Part III

Return to History

10 The Politics of Obscenity

Professionalism, "Free Speech," and Realignment

Michael McClure's observation, "The body is behind all poetry, vision, and contact with reality,"[1] summarized a core position of the mid-twentieth-century avant-garde: individual experience rather than tradition or ideology provided the fundamental matrix for truth. His statement places McClure firmly within the liberal tradition and its celebration of an autonomous, universal subject. The disruptive force of McClure's work in the 1960s did not come from a radical view of social organization. Instead, the power of his work derived from his attempt to solve the black hole of liberal philosophy—upon what foundation did independent subjects secure their autonomy and hence their power as subjects capable of governing both their own lives and their society.

McClure did not ignore the overwhelming role of society in constructing experience and its categories. Like many of his colleagues, McClure assumed that historical forces forcefully intervened into the psyche in order to reproduce the existing, unequal power relationships and that art, as an analogue of natural creative process, provided the only basis for countering the colonization of the soul. McClure went further than most in emphasizing the biological aspect of human being as fundamental to the liberatory potential claimed for the arts. The entry of the cosmos into human existence through genetic coding of basic drives sheltered a beleaguered core that potentially could give

each individual freedom from social determination. Sexuality and violence took socially influenced forms, but they were mammalian instincts that preexisted the development of the human species and hence were not limited by any of their specifically human expressions. In particular, McClure doubted that language shaped experience, since verbal expression was often a deflected form of deeper, repressed desires. Mobilization of the imagination did not mean the construction of ideal—that is, linguistic—images, but an orchestration of moods, bodily states, and verbal forms toward "constant reformation of the body image" until one's physical state matched a spiritual idea of self that McClure equated with "truth."[2]

Emphasis on biology inverted the relation of body and spirit in traditional liberal philosophy, which with its Enlightenment roots grounded individuality in the human capacity for logical thought. The catastrophes of the twentieth century shattered any confidence that men guided by reason chose the greater good. As Kenneth Rexroth had argued in "The Phoenix and the Tortoise," rationality was a tool of the state, a weapon for the expansion of violence. Additionally, the psychoanalytic revolution had revealed the power of unconscious experience to direct human action without individuals even being aware of the forces operating within them, much less being able to combat them. Those who relied upon rational capacity as the basis for individual liberty made a leap of faith as great as acceptance of biblical revelation.

Biology provided an alternative to rationality, and one that more adequately explained the tragic consequences of human action. McClure's poetry and drama were rituals for reorganizing a new image of self as a biological organism that experienced religious, rational, and social connections first through the body in a preverbal form before they achieved conceptual, symbolic statement. The examination of knowledge came through engaging the passions. Lovers had to unite physically to test and retest the actual truth of the emotions they felt about each other. Only in the process of confronting

the truth of bodily response could people develop a valid conceptual or analytic framework for their experience.

McClure's aesthetics required that he re-create, not simply comment upon, sexual experience, and his work therefore pushed against the limits of then-existing legal standards for acceptable public discourse on sexuality. At first, he presented his most explicit writing to a small, private audience of friends. As courts reconsidered legal standards limiting artistic and literary expression and possibilities broached for presenting more daring material, McClure was well positioned to speak to a broader public interested in breaking down sexual taboos. The productions of his play *The Beard* from 1965 to 1968 sparked controversy and repression as society considered the potential meanings of sexuality (fig. 42). Religious conservatives and traditional liberals had both condemned the passions as immoral influences that disrupted the higher faculties of human thought. Their alliance in the post–Civil War period had led to legislation that uncompromisingly censored visual and literary work out of fear that sensual experience might subvert rational process. As liberals became less wedded to rationality as the foundation of a libertarian society, their support for censorship faded. The end of censorship thus involved a realignment that was simultaneously cultural and political.[3]

The relaxation of controls on art and literature brought into play a complex intersection of legal, electoral, professional, and aesthetic dimensions. I focus on the interaction of subjective and political events, rather than on legal theory or history, which have been the focus of most discussion on censorship in American life. Three cases from the mid-1960s present a range of the issues involved: the trial of Connor Everts in 1964, in which the claim of obscenity was a pretense for suppression of politically offensive speech; the controversy in 1966 over Edward Kienholz's one-artist exhibition at the Los Angeles County Museum of Art, in which sexual references were part of a larger critique of American cultural priorities that conservatives found offensive; and the multiple crises surrounding the production of Michael McClure's *The*

42. Wallace Berman, poster for Los Angeles production of Michael McClure's *The Beard,* 1968. Wallace Berman papers, Archives of American Art, Smithsonian Institution.

Beard in 1966, 1967, and 1968, an ongoing conflict that allowed contesting ideas about the potential social benefits and harms of explicit sexual discourse to find particularly clear expression.

"You never want to dream something so small that it will be satisfied by reality," Connor Everts observed.[4] Coming from a working-class background—his father was a longshoreman and a union organizer—Everts hoped that his inclinations to artistic expression were part of a movement to democratize culture. An ideal of "modernism from below" was central to the identity he had built for himself as an artist. He believed that what he had to offer to the world was a vision previously excluded from elite cultural expression. His experience in art of personal freedom and enrichment was simply one aspect of a worldwide movement of the poor and oppressed to take charge of their lives. That his family disapproved of his artistic ambitions only complicated the matter for him and perhaps consolidated an idealistic vision of art as a way of mediating the career he actively pursued with the values of his past. He summarized his philosophy of art by distinguishing himself from those who were concerned only with formal characteristics:

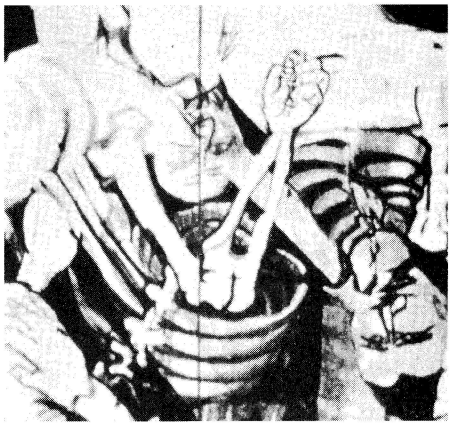
> Anyone who thinks art is about art is wrong; art's about everything else. And any person who makes art just about art is making a tremendous mistake. It's become so insidious; it becomes so ingrained that it's weak. Art has to be about discovery. It can be about discovery in terms of aesthetic attitudes and all, but basically I think art is in the nature of self-discovery and the nature of relationships.[5]

After graduating from Chouinard Art Institute, Everts won a Fulbright fellowship to study in England. The monuments of Europe impressed him, but the contemporary art he saw seemed weak and derivative. He sought out left-wing artists and critics, but he thought them overly concerned with the relation of the working-class movement to elite tradition. He came to the "real-

ization that the greatest thing to have is to not have tradition, so that you can look at the problem and you can face the future, instead of turning your ass to the future and looking at what's past and making a decision in the future based on the past." Confronted with the classics of European culture, he reaffirmed his sense of himself as a working-class "bloke." "Societies replenish themselves from the bottom, not from the top," he concluded.[6] When he returned to the United States, he followed in his father's footsteps and went to work as a longshoreman while he continued his career as an artist independent of any need to make money from his work.

In 1956 Everts and five other longshoremen-artists formed the Exodus Gallery in San Pedro, the harbor district thirty miles south of downtown Los Angeles.[7] Following Wallace Berman's trial and conviction in 1957, Everts presented the same show Berman had mounted at the Ferus Gallery. Everts hoped to provoke arrest, and he was better prepared than Berman had been to take on the judicial system. He enlisted the support of the American Civil Liberties Union and the Los Angeles Art Association, with the intention of confronting the prosecution with expert legal representation and a county-wide publicity campaign to build support. Everts believed that only persistent challenges by creative people against censorship laws could develop a counterconstituency pressuring politicians to respect free-expression rights. Even though he called the police three times advising them of the exhibit, his hoped-for confrontation never materialized. The show ran its four-week course without event. Mere knowledge that objectionable, previously condemned material was present evidently was insufficient to engage the police, who may have hesitated to involve themselves in a situation designed to embarrass them.[8]

In the late 1950s Everts's travels in Latin America provided the model for a politically engaged painting that he had sought without success in Europe. He settled in Chile for nearly two years in 1958–1959, writing for newspapers on United States culture and teaching art at the Instituto Popular. During this stay he met and became a close personal friend of Salvador Allende, the presi-



43. Connor Everts, *The Thirst for Extinction*, ink wash and pasted paper, 1960, detail. Courtesy of the artist. Photo: Katherine P. Smith.

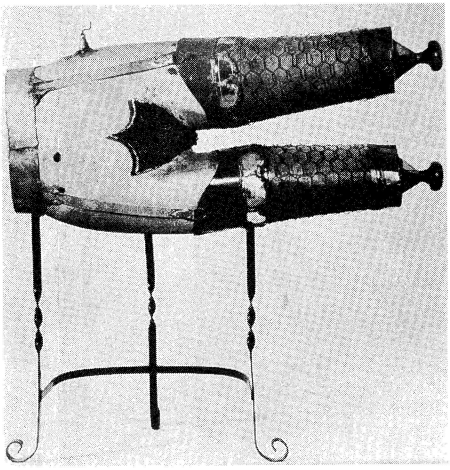
dential candidate of the Chilean Socialist Party in the 1958 elections. Allende's ideas of integrating popular and folk art expressions into the political movement as a way of combating the growing power of the mass media intrigued Everts as a model for developing a left-wing cultural movement within the United States.[9]

Rather than exploring North American folk culture, however, Everts incorporated Latin American motifs into his paintings. The tradition of the *calavera*, the semigrisly, semicomic skeleton figures that represent the intersection of life and death, was a particularly prominent source for the work he created after he returned to the United States. Everts used the skeletal form to emphasize the vulnerability of biological existence. The ease with which societies extinguish life emerged as his primary theme. *The Altar* was subtitled "A Comment on Automation," for the wall-sized ink drawing was a response to the sharp increase in fatal accidents on the docks after 1957 when longshore work began to accommodate container cargo technology. In *The Thirst for Extinction* (fig. 43), Everts portrayed social relations as a perpetual effort to mutilate and destroy opponents. In this swirling mass of aggression, most of the figures are both victors and victims.[10]

Between 1959 and 1963 Everts had a series of one-artist shows in Long Beach, Pasadena, San Francisco, and Oakland. Press attention helped him develop a network of local collectors, and curators from eastern museums,

including the Museum of Modern Art, purchased his work for their collections. Everts felt a sense of growing optimism that he could have a serious career as an artist based on prompting discussion of the violence underlying social relations. Still he believed that to produce art exclusively for collectors and museums would cause him to lose the independence that he valued. Like Lorser Feitelson twenty years earlier, Everts believed that he might best retain his integrity of vision if he produced for a broader public. He founded the Los Angeles Printmaking Society in 1960. His goal for the society, he stated, was to "get the notion over to the public that you could go in and you could buy original works of art, of quality, by contemporary artists."[11] A dream of creating a social utopia by a continuous, unfolding cultural awakening guided his career decisions. When offered teaching positions at both San Fernando Valley State College (later California State University, Northridge) and at Chouinard Art Institute in 1960, Everts chose the former school because he wanted to work in the public sector with students who were more likely to come from working-class backgrounds. His experience of moving from a restricted working-class environment into the broader world of art inspired a utopian dream, but not a theory of the institutional structures mediating the relationship of cultural workers and their public. His efforts to function as a spark to others collided against the boundaries of acceptable public discussion.

One of his first projects at San Fernando was organizing a show, "Art at Mid-Century," that he hoped would give students a sense of the variety of styles and themes found in the work of contemporary California artists. Everts included a piece by Edward Kienholz, *Bunny, Bunny, You're So Funny* (fig. 44). Critics and his fellow artists already recognized Kienholz as one of the most important younger artists working in the state, but the school administration insisted the piece was obscene and ordered it removed. The school newspaper, *The Sundial*, reported that several off-campus visitors to the show had complained to campus administrators. The school president



44. Edward Kienholz, *Bunny, Bunny, You're So Funny*, mixed media, 1960. Courtesy of the artist.

agreed that the work was inappropriate for a state-funded school because little children visited the campus and might see the piece.[12]

Everts refused. The school administration removed the piece on its own authority. Everts then organized the other artists in the show to pull their works in protest, and the show closed after three days. At the conclusion of the semester, the school declined to renew Everts's contract and told him that he was "weak on institutional image." He lacked the flexibility needed to thrive in a publicly funded institution, particularly one that lacked the prestige that might give its faculty some degree of autonomy. He went instead to teach at the private Chouinard Art Institute, whose administrators were far less concerned about general public opinion.[13]

In 1964 Los Angeles police arrested Everts for violating antiobscenity statutes. He had arranged an exhibit at the Zora Gallery of a series of lithographs entitled *Studies in Desperation*. The lithographs were a response both to the 1963 assassination of President Kennedy and to the execution of Caryl Chessman in 1960. Everts recalled that the series

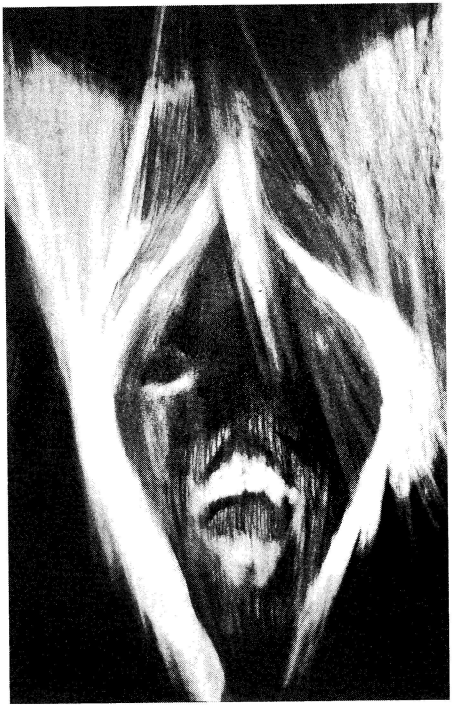
> concerned itself with the notion of birth, that if one had an a priori concept of how difficult life is, that one would perhaps, if he had his druthers, if he

had a choice, would choose not to be born—a kind of perversion of the thought of [Albert] Camus that the real affirmation of life is that suicide exists but so few choose it. . . . So that you would get from this vaginal orifice, that you would get a figure looking out and seeing if the world was really safe enough—not for democracy, but for the person's birth. The idea that assassination is the ultimate censorship—and it seems kind of fitting that I should become involved in censorship then—but assassination is the ultimate form of censorship, where the person's existence is so dangerous, is so frightening, that you must take that person's life.[14]

The police received an anonymous complaint that the exhibit contained pornographic pictures. The day after the opening, five officers from the vice squad appeared at the gallery and requested the removal of three "offensive" works in the window and thirteen others on view in the gallery. They threatened the artist with a felony charge of conspiring to violate the state's antiobscenity laws, an offense with a potential five-year prison term. When directly challenged, Everts had no question about his personal responsibility. He continued to exhibit. He did not consider *Studies in Desperation* to be one of his strongest efforts, but the exhibition had the virtue of demonstrating the degree to which police used antiobscenity legislation to censor ideas. Nothing in the work appealed to a sexual interest in the human body. His imagery of human vulnerability negated all desires before the ubiquitous presence of death. He felt that the relatively abstract images of a child emerging from and returning to the womb were offensive only because they portrayed American society as dangerous for children (figs. 45 and 46).

