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Obscenity Regulation and Film Exhibition: Policing Gay and Feminist Media Industries in Southern California, 1960 to 1979

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DOCTOR OF PHILOSOPHY

in Visual Studies

by

Finley Freibert

Dissertation Committee:
Associate Professor Bliss Cua Lim, Chair
Professor Lucas Hilderbrand
Associate Professor Victoria E. Johnson

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CURRICULUM VITAE

Finley Freibert

DEGREES

2006	B.A. in Mathematics, Cum Laude, DePauw University
2008	M.A. in Mathematics, University of Louisville
2012	Ph.D. in Applied & Industrial Mathematics, with Distinction (Dean's Citation), University of Louisville
2016	M.A. in Visual Studies, University of California, Irvine
2019	Ph.D. in Visual Studies, University of California, Irvine

FIELDS OF STUDY

Media Industry Studies and Histories, Censorship and Regulation, Distribution and Exhibition, Queer Film History, Critical Legal Studies, Archival Historiography, Bisexual Cultural History

SELECTED PUBLICATIONS

"From AIDS-Era Queer Icon to Sanitized Nostalgic Property: The Cultural Histories of Bettie Page Merchandise Circulation." *Film Criticism* 42, no. 2 (November 2018).

"Scream Queens and Queer Dreams: The Politics of Monotony and Zoning Out in Jesús Franco's Direct-to-Video Productions." In *The Films of Jess Franco*, edited by Antonio Lázaro-Reboll and Ian Olney, 211–41. Detroit: Wayne State University Press, 2018.

ABSTRACT OF THE DISSERTATION

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Associate Professor Bliss Cua Lim, Chair

In the 1960s and 1970s California was simultaneously at the forefront of the American adult film industry and a central stage for queer organizing and struggle. However, the links between queer history and adult film history extend beyond geographic proximity. In this period, the adult film industry embraced lucrative, but sexually illicit content that positioned it and its films as "deviant" from the postwar norms of heterosexual consumer culture. Queer "deviance" formed the connective tissue between this industry and its perceived obscenity both because sex in public was an illicit matter and because queer audiences, spaces, and content contributed significantly to the economic viability of the adult film industry in these decades. Despite adult-oriented motion pictures' origins in the profit motives of exploitation cinema, queer-oriented industry practices, whether intentionally or not, facilitated forms of public queer visibility. Moving beyond representational approaches to adult film, this study's examination of production, distribution, and exhibition foregrounds modes of censorship that range from business restrictions on market availability to law enforcement's stringent policing of exhibition spaces under legal regimes such as obscenity. A heteronormative lens of legal rhetoric and

enforcement sutured a perceived triad of obscenity, queerness, and contaminated public space onto the adult film industry and its patrons. Ultimately, the regulation and policing of California's adult media industries in the 1960s and 1970s negatively impacted the niche media, spaces, and consumption sites that had energized the formation of marginal, queer audiences in this crucial period of film history.

INTRODUCTION

An independently produced noir-thriller starring Hollywood heartthrob Sal Mineo, *Who Killed Teddy Bear?* (1965) narrativizes mid-20th century social anxieties concerning the noxious effects of "obscene" media consumption in general, and the exhibition spaces and audiences of exploitation films in particular. After meandering through the bustling nighttime streets of early 1960s Times Square, a troubled and reserved young adult, Lawrence Sherman, becomes entranced by myriad sexually suggestive commodities and forms of adult entertainment beckoning from the window displays of business establishments. Sherman, played by a youthful Sal Mineo, pauses his stroll to leer at female mannequins clad in bathing suits and lingerie. He gazes with prurient pensiveness at a storefront display of books marketing sexuality through pathologizing, quasi-educational forms of address. (A closeup reveals the titles on display: *Forbidden Sexual Behavior and Morality*, *Sexual Masochism*, *Psychopathia Sexualis, Patterns of Incest,* and *Sex Crimes in History*). While the sexualized address of pulp novels and sensational magazines momentarily preoccupies Sherman, he is ultimately drawn to the World Theatre's gaudy and brazen promotion of a sexploitation double feature, *Call Girl 77!* (1962) and *Hollywood's World of the Flesh* (1963). Sherman's initial moviegoing experience at this "adults only"[1] theater signals his descent into deviance. Beginning as a sexually awkward young man

[1] Throughout exploitation film history, distributors and exhibitors have employed "adults only" and other policies of audience exclusion primarily to differentiate their products from mainstream Hollywood films; see Eric Schaefer, "Adults Only: Low-Budget Exploitation," in *American Film History: Selected Readings, 1960 to the Present*, ed. Cynthia Lucia, Roy Grundmann, and Art Simon (Oxford: Wiley-Blackwell, 2016), 23–36. In the 1910s, independent distributors and exhibitors first employed this tactic by advertising "women only" or "men only" screenings of sex hygiene films, which were early precursors to exploitation films. The sex hygiene film exhibitors also restricted their audiences by age limit. The age limits were flexible and usually determined by the exhibitor's assessment of local morality standards.

obsessed with his own physique, Sherman eventually becomes a misogynist killer with a furious compulsion to harass and murder women.

This sequence from *Who Killed Teddy Bear?* suggests that the consumption of sexualized media at the semi-public venue of a grindhouse theater, together with the theater's associated queer desires and practices, encouraged the emergence of a latent pathologized identity in its protagonist. The film effectively encodes the emergence of Sherman's queerness not only through his performance of "deviant" behavior, but also by encouraging the viewer to view his body as a consumable, sexually-objectified spectacle. The increasing intensity of Sherman's non-normative prurience emphasizes the escalation of his "deviant" persona. This increasing intensity is portrayed through shifts in characterization. Initially, Sherman is coded as an awkward young waiter who occasionally makes obscene phone calls. As the film progresses, he is increasingly disturbed by the advances of women, finally stalking and killing a female coworker in a misogynist rage. A weight lifting session evokes the muscle adoration prominent in the contemporaneous physique photography genre and encourages the viewer to consume Sal Mineo's desirable, fit body. Canted low angle shots of his well-oiled, heaving chest and flexed arm muscles evoke Sherman's developing narcissistic frenzy within the narrative world. Extradiegetically, these practices of bodily display facilitate a form of adult media address that disrupts the narrative by enticing the spectator with exposed desirable bodies.

Although *Who Killed Teddy Bear?* was independently produced and distributed, it involved talent and personnel from Hollywood and mainstream television. The film was produced and distributed by Magna Pictures Corporation, an independent company whose incoming president in this period was Marshall Naify,[2] a film industry figure also involved with

[2] "Magna's 'Teddy Bear' Film Shooting in N.Y. Locations," *Boxoffice*, January 18, 1965, E-5.

United Artists. Since the exploitation film industry was becoming increasingly profitable in the 1960s, *Who Killed Teddy Bear?* can be understood as a reflexive metacommentary. Essentially, Hollywood made an exploitation film in order to demonize the exploitation film industry.

This opening discussion of *Who Killed Teddy Bear?* underscores the three key pillars that provide the methodological framework for this dissertation: media industry, obscenity, and queerness. In this study I focus on adult media industries to examine how mediated public sexualities were distributed and exhibited in Southern California during the 1960s and 1970s. Sexual publicity—the advertisement, distribution, and exhibition of a wide range of sexualities to the general public—became a key focus of adult media because sex, and particularly homosexuality, was a forbidden subject often absent from public discourse.[3] These media industries were indelibly marked and also enabled by the regulation of the state, particularly via the shifting legal regimes of obscenity. As federal obscenity standards became less clear by the end of the 1950s, print and motion picture media began to push the envelope on publicly available sexual commodities. Yet local law enforcement and communities, unaccustomed to such increasingly permissive sexual publicity, attempted to counter sex media deregulation precisely because public sexuality was considered lewd, deviant, and non-normative. Adult industry workers participated in bringing "on scene" sexual acts and subcultures that heteronormative publics would consider inappropriate for public consumption; therefore, obscene matter that needed to be kept—in Linda Williams' famous formulation—"off scene."[4] In turn, queerness provides the connective tissue between media industries and obscenity because of both the outlawed status of public sexuality that was embraced by adult media and the

[3] Sexual publicity is also aligned with political positions that posited sex and sexualities as public rather than private matters. For instance, following Stonewall one of the key emphases of gay politics was public visibility.
[4] For William's discussion of "off/scene" and "on/scene" see Linda Williams, *Hard Core: Power, Pleasure, and the "Frenzy of the Visible*," 2nd ed. (Berkeley: University of California Press, 1999), 282.

enactment of non-procreative sex acts, often between men, within adult theaters. An entrepreneurial drive towards maximizing profits produced adult theaters, which incidentally provided semi-public queer sanctuaries for their moviegoers, who would visually consume or partake in non-normative sexual practices. These counterpublic spaces and those who frequented them were considered by law enforcement to be the embodiment of queer deviance.[5] Queerness is understood in this project as a fluid qualifier to describe practices, spaces, and subjects that are not substantively defined by a sexual identity category; such practices, sites, and subjects were often socially and legally punished as the manifestation of abject perversity. Adult industry workers and consumers existed as the embodiments of a range of proscribed, not always identitarian, public sexualities.

Contemporary to the release of *Who Killed Teddy Bear?*, legal debates concerning obscenity into the 1960s often framed content thresholds as the determining factor for obscenity's detrimental effects on vulnerable consumers.[6] Rulings that refer to content thresholds nearly always did so in a generic manner that allowed for selective judgement on the part of later judges. For instance, when dealing with nudity as a content threshold, nearly every court decision effectively states that generally nudity is not obscene, but in specific cases it may be. With respect to visual representations, an early instance of a federal ruling occurred in the district

[5] Since adult theater audiences were typically composed of collections of strangers that engaged subcultural modes of communication, they are perhaps better described as counterpublics rather than communities. See Michael Warner's work on counterpublics for a generative discussion of this concept, Michael Warner, "Publics and Counterpublics," in *Publics and Counterpublics* (New York: Zone Books, 2002), 65–124.

[6] By content thresholds, I mean localized restrictions on what media are allowed to depict. In the 1960s and 1970s, they were dependent on local regulatory bodies, such as state censor boards or local police. While local thresholds differed on the whole, they often overlapped on certain kinds of content. For example, throughout the 1960s the display of male or female genitals was generally understood as transgressing the threshold of legality in most states. A coded vernacular developed among distributors of adult media in order to facilitate the breach of legal thresholds while circumventing local and federal law enforcement's wiretapping. For instance, prominent adult film director Ron Sullivan has discussed the inception of "pickle" and "beaver" terminology by exploitation distributors in the late 1960s to discuss the transport of films illicitly displaying male or female genitalia; see Ashley West, *Henri Pachard: When He Was Ron Sullivan*, The Rialto Report, November 20, 2016.

court case *Parmelee v. U.S.* that involved the book *Nudism in Modern Life*; in that case it was ruled that: "It cannot be assumed that nudity is obscene per se and under all circumstances. Even the application of the narrowest rule would not justify such an assumption."[7] Two later legal benchmarks that have been understood as obscenity rulings on content thresholds are the New York state Court of Appeals' decision that the nudist film *Garden of Eden* (1954) was not obscene, and the United States Supreme Court decision that the male physique photographs featured in Manual Enterprises publications were not obscene.[8] In the former case, nudity was generally ruled not obscene per se with the statement: "nudity in itself and without lewdness or dirtiness is not obscenity in law or in common sense."[9] While this decision technically only applied in the state of New York, this state was a major market and production center of film at the time so the ruling did have some influence on film exhibition outside the state.[10] In the latter case the United States Supreme Court weighed in on the nudity content threshold, specifically it was determined that male nudity marketed to gay men in physique publications was not obscene in all cases. Supreme Court Justice Harlan declared in his majority opinion that,

> These portrayals of the male nude cannot fairly be regarded as more objectionable than many portrayals of the female nude that society tolerates. Of course not every portrayal of male or female nudity is obscene.[11]

Harlan ultimately stated that the photographs in the Manual publications did not contain an essential element of "patent offensiveness" or "indecency" that was necessary to affront

[7] *Parmelee v. United States*, 113 F.2d 729 (D.C. Cir. May 14, 1940), 732.
[8] *Excelsior Pictures Corp. v. Regents of Univ. of State of N.Y.*, 3 N.Y.2d 237 (July 3, 1957); *Manual Enterprises, Inc. v. Day*, 370 U.S. 478 (June 25, 1962).
[9] *Excelsior Pictures Corp. v. Regents of Univ. of State of N.Y.*, 242.
[10] For a discussion of the significance of this decision see Jon Lewis, *Hollywood v. Hard Core: How the Struggle over Censorship Created the Modern Film Industry* (New York: New York University Press, 2002), 199–200.
[11] *Manual Enterprises, Inc. v. Day*, 490.

"contemporary community standards" and thus establish obscenity.[12] When considering legal determinations of obscenity as primarily a matter of licit or illicit visual content, the history appears to follow a linear progression beginning with allowance for documentary depictions of nudism and culminating in the assertion that male nudes in erotic poses were permitted.

Yet a closer consideration of the ebb and flow of obscenity law reveals a more complex history wherein matters of distribution, exhibition, and consumption, rather than content, were the driving force of obscenity law. When reading the above quote from the *Manual Enterprises* decision it would seem that Judge Harlan was sympathetic to content that might be consumed by queer men, but on the contrary he found the gay male audience objectionable as substantiated by his range of phrases including "unfortunate persons" and "sexual deviates."[13] On a closer examination of Harlan's majority opinion, his focus on content hinges not on the presence of male nudity itself, but on whether the manner of depiction revealed the product's intended distribution as erotica to homosexuals. In other words, it was not the issue of nudity itself, but the determination of an explicit "prurient" appeal to a homosexual male audience that was at stake in the obscenity decision. In this light, the publications could not be considered legally obscene because this appeal was not "self-demonstrating," in other words, the illicit appeal to homosexual consumers was not obvious to the "independent examination" of an implicitly heterosexual observer.[14] In sum, the issue of nude male content was not the primary consideration in the case, but rather the conclusion that the material did not obviously reflect its intended distribution to and consumption by queer men.

[12] Ibid., 482.
[13] Ibid., 481 and 490.
[14] Ibid., 487–489.

Who Killed Teddy Bear? reflects this judicial anxiety concerning obscenity's entanglement in distribution and exhibition. In the film, it is not the titillating content of the exploitation movies that facilitates Sherman's downward spiral into queer "deviancy." Rather, the film thematizes the social anxieties involving the conditions of access, and in particular the theatrical consumption context's transformative effects on the viewer. In the film, the entrance and exit from the exhibition space— an "adults only" grindhouse cinema—signals Sherman's transition from troubled young adult to queer killer. In the narrative logic of the film, Sherman's choice of an exploitation double feature over a menu of other consumption possibilities solidifies his non-normative consumer identity, and it is his entrance into the queer space of the exploitation theater that initiates him as a member of its "deviant" audience of "perverts," "weirdos," and "degenerates." The film thus archives the convergence of the exploitation film industry with queer history by narrativizing concerns of the period. Anxieties not over content, but product availability (via distribution structures), audience demographics, and consumer transformation within exhibition contexts all inform the historical associations of exploitation film with queerness. For their part, obscenity rulings have also archived these anxieties in the form of shifting legal precedents that attempted to capture the intentionally ambiguous definition of obscenity as the border of sexual normativity.

In this context, "queer" is used to indicate both the marginality that dominant cultural forces ascribe to sexual practices not aligned with heterosexual reproduction, as well as the perceived negativity of bodies, spaces, media, and markets when associated with such non-normative sexuality in the public sphere. While in our contemporary moment, "queer" has a positive political connotation for both academics and progressives on the political left, this project does not deploy the term to uncritically redeem exploitation and adult cinema. Rather,

"queer" is invoked to emphasize a historiographic blind spot for both exploitation film histories and LGBTQ+ histories: in the 1960s and 1970s, exploitation film companies commercialized queer content, marketed their marginality as sexually transgressive, profited from queer audiences, and also created the conditions for queer collectivity and space-claiming, whether intentionally or not.

On a definitional level, both "queer" and "deviant" signify divergences from fixed understandings of a sexual status quo. Social actors affirming the status quo have historically used "deviance" to cast a negative valence on anything falling outside of the norm. Since the 1980s, "queer" has been deployed as a politicized term to qualify, question, and reclaim the abject.[15] During the 1960s and 1970s in the United States, the term was not widely employed in a critically reclamatory fashion and instead was used almost exclusively as a term of homophobic bigotry. A longer discussion of this project's use of "queer" follows below. Briefly, I retrospectively apply the term queer (reclaimed in the late 1980s, but projected backwards in this project to frame the 1960s and 1970s) to address the deferred acknowledgement of how sexual non-normativity shaped and was shaped by the markets and infrastructures of the exploitation industry.[16] Queer is used here to group together a variety of historical terms—including "degenerate," "deviant," "deviate," and "pervert"—that denoted sexual marginality and negativity during the 1960s and 1970s. Such terms were present in the discourses of obscenity law, movie press reception, industry personnel conversations, and film advertisements, and were linked to the adult media markets by each of these sectors. While often invoked to abstractly

[15] The word "queer" was reclaimed in the late 1980s by AIDS activist groups such as Queer Nation and the AIDS Coalition to Unleash Power. As David Halperin notes, the term was first used in academic contexts when Teresa de Lauretis coined the term "queer theory" in 1990; see David M. Halperin, "The Normalization of Queer Theory," Journal of Homosexuality 45, no. 2–4 (2003): 339–40.

[16] I discuss this deferred acknowledgement of queers and queerness in exploitation film history below in the methodology sectio.

snare all manner of sexual fetishes and non-reproductive practices, to the general public these terms primarily evoked "the homosexual." While a critical interrogation of the abjection of specific marginalized identities is essential to this project, I also intend to wield queerness more broadly to examine how spaces, audiences, content, and practices all associated with sexual non-normativity generated increased visibility and revenue for adult media markets. Alongside its lucrative potential, however, the public visibility of "deviant" sexuality present in adult media consumption sites also provoked harassment and arrests of employees and patrons by local law enforcement and protests from special interest groups, which forms another focus of this study.

Although *Who Killed Teddy Bear?* takes place in one of the two primary industrial hubs of the exploitation film industry, New York City, the adult films showing in the Times Square theater depicted in the film were distributed through the Southern California based Olympic International Films. California is an ideal site for exploring the intersections of queer history with the exploitation film industry because it was a hub for both gay political organizing and exploitation production, distribution and exhibition in the 1960s and 1970s. For example, the Los Angeles based Mattachine Foundation (renamed the Mattachine Society) spearheaded homophile organizing across the nation in the postwar era, and several homophile and gay publications originated from California presses.[17] Alongside New York, California was the other major center of the US exploitation film industry. Mainstream youth-oriented exploitation companies such as American International Pictures and "adults only" pioneers such as Harry Novak's Boxoffice International and David F. Friedman's Entertainment Ventures were all located in California. Thus, California was home to major players in the queer press and the exploitation industry.

[17] John D'Emilio has discussed Mattachine's national influence in *Sexual Politics, Sexual Communities: The Making of a Homosexual Minority in the United States, 1940-1970* (Chicago: University of Chicago Press, 1998), 58. Examples of early homophile publications include *Mattachine Review*, *ONE Magazine*, and *The Advocate*.

The convergence of gay liberation and the adult film industry is perhaps most famously embodied in the figure of Pat Rocco, a legendary Los Angeles-based gay political activist and filmmaker. Following the famed "First Gay Film Festival" scheduled in the summer of 1968 at the Park Theatre on Alvarado Boulevard, Rocco's shots and features became staples of both the Park and other theaters managed by Continental Theatres such as the Nob Hill in San Francisco and the Park-Miller in New York. Rocco has been understood as an activist-filmmaker instrumental in the enactment and documentation of gay public space-claiming.[18] Rocco's place in the history of gay cinema is complex, he was pivotal in expanding gay cinema beyond the posing conventions of earlier physique films,[19] and he was also involved in an early wave of gay hardcore pornography. Additionally, in the political sphere he collaborated with gay activists in both homophile and gay liberation groups, and was involved with facilitating low income housing options for homeless and underemployed LGBT folks.[20] Rocco was undoubtedly a central figure in the history of Southern California adult media industries; this dissertation expands outward from Pat Rocco to explore the distribution and exhibition infrastructures that facilitated public screenings of Rocco's films and that were key to bringing many of Rocco's underacknowledged contemporaries to public view.[21]

Bringing queer history and American exploitation film history into dialogue with one another allows us to grasp several key aspects of the exploitation film industries of the 1960s and 1970s that have been largely unrecognized by existing historiography. First, this study argues

[18] Whitney Strub, "Mondo Rocco: Mapping Gay Los Angeles Sexual Geography in the Late-1960s Films of Pat Rocco," *Radical History Review* 2012, no. 113 (2012): 13–34.
[19] For more on Rocco's complex positioning see Bryan Wuest, "Defining Homosexual Love Stories: Pat Rocco, Categorization, and the Legitimation of Gay Narrative Film," *Film History* 29, no. 4 (2017): 59–88.
[20] Ian M. Baldwin, "Rethinking the 'Era of Limits':: Equitable Housing, Gay Liberation, and the Opening of the American Family in Greater Los Angeles during the Long 1970s," *California History* 91, no. 3 (2014): 42–59.
[21] For a historical overview of the larger milieu of Los Angeles gay and outlaw culture from this time see Lillian Faderman and Stuart Timmons, *Gay L.A.: A History of Sexual Outlaws, Power Politics, and Lipstick Lesbians* (New York: Basic Books, 2006).

that the policing of these industries was undergirded by heteronormativity. Policing was not primarily aimed at objectionable content; rather, the real targets of policing were the queer contexts of access supported by exploitation industry infrastructures. Second, law enforcement targeted theater patrons and low-level employees of theaters out of both convenience and strategy. While the policing of production and distribution facilities did occur to some extent, theaters were primarily targeted because they were the industry's publicly present sites of visibility. In turn, the intimidation of patrons and theater employees presented a demand-focused strategy; intimidation of patrons decreased demand for adult media, as did the closures of sites of consumption. Third, queer audiences, spaces, and content contributed significantly to the economic viability of the exploitation film industry during this period, yet existing historiography tends to downplay or erase this history's queer valence. Finally, exploitation advertising, exhibition, and content provided one of the few forms of queer visibility in the 1960s. This queer visibility is overlooked when visibility politics is conceptualized through contemporary identity-based models and narrowly representational approaches to film.

Exploitation and Liberation; Gay or Straight: Interrogating the Constitutive Binaries of Adult Film History

This study reorients adult film historiography to complicate two formative binary distinctions that are often reflected in histories of the 1960s and 1970s adult film industry. The first involves the concepts of liberation and exploitation, while the second concerns the perceived binary between gay and straight sexual identities. The terms "adult film," "pornography," and "exploitation film" will all be used throughout this dissertation; despite substantive overlap between these terms, it is important to bear in mind that their usage emerged out of differing contexts. "Adult film" has been an industry term for sexually-oriented film throughout the 20th

century; the "adult" designation arose in the exhibition sector as a term of self-regulation to signify that children were not allowed in the theater for a particular program. "Pornography" is a more widespread term, usually invoked by outsiders to the adult film industry to designate sex films as socially unacceptable; this term is often ideologically deployed to signal sex media with a diminished class status, while "erotica" is usually invoked to describe socially acceptable sex media that may attain the status of high art.[22] "Exploitation film" originated as an industry term in reference to "commercial exploitation," but is now more understood as a retrospective filmic genre. Because "pornography" is often used as an ideological outsider term of denigration I will only selectively employ it, often opting for "adult film." Since adult cinema arose out of exploitation cinema I will reference exploitation in much of this introduction.

To demonstrate how exploitation and liberation—two seemingly contradictory phenomena—have been co-present concerns for adult media industries, I begin with an anecdote that involved a conflict between gay liberation activism and commercial interests in the distribution and exhibition of queer media. On August 19, 1970, the Gay Liberation Front (GLF) of Los Angeles sent a letter to motion picture theater showman, Shan Sayles, requesting donations and support for the group's local activism, and specifically their planned publication of a consumer guide for the gay community. Sayles, president of the theater chain and management company Continental Theatres, was a significant figure in gay Los Angeles because he facilitated some of the first public screenings of movies that eroticized the male body in the city, and he shifted the Park Theatre on Alvarado Boulevard to an erotic male policy in mid-1968. Baffled

[22] There has been a move in the academic discipline of "porn studies" to advocate the use of "pornography" rather than its more fashionable shortening "porn." Linda Williams, "Pornography, Porno, Porn: Thoughts on a Weedy Field," *Porn Studies* 1, no. 1–2 (January 2, 2014): 24–40.

and perturbed by the fact that the GLF had been picketing outside the Park for the last several weeks, on August 21, Sayles sent a stern letter back to the GLF's donation request stating:

> Surely this letter is in error [. . .] I am curious to know why you would wish to list our firm in a guide encouraging homosexuals to patronize businesses therein when you are attempting to discourage attendance at that theatre.[23]

The GLF's protest against the Park stemmed from two objections: first that it was exploitative for a theater to commercialize gay content; and second, that it was excessive and exclusionary for the theater to charge a $5 entry fee and operate on a "members only" policy. This outcry against the Park was reported on in the gay press all the way to the east coast where, in 1969, Sayles had opened the Park-Miller on a $6 all-male policy.[24] Continental had recently used its substantial industry leverage to establish a standard $5 ticket price for male erotic motion picture exhibition in Los Angeles. A year before the GLF's protest, Continental had taken substantial efforts to shut down the Europa Theatre, another erotic male film theater whose operator refused to raise the entry price above $3.[25] The Europa was forced to shutter both because Continental could enact severe financial penalties on the few producers of erotic male movies (such as Bob Mizer's Athletic Model Guild and Dick Fontaine's Zenith) that distributed to the Europa, and because Continental controlled the real estate of the Europa. The theater's operator left an angry note on the Europa's front door stating that he would never raise the price even if it meant he would have to lease a different theater, and he alleged, "They [Continental] are just hungry for your money. WE ARE NOT."[26]

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[23] Shan V. Sayles to Gay Liberation Front, August 21, 1970, Continental Theatres Folder, ONE Subject Files Collection (Coll2012.001), ONE National Gay & Lesbian Archives, Los Angeles, CA.
[24] "Skinflicks Exploitative, Says GLF-LA," *Gay*, August 10, 1970, 3. "Broadway," *Boxoffice*, August 11, 1969, E4.
[25] Paul Cabbell, "Sex Film Syndicate," *Los Angeles Free Press*, June 20, 1969, 37.
[26] Ibid.

The quarrel between the GLF and Continental Theatres reveals three conflicting considerations that would inform the struggles over the distribution and exhibition of queer media in California during the 1960s: politics, law, and economics. The two primary influences on Continental's operations were the profit motive and legal constraints on their operations. From this vantage, a profit was necessary for the Park to remain open and the $5 ticket price additionally subsidized the Park's substantial advertising costs, which consisted of glossy circulars as well as ad space in popular newspapers, the gay press, and the underground press. Further, due to legal decisions that sanctioned "private" showings of potentially obscene films,[27] the Park's "members only" policy that the GLF saw as exclusive and antithetical to the public visibility politics of gay liberation was a legal necessity for the Park's owners and employees to avoid prosecution.

From the GLF's perspective, business considerations were subordinate to the group's political cause, which emphasized public visibility as a primary strategy of struggle. Gay liberation activist and ardent supporter of male erotic films, Jim Kepner, would criticize the GLF's quarrel over ticket price as an instance of respectability ideology, stating that "those who would never deign to look at such films" were primarily the ones who voiced concerns about the ticket price.[28] As is evident from the picketing of the Park, public visibility was even a strategy for the GLF in intra-community conflict. This strategy likely angered Sayles both from a general public relations perspective and because his theater operations (including the Park) catered to queer patrons who privately enjoyed the pleasures of the male body, but did not always want to

[27] The major United States Supreme Court decision, which ruled that private possession of obscene matter is constitutionally protected was *Stanley v. Georgia*, 394 U.S. 557 (April 7, 1969).
[28] Jim Kepner, "Homosexuality in Films - Changing Currents," *ONE Letter* 16, no. 2 (February 1971): 4.

be publicly interpellated as gay. In a letter to the GLF's chairman, Ralph Schaffer, Sayles attempted to dissuade the GLF from further protest, quipping:

> As that unknowingly far sighted woman said at the trial of Oscar Wilde, "I do not care what they do in private as long as they don't do it in the streets and frighten the horses." May I suggest that you follow suit.[29]

In this statement Sayles disidentified with a famous past expression of homophobic disdain for public queer intimacy, to underscore the fact that the GLF's public protest was likely making a statement, but to the wrong people. Meant to raise awareness among gay and bisexual patrons of the Park, the protest was making a statement that could contribute to homophobic public sentiment, which sought to close the theater. Thus, Sayles articulated the virtues of selectively chosen visibility by inviting Schaffer to discuss the GLF's concerns privately. The GLF-Continental conflict would eventually fizzle out and by early 1971 it would be reported that "customers are now reasonably satisfied that they are getting their $5 worth" and that Continental's production and distribution arm, Signature Films, was producing acceptable films on a weekly basis.[30]

While this incident situates liberation and exploitation as co-present phenomenon within adult media industries, there is also a second formative binary involving sexual identities in adult film historiography. Adult film histories generally bifurcate along a monosexual axis that categorizes pornographies as either gay or straight. By way of shorthand, producers, distributors, and owners of adult theaters generally construed their products as either eroticizing women or men, that is, as catering to a straight or gay market. Yet adult theaters did not require or elicit

[29] Shan V. Sayles to Ralph S. Schaffer, July 20, 1970, Continental Theatres Folder, ONE Subject Files Collection (Coll2012.001), ONE National Gay & Lesbian Archives, Los Angeles, CA.
[30] Kepner, 4.

identity-based declarations from their patrons upon entry, and the intended audience was not always congruent with those in attendance. On the basis of content, it has recently been argued by Whitney Strub that ostensibly gay and straight pornographies of the 1970s had more queerly in common than is currently thought and that misconception has been a result of censorial histories and format changes.[31] As we will see, the strict distinction between gay and straight pornographies has resulted in two seemingly contradictory historiographic orientations towards histories of adult media, liberation and exploitation. Gay pornographies are often understood as a product of and integral component to the history of gay liberation. On the other hand, as an industry dominated by male entrepreneurs and premised on commercializing female nudity and sexual acts for the entertainment of a largely male audience, the foundation of straight pornographies suggests a history of exploitation.[32] When examining the histories of gay and straight pornographies from an industrial standpoint, it becomes apparent that these industries were intertwined and involved mutual players. Ultimately, exploitation and liberation should be understood as co-present phenomena in an adult film industry that was not as distinct and separate as once thought.

Law enforcement understood this industry as a whole as deviating from heteronormativity, and the audiences that showed up and the practices that took place in adult theaters often embodied same-gender desires regardless of whether individual patrons identified as gay, bisexual, or straight. Analyses of the industry's modes of circulation, exhibition, and

[31] Whitney Strub, "Sanitizing the Seventies: Pornography, Home Video, and the Editing of Sexual Memory," *Feminist Media Histories* 5, no. 2 (2019): 19–48. A similar point about queerness in "straight" porn is made in Strub's earlier, Whitney Strub, "Sex Wishes and Virgin Dreams: Zebedy Colt's Reactionary Queer Heterosmut and the Elusive Porn Archive," *GLQ: A Journal of Lesbian and Gay Studies* 23, no. 3 (2017): 359–90.
[32] The liberation and exploitation distinction is particularly evident in Jack Stevenson's analysis of *Meatrack* (1970), arguably a bisexual adult film, wherein instead of discussing the film as bisexual, he differentiates between the gay content and "the heterosexual elements that were 'exploitable,'" *Fleshpot: Cinema's Sexual Myth Makers & Taboo Breakers* (Manchester, England: Critical Vision, 2000), 111.

consumption reveal that the gay and straight sectors of the industry were not parallel and distinct, but instead intertwined often to the point of involving the same personnel, theaters, and distribution networks.[33] During this time, adult film distributors, exhibitors, and audiences were sexual outlaws—literally outside the law—stringently policed by local and national law enforcement because they facilitated, consumed, and participated in public displays of sex. Such sexual publicity was considered the antithesis of normative sexuality, understood as the privately consummated heterosexual practice of reproduction. Distributors risked federal prosecution when they crossed state lines to deliver sexual media to theaters and adult bookstores. Exhibitors were endangered by raids and harassment, and chanced financial ruin when screening adult films in venues that were often previously the domain of Hollywood product. Customers risked police abuse, entrapment, and social stigma once they stepped foot in an adult theater. The names of customers were sometimes publicized by anti-pornography forces that intended to get the patrons fired from their jobs.[34] These sex industry workers and consumers all participated in the outlawed public commercialization of sex, largely without ever having to disclose their own personal sexual identity. Customers participated in legally proscribed "deviant" activities inside these theaters, which included public masturbation, sex work, and the procuring of sexual contact through payment or negotiation.

Although there was a definite move to demographically target gay men with "all male" pornography in the 1960s and 1970s, when considering the audiences that frequented adult theaters in that period, an either/or binary opposition between gay and straight pornographies

[33] Some histories situate gay pornography as a parallel and distinct industry and mode of representation. For instance, in an early history of gay sex films Jack Stevenson asserts that gay pornography's historical journey from private to public venues paralleled "the history of heterosexual film erotica which was also forbidden, if less proscribed, fruit," Jack Stevenson, "From the Bedroom to the Bijou: A Secret History of American Gay Sex Cinema," in Stevenson, *Fleshpot*, 101.
[34] Elena Gorfinkel, *Lewd Looks: American Sexploitation Cinema in the 1960s* (Minneapolis: University of Minnesota Press, 2017), 85.

becomes questionable. The situation is more complex and requires attention not only to film content, but also to the contextual elements of the films' exhibition and audiences. Relevant to the discussion of Continental Theatres in Chapter 1, the bulk of sexploitation cinemas of the 1960s contained sexualized images of nude and scantily clad women onscreen, but the primarily male audiences of these cinemas practiced same-gender sexual activities in the theaters. "All male" or "male" pornography, what is now often reinterpreted as "gay pornography," began to be exhibited in sexploitation cinemas precisely because exhibitors understood that many of their patrons held desires for men. As José Capino has insightfully observed, the "all male" and "male" terminology made such theaters inclusive of men who identified with a variety of sexual identities including gay, bisexual, and heterosexual.[35] To complicate this issue, in the gay press at the time "all male" theaters were marketed as "gay" and understood to target the demographic of gay men who read gay periodicals.[36] As Lucas Hilderbrand has shown through an analysis of the gay press, the gay cinema of the 1960s and 1970s was understood to be "male" adult film, and in fact pornography was the most pervasive visual cultural form within gay counterpublics.[37] When the perspective is expanded to include the underground and popular press, "male" films were marketed without the politicized term "gay" outside a gay press context in order to draw a broader audience of queer men who may not have self-identified as gay.[38] In fact, evidence shows that at an early stage the "all male" marketing was also intended to draw a female

[35] José B. Capino, "Homologies of Space: Text and Spectatorship in All-Male Adult Theaters," *Cinema Journal* 45, no. 1 (2005): 56.
[36] For example, the legendary festival at the Park Theatre on Alvarado was marketed as the "First Gay Film Festival" in the *Los Angeles Advocate*.
[37] Lucas Hilderbrand, "Historical Fantasies: 1970s Gay Male Pornography in the Archives," in *Porno Chic and the Sex Wars: American Sexual Representation in the 1970s*, ed. Carolyn Bronstein and Whitney Strub (Amherst: University of Massachusetts Press, 2016), 327–48.
[38] Rather than a single sexual identity, this broader targeting aligns with an expansive definition of "queer" that Chris Straayer describes as embracing "a population far larger than lesbians and gay men: bisexuals, transsexuals and various non-straight heterosexuals; transvestites, S&M enthusiasts, fetishists, and so on" from Chris Straayer, "The Seduction of Boundaries: Feminist Fluidity in Annie Sprinkle's Art/Education/Sex," in *Dirty Looks: Women, Pornography, Power*, ed. Pamela Church Gibson and Roma Gibson (London: British Film Institute, 1993), 163–64.

audience in some cases; for example, in 1970 one publicist for Continental Theatres stated that "women are especially encouraged to see" their "male film festival."[39] Therefore, during the time of their inception and into the 1970s, "male" theaters and their films were understood as "gay pornography" in some contexts, but understood differently within others.

Rather than understanding theses industries as being premised on strict sexual identities that correlated to segregated markets, modes of production, and distribution models, I'm proposing that we understand them as emerging from the same cultural and industrial place where all manner of sexual practices became fair game for commercialization. The "straight" and "gay" shorthand for adult theaters derives from a simplistic model of spectatorship wherein the screen content is assumed to determine the audience's, and by extension the theater's, sexual identity. The presence of women onscreen with men in the audience is reduced to mean the audience and theater are straight-identified. Men on the screen with men in the audience is presumed to mean the audience and theater were gay-identified, and many of the men who frequented adult theaters did not self-identify as "gay." Retrospectively coding these theaters and audiences along this identity binary of "straight" and "gay" leads to an immediate contradiction when we look away from the screen content: many queer men frequented "straight" theaters. Additionally, looking back on these theaters from a contemporary standpoint through a reductive binary version of sexual identity politics erases the fact that this queer sexual culture was not the exclusive domain of gay men, but equally accommodated bisexuals, sex workers, and heterosexual-identified men who have sex with men (MSMs).[40]

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[39] "Mark II Theatre," *Boxoffice*, July 13, 1970, E-8.

[40] MSM is a shorthand for "men who have sex with men" that emerged from public health discourse in the 1980s during the AIDS crisis. It came into usage because there was not a single umbrella identity that signified its referent subsection of the population. While this abbreviation was not used in the 1960s and 1970s, it is nevertheless the most concise way to describe the non-identitarian phenomenon that I am describing in adult theaters during this era. This term will briefly be employed as a shorthand in this introduction.

When looking back on this period, adult film historiography's strict differentiation of gay and straight pornography also overlooks the fact that gay, bisexual, and straight MSMs were a substantial, if not the primary, audience for ostensibly heterosexual adult cinemas.[41] Popular press reports from the time often demonized adult theaters because they were havens for homosexuals, and such reports frequently employed terms such as "sex perverts" and other historical euphemisms for men who engaged in homosexual practices. Legal records also show that police entrapment of theatergoers reflected both the fact that queer men attended these spaces and the bigoted anxiety that homosexuality was something like a disease that could contaminate anyone who entered the theaters. One account from an adult theater in New York City in 1967 gave a sensational description of the queer men in the space: "a segment of the audience that could care less about female flesh. They thump from seat to seat, quiet feet padding up and down the aisles, moving, moving."[42] The author then went on to describe the advent of "male" adult film, "wise to this market, too, the producers are beginning to film semi-nude male scenes so all their customers can have something to watch."[43] In *Times Square Red, Times Square Blue*, gay author and cultural theorist Samuel R. Delany described the shift to ostensibly straight adult features at the Variety Photoplays Theater in New York as increasing the queer male patronage: "At first management was afraid the straight films might drive away the theater's gay audience […] If anything, the gay activity increased."[44] Even as the "all male" productions began to develop, queer men continued to frequent the so-called "girlie" theaters.

[41] For instance, an adult theater owner in San Francisco estimated 30 to 50 percent of his patrons were homosexuals, see George Draper, "Shocking Lure of the Girlie Film: S.F.'s Sexploitation Theaters," *San Francisco Chronicle*, June 6, 1967, 42.
[42] John Hallowell, "Making Movies for the Goon Trade," *New York World Journal Tribune*, January 8, 1967, 4.
[43] Ibid.
[44] Samuel R. Delany, *Times Square Red, Times Square Blue* (New York: New York University Press, 1999), 19.

Throughout his essay, Delany expresses his proclivity towards ostensibly heterosexual theaters, even to the point of viewing them as a model for a queer sexual utopia inclusive of numerous marginalized classes.[45] On the other hand, he voices his distaste for the "all male" theaters, describing them as "too mercenary" and "too formalized."[46] Delany's personal tastes aside, we can learn from his description that what differentiated these theaters was not primarily sexual identities, but audience expectations, modes of sexual negotiation, structures of payment, and the audience's social positioning. Taken as a whole, Delany's essay describes how working-class men, men of color, and other socially marginalized audiences frequented non-"all male" adult theaters and negotiated sexual contact, involving monetary exchange or not, on a one-to-one basis independent of theater management. On the other hand, the "all male" theaters employed live performers (such as go-go boys) to aggressively initiate sexual advances that ultimately led to monetary exchange, a portion of which the management would presumably lay claim to. His description of the "mercenary" fragmenting of the audience along with this additional requirement of monetary exchange with theater employees beyond the entrance price also implies class-distinguished patron hierarchies between the two theater categories.

Ideologically, the "straight" and "gay" distinction that is retroactively transposed on adult cinema of the 1960s and 1970s works to cover over class distinctions among theaters. When I've spoken to people who worked at or patronized these theaters, I've been constantly reminded that ascribing a sexual identity to adult cinemas of that era is a retrospective ideological task. For example, in one exchange on Facebook I was in conversation with a man who had lived in Los Angeles during the 1970s and patronized adult theaters and bookstores. After I had referred to the Vista Theatre as a "gay" theater to describe its "all male" policy during the 1970s, the man

[45] Ibid., xv, 90.
[46] Ibid., 58.

replied, "How about the Le Sex Shoppe across the corner? Count as a gay theater?"[47] I stated that I had never heard of it, and asked whether they showed gay films in the backroom. His brief reply described what was characteristic of venues that are now retrospectively referred to as "straight" establishments: "Typical of their chain, books, films, peep shows, cruising."[48] Why was this man asking me if this would be considered a gay theater when he was the one who lived during the time and went there? Was he trolling me, or was he asking a snarky rhetorical question? After more serious exchanges with this man and further discussions with other people, I realized that he was doing neither. In the exchange, I had been imposing an artificial sexual identity on a theater and he was genuinely trying to understand how I had made that determination and where its boundary was. Imposing the "gay"/"straight" dichotomy to classify establishments from the 1960s and 1970s is primarily an investment in distinguishing the class hierarchy between theaters rather than making meaningful assertions about sexual identity categories. This class-based differentiation is revealed early in pornography studies scholarship. In Thomas Waugh's pioneering writing on gay pornography in *Jump Cut* from 1985, he struggles to classify "gay" and "straight" pornographies into two parallel and distinct columns.[49] While attempting to distinguish between the two categories' exhibition contexts, Waugh makes an insightful observation that underscores a key problem with differentiating pornographies in this way: "straight" pornographic theaters were the "gay" pornographic theaters for working-class queer men, queers of color, and rural queers.[50] By making this distinction and coding such theaters as "straight," these theaters and their audiences are segregated from more exclusive

[47] D. S., First reply to Finley Freibert's Facebook Post, Facebook, October 17, 2018.
[48] D. S., Second Reply to Finley Freibert's Facebook Post, Facebook, October 17, 2018.
[49] Thomas Waugh, "Men's Pornography, Gay vs. Straight: A Topographical Comparison," *Jump Cut: A Review of Contemporary Media* 30 (1985): 32–34.
[50] Waugh puts it this way, "in isolated areas, straight theatres and adult bookstores service gay community; in New York and elsewhere, cheap straight theatres service poor and minority gays," in ibid., 33.

establishments that are more easily redeemable and that have clearer affirmative value for gay history.

The binary "straight" and "gay" distinction also derives from dual lenses on pornography that arose in the late 1970s, which subsequently influenced popular and academic discourse, and continue to affect the way pornography is approached. On the one hand, anti-pornography feminism of the 1970s framed all pornography that featured women onscreen as necessarily misogynist and an incitement to sexual violence against women. Slogans like "pornography is the theory, and rape is the practice,"[51] encapsulate the view that pornography both embodied hegemonic heterosexist misogyny and facilitated sexual violence against women. While anti-pornography feminists occasionally took aim at "all male" pornography because they believed that all pornographies reflected and enacted inequitable gender structures, their primary focus on pornography that objectified women smuggled into popular belief the view that these adult films, companies, and theaters were institutions of hegemonic heterosexuality now understood by the shorthand "straight" pornography. While the bulk of films from the "porno chic" era did undoubtedly disproportionately commercialize the sexual display of the female body, linking that observation to a critique of adult media industries, workers, and consumers as heteronormative belies the fact that adult theaters (regardless of film content) allowed for unprecedented forms of queer connection both sexually and socially.

