The Clearly Obscene and the Queerly Obscene: Heteronormativity and Obscenity in Cold War Los Angeles

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Squirming on the witness stand, pressed for a definition of obscenity, Los Angeles Police Department vice squad officer Donald Shaidell grew defensive. He knew Kenneth Anger’s film *Fireworks*, with its homoerotic imagery of sailors, public bathrooms, phallic symbols, and milky fluids, was obscene, but the defendant’s attorney demanded further clarification of the word’s meaning. “I don’t have a dictionary with me, counsel,” Shaidell growled, before finally explaining, “obscene is something that isn’t general practice by the public.”

Shaidell’s reluctantly given definition communicated on levels unintended by the beleaguered vice officer in 1958. For in cold war Los Angeles, obscenity charges indeed operated precisely as enforcing agents of a normative regime of sexual politics predicated on the suppression of the noncompliant, with homosexuality as the key offender. Such charges were systematically deployed in the interests of heteronormativity, utilized for a variety of interlocking ends: the literal erasure of homosexual visibility, the cultural conflation of the queer with the obscene, and the targeting of queer community formations for destruction.

As such, these obscenity charges fit wholly into the political matrices of the cold war. Waged both at home and abroad, the American cold war took multiple interweaving forms. Abroad it strove for the spread of democracy and capitalism, in an effort to stabilize and expand U.S. markets, particularly in the politically volatile nations classified as the “Third World.” Domestically, in addition to the political suppression of the Left, the cold war often consisted of programs to normalize and reproduce atomized nuclear families—predicated on heterosexual marriages in which wives avoided the workplace—in an effort to sustain the consumer culture that had begun to replace industry as the heart of the U.S. economy.

These twin projects relied on distinct discourses—one of “liberty” and “freedom” from communism, the other of “normalcy” and “family” as op-
posed to deviation—but the two discourses often melted together despite the
ostensible coldness of the war. Thus foreign policy relied on a phallic model
of masculinized nationalism, as diplomat and theorist George Kennan used
sexual metaphors of “penetration” to formulate a national body-politic always
imagined as white, male, and heterosexual—to penetrate, not to be penetrated,
as the stances of President John F. Kennedy would reflect. Meanwhile, the
inward-tending domestic front of the cold war taught good white girls to
practice “containment on the homefront” by fending off their boyfriends’
advances, and the family kitchen was utilized by Richard Nixon as a “weapon”
against the Russians in proving American superiority.4

Sexuality took on political hues in this convoluted but tightly organized
framework, as a specific regime of unblinkingly erect and autonomous white
masculinity was organized around the ideal American cold war family. “Power-
ful erections in the marriage bed,” as Jessamyn Neuhas writes of the perceived
links between “normal” sexuality and the highly gendered and raced discourse
of foreign relations, “comprised a strong front against the peril of perversion
facing the United States.”5 If communism embodied the greatest political
perversion, homosexuality played its internal, domestic counterpart—an
analogy not only conservatives, but also liberals were happy to perpetuate.
The strictures established to maintain this parallel were numerous, sometimes
formal and other times not. When the Kinsey Reports of 1948 and 1953
exposed the discrepancies between normative narratives of American sexual-
ity and its lived experiences, they were loudly condemned as subversive, and
gossip about “unmanliness” could undermine even the political strength of
powerful Senator Joseph McCarthy.6 Meanwhile, formalized mechanisms to
regulate American sexuality were institutionalized into various policies: the
1944 G.I. Bill, which Margot Canady describes as “the first federal policy that
explicitly excluded gays and lesbians from the welfare state”; various “sexual
psychopath” and sodomy laws, nominally intended to protect women and
children from assault but substantively used to pathologize and incarcerate
gay men in cities ranging from Miami to Iowa City to Boise; and Executive
Order 10450, signed by President Eisenhower in 1953, officially classifying
homosexuals as security risks and precluding their employment by the federal
government for decades to come, as well as initiating a devastating purge of
those already employed.7

Obscenity law must be included alongside these strictures. Used to stig-
mate and suppress queer texts, it helped reify heteronormative assumptions
about the perversity and prurience of dissident sexualities in cold war America.
One reason this observation has been too infrequently made is that a study of
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Case law alone suggests more victories than losses for gay and lesbian media. Such a view remains blind to the impact of sheer deployment of obscenity law; regardless of the legal outcome, such charges served to both reinforce hegemonic perspectives and devastate queer community formations. Courtroom convictions ultimately carried less importance than cultural convictions, and the persistent and systematic deployment of obscenity charges against queer texts in cold war America helped insure no fair trial would be held in that sphere. A sustained look at cold war Los Angeles helps render this process concrete. While queer historians have long been cognizant of the widespread historical trend of censoring queer texts, the specific historicization of this process has too rarely been undertaken, and the general historical approach to obscenity has been through a primarily legal framework.8

By detailing the precise mechanics of heteronormativity as embodied in obscenity law, this article contributes to understandings of how gay men and lesbians could be continuously construed as what Shane Phelan terms “sexual strangers,” their very identities infused with unsavory “obscene” connotations that would remain linked to queer identities and practices for decades. This literal policing of queerness as obscene—thus placing it “off/scene,” as film scholar Linda Williams notes—constituted an important component of the broader cold war domestic project of forging a straight, white national identity by also figuratively declaring obscene (in the sense of forcing off/scene) other minority communities, from political dissidents to people of color. Emanating out of national politics, this project often took shape at the local level, as this study of cold war Los Angeles indicates.9

Demonization in the City of Angels

As the twentieth century dawned, Los Angeles proudly proclaimed its moral purity. “Whereas, the morals of our City of the Angels have reached as near perfection as may be expected,” the Committee on Public Morals informed the city council in 1897, “we therefore see no further use for this Committee.”10 The illusion would not last, but civic leaders would fight hard to maintain it. Notions of race and sexuality had been fused in the developing national political imaginary of the 1890s, with the discourses of scientific racism and sexology “deeply intertwined,” as Siobhan Somerville writes, in the formation of a white, heterosexual national identity, and hegemonic conceptions of racial and sexual “deviance” would develop in tandem as the twentieth century took shape.11 This dynamic played out in Los Angeles, as reigning cultural narratives “whitewashed” the city, de-Mexicanizing its historical memory and inventing a
mythologized romantic “Spanish” heritage, before promoting an Anglocentric image of middle-class, white, heterosexual families partaking of the officially recognized moral perfection. Those who fell outside the borders of this idealized citizenry were relegated to various forms of marginalization. But while subjugation along racial lines in L.A. is a familiar story, the entwined assault on deviant sexualities that helped bolster straight white normalcy—that set of “general practices by the public” to which the aforementioned vice officer alluded—has only recently been explored.12

