

Finley Freibert

Distribution Struggle: Assembling a Media History of J. Brian's Enterprises with Court Proceedings and Public Records

Abstract:

This article introduces the concept of “distribution struggle”—the panoply of cultural and industrial conflicts that must be traced and accounted for in distribution histories—to sequence a primary-sourced media history of J. Brian’s gay media enterprises. In tracing this history, primary sources are surprisingly accessible, and provide new insights into J. Brian’s industrial operations. By triangulating archival records with secondary accounts, this article provides a more nuanced cultural and industrial portrait of J. Brian. It argues that media industry historiography must frame historical narratives by accounting for the cultural and industrial struggles that culminated in the available archival sources, in this case, an accounting for the fact that the public record traces of J. Brian exist because of anti-gay interventions in gay media distribution.

Following California law enforcement’s significant attempts to embroil J. Brian—gay pornographic filmmaker and physique photographer—in a conspiracy to prepare, distribute, and exhibit obscene matter, the filmmaker criticized the concept of obscenity for its misguided use against gay cultural producers as a smoke screen for broader conditions of material inequality. “It’s financial moguls making a killing out of manipulating the life-and-death expenses of the poor. It’s killing of any kind. War. That’s obscenity.”¹ Brian’s statement encapsulated a sentiment of both gay liberation activists and adult media industries toward the cultural and industrial struggle over the distribution of “obscene matter.”² Similar to his more remembered contemporaries—such as Pat Rocco and Bob Mizer—J. Brian was a politically engaged figure on the gay West Coast of the 1970s, and simultaneously a transitional figure in gay media industries, working in both the softcore physique photography field and eventually adapting to the production of hardcore pornography.³ Brian worked to house and employ homeless and working-class gay men through gay community infrastructures independent from societally sanctioned modes of employment and welfare. Yet unlike Rocco or Mizer, J. Brian has no official centralized archival collection from which

to draw historical accounts of his life and work.

Following an increase of sexual content in Hollywood studio features with the emergence of New Hollywood directors of the late 1960s, the 1970s box office successes of hardcore pornographic features prompted some industry personnel to conjecture that narrative hardcore might eventually become a studio-produced format.⁴ Yet, even as hardcore became culturally elevated as “porno chic,” judicial battles over the contours of obscenity increased throughout the 1960s and 1970s. Legal attempts to tie J. Brian’s enterprises to obscenity ultimately fell flat, precisely because of law enforcement’s failure to connect the dots of the supply chain and conclusively verify the flow of Brian’s products from production to exhibition. Yet, perhaps ironically, public records—primarily consisting of state inquiries into adult media distribution—provide a foundation for sequencing a primary-sourced history of J. Brian’s entrepreneurship. In engaging these records to recover J. Brian’s industrial operations out from the impositions of anti-gay regulatory forces on those operations, this article demonstrates how industry historiography must be viewed as inseparable from the interrogation of hegemonic forces, a perspective aligned with Peter Alilunas’s recent call for media industry studies to pursue the intersection of

“ideological questions with those related to the production and distribution of pornography.”⁵

Within the broad study of media supply chains, distribution operations are perhaps the most difficult components to trace. The obstacles to recovering distribution histories in contexts of shifting technologies and vagaries of capital, mirrors the historical struggles of creative producers to maintain distribution infrastructures in the face of technological, cultural, and market changes. Alisa Perren has underscored the difficulties of accessing distribution records or seeing through public relations spin, particularly when researching small-scale and independent distributors.⁶ Lucas Hilderbrand has described how shifts in technological infrastructures and industry terminologies obscure what it means to distribute a cultural product in the first place.⁷ Distribution studies scholars have engaged innovative methods to recover distribution operations, that involve triangulating industry press accounts with archival documents, analyzing marketing campaigns, and engaging a panoply of sources to assemble trace histories.⁸ Inspired by those innovative methods, this article assembles a media history of J. Brian’s industrial practices via public records, press accounts, and published oral histories.

Within the gay media industries of the 1960s and 1970s, distribution has been the primary site of industrial and cultural conflict. For gay enterprises, establishing distribution infrastructure was the key to a successful business, yet distribution also proved to be the most punishing area of anti-gay law enforcement.⁹ As Brian L. Frye insightfully sums up regarding the disproportionate targeting of earlier gay underground films *Un Chant d’Amour* (1950) and *Flaming Creatures* (1963) via obscenity law, “Works that depict minority sexual preferences are especially vulnerable to obscenity charges because juries and judges tend to find the depiction of minority sexual preferences more offensive than the depiction of majority sexual preferences.”¹⁰ While some of the earliest heterosexual hardcore features—so-called “marriage manual” films like *Man and Wife* (1969) or *Art of Marriage* (1970)—encoded an “educational” alibi of instructing viewers in legally sanctioned methods of reproduction, gay hardcore’s pedagogical imperative could only be rhetorically positioned as investigating outlaw sexual practices. In obscenity

doctrine, this perception of socially acceptable filmic address was translated into a struggle over distribution when the Supreme Court adjusted the obscenity definition to include material “designed for and primarily disseminated to a clearly defined deviant sexual group, rather than the public at large.”¹¹ Because of these cultural struggles over the circulation of gay media, distribution became the most clandestine sector of gay media supply chains. In turn, public records prove to be one of the only places that registered industrial data on historical gay media. Important interventions in gay media history, such as those of Whitney Strub and David K. Johnson, have productively utilized legal documentation in conjunction with records from gay community archives.¹²

Moreover, distribution has been a key site for cultural formation in gay media industries. Establishing distribution networks became an avenue toward developing and circulating midcentury gay consciousness because such networks expanded modes of intracultural communication. As Martin Meeker suggests, “The politics of communication [were] squarely at the center of the emerging movement for homosexual civil rights.”¹³ Yet the bulk of these communication networks were forged via commercial adult media enterprises, initially, in the form of physique publications—periodicals focused on displaying the scantily clad musculature of young male bodies. Physique publications notably provided article, editorial, and classified space to discuss the subjects of civil rights and gay life. As Johnson has argued, the Stonewall riots were “not the beginning of a movement—as they are often portrayed in the popular media—but the culmination of a gay consumer rights revolution begun by the purveyors of physique magazines, solidified by larger mail order houses.”¹⁴ In this regard, gay distribution infrastructures enabled the expansion of gay consciousness during the pre-Stonewall era.