To complicate matters, heterosexual pornography studies—situated outside of the field of anti-pornography feminism—have been indebted to earlier investigations of "exploitation" as an industrial mode and filmic category; unquestionably, the term's dual academic resonance with Marxist theory informs underscores its capitalist underpinnings. In 1990 Jane Gaines examined

[51] Robin Morgan, "Theory and Practice: Pornography and Rape," in *Going Too Far: The Personal Chronicle of a Feminist* (New York: Random House, 1977), 169.

how commercial exploitation derived from techniques of circus ballyhoo structured the promotion of early film exhibition.[52] Paul Watson's analysis of exploitation cinema—as a mode of production that arose outside of the major studio system yet and that was premised on sensational advertising—revealed that despite its retrospective reclamation as a counter-cinema, in its time exploitation emerged as part of the cultural mainstream and, in fact, "*all* cinema is, to greater or lesser extent, exploitation cinema."[53] Subsequent studies of exploitation cinema as a film category and mode of production have provided nuanced approaches that underscore both its origins in capitalist relations and cultural denigration as the polar opposite of Hollywood studio films. For instance, Bliss Lim argues against understanding exploitation film history either as a linear progression or through a binary opposition of mainstream-independent.[54]

On the other hand, gay pornography studies have been informed by the liberatory and sex positive rhetoric on "all male" pornography that originated in the gay press and gay adult industry publications in the 1970s. Early review articles in the gay press, in particular those by Harold Fairbanks for *The Advocate*, reveal that critical appraisal of gay pornography as potentially liberating was present at the "all male" genre's inception. In the late 1970s, scholar and film critic Jack Babuscio began to read gay pornography as a consciousness raising pedagogical tool that imparted "a sense of sexual freedom."[55] By the 1980s, Fairbanks, and gay adult industry publications generally, began to discuss the history of gay pornography through

[52] Jane Gaines, "From Elephants to Lux Soap: The Programming and 'Flow' of Early Motion Picture Exploitation," *The Velvet Light Trap - A Critical Journal of Film and Television* 25, no. 15 (Spring 1990): 29–43.
[53] Paul Watson, "There's No Accounting for Taste: Exploitation Cinema and the Limits of Film Theory," in *Trash Aesthetics: Popular Culture and Its Audience*, ed. Deborah Cartmell (London: Pluto Press, 1997), 82.
[54] Bliss Cua Lim, "'American Pictures Made by Filipinos': Eddie Romero's Jungle-Horror Exploitation Films," *Spectator* 22, no. 1 (Spring 2002): 26–29.
[55] Jack Babuscio, "Gay Skinflicks: Hardcore Films and Filming in the USA," *Gay News [London]*, November 3, 1977, 24–25.

the formulation "gay heritage."[56] The stakes for retrospectively claiming "all male" pornographies as gay heritage are high because "all male" pornographies embodied the sex positive visibility politics of the gay liberation era, and can be understood as an archive of that ethos. Furthermore, these pornographies exist as historical documentation of gay sexual practices during a time before the AIDS crisis when same-gender sex was largely illegal in the US and understood by gay activists as a radical practice.[57] Rightly so, historical studies that have analyzed gay pornographies ranging from print media, physique magazines, to other products have understood these pornographies as forms of gay cultural heritage.[58] David K. Johnson's recent book *Buying Gay* articulates how physique commercial enterprises aligned with homophile and gay liberation ethos despite their association with crass commercialization. Lucas Hilderbrand has revealed how the commercial enterprise of backroom pornography at Hal Call's Adonis bookstore can be read as the epilogue to the homophile movement, both for the enterprise's political significance and as a business endeavor.[59]

While readings of individual films that reflect on the ideologies underpinning their meanings are valid, and indeed some adult films eroticized misogynist violence, such differentiations and reflections on meanings tell us only about that individual film and little about the audiences and industry broadly. New studies of context, archives, and historiography underscore that feminist and queer approaches to adult media studies are not always reconcilable,

[56] For an early example of this see, Harold Fairbanks, "Our Gay Heritage: The All-Male Film," *Stallion* 1, no. 2 (May 1982): 22–25. Also, Jerry Douglas'*Manshots* interviews with past industry professionals often employ the rhetoric of heritage.
[57] Jeffrey Escoffier, "Sex in the Seventies: Gay Porn Cinema as an Archive for the History of American Sexuality," *Journal of the History of Sexuality* 26, no. 1 (2017): 88–113.
[58] Drewey Wayne Gunn and Jaime Harker, *1960s Gay Pulp Fiction: The Misplaced Heritage* (Amherst: University of Massachusetts Press, 2013); David K. Johnson, *Buying Gay: How Physique Entrepreneurs Sparked a Movement* (New York: Columbia University Press, 2019). Thomas Waugh's seminal book begins with the framework and section title "Reclaiming a Cultural Heritage," Thomas Waugh, *Hard to Imagine: Gay Male Eroticism in Photography and Film from Their Beginnings to Stonewall* (New York: Columbia University Press, 1996), 1–21.
[59] Lucas Hilderbrand, Lucas, "The Uncut Version: The Mattachine Society's Pornographic Epilogue," *Sexualities* 19, no. 4 (2016): 449–64.

yet can present generative lenses when placed in conversation. Elena Gorfinkel has recently presented an incisive field overview of adult media studies that identifies the feminist and queer positions in the field as in inextricable—yet in a potentially productive—tension.[60] The archival records and contemporaneous public discourse around adult cinema of the 1970s could be understood as registering a congruent tension as they reveal that liberation and exploitation were co-present phenomena in both the "all male" and non-"all male" components of the industry. Furthermore, while "gay" and "straight" function as a convenient shorthand to differentiate "all male" and non-"all male" pornographies, a more thorough analysis reveals the complexity inherent in these industries that are often better described through class and gender terms rather than sexual identity terms.

Industry, Obscenity, and Queerness

As discussed above, exploitation is a filmic category designated by its marketing, which typically capitalizes on sensational, topical, and often shocking cultural themes. Exploitation cinema is associated with independent and often impoverished modes of production, regional and itinerant distribution methods alternative to Hollywood's national distribution networks, and extradiegetic advertising and exhibition gimmicks. Historically the exploitation industry has operated independently from the Hollywood industry, yet from a demand perspective its status has been symbiotic with Hollywood strategy and market domination. Specifically, Hollywood's oligopolistic practices created a product shortage (after 1948), which inadvertently led to the boom in exploitation film production. By the 1960s, Hollywood had begun to appropriate exploitation film strategies. Thus, independent exploitation subsequently had to generate

[60] Elena Gorfinkel, "Editor's Introduction: Sex and the Materiality of Adult Media," *Feminist Media Histories* 5, no. 2 (2019): 10.

additional tactics of product differentiation, such as the inception of feature length hardcore pornographic films.

The demand for motion picture product during the postwar period was unwittingly inflated by the federal regulation of media industries, particularly Hollywood. In a historic move to regulate media monopolies and curb the vertical integration of film production, distribution, and exhibition under a single corporation's control, the Supreme Court ruled in 1948 that the Hollywood studio oligopoly comprised an illegal trust and instituted a number of decrees to reform the structure of the industry.[61] This was known as the *Paramount* decision. Hollywood studios were required to separate from their affiliated theaters, effectively breaking their vertical integration. They were also ordered to cease policies of block booking and blind buying, i.e., the major studios' practice of requiring exhibitors to purchase films in a package and with minimal knowledge of film content. In the aftermath of the *Paramount* decision, major studios could no longer depend on a block booking effect in which profitable films "carried" unsuccessful films at the box office.[62] Additionally, an increasing number of competing amusements emerged, and television in particular provided a form of entertainment that had the potential to keep movie audiences at home. Yet more than the advent of television, it was the postwar demographic shifts facilitated by the "baby boom" and the flight of the white middle-class to the suburbs that contributed to the decline in studio revenue in the late 1940s and early 1950s.[63] In an attempt to draw larger audiences and remain competitive, studios were financially compelled to produce

[61] *United States v. Paramount Pictures*, 334 U.S. 131 (May 3, 1948).
[62] This brief history of the Paramount decision is informed by Douglas Gomery, "New National Chains," in *Shared Pleasures: A History of Movie Presentation in the United States* (Madison: University of Wisconsin Press, 1992), 83–103.
[63] Douglas Gomery, "The Coming of Television and the 'Lost' Motion Picture Audience," *Journal of Film and Video* 37, no. 3 (1985): 5–11.

fewer, more capital-intensive movies, which created a scarcity of motion picture product for theaters to show.

In the wake of the major studios' response to the *Paramount* decision, the exploitation film industry hit a wave of expansion because a new market sector had been opened due to a shortage of films from Hollywood studios.[64] During the postwar period, exploitation cinema developed overlapping sub-categories such as sexploitation (films exploiting topical and illicit sexual themes), genre films (movies exploiting culturally controversial generic conventions to draw audiences, such as horror films), and "art" or "arthouse" films (European films connoting sexual permissiveness, and often re-edited for increased lurid appeal).[65]

Hollywood's employment of exploitation industry tactics was not limited to one subcategory, but spanned niche-targeted movies as well as mass-oriented blockbusters. For example, *Easy Rider* (1969), a New Hollywood film addressed to countercultural youth markets, derived its marketing and audience address from teensploitation, drug, and biker films such as American International Pictures' (AIP) *The Wild Angels* (1966) and *The Trip* (1967). Also, the success of the film largely considered to be the first Hollywood blockbuster, *Jaws* (1975), was due to Universal's embrace of exploitation tactics such as four-walling, genre marketing address, demographic targeting, saturation marketing, saturation booking, and seasonal distribution.[66]

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[64] Several film historians have discussed the Paramount decision's creation of a product shortage that led to the opening of new markets, for instance Barbara Wilinsky, *Sure Seaters: The Emergence of Art House Cinema* (Minneapolis: University of Minnesota Press, 2001), 65–77.

[65] For example, Eric Schaefer's *Bold! Daring! Shocking! True!*, Barbara Wilinsky's *Sure Seaters*, and Kevin Heffernan's *Ghouls, Gimmicks, and Gold* all discuss the interlinked independent industries of exploitation film, art cinema, and genre film. Eric Schaefer, *"Bold! Daring! Shocking! True!": A History of Exploitation Films, 1919-1959* (Durham: Duke University Press, 1999). Kevin Heffernan, *Ghouls, Gimmicks, and Gold: Horror Films and the American Movie Business, 1953-1968* (Durham: Duke University Press, 2004).

[66] Thomas Schatz has outlined the various techniques employed by *Jaws* in "The New Hollywood," in *Hollywood. Critical Concepts in Media and Cultural Studies: Historical Dimensions: The Development of the American Film Industry*, ed. Thomas Schatz, vol. 1 (London: Routledge, 2004), 293–301. Four-walling, the distributor practice of renting an exhibition space to reap all box office revenue, had been a prevalent exploitation industry practice predating World War II; see Schaefer, *Bold! Daring! Shocking! True!*, 17 and 115. The generic marketing of *Jaws,* depicting humans stalked by a great white, conveyed to the film's potential audiences that it was a killer animal

Faced with Hollywood's encroachment on the exploitation market, exploiteers responded with a variety of tactics ranging from increasing the amount of exploitable content (depictions of violence and sex restricted from Hollywood film by the 1968 MPAA classification system) to targeting demographics previously ignored by Hollywood (such as 1970s Blaxploitation films targeting African American audiences).

A primary and notorious example of a profitable alternative to Hollywood's tactics of market domination in the 1970s was the public exhibition of hardcore pornography, motion pictures depicting explicit sexual practices such as penetration. The proliferation of hardcore pornography in the 1970s can be traced to the success of "white coater"[67] educational hardcore films of the late 1960s, "all-male" hardcore such as *Boys in the Sand* (1971), and the ushering in of the "porno chic" sensibility by way of the aspirational and crossover successes of *Behind the Green Door* (1972) and *Deep Throat* (1972).[68]

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horror film in the vein of previous exploitation efforts such as AIP's *Frogs* (1972) or American National Enterprises' *Piranha* (1972). Exploitation producer and distributor AIP played a key role in pioneering the practices of saturation booking, demographic targeting, and seasonal distribution before Hollywood exploited these practices; David A. Cook, *Lost Illusions: American Cinema in the Shadow of Watergate and Vietnam, 1970-1979* (Berkeley: University of California Press, 2002), 324; Constantine Nasr, *Roger Corman: Interviews* (Jackson: University Press of Mississippi, 2011), 63. Saturation booking refers to the practice of scheduling a single regional release date for a given film. Seasonal distribution practices included scheduling drive-in-oriented pictures for release in the summer. Independent exploitation distributors such as American National Enterprises also developed the practice of saturation marketing, advertising across various media venues such as theater fronts, newspapers, and television; see Alisa Perren and Thomas Schatz, "Hollywood," in *The SAGE Handbook of Media Studies*, ed. John Downing (Thousand Oaks: Sage Publications, 2004), 514.

[67] Kenneth Turan and Stephen F. Zito, *Sinema: American Pornographic Films and the People Who Make Them* (New York: Praeger Publishers, Inc., 1974), 83–84.

[68] Kenneth Turan and Stephen F. Zito attribute the coining of "porno chic" to the *New York Times* in *Sinema*, ix. The article they implicitly reference is Ralph Blumenthal, "Porno Chic: 'Hard-Core' Grows Fashionable—and Very Profitable," *New York Times Magazine*, January 21, 1973, 28, 30–34. Blumenthal's article discusses the rise in popularity of hardcore pornography (specifically *Deep Throat*) by 1973. However, the term "porno chic" was already being used in 1970 to describe the decorative presence of adult periodicals (such as *Screw* newspaper) in upscale New York nightclubs; Peter Benchley, "Five In Spots For the Midnight Chic: Five in Spots for the Midnight Chic," *New York Times Magazine*, November 8, 1970, 119. Jeffrey Escoffier details the rise of "all-male" hardcore pornography in *Bigger than Life: The History of Gay Porn Cinema from Beefcake to Hardcore* (Philadelphia: Running Press, 2009).

Exploitation historiography typically associates the rise of hardcore pornography in the 1970s with the death of a sector of exploitation film: softcore or sexploitation films commercially exploited for their sexual content, but not showing explicit sexual climax or penetration.[69] However, this study considers hardcore pornography to be yet another iteration of exploitation film not only because it engaged the same marketing tactics as exploitation, but also because it relied on the infrastructures of distribution and exhibition that 1960s exploitation had maintained.[70]

For the purpose of parsing the myriad methods of state intervention implemented upon adult film industries, I distinguish between censorship, policing, and regulation in order to emphasize the differential deployment of these technologies of restriction through the industry sectors of production, distribution, and exhibition. Regulation generally refers to the restriction of the available commodities within a market through state restrictions on some aspect of the supply chain. For example, common forms of regulation of motion picture exhibition include zoning ordinances and business licensing processes. Censorship is restriction on content whether through intervention prior to or after a commodities market circulation. Censorship is a specific type of regulation because it restricts access to the commodity in its original format, and sometimes prevents access completely. For the 20th century American film industry, censorship is understood to take place prior to exhibition, and in the case of Hollywood studio films usually

[69] Various authors have discussed the demise of the sexploitation genre and mode of production by the early 1970s: Elena Gorfinkel, "Tales of Times Square: Sexploitation's Secret History of Place," in *Taking Place: Location and the Moving Image*, ed. John David Rhodes and Elena Gorfinkel (Minneapolis: University Of Minnesota Press, 2011), 60; Turan and Zito, *Sinema*, x; Linda Williams, *Hard Core*, 89–91.
[70] Kevin Heffernan, "Seen as a Business: Adult Film's Historical Framework and Foundations," in *New Views on Pornography: Sexuality, Politics, and the Law*, ed. Lynn Comella and Shira Tarrant (Santa Barbara: Praeger, 2015), 37–56.

in or before the production stage.[71] I reserve the term policing to describe state intervention enacted through the involvement of law enforcement. Unlike other forms of regulation, such as business licensing or prior restraint censorship, that might discourage businesses from operating due to convoluted or arbitrary bureaucratic processes, policing causes a chilling effect on business operations because the presence of law enforcement holds the threat of incarceration or other punishing outcomes. Like censorship, policing may respond to prohibited content. However, policing is more expansive in that it intervenes in the material conditions of consumption by determining the "proper" trajectories that media may travel (distribution), the proper spaces where media can be accessed (exhibition), and the acceptable demographics that media may interpellate (audience formations). The major form of policing I examine is law enforcement institutions' interventions based on local interpretations of legal doctrines of obscenity. While historically policing has intervened in all aspects of the industry from production to consumption, given that theaters were the primary public facing institutions within the adult film supply chain, policing often took place at the sites of exhibition.

What becomes apparent after analyzing the policing of adult film in the 1960s and 1970s is that distribution and exhibition were the key sites of focus for law enforcement and licensing regulations. Therefore, this study shifts the focus of regulation debates outward from an emphasis on content censorship (regulation narrowly construed) to market regulation (industry-wide supervision from production to exhibition). In shifting the perspective, I argue that market regulation can negatively affect marginalized people and cultures. Specifically, this study shows that the regulation of adult media industries results in the recession of niche media, spaces, and

[71] For example, Lea Jacobs details how during the Classical Hollywood Era, the Production Code enacted a regime of censorship by affecting the content and subject matter of a film prior to its filming. Lea Jacobs, *The Wages of Sin: Censorship and the Fallen Woman Film, 1928-1942* (Madison: University of Wisconsin Press, 1991).

consumption sites that once vitalized, catered to, and brought together marginalized groups, including queer people. The regulation of media distribution and consumption affects the material, infrastructural, and economic structures of the industry, resulting in a variety of complex outcomes (e.g., shifts in distribution schemes, transitions of exhibition policy, or long-drawn-out legal battles that often had results distant or abstracted from the original social actors involved).

The focus on the punitive disciplining of consumption sites raises the question of who specifically was the most vulnerable to policing. Arrests at theaters appear to be divided among two arrestee categories employees and patrons. Gauging the comparative vulnerability of these two categories would require a comprehensive analysis of the frequency of arrest, likelihood of conviction, socioeconomic class of arrestees, and accrued outcomes (such as monetary, employment, and social losses). While data for an exhaustive gauge of vulnerability is lacking, there are some observations that can provide insight. Arrest of patrons usually proceeded from police observation of "lewd" conduct within the theater. On the other hand, employee arrest usually occurred in conjunction with the seizure of film reels, which required an intermediate enforcement step of obtaining a warrant for search and seizure. As is discussed in chapter 3, front-house workers, such as concessions and acting managers, bore the brunt of arrest among theater employees. Yet theater employees also often (not always) had legal representation provided by management. On the other hand, the entrapment of gay and bisexual men was a widespread practice of law enforcement at this time, and legal representation for patrons was usually the individual responsibility of each patron. This suggests that consumers were perhaps the most vulnerable, particularly those that law enforcement perceived to be queer. Outside of semi-public consumption via theaters, consumers' right to the private possession of obscene

material was affirmed by *Stanley v. Georgia* (1969).[72] This dissertation approaches legal regimes of obscenity as primary institutionalized instruments for the policing of both queers and the adult film industry. While these disciplinary instruments did generate a vast amount of discourse in the form of police reports, court records, and other bureaucratic documentation, the intended, and often accomplished, effect of policing was the destruction of adult film industries and their associated "deviant" public presence.

The war on obscenity and the corollary aspiration to secure heteronormativity served the interests of the Cold War state for a number of reasons. First, the postwar consumer economy was largely oriented towards the newly-imagined nuclear family in which products were developed to assist the gendered economy of the household.[73] Second, discourses associating gender and sexual transgressivity with communism served a political climate in which normative notions of aggressive masculinity could assist the assertion of capitalist supremacy and U.S. nationhood.[74] Finally, racialized and nativist bigotry dovetailed with religious and state-sanctioned homophobia into coded arguments against "undesirables" that spoke to concerns over the security of the white middle-class.[75]

By the 1960s, obscenity law was one of the many institutional sectors in which queer practices and desires came to be disciplined and stand-in more generally for all forms of sexuality that transgressed heterosexual norms. In the 1950s, two Supreme Court Rulings facilitated the upheaval of the exploitation film marketplace by triggering an increased quantity

[72] *Stanley v. Georgia*, 394 U.S. 557 (April 7, 1969).
[73] Elaine Tyler May, *Homeward Bound: American Families in the Cold War Era* (New York: Basic Books, 2008), 153–173.
[74] K. A. Cuordileone, *Manhood and American Political Culture in the Cold War* (New York: Routledge, 2004), 1–36; Whitney Strub, "The Clearly Obscene and the Queerly Obscene: Heteronormativity and Obscenity in Cold War Los Angeles," *American Quarterly* 60, no. 2 (2008): 373–375.
[75] Bill Ong Hing, *Defining America through Immigration Policy* (Philadelphia: Temple University Press, 2004), 74–92; Strub, "The Clearly Obscene and the Queerly Obscene," 387–89.

of sexualized commodities and media. The 1952 *Miracle* decision accorded free speech protection to motion pictures under the First Amendment while the 1957 *Roth* decision articulated a three-pronged definition of obscenity that spurred media producers to tailor products that purposely evaded this amorphous legal definition.[76]

The proliferation of sexual commodities in this period was met with a backlash from special interest groups such as the Citizens for Decent Literature.[77] Since the development of commodity culture is tied to the affirmation and assistance of the heteronormative structure of the nuclear family,[78] this proliferation of sexual markets can be understood as undermining the heterosexual family unit's previous central orientation within commodity capitalism and facilitating the consumption of sex outside the confines of marriage. Thus, the adult film industry held out the anarchic possibility of disrupting some consumers' heterosexuality. I argue that queer visibility in the contexts of the exploitation film industry of the 1960s and 1970s was not only present onscreen (which it certainly was, both through explicit queer representation and through narrative refrains that constantly emphasized the strangeness of heterosexuality), but was also primarily reflected in adult film's marketing of its marginal qualities. Marketing positioned adult films, both culturally and materially, at the limits of sexual permissiveness. In turn, marginalized audiences consistently used adult cinema's semi-public exhibition spaces for purposes contrary to heterosexual reproductive norms of private sexual practice, whether that entailed same-gender sexual contact or individualized sexual experiences.

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[76] *Joseph Burstyn, Inc. v. Wilson*, 343 U.S. 495 (May 26, 1952). *Roth v. United States*, 354 U.S. 476 (June 24, 1957). For book length legal histories of these historic cases see Laura Wittern-Keller and Raymond J. Haberski, *The Miracle Case: Film Censorship and the Supreme Court* (Lawrence: University Press of Kansas, 2008); Whitney Strub, *Obscenity Rules: Roth v. United States and the Long Struggle over Sexual Expression* (Lawrence: University Press of Kansas, 2013).
[77] Gorfinkel, *Lewd Looks*, 74–86.
[78] Lynn Spigel, "Women's Work," in *Television: The Critical View*, ed. Horace Newcomb (Oxford: Oxford University Press, 2000), 73–99.

As Kevin Heffernan has shown in "Seen as a business: adult film's historical framework and foundations," the exploitation industry's infrastructures of distribution and exhibition were sustained from the 1960s and through the 1970s when adult film boomed as a primary exploitation subcategory. This continuity, along with the persistent threat of obscenity prosecution, confirms that grindhouse theaters remained queer spaces and, by association, also sustained the marginalization of their associated audiences through transformations in terminology. Sexploitation audiences were denigrated in the 1960s through industry and law enforcement discourses that referred to them as "degenerates" or "weirdos", while in the 1970s a more explicit queer appeal was employed by some theaters' embrace of an "all-male" policy.[79] Like any other industry, exploitation film industry players have always premised decision-making on economic viability and profit accumulation. Yet, this industry created the conditions for a specific form of public queer visibility. Ultimately I argue that exploitation infrastructures as part of the emerging sexual marketplace were intimately linked to and in fact provided queer public spaces for collective gathering away from the institutions of heterosexuality.[80]

During this period, local law enforcement agencies policed both queer individuals and exploitation industries under complex, shifting legal definitions of "obscenity." Modern obscenity laws retain the focus on sexual normativity and in the postwar era have largely been employed to control and discipline "undesirable" populations such as people of color and

[79] The marketing of homoerotic pornography in the 1960s and 1970s as "all-male" stems from the circumvention of newspaper or community standards that would exclude sexualized marketing as "gay" or "homosexual," see Whitney Strub, "Queer Smut, Queer Rights," in *New Views on Pornography Sexuality, Politics, and the Law*, ed. Lynn Comella and Shira Tarrant (Santa Barbara: Praeger, 2015), 153–54. However, José Capino has insightfully noted that this shift away from sexual identity has the effect of including "the wide and fluid range of sexual identities and expressions assumed and practiced in these places" including bisexuals and other MSM's not identifying as exclusively gay; José B. Capino, 56.

[80] This claim extends Janet Staiger's analysis of the intersections of gay liberation communities and oppositional cultural status with the economic and social marginality of queer underground and youth exploitation film exhibition spaces and audiences; Janet Staiger, "Finding Community in the Early 1960s: Underground Cinema and Sexual Politics," in *Swinging Single: Representing Sexuality in the 1960s*, ed. Hilary Radner and Moya Luckett (Minneapolis: University of Minnesota Press, 1999), 39–76.

queers.[81] Thus, forms of regulation that policed individuals and the infrastructures of the sexualized marketplace had the deleterious (rather than productive) effect of constraining the viability of queer spaces, practices, and lives.

Queerphobic discrimination was involved in law enforcement's selection of proper consumers and designation of proper products for certain consumers. Specifically, under obscenity law, police targeted the exploitation industry because queers patronized it and the public visibility of queer products was seen as a social threat to heterosexuals. Through gentrification, queer public spaces, such as grindhouse theaters, have frequently been ushered out of existence to cleanse geographic areas of business establishments frequented by marginal groups (the working-class, people of color, and queers). This dissertation interrogates the logics of market designation (in this case through obscenity law) regarding who is the proper consumer of certain products and where those products are allowed to be traded. Finally, this project asserts the importance of the infrastructures such as the markets for sexual media enabled by capitalism often go largely unnoticed in queer politics yet are essential to sustaining queer counterpublics.

Queer Media Industry Studies

My dissertation engages the methodologies of media industry studies, queer studies, and queer history. This project contributes to the field of film and media studies by exploring a queer studies perspective that does not only perform a representational analysis of screen content, but also foregrounds queer "deviance" as central to industrial and historical transitions of media distribution, exhibition, and audience formation. Textual analyses of media *content* can generate

[81] Strub, "The Clearly Obscene and the Queerly Obscene," 373–98.

insights about formal technique and representational politics, as well as the meanings produced by their synthesis. Analyses of industrial *context* explore the conditions of media production, circulation, and access to account for how industry structures and their associated politics have material effects on individual consumers and the collective groups frequenting industry spaces.

My first methodological intervention in industry studies is to demonstrate that distribution and exhibition did not exist in a cultural vacuum determined only by economic and material conditions. Rather, I argue that cultural and normative forces work in conjunction with forces of capital to shape (while also being shaped by) the material forms of media circulation. Second, I facilitate a conversation between exploitation film history and queer history that asserts their entwined relationship in the 1960s and 1970s: the exploitation industry capitalized on its marginal status in a variety of ways that proclaimed its associations with sexual non-normativity. In doing so, they created conditions for queer collectivity and public space-claiming in California. Thus, adult media markets, including that of exploitation film, constitute an overlooked form of queer visibility in this period.

Contemporary media industry studies methods evolved from approaches to film history from the 1980s, which merged ideological analysis with a rigorous historical focus on industries. These film industry studies of the 1980s historicized the industrial infrastructures supporting media production, transportation, and conditions of consumption.[82] Such analyses provided a much-needed historical context and a shift away from the content-oriented, representational concerns of previous disciplinary trends, which privileged encoded meaning (theories of spectatorship) or decoded meaning (reception studies) as the primary analytic ends. Specifically,

[82] Examples (both published in 1985) include Robert Clyde Allen and Douglas Gomery, *Film History: Theory and Practice* (New York: McGraw-Hill, 1985); David Bordwell, Janet Staiger, and Kristin Thompson, *The Classical Hollywood Cinema: Film Style & Mode of Production to 1960* (New York: Columbia University Press, 1985).

studies of distribution and exhibition have shown the inability of content-centric analyses to account for the variety of intermedial influences on media (often ultimately shaping audience's experiences) during the transmission from production to consumption.[83] Such influences include exhibitor decisions that affect screening contexts, distributor discourses that determine both audience-directed advertising and the places where films circulate, and business decisions affecting all industry sectors.

My dissertation deploys a media industry studies approach to closely consider the exploitation film industry in California from 1960 to 1979. Media industry studies foregrounds a political economy perspective on media production and consumption cultures as exemplified by Alisa Perren and Jennifer Holt's edited collection, *Media Industries: History, Theory, and Method*.[84] My study focuses on industry sectors of distribution and exhibition and examines how the economic, cultural, and discursive specificity of these sectors contextualize the media consumption of exploitation films. As one of this dissertation's major contributions to this methodology, I examine policing as not only a cultural but also an economic institution that reacted to industrial shifts and attempted to shape the industry from the viewpoint of majoritarian special interests.

This study also engages and contributes to media industries methodology by foregrounding a queer perspective largely absent from industry studies. I bring into conversation the work of John D'Emilio, Michael Warner and Lauren Berlant's "Sex in Public," and Roderick Ferguson to argue for the necessity of discussing queer identities and practices from a queer studies perspective in conjunction with the political economy concerns foregrounded by a media

[83] Representative works include Douglas Gomery, *Shared Pleasures*; Suzanne Mary Donahue, *American Film Distribution: The Changing Marketplace* (Ann Arbor: UMI Research Press, 1987).
[84] Jennifer Holt and Alisa Perren, *Media Industries: History, Theory, and Method* (Hoboken: Wiley-Blackwell, 2009).

industry studies approach.[85] Following D'Emilio, I argue that, at specific historical moments, capitalism shaped the possibilities for queer space, infrastructure, and lives, but as Berlant and Warner observe, sexual marketplaces are infrastructural spaces that are often overlooked or denigrated. The destruction of these marketplaces, whether through zoning or gentrification, negatively impacts the possibilities of queer life and collectivity.

Exploitation industry history, like media industry studies, has been plagued by minimal historiographic accountability to queerness. Earlier exploitation histories all but excise queer perspectives, content, and practices.[86] Later canonical texts in the field, such as those of Gorfinkel and Schaefer, go beyond earlier straight-washed accounts and acknowledge specific examples of queer representation in exploitation film and their associated meanings.[87] Such contributions are important because they acknowledge exploitation movies as one of the few spaces of textual representation for queers during conservative political climates. However, such studies stop short of extending the significance of queerness to analyses of industrial practices and audience formations.

To go beyond representational debates, I instead situate queer spaces and circulations as the formative-yet-overlooked core of the exploitation film industry's rise during the post-*Paramount* decision era of product shortages, particularly from the 1960s into the 1970s. First, the exploitation industry facilitated queer representational and industrial space in a way that

[85] Lauren Berlant and Michael Warner, "Sex in Public," *Critical Inquiry* 24, no. 2 (1998): 547–66; John D'Emilio, "Capitalism and Gay Identity," in *Powers of Desire: The Politics of Sexuality*, ed. Ann Barr Snitow, Christine Stansell, and Sharon Thompson (New York: Monthly Review Press, 1983), 100–113; Roderick A. Ferguson, *Aberrations In Black: Toward A Queer Of Color Critique* (Minneapolis: University of Minnesota Press, 2003).
[86] A 1995 book, *At a Theater or Drive-in Near You*, presents a straight-washed history of exploitation film; Randall Clark, *At a Theater or Drive-in near You: The History, Culture, and Politics of the American Exploitation Film* (New York: Garland Pub., 1995). In the preface to her 1999 revised edition of *Hard Core*, Linda Williams highlights her lack of analysis of queer pornography in the 1989 edition; *Hard Core*, ix–xiii.
[87] For instance, Gorfinkel discusses bisexual and lesbian tropes in sexploitation films of the 1960s; *Lewd Looks*, 162–184, and Schaefer discusses 1950s exploitation films' selective use of homosexual and gender non-normative representations *Bold! Daring! Shocking! True!*, 210–214.

makes the entanglement of that industry inextricable from queer sexualities. Second, exploitation audiences came to be seen as queer by both the industry and its regulators under classed and sexualized shorthands such as "perverts," "deviates," and "dirty old men." Third, exploitation distribution and exhibition infrastructures were profitable due to their queer associations. These queer associations were forged through both the infrastructures' socially "deviant" connotations with marginality and the queer collective space claiming at exhibition sites. Thus, this study's intervention is situated from a queer studies perspective that insists on three key directives: anachronism to counter historical erasure, radical inclusivity to counter identity-based exclusivity, and complexity regarding a political economic critique of capitalism (e.g., queerness is not necessarily anti-capitalist).

My application of "queer" to the period of the 1960s to the 1970s is anachronistic because the term's contemporary usage emerged in the late 1980s from two major shifts in discourse. First, in a context of collective protest, "queer" emerged out of HIV/AIDS activists' reclamation of a previously derogatory term for anti-assimilationist purposes. Second, as mentioned earlier, "queer" signals the disciplinarily transgressive and discursively deconstructive forms of critique forged in queer theory and queer studies, which materialized out of the academic turn away from the identity politics and rights-based frameworks of gay and lesbian studies.

Queer forms the crucial connective tissue between obscenity and industry because obscenity was used by regulatory bodies to designate non-normative sexualities as illicit, and it was applied to adult media industries because they illicitly presented sex publicly. As I have discussed elsewhere, even "straight" adult media, such as Bettie Page pin-ups, were historically

understood to transform children into homosexuals.[88] I draw on queer semi-anachronistically to assert that the formative queer core of exploitation and adult film distribution and exhibition was present through its liminal status. Applying queer to the 1960s and 1970s context is only semi-anachronistic because the term existed at the time as a bigoted term, but it was employed in gay cultural contexts, in the gay and homophile press for instance, as a campy tongue-in-cheek descriptor. The different usage in our contemporary moment is the terms political valence, wherein its 1980s reclamation was associated with activism against the destruction of LGBT lives wrought by the AIDS epidemic and the genocidal disregard for the epidemic by Republican administrations. This destruction of life and conjoined rise in widespread homophobia additionally resulted in the erasure of LGBT history through the loss of firsthand accounts and the necessity to focus activism on aiding present and future LGBT populations. The social exclusion and ruthless policing of socially deviant groups that were employed in the adult film industry and that frequented their theaters in the 1960s and 1970s aligns with the valence of abjection that queer is indebted to in our contemporary context. Furthermore, in our contemporary moment identity politics has so affected our ability to comprehend others to the point that questions pertaining to historical actors' sexual identities appear significant when they would not have been at the time. Instead, the exhibition space itself garnered a deviant identity and public visibility that we now understand as the work of individuals. Thus, while homosexual, gay, lesbian, and bisexual were historical terms in the 1960s and 1970s they were not commonly employed in the sexual encounters facilitated in these theaters. Such individuals were understood as part of a general "deviant" umbrella, and "queer" is perhaps the closest analog to make that umbrella legible to the present. By employing this queer historiographic strategy, I assert an

[88] Finley Freibert, "From AIDS-Era Queer Icon to Sanitized Nostalgic Property: The Cultural Histories of Bettie Page Merchandise Circulation," *Film Criticism*, Special Issue on Film and Merchandise, 42, no. 2 (November 2018).

affinity between queer's contemporary concept of radical coalitions of marginality with past histories of abject deviance that are being actively forgotten and erased and that strike me as queer despite a scarcity of archival records and shortage of historical language to explain those occurrences at that time.[89] Archives for historical research on the adult film industry are notoriously sparse, and as stated above the meanings and codes for articulating visibility of queer identities and practices were not fixed through the 1960s and 1970s. Hence an elastic concept of queerness is necessary to reconstitute a history comprised from erasures, gaps, and usages of the non-specific language of "deviance" (that often-implied homosexuality) in the archival record of that period.

While direct connections to bisexual, gay, lesbian, and otherwise queer identities and collectivities will be drawn when appropriate, I use queer more broadly as a radical solidarity at the margins that does not contain an identity prerequisite. As the connective tissue between adult media industries and their perceived obscenity, queer forms a non-identitarian umbrella that bridges the above discussed problematic designation of sectors of the 1970s adult media industry as straight or gay. These illicit engagements with sexual media by consumers and entrepreneurs encompass practices and ways of being that Michael Warner famously called "resistance to regimes of the normal."[90] Regardless of their individual sexual identities, those working in and buying from sex media industries were sexual outlaws that call out to be understood through Sally O'Driscoll's expansion of queer studies' purview via "outlaw theorizing,"[91] in other words, a queer studies attuned not just to sexual identity categories, but to all manner of sexual

[89] This strategy is inspired by Carolyn Dinshaw's method of queer anachronism, a method of queer historiography informed by "affective relations" (12) that "make such histories manifest by juxtaposition, by making entities past and present touch," in Carolyn Dinshaw, *Getting Medieval: Sexualities and Communities, Pre- and Postmodern* (Durham: Duke University Press, 1999), 12.
[90] Michael Warner, *Fear of a Queer Planet: Queer Politics and Social Theory* (Minneapolis: University of Minnesota Press, 1993), xxvi.
[91] Sally O'Driscoll, "Outlaw readings: beyond queer theory.," *Signs* 22, no. 1 (1996): 30–51.

improprieties that are legally proscribed. As became evident from my study, to distribute, exhibit, and consume sex media were all practices outside of the law across the US in the 1960s and 1970s. This queer studies umbrella is inclusive of the feminist genealogy traced in chapter 3. Feminist anti-censorship camps were in historical and ideological alignment with the queer embrace of pornography as a constitutive cultural format of gay liberation.[92] Furthermore, the solicitation of heterosexual couples in chapter 3 should be qualified by interventions in queer studies by bisexual scholars. Mixed-gender couples are all too often read as "heterosexual couples," and this "heterosexual" designation is a heteronormative assumption that erases the prevalence of bisexuality as a queer identity. By invoking queer in its non-identitarian sense here the perception that an adult theater or its patronage is universally "straight" can be qualified with the assertion that regardless of the fact that an opposite gender couple may not be heterosexual—for instance, Samuel Delany going to an adult theater with female friend—from an enforcement perspective any patron was a queer in the eyes of the law who would entrap customers irrespective of their sexual identity.[93] The queer critique of identity politics is indebted to the work of Lauren Berlant and Michael Warner, who question the meaning of individual persons' sexual identities when performing acts and positioned in contexts radically opposed to hegemonic heteronormativity. For the purposes of this dissertation, "queer" is meant to evoke the constellation of unassimilable, socially and materially marginalized practices, infrastructures, and lives that came to be publicly associated with "abnormality" under such umbrella terms as "undesirable," "degenerate," "deviant," and "pervert" (among others). In this way, queer is the

[92] For example the sex worker union COYOTE spoke out with gay activists against Dianne Feinstein's anti-pornography initiatives in the 1970s, see Galloping Horse, "National Tattle," *COYOTE Howls* 4, no. 1 (1976): 3.
[93] Delany, 25–31.

bridge between industry and obscenity as it is the lens through which customers and police saw adult theaters as spaces where non-heteronormative sex was publicly accessible.

My position on the necessity of complex and historically grounded political economic critique starts from the claim that queer practices, lives, infrastructures, and geographies do not universally resist capitalism or align with its critiques. This position is synthesized from John D'Emilio's "Capitalism and Gay Identity" and the introduction to Roderick Ferguson's *Aberrations in Black*. D'Emilio argues that at specific historical moments, capitalism affirms the infrastructures for queer life.[94] Like D'Emilio, Ferguson sees intersectional queer identities as "fixture(s) of urban capitalism,"[95] but he selectively disidentifies with historical materialism in order to facilitate a queer of color intervention in canonical sociology discourses.[96] In critiquing historical materialism, Ferguson argues that critiques of capitalist exploitation often rely on the conjoined disdain for women and sex workers through a gendered metaphor of masculine domination and compulsory feminine submission.[97]

My argument also poses an intervention in queer historiography to counter a common periodization of liberation and visibility politics premised on the centrality of Stonewall. The June 1969 Stonewall uprisings are often situated as the inflection point between the invisibility politics of the closet and the visibility politics of gay liberation. George Chauncy has countered the denigration of pre-Stonewall queer life by presenting a rich history of turn-of-the-century queer cultures in New York; notably, he traces how codes and practices, associated more with gender than sexuality, forged visibilities and identities.[98] Whitney Strub has also complicated

[94] D'Emilio, "Capitalism and Gay Identity," 100–113.
[95] Ferguson, 1.
[96] Ibid., 6–10.
[97] Ibid., 9.
[98] George Chauncey, *Gay New York: Gender, Urban Culture, and the Makings of the Gay Male World, 1890-1940* (New York: Basic Books, 1994).

normative periodization by showing that pre-Stonewall visibility politics operated in and around the exhibition of Pat Rocco's softcore films.[99]

My intervention in the Stonewall-centric historiography of liberation and visibility begins with the assertion that the terms of visibility be situated to account for how sexuality was communicated and where that communication could take place. The identity affirmation central to the 1970s gay rights movement was a specific form of visibility. What it meant to be gay in that era and the terminology for signifying queerness tended towards declarative assertions of shared identity. On the other hand, the practices of communication and visibility involved when men had anonymous sex in grindhouse theaters were quite different, tending more towards anonymity and ephemeral communication shaped by momentary desires.[100] Thus, I also complicate the historical dichotomy of pre-liberation invisibility and post-Stonewall affirmative visibility by arguing that exploitation cinemas of the 1960s and 1970s incited alternative forms of visibility amongst queer theatergoers. In doing so they often interpellated queer audiences through advertising. Moreover, in providing collective places for queer gathering, exhibition venues for exploitation were one of the few sites of queer visibility in public before Stonewall.

Archival Methodology and Case Studies

The research I undertook for this project involved archival inquiries that ranged from community-based archives such as the archives of the GLBT Historical Society in San Francisco to federal government public access archives such as the National Archives housed at the

[99] Strub, "Mondo Rocco," 13–34.
[100] See Capino, 50–65. Additionally, Martin Meeker has analyzed forms of queer underground communication in *Contacts Desired: Gay and Lesbian Communications and Community, 1940s-1970s* (Chicago: University of Chicago Press, 2006).

Lyndon Baines Johnson Presidential Library in Austin. I also cross-researched my archival finds in digital databases of newspapers, such as those available through Proquest. The records of independent exploitation film, and particularly adult film, are notoriously scarce. Many of the more easily accessible extant records are legal records. For the first chapter on Continental Theatres I juxtaposed items from the archives of Continental's lawyer, Stanley Fleishman, housed at the University of California Los Angeles, with industry press reporting on the company, and memoranda from the ONE Archives. Through expansive research on the chain in the popular and industry presses, I found the company's history to be more complex than previous histories that underscored the singular status of the company's Park Theatre. For the second chapter on *Song of the Loon* (1970), I researched the film's production and advertising history available in the *Song of the Loon* Collection at the GLBT Historical Society. Upon approaching this collection, I already had seen the film and was familiar with the general history of Continental Theatres. I supplemented the production history of this film with research in the industry press, popular press advertisements, and secondary sources on practices of redfacing and gay-for-pay casting. For the third chapter on Nancy Lindsey's theater chain, similar to the first chapter I found a vast amount of legal documentation in the Stanley Fleishman Papers. I once again cross-researched this documentation with industry and popular press coverage. In approaching the legal documents accessed for chapters one and three, it became necessary to research the history of California's obscenity statute. In doing so, I realized that landmarks in that history, such as the exception for projectionists discussed in chapter three, were often reflected in the policing of these companies. Tracing this legislative history required access to state and federal case databases as well as historical legislative documentation available on government websites. The legal struggles these companies faced were formative in their

histories, particularly in distribution and exhibition where decisions about how to market and where to distribute the films were based upon the level of legal risk each company was willing to take. Both Continental Theatres and the Sun Film Group experimented with varying degrees of publicizing their frequent policing in order to market the act of moviegoing as an exercise of first amendment rights.

This dissertation draws on a diversity of genres of archival objects. Legal contracts between parties involved in film casting such as talent contracts and non-disclosure agreements are mined for the way they encoded or disavowed ideologies of race and sexuality. Police reports are interrogated for the noticeable way that certain identities and practices were documented in painstaking detail while others (such as any information on projectionists) are conspicuously absent. Industry and popular press reporting are often cross-referenced to verify dates of industry incidents, but they also reveal ideological orientations of their writers, such as the reporting on "queer doings in the balcony" referenced in Chapter 1. Corporate filing records for businesses that operated in California are housed with the California Secretary of State, these records are often purely exercises in satisfying business operation statutes, but they are useful for verifying dates, locations, and individuals involved in business operations. In Chapter 2, I examine the different iterations of a script to reveal some of the cultural contexts that informed *Song of the Loon*'s production. In the conclusion, I draw from Freedom of Information Act (FOIA) releases that I acquired through submitting FOIA requests to the FBI. As these are FOIA releases pertaining to destroyed records, they are largely bureaucratic documents of erasure and access refusal that contain redactions, legal exceptions, and repetitive pro forma statements. Whereas it would seem these indications of record destruction would be of no value, I examine them as documentation of erasures. While this is a film-centric dissertation, the bulk of the films

discussed herein are either lost or difficult to access. Given the industry studies focus of this research, visual analysis is primarily employed in analyzing movie paratexts, such as ads from local, gay, and underground presses. Accessing archival objects from a diversity of genres can often be productive for providing multiple perspectives on an occurrence or case study. Additionally, given the scarcity of archives for adult media, a variety of archival genres can prove generative for fleshing out an otherwise skeletal history.

In the first chapter I present a history of Continental Theatres, a theater management company that increasingly became a vertically integrated chain in the 1960s to specialize in the in-house production, distribution, and exhibition of adult films. This company was severely policed throughout the 1960s and 1970s for courting a gay and bisexual male audience that was thought to engage in sexual impropriety within the associated theaters. In this chapter I trace shifts in California's obscenity law alongside Continental Theatres operations. This analysis reveals that the chain marshalled its capital accumulated through vertical integration to counter policing with one of the premiere first amendment lawyers of the time, Stanley Fleishman. In doing so the chain was able to push against the boundaries of obscenity regulation to promote itself as providing content on the edge of legality. Additionally, previous histories of Continental Theatres that often overstate the theaters courting of a gay male audience as a landmark event. This chapter complicates that history by revealing that the chain, experimented with courting both a gay and lesbian audience before the famed "First Homosexual Film Festival" enshrined in gay adult film historiography.

Chapter 2 examines the production history of *Song of the Loon* (1970), an early feature length gay erotic film. Through the examination I outline a queer production studies method that takes an intersectional queer studies approach to interrogating the production history of the film.

In doing so, I conceptualize production "contracts" as a racialized and sexualized site of agreement and performance between employees and production management. Casting practices emerge as a site of inequity due not only to the fact that the practice of white actors portraying Native Americans has a racist history, but also because it underscores that such casting choices reinforce a racially closed shop industry. Nevertheless, demographic research from the 1970s shows that a relatively diverse audience was present at theaters owned by Continental. With this in mind, I argue that the vertically integrated structure of Continental generated an "audience-as-stakeholder" mode of production, wherein audiences' interests were explicitly taken into consideration, and often audience members were solicited to participate in film productions.

Chapter 3 focuses on the underexplored presence of women in adult film industry, both within the management sector and among below-the-line employees in adult theaters. In this chapter I present a case study of theaters operated by Nancy Lindsey under the company name Sun Film Group (and later Amber Theaters). Lindsey's theaters made early appeals to female and heterosexual couples' audiences, and experienced an exceptional amount of policing perhaps because women were allowed access to these historically men-only spaces. I situate this case study within feminist media industry studies due to Lindsey's business practices in production, distribution, and exhibition. These theaters desire to attract an audience of women and opposite gender couples was rooted in the dual hopes of expanding their market and elevating their cultural status. This case study allows for an exposition of the shifts in California obscenity law that benefited masculinized professions, such as projectionists, but kept the lowest level employees, including cashiers and concessions workers, vulnerable to prosecution. The interrogation and intimidation of employees and patrons of the theaters further reflects how

police sought to link adult media consumption practices with criminality and in doing so attempted to undercut the labor necessary for maintaining daily theater operations.

In undertaking the research for this project, I often felt a sense of outrage at the ruthless and relentless disciplinary measures that both industry folks and consumers were subjected to. The research process was also met by many hurdles that prevented the ability to access primary sources, which proved to be extremely frustrating as it obstructed the means of retrieving these histories of state censorship and policing. In the conclusion, I reflect on obstacles such as the destruction of records and the denial of access to existing records. At the very least we can interrogate the legal regimes that allow for such obstructions of access, and we can also critically analyze the documents that these obstructions produce in the process. Performing research that excavates the queer basis of adult media industries and their policing warrants a balance of communicating the outrage at archival obstructions and channeling that indignation into reconstructing histories of these social struggles that some would want erased.

CHAPTER 1: Obscenity Law and the California Adult Film Industry: Continental Theaters, 1961-1969

United States Supreme Court decisions on obscenity had a profound effect on adult media industries of the 1960s. Major decisions range from that of *Roth v. United States* in 1957, which emboldened producers of sex-oriented media to create content that could circumvent obscenity's new definition, and the 1969 decision in *Stanley v. Georgia*, which affirmed the individual's right to private possession of obscene material. Given this broader legal context on the national scale, this chapter zooms in on the discourses and policies involved in specific obscenity cases and the public relations imperatives of California state officials and industry personnel. This chapter builds on the work of Thomas Waugh and Jeffrey Escoffier, whose books were instrumental in initiating historical approaches to the study of the gay visual cultures of the 20th century.[101] This chapter is also inspired by David K. Johnson's work on the historical relationship between gay politics and gay entrepreneurship.[102] By examining the cultural, industrial, and legal constraints on the distribution and exhibition of queer media we gain insight into the complex relationship between queer politics, queer businesses, and the policing of queers.