As late as 2001, geographer Moira Rachel Kenney could accurately refer to L.A. as “the greatest hidden chapter in American gay and lesbian history”; while numerous other cities received monograph-length attention in the wake of George Chauncey’s 1994 *Gay New York*, Los Angeles went underattended. But thanks to recent scholarship by Sharon Ullman, Daniel Hurewitz, Lillian Faderman, and Stuart Timmons, it is now clear that queer community formations in L.A. date back to the turn of the twentieth century. From the start they were met with heavy-handed suppression, from the 1914 Long Beach fellatio panic chronicled by Ullman to the “dramatic expansion of government persecution” Hurewitz has uncovered in the 1930s, as a Sex Bureau was created to monitor “sex degenerates.”13

Little of this history was enshrined in local public memory, however, leaving each new generation to rediscover the “menace” of homosexuality. Thus, as the social upheavals wrought by World War II facilitated the rise of gay urban cultures across the nation, Los Angeles authorities treated the event as unprecedented. In terms of scale, it was; from gay enclaves such as Silver Lake to the claiming of public space via cruising in Griffith Park and Pershing Square, and ultimately to the founding of the pioneering homophile activist group the Mattachine Society in 1950, L.A. had never before experienced anything like the 1940s.14 As one vice squad police officer wrote in 1943, “the number of ‘queers’ and degenerates are increasing in this city,” and police statistics both support his claim and reflect the enhanced effort to counteract the trend. Arrests for sodomy increased from 19 in 1940 to 90 in 1947, while “sex perversion” arrests accelerated even more rapidly, leaping from 22 to 437 in the same period. Related charges, from public disorder to the malleable “lewd” vagrancy, also proliferated.15 Given the pervasive use of vagrancy laws against migrant workers in California, Nayan Shah has rightly identified them as a crystallization of the imbricated mechanisms of racial and sexual regulation, showing how the two axes intersected in the formation of a straight white political imaginary—the “ordinary” citizen.16
As postwar queer visibility was met with resurgent repression, local civic leaders eagerly enlisted in the antigay crusade. The city council adopted a resolution in 1947 imploring the LAPD to use “every latitude in its power” to close gay bars and even threatened to criminalize “a normal act of shaking the hand of a friend . . . in order to reach these homosexuals.” New chief of police William Parker, who took charge in 1950 and helped institutionalize the “war on crime” framework, eagerly complied, assuring the council that the LAPD “will continue its impressive activities against this type of offense” in 1951. Meanwhile, the local media fostered moral panic with its sensationalistic coverage of homosexuality; the Daily News, for instance, alerted readers to the “alarming increase in sex crimes” in 1948, using the phrase as a thinly coded reference to homosexuality. For readers incapable of decoding the allusions, the paper also provided headlines such as “Hunt Pervert Who Lured Two Boys.”

Harassing patrons of gay bars and men out cruising as it regulated sexuality in Los Angeles, the LAPD reflected an institutional consciousness shaped by its established patterns of policing people of color. By midcentury, Los Angeles police had adopted a view of Mexicans as inherently criminal, and police violence against African Americans was systemic. Under chief Parker these trends would continue, and would apply to queers as well; just like Mexicans, queers were inherently criminal (by virtue of sodomy laws and conduct ordinances), and just as people of color needed to be contained, kept out of respectable neighborhoods, so too did deviant queers. As Edward Escobar has observed, Parker adopted the “central organizing metaphor” of “the thin blue line,” framing the LAPD as maintainer of social boundaries. Parker’s color-coded metaphor implicitly reveals the heteronormative assumptions of local authorities, as he imagined his thin blue line to “protect” its white constituents not just from the imagined threats of brown and black, but also from those of lavender—a framework that collapsed straightness into whiteness, supporting Judith Halberstam’s recent claim for “the interchangeability of the queer and the racially other in the white American racist imagination.”

Intertwined as it thus was with white supremacist agendas that proved exceedingly persistent, antigay sentiment was sustained across the years; from the “mentally twisted sexual perverts” described in 1952 by councilman Ed Davenport—fondly remembered by historians as “the darling of the neo-fascists”—to the “cancer-like spread of vice” depicted by the Los Angeles Times a decade later, the prevailing image of gay men was of venereal-disease-spreading sexual psychopaths intent on making L.A. a “mecca for queers,” as another local paper put it. One Angeleno woman responded to that article with a let-
ter in 1962, describing her “nausea and anger” over gay public visibility and proposing to “mak[e] it impossible for them to exist here.” The authorities agreed, and while sodomy laws, entrapment, and police violence were favored methods of establishing those conditions, obscenity laws also aided in the attempted restoration of traditional heterosexual hegemony.20

Certainly queer texts were not alone in meeting suppression at the hands of local authorities. Despite the urbane presence of Hollywood in its midst, Los Angeles often followed conservative social and political impulses and, as Sarah Schrank and Richard Candida-Smith have documented, local censorship extended from political murals of the 1930s to sexually frank artwork of the 1950s and ’60s.21 As late as 1963, the city attorney’s office threatened to prosecute book dealers selling Henry Miller’s controversial novel Tropic of Cancer.22 In this context, what marks queer obscenity charges as unique is the apparent belief—on abundant display in the cases discussed below—that queer materials were inherently obscene. While the level of sexual explicitness served as the primary criterion in straight-oriented obscenity cases, queer erotic material as such was viewed as obscene, regardless of its level of graphic explicitness.