The art profession rallied to Everts's defense. A committee formed to raise funds to cover expenses. Henry Seldis, the new *Los Angeles Times* art critic, used his column to publicize the case. Richard E. Sherwood, a prominent attorney, art collector, and trustee of the Los Angeles County Museum of Art, agreed to take on the case pro bono. Sherwood negotiated with the police so

45. Connor Everts, lithograph from *Studies in Desperation*, 1964. Courtesy of the artist. Photo: Katherine P. Smith.



46. Connor Everts, lithograph from *Studies in Desperation*, 1964. Courtesy of the artist. Photo: Katherine P. Smith.

that Everts would be arrested and arraigned, but the police would not attempt to close the show. The prosecution agreed to reduce the charge against Everts to one item: the poster that had been placed in the window to advertise the show. The relation of content and form in Everts's work became the crux of the legal battle. The defense claimed that Everts's message required a brutal, shocking presentation, while the prosecution argued that Everts could have expressed the ideas in the lithograph, protected as ideas by the First Amendment, with another image. Central to Everts's defense was a professional critical position that there are no ideas *behind* poetic expression; works of art are objects that create an experience, and ideas are only a by-product of that ex-

perience. The case hinged around two conflicting, if reductive understandings of human aesthetic communication: does art convey an immediate experience or transmit a paraphrasable lesson?[15]

Sherwood presented a well-organized defense with five expert witnesses testifying after Everts's own explanation of his intentions and methods. Henry Hopkins, then chief of educational services at the Los Angeles County Museum of Art, exhibited slides of paintings and sculpture from major American and European museums. He observed that if the standards the prosecution proposed prevailed and were actually applied across the board, curators would have to remove many well-known classics from public view. Henry Seldis, two museum directors, and June Wayne from the Tamarind Lithography Workshop testified to the formal quality of Everts's work. Each of the expert witnesses provided the jury with an art-historical survey of the development of the visual arts since the impressionists in order to underscore the modernist orthodoxy that form was content.

The prosecution presented three witnesses. Two vice squad officers testified that they saw no difference between Everts's lithograph and any other pornographic picture they had encountered in the course of their duties. The prosecution's expert witness in the arts, a member of the California Portrait Painters Society and the California Landscape Painters Society, admitted that he was unfamiliar with contemporary museums, galleries, and artists. During cross-examination he stated that all works by Picasso were obscene and should be destroyed. He also agreed that some of the classic works cited by the defense's witnesses were indeed inappropriate for a general public and should be available only to qualified scholars in study collections.[16]

The first trial ended with a hung jury (six to five in favor of acquittal). At the end of testimony in the second trial, the judge, Andrew J. Weisz, decided not to send the case to the jury for deliberation but directed acquittal. "One may not be attracted to the works of a particular artist," Weisz wrote in his decision. "One may even find the work of an artist to be revolting, or ugly, but these value judgments are to be put aside. The matter involved must be

viewed to determine whether, objectively, a person normally exposed to the various influences at work in our culture would deem this poster to be neither more nor less than an out-and-out 'dirty picture.' Upon considering the evidence in this case, the answer is that he would not." Weisz's reasoning, however, evaded the question of form and content in Everts's lithograph. The judge preferred to rely on the question of discriminatory prosecution. "We are no longer in a tender, unexposed age," he continued. "Not only are our major commodities sold by the artful use of the outthrust bosom and bared leg, but we are deluged from every side with what once were known as 'girlie' magazines but are now merely expensive (and thus sophisticated) ones."[17] In its rulings on obscenity, the Supreme Court had held that application of laws had to be consistent so that similar material in similar contexts was equally liable. Weisz in effect told prosecutors that they could not single out artists until the district attorney's office was ready to indict advertisers, motion picture producers, and the editors of mass-circulation periodicals.

Henry Seldis's column in the *Los Angeles Times* reported the outcome with great jubilation. Seldis confidently predicted that prosecutors would avoid cases against artists simply because they were not winnable. Seldis's conclusion was somewhat overconfident given the actual outcome. A directed acquittal was no stunning public vindication of free-speech rights in the arts. Public opinion was clearly divided, and judicial actions in either direction would likely outrage large and powerful segments of society. The jurors in the first trial who favored acquittal told attorneys afterward that they felt Everts's poster had both artistic value and social importance. The jurors who favored conviction, on the other hand, could not see a face in the poster or make out any details. The "obscene" image of a vagina had remained invisible to them, but the idea that the police officers had seen it was enough for them to condemn Everts. Furthermore, they believed that Everts had sought arrest as a promotional gimmick and that a vote to acquit him might start a "trend."[18]

The most prevalent and politically significant arguments in favor of cen-

sorship came from Catholic and Protestant church groups. For them any public expression of sexuality was immoral, pure and simple. "Natural law" demanded that societies repress immorality or risk collapse through a pervasive disregard for all law. This argument formed the thrust of the solicitor general's speech to the Supreme Court in 1957 during its hearings on the *Roth* case, when the Eisenhower administration urged the Court not to tinker in any way with the then-existing laws: "The collective public conscience pushes the individual in the direction of being honest, fair, law-abiding, and decent. . . . one aspect of [public morality] cannot be corrupted and leave the rest unaffected. The man who finds that the Government will or can do nothing to stop the distribution of pornography to his family will be less willing to abide by society's demands on him, whether it be as to gambling, distribution of narcotics, or the candor with which he fills out his income tax."[19]

More sophisticated defenses for censorship would appear later in 1970 after President Nixon's Commission on Obscenity and Pornography concluded its studies of the effects of pornography and found no evidence to support the claim that pornography had a negative influence on individual behavior. The report provoked a storm of debate, and its opponents rushed into print to question its conclusions. Several appealed to psychoanalytic models to justify strict limits on public discourse. Irving Kristol, writing in the *New York Times*, claimed that antiobscenity laws protected citizens from their own "infantile" and "autoerotic" imaginations. "It is because of an awareness of this possibility towards the infantile condition, a regression which is always open to us," he argued, "that all the codes of sexual conduct ever devised by the human race . . . try to discourage autoerotic fantasies." Even when writers or artists used sexual images to present serious ideas, they released and stimulated libidinal aspects of the psyche completely unrelated to their intellectual issues. Walter Berns argued that a sense of personal shame was essential to maintain civility in public discourse so that ideas rather than passions prevailed. Graphic presentation of nudity and desire tended, he thought, to erase the power of shame and thus release individuals from any sense of responsi-

bility to their fellow citizens. George Steiner, approaching the issue from a complex position in which his sympathies for civil liberties conflicted with his fears of the mass media, wondered if restraints on sexual imagery were not essential to restrict the ability of commercial advertising to manipulate the public through appeal to libidinal desires.[20]

The common assumption of these arguments was that individuals could not be left in control of their own bodies without brute nature overpowering intellect and faith. Be it crime or commerce, lack of restraint would result in unscrupulous forces in society taking advantage of human failing. Conservatives, like liberals, ignored the degree to which social practices constructed desire. They viewed sexual passions to be a fact of nature, "original sin," that could be controlled through legislation and police enforcement and countered by religious education. Those whose sense of self nested in a continuity of civilized tradition proposed to impose a set of behavior standards upon their fellow citizens to protect democracy from the excesses of the majority not yet prepared to accept the lessons that tradition taught on the exercise of self-control and restraint. The issues in the 1960s revolved around questions of representation, but the implications were much broader, for the arguments in favor of censorship assumed that most people lacked the ability to ponder their own experience and make appropriate conclusions about what was in their own best interest.

In December 1965 a coalition, united under the rubric of Mothers United for a Clean Society, turned to the political process to break the judicial deadlock over obscenity. This coalition of Catholic and Protestant church groups proposed to place an initiative on the state ballot that would restore uncompromisingly restrictive standards on public sexual expression.[21] Over the next four months the group collected 700,000 signatures, approximately twice what they needed to qualify the measure as Proposition 16 on the November 1966 ballot. The initiative prohibited any consideration of "redeeming social importance," artistic quality, or intellectual message in the evaluation of a work charged with obscenity. Any public presentation of sexuality or vul-

garity would be illegal, regardless of the context. Exemptions for scientific, medical, or educational texts were banned. This provision was a step backward, as California had been one of the states protecting educational information related to birth control, childbirth, and the reproductive process. This clause in effect outlawed such material and would have hampered all forms of scientific marriage counseling. The measure also denied all courts the power to dismiss obscenity proceedings either before or during a trial on the grounds that the material was not obscene. Juries alone were to be the "exclusive judge" of the "common conscience of the community." Every juror was free to apply personal standards and preferences when reviewing materials for obscenity, but the proposition mandated that individuals who did not believe that obscene materials should be banned were to be excluded from juries trying obscenity cases. Of particular importance to the associations sponsoring the initiative, the measure guaranteed the right of "any individual" to bring civil action against district attorneys for failing to prosecute any material that the individual deemed obscene. The measure also prevented judges from reducing fines fixed by juries and required that charges include felony conspiracy if more than one person was involved in a case.[22]

Voters faced a clear choice in Proposition 16. They could affirm the stable moral values nostalgically associated with the Victorian era, or they could endorse their right to receive a multiplicity of messages, many of which might be offensive. Even though the assumptions guiding antiobscenity legislation grew from fear of the majority, proponents of censorship had to prevail in a political structure that involved democratic suffrage. They needed to couch their arguments in terms of protecting the majority from the excesses of a libertine minority. Artists and poets already established in the mass media as symbols for the dangers of unrestrained personal freedom provided perfect targets for jeremiads on America's wrong direction. In the course of the 1966 election campaign, poet and playwright Michael McClure and assemblage artist Edward Kienholz both found their work thrust into public controversies. Their visions were offensive to many, but the conflict within society over

how much freedom creative people should have in their interpretations of psychological and social reality actually stood in for how much freedom anyone should have in determining the basic decisions of their lives.

Unlike Everts's works which dramatized injustice by emphasizing the frail physiology of human beings, the works of McClure and Kienholz revolved directly and explicitly around sexuality. They presented images that argued that repression of sexual instincts was the most basic source of violence in American society. This source could not be addressed politically because the repressed by definition was unavailable to the conscious state. It always appeared in deflected, symbolic forms. Their work echoed a psychoanalytic paradigm by attempting to bring to the surface infantile sexual desires so they could turn toward mature forms of satisfaction. Artists functioned as the collective psychoanalyst of society, absolutely essential to its health and reform.

Like Everts, McClure and Kienholz found that the price of claiming to be a healer could be high, but the differences of the outcomes of their individual battles indicate the increasing importance of institutional differentiation and development. Alongside the attempt to restore moral verities, another development, the professionalization of the arts, was ineluctably leading to the decay of the ideal that creative people were an active moral force within society. The increasing importance of artistic autonomy presented artists, and perhaps through them the nation, with new forms for social relationship, at once freer but more structured than older models. The resolutions of the Kienholz and McClure controversies helped mark new boundaries between private and public realms, but only by effecting a shift in the ideal relation of individuals to the collective and the emergence of new forms for ensuring social responsibility.

Chapter 10

1. Quoted in Eric Mottram, "The Romantic Politics of the Body in Michael McClure," *Margins*, no. 18 (March 1975): 9.

2. McClure, *Meat Essays*, 54.

3. Discussions of the legal foundations of obscenity law can be found in *Commentaries on Obscenity*, ed. Donald B. Sharp (Metuchen: Scarecrow Press, 1970); Edward de Grazia, *Girls Lean Back Everywhere: The Law of Obscenity and the Assault on Genius* (New York: Random House, 1992); Donald Alexander Downs, *The New*

Politics of Pornography (Chicago: University of Chicago Press, 1989); Catharine MacKinnon, "Pornography, Civil Rights, and Speech," *Harvard Civil Rights–Civil Liberties Law Review* 20 (1985): 1–35; *Pornography and Censorship*, ed. David Copp and Susan Wendell (Buffalo: Prometheus Books, 1983); David M. Rabban, "The Emergence of Modern First Amendment Doctrine," *University of Chicago Law Review* 50 (1983): 1205–1273.