In particular, this chapter will trace the statutory shifts in California during the 1960s that provided the context for the policing of adult film distribution and exhibition during this period. I will argue that the primary concern of policy makers and local law enforcement was to contain the threat of queer contagion: the fear that obscene media could taint spaces and facilitate queer

[101] Thomas Waugh, *Hard to Imagine: Gay Male Eroticism in Photography and Film from Their Beginnings to Stonewall* (New York: Columbia University Press, 1996); Jeffrey Escoffier, *Bigger than Life: The History of Gay Porn Cinema from Beefcake to Hardcore* (Philadelphia, PA: Running Press, 2009).
[102] David K. Johnson, *Buying Gay: How Physique Entrepreneurs Sparked a Movement* (New York: Columbia University Press, 2019). This was also addressed in Johnson's earlier article, David K. Johnson, "Physique Pioneers: The Politics of 1960s Gay Consumer Culture," *Journal of Social History*, 2010, 867–92.

contact within them, and that its circulation had the power to spread queer "deviance" among the general population.[103] I contend that the brunt of this deviance was observed at the levels of distribution and exhibition of obscene media, rather than within media content per se. This is observable in the fact that during this time to determine media obscene it was not primarily *what* the media contained but *to whom* and *where* the media were circulated that arose to distinguish "legitimate" access to certain content from illicit "deviant" access.

Given that a large portion of archives that I access are the legal records of the policing of queers, it is important to underscore that these legal records repeatedly reproduce the homophobic anxieties that the circulation of obscene matter would facilitate the spread of homosexuality and generalized "deviance." Such anxieties were present in the records of obscenity litigation because obscenity law was the legal justification for policing homosexual spaces, expressions, and identities in public spaces. Given the lack of access to archives or oral histories of queer audiences and media producers from this era, much of their history must be reconstructed from documents that reflect a bigoted stance towards these audiences and businesses. Ironically, these anxieties archive and thus allow for the further circulation and preservation of queer pasts. In other words, when these anxieties are expressed in historical legal documentation they are often the only accessible accounts of forgotten queer spaces and expressions, and thus they reproduce knowledge of queer pasts into the present. Nevertheless, due to their disciplinary and homophobic intent, these accounts must be approached with caution. As Phillip Brian Harper has argued, the very presence of an outsider informant's surveilling gaze can often fabricate knowledge of the act that they purport to see.[104] With this in

[103] "Deviant" was a common medical and juridical codeword to describe all manner of individuals who diverged from sexual norms, including sex workers, sex media producers, sex media consumers, and homosexuals.
[104] Phillip Brian Harper, "Playing in the Dark: Privacy, Public Sex, and the Erotics of the Cinema Venue," *Camera Obscura: Feminism, Culture, and Media Studies* 10, no. 3 (30) (1992): 92–111.

mind I will grant that law enforcement were right in some regard that queer folks gathered in spaces that commercialized sex, however, specific arrest scenarios described in reports need to be approached with skepticism given the prevalence of entrapment in these spaces.

One important through-line of for this chapter is the company Continental Theatres, Incorporated. Continental operated in various capacities from the 1960s through the 1970s, ranging from a real estate enterprise, to a theater chain, to a holding company. The company would acquire several theaters throughout California, including the Carmel Theatre, discussed in the first section of this chapter, which was infamous in the 1950s as a queer gathering spot. The second section traces the specifics of the emergence of Continental Theatres and the stringent policing that reined in their operations in the 1960s. Finally, the third section intervenes in adult film historiography to posit that queer audiences, including queer women, were courted by Continental before the Park became known as a gay male venue in June of 1968.

California obscenity law has developed in a convoluted and counterintuitive manner, not unlike the national legal regime of obscenity that played a large role in partially shaping it. Rather than explain California's statutory changes in a strictly linear manner that would ascribe these changes as a teleological evolution, I follow a method of presenting case studies that work to unravel the assumptions, phobias, and anxieties inherent in the word of the law and its interpretations. In the first section I examine how anti-queer sentiments existed in California obscenity law long before the main shift in that statute in 1961. In the second section, I return to a sustained examination of the policing of Continental Theatres to argue that business consolidation and vertical integration were methods used by queer media industries to combat regulation and policing. In the final section, I argue that despite these legal strictures, Continental courted an audience base from a diverse array of gender and sexual identities.

"Queer Doings in the Balcony": Obscene Queer Spaces and the Law Pre-1961

Before 1961, the policing of obscenity in California was primarily concerned with the content of the objectionable material and its effects on the most "vulnerable" populations (particularly children). Obscenity was categorized as a subclass of indecent exposure and not yet a standalone concept. As will be discussed in this section, as early as 1937 the association of obscenity with homosexuality is voiced in case law. After 1950, legal rhetoric and law enforcement shifted towards policing a perceived triad of obscenity, queerness, and contaminated public space. Within this triad, obscenity was understood to facilitate "deviant" sexual practices, and the presence of obscene matter alongside queer congregations in semipublic spaces ultimately transformed these spaces into illicit areas in need of policing. This ideological triad was paradoxically reinforced by the *Roth* decision of 1957, a Supreme Court decision often credited with allowing the proliferation of material previously considered "obscene." After *Roth*, California law substantially shifted to focus on the distribution and exhibition of obscene matter, culminating in 1961 with the first substantial revision to the obscenity statute in almost 90 years.

In California before 1961, obscenity existed as a crime, but it was not yet specifically defined in the state penal code. Instead, as with most other states where the obscenity definition was derived from judicial precedent, the defining feature of obscenity was its possible effects on members of the population that were considered vulnerable. This common law definition was inherited from a nineteenth century British ruling, *Regina v. Hicklin*, wherein obscene material was said to be any material that held a tendency "to deprave and corrupt those whose minds are open to such immoral influences."[105] During this pre-1961 period, chapter 8 of the California penal code section 311(3) made guilty of a misdemeanor anyone who:

[105] *Regina v. Hicklin*, L.R. 3 Q.B. 360 (April 29, 1868), 371.

> Writes, composes, stereotypes, prints, publishes, sells, distributes, keeps for sale, or exhibits any obscene or indecent writing, paper, or book; or designs, copies, draws, engraves, paints, or otherwise prepares any obscene or indecent picture or print; or molds, cuts, casts, or otherwise makes any obscene or indecent figure.[106]

The subsequent subsection additionally criminalized the advertisement of any obscene material.

The categorization of this 311(3) obscenity statute evinces the fact that before the implementation of the *Roth* decision of 1957 into state law, in California, obscenity was considered a subclass of indecent exposure. As the title of the penal code chapter read "Indecent Exposure, Obscene Exhibitions, Books and Prints, and Bawdy and Other Disorderly Houses."[107] Essentially obscenity was understood as a subcategory of indecency associated with the recording of indecent behavior in some manner that could be "exhibited" at a later date. This was not dissimilar to the discourse of obscenity in both federal and state caselaw that often registered associations with a constellation of other concepts including: indecency, lewdness, sexual perversion, and vagrancy (the last two often synonyms of homosexuality).

While the words of the 311(3) statute appear to focus on specifically enumerating every medium that could possibly hold obscene matter, there are two key defining aspects of the obscenity definition embedded in the statute, understood by California's judiciary, and derived from the *Hicklin* decision. First, as previously stated, the definition relies on the content's potential corrupting effect on the most susceptible individuals in the population.[108] Second, an isolated passage or part of an object taken out of context can make the entire object obscene. This part-for-the-whole aspect of obscenity's definition, unstated in the statute, was debated and

[106] *Deering's Penal Code of the State of California* (San Francisco: Bancroft-Whitney, 1959), 125.
[107] Ibid., 125.
[108] The most susceptible persons aspect is evident in the previously cited quote in *Regina v. Hicklin*, 371.

affirmed in an appellate case from 1947 at the Superior Court of Los Angeles County. In *People v. Wepplo*, a case pertaining to the conviction of a bookstore owner and his sales clerk for selling an obscene book, Judge Hartley Shaw recounted his interpretation of what constitutes obscenity in California's 311 statute by quoting from an earlier opinion of the Massachusetts Supreme Judicial Court that the material in question:

> is within the statute if it contains prohibited matter in such quantity or of such nature as to flavor the whole and impart to the whole any of the qualities mentioned in the statute.[109]

Obscene matter is thus attributed an infectious quality wherein a miniscule portion of an otherwise wholesome object can adulterate the entirety of the object, making it obscene.

These two key anti-obscenity concepts, protection of the vulnerable against obscenity and the contaminating character of obscenity, color discussions of obscenity in California from this early stage forward. More specifically, throughout this period child protectionism functioned as one of the key ideological links between the rhetorics of anti-obscenity and homophobia, and the deployment of the child as imperiled by queer obscenity was a common trope. A 1951 issue of *Women's Home Companion* ran a full-page ad, posing as an article, in the *San Francisco Chronicle* entitled "The Smut Peddler is After Your Child."[110] Within the first few sentences the article described how heterosexual private domestic spheres were being imperiled by an "obscene torrent" of direct mail pornographic advertising that had the possibility of queering their children: "filling the minds of impressionable youngsters with a sewer-stream of words and pictures on homosexuality, fetishism, sadism and other types of degeneracy or morbid sex."[111]

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[109] *Commonwealth v. Isenstadt*, 318 Mass. 543 (September 17, 1945), 549; quoted in *People v. Wepplo*, 78 Cal. App. 2d Supp. 959 (February 24, 1947), 962. Ironically, the full text of *Isenstadt* is more ambivalent about the "part-for-whole" definition of obscenity, and it would be cited later by the United States Supreme Court against the "part-for-whole" definition in the landmark *Roth v. United States*, 354 U.S. 476 (June 24, 1957), 489.
[110] Albert Q. Maisel, "The Smut Peddler Is after Your Child," *San Francisco Chronicle*, October 22, 1951, 24.
[111] Ibid.

FBI Director J. Edgar Hoover expressed a comparable sentiment in a statement on curbing juvenile delinquency that was reproduced in various newspapers across the U.S. in 1958.[112] Within his description of how smut peddlers and homosexuals thrive on the corruption of children, Hoover laments his lack of emotional self-control: "I cannot help feeling my blood boil."[113] These statements are typical of media reports on pornography and obscenity from the period, which typically aimed to enrage homophobic sentiments through the sensational depiction of obscenity's threat to children.

Discursive links between queer sexuality and obscenity are also indexed in legal doctrine from the period. While the pre-1961 statute did not implicitly or explicitly state an association between obscenity and queer spaces, representations, or identities, the state routinely assumed obscenity to be a "deviant" queer phenomenon. In particular, obscene materials often functioned as queer contextual factors that helped make queer spaces and acts recognizable. As early as 1937 this association is voiced in California case law. In an appellate opinion on the conviction of seventeen men in Riverside County for "crimes against nature" (a euphemism for sodomy) and "sex perversion" (Penal Code sections 286 and 288(a) respectively) the presiding judge, Justice Charles Barnard, attached the rhetoric of obscenity to queer space and acts in recounting one of the facts of the case:

> Shortly after the party started an obscene picture was tacked on the wall and obscene remarks were made concerning it. Liquor was served and there is ample evidence of these men kissing and caressing each other, of various ones dancing together in what may be

[112] J. Edgar Hoover, "Seven Steps To Halt Teen-Age Terror: Part II," *Los Angeles Times*, November 2, 1958, TW22–TW29.
[113] Ibid., TW28.

summarized as a highly improper manner, and of other acts which need not be referred to which are highly suggestive as to the nature of the party.[114]

As is evident from the judge's recitation, the atmosphere generated by an "obscene picture" on the wall, the "obscene remarks" of the defendants, and the presence of liquor all acted as enabling contextual factors presaging the queer "perversions" that would ensue in the space.

Another instance of the linkage of queerness with obscenity through legal doctrine, in the Central Division of the United States District Court for the Southern District of California, singles out passages from an issue of the homophile magazine *ONE.* These passages were used to determine whether or not the entire issue was obscene, and it was specifically stated that certain material was "obscene because [it was] lustfully stimulating to the homosexual reader."[115] In 1957 this decision was appealed to the Ninth Circuit of the United States Court of Appeals, which affirmed that the magazine was obscene.[116] Although it would famously be overturned a year later in the landmark Supreme Court Case, *ONE, Inc. v. Olesen*, this victory was less an affirmation of the allowance for queer media industries to operate than a result of the shift in the legal definition of obscenity away from the part-for-whole concept.[117] The obscenity of *ONE* magazine was overturned at the Supreme Court level due to the recently decided *Roth* decision.

In 1957 with *Roth v. United States*, the United States Supreme Court issued a decision that would substantially revise the *Hicklin* definition of obscenity and thus would affect obscenity laws ranging from the federal to the local. The new definition, delivered in the opinion of Justice William Brennan, compactly defined obscene material with the consideration of

[114] *People v. Jordan*, 24 Cal. App. 2d 39 (December 13, 1937), 45–46.
[115] Quoted in the appellate case *ONE, Inc. v. Olesen*, 241 F.2d 772 (9th Cir. February 27, 1957), 774.
[116] *ONE, Inc. v. Olesen*, 241 F.2d 772 (9th Cir. February 27, 1957).
[117] *ONE, Inc. v. Olesen*, 355 U.S. 371 (January 13, 1958).

"whether to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to prurient interest."[118] This definition contains two substantial revisions from the *Hicklin* definition. First, instead of the effect on the most vulnerable persons, obscene matter came to be judged by its effect on the "average person." Second, the part-for-whole doctrine of obscenity was displaced to pivot around "socially important" material. In the words of Justice Brennan on what the first amendment guaranties, "all ideas having even the slightest redeeming social importance—unorthodox ideas, controversial ideas, even ideas hateful to the prevailing climate of opinion—have the full protection of the guaranties."[119] Whereas under *Hicklin* an obscene portion could adulterate the entire matter and cause it to be considered obscene in its entirety, the revision under *Roth* states that to be obscene the material must be "utterly without redeeming social importance."[120] This essentially asserted that even material containing the most miniscule amount of social importance did not constitute obscenity.

Particularly due to the "social importance" clause, the *Roth* decision was understood at the time as a catalyst for the proliferation of increasingly graphic sexual content that culminated in the "porno chic" sensibility of the 1970s.[121] The logic went that if a smattering of social importance was included in some way, then any content could be distributed, no matter how prurient. In this light, historians of obscenity often hold that *Roth* facilitated an unbridled proliferation of sexually explicit material that would not be curbed until the Supreme Court's

[118] *Roth v. United States*, 489.
[119] Ibid., 484.
[120] Ibid.
[121] The term "porno chic" refers to the popularity of pornography in the 1970s usually attributed to the success of *Deep Throat* (1972). The phrase is often attributed to Ralph Blumenthal, "Porno Chic: 'Hard-Core' Grows Fashionable—and Very Profitable," *New York Times Magazine*, January 21, 1973, 28, 30–34.

Miller decision of 1973. Yet recent work has reevaluated the effects of *Roth* as ambivalent at best.[122]

Pertaining to queer folks, the aftereffects of *Roth* were more mixed than liberatory. As previously stated, *ONE, Inc. v. Olesen* overturned the obscenity of *ONE* magazine, not specifically because homosexual content was considered protected under *Roth*, but more likely because a modicum of social importance was observed to be present in the magazine. In two California appellate court decisions the revocation of the liquor licenses of bars, one in Oakland and the other in San Mateo, by California's Department of Alcohol Beverage Control were affirmed because each was considered a "resort for sexual perverts" in violation of the Business and Professions Code that governed liquor licensing.[123] In both cases, the *Roth* decision's imagined ethical viewpoint of the "average person" was cited as proof that obscenity, sexual perversion, and homosexuality are interlocking offenses:

> 'Obscenity' and 'sex pervert' have a core of meaning to the average person. Homosexual activity, to the extent indicated by the patrons of the licensee's bar, is within the general meaning of sexual perversion.[124]

"Average person" of course implies a normative heterosexual subject position. The key transgression that the bar owners were found guilty of was the intentional facilitation of a queer space where homosexuals could gather. Justice Fred B. Wood invokes numerous phrasings, ranging from "haunt," to "gathering place," to "place of assignation" to emphasize the associations of queer contagion with this form of spatial occupation.[125] The once "public" space

[122] See in particular Whitney Strub, *Obscenity Rules: Roth v. United States and the Long Struggle over Sexual Expression* (Lawrence: University Press of Kansas, 2013).
[123] *Kershaw v. Dep't of Alcoholic Beverage Control of Cal.*, 155 Cal. App. 2d 544 (November 27, 1957), 548; *Nickola v. Munro*, 162 Cal. App. 2d 449 (July 31, 1958), 450.
[124] *Kershaw v. Dep't of Alcoholic Beverage Control of Cal.*, 549; *Nickola v. Munro*, 456.
[125] *Kershaw v. Dep't of Alcoholic Beverage Control of Cal.*, 548.

was knowingly contaminated by queer obscenity to the extent that it came to be haunted by "sex perverts."

Queer obscenity's capacity to transform space, rather than the content of the alleged obscene matter, would become the primary focus of the policing of exploitation and pornographic film industries in California from the late 1950s through the 1970s. These contestations over space would often occur at exhibition sites. An early example of the policing of film exhibition due to its queer affiliations occurred in 1957 when a Los Angeles based theater owner, Charles Tarbox, was denied the renewal of his license to operate by the Los Angeles County Board of Supervisors. Tarbox was refused a license renewal due to the "queer doings in the balcony" of his Carmel Theatre.[126] After making several arrests at the theater for lewdness and vagrancy, the sheriff's office recommended that the Board of Supervisors disapprove the renewal because "the theatre constituted a public menace and was patronized widely by homosexuals."[127] On appealing the decision, Justice Nourse accepted Tarbox's argument that he did everything in his power to prevent homosexuals from patronizing his theater. In particular, the judge acknowledged that Tarbox did not promote his theater as a queer space because his exhibition policy lacked any tendency toward lewdness (a sister concept to obscenity):

in the theater he showed only films of high quality and there is no contention that any of them were of a lewd or immoral character or which might induce lewdness on the part of any patrons.[128] It was therefore determined that Tarbox's theater should be allowed to operate since it

[126] "End Swishing Well," *Variety*, March 27, 1958, 19. Throughout the 20th century movie theater balconies existed as generalized spaces of semi-public sexual activity, however, in this case the theater had a queer male patronage and the balcony became associated with homosexual activity.
[127] "Court Nixes L.A. Board's 'House for Homos' Rap," *Variety*, September 17, 1958, 24.
[128] *Tarbox v. Board of Supervisors of Los Angeles County*, 163 Cal. App. 2d 373 (September 8, 1958), 375.

only acted as a temporary and unintentional venue for homosexual congregation and therefore could not be seen as an obscene threat to the public sphere.

As a result of the *Roth* decision California, like many other states, was compelled to shift the language of its obscenity statutes. By 1961 the legislature had adopted a new 311 section of the penal code that had been completely re-written with a substantial portion revised to directly reflect the wording of the *Roth* opinion. Instead of obscenity existing as a corollary to indecent exposure, the 1961 revision shifted indecent exposure and other associated crimes to section 313 to foreground obscenity as the main focus of section 311. The beginning of the new 311 section would define "obscene matter" mirroring almost exactly the language of *Roth*:

> 'Obscene' means that to the average person, applying contemporary standards, the predominant appeal of the matter, taken as a whole, is to prurient interest, i.e., a shameful or morbid interest in nudity, sex, or excretion, which goes substantially beyond customary limits of candor in description or representation of such matters and is matter which is utterly without redeeming social importance.[129]

That actual statute that outlawed obscenity would now be numbered 311.2 (this numbering has stayed consistent to the present), and its language focused almost exclusively on distribution and exhibition demarcated by geographic boundaries. In the words of the statute, state borders and obscene matter's crossing of those borders became a focal point of the determination of obscenity.[130]

"Yes, the Balcony is Open!": The Economic and Legal Tactics of Continental Theatres in Spreading Queer Public Space

[129] "Chapter 2147," in *Statutes of California 1960 and 1961* (California State Assembly, 1961), 4427, http://clerk.assembly.ca.gov/archive-list?archive_type=statutes.
[130] Specifically, the statute includes language demarcating matter brought into or prepared in "this State;" see "Chapter 2147," 4428.

Following the *Roth* decision of 1957 and the incorporation of its new definition of obscenity into California's penal code in 1961, the adult-oriented commodity market rapidly expanded due to the newly viable alibi of "social importance." Yet this expansion of the adult market was met with an increased police focus on reining in the availability and reach of adult media distribution. Motion picture theaters in particular embodied a perceptible swell in sexual publicity as their increasingly more brazen advertisements were displayed prominently to the public both in newspapers and across the facades of theaters. The exhibition of adult films became even more susceptible to prosecution in California, not only because of this shift in public visibility, but especially because these semi-public sexualized spaces were the backdrop for homosexual activity among male patrons. Thus, in addition to the obscenity statute, law enforcement in California had on hand a repertoire of regulations from those involving sexual perversion and lewd conduct, to business-oriented ordinances. To counter the growing vulnerability of exhibition to prosecution in the 1960s, particularly for theaters where patrons were accused of "lewd" conduct or that were showing films containing queer content, some California-based exhibitors responded by engaging tactics of business consolidation, vertical integration, and the pooling of legal resources. Two entrepreneurs who led the way in the practice of consolidation of adult film exhibition were Shan Sayles and Alx Cooperman (previously Alex). Their association of theaters began modestly in Los Angeles and eventually extended throughout and beyond California, all the way to the East Coast.

Sayles and Cooperman came to join forces through separate sectors of the film industry supply chain, exhibition and distribution respectively. Shan Sayles had previously been involved with theater management, particularly for theaters operating on an arthouse foreign film policy. Early in his career Sayles would program controversial arthouse fare that would skirt the

boundaries of sexual representation.[131] Before entering the exhibition sector, Alx Cooperman was primarily involved with distribution. In the early 1940s he was a booker for the Universal film exchange in Philadelphia and then by mid-decade he had moved to the West Coast to work in a number of other distribution outfits including the Los Angeles-based companies Metro, Exhibitor Service, and Eagle Lion.[132] Before joining forces, Sayles and Cooperman would each individually acquire and operate exhibition spaces in Los Angeles during the early 1960s. Sayles and fellow entrepreneur Violet Sawyer would obtain the Vista Theater on Sunset Drive in 1959 and rename it the Vista-Continental.[133] Sayles and Sawyer would incorporate under the name Sawyer Theaters, Inc. by September of 1962 and include Cooperman as a stockholder.[134] In May of 1960, Cooperman had individually entered the exhibition field and acquire the Apollo Theatre on Hollywood Boulevard opening it on an arthouse policy under the name Apollo Arts.[135]

The earliest joint venture between Sayles and Cooperman reported in the industry press was their acquisition of the Carmel Theatre on Santa Monica Boulevard at the end of 1960. They renamed this theater the Paris, and like the other theaters they had each operated, opened it on an

[131] For instance, in September 1959, Sayles premiered *L'Amant de lady Chatterley* (*Lady Chatterley's Lover*, 1955) as his debut film for his newly announced managerial role at the Lido Theater. See "'Lady Chatterley' Debuts Friday at Lido Theater," *Los Angeles Times*, September 23, 1959, 27. This screening choice drew on the public controversy surrounding the film, hot on the heels of a major Supreme Court decision that struck down the censorship of the film in New York State. See *Kingsley Int'l Pictures Corp. v. Regents of Univ. of State of N.Y.*, 360 U.S. 684 (June 29, 1959).

[132] "Cooperman Made Booker," *Motion Picture Herald*, May 23, 1942, 28; "Los Angeles," *Boxoffice*, January 13, 1945, 74; "Regional Newsreel: Los Angeles," *Showmen's Trade Review*, April 3, 1948, 23.

[133] The exact date of acquisition is unclear. In December of 1959, ownership was transferred to a former Detroit-based exhibitor, Ann Vermeer, along with "a group of private investors" and the name was changed from Vista to Vista-Continental, see "Venerable Vista Veers for Foreign Features," *Variety*, December 30, 1959, 3. While Sayles was employed in exhibition in Detroit before moving to Los Angeles and while he may have been one of these private investors, Vermeer is not mentioned in any subsequent articles. For early reporting on Sayles and Sawyer's co-ownership see "Artkino Prexy Here," *Daily Variety*, February 14, 1961, 4.

[134] Eugene C. Berchin, "Petition for Writ of Mandate," December 28, 1966, 2, Folder 02: Sawyer Theatres, Inc. v. Reddin, Thomas, Box 005, Stanley Fleishman Papers (Collection 1538), Department of Special Collections, Charles E. Young Research Library, UCLA, Los Angeles, CA.

[135] "Apollo in Hollywood to Cooperman for 2d-Run Art," *Variety*, May 11, 1960, 17. It is unclear how Cooperman and Sayles initially crossed paths, however, it may have been through the Apollo, since Sayles had managed the theater, see "'Lady Chatterley' Debuts Friday at Lido Theater," 27.

arthouse policy.[136] Significantly, Sayles and Cooperman took over operations of the theater from Charles Tarbox who, after purchasing the theater in 1955, had to contend with police and the Los Angeles Board of Supervisors due to their perception that his theater was a haven for homosexuals and sex perverts.[137] The policing of the Carmel's audiences in the 1950s and the Board of Supervisor's denial of a license to Tarbox would be prescient of the legal battles between Continental Theatres and the state a decade later. The co-ownership of this theater solidified Sayles and Cooperman's partnership as the Paris Theatre Corporation, and their individual theater acquisitions would subsequently be reported on as joint ventures, under the Continental Theatres banner. Sayles and Cooperman would quickly begin expanding their operation throughout the San Fernando Valley, in 1962 with the Valley West Theatre in Canoga Park and in 1963 with the New Yorker on Beverly Boulevard.[138] After adding distributor-exhibitor Samuel Decker to their operations, in 1966 Continental Theatres would lease one of their most notable spaces, the Alvarado Theatre in MacArther Park.[139] Renamed The Park, this theater was initially planned for a grindhouse policy and would open showing nudie films similar to Continental's other flagship theaters like the Vista.[140] However, it is remembered, particularly in gay film historiography, as one of the nation's first theaters to overtly and consistently target gay and bisexual men, starting with its famed "World's First Homosexual Film Festival" in June of 1968.[141]

[136] "Coast Theatre Firm Set," *Motion Picture Daily*, December 15, 1960, 4; "Cooperman-Sayles Add Carmel to Art Cluster," *Variety*, January 11, 1961, 16.
[137] Ibid., 16; "End Swishing Well," 19.
[138] "Valley West to Open July 4 in LA Area," *Boxoffice*, July 2, 1962, SW-3; "Former Twin Operation Now La Brea New Yorker," *Boxoffice*, September 16, 1963, W-3.
[139] "Continental to Grind Pix at Its 10th House," *Daily Variety*, March 28, 1968, 3.
[140] "Alvarado's New Owner," *Variety*, April 13, 1966, 19.
[141] "World's First Homosexual Film Festival," Advertisement, *Los Angeles Free Press*, June 21, 1968, 37.

Even with the early acquisitions, the Sayles-Cooperman operation would be referred to by the industry press variously as a circuit and then a chain, yet from a business standpoint Continental is better described in terms of a holding company that used a conglomerate model for the consolidation of business interests and resources. As Sayles described in a 1965 interview, Continental and its shareholders did not specifically own all of the theaters under its banner.[142] However, the corporation did act to streamline the individual theaters' interworkings by centralizing under Continental the control of management, accounting, film acquisition, and other general business matters necessary for the operation of each theater.[143]

Besides consolidating and expanding its market reach through theater acquisitions, Continental would also proceed towards vertical integration by reinvesting its profits to subsequently move into production and eventually national distribution. Exploitation films, particularly of the "nudie" type, became the driving economic engine of Continental Theatres in the mid-1960s. By 1965, Sayles and Cooperman's three initial acquisitions, the Vista, the Paris, and the Apollo, had all been converted to nudie policies and this transition in programming was attributed with facilitating the expansion of Continental. The fact that the nudie theaters became the cash cow that brought in the corporation's main profits was facilitated not only by their popularity, but also by a partial move to vertically integrate. During this time it was not uncommon for arthouses to program both foreign arthouse product and American sexploitation films; the advertising for these two different product streams was often intentionally ambiguous in order to draw patrons beyond the classed demographic of more affluent arthouse audiences.[144]

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[142] David Paletz and Michael Noonan, "The Exhibitors," *Film Quarterly* 19, no. 2 (1965): 14–40.
[143] Ibid.
[144] For excavations of this ambiguity see Eric Schaefer, "'I'll Take Sweden': The Shifting Discourse of the 'Sexy Nation' in Sexploitation Films," in *Sex Scene: Media and the Sexual Revolution* (Durham: Duke University Press, n.d.), 207–34; Jack Stevenson, "And God Created Europe: How The European Sexual Myth Was Created and Sold To Post-War American Movie Audiences," in *Fleshpot: Cinema's Sexual Myth Makers & Taboo Breakers* (Manchester, England: Critical Vision, 2000), 17–48; and Watson, "There's No Accounting for Taste," 66–83.

In 1965, two of the three nudie theaters, the Vista and the Paris, almost exclusively showed films owned or produced by Continental. These films were purchased for $200 apiece and a few could run for a week and reap a $4000 average weekly profit at a single theater.[145] These early features were reportedly silent with a music soundtrack overlaid.[146] In 1967, the vertical integration of Sayles and Cooperman's operations would be formally solidified with the incorporation of Signature Theatres, Inc., which existed both "to operate, maintain, and lease theatres" and to produce and acquire films for distribution under the name Signature Films.[147] In May of 1970, Signature would commission a two page ad in *Variety* for its most high profile release up to that point *Pornography: Copenhagen 1970* (1970), and that year Continental's gross was estimated to be over $5,000,000.[148] Soon after, Signature would be referred to as the largest gay pornography distributor in the United States and would acquire the two most celebrated all-male hardcore films of the decade for national distribution, Wakefield Poole's *Boys in the Sand* (1971) and Fred Halsted's *L.A. Plays Itself* (1972).[149]

In tandem with the consolidation and ensuing vertical integration of Continental Theatres in the late 1960s, substantial law enforcement resources were marshaled in a variety of attempts to disable the perceived threat of public homosexuality that many of the company's theaters provided space for. The three primary enforcement tactics were, first, the intimidation and

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[145] A.D. Murphy, "Continental, Chain of Varied Policies, Swings Its Expansion on Profits from Three Nudie 'Show' Stands," *Variety*, September 15, 1965, 22.
[146] One former projectionist for the Vista in the late 1960s recalled that the self-produced films were silent 16mm one-reelers and a music track was played during exhibition, see cheviothills, *Cinema Treasures*, September 2, 2005, 4:17 pm, http://cinematreasures.org/comments?page=4&theater_id=32#comment-82745. Continental's earlier silent films were also mentioned in sources from the 1960s and 1970s, see Dick Adler, "Life Along Cinema Raw," *West Magazine (Los Angeles Times)*, February 4, 1968; Thom E. O'Haffey, "Conflict, Contradiction, Censorship: Phoenix Exhibitor Battles Officials," *Variety*, April 23, 1969, 22; Siebenand, 63, 111.
[147] Shan V. Sayles, Alx Cooperman, and Eugene C. Berchin, "Articles of Incorporation of Signature Theatres, Inc." May 18, 1967, Business Entity No. 526886, California Secretary of State, Sacramento, CA.
[148] "*Pornography: Copenhagen 1970*," Advertisement, *Variety*, May 13, 1970, 16–17; "Sayles Buys Out Pard Cooperman," *Variety*, November 18, 1970, 4.
[149] "Poole-Shulman, Part II: Use Sayles Signature for 'Boys in the Sand,'" *Variety*, May 17, 1972, 7; "Sayles Signature Reps Halsted Hardcores," *Variety*, June 21, 1972, 22.

entrapment of theater patrons on morals charges, second, the charging of Continental's employees for violation of obscenity statutes, and third, the denial of a permit for each theater to operate. The third tactic, denial of license to operate, usually followed repeated charges of the first two offenses so that the proof of "lewd" patron conduct or past exhibition of obscene films could be used as evidence to deny the theater a permit.

Such tactics were used in the mid-1960s in a police effort to close one of Continental's three flagship theaters, the Vista Continental. Primarily, officers targeted patrons with tactics of intimidation ranging from surveillance to arrest for lewd conduct. Specifically, undercover police would entrap patrons typically by entering the theater, covertly observing patrons, and then engaging in unspoken codes implying invitations for same sex sexual contact. On January 6, 1965 an officer named Bailey attended the Vista's "Giant New Years Show" that advertised a quintet of Continental features, *Wanton Woman*, *Man Hungry*, *Outcast Wench*, *Morals Begone*, and *School for Love*. The tagline of the advertisement in the *Los Angeles Times* contained a thinly veiled provocation for patrons to engage in sexual encounters in the theater, which stated "bring your husband or wife so you can stand the pressure!"[150] While the ad line implied sex between a husband and wife, the fact that only men frequented theses theaters at this time indicates that the line was likely a code for sexual contact between men. The euphemistic implication of the tagline is confirmed by an LAPD officer's experience at the theater. After entering the theater Officer Bailey saw an individual "acting in a suspicious manner."[151] Engaging the unspoken code of sexual invitation, the officer sat directly beside the individual

[150] "Giant New Years Show," Advertisement, *Los Angeles Times*, January 6, 1965, IV-9.
[151] Maurice A. Park, "Los Angeles Police Commission: Hearing Examiner Report for Applicant Sawyer Theatres, Inc." December 21, 1966, 5, Folder 02: Sawyer Theatres, Inc. v. Reddin, Thomas, Box 005, Stanley Fleishman Papers (Collection 1538), Department of Special Collections, Charles E. Young Research Library, UCLA, Los Angeles, CA.

"who began rubbing Officer Bailey's left leg with his right leg."[152] The officer remained in his seat, did not react negatively, and silently encouraged further contact, so the individual:

> then pulled open his pants, exposed his penis, and reached over and squeezed Officer Bailey's private parts through his clothing. In the meantime [the individual] began to masturbate.[153]

After placing the man under arrest, Officer Bailey notified the Vista's manager, David James, that an instance of lewd conduct had occurred in the theater. On other occasions officers would also frequent the restroom in search of sexual impropriety. One report by the Hollywood Vice Division noted that "used prophylactics are often found in the men's restroom and at the exits."[154] At least five other similar arrests occurred at the Vista Continental by the end of 1965.

Different from the above example of sexual entrapment, police also allegedly arrested patrons under false pretenses. In their testimony, Continental's managerial staff alleged that the LAPD falsely accused theatergoers of lewd conduct in order to intimidate them and other patrons from attending the theater in the future. In early 1969 at the Park Theatre two officers showed up at a special screening of the first film program by Trident Productions featuring the work of a "brilliant and important physique studio."[155] In a memorandum to two of his superiors at Continental Theatres, Paul Barry, the Park's manager, recounted that since he recognized the men as officers, he began a stringent patrol of the theater in order to discourage any possibility of lewd conduct. According to his memo one audience member left the theater and entered the restroom. Barry followed the patron and propped the restroom door open to warn the patron that he was being watched. One officer went into the restroom, washed his hands, and then left.

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[152] Ibid.
[153] Ibid.
[154] Ibid., 3.
[155] "A Really Big Splash in Male Movies!," Advertisement, *Los Angeles Free Press*, January 3, 1969, 12.

Subsequently, despite the fact that Barry had watched the patron for the entire restroom visit and had observed no lewd acts, the officers placed the patron under arrest. When Barry confronted the officers the response was an implicit threat that Barry might become involved in the incident "as [a] witness," and so Barry reflected, "I therefore remained silent."[156]

Several of Continental's theaters were targeted with obscenity charges during this decade. Early incidents occurred at the Vista location around the time of the previously mentioned lewd conduct charges. In late 1965, one officer investigated the presence of four Kodachrome prints displayed in the lobby that advertised the nudist exposé film *The Raw Ones* (1965). The officer noted that not only were nude women on display, but also fully nude men.[157] A few weeks later, two officers returned to the Vista Continental for an advertised program called "Jaybird Special."[158] The officers considered the program's films "lewd and without social redeeming importance" and proceeded to file a formal complaint.[159] After nearly two weeks of lag-time, the Vista's weekly program had switched to one entitled "Red Velvet Girls." This program was billed in a way that underscored a kind of non-normative sexual subject matter as "Bizarre," "Not for the Indelicate," and "For Unshockable Adults."[160] When two Deputy City Attorneys viewed the program and determined that some of the films were obscene, the original officer arrested the manager, Vincent Pepe. Eventually Sawyer Theatres Inc. would be charged and convicted of violating the California's obscenity statute.[161]

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[156] Paul Barry, "Memorandum to D. Sayles and W. C. Ricord," January 12, 1969, n.p., Folder 10: Continental Theatres: Los Angeles Licenses, Box 100, Stanley Fleishman Papers (Collection 1538), Department of Special Collections, Charles E. Young Research Library, UCLA, Los Angeles, CA.
[157] Maurice A. Park, 7.
[158] "Jaybird Special," Advertisement, *Los Angeles Times*, January 14, 1966, IV-8.
[159] Maurice A. Park, 6.
[160] "Red Velvet Girls," Vista Continental Advertisement, *Los Angeles Times*, January 26, 1966, V-10; "Independent Theatre Guide," *Los Angeles Times*, January 27, 1966, IV-8.
[161] Maurice A. Park, 6–7. For indication that the theater was eventually convicted, see ibid. 3–4.

In December of 1966, the Los Angeles Police Commission would use both the lewd conduct charges and the obscenity conviction to reject the application for a renewal of the Vista's license. Under the Los Angeles Municipal Code this license was necessary for motion picture theaters to operate. Despite the rejection, Sawyer Theatres was able to obtain a court order permitting it to stay open for a limited time while the matter was being considered.[162] In April of 1967, still without a permit, the police arrested the Vista's manager, Stewart Burton, five times for violation of the Municipal Code. Sawyer Theatres' lawyer subsequently initiated a lawsuit against the Chief of Police, Thomas Reddin, and the City Attorney, Roger Arnebergh, that included a request for a temporary restraining order against the "improper harassment" of the theater's manager by the LAPD.[163] Ultimately, Sawyer Theatres would win the main thrust of this battle in a petition to the California Supreme Court that restrained the Municipal Court action against the Vista's manager. In that 1968 decision the court would conclude that although business licensing requirements were valid forms of regulation, the stipulations for denying theater licenses under the Municipal Ordinance were vague and violated constitutional rights and effectively were a form of prior restraint.[164]

While Continental Theatres effectively prevailed in the licensing ordeal concerning the Vista, a similar tactic would be engaged throughout California in a variety of attempts to disable Continental's associated theaters or prevent the company from further expanding its holdings. Additional difficulties related to licensing involved other of Continental's theaters included the

[162] "'Girlie Movies' Reel in L.A.," *Independent [Long Beach, CA]*, December 30, 1966, A-16.
[163] Stanley Fleishman, "Declaration of Stanley Fleishman in Support of Order to Show Cause and Temporary Restraining Order," August 14, 1967, 4, Folder 02: Sawyer Theatres, Inc. v. Reddin, Thomas, Box 005, Stanley Fleishman Papers (Collection 1538), Department of Special Collections, Charles E. Young Research Library, UCLA, Los Angeles, CA.
[164] *Burton v. Mun. Court of Los Angeles Judicial Dist. of Los Angeles Cty.*, 68 Cal. 2d 684 (June 6, 1968). For a detailed discussion of the significance of this case see "Constitutional Law--III The Supreme Court of California 1968-1969," *California Law Review* 58 (1970): 160–68.

Avon and the Park, Continental's two primary all-male theaters in the Los Angeles area, the Twin Theaters in Oakland, and the Paris Theatre in San Jose.[165] In denying these theaters permits to operate, Municipal and Police licensing boards relied heavily on the sharing of information among institutions. In all of these cases, the licensing boards based their decisions on Continental's reputation for catering to queer men. This homophobic and classed reasoning couched in the rhetoric of "undesirables" was ennunciated at varying degrees ranging from the explicitly anti-gay to the cautiously ambiguous. In San Jose, press accounts of Police Chief Ray Blackmoore's license denial underscored a more explicit homophobic basis for the decision,

> He fears the 45-seat theater will attract a homosexual clientele whose conduct may create a police problem. His apprehension is based upon conversations with police officials in San Francisco and Los Angeles.[166]

In Oakland, the Hearing Officer's denial was announced with a disclaimer that his decision was in no way "influenced by the evidence that the Park Theater, by its advertising and the content of its movies, appeals to homosexuals."[167] Yet the evidence that he based his decision on consisted solely of information concerning Continental's Los Angeles based queer patronage for their Park and Vista theaters. In fact, the rationale passed down from Police Chief Gain to the Hearing Officer emphasized the non-normative association of potential patrons, "it is common

[165] Folders 9 to 11: Continental Theatres, Box 100, Stanley Fleishman Papers (Collection 1538), Department of Special Collections, Charles E. Young Research Library, UCLA, Los Angeles, CA.
[166] "No Permit, But Theater to Open," *San Jose News*, May 14, 1969, n.p., Folder 11: Continental Theatres: San Jose License, Box 100, Stanley Fleishman Papers (Collection 1538), Department of Special Collections, Charles E. Young Research Library, UCLA, Los Angeles, CA.
[167] James H. Quinn, "Hearing Officer, Berkey Corporation (Twin Theaters)," March 21, 1969, 4, Folder 9: Continental Theatres: Oakland License, Box 100, Stanley Fleishman Papers (Collection 1538), Department of Special Collections, Charles E. Young Research Library, UCLA, Los Angeles, CA.

knowledge that sex deviates frequent this type of establishment in order to mingle and associate with persons of like character."[168]

Throughout the 1960s Continental Theatres, Inc. would engage in tactics of expansion by both moving towards vertical integration and extending its reach as a holding company by acquiring theaters throughout the state and beyond. This expansion would be countered by statewide law enforcement initiatives to stymie Continental's operations through tactics including the harassment of patrons and employees, allegations of obscene exhibition, and denials of operational licenses. While these legal battles were certainly numerous and quite vicious, the theaters made all attempts at maintaining their loyal queer patronage throughout the decade. Advertisements for Continental's theaters even flouted both the allegations of its patrons' lewd sexual conduct and the association of its films with a level of obscenity that incited such conduct. For instance, an ad for an untitled film featured at the Los Angeles Paris on Santa Monica Boulevard would reference the previously investigated film *The Raw Ones* (1965). The ad ballyhooed the phrase "Bigger Than '*The Raw Ones*,'" implying that the advertised film would feature more well-endowed men than the earlier nudist film.[169] Perhaps more audacious during the numerous police crackdowns on Continental's theaters was a second aspect of this advertisement. It exclaimed "Yes, the Balcony is Open!" recalling the decade long usage of motion picture theater balconies as sexual contact zones, this exclamation also specifically referenced the policing of that same theater since the 1950s for homosexual activity that was previously described as "queer doings in the balcony."[170]

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[168] C. R. Gain, "Public Assembly Permit--Twin Theaters: Recommendation," 2, December 5, 1968, Folder 9: Continental Theatres: Oakland License, Box 100, Stanley Fleishman Papers (Collection 1538), Department of Special Collections, Charles E. Young Research Library, UCLA, Los Angeles, CA.
[169] "Bigger Than '*The Raw Ones*,'"Advertisement, *Los Angeles Times*, April 15, 1966, IV-18.
[170] Ibid.; "End Swishing Well," 19. See also the above-mentioned California appellate court case *Tarbox v. Board of Supervisors of Los Angeles County*.



Figure 1: "Bigger Than '*The Raw Ones*,'"Advertisement, IV-18.

Ultimately, it would be both the theaters' loyal queer patronage, the proprietors' business savvy, and the company's consolidation tendency that would provide Continental with the means to counter the onslaught of policing and litigation that would aggravate the company into and throughout the 1970s.

Marketing and Historiography: Continental's Targeting of Lesbian, Bisexual, and Transgender Audiences before June 1968

Despite gay adult film historiography's emphasis on the Park Theatre and its June 1968 festival as the key event of the public exhibition of erotic gay film, I contend in this section that such assertions are too dependent on an uncritical acceptance of the theater's marketing rather than a wholistic analysis of a variety of exhibitors targeting of marginal sexual identity groups before the "First Homosexual Film Festival" of June 1968. Homoerotic motion pictures were already being publicly exhibited at the Peerless Theatre in San Francisco by June 1968, and before it, the Haight theater had been forced to close in 1964 due to public outcry against its gay film policy. In fact, as will be discussed, Continental's own Apollo Arts theater was showing gay programs, which included erotic physique movies, as early as 1966. I also detail Continental's experimentation with courting a lesbian audience, as well as its flirtation with trans and bisexual oriented marketing. These exhibition spaces existed as ambiguously queer institutions, which occasionally aligned with specific sexual orientations (e.g. the "First Homosexual Film Festival"

and the explicitly lesbian program discussed below), but in general solicited patronage from all manner of sexual outlaws regardless of individual self-identity. In turn, these theaters acted as non-identitarian sanctuaries from the Cold War-era sex-negative and homophobic censure associated with individual public disclosure of sexual "deviancy." Instead the theaters existed as institutions that provided areas for the enactment of non-normative sexual practices with relative anonymity from public scrutiny. In this sense, adult theaters embody a retrospective queer critique of sexual identity politics by because they provided shelter from social abjection for those who sought to engage in non-heteronormative sex regardless of their individual sexual orientations. In the struggle of these theaters against law enforcement, at stake was less the right of individuals to exist with a non-heterosexual identity in public, and more the right of semi-private collective association among the sexually marginalized, absent of the social abjection present in the public sphere.