This article develops the concept “distribution struggle” to describe how cultural struggles (such as struggles for gay liberation) interpenetrate with industrial conflicts including market competition, strategic partnerships (such as between Brian and Bob Damron), and modes of regulation (such as obscenity law). To distribution studies broadly this suggests that in addition to internally circulated documents and externally circulating public relation

DISTRIBUTION STRUGGLE

messages there is occasionally information captured by external institutions that is of an interstitial nature, proprietary information that would usually be internal and that is lacking the spin of a typical public communication.¹⁵ In addition, this article instantiates the industrial complexity that media histories of distribution often struggle with, in this case, how distribution operations may change hands and interact with numerous other firms in convoluted ways. For archival distribution studies, in particular, I argue that reflexive analysis, which must be marshalled to account for public relations spin and industry lore, must also be engaged to account for the potential ideological orientation of the records being accessed. In assembling an industrial history of J. Brian, an awareness of the anti-gay ideology that informs his archival traces must be employed in historicizing those traces.

In this article, I investigate the operations of J. Brian to address his relative absence in histories of San Francisco's gay media industries. This relative absence is partially explained by the fact that J. Brian passed away at a relatively young age in 1985 so, unlike his contemporaries, he does not have any comprehensive archival collection that was assembled after his passing. Because of this, nearly every account of J. Brian's businesses is brief, and such accounts are usually assembled from secondary and tertiary sources.¹⁶ I suggest that public records—specifically, legal case files, public institution records, and government commission documents—are among the most accessible yet overlooked primary sources on gay media industries of the 1960s and 1970s.¹⁷

Physique Photography, Magazine Publishing, and Distribution, 1962-1969

J. Brian's initial involvement in publishing was through science fiction fan communities. He attended San Jose State College in the early 1960s to pursue a major in professional printing, and as early as 1959, he was providing illustrations for collaborative fanzines published out of the Bay Area. In 1963 he edited, designed, and lithographed the program for Westercon XVI (Baycon II)—a famous Bay-area convention still in existence—and edited the convention's daily progress reports.¹⁸ Gay liberation activist Jim Kepner, also a member of the Californian science fiction fan community,

introduced J. Brian to gay life and culture. Through the example of Kepner—a vocal proponent of being open about one's gay identity—Brian was set on a path toward affirming his sexual identity.¹⁹ He soon dropped out of college at San Jose State to follow his interest in male physique art. Such work was not allowed for in Brian's undergraduate courses, as he remembered, "In college, the life classes would give you a nude gal, but never a fully nude guy. ... What hypocrisy!"²⁰

In 1962 a Supreme Court decision shifted the landscape of the physique photography industry. The decision in *MANual Enterprises, Inc. v. Day* (1962) ruled that magazines featuring pictorials of nude and scantily clad men were not legally obscene under the federal law proscribing the mailing of obscene matter.²¹ The Court determined that despite their acknowledged appeal to homosexuals, the magazines could not "be deemed so offensive on their face as to affront current community standards of decency."²² This ruling proved a boon for the industry, including for J. Brian's entry into physique photography.²³ Brian photographed acquaintances as a hobby, but eventually friends encouraged him to sell his prints. Initially, he sold sets of photo enlargements to local adult bookstores in San Francisco. But soon after, he began advertising photo sets and commissioned drawings in gay-oriented physique magazines under the studio name Galerie Vitruvian, a name inspired by Leonardo da Vinci's male body ideal represented in the *Vitruvian Man*.

J. Brian made his debut commercial venture into the physique market with a Galerie Vitruvian advertisement in H. Lynn Womack's popular physique magazine *MANual* with the copy, "A new model and a new studio make their debut in *MANual*!!"²⁴ Each subsequent month, Brian's photographs increasingly appeared in other physique magazines, culminating that year in a centerfold for the British *Modern Adonis*.²⁵ In 1965, Brian commenced publication of a magazine *Male Nudist Portfolio* under the name G.V.A. Productions, and featured work of both Brian and other photographers.²⁶ *Male Nudist Portfolio* was daring for the time as it fused the physique magazine with full-frontal nude photography, a combination that would not become common in physique magazines until later in the 1960s following the District Court decision in *U.S. v. Spinar* (1967).²⁷

Soon after, J. Brian developed his signature archetype: the California “Golden Boy,” an aesthetic he his most remembered for today. This archetype consisted of young men with sun-kissed hair, often in outdoor settings, as Jeffrey Escoffier put it, J. Brian’s “Golden Boys” epitomized “a type of casting that eventually dominated the gay porn industry in the late 1970s and 1980s—the All-American young man in search of sexual fulfillment, suntanned and often blond.”²⁸ The “golden” moniker fused the sun concept of Brian’s nudist work (golden as in sun) with a Vitruvian sensibility of bodily perfection (golden as in the golden ratio). Brian’s Golden Boy archetype first appeared in mid-1960s magazines, and he would later adapt it to motion pictures.