4. Everts, "Los Angeles Art Community," OHP/UCLA, 54.
5. Ibid., 56.
6. Ibid., 134, 130.
7. See *The Exodus Group* (Long Beach: Long Beach Museum of Art, 1960).
8. Everts, "Los Angeles Art Community," OHP/UCLA, 155–157.
9. Ibid., 178–180, 191, 250–251.
10. While Everts lived in a small village in Chile in the 1950s, he witnessed the lynching of a priest who had murdered a woman he had made pregnant. Another factor he thought formative to his understanding of the precarious nature of human existence was a trip he and his wife made to Hiroshima to visit her relatives (conversation with Everts, November 1992).
11. Ibid., 332. Severely undercapitalized, the society closed in 1963.
12. Quoted in Nordland, "The Suppression of Art," 25.
13. Everts, "Los Angeles Art Community," OHP/UCLA, 241–242.
14. Ibid., 279–280. Compare Everts's description with that made by the trial judge, Andrew J. Weisz: "The main object depicted on the poster is a gross view of the lower female autonomy, showing the pubic hair and a greatly distended vaginal opening. If one were limited to a lightning view, the poster would appear to be a poor example of washroom art, with some lettering thereon. Approached in a more leisurely fashion, one sees the words 'Studies in Desperation,' and also descries that the lines describing the pubic mass contain within themselves the outline of a gross and brutish face. The mouth of this face is the large vaginal opening, and contained therein are large, irregular, and misshapen teeth. Less distinct, but nonetheless discernible, are outlines of two hands on either side of the vagina-mouth" (Memorandum of Decision, *People of the State of California* v. *Connor Everts*, 14 May 1965).
15. Everts, "Los Angeles Art Community," 283–303; *Artforum*, untitled notice, September 1964; memorandum on history of trial, prepared by O'Melveny and Myers, attorneys for the defendant, 28 April 1965. The terms used to describe Everts's images show how far American public sensibilities moved between the mid-1960s and the early 1990s. The bathic character of these lithographs is more visible thirty years later because Everts's reticence to exploit spectacle prevents later viewers from seeing

those features that caused commentators in the 1960s inevitably to refer to his work as "brutal" and "shocking."

16. O'Melveny and Myers, memorandum on history of trial.

17. Memorandum of Decision, *People of the State of California* v. *Connor Everts,* Case no. M-12887, 14 May 1965.

18. Henry J. Seldis, "Everts Obscenity Acquittal a Verdict for Artistic Maturity," *Los Angeles Times,* 30 May 1965, Calendar Section, 17. Seldis referred to Everts's case as the first obscenity charge ever brought against a painter in Los Angeles, indicating that he was unaware of the 1957 Berman case. O'Melveny and Myers, memorandum on history of trial.

19. Brief for United States, *Roth* v. *U.S.* 354 US 476 (1957), 64–65. See Louis A. Zurcher, Jr., and R. George Kirkpatrick, *Citizens for Decency: Antipornography Crusades as Status Defense* (Austin: University of Texas Press, 1976), 125–127; Charles H. Keating, "The Report That Shocked the Nation," *Readers Digest* (January 1971): 2–6.

20. *The Report of the Commission on Obscenity and Pornography* (New York: Bantam, 1970); Irving Kristol, "Pornography, Obscenity, and the Case for Censorship," *New York Times Magazine* (28 March 1971): 23; Walter Berns, "Pornography vs. Democracy: The Case for Censorship," *Public Interest* 22 (Winter 1971): 12; George Steiner, "Night Words: High Pornography and Human Privacy," in *Perspective on Pornography,* ed. Douglas A. Hughes (New York: St. Martin's Press, 1970), 96–108.

21. Mothers United for a Clean Society brought together the two largest and most influential morals advocacy groups in the state: the Legion of Decency and Citizens United for Decency Through Law. The Legion was based in the Catholic Church, with its chapters housed in diocesan offices. Catholics annually pledged to abide by Legion recommendations on the moral acceptability of books, motion pictures, and popular music. The Legion had committees that patrolled bookstores and art galleries and filed complaints with local police departments. The Legion's efforts led to an average of sixty to seventy arrests a year in Los Angeles County, 90 percent of which concerned hardcore pornography. The remaining arrests involved gambling, illegal abortions, and drug dealing. See *Legion of Decency Bulletin,* 1947–1967 (on file at PAS). Citizens United for Decency Through Law was based in conservative but mainstream Protestant congregations and had been particularly effective in building support among businessmen. The organization had been founded in 1957 in Cincinnati with the purpose of establishing uniform national standards restricting public discussion of sexuality. Its national president was banking and real estate entrepreneur

Charles H. Keating, who in the late 1980s gained notoriety as symbol of the fraud prevalent in the savings and loan industry. See Louis A. Zurcher, Jr., and R. George Kirkpatrick, *Citizens for Decency: Antipornography Crusades as Status Defense* (Austin: University of Texas Press, 1976), 125–127; Charles H. Keating, "The Report That Shocked the Nation," 2–6.

22. Proposition 16 (November 1966) ballot statement, on file at PAS.

11 Breaking the Pornographic Loop

Obscenity as Politics

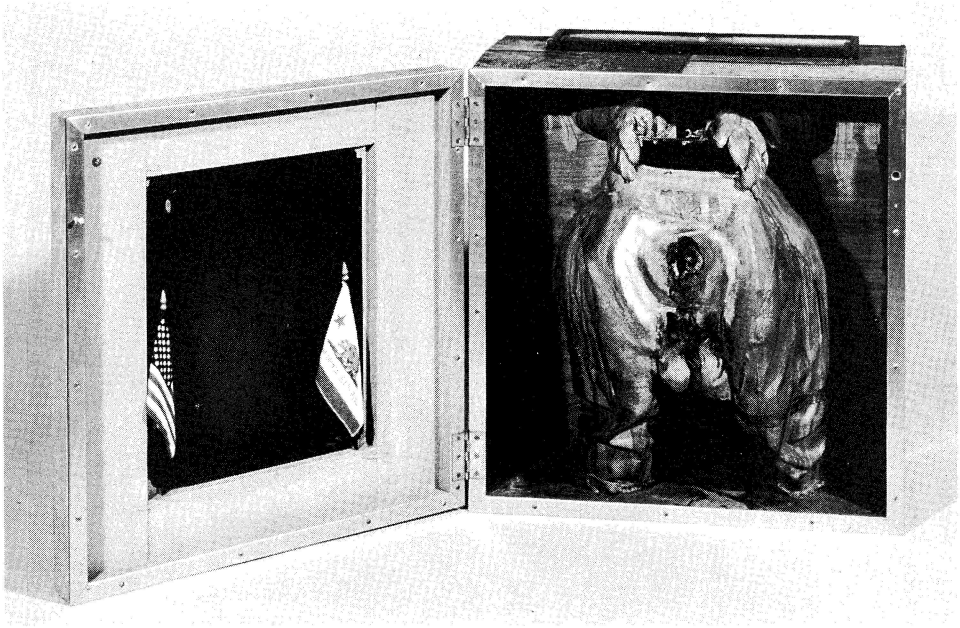
The new William Pereira–designed Los Angeles County Museum of Art opened in 1965 with self-congratulation that the nation's second-largest metropolis had finally established itself as the "second city" of art in the United States. Only the Metropolitan Museum of Art in New York City had more floor space. As part of an effort to strengthen its collections, the museum recruited Maurice Tuchman from the Guggenheim Museum in New York to serve as a full-time curator for twentieth-century art. One of his first decisions was to end the *Los Angeles and Vicinity* annual exhibit and replace it with large in-depth shows of contemporary California artists. On the advice of Betty Asher, Tuchman scheduled a one-man show for assemblage artist Edward Kienholz, to run from March 30 to May 15, 1966.[1]

Kienholz imagined that the show would give him six weeks to garner publicity that might generate shows in other cities. Politics arranged much greater publicity than he had anticipated when, one week before the show was to open, Los Angeles County Supervisor Warren Dorn announced to the board that he had attended the preview for Kienholz's exhibit and was shocked to see that the exhibit consisted of "smut and pornography." Dorn asked the board of supervisors to vote to cancel the show since it was not proper for county funds to support art that many county residents would find offensive. Without debate, none of the other four supervisors having seen the show, the

board voted unanimously to order the Kienholz exhibit canceled. Dorn was then in a three-person race with former San Francisco mayor George Christopher and first-time candidate Ronald Reagan for the Republican gubernatorial nomination. Dorn's campaign stressed traditional religious values, real estate development as the engine of economic growth, and opposition to racial integration of housing or schools. Dorn launched his campaign for governor jointly with the effort of Mothers United for a Clean Society to place their initiative on the ballot.[2] As the election grew closer and his standing in the polls slipped, Dorn seized on the upcoming exhibition of Kienholz's assemblages with hope that he had found an issue that could rally the moral right around his cause.

The piece that achieved greatest notoriety was *The Back Seat Dodge '38*, a tableau that portrayed a couple copulating in the back seat of a car. The two figures inside the modified Dodge frame share a single head, which Kienholz said stood for the loss of identity in working for a mutual orgasm.[3] *Roxy's*, a re-creation of a whorehouse in Idaho that Kienholz visited as a teenager, also infuriated Dorn as inappropriate content for a public place where families brought their children for a weekend outing, particularly given that one of tableau's elements, *Five Dollar Billy*, had the word *fuck* carved on the base. Almost any of the works were offensive to conservatives. *They Tarred and Feathered the Angel of Peace* was one of several satires Kienholz constructed on bigotry and opposition to civil rights. *The Illegal Operation* recreated the sordid conditions under which abortions took place prior to their legalization.

Much of Kienholz's work appeared to be relatively straightforward social criticism, and he himself described his work as "social protest."[4] Yet their most effective symbolic work was often on a level divorced from, and possibly antithetical to, political organization. Such ambiguous effects appear in Kienholz's *The Psycho-Vendetta Case* (fig. 47). This piece had a specifically political theme. The artist presented the Caryl Chessman execution as a



47. Edward Kienholz, *The Psycho-Vendetta Case*, mixed media, 1960. Museum Moderner Kunst, Vienna. Courtesy of the Museum Moderner Kunst Stiftung Ludwig, Wien, Ehem.Sammlung Hahn, Köln.

participation piece for the audience in a way that would augment revulsion against capital punishment.[5] Kienholz described the involvement of the viewer:

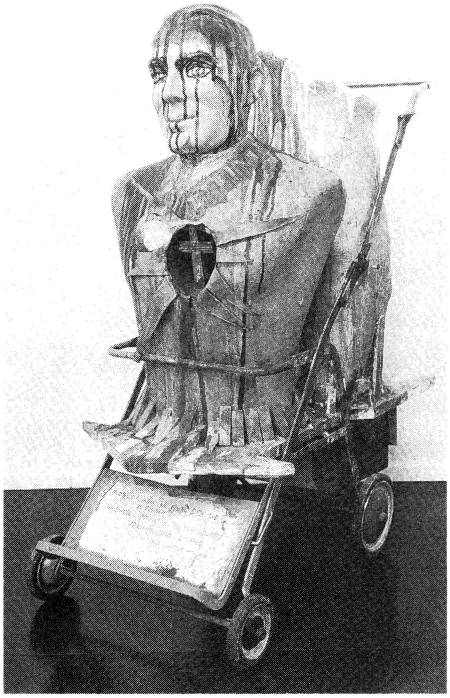
> It's just a box that swings open, made out of tin cans (it's covered with tin cans). It's got the great seal of approval of California on the surface of it, and when you open it up, it's Chessman shackled with just his ass exposed. The hands are holding a tank periscope. And when you look in that, you read down there, and it says, "If you believe in an eye for an eye and a tooth for a tooth, stick your tongue out. Limit three times." And you realize while you're reading that you're lined up exactly with his ass.[6]

This was theater of cruelty apparently directed at the audience, who as members of society were responsible for their government's actions. Kienholz ar-

gued that to be philosophically opposed to policies based on denial of human life and dignity was insufficient. One must be outraged, and Kienholz planned on stimulating outrage by ridicule and degradation. Yet the piece also enacted a process of psychological separation. Those who support capital punishment are "ass-lickers," *The Psycho-Vendetta Case* stated, in the vernacular meaning they were unable to think for themselves. Cruelty was directed toward an imaginary antagonist, the "conformist" majority, that amorphous mass which was the opposite of the artistic communities' ideal independent thinker and experimenter. Politics dissolved into morality in a drama that allowed those opposed to capital punishment to reaffirm themselves as superior individuals.

Kienholz described his work as a form of social protest.[7] Yet the primary social effect of *The Psycho-Vendetta Case* was to reinforce a sense of detachment, what Kenneth Rexroth termed "disengagement," and Lawrence Lipton "disaffiliation," from the very processes that could legislate changes. The work augmented a sense of separation from others in society with whom one might need to unite temporarily for the achievement of a specific goal. Subjective reform, not social, was the intent of this theatrical piece. Subjective separation was part of a process of retreating into professional practice, into areas where each individual could assert the potentiality of authority and expertise decaying in the general social role of the citizen.

Kienholz provided a portrait of the repressed American male in his 1959 work *John Doe* (fig. 48), an upright mannikin, hollow inside, with a cross where his heart should be, lodged in a baby stroller that suggests his perpetual infantile nature. A riddle beneath his bust asks, "Why is John Doe like a piano?" The answer: "Because he is square, upright, and grand," affirming at the same time a subtext that the American individualist is someone who can be "played," a variation on the "ass-licker" theme. Two companion pieces, *Jane Doe* and *Boy, Son of John Doe* (1960), complete the nightmare American family: the wife-mother is a bloodied, severed head served on a table covered by a wedding dress; the son is a replica of the father mounted on a toy car



48. Edward Kienholz, *John Doe*, mixed media, 1959. The Menil Collection, Houston. Photo: Frank Thomas.

rather than a stroller, still infantile but caught up in the phallic appeal of self-propelled mobility. Condoms, beer cans, a cigarette pack, playing cards, and a well-thumbed paperback book entitled *The Impotent Fear Through the Erogenous Zones* litter the trunk of the car, clues to the interests and fears that transform the son from apprentice monster to master. In *The Wait* (1964–1965) an old woman sits despondently alone in a room filled with old photographs. Kienholz had found these discarded family pictures rummaging through thrift shops. The disparate pictures in the context of the work link together to create a family for the central figure. At the same time, the work suggests the lack of meaning of family rituals: within the illusion of the piece, the snapshots and portraits have no power to ease the solitude of the character Kienholz created; as a work constructed from junk, the tableau reminded viewers that its images were once supposedly precious mementos ultimately treated as garbage.