Continental's marketing technique that was convincing enough to be persistently reproduced in gay adult film historiography is the rhetoric of "firsts" that was attached to the Park theater's queer male film programming. As referenced previously, the June 1968 conversion of the Park to a gay film policy was marketed in the underground press as "The World's First Homosexual Film Festival."[171] The marketing of this originary event varied by publication due to ad censorship and differing publics, but the commonality among all versions is the emphasis on the festival being the earliest of its kind. In the *Los Angeles Times*, due to advertising censorship, the event was dubbed "A Most Unusual Male Film Festival," with a prominent tagline that stated, "First of Its Kind… Anywhere in the World!!!!"[172] Differing from both the underground press and popular press ads, the *Los Angeles Advocate*, a gay newspaper,

[171] "World's First Homosexual Film Festival," 37.
[172] "Presenting A Most Unusual Male Film Festival!" Advertisement, *Los Angeles Times*, June 26, 1968, V-12.

advertised the month long festival using all three keywords, "gay," "male," and "homosexual." This two-page ad also emphasized the "first" rhetoric by bookending the two pages with bold, vertically oriented sans-serif font that exclaimed, "First Gay Film Festival."[173] These differences in marketing terms reflect the different publics each publication was geared towards. Yet regardless of the differing publics, all three marketing venues reiterate the company's insistence that the event was the first of its kind. Since the 1970s, the historiography of gay adult film has often reproduced this "first" designation without question.[174]

Despite the aggressive marketing campaign for the Park's June 1968 festival, Continental had previously used very similar techniques to advertise gay programming at the Apollo theater. On Friday, October 7, 1966 Continental's Apollo Arts presented "An Evening of Physique Films" featuring a program entitled "Beefcookie!"[175] and in December 1966 Continental experimented with gay film programing, which manifested an early version of their tradition of employing "firsts" marketing. Dubbed "The World's First Camp-Out!" this 1966 program at Continental's Apollo theater featured a mixture of physique films with campy spoofs of westerns and sword and sandal genre films, a prizing of diverse forms that is often recognized as the Park's innovation when it featured a mixture of queer content over two years later.[176] The "Camp-Out" program took place over the weekend at the Apollo with two midnight showings and a final Sunday matinee. This eclectic screening included Herb Danforth's *Why the West Was Fun! or Home on the Range is a Drag* (1966); *My Son the Hero* (1962), an imported Italian peplum coproduction; a selection of physique films; and *Sexual Freedom Motorcade, L.A., '66*

[173] "First Gay Film Festival," Advertisement, *Los Angeles Advocate*, July 1968, 12–13.
[174] Paul Alcuin Siebenand, "The Beginnings of Gay Cinema in Los Angeles: The Industry and the Audience" (University of Southern California, 1975), 2, 5; Kenneth Turan and Stephen F. Zito, *Sinema: American Pornographic Films and the People Who Make Them* (New York: Praeger Publishers, Inc., 1974), 110.
[175] "M-U-S-C-L-E-R-A-M-A," Advertisement, *Los Angeles Times*, October 7, 1966, V-19.
[176] Bryan Wuest discusses the Park's later diversity of content in "Defining Homosexual Love Stories: Pat Rocco, Categorization, and the Legitimation of Gay Narrative Film," *Film History* 29, no. 4 (2017): 64.

(1966).[177] Significantly, this program mixed documentation of political activism with camp and erotica; the latter film was documentary footage of the homophile magazine *Tangents*' May 26 protest against the exclusion of homosexuals from the armed forces. The Apollo's program was popular enough for it to be held over for a second weekend. A similar program was repeated at the Apollo the weekend of March 10, 1967 with physique films alongside the "Un-TV-Cut" of Mae West's *I'm No Angel* (1933). Finally, the "Camp-Out" was revived a third time in May as the "Son of Camp-Out," a double feature of *She Done Him Wrong* (1933) and *Some Like it Hot* (1959), which was once again billed as a first with the prominent tagline, "For the First Time Mae Meets Marilyn."[178]

Despite the "first" designation for both the Apollo's 1966 "Camp-Out" and the Park's June 1968 film festival, there are numerous notable examples of gay cinema that predate these occurrences. The Haight Theater in San Francisco had operated on a gay exploitation policy earlier than both. The Haight's regular gay program was publicized widely in San Francisco, even reported by famed *Chronicle* columnist Herb Cain, and was sustained for several months in 1964 until homophobic public outcry quickly led the theater to shift its name (and programing) to the Straight Theater.[179] Additionally, queer underground cinema of filmmakers like Kenneth Anger and Andy Warhol contained queer sexual content, and were publicly exhibited and policed even earlier. Many of these screenings occurred in New York, with 1963 being a key

[177] "Here it is… the World's First Camp-Out" Advertisement, *Los Angeles Free Press*, December 9, 1966, 7. The latter film title was revised in the *Los Angeles Times* ad to read *Moral Freedom Motorcade, L.A., '66*; "Here it is… the World's First Camp-Out," Advertisement, *Los Angeles Times*, December 9, 1966, V-28.
[178] "For the First Time Mae Meets Marilyn in one Howl of a Show!" Advertisement, *Los Angeles Times*, May 12, 1967, IV-20.
[179] This theater specifically catered to a gay male audience and included drag performances alongside film screenings such as *Glen or Glenda?* (1953) and later art films that would show at the Park, like *A Taste of Honey* (1961). See Denne Petitclere, "Theater Catering to a Special Clientele," *San Francisco Chronicle*, July 28, 1964, 30; "Plain Folk vs. Homosexuals," *San Francisco Chronicle*, August 1, 1964, 4.

year when *Flaming Creatures* was screened at the Bleeker Street Cinema.[180] While from a somewhat different milieu than the softcore and physique posing films of Continental's programs, queer underground cinema was occasionally shown at the Park and other all male cinemas. For example, the Park's "First Gay Film Festival" that ran from June 26 to July 2, 1968, featured Jonas Mekas' underground film *The Brig* (1964), a revival of James Watson and Melville Webber's silent *Lot in Sodom* (1933), and two shorts by filmmakers from the contemporaneous Los Angeles softcore scene: Pat Rocco's *Love is Blue* (1968) and Joe Tiffenbach's *The Kiss* (1968).[181] Notably, Joe Tiffenbach's short ruminated on what would be perceived as a "bisexual"—or possibly "straight"—male-female kiss, so in terms of content the "gay" in "First Gay Film Festival" was perhaps more aligned with a sensibility rather than a strict understanding of gendered pairing or sexual object choice. Soon after this first festival Rocco became one of the premier filmmakers showcased at the Park, which ran full programs of his films on numerous occasions.

[180] Jonas Mekas, "Movie Journal," *Village Voice*, April 18, 1963, 13–14; "Film-Maker's Showcase at the Bleeker St. Cinema: The Films of Jack Smith," Advertisement, *Village Voice*, April 25, 1963, 13. *Flaming Creatures* was later screened at the Park from July 10 to July 16, 1968 alongside a trio of Kenneth Anger films. For a history of New York underground cinema in relation to cult and exploitation film see J. Hoberman and Jonathan Rosenbaum, *Midnight Movies* (New York: Harper & Row, 1983).
[181] "First Gay Film Festival," 12–13.



Figure 2: Five Continental ads for gay-oriented programming featured in *The Los Angeles Times*. Respectively, the programs and advertisement dates were for "Beefcookie" on October 7, 1966, "The World's First Camp-Out!" on December 9, 1966, "Mae Meets the Musclemen" on March 11, 1966, "Girls on a Camp-Out!" on April 21, 1967, and "Son of Camp-Out: Mae Meets Marilyn" on May 12, 1967. The first three and last were for the Apollo Arts theater while the fourth was for the Park. The last four feature the key term "Camp-Out," which signaled gay-oriented content. Note that the fourth ad, "Girls on a Camp-Out!" was a nudist camp film perhaps marketed to a gay or lesbian audience given the "camp-out" reference and the second feature title's spoofing of *Some Like It Hot* (1959).

Continental Theaters' barrage of "firsts" presents a kind of historiographic red herring, it distracts from that fact that Continental was engaged in targeting a complex array of audiences of which less has been documented then the famed Park Theatre's shift to a gay policy. The acceptance of the "First Homosexual Film Festival" as the first homosexual film festival is

problematic both because it occludes that there was at least one theater with a gay policy previous to the Park and it accepts without question the accuracy of Continental use of "first" as a marketing term. Also, significantly it covers over the fact that Continental had experimented with courting other marginalized groups, such as queer women and possibly folks of bisexual or gender variant identities before the more sustained focus on gay male audiences in the summer of 1968.

As early as October 1965, Continental placed an ad, which was equally sensational and mysterious, in the *Los Angeles Times* for their Paris theater show entitled *Gendre Switch* (1965).[182] An analysis of the advertisement underscores that this program was not likely targeting a heteronormative male audience. The title appears to be either a reference to sexual identity, in this case bisexuality, or gender identity, which at this historical moment would have been transsexuality or transvestism. The "gendre" of the title is clearly a French twist on "gender," which gives a kind of campy dimension to the ad by spoofing the contemporaneous association of French culture with sexual content.[183] The "switch" of the title invites two possible interpretations, and perhaps was left ambiguous in order to promote both. On the one hand, at this moment, "switch" was a queer slang term for a bisexual. The ad's difficult to discern accompanying image, appears to be a butch figure leaning against a doorframe and wearing a vest. Such a figure was typical of so-called "trade," an alpha male type who had sex with men for money and was either bisexual or straight identified.[184] The tagline "They Would Rather Switch Than Fight" contributes to this interpretation because homosexuals were excluded from the

[182] "Open All Night: *Gendre Switch*," Advertisement, *Los Angeles Times*, October 1, 1965, V-12.
[183] This association is discussed in Eric Schaefer, "I'll Take Sweden," 207–34.
[184] For more on the history of rough trade see Chris Cagle, "Rough Trade: Sexual Taxonomy in Postwar America," in *RePresenting Bisexualities: Subjects and Cultures of Fluid Desire*, ed. Donald E. Hall and Maria Pramaggiore (New York: New York University Press, 1996), 234–52.

armed forces, and so the tagline implies a man who would partake in homosexual practices in order to avoid the draft.[185] On the other hand, "gendre switch" may also refer to transsexuality. A support for this observation is the ad's second tagline, "Not Since Christine Has Anything Been So Fantastic." The "Christine" that the ad refers to could be Christine Jorgensen, a transsexual who gained major publicity during the 1950s.[186] Besides the interpretation of the film's title and taglines, also significant is the ad's implied invitation to both male and female patrons with the provocation, "man or woman, you won't believe our program." This is notably different from competing adult theaters that advertised on the same page, such as the Sunset in Hollywood and the Lyric in Huntington Park, and explicitly stated their target demographic as the "adult male."[187]

[185] This idea was later spoofed in the film *The Gay Deceivers* (1969).
[186] "Christine" could also refer to Christine Keeler a showgirl who gained publicity in the postwar period for sleeping with both British and Soviet politicians. This explanation is likely given that the exploitation film *The Christine Keeler Story* (1963), based on the Keeler affair, had recently been in release.
[187] "Hot Prevue Tonite," Advertisement, *Los Angeles Times*, October 1, 1965, V-12.



Figure 3: "Open All Night: Gendre Switch," V-12.

In another notable scenario, the Park Theatre began to invite female patrons to nudist and lesbian programming before the theater switched to its all male film policy. This was an unprecedented move for an adult theater chain, like Continental, in the 1960s. It was unprecedented because women were not generally considered an audience for adult film until the targeting of a heterosexual "couples" audience during the "porno chic" era of the 1970s.[188] As stated previously, the management of the Park was transferred to the Continental chain in April 1966; previously called the Alvarado Theater, the location opened under the Park name on April 6, 1966. Initially, the Park showed primarily Hollywood fare, with the occasional European

[188] Elsewhere, Radley Metzger's films were significant in early attempts in drawing a female audience to sexploitation theaters, see Gorfinkel, *Lewd Looks*, 197–244.

arthouse film. By late 1966, the theater was showing sexploitation movies, and from March to July 1967 the Park was nicknamed "The Home of Sun-Camp Films" a terminology primarily associated with nudism.[189] Under this subtitle the Park showed mainly nudist camp films, but occasionally featured other sexploitation subgenres, as well as underground film programming.[190]

During this brief period as a nudist film venue, the Park's marketing shifted in a variety of ways that appear to have been intended to attract a female audience. First, the Park rarely employed the term "adult" in its advertising. This selective omission differentiated the Park from other adult theaters that uniformly employed the phrase "adults only" or "men only" in order to designate their intended public as adult males. Instead, the most commonly repeated term in the Park's advertisements during this time was the word "natural." The choice of this term reflects a legitimation imperative to promote the theater as a welcoming place for new audiences, such as female patrons, and to differentiate the theater from the shameful and "deviant" connotations of a typical adult theater.[191] Second, nearly all other adult theaters in the area employed images or silhouettes of the female form to illustrate their advertisements. The Park shifted away from that method during its nudist film period, and instead featured photographic close-up framings of women's faces. This technique suggests an intent to foreground individual identities rather than objectify anonymous female bodies, the latter of which was common among most sexploitation ads of this period. Third, when using gendered terms, the Park ads of this period tend towards engaging the words "woman" and "women." While the Park ads do occasionally use the term

[189] In the *Los Angeles Times* the oldest ad I located with this tagline was "The Home of Sun-Camp Films," Advertisement, *Los Angeles Times*, March 24, 1967, IV-7; and the final ad I found with the tagline was "Two Films that Dare to be Different!" Advertisement, *Los Angeles Times*, July 28, 1967, IV-11.
[190] For instance, the week of May 15, 1967, the Park featured a nudist film called *They Play in Paradise* alongside a selection of "Underground Erotica."
[191] As we will see in a later chapter, this method of excluding such terms was later employed by Nancy Lindsey in order to court a female audience.

"girl," the employment of "woman" was extremely rare in exploitation ads. Employment of the term "girl" and its variation "girlie" were more common in sexploitation ads because culturally they connoted youth and sexual independence, but they additionally reflected a patriarchal sexual hierarchy since "girl" also can be considered a belittling term when engaged by men.[192]

Advertisements from May 26 and June 23, 1967 are representative of all three techniques.[193] One ad titled "What is a Woman?" is absent of the "adult's only" designation, features a model's tilted headshot, and addresses the potential viewer in terms that imagine them to mimic and identify with the women onscreen rather than to objectify her.[194] The copy for that ad invites potential patrons to, "share the actions, feeling and thoughts of the pioneering sunfans."[195] Another ad titled "Hail, Women!" marketed a program featuring a "beauty and talent show" alongside the nudist film *Passion Holiday* (1963). The ad featured headshots of six women and the copy suggests an address to a female audience with the sentence, "we salute you in our fabulous international beauty and talent show," wherein the "you" refers to women generally. This panoply of marketing techniques is markedly different from the Park's nearby competitor Cluney's that contemporaneously employed the exclusive phrase "For Men Only" in nearly all of its *Los Angeles Times* advertisements.

Other than shifting the marketing strategy, during this period the Park also designated a section of the theater for female patrons only. Mirroring the queer gender-segregated associations of "all male" spaces, the Park sectioned off a space for female audiences of sexploitation cinema. As one observer stated in 1968:

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[192] For a history of the term "girl" in relation to media industries during the sexual revolution see Katherine J. Lehman, *Those Girls: Single Women in Sixties and Seventies Popular Culture* (Lawrence: University Press of Kansas, 2011).
[193] "Hail, Women!" Advertisement, *Los Angeles Times*, June 23, 1967, IV-7.
[194] "What is a woman?" Advertisement, *Los Angeles Times*, May 26, 1967, IV-12.
[195] Ibid.

> It has what it cleverly calls its "Little GAL-lery—Last Six Rows on the Left for Ladies Only." (Most theaters don't cater to single ladies at all.)[196]

The fact that the space was for "single ladies" unaccompanied by a man and that it was for women only underscores the fact that the section was intended as a queer zone for women's collective enjoyment of the eroticized displays of the female body on the Park's screen. This may or may not have been intended for lesbian or bisexual female patrons, but that is also congruent with the queer ambiguity surrounding the male patrons of adult theaters where—regardless of screen content—entry and participation in homosexual acts did not require or imply any identity affirmation. The presence of this section at the very least indicates that a zone was secured for women—who were not accompanied by men—to feel more comfortable and welcomed in the space where nude female bodies were the primary attraction. The development of this women-only space at the Park alongside the numerous marketing techniques the Park engaged to differentiate its product from male-oriented grindhouse theaters supports the position that the Park was attempting to draw in a previously underserved queer female audience.

Other sources show that the Park went even further to more explicitly advertise to lesbian audiences from time to time. An early example of this is the female version of the previously discussed gay male "Camp-Out" at the Apollo theater. An ad from April 21, 1967 plays on a double meaning of "camp," both the homosexual connotation and the association with a nudist lifestyle. The ad prominently exclaims "Girls on a Camp-Out!" and states that a nudist feature entitled *Some Like It Cool* (1962) will be shown.[197] Both the exclamation and the feature's title reference and invert the Apollo's previously mentioned "Camp-Out," which screened *Some Like It Hot* for a gay male audience. Later that year the Park promoted a double feature of

[196] Adler, 21.
[197] "Girls on a Camp-Out!" Advertisement, *Los Angeles Times*, April 21, 1967, IV-12.

Homosexuality in Men and Women (1966), a British documentary produced for television, and *The Hole* (*Le Trou*, 1960), a French film about men-in-prison. The advertisement included a coded joke about the theater's audiences, "not limited to mixed couples but it should be!!!"[198] The ad's exclamation suggests that the program is not limited to mixed-gender couples, but that it "should be" because given the homosexual subject matter of the program it would likely draw a same-gender crowd whether male or female. The "should be" was the joke because repeat customers would have known that the theater encouraged the patronage of gay and lesbian audiences. By all indications the program was successful as it was held over for seven weeks after its initial showing on December 22, 1967.

Perhaps the most overt courting of a queer female audience was the week of October 13, 1967 when the Park screened a lesbian double feature; marketed it specifically to a lesbian audience; and experimented with saturation advertising, which engaged an array of advertising venues such as the popular press, the underground press, and classifieds ads. This program included a lesbian underground film from San Francisco entitled *Lizzie and Lezzie* (1967) and the French lesbian-themed import *Twilight Girls* (1957). While the presence of a lesbian them was a common trope of sexploitation films that were intended to draw a male audience, the ad campaign diverged from such male targeting films in a number of ways that strongly suggest a lesbian audience was being courted.

[198] "First United States Showing!!" Advertisement, *Los Angeles Free Press*, December 22, 1967, 20.



Figure 4: Park Theatre advertisement for *Lizzie and Lezzie* in *Los Angeles Free Press*, October 13, 1967.

The presence of "Lezzie," a slang and commonly derogatory term for lesbian, in the title prompted it to be censored in newspapers.[199] Despite the title's change to *Liz and Her Friends* for the *Los Angeles Times* the listing in the *Times'* "Independent Theatre Guide" still stated the

[199] The movie premiered September 18, 1967 in San Francisco under its original title at the North Beach Movie. However, in later ads the title varied among numerous alternatives including *Lizzie and Lez*, *Lizzie and Lezley*, and *Lizzie*. This was apparently due to a backlash against the original title since a later ad stated "when we opened this program over two weeks ago it was advertised with a more complete title – we cannot tell you what that title was;" in "Lizzie….." Advertisement, *San Francisco Chronicle*, October 4, 1967, 42.

original uncensored title.[200] Unlike sexploitation films with lesbian content that were produced and distributed to a heterosexual male target market, this program included several indicators that the Park was aiming for a queer female audience. Notable was the inclusion of the phrase "Girls Only?" with the listing of *Lizzie and Lezzie* in the "Independent Theatre Guide." Listings in this guide typically included the name, location, and phone number of the theater, and then the titles of films featured and sometimes an indication of the intended audience. For example, in the same guide a listing for the Vista theater stated "For Big He Men Only" as a tongue-in-cheek descriptor of the target demographic for its adult program entitled *Eager Pleasers*. Thus, the "Girls Only?" designation next to *Lizzie and Lezzie* was most surely a reference to the target audience rather than a description of the film's content. The presence of the question mark does lend a degree of non-seriousness to the "Girls Only" designation, which suggests that the theater's usual male patronage was not intended to be excluded with this new program.

The lesbian program's marketing in the underground press, further supports the possibility that queer women were the target audience. In the *Los Angeles Free Press*, an underground newspaper, an ad appeared with the titled uncensored and a tagline that suggested male anxieties toward spouse lesbianism, "It's what happens when husbands leave their wives alone – too long and too often!"[201] The theater also placed three classifieds ads for the Park's lesbian program in the same newspaper. From the wording, it is conceivable that one of these was likely meant to target a general arthouse audience; this ad plays up the association between France and sexuality by stating, "women like women in the French flick that lays it on the

[200] The ad appeared with a censored title in "It's Incredible!" Advertisement, *Los Angeles Times*, October 9, 1967, V-29; and it appeared under its original title in "Independent Theatre Guide," *Los Angeles Times*, October 9, 1967, V-30.
[201] "It's Incredible!" Advertisement, *Los Angeles Free Press*, October 13, 1967, 20.

line."[202] Notably, that classified ad only advertises *Twilight Girls* and not the underground lesbian movie.

Unlike the first, the other two classifieds appear to be meant for lesbian readers. One simply states, "Lesbian Films unusual for their boldness" and includes a number and date for when the movies will be playing.[203] The final ad is structured differently in a way that is ambiguous whether it is advertising a film screening, or the selling of a film print for private screening purposes. It states, "French film about lesbians that made Agnes Laurent famous!"[204] Other than the phone number the ad also includes the request "No phonies, please."[205] This request reflects the intent to market to queer women because "no phonies" was a common phrase in gay, lesbian, and bisexual classifieds placed in the underground press at this time.[206] "No phonies" would often appear in classifieds of gay, lesbian, and bisexual folks who were seeking friendship, relationships, or sexual encounters; and the phrase indicated to the reader that if they were not congruent with the writer's requested sexual identity spectrum (gay, lesbian, or bisexual) then they should not respond to the ad. It was frequently invoked—as in the Park's lesbian classified ad—as a standard closing salutation of such queer classifieds both by itself and in conjunction with other excluded identity markers. [207] The phrase was meant to convey that readers should have a legitimate intent to engage with the classified writer because at this time blackmail and entrapment were understood as possible threats to a person's livelihood if they

[202] "Dangerous Love!" Classified advertisement, *Los Angeles Free Press*, October 13, 1967, 27.
[203] "Lesbian Films," Classified advertisement, *Los Angeles Free Press*, October 13, 1967, 27.
[204] "French Film," Classified advertisement, *Los Angeles Free Press*, October 13, 1967, 27.
[205] Ibid.
[206] "No phonies" was common in both the underground press and the gay press from this time. For example, Jack Fritscher recalled that "no phonies" was frequently engaged in personals ads placed in the gay leather magazine *Drummer*, and was part of an exclusionary and masculinist gay "separatist mantra" in personals, "no fats, no fems, no phonies," Jack Fritscher, *Gay Pioneers: How Drummer Magazine Shaped Gay Popular Culture 1965-1999*, ed. Mark Hemry, vol. 4 (San Francisco: Palm Drive Publishing, 2017), 115.
[207] For an example of "no phonies" used by itself see "Gay Guy 33," Advertisement, *Los Angeles Free Press*, September 29, 1967, 22. An example of its clustered identity usage is "no phonies, hustlers, or 1-nighters," in "Dig Blacks?," *Advertisement, Los Angeles Free Press*, September 11, 1970, 35.

were to reveal their queer identity in a public forum. By placing "no phonies" in its ad for a lesbian program the Park engaged a classified ads code that implied that queer female readers were the only group meant to respond to that ad.

Conclusion

In this chapter I have traced shifts in California obscenity law alongside developments in queer commercial spaces and circulations. The prehistory of queer film exhibition and distribution is the development of commercial spaces of queer contact, particularly bars, and distribution networks, such as those for physique and softcore media. Maps for the dissemination of gay community-oriented communications during the 1970s and 1980s reveal that queer distribution networks consisted of a landscape of commercialized spaces including bars, adult theaters, baths, and adult bookstores.[208] In tracing this prehistory, continuities arise between the policing of queer space in California from the 1930s into the 1960s. Obscenity law was a sustained tool law enforcement engaged to regulate queer circulations. Further, statutes related to business licensing were also invoked to regulate queer spaces. Ultimately, law enforcement in California had a repertory of instruments to restrict the circulation of and public access to queer media in the 1960s.

Continental Theatres is a key example that illuminates the complexities of the relationship between queer audiences and business interests during the 1960s. On the one hand, theaters like the Park are remembered as politicized spaces where community-oriented filmmakers, like Pat Rocco, screened films produced by and for gay men. The fact that these

[208] These archival maps are labeled for intended use as outreach to various sectors of the "gay community," see Ernie Potvin, "Distribution Routes and Maps" March 1981, Bars--Miscellaneous 1900-2012, ONE Subject Files Collection (Coll2012.001), ONE National Gay & Lesbian Archives, Los Angeles, CA; Ernie Potvin, "Distribution Routes to Reach the Gay Community" 1980, Bars--Miscellaneous 1900-2012, ONE Subject Files Collection (Coll2012.001), ONE National Gay & Lesbian Archives, Los Angeles, CA.

films were and had to be profitable, and that they were distributed within a consolidated and increasingly vertically integrated corporate system, is often overlooked at the expense of underscoring their political significance. This has the effect of overstating the Park's place in a larger system overseen by Continental, whose other theaters and bookstores were equally frequented by queers though not always marked or marketed as overtly to gay men as the Park.

On the other hand, the historiographic absence of evidence of adult media that specifically targeted lesbian and bisexual women is often explained as though gay male identity politics had hermetically sealed entrepreneurial decisions to the point that the commercialization of queer content only targeted gay men. This assumption erases not only the fact that bisexual and straight identified men who desired men were part of this adult media commercial landscape, but also that queer women were contemporaneously considered as a possible market. Once again the case of Continental Theatres supports a wider understanding of the history of the commercialization of queer content and spaces. As was evident previously, while the Park occasionally engaged identity-based terms such as "homosexual" and "gay," a consideration of the variety of adult media policies across the entire chain evinces that identification with a certain sexual identity was not a prerequisite for entry into these queer theatrical spaces. Rather, the exhibition space itself acquired a publicly visible queer identity that weathered much of the risk of publicly visible deviance from heterosexuality, and (when not policed) allowed patrons to forge sexual and communitarian connections sheltered by the semi-private nature of these urban alcoves.

Significantly, Continental did experiment with facilitating space for queer female patronage. Its courting of a queer female audience has been a historical oversight due to both the marketing of the Park's shift to a male film policy and to the gay historical value of that policy

that historically conjoin with the politics of public visibility. Continental had acquired the Park approximately two years before the theater shifted to erotic male film programs. During that time the Park experimented with advertisements that courted lesbian, bisexual, and trans audiences. Yet despite the fact that Continental could be seen as politically progressive for its early overt targeting of a lesbian audience, its facilitation of theater space for a women's only section, or its later gay male policy, the short-lived nature of these commercial endeavors at the Park reminds us that Continental was as much motivated by the financial bottom-line as with its experimental catering to underserved and marginal audiences. Continental's theaters continued operation into the late 1970s though theater policies shifted, and ownership of individual theaters changed hands. In the next chapter, I examine Continental's involvement in the 1969 exhibition and production of a feature-length adaptation of one of the most widely popular gay novels from the time.

CHAPTER 2: Producing Interracial Queer Americana: Audience Stakeholders and Racial-Sexual Contracts in the Production and Exhibition of *Song of the Loon*

Song of the Loon stands as one of the key early examples of the eroticization of racial difference in queer male erotica. As several scholars have discussed there is a lack of racial diversity and an ubiquitous whiteness to early publicly-exhibited gay adult film and media. Pat Rocco, one of the most popular directors for Continental Theatres, made softcore films that predominantly eroticized white male bodies and thus, as Whitney Strub has described, appears retrospectively regressive and even homonormative from the contemporary vantage informed by intersectional queer theory and queer of color critique.[209] Lucas Hilderbrand has observed more generally that men of color seldom appeared in media during and before the gay liberation, and further states that "media and archival elisions challenge reconstructing queer of color pasts and perhaps necessitate even more historiographic inventiveness."[210] These observations regarding white racial hegemony in both homophile and liberationist queer male erotica underscore the unprecedented nature of *Song of the Loon*'s trenchant though problematic embrace of cross-racial coalitions and interracial sexual encounters. *Song of the Loon* stands as an early venture into depictions of interracial eroticism that would be followed by such films as Jaguar Production's *Midnight Geisha Boy* (1970), *The Experiment* (1972), and *Reflections of an Indian Boy* (1972). While representational analyses of *Song of the Loon* may range from dismissal as racist, to "genuflection at the altar of antiracism"[211] in order to recuperate its radical potential, in this chapter I have aimed to leave representational readings aside and instead consider factors of

[209] Strub, "Mondo Rocco: Mapping Gay Los Angeles Sexual Geography in the Late-1960s Films of Pat Rocco," 28–30.
[210] Lucas Hilderbrand, "Historical Fantasies: 1970s Gay Male Pornography in the Archives," in *Porno Chic and the Sex Wars: American Sexual Representation in the 1970s*, ed. Whitney Strub and Carolyn Bronstein (Amherst: University of Massachusetts Press, 2016), 330.
[211] Melissa Phruksachart, "The Many Lives of Mr. Yunioshi," *Camera Obscura: Feminism, Culture, and Media Studies* 32, no. 3 (2017): 94.

production, exhibition, and reception. *Song of the Loon*'s was ahead of its time in terms of demographic-targeting, it was produced for Continental theatres that served an established gay male audience in Los Angeles, New York, and elsewhere, and its premiere functioned as the opening event for the shift of San Francisco's legendary Nob Hill theater to a gay film policy.

The source novel for the film, Richard Amory's *Song of the Loon* (1966) was a massively popular gay pulp novel estimated to have sold in the tens of thousands of copies, and in sum a presentation of idealized masculinity and male-male sex in the American west transposed from the Spanish pastoral genre.[212] As a product of the pre-Stonewall era, the novel was unprecedented in its affirmative representation same-gender polyamory and depiction of homosexuality as natural—a function of the pastoral genre's focus on nature and rurality—and it was executed with an explicitness unmatched by the film.[213] The film adaptation became extremely popular as well garnering numerous re-screenings after its first run, circulation by at least three home video distributors, and appearances in gay popular culture such as the numerous references in the popular gay novel *The Front Runner* (1974).[214] Produced in 1969 when hardcore was prosecutable under obscenity law the film was a softcore adaptation. While it could not be explicit as its source novel, the film incorporated the novel's celebration of promiscuity and polyamory that anticipated Charles Shively's politicized declaration of radical gay promiscuity in "Indiscriminate Promiscuity as an Act of Revolution."[215] As a cultural product emerging from local exhibition contexts and adapted from a popular gay novel, *Song of the Loon*

[212] David Bergman, "The Cultural Work of Sixties Gay Pulp Fiction," in *The Queer Sixties*, ed. Patricia Juliana Smith (New York: Routledge, 1999), 26–41.
[213] Ibid.; Beth M. Bouloukos, "Shepherds Redressed : Richard Amory's Song of the Loon and the Reinvigoration of the Spanish Pastoral Novel," in *1960s Gay Pulp Fiction: The Misplaced Heritage*, ed. Drewey Wayne Gunn and Jaime Harker (Amherst: University of Massachusetts Press, 2013), 212–28.
[214] Hilderbrand, "Historical Fantasies," 333. The film was released on VHS by Studio-One (a company with ties to the original producer), Le Salon, and Something Weird Video.
[215] Charles Shively, "Indiscriminate Promiscuity as an Act of Revolution," in *Sexual Revolution*, ed. Jeffrey Escoffier (1974; reprint, New York: Thunder Mouth Press, 2003), 516–26.

was arguably *the* foundational gay independent narrative feature, and like its source material, the film was rooted in problematic racializations.

Yet, queer film historiography has persistently withheld *Song of the Loon* from acknowledgement as one of the landmark films that emerged at the beginning of the gay liberation era.[216] There are several explanations for this elision. First, due to its stunted production history and the excessive use of pseudonyms in the film's credits, the film categorically resists the auteurist designation that almost universally accompanies considerations of gay film classics ranging among the underground experimental films of such directors as Jack Smith, the erotic features of Pat Rocco, and Hollywood films exploiting the gay demographic such as William Friedkin's *Boys in the Band* (1970). Second, the source material for the film, though aspiring to the pretensions of the Spanish pastoral novel, was distributed in mass-market paperback form and existed unquestionably as pulp erotica marketed for its sexual content. As we will see, the film version was similarly formulated to target the largest audience segment possible, and thus it diverged from the exclusivity of the filmic address and exhibition contexts of underground experimental cinema. Third, although the film was widely reported on in the gay press at the time of its release and in later years was re-circulated through repertory showings and home video releases, since the early 1990s there have been almost no theatrical showings of the film and its two home video releases have been out of print for over twenty years. Fourth, the racialization in the film, through the portrayal of Native Americans by white actors, is highly problematic and from a contemporary standpoint tends to overshadow all other considerations of

[216] Notable exceptions include the work of Jeffrey Escoffier, Lucas Hilderbrand, and Ryan Powell. Jeffrey Escoffier, *Bigger than Life: The History of Gay Porn Cinema from Beefcake to Hardcore* (Philadelphia, PA: Running Press, 2009). Hilderbrand, "Historical Fantasies: 1970s Gay Male Pornography in the Archives," 327–48. "Nowhere Home: Radical Gay Rurality in Song of the Loon (1970)," *Little Joe: A Magazine about Queers and Cinema* 1, no. 1 (2010): 58–68.

the film. Finally, the mixture of marketing strategies, narrative, and erotic content of *Song of the Loon*, and its source novel, vacillate between the respectability politics of the homophile era and the visibility politics of the 1970s gay liberation movement. This vacillation disallows easy categorization of the film into either era.

In this chapter I present a history of the production and exhibition of *Song of the Loon* that addresses its historical elision from queer film history and situates the complexities that arise from the film in relation to the contexts of its production and release. In doing so, I outline a queer production studies method that intervenes in the academic field of production studies, exemplified in John Thornton Caldwell's 2008 text *Production Culture*.[217] A queer production studies method is imperative because it would acknowledge how the professional identities and industry practices interrogated by production studies are inextricable from broader identities and cultures informed by differences of class, race, gender, and sexuality.[218] A key insight of Caldwell's work is that reflections on production histories and meanings by industry personnel amount to "managed self-disclosures" that essentially act as public relations strategy.[219] In the case of *Song of the Loon*, the companies and individuals involved in production were so marginal, particularly in comparison to the dominant industrial sectors examined by Caldwell, that one can quickly see how self-disclosures operated on a more localized scale to forge industrial ties or expose antagonisms. For production personnel employed in marginal industry

[217] John Thornton Caldwell, *Production Culture: Industrial Reflexivity and Critical Practice in Film and Television* (Duke University Press, 2008).
[218] This idea builds on Matthew Tinkcom's analysis of queer production cultures, which considers camp as a distinctively queer form of labor, Matthew Tinkcom, *Working like a Homosexual: Camp, Capital, and Cinema* (Durham: Duke University Press, 2002).
[219] Caldwell, 1–36; John Thornton Caldwell, "Cultures of Production: Studying Industry's Deep Texts, Reflexive Rituals, and Managed Self-Disclosures," in *Media Industries: History, Theory, and Method*, ed. Jennifer Holt and Alisa Perren (Chichester: Wiley-Blackwell, 2009), 199–212.

sectors, self-disclosures operate in complex and contradictory ways that do not always act in the discloser's best interest.

In this way, *Song of the Loon* calls for a queer production studies method that considers the complexities and contradictions present within production histories, marketing strategies, adaptation choices, and exhibition contexts. This method is necessarily intersectional as the racial politics that emerge onscreen are entangled with the film's sexualized marketing strategies that aimed to target the largest possible audience across social divisions of age, class, and race. My queer production studies approach considers these strategies not simply as top-down mandates from the peak of the production hierarchy, but as negotiations which take into account the influence of a variety of factors on production, particularly audiences as critical stakeholders in production processes. Further, this queer production studies method proceeds from a notion of contracts to explain how performance, direction, and other production decision-making processes implicitly and explicitly invoke racial and sexual identities. This discussion of contracts, broadly conceived as conditions on those involved in the creation of the film, necessitates discussions in realms other than the representational to considerations of location scouting, casting, script editing, and other behind the scenes decisions. In focusing on industry and audience, rather than a fixed representational evaluation, this method is informed by feminist and queer production studies that have revealed how relations of gendered and racialized normativity inform industrial identity formation and how industry racialization standards manage unruly queer expressions.[220]

[220] For a discussion of how gender norms inform media industry worker identity formation see Miranda J. Banks, "Gender Below-the-Line: Defining Feminist Production Studies," in *Production Studies: Cultural Studies of Media Industries*, ed. Vicki Mayer, Miranda J. Banks, and John Thornton Caldwell (New York: Routledge, 2009), 87–98. For an intersectional queer production study considering the function of yellowfacing in *Breakfast at Tiffany's* see Phruksachart, 93–119.

Retrospective reporting on the film's production identify that it had a convoluted production marked by employee turnover. Originally planned as a Pat Rocco production, along the line Skylar Robbins (alias Scott Hanson) was hired as the director,[221] and finally Monroe Beehler was commissioned to finish the film after Robbins' ouster by Shan Sayles.[222] In 1994, for his gay porn industry magazine *Manshots*, gay adult filmmaker Jerry Douglas interviewed Scott Hanson, the original director of *Song of the Loon*.[223] From Hanson's perspective, the story of *Song of the Loon*'s production is a Manichean one in which producer Shan Sayles foiled his and the cinematographer's aspirations for creating a cinematic masterpiece for the gay hippie generation.[224] In the interview Hanson traces how he and cinematographer Joe Tiffenbach were intimately involved with the film's development and production until they were abruptly fired and replaced. I will briefly review key events in the production of the film that inform what Hanson perceived as his unjust ejection from the project. Sayles hired Hanson and Tiffenbach to develop, direct, and shoot the film after being impressed by their gay experimental short film *The Closet* (1969), which would subsequently show at Sayles' Park Theatre in Los Angeles.[225] The agreement between Sayles and the filmmakers required them to write the script, cast the film, then shoot and deliver the finished cut on a budget of $50,000; in return they would be

[221] Scott Hanson is the name used by *Loon*'s director for his interview in *Manshots*, however, Skylar Robbins is his credited name as the director of *The Closet* (1969) in "Unusual Double at the Park," *The Advocate*, August 1969, 8. The reference to Pat Rocco as the earlier director is mentioned by Joe Tiffenbach in Patrick Hoctel, "'Song of the Loon' Director: Porn Grand Daddy Joe Tiffenbach Marks His Return," *San Francisco Sentinel* 14, no. 21 (October 10, 1986): 16, 27. That recollection is supported by the fact that the original script for *Loon* is present in Pat Rocco's Bizarre Productions records at the ONE Archives, see "'Song of the Loon' Script," c.a 1968, Folder 10: Bizarre Productions: Song of the Loon, Box 7, Pat Rocco Photographs and Papers Coll2007-006, ONE National Gay & Lesbian Archives, Los Angeles, CA.
[222] For mention of Beehler's finishing *Song of the Loon*, see Jerry Douglas, "Gay Film Heritage: Jaguar Productions Part 1," *Manshots* 8, no. 6 (June 1996): 12.
[223] Jerry Douglas, "Gay Film Heritage: The Making of 'Song of the Loon' Part 1," *Manshots* 7, no. 1 (October 1994): 10–17. Jerry Douglas, "Gay Film Heritage: The Making of 'Song of the Loon' Part 2," *Manshots* 7, no. 2 (December 1994): 10–16.
[224] Douglas, "Gay Film Heritage: The Making of 'Song of the Loon' Part 1," 12–13.
[225] Ibid., 12.

compensated with salaries plus a ten percent share of the film's returns.[226] Well into shooting the film in the Trinity Alps of Northern California, Sayles fired Hanson and Tiffenbach, justifying this action by claiming that the production had gone over budget.[227] Hanson, Tiffenbach, and Morgan Royce, one of the film's stars who quit the production out of solidarity with the ejected filmmakers, were embroiled in legal battles with Sayles that, according to the filmmakers, were subsequently thrown out by a judge.[228] Ultimately, Hanson and Tiffenbach's shares in the film were terminated and a new director, going by the pseudonym Andrew Herbert, finished the film.[229]

Adapted from the later chapters of a pulp novel of the same name by Richard Amory, the film follows Ephraim McKeever in his journey through the wilderness of the Pacific Northwest in the 19th century. Ephraim had recently left an alcoholic and homophobic lover, Montgomery. Ephraim encounters several Native Americans and settlers, occasionally has sexual encounters and discusses affirmative homosexual free love with them, and finally begins to cohabitate with his new lover a handsome Euro-American settler, Cyrus Wheelwright. However, Ephraim struggles with the issue of monogamy and decides to go on a kind of drug-induced vision quest informed by what he learned about free love from Native Americans during his journey. As is

[226] Douglas, 10–14.
[227] In later interviews, both Hanson and Tiffenbach conjecture that part of their ejection was to terminate their share of the film's profit. Douglas, "Gay Film Heritage: The Making of 'Song of the Loon' Part 2," 13–16. Patrick Hoctel, "'Song of the Loon' Director: Porn Grand Daddy Joe Tiffenbach Marks His Return," *San Francisco Sentinel* 14, no. 21 (October 10, 1986): 16. Elsewhere it has been speculated that this was a business strategy for Sayles "to cut his losses since he had recently decided to start producing hardcore films," see Escoffier, *Bigger than Life*, 56.
[228] Douglas, 14. The lawsuit between Sawyer Productions and star Morgan Royce (also known as Arthur Spottle) was covered in *Daily Variety*, see "Sawyer Sues Spottle," *Daily Variety*, January 2, 1970, 3.
[229] Barry Knight and Russell Moore of Jaguar Productions recall that Monroe Beehler finish *Song of the Loon*, see Jerry Douglas, "Gay Film Heritage: Jaguar Productions Part 1," 12. Beehler formerly worked for Sayles' theater chain in a variety of capacities including projectionist, advertiser, and administrator. In the early 1970s, Beehler would cofound Jaguar Productions and its associated theater chain, King Theatres, with Barry Knight. Scott Hanson didn't remember the second director's name, but recalled that he ran a gay theatre in Los Angeles, which may have been Beehler's Century Theatre, see Douglas, "Gay Film Heritage: The Making of 'Song of the Loon' Part 2," 16.

apparent from the synopsis, the film works to fuse a gay liberation ethos with countercultural sympathy for Native Americans, principles of free love, and enlightenment through drug use.

The production and release of *Song of the Loon* represents an unprecedented moment in gay filmmaking in which interracial homosexual intimacy was overtly presented to a queer audience as a desirable solution to contemporaneous anxieties. Anxieties such as whether gay men should embrace liberation era values of visibility and polyamory over homophile era invisibility and monogamy. The production history of *Song of the Loon* reveals that its onscreen utopian vision of interracial sexual liberation was contradicted by ambivalent conditions of racial inequities behind the scenes. *Song of the Loon*'s fraught production by a largely white cast and crew can be understood as courting a communal queer audience-as-stakeholder across differences of generation, race, and class. In other words, the creation of *Song of the Loon* and its distribution to theaters run by the producers reflected an attention to audience interests and diversities while the conditions of production reveal the privileging of traditional hierarchies of race and class differences. The chapter is organized into two sections to allow for different scales of analysis, one draws from information on the theater chain that produced the film and the second focuses in on specific production matters including contracts and adaptation changes. The first section will focus on the financing and the significance of audiences to *Song of the Loon*'s exhibition and production. The second section proceeds with a more detailed analysis of *Song of the Loon*'s production history in terms of the sexual-racial contracts that were negotiated throughout its production. This section also includes analysis of earlier script iterations that ostensibly went un-filmed. In this sense, I invoke an expanded production history in order to analyze how unfinished production plans register the shift in social context from the book to its adaptation. On the one hand, the production's radical anti-auteurism can be interpreted as a

strategy that eschewed the contemporaneous white, masculinist, and bourgeois individualist approach to filmmaking embraced by the New Hollywood.[230] On the other hand, the filmmakers' attempt to engage sexual fantasy with the racial antagonisms of the American West is revealed in production documents that show how differing levels of importance were assigned to racial and sexual performances.

Audience as Stakeholder: Practices of Audience-Centric Production, Exhibition, and Distribution

Song of the Loon was produced by a company that focused on exhibition to marginal audience sectors ranging from immigrants to queer men. While exhibitor financing and production were not uncommon practices for theater owners who operated subsequent run and grindhouse theaters,[231] *Song of the Loon*'s emergence was unique because it was produced for an established gay male market that congregated at the company's theaters in Los Angeles and New York City. The film was additionally exploited in order to facilitate the theater company's entry into the Northern Californian gay male adult film market. In this section, I trace the exhibition and reception contexts that *Song of the Loon* emerged out of to argue that the film was not only exhibitor-financed, but also audience-backed because the production decisions, production staff, and demographic targeting were pre-determined by the exhibitor's interactions with and observations of his established queer male audience in Los Angeles. In this sense the audience operated as a crucial "stakeholder" in production in that the profits reaped from previous queer male patronage were reinvested in this production, which was designed to cater to desires and

[230] For an incisive critique of New Hollywood auteurism as a union-busting strategy see Derek Nystrom, "Hard Hats and Movie Brats: Auteurism and the Class Politics of the New Hollywood," *Cinema Journal* 43, no. 3 (2004): 18–41.

[231] For an analysis of exhibitor financing in mid-century horror cinema see Kevin Heffernan, *Ghouls, Gimmicks, and Gold: Horror Films and the American Movie Business, 1953-1968* (Durham: Duke University Press, 2004), 63–89.

tastes of a sector of the gay niche market that was relatively diverse in terms of age, class, and race.

"Stakeholder" is an industry term that is broadly used to reference anyone affected by a company's decisions. The term is often meant to indicate not only investors, management, and employees, but also customers, potential customers, and anyone in the surrounding context that is affected by business decisions. Media industry studies have engaged "stakeholder" to refer to audiences—a special case of consumer stakeholders—as parties whose interests are affected by industrial and policy decisions.[232] Here I use the phrase "critical stakeholder" in a stronger sense to say that Continental's audiences went beyond an incidental or passive engagement with their theaters. Far from it, Continental's audiences had a vested interest in the theaters' sustenance because Continental produced a new form of gay cinema that mediated patrons' engagement with one another, and the theaters provided spaces of communal queer association different in kind from other gay institutions (such as bars). Further, Continental held bi-annual amateur film festivals to develop product for their gay theaters, and to scout talent from among their patrons interested in filmmaking. They ultimately drew cast and crew from among their connected network of patrons, and re-invested profits to raise production value. This process culminated in the production of *Song of the Loon*, the company's most expensive production up to that point. Before tracing the role of Continental's audiences in production this section will briefly outline the history of Sawyer Productions, the production entity of Continental under which *Song of the Loon* was developed.

[232] Ruari Elkington, "Education Market for Screen Media: DVD in a Time of Digital Abundance," in *DVD, Blu-Ray and Beyond: Navigating Formats and Platforms within Media Consumption*, ed. Jonathan Wroot and Andy Willis (Cham: Springer, 2017), 97; Annette Hill and Jeanette Steemers, "Media Industries and Engagement," *Media Industries Journal* 4, no. 1 (2017), 3.