**Courtroom Acquittals, Cultural Convictions**

When it came to the branding of gay-themed media as obscene, the most recurring pattern was initial courtroom convictions followed by subsequent reversals exonerating the defendants. These ultimate vindications came at great cost, both in the literal financial sense as well as the less tangible but no less real sense of perpetuating the discursive conflation of the queer and the obscene. The case of Bob Mizer, an early victim of these efforts who had cofounded the Athletic Model Guild in 1945, serves as a case in point. By selling black-and-white photographs of barely clad men, often in erotic but ambiguous scenarios such as wrestling matches, AMG quickly attracted a constituency. When Mizer encountered trouble placing advertisements in resistant men’s magazines, he simply bound sets of his photographs and began publishing them as a magazine, Physique Pictorial. Debuting in 1951, it found a global subscription list by the next year, and its influence extended far enough to inform the paintings of the famous L.A.-based artist David Hockney.23

Physique Pictorial also found a vocal public opponent in the Los Angeles Mirror columnist Paul Coates, who had repeatedly used his position to denounce homosexuality. After a condemnation of the Mattachine Society in 1953 and the presentation of “an unpleasant fact—the fact of homosexuality in Los
Angeles” on his television program *Confidential File* in early 1954—Coates next targeted Mizer’s publication. Warning that “sooner or later, almost every teen-age kid will have some contact with the homosexual,” Coates listed possible contact locations as movie theaters, public restrooms, and parks—or, he added, “maybe the homosexual will be the man who stops his car to offer your boy a ride home from school.” Having invoked fear in his intended reader, Coates then singled out *Physique Pictorial*, calling it “a kind of *Esquire* for men who wish they weren’t” and “thinly veiled pornography.” Adding rhetorical sparks to his incendiary framework, he also claimed that “it finds its largest audience among the most brutal, horrifying sex criminal—the sadist.”

When Coates returned to *Physique* two weeks later, he reiterated that the magazine’s appeal, “whether intended or not, is really to the sick, half-world of homosexuals, sadists, and masochists.” Disingenuously suggesting that “perhaps the harm wouldn’t be too great, if perverts limited their practice to their own small circle,” Coates immediately followed with a staccato rejoinder: “But they don’t.” Coates’s column inspired action, and the next morning, May 19, 1954, the *Mirror’s* front page announced the arrest of Bob Mizer on charges of “possession and sale of indecent literature.”

At trial, the prosecution’s case rested on one witness (the arresting officer) and nine photographs, several portraying fully naked men but unrelated to *Physique* and neither photographed by nor even in the possession of Mizer. A conviction nonetheless ensued. While Mizer managed to win his appeal in Los Angeles Superior Court in 1955, as the city abandoned the mysterious nudes and arguments descended into competing analyses of “uncovered rumps,” the impact of his victory was quite muted. Local newspapers ignored the reversal, and because it was a local case it set no viable precedent. Furthermore, the consequences of the obscenity charges outlived their short legal life. Mizer himself took a self-described “timid” approach to publishing after the case; while gay male magazines grew steadily more explicit over the course of the 1960s, Mizer restricted *Physique Pictorial*’s imagery out of a direct concern for his freedom. “I didn’t want to spend my whole life in jail,” he later explained.

The stigmatization of queer Los Angeles via obscenity law thus began without legal validation but nonetheless served its purpose, imposing a chilling effect on queer expression and stunting the growth of the mail-order community to which Mizer had contributed.

These purposes were even more apparent in the next major effort to suppress queer media, when Los Angeles postmaster Otto Oleson initiated a
vendetta against the homophile magazine *ONE*. Unlike *Physique Pictorial* and its racy photographs, *ONE*—created by activists with Mattachine backgrounds—took a more staid approach toward gay rights issues, addressing police entrapment, psychiatric homophobia, and other pertinent matters. Oleson commenced activity against *ONE* shortly after its inception in 1953, detaining the August issue from the mail on grounds of obscenity. Forced to let it circulate after the solicitor general in Washington found no grounds for withholding, Oleson struck again when the October 1954 edition featured a short lesbian story and a mildly ribald gay ballad. Considering their challenge to Oleson's edict strong, the publishers of *ONE* were quickly disappointed by the federal district court, which upheld Oleson's ruling. On appeal, the Ninth Circuit Court affirmed in a vitriolic decision lambasting *ONE* as "obscene and filthy"; the short story, "Sappho Remembered," which featured nothing more explicit than a kiss, was described as "cheap pornography calculated to promote lesbianism," while the poem "Lord Samuel and Lord Montagu," whose most overt lines mentioned "ins and out with various Scouts," earned scorn as "dirty, vulgar, and offensive to the moral sense."27

An incensed *ONE* asserted that "homosexual literary themes, compared to heterosexual, are not judged with nearly an equal degree of candor and realism" in the judicial realm. Its legal briefs also made the point repeatedly, first arguing before the district court that lesbian kisses were no more salacious than heterosexual ones, and then declaring that the court "repeatedly begged the question by assuming, without argument, discussion, or any explanation of any kind whatsoever, that the mere depiction of homosexuals or homosexual problems in literature is 'lustful' or 'stimulating' in such a manner as to render the literary work 'obscene.'"28 In 1957, these arguments failed to persuade even the American Civil Liberties Union (which at that point refused to challenge the constitutionality of "laws aimed at the suppression or elimination of homosexuals") to join the case on *ONE*'s behalf; while an ACLU representative promised *ONE*'s editor to give "serious consideration" to the case, the Union ultimately decided against involvement.29 The notion that homosexuality was inherently obscene remained so deeply institutionalized that even America's most aggressive civil libertarians passively accepted it.

Despite such adversity, *ONE* maintained its resistance, finally appealing to the Supreme Court in 1957. Circumstances gave the homophile magazine hope: after decades of inaction on the issue of obscenity, the Court that year finally codified rigorous standards for the suppression of expression. Excepting obscenity from the province of the First Amendment in the landmark *Roth* decision, the Court nonetheless restricted that category to material "utterly
without redeeming social importance,” defined by whether, “to the average person, applying contemporary community standards, the dominant theme of the material in question, when taken as a whole, appeals to prurient interest.” As such, the Court explicitly mandated that “sex and obscenity are not synonymous.” These standards portended hope for ONE, and indeed, in January 1958 the Court reversed the obscenity ruling, exonerating ONE and clearing it for mailing.30

And yet, as with the Mizer case, a landmark decision went largely unheeded. The Supreme Court issued its ruling per curiam, without a written decision, and the media followed suit. In the New York Times, a reporter devoted sixteen paragraphs to a companion decision regarding nudist magazines delivered alongside ONE, only cursorily acknowledging that “in another brief order the court today reversed a Post Office ban on a magazine, one which deals with homosexuality,” in an article titled “Nudist Magazines Win Mail Rights.”31 Back in Los Angeles, the local press gave even less attention, as the Times discussed everything from antics at a Bing Crosby golf tournament to the surf in Hawai‘i on the front page but failed to mention the ONE case anywhere. Likewise, the Herald Express emphasized a fire that threatened John Wayne’s baby but ignored the case, as did the Examiner and the Mirror. ONE continued to rail against the antigay bias of obscenity law, but to no discernibly increasing audience outside the homophile community. Indeed, by the time of ONE’s much-delayed exoneration, Los Angeles officials had expressed their overt intent to continue the persecution of queer texts through obscenity charges.32