Kienholz's most ambitious tableau in the exhibition was *The Beanery*, a nearly life-size reconstruction of a popular cafe and bar that artists frequented in West Hollywood. The inspiration for the work came from a headline Kienholz saw in the newspaper rack in front of the bar one evening as he went to get a drink: "Children Kill Children in Viet Nam Riots." The headline crystallized his concept of what he needed to create about the relationship of popular recreation and global events.[8]

As viewers enter the bar, they pass, as he did, by the newspaper rack with its shocking headline. Inside, music plays, glasses rattle, there is a constant patter of conversation and laughter, but only an occasional word is clear. Time is frozen at ten minutes past ten. The exact moment is inescapable as, except for the bartender, all seventeen figures' heads are made from clocks. The frozen moment accentuates the amnesia of the present, with each person in the establishment caught in the gestures of instant desires. Yet the lively sound track reminds the viewer that the flow of time continues. "A bar is a sad place," Kienholz told an interviewer, "a place full of strangers who are killing time, postponing the idea that they're going to die."[9] Built at 90 percent scale, the environment feels life-size, but also inexplicably compressed and squeezed in by the seventeen figures sitting at the bar or at booths. As the viewer moves deeper into the environment, the sensation of constriction is reinforced by odd, musty smells and the layers of resin poured over every object in the piece. Death is present, the silent partner of the loudly ticking clocks. One has entered a timeless space, but with no connection to eternity. Kienholz recalled that at the first showing of *The Beanery* a friend of his came out of the installation sobbing: "I said, 'Geez, Lavonne, what's the matter?' She said, 'I saw myself in there.' . . . She said, 'You know, I saw myself. I'm wasting my life. . . . I don't need to drink to live.' And she had this big trauma because she'd seen some figure in there she just assumed was her."[10] The anecdote reveals the degree to which Kienholz wanted his art to strike into the soul through initiating a physical sensation and a sense of bodily relationship so arresting that the experience could begin a process of conversion. As con-

cerned as he was with formal issues, he was even more concerned with the social utility of his efforts.[11]

The Vietnam War and military expenditures, the death penalty, race relations, abortion, and the hypocrisy of American sexual mores were common themes in his work. Yet these highly political topics connected to feelings that transcended political solutions. Kienholz thought that the issues themselves were only instances of humanity's fear of what being a biological creature involves: "All my work has to do with living and dying, the fear of death."[12] For Kienholz birth and death created the only space that humans had to shape meaning. Art's power was to reveal the work of nature within and between human beings and reinforce the pressing need to focus one's limited time on what was most important. He claimed to be a social critic, but pressed on the relationship of his work to broader political concerns, Kienholz answered, "Politics are a really murky area for me because politics are really our own abdication of our own responsibility. We hire someone to make decisions for us. We give up our own power to let someone else exercise power over us."[13]

Since the Los Angeles museum was a county institution, the board of supervisors had some sort of ultimate authority, but an ostensibly independent board of trustees, drawn from the most prominent figures in Los Angeles business life, governed its policies and operations. The new museum was a major investment of private and public funds, both of which were necessary to make the expansion viable. The county provided 50 percent of the museum's budget and owned the land on which the building sat. Private funds had paid for the new building, supplied the other 50 percent of operating funds, and all monies for collection development. Museum trustees, most of whom had donated to the museum's building fund, saw the expanded facility as part of an effort to transform Los Angeles into a major international cultural center. It and the new Music Center of Los Angeles County would overcome southern California's reputation for provinciality.[14] The action of

the board of supervisors presented the nightmare lurking in private-public cooperation. In New York, the Museum of Modern Art, the Metropolitan, the Guggenheim, the Whitney Museum of American Art, the Morgan Library, the Frick Collection were all private institutions. They were not immune to criticism for their programs, but their administrators were free to make their decisions without interference from politicians untrained on any level in appreciation of the arts. In the 1960s, all prominent museums in California, with the single exception of the Huntington Library and Art Galleries in San Marino, were municipal or county chartered. The potential for conflict between political and professional needs was built into the divided authority under which cultural institutions had developed on the West Coast.

Nonetheless, Dorn made a political blunder thinking he could attack the museum without in effect attacking the integrity of the men and women who sat on the board of trustees. They were no cultural radicals, but they defined their staff as trained professionals. Dorn's assault was too patently demagogic, too clearly connected to his lagging gubernatorial campaign. His attempt to gain votes by dictating museum policy threatened the ability of the museum to take a leading place in the larger world of international museums. He was about to learn that, contrary to the popular saying, not all publicity in the media is good.

Both major daily newspapers, the *Los Angeles Times* and the *Los Angeles Herald-Examiner*, editorialized against the supervisors' decision. Radio and television editorials ridiculing Dorn were even more damaging to his electoral ambitions because they reached virtually every adult in the county. The greatest damage to Dorn's case was self-inflicted. Dorn handed his critics a soundbite that in the nascent age of electronic media politics proved disastrous. At a press conference, after reporters challenged his training as an art critic, Dorn declared, "My wife knows art, I know pornography." Every newspaper reported the statement, and the film played on every local television news show. He transformed himself from defender of family values into a replica of "John Doe," evidence of Kienholz's contention in *Roxy's* and *Boy, Son of John Doe*

that pornography was essential to the psychic economy of American white males.[15] One editorial from radio station KPOL gives a sample of the abuse heaped on Dorn after he made what could well be labeled a Freudian slip of the tongue:

> The county supervisors, individually and collectively, are elected by the constituents to oversee many aspects of community life, but it's highly doubtful at best that Warren Dorn was elected a county supervisor because of specific accomplishments in the field of art. For him to set himself up as a one-man board of review of what is or what is not fit to be shown at the County Museum of Art is unfortunate. For his fellow supervisors to limply accept his judgments as sole criteria, without having seen the material in question themselves, borders on the incredible. In defense of his point of view, Supervisor Dorn is reported this morning to have said, "My wife knows art; I know pornography." That's like the situation in Chicago where censorship of motion pictures is exercised by appointed members of the police department, even though these individuals are not chosen because of any specific cultural or intellectual attainments.[16]

The concluding reference to Chicago raised the specter of the Richard Daley machine, at the time a national symbol for corrupt politics. In Chicago, every aspect of social life was supposed to be driven by deal making rather than the merits of issues. California's progressive legacy had led to reforms of electoral process in the 1910s and the 1930s that ostensibly ensured control of the "citizenry" over professional politicians.The radio editorial pointed to what became the central issue for many otherwise conservative people in Los Angeles: if the county was spending millions of dollars annually on the museum, then it should have the best possible, professional administration independent of political interference. The museum should join other important county agencies like the Metropolitan Water District and the Rapid Transit District with an administrative reform that removed the agency from the vagaries of patronage and electoral politics. Abstract standards and principles rather than

patronage, whim, or personal pique should determine areas of vital public policy.

Autonomy of the museum from direct political control was to come only after public pressure humiliated the board of supervisors into retreat on its Kienholz diktat. In the last week of March 1966, a bumper sticker stating "Dorn is a four-letter word" circulated widely. Letters to the editor printed in the *Los Angeles Times* and the *Los Angeles Herald-Examiner* ran five to one in support of the museum's right to mount the Kienholz exhibit without political interference. The letters often expressed resentment that Los Angeles was made to look as if it were a city of bumpkins. Others urged the museum to defy the supervisors. Dorn had not counted on the many people in Los Angeles who liked to think of themselves as culturally and intellectually sophisticated, even if they were politically conservative.

Ernest Debs, an actor turned politician, signaled to the museum staff that a majority of the supervisors wanted a way out of the embarrassment they had inflicted upon themselves. Maurice Tuchman and Kenneth Donahue, the director of the museum, met with the supervisors to negotiate a "compromise." Two changes were made in the exhibition: Kienholz agreed to widen the base of *Five Dollar Billy* so that people would have to stand further away from it and the objectionable if well-known four-letter obscenity worked into the piece would be less prominent. Kienholz also agreed to a guard standing by the door to *The Back Seat Dodge '38*. The guard was to close the door whenever minors approached the car. Nothing else in the show was altered. On the basis of this agreement, the board of supervisors voted to allow the exhibit to proceed.[17] The show attracted large crowds, and television stations sent out news crews to cover the event. The museum directors could not have asked for better publicity or a better outcome.

Dorn finished a distant third in the Republican gubernatorial primary. He remained a county supervisor until 1972, when a popular local television news announcer, Baxter Ward, defeated him. Dorn's stand on the Kienholz exhibit was only incidental to his political fate, though for artists the affair

stood in their memories as confirmation of their alienation. Rather than building on the successful outcome or on the public support gained for "free" expression, memories emphasized outrage, attack, isolation, and the danger of being an artist in a philistine society. The very possibility of being the subject of public controversy was unsettling.[18]

Dorn's failure to manipulate the morality issue provides generalized evidence of a change in political life that he and many others had not anticipated. The power of church- and community-based pressure groups, operating with a high degree of personal commitment, was waning, while the power of the mass media, whose personalities roused passions on a daily basis, was growing. Groups like the Legion of Decency had been a model of grass-roots involvement. They channeled popular political energies with practical activities that generally gained measurable results. They gave their members empowerment and satisfaction because the organizations' activities had definite impact on how everybody lived. In theory, the negative consequences of a minority imposing its morality on fellow citizens could be countered by the rise of opposing citizens groups, but the decline of the Legion came from another source. An increasing reduction of "middle-class" lives into the twin poles of domesticity and work decreased the political influence of organizations that relied on networks of personal contact. Despite a tendency toward apathy, the retreat into the private that marked the post–World War II era was not entirely negative, for it limited the power of organizations like the Legion of Decency. Whether a politics based on atomization into family units, friendship networks, and professional associations could be as socially engaged was doubtful, but it had the distinct advantage of reducing restrictions on individual choice. Atomization was a factor that allowed the suppressed contradictions of individual experience to crystallize into social issues. Thus in 1967 a Republican-controlled state legislature responding to perceived concerns of the electorate passed the first laws decriminalizing abortion, while in 1969 the legislature overrode religious opposition to liberalize divorce procedures.[19] In

the field of culture, a significant portion of the public wanted access to information and resented efforts to limit their experience of the world.

In this shift, artists had a small but significant role to play because they could easily symbolize for the public at large the boundaries between licit and illicit experience. One could decide it was ridiculous to suppress Kienholz's art without having to approve of Kienholz's specific criticisms of American society—or even really having any idea of what the art was about, much less what the mutual responsibilities of artists and society ought to be. As a struggle taking place on the symbolic plane, both within the art itself and in the art's relationship to politics, the debate took place on an idealized plane of "free speech" versus "family values." Beneath the symbolic struggle were institutional shifts in the arts and in politics that would shape the practical outcomes of all those involved.

The Revolt Against Repression

To a degree far beyond Everts or Kienholz, Michael McClure exulted in a poetics of frank sexuality. In 1961 he and his friend Dave Haselwood published McClure's *Dark Brown*, an extended ode to heterosexual love, remarkable at the time for the explicitness of its language and imagery.[20] McClure surreptitiously passed copies to his friends, while City Lights Books sold the volume under the counter only to those known and trusted by the staff. In *Dark Brown* McClure challenged the common assumption that fantasy and sexual passion were incompatible with commitment and caring. The poems move through an undifferentiated sensual awakening to a sense of wisdom reposing in the body, discovered in heightened physical and emotional states, until the cycle climaxes in "Fuck Ode." In an essay explaining the importance of removing all sense of shame from words like *fuck*, McClure wrote that "a man knows what he is by how he names his states. . . . Men

who say *copulate* or *intercourse* feel removed from their bodies. . . . I would rather fuck with my meat body than have intercourse and watch it with my mind."[21]

Read aloud in semiprivate gatherings, the poems in *Dark Brown* continued the revolution of "Howl" by validating physical exploration as a path to intensified spiritual exchange that deepened domestic attachments. Michael's poems, which his private audience knew charted the turbulent but passionate history of his marriage, were matched by Joanna McClure's poems, equally renowned for their frank sexuality. Between 1960 and 1964, their poetry developed in tandem in a dialogue that offered their friends a vision of the McClures' most intimate relations. To those within their community, the poetic work of both McClures was equally well known, though on the professional, public level, Michael alone published books and developed an international readership. Their poetic voices were not equal. Joanna's poems came into being through dialogue with his poems, which inevitably could not express her experience of their relationship. Her work grew out of the relationship, while his existed in a dialectic between his domestic connections and his public ambition. His respondent appeared to be her, but it was actually the poetry-reading world at large, to whom he declaimed his views of social relationships derived from generalizing the specifics of his marriage into public statement. Public exposure brought what had been private into a semipublic realm, in which the concept of community defined new boundaries and a new interpretation of what the private meant. Michael and Joanna both used apparent sexual disclosure to present confessions of private obsessions and the evolution of their spiritual states, the dialogue of which ultimately formed the content of a constantly renewed marriage. Self-display served as declaration that the details of their lives were no longer subject to public morality. Instead, the private, understood as the haven of the imagination, became the standard against which public life could be judged. As such, the private had to throw away the veil and leave the imaginary seraglio to take its place in the public square. Yet at the same time as half that dialogue sought fully public

expression,the other, female half vanished into mere context and remained locked in seclusion. The revolt against repression involved its own amnesia, which would eventually end the postwar avant-garde project of finding in art a universally valid form of liberation and set into motion a new project of dividing human experience into particulars.[22]

When Michael McClure turned to drama, he hoped he was reviving the principles of Shakespearean theater, with its emphasis on emotion and action. Contemporary theater was psychological, but the Elizabethan had been what he liked to term "meat theater." Psychological theater depended upon plot to provide an explanation for the origin and development of human action; the organizing categories were schematic and divorced human beings from the matrix of their physical relationships to place them into abstract, analytic frameworks. Meat theater focused on pride, rage, and joy as perpetual underlying realities in human interaction. "Psychological theater deals with the personal and social problems that seem most relevant," McClure argued. "We deal with these every day, and we know them, whereas the other we inhibit or repress, and we can be very delighted to see them."[23] McClure's dramas stripped away plot, character development, and every aspect of dramatic convention to leave only the arousal of basic emotions through provocative images. He wanted to achieve a theater of pure subjectivity, where the emotions were completely divorced from the accidental events he thought only called them into being: "If you are subjective enough, if you are *utterly* subjective, there's a point where your subjectivity can become objectivity, or universality, or something similar to that. So that if you maintain yourself as purely as possible, and you confront people who maintain *themselves* as purely as possible, then you can almost see through their eyes, and they can almost see through *your* eyes."[24]

In the last sentence, McClure placed himself in a tradition articulated earlier by both Kenneth Rexroth and Clyfford Still. McClure came to San Francisco from his home in Kansas to study painting from Still. Discovering the California School of Fine Arts in the midst of turmoil and Still gone, McClure

fell in with the Rexroth and Duncan poetry circles, as both student in their workshops and friend who participated in their salons. McClure had little training as a dramatist other than his studies in poetry with Robert Duncan and his performance of the role of the Boy in Duncan's play *Faust Foutu* at a staged reading at Duncan's King Ubu Gallery in November 1953.

