather than bringing one with them. Dozens of arrests and a fortune in legal fees awoke them to the political consequences of projecting sexually explicit films. The Mitchells adopted the language of the counter culture to defend their business interests. They derided civil authorities in the newspapers and used the charges brought against them to test obscenity law. In this coercive atmosphere, even their films seemed to purposely transgress racial and sexual taboos as a rude finger to the establishment. Profit initially motivated the Mitchells’ actions in

⁸⁴ Turan, *Sinema*, 170-171.

⁸⁵ “The Porno Girls,” n.p.

the pornographic film industry, but they found themselves engaged in activities with political consequences.

Counter-Institutions

The narrative of the 1960s youth movements and its aftermath goes like this: idealistic middle class youths protested the unjust policies, racial customs, and government institutions shaped by their parents. As the 1960s drew to a close with the end of the Vietnam War nowhere in sight, a failing economy, and the liberal coalition in shambles, disillusioned protesters gave up of public life. Corporate capitalism's ability to appropriate The Movement and a new form of possessive individualism worked in tandem to quell dissent while assuring young people that their problems could be solved in the private sphere. Youths, who only a few years earlier had marched in the streets, now joined the counter culture, forgoing political activism in exchange for "sex, drugs, and rock n' roll."⁸⁶

To describe the period through a narrative of decline has forced us to make false distinctions between the 1960s youth movements and the counter culture. This splitting has privileged the political activism of Civil Rights organizations like Congress of Racial Equality (CORE) over the apolitical hedonism of counter culture groups like Jefferson Poland's Sexual Freedom League (SFL). An examination of SFL's records, however, reminds us that the two groups shared much in common politically. In the summer of 1963, Poland took part in CORE's voter registration drive in Plaquemine, Louisiana. When Poland founded SFL, "a political action group for sex issues," a few months later, he brought CORE's tactics – leafleting, picketing, and civil disobedience – with him. Moreover, SFL's records show that members created a "counter-institution" which carried out a great deal of institutional labor, such as drawing up bylaws, recording minutes, forming committees, and collecting dues. SFL's counter-institution fostered political activism in a similar fashion to the organizational structure that had made CORE's work possible. By focusing on the overlaps, as well as the institutional characteristics, it becomes clear that SFL, usually defined as hedonistic and apolitical, acted in ways universally recognized as political.⁸⁷

The next section describes how Poland's SFL and Psychedelic Venus Church (PVC) fought sexual repression in the San Francisco Bay Area. The two counter-institutions would influence Arlene Elster's thinking about sex and politics. Elster became an active SFL member and attended service at Poland's church, while her hard core movie theater, Sutter Cinema, established close ties with both organizations. Together the three counter-institutions would politically work toward the common goal of sexual freedom, promoting ideas like "sex without sexism," interracial relationships, mutual orgasms, and bisexuality.

Sexual Freedom League and Psychedelic Venus Church

⁸⁶ Schulman, *The Seventies*; Theodore Roszak, *The Making of the Counter Culture* (Berkeley: 1995); Christopher Lasch, *The Culture of Narcissism: American Life in a Culture of Diminishing Expectations* (New York: 1979), 18-19.

⁸⁷ Ctn.1-9, *Sexual Freedom League Records, 1964-1983*, The Bancroft Library; *Sex Marchers* edited by Jefferson Poland and Sam Sloan (Los Angeles: 1968), 12-16.

Jefferson Poland wanted two things: to remove the state from all sexual matters between consenting adults and to show Americans how to live a sexual liberated life. Many newspapers articles and letters attest to how Poland employed SFL to make his utopian vision a reality. *Newsweek*, for instance, published a 1965 article about SFL's "nude swim-in," a demonstration against the bathing suit requirements at San Francisco's public beaches. Poland wrote a letter to the California Penal Code Revision Commission demanding the abolishment of statues that punished unwedded parents. SFL's leader even went so far as to legally change his surname to "Fuck" in order to raise awareness about the movement, as well as to provoke the authorities (the Alameda County Clerk revoked Poland's voter registration over the episode). Through a variety of means, Poland had made sex a political issue. Most paramount among them, Poland used SFL as a vehicle to advance his sexual politics, something Arlene Elster would imitate with Sutter Cinema.⁸⁸

The League became known within the community for its orgies. SFL wanted to create a "sexually free situation" where members could have sex with "no restrictions... no coercion, no force." Elster remembered the SFL parties she hosted, "There was always lots of good food to eat. People that wanted to had sex. People that didn't want to, didn't, it was quite open. It was mostly heterosexual sex, although, there was some same sex with women. I don't recall ever seeing any same sex with men – at those parties." Sex seemed to be the primary objective of these parties, but the celebrations also served as a way for members like Elster to demonstrate, before the community, the degree of their sexual liberation. Participation in liberated activities like an orgy or watching a porn film was as a marker of how one had left, in the language of the time, her "hang-ups" at the door.⁸⁹

In 1970, Poland splintered from SFL to establish the Psychedelic Venus Church, a "nature/earth" church that focused on the spiritual dimensions of sexuality. The fellowship smoked a marijuana Eucharist, prayed over naked bodies, and encouraged bisexuality. At one service, members read William Blake and then listened to a sermon on Taoism. "It was wilder. It was a smaller bunch of people. And it was wilder," Elster said. "It was clearly devoted to, more to, a little more ritual, a little more of the psychedelic infusion and sex. Because there was this idea that sex was a positive, healthy thing to do." PVC members believed that spirituality and psychedelic drugs could help people reach deeper sexual truths about themselves. The self-realizing goals of the Church, however, did not mean that members abandon politics. On a sunny Memorial Day in Golden Gate Park, a naked Poland led an anti-war "pray-in." When police arrested him, Poland directed his lawyer to use the charges brought against him to test the city's public nudity laws.⁹⁰

⁸⁸ "Sexual Freedom?" *Newsweek*, September 5, 1965, 20; John Miller to Jefferson Poland, August 13, 1970, ctn. 1, folder 5, *SFL Records*; for more on SFL see David Allyn, *Make Love, Not War: The Sexual Revolution: An Unfettered History* (New York: Little, Brown and Company, 2000), 41-53.

⁸⁹ Richard Ogar, "Inside the SFL," *San Francisco BALL*, Number 4, 1970; *Sex Marchers*, 12; Jefferson F. Poland and Valerie Alison, *The Records of the Sexual Freedom League* (New York: 1971), 181; Arlene Elster, audio recording, February 25, 2011, Gay Lesbian Bisexual Transgender Historical Society (GLBTHS).

⁹⁰ Chas Clifton, *Her Hidden Children: The Rise of Wicca and Paganism in America* (Oxford: Altamira Press, 2006), 148-152; PVC, liturgy, 1970, Ctn. 3, Folder 32, *SFL Records*.

The League and Church papers revealed that one of Poland's goals was to connect other counter-institutions – homophile organizations, the underground press, co-ops, and communes – by putting together a phone and address directory. Arlene Elster, the hard core movie theater owner, could be found in the directory. Along with people such as Allen Ginsberg, the PVC directory named Elster an “Honorary Sexton” and her theater as a “SISTER GROUP.” A PVC newsletter reported, “San Francisco’s newest erotic theater, Sutter Cinema at 369 near Stockton, managed by PVC Rev. Arlene Elster, offers reduced rates to Psychedelic Venus Church members. Singles \$3, couples \$5, when you flash your blue-on-white card. Fucking and sucking on the screen, plus art.”⁹¹

Arlene Elster forged her sexual politics within these circles. Poland's counter-institutions taught a handful of young people to believe (maybe naively, but always idealistically) in sexual freedom. “I was good friends with Jeff Poland,” Elster recalled forty years later. “He was quite, I thought he was, brilliant with his thinking and ways.” SFL and PVC members fused sex, spirituality, psychedelic drugs, and politics to search for and help others explore their sexuality. Ultimately, their beliefs could be boiled down to the idea that “sex was a positive, healthy thing to do.” Individuals like Elster would go to great lengths to spread this idea.⁹²

Sexual Freedom at 369 Sutter Street

Arlene Elster's movie theater, located in downtown San Francisco at the suggestive address of 369 Sutter Street, opened its doors in the early spring of 1970. Situated near Union Square, where Sutter Street runs into Stockton Street, finding parking must have been difficult in the congested streets of downtown. Young moviegoers traveling by car probably parked a few blocks away. Continuing their journey on foot, they approached the building, opened the front door and ascended a narrow flight of stairs lit by faux-candle chandeliers to reach the cashier waiting on the second floor. One can imagine some moviegoers with sweaty palms or maybe a devilish smile as they handed over the three-dollar admission charge to the young black woman with the large Afro sitting behind the register. Once inside the theater's lobby, which used to be a famous Chinese cabaret, they could help themselves to complementary coffee and pastries.⁹³

While waiting for their erotic film shows to begin, some customers may have spent a few minutes conversing with the cashier or Elster who was always at the theater. Others may have been drawn to the brightly colored tropical fish swimming in the large salt-water aquarium in the lobby. The faint ticking sound of the projectors must have mixed with the recording of moans playing on the theater's stereos, causing a rhythmic staccato of anticipation or just plain nervousness. Taking their eyes off of Elster, the cashier, the fish, or their date, Sutter Cinema's

Elster, interview with the author; Jefferson Poland to Chief Art Kleps, June 7, 1968, ctn. 1, folder 23, *SFL Records*; Jefferson Poland to Sal Balistreri, October 7, 1968, ctn. 1, folder 23, *SFL Records*.

⁹¹ SFL, directory, ctn. 1, folder 10, *SFL Records*; PVC, members directory, March 1971, *Arlene Elster Papers*, GLBTHS; PVC, membership directory, April 1972, *Elster Papers*; PVC, newsletter, 1970, ctn. 3, folder 32, *SFL Records*.

⁹² Elster, audio recording.

⁹³ Arlene Elster shared photos of Sutter Cinema with the author; Murray, “The Porn Capital of America,” SM8-9; Mahar, “Dignified Image Sought for Erotic Films,” 20.

customers might have noticed the abstract paintings of sex organs that hung from the golden walls of the lobby.⁹⁴

As the show time drew near, the moviegoers walked from the lobby to their seats, their feet sinking into the sumptuous carpet that had just been installed. Everything about Elster's place was nicer than the seedier grindhouse adult theaters around town, and customers, especially young people, could experience that difference anytime between 8 a.m. and 12 a.m., seven days a week. Elster's theater affected a progressive middle class aesthetic, reinforced through its inviting decor, understated advertisements, and the politics behind the type of films it screened. "We are trying to create as dignified an image as we can. We feel that there is nothing wrong with watching sex films. We don't feel there should be any shame attached to it. But we also realize that we're in the minority with this opinion," Elster said. "We want to be totally honest, but we don't want to push anything on anyone."⁹⁵

Young people found themselves making their way to San Francisco, or as Joan Didion describes, "Slouching Towards Bethlehem," an evocative phrase taken from Yeats' poem "The Second Coming." Like the Piped Piper in urban form, San Francisco attracted young people with its hypnotic melody. The charisma of the city enticed America's youth with its promise of personal discovery. Recalling the dark tone underlying the Piped Piper's music, Didion writes of San Francisco's pull on her, "All that seemed clear was that at some point we had aborted ourselves and butchered the job, and because nothing else seemed so relevant I decided to go to San Francisco. San Francisco was where the social hemorrhaging was showing up. San Francisco was where the missing children were gathering and calling themselves 'Hippies.'"⁹⁶

In her essay, Didion draws a distinction between the apolitical messages "the missing children" mimicked to the press and what the "imaginatively anarchic" activists had known; she described what the press had missed: "We were seeing something important. We were seeing the desperate attempt of a handful of pathetically unequipped children to create a community in a social vacuum. Once we had seen these children, we could no longer overlook the vacuum, no longer pretend that the society's atomization could be reversed." Didion's prose gives the reader a time and space in which to situate Elster and her actions. Elster become one of these missing, "unequipped children" who tried to create her own "community in a social vacuum." Contrary to Didion's reading, however, Elster's actions showed that for a short time a few of these "Hippies" successfully created a community shaped by counter-institutions such as Sutter Cinema. Along with its sister organizations, Sutter Cinema worked to free Americans from sexual repression. People like Poland and Elster did so by piecing together the shards left after the center did not hold.⁹⁷

⁹⁴ Kenneth Turan, "Sex Films in San Francisco Reach Plateau of Legitimacy," *Los Angeles Times*, October 30, 1970; Kenneth Turan, "San Francisco's Erotic Film Palaces Have Classical Look," *The Washington Post*, October 25, 1970; Tracy Johnston, "Arlene Elster – Sutter Cinema's Lady Erotographer," *The Night Times*, February 9-22, 1972.

⁹⁵ Turan, "San Francisco's Erotic Film Palaces"; for an example of Sutter Cinema's advertisements see *Berkeley Barb*, December 25-31, 1970, 15; Mahar, "Dignified Image Sought For Erotic Films."

⁹⁶ Joan Didion, *Slouching Toward Bethlehem* ([1968] Reprinted, New York: Noonday Press, 1996), 85.

⁹⁷ Didion, *Slouching Toward Bethlehem*, 122-123.

The hypnotic melody, charisma, and chaos emanating from San Francisco worked no differently on Elster than it had on Didion. Elster was born into an upper-middle class Jewish family that settled in Port Arthur, Texas. Her father, a medical doctor, owned a successful diagnostic clinic while her mother kept house. Elster's had a good relationship with her parents until high school. Elster's mother disapproved of her friends, especially Janis Joplin. The girls were mischievous, maybe a little rebellious — they lost their virginities before turning sixteen — but for the most part they were just bored teenagers from a small town. After graduating in 1959, Elster enrolled at the University of Texas where she purposely avoided controversial issues like racial integration; instead, majoring in laboratory science and joining a Jewish sorority. Elster dated a member of the Jewish fraternity that she met at a Greek function. Toward the end of college, the young couple married and relocated to Houston. Predictably, their marriage ended in divorce only a few months later. "I did not have a direction in life and I could see the writing on the wall if I stayed there. It just was, I did not want to become trapped in that life, that I saw," remembered Elster. Unhappy with her parents and the choices she made, Elster drove to San Francisco because it looked like a beautiful place that was far away from Texas.⁹⁸

In November 1964, the 23-year-old Elster arrived in San Francisco where she rented an apartment in the Marina and found lab work at Irwin Memorial Blood Bank. She made the city her home in the next three years, even agreeing to marry again. Elster's post-Texas life had seemed ideal but she felt a gnawing "curiosity" that left her restless. This curiosity led her to volunteer at the Haight-Ashbury Free Clinic, a counter-institution that offered free health services to the hippies pouring into the city. "I thought I might be missing something. I thought I wasn't, well free enough. Like the hippies were into the free thing, and I had my nose stuck in a laboratory all the time." Soon after, Elster began an affair with Lowell Pickett, the Clinic's executive director, because he lived the kind of life that Elster wanted for herself. Pickett belonged to counter culture organizations like SFL. His bohemian friends made music and art. Most importantly for this story, Pickett was a pornographer that supplied the local movie houses with stag and beaver films.⁹⁹

Elster's affair with Lowell Pickett changed her life in a dramatic fashion. Even though she had figuratively ran away from home, Elster tried in vain to live the middle class life that her parents would approve of — she held a decent paying job as a medical technologist, volunteered, and had a stable relationship. "I had been engaged to a man – a straight man – and I was seeing Lowell on the side and the other guy didn't know about it. We were scheduled to be married... Five days before the wedding, my mother was there and I called it off," Elster remembered. "I can't do this. Once again, I can't, I can't go that, that way." Her decision to move in with Pickett ended what she called her "straight arrow life." Pickett introduced her to nude beaches and took her to wild Art Institute parties. *Playboy* claimed she even modeled in "early 'beavers.'" Elster joined SFL, but still considered her commitment to the Sexual Freedom Movement half-hearted because as she put it, "I was always concerned about my welfare – how was I going to live... Something about me couldn't simply drop out." Elster's fears were assuaged when she saw that the porn business was both profitable and "pretty innocent." In 1968, Elster quit her job at the blood bank to shoot films for Pickett's Leo Productions, a company that produced and

⁹⁸ Elster, audio recording.

⁹⁹ Elster, audio recording; Fred Struckey, "The Day They Raided Sutter Cinema – Again," *San Francisco*, November 1971; Phil Pukas, "Arlene-of-the-Sutter Raps on SF's Sexy Filmfest, Or... High Art of the Wet Dream," *Berkeley Barb*, November 13-19, 1970, 7-8.

distributed pornographic film. “I began rebuilding myself and finding my identity through my work,” Elster told an audience in Davis, California.¹⁰⁰

In 1969, Elster and Pickett submitted a \$39,750 documentary film proposal to SFL. The proposal illustrated how Elster combined her business savvy and sexual politics. Elster wrote that her goal for the documentary was: “To make a significant film for sexual liberalization, proving ourselves to be a significant filming company, and receiving a profit” (This foreshadowed Sutter Cinema’s business philosophy). Arguing against a non-profit venture, Elster thought that SFL would garner the most exposure if the film had a wide distribution and played in a large number of art houses. SFL needed to understand that theater owners and distributors would not show or distribute a non-profit film. This collaborative documentary had to work “within the profit-gearred structure.” The couple argued that SFL must use the market to disseminate its message of sexual freedom, working within the system to subvert it. Elster and Pickett ended the proposal with this reassurance, “We want to show the SFL in the best possible light. Doing anything that would put down, make the SFL look bad, or exploit it would work against the entire goal of the film for both parties.”¹⁰¹

Making a profit off a SFL documentary in the name of sexual liberalization differed from making money off a pornographic film. When Elster became involved in the industry her political commitment immediately became suspect. Elster, now 26-years-old, understood this suspicion, but pointed out that young people wanted a more open discussion about sex and saw erotic film as one way to initiate this discussion. Elster thought that the distribution and exhibition of erotic film was a social imperative. Acknowledging the negative conception most had about pornographic film, Elster said, “I can’t help that. I feel that the times now not only allow but require films like ours.” Furthermore, Elster made plain that economic concerns would not take precedence over her sexual politics, “Running this theater means nothing to me unless what plays in it pleases me.”¹⁰²

Elster politically distanced herself from the earlier generation of pornographers and movie theater owners by showing that she was cognizant of the problems surrounding the industry. To accusations of exploitation Elster replied, “We’re against exploitation, just using sex to make money like, ‘We’re going to show you P going into the C,’ the way the average stag film house does. There’s something wrong with that.” Elster believed that the marketplace was inundated with pornographic films without plot because the industry only saw porn as a masturbatory aide for dirty old men. Trying to correct the situation, Elster promised to screen “erotic realism” – narrative hard core films that depicted real sexual fantasies. Mary Rexroth’s *Intersection* (1971), which debuted at Sutter Cinema, portrayed the story of a woman who tries “to come to grips with her earlier transition from puberty into sexual maturity.” The sexual coming of age film allowed Rexroth to act out her own erotic fantasies – he slept with multiple partners of both sexes in different locations throughout San Francisco, including her childhood home – and met Elster’s requirements that films she screened have “plot or story line” and be a “turn-on.” Elster placed a premium on narrative and eroticism because sex was more than a penis going into a vagina. Sex, as *Intersection* suggests, could be psychologically complicated,

¹⁰⁰ Elster, interview with the author; John Bowers, “The Porn is Green,” *Playboy*, July 1971; Mahar, “Dignified Image Sought for Erotic Films” 20; Tony Perry, “Celluloid Marriage Manual: Porn Dispells [sic] Sex Mystique,” *The Davis Enterprise*, August 14, 1972.

¹⁰¹ Arlene Elster and Lowell Pickett to SFL, December 12, 1969, ctn. 1, folder 22, *SFL Records*.

¹⁰² Murray, “The Porn Capital of America”; Mahar, “Dignified Image Sought For Erotic Films.”

inextricably linked to fantasy, and tied to important liminal stages. Elster believed that the multi-dimensional nature of sex required erotic films that appealed to all the senses, not just the lower ones.¹⁰³

By emphasizing how her films differed from that of her competitors', Elster hoped to fill the seats of her theater with young middle class couples, instead of the unattached men that currently patronized the industry. Her business decision to target this demographic combined the counter cultural belief that sexual revolution started with young people and the historical reality that individuals from the middle class played a significant role in past sex liberation movements. Elster designed Sutter Cinema's advertisements with a middlebrow sensibility. One ad featured a line drawing of naked women touching herself next to a quote from James Joyce's *Ulysses*. Elster's business card featured a similar art design but of a Victorian couple about to make love on a gilded bed. Elster cultivated this romantic aura to bring in open-minded middle class youths who were interested in broadening their ideas about sex and sexuality.¹⁰⁴

In interview after interview, Elster maintained the conviction that erotic films served as sexual pedagogy. She told the *Los Angeles Free Press*, "People learn how to make love better by watching other people make love." To another newspaper reporter Elster was more explicit, "People can learn some things from watching these films. For instance, you might never think to fuck someone in the ass unless you saw it first." Elster obviously channeled her own experiences in the Sexual Freedom Movement when she made these statements. She had learned to be comfortable with her body and open to different sexual activities by going to nude beaches, attending SFL parties, and watching good erotica. Now, she wished the same for others and planned to teach them through film.¹⁰⁵

The idea of woman's right to an orgasm specifically motivated Elster to become involved in the industry. She wanted to see erotic film where women experienced pleasure; she wanted to project erotic film that women like her could identify with. "The average stag movie is totally male orientated, made of, by and for males. We want to stress the basic equality of the situation, or the equality that we feel should be there. In most of our films the woman is not just a sexual object, but an equal participant with as much right to be pleased as the man." According to Elster, erotic film needed to be made of, by, and for men *and* women. Female orgasms needed to be portrayed on screen at an equal rate to male orgasms. "In fact, one of my main complaints is that I don't see women having orgasms in the films." Elster said, "You can see men coming all over the place, but I want to identify with the chick, and I can't tell if she made it or not most of the time."¹⁰⁶

¹⁰³ Pukas, "Arlene-of-the-Sutter Raps on SF's Sexy Filmfest," 13; Muriel, "Explicit Sex Films Divide San Francisco," A16; Sutter Cinema, press release, n.d., *Elster Papers*; Maitland Zane, "New Star of S.F.'s Porny Films," *San Francisco Chronicle*, January 20, 1971; Zephyr's catalogue, *Elster Papers*.

¹⁰⁴ Jefferson Poland, "Sutter Cinema's Soulful Screwing: Erotic Flicks for Erotic Heads," *Berkeley Barb*, July 24-30, 1970, 19; Sutter Cinema ad., *Berkeley Barb*, July 17-23, 1970, 7; Elster showed the author her business card.

¹⁰⁵ Clay Geerdes, "Pornography Rides Again: Theater Owner Convicted of Obscenity," *Los Angeles Free Press*, February 26, 1971; Johnston, "Arlene Elster – Sutter Cinema's Lady Erotographer."

¹⁰⁶ Mahar, "Dignified Image Sought For Erotic Films"; Pukas, "Arlene-of-the-Sutter Raps on SF's Sexy Filmfest," 7, 13; Murray, "The Porn Capital of America."

Elster never defined herself as a “feminist,” instead she saw herself as a sexually liberal female entrepreneur who wanted to elevate pornographic film to a higher level of respectability. In December of 1970, Sutter Cinema and Leo Productions sponsored a five-daylong erotic film festival to meet this end. A prize committee which included Bruce Conner, the experimental filmmaker, judged submissions that ranged from an “extreme close-up” of woman eating an orange to a Leo Productions film of a model masturbating on an American flag. Although the films were quite different, they succinctly captured Elster’s hard core politics: *Orange* spotlighted her idea that sexual arousal did not require “P going into the C,” while the American flag/masturbation film spoke, however crudely, to the role that hard core played in expressing dissent from mainstream society. Elster hosted the erotic film festival to legitimize pornographic film and to help her theater’s bottom line — after all, if people thought of porn as “art” then it would become normal to not only watch, but also to screen explicit sex.¹⁰⁷

In 1971, prosecutors convicted Elster of obscenity; even so, she continued to use Sutter Cinema as a space to facilitate activism while she appealed the court’s decision (The appeal went all the way to the Supreme Court). Elster hosted a SFL benefit in support of Assembly Bill 437 – sex reform legislation introduced by Assemblyman Willie Brown. The bill sought to remove California’s antiquated laws that made sex acts like sodomy and oral copulation illegal. On the night of the benefit, Elster indicated her position on the laws by screening two gay male sex films and *Cozy Cool* (1971), starring Mary Rexroth, an erotic crime parody where “even guys are said to be involved in relationships that are based on their covert sexual happenings.” The benefit raised \$759 that paid for ads supporting the bill and travel expenses to a rally at the state capital. Heather Fields, Elster’s co-coordinator for the event, explained the reason for the benefit: “We must get away from the Puritanical, hypocritical attitudes that anything that is non-procreative is morally and legally wrong. Procreative sexual practices lead to child-bearing and population pollution. Besides, these laws can be used against you politically.”¹⁰⁸

Elster practiced her hard core politics, or, in the words of Mary Rexroth, cultivated her “us-versus-them” attitude, by joining the Sexual Freedom Movement, producing erotic films, and founding Sutter Cinema. Elster viewed her participation in the pornographic film industry as an opportunity to spread sexual freedom and earn a living. Sutter Cinema played films that Elster wanted to see — films where woman possessed sexual desires and “made it” just like men. In spite of the time Elster invested in Sutter Cinema, police harassment (officers arrested Elster fourteen times) and the negative direction of the films made Elster rethink her commitment to screening hard core. “The films were going actually downhill. And they were just scuzzy. You just saw graphic depictions of sex without art or skill, without sensitivity. That didn’t interest me,” Elster recollected. “I could see my future. I could see, well I could stay in this and make a lot of money, but it just didn’t interest me. And so I chose to get out of it.” Between 1975 and

¹⁰⁷ Arthur Knight, “Step Inside, Folks, to an Erotic Film Festival,” *Los Angeles Times*, December 13, 1970; Jerome Tarshis, “Eros and Muses,” *Evergreen*, Volume 15, Number 88, April 1971, 18.

¹⁰⁸ Stanley Smegma, “Sutter Super Fuck,” *San Francisco BALL*, Number 3, 1970, 24; Mother Boats, “Fuckfilm for Freedom,” *Berkeley Barb*, July 16-22, 1971, 6; Frank Rila to Arlene Elster, report, *Elster Papers*.

1976, Elster sub-let Sutter Cinema and moved to Sonoma County. She and her lesbian partner opened a wholesale plant nursery that they would run for two decades.¹⁰⁹

The state forced many idealistic young people like Elster to quit the industry, which left it in the hands of few wealthy pornographers that possessed the will, along with the financial resources, to fight the state. “The young turks don’t give a damn,” Jim Mitchell said in regard to the police harassment. “They’ll keep on making movies. They don’t know any better. After all, we’re only in it to have a good time and make money.” The Mitchell brothers did not have Elster’s wide-eyed faith in the revolutionary potential of erotic film. They did, however, share her desire to produce and exhibit quality pornographic films, but only because they wanted the best product on the market. Economic gain motivated the Mitchells and when their actions caused political consequences, they adopted a rhetoric that merged a diverse set of ideological beliefs – sexual freedom, civil liberties, and libertarianism – to justify pornographic film.¹¹⁰

The Mitchell Brothers

Around the time Arlene Elster thought about leaving the industry, the Rancho-Westdale branch of the American Civil Liberties Union (A.C.L.U.) made an unambiguous statement about what the Mitchell brothers and their hard core films represented for the defense of civil liberties. The Rancho-Westdale A.C.L.U. rented out the Mitchells’ Four Star Theater for their annual summer fundraiser in 1974. A double bill played that day. The Mitchell brother’s *Behind the Green Door* (1972), an abduction and rape fantasy that climaxes with a montage of different men orgasming on Marilyn Chambers’ face and *Resurrection of Eve* (1973), a film about a white woman who finds sexual fulfillment after leaving her cheating boyfriend for a black man, projected onto the screen of the Four Star Theater.¹¹¹

As the synopsis above suggests, the Mitchells’ films are rife with scenes that degraded woman and perpetuated racial stereotypes. How could the Rancho-Westdale A.C.L.U. support such films, and by extension the pornographers who produced it? Shelia Wells’ “Pussy Power,” an article published in the underground press, helps explain why groups on the left could celebrate the Mitchells’ films. Wells argues that the state, embodied in President Nixon and “the pigs,” has taught women to be afraid of the very things it fears most: “dope, long hair, black penises and...porny.” Wells concludes that Americans should embrace these things, especially “pornography of all kinds” because it “breaks down the power of the controllers.” The Rancho-Westdale A.C.L.U. held a fundraiser at the Mitchells’ theater because the brothers screened films that integrated the very things – hippies, black male sexuality, and pornography – which the counter culture identified as threatening to the state. The brothers’ subsequent persecution by civic authorities turned them into symbols of the state’s encroachment on Americans’ civil liberties. In this case, the Mitchells became political actors despite themselves – the Rancho-Westdale A.C.L.U. had seized upon their situation to make a statement about how the First Amendment protected an adult’s right to make and watch hard core films. Eventually, the Mitchells would become political actors in their own right. An atmosphere of police harassment

¹⁰⁹ Geerdes, “Pornography Rides Again”; “Porno ‘Conspiracy’ Bust,” *Berkeley Barb*, October 8-14, 1971, 4; Arlene Elster, telephone interview with Eric Schaefer, June 9, 2003.

¹¹⁰ “Smut Maker Call Business Viable,” *New York Times*, July 1, 1973, 78.

¹¹¹ “X-Rated Movie Party Scheduled by ACLU,” *Los Angeles Times*, August 4, 1974.

and legal prosecution would transform the pair from self-serving pornographers into self-serving pornographers with a shrewd political consciousness.¹¹²

California law enforcement treated pornographers and porn stars like pimps and prostitutes. From Buena Park to San Jose, police used anti-prostitution legislation to move against porn theaters. The Red Light Abatement Act of 1913 designated any building used for “illegal gambling, lewdness, assignation, or prostitution” as a “nuisance,” ordering it shut down for one year. Undercover officers sat in porn theaters trying to catch patrons soliciting sex or masturbating to demonstrate that the theaters violated the Red Light Abatement Act (In 1975, the Mitchell’s Four Star Theater would be closed down under this law). Meanwhile, Los Angeles Police charged pornographers with pandering, or acting as a go-between in illicit sex. L.A. cops, in other words, considered it pimping when pornographers hired two actors to have sex. “You cannot make a hard-core film without violating the prostitution laws,” warned Vice Captain Jack Wilson in 1975. “When you pay actors to engage in sex or oral copulation, you’ve violated laws. You’ve solicited individuals to engage in prostitution by asking them to engage in sex for money.” One porn star claimed that the policing tactics in Southern California were so effective that the majority of 1970s and 1980s-era hard core films had to be made in Northern California.¹¹³

San Francisco Supervisor Diane Feinstein’s anti-pornography stance guaranteed that state pressure would be applied to pornographic businesses operating within the city. Feinstein, for example, issued an emergency moratorium on any new pornographic businesses. She then passed a zoning ordinance that provided for façade control and banned pornographic business from operating within 1000ft. of each other. In the interim, Feinstein lobbied state legislators to push through a bill that gave communities the ability to circumvent unfavorable obscenity rulings. San Francisco police, the foot soldiers of Feinstein’s “anti-smut campaign,” conducted raids on pornographic theaters, seizing films and harassing theater owners. “I am not worried about it. I don’t give a shit, really,” Jim Mitchell said in response to the city’s efforts against porn theaters. “You know, if they could close them down, they think it would be so great for the country. Like, if all the students would go home, everything would be great all over. Nixon would be happy.” Between 1968 and 1973, police had arrested the Mitchells 40 different times.¹¹⁴

The Mitchell brothers kept themselves abreast of the latest obscenity defense strategies, as well as social scientific research on pornography. Jim Mitchell described the brothers’ proactive legal strategy, “We try to keep an offense attack at all times, instead of just hiding and let them come in and give you a lot of shit.” Michael Kennedy, the Mitchells’ lawyer, commissioned a research corporation to conduct a statewide survey on “The Public Display of Pornographic Material.” When given the choice to ban, place no restrictions on, or limit the advertising of pornographic material, over 60 percent of survey respondents chose the latter.

¹¹² Shelia Wells, “Pussy Power,” *Berkeley Barb*, February 13-20, 1970.

¹¹³ California Penal Code, section 11225; Myrna Oliver, “Court Orders Judge’s Theater to Close: Patrons’ Lewd Conduct Blamed on Lessee, Owner Exonerated,” *Los Angeles Times*, December 3, 1975; Gregg Kilday, “The Movies and Pornography: Part II, Financial Versus Artistic Motivation,” *Los Angeles Times*, July 12, 1973.

¹¹⁴ Dianne Feinstein to Laura Lederer, August 3, 1977, Box 2, *Women Against Violence in Pornography and the Media Records* (WAVPM Papers), GLBTHS; Richard Ogar, “The Making of a Movie: How the O’Farrell Does It,” *San Francisco BALL*, Number 6, 1970, 17; “Film Pornography Flourishes Despite Court Ruling,” *New York Times*, November 4, 1973, 22.

Even more telling, only 2.4 percent of respondents went on to list “Sex, Pornography” as a serious problem facing the country. Essentially, Kennedy proved that according to “contemporary community standards,” a key legal phrase used to determine obscenity, a majority of the public did not consider pornography worth the court’s attention.¹¹⁵

Reading the survey together with government documents like *The Report of The Commission on Obscenity and Pornography* (1970), the Mitchells brothers knew the anti-pornography forces were wrong when they claimed that watching pornographic films led to sexual perversion and violent crime. The Commission’s results found no scientific link between anti-social behavior and watching pornographic material. Much to the Mitchell’s self-satisfaction, the Commission took an additional step, recommending that the federal government lift all restrictions on the adult consumption of pornographic materials. “I’m not as interested in trying to defend the movies to anyone.” Artie Mitchell said, “I’m more interested in the fact that people have the freedom to see any film they want to see – especially since it seems so easy to prove that they’re not going out and hurting anyone else after they’ve seen them. It’s just the straight fascist trip again – wanting everyone to be like them, you know?”¹¹⁶

Jim Mitchell, adding to Artie’s libertarian rhetoric, marshaled the language of the Constitution, along with sexual freedom, to criticize their political opponents. “We don’t think the judge should tell people what to see,” Jim Mitchell said. “We think we have the right, under the First Amendment, to make the movies and distribute them, and we’re willing to go to jail on that.” Jim, sounding very similar to Jefferson Poland and Arlene Elster, gave notice that he would use his cases to test obscenity laws, “We think this is the way to change the law – court by court, case by case. Our movies aren’t obscene. Sex is the first big lie we all get told and taught. Judges feel guilty about sex. We don’t.” The Mitchells came to articulate a hard core politics that incorporated the First Amendment, libertarianism, and sexual freedom. They used it to echo familiar counter culture grievances like their generation’s sexual mis-education, and the ways in which civic authorities attacked the new sexual ethos reified in pornographic films.¹¹⁷

If any doubt existed as to the character of the Mitchell brothers’ “us-against-them” politics, all the authorities had to do was visit their theaters. The Mitchells flashed this message before the start of each film:

To our customers: You are advised that there are presently plainclothes vice cops in the audience of our theater. They prefer watching movies to protecting our persons. They are here to harass us and spy on you. We have a constitutional right to screen films and you have a constitutional right to view them. Simply ignore the vice cops and they will go away. The Management.¹¹⁸

As this message clearly indicates, police spent a great deal of time trying to ruin the Mitchell’s business. The Mitchells responded to the state’s harassment by perfecting a politics of agitation, going so far as to place Diane Feinstein’s unlisted phone number on their marquee. Their very public feud became symbolic of the state’s flowering cultural war against young people who

¹¹⁵ Ogar, “The Making of a Movie,” 17; Field Research Corporation, “Statewide Survey of Public Opinion about the Public Display of Pornographic Materials,” May 1971.

¹¹⁶ Field Research Corp., “Statewide Survey of Public Opinion;” *The Report of The Commission on Obscenity and Pornography* (Washington, D.C.: US Government Printing Office, 1970); Ogar, “The Making of a Movie,” 17.

¹¹⁷ Robert Berkvist, “...And What About the Peeps?” *New York Times*, December 9, 1973.

¹¹⁸ Oliver, “Court Orders Judge’s Theater to Close.”

challenged authority figures on moral, political, and sexual grounds. Even their problematic films, placed within a historical context, can be viewed as critiques of a state bent on curtailing Americans' individual freedoms.

Conclusion

In an industry where participants' motives are usually reduced to monetary gain, Arlene Elster and the Mitchells' stories underlines the fact that oppositional politics was a key component of the 1970s pornographic film industry. San Francisco hippie culture transformed an unlikely young woman into a pornographer and adult movie theater owner. Elster's participation in hard core wedded a concern for her economic well-being with her belief in consensual sex without guilt, shame, or sexism. Leo Productions and Sutter Cinema allowed Elster to simultaneously earn a living and advance the Sexual Freedom Movement by projecting quality erotic films aimed at idealistic middle class youths in a pleasing atmosphere. The Mitchells, on the other hand, were more than willing to screen "P going into the C," if it attracted paying customers. State pressure caused the brothers to become politicized. They formulated, out of necessity, a political language that brought together libertarianism, sexual freedom, and the Constitution. The Mitchells employed this rhetoric to call attention to the hypocrisy of those controlling the levers of power.

Elster and the Mitchells' stories outline the general contours of hard core's political history, but more research is needed to fill in the missing pages. Investigating the relationship between politics and the following areas would bear fruit: gay male porn, race, and feminism. Preliminary evidence suggests that the gay rights movement and hard core were deeply connected. Harold Call, president of Mattachine Society, one of the first homophile organizations in the U.S., advocated for gay rights while he shot pornographic films, sold gay erotica, and operated a private screening room. The links between politics, race, and porn are tantalizing. The McKnights, two black theater owners who exclusively screened interracial porn, said to reporter, "It helps knock down these myths about the black man." Porn stars such as Annie Sprinkle and Candida Royale thought of themselves as feminists. They even described their activities in hard core as feminist acts. Exploring these relationships will hopefully convince non-believers and detail the different kinds of politics the hard core film industry engendered.¹¹⁹

Although a complete political history of hard core has yet to be written, the history we do have reshapes our understanding of 1970s America. Tom Wolfe described the 1970s as the "Me Decade" to capture how Vietnam, Watergate, and a stagnant economy caused Americans to turn their backs on public life to embark on self-absorbed journeys of personal liberation. Elster and the Mitchells' stories fail to map onto this narrative in one critical way: they did not abandon public life. Elster continued to engage in conventional forms of political activism, while she sought sexual freedom. It was mainly police harassment, not a loss of faith that caused Elster to eventually leave the public realm. The Mitchells, following the decade's economic mantra, wanted the freedom to turn a profit, but state pressure forced them to take part in public life.

¹¹⁹ *Harold L. Call Papers*, One National Gay and Lesbian Archives; Dobbin, "Explicit Sex Films Divide San Francisco," A16; Annie Sprinkle, "Public Cervix Announcement," 1990.

Perhaps the “Me Decade” is better defined by a guise of individualistic pursuits that masked an active, yet complicated relationship between Americans and the public sphere.¹²⁰

¹²⁰ Tom Wolfe, “The ‘Me’ Decade and the Third Great Awakening,” *New York Magazine*, August 23, 1976.