Sawyer Productions, Ltd., a film production company run by exhibitors Shan Sayles and Violet Sawyer, produced *Song of the Loon*. Sayles had been involved with the film exhibition and advertising businesses since the early 1950s. In the Detroit metropolitan area Sayles was employed by Landmark's Main Theatre and the Trans-Lux Krim Theatre.[233] During his early career, Sayles would focus his energies on advertising strategy. Due to his expertise he became the marketing manager of United Detroit Theatres before returning to Los Angeles where Columbia Pictures hired him for a brief period.[234] In 1959, Sayles and Violet Sawyer formed Sawyer Theatres, Inc., and—as discussed in the previous chapter—also ran the corporation Continental Theaters, Incorporated.[235] By 1970, Sayles would buy out his business partner, Alx Cooperman, and become Continental's primary owner and operator.[236]

A significant and sustained concern of Sayles' throughout his career as an exhibitor and advertiser was his theaters' audiences. As a businessman, Sayles' focus on his audiences was clearly motivated by a profit imperative, yet it is important to acknowledge that Sayles intentionally constructed Continental's advertising and exhibition policies to primarily target underserved socially marginalized audiences. In particular, throughout the 1960s Sayles' theaters mainly programmed exploitation films and foreign films, two film categories that have historically targeted marginal audience sectors. For exploitation fare, Continental's audiences were typically composed of working-class folks and people of color, while Continental's arthouse theaters programmed films specifically for Russian and Eastern European

[233] "Obituary: Shan V. Sayles," *The Carmel Pine Cone* 103, no. 7 (February 17, 2017): 12A.
[234] Michael Hauser and Marianne Weldon, *Detroit's Downtown Movie Palaces* (Charleston: Arcadia Publishing, 2006) 8, 69. "Obituary: Shan V. Sayles," 12A.
[235] "Obituary: Violet (Vi) Sawyer," *Daily Variety*, July 2, 1979, 15.
[236] "Sayles Buys Out Pard Cooperman," *Variety*, November 18, 1970, 4.

immigrants.[237] Within the Cold War context of rampant racism, classism, Anglo-Protestant ethnocentrism, and anti-immigrant sentiments, the white cultural elite of Southern California evidently despised the fact that Continental Theaters served these audiences of "undesirables."[238] Consequently, throughout the 1960s Sayles theaters were plagued by harassment ranging from local police raids to bomb threats made by private citizens.[239]

By 1965, Sayles' three exploitation theaters in the Los Angeles area, the Vista, the Paris, and the Apollo, were profitable enough to propel Continental into major expansion outward to Anaheim, Oxnard, Malibu, and Long Beach; the Vista alone turned an average $4,000 profit per week and the space was rented for $800 per month.[240] By this time Continental was already producing films to exhibit at their Vista and Paris theaters. Continental's early productions were largely shoestring budget 16mm films usually without sync sound. These films could not compare to the higher production value and sync sound 35mm sexploitation features that were being produced by competitors like Dave Friedman and Harry Novak, so Continental's Apollo operated on a slightly different policy of purchasing higher-end exploitation product from distributors in order to remain competitive with the nearby Sunset Theatre.[241] In an interview with *Daily Variety*, Sayles attributes the boom of his exploitation theaters to his inventive ad campaigns, his theaters' welcoming and spacious atmosphere (meant to minimize customer

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[237] Continental's theaters began screening Russian films as early as 1959, and Polish films were acquired for exhibition by the mid-1960s. "Venerable Vista Veers for Foreign Features," *Variety*, December 30, 1959, 3. "Films from Poland Now 'In' West of Chi," *Variety*, October 6, 1965, 5.

[238] "Undesirables" was often employed at this time as a coded term, usually for homosexuals, but also towards other socially marginalized groups. See Whitney Strub, "The Clearly Obscene and the Queerly Obscene: Heteronormativity and Obscenity in Cold War Los Angeles," *American Quarterly* 60, no. 2 (2008): 373–98.

[239] Police busts on theaters, such as Continental's, were typically justified by allegations that the theater was exhibiting obscene films. See "Nudie Pic Can Now Resume Its 'Peeping,'" *Daily Variety*, February 11, 1965, 1, 23; and "Phoenix Smut-Chasers: From Books to Seizure of Three Sexploitation Pix," *Variety*, May 19, 1965, 19. The bomb threats were mainly directed at Continental's theaters that catered to Slavic immigrants, "Sayles Sees Sex Saturated," *Variety*, August 4, 1971, 7.

[240] A.D. Murphy, "Continental Chain Financing Expansion with Profits From Those Peel Pix Parlors," *Daily Variety*, August 6, 1965, 3.

[241] Murphy, 3.

embarrassment associated with patronizing adult theaters), and the loyalty of his customers who were described as "average males repping all classes of society."[242] This interview appeared in the industry publication *Daily Variety*, thus it is likely that there is some degree embellishment at play to emphasize the welcoming atmosphere. Nevertheless, the "repping all classes of society" statement seems genuine given that a more aspirational tone might have classed the audience more exclusively as upper tier and the venues as "art houses" promoting "erotic" films. Yet, given the discussion in the previous chapter, the "average males" designation is evidently meant to cover over the queer tendencies of these theaters' patrons.

The selective description of his audiences as "average" countered prevalent contemporaneous beliefs that the patrons of adult films diverged from dominant societal notions of sexual normalcy. Terms such as "deviant," "deviate," and "pervert" functioned as umbrella epithets frequently invoked to describe all manner of perceived sexual divergence, and during this period were additionally understood to connote homosexual tendencies. While such designations were obviously discriminatory and homophobic, in fact, multiple accounts of 1960s grindhouse theaters affirm that such theaters existed as queer spaces of collective contact in the sense that they were one of the primary cruising sites for men seeking sexual encounters with other men. This was a trend that was not local to Los Angeles. Nationwide, the popular press often prominently featured such accounts to alarm a presumptively homophobic readership. For instance, in a 1967 interview in *San Francisco Chronicle* the operator of an ostensibly heterosexual-targeting San Francisco exploitation theater, called The Hub, remarked of his patrons that "between 30 and 50 percent were homosexuals."[243] The negative cultural association

[242] Murphy, 3.
[243] George Draper, "Shocking Lure of the Girlie Film: S.F.'s Sexploitation Theaters," *San Francisco Chronicle*, June 6, 1967, 42.

of queer audiences with grindhouse theaters also affected Continental. Earlier in the 1960s city officials and neighborhood residents embarked on an aggressive campaign against both Sayles' Vista theater and the Lyric Theater in Huntington Park, both ostensibly "straight" sexploitaiton theaters, because of their gay patronage.[244]

Continental Theatres acquired the Alvarado Theatre in April of 1966, and renamed it the Park Theatre. As discussed in the last chapter, by 1968 Sayles openly embraced his gay patrons by shifting the Park to a "male" film policy.[245] In the late 1960s and into the 1970s exhibitors invoked terms such as "male" and "all male," and sometimes keywords such as "lavender," to connote films featuring homoerotic content in a grindhouse setting.[246] A primary reason for using these terms was to circumvent newspaper ad censorship that excluded more overt queer terminology.[247] Because of the lack of gay film product and the increasing demand for these films at his "all male" venues like the Park, shortly after its opening Sayles would enter into the production and distribution of feature-length gay erotic films in the late 1960s.

I suggest that Sayles' expanded production operation essentially took the newfound queer audience as a stakeholder or party with a vested interest in the continued production of such films. Notably, this preceded Hollywood's turn to aggressive demographic targeting, and was directly before the release of the Hollywood's gay targeting adaptation of *Boys in the Band*.[248] As stated above, since the early 1960s queer men frequented Sayles theaters to connect culturally, socially, or sexually. Because this audience demographic was observable and because

[244] Strub, "The Clearly Obscene and the Queerly Obscene," 387–390.
[245] "Alvarado's New Owner," *Variety*, April 13, 1966, 19.
[246] An important observation is that "all male" and "male" do not directly imply a sexual identity and thus have been regarded as more inclusive of men who have sex with men, but who do not identify as gay, José B. Capino, "Homologies of Space: Text and Spectatorship in All-Male Adult Theaters," *Cinema Journal* 45, no. 1 (2005): 50–65.
[247] For instance, at this time the *Los Angeles Times* forbade the words: homosexual, lesbian, perverts, and third sex. "LA Times Tightens Show Ad Policy," *Boxoffice*, January 25, 1965, 5.
[248] *Boys in the Band* was released the week following *Song of the Loon*'s premiere on March 11, 1970.

a demand for homoerotic films was present, Sayles opened the Park on an all male policy. Due to the low numbers of homoerotic films in distribution, the success of the Park Theatre required Sayles to produce his own all male features. Continental's close exchange with resulted in an reciprocal exchange of investments in which Continental programmed their audiences preferred films, audiences invested culturally and monetarily in the theaters, and Continental further invested in audiences by soliciting amateur films and eventually feature productions from patrons and their associates.

In other words, the queer male audiences that Sayles acquired from his sexploitation and later "male" theaters had a hand in the production of his films because their loyal patronage demanded a specific kind of product that had not otherwise been available.[249] First under the Continental Theatres banner, and eventually as Signature Films, Inc., Sayles along with his employee Monroe Beehler shifted Continental into the production and distribution of full-length homoerotic narrative features with films such as Pat Rocco's *Someone* (1968), Tom DeSimone's *The Collection* (1970), and Wayne Schotten's *Friday on My Mind* (1970).[250] Unlike later versions of demographic targeting where studios developed advertising techniques to appeal to theoretical audience preferences, Sayles had a direct connection to his audiences via his theaters and the filmmakers he hired who were often patrons themselves. Sayles' audience-as-stakeholder model operated through a kind of fused supply chain where the dominant share of audience access points to Continental's films were Sayles administered theaters.

Sayles' operation considered audiences as stakeholders in reciprocal cultural and monetary exchanges that occurred between the theater and its patrons. Continental began

[249] Sayles eventually opened more theaters with all male policies including the Avon in Los Angeles, the Park-Miller in New York, and the famed Nob Hill in San Francisco, which is still in operation.
[250] Beehler left Continental in June of 1970; see "Beehler Exits Circuit," *Daily Variety*, June 18, 1970, 8. After leaving he went on to develop his own pioneering gay adult film company Jaguar Productions.

actively soliciting films from patrons and their associates soon after the opening of the Park for the first iteration of a biannual amateur film contest emceed by Pat Rocco and held on November 17, 1968. Pin-up model and sexploitation film star Kathy Crowfoot submitted two short films, *Brutal Seduction* and *The Stripper*, and won the first prize of $300 for the latter film, a spoof of contemporaneous beaver movies featuring a drag performer in black garter and stockings.[251] The amateur program also featured a film called *Personal Observations* directed by Dimitri, a Slovenian immigrant who drew physique art under the name Spartacus.[252] Soon after the contest a selection of the amateur films were featured in an official Park program in January1969 marketed as addressing an audience desire to see them again with the tagline prioritizing patron selection "in answer to your demands;" by March, Dimitri had a full program of new short films showing at the Park for a week under his new studio name of Taurus Productions.[253] Crowfood would go on to work as a cinematographer for Monroe Beehler. This turn of events supports the argument that audiences stakeholders in the sense that two-way exchange of funds and cultural products occurred between Continental and its patrons. For this first and subsequent iterations of the biannual amateur film festival at the Park, audience members and their associates were solicited for entries in the event and in some cases would appear in official Park programs following the case of Crowfoot and Dimitri.

An organization run by close associates of Pat Rocco entitled SPREE (The Society for Pat Rocco Enlightened Enthusiasts) created a microcosm of this audience-producer phenomenon. Founded in 1969 by Pat Rocco's then partner, Brian Reynolds (aka Chuck Robinson), SPREE's

[251] Jay Ross, "Park's Amateur Flicks from 'Great' to 'Dull,'" *Los Angeles Advocate*, December 1968, 14–15, 34. Kathy was reportedly in a relationship with Monroe Beehler around this time, Douglas, "Gay Film Heritage: Jaguar Productions Part 1," 11.
[252] Finley Freibert, "Whatever Happened to Filmmaker Dick Martin? A Roundabout Recovery of Gay Cinematic History," *Washington Blade*, March 15, 2019, 32.
[253] "The 2 Top Winners," Advertisement, *Los Angeles Free Press*, January 17, 1969, 11; "Hang Loose, Man," Advertisement, *Los Angeles Free Press*, March 7, 1969, 17.

name name suggested a kind of Rocco fan club, but it primarily functioned as a social and cultural hub for events and facilitated the production of plays and films. It also proved to become a networking institution for amateur actors and filmmakers to connect with already established names in gay film such as Bob Mizer, Dick Fontaine, and of course Pat Rocco. *The Boy with the Hungry Eyes* (1970) and *Time It Was* (1971), two features directed by Monroe Beehler and shot by Kathy Crowfoot, premiered at SPREE events and the former was nominated for several SPREE awards, eventually winning best picture.[254] This award mechanism pioneered by the Park and later mimicked by SPREE provided audience incentives both to attend screenings and to take small steps in experimenting with film production for an audience of peers. Several SPREE members would later collaborate with Beehler for Jaguar Productions including Brian King, David Allen, Miah Kelley, Joe Caruso, and Gerald Strickland.

Continental's all male theaters widely publicized its audience-centric policy, and aggressively defended it because it had developed into a monetary, cultural, and personnel exchange loop between production and reception. As previously mentioned, Continental would frequently reference audience preferences as a deciding factor for a week's programs, for instance in early issues of the gay magazine *California Scene* ads for the Park, Avon, and Nob Hill were accompanied by the slogan "we always bow to your demands in movies" alongside a photo cutout of a man kneeling in a pose of servitude.[255] Continental guarded this audience-centric policy with such vigor that when competitors attempted to cater to the same market they were met with fierce censure. For example, the Cinema Theatre on North Western Avenue began a repeat "Lavender Cinema" midnight program of gay films in late 1968. In advertisements the

[254] "The Boy with the Hungry Eyes Returns to SPREE," *SPREE News Pictorial*, June 1972, 3. In the SPREE competition, *The Boy with the Hungry Eyes* ended up winning over *Song of the Loon* and also defeating films by Pat Rocco and Dick Fontaine.
[255] "We Always Bow to Your Demands in Movies," Advertisement, *California Scene*, November 1970, 14.

Cinema Theatre claimed to have been the first theater to establish a regular gay program, and Continental submitted a polemical open letter to the *Los Angeles Free Press* entitled "On Being Original." The letter called out the theater's claim as false and also castigated them for attempting to siphon off some of Continental's crucial audience base urging, "YOUR programming, we submit, would seem to be a blatant attempt to capitalize on an already established policy by a competitor."[256]

Continental's audience-as-stakeholder business model was unique enough to prevent competitors to replicate it; in fact it had a built in feedback loop of exchange so that even if audience members were drawn to another theater the bulk of Continental's product could not be. The above cited polemic alone was not enough to stop the Cinema Theater from continuing its Lavender all male policy, however, Continental's closed exchange between reception and production provided the key component that Cinema Theater could not tap into: proprietary production and distribution. Because Continental had solicited its patrons for not only feedback on programming but also to produce films themselves, Cinema Theatre could not access the same films without a distribution deal with Continental or its production arm Signature. This problem was reflected in the Cinema Theater's attempt to poll audiences for demographic data and product preferences. Cinema Theater had ties to Lou Sher's Art Theater Guild, and in turn had primarily distribution access to underground and art cinema rather than the independent local gay films playing at the Park. In a 1969 report to the *Los Angeles Advocate* on its audience's preferences there was a strong preference for locally produced gay independent cinema, particularly that of Gay Girls Riding Club and Pat Rocco. On the other hand there was a marked dislike for underground and experimental cinema—the Cinema Theater's bread-and-butter—

[256] "On Being Original: An Open Letter to the Management of the Cinema Theater, Los Angeles," *Los Angeles Free Press*, August 9, 1968, 20.

which some patrons described as "far out crap."[257] In this case, Continental's production feedback loop that had taken their audience as critical stakeholders ensured that a competitor could not completely replicate their programs given the proprietary nature of their productions, such as exclusive access to Rocco's films.

It was in this context that Sayles would produce *Song of the Loon* in 1969. It was a film developed within a business model that was self-sustaining and audience-centric in the sense that profits from exhibition and distribution could be routed back into new productions that were tailored to suit the already established patronage. Film premieres were also exploited to promote new theater acquisitions. This was the case with *Song of the Loon*, which after a dual premiere at the Avon in Hollywood and the Park in Los Angeles on March 11, 1970, would show at the grand opening of Sayles' newly acquired Nob Hill Theatre in San Francisco, which was set to open on May 20.[258] Press ads promoted the theater as "The New Nob Hill" and billed the film as "The Famous Homosexual Classic," a daring tagline at the time due to the previously mentioned newspaper advertising censorship that up until that point had outlawed the term "homosexual."[259] At this Nob Hill opening *Song of the Loon* was accompanied by the John Holmes auto-erotic short *A Problem of Size*.[260]

Unlike other subgenres of exploitation cinema, many of those involved in the production of 1960s and 1970s all male films were also either patrons or employees of the theaters where

[257] Jay Ross, "Gay Moviegoers Have Their Say," *Los Angeles Advocate*, January 1969, 21.
[258] Newspaper ads for both premiere in Los Angeles and the Park-Miller showing in New York City both advertised their screenings as the "World Premiere," however, the Park-Miller run did not begin until early April. "Song of the Loon: Avon and Park," Advertisement, *Los Angeles Times*, March 11, 1970, IV-14. "Song of the Loon: Park-Miller," Advertisement, *The Village Voice*, April 9, 1970, 58.
[259] It is unclear when the ban ended, but the Los Angeles Times ad for *Song of the Loon* did prominently feature "The Famous Homosexual Classic" tagline.
[260] "Song of the Loon: The New Nob Hill," Advertisement, *San Francisco Chronicle*, May 20, 1970, 46. John Holmes would soon become famous with the rise of porno chic for his starring role in the straight hardcore Johnny Wadd series.

they were shown. Monroe Beehler, who ostensibly completed the directing and editing of *Song of the Loon*, previously worked as a projectionist and advertising director for Continental Theatres.[261] Tom DeSimone and Pat Rocco have discussed how their patronage at some of Sayles' theaters led to their involvement with Continental informed their filmmaking practices for the company.[262] In particular, Rocco, who was a prominent gay community figure, was instrumental in the Park's early phase not only by providing film product, but also in advocating for community patronage of Continental's burgeoning gay cinemas.[263]

Further insight into the audience-as-stakeholder concept is gained by tracing the audience formations at Continental's theaters. While audience and reception data for porn and grindhouse theaters of the 1960s and 1970s is few and far between, a fascinating and unprecedented study of the Los Angeles's gay pornographic film industry's employees and audiences reveals several key insights. That study, Paul Siebenand's 1975 dissertation "The Beginnings of Gay Cinema in Los Angeles," contains a unique glance into the industrial background and audience of the Continental chain. For this dissertation, Siebenand surveyed patrons of the Paris (a Sayles operated theater) over a three-month period in mid-to-late 1974. He also interviewed several individuals involved in the exhibition and production of all male film in the Los Angeles area, including filmmakers who had supplied films to the Park (Bob Mizer, Pat Rocco, and Tom DeSimone) and the manager of the Paris Theatre (Bruce Lovern).

According to the survey's demographic results, those who responded were mainly white and middle class, yet still surprisingly mixed given the relatively high ticket price of $5 at night

[261] As stated previously, while credited on the final film in pseudonym, later interviews with employees of Jaguar Productions indicate that Beehler stepped in as final director and editor after Hanson's departure.
[262] Jerry Douglas, "Behind the Camera: Tom DeSimone Part 1," *Manshots* 5, no. 5 (June 1993): 11. Paul Alcuin Siebenand, "The Beginnings of Gay Cinema in Los Angeles: The Industry and the Audience" (University of Southern California, 1975), 55–79.
[263] Siebenand, 77.

and $3 during the day. In terms of class, over a quarter (28%) self-identified as blue collar, unemployed, retired, or student.[264] Out of the sixty-two respondents, two self-identified as black and all others self-identified as white or Caucasian.[265] Age ranges had relatively equal representation, the largest group being of ages 31-40 (35%), the second largest 41-50 (26%), and the smallest two being the youngest 18-30 (21%) and oldest 51-70 (18%).[266] However, the demographics of this sample do not necessarily represent an average or cross-section of the Paris' audience. Instead, these demographics describe those patrons most open to and comfortable with perusing the lobby (where the surveys were placed), taking a survey home, self-disclosing in answers to the survey questions, and mailing the survey to a researcher they had never met. I mention all these aspects because they all act as hurdles that would have hindered many respondents from obtaining and returning the survey. Even the fact that they were kept in the brightly lit lobby would have hindered participation as many patrons often preferred to stay anonymous in the dark theater.[267]

Testimonials on the audience from Siebenand's interviews with industry personnel describe a constituency that is not only a bit more diverse than the survey results in terms of age, race and class, but also variable depending on time-of-day, day of the week, theater location, advertising, and film content. These testimonials don't appear to register any overt credibility issues since the interview subjects would likely have been informed that the study was not destined for widespread public circulation. Pat Rocco described how younger patrons of the all male Century Theatre typically attended at night, while the fifty and older crowd preferred the

[264] Ibid., 265.
[265] Ibid., 264.
[266] Ibid., 264.
[267] Manager Bruce Lovern mentions this preference several times, see ibid., 236–242.

day.[268] Theater employee Bruce Lovern stated that the Paris' younger crowd expanded on the weekend due to a nearby swap meet.[269] Both Lovern and the *Advocate*'s film reviewer Harold Fairbanks claimed that there was a surprisingly large audience demographic of Asian descent.[270] Lovern does say that the majority of his customers are white.[271] However, he goes on to admit that this reflects the programming and advertising of the Paris more than a stable audience demographic because when they presented black all male films, such as Tom DeSimone's *Black Heat* (1973), the audience was largely African American.[272] Class-wise Lovern said that the audience "runs the gamut."[273] Jim Kepner, who was previously a gay porn reviewer and during the time of the interview was the president of the homophile organization One Inc., uses class-inflected rhetoric to associate customers of all male cinemas in general with a lower class status. Specifically, Kepner abjects the regular patrons of such theaters and denigrates them for having low taste standards: "I think they come closest of any gays to being 'sick.' Most of the regulars don't want good films."[274]

This review of Siebenand's findings sheds some light upon the audience-as-stakeholder exhibition-production feedback circuit that was engaged by Continental during the making and release of *Song of the Loon*. While his study commenced a few years after the release of that film, his interviewees, and perhaps his survey respondents as well, were reflecting on the period which included the time when *Song of the Loon* was produced and released. Given this, it can be surmised that *Song of the Loon* was addressed to and functionally financed by an audience that

[268] Ibid., 68. The Los Angeles Century Theater was one of Beehler's theaters under the corporate banner King Theatres, Incorporated.
[269] Ibid., 234.
[270] Ibid., 35, 234.
[271] Ibid., 233.
[272] Ibid., 233–34.
[273] Ibid., 234. This observation aligns with Sayles' previously cited description of his sexploitation theater audiences as "average males repping all classes of society;" see Murphy, 3.
[274] Ibid., 23.

consisted of men who widely varied among income and age brackets. While on average the typical patron described above was white, the interviews reveal that the racial distribution of the audience was not fixed and widely varied depending on the theaters' shifts in programming.

Both the concept and advertising for *Song of the Loon* reveal that Sayles' audience-centric focus was aware of and attentive to the differences of age, class, and race that composed the gay male niche of Continental's theaters. Whereas queer underground film of the 1960s interpellated an exclusive audience due to their nonstandard mode of address, clandestine exhibition and distribution, and associations with emergent avant-garde art movements, *Song of the Loon*'s circulation was intended to attract patrons with a wide range of demographic backgrounds.

First, as will be expanded on further in the next section, the choice and handling of an established media property, Richard Amory's pulp novel *Song of the Loon*, reflects a cross-generational appeal to both a homophile sensibility (the target audience of the novel) and the countercultural mindset of gay liberation era youths. The novel's original intent was to produce a fantasy of openness and acceptance for a gay male readership affected by Cold War era concerns about the blackmail, backlash, or overt discrimination risked if others found out one's sexual preference. Yet the film proceeds to recode this fantasy through hippie and counter-cultural ethics of "free-love," peace, and solidarity across differences in race.

Second, the genre choice and methods of advertising reveal the producers' intention to target both working- and middle-class demographics. Historically, the western genre, like other entertainment genres developing out of vaudeville since the silent era, was a genre popular among working-class audiences.[275] Although several "prestige" westerns were produced during

[275] Steven J. Ross, *Working-Class Hollywood: Silent Film and the Shaping of Class in America* (Princeton: Princeton University Press, 1999), 1–85.

the Classical Hollywood Era, westerns remained a widely popular genre solidified by the proliferation of 1930s B-westerns and the mass appeal facilitated by the genre's dissemination on television from the late 1940s through the 1970s.[276] The popularity and presence in non-theatrical and non-first run venues such as television and B-grade grindhouses gave the genre a particular resonance among the working-classes.[277] The advertising for *Song of the Loon* would additionally encode its cross-class address in a manner similar to the original novel. As described by the author, the novel drew from the culturally elevated tropes of the Spanish pastoral genre in order to aspire to a status above the low cultural associations of the other homoerotic pulps released by his publisher Greenleaf.[278] In a similar manner, newspaper ads for the film version of *Song of the Loon*, simultaneously underscore not only its aspiration to a literary cultural status through comparison to Jean Genet's work, but also its tentative mass appeal by engaging the viewer as "everyman" and by referencing the book's popularity: "2,000,000 copies sold!"[279] This mixed-class address was also present in the film's distribution and exhibition. On the one hand, *Song of the Loon*'s distributor, Hollywood Cinema Associates run by legendary exploitation filmmaker-distributor Donald A. Davis, was largely known for extremely low budget sexploitation films that were seldom covered in the mainstream film industry presses. Further, via a network of subdistributors the bulk of Hollywood Cinema Associates' films were distributed regionally to low-rent grindhouse theaters with little to no notice in the industry press.

[276] For a discussion of how Western tropes and signifiers came to be classed by the 1970s see Derek Nystrom, *Hard Hats, Rednecks, and Macho Men: Class in 1970s American Cinema* (New York: Oxford University Press, 2009), 59–112.
[277] The working-class nature of the western genre has been discussed in a variety of contexts. For example, the discussion of a self-reflexive address to working-class audiences in b-westerns see Lynette Tan, "The New Deal Cowboy: Gene Autry and the Antimodern Resolution," *Film History*, 13, no. 1 (2001): 89–101.
[278] Richard Amory, "Song of the Loon Becomes a 'Looney Tune,'" *Vector* 6, no. 7 (July 1970): 29.
[279] Specifically, the ad copy invoking an "everyman" states: "It will leave no viewer unstirred, for everyman knows, secretly, that he can indeed hear the haunting cry that is *The Song of the Loon*," in "Song of the Loon: The New Nob Hill," Newspaper advertisement, *San Francisco Chronicle*, May 20, 1970, 46.

On the other hand, exhibition-wise the screening at San Francisco's Nob Hill garnered notice in the industry press and was promoted as a premiere event prompting long admission lines.[280] Yet its Detroit showing occurred at a grindhouse theater, the Roxy, and one reviewer who disliked the film attributed some of his disgust to his perception of the exhibition venue, which he denigrates in class-based terms as "a downtown hard-trash movie house usually inhabited only by winos."[281]

Third, while production documents do not explicitly state that any particular racial demographics were intentionally targeted in the production and release of *Song of the Loon*, both the film's advertising and concept point towards production personnel's understanding that their target audience would not be comprised only of white men. The main tagline of the film "The Famous Homosexual Classic" importantly uses the term "homosexual" rather than "gay," and thus can be understood in the context of that moment as refusing the racial exclusivity of the term "gay." Contemporaneous to the film's release "gay" had become a politicized term embraced by young men who were involved with gay liberation movements following the Stonewall uprisings of June 1969. While people of color were at the forefront of the gay liberation movement since its beginnings, the adoption of the term "gay" has been understood to have associated with white middle-class men.[282] Phillip Brian Harper has specifically described African American men's preference for "homosexual" over the term "gay" because "*gay*, especially, conjures up in the minds of many who hear it images of a population that is

[280] Richard Amory, "Song of the Loon Becomes a 'Looney Tune,'" 29, 26.
[281] James Coleman, "Movies," *Gay Liberator* 18 (May 1972): 13.
[282] For discussion of this association in relation to visual media and erotic consumption Tracy D. Morgan, "Pages of Whiteness : Race, Physique Magazines, and the Emergence of Public Gay Culture," in *Queer Studies: A Lesbian, Gay, Bisexual, & Transgender Anthology*, ed. Genny Beemyn and Michele J Eliason (New York: New York University Press, 1996), 280. For relation to redfacing practices see Rahul Gairola, "White Skin, Red Masks: 'Playing Indian' in Queer Images from Physique Pictorial, 1957-67," *Liminalities* 8, no. 4 (September 2012): 1–17.

characteristically white, male, and financially well-off".[283] The fact that "homosexual" was invoked in the advertising campaign over the contemporaneous, politically resonant, and arguably racially exclusionary term "gay" underscores that Continental's intention was to appeal to both white men and men of color.

Additionally, while some advertisements prominently feature the faces of the two white protagonists, Cyrus and Ephraim, above the title of the film, the main image that was used in the movie's newspaper ads, press book, and one-sheet was the painting by prolific pulp cover artist Robert Bonfils that was originally the artwork for the paperback's cover (see Figure 5).

[283] Phillip Brian Harper, *Are We Not Men? Masculine Anxiety and the Problem of African-American Identity* (New York: Oxford University Press, 1996), 205. The context of his quote is regarding black musicians' practices of self-identification during the 1960s. See ibid., 10–11.

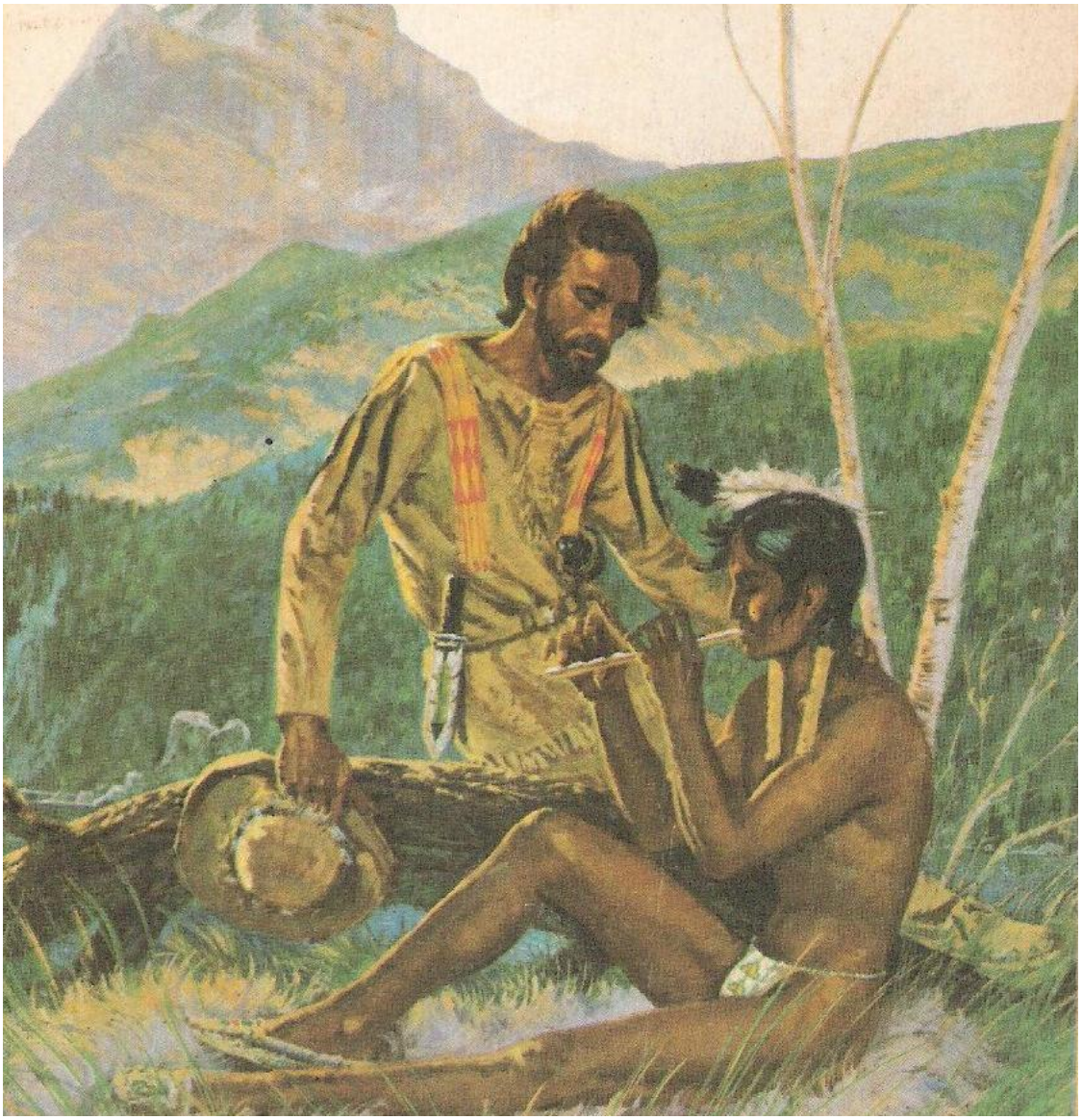


Figure 5: Detail from Bonfils' image used in the book cover and one-sheet of *Song of the Loon*. A full one-sheet for the film is held in Folder 1: Poster, Carton 3, *Song of the Loon* Collection, 2003-35, Gay, Lesbian, Bisexual, and Transgender Historical Society, San Francisco, CA, USA.

The visual structure of this painting supports multiple interpretations. From one perspective the poster can be read as refusing immediate identification with either the Euro-American or Native American characters, and instead aims to provoke the potential film viewer's interest in homoerotic miscegenation. In the painting two men are positioned in the foreground and distinguished racially mainly by their clothing and hairstyles. A bearded and wavy-haired white

frontiersman in a chartreuse tunic reclines on a log in mid-ground as he gazes—perhaps desirously or lovingly—at a shirtless man in front of him who plays a flute. This second man is coded as Native American through the presence of a feather and braids in his straight black hair and the fact that his body is clad only in a breechcloth and moccasins. On one hand, the Euro-American's gaze can be read through the logic of objectification that the viewer may be positioned to identify with. On the other hand, rather than aligning the viewer definitively with the Euro-American's point-of-view, the painting also subordinates his presence behind the indigenous subject and reinforces this subordination through the postures of the two figures. The painting refuses the common Western trope of the rugged masculine cowboy through the displacement of his hat and his vulnerable body language. Rather than wearing his hat as component of a weathered macho ensemble, the cowboy clasps his removed hat below him in a gesture of awe at the Native American, a gentlemanly and polite gesture usually reserved for such occasions as entering into a church or being in the presence of a woman. Further, this white frontiersman's posture is open, arms anticipating an embrace, and the Native American's legs are positioned openly towards the advertisement's viewer. The one-sheet's tagline underscores the anachronistic peculiarity of homosexual miscegenation as a transgression of the Western genre's entrenched racial antagonism by stating in a quirky font, "Curious?" This question is immediately answered with another question that continues to leave the racial identity of the ad's implied viewer ambiguous: "Have you ever wondered about a love story between two men?"[284] Ultimately, this painting and its associated text serve more to underscore a potential ticket buyer's desire to see interracial love and sex than to identify with any particular racial subject position.

[284] What I mean by ambiguous is that it doesn't automatically assume a white male viewer as would be implied, for example, by the question, "Have you ever wondered about a cowboy loving an Indian?"

The history of Continental Theatres exhibition strategies and audience formations reveal how the chain's queer male niche audience was a substantial enough market to determine not only the subject matter of films produced by the chain, but also the properties acquired by the company, the cross-demographic targeting techniques, and the interracial erotic sensibility specifically engaged by *Song of the Loon*. This section broadly contextualized *Song of the Loon*'s production by discussing exhibition contexts, audience makeup, and advertising strategies. The next section employs a more telescopic approach to examine specific production decisions and adaptation strategies that occurred during the making of *Song of the Loon*.

Contractual Queerness

The files in the *Song of the Loon* Collection housed at the Gay, Lesbian, Bisexual, and Transgender Historical Society in San Francisco, along with the few accounts in the gay press of the making of the film, reveal that its production was one fraught with aspirational hopes, interpersonal confrontations, and struggles over how to convey interracial homoeroticism to the film's imagined audience. These struggles are registered in what I call the production's contractual elements, spoken and unspoken agreements that set the conditions for a film's development, production, and post-production. The original novel's intent was to depict an alternative past for a homophile audience of the Cold War Era by translating the genre of the Spanish pastoral into the American western.[285] Adaptation decisions for the film represent an appeal to the counter cultural youth generation while continuing the novel's original intent of imagining an interracial utopic space for male-to-male sexual contact outside of the hegemonic structures of racism and homophobia. Behind-the-scenes, the production largely skewed towards racial inequity in hiring as a hegemonically white cast and crew was hired to depict the film's

[285] Michael Bronski, "Introduction," in *Song of the Loon* (Vancouver: Arsenal Pulp Press, 2008), 9–28.

utopic vision of interracial love between Native Americans and white settlers. The main contractual elements enumerated in this section show that in the production a balance was struck between racialization and eroticization that ultimately privileged unbridled interracial homoerotic fantasy at the expense of substantive criticism of the use of racial stereotypes or the structures of racial inequality. Beyond representational choices or encoded meanings these production traces point to how practices of constructing racial difference, homoeroticism, and gay male politics are triangulated to maximize profit potential for the largest possible sector of the queer male niche.

Besides clashes in production pertaining to the budget and ownership of the film, the negotiations amongst producers, crew, and cast over the depiction of the interlocking registers of racial difference, sexual relations, and identities are the key sites for illuminating how this early softcore homoerotic narrative film diverged from the predominant whiteness in gay erotic media up to that point.[286] These negotiations are evinced in the sexual and racial *contractual* elements of production that set constraints on the performances and constructions of space captured onscreen. I conceptualize the term *contracts* to refer to agreements encompassing not only those recorded materially on paper, but also both spoken and unspoken agreements that codify the production's arrangements of sexuality and race. This conceptualization of production contracts is in conversation with Jeffrey Escoffier's insightful generalization of the sexual "scripts" within gay pornography, which mean, more than written documents containing dialogue, the socialized and performed processes that inform an actor's conduct on set.[287] In this sense, I define the sexual and racialized contracts of gay erotic film production as the spoken and unspoken

[286] For discussions of this predominant whiteness see for example, Hilderbrand, "Historical Fantasies: 1970s Gay Male Pornography in the Archives," 330; Morgan, 280–97; and Whitney Strub, "Mondo Rocco," 28–30.
[287] Jeffrey Escoffier, "Gay-for-Pay: Straight Men and the Making of Gay Pornography," *Qualitative Sociology* 26, no. 4 (2003): 531–55.

agreements that condition and set limits upon how actors or crew members will execute the sexual scripts that are required for the production to transpire.

When considering the racial-sexual contracts evident in the production of *Song of the Loon*, two industry practices are central to how interracial homoeroticism was assembled in the film: "redfacing" and "trade"—congruent in some ways to contemporary "gay-for-pay"—casting. Both of these practices were required of the acting talent as a condition of their hiring. The first was the longstanding motion picture industry convention of "redfacing," the performance of established signifiers and stereotypes of Native American-ness, usually by white actors. The second was the emergent gay adult industry practice of "gay-for-pay" casting understood at this time as "trade," the hiring of non-gay identified men to perform same-gender sexual acts. While both redfacing and trade casting encompass performances that usually condense identities to shorthands via stereotypes, they function differently for their intended audiences and within their industry contexts.

The practice of "redfacing" has existed in the motion picture industry since the silent era, and derives from Wild West shows that were popular since the nineteenth century. Ideologically, redfacing has at least three functions. First, especially when employed in a comedic context, it can function as an overtly racist form of ridicule dependent upon Native American stereotypes. Second, it has also been employed in a non-comedic context to reductively depict Native American's as either "primitive savages" or "noble savages," two of the primary racializing archetypes associated with Native Americans in the western genre.[288] The "primitive savage" trope depicts Native Americans as cruel and vindictive, standing in the way of white progress

[288] For a discussion of representational shifts into the so-called "revisionist western" see Margo Kasdan and Susan Tavernetti, "Native Americans in a Revisionist Western: Little Big Man," in *Hollywood's Indian: The Portrayal of the Native American in Film*, ed. Peter C. Rollins and John E. O'Connor (Lexington: University Press of Kentucky, 2003), 121–36.

and modernization, two ideological alibis of settler colonialism. The "noble savage" archetype presents Native Americans as stoic, honorable, and friendly towards Euro-Americans, yet in need of Euro-American technologies and cultures of modernization in order to survive. Both of these archetypes were generated through stereotypes and are damaging because they support the Euro-American myth that settler-colonialism was justified. Finally, redfacing, specifically when the actor is white, has been described by Philip J. Deloria as a strategy of constructing white Euro-Americans' sense of national identity as distinctly American.[289] Through the lens of this reading, redfacing in the film can be read as a problematic enactment of cultural nationalism by white queers to counter exclusion by anti-gay legal regimes of the state. Rather than forward a critical stance on histories of American settler colonialism, redfacing in gay cultural production at this moment anticipates later homonormative nationalism in the context of the War on Terror wherein, "there is nothing inherently or intrinsically antination or antinationalist about queerness."[290]

Redfacing also functions industrially on several levels. Redfacing practices are a hybrid mixture of various indigenous signifiers that established a standard industry template to convey imagined Native American-ness to moviegoing audiences. This amounted to industry shorthand that mainly appropriated Plains Indians' dress and culture to stand in for indigenous people of any tribe.[291] Further, redfacing was often employed using white actors for several reasons. In the silent era, racist rhetoric was openly used in the industry to discourage the casting of Native

[289] Philip Joseph Deloria, *Playing Indian* (New Haven: Yale University Press, 1998). For another detailed consideration of redfacing see Michelle H. Raheja, *Reservation Reelism: Redfacing, Visual Sovereignty, and Representations of Native Americans in Film* (Lincoln: University of Nebraska Press, 2010).
[290] Jasbir K. Puar, *Terrorist Assemblages: Homonationalism in Queer Times* (Durham: Duke University Press, 2007), 77.
[291] See Deloria and Reheja.

Americans.[292] Due to racialized economic hierarchies in place throughout the 20th century, the motion picture industry, like many other industries in the United States, was dominated by white ethnicities with a relatively closed-shop structure in which it was both convenient and prejudicially preferred to hire talent within an already established racially delineated pool. Since imagined Native American signifiers are more important to Hollywood than any sense of "authentic" replication of Native American cultures, white actors could be hired for such roles with no problem as long as they could perform those signifiers.[293]

It is often argued that revisionist westerns of the New Hollywood era, such as *Little Big Man* (1970) or *McCabe and Mrs. Miller* (1971), reflect a significant and potentially progressive break from traditional westerns.[294] Yet, while the western genre was undergoing revisions in the New Hollywood era of the late 1960s and into the 1970s, redfacing signifiers remained dominant even as film narratives and indigenous representations shifted toward growing criticism of Euro-American settler colonialism alongside increasing sympathy towards Native Americans. Before the production and release of *Song of the Loon*, redfacing had been criticized for both its racist underpinnings and as an inequitable casting practice.[295] Soon after the release of *Song of the Loon* there were several industry initiatives to improve casting practices. In 1973 the Screen Actors Guild (SAG) held meetings with minority caucus representatives which included discussion of Native American casting and stereotypes.[296] In 1975 the SAG president identified

[292] For example, see Ernest Alfred Dench, "The Dangers of Employing Redskins as Movie Actors," in *Making the Movies,* (New York: Macmillan Co., 1919), 92–94.
[293] A famous example is Iron Eyes Cody, an Italian-American actor who passed as Native American and had a successful career playing the archetype of the "vanishing Indian" both onscreen and off. For a discussion of Iron Eyes Cody in the history of redfacing see Raheja, 102–44.
[294] For an early example of this argument see Kasdan and Tavernetti, 121–36.
[295] For example, in 1967 a writer for the African American newspaper *New York Amsterdam News* criticized redface and blackface practices, see "Equity Scores Continuing Discrimination in Casting," *New York Amsterdam News*, May 27, 1967, 20.
[296] "Webs, SAG in 'Historic' Pow on Minority Topics," *Variety*, August 15, 1973, 21, 32. Notably this event followed Sacheen Littlefeather's brief speech at the 45th Academy Awards earlier that year wherein she called out Native American stereotyping and inequitable casting practices.

that minority casting had not improved and underscored that industry management continued to "think white."[297] Despite ongoing criticism, practices of redfacing and casting white actors in indigenous roles remained prominent features of revisionist westerns.

Song of the Loon follows a revisionist western tendency in its shift to a more sympathetic depiction of Native Americans while still employing the motion picture industry's established template for Native American-ness, including redface performances by white actors. While *Song of the Loon* paints a sympathetic portrait of Native Americans, it does so via depictions that hybridize numerous stereotypes. Engaging these problematic depictions, the illusion of Native American-ness is employed to convey a historical fantasy of peaceful settler-Native American erotic entanglement. This is done so at the disproportionate economic expense of potential employees, the production company was known for giving opportunities to gay men, but there are no known instances of the hiring of queer indigenous peoples. Native American representation was not foreign to gay culture of by the 1970s, yet they were often produced for a white gay viewer and ensconced in stereotypes. As Rahul K. Gairola has discussed, since at least the 1950s Bob Mizer's *Physique Pictorial* had employed redfacing as a campy and erotic racializing practice that also reflects the predominant whiteness of its production contexts.[298] Despite this, Native American queer expressions did have some outlets, Maurice Kenny's work appeared in some gay newspapers by the 1970s;[299] later that decade when the Village People came to prominence, member Felipe Rose portrayed the "Indian" persona in the group.

In another clash between performance and identity, the casting of *Song of the Loon* involved the hiring of straight-identified actors, "trade," to play characters who engaged in same-

[297] Steve Toy, "Foot-Dragging on Minority Actors: SAG," *Variety*, June 25, 1975, 43.
[298] Gairola, 1–17.
[299] Lisa Tatonetti, *The Queerness of Native American Literature* (Minneapolis: University of Minnesota Press, 2014), 28–66.

gender sexual contact. "Gay-for-pay" did not exist as an industry or marketing term until the home video era, when certain stars became associated with the term and it was coded as part of their desirability. A similar practice was in use in *Song of the Loon* for factors ranging from convenience to economic efficiency, but was historically embedded in the economics and erotics of sex work specific to this period. As has been described by those involved in gay film production in the Los Angeles area during that era, there were no organized procedures for casting; underemployed individuals ranging from hitchhikers to acquaintances to non-professional actors were often hired. Sex workers in these positions were not always gay-identified, and in fact part of the erotics of encounters with hustlers was the possibility that they were straight-identified, termed "trade" at this time.[300] Along these lines, Barry Knight and Russell Moore jokingly referred to a famous hustler pickup location, the Gold Cup coffee shop at Las Palmas and Hollywood Boulevard, as the "central casting" for their and Pat Rocco's features in the early 1970s.[301] Although there were several gay men behind the camera, on *Song of the Loon*, casting conventions did not necessitate that any sexual identity be explicitly conveyed either by a potential actor or even in the film itself. Testimonials from the director and a cast member reveal that at least three of the main actors in *Song of the Loon*, Jon Iverson, Morgan Royce, and Lancer Ward, identified as heterosexual.[302] The casting of men in these queer roles was structured by the contemporaneous notion of "trade," more contingent on their ability and willingness to be objectified by the camera or perform enjoyment of same sex intimacy than their affirmation of a sexual identity on or offscreen.