Purity in drama meant concentrating on emotions. Theater, McClure thought, could directly stimulate emotions by refusing mimetic logic and focusing on sounds and actions presenting pure aggression and pure sexuality in such a way that the audience could not help but participate. He derived his ideas on theater from the theories of Antonin Artaud, but McClure specifically rejected the idea that the playwright should humiliate or in any other way be cruel toward the audience. He wanted to present rituals that allowed people to face what was in them so that, as he had, they too could choose love rather than alienation.[25]

McClure wrote his first full-length play, *The Blossom*, in 1960. Billy the Kid, his employer, his employer's wife, and the two men who killed him are trapped in eternity reliving the emotions they felt at the time of their deaths. In McClure's vision of eternity, which elaborates in dramatic form Robert Duncan's 1946 perceptions of death, the most emotionally searing events of a life repeat themselves without cessation or alteration as the truest indicator of the soul. At the center is the Kid, "an idealistic mystic," according to McClure, who understands that death is more natural than life and that murder is his way of asserting presence in the universe.[26] Paradise for the Kid was reliving that intense feeling preparatory to murder without break or diminution.

The Blossom offered nothing to audiences raised on plot line with its implied scheme that people should go through a series of meaningful experiences which make them grow and become better adjusted to the world. McClure's goal was ritual enactment of the selfish aggression present within each member of the audience. McClure offered no condemnation of unrestrained passion because he saw anger and violence as everyday occurrences.

As an objective aspect of human existence, aggressive passions were part of the "cold lights" McClure saw suffusing the cosmos.[27] They were part of the realm of necessity. The realm of freedom lay in the power of the imagination to create something new. That choice was a struggle and could not occur except through confrontation with the fullness of existence that Jakob Boehme had called the "unground" of freedom. In *The Blossom* only the Kid is content living within the passions of his death, for they revealed his true nature. The other characters are confused as to why they keep circling in the action of a few minutes, for they do not realize that they are trapped within their emotions. The Kid has broken the trap of repression and brought his murderous desires to the surface, where they become the subject of choice. He actively embraces his destiny, while the other characters have fallen into a fate they do not want because they do not comprehend the forces within them. McClure balanced the necessity of passions against a warning that had little to do with morals as a set of predetermined guidelines for behavior. Confront your emotions, he told his audience, or they will control you.

In order to understand the public ramifications of McClure's treatment of human passion, we need to turn to Freud's doctrine that socialization of individuals occurred through the repression and internalization of instinctual drives. Freud proposed that opposition to efforts to bring elements of the unconscious into the conscious was the preliminary condition for the development of neurotic or psychotic symptoms. Repression represents an unrealized emotional process that retains its energy within the psyche. The individual has no conscious memory of the formative episodes, but the process linked sexual desire to infantile phobias. The libido converts into anxiety, which then dangerously and surreptitiously appropriates an aura of sexual excitement. The fear and anger released become a source of unconscious pleasure that the individual constantly seeks. The urgent demands of sexuality flood into behavior that can be violent, paranoid, and ultimately self-destructive.[28]

Lust was a form of repressed sexual attraction that expressed itself through

words. Lust was not inherently a social category: the vocalizations of animals expressed desire before they could act on it. In human society, however, vocalizations associated with sexuality assumed greater importance than sexual acts. Rather than being a stage in a process of unfolding emotion and action, lust became sexual passion perpetually deferred. Sexual union destroyed lust and thus was experienced as frustration and disappointment. Resentment at the evaporation of anticipation turned real sex into a violent act, in which aggression replaced physical pleasure or emotional sharing. Obscenity sprang from words used to shock and thus continue sexual aggression on a level completely detached from intimacy. Freud argued that obscenity arose as the infantile desire to see and touch the genitals of the opposite sex was frustrated and erotic longings were transformed into aggressive impulses to strip away the barriers. Normally those desires were deflected from action into words, and sexuality was entangled in the elaboration of verbal taunts.[29]

Lust as verbal aggression deferring actual physical contact was the subject of McClure's second play on Billy the Kid, *The Beard*, written in 1965. In this play, McClure brought together the Kid and Jean Harlow, in a blue velvet-lined room in paradise. As with his other plays, there is no "action" in the drama. It is a confrontation of two icons of American popular culture that served as expressions of male and female archetypes emerging from the collective unconscious in peculiarly mid-twentieth-century American forms, the cowboy and the movie goddess. Yet *The Beard* has little in common with pop art. The forms themselves or the ways in which popular icons establish their hold upon the public imagination were irrelevant for McClure, for he assumed that sexual needs always resulted in archetypal figures, the particular form of which was accidental. McClure began with pop icons, but following Wallace Berman's approach, McClure used them as a starting point and filled the forms with his own obsessions.

The Kid and Harlow spend ninety minutes insulting each other in a mating dance that ends with words transforming into oral sex, the Kid kneeling before Harlow and nuzzling her thighs. The reviewer for *Variety* described

the play as a "reduction of all male-female spats, courtships, fetishes, etc., to a simple animal circling, snarling, sniffing, teasing, until they join sexually."[30] The persistent repetition of set exchanges breaks down the immediate denotative sense of the dialogue. The words' semantic functions are overtaken by a more fundamental need to use voice for the physical expression of preverbal demands for attention and desires to vanquish the ego through union. "We want the same thing and [we] enact it between us," the Kid tells Harlow.

The action of the drama grows from the topology of gender relations sketched in part 2 here. McClure gave the male figure attributes traditionally assigned to nature. The Kid is an irrational and therefore redemptive force. The female figure is the nexus of connections, the inner center of both domestic utopia and organized society. Jean Harlow is the prototype of the object of desire fetishized by the motion picture camera, perpetually beyond reach and therefore the perfect projection of lust indefinitely prolonged. Harlow thus speaks within the play of the repressed desires that bind people in modern society. In *The Beard* McClure projected this cognitive map onto an abstract level that balanced but did not equate male and female powers. The male figure is violent, but the Kid's drive to dominate makes him express himself through his body. Immediacy of action and unpredictability help establish the Kid as the symbol for nature. "You bit my fucking toe! AND TORE MY PANTIES UP!" Harlow screams at him. It's what she wanted, he tells her. The execution of male power depends on a myth of voluntary submission by women to uncontrollable male impulse, but the Kid is also confessing that what he wants is to be humiliated and broken of his will to power.[31] As he successfully seduces her, the Kid enacts the triumph of nature overcoming but not vanquishing society. The role of the poet within each male is to seduce the sex goddess in every woman and thereby end a sexual economy based on simultaneously worshiping and despising women. The result is a renesting of society within nature rather than the two aspects of human being existing in disjunction with each other.[32] Through utopian domesticity comes the sexualization of the social so that intensified bodily relations might be the domi-

nant form of social relationship rather than an endless cycle of sexual aggression based on despising and deferring desire.

As with Ginsberg's public readings of "Howl," what happened on the stage was less important than the emotional release the action inspired in the spectators. The action serves primarily to expose sexual passions within the audiences and allow them to experience a form of completion. The characters repeat that they are "all alone," that "there's nobody around to watch," an incantation that liberates the audience from its role as motion picture fans who insist that stars repeat ad infinitum their limited, but familiar routines. The course of the characters' drives, which they themselves describe as projections of the spectators' desires, can move to completion. In their roles as aspects of the imaginary order around which an assumed modal American identity is constructed, the old identity of deferral and frustration—the identity requiring pornography—confronts the germ of a new self in which the presence of physical needs is experienced as immanent rootedness in the natural world. Conversion will not come from denying inner impulses; only allowing them space to develop into their own negation will bring release from the pornographic loop. The vicious and destructive aspects of character must be mobilized before one can progress beyond them. The point of ritual, of McClure's concept of a "Shakespearean" theater, is to allow this process to occur in a forum where the least negative social consequences will result. Instead of excess psychic energies overflowing uncontrolled into everyday life and into politics—the view of the world in McClure's "Dallas Poem"—aesthetic creativity channels dangerous desires into a zone of human activity where the imaginary can be transformed into, though never be replaced by, the symbolic. There is a risk that passions can overpower the liberated subject, but the assumption is that health will be the usual result. There will be an end to the malaises of deferred desire with their attendant individual and social ills.[33]

The Kid's drive, as in the earlier play, is to ride the crest of his emotions through the domination of others. He forces Harlow to let go of the coy,

available yet untouchable stance that makes her a motion picture goddess and reveal to him her own desires. This movement to force revelation of what her image implies but also hides took up the ninety minutes of *The Beard*'s performance. With each repetition of the limited exchanges that pattern the dialogue, the male archetype of violence as a form for possessing and defining the other pushes the female archetype to reveal more of what she wants. In the concluding moments, she licks and caresses the Kid's boots, an act of submission to her fans that frees him to possess her.[34]

The final image of oral sex highlights the role of language in the construction of sexual pleasure as perpetual deferral, for in Freud's psychoanalytic system, the earliest stages of repression begin with projecting specifically oral desires into another sphere.[35] In *The Beard* the linking of orality and sexuality is a symbolic reunion of words and actions that reestablishes the continuum between emotions and actions. There is complete commitment to carnal exploration as a form of mystic knowledge, a theme McClure already explored in *Dark Brown* when he wrote of the tongue exploring a lover's body as a tactile instrument causing and then vanquishing the "tense of shame."[36] Three years earlier, George Herms had written that oral exploration of his wife's body had broken his fears of his own body and had been an essential step to finding his way as an artist: "After years of tongue-tied quasi-submission to maternal anti-genitalia and paternal anti-exploration (both rooted in fear) i was finally to speak upon learning the language of love in the blood school of my wife. (Cunnilinguality is based on language, also.)"[37] The stark graphic image of sexual union had multiple functions: it dramatized the masculine triumph of poetry by externalizing Harlow's pleasure as, according to stage instructions, she stiffens and arches her body, ecstatically chanting, "STAR! STAR! STAR! OH MY GOD—! STAR!"[38] Easier to present on stage than genital union, the concluding action of *The Beard* left no doubt as to what was happening. Yet at the same time, the image transcended mere celebration of pleasure to bring to light a more complicated intersection of desire and shame that left open the sufficiency of the apparent masculine triumph.

Given its abstraction and lack of plot, McClure had not imagined that his play would attract an audience, much less become "a cops-and-robbers game," but he and the cast were arrested nineteen times in 1966 and 1968 for producing the work. The play premiered at the experimental laboratory of the Actor's Workshop in San Francisco on a Sunday evening in December 1965. That performance, with an audience of less than one hundred, was uneventful, though successful in establishing an underground reputation for the play. The reviewer for the *San Francisco Chronicle* praised McClure's ability to raise and resolve the most difficult issues in a way that he could feel the audience's emotional release at the end of the play. Far from finding the play pornographic, the reviewer argued that *The Beard* was hygienic because it purged the hold of antiquated values. Over the next several months word of mouth by those who had seen the performance apparently reported that they had participated in an extraordinary and shattering experience. The growing curiosity about the work prompted Bill Graham to invite McClure and his actors to present the play at the Fillmore Auditorium, the largest rock club in San Francisco. In July 1966 a capacity audience of three thousand jammed into the Fillmore. The venue added an aura of rock opera to the performance. The actors used hand-held microphones, necessary to be heard in the cavernous hall, and Graham reinforced the spectacle by adding a pulsating psychedelic light show and live rock music accompaniment.[39]

At this time, the police took interest in the production. Graham scrapped plans for repeat performances at the Fillmore after officers from the vice squad threatened to revoke his club's operating license. In August the production relocated to The Committee, a North Beach comedy club specializing in political satire, for a planned indefinite run. The San Francisco Police Department secretly audiotaped the first two performances at The Committee and then interrupted the conclusion of the third performance with motion picture cameras recording the oral copulation scene. Officers jumped onto the stage to arrest the actors and sought out the playwright backstage. The district attorney's office charged them with violation of obscenity laws, conspiracy to

commit a felony, and lewd and dissolute conduct in a public place, the charge most frequently used against homosexuals arrested in men's rooms. The production then shifted to an auditorium in Berkeley, where two nights in a row the chief of the police department personally halted the performance and arrested the actors, the director, and the playwright for the same offenses as in San Francisco.