Chapter 4: Fascination and Disgust

On 7 May 1973, in the bowels of a San Diego jail, police officers savagely beat Vincent Miranda, stripped him naked, and threw him into a padded cell. Miranda could not remember the names or faces of the officers involved because the effects of his alcohol and prescription pill lunch had not yet worn off. He did know with some certainty, however, that a “young officer” had administered the majority of the blows and later lead a chorus of taunts as he lay on the cold concrete of his cell begging for a doctor. Miranda’s tormentor could very well have been Officer Leon E. Foucault of the San Diego Police Department (SDPD). Officer Foucault was a six-year veteran of the force with over two hundred arrests for violating 311.2 of the California Penal Code (exhibiting obscene materials). He had raided Miranda’s San Diego Pussycat Theatre multiple times, confiscating films and even arresting one of Miranda’s elderly ticket clerks, a grey-haired sixty-year-old woman named Ann Dixon. In many ways, though, Officer Foucault’s real power to invoke trepidation within the pornographic film industry derived not from the threat of legal ramifications or even physical abuse, but from police’s infiltration and the widespread surveillance of industry spaces such as film sets and movie theaters. As Miranda lay in his cell (a space that SDPD had momentarily transformed into something resembling the theatrical), it was the panoptical gaze of the officers, their faceless voices, and the sick feeling of being powerless that both terrorized and hardened the theater magnet, just as these same disciplinary tools would elicit certain sexual and confessional behaviors from hard core movie patrons.¹²¹

Introduction

The story of Miranda’s beating and ridicule epitomizes how the police reacted to the explosion of pornographic movie theaters in 1970s America. Police officers, many of whom worked the vice detail, possessed a reservoir of disgust that they directed toward pornographic theater owners – the men and women arguably most responsible for the period’s sudden increase in the visibility of sex. Significantly, this disgust for the pornographic industry was accompanied by the contradictory feeling of fascination. Police interviews, internal police documents, and court records highlight the great deal of revulsion *as well as* fascination police expressed while watching hard-core films, conducting surveillance on hard-core movie patrons, and interrogating suspects they caught committing lewd acts in movie theaters. The dueling feelings of fascination

¹²¹ Michael Foucault, *Punishment and Discipline* (New York: 1977 [second edition]), 7-24. Foucault argues that punishment as a public spectacle disappeared in the nineteenth century. It was replaced by a different a penal system that sought to discipline convicts’ souls (the self), instead of punishing their bodies. He acknowledges that this transformation was never “complete” because “traces of ‘torture’” (food rationing, solitary confinement, etc.) remained embedded in the penal system. While Miranda’s story of police brutality supports Foucault’s observation about the incomplete process of change in the modern penal system, it also complicates Foucault’s observation by showing that police officers luridly took in the spectacle of physical abuse (something that had once been meant for the eyes of the general public); n.a., “Mr. Miranda Statements to Me,” statement, n.d., box, 588, folder “ “Miranda, Vincent adv. Peo. San Diego M.C. No. M-129189 (Miranda),” *SFP*; William Zack, doctor’s statement, n.d., box 588, folder “ “Miranda, Vincent adv. Peo. San Diego M.C. No. M-129189 (Miranda), ” *SFP*.

and disgust emerged because officers were ordered to police the movie theaters. In the process, they ended up becoming a part of the hard-core movie theater audience.

Vincent Miranda

All his life Vincent Paul Miranda, the flamboyant owner of the Pussycat Theater chain, loved the performing arts. Miranda believed his interest in show business began when his third grade teacher chose him for the lead in the class production of “Pinocchio.” Even images of Miranda as an adult – with his slight 5’4” frame, round face, large sunken eyes, and jet black hair parted to one side — made one think of Disney’s animated film. Miranda also credited his seventh grade teacher for cultivating his love of the stage, with trips to local theaters and the opera in San Francisco. At the age of fourteen, Miranda could sing, tap dance, and play various musical instruments. Classmates called him “the voice of Jordon Junior High” because he sounded like Frank Sinatra. When Miranda turned sixteen, he pursued his dream to “make it” in Hollywood. Lady luck, unfortunately, was not with him; the youngster moved back to Palo Alto without a job in show business. Miranda would never forget this rejection. He would find another way to make a name for himself in Southern California.¹²²

Miranda’s real talent lay in entrepreneurship, a skill that would eventually make him a multimillionaire. It would also allow him to play the role of the comeback kid in real life. Back in Palo Alto, he convinced the local drug store owner to lease him the store’s soda fountain. Miranda combined his savings from bussing tables with the soda fountain’s profits to make the down payment on a house before finishing high school. After a stint in the U.S. Coast Guard, he moved to Huntington Park, California where he bought a restaurant. He soon became interested in a neighboring business, the Lyric, an art theater (niche movie houses that specialized in foreign, “B,” and amateur films) owned by a man who screened sexploitation films. In November 1961, Miranda purchased the Lyric through a holding company, Walnut Properties Inc., for \$50,000. He used his \$12,000 Palo Alto home as a down payment. The remaining balance would be paid in \$300 monthly installments at a six percent interest rate.¹²³

Miranda probably bought at an ideal time because the theater’s owner, George Munton, found himself in serious trouble with the authorities. In January 1961, a 16-year-old former employee told the police that he had carried on a relationship with Munton that was consummated in the theater’s office, at a dingy motel in Hollywood, and on a recent trip to Mexico. Police drove the teenager to the motel in question to see if anyone could corroborate the boy’s story. When the party talked to the hotel manager, he said, “Oh, yes, I remember you, you are the boy that stayed overnight with that man who owns the theatre in Huntington Park.” At the trial two months later, a jury found Munton guilty of sex perversion, sodomy, and attempted

¹²² Jay Allen Sanford, “Pussycat Theater History: When Cathouses Ruled CA (NEW!), plus the Mafia, Deep Throat, and More” *San Diego Reader*, August 7, 2008, <http://www.sandiegoreader.com/weblogs/bands/2008/aug/07/pussycat-theater-history-when-cathouses-ruled-ca-n/> (accessed on 10/27/2011); Nancy Skelton, “Pinocchio to Porn With Vince Miranda” April 15, 1979, *Los Angeles Times*; Burt A. Folkart. “Pussycat Theater Founder Miranda Dies,” June 5, 1985, *Los Angeles Times*.

¹²³ Nancy Skelton. “Pinocchio to Porn With Vince Miranda” April 15, 1979, *Los Angeles Times*; George Munton and Vincent Miranda, “agreement,” November 1961, box 240, folder “Miranda, Vincent—Leases,” *SFP*.

sodomy. Munton now had to sell the Lyric to Miranda because the community now saw him as a sexual criminal, but this business deal did not end their relationship – Munton would become Miranda’s lover and lifelong partner.¹²⁴

Miranda acquired many more theaters in the ensuing years. He bought 50% of the Sunset, a Los Angeles theater, in 1962. In 1963, he took over the Abalee Theatre in National City, Ca. for \$375 a month. The same year, he leased Virginal Theatre in Bakersfield, Ca. for \$850 a month. Virginal Theatre’s lease gives a good idea of what the interior of one of Miranda’s larger theaters looked like from the point of view of employees and movie patrons. The box office contained a register, a space heater, and a chrome chair. The lobby had vending machines and two sand urns for smokers to stamp out their cigarettes. Patrons using the restrooms would have seen a chrome bench, a round table, and a Kotex dispenser. An array of popcorn, hot dog, milk shake, and soda machines kept employees busy at the snack bar. The storeroom off of the lobby held two sweepers to pick up any crumbs that fell on the carpet. The projectionist had to be familiar with the projectors, an automatic film rewind, RCA speakers, an amplifier, and a voltage regulator. Patrons entering the auditorium could sit in any one of the 513 theater chairs. When the show time drew near employees used a Weaver curtain control to unveil a 12 x 24 ft. silver screen. As George Munton’s sexual affair with his 16-year-old employee foreshadowed, the offices, bathroom stalls, and auditoriums of these theaters would become the setting for a story filled with sex, police surveillance, and the creation of sexual criminals.¹²⁵

Undesirable Elements and the Pussycat Theatres

In 1968, Miranda signaled his plan to become a theater magnate when he formed a business partnership with the sexploitation filmmaker and movie house owner, David Friedman. Their agreement placed Miranda in charge of the day-to-day operations of Friedman’s Pussycat Theater in Los Angeles, and gave Miranda the right to use the “Pussycat” name on all of the theaters he owned or bought in the future. Miranda could now expand his theater empire under one name. He would build a California chain of forty-five movie theaters that became known by police and patrons for screening hard core films and facilitating a great deal of sexual activity.¹²⁶

City officials throughout California, working in concert with police, tried to strong-arm Miranda into relocating his businesses. The Pussycat Theaters were seen as harbingers of crime that would poison whole neighborhoods. In August 1969, Walnut Properties Inc. purchased the Art Cinema Theatre, a dilapidated movie theater in downtown Oakland, California. The city clerk forwarded Miranda’s permit application to the Oakland Police Department (OPD). OPD recommended that the permit be denied because a background check of the applicants uncovered a history of “making, displaying and distribution of movies identified in the trade as ‘stag, skin,

¹²⁴ Clifford Buma, “License Hearing Board Los Angeles County No. 24008,” January 23, 1961, box 13, folder “ “Lyric Theater v. BD. of Supervisors,” *SFP*.

¹²⁵ Solie Cohen and Vincent Miranda, “Memorandum Agreement,” December 21, 1962, box 240, folder “ “Miranda, Vincent—Leases,” *SFP*; Theodore and Margaret Macaulay to Vincent Miranda, lease, February 28, 1963, box 240, folder “ “Miranda, Vincent—Leases,” *SFP*; Manual and Irene Carnakis to Vincent Miranda, lease, May 27, 1963, box 240, folder “ Miranda, Vincent—Leases,” *SFP*.

¹²⁶ David Friedman, “What’s in a Name?” *Something Weird Video Blue Book* (Seattle, WA: 1997).

smoker or exploitation' films." Police warned that a "greater number of undesirable elements" would converge on the area, "adding to the general policing problem." The future BART station also meant that the "area will become a passenger assembly point, which will include a number of women shoppers as well as school children." OPD saw Miranda's theater as opening the floodgates to criminality. The department relied on paternalistic arguments to convince City Hall to reject Miranda's application – "women shoppers" and "school children" needed to be shielded from this smut.¹²⁷

Oakland police supported its recommendation to deny Miranda a permit with testimony that documented a pattern of illicit activity condoned if not encouraged at the theater. At Miranda's permit hearing, Officer Litsky made it clear to the City Manager that the new owner had made the theater's interior "darker than any others he had visited." Despite, and perhaps because of, the lack of light, Litsky "observed a man in the very front row masturbating." OPD would send officers equipped with "light meters" to the theater. Another officer testified that he arrested a customer masturbating in the theater's bathroom. "Everyone knows that for a good blow job you go to the washroom of the Art Cinema Theatre," the suspect said. Sandra Brown, a black female officer, testified that while working undercover at the theater a patron mistook her for a prostitute. Brown said that the man sat down in the seat beside her and "placed his hand on her hand." Next, he nudged her with his elbow, asking if she liked the film. "He then suggested an apartment house in Hayward which he owned and offered her from between \$7.00 to \$12.00 if she would go with him there and participate." Oakland police portrayed Miranda's establishment as a place where patrons felt safe to masturbate, homosexuals cruised for oral sex, and Johns solicited prostitutes. In many ways, these images were not far off from the truth.¹²⁸

Miranda closed down the Art Cinema Theatre to address the concerns raised by OPD. He had more lighting installed in the auditorium and the bathroom in an effort to create less anonymity. Workers put glass windows in the manager's office so she could see the entire downstairs area. Miranda illegally solved the "prostitution problem" by barring unaccompanied women from admission into the theater. He shielded the eyes of "women shoppers" and "school children" by taking down all the glossy photographic advertisements that could be seen from the street. Miranda's lawyer, after seeing the renovations, described the theater in a letter to the police chief as a "jewel amidst squalor." David Freidman backhandedly confirmed the lawyer's generous statement when he wrote that Miranda "delighted in decorating the theaters," even though, "some of the lobbies looked like New Orleans whore house rococo but with flair."¹²⁹

In spite of the changes, Oakland's city attorney wanted more from Miranda: "Do you have any signs saying that masturbation is a crime? Do you have any signs that say this theatre is

¹²⁷ Sgt. E. Strelow, Public Assembly Permit (Theatre), August 20, 1969, box 671, folder "Miranda, Vincent- Oakland Theatre Permit," *SFP*.

¹²⁸ John H. Weston, memo, February 5, 1971, folder "Miranda, Vincent- Oakland Theatre Permit, box 671, *SFP*; Weston to Fleishman, memorandum, April 5, 1971, box 671, folder "Miranda, Vincent – Oakland Theatre Permit, *SFP*; George Garrigues, "Theater Permit Revocation on Moral Ground Rendered," July 24, 1966, *Los Angeles Times*, n.p.; n.a., legal document, box 222, folder "Knell, Peo. Vs. (Miranda) Long Bch. Action 1967", *SFP*; folder "Miranda v. Morgan, et al San Diego S.Ct. No. 321580 (Exhibits and Evidence)" *SFP*.

¹²⁹ John Weston to C.R. Gain, Chief of Police, letter, October 22, 1971, folder "Miranda, Vincent- Oakland Theatre Permit," box 671, *SFP*; John Weston, memo, February 5, 1971, box 671, folder "Miranda, Vincent- Oakland Theatre Permit, *SFP*; Friedman, "What's in a Name?"

under police surveillance? Do you have any signs saying that sexual activity will be prosecuted?” The city attorney strongly suggested that Miranda should be an active partner in deterring patrons from committing lewd acts. Patrons, with perversion on their minds, should be told that sexual activity, in a public theater, was both illegal and morally wrong. The city attorney hoped that the signs would make moviegoers feel like someone was watching them at all times, so that they would reform themselves. The state wanted movie patrons to know that it could see the pervert residing just beneath the surface, waiting for the theater lights to darken.¹³⁰

Policing in the Age of *Deep Throat*

Oakland’s civic authorities strongly overreacted to films that paled in comparison to *Deep Throat* (1972). The hard core-feature, starring Linda Lovelace, tells the story of a woman whose inability to orgasm is solved when a doctor discovers that her clitoris is in her throat. Lovelace proceeds to engage in a variety of explicit sexual acts, most prominently fellatio. Americans across the country waited in long lines to see the film. Late night comedians used the film’s popularity as material for their jokes. Local authorities attempted to ban *Deep Throat* under obscenity statutes, while federal law enforcement agencies opened up an investigation of the film that spanned several states because it had been bankrolled by organized crime. The ensuing press generated by the prosecution of those involved in the production, distribution, and exhibition of the film only helped to turn the film into a popular cultural phenomena that further pushed the issues of sex, obscenity, and censorship to the forefront of public discourse (there were a number of obscenity trials that featured “pornographic” works of art and literature that preceded the *Deep Throat* trials). It was with this national exposure that the film began showing at Miranda’s Pussycat Theaters in the early months of 1973.¹³¹

The events at Miranda’s San Jose and Buena Park Pussycat Theaters illustrated a new level of police disgust directed toward adult theater owners; a loathing mixed with enthrallment that would spread to the actual films and the patrons watching them. On May 16, 1973, Sgt. Donald Mills and Sgt. Luis Hernandez saw *Deep Throat* at the Pussycat II, a 350-400-person theater located at 400 S. First Street in San Jose. The two then returned to the station, typed up an affidavit stating that the film violated 311.2 of the penal code – the display of obscene materials — and presented it to Judge Vincent Bruno. Judge Bruno issued a search and seizure warrant for the film after reading the affidavit and agreeing with the officers’ opinions. Mills and Hernandez returned to the Pussycat II that same day to seize the film. The management responded by immediately screening another copy of *Deep Throat*. In retaliation, San Jose Police cited the theater every day for the next twenty days.¹³²

¹³⁰ Gladys H. Murphy, City Clerk, Official Minutes of the Oakland City Council, September 2, 1971, box 671, folder “Miranda, V.et v. Keithley et al Oakland S.C. No, 415732 (Miranda), *SFP*.

¹³¹ Censorship and obscenity had been a topic of debate in high art circles since the 1950s, but *Deep Throat*’s commercial accessibility sparked a national discourse. See Richard Candida-Smith, *Utopia and Dissent*; Whitney Strub, *Perversion for Profit: The Politics of Pornography and the New Right* (New York: 2010).

¹³² Sgt. Don Mills to Royce Fincher, “CITY OF SAN JOSE—MEMORANDUM,” June 26, 1974, box 65, folder “PUSSYCAT THEATRE, et al.v. BERGNA, USDC ND CALIF.CIV.ACTION NO. A-74 (MIRANDA) LEGAL FILE #2,” *SFP*.

On July 5, 1973 the arrests of Pussycat employees began. Dep. D.A. Wolf accompanied Sgt. Hernandez and Mills to the Pussycat II. The three served Paula Miranda, the 39-year old district manager, a preliminary injunction. Jim Thorne, an attorney filling in for the chain's regular law firm, told Paula Miranda to remove *Deep Throat* and replace it with *American Sexual Revolution* (1971) and *Sexual Liberty Now* (1971) – two films that carried a certain amount of symbolic meaning considering the circumstances. After doing so, Thorne asked Wolf, Hernandez, and Mills to “either leave or pay admission because the entrance they had been granted was for the purpose of serving the civil order which had now been completed.” The three men refused to leave. Thorne warned, “That there might be both civil and criminal liability on their part for trespassing.” Thorne reiterated that they must either leave or pay for admission. Again, they refused to leave. “We are staying,” Deputy D.A. Wolf stated. The three watched the new films that had replaced *Deep Throat* and then called a judge to inform him of the films' obscene subject matter. After the phone call, the party ordered theater employees to remove the new films. When Paula Miranda and Bacon refused, the officers arrested the two for “Contempt of Court” and seized the films as evidence. At the women's detention center, officers made Paula Miranda “undergo a strip search which even included the forced removal of her false eyelashes.”¹³³

A day later, Sgt. Hernandez and Mills found Jimmie Johnson, Pussycat Theater Inc.'s Vice President, at the Pussycat II. Don Haley, Pussycat's publicist, arranged for a local television crew to document the police raid and subsequent arrest. Again, officers viewed *American Sexual Revolution* and *Sexual Liberty Now* and then proceeded to arrest Johnson for screening different copies of the same films they had seized the previous day. Police booked Johnson on contempt of court charges and took the films.¹³⁴

Sgt. Mills must have taken great pleasure as he flew from San Jose to Los Angeles on July 11, 1973. Mills reported to the city's legal advisor that he “personally served” the theater chain's president, Vince Miranda, with the court-ordered injunction. Like in the movies, Mills had seemingly “taken down” Miranda, disrupting each part of his operation: he seized the theater owner's obscene films, arrested his employees, and now delivered paperwork that prevented Miranda from screening any more hard-core films at the Pussycat II in San Jose. The policing of the hard-core theaters had taken on tones of a personal vendetta. San Jose police wanted to break the obstinate Miranda and his team of publicists and lawyers.¹³⁵

Meanwhile in Buena Park, California, police practiced a similar set of tactics like those implemented in San Jose. Anticipating that *Deep Throat* would screen at the Pussycat Buena

¹³³ SFR to SF, “Inter Office Memorandum Re: Paula Miranda- San Jose,” October 11, 1973, box 589, folder “Miranda, Paula, et al. adv. Peo. L.A.M.C. San Jose Jud. Dist. No. 44674 (Miranda),” *SFP*; Sgt. Don Mills to Royce Fincher, “CITY OF SAN JOSE—MEMORANDUM,”; n.a, PUSSYCAT THEATER, INC., V. BERGNA, COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND DAMAGES, May 14, 1974, box 65, folder “PUSSYCAT THEATRE, et al V. BERGNA, et. al. USDC ND CALIF.CIV.ACTION NO. A-74 (MIRANDA) LEGAL FILE, *SFP*.”

¹³⁴ Sgt. Don Mills to Royce Fincher, “CITY OF SAN JOSE—MEMORANDUM”; Officer Sgt. L. Hernandez and Off. Don Mills, “CONTEMPT OF COURT ORDER 7-6-73,” box 66, folder “PUSSYCAT THEATER, INC., ET AL. ads Peo. CORRESPONDENCE (MIRANDA) SUP. CT. SAN JOSE, NO. 290247,” *SFP*.

¹³⁵ Sgt. Don Mills to Royce Fincher, “CITY OF SAN JOSE—MEMORANDUM.”

Park, police drove to the Hollywood Pussycat to catch a screening of *Deep Throat*. They returned to Buena Park, filled out an affidavit in advance, prepared a search warrant, and arranged for a local judge to see the film. When *Deep Throat* began screening at the Pussycat Buena Park, a viewing party consisting of the Deputy District Attorney, vice officers, and a judge attended the show. Forty-five minutes into the screening of *Deep Throat*, the party left their seats and gathered on the sidewalk outside the theater where the judge signed the warrants. Officers seized the print of *Deep Throat* and all the money in the cash register. A few hours later, the theater's manager obtained another copy of *Deep Throat*. Officers watched the film again, obtained another search warrant, and seized this copy too. Miranda stubbornly sent over a third copy of *Deep Throat*. This time, authorities brought a locksmith with them to the theater — they planned to take all the money in the theater's safe. The chain's publicist snapped photographs of the raid but “the vice officer with a mustache and enormous beer belly blocked the view and told me to ‘get out of here.’” Police would raid the Pussycat Buena Park every day for another week.¹³⁶

In the end, Buena Park police had confiscated seven copies of *Deep Throat*, three copies of *The Devil in Miss Jones* (1973), the pornographic film written and directed by Gerard Damiano that was loosely based on Sartre's *No Exit*, and \$4,082.33, forcing the theater to briefly close. “I signed close to two hundred passes and over a hundred ticket stubs for angry, disappointed patrons,” Jim Lytell, the theater manager, complained after the November 23, 1973 raid. “Many demanded their money back; they were told that since the police had all the money that it was they who would have to approve refunds.” Jimmie Johnson suggested that the raids cost the theater at least half a million dollars because during a similar span of time 119, 316 people at five dollars a head had gone to see the same double bill at the Pussycat Buena Park.¹³⁷

These two police actions showed the great lengths police went to repress and provoke the public's interest in hard-core films. The competing actions highlighted how the state created the very conditions it professed to prevent. First, policing only attracted more attention and customers. Owners like Miranda vowed to remain in business because they refused to be cowed by police. They had, after all, spent a large sum of money purchasing the theaters and even more money defending them in court. Second, by defining what was obscene, the police produced more opportunities to exercise its power. The state's policing of the obscene allowed officers to seize the disgusting films at will, while making exhibitors into criminals and moviegoers into perverts. The state was in the business of defining obscenity, creating subjects to be policed, individuals to be labeled and defined.

But what exactly did police officers “see” when they watched hard-core films like *Deep Throat*? What did policemen look for in order to determine if a particular film was obscene? What do their writings tell us about the officers themselves?

Policing and Participating

¹³⁶ Ibid.,

¹³⁷ Jim Lytell, statement, November 26, 1973, box 625, folder “Miranda, Vincent v. Hicks, et al UCDC CD Calif.CIV.No. 73-2775-LTL (Miranda) Evidentary,” *SFP*; Jimmie Johnson, “Declaration of Jim Johnson,” July 14, 1975, *People of the State of California v. Vincent Miranda, dba Pussycat Theatre, Walnut Properties*,” box 588, folder “Miranda, Vincent etc et al adv. Peo M.C. Harbor Jud. Dist. No. (Miranda) Re: Motion to Quash OSC,” *SFP*.

Policemen were some of the first people to seriously watch and write about hard-core films. Their affidavits sought to graphically detail how pornographic films violated obscenity statutes. In outlining the mechanics of obscenity, policemen seemed to inadvertently take up a dual viewing position. On the one hand, they sought to think like and in some cases actually pretended to be patrons who wanted to be turned on by sexually explicit films. On the other hand, these policemen tried to maintain their professional personas as enforcers of the law. This process of vacillating between the “pervert” and the “policeman” produced writing that shed light onto the experiences of both.

Detective Robert Gatewood was the type of cop who used a hammer to smash open an office door in Miranda’s theater because the employees could not find the key. The detective once threatened a female cashier with jail because she had called a newspaper to report police harassment. The same employee told the theater’s lawyer that when she asked for the identifications of two men accompanying Gatewood on a raid, Gatewood briskly said, “I didn’t need to know them.”¹³⁸

In light of Gatewood’s disregard for social graces and private property, it is difficult to imagine the detective sitting down in one of Miranda’s theaters, watching a hard core film, and then filling out an affidavit that details the sexual acts he found most obscene. But this is exactly what Gatewood had to do in order to provide evidence to a judge who then had the authority to issue a search warrant. Out of all the sexual acts portrayed in *Deep Throat*, Gatewood fixated on images of male ejaculation. In one of *Deep Throat*’s first scenes, the detective writes that an actor “ejaculates” into the mouth of an actress. Gatewood notes in the next scene he can see “male ejaculation” in a “female’s mouth.” The last number that Gatewood describes in his affidavit included the fact that the film “culminates” with an actor “ejaculating” in an actress’s mouth and “her rubbing the semen about her face.” The detective’s singular focus on male ejaculation was not limited to this one affidavit; Gatewood’s description of *The Devil in Miss Jones* also conveyed an obsession with cum shots.¹³⁹

The detective’s compulsion to write about the ejaculating penis appears to come from the bifurcated experience of having to act like a police officer while being affected by *Deep Throat* like any other moviegoer. Gatewood, in his role as a police officer, fixated on male ejaculation because he found it obscene. If it disgusted him then it would disgust a judge who had the power to issue a search warrant. How could any civil authority not find men ejaculating on women’s faces degrading? At the same time, like any good detective, Gatewood placed himself in the shoes of the criminals he sought to catch. To this end, Gatewood probably realized, by its sheer representation, that filmmakers believed that moviegoers would find male ejaculation sexually erotic. The fixation on cum shots in Gatewood’s affidavits suggested that he, while identifying with movie patrons, however briefly, could have felt that same sexual eroticism too, which

¹³⁸ Suzanne M. Kerst, hand written note, June 24, 1975, box 588, folder “Miranda, Vincent etc et al adv. Peo M.C. Harbor Jud. Dist. No. (Miranda) Re: Motion to Quash OSC, Miranda Ent.-Miranda, Vincent Paul – Deep Throat,” *SFP*; cashier, letter, June 27, 1975, box 588, folder Miranda, Vincent etc et al adv. Peo M.C. Harbor Jud. Dist. No. (Miranda) Re: Motion to Quash OSC, Miranda Ent.- Miranda, Vincent Paul – Deep Throat, *SFP*

¹³⁹ Robert Monroe Gatewood, “Affidavit in Support of Search Warrant,” June 27, 1975, box 588, folder “Search Warrant re: “Deep Throat” Harbor M.C. (Peo V. Miranda et al),” *SFP*; n.a., search warrant, box 588 folder “Search Warrant re “Devil in Miss Jones” Harbor M.C. (People V. Miranda, et al),” *SFP*.

caused him to loathe *Deep Throat* even more. The detective's task of having to figure out what made a film obscene as well as sexually exciting forced him to feel both revulsion and titillation. The mixture of abhorrence and attraction was captured in a seemingly innocuous quote that Gatewood made to a newspaper about a Pussycat theatre, "I'm going to keep viewing their films and if I think they're obscene, I'll keep confiscating them."¹⁴⁰

The affidavit outlining *All About Sex of All Nations* (1971), filed on June 1, 1973 by Long Beach policemen, revealed two things: an intense interest in phallic objects and a discomfort with female anatomy that seemed to border on a phobia. The officers, for example, stressed that in one of the early scenes of the film a woman licks an "approx. eight inch candle" and then places it into her "vignia [sic]." Another actress does the same with a dildo, "stroking the dildo in and [sic] in and out motion, moaning, and having what appears to be pleasure on her face." Even when the phallic object took on a more abstract form, the policemen still obsessed over it. They highlighted a scene where a woman is "sitting in a bathtub guiding warm water from the spout with her hand, causing the water to hit the viginal [sic] area of her body resulting in masterbation [sic]." It is perplexing that the officers comfortably write about the phallic objects – the candle, dildo, and stream of water – but they literally have trouble spelling any time they discuss women's genitalia. These misspellings can be attributed to unfamiliarity with the medical terms for women's anatomy, but the glaring mistakes also lend themselves to a Freudian reading about the officers' unconscious fears.¹⁴¹

A Freudian would probably suggest that the officers feared sexual difference between men and women. The sight of female genitalia, specifically because of its difference from the officers' own genitalia, caused an unconscious fear of castration that expressed itself in misspelled words. This fear was mitigated by phallic objects that penetrated the women's vaginas, which took the place of their missing phalluses. The prostheses, in a very real sense, allowed the officers to deal with the problem of the female body and the emotions it stirred by making the female body like their own. The officers' overwhelming desire, in other words, to see male genitals when looking at female genitals caused them to fetishize the phallic objects in the film. The fetish manifested itself in the easy, yet obsessive way they wrote about the candle, dildo, and the stream of water, while stumbling over words like vagina, vaginal, and masturbation. These officers were disgusted by and secretly fascinated with what they saw on screen, and they performed great feats of psychological acrobatics to reconcile the two contradictory feelings.

Some officers' prejudices were easily identifiable – they hated anything outside their own "normal" sexual frame of reference. Officer Ronald Good of the Anaheim Police Department understood how films worked and what they could do. From the very beginning of his affidavit, Good wanted the judge to understand that the filmmaker used "closeup [sic] shots and constant repetition" to make *Sexual Liberty Now* "very graphic." The content of the film was obscene because it showed "sexual intercourse between men and women in various groups with various racial backgrounds," "a man dressed as a gorilla" having sex with a woman, and a number where "Snow White is depicted having intercourse and oral copulation with the Seven Dwarfs." Good

¹⁴⁰ n.a., "Flicks Seized, Porno Theater Raided Again," June 13, 1975, *Laguna Beach Daily Pilot*, box 588, folder "Miranda, Vincent etc et al adv. Peo M.C. Harbor Jud. Dist. No. (Miranda) Re: Motion to Quash OSC," *SFP*.

¹⁴¹ F.J. Bloh and J.W. Gladd, "Long Beach Police Report," April 7, 1973, box 588, folder "Miranda Enterprises, Inc. et al Long Beach M.C. No. 110274 adv. Peo (Miranda)," *SFP*.

knew that the filmmaker used form – specific camera and editing techniques – as well as content that transgressed racial, sexual, and social taboos to make the film both obscene and erotic.¹⁴²

Policemen like Good were the arbiters of morality and decency but they also were participants trying to figure out what made a film “dirty.” Although Good could have defined any sexual explicit act as obscene, he ended up focusing on “abnormal” sex acts. Interracial sex, bestiality, and sexual parody had no place in Disney’s hometown.¹⁴³

A most interesting story of policing and participation involved Los Angeles Deputy Sheriff J. Ellison. On June 17, 1974, Ellison went undercover at the Paris Theatre, a 16mm gay movie house on Santa Monica Blvd. in Los Angeles. Ellison entered the establishment and asked the manager if the films were “any good.” The manager said, “Yes they show everything, nothing is fake.” After successfully incriminating the employee, Ellison bought a ticket to the gay hard-core program. The intriguing part of Ellison’s story was not only the broad range of gay male acts and themes he recorded in vivid detail, but also the peculiar situation he found himself in.¹⁴⁴

Much like other officers, Ellison’s affidavit highlighted sexual acts he found perverse, such as fisting, the licking of ejaculate and anilingus. The first short, *Bon Voyage*, featured three men “engaged in various acts of oral copulation, sodomy, masturbation and ejaculation.” The second film, *Shoe Shine*, depicted “5-6 males in leather straps and boots” urinating on a man who “masturbates himself.” One of the men puts “lubricant on his right hand and wrist” and inserts it “up a male Caucasian’s rectum.” In another scene, a man licks his own ejaculate off another man’s boots. The third film features a gangbang where Jesus Christ sodomizes a priest. The fourth film shows a man “licking the anal area” of a “muscleman” while masturbating. Ellison’s affidavit pointed out the numerous ways the program at the Paris Theatre was obscene. His undercover work secured the arrest of both the theater owner and the manager.¹⁴⁵

It is fascinating to imagine Ellison going undercover - picture a presumably straight cop pretending to be a gay man who wanted to watch gay hard-core pornographic films with other gay men in a gay movie theater. Remember Ellison’s performance was convincing enough that the manager incriminated himself when he promised his films “showed everything, nothing is fake.” Ellison blurred the line between policing and participating during his masquerade. The effects of vacillating back and forth between the two identities must have produced feelings of disgust as well as intrigue. It is even tempting to go as far as to suggest that Ellison’s performance as a movie patron engendered sexual arousal. The situations Ellison found himself in clearly lent themselves to feelings about sex that many Americans did not have to confront on a regular basis.

As participants and policemen, officers expressed a disgust for and fascination with male genitalia and ejaculation over and over again. Some officers found interracial sex and bestiality

¹⁴² Ronald Good, “Affidavit in Support of Search Warrant,” January 4, 1974, box 65, folder “Pussycat Theatre Buena Park Re: Return of Seized Cash (Miranda),” *SFP*.

¹⁴³ *Ibid*.

¹⁴⁴ J. Ellison, “County of Los Angeles-Sheriff’s Department-Supplementary Report,” June 17, 1974, box 625, folder “LOVELESS, David Tweedy adv. Peo. Bev. Hills M.C. No. M-40547 (Continental),” *SFP*.

¹⁴⁵ J. Ellison, “County of Los Angeles-Sheriff’s Department-Supplementary Report”; n.a., “LAM,” interoffice memo, January 1, 1975,), box 625, folder “LOVELESS, David Tweedy adv. Peo. Bev. Hills M.C. No. M-40547 (Continental),” *SFP*.

obscene. Others, like Deputy J. Ellison, placed themselves in homoerotic spaces where thoughts about sex and sexuality probably crossed their mind. In the end, the officers shared in common a unique work environment where they could explore questions of desire under the pretense of police work. Their affidavits are filled with sexual obsessions, prejudices, and proclivities that attest to this exploration.

Surveillance and the Making of Sexual Criminals

In the midst of screening hard core films, policemen conducted surveillance on moviegoers. They witnessed a significant percentage of the theater's male clientele using hard core as a masturbatory aide. This sex act, though, was hardly solitary. Moviegoers, in many cases, went to the theater to look and be looked at. Police officers, however, were the ones who sometimes stared back. The visual exchange between movie patrons and police would begin a process where patrons would become defined by the sexual acts they practiced.¹⁴⁶

Police tried a variety of techniques to catch patrons committing lewd acts. One Pussycat employee saw a Torrance vice officer "moving from one seat to another as many as 6 to 8 times in ½ hour period on numerous occasions." He kneeled and squatted behind the rows of seats, "peeking at a patron at least 6 rows" in front of him. When the employee asked him to sit down because his actions disturbed customers he said, "He'll do as he pleases...He's a vice officer & can come in when he pleases & move around as much as he wants." The employee added that the officer had "pulled people out of the theatre, questioned them + [sic] told them not to come back."¹⁴⁷

Jimmie Johnson, Pussycat Theater's VP, witnessed a similar pattern of behavior from a police officer. Johnson watched a cop "Standing in the Lobby, Following men into the restrooms, and Standing [sic] in the back of the theatre." Johnson asked if he could show the officer a seat. With a "cocky attitude" the officer told Johnson, "Look I'm Vice and I'm conducting an investigation and if I continued my efforts in trying to get him to sit down that I would be obstructing justice + he would have Me [sic] arrested."¹⁴⁸

Policemen favored intimidation when surveillance failed to stop customers from patronizing the theaters. Theater employees counted that on at least seven different occasions within a two-month span, officers walked the isles of the Pussycat II, shining their flashlights in customers' faces. One officer sat in the theater for twenty-five minutes with his police radio turned to loud. He told an employee who tried to copy down his badge number to keep his distance or "he would be busted." Police even began arresting suspects in the theater's auditorium when the prior practice had been to conduct arrests outside. By the time Miranda's lawyer complained to the police's legal council, police officers were making rounds at the

¹⁴⁶ Thomas W. Laqueur, *Solitary Sex* (New York: 2003), 397-420. In Laqueur's chapter on the 1960s, he does an excellent job explaining how feminists and other countercultural figures viewed female masturbation as a radical act that could help abolish patriarchy. Laqueur fails, however, to describe the actual masturbatory practices of ordinary people.

¹⁴⁷ n.,a., letter, n.d., box 571, folder "Miranda, Vincent RE: Torrance License," *SFP*.

¹⁴⁸ Jimmie Johnson to Gentlemen, letter, n.d., box 571, folder "Miranda, Vincent RE: Torrance License," *SFP*.

theater four times a day. The police tactics were meant to make patrons feel that the state was watching, listening for, and arresting perverts.¹⁴⁹

Police witnessed a wide range of sexual acts in Miranda's movie theaters. Vice officer Joe Nunes, working undercover as a "hippie," caught an "unmarried couple" engaged in "mutual acts" of "indecent exposure." San Jose police, staked outside the Pussycat II, recognized a group of Latino transvestites loitering outside the theater. The officers explained to the theater's manager that the three men were "known transvestites" who had solicited Johns in the area. Instead of "ejecting them" the manager willfully "permitted them to enter the theatre." Sgt. Mills caught two middle-aged men masturbating in the back row of the same theater. Mills saw one suspect "stroking his exposed penis with his right hand and, with his left hand, was touching and lightly rubbing the leg of the WMA [white male adult]" to his left. The man to the left did not reciprocate the masturbator's advances, "nor did he expose himself, but continued massaging his groin area from the outside of his pants."¹⁵⁰

Many times police voyeurism encouraged the very behavior it sought to criminalize. Sgt. Hernandez sat in a nearly empty Pussycat theater on a Thursday afternoon when a 45-year-old white male chose to sit down beside him. Hernandez described what happened next, "After viewing the above movie for approximately two minutes, the above male began rubbing his crotch area with both hands. The U/O [undercover officer] looked at the above party and found the party was looking at the U/O, rubbing his crotch at the same time." Hernandez left the theater to tell Officer Mills, his partner, what had happened. Mills went into the auditorium and sat down in the seat that Hernandez had been occupying. The same customer "once again began rubbing his crotch area with both hands and looking at Off. Mills." Mills and Hernandez's body language had tacitly fostered some patrons' exhibitionist impulses.¹⁵¹

Public masturbation was the most common sex crime that police recorded. Detective James D. Santoro of Anaheim "personally observed a male, Caucasian patron seated in front of him to be masturbating his erect penis." Officer D. Bergtholdt saw a "subject" with his "pants unzipped, had his penis out w/an erection, masturbating w/his right hand. The subject's left hand had a jacket in it; however, the jacket was not hiding the act of masturbation." Policeman Donald Black witnessed a patron "holding his penis in a rather tight fashion." Black proceeded to watch "the suspect for approximately twenty to thirty seconds. Suspect appeared to be masturbating." The arrests that followed began a process of confession and police categorization.¹⁵²

¹⁴⁹ n.a., "Obscenity Laws Changes Asked," August 4, 1971, *Los Angeles Times*, n.p. ; Arthur Jackson to Mr. Miranda, letter, May 16, 1973, box 67, folder "PEOPLE V. PUSSYCAT THEATRE, INC., ET AL. RED LIGHT ABATEMENT CASE (MIRANDA) Sup. Ct. San Jose, No. 290747," *SFP*.