To popularize the Golden Boy concept and reach a broader audience, J. Brian collaborated with local business contacts that had distribution and retail connections. By 1967, Brian began collaborating with Bob Damron, bar owner and author of *Damron’s Address Book*, a famous guide for cruising spots and gay friendly establishments across the United States. The same year, Damron, Brian, Robert E. Trollope, and two other partners initiated a distribution and publishing operation called Calafra Enterprises wherein Damron handled distribution and Brian did editing and magazine layout work.²⁹ The founding of Calafra coincided with Damron’s involvement in opening a gay-oriented bookstore, The Adonis, in collaboration with Mattachine cofounder Hal Call, Jack Tennison, and Trollope, effectively solidifying vertical integration for Calafra in San Francisco.³⁰ *Golden Boys*, one of Calafra’s initial

publications, ultimately incarnated Brian’s concept. The photographer maintained creative leadership over the magazine from 1967 to 1968 when he often signed the cover letter for the company’s direct-sale mailers. According to a business associate of J. Brian, Brian exited the Calafra partnership in 1969 leaving Damron in control of the company, though Brian continued to edit and photograph for subsequent issues of *Golden Boys*.³¹

While a comprehensive portrait of Calafra’s place in the physique magazine distribution landscape is not possible given available archival documentation, public records of distribution struggles through federal government interventions in gay media industries reveal some partial data. Records obtained via FOIA requests reveal that the FBI was aware of Calafra’s national distribution scope and industry clout, particularly as pirate copies of its products were frequently distributed on the East Coast.³² Beyond their national reach, both Calafra and J. Brian Enterprises had international distribution, evidenced by the ban on several of their magazines in Australia.³³ In 1969, the Lyndon Johnson administration initiated the Commission on Obscenity and Pornography in order to appease public concerns about pornographic media and craft policy responses to a recent increase in adult media enterprises, which included those of J. Brian. Attorney John Sampson headed the Traffic and Distribution sector of the commission, and interviewed entrepreneurs of gay publishing including Guy Strait and H. Lynn Womack.³⁴ I’ve extrapolated data from their interviews in the following two tables (see *Table 1* and *Table 2*).³⁵

1969 Financial Data for Primary Firms in Physique Magazine Industry
According to Guy Strait

<u>Company</u>	<u>1969 Gross Earnings (Financial Status)</u>
Potomac News	\$504,000*
DSI	? (Diminished from \$750,000 high in 1966/67**)
DOM	\$150,000**
Calafra	? (“Almost Broke”)**
J. Brian	? (“Bankrupt”)**

* = Number stated in Womack interview.
** = Number or Financial Status stated in Strait interview.

Table 1

DISTRIBUTION STRUGGLE

1969 Physique Magazine Market Data Gleaned from H. Lynn Womack Interview						
<u>Owner</u>	<u>Corporate Name</u>	<u>Location</u>	<u>Market Status</u>	<u>Market Share Bounds</u>		<u>Collective Market Share</u>
				<u>Lower</u>	<u>Upper</u>	
Bob Brown	Overstock Distributors	New York City	Major	30%*	30%*	80%*
H. Lynn Womack	Potomac News	Washington, D.C.	Major	20%*	25%*	
Lloyd Spinar & Conrad Germain	DSI	Los Angeles	Major	15%*	20%*	
Bob Damron	Calafran	San Francisco	Major	5%	15%	
Vince Geraci	Lance	Chicago	Major	5%	15%	
Clark Pollack	Trojan	Philadelphia	Major	5%	15%	
Bob Anthony	Bob Anthony Studios	Chicago	Minor	1%	10%	20%
Guy Strait	DOM	San Francisco	Minor	1%	10%	
J. Brian	J. Brian Enterprises	San Francisco	Minor	1%	10%	
Ken Green	Ken Green Associates	Los Angeles	Minor	1%	10%	

* = Number stated in Womack interview. All other data is estimated or extrapolated from the given numbers.

Table 2

Beyond financial and market share information, the data in these tables reveal several insights into the surreptitious and competitive qualities of the industry. While it is unclear how Strait determined the set of primary players in the physique market, it is notable that his account differs significantly from Womack’s. Bob Brown’s Overstock Distributors was absent from Strait’s list, yet Womack estimated that Brown held the largest market share. What accounts for this is the clandestine nature of physique magazine production and distribution. Strait’s omission was apparently due to an unawareness of the full industry operations on the East Coast and in the Midwest (while he mentioned Bob Anthony he did not appear to be aware of the Brown, Geraci, or Pollack’s firms). The occulted nature of these industry relations was echoed in Strait’s admission to Sampson that he was only in operation because the questionable legality of his products created the market for them. As Sampson quoted Strait in shortened form, “Last day will publish—day censorship removed.”³⁶ Additionally notable is the absence of major physique industry figures from the 1950s, such as Bob Mizer and Dick Fontaine, who were still in operation by 1969. Their absence suggests that field newcomers had eclipsed Mizer

and Fontaine’s market legibility, despite their pioneering roles in the industry. Finally, while Strait spoke of Calafran and J. Brian together, suggesting an association, he then referred to them as separate enterprises the former “almost broke” and the latter “bankrupt.” Similarly, Womack differentiated the two, placing Calafran in the “major” tier of the market, while placing J. Brian in the “minor” tier as “virtually bankrupt.” This suggests that by the time of the interview, Brian was effectively on the outs with Calafran. The slow exit of Brian from Calafran beginning in 1969 also marked Brian’s entry into film production for the theatrical market, as we will see.³⁷

In the seventeenth issue of *Golden Boys*—the first released in 1969—Calafran began advertising 8mm loops (short films intended for coin-operated arcades or home viewing) in conjunction with their magazines, stills, and photo slides. Each loop consisted of a 200-foot reel (approximately 13 minutes) priced at \$25. Initially, Calafran advertised sub-distributed Pat Rocco shorts, like *Love is Blue* (1968), before shifting to in-house productions with loops like *Lineman Pick-Up* (ca. 1969) and *Poolside Adventure* (ca. 1969).³⁸ J. Brian stated in an interview that *Poolside Adventure* was one of his first productions, suggesting that he was

the primary—if not only—in-house film director for Calafra. ³⁹ Given the fierce demand for gay-oriented theatrical films in both San Francisco and Los Angeles by 1969, it was only a matter of time before J. Brian joined his physique loop contemporaries—like Pat Rocco, Bob Mizer, and Dick Fontaine—in transitioning to the production of films for public exhibition at gay theaters.