A 1958 case against bookseller Eleazar Smith revealed that police prejudices were shared by many Angelenos. In November 1956, an LAPD complaint leveled sixteen obscenity charges against Smith for material ranging from the magazine Adam (a men’s magazine self-described as “all in fun . . . gay, zesty, and frothy,” and featuring topless pictures of women) to several books of pulp fiction. Only one was found obscene at trial: the lesbian pulp fiction novel Sweeter Than Life. Sentenced to thirty days in jail, Smith appealed, switching the terms of the case from the actual obscenity of the novel to procedural grounds of his knowledge of the book’s contents. Unimpressed, the appellate court affirmed his conviction, but not before noting in passing that the book “was properly held to be obscene by the trial court.” Only when the case reached the Supreme Court in 1959 was Smith exonerated, but by that point the case had reached a level of abstraction far removed from the alleged obscenity of the lesbian novel, and the Court based its decision entirely on the absence of a scienter, or knowledge, clause in the California obscenity statute.
While the decision had broad national implications regarding the regulation of obscenity, a skittish local press in Los Angeles helped conceal the queer basis of the case with evasive language; while the Examiner made brief reference to *Sweeter Than Life* as “a disputed book about a sexually-deviant woman,” the *Times* simply alluded to “an obscene book.” While Didi Herman, among others, has noted that antigay efforts disproportionately target gay males, lesbianism too fell under the rubric of the obscene in cold war L.A.

As both the *ONE* and Smith cases percolated up through the court system, the LAPD mounted yet another antigay campaign through obscenity law. The Coronet Theater, on La Cienega Boulevard in West Hollywood, served as a gay male social hub, frequently screening art films with queer overtones. “Even when they were showing Buster Keaton,” gay archivist Jim Kepner would later recall, “two-thirds of the audience would be gays.”

An October 1957 bill featured four films: *Plague Summer*, *Closed Vision*, *Voices*, and *Fireworks*. The last one, made by Kenneth Anger in 1947 and shown often across the nation during the intervening decade, stood as perhaps the most aggressively queer film of its era, brimming over with homoerotic signs and symbols, from sailors to public bathrooms to phallic imagery. Upon seeing *Fireworks*, the LAPD vice squad leveled an obscenity charge at Coronet operator Richard Rohauer, though the police inspired confusion by naming two films in the single charge. *Voices*, the solipsistic tale of a wandering man, featured a brief shot of a naked woman seen through an open window, but the vice squad left no doubt that *Fireworks*—and more broadly, the Coronet itself as a site of gay community formation—lay at the heart of the charge.

Prosecutor William Doran made clear that the Coronet itself was the true target of the legal attack, calling forth a series of male teenage theater patrons as witnesses and asking them the sole question of their ages, which ranged from sixteen to nineteen. When defense attorney Stanley Fleishman objected to the witnesses as immaterial, the judge overruled him; however, when Fleishman cross-examined one sixteen-year-old, sustained objections prevented the young man from speaking to questions such as “Did any film in the program corrupt or deprave you?” and “Did any film in the program arouse lascivious thoughts or lustful desires on your part?” LAPD vice officer Shaidell, who confessed to finding *Fireworks* “sickening,” likewise reflected the emphasis on the Coronet rather than the films when he described “the many known homosexuals whom I recognized in the audience of this theater” and “many others who [sic] I had seen in homosexual bars in the Hollywood area.” Indeed, Shaidell testified that he had asked Rohauer whether the theater operator knew that “there was a lot of homosexuals in the audience tonight.”
Prosecutor Doran also zeroed in on the film’s queer symbolism, calling specific attention to one scene with a lit firecracker protruding from a man’s pants. “Somebody set fire to his penis, is that right?” Doran asked one witness. Though the witness responded, “Well, it wasn’t his penis,” Doran nonetheless persisted in later referring to “the penis scene.” Midway through the trial, an exasperated Fleishman complained to judge Harold Shepherd that, procedurally, the trial was “a travesty of the worst kind.” When he called for a dismissal, Shepherd acknowledged, “I think you have a good argument, counsel,” but denied the request. None of Fleishman’s objections, nor the defense’s impressive roster of witnesses (ranging from a psychoanalyst to a Guggenheim-winning poet) could sway the case from its inevitable conclusion.38

Doran’s tactics of parading teenage boys before the court and collapsing the distinction between literal nudity and phallic symbolism proved effective, and Rohauer was found guilty of exhibiting obscene material. Yet again, the conviction failed to withstand appellate review, and the Los Angeles Superior Court reversed, citing the ONE case (decided by the time of the appeal in 1959) and definitively declaring that while homosexuality “may be regarded as a cruel trick which nature has played on its victims” and “is not a condition to be approved,” it was nonetheless not obscene, in and of itself. Dissenting Judge Leon David, however, reflected the prevailing cold war cultural beliefs of the time, describing *Fireworks* as “abnormal stimuli” for the “lascivious thoughts, lustful desires and sadistic satisfactions” of “sexual psychopaths.” In covering the decision, the *Los Angeles Times* conspicuously failed to note the unequivocal declaration that homosexuality was not inherently obscene.39

The legal disentangling of homosexuality from obscenity, then, carried little impact, in part due to media influence. While newspapers continuously downplayed any information divorcing the two concepts, they vociferously reinforced the notion of the two concepts’ mutually constitutive nature. “Smut can change a perfectly normal boy or girl into a homosexual,” asserted the *Herald and Express* in 1956, and two years later an extended “Report on Pornography” by the *Daily Journal* would refine and develop the thesis. “Pornography as a subject is hard to divorce from sex deviation, strip teasing, nude exhibitions, juvenile delinquency,” and other matters, claimed reporter Edsel Newton, giving the first category the most pressing attention. Creating his own taxonomy, Newton softened his references to heterosexually oriented “unwholesome literature,” described as “harmless,” while reserving “hard core” pornography for gay media, which would inspire an animal breeder to “look around for new stock if he observed among his herds such deviations,” a metaphor that emphasized the base depravity of homosexuality. Effacing
the overwhelming predominance of heterosexually oriented erotic materials, Newton explained that “the publications, photographs and films in this particular hard core category cater to the 200,000 homosexuals that are said to exist in the Los Angeles area and to morbidly curious youths and adults.”