¹⁵⁰ Phil Watson, "'Deep Throat' Booms as Attorneys Battle," n.d., *San Jose Mercury News*, n.p.; "People of the State of California vs. Pussycat Theatre, Inc., etc., et al.," box 66, *SFP*; Investigating Officers Mills and Mazzone, "Offense Report: Indecent Exposure," October 11, 1972, box 67, folder "PEOPLE V. PUSSYCAT THEATRE, INC., ET AL. RED LGIHT ABATEMENT CASE (MIRANDA) Sup. Ct. San Jose, No. 290747," *SFP*.

¹⁵¹ Sgt. Luis Hernandez, "Supplementary Offense Report, July 5, 1973, box 66, folder "Pussycat Theater, Inc., et. al. ads Peo. Correspondence (Miranda) Sup. Ct. San Jose, No. 290247," *SFP*.

¹⁵² James D. Santoro, "Affidavit in Support of Search Warrant," box 54, folder "Pussycat Theatre Buena Park Re: Return of Seized Cash (Miranda), *SFP*; Investigating Officer Bergtholdt and Nunes, "Offense Report: Indecent Exposure, Case No. 73-48197" March 19, 1973, box 67, *SFP*;

As the consequences of their actions settled in, movie patrons felt the legally imprudent need to explain themselves. The suspect that Sgt. Mills arrested for stroking his penis while “lightly rubbing” another patron’s leg regretted what he had done. Mills wrote that the man confessed, “he was frustrated due to his lack of sexual life with his wife.” A movie patron that Bergtholdt arrested acknowledged his guilt too, but tried to reason, “It didn’t hurt anybody did it?” Meanwhile, Black’s suspect claimed, “You may have seen my dick, but I wasn’t jerking off.” Black noted in his report that, “At no time did the RO [reporting officer] attempt to elicit any comments from the suspect as to his guilt or innocence.” Moviegoers voluntarily confessed because in a strange way it felt liberating, even therapeutic to talk about something that they and society considered a crime.¹⁵³

One community college professor epitomized the need to confess. He could not stop himself from talking about the events that led to his arrest even though police informed him that it was in his best interest to remain silent. The desire was too great. The interviewing officer, Sgt. Frazier, appeared to be fascinated by the man’s confession, taking an unusual interest in the suspect’s unique sexual proclivities. Frazier wanted to draw out every titillating detail because the knowledge gained in the interview room allowed Frazier to legally define the professor as a sexual deviant. Conversely, the act of confessing or “speaking to power” gave the professor a chance to explain his inner self, his personhood.

On April 2, 1973, a pair of undercover officers trolled for illicit sexual activity at the Pussycat II in San Jose. Within five minutes of their investigation, one of the officers heard the sound of a belt unbuckling. The officer noticed a man, seated one row in front of him, “leaning rapidly back and forth” while his head was “bobbing up and down simultaneously.” The officer quietly stood up and leaned forward to get a better view. The officer saw the man “masturbating with one hand while attempting to cover his actions with the other.” The officer identified himself to the suspect, removed him from the theater, and placed him under arrest.¹⁵⁴

At the police department’s Vice Unit, Sgt. Frazier, the interviewing officer, noted that the suspect had been informed of his constitutional rights, but waived them because he wanted to “talk” about his arrest. The suspect related “a long series of problems, stemming from early childhood and the elementary grades, where masturbation was a common activity.” Frazier, however, did not bother to record the details of the man’s personal history because he was interested in something else. Frazier wanted the lurid details of the suspect’s sexual practices, so that he could use them to define the suspect.¹⁵⁵

Before continuing the interview, Frazier asked the suspect to turn out his pockets. The officer booked the following item into evidence: a yellow 3” x 4” douche bag wrapped in a paper towel, a white 4” plastic nozzle with “a pubic hair stuck to it,” a tube of medical grade lubricant, and a handkerchief. Frazier listed the man’s items at this point in the report to draw the reader in:

Donald J. Black, “Offense Report: Indecent Exposure,” November 7, 1972, box 67, folder “PEOPLE V. PUSSYCAT THEATRE, INC., ET AL. RED LIGHT ABATEMENT CASE (MIRANDA) Sup. Ct. San Jose, No. 290747,” *SFP*.

¹⁵³ Officer Sgt. Frazier, “INDECENT EXPOSURE CASE NO.: 73-57399,” April 2, 1973, box 67, folder “PEOPLE V. PUSSYCAT THEATRE, INC., ET AL. RED LIGHT ABATEMENT CASE (MIRANDA) Sup. Ct. San Jose, No. 290747,” *SFP*.

¹⁵⁴ *Ibid.*

¹⁵⁵ *Ibid.*

the lubricant and handkerchief needed no explanation, but why did the suspect have the other items in his possession?

The conversation turned to the suspect's belief that his "compelling desire to masturbate" came from his fetish for garter belts, which he had developed at an early age - this was the one detail the reader received about the suspect's motives. Sgt. Frazier only included the suspect's garter belt fetish because it helped explain what happened next. The garter belt talk led Frazier to ask if the suspect was wearing a garter belt now. The suspect said he was wearing one. The officer told the suspect to remove the garter belt for "evidential purposes as well as to avoid embarrassment" at the county jail. The suspect followed Frazier's orders, standing up from his chair and dropping his pants to the floor.¹⁵⁶

The officer described the strange scene before him. The suspect had the garter belt "attached to his person in a normal manner" but its back straps had been pulled forward and connected to a yellow douche bag that the suspect "tacked" over his penis. When Sgt. Frazier asked the purpose of the "paraphernalia," the suspect said, "the smooth consistency of the douche bag, when lubricated with the lubricating jelly, in conjunction with its elasticity and tightness, felt very much as a female vagina and that this was an aid to his masturbation." The douche bag also doubled as a "receptacle for his semen."¹⁵⁷

The suspect then undid the garter belt's straps and un-tacked the douche bag from his penis. Confusion befell Sgt. Frazier because the "paraphernalia" seemed to be still attached to the suspect — a tube running from the douche bag disappeared into the man's backside. The suspect told the officer that he had inserted the tube up his anus and asked to go to the men's restroom in order to remove it. The Sgt. refused his request. Sgt. Frazier told the suspect to remove the tube right then and there in the interview room. The suspect pleaded with Frazier, telling him that to remove the tube would be challenging because it was "inserted to some length." The Sgt. repeated his order. The suspect finally complied, taking "approximately 30 seconds and requiring a hand over hand motion pulling downward to extract the tube." The officer observed that the tube had "defecation clinging to it for approximately 2 feet of its length." Excrement covered the suspect's hands as well (Remember Sgt. Frazier originally had the suspect remove the garter belt because he wanted him to "avoid embarrassment" at the county jail. He had no problem, however, embarrassing him in the interrogation room). The suspect felt the need to explain the tube "there was some physiological connection between the sensitive area of the anus and the penis." The officer seized the rest of the man's possessions for evidence.¹⁵⁸

Sgt. Frazier humiliated this man and elicited a confession that allowed him to legally mark the man as a sexual criminal. The man took part in his own conviction and sentencing by confessing to his sexual crimes. He did so because he needed to throw off the sexual guilt that had weighed heavily on him. The suspect's troubles did not end with the legal ramifications of committing a lewd act. The San Jose Vice Unit sent one letter to the California Teacher Licensing Board and another letter to San Jose County Superintendent of the Schools, informing the organizations of the professor's activities. Police saw to it that the man lost his livelihood too.

A Private Peep Show

¹⁵⁶ Ibid.

¹⁵⁷ Ibid.

¹⁵⁸ Ibid.

Vincent Miranda never confessed to the police but he was subjected to a peep show similar to the one that the community college professor had starred in. During a business luncheon in San Diego, Miranda made the mistake of mixing eight to ten drinks with the Valium that his doctor had prescribed for work related “anxiety and nervous exhaustion.” When Miranda arrived at the San Diego airport to catch his return flight to Los Angeles, the ticket agent refused to board the heavily intoxicated Miranda. Jimmie Johnson tried to calm Miranda down but Miranda just became more agitated. At one point during the commotion, Johnson recalled Miranda yelling this ridiculous statement, “HE WAS GOING ON THE FLIGHT - HE WAS NOT DRUNK - HE WAS A PSA [Pacific Southwest Airlines] HONORARY FLIGHT CAPT. AND THAT HE FLYS [sic] PSA ALL THE TIME.” Airport police detained Miranda until San Diego police arrived to take him to jail. Miranda kicked the arresting officer in the legs because he felt like the officer had manhandled him. Miranda was most likely acting out because of all the trouble that the police raids had caused his business. The officer, wincing in pain, told Miranda that he was now going to add “assault” to the charges. “FUCK YOU... YOU SON OF A BITCH,” Miranda replied. “ARREST ME GODDAMN IT!”¹⁵⁹

At the holding facility, Miranda remembers a “young officer” punching and kicking him. Next, he recalled being stripped of his clothes and placed in a padded cell with a blanket. Police ridiculed him as he cried from the pain of a broken rib, swollen wrists, and an abrasion near his L1 lumbar. A number of policemen jeered for him to stand up because they wanted to see what he looked like naked. Miranda recalled hearing a voice say that he deserved to be beaten for striking a policeman. “YOU ARE NOT GETTING OUT - YOU’LL BE WITH US FOR A LONG TIME,” taunted one faceless officer. Another policeman even had the audacity to ask Miranda if he could have free passes to a Pussycat Theatre.¹⁶⁰

San Diego police sought to punish Miranda — that much is obvious. But Miranda’s beating and subsequent stripping had a deeper meaning: police tried to discipline Miranda by forcing him to star in his very own peep show. Uncannily imitating the sadomasochism they wrote about in their affidavits, police pummeled Miranda, robbed him of his clothes, and then taunted him. If it were a hard-core film, the police’s next step would have been to unbuckle their belts and engaged in a sexual number. Instead, they just stared in disgust and mild fascination at Miranda’s naked body through the opening in his cell much as the audience in the hard-core theater stared at the bodies on screen. Their actions reproduced the space of the hard-core theater almost perfectly. Everything was there: the gazing audience, the homoerotism, and the performer showing his wears. In the end, though, Miranda failed to follow the police’s script because he never gave up a sexual confession. The humiliating scene strengthened Miranda’s resolve to

¹⁵⁹ Jimmie Johnson, “Statement of Events, n.d., box 588, folder “Miranda, Vincent adv. Peo. San Diego M.C. No. M-129189 (Miranda),” *SFP*; S. Washington, “San Diego Police Department Crime Report, May 7, 1973,” box 588, folder “Miranda, Vincent adv. Peo. San Diego M.C. No. M-129189 (Miranda),” *SFP*.

¹⁶⁰ n.a., “Mr. Miranda Statements to Me,” n.d., box 588, folder “Miranda, Vincent adv. Peo. San Diego M.C. No. M-129189 (Miranda),” *SFP*; William Zack, doctor’s statement, n.d., box 588, folder “Miranda, Vincent adv. Peo. San Diego M.C. No. M-129189 (Miranda),” *SFP*.

continue screening hard-core films. Thus, this form of police discipline ensured that movie patrons and police officers had a place to watch hard core for years to come.¹⁶¹

Conclusion

Police were patrons. They stood in a unique position to both patrol and participate at the hard-core movies. Officers throughout California witnessed sex onscreen and in the theater seats, while projecting their own anxieties onto the pornographic films – anxieties that spoke, among many things, to an uneasiness with the female body and possible forms of latent homosexuality. Police wrote affidavits that helped define hard-core films as obscene and they conducted surveillance in the theaters. These actions literally turned owners, employees, and to a greater extent moviegoers into sexual criminals. The officers' time in the theaters affected them too, though. Police experienced a wide range of sexual feelings that manifested in the things they said, the things they wrote, and their treatment of suspects.

But there was another figure whose story must be told – the lawyer who defended the theater. The next chapter turns to the story of Stanley Fleishman, the Pussycat Theaters' in-house lawyer. Fleishman was probably the greatest obscenity lawyer of his generation. The drama of his courthouse appearances (he was severely handicapped because of childhood polio), the eloquent legal arguments he made, and the prosecutors he battled shows how the courts dealt with pornographic film in the 1960s and 1970s. More broadly, Fleishman's story stands as a metaphor for the collision between cultural liberalism and Richard Nixon's "law and order" politics.

¹⁶¹ Joyce Haber's "Movies Spotlight Sexual Deviates," April 16, 1968, *Los Angeles Times*; Josh Sides, in *Erotic City: Sexual Revolutions and the Making of Modern San Francisco* (Oxford: 2009).

Chapter 5: Unorthodox Causes and Comrades

In 1982, Lee Grant, a reporter for the *Los Angeles Times*, drove to the Sunset Boulevard offices of the Pussycat Theatres to interview Vincent Miranda, the entrepreneur who not only brought *Deep Throat* (1972) to California audiences, but also had willfully screened the film nonstop for the past ten years in the Southland. Grant used the material possessions that Miranda surrounded himself with as a way to convey to his readers the theater magnet's personality. For example, Grant noted Miranda's tan-colored Rolls Royce, which had vanity plates that read "MLUVSIT" (Me loves it), in order to suggest that the Pussycat Theatre chain had generated a great deal of wealth for Miranda, wealth that he ostentatiously displayed. While the luxury car sitting outside was Miranda's way of flaunting his money, Grant described the objects inside Miranda's office as representations of how the mogul fashioned his civic work as a counterweight to the negative connotations associated with the pornographic theater business. Miranda decorated his office walls with "proclamations from the City of Los Angeles" that thanked him for his work with servicemen, awards from the Boy's Club, and a signed portrait of the Los Angeles Mayor that read, "To Vince, with appreciation, Tom Bradley." Grant, in short, presented Miranda as a flamboyant, yet calculating sexual entrepreneur who used his wealth to buy influence and respectability.¹⁶²

To really understand Miranda, however, Grant should have spent more time teasing out the symbolism behind one object in particular. The telltale object in Miranda's office – the object that explained who he was and what had driven him to pigheadedly screen *Deep Throat* for the past ten years – was a simple nameplate, which sat on Miranda's desk. The nameplate was etched with the following title: "Defendant Vincent Miranda." Above and beyond anything else, Miranda publically identified as a "Defendant" – someone who had stood up in court and beaten vice officers, conservative prosecutors, and hostile judges working in consort to close down his Pussycat Theatre chain. Miranda's numerous encounters with the state's legal apparatus pushed him to screen *Deep Throat* out of pure spite long after the film had been profitable. In a similar spirit, Miranda placed a nameplate on his desk to remind himself as well as his visitors that he publically embraced the role of a "Defendant" – a defendant who refused to be cowed by the authorities.¹⁶³

Perhaps if Grant had grasped the significance of Miranda's nameplate then he would have tracked down Stanley Fleishman. Between the late 1950s and early 1980s, Fleishman, a brilliant tripelgic (paralysis of three limbs) lawyer, represented Vincent Miranda and countless other sex entrepreneurs in their legal battles with the state. Fleishman and his firm fought off cities that used zoning ordinances to ban hard-core theaters; negotiated with district attorneys to stop police harassment; filed lawsuits to force the return of seized property; bailed out theater employees swept up in police raids; and clashed with social conservatives who wanted to stop the display of sexually explicit films. The firm's collective efforts on behalf of sexual entrepreneurs helped provide the nascent sex film industry a legal foothold in 1960s and 1970s America.

This chapter details how Fleishman arrived at this particularly litigious moment in the history of hard core. It does so by examining Fleishman's background, formative court cases,

¹⁶² Lee Grant, "'Deep Throat': No Time Off For X-Rated Behavior," November 20, 1981, *Los Angeles Times*, 4.

¹⁶³ Ibid.

and the historical forces that shaped the lawyer's legal thinking. Taking a longer view of Fleishman's history answers significant questions that remained undecided when centering only on the lawyer's work with the 1970s hard-core film industry. What were Fleishman's personal motivations for becoming an expert in obscenity law? How did the political and social environments in 1950s and 1960s America influence his legal work in the 1970s? What were the origins of Fleishman's beliefs regarding obscenity and the law? In other words, the story of Fleishman the overprotected cripple who lost his virginity to a prostitute; the story of Fleishman the idealistic young lawyer who defended communists during the Red Scare; and the story of Fleishman's friendship with Sanford Aday needs to be told because they map out how Fleishman became a constitutional litigator and renowned sex film industry lawyer. Fleishman's personal struggles with illness combined with what he saw as decades of state repression helped him make common cause with the culturally marginalized. From a legal point of view, he characterized industry participants (who the state considered criminals) as sexual entrepreneurs who tried to make an honest living from products that were perhaps distasteful, but still perfectly legal.

Fleishman's story also has larger implication for the study of American history. Fleishman belonged to a generation of left activists who were too young to participate in the New Deal, but too old to be active in the New Left. Their political coming of age was shaped by one definitive historical event: McCarthyism. While these activists never subscribed to Communism, they strongly disagreed with the how the government conducted itself during the Red Scare of the 1950s. They reminded the state that Americans possessed constitutionally protected rights which were being abridged. Activists like Fleishman could best be described as "principled liberals" – the intellectual forebears of an earlier liberalism that held sacrosanct individual rights above all else, especially in the midst of state repression and attacks from social conservatives.

Principled liberals' engagement in American public life helps reframe the classic question of why there is no socialism America? Instead of investigating the absence of socialism, Fleishman's story suggests that the American left took many different forms that are all but impossible to see at the level of party politics. The American left that Fleishman embodied defended individual rights rather than advancing a revolution of the proletariat. Fleishman did not want to overthrow American capitalism and liberal democracy. On the contrary, he wanted to make sure that everyone – including sexual entrepreneurs – had access to the country's economic and political systems. Stanley Fleishman and many other principled liberals, in a very real sense, were *the* American left for the greater part of the twentieth century.¹⁶⁴

Last, Fleishman's story addresses one of the animating questions in the history of sexuality: how was the dominant regime of heterosexuality constructed over time? Mainstream hard core, at least visually, helped foster the regime heterosexuality by fetishizing the money shot, the genre's symbol for male pleasure and power. In everyday life, hard-core film helped fabricate heterosexuality by tailoring male masturbatory desires to a finite set of "straight" sexual acts. Stanley Fleishman's legal expertise moved this cultural product that fostered heterosexuality from the illicit to the licit. Ironically, his constitutional expertise never would

¹⁶⁴ For more on the American left see Louis Hartz, *The Liberal Tradition in America* (New York: 1991 [second edition]) Michael Denning, *The Cultural Front* (London: 1997) ; Daniel Hurewitz, *Bohemian Los Angeles* (Berkeley: 2007); Bob Blauner, *Resisting McCarthyism: To Sign or Not to Sign, California's Loyalty Oath Crisis* (Sanford: 2009), Zachary Ramirez, Ph.D., (Berkeley: 2013)

have developed without the state's persecution of Communists and then sexual entrepreneurs. Thus, the state both repressed *and* created the conditions that helped lead to demise of the very sexual regime it sought so desperately to perpetuate.¹⁶⁵

The Curious Case of Stanley Fleishman

In 1920, at the dawn of the Jazz Age, Mr. and Mrs. Fleishman, a Russian-Jewish couple, living in the Lower East Side of Manhattan, gave birth to a healthy baby boy. The Fleishmans must have been overjoyed as they showed off their newborn to their fellow immigrant neighbors and friends. Perhaps Mr. Fleishman, a printer by trade, took an extra day off from work to spend time with his growing family. Before baby Stanley's first birthday, though, polio had robbed his parents of ever seeing their boy learn how to walk, much less dance to the beats of Duke Ellington or Benny Goodman, without the use of elbow crutches. The virus attacked young Stanley's motor neuron cells, forever limiting the boy's mobility, stunting his growth, and badly mangling his left hand. The disease had left baby Stanley severely disabled. As Stanley came of age, though, he tried his best to prevent the disease from dictating his life, but his disfigurement and its psychological effects had a profound affect on him. Luckily for sexual entrepreneurs, Stanley's physical and emotional struggles with polio drew him toward unorthodox causes and comrades.¹⁶⁶

According to Gay Talease's *Thy Neighbor's Wife* (1981), Stanley's mother loved her son deeply, but her coddling had the unintentional consequences of making him feel like an outcast. Until the age of five, she placed Stanley in a baby carriage and took him everywhere she went. Her overprotectiveness affected the entire household. When it came time for Stanley to attend school, for example, his mother moved her family to Queens, so Stanley could enroll in an institute for crippled children. She believed that the presence of other crippled children would make Stanley feel normal. In a sense, she was both right and wrong. For the next nine years, Stanley happily lived and studied at the institute. He saw himself as regular kid. Mrs. Fleishman's good intentions backed fired when it came time for him to enrolled at the public high school. As a freshman, for the first time in Stanley's life, he became painfully aware of his disability. He remembered how he could not help but notice all the young healthy students – especially the pretty girls – walking, unencumbered, down the halls of the high school. Stanley's sense of himself as different reminded with him throughout his adolescence and in many ways he unknowingly held his overprotective mother responsible.¹⁶⁷

Upon graduation, Fleishman attended the University of Georgia at Athens for two different reasons. First, his sister's boyfriend convinced him that the physical distance from his mother would help him grow as a person. At the university, Fleishman finally understood how much he had relied on others, especially his mother, to help him with everyday tasks. It took hours for him to do simple things like unpack his belongings, negotiate stairs without railings, and stay surefooted on the slippery tiles of the men's shower. In a short time, though, he became self-sufficient, made friends, and flourished at the University of Georgia. The growth he

¹⁶⁵ Williams, *Hard Core*, 93-119.

¹⁶⁶ Jonathan L. Kirsch, "Obscenity and the First Amendment: An Interview with Stanley Fleishman," December 1991, *Los Angeles Lawyer*, n.p.

¹⁶⁷ A great deal of what we know about Stanley's early life is described in Gay Talease, *Thy Neighbor's Wife* (New York: 1980), 420-446.

experienced from his lesson in self-reliance would begin to temper his personal philosophy about the relationship between personal freedom and the state.¹⁶⁸

While overcoming physical challenges marked Fleishman's initial experience at college, emotional loneliness and sexual frustration were also problems he had to figure out on his own. In his freshman year, he lost his virginity at Effie's, the local whorehouse in Athens. Gay Talese writes that the sex brought Fleishman "wondrous satisfaction" and it emboldened him to ask co-eds out on dates. The dates never led to sex because it was difficult for the young women to imagine that a cripple had sexual desires. "I didn't have a very rich sex life as I was growing up. So I benefited enormously from exposure to X-rated movies and sexually explicit books. That's why I am a good lawyer in obscenity cases. I've enjoyed the material that my work required me to review," Fleishman recalled years later. His loneliness, consumption of sexual materials, and subsequent trips to the brothel made him understand very early on that there was a need in society for people who provided a sexual service or a sexual product in exchange for money. This simple understanding would give him a great deal of compassion toward people the state accused of trafficking in the obscene.¹⁶⁹

The second compelling reason he chose to attend the University of Georgia at Athen was because of its proximity to Franklin Delano Roosevelt's famous retreat at Warm Springs, Georgia. He, like so many others in this period, idolized FDR because the President spoke on behalf of ordinary Americans who through no fault of their own found themselves jobless and hungry. FDR understood that catastrophic events had the ability to immeasurably shape people's lives for the worst (just as polio ravaged FDR's body, millions of Americans could do nothing while the Great Depression wreaked havoc on their economic lives). The President, unlike any of his predecessors in the White House, deployed the federal government to provide a sense of security during a time of great economic insecurity. He was cripple, like Fleishman, who was attuned to the suffering of marginalized Americans. Fleishman had dreamt that by he attending the University of Georgia, he could regularly visit FDR's retreat in Warm Springs. Perhaps he fantasized about talking politics with FDR late into the night, while they soaked their polio-riddled bodies in the rejuvenating hot springs of the Little White House.¹⁷⁰

Fleishman more than likely admired FDR because he modeled a way of beating polio - carry on as if you did not even have the disease. FDR had done such a good job at acting "normal" that a large segment of the American public did not know of his disability. Imitating his hero, Stanley carried himself like an able-bodied person. Stanley's decision to be "normal" became so internalized that he admitted to a reporter years later, "I had truly denied to myself that I was disabled... It was very difficult to cross back and acknowledge that I was and am disabled." This discord between acting "normal," but having people treat him as a cripple (at home and in school), would draw him toward clients that American society traditionally

¹⁶⁸ Talese, *Thy Neighbor's Wife*, 423

¹⁶⁹ Talese, *Thy Neighbor's Wife*, 424; For more on sexuality and the disabled see Nancy Mairs, "Sex and the Gimp Girl," *River Teeth: A Journal of Nonfiction Narrative*, Volume 10, Number 1-2, Fall 2008/Spring 2009, 3-10; Al Goldstein, video, "Attorney for the Worst: Talk of Torts and Tarts with Stanley Fleishman," *Screw* (May 14, 1990), *Stanley Fleishman Papers*, Oviatt Library, California State University, Northridge (*SFP- Oviatt*)

¹⁷⁰ Talese, *Thy Neighbor's Wife*, 422-423; for more on the New Deal and the ideal of "security" see David Kennedy, *Freedom From Fear: The American People in Depression and War, 1929-1945* (Oxford University Press, 1999), 365.

ostracized. Fleishman, this small crippled man, would become an unlikely champion of weirdos and outliers; communists and pornographers.¹⁷¹

Upon obtaining his undergraduate degree in 1941, Stanley returned to New York City to study law at Columbia University. Gay Talese writes that Stanley chose the profession because he imagined that his success would not be limited by his disability. It was an occupation that championed the mind over the body. The young law student did well in most of his courses, but excelled in what would become his specialty: constitutional law. In the first few years after Columbia, Stanley worked a few probate cases and labor disputes in New York City, but he did not have grand career plan. The harsh East Coast winters, however, had gotten too much for him to bear - that much he knew. Stanley remarked that he spent more time lying in the snow dodging taxicabs than walking upright on the sidewalks of New York City. Again, his disability would dramatically influence his life. In 1946, like the many World War II migrants seeking jobs out West, the young lawyer gathered all of his belongings and moved to sunny California. Stanley arrived in the midst of a man-made winter; a chilling Red Scare that led to the political repression of the left in Hollywood. This repression of the left did stop at the studio gates. Conservative forces used the power of the state to implement what one historian describes as “containment culture,” the suppression of “dangerous” cultural products (comic books, exploitation and horror films, erotic novels, pornography, etc.) in the name of protecting America’s most susceptible citizen (women, children, and minorities).¹⁷²

A Red Winter in Sunny California

In California, Stanley Fleishman developed a pattern of taking on difficult cases and then proceeding to lose them. The defeats shaped Fleishman’s young career. When the Red Scare cast a shadow over Los Angeles in the 1950s, Fleishman tried to stop the 1951 deportation of Harry Carlisle, a British novelist and known member of the Communist Party USA. Nat Honig, a former party member turned informant, identified Carlisle as the editor-in-chief of the *Western Worker* - the West Coast periodical of the Communist Party USA. At Carlisle’s deportation hearing, Fleishman questioned Honig until he admitted that he had been paid twenty-five dollars to testify in at least three other deportation hearings. The *Los Angeles Times* reported that Honig even conceded that his memory of the 1930s – the period that he claimed to have known Carlisle - was “hazy.” Despite Fleishman’s effort to characterize Honig as an economically motivated witness with a poor recollection of the past, the federal government still deported Carlisle. The Carlisle case showed Fleishman two things: the naked use of state repression to stamp out free speech, and what happened to individuals caught in the undertow of powerful historical currents. The young lawyer would see these unjust patterns repeated in his work with sexual entrepreneurs.¹⁷³

¹⁷¹ Elizabeth Cohen, *Making A New Deal: Industrial Workers in Chicago, 1919-1939* (Cambridge University Press, 1991); Kathleen F. Jackson, “Profile,” *SFP- Oviatt*.

¹⁷² Kirsch, “Obscenity and the First Amendment”; Talese, *Thy Neighbor’s Wife*, 424; for more on “containment culture” see Martin Haliwell, *American Culture in the 1950s* (Edinburgh University Press, 2007), 8-10.

¹⁷³ n.a., “Ex-Red Hits at Writer in Ouster Case,” *Los Angeles Times*, June 27, 1951, 2; Talese, *Thy Neighbor’s Wife*, 425

The Red Scare, first and foremost, sought to purge Communists and fellow travelers from the polity, but it also possessed a moral thrust that tried to root out sexual deviants as well as “contain” any threatening forms of discourse that might upset the delicate constitutions of women, adolescences, and minorities. Therefore, it is no surprise that in this hysteric and paternalistic environment the next significant case in Fleishman’s early legal career involved the state’s suppression of sexual materials.

In the 1950s, Dave Alberts owned one of America’s largest mail-order businesses that sold “a hodge-podge of books, nude photos, [and] films.” The U.S. Post Office deemed Alberts’ mailings obscene (Alberts’ catalogue contained a great deal of sexual material aimed at gay men as well) and subsequently closed down his business. Alberts’ cousin happened to be Fleishman’s roommate at the time. The roommate asked Fleishman to take on Albert’s case. Fleishman agreed. The young lawyer filed a series of due process motions, claiming that Alberts could not afford to travel to Washington D.C. to attend a mandatory hearing over his case. Fleishman’s legal maneuvers had bought Alberts enough time to settle his books. As Fleishman expected, he lost the case, but he immediately appealed the decision. Meanwhile, Dave Alberts profusely lauded Fleishman’s work to his colleagues, helping the young lawyer garner an as yet unearned reputation as an “expert” in obscenity law with the ability to hold off the federal government.¹⁷⁴

Fleishman’s skills as a constitutional litigator who specialized in obscenity cases really did develop when the United States Supreme Court chose *Alberts v. California* to be argued before the bench. Companioned with seminal *Roth v. United States* (1957) case, the Warren Court wanted to sort out the numerous and often contradictory court decisions generated by obscenity laws. Since Anthony Comstock’s censoring of the U.S. mail in 1870s, the Supreme Court had tacitly acknowledged that the First Amendment did not protect obscene materials. This stance, derived from the legal precedent set by the English case, *Hicklin V. Regina* (1868), held for the next seventy years. In the 1950s, as more and more defense lawyers appealed obscenity convictions, a problem emerged: state and federal courts throughout the country employed different criteria to determine if something was obscene. Frustrated over the confusion, judges asked the Supreme Court for guidance on how to adjudicate these cases. Enter the *Roth-Alberts* decision. Ruling in favor of the state, the Court affirmed that obscene materials were not a form of expression protected under the First Amendment. Second, the Court established the following three part obscenity test: “Whether, to the average person, applying contemporary community standards, the dominant theme of the material, taken as a whole, appeals to prurient interest.” The Supreme Court believed that the *Roth-Alberts* decision would address the lower courts’ befuddlement. The *Roth* decision/test, nonetheless, proved to be hopelessly vague because the Court failed to define what it meant by “average person,” “community standards,” and “prurient interest.” The high court’s decision, in fact, had the opposite effect, producing even more confusion in the lower courts and a flood of legal challenges from defense lawyers.¹⁷⁵

¹⁷⁴ Haliwell, *American Culture in the 1950s*, 8-10; David Johnson, *The Lavender Scare: The Cold War Precesution of Gays and Lesbians in the Federal Government* (University of Chicago, 2006); edited by Ralph Ginzburg, “Stanley Fleishman, Dean of the Anti-Censorship Lawyers,” n.d., *Eros, SFP - Oviatt*.

¹⁷⁵ For more on how obscenity law changed over time see Whit Strub, *Perversion for Profit: The Politics of Pornography and the Rise of the New Right*, (Columbia University Press, 2011), 52-79; William Brennan, Opinion of the Court, *Roth v. United States* (1957); Goldstein, video, “Attorney for the Worst: Talk of Torts and Tarts with Stanley Fleishman”; *Miller v. California*

Fleishman characterized his first experience in front on the Supreme Court as being “took through the wringer.” The Justices used him as proxy to stake out their position vis-à-vis the other Justices. He specifically believed that Justice Frankfurter’s hostility toward him was meant to underscore the Justice’s opposition to any decision that might protect sexually explicit materials. Justice Frankfurter had stacked out this position in earlier cases. Making matters worst, Roth’s defense lawyers sacrificed Dave Alberts on a cross of obscenity in order to save their own client. They argued that the various products Dave Alberts sold were obscene, but the First Amendment protected their client and his products. The upshot to the disastrous case was that Fleishman saw the experience as “great training,” and in the case’s aftermath sexual entrepreneurs in California actively sought out his legal services. Despite losing, he was one of the few jurists who devoted his entire practice to cases that pivoted on obscenity and the First Amendment.¹⁷⁶

The Red Scare had done much to silence the left in California but at the same time the litigious environment helped a young lawyer like Stanley Fleishman gain invaluable experience fighting conservative forces on difficult legal terrain. The Hollywood Red Scare and the Alberts case began his seasoning as a lawyer and exposed him to certain realities that he would have to become accustomed to as defense attorney for sexual entrepreneurs. One such reality was the state’s cultivation of an atmosphere of repression in order to eradicate political ideas and “contain” sexual materials from spreading to the polity. The Red Scare and Alberts case proved to him that the state could criminalize forms of speech (one explicitly political, the other explicitly sexual) that it found dangerous. History would repeat itself in 1960s and 1970s. Fleishman would react to what he believed was the state’s unconstitutional actions by identifying with his clients even more, which in turn helped him develop his ideas about obscenity and the law.¹⁷⁷

Obscenity from the Age of Affluence to the Dawn of Aquarius

Between the late 1950s and 1960s, Fleishman transformed from a green lawyer into an expert in obscenity law. Dave Alberts’ 1957 effusive lauding of his lawyers expertise proved to be prescient, rather than premature. He represented everyone from high profile clients like Henry Miller, the author of *Tropic of Cancer* (1961), and the film artist, Kenneth Anger, to a local Southern California theater owner sentenced to jail for using the candy counter of his Pasadena movie house as a storefront for the sale of 8mm stag films. But no client was more pivotal to Fleishman’s thinking about obscenity, than Sanford “Less” Aday. The state’s prosecution of Aday, in particular, for his publication of the erotic pulp novel *Sex life of A Cop*, which detailed the sexual and financial corruption of a small town police department, placed Fleishman in the midst of a federal hornet’s nest already aggravated by the perceived increase in the availability of

(1973); Kevin Thomas, “Movies – Censorship ’75: Backlash or Enlightenment?” February 9, 1975, *Los Angeles Times*, Q34.

¹⁷⁶ Jean Guccione, “Supreme Court Regular Argues Before Sixth California Chief Justice,” April 13, 1989, *The Los Angeles Daily Journal*, n.p., *SFP-Oviatt*; Stanley Fleishman interviewed by Edward de Grazia, March 11, 1986, p. 8-9, box 1D, *SFP-Oviatt*.

¹⁷⁷ Stanley Fleishman, “Sex Taboos vs. Academic Freedom,” *Rogue* (October 1960); Stanley Fleishman, “See No Evil,” *Rogue* (June 1961); Stanley Fleishman, “A Lawyer Looks at Sex Censorship, Literature and Freedom,” *Rogue* (November 1962).

“prurient” sexual materials in public life. Fleishman felt the level of repression engendered by this lowbrow form of sex speech seemed disproportionate to the level of danger that it posed to society. To paraphrase Fleishman: Shouldn’t highbrow works of obscenity such as James Joyce’s *Ulysses* be considered more dangerous since the writing was better, and, thus, more effective? The Aday case radically evolved Fleishman’s his critique of obscenity. It forced the lawyer to think about the class dimension of obscenity prosecutions – a realization that would stay with him throughout his life. In another layer of complexity, Fleishman befriended Aday. Their friendship read like a metaphor for how the lawyer embraced the burgeoning field of obscenity law on a personal as well as a professional level.¹⁷⁸

Sanford Aday

Sanford Aday became interested in writing as a teenager. But it is unclear why Aday chose to pursue the genre of erotic pulp fiction. Perhaps Aday’s sexual orientation – he was gay – and the genre’s willingness to explore “deviant” sexual communities as well as fantasize about a wide range of sexual situations influenced his decision to become an author of erotic pulp fiction. Whatever the case may be, Aday penned his first erotic paperback, *Amber Dust* in 1952 (a novel that explored politics, greed, and romance) and by the end of his life he had completed a total of ten erotic novels. However, it was Aday’s next career move that really drives Fleishman’s story. In the mid-1950s, Aday partnered with two men, Wallace de Ortega Maxey, an Ivy League-educated minister, and Matthew Meehan, to publish erotic pulp fiction out of Fresno, California. The three partners also owned their own distribution company - West Coast News Company. It needs to be noted that like Harold Call, the gay activist-pornographer, both Aday and Maxey belonged to the Mattachine Society, one of the first gay rights organizations, and it is likely that Aday met Stanley Fleishman, a active supporter of the homophile movement.¹⁷⁹

The late 1950s proved to be a perilous time for sexual entrepreneurs because federal authorities, spurred on by organizations like Citizen’s for Decent Literature continued its campaign to contain the perceived spread of erotic materials. While the national media focused Americans’ attention on the censorship of high-brow literature like *Lady’s Chatterly’s Lover* (1929) and *Fanny Hill* (1748), in 1958, federal authorities in Fresno, California quietly brought obscenity charges against Aday for his publication of erotic paperbacks. When the Fresno jury failed to return a guilty verdict on a majority of the charges, the state conceded defeat and dismissed the case. Two years later, in 1960, federal prosecutors renewed their drive to secure an obscenity conviction against Aday. This time around they indicted Aday and his business partners in three different states - Arizona, Hawaii, and Michigan - for using the U.S. mail to transport obscene materials across state lines. Federal prosecutors consolidated the indictments

¹⁷⁸ Fleishman represented a number of famous clients like Kenneth Anger; *for more on the Henry Miller see Smith v. California (1959) and Grove Press v. Younger (date?)*; n. a., “Pasadenan Wins Stay in Obscene Film Case,” July 11, 1964, *Los Angeles Times*, SG8; for more on Fleishman’s friendship with Aday see Al Goldstein, video, “Attorney for the Worst: Talk of Torts and Tarts with Stanley Fleishman.”