J. Brian's Struggles in Gay Theatrical Production and Distribution, 1969-1975

In one interview, Brian recalled that his first loop, entitled *Tony On the Beach* (also known as *Tony in Action*, 1966), was a softcore ten-minute “romantic interlude...without benefit of full erections, graphic non-simulated sex, or story line.” ⁴⁰ *Tony* reportedly played midnight short programs in San Francisco's Presidio Theatre for a fourteen-week run. On October 22, 1969, Brian had his first full program of short films, *Opus 1*, screened theatrically at the Park Showroom in San Francisco, a sister theater to Continental Theatres' legendary Park Theatre in Los Angeles. ⁴¹ This program featured softcore simulated sex and ran for several weeks.

J. Brian used the public status of *Opus 1* to cross-promote his parallel venture, a male sex work “call boy” service. Entitled J. Brian's Models, the business competed with other famous male escort services in the area including Dial-A-Model and outfits run by Kenneth Marlowe and Scott Grant. ⁴² Following the publication of *Action Line*, a magazine collaboration between J. Brian and Mark-Vaughn, Brian and his associates used classified ads labeled “Action Line” in underground newspapers to publicize the services of his male sex workers who starred in *Opus 1*. ⁴³ For example, one ad for a model named Stu stated, “An exciting model to be with. Be careful you will find yourself requesting this model many times, just completed his appearance in a new underground film ‘Opus One.’ Now showing at the Park Showroom on Geary Street.” ⁴⁴ J. Brian's earliest theatrical showings were part of a wider shift in the industry for 8mm loops toward a theatrical format, a shift which Thomas Waugh refers to as simultaneously a “fundamental rupture” in viewing contexts and a “crucial continuity” in filmic content that coincided with Stonewall. ⁴⁵ Like *Opus 1*, Brian's next film, *Five in Hand* (1970), was a five-part anthology of loops, but now focused on hardcore

content. By the following year, Brian had released his breakout narrative feature, *Seven in a Barn* (1971).

Adapted from a popular underground novella of the same name, *Seven in a Barn* was among the first feature-length gay hardcore narrative films. The narrative format constituted a means of legitimation—indexing the industrial and cultural struggles over the feasibility of gay distribution—on various levels. Unlike hardcore documentaries (“marriage manual” films and “white coaters”) that often employed square voice-of-god narration, hardcore narrative productions aimed to seamlessly fuse narrative and sexual “numbers,” a combination that held a hip cultural purchase in alignment with contemporary youth movements for sexual freedom and gay liberation. ⁴⁶ The so-called “story film” format was one way of inducing the larger public's recognition of gay pornography as a lucrative subcategory of adult cinema, prompting one *Variety* reviewer to describe the film as “something of a high-water mark in the genre.” ⁴⁷ This acknowledgement in *Variety* was in alignment with the broader industry press' widespread coverage of hardcore narrative features (both straight and gay) that followed the box office successes of Howard Ziehm's heterosexual-hardcore *Mona* (1970) and Wakefield Poole's “all male”-hardcore *Boys in the Sand* (1971), two films that ushered in the “porno chic”-era popularly attributed to *Deep Throat* (1972). ⁴⁸

Additionally, narrative structure provided a method for gay hardcore films to establishing legal legitimacy in a context of widespread anti-gay obscenity crackdowns. In the context of contemporaneous California obscenity law, narrative cinema provided a claim towards the status of “redeeming social importance,” a quality absent from obscene material. ⁴⁹ From 1971 to 1972, Brian was self-distributing *Seven in a Barn* in an event release manner through what was described as “extended road showings in San Francisco and Los Angeles.” ⁵⁰ He sought further legitimacy through the exhibition of his films in university settings, promoting them as documents of the current gay cultural milieu. When visiting one college course, Brian emphasized tolerance and education as a key function of his films for straight audiences, “I just want to show I am who I am, and you are who you are, and let's have fun with that.” ⁵¹

However, J. Brian's visits to college campuses were not always met with welcome. Due to the

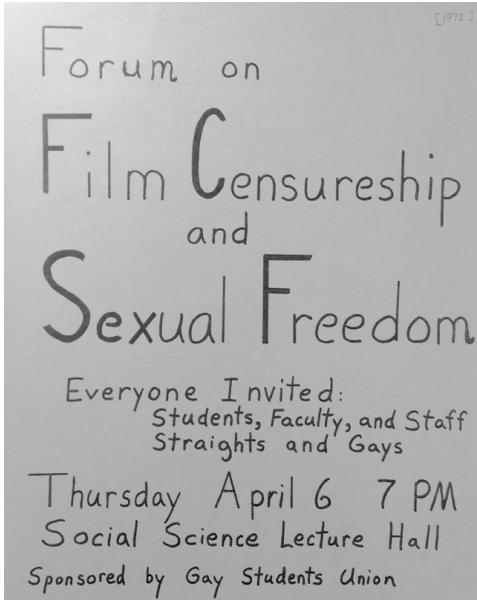


Figure 1: UCI Forum on Campus Censorship of J. Brian’s *Seven in a Barn* in 1972. Located in University of California, Irvine Clubs and Organizations Publications, PS-033. Box 1, Folder: Gay Student Union Flyers, Special Collections and Archives, The UC Irvine Libraries, Irvine, California. Permission to use courtesy of UCI Libraries Department of Special Collections and Archives.