Such tropes manifest the unspoken but evident belief structure of the antigay obscenity charges: homosexuals, particularly gay men, were disproportionately attracted to sexual materials; the worst and most threatening form of erotic expression was the queer variety; and queer texts were inherently obscene. By conflating homosexuality and obscenity, L.A. authorities discursively reconfigured the relationship of the terms, embedding the former within the latter, and legal rulings alone showed little capacity to break the link. Not even the Supreme Court’s overt declaration, in the 1962 Manual Enterprises decision, that homosexual publications were subject to the same standards of obscenity as heterosexual ones (always read in terms of naked females depicted for straight male audiences), which finally decreed what the 1959 ONE case had already seemingly established, carried much immediate impact in Los Angeles, as the 1964 trial of Michael Aaron Getz indicated.

Arrested for exhibiting the film Scorpio Rising, Getz found himself in an uncannily precise repeat of the earlier Fireworks trial. Like that film, Scorpio was made by avant-garde filmmaker Kenneth Anger, who won a prestigious Ford Foundation grant only a week after Getz’s arrest. The film itself, again like Fireworks, privileged connotative imagery over linear narrative, featuring a biker gang whose homoerotic endeavors are refracted against images of James Dean, Marlon Brando, Jesus Christ, and Adolf Hitler. Anger’s project of queering iconic masculinity culminated in a transgressive party, featuring imagery that would be hotly contested at trial. Prosecutor Warren Wolfe followed precedent in framing the film in the context of its queer-friendly setting, this time the Cinema Theatre in Westwood, near UCLA. Asking a witness, “Were most of the patrons in the theatre that evening male?” Wolfe clearly announced his strategy; later in the trial, when another witness professed not to know the term “queen” but to live in Westwood, Wolfe quipped, “Evidently not near the Cinema Theatre.”

Because of the Supreme Court, Wolfe was unable to simply contend that Scorpio Rising’s homosexual content was a priori evidence of obscenity. Rhetorical circumlocutions abounded as he attempted to maintain the substantive linkage while adhering to the letter of the law. “The people’s position is this: the problem is not the idea of homosexuality . . . but it is the depiction of the idea which is the problem, not the idea,” Wolfe explained at trial. When this analysis seemed vulnerable, Wolfe resorted to visceral antigay slurs. “Do you
believe artistic ability is an excuse for degeneracy?” he asked one film-critic witness. Though an objection by defense attorney Stanley Fleishman—a repeat party from the Fireworks trial—was sustained, Wolfe persisted in his language. The next day he again described “depiction of certain degenerate activity.” In another sustained objection, Fleishman attempted to defuse the term of its charge by mentioning, “degenerate is a very vague word and kind of emotionally-laden,” but despite the repeated objections, Wolfe went on to continue using the term before the jury.43

The parallels to the Fireworks trial ran deep: again, Fleishman delivered a stirring speech calling for a mistrial, to which judge Bernard Selber acknowledged that the “people’s case at this point I will say is very weak,” before denying the plea. Amazingly, the trial again boiled down to disputes over an alleged penis, in a shot from the climactic party scene occupying mere frames of film. The shot was so brief—described by one witness as “subliminal”—that consensus on its content was impossible. “I cannot even identify it as a penis by magnification,” testified one witness. “I see a blob of something there,” which he suggested “might be a potato.” As with Fireworks’ phallic firecracker, though, prosecutor Wolfe peppered his speech with reference to exposed penises. And again, it worked: Scorpio Rising was found obscene and Getz convicted. Because the case so openly flaunted obvious precedent, it came as little surprise when an appellate court reversed six months later. But that it even came to trial in 1964 shows how persistently cultural convictions superseded legal doctrine in cold war Los Angeles.44 Indeed, later again in 1964 Los Angeles would prosecute publisher Milton Luros for nine lesbian pulp fiction paperbacks (described with characteristic euphemism by the Los Angeles Times as “deal[ing] with sex aberration”), only to see Luros acquitted on all counts by a judge whose decision took a dismissive stance toward the very notion of the books’ obscenity.45

Context Over Content: Making Queer Space Obscene

Obscenity charges served as multifaceted weapons against queer communities in postwar L.A. While perpetuating normative beliefs in the obscene nature of homosexuality, they also achieved less abstract ends of stunting community formations and erasing public visibility. Certainly the examples already discussed carried obvious chilling effects on both fronts: withholding ONE from the mails impeded homophile activism, Bob Mizer kept Physique Pictorial tame after his prosecution, and the Fireworks case left Richard Rohauer financially depleted and unable to pay his legal costs, leading to the decline of
the Coronet Theater. Local authorities showed little awareness or concern for the nuances of difference among various types of media; indeed, at times they would dispense with even the pretense of concern over actual texts and simply deploy ostensibly neutral obscenity charges against queer public space.

Queer space could be situational rather than spatially static; the act of place claiming—theorized by geographers as “the appropriation of physical, social, and mental spaces by marginalized groups”—encompassed a range of activities in the 1950s, from the cruising of parks and bathrooms to the activities of lesbian softball teams. Art house cinemas, as film scholars have suggested and the Coronet and Cinema Theatre reflect, commonly served as queer space, and gay and lesbian bars also played crucial roles in midcentury place claiming. In all of these cases, space was transformed into place, not just a physical terrain but a social environment of shared meanings crucial to the development of community.

“The presence of queer bodies,” geographers David Bell and Gill Valentine argue in an examination of queer space, forces the realization that local landscapes “have been produced as (ambiently) heterosexual, heterosexist, and heteronormative.” In cold war Los Angeles, any such realization was immediately followed by attempts to reinforce and maintain that production. Campaigns against bars and public cruising are well documented, but less recognized is that obscenity law too could support these attempts; by targeting vulnerable queer spaces, it could reinforce their marginality and effectively criminalize them. Presented as a barometer of texts, obscenity law could in fact work as a weapon against communities; the texts used to justify these assaults need not even have been themselves queer.