¹⁷⁹ Martin Meeker, “Behind the Mask of Respectability: Reconsidering the Mattachine Society and Male Homophile Practice, 1950s to 1960s,” *Journal of the History of Sexuality* 10.1 (2001), 104.

into one trial, choosing Grand Rapids, Michigan as the trial's venue because of the conservative politics of the local population.¹⁸⁰

Meanwhile, authorities in California continued to pressure Aday and his associates. On September 16, 1960, Fresno and Alameda County police seized thousands of books in addition to all the paperwork related to his firm's operation. Fleishman promptly filed a suit claiming that law enforcement overreached the bounds of its search warrant. A month later, Fresno's city leaders publically warned Aday to: "Close up or be prosecuted." Fresno's Chief of Police was then ordered to check all the local newsstands and "pick up the rawest stuff" and bring it to the District Attorney, so he could bring additional charges against Aday. On March 16, 1961, the city of Burbank followed the lead of their counterparts in Northern California. After learning that Aday had moved his publishing operation to the Southern California city in the wake of the Fresno raids, Burbank's vice squad raided a book bindery located at 2833 N. Lima St. The Burbank raid netted "\$500,000 worth of pornographic paperback magazines and books." Police confiscated a total of 300,000 books and over 60 different titles that belonged to Aday and his partners. Police arrested two women, Mrs. Dorothy Mauricio and Mrs. Reba Chamberlain, on "suspicion of conspiracy to print and distribute pornographic literature" while letting six other female employees go free. The arrests in Burbank show how integral women were to the production of pornographic materials (a fact that held true for the production of hard-core film too). Equally important, the raids demonstrate law enforcement's concerted effort to make life very difficult for Aday and his associates while they awaited trial.¹⁸¹

The Grand Rapids, Michigan case finally went to trial in December 1963 (delays had pushed the trial back three years). Stanley Fleishman, representing Aday and his partners, faced Judge Noel Fox who acted more like a member of the prosecution team, than an impartial jurist. Edward Galligan, an English professor who testified on behalf of the defense, was convinced that Judge Fox had already "made up his mind that these books were obscene and that the defendants were guilty." In a letter written after the trial, Galligan described the "sickening" manner in which Judge Fox "practically took charge of the prosecution," frequently threatened Fleishman with "contempt," and "badgered defense witnesses" (the hostility that the defense weathered was a common experience in obscenity cases). Despite additional courtroom tactics on the part of Judge Fox that further hamstrung Fleishman's defense strategy, the jury found that only one of the eight confiscated books - *Sex Life of a Cop* - to be obscene. Judge Fox, nonetheless, interpreted the jury's verdict as a mandate to pass down what the *Washington Post* describes as "among the severest sentences in the Nation's history relating to the publication or distribution of reading materials." Aday received a 25-year prison term along with a \$25,000 fine, while Maxey received a 15-year prison term and a \$19,000 fine. Judge Fox handed Aday the harsher sentence because he had a previous conviction for pandering.¹⁸²

¹⁸⁰ Strub, *Perversion for Profit*, 65, 88-115; Robert Kirsch, "Obscenity – U.S. Style: West Michigan Trial of an 'Obscene' Book," January 12, 1964, *Los Angeles Times*, A1, 14.

¹⁸¹ *Aday v. Superior Court* (1961); n.a., "Fresno Anti-Obscenity Drive Hits Book Firm," October 11, 1960, *Los Angeles Times*, A11; n.a., "\$500,000 Lewd Book Raid Jails Two Women," March 17, 1961, *Los Angeles Times*, B8; n.a., "Burbank Judge to Scan Books Seized in Raid for Obscenity," January 28, 1962, *Los Angeles Times*, GB1.

¹⁸² Edward Galligan, letter, December 1963, box 215, folder "Galligan, Ed," *SFP*; Morton Mintz, "New Attack Begins On Court Definition of Obscene Materials" May 31, 1965, *Washington Post*, A3.

Only two years into Aday's and Maxey's confinement, a federal grand jury in Houston, Texas indicted the pair again for the interstate transportation of obscene literature. Edward Galligan believed that the state singled out the publishers because their books had an "element of something like social criticism in them" and *Sex Life of a Cop* (1959), specifically, "makes a strong attack on authorities." Robert Kirsch, a columnist for the *Los Angeles Times*, made a similar assessment. Kirsch believed that *Sex life of a Cop* attracted law enforcement's ire because the book "held police officers up to ridicule" and "like a puppy who soiled a rug, the people who brought out the book ought to have their noses rubbed in it." Law enforcement, in short, did not appreciate being portrayed as the main protagonist in what it considered an obscene paperback. They vindictively prosecuted the entrepreneurs responsible for the publication and distribution of the book. Kirsh, furthermore, viewed the prosecutions as a form of punishment, which was a common practice in the U.S.S.R., "In certain societies of the past and in other authoritarian societies of the present, prosecution is automatically punishment. The charge of obscenity has been used in the Soviet Union to silence such writers as Zoschenko and Pasternak. It should not happen here."¹⁸³

The most important understanding Fleishman took away from the Aday trials came directly from the consumers of erotic paperbacks. During the police raids, Aday's firm, at Fleishman's behest, inserted a small blurb in each of its books asking readers why they valued erotic pulp fiction. The letters that came back helped Fleishman imagine the books' readership in terms of class. "You just got a sense of the great uneducated reading mass who didn't want anything too fancy, wanted a quick read..." Fleishman said after pouring over the letters. "That part has always affected me deeply." The letters along with how the notion of obscenity hinged on a judge's opinion led Fleishman to conclude, "Obscenity is a class concept – it's all right for us but not for them. It's easy to say something is 'utterly without redeeming social value,' but the question is 'For whom?' If a judge can identify with whatever is under question he'll see social value in it." He said, "But the perception of social value is pretty much limited to one's own class. After all, the wisest man seeing as far as he can see can only see a small part of life." Fleishman's empathy with individuals "who didn't want anything too fancy" and his ability to grasp the class bias in obscenity rulings made him a powerful ally of sexual entrepreneurs.¹⁸⁴

Fleishman eventually secured Aday's release in 1968, nonetheless the state had succeeded in ruining the small-time publisher's life. One of Aday's business partners died of a heart attack, while Aday himself suffered an "acute coronary occlusion" in the midst of the trials. Aday's five-year stint in federal prison left his publishing firm and personal finances in tatters. Notwithstanding all of the publisher's misfortune, Aday's willingness to fight the numerous charges earned him a lifelong friend in Stanley Fleishman. The lawyer described Aday as one of his personal heroes. Fleishman would never forget how the state employed its overwhelming resources to hound Aday from Michigan in the Mid West to Hawaiian Islands in the Pacific Ocean.¹⁸⁵

Fleishman's Ideology

¹⁸³ n.a., "Minster, 2 Others Face Filth Charge," March 27, 1965, *Los Angeles Times*, 15; Edward Galligan, letter; Kirsch, "Obscenity – U.S. Style: West Michigan Trial of an 'Obscene' Book."

¹⁸⁴ Stanley Fleishman interviewed by Edward de Grazia, March 11, 1986, box 1D, 43, *SFP-Oviatt*; Kevin Thomas, "Censorship: Is the Sky Limit For Blue Material?" December 15, 1968, *Los Angeles Times*, Q26.

¹⁸⁵ Kirsch, "Obscenity – U.S. Style: West Michigan Trial of an 'Obscene' Book," 14.

The work Fleishman did for Dave Alberts and Sanford Aday, combined with his representation of many other sexual entrepreneurs during this period, set in motion the lawyer's ideological move toward an absolutist position on the First Amendment - a belief that the Constitution protected all forms of speech no matter how controversial. Theodore Schroeder's classic work, *Obscene Literature and Constitutional Law* (1910), molded Fleishman's absolutist position. Fleishman believed, following Schroeder, that society could not criminalize obscenity because its definition was utterly subjective, and even if society agreed on a definition of obscenity, it was a form of speech that was protection under the Constitution. "Obscenity is not a crime. At most, it is sex speech which some will find in poor taste, and others may find sinful," Fleishman wrote in 1965. "But neither sin nor taste are matters with which the law has any proper concern. Those are personal matters best left to the individual to resolve for himself."¹⁸⁶

Fleishman's absolutist position on sex speech sat further to left than that of many of his colleagues. The lawyer, for example, saw a deep-seated paternalism in the idea of allowing adults to possess sexually explicit materials, but barring it from children. "Adults are afraid of their children growing up and going away. We don't want to recognize that young people are sexual animals. It's all part of the attempt to protract the age of innocence as long as possible - far too long," Fleishman staunchly believed that censorship had an adverse affect on children. "The only kids who grow up strong enough to live effectively, to grapple with strong problems, are those that haven't been overprotected. It's like raising a child in a glass house. When he finally goes outside he'll die of measles. Children should be exposed to the crosscurrents that make up the world - not just the ones we wish it were made of." The lawyer's use of the words "protracted," "overprotected," and "glass house" suggest that he channeled his own history of illness and overprotection when he spoke out against state-sponsored censorship. Fleishman rejected this notion of shielding young people from sexual materials because it resonated with a paternalism that had echoes from his own childhood, the Hollywood Red Scare, cultural containment, and, now, the obscenity battles.¹⁸⁷

In many ways, Fleishman's private life corresponded to the anti-censorship arguments he made in public. The lawyer's Hollywood home was filled with sexually explicit materials because of the nature of his legal specialization. He, nevertheless, refused to hide these materials from his three daughters. Instead, he had a policy that sexually explicit materials were "open" for them to "perusal at anytime." Doris, his wife, often accompanied Stanley to screenings of X-rated films that her husband had been hired to defend. "Oh, sure! I've taken her to all of them! What's more she's enjoyed them as much as I have," he lightheartedly told an interviewer. Doris Fleishman took the support of her husband one-step further in 1968, editing a review, *Censorship Today: A Review of the Continuing Fight for Free Speech*, which compiled the latest censorship news from around the country. *Censorship Today* helped frame the terms of the obscenity debate by publishing articles that demonstrated how courts nationwide had begun to move away from censorship. It then informed important subscribers like congressmen, publishers, motion picture studios, and a number of State Supreme Court libraries of these changing developments. Doris

¹⁸⁶ Stanley Fleishman, "Witchcraft and Obscenity: Twin Superstitions" *Wilson Library Bulletin* (April 1965), *SFP-Oviatt*.

¹⁸⁷ Thomas, "Censorship: Is Sky Limit for Blue Materials?" Q26-27.

Fleishman, in essence, helped her husband live the sexual politics he espoused by fostering an anti-censorship atmosphere at home.¹⁸⁸

Even when Fleishman and his family faced harassment, the lawyer held steadfast to his absolutist position on free speech. During the Aday trials, he found out that the phones in his hotel room had been “tapped” and that the FBI rifled through his papers while he appeared in court. Agents also strong-armed his expert witnesses, notifying their employers that they had testified on behalf of individuals charged with obscenity. The FBI also tried to determine if expert witnesses’ absences violated their workplace rules. “One of them dropped in on my department head to ask a lot of questions about me—apparently he was trying to get me in trouble with my superiors for having missed some classes to testify.” Edward Galligan concluded, “Such carryings on are certainly getting in the neighborhood of an effort to intimidate witnesses.” Throughout Fleishman’s career, the lawyer received death threats from “unknown sources for long periods of time” and his three daughters, he told a reporter, “heard regularly in school that their father was a dirty old man.”¹⁸⁹

Instead of withering under the harassment, Fleishman became more involved with organizations that furthered sexual causes. In the 1960s, Fleishman worked closely with ONE Inc., the Los Angeles offshoot of the Mattachine Society (the homophile organization previously mentioned in the Aday cases). The lawyer even made space in his home for ONE Inc.’s library, while the organization searched for a permanent location. Fleishman offered his home as a meeting place for the Southern California Branch of the A.C.L.U. In April 1965, Fleishman helped the A.C.L.U.’s “Committee on Civil Liberties and Unusual Sex or Gender Behavior” draft official organization policy regarding sex and gender. The A.C.L.U. sub-committee came up with policy recommendations that were sexually progressive; they advocated for homosexual rights, transvestism, and liberal laws governing sexual expression and practices. Fleishman’s work in the non-profit section helped him garner a reputation as a tireless advocate who sincerely believed in advancing the rights of sexual minorities.¹⁹⁰

¹⁸⁸ Ginzburg, “Stanley Fleishman, Dean of the Anti-Censorship Lawyers,” n.p.; Thomas, “Censorship: Is Sky Limit for Blue Materials?” Q26-27

¹⁸⁹ Ginzburg, “Stanley Fleishman, Dean of the Anti-Censorship Lawyers,” n.p.; Thomas, “Censorship: Is Sky Limit for Blue Materials?” Q26-27; Myrna Oliver, “California and the West: Attorney Stanley Fleishman Dies: Law: First Amendment Defended Writers, the Disabled, and Pornographers,” September 24, 1999, *Los Angeles Times*, n.p.

¹⁹⁰ Don Slater to Eason Monroe, letter, April 4, 1965, box 124, folder “Sex and Civil Liberties Committee,” American Civil Liberties Union of Southern California Records (ACLUSCR), Charles E. Young Research Library, University of California, Los Angeles; Eason Monroe, letter of invitation, “Next Meeting of the ACLU Committee on Civil Liberties and Unusual Sex or Gender Behavior,” n.d., box 124, folder “Sex and Civil Liberties Committee,” ACLUSCR; Many lawyers, in fact, who agreed to defend sex industry participants, had a history of political activism. Carole Hughes, Arlene Elster’s lawyer, represented student activists during their expulsion proceeding anti-war protests at Sonoma State University in the 1960s. The Mitchell brothers’ lawyer, Michael Kennedy, helped the “Chicago 7” fight conspiracy charges in the aftermath of the police riots at the 1968 Democratic National Convention. Kennedy also represented Timothy Leary in an attempt to overturn a California conviction for marijuana possession. This rich history of activism on the part of lawyers like Hughes, Kennedy, and

By the mid-1960s, Stanley Fleishman's ideology boiled down to the conviction that the Constitution protected sexual materials. The lawyer advanced his idea on the job (articles, interviews, and court cases) as well as at home (private life and community activism). "I genuinely had this sense of, that this business of obscenity was a crock of shit, that the notion that sex speak - not matter how offensive - somehow was not within the ambient of the First Amendment, was simply not so," Fleishman said years later. "And I believed that very firmly then and I believe that very firmly now." Fleishman's staunch defense of all sexual material - regardless if it was considered highbrow or lowbrow - made his firm the obvious choice to phone when an avalanche of obscenity prosecutions blanketed the pornographic film industry in the 1970s.¹⁹¹

"Law and Order"

Significant political and economic changes had precipitated the coming legal avalanche. The metaphor of "containment" that historians use to describe the sanitation of cultural products during the height of the Cold War had been transformed by politicians into a call for "law and order." Republicans like Barry Goldwater, Ronald Reagan, and Richard Nixon focused on social disorder to capture the votes of Americans who were tired of anti-war protesters, race rioters, and a Democratic Party more interested in creating social programs for minorities than aiding the white working class reeling from de-industrialization. The stagflation of the early 1970s along with a virulent racism that became exposed during the school desegregation crisis ensured the end of the New Deal Coalition and the defection of the white working class to the Republican Party. On the ground, conservatives' evocation of "law and order" translated into unrepentant support for a police state that was hard on crime and the criminals that committed it.¹⁹²

At the same moment that this political economy story transpired, a cultural phenomenon was unfolding in the United States. The sexual revolution emerged as a widespread discourse that increased the visibility of sex. As noted in earlier chapter, in the early 1970s, it took a commercial form in "Porno chic." Ralph Blumenthal of the *New York Times Magazine* coined the term to describe the exhibition of pornographic feature films and the public's fascination with them. *Deep Throat* (1972), *The Devil in Miss Jones* (1973), and *Behind the Green Door* (1973) drew record-breaking crowds in cities throughout the country and pornographic film became a topic of discussion at dinner parties. Newspaper ads, national media coverage, billboards, and theatre marquees contributed to hard-core films' cultural omnipresence. For better or worse, the sexual revolution had arrived in all its celluloid glory.

The display of the hard-core feature coincided with Richard Nixon's often-repeated talking point for a return to "law and order." Conservative activists who had warned Americans about the rising tide of pornography since the 1950s voiced their support of the President. They viewed "smut" and "smut peddlers" as markers of an America in decline, and by the early 1970s a powerful network of anti-pornography activists had joined with state actors (policemen, district attorneys, and judges) to bring down the burgeoning sex film industry. The alignment of a

Fleishman spoke to the vibrant political culture of the era; Steven V. Roberts, "Leary Goes to Prison on Coast to Start Term of 1 to 10 Years," March 22, 1970, *New York Times*, 27.

¹⁹¹ Al Goldstein, video, "Attorney for the Worst: Talk of Torts and Tarts with Stanley Fleishman."

¹⁹² Richard Nixon, "Address Accepting the Presidential Nomination at the Republican National Convention in Miami Beach" August 8, 1968.

national “law and order” politics, local anti-pornography forces, and the rise of an extremely visible sex medium produced an enormous workload for Stanley Fleishman and his firm.¹⁹³

Fleishman and Miranda

Fleishman actually began representing Vincent Miranda’s theatre interests in 1961. The two most likely met through George Munton, Miranda’s silent business partner and gay lover. In the early 1960s, Fleishman did some work for J & S Theatre, Inc., a group that owned and operated an assortment of art/grind houses like the Lyric Theatre in Huntington Park, California. Over the course of a decade, George Munton managed, then bought, and finally sold the Lyric Theatre to Miranda in 1961. Miranda, in turn, had to hire Fleishman to stop the Los Angeles Board of County Supervisors from revoking the Lyric’s license. The Board wanted to close down Miranda’s latest accusation because of community protests over the theatre’s risqué advertisements as well as the negative publicity generated by the sodomy charges leveled against its previous owner/manager George Munton (16-year-old male employee claimed that the two carried on a illicit sexual relationship that include sex at a local hotel). Fleishman persuaded the Board to allow Miranda to keep his license by promising that the risqué advertisements would come down. The lawyer all but stamped out the illicit sexual claims by producing a signed letter from Munton’s accuser, recanting his story. Miranda would keep Fleishman on retainer for the next three years because of the lawyer’s excellent work.¹⁹⁴

Unfortunately, in 1964, Miranda wrote a gentle letter firing Fleishman because he wanted to free up his cash to purchase more real estate holdings, specifically movie theaters. “I want you to understand that this move is for economic reasons and not for dissatisfaction of services rendered. I want you to know that I have at all times been well satisfied with the manner in which you’ve represented the Lyric Theatre and me personally,” Miranda wrote. “In closing I would like to say that I would always call you first in case of problems and would recommend you wholeheartedly as an attorney and gentlemen.” Miranda’s decision to stop paying Fleishman’s retainer would prove to be shortsighted because not long after the move his theatres began screening more sexually explicit fare. From the late 1960s to the late 1970s, Fleishman would represent Miranda and his newly establish chain of Pussycat Theatres in a flood of criminal and civil lawsuits up and down the state of California.¹⁹⁵

Conclusion

Stanley Fleishman was at the height of his legal powers by the time the state, backed by conservative activists, moved against pornographic features in the 1970s. In order to comprehend how and why Fleishman became a leading figure within the industry, an examination of his early life and the formative court cases that shaped his thinking was necessary. Fleishman’s personal history of disability helped him cultivate an affinity for social pariahs and sexual misfits. During the Red Scare, the newly minted lawyer represented individuals who faced overwhelming odds and lost; the anti-communism currents of the 1950s proved to be too strong. The young lawyer went on to defend sexual entrepreneurs like Dave Alberts and Sanford Less Aday. In all three cases, Fleishman believed that the federal government violated the First Amendment, harassed

¹⁹³ Strub, *Perversion for Profit*, 98-103.

¹⁹⁴ George T. Munton, “Affidavit of George T. Munton,” March 22, 1961, box 13, folder “Lyric Theater v. BD. of Supervisors, *SFP*.”

¹⁹⁵ Vincent Miranda to Stanley Fleishman, letter, February 24, 1964, box 240, folder “Miranda, Vincent—Leases,” *SFP*; George Garrigues, “Theater Permit Revocation On Moral Ground Pondered,” July 24, 1966, *Los Angeles Times*, SFB1.

his clients, and used its enormous power to secure convictions by pure force. The series of defeats convinced Fleishman to adopt an absolutist position on free speech. The defeats also gave him precious courtroom experience. By “porno chic” in 1972 and the wave of prosecutions that followed, Fleishman was the perfect advocate to represent Vincent Miranda and his Pussycat Theatre chain.

The next chapter turns to the prosecutors who sat across the aisle from Stanley Fleishman. Men like Cecil Hicks, the longtime Orange County district attorney, acted as Fleishman’s foil in obscenity cases throughout the 1970s. The chapter then describes the different legal strategies that the state used to eradicate pornographic films and how Fleishman tried to stop it.

Chapter 6: Law and Order

In a dark room that smelled thick with cigarette smoke and burnt coffee note cards were projected onto a screen. Each card featured all the essential facts of a perpetrator's case: what he had done, the laws he had violated, and the punishment that the Orange County District Attorney's Office would seek. The prosecutors, bright and capable men and women such as Mike Capazzi and Oretta Sears, then began what their boss, Cecil Hicks, described as a "turkey shoot." They ferreted out each element of the case. They anticipated any concerns the bench might raise. They played the devil's advocates so they knew how to address the defense's arguments and objections. Before the next case projected onto the screen, Hicks' office formulated an individualized legal strategy and came up with the toughest sentence it could justifiably seek. This card followed the perpetrator as long as he remained in Orange County's criminal justice system.¹⁹⁶

Hicks' "turkey shoot," first written about in 1973 in the pages of the *Los Angeles Times*, is remarkable because it demonstrates the superior organizational structure of the D.A.'s office. Hicks had institutionalized a meeting where the collective legal mind of the office directed itself toward a singular purpose: to work through a case and obtain a conviction. This meeting cemented camaraderie, kept all the prosecutors and investigators abreast of each other's cases, and created the space for everyone to share their ideas. Ultimately, though, the "turkey shoot" underscored Hicks' position in the chain of command. While the meetings were conducted democratically, Hicks always had the last say on each case. It was his vision that would shape prosecutions in Orange County for the greater part of three decades.

The D.A.'s "turkey shoot," perhaps more significantly, provides insight into how his office viewed the accused. Hicks, who was prone to use military metaphors, imagined his talented staff as soldiers who when properly led created a legal situation where criminals possessed very little chance of escaping conviction. The accused, in short, represented the enemy while the employees of the Orange County District Attorney's Office were the overwhelming force that stood poised to deliver the deathblow. Hicks' demonization of the accused would help provide the New Right, a grass-roots movement located in his prosecutorial jurisdiction, a muscular position vis-à-vis crime and criminality.

This chapter details how California prosecutors, in the late 1960s and 1970s, conducted a legal campaign against sexual entrepreneurs such as Vincent Miranda, whose name and that of his lawyer, Stanley Fleishman, most certainly appeared on a card at one of Hicks' "turkey shoots." It delves into the personal background of three prosecutors - Cecil Hicks, Oretta Sears, and James Clancy - to map the unique personal experiences as well as the historical forces of mid-century America that shaped their anti-pornography positions. It then discusses the legal strategies that they and their colleagues - Mike Capazzi and Alfred Fabris - employed, many of which dovetailed, and tracks their individuals cases against Miranda as they worked their way through the court system.

The contestation over the display of sexual materials brings to light glaring omissions in the literature on the complex relationship between law and order politics and the New Right. The scholarship tends to focus on the use and/or misuse of the term "law and order" by major political figures at the national level. It traces, for example, how Republican presidential

¹⁹⁶ Evan Maxwell, "Orange County Justice System: Firm, Fair, and Flexible," May 6, 1973, *Los Angeles Times*, OC5.

candidates from Barry Goldwater to Richard Nixon employed law and order as code to signal their opposition to anti-war protestors, civil rights activists, race rioters, and street criminals. Electing a conservative Republican to the White House meant civic stability as well as an end to the “excesses” of liberalism in America. By the 1970s, however, “law and order faded from the national limelight” because Republicans had won the White House and Democrats found the issue to be politically untenable because the American public grew tired of hearing that systemic poverty needed to be addressed in order to reduce crime. However, from a perch at the municipal level, civic authorities’ use of law and order politics remained a tool well into the late-1970s. It had, at least in California, three distinct characteristics: a desire to restore respect for authority, an inclination toward cultural paternalism, and a fervent Catholicism. Studying the politics and implantation of law and order politics at the local level, specifically in Orange County, the birthplace of the New American Right, brings new focus on the role of municipal institutions (the prosecutor’s office, the police departments, local courts, and city halls), the cultural taste of elites, and Roman Catholicism in the formation of the right wing of the Republican Party. Law and order politics made the New Right at the same time as the New Right made law and order politics.¹⁹⁷

Cecil Hicks

In 1926, six years after Stanley Fleishman was born, Cecil Hicks came into the world. Hicks grew up in Los Angeles, California where his father drove tractor-trailers while his mother worked in a dress shop. Unlike Fleishman, Hicks lived a disease free childhood until he reached the age of eight or nine. “I woke up one morning, and I couldn’t move from the waist down,” Hicks said about contracting polio. During his three-month long convalescence, Hicks began to read - a habit he would force himself to cultivate in the coming years. The always athletic boy realized that his intellect would have to serve him from here on out because, “I’d always been the first one chosen in the neighborhood games, and after the polio, I was always the last one chosen, I was just no damn good anymore.” Hicks could still walk, but the polio stunted his growth, just as it had stunted Fleishman’s growth, and it would cause pain in Hick’s legs for the rest of his life – making him both moody and cantankerous. Much like Fleishman this formative battle with physical disease and the way in which it lingered would play a significant role in Hicks’ development as a person and in his subsequent prosecutorial work as the District Attorney of Orange County, California.¹⁹⁸

By the age of eleven, Hicks seemed to have already formed the proper disposition for a career as a prosecutor. He told the elementary school newspaper that when he grew older he wanted to put “bad people” behind bars. His first real chance to fight the embodiment of evil presented itself in the months after the Japanese attack on Pearl Harbor in December of 1941.

¹⁹⁷ Michael Flamm, *Law and Order: Street Crime, Civil Unrest, and the Crisis of Liberalism in 1960s America*, (Columbia University Press, 2005), [introduction, footnote 34-35]; Lisa McGirr, *Suburban Warriors: The Origins of the New American Right*, (Princeton University Press, 2001), 217-261.

¹⁹⁸ David Shaw, “The Many Sides of Cecil Hicks,” December 21, 1969, *Los Angeles Times*, K1. Shaw does a wonderful job of showing how polio led to Hicks’ lack of physical stature and subsequent “Napoleonic complex.” I take Shaw’s interpretation a step further by suggesting that Hick mapped his battle over physical illness onto his battle over social disease.

The fifteen year-old Hicks grew a thick beard and altered his older sister's birth certificate to enlist in the U.S. Navy. "I have to do something for the people and the ideas I love," Hicks wrote his family. Before he shipped out, however, his father retrieved him from the recruitment center just as he began to doubt his decision. His initial enthusiasm, though, for the war effort underlined a moral vision that bifurcated the world into "good people" and "bad people," honorable countries (The Allies) and dishonorable countries (The Axis). It was one of many examples in which he split the world into two warring camps. Hicks' black-or-white worldview would serve him well in the coming years.¹⁹⁹

The choices Hicks made in his late-teens and early twenties deepened his belief that society must be ruled by the iron hand of law and order. He graduated from Occidental College, joined the Navy (legally this time), and received his law degree from the University of Southern California (USC) in 1950. Hicks became a diehard fan of USC football and he used the martial game of football as a point of reference throughout his life. "God is a Trojan!" he often said. After law school, Hicks spent two years on Republican Gov. Earl Warren's staff, five months working for the Los Angeles City Attorney, and three years with the U.S. Attorney's Office. Low pay and a growing family drove Hicks to open a private practice, but when he secured the freedom of a client who he believed to be guilty, he knew he could never again work as a defense lawyer. In the story that Hicks told about himself, this was his Pauline moment of conversion. He closed down his private practice and accepted a job offer from the Orange County District Attorney's Office in May of 1958.²⁰⁰

Hicks quickly became a star prosecutor. In 1960, his first major trial, he secured, with only circumstantial evidence, death sentences for three men who had gunned down a state witness in a pending robbery case. He began carrying a loaded gun for protection because of his success in the courtroom. After only four years on the job, in 1962, Hicks' boss, Kenneth Williams, made him the Chief Trial Deputy because of his steadfast determination and pit bull-like tactics. "Cece knew how to research a case and he knew how to try one. He never got rattled," Williams said. One judge considered Hicks to be "the best damned trial attorney this county's ever seen."²⁰¹

On December 14, 1966, the Orange County Board of Supervisors selected Hicks to be the next Chief Deputy Attorney, a post he would use to shape not only Orange County's moral order, but also its civic life for the next twenty-three years. He ran his office like a militarized football team. He organized his attorneys into special units that focused on particular types of crimes just as a football program or the Navy assigns individuals to a specific task or teams. This specialization in the D.A.'s office foreshadowed Chief Darryl Gates' militarization of the Los Angeles Police Department in the late 1970s (SWAT). Hicks' attorneys even called him "Coach," while he referred to them as his "fighter pilots." The telling nicknames highlight the warlike atmosphere that he fostered within the Orange County D.A.'s office. In a strange twist, he seemed to be taking part in the "neighborhood games" that he missed out on - games that he was now more equipped to win because he had all the resources of the state behind him. Hicks'

¹⁹⁹ Yvonne Villarreal, "Cecil Hicks, 80; Retired O.C. Judge, Former District Attorney," April 1, 2007, *Los Angeles Times*, n.p.; Christian Berthelsen, "Hundreds Mourn Cecil Hicks," April 10, 2007, *Los Angeles Times*, n.p.

²⁰⁰ Shaw, "The Many Sides of Cecil Hicks," K1, 4.

²⁰¹ Don Smith, "Backed By Associates," December 19, 1966, *Los Angeles Times*, OC9; Shaw, "The Many Sides of Cecil Hicks," K1, 4

childhood need to fight disease, in fact, was finally able to express itself fully, but instead of the physical disease of polio that Hicks had fought his whole life, he would battle the social diseases of lawlessness and vice.²⁰²

Orange County, California

Orange County, California, the predominantly white middle- class enclave that Hicks called home, was not immune from the political fire spreading across the nation. In the late 1960s, antiwar protestors at California State University, Fullerton and the University of California, Irvine (UCI) fought pitched battles with campus police. The Santa Ana chapter of the Black Panther Party scared local residents with their armed patrols and inflammatory rhetoric. Most troubling of all, the so-called “sexual revolution” took the form of commercial sex establishment (adult book stores, bottomless bars, and pornographic movie theatres) that set up shop in respectable neighborhoods. Civic leaders such as Hicks used the campus upheaval, black political militancy, and the emergence of sex businesses to reestablish a culture of respect for authority.²⁰³

The arrival of social disorder in Orange County became most apparent in the spring of 1969 when an unknown assailant murdered a Santa Ana police officer named Nelson Sasscer. Hicks filed criminal complaints against three members of the Black Panther Party of Orange County. An informant told police that the Panthers had openly discussed murdering a “pig.” Officers, searching for the young men, terrorized Santa Ana’s black community for two weeks, drawing shotguns on black motorists and raiding homes in the middle of the night. After the suspects’ capture, Hicks held them in jail for weeks, even though he lacked physical evidence linking them to the crime. Black leaders accused the D.A. of fast-tracking the criminal complaints and keeping at least two of the men in custody long after it became clear they had nothing to do with Officer Sasscer’s murder. Students from UCI and Cal State Fullerton joined the black community to protest the subsequent trial.²⁰⁴

Months after the incident, with the black community still in an uproar over the police harassment, Hicks acknowledged the social complexity of black violence but he still defended his actions in a matter-of-fact fashion: “I don’t deny that the poverty and prejudice the Negro has been subjected to are responsible for a lot of what he does. I am sure the environment helps explain the crime, but it doesn’t justify it.” He continued, “My job is to enforce the law. If someone breaks the law, I have to prosecute him.” One reporter who wrote a biographical sketch on the D.A. believed that Hicks saw the “violent elements” of the campus protests and the Black Power Movement as “manifestations of a general breakdown in disrespect for law and authority in society, and he envisions his duties as encompassing an attempt to restore that respect.” Hicks,

²⁰² n.a., “Board Names Hicks as District Attorney,” December 14, 1966, *Los Angeles Times*, n.p.; Shaw, “The Many Sides of Cecil Hicks,”; Christian Berthelsen, “Hundreds Mourn Cecil Hicks,” April 10, 2007, *Los Angeles Times*, n.p.

²⁰³ Lisa McGirr, *Suburban Warriors*, 217-261.

²⁰⁴ David Shaw, “Police Accused of Harassing Negroes after Officer’s Death,” June 11, 1969, *Los Angeles Times*, OC A1; Gabriel San Roman and Gustavo Arellano, “Forty Tears Later, the Clash Between the Black Panthers and Santa Ana P.D. Still Influence OC Life,” September 10, 2009, *OC Weekly*, (accessed on 11/10/13, search under “black panthers” in <http://www.ocweekly.com>).

in other words, was not deaf to the ideas of structural racism and poverty, he just chose not to accept them as explanatory factors.²⁰⁵

Hicks' desire to return to an imagined social order where young people knew their place and Main Street looked like a scene taken from *Leave It to Beaver* made him a natural enemy of sexual liberation. He disagreed with colleagues such as Burt Pines, the Los Angeles City Attorney, who described obscenity as a "victimless" crime. He stated in 1970 that the production and consumption of obscene materials must be prosecuted because "it leads to a general deterioration of morals and disintegration of the family unit as we know it." He stressed, furthermore, in another interview, that the "family unit" was the "basic structure of our civilization." If someone did not stop young people from the perils of "homosexuality" as well as the idea that "sex of any kind is available anywhere with anyone," it spelled the end of human civilization itself. His apocalyptic warnings about this new sexual ethos along with his hardline stance against student rebellion and black political activism drew a great deal of support from the residents of Orange County, giving him a free hand to mold the community to his liking.²⁰⁶

Most civic leaders in Orange County admired their Deputy Attorney's unambiguous stance on social and cultural issues, but some could see how it was problematic. "Cecil doesn't seem to feel anything." One judge told a reporter, "A man breaks the law, he belongs in jail. Period. That's Cecil." When Orange County Supervisor Robert Battlin, a Democrat, learned that a resident had filed a \$10,000 lawsuit against Hicks and the County for "illegal wiretapping," he suggested that Hicks undergo a "psychiatric examination" to see if "the prolonged use of alcoholism so damaged his brain as to require relief from his responsibility as chief prosecutor for the county." Knowing that Hicks was unlikely to follow his advice, Battlin offered the local newspaper, *Bulletin*, his own psychological assessment:

Perhaps Hicks' psychotic behavior is also influenced by a manifestation of the "small man" complex which has been psychiatrically recognized in other short men such as Joseph Stalin, Napoleon and other "over-compensators" trying through their adult lives to dominate others with political fear of [sic] compensate for the lack of physical fear which their physical size has failed to generate.

Battlin's verbal salvo did not go unnoticed. Hicks would have the Democrat removed from public office in 1976 for using county staff in his bid for Lt. Governor. Years later Battlin described the D.A. as the "chief solidier of the Orange County Republican Mafia" and a "son of a bitch."²⁰⁷

Battlin's assessment of Cecil Hicks' standing in Southern California proved to be quite accurate. As Orange County faced a new social order, its adopted son, supported by a growing conservative movement, stood up to what he saw as the unmooring of civil society. It was his job to refasten the ties that held Orange County in the safe harbor of an imagined past that was free from the social disorder that epitomized the 1960s.

²⁰⁵ Shaw, "The Many Sides of Cecil Hicks," K5.

²⁰⁶ David Shaw, "Mafia Reported Behind Scenes" January 25, 1970 *Los Angeles Times*, OC A6; David Shaw, "The Many Sides of Cecil Hicks," K5.

²⁰⁷ Shaw, "The Many Sides of Cecil Hicks," K5; Charles Roberts, "Hicks, Battin Trade Shots," n.d., *Bulletin*, box 625, folder, "Miranda, Vincent v. Hicks, et al UCDC CD Calif.CIV.No. 73-2775-LTL Miranda) Evidentiary," *SFP*.

Oretta Sears

Oretta Sears served as one of Cecil Hicks' captains in his campaign to reinstate the rule of law and order in Orange County. Sears began her career in the D.A.'s office as a trial lawyer, but she eventually became the resident legal theoretician, specializing in pretrial motions, abatement actions, writs, and appeal briefs. "I spend an awful lot of time in the library, at least 10 hours a day three days a week and a minimum of four hours on the other days," Sears said in 1972. Her ability to master the tedious behind-the-scenes work made her an irreplaceable member in Hicks' fight against sexual entrepreneurs. Ideologically, Sears adopted a slightly different position on obscenity than her boss. In practice, though, they arrived at the same conclusion: sex and its public display had no place in Orange County.²⁰⁸

Sears' background was much more variegated than the stark contrasts that colored Cecil Hicks' upbringing. Sears was born near Florence, Italy to a chambermaid and a wealthy count whose ancestor included Enrico Ferri, one of the fathers of the Italian criminal system. She moved to the United States during World War Two to attend college. She married and had a child soon thereafter, but left her husband and young daughter for her college English professor. Despite the personal turmoil in the wake of their affair and respective divorces, she graduated summa cum laude from Upsala College in only two years. She then earned her law degree from the University of California, Los Angeles in 1963. She ranked fourteenth out of one hundred and thirty-six law students in her graduating class. Before finding a home with the Orange County District Attorney's Office in 1968, Sears worked for Robert Kennedy's Justice Department and taught law courses at Ahmadu Bello University in Nigeria.²⁰⁹

The moral reservoir Sears channeled as a prosecutor almost certainly came from her Roman Catholic background. But unlike Cecil Hicks she did not reject all pornographic materials out-of-hand. Instead, due to Sears' patrician social status and the influence of her academic husband, she possessed a "secret museum" mentality about the pornographic. She believed that the majority of sexually explicit materials on the market were obscene, but that certain older works of "pornographic" art and literature held an intrinsic value that required preservation and study. During the height of Orange County's obscenity prosecutions, for instance, Sears saw little hypocrisy in mentioning to a reporter that her husband, a professor at California State University, Fullerton, was translating "Dirty Sonnets from the Florentines." Not all pornography, in short, was bad, but most of it needed to be kept under lock and key to protect segments of the public (women, children, religious conservatives, racial minorities etc.) that were easily offended and negatively influenced by sexually explicit materials. Sears' paternalistic worldview would find expression in the language of what should and should not be permitted in the public realm.²¹⁰

Legal Blueprint

²⁰⁸ Marjie Driscoll, "Lawyer With A Cause: Black Sheep Countess is Different," June 9, 1972, *Los Angeles Times*, J1, 8;

²⁰⁹ Driscoll, "Lawyer With A Cause: Black Sheep Countess is Different," J1, 8; Lorraine Bennet, "Oretta Sears: Determined to Be a Superior Court Judge," June 20, 1978, *Los Angeles Times*, OC B1, 6.

²¹⁰ Walter Kendrick, *The Secret Museum: Pornography in Modern Culture*, (Berkeley, 1987); Driscoll, "Lawyer With A Cause: Black Sheep Countess is Different," J1, 8.

Dep. Dist. Atty. Sears' first case involved the 1969 prosecution of Carol Cybulski, a nude dancer at the Apartment A Go-Go beer bar in Santa Ana, California. Police had arrested Cybulski ten different times for performing "bottomless" dance numbers that featured an array of exotic animals. This pattern of multiple arrests would repeat itself in the actions against hardcore movie theatres. Berrien Moore, Cybulski's lawyer, working under the constraints of *Roth*, defended his client on First Amendment grounds, pointed out the inability for average people to determine if something was "obscene," and claimed that his client's performance possessed "redeeming social value as entertainment." As part of Cybulski's defense, she performed a topless version of her routine for the jury. Sears did not raise any objections because she believed the routines to be "obscene." After five hours of deliberations the jury agreed with the Deputy D.A., finding Cybulski guilty of ten counts of lewd conduct and indecent exposure. "They are gymnastic exercises and probably would be good for all of us if done in the privacy of the bedroom," Sears remarked at the end of the trial. The judge sentenced Cybulski to 500 days in prison or a \$5,000 fine.²¹¹

Sears' framing of Cybulski's bottomless dance routines provides a window into her thinking about sexual acts in public life. Her derisive use of "gymnastic exercise" to describe the dance numbers evoked the carnivalesque language that film critics, such as Vincent Canby of the *New York Times*, would employ to write about Linda Lovelace's performance in *Deep Throat* (1972). Canby found Lovelace's fellatio scenes "much less erotic than technically amazing" and "less to do with the manifold pleasure of sex than with physical engineering." According to Sears and Canby, these types of sexual performances were basically lowbrow attractions that required a degree of skill, but not art. The works, therefore, did not deserve protection under obscenity statutes. Sears' belief that Cybulski's dance routine should be kept to the privacy of the bedroom speaks to her "secret museum" mentality. She understood that the pornographic had a place in life, just not public life. Sears had a different relationship to the obscene than her boss, but she still shared his larger vision of eliminating sex business from all communities within their jurisdiction.²¹²

After Sears secured the first ever-bottomless dancing conviction in Orange County, Hicks directed his prosecutors to use an obscure civil statute, The Red Light Abatement Act, to prosecute the owners of sex establishments and the landlords who rented to them (he took the idea from his predecessor who had, in 1966, used the act to close down a gay male bar in Laguna Beach, California). California's legislators had originally passed The Red Light Abatement Act in 1913 to stamp out brothels. In 1969, legislators amended the act to eliminate unsanctioned gambling. The civil statute, as it stood in the early 1970s, defined a building used for "illegal gambling, lewdness, assignation, or prostitution" as a "nuisance," ordering it to be shut down. After one year, state authorities could then sell the contents of the building to pay for the State's court fees, with the remainder of the proceeds going to the building's owner. The Red Light Abatement Act, in short, provided the legal machinery to close down brothels and gambling

²¹¹ n.a., "Jury Return Guilty Verdict Against Bottomless Dancer," May 28, 1969, *Los Angeles Times*, OC A8; n.a., "Nude Dancer Given 500 Days or \$5,000," June 13, 1969, *Los Angeles Times*, OC A1.