novella’s popularity on college campuses and the film’s legitimating “story film” format, Brian’s *Seven in a Barn* was initially considered to be shown in a University of California, Irvine (UCI) course on “Varieties in Human Sexuality” in the Fall Quarter of 1971. However, faculty reportedly decided not to show the film because it was deemed pornographic.⁵² In 1972, the Gay Student Union (GSU) at UCI scheduled J. Brian to appear on a panel discussing pornography, which would include a screening. The university administration had approved the event in February, but temporarily rescinded the permission to screen *Seven in a Barn* following “anonymous complaints” during the period of the event’s promotion.⁵³ Early on March 9, the administration held a private hearing and preview screening of *Seven in a Barn* to a group of community leaders, faculty, and administrators to decide on the issue of screening the film at the public panel. Despite the fact that over seventy percent of the committee members voted to allow the film showing (see *Table 3*), the administration ultimately prohibited the film screening.⁵⁴ J. Brian still appeared at the GSU panel, which reportedly

drew over 300 attendees. However, Orange County police—acting on information from San Francisco vice who had viewed the film—also showed up and confiscated Brian’s print on the basis that the film was obscene. While the film was eventually returned to J. Brian and no obscenity charges were filed, a Los Angeles District Court dismissed the GSU’s civil rights suit against the Orange County police and the District Attorney.⁵⁵

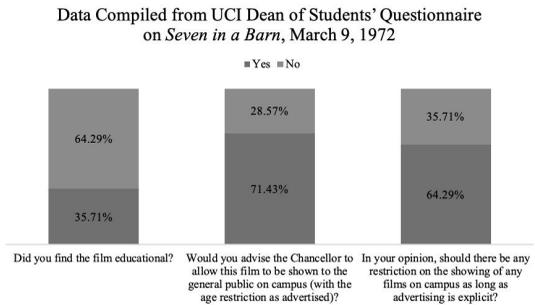


Table 3

In the coming months law enforcement increasingly targeted J. Brian on felony charges that would carry stronger sentences than misdemeanor charges like obscenity. On May 7, 1972, J. Brian was busted again in San Francisco on charges of “aiding and abetting sodomy and oral copulation” and the distribution of obscene matter, based on testimony by a police informant.⁵⁶ Police seized J. Brian’s unfinished film, along with equipment including his camera, and business records. In the gay press, Brian stated he would fight the case to the Supreme Court if necessary because the “aiding and abetting” claim was particularly broad and would allow for future prosecutions of theaters, bathhouses, and other spaces of gay male communal congregation. Given available court records the outcome of this case is unclear, but, soon after, Brian moved to Hawaii and went on hiatus from gay film production and distribution.

Before his hiatus, J. Brian had sold distribution rights to his earlier productions *Seven in a Barn* and *First Time Round* to Jaguar Productions, the producer-distributor of his most recent film *Four More Than Money*. In February 1973, San Jose police raided the local Paris Theater for exhibiting *First Time Round*. Unlike the earlier case in 1972, police charged Brian, as well as the theater’s manager and owner, with not just violation of

the obscenity statute, but conspiracy to exhibit an obscene film, which carried a potential sentence of fifteen years in prison if convicted. According to Brian and his lawyer, police harbored anti-gay sentiments towards the filmmaker as part of a larger crackdown on California gay independent film industries. At the trial court level, the prosecution had Angelo Maggio—a star of Brian’s films under the name Joe Markhum—testify against Brian pertaining to the production of the film.⁵⁷ Ultimately, the conspiracy charge was dismissed by the court because Judge Paul Gallagher did not see a clear line of “overt acts” indicating Brian and theater management coordinated from the production of the film to its exhibition at the Paris Theater.⁵⁸ The state appealed, but Judge Gallagher’s decision was affirmed by Judge Weinberger of the California Court of Appeal for the First District.

Some insights on the industrial positioning of J. Brian and the innerworkings of the gay pornographic supply chain can be gleaned from the appellate court’s decision in *People v. Donahue* (1975). Testimony from Maggio, paraphrased in the decision, confirmed that *First Time Round* was shot in the summer of 1971 in both San Francisco and Marin Counties. It was the appearance of J. Brian’s name in the credits of the film, and the eventual revelation that this name was a shortening of Brian’s real name Jeremiah Brian Donahue, which led the police to establish Brian’s connection to the film and its exhibition.⁵⁹ Significantly, Brian was one of the few gay filmmakers who used a variation on his legal name in the credits of his films. Most of the well-known contemporaneous directors of gay hardcore films—including Tom DeSimone, Brian King, Pat Rocco, Dimitri Alexis Svigelj, and Joe Tiffenbach—used pseudonyms during their work in the 1970s due to the threat of policing under antigay obscenity law. J. Brian joined a small coterie of filmmakers like Jack Deveau, Fred Halsted, and Wakefield Poole, who embraced the gay liberation ethic of visibility by not using a fabricated name.⁶⁰

Regarding discussions of the exhibition and distribution in the case, the prosecution showed that the film was being publicly exhibited and advertised in newspapers. This determination that the film was publicly available was necessary for the prosecution to prove because privately held “obscene” matter was determined to be constitutionally protected under the ruling in

Stanley v. Georgia.⁶¹ A company called Nuanu Inc. leased the theater when *First Time Round* was screening, and the president of the company was determined to be a Mr. Sandlow, as he had signed the lease on behalf of the corporation.⁶² Additionally, the theater’s manager was reportedly “employed by a third party.” This ambiguous statement suggested that the theater’s operations were managed not by the lessee but by a holding company, a detail consistent with the Paris’ placement in the California-based adult theater chain Continental Theatres, which also managed Paris Theaters in Los Angeles and Phoenix.⁶³

In addition to the fact that judges were critical of the prosecution for attempting to “bootstrap” a misdemeanor into a felony, the prosecution’s additional fatal flaw was the lack of evidence on how the film was distributed.⁶⁴ The District Attorney assumed that J. Brian had directly distributed the film to the theater, yet their evidence could not account for this beyond Brian’s name in the credits. This position was apparent in the District Attorney’s rhetorical question:

If Donahue had produced the film for the purpose of exhibiting it for profit and thereafter Corsi and Sandlow were caught exhibiting that film for profit, how did they come by it? No third parties, middle men, intervening causes, or breaks in the chain are apparent. Accordingly, only one conclusion is permissible, if not inescapable: Corsi and Sandlow agreed to exhibit Donahue’s film.⁶⁵

However, the appellate judge did not buy this flawed logic, which lacked insight into gay film distribution infrastructures. As previously stated, and unbeknownst to the prosecution, Brian’s film was distributed by Jaguar Productions, a national gay pornography distributor that at this time was second only to Continental’s distribution arm. Jaguar’s distribution methods were difficult to track—they used clandestine tactics like agreements made over payphones and hand delivery of prints via individuals deemed least likely to be suspicious—and had only recently been infiltrated by law enforcement when a carton of their film’s burst open at a package delivery station.⁶⁶ Jaguar’s practices in distribution reflect creative struggle

DISTRIBUTION STRUGGLE

against anti-gay regulatory regimes, which ultimately generated the clandestine nature of gay adult media distribution during this period. These details of J. Brian's distributor were not unearthed in *People v. Donahue*, which is likely a major reason why the conspiracy charge against him was dismissed.

Conclusion

Following his hiatus, J. Brian would make several additional films into the late 1970s. He also acted as an industry mentor for another legendary gay filmmaker, Toby Ross. Brian assisted Ross with ideas on the structure of his first feature *Reflections of Youth* (1975), and Brian also edited the film for 10% of the sales.⁶⁷ Still connected to the science fiction fan community, in 1975 Brian was instrumental to the revived Baycon where he managed the film components of the convention. By the early 1980s, Brian transitioned his film operations to home video distribution under the name Vitruvian Video.⁶⁸ J. Brian passed away at the young age of forty-three in 1985. One obituary even credited him with being “largely responsible for the influx of Gay men to the ‘golden’ California he painted” in his creative productions, a testament

not only to the influence of J. Brian's signature “Golden Boys” concept, but also to the effectiveness at circulating the concept via distribution.⁶⁹

This article has offered the notion of distribution struggle—the panoply of cultural and industrial conflicts that must be traced and accounted for in distribution histories—as an entry into a primary-sourced industrial and cultural history of J. Brian's gay media enterprises, which included film, still photographs, and magazines. In framing this history, I have argued that while Brian left no official archives, much of his story exists as public record, providing new insights into his industrial operations, including distribution. The triangulation of archival records with past secondary and scholarly accounts provides for a more nuanced cultural and industrial portrait of J. Brian. Instances of distribution struggle structure J. Brian's public record history and suggest that similar histories of other gay entrepreneurs might be uncovered in existing archives. The public records of J. Brian underscore the ideological and industrial struggles that gay cultural producers like Brian had to endure in order to attain impactful distribution to gay counterpublics.

Finley Freibert is currently a part-time Senior Lecturer in Comparative Humanities at the University of Louisville and an adjunct Lecturer at the Kentucky College of Art and Design. In 2019, he completed a Ph.D. in Visual Studies from the University of California, Irvine. Finley researches and teaches at the intersection of film and media studies, gay and bisexual cultural history, and media industry studies. His published work includes peer-reviewed research articles in *Film Criticism*, the *Journal of Anime and Manga Studies*, and *Porn Studies*. With Alicia Kozma, Finley is coeditor of *ReFocus: The Films of Doris Wishman* forthcoming from Edinburgh University Press. Finley has also written columns for popular LGBTQ+ press outlets *The Advocate* and *Washington Blade*.

Notes

1 J. Brian interview by Eric Ridge, “Twelve Years Behind the Lens: The Life and Hard Times of J. Brian,” *Entertainment West*, no. 122, January 1975, 17.

2 This sentiment was critical of the state's immense investments in prosecuting the victimless crime of obscenity by belied lawmakers' hands-off policy when it came to issues of socio-economic inequality, the massive unwarranted deaths in the Vietnam War, and the police killings of gay men in San Francisco and other cities. For example, on April 17, 1969, Berkeley Officer Weiker Kline shot Frank V. Bartley in the head when Bartley reciprocated a sexual entrapment advance by the officer. Bartley passed away a few days later.

3 On the transitional status of Pat Rocco, see Whitney Strub, “Mondo Rocco: Mapping Gay Los Angeles Sexual Geography in the Late-1960s Films of Pat Rocco,” *Radical History Review* Spring 2012, no. 113 (2012): 13–34; Bryan Wuest, “Defining Homosexual Love Stories: Pat Rocco, Categorization, and the Legitimation of Gay Narrative Film,” *Film History* 29, no. 4 (2017): 59–88. On Bob Mizer's political significance to gay liberation see David K. Johnson, *Buying Gay: How Physique Entrepreneurs Sparked a Movement* (New York: Columbia University Press, 2019).