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[300] The term "trade" has been used in this way since before WWII, for a discussion of this term in relation to other pre-war queer terminologies see, Chauncey, *Gay New York*, 65–97.
[301] Douglas, "Gay Film Heritage: Jaguar Productions Part 1," 11.
[302] Douglas, "Gay Film Heritage: The Making of 'Song of the Loon' Part 1," 10–17; Douglas, "Gay Film Heritage: The Making of 'Song of the Loon' Part 2," 10–16. Lancer Ward became an editor and sound engineer for Jaguar Productions. In an interview from 1974, he revealed that he identifies as straight; see John Marvin, "John Marvin's Hollywood: Gay Movie Winner," *Quorum* 2, no. 9 (1974): 36.

Industry practices of redfacing and trade casting resulted from contractual agreements concerning performance conventions. The onscreen racialization and sexualization of settler-Native American contact was facilitated by industry practices based in racial and sexual performances and imaginaries. These racial-sexual contracts in performance are supported further by other production conditions ranging from agreements among production personnel, location choices, and scriptwriting decisions.

Director Scott Hanson recalled that the casting call advertised in industry publications consisted of a vague indication that the film would be in the western genre. This caused an influx of potential actors in exaggerated and stereotypical cowboy and Indian regalia to show up at auditions. From Hanson's discussion it is clear that the possible actors' ability to embody idealized masculine "trade," which it was assumed the film's target audience would desire, was more important than actors' sexual identities or equitable hiring of gay-identified or Native American actors. Specifically, Hanson recalls his frustration with the lack of prospective talent who could perform the rugged masculine ideal he was seeking; he states that the call brought in:

> Guys in full Indian drag. Coonskin caps with glitter on them. Somehow, we brought every queen—drag queen, transvestite—out of the closet. And we were saying, "Rugged frontier types," which is what we needed. And all those outrageous people showed up.[303]

This recollection of *Song of the Loon*'s casting process reveals how the films erotic sensibility was rooted in an ideal of ambiguously straight "trade" conveyed through notions of cowboy-Indian homoeroticism meant to appeal to the imagined audience's erotic ideals of brawny masculinity.

[303] Douglas, "Gay Film Heritage: The Making of 'Song of the Loon' Part 1," 16.

Additionally, the employment agreements with the cast and crew of *Song of the Loon*, solidified the film's sexual-racial contract in writing. Under the heading, "Type of Motion Picture Herein Contemplated," each agreement states:

> The ARTIST hereby acknowledges that he has been advised, and that he is aware, that the subject motion picture is of the 'exploitation film' type, and that there shall only be male persons in the cast, that he shall, or may be, at the sole option of the producer, required to appear and be photographed in the nude and, in addition thereto, shall, or may be, required to, while nude, engage in the following portrayals: kissing, embracing, acts of physical or body contact, swimming, horseback riding, and such other stunts and activities which the producer shall, or may, in his sole discretion, require.[304]

All direct references to sexual or racial identities are absent from this statement of contract, but it stipulates that the film is of the "'exploitation film' type" and certain acts will be required and that they will be performed among an all-male cast. The contract underscores that the film's above-the-line personnel understood that these acts could be resisted by possible actors either due to their illicit nature or because they may not be part of that cast member's sexual repertoire. Since these acts are inextricably associated with the depictions of interracial homoerotic encounters that are core to the film, this aspect of the contract reveals how these acts were understood to be constructed aspects of the film's particular exploitable appeal. Actors were required to agree to the racial-sexual contract in advance because idealized notions of homoerotic encounters in the American West were the essence of the film's appeal, and that

[304] Eugene C. Berchin and Stephen Kolodny, "Employment Agreement" 1969, 5, Folder 11: Contracts 1969, Carton 3, *Song of the Loon* Collection, 2003-35, Gay, Lesbian, Bisexual, and Transgender Historical Society, San Francisco, CA, USA.

essence was understood to be a constructed fantasy divorced from potential actors' sexual identity.

Beyond casting practices, contracts of race and sexuality are enmeshed in agreements pertaining to the filming locations and the various iterations of the screenplay. In the novel there are several references to the Willamette Valley and to Astoria, a city in Oregon; the film follows this loosely by generally implying the location to be the Pacific Northwest.[305] In order to convey a degree of authenticity to the film's depiction of the 19th century frontier, access to Northern California's Siskiyou County forests, caves, and bodies of water was provided by the U.S. Forestry Service as mentioned in some of the film's print advertisements (see Figure 6) and prominently stated in its opening credits (see Figure 7).

[305] At the film's opening it both includes a title card stating "The American West 1870" and another acknowledging the location as Northern California, see Figure 7. For references to Willamette in the book see Amory, *Song of the Loon*, 30, 38–39, 49, 61, 166, 179; for references to Astoria see Ibid., 30–33, 38–40, 80–83, 110–14, 130, 143, 154–57, 198–99.



Figure 6: "*Song of the Loon*: World Premiere Engagement," Advertisement, *California Scene*, March 1970, 20. This page is also included by itself extracted from the magazine in Folder 8: National Release, Carton 3, *Song of the Loon* Collection, 2003-35, Gay, Lesbian, Bisexual, and Transgender Historical Society, San Francisco, CA, USA.

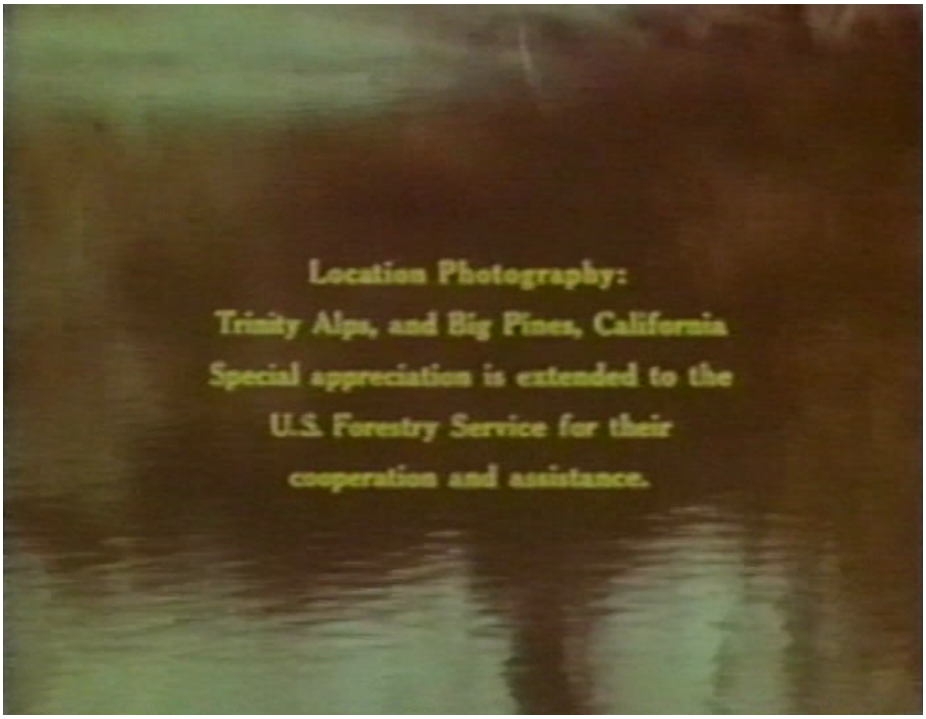


Figure 7: Screenshot from *Song of the Loon*'s opening credits.

The fact that the land was state-owned under the aegis of the U.S. Forestry Service enmeshes this film within the history of Euro-American settler colonialism and the genocide of Native American tribes from this area.[306] While the film does not comment on Euro-American settler colonialism or neocolonial arrangements that allowed the production crew to film on this land, the production facilitated an appropriation of state-sanctioned space for a purpose other than what would have been condoned by the state at that time. In other words, agreements forged with the U.S. Forestry Service act as sexual-racial contracts that allow for the clandestine use of the land for enacting the historical fantasy of harmonious white and Native American same-gender racial mixing. This appropriation was transgressive in a political and legal sense because both

[306] Specifically, in the Treaty with the Klamath of 1864 land and resources were stripped from the Klamath tribes of this Northern California region. For a reprint of this treaty see Charles J. Kappler, ed., "Treaty with the Klamath, Etc. of October 14, 1864," in *Indian Affairs: Laws and Treaties Volume II* (Government Printing Office, 1904), 865–68.

interracial sex and sex between men were cultural taboos at this time, and the latter was still illegal in California. Only two years prior to the release of *Song of the Loon*, the United States Supreme Court decision *Loving v. Virginia* ruled anti-miscegenation laws unconstitutional, so during the making of the film interracial sex and romance was still a hot-button issue. Further, sexual acts between men, specifically sodomy and oral sex, were illegal in California until the enactment of Assembly Bill 489 in 1976. While the film is softcore, and the sexual situations simulated, these illicit acts were implied and thus gave the film an outlaw sensibility. As the director describes, the agreement with the U.S. Forestry Service amounted to a minor fee, yet the cast and crew were required to hide the gay subject matter from homophobic residents of the area and any authorities as well.[307] Additionally, as part of their contract for employment all actors were required to abide by a location non-disclosure agreement.[308] From the secrecy in production and the fact that Continental had a history of problems with law enforcement, this agreement was presumably to keep knowledge of the film's subject matter detached from the on-location filming so that law enforcement or angry townsfolk did not interrupt it. Ultimately, the agreement with the U.S. Forestry Service in the film's advertising represented to the film's queer male audience an unprecedented subversive use of state-sanctioned space for illicit sexual acts between men.

While I do not have any evidence that the distribution or exhibition of *Song of the Loon* were affected by obscenity law, reference to the film in the archives of the Presidential Commission on Obscenity and Pornography support the observation that the film was generally perceived as having an outlaw queer sensibility during the time of its release. In May of 1970, Donald P. Haggerty, a representative of the film technician union, Local 683 of the International

[307] Douglas, "Gay Film Heritage: The Making of 'Song of the Loon' Part 1,"15–16.
[308] Berchin and Kolodny, "Employment Agreement" 1969, 1–8.

Alliance of Theatrical Stage Employees (I.A.T.S.E.) submitted a document to the commission in anticipation of his testimony at commission hearings in Los Angeles. Haggerty's document described post-production workers' frustrations with having to "process, cut, inspect and view licentious rot, including cunnilingus, fellatio, fornication and all phases of homosexuality."[309] Haggerty asserted that it was objectionable that I.A.T.S.E. members were forced to view and process content that they were morally against or repulsed by. He asserted this objection through the rhetoric of worker rights and particularly as a stance for the protection for female workers:

> Many motion pictures being released for exhibition and produced and processed, violate moral decency and our present labor relations laws require our members to process the immoral productions. We particularly object to the requirements of our release viewers (most of whom are women) who must inspect these lurid sex postures, homosexual orgies, etc.[310]

As evidence of this assertion Haggerty provided a list of sixteen film titles, with brief descriptions of their objectionable content.[311] The list included two Pat Rocco films and two Sawyer Productions films, one of which was *Song of the Loon*.[312] On the one hand, the film's cast and crew were largely hired on an individual contract basis through social networks that intersected with the gay audiences that frequented Continental's theaters. On the other hand, the film's post-production involved employees of a film processing firm that were contractually obligated to work on the film as a condition of their employment at the firm. The appearance of *Song of the Loon* in Haggerty's list underscores not only that its softcore homoerotic content was

[309] Haggerty, Donald P. "Statement by Donald P. Haggerty," May 1, 1970, 1. Folder 3: Los Angeles Hearings--May 4 & 5, 1970, Box 28, Commission on Obscenity and Pornography (7B11-13), Lyndon Baines Johnson Presidential Library, Austin, TX.
[310] Ibid., 3.
[311] Ibid., 14.
[312] Ibid. The other Sawyer Productions film listed was entitled *Pigs*. The two Pat Rocco films listed were *Groovy Guys* and *Burnt Wienie Sandwich.*

considered illicit by a broader public, but also that the contractual obligations that preceded the film's release involved contestations by unionized post-production workers.

The contractual racial-sexual arrangements of *Song of the Loon* are particularly evident in the script developed by Hanson and Tiffenbach. In an introductory note, that precedes the screenplay and is dated July 14, 1969, the authors map out how the film's homoeroticism was precisely molded from the source material to appeal across age demographics both to the contemporaneous gay youth generation and also to an older homophile audience: "our story, our theme, encompasses the mentality of youth ... the setting is beautiful—the story is love and peace—the film is today."[313] The authors note that they endeavored to draw out "a feeling of 'peace' and 'love'"[314] from the original pulp novel, which did not intentionally encode that contemporaneous hippie ethic. Rather, in the context of the writing of the novel, it is understood as a product of the politics of the homophile era, that in some ways pre-figures certain later liberation era concerns.[315] In alignment with the homophile sensibility of the source material, Tiffenbach and Hanson additionally state: "keeping in mind the exploitation potential of the subject, we have removed the aura of flagrant homosexuality; we have substituted instead a fantasy of masculine relationships."[316]

These indications in the screenplay introduction signal that the original source material's subject matter of utopic interracial sexual encounters between Native Americans and white cowboys was infused with timely countercultural hippie-era perspectives that advocated freedom

[313] Scott Hanson and Joe Tiffenbach, "Song of the Loon Screen-Play" 1969, n.p., Folder 4, Carton 3, *Song of the Loon* Collection, 2003-35, Gay, Lesbian, Bisexual, and Transgender Historical Society, San Francisco, CA, USA.
[314] Ibid., n.p.
[315] Bronski, 9–28.
[316] Hanson and Tiffenbach, n.p.

from sexual puritanism and solidarity with Indigenous rights struggles.[317] Of course, white counter cultural commentary on Native American culture could and would often take the form of superficial appropriation of the perceived essential qualities of Native American culture that aligned with the hippie ethos (such as the prizing of nature and communal land ownership).[318] Yet there were occasionally instances of white counter cultural solidarity with Indigenous rights groups; for instance the occupation of Alcatraz Island by the Indians of All Tribes from 1969 to 1971 is considered to be a coalitional action between Native Americans and allied non-indigenous activists.[319] The introductory notes of the screenplay reveal the contextual shift between the writing of the book and the screenplay. Both are dependent on a racial-sexual dynamic wherein racial fetishism intersects with the racial antagonism of "cowboys versus Indians" embedded in American popular culture.[320] On the one hand, the book emerged from a context where homophile organizing was the primary gay social movement. On the other hand, the screenplay was written in a context where youth counter culture dispositions were informed by multiple social movements—including gay liberation and the American Indian movement—and these movements' co-presence is expressed in the sense of counter-cultural solidarity and mutual recognition expressed in the screenplay and its introduction.

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[317] For a discussion of Hollywood representation of Native Americans in the context of 1960s and 1970s struggles for Native American civil rights see Jacquelyn Kilpatrick, *Celluloid Indians: Native Americans and Film* (Lincoln: University of Nebraska Press, 1999), 65–100.

[318] Sherry L. Smith, *Hippies, Indians, and the Fight for Red Power* (New York: Oxford University Press, 2012).

[319] Instances of early coverage of the Alcatraz occupation include that of the *Berkeley Barb* and *The Great Speckled Bird*. For more on the coalitions of white counter culture with Native American activism see Sherry Smith's *Hippies, Indians, and the Fight for Red Power*. Van Gosse has described the occupation of Alcatraz island as a cross-racial coalitional endeavor; see Van Gosse, *The Movements of the New Left, 1950-1975: A Brief History with Documents* (Boston: Bedford/St. Martin's, 2005), 45–46.

[320] Later the racial antagonism of "cowboys and Indians" would be taken up by Jaguar's hardcore film *Reflections of an Indian Boy* (1972), which has a narrative that progresses from intra-racial sexual encounters among white and Native American encampments to interracial sex scenes resulting from surveillance operations between the racialized antagonists. Notably the ad campaign for this film sported the tagline "Sexually Everything 'Song of the Loon' Should Have Been and Now Is!" See "Reflections of an Indian Boy: Laurel Theatre," Advertisement, *Berkeley Barb*, July 7, 1972, 12.

The film's dramatization of sexual relationships between men construes indigenous sexual beliefs and practices as the antidote to the white characters' anxieties about homosexuality and polyamory. For instance, in order to come to terms with his tendency to pursue sex with multiple men, one of the principal characters, Ephraim, goes on a vision quest and learns the "way of the loon" from Bear-Who-Dreams. This plot point links the "free love" ethos of the sexual revolution with perceptions of indigenous beliefs about sexuality. The vision quest sequence employs psychedelic effects such as multiple exposures and was typical of the "trip" sequences from the time in films like *Easy Rider* (1969) and *Midnight Cowboy* (1969).

Further evincing the imperative to connect the film to contemporaneous social and racial struggles, another version of the screenplay intercuts the 19th century sequences with contemporary police harassment of gay men in California and then links these gay liberationist struggles against hegemonic forces with an adoration for fictional Native American gay spiritual leaders from the 19th century. These contemporary sequences were not present in the video release of the film I viewed, which takes place entirely in the 19th century. This leads me to believe that these sequences are probably the un-filmed Los Angeles sequences that the director refers to in the interview with Jerry Douglas.[321] This version of the script begins with a contemporaneous clash with the LAPD:

> Some shots of a possible vice-squad bust, perhaps some suspicious eyes in the men's room at the Greyhound Bus station in Los Angeles, or Pershing Square. Ephraim is not apprehended, but is visible as an onlooker. The sound track carries the voices of

[321] Douglas, "Gay Film Heritage: The Making of 'Song of the Loon' Part 1," 15.

passersby (someone says "Queer!"), and the sounds of the policemen, muttering their hostile questions.[322]

The unfilmed Los Angeles scenario diverges not only from the time period depicted in the bulk of the film, but also the utopic fantasy sensibility that permeates the 19th century sequences. This unfilmed Los Angeles sequence frames the utopic interracial fantasy as an escape from the hegemonic atmosphere of the homophobic and racist police state of the late 1960s.

The depiction of a homophobically motivated police raid transitions to a scene in the interior of Ephraim's apartment in which he contemplates drawings of three Native Americans on his wall. These drawings are described in the script as follows:

> We see, hung on a wall, a group of colored drawings, highly stylized in the homosexual manner—these depict three characters we will meet later: Singing Heron, Tlasohkah, and Bear-Who-Dreams. Ephraim seems to be studying the drawings, his finger touching the surface of the paper.[323]

These details in the script's iterations reveal how the film's racial-sexual contract is embedded in a counter cultural ethos of sexual and political solidarity between white and indigenous queer men.

An adaptation choice of this sequence further supports the film's sexual-racial contract of foregrounding cross-racial eroticism with a significant revision from the source novel. In this revision, the novel's introductory alibi for problematic racial depictions is replaced by a transition that fuses sexual fantasy with criticism of state violence. Specifically, the scene transitions between the historical interracial homoerotic fantasy and the contemporary

[322] "Song of the Loon Script Version 2" n.d., 1, Item 2, Folder 3, Carton 3, *Song of the Loon* Collection, 2003-35, Carton 3, Gay, Lesbian, Bisexual, and Transgender Historical Society.
[323] "Song of the Loon Script Version 2," 2.

consciousness of gay men imperiled by the police state. This adaptation choice is rendered in the following way. In the author's problematic introductory note to the book, he demands that readers not interpret a racist intent in his Native American depictions by stating that the novel is based upon the Spanish pastoral genre that is transposed onto the American western. He states that all racializing representations of Native Americans are in essence derived from white European characters and thus should be understood as a transposition of archetypes across racial lines. This attempted alibi for the problems of racial representation states,

> The author wishes it clearly understood that he has, unfortunately, never known or heard of a single Indian even remotely resembling, for instance, Singing Heron or Tlasohkah or Bear-who-dreams. He has taken certain very European characters from the novels of Jorge De Montemayor and Gaspar Gil Polo, painted them a gay aesthetic red, and transplanted them to the American wilderness. Anyone who wishes to read other intentions into these characterizations is willfully misunderstanding the nature of the pastoral genre, and is fervently urged not to do so.[324]

By bracketing the racializing depictions of the novel with this statement, Amory explains that the novel itself constitutes a redfacing representation wherein the white European characters of Spanish pastoral novels are painted a "gay aesthetic red"[325] to become the stereotypical Indian. In this way the author abnegates responsibility for any damaging or problematic constructions of race by, somewhat ironically, asserting that all characters are essentially white and thus absent from the possibility of being racist characterizations.

In the script, this introductory statement is invoked in a different manner. Instead of an apologia for racializing depictions, the quote is mutated into a contemporary white gay man's

[324] Richard Amory, *Song of the Loon* (Vancouver, BC: Arsenal Pulp Press, 2008), 28.
[325] Ibid., 28.

longing for an imagined utopic past of solidarity and sexual correspondence between white settlers and Native Americans. This longing is framed as an escape from homophobic and racist law enforcement practices in contemporary Los Angeles that Ephraim had just observed. In an internal monologue following his gaze upon the drawing of three Native Americans on his wall, Ephraim states:

> I wish it clearly understood (pause) that I have—unfortunately—never known or heard of a single Indian even remotely resembling Singing Heron, or Tlasohkah, or Bear-who-dreams.[326]

The monologue closes and the film transitions to the 19th century Pacific Northwest setting through the following direction "CAMERA moves over the pictures, then we cut to a still picture of Ephraim, close-up; relaxed, staring vacantly, as if day-dreaming."[327] Thus, in the script the intended effect was to link the contemporary queer male experience of police harassment and violence to a longing for interracial solidarity and eroticism in the "lawless" past of the American frontier.

This key moment was considered so important to the film's commercial appeal to the young queer male sector of the target audience that Hanson and Tiffenbach left it to be filmed last as a kind collateral. In their mind the film's success was contingent on these contemporary scenes and thus they thought they could not be let go prematurely if they went over budget unless these scenes were completed.[328] In other words, while the 19th century sequences were considered the erotic draw of the film, what set this film apart from other instances of

[326] "Song of the Loon Script Version 2," 2.
[327] Ibid., 2.
[328] Douglas, Gay Film Heritage: The Making of 'Song of the Loon' Part 2," 13–16.

homoerotic period films was the linkage to contemporary queer struggles against social marginalization.

The contractual elements discussed in this section foreground how the politics of race and sexuality that facilitate the screen representations become enabled by and enshrined in production agreements. The interracial homoerotic elements of the film are assembled by production and performance decisions that are premeditated within the confines of production contracts. On the one hand, the performance of male-on-male eroticism had to be implied in a written contract (an early instance of "gay-for-pay" casting, in this context known as "trade"). On the other hand, redfacing was assumed to be in the repertoire of the acting pool that was drawn from; for unlike "gay-for-pay," redfacing had a long history of development in the Hollywood western. This intertwining of race and sexuality within both spoken and unspoken contracts is partly explained by the fact that the performance of interracial homoeroticism (among ostensibly straight talent) was considered risky and thus in need of codifying in the contract, while the racializing performance of redfacing by whites was considered a standard industry practice. The repurposing of state-sanctioned space was framed as an appropriation of such space for illicit homoerotic purposes, but it also underscores the problematic nature of this production that commercially exploited and took place on land marked by a history of settler-colonial violence. Finally, the script acts in a contractual manner between the onscreen talent and the producers. This script explicitly encodes contemporaneous queer male social marginality as the motivation for the historical fantasy at the core of the film. These various production contracts mediate between the production personnel and the screen content, and absorb the entwined practices of racialization and sexualization of queer contact involved in production. Ultimately the utopic, interracial, homoerotic, and anti-police sentiments in these contracts link

back to support the cross-class and cross-generational demographic targeting engaged in the film's release.

Conclusion

As discussed in this chapter, *Song of the Loon* resists easy categorization among a number of cultural and industrial trends. Like the novel, it straddles the homophile and liberationist distinction by engaging the cultural respectability of idealized white frontier masculinity, while simultaneously advocating for liberationist ethics of radical promiscuity and queer male kinship. In its time, the film aimed to bridge an increasingly divisive generational divide within its market demographic of queer men.[329] Relatedly, the film's intergenerational address is facilitated by a revisionist repurposing of the ideologically conservative western genre with a hippie era countercultural identification with Native American culture. However, unlike Hollywood revisionist westerns that encode their critique through parody of western tropes or direct criticism of the colonial violence enacted upon Native Americans, *Song of the Loon* presents a homoerotic historical fantasy that intended to address the queer male niche audience in erotic terms rather than perform a "critical" revision from within the dominant industry.[330] Further, *Song of the Loon*'s marketing mixed the high cultural associations of queer underground cinema and literary merit with its overt commercialism, as described in internally circulating documents as an "exploitation type picture."[331] Given the mixed cultural associations and contextual demographic data acquired in Siebenand's contemporaneous dissertation on the film's

[329] In a 1971 interview, a manager for the Nob Hill Theatre discusses both how *Song of the Loon* was their most successful film to date and also mentions generational divides among queer men during that time. "Interview with Mark Thomas of Nob Hill Theatre," February 15, 1971, Continental Theatres Folder, ONE Subject Files Collection (Coll2012.001), ONE National Gay & Lesbian Archives, Los Angeles, CA.
[330] I bracket "critical" because as Nystrom has observed, New Hollywood's revisionist tendencies were undergirded by ideological alignment of the working-class with regressive political and cultural mindsets. Nystrom, 18–41.
[331] Berchin and Kolodny, "Employment Agreement" 1969, 5.

milieu, the film encoded a cross-class address. While the majority—if not all—of those involved in the production were white, the demographic data on contemporaneous audiences at all male theaters suggests a possible queer of color reception.[332] The production history of the film is embroiled in antagonisms between auteurist "art-for-art-sake" motives and profit-driven aims, and these antagonisms resulted in the original director's ejection and the completion of the film within budget constraints.

The primary significance of *Song of the Loon* resides in its production history. Before its production, Shan Sayles and Continental had opened theaters on male film policies, effectively claiming public space for queer men to frequent and patronize. This public space-claiming reflected an entrepreneurial equivalent of nascent liberation era separationist politics, in this film industry context, effectively flouting Hollywood's minimal and cynical concessionary acknowledgement of the gay male market. Instead, the film affirmed marginal low-budget gay produced filmmaking and gay operated exhibition spaces. Rather than being driven by an individualistic auteurist at the helm, *Song of the Loon*'s producer's audience-centric business practices steered the decision-making process that determined the film's content and subject matter. Sayles' interest in his theaters' ability to thrive and maintain their status as gay communal institutions and his concern for his patrons' satisfaction extended well into his career as a showman. This concern was sustained even after he transferred the ownership of his famed Nob Hill Theater as he continued to keep in touch with the present owners, calling almost every week, "'Even though he wasn't a business owner he was interested in our numbers' and who the

[332] While not enough to verify a substantive queer of color reception, one reviewer recalls call-and-response audience interactions with the film that included one African-American patron's quip regarding Ephraim's unrealistically perfect grooming in the rugged wilderness: "his perpetually stiff coif prompted one black queen to blurt: 'Miss Girl found some Hairnet in the Old West!'" see Hoctel, 16.

headline performers were going to be, Hoover said. Mr. Sayles wanted to ensure that customers were 'happy,' he said."[333]

As I have argued, the production, exhibition, and reception form a kind of circulatory structure that are not assimilable to representational analysis of the film itself. Existing denigrations of the film's representational politics, even those that interrogate its racialization practices, do so from a standpoint of class-based repugnance. The author's own reflection on the film expresses frustration at the its inability to convey the novel's literary status as a Euro-pastoral and evaluates the adaptation as a "thoroughly pedestrian job."[334] In criticizing the film (and its exhibition venue) as catering to the lowest common denominator, one reviewer evaluates the film's (and the novel's) racial fetishization as a function of what the reviewer observes as class-based "primitiveness;" specifically, the reviewer "finds disturbing the way in which other races, which in the real world have been annihilated, are in fiction made the convenient receptacles for white sexual fantasies."[335] In this sense, contemporaneous viewers were attuned to problematic racial depictions in both the book and the film, but insist on the film's culpability while enshrining the novel's cultural superiority. In this chapter I excavate the film's significance while balancing an interrogation of its origin in racial inequities specific to its medium and industrial context. While both the film and book attest to how interracial eroticism and solidarity were part of the gay liberation imaginary, this imaginary was a white fantasy similar in its structural exclusions to the racially closed-shop contexts of the film's production.

[333] Seth Hemmelgarn, "Ex-Nob Hill Theatre Owner Shan Sayles Dies," *Bay Area Reporter*, December 29, 2016, http://www.ebar.com/news/article.php?sec=news&article=72209.
[334] Amory, "Song of the Loon Becomes a 'Looney Tune,'" 29.
[335] Coleman, 13.

CHAPTER 3: Feminist Alchemy: Nancy Lindsey and the Policing of Distribution and Exhibition in Southern California in the 1970s

"Nancy Lindsey is somewhat of an alchemist—she's turning porn into gold."[336]

"I've never had time for women's lib—I've been too busy working."[337]

At the tail end of 1973, the San Bernardino Police Department (SBPD) was investigating the Fine Arts Theatre on 480 N. D Street in San Bernardino for the screening of the feature *The Devil in Miss Jones* (1973), a new hardcore pornographic film by the director of the famed *Deep Throat* (1972). In the wake of the recently decided *Miller* decision, which affirmed states' rights in the regulation of obscenity, local law enforcement were emboldened to crackdown on adult film distribution and exhibition. Despite the fact that the San Bernardino police had confiscated multiple prints of the film, the distributor swiftly supplied the theater with new copies following each raid.

On December 29th, Officer Suttle of the SBPD confiscated yet another print of the film at around 5:15pm. During the film seizure, Suttle overheard the manager suggest that customers return around 7pm (it is ambiguous whether for a different film or a second print of *The Devil in Miss Jones*). Suttle then came back to the Fine Arts around 7:30pm and "positioned [himself] in a frontal area of the theater to observe occurrences at the theater and attempt to see if another film did arrive and who transported it."[338] The officer waited in the theater for another half-hour, the lights were turned off, and he found a sign at the front door that stated, "Due to police

[336] "Peoplescape: Lady in Blue," *Los Angeles Magazine*, December 1974, 46.
[337] Gregg Kilday, "'Cleopatra' of the Adult Films," *Los Angeles Times*, November 16, 1974, II-6.
[338] D. Suttle, "San Bernardino Police Dept.: Investigation" January 2, 1974, 2, Folder 7: Lindsey, Nancy et al adv. Peo. San Bern. M.C. Cent. Div. No. 101695 (Lindsey) Legal File #1, Box 107, Stanley Fleishman Papers (Collection 1538), Department of Special Collections, Charles E. Young Research Library, UCLA, Los Angeles, CA.

harrassment [sic] the theater will be closed this evening. It will re-open tomorrow at 11:45. Sorry for your disappointment."[339] The message was endorsed by "The Management," and there was a postscript which stated "Please notify the newspaper or anyone you know who cares."[340] Officer Suttle then took numerous photographs of the theater, specifically public facing texts, a poster for *The Devil in Miss Jones*, and advertisements that were legible from the street (See Figure 8 and Figure 9).

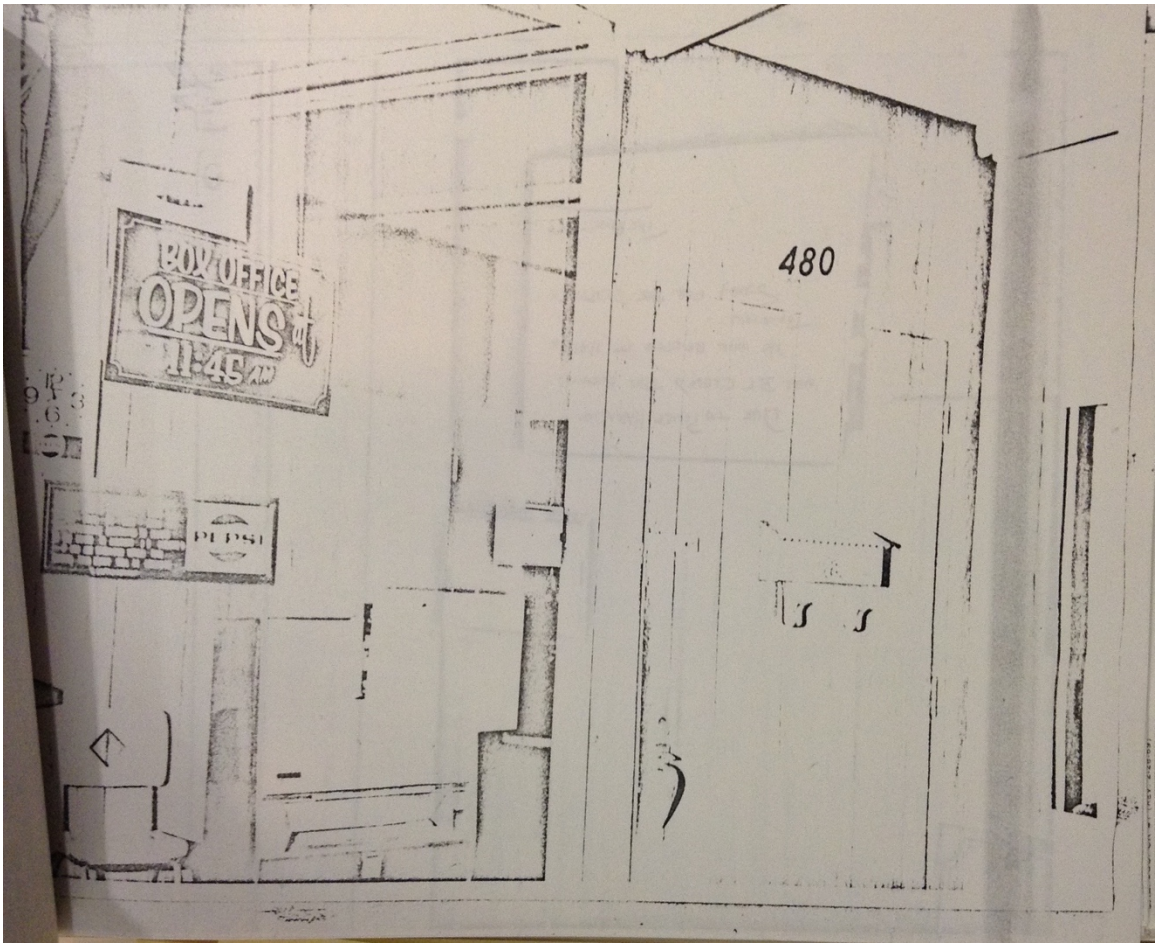


Figure 8: Photocopy of police photo of theater façade, Folder 7: Lindsey, Nancy et al adv. Peo. San Bern. M.C. Cent. Div. No. 101695 (Lindsey) Legal File #1, Box 107, Stanley Fleishman Papers (Collection 1538), Department of Special Collections, Charles E. Young Research Library, UCLA, Los Angeles, CA.

[339] Ibid.
[340] Ibid.

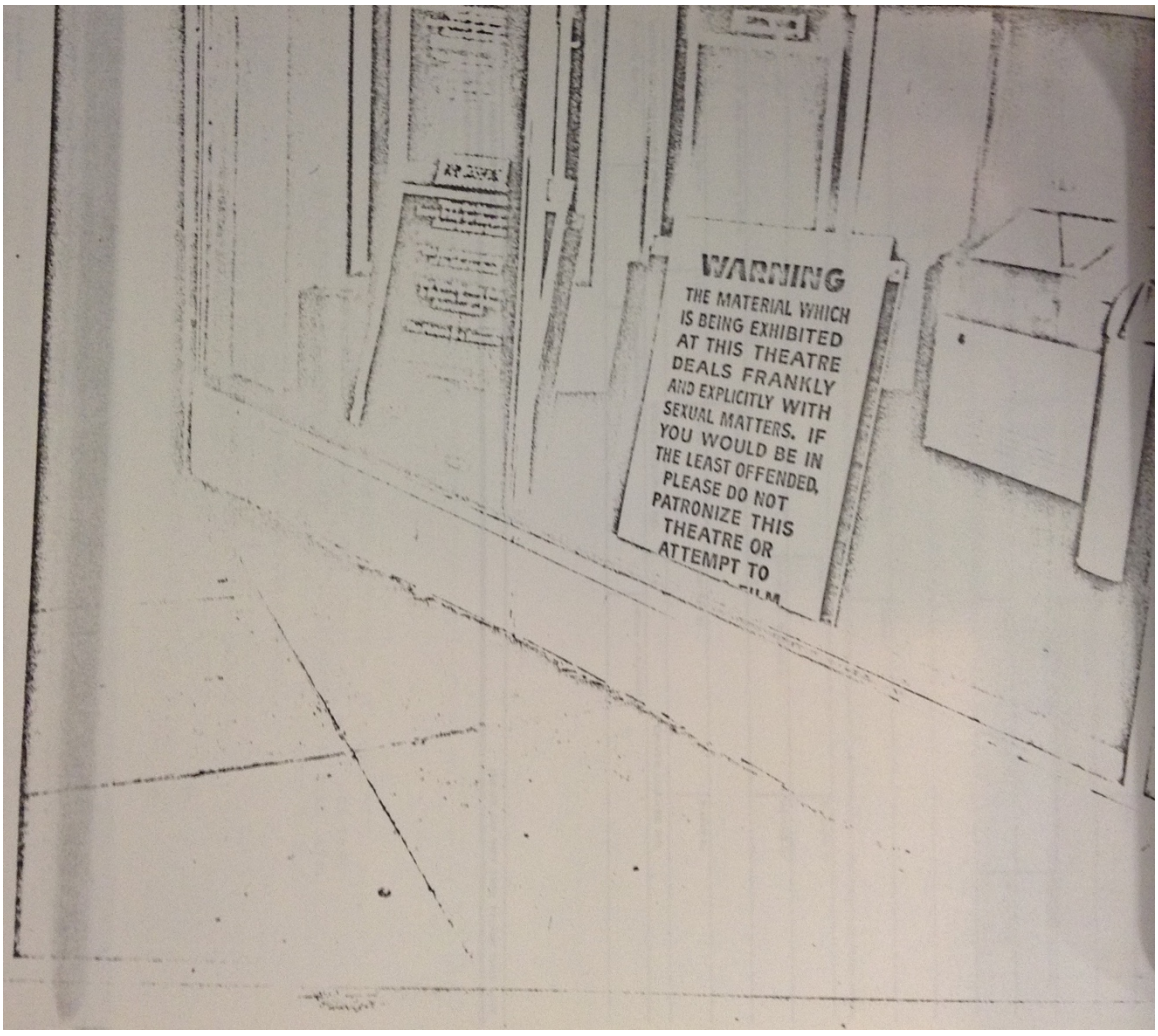


Figure 9: Photocopy of second police photo of theater façade, Box 107, Folder 7: Lindsey, Nancy et al adv. Peo. San Bern. M.C. Cent. Div. No. 101695 (Lindsey) Legal File #1, Stanley Fleishman Papers (Collection 1538), Department of Special Collections, Charles E. Young Research Library, UCLA, Los Angeles, CA.

The investigation of *The Devil in Miss Jones* at the San Bernardino Fine Arts lays bare several key aspects of adult film distribution and exhibition in California during the 1970s. By the 1970s, adult film distribution was increasingly sophisticated to the point that a confiscated print of a major release could be replaced with only a short notice.[341] Adult film marketing had

[341] For a history tracing how adult film distribution and exhibition evolved from both above-ground exploitation industry infrastructures and illicit stag film circulations, see Heffernan, "Seen as a Business : Adult Film's Historical Framework and Foundations," 37–56.

also shifted, as evinced by the abovementioned makeshift sign postscript, "please notify the newspaper or anyone you know who cares." As displayed by that postscript, beyond newspaper advertisements and theater façade design, publicity and marketing tactics for the adult film industry had expanded to include the reporting on battles with law enforcement. Unlike the 1960s when pornography was largely stigmatized as the purview of social "deviants," in the early 1970s pornography became trendy with the rise of its cultural cache in the form of a "porno chic" sensibility. Thus, in the 1970s reporting on the policing of adult film industries served an advertising function since it could be received through a middle-class lens as a "freedom of speech" issue.

Besides industrial shifts in distribution and marketing, the emergence of the hardcore adult film industry in the early 1970s had an increasing significance for cultural contestations in the realms of sexual and gender politics. As I have discussed in previous chapters, adult exhibition industries of the 1960s were publicly visible as spaces of "deviant" sexuality, but also forged actual space for queer consumers, particularly gay and bisexual men. For queer men of the 1970s, hardcore films embodied the pro-sex and pubic visibility ethics of gay liberation that followed the Stonewall uprising of 1969.[342] However, for feminists from this era pornography existed as an ambivalent site and was focalized as a point of contention by the end of the decade in the feminist sex wars.

By the late 1970s the anti-pornography position became a dominant discourse in popular press accounts of feminism despite the fact that there were a diverse range of feminist positions on the subject of pornography, including anti-censorship and sex worker rights standpoints. On the one hand, though far from universal, currently the most remembered and documented

[342] See Hilderbrand, "Historical Fantasies," 327–48; Strub, "Mondo Rocco," 13–34.

feminist position on pornography during the 1970s is the birth of the feminist anti-pornography movement. As Carolyn Bronstein has stated in her history of anti-pornography feminism, the rise of hardcore pornography in the 1970s "brought on an epiphany, an 'a-ha' moment in American feminism."[343] For radical anti-pornography feminists in the 1970s, hardcore was seen as the embodiment of gender inequities. In their view pornography reduced women's bodies to commercially exploitable commodities for heterosexual men's consumption. On the other hand, there was also a diverse range of substantive feminist opposition to the anti-pornography movement.[344] These conflicts arose at the same time as anti-pornography feminism and included debates in various feminist presses about the possibility of women-affirming pornography. Debates about pornography and censorship also emerged in conversation with early sex worker organizing such as the founding of Call Off Your Old Tired Ethics (COYOTE), a sex worker's union, on Mother's Day of 1973. As early as 1971, the Seattle-based women's liberation magazine *Pandora* included a piece entitled "Is Non-Sexist Pornography Possible?" that posed the question of whether there could be a form of pornography congruent with a feminist politics.[345] That article left the question open-ended to spark conversation and debate among the magazine's readers, and perhaps local feminist groups. Adult media, both hardcore and softcore, was generally produced by and for men. This was underscored by lesbian writers at this time,[346]

[343] Carolyn Bronstein, *Battling Pornography: The American Feminist Anti-Pornography Movement, 1976-1986* (Cambridge: Cambridge University Press, 2011).
[344] Gayle Rubin asserted in an open letter in 2013 that there is a tendency to look at the feminist sex wars as a binary opposition between anti-pornography feminists and an imagined uncritical pro-pornography contingent. As Rubin details, the anti-censorship camp constituted a range of oppositions to the anti-pornography position that included negotiated critical positions towards pornography. Gayle Rubin, "The Feminist Sex Wars and the Myth of the Missing Middle: A Letter to The Feminist Porn Book's Editors," Susie Bright's Journal, March 13, 2013, https://susiebright.blogs.com/susie_brights_journal_/2013/03/the-feminist-sex-wars-and-the-myth-of-the-missing-middle.html.
[345] Jane Zumwalt, "Is Non-Sexist Pornography Possible?," *Pandora*, July 13, 1971, 4–5.
[346] Denise Keiller, "'Lesbian' Pornography: The Bottom of the Heap," *Philadelphia Gay News*, March 1976, A11. Desirae Embree has recently asserted that even in the 1980s lesbian produced pornography remained barred from entering existing gay male and straight adult film industries through exclusion from access to capital and distribution

although some texts were occasionally embraced as potentially lesbian-affirming. For instance a lesbian reviewer in Pittsburgh described the softcore French film *Emmanuelle* (1974) as a "meaningful skinflick for Lesbians."[347] In 1976, allied with gay activists, the feminist sex worker coalition COYOTE opposed Dianne Feinstein's continued program to stamp out pornography in San Francisco, and called out the proposed legislation as unconstitutional censorship in their publication *COYOTE Howls*.[348] By the decade's close, Del Martin, pioneering co-founder of the Daughters of Bilitis, wrote an open letter warning other feminists about how anti-pornography legislation could be used against feminists.[349] In sum, rather than two parallel trajectories, the anti-pornography position and a imagined uncritical "pro-pornography" position, in the historiography of feminist considerations of hardcore pornography there was a range of complex negotiated positions.[350]

The story of the Fine Arts and its owner, Nancy Lindsey, adds to the complex history of feminism in relation to adult media industries of the "porno chic" era. The story of Nancy Lindsey and her many business ventures underscores the fact that women were central to all aspects of the adult film industry supply chain. As we will see, women were overrepresented on the lower rungs of the labor hierarchy, yet as in the case of Nancy Lindsey, they occasionally acquired managerial roles within the adult film industry. Studies of hardcore pornography that focus solely on film content overlook this point by implicitly, and sometimes explicitly,

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infrastructures, see "Archive Trouble: Searching for Lesbian Adult Media," *Feminist Media Histories* 5, no. 2 (2019): 240–54.

[347] S. Regal, "Emmanuelle: Meaningful Skinflick for Lesbians," *Pittsburgh Gay News*, June 7, 1975, B7.

[348] Galloping Horse, "National Tattle," *COYOTE Howls* 4, no. 1 (1976): 3.

[349] Del Martin, "An Open Letter to Feminists about Anti-Pornography Laws," c.a. 1980, Folder 6, Box 27, Phyllis Lyon and Del Martin Papers, 1924-2000, Collection 1993-13, Gay, Lesbian, Bisexual, and Transgender Historical Society, San Francisco, CA, USA. The letter was reprinted in the radical feminist publication *Off Our Backs*, Del Martin, "An Open Letter to Feminists about Anti-Pornography Laws," *Off Our Backs* 15, no. 5 (1985): 28–28.