For instance, in 1961 the LAPD raided and closed nineteen downtown bookstores and newsstands for “lewd films [and] photos,” as the press termed them. On the surface, the effort had no discernable connection to homosexuality, and indeed, the sparse media coverage suggested the material confiscated was standard heterosmut. But an offhand comment by Captain R. B. Gaunt hinted at other concerns; “You might call it ‘Operation Cesspool,’” he said, noting that all nineteen arrests transpired on Main Street, which “has been the scene of a sharp increase in arrests for lewd conduct in recent years.” The coded language suggests a hidden agenda, namely, the assertion of police power in one of L.A.’s premier gay cruising grounds. Main Street and adjoining Pershing Square were quite well known as gay pick-up grounds, as noted both by reporter Edsel Newton in his report on pornography and by gay City of Night author John Rechy, who called the area “such an anarchy” of hustling and cruising in the autobiographical 1963 novel. The fact that the LAPD targeted
this area and no others supports an argument that antigay politics drove the project more than concern over dirty pictures.49

Five miles south of downtown Los Angeles, another similar case left a more remarkable set of documentation at approximately the same time. Residents of Huntington Park began protesting the Lyric Theater in late 1960, ostensibly because of what one local newspaper called “photographs of near-nude women outside the theater, and alleged suggestive motion pictures exhibited inside.” In fact, this was not the primary concern of local protestors, as the transcript of a 1961 public licensing hearing shows, but it became the framework through which their anxieties were officially articulated.50

At the hearing, the true concerns surfaced immediately, as county counsel Alfred Deflon asked Lyric manager William Munton whether he forced his male ushers to “wear bathing suits for the purpose of their work in the theater,” and then, “have you ever touched the private parts of any usher or person who is applying to be an usher?” A flummoxed Munton denied both suggestions, but Deflon persisted in his trajectory, next asking about charges brought against Munton in November 1960. “I don’t know,” the theater manager responded. “To be very frank with you, that is something of another case.” As everyone in attendance knew, that case involved allegations of sex acts with two seventeen-year-old boys, some of those acts supposedly committed within the theater itself. It was not by any means “another case” to the Huntington Park residents present at the hearing.51

Testimony by numerous citizens made clear that the Lyric was a site of gay male congregation. A sergeant in the county sheriff’s office observed “some pretty slovenly looking characters coming there,” while another witness more forthrightly described “several younger men attending with older men. What appeared to be teenage boys with older men.” Admitting to seeing nothing “lewd” occurring in the seats during a screening, a member of the Jaycees nonetheless referenced a sexually suggestive “very offensive odor to which I can not describe,” an aroma also noted by another witness. One woman stated the case most plainly: “We have been having an undesirable class of people. We not only see them in the theatre, but we see them on the streets of our Florence Avenue especially.” The same language recurred in another woman’s explanation that “the people that enter are not the type of people that we wish to associate with . . . we feel that the theatre in the neighborhood is attracting people of the undesirable type that we do not wish around our children.” Revoking the Lyric’s license thus signified a closing of the hole in the geosocial dam through which these undesirables leaked into Huntington Park.52
Hearing referee M. B. Dickson repeatedly attempted to shift the discussion toward the possible obscenity of the Lyric’s films, which included nudist fare such as *Hideout in the Sun* and *The Nude Set*. Community members showed little interest in this line of analysis; even the sheriff’s representative stressed that the nudist films lacked any “lewdness” or “suggestiveness.” “I couldn’t say under oath that they were obscene,” another witness claimed, adding, “I really am not here to say that the pictures were objectionable.” While one Knights of Columbus member did emphasize that, in a diving scene of the film *Isle of Levant*, “the penis was exposed for a fleeting moment” and the testicles, too, “could also be seen,” few others rallied to the cause. In response to the woman’s charge about “undesirables,” referee Dickson strove to redirect matters by responding, “Well, let’s talk about the amount of exposure in *Isle of Levant*,” but to no avail. Huntington Park residents wanted to talk about the Lyric’s patrons, not its programs, and their fear was palpable. One female witness recounted an investigatory excursion into the Lyric with two friends, thwarted when a male patron sat one seat away from a member of the group and “it frightened her so much that the three of us felt we couldn’t stay any longer so we left.”

Despite all of this, Dickson’s official report recommended revocation of the Lyric’s operating license on the basis of “the effect of such pictures on the minds of children passing the theater,” giving only passing mention to “undesirable appearing adult patrons.” The board of supervisors responded eagerly, but unfortunately for them, the wide proliferation of nudist films by 1961 made revocation on their basis untenable, and a local court annulled the revocation. Only at this point did the board of supervisors openly acknowledge the true grounds of opposition to the Lyric, referring in a resolution to both the now-convicted Munton and “acts of sexual perversion being committed” inside the theater. Blocked from revoking the Lyric’s license, the board instead waited until the theater’s license expired, in August 1961, and then denied its renewal. Officials then promptly effaced any sign of the “sexual perversion,” as board of supervisors member Frank Bonelli cited only films “calculated to arouse impure desires and sexually impure thoughts.” Bonelli would persist in distorting the public memory of the Lyric debate, telling another reporter later in the year that “he had been trying to keep obscene pictures out of the theater for two years.”

The anti-Lyric crusade was ultimately successful; after some effort spent challenging the board, the theater owners eventually abandoned their efforts and sold the Lyric. Carefully framed by the board and the media in terms that obscured the true antigay nature of the efforts to close the theater, the
episode clearly reflected the malleability of obscenity laws in targeting queer space. Because this space was often limited to the marginal, such disreputable theaters showing nudist (and later pornographic) films constituted an available site of congregation, but also carried heightened vulnerability precisely because the sexuality circulating in the audience could be so easily displaced, both discursively and legally, projected onto the sexuality onscreen.\textsuperscript{56}