²¹² Vincent Canby, "What Are We To Think of Deep Throat?" January 21, 1973, *New York Times*, A1; Sears comment validates Andrea Dworkin's observation that the "male Right" did not want to get rid of sex establishment, but just drive them underground.

houses, making a property owner liable for the actions of his tenants. Hicks' directive produced a domino effect of business closures. In December 1971, Oretta Sears reported that seven bottomless bars in Orange County had been shuttered under the Red Light Abatement Act. She told a newspaper, exactly one year later, that sixteen bottomless bars had been put out of business, several of which, the newspaper reported, had "agreed to close without any court action."²¹³

Conservative grass-roots activists and prosecutors from other districts such as Santa Clara County, California would borrow Hicks' legal blueprint and use it against pornographic movie theatres. The Orange County D.A.'s office, on the other hand, chose to follow a different plan. Similar to what transpired in the Cybulski case (multiple arrests) and with echoes of the police harassment that occurred after the Sasscer murder, Hicks' office employed a collaborative legal-police strategy that sought to drive industry participants to economic insolvency under the guise of simply following the letter of the law. "It seems to me the law is pretty clear," Hicks said. "Showing obscene movies is illegal, and I have a duty, as a prosecutor, to take action. That obligation has nothing to do with my own moral beliefs, or the properness of the law—those are the kinds of considerations that the Legislatures must deal with."²¹⁴

Hicks v. Miranda (1975)

The prosecution of bottomless bars and adult bookstores in the mid- to late-1960s was the opening volley in Hicks' law and order campaign. The more intricate and difficult stage of work began when the Orange County D.A.'s office moved against wildly popular, and more importantly, well-funded hard-core movie theatres. Hicks, in collaboration with police, used the tactic of "multiple seizures" to wreak economic havoc on Vincent Miranda's Pussycat theatre chain in Orange County. Stanley Fleishman's firm, representing the chain, publically accused the D.A. of never actually trying the pornographic films in front of a jury, instead authorities just raided his client's theatres, prosecutors tied up the case in court, and biased judges held on to the confiscated materials, in what was tantamount to a form of harassment. The ensuing legal fight over the actions that Hicks orchestrated, which centered on the issues of state's rights and the increase in police powers, favorite political concepts and key talking points of the New Right, would be appealed all the way to the Supreme Court.

Sexually explicit films had already screened for a number of years in Orange County, California before "porno chic" generated nationwide interest in 1972. Adult bookstore owners had built private coin-operated booths where patrons masturbated to 3-minute beaver and stag films. Orange County bars, such as County Girl No.2, Harbor Inn, and Cybulski's Apartment A Go Go, had projected sex films that Deputy D.A., Michael Capizzi, described, in 1969, as "cheap and homemade without titles or sounds." Capizzi mockingly continued, "None of the people appearing in them were nominated for Academy Awards." Authorities had to contend with the fact that sexual entrepreneurs operated large-scale distribution centers right in the heart of their

²¹³ Red Light Abatement Law Sec. 11225 of the California Penal Code; David Shaw, "Lewd Behavior Charged," January 20, 1970, *Los Angeles Times*, OC A1; Robert M. Gettemy, "County to Continue Drive to Shut Down Bottomless Bars," December 8, 1972, *Los Angeles Times*, OC1, 3.

²¹⁴ Evan Maxell, "...While Buena Park Faces Moral Question," September 1, 1974, *Los Angeles Times*, OC5.

communities. In May of 1971, for example, Westminster police stumbled upon and then confiscated over 22,500 reels of “obscene” films and 300,000 “obscene” photographs from a local warehouse. The widespread screening of hardcore features a year later marked a new frontier in the material availability of these products. From the point of view of Orange County law enforcement, it was as if a small trickle of pornographic materials screened in fringe establishments and distributed from unassuming buildings had suddenly transformed into a flood that had inundated the county.²¹⁵

Under Hicks’ leadership, law enforcement came up with an ingenious, yet quasi-legal way of halting the display of *Deep Throat* (1972), which made its Orange County debut in late November 1973. Knowing that the film would eventually screen at the Pusycat Buena Park, local police drove to Hollywood to preview it. They then returned to Buena Park, filled out an affidavit, readied a search warrant, and arranged for the Municipal Judge, John H. Smith, to see the film when it arrived in Orange County. On November 23, 1973, a viewing party consisting of John Anderson, one of Hicks’ Deputy District Attorneys, three Buena Park police officers, and Judge John H. Smith watched *Deep Throat*. Forty-five minutes into the screening, the party left their seats and gathered on the sidewalk outside the theatre where Judge Smith signed the search warrant. Officers then seized the print of *Deep Throat* and all the money in the cash register. A few hours later, the theatre’s manager obtained another copy of *Deep Throat*. Officers watched the film again, acquired another search warrant, and seized this copy too. Miranda stubbornly sent over a third copy of *Deep Throat*. This time, authorities brought a locksmith with them to the theatre — they took all the money in the theatre’s safe as well as the new copy of *Deep Throat*. The next day, police seized a fourth copy of *Deep Throat*. Miranda closed the theatre down and reopened with a different film.²¹⁶

Hicks’ plan had worked perfectly. He stopped the screening of *Deep Throat* in Orange County while crippling Miranda’s theatre business. “I signed close to two hundred passes and over a hundred ticket stubs for angry, disappointed patrons,” Jim Lytell, the theatre manager, complained after the November 23, 1973 raid. “Many demanded their money back; they were told that since the police had all the money that it was they who would have to approve refunds.” The process of justifying law enforcements’ actions now transitioned to the courts.²¹⁷

On November 26, 1973, Orange County Superior Judge Byron McMillian proceeded over a preliminary hearing to determine if *Deep Throat* was obscene. Oretta Sears, representing the D.A.’s office, called her husband, Professor Donald Sears, to the witness stand. Dr. Sears found the film to be “utterly without redeeming social importance,” deriding the weak storyline, clichés, and one-line gags. Fleishman should have objected to the obvious conflict of interest, but he boycotted the hearing because he believed the case should be decided in federal court. Judge McMillan, furthermore, had a history of siding with Orange County prosecutors, so Fleishman’s appearance would have mostly been an exercise in futility. “I find the material obscene beyond any reasonable doubt. ‘Deep Throat’ is no better and probably worse than stag films: it lacks any kind of plot and is without real humor.” Judge McMillan ruled, “There is no justification for it

²¹⁵ n.a., “Arguments Heard on Nude Dancing,” April 16, 1969, *Los Angeles Times*, C1.

²¹⁶ Vincent Miranda v. Cecil Hicks, June 4, 1974, box 65, folder “PUSSYCAT THEATRE, et al.v. BERGNA, USDC ND CALIF.CIV.ACTION NO. A-74 (Legal Research),” *SFP*.

²¹⁷ Jim Lytell, statement, November 26, 1973, box 625, folder “Miranda, Vincent v. Hicks, et al UCDC CD Calif.CIV.No. 73-2775-LTL (Miranda) Evidentary,” *SFP*; Johnson, “Declaration of Jim Johnson.”

except the exploitation of sex and prurient appeal.” The Judge issued an order banning the Pussycat Buena Park from showing the film and directed the police to seize copies of it in perpetuity.²¹⁸

Two days after Judge McMillan’s ruling, Fleishman and his firm filed a lawsuit against the State of California in U.S. federal court. They challenged the constitutionality of California’s obscenity statute by arguing that it did not explicitly detail what kinds of films were prohibited. As a result, exhibitors such as his client did not have fair notice as to what was obscene under the law. The suit also sought relief from and damages for the harassment suffered at hands of Orange County law enforcement. Fleishman and his client would have to wait six months for the federal court’s decision.²¹⁹

In June of 1974, after a careful study, a three-judge panel of the U.S. Circuit Court sided with Miranda. It struck down California’s obscenity statute on the grounds that it failed to contain language that “conveys sufficiently definite warning as to the proscribed conduct” in films and books. The panel, furthermore, “reprimanded” Orange County law enforcement for the multiple seizures, which it saw as “bad faith and harassment” and ordered all the seized property to be returned. Miranda, surrendering to his vindictive streak, immediately began screening *Deep Throat* (1973) and another Damiano film, *The Devil in Miss Jones* (1974), at the Pussycat Buena Park.²²⁰

One month after the federal panel’s ruling, Hicks’ office saw its fortunes improve when the U.S. Supreme Court dismissed the appeal to *Miller v. California* (1973), cementing its decision to empower local communities that wanted to eradicate sexual materials from public life. In 1969, numerous Orange County residents complained about receiving unsolicited pornography advertisements in the mail. Oretta Sears and Mike Capizzi filed a complaint against Marvin Miller, the owner of the California publishing firm behind the mailings. A jury found Miller guilty and the judge sentenced him to sixty days in jail. Miller’s lawyers appealed the case all the way to the U.S. Supreme Court. The Warren-Burger Court upheld Miller’s conviction. The Justices, more importantly, used the case as an opportunity to redefine federal obscenity law. The *Miller* decision established a new obscenity test that allowed works of film and literature to be banned more easily. It then gave local communities the power to use their own standards, not the collective standards of the state or the nation, to determine whether a work was pornographic. Legal experts viewed the *Miller* decision a sharp turn towards conservatism and a win for state’s rights. Sears described her victory as being in “11th heaven.”²²¹

Hicks considered *Miller* to be a green light to once again raid the Pussycat Buena Park Theatre. Instead of seeking permission from the federal three-judge panel, which had declared California’s obscenity statute “unconstitutional,” the D.A.’s office went back to Orange County Superior Judge Byron McMillan. The lower and friendly court granted new search and seizure

²¹⁸ Robert Gettemy, “Sex Film Case: ‘Throat’ Obscene, Can’t Be Shown, Judge Declares,” November 29, 1973, *Los Angeles Times*, OCA1

²¹⁹ Evan Maxwell, “‘Deep Throat’ Stirs Many-Sided Controversy: Lawyers Clash Over Legal Complexities,” September 1, 1974, *Los Angeles Times*, OC3.

²²⁰ Robert Rawitch, “California’s Law on Obscenity Upset by 3-Judge U.S Panel,” June 5, 1974, *Los Angeles Times*, A36.

²²¹ Evan Maxwell, “How County Helped Reshape Pornography Law,” June 22, 1973, *Los Angeles Times*, D1, 6; Dan Smith, “‘Throat’ Raid Revives Constitutional Issue,” July 30, 1974, *Los Angeles Times*, C2, 6.

warrants. The police, with D.A.'s support, raided the theatre on consecutive days, confiscating two more copies of *Deep Throat* and arresting the theatre's manager. "In our system of laws, there are ways to stop a problem that are legal and just. Apparently, Orange County has chosen not to go that way," John Weston, one of Fleishman's partners, said about law enforcement's willingness to disregard the U.S. Circuit Court's ruling with the latest round of seizures. Deputy D.A. Sears responded to Weston's comments with a public challenge: "The Court held that they were obscene and ordered them picked up as contraband whenever shown. If Mr. Weston wants to prove that they are not, let him go to trial on the merits of the case."²²²

Fleishman went back to federal court to seek another restraining order. He described law enforcement's actions as "an act of censorship" and "absolutely open lawlessness" (Buena Park police had by then seized a total of seven copies of *Deep Throat* and three copies of *The Devil in Miss Jones*). On August 3, 1974, in a special weekend session of court, Judge Warren J. Ferguson, a member of the three-judge panel that had convened in June, granted Fleishman's request. Judge Ferguson demanded that the D.A.'s office explain why it should not be held in contempt of court for disregarding the panel's order to halt the seizures; why the D.A.'s office had undermined the federal court by seeking a search warrant from a lower court; and, finally why the D.A.'s office needed more than one copy of each film in order to proceed with a criminal prosecution. Unless the D.A.'s office and Buena Park Police offered a compelling explanation, the judge could only interpret these actions as a "rampant misapplication of the law." Fleishman characterized the D.A.'s repeated search and seizures as part of a larger strategy to harass customers and tax Miranda's financial resources. "This is not a test of obscenity law, but an attempt by raw power to get away with... what I can only guess is a move to drive my client out of business," Fleishman concluded.²²³

The D.A.'s knowledge that organized crime controlled a large segment of the pornographic film and magazine market almost certainly influenced his blatant disregard for the U.S. Circuit Court's order. A few months before the raids on the Pussycat Buena Park Theatre, a Los Alamitos police officer accidentally discovered a warehouse filled with "33 tons" of "graphic color magazine photos and related motion pictures depicting a wide range of heterosexual and homosexual acts." Suki Inc., a corporation controlled by the Carlo Gambino crime family, proved to be the owner of the pornographic cache which police estimated to be worth between one and two million dollars. Oretta Sears had obtained a court order from Judge Byron McMillan that mandated the destruction of the materials, but lawyers for Suki Inc., won an appeal that forced Hicks' office to return the "obscene" property. After years in litigation, Orange County law enforcement, still upset over the outcome of the case, would organize an elaborate "perp walk" in 1976 where "a parade of 17 vehicles carrying reporters, cameramen, [and] plainclothes agents" watched as police returned the pornographic materials to representatives of Suki Inc. In addition to knowing that the Gambino Family's had a hand in the pornography business, law enforcement circles knew that the Joseph Colombo crime family had funded *Deep Throat*. Since Miranda had obtained exclusive rights to screen the film in

²²² Don Smith, "Policemen Again Seize 'Deep Throat' Film," July 31, 1974, *Los Angeles Times*, D1.

²²³ Robert Rawitch, "Judge Blocks New Seizures of 'Deep Throat,'" August 4, 1974, *Los Angeles Times*, 3; Evan Maxwell, "While Buena Park Faces Moral Question," September 1, 1974, *Los Angeles Times*, OC1.

California, it was reasonable for Hicks' office to conclude that Miranda worked with underworld figures.²²⁴

While Hicks and Buena Park's police chief avoided contempt of court charges, Judge Ferguson banned further actions against Miranda's theatre. During the hearings for contempt of court, Deputy D.A.s' Capizzi and Sears argued that the ruling of the original three-judge panel did not specifically bar further police seizures; it just struck down California's obscenity statute. Judge Ferguson granted the two lawyers their point (a reporter at the hearing noted how the Judge's sharp "grilling" had made the attorneys "visibly uncomfortable"), however he still believed that the D.A.'s office had violated the decision's intent. "We never conceived there would be other massive seizures of the film," said Judge Ferguson. His new injunction against the D.A. and Buena Park police would stand for close to a year, allowing Miranda to screen hard core films throughout Orange County.²²⁵

In the interim, Hicks' office had appealed the three-judge panel's original decision, which had declared California's obscenity statute unconstitutional. The Burger Supreme Court sent good news in the spring of 1975. It ruled that the federal three-judge panel had "no business entertaining the suit in the first place" because Miranda's case needed to work its way through the lower courts before a federal court could even hear it. The U.S. Supreme Court, in effect, "revived" California's obscenity statute and squashed Judge Ferguson's injunction. It officially paved the way for the Hicks' office to continue its raids on not only the Pussycat Buena Park, but all Pussycat Theatres in Orange County. Subsequently, under Hicks' direction, Officer Robert Gatewood of the Newport Beach Police Department alone seized ten different hard core films from one of Miranda's Orange County Pussycat theatres. The Pussycat Buena Park continued to operate but it would never again screen *Deep Throat*. "We're enforcing a very clear law and we're going to continue to enforce it whenever and wherever it becomes our duty to enforce it," Hicks triumphantly said in the wake of *Miranda V. Hicks*. "I like to think about all the rights of individuals who are offended by this kind of obscene display. We don't want this kind of stuff in Orange County and it's my job to prosecute the purveyors of it to the hilt."²²⁶

Donna Bagley v. Pussycat Buena Park Theatre (1974)

Hicks must have had Donna Bagley, a twenty-year resident of Buena Park with aspirations of elected office, on his mind when he defended the "rights of individuals" that had been "offended" by "obscene display." In early 1974, with Fleishman still battling Hicks in state and federal courts, Bagley opened up another legal front in the fight against Miranda and the

²²⁴ Evan Maxwell, "County Probe Links Pornography Ring to Mafia," May 15, 1973, *Los Angeles Times*, D1, 4; Jeffrey Perlman, "Link With 'Organized Crime' Cited," August 21, 1976, *Los Angeles Times*, OC26B; Jeffery Perlman, "Police Give It Back With Flair," October 26, 1976, *Los Angeles Times* OC1.

²²⁵ Maxwell, "'Deep Throat' Stirs Many-Sided Controversy: Lawyers Clash Over Legal Complexities," OC3; Robert Rawitch, "Judge Again Halts 'Throat' Film Raids," August 13, 1974, *Los Angeles Times*, C4.

²²⁶ n.a., "The Pussycat Problem," July 19, 1975, *The Register*, n.p.; Linda Mathews, "State Obscenity Statue Revived," June 25, 1975, *Los Angeles Times*, B1; for more police raids in 1975 see box 587, *SFP*; Tom Barley, "County Officials Laud Porno Ruling," July 13, 1975, *Daily Pilot*, n.p.

Pussycat Buena Park Theatre. Her lawsuit gave the religious wing of the New American Right an opportunity to shape public life and the marketplace in Orange County.

Newspapers described Bagley as someone who looked like she could be cast as “the grandmother” in any television commercial hocking baked goods. She wore knitted sweaters that looked like they came from a different era and had a silver mane that was perfectly set from a night in curlers. Bagley’s grandmotherly looks, however, obfuscated the “suburban warrior” that lay just beneath her heavily scented perfume and thick plastic oval-shaped eyeglasses from the 1950s. Like many residents of Orange County, Bagley was a devout Christian steeped in conservative politics. Bagley once sat in her parked car and “prayed for awhile” before investigating an adult bookstore that had just opened up in Buena Park. “What I saw was worse than I could have thought. I guess that was when it really began,” Bagley said about the start of her activism. Bagley’s disgust with the adult bookstore led to a petition drive. Next, she formed a community action group, Citizens For Respectable, Clean Entertainment (FORCE) that pressured the bookstore owner to leave town. FORCE mobilized again when Miranda opened up his sexually explicit movie theatre. Bagley sent a letter to Miranda telling him that she would give him a “good neighbor award... if he would just close down the theater.” In an interview with a reporter, she likened Miranda’s theatre to “smog” from Los Angeles that “comes down and dirties the air” of Orange County. Bagley hoped that her civil lawsuit, which was built on the Red Light Abatement Act, the same tactic that Hicks’ office used against bottomless bars, would rid her community of the pollutant that was the Buena Park Pussycat Theatre.²²⁷

Bagley’s civil lawsuit would be one of first attempts by a private citizen to try to use the act to close down a pornographic movie theatre. She would need help. It came in the form of James Clancy. James Clancy shared many similarities with Cecil Hicks and Oretta Sears. Born to working-class Irish-American parents, Clancy’s religious education was cultivated in the Catholic parochial schools of Chicago, Illinois. His observance of Roman Catholicism was so strict that one reporter described him as a “small town preacher” who fought pornography with “statute and brimstone.” He went on to graduate from the U.S. Naval Academy, serving honorably in World War Two and the Korean War. In a similar fashion to Cecil Hicks, Clancy would employ war metaphors to describe his lifelong fight against pornography.²²⁸

In 1955, Clancy earned his J.D., with a specialization in real estate law, from UCLA. After a brief private practice, the City of Burbank, California hired him because of his fluency in zoning law. In 1962, he worked and lost his first case involving pornography. The case served as a turning point in his legal career. He recalled years later how unfair that legal contest had been because the defense lawyers had the luxury to specialize in obscenity law, while he had a docket filled with cases that required more general legal knowledge. His degree of expertise would soon equal that of the best obscenity lawyers. A year later, in 1963, Manly Bowler, the deputy district attorney of Los Angeles County, hired him as a special deputy district attorney and placed him in charge of a new anti-pornography unit. He used his position to try local artists and the cases

²²⁷ Thomas Fortune, “Races Begin for 51 Council Seats in 19 county Cities,” December 28, 1973, *Los Angeles Times*, OC A1; n.a., “Owner of Adult Theatre Files \$2 Million Suit Against City,” *Los Angeles Times*, E1; Evan Maxwell, “...While Buena Park Faces Moral Question,” September 1, 1974, *Los Angeles Times*, OC1.

²²⁸ Kenneth Fanucchi, “Pornography Fighter Grappling With Evil,” August 13, 1978, *Los Angeles Times*, GB1, 4, 7; Barry S. Surman, “Lawyer Fights Pornography with Statute and Brimstone,” February 23, 1986, OC A1.

bought him a great deal of publicity. After the elections of 1964, however, Bowler's boss, William McKesson, lost his re-election bid. The incoming D.A., Evelle Younger, a fellow Republican, fired Clancy for bringing cases to court that had no chance of withstanding an appeal. "It will be the policy of the office not to waste the taxpayers money in merely staging shows, in filing charges and conducting prosecutions for their publicity value," Younger said as he promoted his own man to the now vacant position.²²⁹

Clancy put on these so-called show trials because he truly believed that the spread of pornography was *the* problem in American life. As the youth revolts of the 1960s flared up on many university campuses, pornography seemed to further encourage society's worst impulses. "The sole purpose of pornographic books is to stimulate erotic response. Pornography encourages people to luxuriate in morbid, sexual-sadistic fantasies and tends to arrest their development. Pornography is daydream material, divorced from reality," Clancy told a reporter in 1964. Erotic feelings led to sexual sin and even developmental problems. In a strange twist, his complaint about pornography being "daydream material" also paralleled the work of Herbert Marcuse who coined the term "repressive desublimation" to describe how pornography was a form of distraction that prevented people from overthrowing capitalism. In Clancy's case, though, pornography was a distraction that prohibited Americans from leading a more righteous and church-centered life.²³⁰

The period between 1966 and 1978 marked a particularly fruitful time in Clancy's anti-pornography career. Charles Keating's Citizens for Decent Literature (CDL) hired Clancy as chief legal counsel. He also opened a private practice that included his son as well as his daughter who were both lawyers. In 1966, he co-authored Proposition 16, a California ballot initiative that obtained over 600,000 signatures of Californians who wanted to replace existing obscenity statutes with a tougher set of regulations. The ballot initiative failed by a 3 to 2 margin, but Prop. 16 turned Clancy into a major force in the conservative grass-roots movement of Southern California. Two years later, in 1968, Clancy made national headlines when he helped torpedo President Johnson's nominee, Abe Fortas, for Chief Justice of the Supreme Court. He claimed that Fortas' liberal position on obscenity had led to the overturning of numerous convictions. To prove his point, he screened a stag film for interested members of the Senate Judiciary Committee. Fortas had ruled that the stag film did not meet obscene standards. After viewing a "shapely girl clad only in bra, garter belt and transparent panties busily removing even those few garments while the camera ground away," the two Senators created a media firestorm that forced both Democrat and Republican Senators to block President Johnson's nominee.²³¹

This national exposure magnified Clancy's power within the broader conservative movement and by the time Miranda began screening hard core features in 1973, the lawyer was, as one reporter described him, a seasoned "smut fighter." He acted like an itinerate prosecutor whose mission was to root out civic leaders who had become too permissive towards the availability of sexual materials in the public realm. "There is lassitude, an incompetence on the part of law enforcement officers in this area. The prosecutor is not doing his job. If the

²²⁹ n.a., "Younger Plans Special Pornography Division," December 18, 1964, *Los Angeles Times*, B14.

²³⁰ n.a., "The Fight on Pornography – Special Deputy D.A.'s View," December 13, 1964, *Los Angeles Times*, C2.

²³¹ Charles Weisenberg, "CLEAN Is a Five-Letter Word," October 16, 1966, *Los Angeles Times*, W28; n.a., "The Nation: Stag Film Issue," July 28, 1968, *Los Angeles Times*, K4.

prosecutor would stand tall behind the law officer, behind the sheriff, the constable, and the people, there would be something done about this particular problem.” Clancy’s travels brought him to Orange County where the fight over sexual materials in public space was boiling over.²³²

James Clancy teamed with Louis Morelli, another expert obscenity lawyer, to file Donna Bagley’s lawsuit with the Superior Court of Orange County on January 3, 1974. Her lawsuit asked the court to abate the Pussycat Buena Park Theatre for being a “public nuisance.” The complaint showed that Donna Bagley owned a home as well as a business less than 1800 feet from the Pussycat. She, therefore, had intimate knowledge of the establishment’s screenings and its effects on the neighborhood. Between May 1973 and November 1973, the theatre had “continuously advertised and exhibited obscene motion picture films” like *Making of a Blue Film*, *Beyond The Commission Report on Obscenity and Pornography*, and *Deep Throat*. Bagley’s attorneys had professional time and motion studies done on each of the films. The exhaustive studies broke down each film into thousands of frames, documenting every act of “adultery,” “sodomy,” and “copulation with the mouth.” The suit also submitted a list of each individual sexual act depicted in the films and a transcript of *Deep Throat* (1972). Morelli personally viewed each film in order to file a “supplementary declaration,” providing an explicit narrative to go along with the time and motion studies. The suit included all of these exhibits to document a history of lewd public exhibition; a key provision that Clancy believed would secure a favorable ruling under the Red Light Abatement Act.²³³

Last, the complaint tried to bolster its case by citing the Pussycat’s negative effects on Donna Bagley and the city of Buena Park. Miranda’s business, the suit argued, had caused Bagley to suffer “shame, embarrassment and emotional distress.” The theatre also changed downtown Buena Park by attracting “criminal elements, undesirables, deviates and dropouts.” Buena Park’s Mayor confirmed Bagley’s assessment as to the types of characters the theatre drew, “What is there now seems to attract people with disheveled minds, and I don’t know why we have to pay tribute to that kind of mind.” Another longtime resident with three young children took his assessment of the theatre further, “It is the devil’s work. It was a temptation to really bring down morals, and it really needs to be blown up.” Bagley’s team had built a strong case that the theatre was a nuisance and should be abated, but even with the full support of the city’s leaders and the CDL, Fleishman still prevailed.²³⁴

In late January 1974, Judge Robert Kneeland rejected Bagley’s case. Fleishman cited *Harmer V. Tonylyn Productions, Inc.* (1972), to convince the judge that the Red Light Abatement Act “does not apply to motion picture theatres and cannot be invoked to enjoin or

²³² Weisenberg, “CLEAN Is a Five-Letter Word,” W28.

²³³ Donna Bagley, “Plaintiff, vs. Pussycat Buena Park Theatre; Pussycat Theatres, INC.,” n.d., box 66, Folder “Pussycat Buena Park et al.adv.Bagley S.Ct. Orange County No. 209854” *SFP*; Louis Morelli. Donna Bagley vs. Pussycat Buena Park Theatre, SUPPLEMENTARY DECLARATION OF LOUIS MORELLI IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION, n.d., box 66, folder “Pussycat Buena Park et al.adv.Bagley S.Ct. Orange County No. 209854 (Miranda)” *SFP*.

²³⁴ n.a., “Suit to Shut Down Theater is Dismissed,” January 26, 1974, *Los Angeles Times*, OC16; Maxwell, “..While Buena Park Faces Moral Question,” OC1.

abate the exhibition of films.”²³⁵ In *Harmer V. Tonylyn Productions, Inc.* Clancy had tried to use the Red Light Abatement Act against one of Fleishman’s clients, a theatre owner who had screened *Without a Stitch* (1968) - a foreign sexploitation film. *Without a Stitch* had been screened in a “closed theater” to persons “who voluntarily chose to see it.” The court ruled that the theatre could not be declared a “public nuisance” because “the community as a whole” had not been “forced to submit involuntarily” to the film. The court also noted that California’s Legislature had amended the Red Light Abatement Act in 1969 to include sites of illegal gambling. If the legislature wanted the Red Light Abatement Act applied to movie theatres, then it would have included them in the 1969 amendment.²³⁶

James Clancy filed an appeal in response to Judge Kneeland’s decision. The appeal argued that Kneeland’s “erroneous ruling” had three significant consequences. First, a dismissal “will encourage” other exhibitors “to introduce pornographic films in other local theaters.” Second, echoing Cecil Hicks, Clancy wrote that “lewd public exhibition and crass commercial exploitation of sex” would result in the “debasement and distortion [of] a key relationship of human existence, central to family life, community welfare, and the development of human personality.” Finally, Donna Bagley’s “statutory rights” had been denied and she required “speedy equitable relief” from the suffering that the theatre had caused. In the end, Clancy’s appeal fell on deaf ears. Conservative activists, however, took the opportunity to use Bagley’s case as a fundraiser. The founder of the CDL, Charles Keating, sent a letter to supporters asking for a five-dollar donation that would go toward the purchase of a “special camera which permits officials to operate in a darkened theater” and “can record the entire movie and script with timed photographs.” The CDL’s letter was a sign that the anti-pornography faction of the New Right was not deterred by the defeat; it just needed better technologies of surveillance in its campaign against exhibitors of pornographic film.²³⁷

Miranda understood that a number of powerful individuals had joined forces to drive him out of business. Like many industry participants, though, he fought back. Fleishman filed a two million dollar civil lawsuit against the City of Buena Park. The lawsuit, which also named Cecil Hicks’ office, Donna Bagley, and FORCE, claimed that the city had harassed Miranda, his employees, and his clientele “in an attempt to close down his operation.” Beside the numerous police raids and arbitrary citations issued by the city’s fire department, civic leaders had sent an appraiser to the Pussycat Theatre. Miranda was convinced that the city was going to force him to sell the Pussycat at the appraiser’s price, which had undervalued the theatre by as much as \$250,000. Fleishman described the collusion of these three different agencies as a “conspiracy.” The city manager denied ever issuing “threats to close him down.” Vincent Miranda would

²³⁵ n.a., “Owner of Adult Theatre Files \$2 Million Suit Against City,” *Los Angeles Times*, E1; “Donna Bagley V. Pussycat Buena Park Theatre, MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF DEFENDANTS DEMURRER TO COMPLAINT,” n.d, box 66, folder “Pussycat Buena Park et al.adv.Bagley S.Ct. Orange County No. 209854 (Miranda) Extra Copies File,” *SFP*.

²³⁶ “Donna Bagley V. Pussycat Buena Park Theatre”; *Harmer v. Tonylyn Production, Inc.* (1972), Cal. App. 3d 941.”

²³⁷ Charles Keating to CDL supporters, letter, April 5, 1973, box 589, folder, “Miranda, Paula, et al. adv. Peo. L.A.M.C. San Jose Jud. Dist. No. 44674 (Miranda) Criminal Case,” *SFP*.

eventually win a \$3,000 settlement from the City of Buena Park and his heirs would hold on to his property for decades to come.²³⁸

Donna Bagley and James Clancy continued down the legal path that Cecil Hicks had forged in his actions against bottomless bars. Using the Red Light Abatement Act, they unsuccessfully tried to argue that the sex films screened at the Pussycat Buena Park were lewd, that the lewd films created a public nuisance, and, therefore, the theater should be abated. The courts rejected their case on ground of original intent and the right to private enterprise.

Roughly five hundred miles north of Orange County, in the City of San Jose, another case, which featured The Red Light Abatement Act and a Miranda owned theatre, the Pussycat Theatre II, was working its way through the courts. Like Bagley and Clancy, San Jose authorities tried to abate the Pussycat Theatre II by documenting the way in which sex films like *Deep Throat* contained “lewd” subject matter. But they did not stop there. They supplied an additional layer of evidence by documenting the sex films’ effect on moviegoers. Northern California legal authorities hoped that the two different lawyers of documented lewdness would result in the abatement of Miranda’s theater.

Bergna v. Pussycat Theatre, Inc (1973)

Due to the sheer distance of the legal maneuvers in Orange County, Fleishman hired a local lawyer, John Thorne, to help him represent Miranda’s theatre interests in Northern California. Thorne had worked with Fleishman before on an obscenity case involving a gay movie house’s screening of *Pornography: Copenhagen 1970* (1970). The prosecutor in that case was Alfred C. Fabris, Deputy District Attorney for Santa Clara County, California. The sometimes gracious, but always hot-tempered Deputy D.A. ordered San Jose police officers, in the early part of 1973, to document a history of lewd conduct at Miranda’s pornographic movie house, the Pussycat Theatre II. Fabris wanted to demonstrate that like a prostitute having sex with a client in a brothel, the films at the Pussycat Theatre II caused moviegoers to engage in illicit behavior. Miranda’s theatre, therefore, could then be declared a public nuisance and closed under the Red Light Abatement Act. Fabris, in effect, took Donna Bagley and James Clancy’s strategy of demonstrating lewdness one step further. Not only did Fabris show that Miranda’s theatre screened lewd films, but he also sought to document that the theatre’s lewd films caused moviegoers to commit actual lewd acts. Similar to the events in Buena Park, Miranda’s legal team would have to fight a hostile police department, aggressive prosecutors, and a prejudiced judge to keep the doors of Pussycat Theatre II open.²³⁹

San Jose Police conducted months of surveillance at the Pussycat II in order to help Fabris build his case. Vice officers wrote detailed summaries of hard core fare like *Deep Throat*

²³⁸ n.a., “Owner of Adult Theatre Files \$2 Million Suit Against City,” February 1, 1973, *Los Angeles Times*, E1.

²³⁹ For more on the San Jose Paris Theatre case see box 101, *SFP*; like Fleishman, Hughes, Kennedy, and Thorne worked with high profile clients like George Jackson and Angela Davis. Thorne supported the freeing of Eldridge Clever; n.a., “Soul on Ice?,” advertisement, April 27, 1969, Volume 3, Issue 1, *The Black Panther*, 18; n.a., “Lawyer, Judge Argue in Davis Trial,” April 27, 1972, *Courier and News*, C 6; Thorne spoke a protest rally in memory of George Jackson at 1972 Republican National Convention in Miami. n.a., “Miami Demonstrations,” September 9-22, 1972, *Fifth Estate*, Volume VII, 6.

and tried to catch movie patrons committing lewd acts. The vice unit visited the theatre so often that Pussycat employees knew them by name. One resident, Arthur Jackson, who heard about the police activity at the Pussycat complained to San Jose's Police Chief, Robert Murphy. Jackson called the police department's actions tantamount to censorship and suggested that the department should focus its attention on murder, robbery, rape, and other violent crime. Chief Murphy disagreed with Jackson's assessment that his department practiced censorship. Chief Murphy believed that his department was only "an instrument of the court," not a public censor. The police chief concluded his letter thanking Jackson for his "interests and critique" of his department. The chief understood Jackson's concern about his department was "use of manpower," but he promised Jackson that only a total of "six man hours" was spent investigating the Pussycat II. Chief Murphy's claim was a lie. The sheer amount of internal documents generated by San Jose Police belied his statement. Fabris, for example, included dozens of police declarations and investigative reports in his pretrial motions against the Pussycat Theatre II. The police documents supported the Deputy D.A.'s argument that "the effect of this type of hard-core pornography is to cause widespread masturbation and other acts of indecent exposure by males and female within the theater."²⁴⁰

To counter the Deputy D.A.'s claims, Fleishman and Thorne produced witnesses who said that lewd acts, especially acts of masturbation, were common in all movie theatres not just hard core ones. Three different local managers from general release theatres all detailed stories of customers who engaged in lewd acts while "innocuous films were showing." Jim Lytell, one of Miranda's employees who had decades of experiences in studio run theatres, said he had seen "very frequent incidents of masturbation and frequent instances of homosexual pick-ups" at the Fox Theater in Long Beach, California. When he worked the Fox Granada Theater in L.A., he witnessed young teenagers "engage in heavy petting, in which both the boys and the girls were fondling the private parts of their companions." Lytell recalled one moviegoer "taking off all his clothes" during a screening of *The Godfather* (1972) at the Hollywood Paramount Theatre. Miranda's legal team even brought in a former police officer to underscore how people committed lewd acts in all types of theatres. Fleishman informed his expert witness that San Jose Police had visited the Pussycat II twice a week for ten-months straight. Of the theatre's fifty thousand customers during that period, only a dozen or so were arrested for lewd conduct. In response to this set of facts, Fleishman's expert witness testified, "In my opinion, as a former police officer, I would say that the ratio of arrests to patronage at the Pussycat #2 is no greater than the ratio that would be found in theaters of general release, given the same enforcement activity." Fleishman and Thorne hoped to show that it was not the films, but the anonymity of theatre spaces that led to lewd acts. This being the case, any judge who closed down the Pussycat Theatre II, should have no problem closing down all of the theatres in San Jose, California.²⁴¹

²⁴⁰ Robert Murphy to Arthur Jackson, letter, May 22, 1973, box 66, folder: PUSSYCAT THEATER, INC., ET AL. ads Peo. CORRESPONDENCE (MIRANDA) SUP. CT. SAN JOSE, NO. 290247, *SFP*; n.a., case file, box 65, folder "THE PEOPLE OF THE STATE OF CALIFORNIA, ETC., VS. PUSSYCAT THEATER, INC., ET AL., No. 290747, MEMORANDUM OF DECISION," *SFP*.

²⁴¹ n.a., "Hard-Core Films, Judge Weighs Theater Closure," May 30, 1973, *San Jose News*; n.a., case file, box 66, folder "People of the State of California vs. Pussycat Theatre, Inc., etc., et al., Defendants first set of interrogatories and requests for admission propounded to plaintiff," *SFP*.