[350] I am indebted to Gayle Rubin for the feedback on an earlier conference draft of this chapter. Rubin urged that I seek out archival sources on feminist opposition to the anti-pornography position.

operating from the assumption that the only women employed in the industry were those who performed in front of the camera. Such an assumption is not borne out by the historical record, Nancy Lindsey was one of several female entrepreneurs who would attain notoriety within the industry by 1980.[351] In that regard, this chapter is in conversation with other historical interventions in adult media history that centralize women's labor and entrepreneurship, such as Lynn Comella's history of feminist sex-toy stores since the 1980s and Joseph Duong's analysis of Arlene Elster's sex-positive adult film production and exhibition in San Francisco in the 1970s.[352]

Nancy Lindsey's women-centered business arose out of her experience in adult film industry marketing and distribution rather than being explicitly tied to a social movement; this makes her case distinct from Arlene Elster's operation that emerged in conjunction with Elster's organizing with sexual liberation groups in San Francisco. Lindsey got her start in the adult film industry in 1966 as an office manager for Bartco, an advertising and accessories company that made marketing materials for sexploitation outfits such as Mitam Productions.[353] She then ventured into film production, by founding Camelot Films, and soon after incorporated a distribution arm called Continental Film Distribution. Lindsey eventually vertically integrated by acquiring a theater chain that she initially ran under the name Sun Film Group. In 1973, she was elected vice president of the Adult Film Association of America, the industry organization for adult film entrepreneurs, and served various other roles in that organization throughout the

[351] Arlene Elster, Ann Perry, and Maria Tobalina were other prominent women in the industry among others. For a discussion of female leadership in the American adult film trade organization see "Women Front That Adult Film Assn.," *Variety*, March 19, 1980, 6.
[352] Lynn Comella, *Vibrator Nation: How Feminist Sex-Toy Stores Changed the Business of Pleasure* (Durham: Duke University Press, 2017); Joseph Lam Duong, "San Francisco and the Politics of Hardcore," in *Sex Scene: Media and the Sexual Revolution*, ed. Eric Schaefer (Durham: Duke University Press, 2014).
[353] Joan Robins, "Image of Adult Theatres Improving, Says 10-Screen Owner Nancy Lindsey," *Boxoffice*, December 9, 1974, W4.

decade. In a 1974 interview with the film industry magazine *Boxoffice*, Lindsey attributed her entrepreneurial drive to her struggle as a single mother that necessitated a focus on survival and success.[354] Despite the absence of a formal linkage with the feminist movement, I argue that Lindsey's women-centered commitments in marketing, production, and hiring reflect a feminist ethos that permeated her business operations.

Reconsiderations of the "porno chic" era have nuanced the history of feminist perspectives on 1970s pornography to counter the notion that the anti-pornography view was the only operative brand of feminism at this time. Joanne Meyerowitz has argued that as early as World War II proto-feminist debates about the display of the female body emerged with divergent ideologies informed by race, class, and generational differences.[355] Jennifer Nash and Mireille Miller-Young have intervened in black feminist accounts of racialized pornography of the 1970s to argue, respectively, that a black feminist perspective can accommodate black female pleasure and that, regardless of white production contexts, black female porn performers of the 1970s were key to a revolution in black access to black erotic images.[356] Rather than speculate about whether black porn star Desiree West was a member of a particular social movement (that is, whether she was a self-described feminist), Miller-Young argues it is more accurate to assert that her presence and performance as a strong self-determining black woman in pornography would have been perceived as aligned with black nationalism and emergent black feminism.[357] Numerous scholars have considered Doris Wishman, an adult film director who disavowed

[354] Ibid.
[355] Joanne Meyerowitz, "Women, Cheesecake, and Borderline Material: Responses to Girlie Pictures in the Mid-Twentieth-Century U.S.," *Journal of Women's History* 8, no. 3 (1996): 9–35.
[356] Jennifer C. Nash, *The Black Body in Ecstasy: Reading Race, Reading Pornography* (Durham: Duke University Press, 2014), 83–106; Mireille Miller-Young, *A Taste for Brown Sugar: Black Women in Pornography* (Durham: Duke University Press, 2014), 66–103.
[357] Miller-Young, 100.

feminism in interviews,[358] in relation to feminist film theory and have presented compelling arguments for placing Wishman or her films within a feminist genealogy.[359]

I argue that Lindsey's operation is an early example of the development of feminist media industries, understood not as a matter of the proprietor's self-ascription as feminist but as a broad umbrella term that includes commercial establishments operated by women and oriented towards a female and couples client base that would later include sex toy stores and queer pornographies.[360] Although Nancy Lindsey did not publicly identify as a feminist, her business decisions, anti-censorship stance, and production of films focused on women's sexual self-determination, I argue, all espouse a commitment to feminist politics. Lindsey's operation closely reflects the principles of feminist pornography outlined in *The Feminist Porn Book* (and usually historicized to the following decade): to incorporate appeals to women and mixed-gender couples (rather than men only), to destabilize conventional notions of sexuality and gender, and to produce sexually explicit imagery in a mode that presents resistance and alternatives to dominant ideologies.[361] Lindsey's business endeavors often focused on women both as an underserved adult film market and as a viable employment pool for her businesses, and she

[358] Andrea Juno, "Interview: Doris Wishman," in *Incredibly Strange Films*, ed. V. Vale and Andrea Juno (San Francisco: RE/Search Publications, 1986), 110–13.
[359] Elena Gorfinkel, "The Body as Apparatus: Chesty Morgan Takes on the Academy," in *Unruly Pleasures: The Cult Film and Its Critics*, ed. Xavier Mendik and Graeme Harper (Guildford: FAB Press, 2000), 157–69; Moya Luckett, "Sexploitation as Feminine Territory : The Films of Doris Wishman," in *Defining Cult Movies: The Cultural Politics of Oppositional Taste*, ed. Mark Jancovich (Manchester: Manchester University Press, 2003), 142–56; Tania Modleski, "Women's Cinema as Counterphobic Cinema : Doris Wishman as the Last Auteur," in *Sleaze Artists: Cinema at the Margins of Taste, Style, and Politics*, ed. Jeffrey Sconce (Durham: Duke University Press, 2007), 47–70.
[360] Appeals to a "couples" market has been a common gateway tactic for feminist sex media industries as discussed in Tristan Taormino et al., eds., *The Feminist Porn Book: The Politics of Producing Pleasure* (New York: Feminist Press at the City University of New York, 2013), 10; Lynn Comella, "From Text to Context: Feminist Porn and the Making of a Market," in *The Feminist Porn Book: The Politics of Producing Pleasure*, ed. Tristan Taormino et al. (New York: Feminist Press at the City University of New York, 2013), 79–93.
[361] Taormino et al., *The Feminist Porn Book*.

produced films that forwarded a women-centered critique of heteronormativity and dominant gender ideologies.

Lindsey's public pronouncements on the subject of women's liberation can be read as a "managed self-disclosure" that reflect business savvy in contexts where an explicit feminist commitment would have negatively affected the bottom line.[362] In an interview with the *Los Angeles Times*, Lindsey was asked about her relation to the women's liberation movement; Lindsey replied that she had "had no complaints from women's lib," and further stated, "I've never had time for women's lib—I've been too busy working. But by putting my name out in front, I have turned some heads around."[363] Her denial of an explicit feminist commitment is in keeping with similar self-disclosing strategies voiced by the early feminist business establishments investigated by Lynn Comella in *Vibrator Nation*. As Comella has documented, numerous women-owned sex toy establishments dedicated to underserved female customers enacted a feminist politics while also rejecting the use of the term "feminist" in their self-characterizations.[364] The entrepreneurs Comella interviewed gave numerous reasons for their rejection of the term: the white and middle-class exclusionary connotations of the term, assumptions that "feminist" does not include sex-positivity, the business consideration that "feminist" may deter a male customer base, and the difficulty of marketing around the term given its diverse and sometimes divisive meanings.[365] Given the context of the 1970s, a women-run business like that of Lindsey's would have been presumed to have an allegiance with contemporaneous feminist politics, which is confirmed by the fact that *Los Angeles Times*

[362] The concept of "managed self-disclosure" is developed in John Thornton Caldwell, "Cultures of Production: Studying Industry's Deep Texts, Reflexive Rituals, and Managed Self-Disclosures," in *Media Industries: History, Theory, and Method*, ed. Jennifer Holt and Alisa Perren (Chichester: Wiley-Blackwell, 2009), 199–212.
[363] Kilday, II-6.
[364] Comella, 161–187.
[365] Ibid., 163, 168, 171, 173–174.

questioned Lindsey about her involvement with women's liberation, and is also evident in her response that "by putting my name out in front" tended to make an impression in a male-dominated industry. Because a substantive feminist market had not yet been established—let alone a market in feminist sex media—an explicit identification with women's liberation would not have been a constructive business move for Lindsey. Her decision to reject that identification in popular press interviews was echoed over a decade later by women-run sex toy establishments that did not identify with the term "feminist" in public venues, but otherwise reflected a feminist disposition.

In a similar vein, Lindsey's active courting a female audience, hiring practices, and her marketing strategies align with a feminist ethos. As we will see in the next section, this was often through the address to a couples audience, an inclusive gesture in opening the adult film market to more than just men. However, she would additionally use a tactic of specifically eliciting female patronage, such as her "Wed Nite, Ladies Nite" policy at the Ritz Fine Arts in Ontario.[366] Lindsey employed women in both managerial and cashier roles at her theaters and facilitated legal representation for her employees when the theaters were busted by police on obscenity charges. Lindsey also cleverly encoded references to the feminist movement in the advertising for one of her films. The title of her production *The Liberated Woman* (1972) was an allusion to women's liberation, and the film's tagline "inside her beautiful body burned a lifetime of unawakened passions" evoked the double meaning of a woman's sexual fulfilment and feminist consciousness-raising.

Further, *The Love Garden* (1971), a film Lindsey produced and distributed, was one of the first publicly advertised adult films to centralize lesbian subjectivity in a way that focused on

[366] "Sleepy Head," Advertisement, *Progress Bulletin [Pomona, CA]*, July 19, 1974, 27.

love rather than stereotypical predatory lesbian archetypes of earlier sexploitation films. Nearly unprecedented at this time, the film presents lesbian subjectivity as a viable alternative to compulsory heterosexuality and culminates with the protagonist leaving her husband to pursue a relationship with a woman. In 1973 Lindsey referred to this as her favorite among the films she had produced.[367] While production and reception data on the film are likely non-existent, I surmise that Lindsey's soliciting of a female audience and production of women-centered films was not singularly motivated by capital, but can be read as a negotiated decision to prioritizing women in a context where it was an economic necessity not to exclude an already established male customer base.

Ultimately, I argue that Nancy Lindsey's business operations performed a kind of feminist alchemy: she facilitated space for female patrons in an otherwise male-centric market, supported female employees under fire for obscenity violations, and ultimately sustained this vertically integrated business model for several years despite persistent law enforcement crackdowns. Lindsey's entrepreneurship could be described as a feminist recalibration of adult media industries in Southern California that predated later sex-positive feminist business models of the 1980s. In this chapter, I focus on Nancy Lindsey's theater chain and the policing that accompanied its operations, particularly in San Bernardino County. In the first section, I trace Lindsey's theater acquisitions and then outline the chain's tactic of targeting female patrons and how advertising methods differentiated that tactic from more traditional adult film theaters. In the second section, I examine law enforcement's stringent emphasis on intimidating low-level theater employees. Finally, I examine the breakdown the policing tactic of search and seizure, which required police to embody the position of the theater patron and in turn prompted a cold

[367] "From Accessories To Adult Features With Nancy Lindsey," *The Independent Film Journal*, June 25, 1973, 8.

and calculated form of close reading of both film content and exhibition contexts. Ultimately, this search and seizure method was meant to curb distribution of certain films in San Bernardino County, but court battles allowed for obstructions in distribution for a brief time.

The Sun Film Group's Demographic Targeting of Women to Promote a Class Uplift of Adult Theaters

In November of 1973, Nancy Lindsey formed a theater chain and incorporated under the name Amber Theatres Inc., and she acquired her first cinema, the Fine Arts Theatre in San Bernardino, for the chain on December 14.[368] Lindsey bought the Fine Arts, as well as the Ritz Fine Arts in Ontario and the Roxy in Long Beach from Tobalina Productions. Incorporated in the early 1960s, Tobalina Productions was a Los Angeles based company run by a wife and husband team, Maria and Carlos Tobalina.[369] A Peruvian immigrant, Carlos Tobalina initially produced Spanish language television commercials and then moved into low budget sexploitation production and exhibition in 1969 after purchasing the Mayan Theater on South Hill Street in Downtown Los Angeles.[370] By 1970 the Tobalinas owned a small chain of six theaters (four in Southern California and two in Washington state) and at one time had such a frequent and publicized rate of production that the industry press would compare Tobalina Productions to major studios such as Universal and Warner Brothers.[371]

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[368] "Registration of Incorporation for Amber Theatres, Inc." November 11, 1973, Business Entity No. 704490, California Secretary of State, Sacramento, CA. "Amber Acquires Highland; Circuit's Tenth House," *Boxoffice*, November 4, 1974, W-4.
[369] "Registration of Incorporation for C. Tobalina Productions, Inc." December 14, 1964, Business Entity No. 482364, California Secretary of State, Sacramento, CA.
[370] "Carlos Tobalina Is Winner Of Cannes 'Prix Bvzance,'" *Boxoffice*, June 14, 1971, 8.
[371] In discussing the rate of production for June of 1970, Syd Cassyd of *Boxoffice* magazine stated "Avco Embassy, Universal and Warner Bros., with two pictures each slated to roll, lead the major companies, equaled only by the independent C. Tobalina Productions," see "Hollywood Report: 18 Film Productions Scheduled to Go Before Cameras in June," *Boxoffice*, June 1, 1970, 10.

One important, yet often difficult to determine aspect of researching theater chains is the ability to distinguish ownership among individual theaters in a chain, the theater chain generally, and the real estate of particular theater locations. This differentiation is important for an industry analysis for several reasons pertinent to the economic and industrial clout of the chain. First, distinguishing among the three levels of ownership indicates the degree to which the chain is involved in the operations of individual theaters under its banner. Second, if ownership of an individual theater and the chain are different, then legal ramifications pertaining to individual theaters (such as licensing, obscenity charges, etc.) often are less likely to burden the chain.[372] Third, if an individual theater is owned and operated by a proprietor different than that of the real estate then the degree of profitability may be substantially offset by the rental rate. Finally, the owner of the real estate has the ultimate decision making power for the space being leased, and thus determining that ownership can reveal the interests that might differ from those of the chain or the individual theater. Whereas Nancy Lindsey's chain owned and operated the theaters under its banner, her company did not always own the real estate.

While it is difficult to determine the real estate holdings for all of Nancy Lindsey's theaters, real estate records for the Fine Arts in San Bernardino reveal that a company with interests in a "competing" theater chain held the real estate while Nancy Lindsey's company owned and operated the theater. This revelation underscores the complexity of the exhibition industry, particularly that owners might diversify their holdings in order to keep profits consistent despite shifts in consumer loyalties. In 1971, Maria and Carlos Tobalina acquired the Alley Cat chain of theaters, including the previously mentioned Fine Arts, Ritz, and Roxy, when

[372] This was the case for Continental Theatres in the previous chapter, where the chain acted as a holding company and was typically only affected by legal issues arising from individual theaters when one of the chains partners was involved in that individual theater's operations.

the last owner, William Wall, decided to exit exhibition after he had been prosecuted and served jail time for violation of the obscenity statute.[373] For the Fine Arts in San Bernardino specifically, the Tobalinas obtained both the license to operate and the real estate.[374] On May 29 of 1973 the Tobalinas transferred the real estate to Walnut Properties, Inc.,[375] and a few months later Lindsey would begin operations of the Fine Arts under her corporate banner. Walnut Properties was a real estate corporation, owned by Vincent Miranda, that operated the Pussycat theaters, arguably the most famous adult theater chain in Southern California throughout the 1960s and 1970s.

The ownership of the Fine Arts' real estate by Walnut Properties is significant because it demonstrates the complexities involved in the exhibition industry and the publicity tactic of corporate differentiation despite industrial consolidation. In an article culled from an interview with Nancy Lindsey in the mid-1970s, the *Los Angeles Times* would indicate that Vincent Miranda was Lindsey's main competitor.[376] Yet in other contexts, Lindsey would work closely with Miranda and even refer to him as a business mentor.[377] This seeming discrepancy has at least two possible explanations. For one, this may have been a nuanced industrial relation where in some situations it made business sense for Lindsey and Miranda to collaborate and in others, for instance when their theaters were in close proximity, they directly competed for patrons. On the other hand, this business tie could suggest that Lindsey and Miranda worked primarily in cooperation and only kept a veneer of competition for their public facing representations. If so

[373] "Ex-Theater Head Goes to Jail for Smut Film," *Independent Press-Telegram [Long Beach, CA]*, December 18, 1971, A3.
[374] "IRS Reopens Fine Arts Shows in Area," *The Sun [San Bernardino, CA]*, July 21, 1971, C3.
[375] "Escrow No. 6000-44825: Notice to Creditors of Bulk Transfer," *The Sun [San Bernardino, CA]*, May 16, 1973, D8.
[376] Kilday, II-6.
[377] "AFAA Membership Drive Begins; 'Tormentors' Skip California Confab," *The Independent Film Journal*, February 4, 1974, 13, 19; "From Accessories To Adult Features With Nancy Lindsey," 8, 73.

this is not surprising since public displays of consolidation in media industries do not generally look favorable from a consumer standpoint where both the pretense of competition and displays of product variety allow consumers to partake in the fantasy of capitalist "freedom" through performances of individualism in their selection from a panoply of products.

Newspaper publicity, advertisements, and scheduling policies for Nancy Lindsey's Amber Theatres and Vincent Miranda's Pussycat chain differentiated their two operations and pursued two different audience segments. Amber Theatres aggressively courted audiences of women and couples while the Pussycat Theaters primarily sustained brand loyalty forged in the 1960s when adult theaters were viewed as male only spaces. In nearly every interview with the popular press in the 1970s, Lindsey would announce her theaters' appeal to mixed-gender couples. In an interview with *Los Angeles Times* she stated that her theaters initially drew couples because of the popularity of porno-chic films like *Deep Throat* (1972) and *The Devil in Miss Jones* (1973) and that "the job now is to keep the couples coming back."[378] In another interview, she asserted that her theaters provided a sex positive environment and that her film selections were curated to facilitate couples' communication about sex.[379] These interview comments not only served to inform readers of the shifts in adult film industry strategy, but also acted as publicity for her theaters in a way that openly invited couples to patronize them. While this tactic of targeting couples was linked with class uplift away from the lowbrow associations of adult theaters, it was a strategy of legitimation that differed from those of other adult theaters where more frequent techniques of class elevation included ticket price increases and remodeling with more opulent decor.[380] For example, articles in the industry and trade press that drew from

[378] Kilday, II-6.
[379] Robins, W-4.
[380] The couples strategy was also used in San Francisco by exhibitor Arlene Elster. For a discussion of the politics and economics of Elster's Sutter Cinema see Duong, 297–318.

interviews with Vincent Miranda would often refer to his knack at remodeling as what turned his business ventures (particularly adult theaters) into more "respectable" venues.[381]

An analysis of the newspaper advertisements and scheduling of Nancy Lindsey's theaters in comparison with Vincent Miranda's also reveals the two's differing demographic targeting. A set of advertisements from July 7, 1974 in *Los Angeles Times* is composed of typical examples of both Lindsey and Miranda's theater ads from that year (see Figure 10).[382] Lindsey began the operation of her chain by doing business as Sun Film Group, although she would later shift the public facing name back to the corporate name Amber Theatres.[383] Importantly, the chains' names are each featured prominently in the advertisements. This advertising technique was only common when a chain wanted to facilitate a brand image that could court consumer loyalty and convey a shared sensibility among the associated theaters. Even the names of the two chains already gesture towards two different demographics. For adult media industries since as early as the 1950s, the word "sun" was often associated with nudist print and motion picture media. In that context it was used to promote the perceived health benefits of the nudist lifestyle, such as sun tanning and outdoor exercise, in order to counter the perception that nudism deviated from normative heterosexuality. Stemming from that origin, the "sun" in Sun Film Group connotes a healthy wholesomeness. The "film group" terminology appears to give the chain the sophisticated trappings of a filmmaking collective or film club, but restrains the leftist affiliations of terms like "cooperative" that would be the purview of underground cinema groups like Jonas Mekas' The Film-Makers' Cooperative. On the other hand, in the sexploitation milieu, in the

[381] Even the titles of the following sources reference "respect" as the guiding principle for legitimation, see Arthur Knight, "Adult Film Group in Quest to Gain Respect," *Los Angeles Times*, February 17, 1974, sec. Calendar, 14, 17; Jim Harwood, "Pussycats' Miranda Worked To Give Porn Some Respect," *Variety*, January 12, 1983, 32. The latter of the two only retrospectively mentions the couples audience as important to Miranda's operations.
[382] "Adult Movies/Entertainment," Advertisements, *Los Angeles Times*, July 7, 1974, sec. Calendar, 29.
[383] "Doing business as" is a legal and business term that refers to when a company operates under a separate name from their official name of incorporation.

mid-1960s "pussycat" existed as a gender coded term for a woman who assertively displays her sexuality publicly.[384] Further, with the rise of hardcore film out of the stag loop industry where female genitalia were referred to with animalistic terms like "pussy" or "beaver," the chain's name also invoked this euphemistic meaning. Thus with Pussycat's associations with both 1960s sexploitation theaters, where male audiences were the dominant patronage, and stag loops, which often showed in homosocial men-only contexts, the chain's name had a built in affiliation with male customers.

The advertising design of the different chains ads further underscore the strategic differentiation of the two chains. Ads for movie showings in newspapers from the 1970s operated through logics of territory and impact. Ad space was bought in a newspaper where a theater could assume that their advertisement would appear adjacent to advertisements for other theaters. Therefore, although newspapers occasionally sectioned-off each ad's territorial space from another through thin dividing lines, advertisers would employ further strategies to display to a potential patron that one's theater offered a unique and significant attraction unavailable at other theaters. In terms of territory, theater advertisers would usually implement a thick, dark border to keep the viewers gaze contained in the space of their ad. In order to impact the customer and convince them to go to the theater, the advertisers would aim to create a unique visual design incorporating text about the theater itself, alongside text or images from each film's press materials. With this typical theater advertising strategy in mind, it becomes clear the extent to which Vincent Miranda's and Nancy Lindsey's theater advertisements conformed or eschewed the typical strategy (see Figure 10).

[384] Famously this term is part of the exclamatory title of Russ Meyer's *Faster, Pussycat! Kill! Kill!* (1965). Other sexploitation examples employing this term include *The Green Pussycat* (aka *The Pink Pussy: Where Sin Lives*)(1964), *Pussycat Pussycat* (1964), *Platinum Pussycat* (1968), and *The Girl from Pussycat* (1969).



Figure 10: In the Adult Movies/Entertainment section of *Los Angeles Times*, four Sun Film Group Ads are positioned around a Pussycat Theatres ad. The Sun Film Group ads employ curved dotted lines while the Pussycat ad includes a stiff bold-line border with sharp corners. "Adult Movies/Entertainment," 29.

Ads for the Pussycat Theatres depended mainly on the name recognition of the chain and to attract a predominantly male audience by underscoring the fact that the theater was showing hardcore pornographic films. The Pussycat Theatres advertisement follows the usual strategy in marking a distinct territory to confine the viewer's eye to its ad. Within the demarcated border, black or white boxes divide the space to convey individual units of more distinct information pertaining to the chain. At the top "Popular Prices!" is emboldened in white text against a black rectangle. This exclamation that the chain operated with a low price of entry underscores the fact

that at this moment Miranda's did not aspire to the exclusivity associated with a higher ticket price. In the next section of the ad, press materials for the film *Whatever Happened to Miss September* (1973) are engaged in a visually striking manner, a portrait of Tina Russell against a black backdrop is positioned at a canted angle with the two title words "Miss" and "September" colliding at the highest corner of the oblique quadrilateral. Adjacent to this press material, typical announcements that convey that the venue is an adult theater showing hardcore pornographic films: the X rating, the 18 and over age requirement, and the suggestion to call the theater for additional information on accompanying films and show times.[385] The bottom half of the advertisement lists the names, addresses, and phone numbers of the nine Pussycat theaters located in southern California. The theaters are divided into two categories: those open until midnight and those open all night. The fact that there is no specific emphasis on show times, and particularly that some theaters are open all night, relates to the potential patron that the theaters' main attraction, hardcore adult content, can be experienced by arriving at any time independent of the individual film's start or end time. Taken as a whole, this ad largely depends on a prospective customer's recognition of the Pussycat brand name. The chain name itself appears three times in the ad, but in nondescript sans serif font that underscore the fact that the name itself already had a built-in connotation, which did not require any stylistic font to convey its message. One of the mentions of the chain's name conveys that the theater itself is the main attraction, regardless of the film being shown: "Remember. . . It's a Pussycat Theatre!" Such a statement reiterates that the Pussycat chain was a dependable source that satisfied patrons who were seeking hardcore sexual content (or sexual contact within the theater).

[385] Suggestions to call the theater had been used in adult film ads since the 1960s to suggest that more titillating content could be described over the phone than in a public facing newspaper ad.

The Sun Film Group ads functioned to underscore an emergent and distinct brand identity in order to promote a chain of theaters that had recently shifted hands. In an attempt to open its market to a younger, more educated audience of couples and women, this chain's ads diverge almost entirely from the logic that informs the Pussycat advertisement. Instead, the Sun Film Group ads display an experimentation with the form of the theater advertisement that tends towards openness, boundary crossing, and the "art film" associations of film festivals. First, the chain's ads do not employ a strict bold boundary to cordon off advertising territory and reign in the reader's eye. Instead, each ad includes a dotted line loosely extending along the top and right edges of the ad. In a rejection of the strict four-cornered rectangular panel look of a typical theater ad, the dotted line is further curved at the edges. The conjunction of the smooth curved and the dotted openness of the line encourages the reader's gaze to meander outside of an individual theaters ad space into other Sun Film Group ads (ironically the strict bold line of the Pussycat ad structurally prevents the viewer's gaze from meandering into its ad space). Second, instead of promoting an affordable price, as the Pussycat does, the Sun Film Group ads employ words that connote the aspirational associations of "high art" associated with "art cinema" and film festivals. In this vein, the *Rings of Passion* (1973) ad states, "One of the very best films of the year" and "A fine cast of newcomers," the *Sleepy Head* (1973) ad warns "Exclusive West Coast Engagement," and *The Hardy Girls* (1974) ad exclaims "Direct From the New York Erotic Film Festival!" Third, although the films shown at the Sun Film Group theaters are hardcore pornographic films, none of the ads acknowledge this. Unlike the Pussycat ad which explicitly states that the film is rated X and that patrons must be 18 years or older, the Sun Film Group ads all hide the fact that the films are hardcore in the following ways: each ad uses the term "erotic" at least once, the *Sleepy Head* ad describes the film in feminized terms as a "sensitive adult

experience," and none of the ads mention any policy of age restriction. Fourth, unlike the Pussycat theaters that downplay the importance of specific showtimes and in some cases were open all night, some of the Sun Film Group ads refer to the film showings in terms that recall the live theater "continuous performances," another as a "Blockbuster Erotic Show of the Year." These theatrical phrases along with the fact that three of the ads mention specific matinee showtimes work to elevate the class status of these venues with the implication that one should see the entire film and arrive punctually. Finally, the name Sun Film Group appears in a logo at the bottom left corner of each ad. The brand name is stylized in a curved Art Deco-esque font, and the name is encircled within the image of a sun. The sun's rays splay out in a psychedelic pattern, and the logo is repeated in miniature across the left-hand border of each ad.

Through newspaper advertisements and interviews in the industry and popular press the Sun Film Group worked to project a brand identity that welcomed male-female couples, and particularly female patrons. In doing so the chain engaged tactics of both generational differentiation, by targeting a younger demographic, and elevated class status to forge a new market outside the older, often working class and underemployed, male audiences of typical adult theaters. The next section examines the policing of the Sun Film Group's San Bernardino theaters and how that policing was related to the employment hierarchies within the theaters.

"What the hell is an obscene Hershey bar?": Ensnaring of Low-Level Theater Employees in San Bernardino Obscenity Battles

Soon after she incorporated Sun Film Group, Nancy Lindsey's chain was targeted by local law enforcement for "obscene" film exhibitions. At various points, her Fine Arts Theatre in San Bernardino was met with daily police raids. In these raids San Bernardino police made all attempts to inhibit the theaters operations with tactics including the confiscating of film prints,

the arresting and jailing of all employees possible, and the intimidating of theater patrons. In front of surprised audiences, the raids would proceed in an often spectacular manner that included the busting down of locked doors, confrontations between theater employees and police, and the parading of handcuffed employees in front of bewildered customers.

In this section, I argue that one of the major tactics engaged by police was the targeting of low-level theater employees that were at a industrial and legal disadvantage because of their precarious position outside of both the management sector and the unionized realm of the exhibition industry. On the one hand, despite the fact that the corporation's legal counsel typically represented these employees, there were built in stipulations that this representation would be severed if the interests of the corporation and its management ever differed from those of the employees. On the other hand, unlike motion picture projectionists who had union representation that had successfully lobbied for projectionists' exemption from the obscenity statute, other theater employees were not typically unionized and would not be exempt from prosecution until later in the decade. By threatening the livelihoods of the theater's most vulnerable workers, law enforcement attempted to undercut the labor necessary for maintaining the daily theater operations. This section will trace the details of this policing tactic and how it was contextualized by legal shifts in obscenity law in the 1970s.

In 1968, the California Legislature incorporated an exemption in the obscenity statute that excluded motion picture projectionists from obscenity prosecution when a theater was under fire for obscene exhibition. Similar exemptions were instated across the US, and by 1969 eleven states had adopted the exemption.[386] These changes were the result of an organized effort of projectionist unions that lobbied state representatives. While usually prompted by local chapters

[386] "Bills Protecting Projectionists Passed by Four States," *The Independent Film Journal*, May 26, 1969, 5.

of the main media industry technician union, International Alliance of Theatrical Stage Employees (IATSE), the lobby was discussed as a major initiative at the 1967 IATSE Executive Board meeting.[387] The argument for this exemption was that projectionists were caught in a double-bind that put their livelihood in jeopardy; a hypothetical description of this double-bind is as follows:

> If he refused to handle a film, he would violate his union's contract with an exhib (also, in some cases, possibly violate Federal laws relating to secondary boycott); if he projected the film, he might be caught up [. . .] if the police busted the house for showing the film.[388]

In other words, before the instatement of the law, not only could projectionists not selectively refuse to show certain films due to employment obligations, but also they could be held liable if the film was found to be obscene.

While this revision of the obscenity statute was considered a major stride for projectionists, many other theater employees (such as cashiers, concessions workers, and others) were still left vulnerable to prosecution. Speaking of the absurdity of making concessions workers vulnerable to arrest, one theater's publicist emphatically asked a San Bernardino reporter "What the hell is an obscene Hershey bar?"[389] This vulnerability of low-level workers would not change until 1975 when the projectionist exemption would be expanded to cover any theater employee as long as they both did not have a financial interest in the theater (other than wages) and did not have any influence on the film programming.[390]

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[387] "IATSE Executive Board Meets in Hawaii Oct. 9," *Boxoffice*, October 2, 1967, 12.
[388] "Exempt Boothmen from Porno Pinch," *Variety*, June 19, 1968, 24.
[389] "Vice Officers Raid 2 Theaters, Seize Films, Arrest 3 Women," *The Sun-Telegram [San Bernardino]*, October 10, 1974, B-5.
[390] "Chapter 793," in *Statutes of California 1975-76 Regular Session* (California State Assembly, 1975), 1817.

The unique protection of projectionists, among the array of employment positions available in the cinema, further reflects the gendered associations of nearly all positions of employment in the film exhibition industry. Promoted as a kind of "home away from home," motion picture theaters' cultural association with the domestic sphere had fused the majority of roles in the exhibition sector with the feminized status of the homemaker.[391] Motion picture projection is one of the few professions in exhibition that had a masculinized status, often referred to in industry slang by the gendered term "boothman."[392] This status was due to both the professional craft connotation that the profession acquired through unionization and the fact that unlike other forms of employment in the theater, such as concessions, ushering, and general upkeep, projection was not homologous with any form of domestic labor. Thus, the motion picture projectionist held an exceptional place in the film exhibition sector due to their profession's cultural association with masculinity, its organized and strong union protection, and its newfound discharge from obscenity liability.

Projectionists' exceptional status is reflected by their remarkable absence in the archival sources of the raids on Nancy Lindsey's theaters. Whereas, in police reporting nearly every employee of the Fine Arts is described in great detail with the officers' perception of each individual's gender, race, and other distinguishing features, the projectionists are never identified in that manner. Further, the projectionists are almost never referred to by name. Perhaps most notably, although police always entered the projection booth during each raid in order to confiscate film prints, which usually involved the projectionist's assistance in separating the celluloid reel from the projector, oftentimes the description of this seizure process almost appears

[391] The gender associations with exhibition professions are analyzed in great detail in Ina Rae Hark, "The 'Theater Man' and 'The Girl in the Box Office': Gender in the Discourse of Motion Picture Theatre Management," *Film History* 6, no. 2 (1994): 178–87.
[392] "Exempt Boothmen from Porno Pinch," 24.

to indicate that there is no projectionist at all. For example, from San Bernardino police files that document a Fine Arts raid on March 2, 1974, the police reports that describe the film print seizure do not mention a projectionist, however, one of the theater's cashiers is described in extreme detail: "a White/Female, approximately 20 to 25 years had light brown hair wearing glasses and also it was noted that she had a bad complexion (sic)."[393]

The law enforcement gaze on non-projectionist employees constructs and projects a perceived illegality of these employees' work at the theater. The police did not only scrutinize the physical description and identity of non-projectionist theater employees, they also took special notice of the actions taken by these employees. Police descriptions of these employees' actions convey a sustained sense of suspicion that underscores the law enforcement gaze's construction of the illicitness of their presence in the theater. One of the early raids on the Fine Arts reflects this sense of suspicion and construction of illicitness. On December 26, 1973, a San Bernardino police officer attended a showing of *The Devil in Miss Jones* (1973) at the Fine Arts. The officer noted that he bought a ticket from one of the two white female cashiers, and he then entered the theater to view the film. During his description of the viewing experience, the officer kept copious notes on seemingly random details of a cashiers' entrance and exit of the lobby, the theater, and the office. Referring to himself as "the undersigned," in the police report the officer describes:

While viewing the film, the undersigned observed that one of the female subjects that was in the lobby behind the ticket counter, entered the theater on several occasions, walking towards the rear where the office is located. This same subject was also observed by the

[393] R. Powers, "San Bernardino Police Dept.: Investigation" March 4, 1974, Folder 7: Lindsey, Nancy et al adv. Peo. San Bern. M.C. Cent. Div. No. 101695 (Lindsey) Legal File #1, Box 107, Stanley Fleishman Papers (Collection 1538), Department of Special Collections, Charles E. Young Research Library, UCLA, Los Angeles, CA.

undersigned walking towards the front of the building where the lobby is located, through the theater portion, passing the screen on which various sexual activities were being shown at that time.[394]

The function of this description is ambiguous: it could be that the officer was suspicious of why the employee was entering the theater, it could be that the officer suspected that money or contraband was being transported to a storage area, or perhaps the officer was establishing that the employee would have known the contents of the film since she entered the theater. The reason was likely the latter due to the fact that obscenity law necessarily had a built in "scienter" element that required knowledge of the criminality of matter on the part of the accused. The above description in the police report is typical of the numerous raid reports on the Fine Arts, where low-level employees, particularly cashiers, were cast as the most dubious employees of the theater.

The following day, December 27th, officers returned to the theater and served a search warrant to confiscate the print of *The Devil in Miss Jones*, but a major function of the raid was reconnaissance with the intention of shutting down the theater completely. During the raid, officers took steps to ascertain the business structure of the Fine Arts, mainly through questioning the theater's employees. From the descriptions in the police report and the subsequent repeated arrests of the Fine Arts employees, this documentation of the business structure likely served multiple purposes: to determine the proprietor of the theater for the purposes of obscenity liability, to decide whether the theater might be in violation of business licensing ordinances, and to map the employment hierarchy in order to determine which arrests

[394] P. Bryan, "San Bernardino Police Dept.: Investigation" December 31, 1973, 1, Folder 7: Lindsey, Nancy et al adv. Peo. San Bern. M.C. Cent. Div. No. 101695 (Lindsey) Legal File #1, Box 107, Stanley Fleishman Papers (Collection 1538), Department of Special Collections, Charles E. Young Research Library, UCLA, Los Angeles, CA.

might cause the theater to close. The first purpose was accomplished easily because Nancy Lindsey showed up, stated that she was the theater's owner, and supplied the theater with a second print of the confiscated film.[395] For the second purpose, the fact that officers suspected deception regarding the ownership of the theater and possible violation of business licensing law, stems from their interrogation of two employees who stated that they were paid by different sources. One employee cited Nancy Lindsey as the payer, while a second employee stated that the previously discussed Tobalina Productions, Inc. paid her by check.[396] This discrepancy prompted the police to search the theater premises for any licenses to operate, and they found three documents each in the name of Tobalina: a business license application, tax identification, and snack bar permit. The following day officers arrived at City Hall to crosscheck the Fine Arts licensing. Although they verified that the proprietorship had been transferred from Tobalina Productions to Nancy Lindsey's company in early December, the police report is concluded with a declaration that the investigation is ongoing.[397] For the final purpose of determining the employment hierarchy, the Fine Arts staff was initially cooperative and answered interrogations from the police, but once it became clear that nearly all non-projectionist employees would be arrested, staff began to refuse the waiving of their rights.

Following the December 27th seizure of *The Devil in Miss Jones*, cashiers, concessions workers, and acting managers became the main individuals arrested at the Fine Arts.[398] Because these employees bore the brunt of the punitive action, the theater would often be shut down for business following raids and there appeared to be a frequent turnover of staff judging by the

[395] Ibid., 2.
[396] Ibid.
[397] Ibid., 2–3.
[398] I use the term "acting manager" here because often cashiers took over the role of manager when there was not a manager on the premises.

numerous employees arrested from late 1973 to mid-1974. Beginning in late December 1973, the Fine Arts was raided on a nearly daily basis until January 8, 1974. Other raids occurred sporadically throughout the year, sometimes culminating in daily arrests, for instance from March 1st to 8th employees were arrested on a daily basis.[399] Arrests became increasingly stressful for employees to the extent that an account from early March alleges that one worker was brought to tears and another was called a "sissy" and "manhandled."[400] Following the police interrogation on December 27th the Fine Arts' staff often refused waivers of their Miranda rights even when hounded by officer questions. For example, on March 4th the theater's manager and a cashier were arrested and asked to sign a waiver of rights, but when they would not sign they were still interrogated with questions that were clearly intended not only to gain further knowledge of the theater chain's operations, but also intimidate the employees from continuing to work at the theater. In a statement to his attorney, the theater manager recalled that he and a cashier were repeatedly asked rhetorical questions pertaining to their job status like "did we feel that all the 'hassel' (sic) that we are going thru is worth it" and "are we going to continue to do what we have been doing."[401]

Accounts from Fine Arts staff to the chain's lawyer attest to the fact that not only were they cognizant of the previously mentioned double-bind, but that also law enforcement allegedly used tactics of intimidation with reference to these employees precarious position. On January 3,

[399] This observation is gathered from the police reports held in Folder 7: Lindsey, Nancy et al adv. Peo. San Bern. M.C. Cent. Div. No. 101695 (Lindsey) Legal File #1, Box 107, Stanley Fleishman Papers (Collection 1538), Department of Special Collections, Charles E. Young Research Library, UCLA, Los Angeles, CA.
[400] R. Rodgers, "Statement - Fine Arts Theatre, San Bernardino, California" March 4, 1974, Folder 6: Lindsey, Nancy et al adv. Peo. San Bern. M.C. Cent. Div. No. 101695 (Lindsey) Correspondence, Box 107, Stanley Fleishman Papers (Collection 1538), Department of Special Collections, Charles E. Young Research Library, UCLA, Los Angeles, CA.
[401] R. Rodgers, "Nancy Called and Then..." March 5, 1974, Folder 6: Lindsey, Nancy et al adv. Peo. San Bern. M.C. Cent. Div. No. 101695 (Lindsey) Correspondence, Box 107, Stanley Fleishman Papers (Collection 1538), Department of Special Collections, Charles E. Young Research Library, UCLA, Los Angeles, CA.

1974, one cashier alleged that an officer repeatedly asked her to accompany him to the theater, implying that the officer was attempting to entrap the employee in a sexual encounter:

> He asked me to watch the movie with him. I told him no. He tried several times to say I would. I told him I never watched the movies. He asked me to just sit next to him then. I said no.[402]

A warrant was soon acquired by the police and the employee, along with a second cashier, were arrested on obscenity charges. The following day, the same cashier was working the concession stand when officers again arrived with a warrant to seize the film *Deep Throat*. On this occasion, an officer began to ridicule the cashier for her choice of employment, as the employee recalled:

> [The officer] told me I was being used by the people I work for. He also said I was being sacrificed to fatten up the wallets of others. He said the worst thing about it was that I was going to jail for people that didn't care about me. He told me I couldn't possibly be making that much money.[403]

The officer then allegedly turned to intimidation tactics in an attempt to convince the cashier to drop her employment at the Fine Arts:

> He advised me as "one person to another" to change jobs. [The officer] told me he didn't believe I was doing anything wrong. He said I was choosing to disobey the law in my work, but he said he knew I had nothing to do with the films or decisions. But if Nancy persists he would have to get tougher with me. He did not elaborate on what he meant.[404]

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[402] "To Joe Taback, Fine Arts San Bernardino" January 3, 1974, 1, Subfolder 1: Search Warrant Re: Deep Throat, Folder 3: Lindsey, Nancy et al adv. Peo. San Bern. M.C. Cent. Div. No. 101695, Box 108, Stanley Fleishman Papers (Collection 1538), Department of Special Collections, Charles E. Young Research Library, UCLA, Los Angeles, CA.
[403] "Send to Joe Taback, Fine Arts San Bernardino" January 4, 1974, 3, Subfolder 1: Search Warrant Re: Deep Throat, Folder 3: Lindsey, Nancy et al adv. Peo. San Bern. M.C. Cent. Div. No. 101695, Box 108, Stanley Fleishman Papers (Collection 1538), Department of Special Collections, Charles E. Young Research Library, UCLA, Los Angeles, CA.
[404] Ibid.

Ultimately, the same two employees from the previous night were issued citations for violating the California obscenity statute.

In the transcripts for the court proceedings associated with the raids on the Fine Arts, it becomes clear that law enforcement's targeting of low-level employees of the theater provided a kind of divide and conquer approach to the prosecution. If numerous low-level employees had been placed under enough stress through their arrests and intimidation, these workers were likely to seek employment elsewhere. If that was the case, then there was a good chance that these workers would possibly be open to plea-bargaining in order to more swiftly emerge from the court battles with as little repercussions as possible. Any such plea-bargain would likely have been contingent on asserting the obscenity of the material under question, thus jeopardizing any of the workers who had decided to fight the obscenity charge. In the court proceedings Nancy Lindsey's lawyer extensively discussed this unstable legal positioning of the Fine Arts employees. Following the raids on the Fine Arts from late 1973 to early 1974, all employees that were charged under the obscenity statute were all required to appear in the San Bernardino County Municipal Court for the case *People v. Lindsey, et al.* The initial lawyer for the defense was Michael Luros, who represented Nancy Lindsey's company the Sun Film Group and the employees of the theater.[405] In a court proceeding on February 7, San Bernardino Municipal Court Judge John Lawrence questioned Luros to explain why he would bring up the possibility of a conflict of interest so early in the case and why he wouldn't just drop some of the clients. Luros replied that he primarily represented the Sun Film Group, and that he was trying to resolve any possible conflict. When asked to elaborate Luros stated that some employees "might have

[405] Luros would only temporarily represent two workers who were listed as defendants, but not directly employed by the theater.

interests different from that of the corporation."[406] He further stated that Lindsey was "probably the one defendant who could be represented without conflict."[407]

From the above analysis of the police raids on Nancy Lindsey's Fine Arts theater in San Bernardino, it becomes clear that low-level workers, particularly cashiers, bore the brunt of the strain brought by obscenity prosecutions. Similar to projectionists, theater employees existed in a double-bind situation: they could not refuse to participate in the exhibition of movies that they might deem vulnerable to prosecution, but if a film was seized under obscenity allegations these employees were held as a responsible party and often arrested. However, because projectionists had artisanal and masculinized associations with their labor, their position would be legitimized when their craft union lobbied the state legislature for an exception in obscenity law. Cashiers, concessions workers, and other employees that helped maintain the theaters day-to-day operations were left in high-pressure positions where they were intimidated and tormented by the near daily threat of arrest. Ultimately, these employees were targeted because of their precarious positions, in attempts to both diminish the supply of adult cinema workers in the area and to exploit anxieties over conflicts of interest within their legal representation.

Policing Circulation: Regulating Distribution by Transcribing Hardcore Content and Observing Audiences

A recent change in state obscenity law informed the policing of Nancy Lindsey's theaters in the early 1970s. In 1969 the first substantial revision of the California Penal Code's definition of obscene matter occurred, which followed the instatement of the Supreme Court's *Roth* decision's modern definition of obscenity into California law in 1961. The new version of the

[406] "Reporter's Partial Transcript of Oral Proceedings: San Bernardino Municipal Court Central Division No. CR-101695, People v. Lindsey, et Al." February 7, 1974, 17, Box 108, Stanley Fleishman Papers (Collection 1538), Department of Special Collections, Charles E. Young Research Library, UCLA, Los Angeles, CA.
[407] Ibid., 18.

statute specified that the manner of circulation and the target audience were main factors for the determination of obscenity. This change was introduced because a loophole was observed in the previous "prurient interest" requirement of the 1961 statute. In this earlier version, to determine obscene matter there had to be proof that the matter aroused a prurient interest in the "average person." But allegedly obscene matter that appealed to non-heteronormative sexual interests (for instance gay, lesbian, sadomasochistic, or fetishistic content) by definition did not appeal to the prurient interest of the "average person." This loophole was closed on the federal level in 1966 with the Supreme Court decision *Mishkin v. State of N. Y.*, which explicitly stated that allegedly obscene material satisfied the prurient appeal requirement if it appealed to a sexual interest of any "deviant sexual group."[408] This language was concisely codified into California law in 1969 with the statement:

> The predominant appeal to prurient interest of the matter is judged with reference to average adults unless it appears from the nature of the matter or the *circumstances of its dissemination, distribution or exhibition* [emphasis added], that it is designed for clearly defined *deviant sexual groups* [emphasis added].[409]

This key passage of the statute underscores that the regulation of distribution and exhibition by obscenity law relies upon a determination of the manner of distribution and the intended audience.

The 1969 revision was particularly pertinent to the policing of theaters because the sexual acts that took place inside adult cinemas and that were displayed on the screens were considered public sexual acts, and thus deviated from normative notions of sexual propriety. Before implementing the previously discussed tactic of arresting low-level theater employees, police had

[408] *Mishkin v. New York*, 383 U.S. 502 (March 21, 1966), 508.
[409] "Chapter 249," in *Statutes of California Regular Session 1969* (California State Assembly, 1969), 598.

to justify their raids of the San Bernardino Fine Arts by infiltrating the theater, posing as audience members, and ascertaining the associated "deviance" of the space of the auditorium. The reason behind this pre-raid process was that in order to obtain a warrant to confiscate a film print, officers first had to establish "probable cause" that the obscenity statute was being violated. This was accomplished through a convoluted process where officers, posing as theater patrons, would take copious notes on any film sequences that they interpreted as appealing to prurient interests, particularly "deviant" ones. To inform the obscenity allegations, they would also take notes on their surroundings noting transgressions of social norms ranging from the presence of women in the theater to evidence of sexual encounters that had occurred in the aisles.