4 New Hollywood director Paul Schrader recalled this percolating industry conjecture in Paul Schrader,

- Audio Commentary, *Hardcore*, Blu-ray (Twilight Time, 2016).
- 5 Peter Alilunas, "The Necessary Future of Adult Media Industry Studies," *Creative Industries Journal* 7, no. 1 (2014): 63.
- 6 Alisa Perren, "Rethinking Distribution for the Future of Media Industry Studies," *Cinema Journal* 52, no. 3 (2013): 165–71.
- 7 Lucas Hilderbrand, "The Art of Distribution: Video on Demand," *Film Quarterly* 64, no. 2 (2010): 24–28.
- 8 See respectively, Derek Kompare, *Rerun Nation: How Repeats Invented American Television* (New York: Routledge, 2005); Alisa Perren, *Indie, Inc.: Miramax and the Transformation of Hollywood in the 1990s* (Austin: University of Texas Press, 2013); Peter Alilunas, *Smutty Little Movies: The Creation and Regulation of Adult Video* (Oakland: University of California Press, 2016).
- 9 Interstate distribution of "obscene matter" existed (and continues to exist) as a federal offense, while exhibition of "obscene matter" amounted to a misdemeanor in most states, such as California. In this article, I will use "gay media" and "gay adult media" somewhat interchangeably following Lucas Hilderbrand's insight that media we would now consider gay pornography, in the 1970s were considered *the* gay media. Lucas Hilderbrand, "Historical Fantasies: 1970s Gay Male Pornography in the Archives," in *Porno Chic and the Sex Wars: American Sexual Representation in the 1970s*, ed. Carolyn Bronstein and Whitney Strub (Amherst: University of Massachusetts Press, 2016), 327–48.
- 10 Brian L. Frye, "The Dialectic of Obscenity," *Hamline Law Review* 35 (2012): 277.
- 11 *Mishkin v. New York*, 383 U.S. 502 (March 21, 1966), 508. Emphasis added.
- 12 Whitney Strub, "The Clearly Obscene and the Queerly Obscene: Heteronormativity and Obscenity in Cold War Los Angeles," *American Quarterly* 60, no. 2 (2008): 373–98; Johnson, *Buying Gay*.
- 13 Martin Meeker, *Contacts Desired: Gay and Lesbian Communications and Community, 1940s–1970s* (Chicago: University of Chicago Press, 2006), 13.
- 14 David K. Johnson, "Physique Pioneers: The Politics of 1960s Gay Consumer Culture," *Journal of Social History* 43, no. 4 (2010): 888.
- 15 On the importance of internally circulating documents and public relations communications to industry studies, see John Thornton Caldwell, *Production Culture: Industrial Reflexivity and Critical Practice in Film and Television* (Durham: Duke University Press, 2008); John Thornton Caldwell, "Cultures of Production: Studying Industry's Deep Texts, Reflexive Rituals, and Managed Self-Disclosures," in *Media Industries: History, Theory, and Method*, ed. Jennifer Holt and Alisa Perren (Chichester: Wiley-Blackwell, 2009), 199–212; and Alisa Perren, *Indie, Inc.: Miramax and the Transformation of Hollywood in the 1990s* (Austin: University of Texas Press, 2013).
- 16 Two of the longer accounts of J. Brian are Jeffrey Escoffier's history assembled from oral history interviews with Brian's contemporaries and Justin Spring's story of Brian's relationship with gay writer Samuel Steward. Jeffrey Escoffier, *Bigger than Life: The History of Gay Porn Cinema from Beefcake to Hardcore* (Philadelphia: Running Press, 2009), 120–24; Justin Spring, *Secret Historian: The Life and Times of Samuel Steward, Professor, Tattoo Artist, and Sexual Renegade* (New York: Farrar, Straus & Giroux, 2011), 337–367.
- 17 Specifically, I draw from four main public records, which provide the backbone of this account: files at the Lyndon Baines Johnson Presidential Library, FBI documents released digitally via a Freedom of Information Act request, records held at the UC Irvine Special Collections and Archives, and a digitized California appeals court decision. All of these records may be accessed remotely via either their availability online, or through requests to the institution holding them.
- 18 Al haLevy, "Westercon or Bust!," *Yandro* 10, no. 8 (August 1962): 29. For examples of J. Brian's fanzine illustrations, see Fanac 49 (December 1959), *Shangri-L'Affaires* 55 (March 1961), and *Viper* 6 (September 1962).
- 19 According to Jim Kepner's recollection of J. Brian at Los Angeles Science Fiction Society (LASFS) meetings, "he'd felt guilty about his Gay urges until he heard several LASFS members call me a fairy or queer, but a nice guy whom they admired. That opened the door to self acceptance for him." Jim Kepner, "Gay Liberation, Some Other Matters, & Me a Memoir: 1942 to 1960," 1993, 35, Jim Kepner Papers: Autobiographies Series 2, Box 9, Folder 1, ONE National Gay and Lesbian Archives, Los Angeles, CA.
- 20 J. Brian interview by Eric Ridge, "Twelve Years Behind the Lens: The Life and Hard Times of J. Brian," *Entertainment West*, no. 122, January 1975, 17. One of the earliest examples of Brian's male physique drawings appears in a science fiction fanzine, *Hocus* 11 (October 1959), 14.
- 21 *MANual Enterprises, Inc. v. Day*, 370 U.S. 478 (1962).

DISTRIBUTION STRUGGLE

22 *MANual Enterprises, Inc. v. Day*, 482.

23 For a detailed contextual account of this Supreme Court decision and its impact, see Johnson, *Buying Gay*, 153-191.

24 “New Model,” *MANual*, no. 61 (February 1965): 30.

25 “Galerie Vitruvian,” *Modern Adonis*, no. 32 (1965): 20–21. Other early appearances of Galerie Vitruvian’s photographs in issues of popular physique magazines included *Manorama*, no. 22 (March 1965), *Fizeek*, no. 32 (April 1965), *Tomorrow’s Man* 13, no. 6 (May 1965), *Trim*, no. 45 (August 1965), *Vim*, no. 12 (August 1965), *Grecian Guild Pictorial*, no. 52 (September 1965), and *MANual*, no. 61 (February 1965). Brian’s drawings also sporadically appeared, such as in *Fizeek Art Quarterly*, no. 15 (Fall 1965).

26 The following year under the G.V.A. corporate label (the same used for *Male Nudist Portfolio*), Brian released his first nude male loop *Tony in Action* (1966). The “G” and “V” presumably stood for Galerie Vitruvian. J. Brian interview by Ridge, “Twelve Years Behind the Lens,” 17. It should be mentioned that DSI, a competitor of Brian, also put out a magazine entitled *Male Nudist Portfolio* with identical covers as Brian’s, but the interior content varied.