Superior Court Judge Vincent Bruno, the judge assigned to *Bergna v. Pussycat* (1973), dismissed the arguments brought forth by the defense. He issued a preliminary injunction against the theatre on July 4, 1973, declaring it a “nuisance” and ordering it closed. Perhaps the *San Jose Mercury* captured Judge Bruno’s sentiments toward the theatre the best when it led its article on the decision with the headline, “Judge Cuts Pussycat ‘Throat.’” He believed that there was “no question” the Pussycat’s screening of “all kinds of sexual depravity must infer the pleasure of the activity and strongly suggests to the viewer the desirability of such pleasure.” He blasted Miranda’s attorneys for arguing otherwise, “It flies in the face of ordinary common sense to suggest that this kind of showing does not encourage, promote and instigate this type of indecent exposure and abnormal sexual activity on the part of the viewers.” Furthermore, like authorities in Orange County, Judge Bruno believed that this “type of salacious conduct is not restricted to the dark corner of the theater but is carried out in the community and spread like a disease on all.”²⁴²

Miranda’s legal team appealed Judge Bruno’s decision to the California Appellate Court. The appellate process allowed Fleishman and Thorne to submit a formal list of interrogatories to the District Attorney’s office. The interrogatories were a way for Miranda’s team to gather more information about their case. But Fabris saw it as a waste of his time because he had submitted all pertinent information during *Bergna v. Pussycat* (1973) - a case he had just won. He became “violently angry” and literally declared “war” on Fleishman when he found out about the interrogatories. He told Thorne to tell Fleishman that “he had 40 or 50 contempt citations ready to go and if the Supreme Court doesn’t go our way, he is going to make PSA [Pacific Southwest Airlines] the richest airline in the world by running you back and forth on all the contempt citations” (the citations, in fact, would have made Fleishman’s firm wealthier since it charged Miranda a base fee of \$7,500.00 for the case, \$500 per diems for travel, plus expenses). Thorne tried to calm Fabris down. He reminded Fabris that he and Fleishman were just trying to represent Miranda to the best of their abilities and the interrogatories were in their legal right. In the end, Fabris and Miranda’s defense team struck an informal deal. The two parties agreed to an expedited appeal and an “abeyance” of all pending contempt citations until an appellate decision was reached. In return, Miranda promised to not screen *Deep Throat* or *The Devil in Miss Jones*. If the verdict came down in favor of Fabris, the contempt charges would be filed.²⁴³

In the meantime, John Thorne researched similar cases in the San Jose area to see if Fabris was targeting any other hard core movie theatres. Thorne found a case where San Jose Police had confiscated *Deep Throat* and *The Devil in Miss Jones* from the Town Theatre, a movie house not far from the Pussycat II. After the raid, police told Jim Wesscott, the Town’s owner, “He could go ahead and show whatever he wanted.” Wesscott took the police at their word, obtained another copy of *The Devil in Miss Jones* and screened it without incident ever since the raid. In September 1973, Thorne contacted Wesscott’s lawyers, Kennedy and Rhine - the same firm that represented the Mitchell brothers. Rhine told Thorne that he was thinking

²⁴² Phil Watson, “Judge Cuts Pussycat ‘Throat,’” July 4, 1974, *San Jose Mercury*; n.a., “A Red Light for ‘Deep Throat’” July 4, 1973, *San Francisco Chronicle*.

²⁴³ John Thorne to Stanley Fleishman, letter, September 27, 1973, box 66, folder “PUSSYCAT THEATER, INC., ET AL. ads Peo. CORRESPONDENCE (MIRANDA) SUP. CT. SAN JOSE, NO. 290247” SFP; Alfred C. Fabris to Stanley Fleishman, letter, May 17, 1974, box 66, folder “PUSSYCAT THEATER, INC., ET AL. ads Peo. CORRESPONDENCE (MIRANDA) SUP. CT. SAN JOSE, NO. 290247,” SFP.

about asking for the films back if police did not plan to arrest anyone. Thorne advised Rhine to “simply let the matter sit and keep showing the picture as otherwise I was sure Fabris would move along the same lines that he moved in our case.” SJPD’s mild, almost friendly treatment of Wesscott proved to Thorne and Fleishman that police had singled out Miranda for harassment because they had fought the Santa Clara District Attorney’s Office at every step.²⁴⁴

Miranda’s appeal had stalled in court for close to a year. Most of the delays had been caused by the D.A.’s Office (it had requested numerous extensions and filed paperwork late) but Fleishman’s firm waited patiently before making its next move. The final straw came when *Deep Throat* was “allowed to play with impunity elsewhere in the county and ultimately at a theatre almost across the street,” wrote one of Fleishman’s partners. The firm filed perhaps one of the first Civil Rights Act (1965) lawsuits to force the federal government to intervene in what it saw as a flagrant violation of Miranda’s due process rights by the Santa Clara D.A.’s Office.²⁴⁵

When Al Fabris learned that Miranda’s lawyers had filed the civil rights lawsuit and that it had been subsequently dismissed, he fired off a vitriolic letter to Fleishman on May 17, 1974. He called Fleishman’s action a “serious breach of professional ethics, and an act of extreme bad faith.” He then informed Fleishman that their previous agreement was “terminated” and that he would continue the raids on the Pussycat Theatre II. Last, Fabris promised, “In the future, no agreement will be made with your office in this case or any other. I will personally see to it that all future discussions with your office, regardless of how insignificant, will be done on the record and in open court.”²⁴⁶

Fleishman’s firm replied with a gracious yet pointed letter on June 5, 1974. The firm reminded Fabris of their long-standing professional relationship that “while marked by vigorous advocacy on both of our parts, has – in my opinion – always been singularly marked by courtesy, consideration and fair dealing.” The firm went on to acknowledge that it could see how Fabris believed that the civil rights suit violated the terms of their gentlemen’s agreement. The firm, nonetheless, justified its actions because the extended delays along with market realities on the ground had become too unreasonable:

In summary, nearly a year from filing of the instant litigation, the injunction remains in full force and effect restricting the films to be exhibited at my client’s theatre; the requested expedited hearing has been anything but expedited; the film my client is specially enjoined from exhibiting has played, and is playing, in the near vicinity with absolute impunity at other theatres not owned by my client; and the situation was simply, from both a legal and ethical vantage point, impossible to accept.

The firm included a copy of the three-judge panel’s decision (from Buena Park case) that struck down California’s obscenity statute.

²⁴⁴ John Thorne to Stephen Rohde, letter, September 19, 1973, box 66, folder “PUSSYCAT THEATER, INC., ET AL. ads Peo. CORRESPONDENCE (MIRANDA) SUP. CT. SAN JOSE, NO. 290247,” *SFP*.

²⁴⁵ John H. Weston to Alfred Fabris, letter, June 5, 1974, box 66, folder “PUSSYCAT THEATER, INC., ET AL. ads Peo. CORRESPONDENCE (MIRANDA) SUP. CT. SAN JOSE, NO. 290247,” *SFP*.

²⁴⁶ Alfred C. Fabris to Stanley Fleishman, letter, May 17, 1974, box 66, folder “PUSSYCAT THEATER, INC., ET AL. ads Peo. CORRESPONDENCE (MIRANDA) SUP. CT. SANJOSE, NO. 290247,” *SFP*.

The California Appellate Court sided with Miranda in the fall of 1974. The Appellate Court ruled, just as Judge Kneeland ruled in *Bagley v. Miranda* (1974), that the Red Light Abatement Act could not be used against pornographic movie theatres. On November 14, 1974, John Thorne mailed Al Fabris a simple letter that said he had assumed that Fabris had received the Appellate Courts' decision and asked Fabris if he was going to dismiss the cases against Miranda. No trace of a reply letter from Fabris exists in the archive. Police harassment of the employees and audience members of Pussycat Theatre II continued until well into 1975, months after the Appellate Court's ruling.²⁴⁷

Taking stock of the legal battles he fought during the 1970s, Stanley Fleishman saw a disturbing trend that had profound consequences for American democracy: "Anyway, this [the actions by prosecutors and police] is indicative of a growing tendency of authorities to use nuisance laws and red-light abatement laws to bypass juries. What it means is that instead of going after a particular work, the authorities go after a particular theater or bookseller." California prosecutors had, according to Fleishman, taken juries out of the process of deciding what types of sexual materials should be available for public consumption. They, more seriously, through legal harassment, restricted a group of Americans - sexual entrepreneurs and their customers - from being counted as part of the polity; from engaging in the public sphere. The prosecutors, conversely, viewed their actions as utterly democratic because they upheld the state's laws that had been passed through a democratic process. Moreover, they saw themselves upholding American democracy by protecting what President Richard Nixon famously described as the "silent majority" from a minority of criminals who peddled in the obscene.²⁴⁸

Conclusion

While this chapter explores the New Right's use of law and order politics at the municipal level, it also reveals something about the counterculture. Numerous scholars documenting the "sexual revolution" characterize the late 1960s and 1970s as a more "permissive society" where a "downturn in obscenity prosecution" gave rise to commercial sex districts. The story from the vantage point of the D.A.'s office signals a very different narrative. This parallel narrative, which features a mountain of litigation filed by California prosecutors and their conservative colleagues against sex entrepreneurs, suggests that the emergence of an aboveground marketplace for sexual materials came about through legal conflict rather than a "decline in obscenity prosecutions." District attorneys, up and down the state, strove to protect sex from being commodified by businessmen such as Vincent Miranda. The legal contest between California prosecutors and sexual entrepreneurs suggests that the issue of pornography remains an understated factor in the rise of the New Right and that pornography's emergence in the marketplace was circumscribed by legal campaigns and a lengthy juridical process. More significantly, the story of California's prosecution of pornographic establishments suggests that sex and gender, in addition to race or class, should be used as the category of analysis to the study the last third of the American Century.

²⁴⁷ John E. Thorne to Alfred Fabris, letter, November 14, 1974, box 66, folder PUSSYCAT THEATER, INC., ET AL. ads Peo. CORRESPONDENCE (MIRANDA) SUP. CT. SANJOSE, NO. 290247, SFP.

²⁴⁸ Evan Maxwell, "While Buena Park Faces Moral Question," September 1, 1974, *Los Angeles Times*, OC1.

Post-Script

Close to twenty-five years after the Pussycat Buena Park opened its doors, Donna Bagley, now 83-years old, watched in delight as a bulldozer knocked down the theatre's marquee on December 5, 1995. An official ceremony with "speeches and refreshments" helped ring in the long-awaited celebration. "That theater has been an abomination since 1971. It wasn't good for anybody. It wasn't good for the neighborhood, and it certainly wasn't good for school children seeing it," Bagley said. The City of Buena Park finally closed down the theatre by buying it out from under its owners. In case the purchase from the U.S. Bankruptcy Court fell through, the City was prepared to use eminent domain to acquire and then destroy it.²⁴⁹

Vincent Miranda would never have allowed this to happen, but he was no longer alive to protect the theatre. He died on June 5, 1985 at Cedars-Sinai Hospital in Los Angeles. He was only 52 years old. In 1979, he told a reporter that his net worth was close to twelve million dollars. Miranda left the Pussycat Theatre chain to his cousin, Jimmie Johnson, the Pussycat Theatres' Vice President, and his lover, George Tate. The two beneficiaries liked making money from the pornographic movie theatre business, but they never shared Miranda's willful, vindictive streak. They inevitably fought over the direction of the business and it bleed into a battle over the control of Miranda's estate. The fighting, along with market forces (decline in the films' cultural cache, technological advancements that allowed consumers to watch the films at home), destroyed the economic viability of the Pussycat Theatre chain.²⁵⁰

James Clancy, the appellate lawyer who worked with Bagley, continued his fight against pornography well into his old age. Southern California cities such as Duarte, Whittier, Redondo Beach, and Santa Ana brought Clancy on as special counsel to help them combat sex businesses. Joseph Rhine, one of the Mitchell brothers' attorneys, described Clancy as nothing more than a "hired gun" who had made a career from anti-pornography campaigns. "I think he is a zealot," a former associate told a reporter. "He has the tendency to interpret court decisions to make them fit his own philosophy. Pornography seemed to trigger something in him – to the point where he was willing to overlook the rights of individuals to get them out of the business of selling books or showing movies he considered pornographic."²⁵¹

"Individual rights" did not matter when weighted against eternal salvation and national decline. "Even though pornography is worse than ever, the opportunity to control and eliminate it also is the greatest it's ever been." Clancy said in 1978, "It's just a question of organizing the people to see the truth of the destructiveness of the easy availability of pornography." He saw similarities in his decades long battle to eradicate pornography with Howard Jarvis's anti-tax campaign. Clancy believed that like Jarvis if he "kicked the mule a lot of times" a groundswell of anti-pornography activism would materialize. In the meantime, he would continue to fight the porn wars like a good soldier. "I believe in it. I think that right now we're at Dunkirk... What had occurred [the spread of pornography] is damaging to the morals of this nation. This is a

²⁴⁹ Lesley Wright, "Going From XXX to Ex" December 5, 1995, *Los Angeles Times*.

²⁵⁰ Burt A. Folkart, "Pussycat Theater Founder Miranda Dies," June 5, 1985, *Los Angeles Times*.

²⁵¹ Herman Wong, "Major Victory Seen in Porno Film Case," December 18, 1978, *Los Angeles Times*, OC A4; Kenneth Fanucchi, "Pornography Fighter Grappling With Evil," August 13, 1978, *Los Angeles Times*, GB1.

crisis,” Clancy said in 1986. “Aids, herpes... how did this come about? The extreme licentiousness that the courts have allowed... We have become a corrupt nation.”²⁵²

Oretta Sears parlayed her success during Hicks’ drive against pornography into a prominent judgeship in 1978. In an election victory that upset California’s spoil system, Sears employed a political strategy that featured populist rhetoric and a strong law and order component. She reminded voters that her opponent, Leonard Goldstein, moved to Orange County only after it became clear the Governor Jerry Brown would appointment him to the Superior Court. “I put my name on the ballot and asked all my friends to please remember this is a people’s choice, to prove the people – not the politicians – really run things,” Sears said. She repeatedly reminded voters, furthermore, how “shell-shocked” she was by her trial docket, which almost exclusively featured “murder, armed robbery, and kidnapping with injury cases.” Drug dealers now peddled hard drugs like cocaine instead of marijuana. The cases represented a dramatic sea change from the misdemeanors she tried earlier in her career. Her rhetoric, whether based in fact or fiction, helped unseat Orange County Superior Court Judge Leonard Goldstein. The victory emboldened many local lawyers to challenge sitting judges.²⁵³

Only a few short years after the election, though, death came knocking on the Sears’ household. Donald Sears came home one afternoon and found his wife dead. The coroner ruled her death a suicide because of the lethal cocktail of sleeping pills and alcohol he found in her stomach. Upon hearing the shocking news, newsmen speculated about why Judge Sears took her own life. One reporter suggested that she might have been distraught over her only daughter working as a topless dancer in Las Vegas (she addressed her daughter in her suicide note). Others wrote that her suicide could have been due to money problems. In a recent news article published in 1995, another reporter wrote that a handful of people believed that her death was not a suicide but in fact a “mob hit” because of her role in bring down Ettore Zappi, the Gambino family’s point man in its Southern California pornography ring. No evidence has collaborated this claim. It seems that her death will remain a mystery. Her husband never recovered from his wife’s death. He wrote a book of poetry to help him deal with his grief. At the end of his academic career, he donated the couples’ substantial erotica collection to the library at Cal State Fullerton. It was the University’s single largest donation of erotica. His donation reinforced the couples’ conviction that erotica did have a place in life, just not a place that was readily accessible by the general public.²⁵⁴

In 1977, Stanley Fleishman pivoted away from obscenity law to help pioneer the field of disability law. He noticed that during one *Deep Throat* trial the jury commissioner had dismissed potential jurors because they were disabled. Fleishman, in a routine legal maneuver, tried to have the case dropped because of the discriminatory actions of the jury commissioner. During the same period of time, he caught a news program about the nascent disabled rights movement. He

²⁵² Barry S. Surman, “Lawyer Fights Pornography with Statute and Brimstone,” February 23, 1986, OC A1; Fanucchi, “Pornography Fighter Grappling With Evil,” GB4.

²⁵³ Jeffery Pearlman, “Judges Serene World Shaken Up by Politics,” May 28, 1978, *Los Angeles Times*, OC1; Lorraine Bennett, “Oretta Sears: Determined to Be A Superior Judge,” June 20, 1978, *Los Angeles Times*, OC B6.

²⁵⁴ Nancy Wride, “Dramatic Life, Death of an O.C. Judge” December 15, 1995, *Los Angeles Times*, (electronic version accessed October 3, 2013); John Brugaletta and William Koon, letter, “Donald Sears Tribute,” August 1, 1994 (accessed online, <http://www.fullerton.edu/emeriti/>, search “Donald Sears Tribute”).

was captivated. He realized that he had a personal stake in the movement's success and that the movement could use skilled advocates. He left his longtime partners (McDaniel, Brown, and Weston) because he could not ask them to join a field of law where the potential to make money was very slim. He had finally confronted the disability he had so long rejected as being a factor in his life. He became one of the guiding lights in disability law by helping to shape the law just as he had done in the field of sexual materials. In the twilight of his career, organizations ranging from *Playboy* to California Association of the Physically Handicapped feted him with awards for his work in protecting the rights of minorities.²⁵⁵

Cecil Hicks, like a patriarch from the Book of Genesis, lived a long and fruitful life. He served a total of two decades as Orange County's District Attorney. After the *Deep Throat* trials, he focused on political corruption. A number of county officials and local politicians were thrown out of office and imprisoned because of D.A.'s investigations. "I think that Cecil and the efforts of this office have been a significant factor in bringing that about," Mike Capazzi, Hicks' handpicked successor, said about the fear that the D.A. had instilled in political circles. "His resolve to clean up the political corruption – that's a tough thing to tackle. He could just as easily have chosen to look the other way and shrug it off." In 1989, he was appointed to a judgeship with the U.S. Superior Court, the same court that that Judge Bryon McMillan had served on. His appointment ensured that the amiable relationship between Orange County prosecutors and the Superior Court continued. He sat on the bench for twelve years, finally retiring from public service in 2001. A few years later, Hicks succumbed to pneumonia and died at St. Joseph's Hospital in Orange, California.²⁵⁶

Hundreds of mourners gathered at the Trinity United Presbyterian Church to pay their last respects to the man who led Orange County's so-called "golden age of prosecution." Mike Capizzi said this about his friend and mentor: "In the history of Orange County, Cecil was certainly an icon. Orange County would be a different place today, and not a better place." His wife, Jo Hicks, told a reporter that her husband "loved everything about being a district attorney." She also shared with the reporter the intimate story that her husband managed one last smile in final hours before he died – something he had not done for days. Perhaps he was smiling about the legacy he had left behind.²⁵⁷

Hicks was survived by his wife, five children, nineteen grandchildren, and seven great-grandchildren. When Hicks became the District Attorney of Orange County in 1966 he oversaw thirteen prosecutors and five investigators. In 1989, the year he left to become a judge, the D.A.'s office had one hundred eighty-five prosecutors and one hundred thirty-five investigators. To this day, Orange County has a reputation as being a place where you did not want to be caught committing a crime.²⁵⁸

²⁵⁵ MYRNA OLIVER, "Attorney Stanley Fleishman Dies," September 24, 1999, *Los Angeles Times*,

²⁵⁶ Jeffery Perlman, "Hicks' District Attorney Role Changed as County Changed," August 13, 1989, *Los Angeles Times*, (electronic version accessed October 3, 2013).

²⁵⁷ Christian Berthelsen, "Hundreds Mourn Cecil Hicks," April 10, 2007, *Los Angeles Times*, n.p.; Yvonne Villarreal, "Cecil Hicks, 80; Retired O.C. Judge, Former District Attorney," April 1, 2007, *Los Angeles Times*, n.p.

²⁵⁸ Jeffery Perlman, "Hicks' District Attorney Role Changed as County Changed," August 13, 1989, *Los Angeles Times*, n.p.

Chapter 7: WAVPM

Around September 17, 1977, an anti-pornography group, founded by radical feminists less than a year earlier in the San Francisco Bay Area, received a letter from a 35-year-old mother who called herself “Mad Rabbit.” The group knew that the letter was one of solidarity rather than derision when they read the first few lines: “DEAR SISTERS (TO: WOMEN AGAINST VIOLENCE in Pornography and Media) “I LIKE THE ORANGE STICKERS (‘Pornography is a LIE about women’) and will stick as many as I can all over town (San Francisco, esp.)- - YES! YES! YES!” Mad Rabbit’s palpable enthusiasm for the group’s bright colored stickers with its simple phrase and promise to engage in misdemeanor behavior had given away her hand.²⁵⁹

Women Against Violence in Pornography and Media (WAVPM) mailed 20 of their “latest anti-pornography stickers,” a button emblazoned with their logo, and *Newspage*, the organization’s monthly newsletter, to each dues-paying member. Mad Rabbit must have received her supply of orange stickers this way. She also probably picked up her idea to “stick as many as I can all over town” from the organization’s penchant for plastering stickers with messages like “Pornography is Anti-Women Propaganda” and “This is a Crime Against Women” on the façade of offending stores, studios, and theatres.²⁶⁰

The phrase, “Pornography is a LIE about women,” functioned as shorthand for how pornography, a microcosm of all media, perpetuated sexual violence by manufacturing pornographic representations that distorted women’s sexuality. WAVPM liked to use S&M-themed porn as an example. S&M porn fabricated a society where men believed women wanted to be humiliated, even demeaned during sex. Still worse, women internalized these lies, accepting degradation as the norm. Often, the sadistic lessons learned from porn manifested themselves in crimes against women like rape, torture, and murder.²⁶¹

Mad Rabbit’s letter transitioned from her excitement over the orange stickers to a discussion of readily available items that could be used to “sabotage” the porn industry. WAVPM, for instance, might want to think about rubber stamps with anti-pornography slogans. The relative low cost of producing the stamps along with the ability to efficiently graffiti the city with just an inkpad made them an ideal weapon in the group’s fight to eliminate pornography. Like the Wobblies with their posters and glue at the turn of the century, WAVPM could use the cityscape as a broadside to agitate for change. Mad Rabbit even included a sample of a stamp she had made—right in the middle of her letter she stamped an image of a menacing rabbit. In

²⁵⁹ Mad Rabbit to WAVPM, letter, September 17, 1977, box 3, folder “Correspondence-Miscellaneous,” Records of Women Against Violence in Pornography and Media, 1977-1983 (WAVPM), GLBTHS; members called the organization “WAVE PAM.” An actual sticker can be found in box 19, Women Against Violence Against Women Collection, 1964-1994 (WAVAW), Charles E. Young Library, University of California Los Angeles.

²⁶⁰ *Newspage*, June 1977, Vol. 1, No. 1; *Newspage*, October 1977, Vol. 1, No. 5.

²⁶¹ WAVPM’s very first newsletter detailed its position on pornography. This position would become an article of faith, “Pornography is a crime against women. It makes use of the female body by contorting our sexuality, suppressing our thoughts and feelings, manipulating our bodies and minds, and ultimately abusing us violently for the sake of male erotic or sexual stimulation”; *Newspage*, June 1977, Vol. 1 No. 1; *Newspage*, July 1977, Vol. 1, No. 2; *Newspage* October 1977 Vol. 1 No. 5.

keeping with the tenor of her letter, Mad Rabbit softened the dour looking rabbit's visage by playful scribbling "GRRRR" beside its mouth, while adding the kitschy phrase "MAD RABBIT STRIKES AGAIN!" next to its tail.²⁶²

If pornographers, under the guise of the first amendment and case law protecting business advertisements, had been able to inundate public spaces with titillating marquees, pornographic film ads, and distasteful newspaper vending machines, then Mad Rabbit considered the laws unjust and crime the only answer. She took special aim at pornographic rags. As an artist, Mad Rabbit worked with industrial strength products like epoxy and thought that WAVPM could "MUCK UP the coin slots" on newspaper vending machines that sold pornography with the "strong, quick-drying glue. Wouldn't take more than a drop or two..." The group could also simply put a few quarters in these machines and "remove all the copies + quietly... discreetly... dispose of them in the nearest liter can..."²⁶³

Newspage never claimed outright responsibility for any guerilla action that vandalized property. The organization did, though, report on and express its endorsement for these types of protest acts. When a group of unidentified women "blitzed" San Francisco with "blood red paint," WAVPM facetiously wrote, "Although we are not involved, WAVPM supports such actions as the spray painting of the coin boxes with the expression: 'This is a crime against women.'" Still further, writing about the defacement of an offensive billboard, *Newspage* declared, "We need more slogans like the sign... 'Exploitation will stop.' Those actions are very effective messages to the public."²⁶⁴

WAVPM received many letters of support during its half decade of activism, but none personified the group's call to arms quite like Mad Rabbit's letter. Its whimsical tone, manic writing style, different sized fonts, capitalized letters, and underlined words spoke to the fragmentation of the feminist self under a patriarchal regime. Mad Rabbit's "madness," in terms of her psychological state of mind and disposition, was both the cause and the cure for her atomization. The constant barrage of violent pornographic images exacted a mental toll that expressed itself in her prose. The same images also made her livid. By channeling her rage into disruptive measures—stickering, stamping, and stealing—Mad Rabbit began to self-heal. This process served a perfect example of why Americans should reject pornography and how they could become active.

On a personal level, opening Mad Rabbit's letter must have brought a knowing smile to members because it proved that, as a fledging organization, all the leafleting, slideshows presentations, countless hours spent writing and mailing newsletters, printing stickers, issuing press releases, lobbying politicians, and staging demonstrations, had not been in vain. Here was someone who understood the harmful affects of violent sexual representations and was unafraid to engage in protest actions. How many more women like Mad Rabbit were out there?

When did WAVPM form as an organization? How and why did it emerge? From where did it draw its tactical and strategic inspiration? What specifically did WAVPM demand from Americans?

1968 Miss America Pageant

²⁶² Mad Rabbit to WAVPM.

²⁶³ Ibid.

²⁶⁴ Mad Rabbit to WAVPM; *Newspage*, February 1978, Vol. 2, No.1.

On a brilliant sunny day in September 1968 the most beautiful women in America gathered at the convention hall in Atlantic City, New Jersey. They were there to compete for the title of “Miss America.” By car and rented bus, a contingent of about one hundred women with very different plans converged on the boardwalk in front of the building. Having only picket signs, leaflets, and guerilla street theater as their weapons, the women—radical feminists—lay siege to the building. They marched back and forth on the boardwalk, carrying signs urging Americans to think about the pageant’s true meaning: “If You Want Meat Go to The Butchers”, “Let’s Judge Ourselves as People”, and “Can Make Up Cover the Wounds of Our Oppression?”²⁶⁵

The group, New York Radical Women (NYRW), notified the media beforehand that their protest was conceived to spotlight women’s second-class citizenship. Robin Morgan, an important feminist thinker whose ideas would influence the San Francisco Women’s Centers (SFWC), announced that though they did not expect trouble with the law, if an altercation happened they would only let female officers arrest them because, “In Atlantic City, women cops aren’t allowed to make arrests—dig that!” Activists would grant interviews only to female reporters because they rejected the “patronizing reportage” of most news outlets. And while liberal men could help with transporting women to and from the event, they were not welcome at the protest action. “Male-chauvinistic reactionaries” of the right should just steer clear of the boardwalk altogether.²⁶⁶

No event could have better illustrated the feminists’ radical critique of American society. The pageant demonstrated the way society objectified women. Contest officials used this “Degrading Mindless-Boob-Girlie Symbol” to convince Americans to purchase material goods they did not need. Besides seeing the pageant as a “Consumer Con-Game,” the protesters demanded an answer for the lack of black contestants. NYRW disparaged pageant officials for sending Miss America to Vietnam in USO-like fashion. American soldiers abroad should not be led to believe they were fighting for and in the name of American women at home; Miss America should end her role as a “Military Death Mascot” now. The Miss America Pageant was, in the eyes of these feminists, a golden calf that needed to be destroyed so that Americans could understand that they paid homage to a false idol—one built upon women’s oppression, racism, vulgar consumerism, and militarism.²⁶⁷

Inside the building, the protesters disrupted the reigning Miss America’s farewell speech by unfurling from a balcony a bed sheet with the slogan “Women’s Liberation” written across it. Shouts of “No More Miss America!” and “Women’s Liberation!” could be heard just before police ushered the radical women out of the convention hall. Debra Snodgrass, Miss America

²⁶⁵ Charlotte Curtis, “Miss America Pageant Is Picketed by 100 Women,” *The New York Times*, September 8, 1968, 81; NYRW, Miss American Protest: 1968, images, http://www.redstockings.org/index.php?option=com_content&view=article&id=59&Itemid=103 [accessed on 11/19/2010].

²⁶⁶ Robin Morgan, press release, “No More Miss America!” August 22, 1968 http://www.redstockings.org/index.php?option=com_content&view=article&id=65&Itemid=103 (accessed on 2/26/10).

²⁶⁷ Robin Morgan, press release, “No More Miss America!”; UPI, “Miss America Wins High Rating on TV,” *Los Angeles Times* September 5, 1968, G26.

1967, remembers thinking how unfair it was for the group to target pageant contestants. If the radical feminists wanted to end patriarchy why did they attack other women?²⁶⁸

News of radical feminists placing women's magazines and various "instruments of female torture" such as pots and pans, bras, fake eyelashes, and hair curlers into a "Freedom Trash Can" aired on television and appeared in print for millions of Americans. NYRW chose the magazines because they depicted unrealistic notions of beauty and perpetuated an idyllic cult of domesticity. The kitchen utensils and beauty products were picked to demonstrate how a handful of companies socially constructed the markers of femininity. Although the police stopped NYRW from actually setting fire to the "woman-garbage," newspapers announced to the world that a "fiery" Women's Movement, bent on emancipation, had arrived.²⁶⁹

The feminists followed the trashcan act with a mock beauty pageant where they crowned a live sheep. They sought to remind Americans how the pageant resembled a livestock competition at the county fair. "Nervous animals are judged for teeth, fleece, etc. and where the best 'Specimen' gets the blue ribbon. So are women in our society forced daily to compete for male approval, enslaved by a ludicrous 'beauty' standard we ourselves are conditioned to take seriously," NYRW announced. One protestor emphasized the woman-as-meat analogy with a placard of a nude model whose body was divided into different cuts of beef. As one historian put it, these women were "Daring to Be Bad" and their actions in Atlantic City would mark the beginning of Second Wave Feminism for many Americans.²⁷⁰

New York Radical Women imagined a completely different society brought about by a radical feminist movement that ended women's oppression. The demands made at 1968 Miss America protest was a harbinger of the anti-patriarchy leftist critique and female-only activism that would be reproduced in cities across the country. To this end, radical women would build institutions such as community centers, rape crisis hotlines, and battery shelters to sustain this vision of a separate feminist world.

San Francisco Women's Centers

Three thousand miles away and about two years after the events in Atlantic City, a group of women with similar politics filed the paperwork to establish a non-profit corporation. They wanted to "facilitate and participate in the collective strength of women working for change toward a non-oppressive society." On the ground, their organization, San Francisco Women's Centers, took the shape of a supra-organization that established coalitions, helped women organize, and met the basic infrastructural needs of the radical women's movement in the Bay Area.²⁷¹

²⁶⁸ Nell Greenfieldboyce, "Pageant Protest Sparks Bra-Burning Myth" *National Public Radio* September 5, 2008 <http://www.npr.org/templates/story/story.php?storyId=94240375> (accessed on 11/21/2010).

²⁶⁹ Robin Morgan, press release, "No More Miss America!"

²⁷⁰ Robin Morgan, press release, "No More Miss America!"; Alice Echols, *Daring to Be Bad: Radical Feminism in America 1967-1975* (Minneapolis, 1989).

²⁷¹ Robin Morgan read her poetry at a SFWC meeting in 1972—SFWC, financial report, box 1, folder 8 "Structure, 1972," San Francisco Women's Centers Records (SFWCR), GLBTHS; "San Francisco Women's Centers: A Brief History, 1970-1980" box 1, folder 1: Who We Are, 1980, *SFWCR*; "Incorporated document—State of California" May 15, 1973, box 1, folder 6

Roma Guy typified the core group of activists that gravitate toward the SFWC in those first few years. Deeply versed in community organizing because of her experiences as a Peace Corps volunteer in Africa (Ivory Coast, Togo, Mali, and Cameroon), Guy provided a wealth of knowledge about empowering disadvantaged populations. She also brought a strong leftist politics. Guy witnessed, with her own eyes, how her government offered humanitarian aid while American corporations exploited the natural resources of countries like Ivory Coast. America's Janus-faced relationship with developing nations would set in motion Guy's belief that a real equality must exist between non-government organizations and the population they sought to serve. Community groups and members of the community must sit at the same table, on equal footing, for real change to occur.²⁷²

In 1969, Guy came back to the states to pursue a master's degree in community organizing from Wayne State's School of Social Work. The school's location in the heart of a de-industrializing Detroit exposed Guy to the troubling socioeconomic realities of the U.S. Guy kept herself busy working with Detroit's public schools, finding and allocating funds to community organizations, and consulting local hospitals on public health issues. Studying at Wayne State marked Guy's first extended stay in the U.S. since earning her undergraduate degree. She would join the Peace Corps for two more stints in Togo and Cameroon, but the knowledge of social problems in the U.S. lingered in the back of her mind.²⁷³

When Guy returned to the United States for good, she put down roots in San Francisco because of its reputation as a progressive community. She wanted to live in a place where she could work for change and be out as a lesbian (she had her first love affair with an American woman in Africa). Much as Guy's desire for a progressive community limited her choices of residence, Guy's desire to be out limited which feminist groups she could affiliate with in the Bay Area. A year later, Guy noted that the socialist and liberal wings of the Women's Movement welcomed closeted lesbians with open arms, but wanted nothing to do with self-identified lesbians. Guy vehemently rejected this strange "don't ask, don't tell" policy and joined the SFWC, an organization, at the time, composed mostly of radical lesbian feminists who were developing an anti-patriarchal critique of American society.²⁷⁴

Beyond being a place that gave women referrals and put on cultural events, SFWC was unique because it activated women by facilitating the growth of feminist organizations. Guy thought that SFWC's mission to act as a catalyst for other women's groups to be singular within the Women's Movement. The institutional building skills she learned as a Peace Corp project coordinator and her desire to work with socially disadvantaged Americans fell in lockstep with SFWC's mission to help women organize to end oppression. Within a year of joining the feminists, Guy quit her high level position at San Francisco's Public Health Department and pledged nine months of her life to SFWC. Guy guided the organization into recognizing the

"Incorporation, 1970-1978" *SFWCR*; "509(a) status--Department of the Treasury," March 26, 1974, box 1, folder 7, *SFWCR*; flyer, "San Francisco Women's Center," box 1, folder 2, *SFWCR*; Guide to the San Francisco Women's Building/Women's Centers Records. *SFWCR*; <http://womensbuilding.org/content/index.php/about-us/history> (accessed 9/17/2010)

²⁷² Roma Guy, "Biographical Sketch," box 5, folder 15, *SFWCR*.

²⁷³ Ibid.

²⁷⁴ Roma Guy interviewed by Nan Boyd, *GLBTHS Oral Histories* (1991).

importance of race and class when dealing with women's issues. In time, with the help of activists like Guy, SFWC became a non-hierarchical multiracial hub for grassroots organizing.²⁷⁵

Guy wanted SFWC, moreover, to be able to survive beyond its founders. With the other "foremothers" on board, she focused on changing SFWC's organizational structure from one staffed by volunteers to one staffed by paid employees. Seasoned activists knew from personal experience that a non-profit run by volunteers could fall into disrepair because of the high rate of burnout among activists. The move helped give the organization a means to support its activists financially and for the organization to weather the ups and downs of individuals who made up SFWC.²⁷⁶

By 1974 the radical feminists succeeded in renting a storefront at 63 Brady Street, acquired the funding (via grants and dues) to pay for three staff members, and published a monthly newsletter with over 2000 subscribers. The group held public forums and ran workshops like "Women Producing Women," a one-day event on "how to organize and produce benefits, cultural events, rallies, and demonstrations." Attendees learned everything from what a cannon plug in a sound system was to developing curriculum. SFWC founded and/or supported the activism of groups like the San Francisco Women's Switchboard (a phone bank where women could obtain information about women's issues), San Francisco Women Against Rape (raised awareness through public speeches, accompanied rape victims to court, maintained a 24-hour rape crisis hotline), and the Bay Area Feminist Federal Credit Union (an alternative financial institution meant to supply lines of credit and basic banking needs that were denied to a majority of women in 1970s America). SFWC constructed an alternative world where women received services when victimized, possessed financial institutions to help women achieve economic freedom, and where communicative barriers between women no longer existed.²⁷⁷

More than any organization that emerged from SFWC, La Casa de Madre, the first women's shelter on the West Coast, embodied the belief that women must create a separate world to protect themselves from men. Marta Ashley, whose mother died from domestic violence, founded the home for battered women in 1976. "He had hit my mother only three times before. She never thought he could go that far, but one morning he did," Ashley painfully recalled. La Casa de Madre's location remained a secret because batterers, like her father, could become extremely violent, especially once they realized their partners had fled. Ashley gave the shelter a Spanish name because she thought that it would serve the historically poor Latino population in San Francisco's Mission District. But as Ashley learned very quickly, domestic

²⁷⁵ Ibid.

²⁷⁶ Ibid.

²⁷⁷ n.a., "San Francisco Women's Center Staff Report For The Year 1974," Folder 12 Staff Report-1974, box 1, SFWCR; n.a., "San Francisco Women's Centers: A Brief History, 1970-1980"; n.a., "Women Producing Women," box 5, folder 13, SFWCR; n.a., "San Francisco Women Against Rape" box 5, folder 14, SFWCR; for more information about the coalition of organizations and individuals that made up SFWC see "SFWC Group Participation Jan. 1975-April 1975" box 1, folder 14, SFWCR; "SFWC Individual Participation Jan. 1975-April 1975" Folder 14: Logs, 1973-1975 Box 1, SFWCR.

violence occurred at every economic level in society. Indeed, some of the earliest battered women to seek help from the shelter were the middle-class wives of police officers.²⁷⁸

Roma Guy signed on as La Casa de Madre's planner and funding coordinator—helping to shore up the shelter's organizational structure. The shelter housed up to 30 women and children: a combination of paid staff and volunteers ran the day-to-day operations. La Casa de Madre offered services such as psychological counseling, legal advice, and acted as a guide for battered women negotiating the courts and the state's welfare office. Staff members even encouraged women to enroll in college or receive occupational training. The shelter functioned as a safe harbor and career center so battered women could make a living and support their children without returning to an abusive partner.²⁷⁹

Seeing the bruised faces of battered women and hearing their stories galvanized the Bay Area women's movement. Activists in England during the early 1970s had taken the first step toward raising awareness about battery. In California, Del Martin, community organizer, co-founder of the Daughter of Bilitis (DOB), a leader in The Golden Gate chapter of NOW, and future anti-pornography dissident, gave voice to the problem with her book *Battered Wives* (1976). Battery, which Martin blamed on misogyny and women's lack of power in patriarchal society, represented an issue that all women, regardless of class, sexual orientation, and race, could take up as their own.²⁸⁰

Feminists, especially those working in the field of women's health, encountered violence at every turn. Reoccurring themes of child abuse, emotional damage, rape, incest, and battery comprised the stories of too many women's lives. Marta Ashley responded by creating institutions to mend their sisters' minds and bodies. Del Martin published a book to highlight a serious crime in households across the U.S. SFWC would use the common oppression that all women shared to organize, sending a clarion call for women to attend its conference on violence. Members of WAVPM would meet for the first time at this conference.

Conference on Violence

The San Francisco Women's Centers, along with nine other community groups, hosted a "Conference on Violence Against Women" in the winter of 1976. The conference, designed to coincide with the International Tribunal on Crimes Against Women, brought 1,400 women to Grace Cathedral and Cogswell College in San Francisco, where they learned about the many manifestations of violence and dedicated themselves to combating its effects. Despite the efforts

²⁷⁸ Information sheet, "La Casa de Madre," box 5, folder 14, *SFWCR*; Beverly Stephen, "Wife Beating—Why Husbands Do It?" *San Francisco Chronicle*, July 1, 1976; "A Secret Shelter for Women" July 1, 1976 *San Francisco Chronicle*.