In this sense, the use of obscenity to police queers again intersected with racial policing in postwar L.A. As Anthony Macías notes, for instance, when R&B music drew together white, black, and Latino youth, the upholders of the city’s racial status quo found it threatening and framed R&B music and dance halls as “allegedly obscene cultural influences.”\textsuperscript{57} Like queer space, interracial space remained susceptible to this labeling as a means of reinforcing the exclusionary social norms of white hetero hegemony—an example that suggests how truly expansively “obscenity” could operate as an instrument of power, situated, like vagrancy laws, at the intersection of sexual and racial policing. This joint concern often formed the backdrop for queer obscenity cases even when race was not apparent as an issue. \textit{Physique Pictorial}, for example, in queering the muscular white men who occupied its pages, undermined the very figure intended to represent militant cold war masculinity. The spatial dynamics of the Lyric Theater fight are also telling in this regard. Like nearby South Gate, Huntington Park was a working-class neighborhood tenuous in its white identity. Becky Nicolaides has shown how residents of these neighborhoods linked their racial identities to their bids for middle-class status, warding off integration by people of color.\textsuperscript{58} Fending off the queers at the Lyric fit neatly into this (ultimately unsuccessful) effort to solidify neighborhood status by laying claim to the interlocking normative national standards: white, middle class—and heterosexual. The “undesirable class of people” complained of at the Lyric’s licensing hearing, then, could take form as any category that threatened to destabilize the unity of these traits.\textsuperscript{59}

The Lyric case was not singular in this regard; similar events would transpire in 1967 at the Vista Theatre, located near the Silver Lake area where the Mattachine Society had first commenced homophile activity several years earlier. As early as 1965 the Hollywood vice squad had observed “unusual sexual activities” and “unorthodox sexual practices on the theatre premises by patrons” at the Vista. Official response to this was, as with the Lyric, articulated in terms of obscenity, for which the Vista’s manager was convicted in 1966 after screening \textit{The Raw Ones}, a nudist film that featured full frontal nudity. Once more, obscenity charges seemingly directed at a straight text in fact substantively worked against queer space. Perhaps having learned from
precedent, city officials refrained from attempting to revoke the Vista’s license, instead waiting until the license came due for renewal in December 1966 and citing the obscenity case. The application was then denied. When intransigent Vista manager Stewart Burton continued operating the theater in 1967, he was repeatedly arrested, and the case wound up in court.

Both parties agreed that the obscenity case was irrelevant (necessarily in the wake of increasingly permissive Supreme Court rulings), leaving Burton’s attorneys to emphasize that L.A. officials wrongly carried the power to deny theater permits on the grounds of “bad moral character” or “intemperate habits.” The court agreed, finding the applicable city ordinance overly broad and stripping city officials of their expansive regulatory power. Though the theater remained operational, the enforcing of antigay sentiment under the guise of obscenity law once again proved costly and burdensome to the Vista and its management. As with its use against queer texts, obscenity law’s marking of queer space fell short of successful suppression but nonetheless wrought tangible damages and caused setbacks to ongoing community formations.

And of course, obscenity was never the sole vehicle for the exercising of police powers, in regard to either queer or interracial space; if such relative subtleties failed, the LAPD could always fall back on violence and intimidation, as it did in destroying the interracial jazz scene on Central Avenue in the 1940s or in such routine episodes as the violent 1967 beating of several men at a gay bar in Silver Lake, near the Vista.

Disentanglement and Recoding

By the late 1960s, obscenity charges against queer media and public space had lost much of their viability after repeatedly losing in the legal sphere. This coincided with the broader decline of cold war domestic regulation, as the sexual revolution challenged established norms. Nonetheless, the well-established pattern of antigay harassment, institutionalized in the cultural conflation of homosexuality with obscenity, persisted into the 1970s. A 1972 LAPD pornography sweep of twenty businesses included at least five gay-oriented ones, and in one case a copy of underground paper *Gay Sunshine* was confiscated even after a police officer reportedly said, “This is nothing. Let’s grab something else.” Again, in a 1973 complaint application for a warrant, an LAPD officer described entering the Boulevard Book Store in Hollywood and heading directly for the “far south wall of [the] premises,” not coincidently where numerous magazines and books “depicting nude males in various acts
of copulation” were located. Even into 1974, as the so-called porno chic phenomenon saw a cultural mainstreaming of hardcore pornography in the wake of the infamous Deep Throat’s gargantuan popularity, Los Angeles law enforcers continued to raid the gay pornhouse Paris Theatre in West Hollywood on an almost predictable monthly basis.62

One explanation for this perpetual targeting of gay sites resided in the policies of LAPD chief Ed Davis, successor to William Parker. “Davis doesn’t like gay porno, doesn’t like gays, period,” explained gay porn auteur Fred Halsted in the mid-1970s, with much accuracy. Indeed, Davis’s antigay sentiments frequently mixed spite and revulsion. When the Gay Community Alliance complained of police harassment ranging from entrapment to the “blackmailing of porno dealers by vice officers” and requested an official liaison to facilitate gay-police communications in 1972, Davis had his chief of staff write a curt response informing the group that the LAPD would not “conduct liaison with any group which deliberately engages in criminal action,” referring to California’s still-active sodomy laws. Even in 1975, a few years after the American Psychiatric Association had removed homosexuality from its manual of mental disorders, Davis, in a vigorous attempt to keep gays—always framed as male—off the police force, continued to insist that “if homosexuality is not a psychological disorder, then it is an emotional disorder.”63

Under Davis, the LAPD strove mightily to maintain the link between obscenity and homosexuality, exploiting to maximum effect the criminality of queer sex. In one controversial 1974 case, it charged an array of gay male porn producers with conspiracy to commit both the exhibition of obscene material and the multiple acts of sodomy and oral copulation contained in their films. When gay newspaper The Advocate investigated and found faulty search warrants based on the testimony of a highly suspect lone witness, even the district attorney recommended dismissal of the charges. Nonetheless, the episode reflected the deeply entrenched linkage of the two concepts, reinforced in 1976 when the LAPD protested California’s “consenting adult” legislation that belatedly decriminalized private consensual sex acts and reduced public acts from felonies to misdemeanors. Demanding the re-felonization of public sex acts, the LAPD based its argument on the fact that “pornographers are now fearlessly paying their models to perform these acts.”64

Two social forces finally worked to disentangle homosexuality from obscenity, at least nominally. First, recognition of gay voting power changed Los Angeles politics. City attorney Burt Pines, elected in 1973 as part of a reform ticket spearheaded by Tom Bradley, the city’s first African American mayor, led the way here. Campaigning against an incumbent who touted both his
antiporn and antigay credentials (saying of gay men, “they should discipline themselves”), Pines inventively subverted the linkage, tying homosexuality to obscenity as “victimless crimes” and framing their prosecution as a waste of resources. Pines even cleverly appropriated standard tropes, claiming such police efforts were overwhelming the courts and leaving the city “unable to deal with hard core crime as a result.” Once in office, he tirelessly wrote newspaper editorials, law articles, and memoranda calling for governmental disinvolve from “the obscenity quagmire.” City council members, picking up Pines’s cues, often began siding with queer communities rather than police. When the LAPD spent exorbitant sums of money on a massive raid of a simulated “slave auction” intended as a charity for the gay Mark IV Baths in 1976, and again when LAPD harassment of gay bars and discos surfaced in the media in 1980, city council members vocally denounced the police on grounds including homophobia, civil liberties infringements, and resource mismanagement.65