The charge of lewd and dissolute conduct in a public place became the key element in the case and went beyond obscenity law as the district attorney charged that representation of oral copulation was legally not distinguishable from the actual act. "If this act actually took place, they [the actors] could be charged and convicted of a felony, whether or not it was in a public place," the prosecutor's brief argued. "However, we feel that regardless of whether or not the act was actually accomplished, what was done was sufficient to satisfy the requirement."[40]

Marshall Krause, the attorney from the San Francisco chapter of the American Civil Liberties Union representing the defendants, argued that the charge was ridiculous since, following the prosecutor's logic, a representation of murder could lead to a charge of murder even though nobody was physically hurt. In one of those fortuitous admissions that reveals the actual issues at stake, the state attorney general dismissed Krause's argument by contending that there were two classes of crime. One, of which murder was an example, resulted in "tangible, physical harm" to a party; the other damaged society by inserting unlawful thoughts into the imaginations of others. In the case of simulated sex, the result of the crime was identical to witnessing an actual act so that from the viewpoint of law there was no essential difference between representation and execution. The argument had no overtly religious aspects, but its premise was that original sin lurked within the breast of every person.

The judges assigned to hear the cases in both San Francisco and Berkeley dismissed the charges, but the state attorney general, Thomas Lynch, assumed control of the prosecution and sued to have the charges reinstated. He

announced that he personally would lead the prosecution team. McClure was at a loss to explain the intensity of the reaction or the priority given to his case: "I feel that the people who do not like the play are not so much frightened by the sexuality, but that gives them a handle. What threatens them is the statement that we are all divine—and how can we be divine and have a divine war in South Vietnam? How can we be divine and do the things that we're doing? I think that's frightening to some people." He had arrived at an ideological explanation. As the Vietnam War intensified, McClure came to equate sexual repression with the American history of westward expansion through conquest, and his play seemed to have a providential role in the growing antiwar movement. In his mind, helping Americans confront the construction of sexual pleasure and identity was essential to end the Vietnam War and Cold War militarism. "It's the same area of sexual repression that keeps a person from using a 'dirty' word to describe an act of love that eventually causes a powerful, beautiful nation to coil up its hatred and deliver it in the form of bombs and napalm on an innocent, technologically incapable, small Oriental nation," he declared later to a newspaper reporter.[41] American society was a machine for the reproduction of repressed desires; by definition the basic activities of collective life were perversions of natural instincts. Any emotional disturbance from confronting the varieties of sexuality was a product of the social construction of sexual pleasure as illicit. In order to experience pleasure one also had to experience guilt. Pornography was thus essential to the subjective constitution of Americans.

McClure proposed to eliminate the concept of pornography by helping his audiences confront the sexual identity they absorbed from their culture and replace it with another that found pleasure in actualization rather than deferral of sexual contact. The persecution that he and his cast underwent was part of an effort to preserve and protect a deeply rooted libidinal mode. Thus, the irony for him was that he was trying to eliminate pornography but his tormentors wanted to maintain it. Any attempt to repress direct, open expression of sexual emotions was simply an effort to construct a deeply satis-

fying illicit sense of pleasure, the public manifestation of which was violence and the desire to erase other lives. Freud's psychoanalytic reform had begun as a question of individual therapy. McClure, and those working in his vein, saw the roots of social reform in the confrontation with the process by which desire was deflected into public institutions and their actions.

Another, more immediate explanation for Lynch's unusual intervention into local court proceedings can be found in state politics. State Attorney General Lynch faced a difficult reelection challenge. He opposed Proposition 16, the initiative sponsored by Mothers United for a Clean Society on the November ballot, because he felt it was bad law to allow no distinctions between different types of expression or to vest private advocacy groups with special powers to force prosecution. This was politically a difficult and dangerous position for him to take, however justified it was as a defense of the autonomy of law. Lynch's political base had been the San Francisco Irish Catholic community, and Lynch traditionally had been close to the church hierarchy, which was strongly supportive of the measure. His prosecution of *The Beard* cases demonstrated that his opposition to Proposition 16 was pragmatic rather than philosophical. One could be opposed to the measure and still be tough on the issue. Indeed, his unprecedented argument that representation should be equated with actual acts was an attempt to increase the severity of charges and punishments meted out to violators of antiobscenity laws. His stand on *The Beard* was one element in a successful reelection drive. Democrat Lynch was one of two Democratic statewide constitutional officers to survive the Republican sweep accompanying Ronald Reagan's election as governor.

Proposition 16 failed, with 57 percent opposed. Its defeat was not surprising. No candidate for state constitutional office, including Reagan, endorsed the measure, and major metropolitan newspapers opposed it. Given the extent of condemnation, the size of the yes vote might be surprising. In a manner similar to the Everts verdict, the vote on Proposition 16 revealed a split in the electorate. Even a poorly drafted obvious grab for power could get the

assent of 43 percent of the voters. The pattern of yes votes revealed that the conflict between liberal and conservative cultural identifications was assuming a geographic manifestation. Orange County was the only well-populated county where Proposition 16 received a majority, though only a bare 50.52 percent of the vote. Proposition 16 did most poorly in the San Francisco Bay Area and Los Angeles urban cores, gaining only 31 percent of the vote in San Francisco, 34 percent in the city of Los Angeles, and 27 percent in Oakland. The proposition did best in outlying suburban districts of Contra Costa, Alameda, Santa Clara, Ventura, and Los Angeles counties. Yet, as in Orange County, the proposition still only barely gained a majority of votes in those districts. Similar vote patterns appeared in San Diego County. The proposition failed in the central city, gaining 39 percent, but carried the surrounding assembly districts. A gulf, both political and cultural in nature, between core cities and the newer suburban ring began to reveal itself.[42]

Still a defeat is a defeat. The measure's failure sent a message to politicians that a once-powerful constituency had less public support than it claimed. Less than three weeks after the election, the San Francisco Police Department arrested three persons from two bookstores for selling Lenore Kandel's book of verse *The Love Book*. James Schevill, director of the San Francisco Poetry Center, organized a read-in at San Francisco City Hall. The publicity surrounding the protests led Police Chief Thomas Cahill to instruct the Juvenile Bureau to stop responding to complaints about obscene books.[43] As police departments in other cities followed suit, the practical power of the Legion of Decency and similar organizations faded.

The Lure of Autonomy

One defense against censorship was to challenge the competence of those outside the profession to sit in judgment on art and poetry. Stan Brakhage,

writing to the district attorney's office in support of Michael McClure after his arrest for *The Beard* production in San Francisco, observed,

> I do not know how anyone can assume to be an 'authority' on aesthetics: but I think I can safely hope you are an authority on Justice and, as such, will look for the opinion of those who have devoted their attention to 'literature' and, more specifically, the poetry of living men as much as you undoubtedly have to the questions of law and that you will value these opinions in your handling of the censorship charge against Michael McClure's 'The Beard.'

Brakhage's opening sentence reveals reluctance to assert an autonomous realm for aesthetics or literature. He qualified the standing of the arts through the use of quotation marks, while he capitalized justice in recognition of its unquestioned, unchallenged authority and power. The tentative argument and the shift in position within the letter are evidence of a struggle between two subjective positions. An older view of the artist, organized around the equivalence of freedom, irrationality, and identification with the cosmos, yielded to a concept of the artist as a professional, as a master of specialized knowledge and techniques. "A poem requires," Brakhage continued, "as experienced a reader as does a legal document (and it is, surely, this general lack of experience with/of the true nature of poetry in our society that does get works of art hauled into court on charges of 'obscenity,' etcetera, when and while the truly 'obscene' ((Lat. def.: 'bad taste')) is freely available everywhere in the culture-at-large)." Six years earlier Brakhage had been the victim of legal action for his film on natural childbirth *Water Moving Earth*. Moving away from the once motivating sense of art moving through all of life and connecting the diverse forms of creativity, Brakhage asserted a lawful power for the opinions of those who devoted their careers to aesthetic production so that the autonomy of art might be fully equivalent to the autonomy of the law.

> Michael McClure is one of the poets who has given me the most of what I shall here call "The Justice of The Senses" . . . that is, articulation of sense experience—a language thru which the sense-experience of men may be shared and, thereby, govern each his relationship to any other as surely as laws do presume to govern us all . . . "The Beard," thus, is itself the very center of the ideals of law in that it permits a man who has carefully read it, and/or fully experienced it as a play, to govern himself and to be just in his relationship with any other.[44]

If the rule of law provided a concept of relationships taken outside of arbitrary whim or chance, then interpretation of signification could not be left to the average person. Obscenity laws assumed for average citizens insights and capabilities they lacked. Avant-garde artists with dreams of a cultural renaissance awakening the suppressed creative instincts of the entire population had to accept, indeed promote, a barrier between themselves and the nonspecialist if they wanted to be left alone to work. Creative people could imagine themselves as powerful or as elite, but not safely as both together. Once they claimed to have a special role within a democratic society, they opened themselves to the vicissitudes of politics.

After hearings in 1967, the California State Supreme Court dismissed without comment all charges stemming from the 1966 arrests of Michael McClure and his cast in *The Beard*.[45] The notoriety surrounding the play led to productions in New York in 1967 and London in 1968, publication of a mass-market paperback edition of the play, and an offer from a Hollywood producer to make a motion picture of the play.[46] In November 1967 an unauthorized student production at California State College, Fullerton, unleashed a new wave of fury against McClure and the play. The state senate demanded that the State College Board of Trustees initiate disciplinary action against the profes-

sors and students involved in the production and then passed legislation to make it a felony offense to simulate sexual acts in any stage or motion picture production.[47] The editors of the *Orange County Register* pointed out that academic and artistic freedom were not unlimited. Those who "really want freedom" to present their ideas without political hindrance "will get out of the political school system. If they accept the tax handouts, political dole, they also must accept the political control. They can't have it both ways."[48] The editors of the *Anaheim Bulletin* agreed; the taxpayer had brought the controversy on by voting bonds to expand the state college system. Without government support, "those twisted souls would have had to buy their own lumber, bricks and mortar for the stage that exhibited their indecencies. . . . Friends, we have a bad system. Tax-supported colleges create a sanctuary for intellectual parasites. True, the marketplace theater, and perhaps some private-college theaters, have the same foulness in them. But at least, in these cases, the God-fearing man can refrain from helping that which he hates."[49]

A tempest in a teapot in the only populous county in which Proposition 16 had passed. Even in Orange County, balancing the respective claims of free speech and moral standards led to division rather than consensus. The response of the county's political leadership to an unadvertised amateur theater production seen by less than two hundred people can help us locate the beginnings of a shift in the viewpoint of social conservatives on the subject of culture. If conservatives could not rally a majority of the state's voters for the maintenance of a single cultural standard, they could use the power of the purse as a lever over artistic production. At the point at which an open interpretation of free speech seemed to have achieved the dominant position in the United States, battle lines were redrawing. Political organizing began an effort to reverse the judicial and legislative changes, endorsed by a majority of voters, that occurred in the 1960s. In those efforts, cultural policy was more a symbolic than substantive issue, but for conservatives as early as 1967, government funding for the arts, whether it took place through direct grants or

through college training, helped define what they believed was wrong with the United States and, therefore, their differences from their opponents. The Fullerton episode linked three issues into an emotionally volatile mix: artistic freedom and adolescent rebellion appeared to be the result of wasteful government spending. Restoration of moral virtue and social stability depended upon ending subsidies for those who were irresponsible. Conservatives, their power sharply curtailed by legislative and judicial defeats, understood earlier and more clearly than their liberal or radical opponents that political organization could overcome the limitations of minority status. Against a unified moral absolute determined to use political contests to impose minority standards upon the majority stood a weak vision of society divided into interlinking but formally autonomous spheres of practice, with each institutional milieu policing its own activities.

State Senator James Whetmore, who represented the county, introduced legislation to define precisely the limits and responsibilities of "academic freedom." He prefaced his bill with a statement that no publicly funded activities could offend or insult the mores and values of the "average citizen." The purpose of the state system of higher education was to teach the young basic skills they would need to function as productive citizens or to perform basic research that administrators deemed valuable for pursuit of knowledge or improvement of the state economy.[50] The thrust of Whetmore's bill was that public education should not be concerned with personal enrichment. Education was an investment to be judged by its practical, primarily economic, returns. The *Los Angeles Times*, in an editorial opposing Whetmore's bill, commented on the history of the controversy. "*The Beard*," the editorial began, "can hardly be said even to pretend to any redeeming social or literary significance." After warning faculty and administrators in state-funded schools that academic freedom depended upon responsibility, the editorial writers continued, "the foolishness of one man in the drama department at Fullerton should not be any excuse for a wholesale attack on the college system." Stricter man-

agement in the future would prevent incursions into a system better administered by those who know the problems of schools on a daily basis.[51]

The distinction in the reaction of the editors of the *Los Angeles Times* to the Kienholz and McClure controversies bears further consideration. Schools, like museums, were public trusts. They had a responsibility to impose professional management practices upon their organizations or else they increased the risk of having unqualified outsiders usurp direction and damage the institution. The McClure controversy developed because faculty and administrators had failed to provide adequate oversight to student productions. The *Times*'s condemnation of *The Beard* was not in contradiction with its support the year before of the Kienholz exhibition at the county museum, for the unstated message of both editorial positions was that professional responsibility was the precondition for the exercise of free speech.

The Fullerton episode haunted the planned Los Angeles production of *The Beard*. In January 1968, four days before the premiere, the Los Angeles Police Commission, on a three-to-two vote, withdrew the license to operate for the theater in Hollywood where the play was scheduled to open. The producers decided to proceed anyway, arguing that the decision was discriminatory. Robert Dornan, then a newsman for KHJ-TV, elected to Congress in 1970, covered the arrests on the opening night. The aired segment began with Dornan accosting McClure and challenging him, "Are you proud of the piece of garbage we just saw?" McClure shouted back, "You're a faggot and a creep!" and challenged Dornan to go outside and fight. In front of the theater, a group of protestors assaulted McClure and punched him in the eye for the benefit of television cameras. Instead of debate, a carnival was staged for the media and its personalities with political ambitions.[52] With encouragement from the *Los Angeles Times*, the police arrested the cast and author each night for two weeks running, until a federal judge issued an injunction against continued police harassment. McClure decided that he would never again subject himself to a confrontation with the state over censorship. "I simply

have to construct a cabinet in my mind for that material," he said in 1969, "and keep it separate from what I am doing."[53]

The continuing controversy over *The Beard* gave those with "serious" artistic ambitions a mixed message: if they wanted to avoid future problems with the law, they should retreat into the obscurity of the experts, but if they relied on public funding, there might well be political tests applied to their content. The ideal of a society constituted by autonomous, self-regulating professional bodies was itself only an imaginary construction and did not represent some natural development of social evolution. If financial contributors always have the right to withhold their funds when they do not like how those funds are spent, there could be professional autonomy only if each profession were completely financially independent. Autonomy thus was a transitional phase, because the haven institutions offered was conditional. Ultimately, all institutions were subject to public scrutiny and control, even if those controls were seldom exercised. The relationship of institutions to society as a whole was fundamentally political, but the ideology of professional autonomy attempted to negate that reality by constructing an imaginary locus for freedom in technical competence and disinterested pursuit of truth.