²⁷⁹ Roma Guy, "Biographical Sketch."

²⁸⁰ Del Martin, "An Open Letter To Feminists About Anti-Pornography Laws" box 170, folder 7, Phyllis Lyon and Del Martin paper, (PLDMP), GLBTHS; Martin and her partner Phyllis Lyon belonged to the coalition of activists and organizations that constituted the SFWC. The Shakespearean twist comes when Martin, the very women who turned the Bay Area women's movement toward the issue of battery, comes out against the censorship of pornography. A chorus of feminist voices joined Martin to articulate a position that ran diametrically opposed to groups like Women Against Violence in Pornography and Media.

of 200 women and close to a year of organizing, the conference almost floundered. Reflecting on the difficulties of the conference the women wrote:

As women we have been denied access to those tools necessary for effecting changes in our lives and in our environment. We have had to humor and cajole, and beg and barter and package ourselves up in attractive wrappings in order to survive, but when it comes to claiming the space to be angry (and righteous in our anger), the space to be supportive and nurturing with each other, we are all too often obstructed in our attempts. (We seemed threatening and are thus threatened. We seemed ungrateful and are thus punished. We seemed angry and are thus mistrusted.) In terms of the conference, we were often faced with the irony/reality that unless we were willing to soften our approach to the subject of violence (and the creating of a forum to deal with it) by making concessions, we would (and ultimately did) have difficulty securing financial, physical and material resources.

Nobody would rent out space to the radical women (a fact that would drive SFWC to eventually found the Women's Building in the Mission District) and only weeks before the event, the conference organizers forfeited an \$8,000 dollar grant from the California Council for the Humanities because the council, after a media firestorm about the exclusion of men, demanded that the conference be open to everyone. "The admission of men would defeat the purpose of a women's conference on violence against women," Roma Guy vented about the decision. "If men were admitted women could not unite and would still have to face violence individually, as they do on the streets and in the bedroom."²⁸¹

The unaccommodating position that Guy advanced over the male exclusion controversy typified the character of the Conference on Violence. And if one general theme could be extracted from the event, it would be that women standing in solidarity could create a society where male violence ceased to define their lives. Akido, jiu jitsu, and karate demonstrations, for example, showed women that they could defend themselves against real world violence. Conference organizers set aside a space they called the "angry room," where women could talk to conference staff about the raw emotions that a discussion of violence could stir up. "You have a right to be angry and to express your anger," conference schedulers exclaimed.²⁸²

Participants explored the problem of violence from many angles. Coordinators paired poetry readings and film screenings with conference papers like "The Politics of Patriarchal Violence: The Feminist Challenge." Conference workshops delved into a wide range of subjects from economic violence to rape. People could sit in on discussions of violence against children, older women, lesbians, physically disabled, and third world women. Institutional violence was covered in workshop about violence in prisons, mental hospitals, and medical facilities.²⁸³

The thirty workshops offered during the course of the two-day conference followed an "awareness to action" model (one that WAVPM would adopt). On the morning of the first day, workshop participants talked about their personal experiences with various forms of violence. Workshop leaders then presented up-to-date research about subjects like rape and battery in the afternoon's "informational" sessions. The last day of the conference participants drew up an

²⁸¹ Susan Manuel, "They Said It Couldn't Be Done," *Plexus: Bay Area Women's Newspaper*, January 1977, n.p.; n.a., "Violence Against Women Conference Follow-Up Newsletter," box 5, folder 20, *SFWCR*.

²⁸² Conference schedule, "Conference on Violence Against Women," box 5 Folder 19, *SFWCR*.

²⁸³ *Ibid.*

“action/solution.” By placing the participants’ experiences at the core of the program, conference coordinators hoped to validate participants’ experiences, demonstrate that many women shared similar traumas, and empower conference participants to organize. One group in particular would come from the participant-centered “awareness to action” process that conference organizers advanced that weekend.

A workshop entitled “Violence Against Women in Pornography” and another called “Violence to Women in Media” profoundly influenced a small cadre of women. The former workshop promised attendees that they would “see a graphically depicted spectrum of pornography.” In the media workshop, women would learn about the people who controlled the industry, the money-making structure of the business, and, most importantly, the violence directed at women in ads, music, films, and television in order “to see what power the media has had over us, influencing our images of ourselves.”²⁸⁴

Feminists studying pornographic films, especially Snuff (a genre of film that purported to capture the sexual murder and dismemberment of actual women), led the workshop on pornography. They thought participants should confront pornographers because their actions perpetuated “the myth that women are naturally masochistic and secretly desire pain and humiliation.” The myth, in turn, “affects and re-enforces aggressive acts toward women in everyday life.” Related, workshop leaders wanted to show that any inclination toward masochism, low self-esteem, or docility in women came from “conditioning.” Personality traits deemed essential to women’s nature had been in fact a social construction that films helped produce.²⁸⁵

Facilitators in the media workshop demonstrated how patriarchal society fabricated a woman who was antithetical to feminism. The media disseminated a “passive, nurturing, powerless woman” who was nothing but a “sex object.” Media executives simply ignored women who failed to fit into the category of young, white, and beautiful. Women who felt that they failed to measure up to society’s standards of a “real woman” needed to understand that the media purposely created these standards. Workshop leaders promised participants that together they would find “ways of fighting those images within the media and within ourselves.”²⁸⁶

The collected picture that participants drew from the workshops would thrust them toward political activism. By the time the conference came to a close, the two groups from the pornography and media workshops had merged and planned to meet on a regular basis. Kathleen Barry described how she felt “recharged to continue the battle for the rights’ of women and children” after that weekend. She would join Women Against Violence in Pornography and Media and would help the organization put on its very own conference two years later. In the welcoming remarks of the nation’s first conference on pornography, she would trace WAVPM’s founding to the “rage and energy” that the Conference on Violence had stirred. Berry would wish

²⁸⁴ “Conference on Violence Against Women: Final Report 1978,” folder “Conference- Final Report, Events/ Programs,” box 4, WAVPM.

²⁸⁵ Eric Schaeffer, “Soft Core/Hard Core: *Snuff* as a Crisis in Meaning,” *Journal of Film and Video* 45 (Summer/Fall 1993): 40-59; Conference schedule, “Conference on Violence Against Women”; “Violence Against Women Conference Follow-Up Newsletter,” box 5, folder 20, SFWCR.

²⁸⁶ Conference schedule, “Conference on Violence Against Women,”

that the same spirit and potential for activism would preside over WAVPM's campaign to end pornography.²⁸⁷

Women Against Violence in Pornography and Media

AIN'T GONNA LET NO PORN KINGS/
TURN US AROUND/ TURN US AROUND/ TURN US AROUND/
AIN'T GONNA LET NO HATRED TURN US AROUND/
TURN US AROUND/
GONNA KEEP ON FIGHTIN/ GONNA KEEP ON MARCHIN
GONNA BUILD A SAFE NEW WORLD

-WAVPM song²⁸⁸

In the beginning, Women Against Violence in Pornography and Media consisted of a half-dozen idealistic lesbian feminists struggling to find a coherent identity. But within a short time, WAVPM, alongside a coalition of other anti-pornography groups across the country, would become one of the most important yet divisive organizations of the modern feminist movement. Its leaders saw the world in a Manichean light; they possessed a dualistic worldview that pitted women against men and the patriarchal society they had built. Though WAVPM would make many enemies, their ranks would fill with women eager to combat violent sexual images in all its forms. Its activities would divide the Women's Movement. Sex and sexuality would become the foremost issue among feminists, widening cracks that had always been just below the surface.²⁸⁹

The organization had three main goals. WAVPM activists yearned first to educate Americans about the prevalence of misogyny in pornography and the media. People needed to understand that these images came with "destructive consequences." Second, the anti-porn feminists wanted to confront the responsible parties. Pornographic business owners, advertising companies, and politicians who allowed misogyny to flourish must be held accountable. Last, WAVPM sought to eliminate all representations of women being "bound, raped, tortured, killed, or degraded for sexual stimulation or pleasure." Americans needed to understand that the marriage of sex and violence placed women in peril.²⁹⁰

On International Women's Day, March 8, 1977, WAVPM began their campaign against pornography at the front step of the Mitchell brothers' O'Farrell Theater. Earlier in the decade, the Mitchell brothers had gained notoriety for the production of a series of hard core films (*Behind the Green Door* (1972), *The Resurrection of Eve* (1973), *Autobiography of a Flea* (1976)), starring Marilyn Chambers, a model who appeared on the box of Ivory Snow brand detergent. Their theater, located at the corner of Polk and O'Farrell, had become a venerable San Francisco institution, with celebrities like Hunter S. Thompson spending hours at the bar. The

²⁸⁷ Audiotape, "#1 Welcoming Speech w/ K. Berry Slide Show," box 7, *WAVPM*; Audiotape, KPFA Interview, February 6, 1978, Box 7, *WAVPM*.

²⁸⁸ "Guidelines for Stroll Down Broadway," box 2, folder, Julie Greenberg's Notes, *WAVPM*.

²⁸⁹ The feminist anti-pornography movement consisted of a number of groups situated throughout the United States. Carolyn Bronstein's *Battling Pornography: The American Feminist Anti-Pornography Movement, 1976-1989* (Cambridge, 2011) looks at the three largest groups: WAVAW, WAVPM, and WAP. For more reading on the anti-pornography movement and the political right see Strub, *Perversion for Profit*.

²⁹⁰ *Newspage*, Vol. 1, No. 6., November 1977,

Mitchell brothers entertained their celebrity guests and fellow San Franciscans with a Trinitarian diet of pornographic films, exotic dancers, and live sex shows. But more than viewing the Mitchell brothers as simple proprietors in the sex entertainment industry, the brothers embodied WAVPM's critique of a patriarchal society that perpetuated "lies" about women's sexuality.

The Mitchell brothers and their ilk lied by depicting women who were "sexually satisfied by doing anything and everything that men ordered them to do." Their porn, all porn, wrote WAVPM, "is totally penis orientated, devoid of 'foreplay,' tenderness, or caring, to say nothing of love and romance." WAVPM's gendering of a particular set of desires as female was problematic to say the least. Nevertheless, WAVPM did so because it truly believed that pornographers desired the "sexist wish that women's sexuality and values be totally subservient to men's"—an idea ultimately canonized by Andrea Dworkin's *Pornography: Men Possessing Women* (1979).²⁹¹

Fantasies of women as sexual slaves were made real at the O'Farrell Theater. The Mitchells put on live sex shows where women engaged in sadomasochism. Twenty WAVPM members volunteered to picket that spring day, because they saw nothing redeeming about two pornographers paying women to beat each other with "whips and chains" to turn on men. In WAVPM's opinion, S/M was misnamed; it should just be called "sadism" because a mutual reciprocity failed to exist between participants. WAVPM's placards articulated their stance: "WHO SAYS PAIN IS EROTIC," read one sign held by a protestor who wanted to dispel the fantasy that violence led to sexual arousal. Another woman in the picket line made the connection between violence and pornography explicit: "PORNOGRAPHY LEGITIMIZES GLORIFIES INCITES VICIOUS ANTI-FEMALE BEHAVIOR!" At the onset of its campaign, WAVPM signaled that it would not tolerate any establishment that "contributes to the atmosphere of s/m chic" because "brutality" should not be "glamorized."²⁹²

The Mitchell brothers insisted that the acts in the Ultra Room were simulated. "What you see isn't what you get," One brother contended. "This is theater." Girls, furthermore, were handsomely compensated, making \$20 for a 30-minute show and made up to \$160 a day. \$20 in 1976 had same buy power as \$78 today.²⁹³

WAVPM conceded that the pornographers paid well, but argued women worked at the theater only because the alternative was unemployment. "I know. I had to stay with a husband I didn't like for two years because I couldn't get a job," a woman, relating the women's economic situation to her own, told a reporter covering the protest.²⁹⁴

Wanting the last word, the Mitchell brothers held a counter-protest, complete with picket signs that portrayed WAVPM as modern Victorians. Their placards called for "SEX POSITIVE PEOPLE" to "UNITE," implying that anti-pornography feminists denigrated sex. *Newspage's* editor marshaled an analogy to racial and religious violence to express her frustration with the anti-sex label. "Imagine the public outcry that would occur if there were special movie houses in every city across the country where viewers could see whites beating up Blacks, or Christians

²⁹¹ *Ibid.*

²⁹² *Newspage*, Vol. 2, No. 1, February 1978; Photos, Folder "Rally, March and Protest of the Mitchell Brother's Ultra Room" GLBTHS Photo Room, *WAVPM*; For more on WAVPM's critique of S/M see *Newspage*, Vol. 2, No. 3, April 1978; Laura Lederer, "WHO ARE WE?" September 1, 1977, box 5, folder 21, *WAVPM*.

²⁹³ Carol Pogash, "Ultra-bias, Claim Porn Pickets," *San Francisco Examiner*, March 9, 1977, 22.

²⁹⁴ *Ibid.*

beating up Jews. But if it is called pornography and women are the victims, then you are seen as a prude to object.” WAVPM would, all the same, gladly wear the sex negative mantle if it meant a society without pornographers like the Mitchell brothers. The irony, of course, resided in the fact that many of WAVPM’s members were lesbians for whom sex was important.²⁹⁵

The group broadened the scope of its anti-pornography campaign, organizing a march on San Francisco’s entire red light district. *Newspage* reported that during the march, “Enthusiasm and energy ran so high that women decided on the spot to march back down the other side of the street.” Cynthia Summers, one woman who marched, wrote about WAVPM’s impact on her thinking, “I’m really tired of having the filthy sex profiteers throw their garbage on our faces—garbage, I might add, that is making it dangerous [for women]. I am thoroughly convinced that violent hard-core porn leads to rape, mutilation [sic], & murder.”²⁹⁶

At least one man was sympathetic enough to WAVPM position that he joined the protest march. “The May 1 March/demonstration by WAVPM was an empathic and constructive statement of truths that must be brought home. The event was rousing, raucous, heartbreaking, exhilaration, informative—and grand fun! For me it was a profoundly moving experience,” Wayne Hartman wrote months later after finding a flyer in his papers. Marches, as many as five in the first year, would become the organization’s signature direct action. They accomplished WAVPM’s goals of education and confrontation; plus, they garnered media attention, rejuvenated members, and drove recruitment.²⁹⁷

WAVPM worked with other feminist organizations to further its agenda. Joining the action of Women Against Violence Against Women (WAVAW), WAVPM boycotted the Warner/Electra /Atlantic music group because of the latest Rolling Stones album. The Rolling Stones had a history of hit songs with misogynistic lyrics like “Under My Thumb” and “Stupid Girl.” The infamous advertisements for the band’s *Black and Blue* (1976) album featured a disturbing image of the model Anita Russell. The photographer invoked sadomasochistic imagery by shooting Russell in a sexually provocative pose with her body bound by ropes and her face painted with dark makeup to resemble bruising. The offending quote on the accompanying ads read, “I’m ‘Black and Blue’ from the Rolling Stones—and I Love it!”²⁹⁸

WAVAW and WAVPM went after this particular ad campaign because anti-battery had become such a major cause within the women’s movement. Joe Smith, the president of Electra, tiring from the public fight with the feminists, promised his company “will adopt a policy against the use of violent sexual images of women.” The coalition of women’s groups continued its activism until it received the same promise from Warner and Atlantic. Their boycott ended in

²⁹⁵ For more Mitchell Brothers’ protest photos see John Hubner, *Bottom Feeders: From Free Love to Hard Core, The Rise and Fall of Countercultural Heroes Jim and Artie Mitchell* (New York: 1992), 142-143; *Newspage*, Vol. 1, No. 6., November 1977,

²⁹⁶ n.a., “A March To Protest Violent Porn,” May 2, 1977 *San Francisco Examiner*, n.p.; Art Silverman, “May Day Demonstrations: No On Nukes & Nooses” May 6-12, 1977 *Berkeley Barb*; *Newspage*, Vol. 1, No. 1, June 1977; Cynthia Summers to WAVPM, letter, February 9, 1979, box, 2, folder “Correspondence -Critique/ Feedback,” WAVPM.

²⁹⁷ Wayne Hartman to WAVPM, letter, May 30, 1977, box 2, folder “Correspondence -Critique/ Feedback,” WAVPM.

²⁹⁸ For more on this collaboration see Bronstein’s *Battling Pornography*.

September of 1977 when Warner-Atlantic confessed to its faults, sending an invitation for the feminists to come negotiate with the companies' stockholders.²⁹⁹

The next month witnessed the launch of WAVPM's protest against Max Factor. The cosmetic company tried to sell its moisturizer "Self-Defense" with the tagline: "WARNING: A PRETTY FACE ISN'T SAFE IN THIS CITY—FIGHT BACK WITH SELF-DEFENSE." WAVPM believed that the copy trivialized genuine violence against women and pressured Max Factor to end its million-dollar national ad campaign. Printing the addresses of Max Factor and its advertising company Wells, Rich, and Greene in *Newspage*, they encouraged women to voice their discontent by sending cassette tapes with testimony of how insulting the ads were, but they must hurry because, "This may be one of the briefest advertising campaigns in history. One billboard has been surreptitiously torn down in San Francisco, and another has been anointed with spray paint. The problem may be resolved in a very direct fashion. We trust Max Factor and Co. will get the point."

The vice president of Max Factor signaled defeat a few months later, "All the Billboards are down, and Max Factor is now in the process of redesigning its ad campaign."³⁰⁰

The organization's second year of activism included protest actions against local newspapers and adult magazines. Choosing another historically symbolic day, February 15, 1978, Susan B. Anthony Day, the group picketed the offices of the *San Francisco Chronicle* and the *San Francisco Examiner*. The women wanted to call attention to the papers' hypocrisy for publishing "pious editorials condemning pornography" but pocketing "over half a million dollars per year on pornography ads alone." In a petition that they had circulated months before the protest, the women called for the paper to drastically cut if not get rid of the space allotted for the display ads of pornographic theaters. WAVPM reasoned that if *The New York Times* could agree to do so, then so could San Francisco's newspapers.³⁰¹

Much like the radical feminists at the Miss America Pageant, WAVPM carefully staged a media event. Television cameras and news photographers captured images of WAVPM members picketing the Chronicle's headquarter. Anti-porn feminists carried placards that claimed the "Chronicle Delivers Porn to Your Door" and that the "Chron Exploits [Venus sign]." The flattery continued in the pages of their newsletter. One cartoon likened the *Chronicle* and the *Examiner* to "Pimp[s] for Pornography," the implication being that the newspapers made money off of porn just as pimps made money off of prostitutes. Any business that profited from pornography, no matter the degrees of separation, could expect a reaction from WAVPM.³⁰²

The women turned their attention toward Larry Flynt's *Hustler* magazine after the picket of the newspapers. The June 1978 issue of *Hustler* published a cover photo of "a naked woman being shoved head-first into a meat grinder and coming out the other end as hamburger." Flynt's message resonated clearly: women were objects to be slaughtered, "ground up," and then devoured by men. Porn condoned and encourage the very de-humanization of women. The

²⁹⁹ *Newspage*, Vol. 1, No. 1., May 1977.

³⁰⁰ *Newspage*, Vol. 1., No. 4, September 1977; *Newspage*, Vol. 1, No.5, October 1977; *Newspage*, Vol.2, No.1., February 1978.

³⁰¹ n.a., press release, "Susan B. Anthony Day protest,"

Box 112, folder 6, PLDMP; *Newspage*, , Vol.1, No.3, August 1977.

³⁰² *Newspage*, Vol.2, No.2, March 1978; Photos, "Protesting Ads for Porn at Chronicle/Examiner," February 15, 1978 *GLBTHS Photo Room*; Photos, "Unsorted: Marches and 1978 Conference," *GLBTHS Photo Room*.

publisher accompanied the controversial image with an inflammatory quote that promised, “We will no longer hang women up like pieces of meat” and a stamp that read “LAST All MEAT ISSUE. PRIME GRADE “A” PINK.”³⁰³

Flynt’s taunting drove WAVPM to organize a picket of Jug’s Liquor, a local convenient store that carried *Hustler* magazine. Jug’s Liquor was a stand in for countless stores throughout the U.S. that sold a magazine that “Breeds Women-Battering.” The women leafleted and petitioned those who passed by its storefront. The women even brought Conga drums to kept rhythm for their anti-porn chants. As usual a phalanx of radio stations, television camera crews, and newspaper reporters covered the protest. The publicity generated by WAVPM’s confrontational style gave it the chance to educate the wider public about violent sexual representations in pornography. It was through this process of confrontation and education that WAVPM hoped to eliminate these representations. WAVPM would make over twenty-three radio and television appearances in 1978 alone.³⁰⁴

In the meantime, a contingent of WAVPM members continued to hound the Mitchell Brothers, speaking out against them at a meeting held by the San Francisco Board of Permit Appeals. Police had denied the pornographers operating permits for two newly acquired theaters. The Mitchell Brothers appealed to the Board of Permit Appeals, congratulating themselves when the Board upheld the police’s decision, WAVPM informed its members:

We have helped to make it hard for the Mitchell Brothers to spread their porno empire; we have stated our views twice before the Board and several hundred spectators, and we have learned how to use the system to make our protest heard. We will continue to use the inside protests, outside protests, Broadway marches, and TV coverage to make changes. Even though change is slow, WE know WE were the ones to help FIGHT the inertia of the status quo. LET’S KEEP FIGHTING!!!

Any victory over the Mitchell Brothers gave cause for celebration and reason to fight on. Pornographers and those who profited from pornographic representations could expect to hear from WAVPM in the form of “outside protests” and “inside protests.” The organization agitated and taught on the street and was learning to do the same within the halls of city government. Laura Lederer, the group’s leader, would become very skilled in the practice of “inside protests.”³⁰⁵

Inside Protests

Years before Dianne Feinstein met the leaders of Women Against Violence in Pornography and Media, pornographic establishments had made her list of things to eradicate. As President of the San Francisco Board of Supervisors, Feinstein viewed the burgeoning industry with malice and disgust because the industry had transformed her beloved city in unattractive ways. She told a reporter from Baltimore, for instance, that the industry contributed

³⁰³ “Lynn C. Campbell to Ms. Firstenberg,” letter, April 26, 1978, Box 6, folder “Conference Fundraising-Foundation,” WAVPM; *Hustler*, June 1978; *Newspage*, Vol.2, No.6., July 1978.

³⁰⁴ *Newspage*, Vol.2, No.6, July 1978; n.a., “End of the Year Report, 1978” box 2, folder “End of the Year Report, 1978” WAVPM.

³⁰⁵ Alex Abella, “Permits Denied to Three Pornographic Theaters” June 30, 1977, *San Francisco Chronicle*, n.p.; Block quote taken from *Newspage*, Vol.1, No.3, August 1977; *Newspage*, Vol.2, No.1., February 1978.

directly to a twofold increase in the number of rapes between 1969 and 1970. Police Lt. Raymond White, of the sex crimes detail, gave flesh and blood to Feinstein's statistics when he described how the very nature of rape had changed because of porno films: "Rape attacks become more brutal, bizarre and bestial in character... mirroring the way-out animalism shown in nearby theaters."³⁰⁶

Feinstein foresaw the industry's rapid spread to the suburbs and warned of its connections to organized crime syndicates. Much like Progressives who had toured brothels, concert halls and assignment houses in their campaign to ameliorate the problems engendered by industrialization and urbanization, Feinstein visited a number of pornographic businesses. The sights, smells, and sounds of her educational trip led Feinstein to publicly describe San Francisco as "the smut capital of America." A concerned citizen who accompanied Feinstein on her educational tour added, "Appalling is a modest term. What we found was total degradation of the human spirit, a terrifying look into the darkest recesses of the sick mind." The porn shops not only affected the city in terms of violent crime but concerned citizens implemented the language of religion and psychology to advocate a clinical exorcism of the gathering pornographic forces.³⁰⁷

Feinstein marshaled the powers of local government to fight pornography. The Board of Supervisors passed an ordinance in the spring of 1969 "prohibiting barkers and overly explicit marquees and window displays." Taking aim at proprietors who had turned public space into a spectacle of hostility and luridness, the ordinance sought to make the city a place where San Franciscans were free from being visually accosted by the garish signs of pornographic storefronts and physically harassed by men trying to lure in patrons. One merchant agreed that the pornographic business must leave, "It, and the growing army of undesirables who operate them plus characters who badger and buttonhole people on the streets with solicitations to buy written and pictured filth, plus the other weirdos who are turning downtown San Francisco into a latrine."³⁰⁸

The early ordinance, though, essentially attempted to not so much erase the industry as to mask its physical presence. The Board, with Feinstein leading the way, rectified the situation by passing another ordinance in 1971 that gave police the authority to oversee theater licensing. Police could now deny a theater license to anyone convicted of distributing obscene materials, a conviction that quite a few pornographers already carried.³⁰⁹

Along with her political weight, Feinstein used the results from a six-month long investigation on the local pornographic film industry to lean on legislators in Sacramento. In 1969, President Lyndon Johnson created the first federal commission to look into obscenity and pornography. President Nixon inherited the commission's findings and briskly rejected its sexually liberal recommendations that found no conclusive evidence connecting the viewing of

³⁰⁶ n.a., "FBI Head Asks Fight On 'Filthmongering,'" May 3, 1957, *Times-Leader, The Evening News*, Wilkes-Barre, PA, n.p.; Dobbin, "Explicit Sex Films Divide San Francisco"; Paul Kern Lee, "'Smut Capital' Title Stirs San Franciscans to Action," *San Jose Mercury-News*, May 23, 1971

³⁰⁷ Murray, "The Porn Capital of America"; for more on Dianne Feinstein see Josh Sides, *Erotic City: Sexual Revolutions and the Making of Modern San Francisco* (Oxford, 2009), 149-153.

³⁰⁸ Murray, "The Porn Capital of America"; Lee, "'Smut Capital' Title Stirs San Franciscans to Action."

³⁰⁹ Geerdes, "Pornography Rides Again: Theater Owner Convicted of Obscenity," n.p.

pornography to anti-social behavior and advocated the repeal of all regulations prohibiting the sale of erotic material to adults. The controversy surrounding the commission's report, a menagerie of court cases, and a much more visible industry drove many municipal and state governments to conduct their own research on pornography.

San Francisco's pornography report depicted a lecherous industry that needed to be curbed swiftly and decisively. The report urged the California State Legislature to grant local authorities the power to define the "community standards" that regulated "obscene and pornographic acts, conduct and material." Clamoring for more power locally allowed San Francisco to circumvent a definition of obscenity established at the state level. Officials hoped that having obscenity defined by the local communities and municipal courts would place the city on more stable legal ground when the police moved against pornographic businesses.³¹⁰

Moreover, the pornography report depicted a grim reality that teemed with pornographic bookstores, strip clubs, and theaters. Theaters were easily the most offensive of the three. Thirty hardcore theaters, located in at least five of the city's eleven districts, offered films that depicted "fornication, masturbation, sodomy, oral copulation, necrophilia, exhibitionism, bestiality, beatings, whippings, torture, rape, and gang rape." Some theaters specialized in films with "sex acts between male homosexuals." Other theaters exclusively screened sex films involving teenagers. In the world of pornography all was profane and nothing was sacred. The report, in fact, identified a correlation between deviant porn and patronage. "The more degrading a film is to the women pictured in the film, the stronger that film's attraction to male customers," the report formulaically stated.³¹¹

Supplying examples from the films, the report left very little doubt as to the unconscionable nature of the industry and the need for regulation if not outright censorship. One film, for example, captured a man beating a naked woman with a leather strap until welts and blood appeared. "Then the women oral copulated the man until the man ejaculated upon her body." The report salaciously continued, "The man then smeared his semen into the woman's blood."³¹²

Another film portrayed a teenage girl's rape fantasy. "'Where are all you rapists when I need you. I want to be raped. Come on in and rape me. The door is open. I won't report you,'" she said while masturbating. The young actress then proceeds to fellate, fuck, and be sodomized by three different men. One of the scenes ends with a man ejaculating on the girl's face. The report made sure to include the girl's reaction: "The girl, with semen dripping from her face, then turned to the camera and told the audience how much she had enjoyed being raped."³¹³

The report clearly portrayed pornographic films, and by extension the industry, as deeply misogynistic. The document, more importantly, seemed to suggest that the themes of female degradation, sexual violence, and illicit teenage sex could become the actual practices of everyday life.³¹⁴

While doing research, investigators observed underage boys among the estimated six to ten thousand patrons who visited San Francisco's pornographic theaters daily. No one checked

³¹⁰ n.a., report, "In Support of: File 96-71: Proposed resolution urging the California State Legislature to amend State law, February 5, 1971, *Elster Papers*,

³¹¹ Ibid.

³¹² Ibid.

³¹³ Ibid.

³¹⁴ Ibid.

identifications and “theater operators seldom refuse admittance on the basis of age.” When asked about the situation, the police asserted that it lacked the “NECESSARY MANPOWER” to monitor the industry. The report underscored, in effect, that civic leaders must blame themselves for the industry’s abuses. By highlighting the prevalence of under age patrons and teenage porn actors, the report sought to undercut those who categorized porn as a “victimless” crime. The industry led young people—both on screen and in the theaters—astray.³¹⁵

The present paled in comparison to an urban future shaped by an unregulated pornographic film industry. Without the passage of the proposed legislation, the city should expect the industry to try and “occupy theatres in better districts.” No neighborhoods will be safe. The report described the industry as insatiable by nature; it will desire more and more. It will establish “more live sex show,” more “Private Porno Clubs,” and attract “more tourists,” and will create “more debasing films” that will “use very young children (BETWEEN SIX AND TWELVE YEARS OF AGE).” The report alerted the reader that theaters will show “adults with animals” and that “beating and torture films may ‘go all the way.’” It even claimed that some imported films “may well show actual ritual murders to sate those with that type of blood lust.” The buying and selling of pornographic goods will expand to still photos, 8mm films, videotapes, and close circuit television. Last, the report claimed that “underworld forces” will increase their hold over the industry. A pornographic future rife with violent sexual crime awaited those who did nothing. Pornography would touch all aspects of city life.³¹⁶

In a final effort to convince skeptical city supervisors and state legislators, the authors of the pornography report presented frightening data from the police department’s sex crimes cases. Statistically, between 1968 and 1970, “forcible rapes” doubled, unreported rapes shot up to 3,000, and homosexual murders tripled Feinstein must have had access to these findings beforehand because the report echoed many of her earlier claims. It was unclear how investigators obtained the figures for “unreported rapes,” but the greater message was clear: pornography led to violence.

The report moved from mere suggestion to an actual claim that a causal link existed between sexually explicit materials and violent sex crime. The report described a teenager who used s/m-themed images as inspiration for the sexual crimes he committed. Three men, in another case, kidnapped a women, forced her to “view their pornographic films” and then gang raped her. In at least four other cases, “the methods of attack strangely followed almost exactly the situations depicted in various porno films which had been shown or were currently being shown in San Francisco.” Violence on screen had moved from the realm of possibility to the realm of reality. Violent sexual crimes had become *the* practices of everyday life.³¹⁷

The crime of pornography begets more crime. Investigators used the cautionary tale of Leslie Faskow’s death to illustrate their point. The twenty-one-year-old appeared in a number of pornographic films. Faskow soon met a producer who connected her to customers willing to pay for private porn shoots. After receiving a call from a man answering his newspaper ad, the producer set Faskow up with the caller and gave them a place to shoot. The report finishes the story in matter-of-fact tone, “The producer had a number of girls in different apartments, but

³¹⁵ Ibid.

³¹⁶ Ibid.

³¹⁷ Ibid.; for more background see Sharon Ullman, *Sex Seen: The Emergence of Modern Sexuality in America* (Berkeley, 1997).

Leslie Faskow was an unlucky girl. Someone stabbed her to death during one of the modeling sessions.”³¹⁸

Twenty-six year old Marc McConnell’s gruesome death could have been avoided if he had stayed away from the business altogether. Leaving Levi Strauss Company to work for Seven Star Productions, a San Francisco business that “produced homosexual pornographic films and booklets which featured teenage males in masturbation, sodomy, oral copulation and torture sequences,” Mark found himself on the road selling porn to contacts throughout the country. Police discovered McConnell’s body in a cheap Ft. Lauderdale motel. He had been beaten to death and someone had placed a card that read “Mafiosa” on his lifeless body. The report ends with a question: “Is San Francisco to have a permanent climate of sadism, nihilism, and decay? Much will depend on the wisdom and dedication of the San Francisco Board of Supervisors.”³¹⁹

An anxious Board of Supervisors responded to the report by moving to deflect any anger fueled by the industry’s continual presence in the city. Nine out of the city’s eleven supervisors signed an open letter to residents explaining that though they “unequivocally opposed” the public display of pornography, “it must be recognized that action by the board as an entity in those areas is subject to legal limitations. The board in many cases may not act as strenuously as it might want to.” As expected Dianne Feinstein did not sign the letter; she saw the supervisors’ actions as a convenient way to skirt the problems created by pornography.³²⁰

Under the bright lights of city hall, Feinstein worked hard to censor the pornographic film industry at the very moment city attorneys warned her and the rest of the Board that significant legal obstacles stood in the way of such legislation. At a meeting in the Mayor’s office, Feinstein asked the city attorney to draw up legislation that would specifically prohibit “1) bestiality, 2) necrophilia, 3) sodomy, and those acts which are the result of aberrant sexual behavior, for example, acts of torture, gang rape, et cetera.” She knew and acknowledged that the ordinance would be “clearly illegal” but asked the city attorney to “proceed to prepare such legislation to the best of your ability.” When Feinstein presented the ordinance to the Board of Supervisors she made it clear that “if it passes, it would have to stand a court test.”³²¹

On December 18, 1970, the city attorney wrote a letter telling Feinstein that he had drafted the ordinance but reminded her there would be “legal problems involved in connection with enforcement...in the absence of enabling state legislation.” Feinstein did not care. She hoped that the ordinance would withstand a court case, but if it failed to do so the costly legal fees and extra police pressure might work to curb the industry’s growth. In the event that the ordinance failed to work, Feinstein formulated another plan: she would zone the industry out of existence.³²²

³¹⁸ n.a., “In Support of: File 96-71.”

³¹⁹ Ibid.

³²⁰ Robert Barlett, “There’s Legal Hope For Dirty Movies,” September 8, 1971, *San Francisco Chronicle*, n.p.; n.a., “S.F. Supervisors Are Against Pornography,” April 8, 1971, *San Francisco Chronicle*; n.a., April 8, 1971 “Supervisors Issue Pornography Statement,” *San Francisco Examiner*, n.p. *Elster Papers*.

³²¹ Dianne Feinstein to Thomas O’Conner, letter, December 4, 1970, box 5, folder 38, Box 5, *Joseph L. Alioto Papers*, San Francisco Public Library History Center.

³²² Thomas M. O’Conner to Dianne Feinstein, letter, December 18, 1970 box 5, folder 38, *Joseph L. Alioto Papers*.

Dianne Feinstein unapologetically staked out her anti-pornography position, even when it left everyone from fellow supervisors to key constituents uncomfortable. The Society for Individual Rights (SIR), a militant gay organization that would file a successful lawsuit to end the federal government's discriminatory hiring policy against gays, put Feinstein on notice for her claim that pornographic films "promote homosexual cruising." When asked to respond to the group's accusation of slander, Feinstein wryly countered that she also disapproved of heterosexual cruising.³²³

The socially conservative Democrat went on to say that "only sick and depraved people would enjoy porno films" and believed that such films played a part in American atrocities like the massacre at My Lai, Vietnam. Feinstein concluded on a pragmatic note, telling the 300 to 600 homosexuals at the SIR meeting, "The well-meaning goals of the gay community will fall by the wayside and will never be realized until porno films--the kinds of film that go to such extremes as to show sex with animals, and sado-masochistic scenes with boys under 16--are done away with." Feinstein made it clear that smut must vanish from gay culture if gays wanted to be accepted into the American mainstream. She recognized that the gay vote helped put her into office, but porn did no one any good.³²⁴

The failure of Proposition 18 forecasted the difficulty anti-pornography forces such as the State Chamber of Commerce, the Knights of Columbus, law enforcement, and supervisors would have during the 1960s and 1970s. Written to strengthen state obscenity laws and close legal loopholes, the proposition framed pornography as "the principle weapon in destroying the moral fibre of our society upon which everything—our political stability, economic prosperity, cultural and social advancement, our basic freedoms—depends. Yes everything." Governor Ronald Reagan stated that he endorsed the proposition as a "parent who is deeply concerned about a flood of pornography." Californians were not won over by the apocalyptic language. Lawyers, the state's press, and celebrity entertainers, and writers overwhelmingly opposed the proposition and voting Californians agreed with them. The 1972 anti-pornography initiative fell short at the polls.³²⁵

A general sexual permissiveness prevailed among Californians as WAVPM began to work within the political structure. They looked for like minds in powerful positions and right away identified Dianne Feinstein as an important person to cultivate a friendship with. In 1977, Laura Lederer, one of the most important leaders of WAVPM, met with Feinstein to let her know that they shared a "common concern about the proliferation of pornographic theaters, book-

³²³ David Johnson, *The Lavender Scare: The Cold War Persecution of Gays and Lesbians in the Federal Government* (Chicago: 2004), 210; n.a., "Gay Meeting: Diana [sic] Feinstein Talks to SIR," May 20, 1971, *San Francisco Chronicle*, *Joseph L. Alioto Papers*.

³²⁴ n.a., "Homosexual Meeting Chides, Cheers Dianne," May 20, 1971, *San Francisco Examiner*, *Joseph L. Alioto Papers*; no author, "Dianne Smites Smut 'For Gays'" May 21-27, 1971, *Berkeley Barb*, *Joseph L. Alioto Papers*; Thomas Waugh argues that pornography is inextricably linked to gay male identity. See Thomas Waugh, *Hard to Imagine: Gay Male Eroticism in Photography and Film from Their Beginnings to Stonewall* (New York, 1997).

³²⁵ Full page advertisement, "Proposition 18," November 6, 1972, *San Francisco Chronicle*, 24; n.a., "Obscene Measure is Defeated," no newspaper name, November 8, 1972, *Joseph L. Alioto Papers*.

stores, live sex shows and the like in San Francisco.” Lederer followed up their meeting with a letter that included complimentary issues of *Newspage* and a request to meet in the near future.³²⁶

A key component of the WAVPM’s anti-porn activities included a letter writing drive to public officials. The day after Lederer corresponded with Feinstein, she wrote to San Francisco District Attorney, Joseph Freitas, complaining about the films being shown at Kearny Cinema. Before WAVPM’s June 1977 protest of Kearny Cinema, members had watched “rape sequences, violent incest films, many bondage films” and a “medical simulated Snuff film” projected at the theater. Sickened, WAVPM checked the city records and discovered that the previous owners had been forbidden to sell or distribute pornographic films. However, the theater maneuvered around the legal impediment by simply changing ownership. Like a haunted house that was able to live beyond its proprietors, Kearney Cinema continued to exhibit grotesque films that “link sex and violence in a way which in very threatening to women” even after significant policing efforts by law enforcement.³²⁷

Lederer ended her letter to the D.A. requesting a meeting because “we need to explore the legal possibilities open to citizens who are angry about the proliferation of these dangerous films.” Similar to Dianne Feinstein, she wanted to put an end to bondage, bestiality, and sadomasochism in films. The group, unfortunately, lacked any political leverage. No follow up letter from the D.A. could be found in WAVPM’s files.³²⁸

Undaunted, Lederer knew porn was “evil” and it drove her to work long hours for virtually no pay. The little money that trickled into WAVPM’s treasury came from presentations fees, dues, and the sale of buttons and literature packets. Lederer applied for grants, but to hold the organization over during the interim she had to solicit monetary donations.³²⁹

Possessing access, through her father, Creighton Lederer, Detroit’s Commissioner of Buildings and Safety, to information about the nation’s first comprehensive zoning ordinance aimed at pornographic businesses, Lederer came up with a fundraising idea. Lederer would offer to gather information about Detroit’s 1975 ordinance and in the same breath plead for money. “Our problem is money. We have the energy, but we are all volunteers right now, and the work is too long and too hard to continue in that framework... Could you donate \$500 to help secure our financial situation so we can continue?” Lederer wrote.³³⁰

Feinstein answered that she could not contribute financially at the moment. Even so she invited Lederer to join a citywide committee on pornography and gave her the insider information that a six-month moratorium on all new pornographic theaters was in the works. Feinstein told Lederer that she planned to then pass legislation that would prevent pornographic

³²⁶ Laura Lederer to Dianne Feinstein, letter, July 8, 1977, box 2 folder “Correspondence- Public Officials,” *WAVPM*.