Two patterns emerge when examining law enforcement's notes on the adult films screened at the Fine Arts, relevant to the determination of probable cause of obscenity: the movies under scrutiny contained both hardcore "unsimulated" content and content that deviated from heteronormative sexual standards. Since the 1964 Supreme Court decision, *Jacobellis v. State of Ohio*, obscenity became increasingly conflated with "hard-core pornography," and it was in this decision that Justice Potter Stewart famously described such hardcore material through the logically vacuous definition "I know it when I see it."[410] While federal and state courts would frequently debate or reconstitute the meaning of "hard-core pornography," the dominant connotation of the term, which still operates in the present, is the graphic depiction of genital contact.[411] The police that investigated Lindsey's Fine Arts were not concerned with "simulated" softcore films, for instance in March 1974 one investigating officer "departed the Theater at

[410] *Jacobellis v. Ohio*, 378 U.S. 184 (June 22, 1964), 197.
[411] For an example of a case where this dominant definition was contested see *People v. Andrews*, 23 Cal. App. 3d Supp. 1 (App. Dep't Super Ct., January 21, 1972).

approximately 1440 hrs., due to the movie "Code Name Raw Hide" being entirely simulated."[412] This affirms that for the purposes of the case against the Fine Arts, law enforcement were not interested in investigating non-hardcore movies.

Perhaps more important than the observation that film content was hardcore, is the fact that each police report performed a close reading of the films that emphasized particular aspects that were considered divergent from normative sexual practices including both non-procreative sex acts and interracial scenarios. Before the 1976 enactment of George Moscone and Willie Brown's Assembly Bill 489, which repealed California's sodomy law, all non-procreative sex acts were illegal in California. Due to their illicit nature, police were particularly attuned to such acts as oral and anal sex, and noted instances of these acts between opposite-sex partners in detail for films such as *Deep Throat* and *The Devil in Miss Jones*.[413] Officers were also particularly concerned about documenting interracial scenarios. One officer, when viewing *Fantasy Girls* (1974), emphasized interracial sequences by calling attention to racial difference of the performers, a black man and racially unidentified, so presumably white, woman. After initially establishing that within the narrative "a male negro subject,"[414] named John, runs a massage parlor, the officer occasionally reminds the reader of this character's racial background. By repeatedly racializing the character rather than simply stating his name, the officer further emphasized his disapproval of the miscegenation scenario with phrases including:

[412] T. Copeland, "San Bernardino Police Dept.: P.C. 311.2" March 11, 1974, Folder 7: Lindsey, Nancy et al adv. Peo. San Bern. M.C. Cent. Div. No. 101695 (Lindsey) Legal File #1, Box 107, Stanley Fleishman Papers (Collection 1538), Department of Special Collections, Charles E. Young Research Library, UCLA, Los Angeles, CA.
[413] For example, P. Bryan, "San Bernardino Police Dept.: Investigation," 1.
[414] P. Bryan, "Search Warrant Statement to San Bernardino County Municipal Court, Central Division" October 9, 1974, 5, Folder 1: Lindsey, Nancy et al adv. Peo. San Bern. M.C. Cent. Div. No. 103386, Box 298, Stanley Fleishman Papers (Collection 1538), Department of Special Collections, Charles E. Young Research Library, UCLA, Los Angeles, CA.

> The scene changes to this female performing fallatio [sic] on the black male subject [. . .] The scene then changes back to the same female performing fallatio [sic] on the same black male subject. The scene changes to the same female lying on her back as the black male is performing intercourse with her.[415]

As is evident from the quote, racial identification, gender identification, and sex act description are the three main traits that police were preoccupied with when documenting the films. The close readings contained in these police reports are all written in the manner of a simplistic film treatment, choreographing the sex scenes in the most minimal way possible. The basic description and repetitive structure usually begin with "the scene changes" and proceed to describe the sexual action, and in some cases specifically note the surroundings or dwell on the race of the characters.

Keeping in mind the "deviant sexual group" language of the California obscenity statute, police were particularly attuned to same-gender sexual content in the films screened at the Fine Arts. While the idyllic "golden age" status attributed to 1970s hardcore pornographic films might seemingly associate such films with heteronormativity, recent scholarship has emphasized how the "porno chic"-era is misremembered as more sexually normative than it was.[416] In the 1970s, the inclusion of homosexual and bisexual scenarios in a typical adult movie contributed to the outlaw status of that era's pornographic media. Officers recorded instances of same-gender sexual contact in a similar way to the previously described distanced and basic description structure. When viewing *Resurrection of Eve* (1973), an officer described such a scenario:

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[415] Ibid., 5–6.

[416] See for example, Whitney Strub, "Sex Wishes and Virgin Dreams: Zebedy Colt's Reactionary Queer Heterosmut and the Elusive Porn Archive," *GLQ: A Journal of Lesbian and Gay Studies* 23, no. 3 (2017): 359–90.

> The scene then switches to two male subjects sitting naked on a couch and one male subject is orally copulating the other male. Penetration into the one male's mouth by the other male's erect penis is clearly depicted.[417]

In another case, two officers reported on the polymorphous sexual practices depicted in *The Devil in Miss Jones* that ranged from a bisexual ménage à trois in which it was noted that two men "ejaculated on each other and the legs of the female subject,"[418] to an implication of human-animal sexual contact wherein Georgina Spelvin places the head of a snake in her mouth.[419]

The distanced and clinical language of these close readings registers officers' anxieties over having to embody and perform the reception position associated with the "deviant sexual groups" they were attempting to regulate. While historically the policing of theater patrons correlated lewd conduct charges with homosexuality, regardless of the gender makeup of audiences adult theaters existed as deviant spaces because they personified public sexuality. Unlike the homosocial queer audiences for the Continental chain discussed in Chapter 1, the typical target customers of Nancy Lindsey's theaters were mixed-gender couples with a particular emphasis on female patrons. Because of the targeting of mixed-gender couples, individual undercover SBPD officers frequently attended screenings at the Fine Arts with a female companion. Additionally, audience numbers in police reports would typically include a count of female patrons observed in the theater.

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[417] P. Bryan, "Search Warrant Statement to San Bernardino County Municipal Court, Central Division" September 4, 1974, Folder 8: Lindsey, Nancy et al adv. Peo. San Bern. M.C. Cent. Div. No. 103234, Box 298, Stanley Fleishman Papers (Collection 1538), Department of Special Collections, Charles E. Young Research Library, UCLA, Los Angeles, CA.

[418] D. Suttle, "San Bernardino Police Dept.: Investigation" January 2, 1974, 1, Folder 7: Lindsey, Nancy et al adv. Peo. San Bern. M.C. Cent. Div. No. 101695 (Lindsey) Legal File #1, Box 107, Stanley Fleishman Papers (Collection 1538), Department of Special Collections, Charles E. Young Research Library, UCLA, Los Angeles, CA.

[419] J. Kimbrel, "San Bernardino Police Dept.: Investigation" January 4, 1974, 2, Folder 7: Lindsey, Nancy et al adv. Peo. San Bern. M.C. Cent. Div. No. 101695 (Lindsey) Legal File #1, Box 107, Stanley Fleishman Papers (Collection 1538), Department of Special Collections, Charles E. Young Research Library, UCLA, Los Angeles, CA.

The presence of women in the theater, along with the illicit content of the films, and the deviant associations of adult cinemas effectively cast the theatergoing practices of male-female couples as divergent from normative expectations for a mixed-gender couple. Although the audience was not exclusively male, police still suspected that sexual activity occurred in the theaters, as present in the entrapment allegation in the previous section that involved a female theater employee. In another instance, after officers had effectively closed the theater to the extent that patrons were told to leave and the open sign was turned to closed, upon seeing a couple approaching the theater an officer allegedly posed as an employee, changed the sign to "open," and welcomed the couple into the theater. Once the couple entered an officer interrogated them about their actions and questioned them about the accuracy of information on their identification cards. The couple was eventually excused to leave, and one Fine Arts employee observed of the interaction, "the couple seemed to be frightened by [the officer's] manner and questions."[420]

As discussed in Chapter 1, because they provided space for the consumption and enactment of sexually "deviant" practices, by the late 1960s adult theaters became identified with queerness in the public sphere. In turn, their primarily male audiences could gather without the risk of social abjection linked to public identification as homosexual or bisexual. The exception to this was when police cracked down on adult theater patronage, and threatened to announce publicly the ambiguously "deviant" identity of individual patrons. With the case of Sun Film Group, this consideration raises the question of the status of a perceived heterosexual couple within these exhibition contexts. Despite the fact that a mixed-gender couple is perceived as heterosexual, such a couple's presence in an adult theater was considered sexually deviant from a

[420] "Send to Joe Taback, Fine Arts San Bernardino" January 4, 1974, 2.

law enforcement perspective because they were consuming (and possibly participating in) public non-procreative sex acts. Some twenty-five years later, Lauren Berlant and Michael Warner ask of the ostensible heterosexuality of a participant involved in male-male pig-play in a leather bar, "what does that mean in this context?"[421] Their answer was that such public sex venues provide queer separatist contexts that suspend social axes of identification, including sexual orientation.[422] Adult theaters of the 1970s were at the forefront of forging space for such counterpublics, and the patronage of women and mixed-gender couples did not substantively shift the deviant association these spaces acquired earlier with all-male audiences.

Aside from the analysis of female patrons and mixed-gender couples, the police gaze on the audiences also aimed to articulate the "truth" of the theaters' "deviant" manifestation of public sexuality. In order to further prove the connection between the exhibiting of hardcore pornographic films and public sexuality at the Fine Arts, police documented evidence of sexual activity in the theater. During one Fine Arts raid in March of 1974, after confiscating two films and arresting two of the employees, officers photographed the theater interior and one described the process as follows:

> [An officer] took photographs of the wall located at the rear of the seating area of the theater and used the black light to scan the wall. It was noted by the undersigned that the entire wall glowed with what appeared to be semen. Pictures of the wall were taken by Officer Bohl with the assistance of Officer Bryan. The wall was measured and found to be 4'11'' in height and 20'9'' in length.[423]

[421] Berlant and Warner, "Sex in Public," 565.
[422] Ibid.
[423] T. Minor, "San Bernardino Police Dept.: P.C. 311.2" March 11, 1974, Folder 7: Lindsey, Nancy et al adv. Peo. San Bern. M.C. Cent. Div. No. 101695 (Lindsey) Legal File #1, Box 107, Stanley Fleishman Papers (Collection 1538), Department of Special Collections, Charles E. Young Research Library, UCLA, Los Angeles, CA.

Typical police reports that documented in-theater sexual activity often were reliant solely on observational descriptions that officers provided of the spaces or acts they experienced. However, from the narrative of this police report, there is a unique description of police actions that reveals ideological linkage of the theater as an outlaw space and its inscription as an incarnation of illicit public sexuality. The evidence of sexual activity becomes attached to the theater space through a multi-mediated process of field notes, photography, and quantifiable measurement.

Although police reports focus on screen content and exhibition contexts, distribution was the primary priority of law enforcement's actions. This is because intervening in distribution would affect the availability of proscribed films at all theaters in the area, as opposed to an individual theater. However, police had to codify a justification for their interventions in distribution. With the documentation of both onscreen and in-theater transgressions against normative sexuality, law enforcement were able to construct a rationale for the continuous regulation of the distribution of particular adult films in San Bernardino County. Once these textual and contextual factors were codified in writing, officers would obtain a warrant for the seizure of the given film. For example, from December 23, 1973 to January 3, 1974 four prints of *The Devil in Miss Jones* were confiscated from the Fine Arts. The theater's legal counsel almost immediately filed a motion for the return of three copies of the film, but their motion was denied in San Bernardino Municipal Court.[424] This effectively eliminated distribution of the film in San Bernardino County until late January when the Sun Film Group's lawyers were able to obtain a temporary restraining order from a Los Angeles federal court that forbid police from seizing any further prints of the film.[425]

[424] "Judge Denies Motion to Return Seized Films," *The Sun [San Bernardino, CA]*, January 3, 1974, 17.
[425] "Court Says X-Rated Film Must Not Be Confiscated," *The Sun [San Bernardino, CA]*, January 23, 1974, 11.

An analysis of the crackdown on *Deep Throat* at the Sun Film Group theaters reveals both how organized the distribution of the film was and how persistent law enforcement were in attempting to prevent the screening of the film in San Bernardino County. At least nine prints of *Deep Throat* were seized during raids on the San Bernardino Fine Arts from December 30, 1973 to March 7, 1974.[426] Around the same time, several copies of *Deep Throat* were also confiscated from the Sun Film Group's Ritz Fine Arts Theater in Ontario, California. By mid-March San Bernardino police had seized thirteen prints of *Deep Throat* and they were all being held as evidence for the prosecution of the theaters and their employees in the San Bernardino County courts. During the span of these seizures, the Sun Film Group's attorney, Michael Luros, argued that multiple seizures of the film were not constitutionally valid under a recent Supreme Court ruling, *Heller v. New York*, which asserted that bulk seizures for the purpose of halting distribution were unconstitutional.[427] On the other hand, the prosecution argued that *Heller v. New York* did not apply because different defendants were being charged for nearly every film seizure. A Los Angeles federal court eventually ruled on the issue in the Sun Film Group's favor by instating a temporary restraining order against police seizures of any more copies of *Deep Throat* and ordering the return eleven of the thirteen copies of the film that had been seized.[428]

The investigation of *Deep Throat* also revealed another aspect of the logistics of distributing the film. Besides employees of the theaters, on at least one occasion, an individual who was a contract employee of the distributor was arrested during the film's exhibition. In one

[426] This information is gathered from the police reports in Folder 7: Lindsey, Nancy et al adv. Peo. San Bern. M.C. Cent. Div. No. 101695 (Lindsey) Legal File #1, Box 107, Stanley Fleishman Papers (Collection 1538), Department of Special Collections, Charles E. Young Research Library, UCLA, Los Angeles, CA.
[427] For an instance of this argument at an early hearing see "Reporter's Transcript of Proceedings: San Bernardino Municipal Court Valley West Division No. M-52559, People v. Rogers" January 25, 1974, 3, Folder 4: Sun Film, Inc. et al. adv. Peo. San Bern. Superior Ct. No. Cr. W-3497, Box 24, Stanley Fleishman Papers (Collection 1538), Department of Special Collections, Charles E. Young Research Library, UCLA, Los Angeles, CA. For the Supreme Court case referenced by Luros see *Heller v. New York*, 413 U.S. 483 (June 25, 1973).
[428] "Police Told to Return 11 'Deep Throat' Films," *The Sun [San Bernardino, CA]*, March 12, 1974, 19.

of the initial investigations of the Fine Arts mentioned above, officers determined that one individual present at the theater was employed as a "people counter" by an outfit called Professional Services Company Unlimited.[429] On January 8, 1974 this individual was observed by police to be seated beside the concessions counter and he was arrested during a seizure of *Deep Throat* for being complicit in the exhibition of an obscene film. Unlike the employees of the Fine Arts, this people counter openly responded to officer questions. From the interrogation it becomes clear that the function of the people counter was to log the box-office intake for a given film to make sure that the exhibitor does not underreport the revenue to the distributor. At one point he stated of his job, "I work for the people who work for the people who make the film. All I do is count heads. As far as I know, the theater is given a percentage of what the film makes."[430] Kevin Heffernan has described this process of people counting as a nationwide accounting practice for the distribution of *Deep Throat* wherein the exhibitor and distributor split the receipts on a 50/50 basis.[431]

In order to regulate distribution, law enforcement had to vacillate between observing film content and the exhibition contexts in order to codify links between sexually aberrant content and adult theaters as spaces of public sexuality. The impetus for this linkage was a recent change in the state's obscenity statute that recalibrated obscenity into a sutured triad involving "deviant" audiences, depictions of non-procreative sexual practices, and the mode of distribution. Once these links were established in the form of notes on hardcore film content and audiences, a warrant could be obtained to confiscate the film print and subsequently arrest any employees

[429] P. Bryan, "San Bernardino Police Dept.: Investigation" December 31, 1973, 2.
[430] P. Bryan, "San Bernardino Police Dept.: Interview: Marks, Roderick Alan" January 10, 1974, Folder 7: Lindsey, Nancy et al adv. Peo. San Bern. M.C. Cent. Div. No. 101695 (Lindsey) Legal File #1, Box 107, Stanley Fleishman Papers (Collection 1538), Department of Special Collections, Charles E. Young Research Library, UCLA, Los Angeles, CA.
[431] Heffernan, "Seen as a Business," 47–48.

who were present during the film's seizure. This tactic stalled the distribution of films like *The Devil in Miss Jones* and *Deep Throat* in the San Bernardino area until the legal counsel of Sun Film Group obtained temporary restraining orders against the police, as well as orders to return duplicate prints of these films. While some of the cases were ultimately dismissed, in 1976 the corporation was fined for exhibiting obscene matter pertaining to at least two of the films.[432]

Conclusion

Alongside the legal battles in San Bernardino discussed in this chapter, Nancy Lindsey's other theaters in Southern California were also under fire. In Highland Park, Los Angeles, a group called Stamp Out Pornography (STOP) picketed Lindsey's Highland Theater for several weeks in late 1974. The group also used intimidation tactics against patrons, attempting to photograph them in the hopes of publishing their pictures in the newspaper and documenting their car license plate numbers to find their home addresses through public records.[433] After nearly a month of picketing and intimidation tactics, STOP told the *Los Angeles Times* that they had cut the theater's patronage in half, while Lindsey stated that if anything the picketing acted as free publicity.[434] In Bakersfield, Lindsey's Cinema 19 was charged with obscenity for exhibiting many of the same films as the San Bernardino theaters during mid-1974 to 1975. This culminated in July of 1976 with Amber Theatres being fined after pleading guilty to nine instances of exhibiting obscene films and the films were ordered to be destroyed.[435]

In the case of the two theaters in San Bernardino County, the question of the films' obscenity was brought before a judge in the San Bernardino Municipal Court in September of

[432] Alan Ashby, "Judge Sees Films, Can't Say They Are Not Obscene," *The Sun [San Bernardino, CA]*, September 17, 1976, B-1, B-5.
[433] James Quinn, "Residents Will Battle Porno Movie Theaters: Group Threatens to Picket and Harass Patrons," *Los Angeles Times*, October 27, 1974, G1, G6.
[434] James Quinn, "Films Picketed---Any Effect on Patrons Argued," *Los Angeles Times*, November 24, 1974, G1, G5.
[435] "Theater Fined in Obscenity," *The Bakersfield Californian*, July 28, 1976, 62.

1976. In a pre-trial process Judge Donald Van Luven Jr. screened twenty-two adult movies and determined that he could not say that all were not obscene.[436] As a result, some of the defendants in the Fine Arts cases pled guilty and were fined, some obscenity cases were dismissed and the films returned, and in six cases involving eleven employees of the chain charges were dismissed.[437] Around the same time, the adult bookstore adjacent to the Fine Arts was forced to close due to a parking ordinance. Reportedly because the bookstore's close vicinity had helped draw customers to the Fine Arts and because of the fierce competition from a nearby Pussycat theater, the Fine Arts was forced to close due to financial difficulties in April 1978.[438]

The case of Nancy Lindsey's involvement in adult film industries ranging from production and distribution to exhibition, exists as one case among many of female management in adult media industries. Lindsey's entrepreneurial drive to provide spaces for women in the male-dominated exhibition spaces of adult theaters of the 1970s reflects a feminist commitment to sex positive institutions of adult media. Juxtaposing the business interventions of Lindsey with the employment hierarchies in her theaters and their subsequent policing underscores the inequitable divisions of labor wrought by capital and the necessity of union representation for all workers. Furthermore, Nancy Lindsey's theaters intervened in conventional methods of adult film exhibition by targeting women and male-female couples as a viable untapped demographic for adult films. The business tactic of seeking female patronage had a socioeconomic dimension because it required an aspirational class address in courting a female audience, but it also was perceived, particularly by law enforcement, as a social transgression because it effectively

[436] The legal pre-trial process requires that the determination be a double-negative here because the positive identification of obscenity was not a possible legal outcome of this pre-trial process.
[437] Ashby, B-1, B-5.
[438] Dick Cooper, "Fine Arts Falls on Hard Times," *The Sun-Telegram [San Bernardino, CA]*, April 28, 1978, A1, A4.

tainted these new audiences of women and mixed-gender couples with the deviant connotation of the adult theater space. Police responded to Lindsey's operations, particularly in San Bernardino County, with a dual tactic aimed at discouraging employment at these establishments and at curbing distribution within San Bernardino County. By documenting in precise detail the hardcore content of films shown at the Fine Arts and then performing a numerical and observational analysis of patrons that linked their presence in the theater to the "deviant" acts depicted onscreen, police were able to acquire warrants to raid the theaters and arrest employees. Ultimately, the legal battles were drawn out for several years, and ended with mixed results.

CONCLUSION: Archival Outrage

When discussing matters of censorship, film historiography often underrepresents how massive and repressive federal and local censorship regimes actually were. Typical narratives of governmental motion picture regulation in the mid-20th century frame the *Miracle* decision and the *Paramount* decision as the two main benchmarks. Such historiography centralizes art cinema (in the case of *Miracle*) and the Hollywood studio oligopoly (in the case of *Paramount*) as the central concerns of regulatory bodies. But a framing around art cinema and the oligopoly overlooks how independently produced media, particularly those by or for socially marginalized communities, were policed to an extent intended to keep them out of circulation.

While queer adult film did have links with European art cinemas, this study shows that queer adult film industries formed a unique and underexplored locale for queer audiences to form. Furthermore, distribution and exhibition were the primary places where censorship forces were focused. This implies that public visibility and the circulation of queer products nationally were perceived as more important to regulate then the content of the circulating films. To be sure, objectionable content was used as a reason for warrants, subsequent raids, and lawsuits, yet there was no sense that the excision of obscene content was sought. The ultimate goal was the shutdown of these industries in order to curb any further spread of queer media.

In carrying out the research for this project on the distribution and exhibition of adult film in Southern California, it quickly became apparent that this industry's history is inextricable from the history of its policing. Much of the existing archives on adult media industries are the records of the prosecution of companies and individuals under obscenity law and other regulatory regimes. In this way, any history of adult media industries must also become a history of its policing. This is distinct from the history of the Hollywood studio oligopoly's distribution

and exhibition infrastructures that can be understood as an ebb and flow of regulation and deregulation. Decidedly not an ebb and flow, historical sources reveal that the history of the public presence of adult media industries up to the late 1970s should be understood as an onslaught of intense efforts to destroy that presence. While regulation can be considered a "productive" force that influences the creation of new forms of media, we need to underscore the destructive aspects of adult media regulation at this moment in order to not cover over the fact that it affected people's lives negatively, particularly low-level workers in the industry. Thus, I argue that the regulation of adult media industries should be remembered and understood historically as a series of attacks that created damage and induced trauma. With this in mind, the significance of research on the policing of adult media industries is to convey the damage caused on industry workers in order to provide contemporary readers "affective historical access" to the trauma that the damage induced.[439] Regardless of the affirmation of a sexual identity, those who worked in the adult media industries during this time (and arguably after) were perceived as deviant from mainstream norms of sexuality because of their work.

In this conclusion, I want to reflect on that historical trauma in relation to the conditions of access to that trauma. I argue that as queers we should be outraged by not only the trauma that such policing caused at the time, but also the persistent lack of access to and erasure of the evidence of this policing. Both institutionally and socially we exist in contexts informed by this history. Institutionally, legal regimes shaped the conditions of havoc that could be brought on the businesses I discuss, and in turn particularly wealthy businesses could push back against these legal regimes through petitioning higher courts. Our current legal regimes have been shaped by these struggles and databases of case law reflect this since more high-profile cases against adult

[439] Lucas Hilderbrand, "Retroactivism," *GLQ: A Journal of Lesbian and Gay Studies* 12, no. 2 (February 21, 2006): 304.

media industry players are archived therein. Despite changes in some legal standards; such as the overturning of statutes that outlawed interracial marriage in *Loving v. Virginia*, 388 U.S. 1 (1967), the decriminalization of abortion in *Roe v. Wade*, 410 U.S. 113 (1973), and the nullification of anti-sodomy laws with *Lawrence v. Texas*, 539 U.S. 558 (2003); sex and sexuality remain unresolved and highly contested social issues. While hardcore pornography is currently less likely to be targeted by obscenity laws than in the 1970s, the fact that these laws were not completely nullified underscores the fact that sex-oriented media remains under arbitrary regulatory powers that could shift with the tides of ruling parties. The traumas of policing under obscenity regimes should be remembered, not simply because they reflect a more repressive time, but because repression of marginalized sexual identity groups continues and could conceivably be heightened at the whim of those in power.

Given that the state was the prosecuting party in obscenity cases and given the bureaucratic nature of the state, a vast amount of documentation was produced by federal agencies and local departments in order to chronicle every business that was perceived to deal in obscene matter. Yet as I have encountered in this research, access to this documentation is controlled by the state and can routinely be denied or in some cases destroyed. Several of my public records requests have been met by language that indicates records may be destroyed. For instance, a request to the Los Angeles Police Department received the response that no records could be found and the specification, "it should be noted that the record retention policy of the City of Los Angeles provides the authority to purge or destroy records that have been stored ten years or more."[440] When I have asked for more information on the destruction of records I have

[440] Farah (LAPD Analyst N5890), "Request Closed," October 19, 2018, Request #18-2862.

been directed to read the agency's or department's "disposition schedules," which states in general and bureaucratic terms the policies for destroying documents.

The regulation of histories of sex has always been arbitrary, variable, and partial. Occurrences such as the destruction of records reflect the structuring absence of the history of obscenity in which the material records of this history themselves become rendered as obscene matter, or as Linda Williams famously put it "ob—off—scene" that which must be kept off the public scene.[441] Because of the lack of ability to obtain concrete information on arrests or raids using public records requests, I have also turned to both the popular press and gay press accounts of arrests and raids from the time period. At the time, these prosecutions were largely underreported by the popular press, but when they were covered they were usually construed in terminology that predisposed readers to contempt for adult media industries. These prosecutions were understood by gay liberation groups as attacks that required counterpublic outcries because the popular press was not voicing concern for the social inequities that these prosecutions reflected and solidified. Some of these outcries reached the level of direct-action protest, such as the organized protest against the LAPD raid on Pat Rocco's house in January of 1974. Rocco had substantial community backing due to his status as a gay community leader, and the raid on his residence spurred direct action protests including a candlelight march, in which the LAPD were presented with a list of gay community demands, and a two-day boycott to demonstrate against vice squad sting operations.[442] Yet others employed in the adult media sector, particularly at the lowest levels, did not have this kind of support. Because of the lack of community and legal

[441] Linda Williams, *Hard Core*, 282. This structuring absence also reflects the cloistering of obscene matter that Walter Kendrick describes in Walter Kendrick, *The Secret Museum: Pornography in Modern Culture* (Berkeley: University of California Press, 1987).
[442] "The Southland," *Los Angeles Times*, January 22, 1974, 2; "The Southland," *Los Angeles Times*, March 3, 1974, 2.

representation for employees and customers with less means, it is imperative to investigate the extent and effects of the policing of these individuals. However, the minimal amount of reporting and lack of access to public records majorly obstructs this imperative.

In the following two sections I reflect on the failures of obtaining public records on individuals who were involved in obscenity cases and whose records were known to have existed in law enforcement archives. These individuals' more minimal financial means or community representation prevented their cases from being substantially archived in institutional or community archives. Because of this resorting to public records archives becomes one of the few viable options for research. However, numerous roadblocks often obstruct access to such public records, ranging from access denial via statute, destruction of records, or the unexplained absence of records that are known to have existed at one time. I argue that while this lack of access obstructs the possibility of "affective historical access" it can possibly produce homologous affective outrage if we interrogate it as an intolerable impediment of public access to queer history.[443]

No Access: The Freedom of Information Act and the Lack of Information Access

In performing the research for this project, one of the primary issues I repeatedly confronted was the lack of access to information about my research subjects. This lack of access was all the more exasperating in situations where the information seemed so reachable. As a case in point I want to reflect on my approach to archival requests under the Freedom of Information Act (FOIA). Perhaps the most contradictory and frustrating issue with FOIA is that its purpose is to provide the public with access to state information, yet numerous obstacles to access arise through the request process. Having submitted FOIA requests primarily to the FBI, I am

[443] Hilderbrand, 304.

especially concerned with the viability of performing historical research through the records of an agency that was involved with the surveillance and intimidation of the industries I examine. I will review these obstacles and then outline some methods for continuing with historical LGBTQ+ research despite them.

The Freedom of Information Act (FOIA) is an amendment to federal law that allows for public access to information held by the government. On July 4, 1966 the amendment was approved with the signature of President Lyndon Johnson. Numerous restrictions to information access under the FOIA exist and vary by the government agency housing the information. There are also state by state variants of the FOIA that allow for access to state records.

The obstacles to information access under the FOIA are numerous. First, knowledge of the FOIA and what it can provide is a learning curve in itself. A requester must know what information is allowed to be requested and where to submit the request. Second there are linguistic barriers to submitting FOIA requests. A requester must know the acceptable format for the request, the specific language for invoking the request, and legal and bureaucratic terminologies pertaining to access. For example, all FOIA requests to the FBI by default are searched as index entries within the so called "Central Records System." Such searches are restrictive because they do not turn up references to the FOIA's subject that may appear in other records and they do not include records that would be available outside the Central Records System. If the requester does not know this then their request may turn up fewer or even no results compared to a more comprehensive search. Third, costs of obtaining records can prohibit access. Different government entities have varying cost schedules. Occasionally, fees can be waived if the release of the requested documents can be proved to be "in the public interest." However, in my experience with attempting FOIA requests it is very difficult to obtain a public

interest fee waiver. Fourth, requests can be met by hesitancy or refusal to follow through on providing a document that the requester knows to exist. Finally, information can be obstructed via agencies redactions or even destruction of documents. The last two obstacles to information access, obstruction through destruction and refusal to follow through on known information, I will discuss in detail because the prove to be insurmountable.

Destruction of information is the other major obstacle to recovering state information. On various occasions part of the response to some of my FOIA requests have been statements that "records which may have been responsive to your request were destroyed."[444] A statement like this and the contexts through which they are delivered offer many keys to the ideologies underpinning information access and restriction provided by FOIA. One particular case where the destruction of documents stands out was my FOIA request to the FBI for all files pertaining to Walter B. Dachsteiner. Dachsteiner was the proprietor of a company called Spectra based in San Francisco. Spectra specialized in all-male mail order loops and photographs, helped make famous the legendary porn star Bill Eld, and provided photography of nude men for the homophile magazine Vector. In 1972 Dachsteiner was indicted on federal obscenity charges, and in 1973 he was found guilty, fined, and sentenced to a year and a half prison time.

Before proceeding to the implications of file destruction it is instructive to review the FOIA process to understand its complexities and the obstacles present in obtaining information. Due to the fact that the indictment was under federal obscenity law 18 U.S.C. 1461, without it being explicitly stated in my sources I deduced that the FBI was likely involved in the investigation because federal obscenity law prosecutions usually involve coordination of local law enforcement with federal law enforcement. With this in mind I submitted a FOIA request for

[444] David M. Hardy to Finley Freibert, "Dachsteiner, Walter B.," October 3, 2017, Winchester, VA to Irvine, CA, FOIPA Request No. 1385739-000. See page 234 in Appendix II.

all FBI files pertaining to Dachsteiner in September of 2017.[445] A few days later I received a determination that "records which may have been responsive to your request were destroyed."[446] I immediately followed up that day with a request for processing notes with the hope of determining more information on the file's destruction.[447] Nearly three months later I received the processing notes, which acknowledged that files on Dachsteiner were destroyed in a message to FOIPA processing personnel stating:

> Good morning
>
> Case file destroyed.
>
> Have a great day.[448]

This three-line message between FOIPA processing personnel underscores the disconnect of perspectives on archival materials between federal employees and historical researchers. Federal employees apparently view the disposition of government documents as an insignificant and everyday part of a bureaucratic management system. In this case, the announcement of documents' destruction is conveyed in the most mundane manner, encased within routine workplace pleasantries. On the other hand, from the perspective of a researcher this destruction is shocking and could be considered an outrage, as it raises questions about the intentions of the institution. Why were these documents destroyed, and what is being covered over or erased by their destruction? What is particularly astonishing is that the contents of these documents were potentially instrumental in destroying someone's life since they likely led to Dachsteiner's

[445] Finley Freibert to FBI, Record/Information Dissemination Section, "FOIA Request: Dachsteiner, Walter B.," September 27, 2017, Irvine, CA to Winchester, VA.
[446] Hardy to Freibert, "Dachsteiner, Walter B."
[447] Finley Freibert to FBI, Record/Information Dissemination Section, "FOIA Request: All Processing Notes for FOIPA Request No.: 1385739-000, Pertaining to the Subject Walter Dachsteiner," October 3, 2017, Irvine, CA to Winchester, VA.
[448] David M. Hardy to Finley Freibert, "Processing Notes for FOIA 1385739," December 27, 2017, Winchester, VA to Irvine, CA, FOIPA Request No. 1386351-000, Document 2, 4. See page 238 in Appendix III.

federal prosecution under obscenity law, public abjection as a purveyor of smut, and eventual incarceration. Even without an argument for Dachsteiner's significance in gay community publications (for instance his company's frequent contribution to Vector mentioned above), the contents of these documents are important because they were imbedded in a high profile obscenity case and they likely affected the commencement and outcome of those proceedings. Since this disclosure I have submitted yet another FOIA for the destruction documentation on the Dachsteiner file, but I have yet to receive a release. While the above statement appears to confirm previous existence of an FBI file on Dachsteiner it says little else and continues to leave open questions about the reasoning behind the file's destruction.

The destruction of FBI records on subjects investigated for obscenity violations, such as Dachsteiner, is an erasure of multiple histories. Due to obscenity law's significance for the history of the first amendment, it is an erasure of the historical evolution of what constitutes expressions that are constitutionally protected. Generally, it is an erasure of law enforcement history. More specifically, given that LGBTQ+ people and people of color were disproportionately policed under obscenity laws it is also an erasure of the histories of marginalized populations and their policing by federal law enforcement.

Unexplained refusal to follow through on FOIA requests is perhaps an even more perplexing impediment to information access. Unlike information destruction, which leaves a document trail that a requester can possibly retrieve, unexplained refusal causes even more uncertainty. In such cases a typical response would state that no records were found and then outline FOIA exceptions that would explain the lack of records in the most general terms. I experienced an example of this kind of refusal when I submitted a FOIA request for memoranda records from a known FBI interview on December 11, 1973 with Rheba Beehler, the mother of

Monroe Beehler the proprietor of the legendary gay pornography company Jaguar Productions. I learned of this interview during an examination of archival sources on the federal and local investigation of Jaguar in the mid-1970s. A documented testimonial of Rheba Beehler, presumably to Jaguar's lawyer, resides in the Stanley Fleishman Papers at University of California Los Angeles.[449] For purposes of comparison I wanted to examine Rheba Beehler's testimony in relation to what FBI memoranda stated about the exchange. On October 9, 2017 I submitted a FOIA request on the matter and subsequently have submitted two additional requests that specified additional information about the subject.[450] Each request was met with variations on the statement, "We were unable to identify file records responsive to the FOIA."[451] These statements were always followed by form sentences that begin with "For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA."[452] Because of the near certainty that memoranda on the exchange with Rheba Beehler existed at one time, and because the FOIA response did not indicate that files were destroyed, the only feasible explanation to the apparent absence of files is that they are administratively determined to be excluded from disclosure or from acknowledgement of their existence.

Access to archival documentation continues to be an underlying issue of research into LGBTQ+ histories. As discussed in this section, despite the Freedom of Information Act's espousal of public access to government information as a fundamental right, federal archives

[449] "Interview between Rheba Beehler and FBI Agents," n.d., Folder: Beehler, Monroe, et al. adv. Peo. L.A.S.C. No. A-304195, Box 580, Stanley Fleishman Papers (Collection 1538), Department of Special Collections, Charles E. Young Research Library, UCLA, Los Angeles, CA.
[450] Finley Freibert to FBI, Record/Information Dissemination Section, "FOIA Request: Beehler, Rheba," October 9, 2017, Irvine, CA to Winchester, VA.
[451] David M. Hardy to Finley Freibert, "Beehler, Rheba," November 29, 2017, Winchester, VA to Irvine, CA, FOIPA Request No. 1386654-002. See page 232 in Appendix I.
[452] Ibid.

have numerous obstacles to realizing that access. Document destruction is carried out through bureaucratic processes that are minimally comprehensible at best. Arbitrary refusal of access perhaps presents one of the most difficult to navigate occurrences in research that engages federal archives.

Cultivating Archival Outrage

Queer studies of archives have generated substantial engagements with affect theory. Approaches range from calls to expand what constitutes queer historical archives to methodological interventions that assert inventive ways of engaging existing archives. In *An Archive of Feelings*, Ann Cvetkovich argues that the notion of archives should be expanded to include affective archives reflected in ephemera of marginalized groups such as testimonies, performances, memoirs, and other artifacts that circulated in non-institutionalized counterpublics.[453] A recent edited collection on queer archives emphasizes the embodied experience of the researcher in the archive with a particular emphasis on experiences of "passion, intimacy, or lust" generated by work in alternative and community archives.[454] While these interventions interrogate the exclusion of queer figures from official histories prompted by state powers, Sara Edenheim emphasized that such exclusions can be taken up from a perspective of queer pessimism.[455] Edenheim argues that bureaucratic public research archives are key sites to excavate the affects of the damages to queer life precisely because their existence is based on homophobic, hegemonic, and hierarchical exclusions.[456] In this way there are dual arguments for determining which archives to examine in order to provide access to queer traumas from the

[453] Ann Cvetkovich, *An Archive of Feelings: Trauma, Sexuality, and Lesbian Public Cultures* (Durham: Duke University Press, 2003).
[454] Amy L. Stone and Jaime Cantrell, eds., *Out of the Closet, into the Archives: Researching Sexual Histories* (Albany: SUNY Press, 2015), 11.
[455] Sara Edenheim, "Lost and Never Found: The Queer Archive of Feelings and Its Historical Propriety," *Differences* 24, no. 3 (2013): 36–62.
[456] Ibid., 50.

past; both counterpublic community archives and public research archives can provide evidence for raising queer historical consciousness.

My project brings queer community archives and public research archives into dialogue to interrogate how radically different institutions make sense of punitive measures taken towards queer consumers and markets. This comparative intervention in queer studies of archives underscores that law enforcement perceived queers as a threat to the white middle-class heterosexual status quo, and that LGBT community groups worked in tandem with those in the sex media industries to make a sustained critique of the social inequities maintained through institutions of policing. Community-based LGBT archives, such as the ONE Archives in Los Angeles and the GLBT Historical Society in San Francisco, have substantial collections of periodicals and historical correspondences that document queer communal outrage at the policing of queer media institutions such as theaters, production companies, and distributors. Institutional archives, on the other hand, such as the *Stanley Fleishman Papers* at UCLA, the Lyndon Baines Johnson Library in Austin, and records of state agencies acquired via public records requests, document the various ways that the policing of public sexuality was naturalized as conventional and necessary. In turn, the everyday perfunctory nature of the eradication of such documents by state institutions underscores the lack of respect for the fact that these unjust forms of regulation destroyed people's lives. In sum, the findings of this study underscore a central contradiction of late capitalism; the state may arbitrarily encourage and hinder the smooth flow of capital. Ethical considerations of the possible negative effects of capitalism only seem to arise with the prosperity of industries that do not conform to the moral strictures of those in power.

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APPENDIX I: FBI FOIA Response from November 29, 2017

U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

November 29, 2017

MR. FINLEY FREIBERT
PH.D. PROGRAM IN VISUAL STUDIES
UNIVERSITY OF CALIFORNIA-IRVINE
2000 HUMANITIES GATEWAY
IRVINE, CA 92697-2785

FOIPA Request No.: 1386654-002
Subject: BEEHLER, RHEBA

Dear Mr. Freibert:

This is in response to your Freedom of Information Act (FOIA) request.

Based on the information you provided, we conducted a main and cross-reference search of the indices to our Central Records System, to include any Electronic Surveillance (ELSUR) records. We were unable to identify file records responsive to the FOIA.

Since no responsive files were located, it is unnecessary to adjudicate your request for a public interest fee waiver.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S. C. § 552(c) (2006 & Supp. IV (2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request Number listed above has been assigned to your request. Please use this number in all correspondence concerning your request. Your patience is appreciated.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: https://foiaonline.regulations.gov/foia/action/public/home. Your appeal must be postmarked or electronically transmitted within ninety (90) days from the date of this letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so that it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS) at 877-684-6448, or by emailing ogis@nara.gov. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so that it may be easily identified.

Enclosed for your information is a copy of the FBI Fact Sheet and Explanation of Exemptions.

Sincerely,

David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Records Management Division

Enclosure(s)

David M. Hardy. Letter to Finley Freibert. "Beehler, Rheba," November 29, 2017. Winchester, VA to Irvine, CA. FOIPA Request No. 1386654-002.

APPENDIX II: FBI FOIA Response from October 3, 2017

U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

October 3, 2017

MR. FINLEY FREIBERT
PH.D. PROGRAM IN VISUAL STUDIES
UNIVERSITY OF CALIFORNIA, IRVINE
2000 HUMANITIES GATEWAY
IRVINE, CA 92697-2785

FOIPA Request No.: 1385739-000
Subject: DACHSTEINER, WALTER B.

Dear Mr. Freibert:

This is in response to your Freedom of Information Act (FOIA) request.

Records which may have been responsive to your request were destroyed. Since this material could not be reviewed, it is not known if it was responsive to your request. Record retention and disposal is carried out under supervision of the National Archives and Records Administration (NARA), Title 44, United States Code, Section 3301 as implemented by Title 36, Code of Federal Regulations, Part 1228; Title 44, United States Code, Section 3310 as implemented by Title 36, Code of Federal Regulations, Part 1229.10.

It is unnecessary to adjudicate your request for a fee waiver as no responsive main files were located.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request. Your patience is appreciated.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's FOIA online portal by creating an account on the following web site: https://foiaonline.regulations.gov/foia/action/public/home. Your appeal must be postmarked or electronically transmitted within ninety (90) days from the date of this letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so that it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS) at 877-684-6448, or by emailing ogis@nara.gov. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so that it may be easily identified.

Enclosed for your information is a copy of the FBI Fact Sheet.

Sincerely,

David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Records Management Division

Enclosure(s)

David M. Hardy. Letter to Finley Freibert. "Dachsteiner, Walter B.," October 3, 2017. Winchester, VA to Irvine, CA. FOIPA Request No. 1385739-000.

APPENDIX III: Document Release in FBI FOIA Response from December 27, 2017

FEDERAL BUREAU OF INVESTIGATION
FOIPA NOTES SUMMARY INFORMATION SHEET
Case: 1385739-000

Type: Initial Processing, Sub Type: General Date: 10/03/2017 15:20:43, User: [redacted]
Subject: Case submitted for closing
Text: Destroy letter mailed on 10/3/17. Case can be closed.
_____End Text_____

Type: Initial Processing, Sub Type: General Date: 10/03/2017 15:17:40, User: [redacted]
Subject: [redacted]
Text: [redacted]

77-SF-10400 Closed [redacted] Destroyed [redacted]

_____End Text_____

Type: Initial Processing, Sub Type: General Date: 10/03/2017 15:16:49, User: [redacted]
Subject: [redacted]
Text: [redacted]
_____End Text_____

Type: Initial Processing, Sub Type: General Date: 10/03/2017 15:16:37, User: [redacted]
Subject: Destroy letter mailed
Text: Destroy letter mailed on 10/3/17.
_____End Text_____

Type: Initial Processing, Sub Type: General Date: 10/03/2017 13:50:41, User: [redacted]
Subject: Destroy letter approved - dated 10/3/2017
Text: [redacted]
_____End Text_____

Type: Initial Processing, Sub Type: General Date: 09/29/2017 09:34:13, User: [redacted]
Subject: Destroy letter submitted for approval
Text: Destroy letter submitted for approval on 9/29/17.
_____End Text_____

Type: Initial Processing, Sub Type: General Date: 09/29/2017 06:29:35, User: [redacted]
Subject: [redacted]
Text: [redacted]

Emailed [redacted] on 9/29/17. Received response indicating file has been destroyed.

Classification: UNCLASSIFIED

==========

_____

From: [redacted] (FBI)

Sent: Friday, September 29, 2017 8:58 AM

To: [redacted] (RMD) (CON) [redacted]

Cc: [redacted] (FBI) [redacted]; [redacted] (FBI) [redacted]

Subject: RE: File request - FOIA #1385739-0 (Walter B. Dachsteiner) --- UNCLASSIFIED

b5
b6
b7C

Requester fee category: Favored - Student of Educational Institution
_____End Text_____

[redacted] b6 b7C
Government Information Specialist

Federal Bureau of Investigation

ICRC/Q-13

[redacted]

==========

Classification: UNCLASSIFIED

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Classification: UNCLASSIFIED

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Classification: UNCLASSIFIED
_____End Text_____

Type: Initial Processing, Sub Type: General Date: 09/29/2017 06:20:58, User: [redacted] b5 b6 b7C
Subject: Search conducted
Text: [redacted]

[redacted]

[redacted]
_____End Text_____

Type: Initial Processing, Sub Type: General Date: 09/29/2017 06:19:54, User: [redacted]
Subject: [redacted]
Text: [redacted] b5 b6 b7C

Used pre-exisiting requester account.

Created new subject account.
_____End Text_____

Type: Initial Processing, Sub Type: General Date: 09/29/2017 06:19:13, User: [redacted]
Subject: Fee waiver/expedite
Text: Fee waiver: Affiliated with an academic institution. Public interest argument and infomat
ion would significant contribution to public knowledge of government operations.

Expedite: N/A

Willing to pay: $0

Classification: UNCLASSIFIED

==========

Good morning

Case file destroyed.

Have a great day. << File: FOIA 1385739.pdf >>

From: [redacted] (RMD) (CON)

Sent: Friday, September 29, 2017 4:28 AM

To: [redacted] (FBI) [redacted] (FBI) [redacted]

Cc: [redacted] (FBI) [redacted]

Subject: File request - FOIA #1385739-0 (Walter B. Dachsteiner) --- UNCLASSIFIED

b5
b6
b7C

Classification: UNCLASSIFIED

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TRANSITORY RECORD

Good Morning [redacted]

I am currently working on a FOIA request regarding Walter B. Dachsteiner (FOIA 1385739-0). [redacted]

b5
b6
b7C

<< File: Field Office File Request Form - 77-SF-10400.pdf >>

Thank you,

David M. Hardy. Letter to Finley Freibert. “Processing Notes for FOIA 1385739,” December 27, 2017. Winchester, VA to Irvine, CA. FOIPA Request No. 1386351-000, Document 2.