Despite the provisional character of their victories, the challenges that artists and poets made against censorship laws were significant. Prior to the mid-1960s, public discussion of sexuality had been difficult. Abortion, birth control, sexual preference, rape, or child molestation were topics either ignored or discussed with circumlocutions that obscured or stereotyped the reality behind those experiences. Prominence was no protection. Even *Life* magazine had been subject to harassment: in 1938 the magazine's editors were convicted of violation of antiobscenity laws for publishing photographs of a childbirth in an article intended to educate young women on how to prepare for motherhood. The appeals court overturned the conviction, but the general situation was unpredictable and encouraged most people to refrain from

venturing into public discussions that might suddenly develop into trouble because no clear guidelines existed to demarcate clearly the boundary between frankness and obscenity.[54]

Because the arts always survive, if only through the exploration of metaphorical expression, the issues surrounding censorship of artistic expression really concerned the degree to which sexuality, gender, and aspects of intimate life—its dissatisfactions, oppressions, injustices—could be articulated in ways that would both demand and seek solutions. For a brief period in the 1960s, the issues relating to social controls over private behavior settled on the creative expressions of artists and poets, who on both symbolic and practical levels summarized the dilemmas in integrating the private and public aspects of individual lives. By the beginning of the 1970s, public debate over these dilemmas shifted to the more direct issues of abortion, equal rights for women, and gay liberation. The prelude to those practical, but imminently existential conflicts, the factor that set the stage for their emergence as critical social issues, was the much more modest symbolic issue of artistic freedom.

Equally important were the setbacks that the individuals who put themselves on the line endured. The martyrdom that Berman prophesied for those who sought public roles inevitably struck, so that those who battled for the principle of artistic integrity seldom reaped the rewards. Despite the stunning public and critical success of his one-artist exhibition at the Los Angeles County Museum of Art, Edward Kienholz found it impossible to get another one-man show in a major American museum or gallery. He was not quite sure why. He thought an explanation might be the lack of sympathy for his work in New York, since his tableaux did not fit the new orthodoxy of minimalism and postpainterly abstraction that dominated critical discussion of art after 1965. Barbara Rose, for example, in one of the few reviews Kienholz received from eastern critics, observed that the artist was too thematic, too involved in social commentary. He certainly had something to say, she wrote, and so she wondered why he chose to express himself visually instead of verbally.[55]

In 1973 Kienholz left Los Angeles and moved to Berlin under the sponsorship of the Deutscher Akademische Austauschdienst. His next one-man show in California came in 1981, fifteen years after he became a sort of celebrity. The County Museum of Art acquired *Back Seat Dodge '38* for its permanent collection in 1986, but it was one of only three tableaux from the 1950s and 1960s that remained in the United States. *Roxy's* went to the Södertälje Konstmuseum in Stockholm, *The State Hospital* to the Moderna Museet in Stockholm, *The Beanery* to the Stedelijk in Amsterdam, *The Portable War Memorial* to the Museum Ludwig in Köln, and a dozen other pieces to museums in the Netherlands, Austria, Germany, and Scandinavia. In 1976 Kienholz speculated that the art institutions were the reason Los Angeles had never quite lived up to its promise as an international art center. The artists were there, he thought, exploring and trying. But the institutions, particularly the men and women who claimed to be most interested in contemporary art, had been afraid to take risks. "The art world [is] such a funny place," he observed, expressing his resentment of the separation of art from everyday life, "because it['s] like a big balloon: you push real hard and it's flexible and elastic and resilient; so you push and push and push, and all of a sudden it goes—schwoo. It takes you inside, and you can't get out."[56]

Connor Everts had not been prepared for how little his obscenity trial accomplished of what *he* wanted. His case brought him attention and considerable sales, but the emotional turmoil prevented him from working for nearly a year. And he was appalled by the trivialization that beset him.

> There was some person interested in pornography that wanted to come over to my studio to see some things, to buy some things, and you know, that wasn't my gig, so I was repulsed by that. Someone bought something to destroy; I think the Kinsey Institute bought something.

Even his friends failed to understand the price of being a symbol. Collectively, they all had become symbols in popular culture, but those who engaged the issue of censorship became painfully aware of their reduction. One of Everts's supporters, a museum director, told Everts, "Conner, it couldn't have happened to a better person. You had to come to grips with this censorship thing. . . . you're tough. It will just roll off your back. It won't affect you. Other persons it will really affect. It affected Wally [Berman]." Everts laughed when he recounted this story because the personal outcome of his victory had been demoralization and a series of troubles that dogged him for a decade.[57]

Chouinard fired him the day before he was acquitted. School administrators claimed that the nonrenewal of Everts's contract had "nothing whatsoever to do with the trial" and that the two occurrences were "an unfortunate coincidence," but Walt Disney had taken over the school three months earlier and was concerned about the public image of an institution connected to his name.[58] Everts found a job teaching at California State University, Long Beach, where the next disaster in his life sprang upon him to reveal the degree to which artists had become a symbol of the divisions sundering the country over issues totally unrelated to art. In January 1966 two plainclothes officers of the Long Beach Police Department entered a bar near campus. Saying they had come to beat up some hippies, they demanded that younger-looking customers show their identifications. When Everts asked to see proof that they were police officers, they arrested him. On the way to the police station for booking, they beat him so severely that he lost nerve feeling in his right hand and he was unable to work with any degree of control for three years. Photographs taken by Everts's doctor showed his legs blackened from bruises from below his knees to his buttocks, as was the area between his shoulder blades.[59]

His first reaction to the incident was fear that police knowing about his obscenity trial had targeted him. He then decided that the event probably happened because the Vietnam War had polarized the United States into those who accepted authority and those who challenged it. Artists and stu-

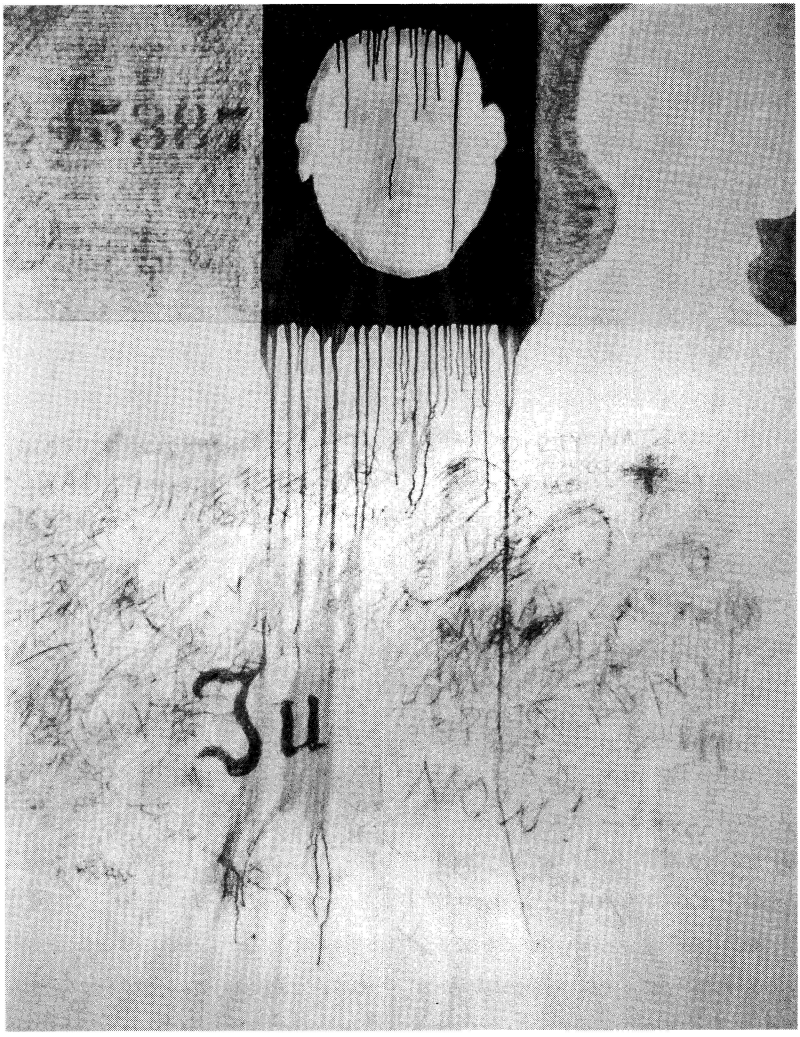
dents were assumed to be against authority, and in Everts's case, the assumption was correct. The United States attorney's office in Los Angeles brought charges against the two policemen for violations of Everts's civil rights. Nine of the twelve jurors voted for conviction of the officers, but the judge ruled a mistrial in December 1968. During the trial against the two policemen, Everts's studio was broken into and trashed. More than a year's work was destroyed. Graffiti was scrawled on the studio walls warning him that "next time" he would be killed.

The Long Beach events provoked a crisis in Everts's life:

> You always question, as I questioned with the misunderstanding of my work; I questioned myself. Then when nothing happened in relationship to the trial [against the two policemen], then I questioned that I perhaps was in some way guilty. I had in the past done all of this [subject of] man's inhumanity to man, sociological issues. Since nearly all of society had come down so heavily on me, I started to question my own work. And none of my work had changed anything. My work was becoming more and more misunderstood. I was trying to find some kind of sense, for myself, in terms of my own relationship to these things. I think [because of this] my work started to become more abstract. The elements started flattening out. The figure was more abstracted.[60]

Everts's work turned to the exploration of ugliness and the difficulty of reading messages.

> It was very much about mark and then the erasure of the mark and then the reading of the mark and then sometimes reinforcing it. . . . It was almost like a conversation with myself, where I would make the mark and it would reflect. . . . I was also taken back in terms of my longshoring days, and annotation—the messages that happened to be on the boxes. That was a code I didn't understand, because I didn't understand the language. . . . [It] maintains a certain considered ugliness.[61] (fig. 49)



49. Connor Everts, *Graffiti*, lithograph, 1979. Courtesy of the artist. Photo: Katherine P. Smith.

In this new work, Everts stood apart self-consciously from the bright colors, simple lines, and ingenious new materials developed by the most critically and commercially successful Los Angeles artists. Everts's sense of alienation from the artistic community came to a head when Henry Seldis committed suicide in 1978. Everts was the last person to see Seldis alive and felt guilty that he hadn't been able to see what was to come in a matter of hours. But the lesson that he drew from the incident may seem surprising and exaggerated: the art "community" in Los Angeles no longer existed. Seldis had been an important man in the arts for a decade, and when he died, nobody knew, nobody came to the funeral, nobody cared. It was as if Seldis had never existed. As Everts related the story of Seldis's death, he connected it to his own life history because the ultimate censorship was not assassination as he had thought in 1964 but forgetting the memory of an associate. The art community had died when it joined the pursuit of glamour and money. He had not sacrificed several years of his life to the fight against censorship, he thought, just so artists could make a lot of money. He had been after something very different: an egalitarian society where men and women could express themselves in painting, poetry, music, not to make money, but to communicate their concerns and their dreams. He had thought the end of censorship would expand the arts in America, and the bitterest outcome for him was a sense that the arts had contracted instead. He left California to teach at the Cranbrook Academy in Michigan because he could not stand to watch the celebrity-posturing he felt had devoured Los Angeles artists. He wondered why he had spent so many years struggling for artistic freedom, why he hadn't simply closed his show of *Studies in Desperation* when the police asked him. He had preserved his personal integrity, but he had thought he was fighting for the integrity of his society.[62]

Everts, like many of his colleagues, found himself split between competing visions of citizenship and professionalism. By winning autonomy he had lost

his claim to influence society through his art, though he may have won without yet knowing it the ability to create social texture with his art. The events surrounding the decline of censorship in California do not support analyses that argue that mass production of goods and communications required a completely open market for intellectual values, or that the realm of art supported the volatility and dynamism of consumer capitalism by expanding the sphere of private value to match the inflation of products.[63] Leaders of the movement to maintain a reified system of cultural values and the strict control of personal behavior came from sectors of the state most closely identified with real estate development and entrepreneurial enterprise. Support for free speech, instead, came from the increasing professionalization of disciplines that had their most secure home in public institutions such as the university or the museum.

Behind artists and poets fighting for the right of creative expression stood another, developing social reality, that of institutions seeking autonomy. The vision was pluralist and thus more capable of preserving a variety of opinions within a single framework. Yet pluralism did not necessarily mean greater freedom, as Everts had imagined. Within a discipline, even more effective mechanisms could exist to ensure conformity to standards and principles. But first, institutions had to gain the right not to be judged by people outside the group using standards developed for other purposes. "Free speech" meant both expanding the scope of communication and limiting legitimation for who could make a meaningful comment upon culture.

It should no longer seem paradoxical that two apparently opposing conceptions of the role of the arts—professional autonomy and the socially redemptive character attributed to the arts—were closely interrelated. Initially the two conceptions coexisted symbiotically. As artists and poets asserted an independent critical role, greater influence and awards adhered to institutions connected to the arts. Increasing wealth demanded stricter forms of management, freedom from capricious interference by other elements of society. A movement that began with a universal claim for the powers of aesthetics

ended with an institutional and subjective reform that protected those who worked in the arts from their fellow citizens.