Second, and related, Pines’s de-emphasis on obscenity charges coincided with national trends. Despite the advent of a more conservative Supreme Court after the Nixon administration’s reshaping of the Court, the landmark 1973 *Miller v. California* decision, which introduced more conservative standards for obscenity than the liberal Warren Court had allowed in the 1960s, led not to much-feared enhanced crackdowns but rather a more laissez-faire attitude toward obscenity prosecution nationally. With juries more reluctant to convict in the aftermath of *Deep Throat* and porno chic, prosecutors tended to direct resources elsewhere. These trends were reflected in L.A.; police vice squad reports show that the Van Nuys vice unit investigated nine “obscene matters” cases between April 1977 and March 1978 but made no arrests, while the Hollywood vice squad investigated twenty “pornography” cases but also made no arrests. Obscenity as a controlling trope for homosexuality thus withered as pornography itself became a more tolerated fixture of American society.66

Counteracting this trajectory, however, and ultimately overriding it at the national level, was the rise of the New Right as a political movement. If cold war sexual politics had receded in the face of the sexual revolution (and anticommunism in the face of domestic social concerns), the burgeoning New Right sought to restore much of the normative standards as a means of retrenchment against advances in feminism and gay rights. More specifically, its attendant arm known as the Christian Right formulated what Didi Herman calls “the antigay agenda.” Just as the policing and marginalization of people of color continued unabated in the wake of the civil rights era, discursively embedded in ostensibly race-neutral tropes of anti-busing, anti-welfare, and
the devastating “war on drugs,” opposition to both queer sexuality and “obscene” pornography was also folded into a generalized conservative “family values” platform. The link between queerness and obscenity thus served as a foundational metaphor for the Christian Right, united (along with feminism) as threats to “the family,” as straight and white an imagined institution as any cold war one.  

Obscenity would rarely serve as a governing trope, superseded by more visceral antigay rhetoric that extended from Anita Bryant’s 1977 “save our children” crusade to George W. Bush’s nearly apocalyptic imagery of “preserving” the “sanctity of marriage” in 2004, but the queer-as-obscene model remained central to the Christian Right. The efforts of reactionary Senator Jesse Helms to link “homoeeroticism” to obscenity in the National Endowment for the Arts debates of the early 1990s, the Cincinnati obscenity prosecution of a museum hosting the works of S/M-oriented gay photographer Robert Mapplethorpe, and the lethal censorship of sexually explicit queer AIDS-prevention efforts as obscene by the Centers for Disease Control, in flagrant defiance of public-health interests, all spoke to the continued viability of this linkage. The conflation even haunts the Los Angeles City Archives, where the papers of City Councilman Ernani Bernardini contain a folder marked “pornography” but filled with articles on gay bathhouses. Obscenity has remained “something that isn’t general practice by the public.” Only by understanding the specific, concrete ways by which this heteronormative regulatory mechanism was embedded in the seemingly neutral façade of obscenity law can we begin to undo its destructive legacy.

Notes

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2. I use “heteronormativity” here in accordance with Robert Corber and Stephen Valocchi, who define it as “the set of norms that make heterosexuality seem natural or right and that organize homosexuality as its binary opposite,” upholding the dominance of the former by rendering it “unmarked.” Corber and Valocchi, introduction to Queer Studies: An Interdisciplinary Reader, ed. Robert Corber and Stephen Valocchi (Malden, Mass.: Blackwell, 2003), 4.


10. Committee on Public Morals to City Council, August 30, 1897, Committee and Commission Reports, box B 1265, folder: Public Morals (March 9, 1896–Aug. 30, 1897), Los Angeles City Archives.


22. This policy was thwarted when bookseller Jacob Zeitlin won an injunction against the city attorney in 1963. *Zeitlin v. Arnebergh*, 59 Cal. 2d 901 (1963).


39. John D’Emilio notes Coates’s 1953 attack in *Sexual Politics, Sexual Communities*, 76.

40. Bob Mizer oral history interview by Pat Allen and Valentine Hooven, February 24, 1992, cassette 1 of 3, ONE Institute and Archives, Los Angeles.

41. Rowland Watts to William Lambert, July 17, 1957, Southern California ACLU Papers, box 17, folder 4, Charles E. Young Library Special Collections, University of California, Los Angeles; Watts to Spencer Coxe, August 1, 1957, ibid.; “ACLU Position on Homosexuality,” January 7, 1957, American Civil Liberties Union Papers, box 1127, folder 7, Seeley G. Mudd Library, Princeton University.


47. John D’Emilio notes Coates’s 1953 attack in *Sexual Politics, Sexual Communities*, 76.


49. John D’Emilio notes Coates’s 1953 attack in *Sexual Politics, Sexual Communities*, 76.
50. “Bonelli Demands Action against Lyric Theater,” *Huntington Park Daily Signal*, January 9, 1961. The Lyric was alternately referred to as “Theater” and “Theatre” in various accounts; in the text, I have simply followed the inconsistent sources.
52. *In the Matter of the Lyric Theatre*, 18, 32–33, 61, 52, 48, 57.
53. Ibid., 16, 48, 77, 52, 41.
55. Stanley Fleishman to C. N. Olson, License Division, December 11, 1961, Fleishman Papers, box 14, folder: Lyric Theatre.
56. The Lyric’s own marginality is indicated in a passing mention of the theater as “little more than a storefront” and “on the low end” of the theatrical spectrum in Becky Nicolaides, *My Blue Heaven: Life and Politics in the Working-Class Suburbs of Los Angeles, 1920–1965* (Chicago: University of Chicago Press, 2002), 92.
59. For another look at the conceptualization of obscenity in the service of white supremacy, see Whitney Strub, “Black and White and Banned All Over: Race, Censorship, and Obscenity in Postwar Memphis,” *Journal of Social History* 40.3 (2007): 685–715.