³²⁷ Laura Lederer to D.A., Joseph Freitas, letter, July 9, 1977, box 2, folder “Correspondence- Public Officials,” *WAVPM*; *Newspage*, Vol. 1, Num. 2, July 1977; *Newspage*, Vol. 1, Num. 5, October 1977,; Sides, *Erotic City*, 60-61.

³²⁸ Laura Lederer to D.A., Joseph Freitas.

³²⁹ Laura Lederer to WAVPM Women, letter, n.d., box, 2, folder Correspondence-Internal, *SFWCR*; Laura Lederer, “WHO ARE WE?”

³³⁰ Laura Lederer to Dianne Feinstein, letter, July 27, 1977, box 2, folder “Correspondence- Public Officials,” *WAVPM*; Laura Lederer to Dianne Feinstein, letter, August 2, 1977, box 2, folder “Correspondence- Public Officials,” *WAVPM*.

business from locating within 1000ft of an existing establishment. The legislation would also provide for “strong façade control” and place pornographic businesses under Police permit.³³¹

After a better working relationship between the two had developed, Feinstein accepted Lederer’s offer to research the Detroit plan. She specifically wanted to know if Detroit’s 1000ft ban worked because she had adopted it for her legislation, names of people in city government she could contact by telephone, and background information on the ordinance. For the greater part of the 1970s Feinstein tried with very little success to rid the city of its pornographic businesses. Now with the help of Lederer and her grassroots organization, it seemed that a turning point lay ahead.³³²

Feinstein undoubtedly liked Lederer because the doors of government began to open for WAVPM. Shortly after agreeing to do the research work, Lederer reported to Feinstein that she “had a very good meeting with District Attorney Freitas and three of his assistant attorneys today.” Though D.A. Freitas had previously ignored the group’s earlier complaints, at the present, “[h]e has offered us his personal and official support.” The good news continued for WAVPM. Lederer learned during her trip to Detroit that Supervisor Feinstein had written the organization a letter of recommendation and donated \$100.³³³

Returning to the Bay Area with a thorough understanding of the ordinance, Lederer passed on her knowledge to Dianne Feinstein in a series of letters. The list of contacts that Lederer compiled include Detroit’s City Council President, the former City Attorney, and Richard Lawson, the administrative assistant who served as the point man “coordinating all the community groups, the city departments and city officials involved.” Lederer brought back contact information for Citizens for Decent Literature and Morality in Media, two national organizations involved in the Detroit ordinance battle (The mere suggestion of working with the two right-wing groups displayed the extent to which pornography could compel people from vastly different political orientations to reach across the aisle). Lederer sent Feinstein a copy of Detroit’s victorious Supreme Court case against its pornographic movie theaters, the actual ordinance, and newspaper clippings surrounding Detroit’s anti-porn battle. Thanks to Lederer, Feinstein now held in her arms a blueprint for a successful anti-pornographic strategy.³³⁴

Lederer’s sources in Detroit warned, nevertheless, that the pornography battle would be long and tedious. The ground game of drafting the ordinance and amassing support from various city departments took four long years. During the actual legal fight, the city engaged the opposition’s “high-paid lawyers who appeared out of nowhere—extremely knowledgeable 1st Amendment lawyers.” Lederer noted that the ordinance detailed exactly what kind of establishments were illegal within 1000ft but the pornographic business owners “are very ‘creative’ and soon after the ordinance went into effect, they began inventing new establishments

³³¹ Dianne Feinstein to Laura Lederer, letter, August 3, 1977, box 2 folder “Correspondence-Public Officials,” *WAVPM*.

³³² Dianne Feinstein to Laura Lederer, letter, August 4, 1977, box 2, folder “Correspondence-Public Officials,” *WAVPM*.

³³³ Laura Lederer to Dianne Feinstein, letter, August 10, 1977, box 2, folder “Correspondence-Public Officials,” *WAVPM*; Laura Lederer to Dianne Feinstein, September 5, 1977, box 2, folder “Correspondence- Public Officials,” *WAVPM*.

³³⁴ *Ibid*; also see *Young v. American Mini Theatres (1976)*.

not covered by the ordinance.” When the ordinance finally passed a court test, the attrition process worked slowly leaving, many constituents unhappy with the progress.³³⁵

Still, Feinstein forged ahead with a San Francisco version of Detroit’s ordinance. Addressing a letter to her “Fellow San Franciscans,” Feinstein asked that they support legislation that would “curb the alarming increase” of pornographic establishments. The new ordinance, borrowing from what she learned of Detroit’s battle, would “not allow any new nude encounter studios, adult theaters or pornographic bookstores from opening within a thousand feet of any other adult establishment to prevent their concentration in any area.” As Feinstein mentioned earlier to Lederer, she introduced a moratorium on all new pornographic businesses while the ordinance moved through the legislative channels. Those who stood behind her efforts should “immediately” send a letter to each San Francisco Supervisor so that “the matter can be calendared.” The Board of Supervisors passed Feinstein’s ordinance in the summer of 1978.³³⁶

Feinstein’s three-pronged approach—façade control, bestowing the police with licensing power, and zoning—created a formidable state apparatus to harass pornographic business in the city. Laura Lederer, working in the name of Women Against Violence in Pornography and Media, was instrumental in bringing this about. In a short time, she managed to ingratiate herself with one of San Francisco’s most powerful politicians, received an invitation to serve on what amounted to a state sponsored anti-pornography committee, and helped shape a new ordinance to regulate pornographic business.

Good fortune was muted, however, by events that tested WAVPM’s will to place itself in harm’s way. Nobody ever died in a blue movie, right?

Break-ins, Hate Mail, Arson, and a Pipe Bomb

WAVPM’s political actions came with frightening consequences. A break-in occurred at the apartment that WAVPM used to house its files. Women found the frame to the back door pried off and WAVPM’s papers rummaged through and scattered about the room. Members came upon desk drawers pulled out of place and strewn on the floor. The group’s ledgers lay open on a bed. WAVPM could not understand why the “intruder” had left valuables such as cash, a camera, and a tape recorder behind. A few days later the women issued a press release with the only conclusion they could come up with, “Women Against Violence in Pornography and Media suspects political harassment was the reason for the break-in.” The overturned room and the fact that nothing was stolen could not be explained in any other way.³³⁷

People who sent hate mail made their intentions clear. The letters, though only a minuscule portion of WAVPM’s correspondence, displayed the deep animosity some individuals felt toward women in general and anti-pornography feminists in particular. “THE LAST THING I NEED IS FOR A BUNCH OF CUNTS TRYING TO TELL ME WHAT I CAN READ OR SEE IN MOVIES... THEREFORE, WHENEVER I SEE YOUR BULLSHIT IN A PUBLIC

³³⁵ Laura Lederer to Dianne Feinstein, letter, September 20, 1977 box 2, folder “Correspondence- Public Officials” *WAVPM*.

³³⁶ Dianne Feinstein to Laura and Pat, letter, n.d., box 2, folder “Correspondence- Public Officials,” *WAVPM*; WAVPM offered further support of Feinstein’s ordinance by testifying in front of the Board of Supervisors Planning Committee and the California State Senate; see “End of the Year Report, 1978.”

³³⁷ Memo, “Break in,” box 112, folder 6, *PLDMP*.

LIBRARY, I WILL QUIETLY REMOVE IT, TO BE LATER BURNED. THEN, I WILL PISS ON THE ASHES,” the anonymous writer warned. “I CAN KEEP THIS UP AS LONG AS YOU SEND OUT YOUR YELLOW PROPAGANDA.”³³⁸

Another detractor channeled Charcot, the French neurologist, characterizing the women’s cause as “hysterical.” He thought WAVPM’s writing was to blame and advised the organization to “employ” the “capable writers and editors” he knew they had. If WAVPM did, he patronized, “We’ll all feel better, and more of the ‘neutral’ population will be won over to the right perspective.”³³⁹

Sometimes individuals attacked the group’s sexual orientation. One woman sent a 3x5 index card asking to be taken off of WAVPM’s mailing list because, “I don’t want any more of your lesbian propaganda” which is “worse than the bottom of our garbage can. Pathetic!”³⁴⁰

In 1979, an arsonist attempted to burn down the San Francisco Women’s Building, the facility where WAVPM held social events and rented office space. The severity of the damage could be measured in the \$50,000 worth of repairs needed to fix the building. Intimidation escalated when someone, a short while later, set off a pipe bomb that blew up the building’s front steps. Police never caught the perpetrators so it was not known if they meant to harm WAVPM specifically. What mattered was that each group that belonged to the Women’s building felt targeted.³⁴¹

WAVPM and hundreds of their guests had danced the night away in the building’s auditorium only one year before the terrorist acts. They were letting go, for one night, of everything they had learned about pornography. They were celebrating the last full day of WAVPM’s conference on pornography.

Feminist Perspectives On Pornography

Women Against Violence in Pornography and Media organized a three-day conference that examined pornography through the eyes of feminism. The women hoped that just as the 1976 Conference on Violence had precipitated their own formation as a group, their conference would raise women’s consciousness and “create effective strategies for new and on-going organizing.” The conference would be a very successful event within the Women’s Movement and would fortify pornography as *the* issue that warranted feminists’ attention. It would also spawn protest actions, another national conference on pornography, more anti-pornography groups, and a book entitled *Take Back the Night*. In the here and now, feminists jumping on a van to rip apart a lamb’s carcass, “ululating” in unison as they overran the street, and confronting strippers at a nightclub made for a grand spectacle.³⁴²

³³⁸ “Anonymous to Dear Ms,” letter, June 27, 1980 box 2, folder “Correspondence-Critique/Feedback,” *WAVPM*.

³³⁹ Thomas Elkjer to WAVPM, letter, January 30, 1979, box 2, folder “Correspondence-Critique/Feedback” *WAVPM*.

³⁴⁰ Eileen Toedtli to WAVPM, letter, n.d., box 2, folder “Correspondence-Critique/Feedback,” *WAVPM*.

³⁴¹ “Guide to the San Francisco Women’s Building/Women’s Centers Records,” *SFWCR*, <http://womensbuilding.org/content/index.php/about-us/history> (accessed 1/13/2011)

³⁴² Participation packet, “Feminist Perspectives On Pornography,” box 5, folder “Conference—Participation Packet,” *WAVPM*.

Seeds of the conference came from the WAVPM's desire to develop a coherent anti-pornography position. "We would go out to do presentations and would come back confused and discouraged," wrote the women about their early activism. "Our statistics were too scanty, our analyses and understanding of the issue too underdeveloped." Once WAVPM had a firmer grasp of the complexities surrounding pornography, forming a strong anti-pornography position, they realized that other women, especially those advocating on behalf of victims, would benefit from what they had learned. As a result, they hosted a national conference on pornography to share their newfound expertise and unite the movement.³⁴³

Eight months of labor went into planning the 1976 Conference on Violence. The Conference Task Force, a skeleton crew of women, working under duress, wrote grants, put together workshops and negotiated with brilliant but notoriously difficult speakers. Andrea Dworkin, the noted feminist, agreed to run a workshop and deliver a conference-wide speech. She expected WAVPM to meet these conditions in exchange:

You will cover all travel expenses, including roundtrip economy airfare New York-San Francisco, ground travel, meals, and two nights of motel accommodations at a reasonably comfortable and safe place. You will pay me a \$50 honorarium... If you do raise sufficient money to enable you to increase the honorarium, I will expect a fair and equitable increase in the amount.

The Task Force imperturbably scheduled around Dworkin's idiosyncratic sleep habits, slotting her in the late afternoon session, because she declared, "everything before noon is pretty much off limits to me. Its [sic] impossible to change the biological clock at will. Even being functional at noon is quite a strain."³⁴⁴

Slowly the conference came together. The Task Force swelled to thirty members. Several foundations awarded grants to the organization. Feminists wrote in to offer their support. On the eve of the conference, just ten days before participants were set to arrive, the women received a good omen from City Hall: George Moscone, San Francisco's Mayor, proclaimed the first day of Feminist Perspectives on Pornography, "TAKE BACK THE NIGHT DAY."³⁴⁵

Conference organizers, remembering their roots in the radical feminist politics of the women's centers, were careful to accommodate the needs of conference attendees. Their efforts spoke to the non-hierarchical multicultural feminist society they envisioned. Organizers provided childcare for women with children. The group arranged for translators fluent in Japanese, Spanish, Chinese, and sign language to work the conference. WAVPM offered scholarships (paid for by walk-a-thons, spaghetti dinner fundraisers, and raffles) to Black, Asian, Latina, poor white, older, and disabled women. The entire conference was wheelchair accessible. Organizers, invoking participatory democracy, encouraged vigorous yet healthy criticism. In order to

³⁴³ Ibid.

³⁴⁴ Andrea Dworkin to Tricia Womom [sic] et al., letter, June 12, 1978, box 5, folder "Conference-Correspondence," *WAVPM*; Andrea Dworkin to Lynn Campbell, letter, August 1, 1978, box 5, folder "Conference-Correspondence," *WAVPM*.

³⁴⁵ WAVPM received grants from the Saggs Foundation, Ms. Foundation, East Bay Community Fund, and United Church of Christ. For more on the organization's funding see *Newspage*, Vol.2, No.9, October 1978,; George Moscone, "Proclamation: Take Back The Night Day" box 2, folder "Julie Greenberg's Notes," *WAVPM*; Laura Lederer to Anne, letter, November 8, 1978, box 5, folder "Conference-Correspondence, Events/Programs," *WAVPM*.

promote a national constituency, WAVPM reserved 150 of the 350 total conference spots for women who came from out-of-state.³⁴⁶

It is no wonder that Laura Lederer sent a scathing three page single-spaced letter to a WAVPM member who accused the organization of failing to address the issue of race. Cathie Nelson described her correspondence as both a “formal criticism” and resignation from a group she considered “racist.” Nelson saw “explicit racism” in the organization’s slideshow presentation. Without giving any specific examples, Nelson concluded that WAVPM would remain “superficial” until the organization made the connection between racism and pornography. The group had been around long enough; it should have its political house in order.³⁴⁷

Lederer called Nelson, in so many words, ignorant and lazy. WAVPM’s leader stated that she always pointed out racism during her presentations on pornography and advertising. Someone new to the group probably delivered the slideshow presentation that Nelson had seen because the script that accompanied WAVPM’s slideshow made overt reference to racism. Furthermore, multiple ethnic organizations—*El Tecote*, *The San Francisco Journal*, and Black Women Organized for Action—had reprinted WAVPM’s critique and given WAVPM their official backing. WAVPM also pledged itself to hiring “a third world women” for its next full-time staff position. “People like you stand aloof from the enormous hardwork [sic], sweat, energy and involvement which is required to really change things, and instead coolly sit in judgment on groups that are doing their damnest [sic] to stay alive, to make a difference to change things,” Lederer angrily wrote. “If you really cared, why don’t you show up at a meeting or two and WORK--WORK HARD to make the ‘connections between racism and pornography’ as you so write.” Lederer was so livid that she unconsciously mistyped “hardwork” and “damnest,” two words that coincidentally characterized WAVPM’s activism and described what Nelson lacked in terms of effort and work ethic.³⁴⁸

The sisters’ laborious efforts drew the country’s most prominent feminists to San Francisco’s Galileo High School on the weekend of November 17-19, 1978. Attendees hailed from Arizona, Colorado, Georgia, Massachusetts, New York, Pennsylvania, Texas, Washington D.C., and Puerto Rico. Many of the attendees represented rape centers, battery shelters, women’s groups, and victim advocacy agencies. Self-selection along with WAVPM’s anti-pornography agenda created an environment in which any stance outside an anti-pornography position was impossible to utter. WAVPM did not organize a summit for women to hammer out the intricacies

³⁴⁶ Kate Robert to WAVPM, letter, October 27, 1978 found in the pages of *Newspage*, Vol.2, No.8, September 1978; *Newspage*, Vol.2, No.9., October 1978.

³⁴⁷ WAVPM presented slideshows to schools, community groups, and even inmates. WAVPM also worked with the Berkeley Police Department. They sold the slideshow via the mail, too. Cathie Nelson to WAVPM, letter, March 13, 1979, box 2, folder “Correspondence-Critique/Feedback,” *WAVPM*; Laura Lederer to Cathie Nelson, n.d., box 2, folder “Correspondence-Critique/Feedback,” *WAVPM*; for a similar exchange see Julee Heyer to Lynn Campbell and Laura Lederer, letter, September 27, 1978 box 2, folder, Correspondence-Critique/Feedback, *WAVPM*; Laura Lederer to Julee Heyer, letter, September 28, 1978, box 2, folder “Correspondence-Critique/Feedback,” *WAVPM*.

³⁴⁸ Laura Lederer to Cathie Nelson.

of different porn positions, but instead manufactured a space where women committed themselves to eliminating porn.³⁴⁹

When participants opened their conference packets, they must have been impressed and even overwhelmed by the planning that went into the weekend. The Conference Task Force used different colored paper to color code the entire conference packet. It contained detailed maps of the conference site, the march route, and San Francisco. Organizers recommended feminist restaurants like The Artemis Society and The Full Moon Coffeehouse. Vegetarians could go to Good Karma Café or Sunshine for a bit to eat. Somewhere in the packet a three-page 33-question conference evaluation form was sandwiched in-between the conference schedule and a “Paraphernalia” order sheet where participants could purchase conference t-shirts, buttons, the omnipresent WAVPM stickers, posters, and complete set of *Newspage*.³⁵⁰

Participants studying the schedule would have noticed that the conference was broken up into “All Conference Events” and workshops. The conference task force expected every guest to attend the opening ceremony, which included a version of WAVPM’s anti-pornography slideshow, the panel discussion on “Pornography and the First Amendment,” and the festivities—speeches, art performances, and a dance—surrounding the Take Back the Night March. During registration women had signed up for workshops they found interesting. Just like the Conference on Violence, the organizers offered “informational” workshops on Friday and “direct-action strategizing” workshops on Saturday. Participants, in other words, first analyzed pornography and then made plans to protest it. Mad Rabbit would have enjoyed the workshop run by the Bluebird Five, “HOW TO GET ATTENTION WITHOUT GETTING ARRESTED (WE HOPE)” and Rochester Women Against Violence Against Women’s (arrested for breaking a pornographic window display) “SABOTAGE OF PORNOGRAPHY.” Maybe she was even there at the powerful march on Saturday evening.³⁵¹

Take Back the Night March

By day I live in terror
By night I live in fright
For as long as I can remember
A lady don't go out alone at night, no no
A lady don't go out alone at night

But I don't accept the verdict
It's a wrong one anyway
'Cause nowadays a woman
Can't even go out in the middle of the day, safely
Can't go out in the middle of the day

³⁴⁹ *Newspage*, Vol. 3, No.1., February 1979

³⁵⁰ Participation packet, “Feminist Perspectives On Pornography”

³⁵¹ Participation packet, “Feminist Perspectives On Pornography”; *Newspage*, Vol. 3, No. 1, February 1979.

And so we've got to fight back
In large numbers
Fight back, I can't make it alone
Fight back, in large numbers
Together we can make a safe home
Together we can make a safe home

Holly Near's *Fight Back*

A majority of the women felt the second day, Saturday the 18th, to be the most important of the conference. After two days of living and breathing in an anti-pornography environment, Andrea Dworkin delivered a powerful speech that sent 3000 marchers into the cold San Francisco night. Dworkin's moving exhortation described the overwhelming sense of grief that possessed her while she did research for a book on pornography. "Life, which means everything to me, becomes meaningless, because these celebrations of cruelty destroy my very capacity to feel and to care and to hope," Dworkin eloquently orated. "I hate pornographers most of all for depriving me of hope."³⁵²

Except today, this day in November, Dworkin beseeched the women to fight despair, to reclaim the night:

Tonight we are going to walk together, all of us, to take back the night, as women have in cities all over the world, because in every sense none of us can walk alone. Every woman walking alone is a target. Every woman is hunted, harassed, time and time harmed by psychic or physical violence. Only by walking together can we walk at all with any sense of safety, dignity, or freedom. Tonight, walking together, we will proclaim to the rapists and pornographers and women-batters that their days are numbered and our time has come...

Tonight with every step and every breath we must commit ourselves to going the distance: to transforming this earth on which we walk from a prison and tomb into our rightful and joyous home. This we must do and this we will do, for our own sakes and for the sake of every woman who has ever lived.

Dworkin's speech drew no distinction among rapists, pornographers, and women batters. She saw them as one in the same. This evil triumvirate of men who turned the street into a "prison and tomb" must be confronted.³⁵³

The subsequent march was far from spontaneous. WAVPM brought in artists who tried to choreograph each step of the event. Suzanne Lacy and Leslie Labowitz had made names for themselves within the feminist community for their performance art. In a piece entitled "Three Weeks in May," done a year earlier, the artists sought to draw attention to the ongoing rape of women in the city of Los Angeles. Starting on Mother's Day 1977, Lacy scoured through the police reports from the previous day to identify each incident of sexual assault. She then used a stencil of the word "RAPE" to mark the location of the crime on a 25ft. x 6ft. map of Los Angeles that she had installed in a popular mall. She added an identical map that detailed the physical addresses of organizations that served victims. Lacy attached a calendar of public events that were held in conjunction with the installation to complete the piece; Labowitz's own street

³⁵² Andrea Dworkin, "Pornography and Grief" in *Feminism & Pornography* edited by Drucilla Cornell (New York, 2000).

³⁵³ Ibid.

performance, a “Rape Speakout,” and public testimonials were just a few of the things that had been organized.³⁵⁴

“Three Weeks in May” foreshadowed many of the ideas that the two women brought to the Take Back the Night March. First and foremost, they believed that feminist art must be political, while providing a window into women’s lived experience. The artists raised awareness about the ninety rapes that victims reported over the duration of the art piece. The public learned that the threat of rape played a part in women’s everyday lives. Victims, for all that, need not remain victimized. They could contact organizations tailored to help victims of sex crimes. Next, feminist art must be brought out of the secluded world of museums and into public space, inviting mass participation. The maps combined with the public events engaged “countless shoppers, downtown workers, and tourists” who would have never entered a gallery. City Hall, law enforcement, and women’s groups opened a dialogue while working together to put on the art piece. Finally, Lacy and Labowitz hoped that American culture would be transformed through their feminist art practice. Rape must end and pornography would be next.³⁵⁵

When the date of WAVPM’s conference on pornography approached, the two artists built a magnificent float to anchor the Take Back the Night March. The two used a virgin/whore motif to comment on the “dichotomous manner” in which men consumed pornography. Men idolized pornographic images of women like they revered statues of the Virgin. They then defiled these same images in and through their masturbatory fantasies. Man wanted the virgin and desired the whore, but being unable to reconcile the two he split them into good and bad at the cost of never seeing women as whole. The duality present in the Madonna/whore concept would be the centerpiece of the float.³⁵⁶

Labowitz took charge of the virgin, dressing a mannequin in “extravagant materials” and decorating her with “glitter.” She then placed the Madonna on a bed of flowers surrounded by an array of votive candles, all of which sat on top of a large white van.³⁵⁷

Lacy, meanwhile, experienced a great deal of trouble depicting the whore. Her research found her hanging out in porn shops. “I had men masturbating in front of me. It was really painful to get the material I needed for the float,” remembered Lacy. “We didn’t realize it at the time, but I think it was also my fear of getting enmeshed in the image.” A three-headed lamb carcass, skinned and adorned with pearls and feathers, emerged from Lacy’s tribulations. Before placing the hideous creature on the back half of the float, she pried open the body cavity and filled it with pornographic material.³⁵⁸

³⁵⁴ Moira Roth interview with Suzanne Lacy, March 16 & 24 and September 27, 1990, *Archives of American Art, Smithsonian Institution*; Suzanne Lacy, “‘Three weeks in May:’ Speaking Out on Rape, A Political Art Piece,” *Frontiers: A Journal Of Women Studies* Vol. 2, No. 1 (Nebraska, 1977), 66-70; Jack Slater, “Helping to Stamp Out Rape: Women Artist’s Campaign,” n.d., *Los Angeles Times*, n.p.; for an interview that details Labowitz’s early art and activism see http://wn.com/Woman%27s_Building_History_Leslie_Labowitz_Otis_College

³⁵⁵ The art group “Motion” organized the Washington Square demonstration that followed the march; Suzanne Lacy, ‘Three weeks in May.’

³⁵⁶ Suzanne Lacy to Lynn Campbell, letter, n.d., box 5, folder, “Conference-Correspondence Events/Programs,” *WAVPM*.

³⁵⁷ Moira Roth interview with Suzanne Lacy.

³⁵⁸ Ibid.

As visually striking as the float was, the two artists believed that its real power rested with the marchers. A throng of women, twelve blocks long, wearing all black, proceeding in dirge-like fashion through the city, was what energized the performance piece. They, with their candles and flashlights, were “show[ing] the myth as it really is.”³⁵⁹

After Dworkin’s exhortation, the float and marchers were supposed to simultaneously converge on Broadway Avenue, the designated performance space. The ill-conceived plan fell apart when Lacy realized Labowitz had no way of signaling her. So Lacy just sent the float forward. “Well, the women weren’t there yet. In fact, they were up on the hill. As soon as they saw the float, they took off running, ululating at the top on their lungs, three thousand women flooding onto Broadway,” Lacy told an interviewer. “In the meantime, the traffic flow, creeping in the other direction, was brought to an almost dead halt.”³⁶⁰

With tape recorder in hand, reporters from KPFA interviewed people watching what they described as the largest protest since the Vietnam War. One man thought the marchers’ actions were “fabulous” and they “ought to do things like this more often.” When the reporter asked why he felt this way, he responded, “Well, I think this particular part of town needs to be, you know, sort of straightened out. Really. Cuz [sic] it’s really a bummer, the whole scene. I’ve watched this neighborhood just become this sort of, you know, sewer, it’s as simple as that. As far as I’m concerned, they can finish with this scene... It’s become a very negative, exploitive scene.”³⁶¹

The police had lost complete control. Holly Near, a feminist musician, began singing “Fight Back.” Two searchlights on either side of the street flooded the performance space with light, illuminating the float. Near sang, “We are going to take back the night.” The crowd replied, “Fight back!”

Chicago businessmen resorted to the trope of the hirsute feminist during their interview with the KPFA reporters. “I’ve never seen such a collection of ugly women in my life. I haven’t seen a pretty, decent looking girl in that bunch. So I can’t understand what they are talking about,” he replied when the female reporters asked if he knew why the women marched, “They are worried about getting raped and they are saying pornography is going to get women raped. Uh-uh, not them. No way.” His friend chimed in, “Nobody will touch them.” Other men in the group addressed the marchers’ concerns more seriously. One argued that no evidence existed linking rape and pornographic film. When the reporter posited what if scientific evidence came to light, someone in the group countered, “Women were being raped before there were even movies. This doesn’t have anything to do with it.”³⁶²

Protesters’ chants, songs, and shrill wailing interwove to form a wall of unnerving sound. These women could not have been more dissimilar to the Chicagoans in opinion and verve. The float commanded everyone’s attention. “Now they started destroying the float! There is a group of women on the float, throwing parts onto the street,” suddenly interjected from the reporters’ tape recording. In the protesters’ wake, carcass parts and stickers littered the street. “Close it down,” “Castrate Rapists,” and “Off with Their Rocks” read a few of them. Marchers even become so frenzied that without warning they entered the Condor, a famous nightclub, tore down its curtains and argued with the strippers working inside.³⁶³

³⁵⁹ Suzanne to Lynn Campbell, letter.

³⁶⁰ Ibid.

³⁶¹ Laurie Garret and Peggy Stein, “street interviews,” KPFA Radio, November 18, 1978.

³⁶² Ibid.

³⁶³ Ibid.

Marchers rounded out the evening attending a performance piece in Washington Square. They then headed to Dovre Hall, the future home of the Women's Building, for the Take Back the Night Dance.

Fissures

Not all women were moved by the politics conveyed that weekend. The women working at Condor was just one group that would fail to see eye to eye with WAVPM. The episode highlights WAVPM's ostensible desire to support sex workers as women but its inability to overcome its disgust for the porn industry. WAVPM's stringent political line and either/or rationality would deepen fissures within the Women's Movement. Gay males, who had a much more positive relationship with pornography, would also be at odds with WAVPM.

An incident at the conference on pornography revealed WAVPM's problem with sexual minorities whose feminist politics differed. Pat Califia, an outspoken leather dyke, brought Gayle Rubin with her to cover the conference for *The Lesbian Tide*, a radical feminist magazine. When the women were denied press passes, they tried to register as participants. Califia reported to the *Tide* that organizers refused to grant them entry while making "some comment about not wanting a women with the views of Rubin to cover the conference." Rubin had expressed support for S&M and Califia shared similar "anti-censorship, 'free love', and pro-erotica views." Not to mention, the two women helped found San Francisco's lesbian-feminist Bondage Domination Sadism Masochism community and regularly practiced fist fucking.³⁶⁴

Lynn Campbell of WAVPM rejected the accusation of "censorship" by the *Tide*'s editors. She acknowledged that a WAVPM member "pointedly questioned" Rubin's and Califia's "motivations for suddenly showing up." But Campbell was adamant that she did not turn the women away because of their politics. She turned them away because they "had chosen not to respect and to take seriously the simple and well thought-out process for pre-registration." *Tide* must understand that WAVPM had received an "unmanageable number of requests for press credentials," and it would be unfair to disregard the "equitable system" they set in place. Campbell noted as well that she personally told "Gayle" and Pat about the conference months in advance.³⁶⁵

Reading between the lines of their exchange, Campbell seemed to hide behind bureaucratic rules to bar Rubin and Califia from the event. "Come on, Lynn. It's always this way at feminist events. Attempts to be orderly and systematic always break down at feminist events. Come on, Lynn, don't be so uptight, you're expecting too much," Rubin tried to reason with Campbell. *The Tide*'s editor agreed that politics must have played a role in the incident because "reporters from lesbian and feminist presses have never, to my knowledge, been prohibited from cover[ing] feminist events because they were late in arranging press credentials."³⁶⁶

WAVPM, as a group, excelled at arguing for the elimination of pornography must be eliminated. Unfortunately, it failed to take into consideration women's polymorphous sexual desires and never offered a viable alternative to pornography. WAVPM wanted to end

³⁶⁴ Jeanne Cordova to WAVPM, letter, November 21, 1978, Box 6, folder "Conference- Lesbian Tide Correspondence," WAVPM.

³⁶⁵ Lynn Campbell to Jeanne Cordova, letter, December 28, 1978, box 6, WAVPM folder "Conference- Lesbian Tide Correspondence," WAVPM.

³⁶⁶ Campbell to Cordova.

pornography, not understand it, and for this reason they pushed away feminists with competing sexual politics.

Steven Winiski used his dislike of WAVPM's "Pornography is a Lie Against Women" stickers, the same ones Mad Rabbit found so wonderful, as way to talk about sex workers' agency. Winiski believed WAVPM missed the fact that "pornography is often by choice and an activity that yields fun and sex for all participants." Acting in porn obviously involved more than "fun and sex for all participants." To disregard WAVPM's ethical and moral judgments on the basis of free will alone ignores the multiple socioeconomic and historical factors affecting an individual's decisions. Still, Winiski's reminder that "choice" ought to be accounted for has merit. WAVPM too easily invalidated sex workers consent to participate in the industry because all WAVPM saw was coercion and force on the part of pornographic business owners.³⁶⁷

Winiski turned WAVPM's slogan on its head when he asked, "If it [pornography] is a lie about women, how do you figure male gay pornography?" WAVPM had no real answer for Winiski's question about gay male pornography. WAVPM's entire critique rested on the assumption that all pornography mimicked the power relations of a patriarchal society. Winiski concluded that instead of fighting each other, "sexual groups" should unite to fight Anita Bryant's and John Briggs' homophobic campaign to bar gays from teaching in the public schools.³⁶⁸

Even WAVPM's own members could see how the group's anti-pornography stance had created a barrier between women who should be on the same side. Pricilla Alexander, an active WAVPM member who at one time received cheers for speaking out against the Mitchell brothers at a permit hearing, sent an internal memo to WAVPM lamenting the fault line she observed forming in the Feminist Movement. Alexander believed that the Movement had become divided into two camps. In one camp, there were feminists who practiced S/M, identified as lesbian, and engaged with the ideas of "voluntary/consensual sexuality." In the other camp, there were feminists who belonged to the anti-pornography movement, identified as straight, and worked to solve the problem of violence against women. Alexander called for a truce because "the split has made it clear that female sexuality is not so easy to define as we once thought, and in order to understand what our choices are, we have to listen to all women's experience, and understandings of their experience."³⁶⁹

Until the ground that separated the two camps could be bridged, Alexander suggested that *Newspage* carry a short statement defending WAVPM from people like Pat Califia, who accused anti-pornography feminists of working in concert with right-wing forces. WAVPM and reactionary groups like the Moral Majority agreed on pornography but they disagreed on the ERA, prostitution, abortion, lesbian rights, and sex education. The rest of the feminist community should see WAVPM's as sisters in struggle rather than enemies at the gate.³⁷⁰

³⁶⁷ Steve Winiski to WAVPM, letter, August 3, 1978, box 2, folder "Correspondence-Critique/Feedback," *WAVPM; Newspaper*, Vol. 1, Nm. 6, November 1977.

³⁶⁸ Steve Winiski to WAVPM.

³⁶⁹ Alex Abella, "Permit Denied to Three Pornographic Theaters," n.d., *San Francisco Chronicle*, box 4, folder "Broadway Protest, 1977, Events/Programs" *WAVPM*; Priscilla Alexander to *WAVPM*, letter, n.d., box 2, folder "Correspondence-Internal," *WAVPM*.

³⁷⁰ *Ibid.*

Alexander believed, in essence, that WAVPM must erase the connection some feminists had made with the anti-pornography movement and the political right. Conflation was something the women wanted to avoid. But they, themselves, practiced when they thought about connection between sex and violence in the porn industry. In the pages of their newsletter, they ran a reproduction of a famous San Francisco marquee featuring a woman in a two-piece bikini whose nipples were lit by red light bulbs, and a man styled after a 1920's gangster--complete with fedora and Tommy gun. The caption under the image read, "One example of the constant linking of sexuality and violence—a sign on the corner of Broadway and Columbus." Both marquees, located in the adult entertainment district of North Beach, regrettably, belonged to *two* separate nightclubs on the same block: the Condor and Big Al's. WAVPM's collective desire to make connections between licit sex and violence brought forth this glaring inaccuracy. *Newspage's* editor, most likely Laura Lederer in this case, literally saw something that was not there, counterfeiting the signs in her mind and subsequently in print because they epitomized so well the nature of pornographic businesses.³⁷¹

Stress certainly precipitated Lederer's mistakes. When a new group of members pointedly asked why certain staff received pay, Lederer outlined the tremendous load of work that she bore on her shoulders. During WAVPM's first two years, Lederer recorded the minutes, wrote and edited 16 issues of *Newspage*, delivered 400 slideshow presentations, archived 500 articles on porn, mailed 600 literature packets, personally answered between 8,000 to 10,000 letters, made 1000's of phone calls, and kept the books all without pay, healthcare, dental care, vocations, and usually "in complete isolation." Grants and dues from 700-person membership list, "engineered" by Lederer, finally allowed WAVPM to pay staff for the "real everyday shit work that needed to be done to keep the organization rolling."³⁷²

Lederer rejected these same women's demand for a more "collective" organizational structure. There was not enough time or energy to make decisions democratically. As it stood, it took the group twenty minutes to decide on a meeting time. "For another, we are unequally skilled, unequal in our political astuteness. This is a harsh statement but it needs to be said. Some of us are much more grounded in the issue than others," Lederer trenchantly laid out. "That is not to say that others can not learn, but it is to say that for me, while the learning process is going on, I do not want to be taking orders from (or even dividing decision-making with) those members who don't know the issue."³⁷³

A Logo

If Lederer ever doubted her political convictions or felt burnt out, all she had to do was look at WAVPM's logo to be reminded of why she should stay the course. Appearing on everything from newsletters to letterhead, its basic design incorporated three components: the group's name, a Venus symbol, and an eye. "Women Against Violence in Pornography and Media" created the v of a shield. A narrow horizontal line divided the interior space of the shield into two asymmetrical halves. Eight eyes placed into two parallel rows of four decorated the top half of the shield. A Venus symbol with an eye in its center decorated the bottom half of the shield.

³⁷¹ *Newspage*, Vol. 1, No. 3, September 4, 1977.

³⁷² Laura Lederer to WAVPM Women, letter.

³⁷³ Ibid.

The wide-open, unblinking eyes would remind a faltering Lederer that WAVPM bore witness to misogynistic depictions of women that caused physical and emotional harm. The shield symbolized the group's united front to protect each other from the patriarchal society that bombarded them with all manners of abuse. The Venus symbol stood for a common sisterhood shaped by similar experiences of oppression. Eliza Roaringsprings' testimony encapsulated WAVPM's supportive nature and belief in change:

Being in WAVPM validates my feelings and makes me know that I am not Crazy. It gives me support that there are other women who feel the same way I do when they walk down the street and are attacked by all those billboards, and everything that's in our advertising system; Broadway, the whole thing. Goddamn it, we can stop it and change it! WAVPM gives me an outlet for that anger. That's why I loved the picket. It's the first time I've gotten to yell somewhere that felt like it might do something (and not just in the therapist's room). I could scream, and it was a wonderful catharsis for me."³⁷⁴

WAVPM shielded women from a hostile world. And while the work was hard, Lederer should have born in mind that activism could extricate the festering seed of anger that grew within her.

Behind the shield stood a community of feminist activists that stretched from Atlantic City, New Jersey to the Bay Area. Women, many of whom helped victims of male violence, cultivated institutions that led to the formation of an anti-pornography movement. WAVPM became the movement's standard-bearer on the West Coast.

The organization directed its rage toward businesses that used sex and violence to sell products. WAVPM developed a critique that argued Americans' consumption of violent sexual images were and caused crimes against women. Maybe more importantly, WAVPM taught feminists that they could no longer look away. They, without fear, should return the male gaze of the pornographer, rapist, and women batter. They should smash pornographic images, plant stickers, steal smut, deface billboards, march on the street, trash floats, and work behind the scenes to create a world free from violence against women.

Inevitably, WAVPM's rigid ideological position clashed with feminists who participated in an underground sex club culture. These skirmishes would spill over into an internecine war about pornography. We turn to this in the next chapter.

³⁷⁴ *Newspage*, Vol. 3, No. 3, April 1979.