By the end of the 1960s, as autonomy achieved a tentative position, the symbolic issue of free speech gave way to issues of immediate, direct concern to the lives of men and women—abortion, women's equality, gay liberation. But the symbolic aspect through which American society tentatively approached the discussion of gender issues remained present, continuing to shape discussion and perhaps the experience of sexuality. The experience of artists and poets in the years following World War II had led to the development of a discourse particularly relevant to the confluence of subjective, institutional, and political conflicts troubling United States society in the 1960s. Just as the mid-century avant-garde was fading away within the world of the arts, its ideas and rhetorical forms were adopted by a new generation of rebels who found in the imagination a basis for seceding from the demands of constituted authority. Against the social machine arose an opposition that found in biology a broader stance with which to confront a world apparently existing in a state of permanent war.

Chapter 11

1. Peter Plagens, *Sunshine Muse*, 127–128; Kienholz, "Los Angeles Art Community," OHP/UCLA, 376–386.

2. "Obscenity Drive Gains Momentum," *Los Angeles Times*, 16 December 1965. Dorn joined Mothers United for a Clean Society in announcing the petition drive to the press. The board's unanimous vote probably resulted more from supervisorial courtesy than from conviction one way or another on the issue. County supervisors expect to get the assent of their colleagues of issues that are of primarily personal importance.

3. Kienholz, "Los Angeles Art Community," OHP/UCLA, 252.

4. Arthur Secunda, "Bernhardt, Frazier, Kienholz," *Artforum* 1 (1962): 31.

5. Caryl Chessman had been condemned to death for a series of rapes in Los Angeles in 1948 and 1949. He had not taken a life, and opponents to capital punishment hoped to pressure Governor Edmund G. Brown, Sr., into commuting the sentence. The title of Kienholz's piece broadened the context of the issue through a pun on the famous case of Nicola Sacco and Bartolomeo Vanzetti, two anarchist organizers executed in Massachusetts in 1927.

6. Kienholz, "Los Angeles Art Community," OHP/UCLA, 223–224.

7. Arthur Secunda, "Charles Bernhardt, John Frazier, Edward Kienholz," 31–32. The arts communities were actively involved in anti–capital punishment activities. In 1960 the Batman Gallery in San Francisco installed a life-size model of the gas chamber on its premises with graphic explanations of the procedures for executions and how lethal gas killed.

8. Kienholz, "Los Angeles Art Community," OHP/UCLA, 368–370.

9. Quoted in Elena Calas and Nicolas Calas, *Icons and Images of the Sixties* (New York: Dutton and Co., 1971), 46.

10. Kienholz, "Los Angeles Art Community," OHP/UCLA, 373–374.

11. Sidney Tillim in writing on *The Beanery* during its exhibition in New York thought that Kienholz wished to provoke a nostalgia for "an existence uncomplicated by anxiety and ambition" ("The Underground Pre-Raphaelitism of Edward Kien-

holz," *Artforum* 4 [April 1966]: 38). I see this piece, and most of his other work from the 1960s, as attempting to instill anxiety so that the viewer would feel outraged and determined to change the conditions revealed by the work's ability to cause pain.

12. Kienholz, "Los Angeles Art Community," OHP/UCLA, 342. Kienholz, however, was not religious or a spiritual visionary. He prided himself as a hardheaded skeptic: "I think the whole idea of continuance after death is an understandable projection of man's ego" (p. 343).

13. Ibid., 218.

14. *The Arts in California: A Report to the Governor and the Legislature by the California Arts Commission on the Cultural and Artistic Resources of the State of California* (Sacramento, 1966), 26, 65–66.

15. Further evidence for this line of reasoning might be found in an audiotape, now destroyed, that Kienholz made while Dorn and fellow supervisor Kenneth Hahn examined *Roxy's,* the whorehouse installation. Kienholz recalled: "They came into hearing range of the microphone and then go out—but they'd say things like 'Gee, Kenny, look at this. I haven't been in a place like this in twenty years. Look at that over there.' It was like old home week. They're in there, just having a ball. And the next thing you hear them come out of *Roxy's* and they're saying, 'Why it's a moral outrage. Can you imagine women and children seeing that? I can't believe it'" (Kienholz, "Los Angeles Art Community," OHP/UCLA, 387–388). Kienholz's conviction that Dorn was living proof of the documentary accuracy of *John Doe* fortified his position during the struggle.

16. Quoted verbatim in Kienholz, "Los Angeles Art Community," OHP/UCLA, 384–385; portions quoted in the *Los Angeles Times,* 24 March 1966.

17. Summary of events drawn from Kienholz, "Los Angeles Art Community," OHP/UCLA, 376–398 and *Los Angeles Times,* 21–31 March 1966. See also Sandra Leonard Starr, *Lost and Found in California,* 114.

18. In addition to Kienholz's discussion of the affair, the controversy over his show arose as a subject in oral history interviews with Joan Brown, Connor Everts, and Craig Kauffman.

19. See *California News Reporter* 1, nos. 18 and 22 (15 May and 12 June 1967), for analysis of abortion legislation. See James E. Hayes, oral history interview, California State Archives, interviewed 1989 by Carlos Vásquez, 98–105, for an account of efforts to change the state's divorce laws by the bill's author.

20. Michael McClure, *Dark Brown* (San Francisco: Auerhahn Press, 1961).

21. Michael McClure, "Phi Upsilon Kappa," in *Meat Science Essays,* 22, 27.

22. Eric Mottram, the reviewer for the London *Times Literary Supplement* referred to Michael McClure as one of the most remarkable poets of America. Mottram

wrote that McClure's emphasis on physical states of being promoted an economy of self balanced against total absorption into society. See "This is Geryon," *Times Literary Supplement,* 25 March 1965, 236. Joanna McClure's poems were first published in book form in 1974 with the release of *Wolf Eyes* (San Francisco: Bearthm Press). However, she began publishing occasionally in small press magazines in 1966. By the mid-1970s, Joanna McClure's poetry assumed its own autonomous, global concerns. Her second book of poetry, *Extended Love Poem* (Berkeley: Arif Press, 1978), documented her involvements in the ecological movement. The McClures later divorced.

23. Michael McClure, "Interview with Michael McClure," BL, 29.

24. Ibid., 32–33.

25. McClure argued that Artaud's cruelty was toward himself: "He underwent a kind of self-crucifixion, brought on by his intense awareness of a split between his mind and body, and he carried his pain to a degree where we can hold him as an example. We can say that a man can be hallucinated, can go through agonies to the degree that he pushed his pain, and still make it, still survive and be beautiful" (ibid., 4). The roots of McClure's approach to drama lie in Nietzsche's advice, "To be a dramatist all one needs is the urge to transform oneself and speak out of strange bodies and souls" (*The Birth of Tragedy* [New York: Doubleday, 1956], 55).

26. "Notes on *The Beard* by Michael McClure," written on the back of a manila envelope postmarked 21 November 1967 (Michael McClure papers, BL). These notes attempted to develop the origins of McClure's interest in Billy the Kid and thus are more about *The Blossom* than his later play.

27. McClure, "Interview with Michael McClure," BL, 40–42.

28. Sigmund Freud, *A General Introduction to Psychoanalysis* (New York: Pocket Books, 1953), 304–306, 374, 416, 432.

29. Sigmund Freud, "Jokes and their Relation to the Unconscious," in *The Standard Edition of the Complete Psychological Works of Sigmund Freud,* ed. James Strachey (London: Hogarth Press, 1953–1966), 8:99–100.

30. "Is This Show Biz? Really Showing It—At a $3 Top," *Variety,* 8 March 1967, 1, 70.

31. McClure, *The Beard,* 72–73. In *Civilization and Its Discontents* (New York: Pocket Books, 1961), Freud described the ego as a mask for the unconscious "mental entity" he designated the id. "Originally the ego includes everything, later it separates off an external world from itself. Our present ego-feeling is, therefore, only a shrunken residue of a much more inclusive—indeed an all-embracing—feeling which corresponded to a more intimate bond between the ego and the world about it" (p. 15). Aggression is a behavior in which the id tries to reconstruct the original union of self and world by imposing the ego's dominion over others.

32. This is one of the reasons that McClure insisted that *The Beard* was a "nature poem" (McClure, "Interview with Michael McClure," BL, 77).

33. This description reflects analytic categories found in Jacques Lacan, "The Agency of the Letter in the Unconscious or Reason since Freud," *Écrits* (New York: W. W. Norton, 1984), and in Karen Horney, *The Neurotic Personality of Our Time* (New York: W. W. Norton and Company, 1937).

34. As in *Dark Brown,* McClure did not represent female pleasure in *The Beard.* Harlow, as an object brought into being by male lust, cannot and need not act as an independent female subject.

35. See Sigmund Freud, *A General Introduction to Psychoanalysis,* 336–338; Erik Erikson, *Identity, Youth, and Crisis,* 98–102; Karen Horney, *The Neurotic Personality of Our Time,* 124.

36. McClure, *Dark Brown,* last stanza of "A Garland."

37. George Herms, "Oedipus and the Apple Tree," notes for a proposed film for Larry Jordan, Patricia Jordan papers, AAA.

38. McClure, *The Beard,* 93.

39. See John L. Wasserman, "Snarls, Simpers, Coos, Growls," *San Francisco Chronicle,* 24 July, 1966, *Datebook,* 2.

40. 1 Civil No. 24685, Court of Appeal of the State of California, First Appellate District, Division Four, *Billie Dixon, Richard Bright, and Michael McClure* v. *The Municipal Court of the City and County of San Francisco.*

41. McClure, "Interview with Michael McClure," BL, 28; John L. Wasserman, "The Many Sides of Poet Michael McClure," *San Francisco Chronicle,* 25 January 1967, 46.

42. For breakdown of election results by county, city, state senatorial district, and assembly district, see *California Statement of Vote and Supplement, November 8, 1966, General Election* (Sacramento: Office of the Secretary of State, 1966).

43. "Teachers to Defy 'Love Book' Ban," *San Francisco Chronicle,* 22 November 1966, 1, 13; "Five Professors Score a Hit with 'Love Book' Poetry Reading," *San Francisco Examiner,* 24 November 1966, 3; Donovan Bess, "Profs' Reading: Eager Audience for 'Love Book'—But No Cops," *San Francisco Chronicle,* 24 November 1966, 24.

44. Stan Brakhage to John Jay Ferndon, District Attorney of the City and County of San Francisco, 22 August 1966, in Michael McClure papers, BL.

45. *Los Angeles Times,* 6 December 1967, II, 1, 8.

46. The proposed motion picture production deal fell through largely because Andy Warhol had illegally shot and begun marketing a film of the play, with Gerard Malanga as the Kid and Mary Woronova as Harlow. By 1969, when McClure's law-

yers finally succeeded in gaining an injunction against Warhol and reestablishing McClure's sole title to film rights for *The Beard,* interest in the production had expired. See correspondence and depositions in Michael McClure papers, BL.

47. The bill died in the assembly in 1968 after the state attorney general's office advised the legislature that the bill was too broadly written and was probably unconstitutional.

48. *Orange County Register* editorial, 7 December 1967, C8.

49. "The Ugliness of Compulsion," editorial, *Anaheim Bulletin,* 20 November 1967, D6.

50. S.B. 1512, 1967 Reg. Sess., not passed.

51. "The Controversy over 'The Beard,'" editorial, *Los Angeles Times,* 28 November 1967, II, 4.

52. "LAPD Vice Squad Moves to Clip Showing of 'The Beard,' *Open Forum,* February 1968, 1; Paul Eberle, "Cops Bust 'The Beard' Nightly," *Los Angeles Free Press,* 2–8 February 1968, 1, 14; *Los Angeles Times,* editorial, 26 January 1968.

53. McClure, "Interview with Michael McClure," BL, 27.

54. Donald B. Sharp, "Obscenity Law and the Intransigent Threat of *Ginzburg,*" in *Commentaries on Obscenity,* ed. Donald B. Sharp, 11–13.

55. Barbara Rose, "New York Letter," *Art International* 7 (25 March 1963): 65–68.

56. Kienholz, "Los Angeles Art Community," OHP/UCLA, 280–282, 323–334.

57. Everts, "Los Angeles Art Community," OHP/UCLA, 315–316.

58. Seldis, "Everts Obscenity Acquittal a Verdict for Artistic Maturity," 17.

59. *Long Beach Argus,* 5 December 1968. Herbert Jepson's secondhand account of the event may indicate that there was considerable antagonism to Everts within the Los Angeles arts community: "One occasion [Everts] was with a gathering of students in a bar after an exhibition at the university where he was teaching . . . and the police came in, and he, you know, right away started to needle them, and so he ended up getting arrested. And then in the elevator on the way up to being booked in the police station, they beat him so badly that he was hospitalized. And he was in handcuffs and they accused him of trying to escape or something. They beat him with their sticks until he was black and blue. But that is, I think, symptomatic of his kind of contempt for authority, no matter who they are" (Herbert Jepson, "Los Angeles Art Community: Group Portrait, Herbert Jepson," interviewed 1976, OHP/UCLA, 244–245).

60. Everts, "Los Angeles Art Community," OHP/UCLA, 359.

61. Ibid., 378–380.

62. Ibid., 374–385, 299–307.

63. For a selection of these arguments, see Marshall Berman, *All That Is Solid Melts Into Air: The Experience of Modernity* (New York: Penguin Books, 1982); Russell Berman, "Critical Theory and Consumer Society," in *Modern Culture and Critical Theory: Art, Politics, and the Legacy of the Frankfurt School* (Madison: University of Wisconsin Press, 1988); Norman Bryson, *Vision and Painting: The Logic of the Gaze* (New Haven: Yale University Press, 1983); Manfredo Tafuri, *Architecture and Utopia: Design and Capitalist Development* (Cambridge: MIT Press, 1976). In addition to developments in the arts, publication of the Kinsey reports and other scientific investigations into sexual behavior also opened up new ways of discussing intimate personal behavior in public.