27 *U.S. v. Spinar*, U.S.D.C. Minn., 4-67-Crim. 15, July 26, 1967. For more on this case and its massive impact, see Johnson, “Physique Pioneers,” 867–92.

28 Jeffrey Escoffier, “Beefcake to Hardcore: Gay Pornography and the Sexual Revolution,” in *Sex Scene: Media and the Sexual Revolution*, ed. Eric Schaefer (Durham: Duke University Press, 2014), 338.

29 This information on ownership is triangulated from accounts of Calafra’s ownership from five sources: Escoffier, *Bigger than Life*, 148; Johnson, *Buying Gay*, 218; Bob Kurtz, “J. Brian Enterprises: Response from Bob Kurtz,” Tim in Vermont: Vintage Physique Photography, accessed November 1, 2020, <http://www.timinvermont.com/vintage2/jbindex.html>; James T. Sears, “Hal Call,” in *Before Stonewall: Activists for Gay and Lesbian Rights in Historical Context*, ed. Vern L. Bullough (Binghamton: Harrington Park Press, 2002), 151-59; James T. Sears, *Behind the Mask of the Mattachine: The Hal Call Chronicles And the Early Movement for Homosexual Emancipation* (Binghamton: Harrington Park Press, 2006), 519-20.

30 Harold Call et al., “Articles of Incorporation of Adonis Enterprises, Inc.,” February 21, 1967, Business Entity No. 522823, California Secretary of State, Sacramento, CA.

31 Kurtz, “J. Brian Enterprises: Response from Bob Kurtz.”

32 David M. Hardy to Finley Freibert, FOIA Release (Robert Damron Cross-References), June 14, 2019, FOIPA Request No.: 1386571-001 (Damron, Robert), FBI Record/Information Dissemination Section, Information Management Division, Washington, D.C., 2. Two years earlier, the FBI indicated to me that there was no Central Records file on J. Brian, which suggests that Calafra was more visible to the FBI than Brian’s own companies Vitruvian and J. Brian Enterprises; David M. Hardy to Finley Freibert, Response Letter, August 31, 2017, FOIPA Request No.: 1383370-000 (Donahue, Jeremiah), FBI Record/Information Dissemination Section, Information Management Division, Washington, D.C.

33 For examples of such bans, see Peter Coleman, “Indecent Articles and Classified Publications Act, 1975,” *New South Wales Government Gazette*, no. 31 (March 5, 1976): 989; W.H. Haigh, “Indecent Articles and Classified Publications Act, 1975,” *New South Wales Government Gazette*, no. 93 (August 11, 1978): 3334, 3340–43.

34 For key studies of this Commission and its impact, see Elena Gorfinkel, *Lewd Looks: American Sexploitation Cinema in the 1960s* (Minneapolis: University of Minnesota Press, 2017); Eric Schaefer, “Gauging a Revolution: 16mm Film and the Rise of the Pornographic Feature,” *Cinema Journal* 41, no. 3 (2002): 3–26; Whitney Strub, *Perversion for Profit: The Politics of Pornography and the Rise of the New Right* (New York: Columbia University Press, 2013).

35 These tables are derived from memoranda of interviews with Guy Strait and H. Lynn Womack. John J. Sampson, “Memorandum to File: Interview with Guy Strait,” June 9, 1969, Commission on Obscenity and Pornography (7B11-13). Box 21, Folder: Guy Strait, Lyndon Baines Johnson Presidential Library, Austin, TX; John J. Sampson, “Memorandum to File: Interview with H. Lynn Womack,” June 19, 1969, Commission on Obscenity and Pornography (7B11-13). Box 21, Folder: Dr. H. Lynn Womack, Lyndon Baines Johnson Presidential Library, Austin, TX.

36 John J. Sampson, Shorthand Notes from Interview with Guy Strait, June 9, 1969, 6, Commission on Obscenity and Pornography (7B11-13). Box 21, Folder: Guy Strait, Lyndon Baines Johnson Presidential Library, Austin, TX.

37 While many physique magazine enterprises also specialized in mail-order films, Sampson’s interviews

did not delve into this area.

38 *Love is Blue* Advertisement, *Golden Boys* no. 17, 1969, 50.

39 J. Brian interview by Ridge, "Twelve Years Behind the Lens," 17.

40 J. Brian interview by Ridge, "Twelve Years Behind the Lens," 17.

41 A later ad for the program's New York premiere shows that the program was two and a half hours long, and consisted of five parts: *Cherry Red And...*, *Smoke Dreams*, *Bare Beach*, *Traveling Salesman*, and *Nitty Gritty*. *Opus One* Advertisement, *Gay*, no. 18 (June 8, 1970): 8.

42 Brian allowed a sociologist to undertake a study of his male sex work service before the operation was shut down by police in 1972, see David J. Pittman, "The Male House of Prostitution," *Society* 8, no. 5–6 (1971): 21–27.

43 For representative examples of ads that establish this partnership, see "Action Line Advertisement," *Berkeley Barb*, May 9, 1969, 22; "Action Line Advertisement," *Los Angeles Free Press*, June 13, 1969, 25. Given the name and the timeframe it is likely that the "Vaughn" in Mark-Vaughn was Vaughn Kinsey, an African American entrepreneur who collaborated with Brian and would later do work under the name John Summers for Chuck Holmes' legendary Falcon Studios. As Jeffrey Escoffier noted, Kinsey "ran a series of boy brothels in partnership with and sometimes in competition with Brian," Jeffrey Escoffier, *Bigger than Life*, 129.

44 Action Line Advertisement, *Berkeley Barb*, October 31, 1969, 17.

45 Thomas Waugh, *Hard to Imagine: Gay Male Eroticism in Photography and Film from Their Beginnings to Stonewall* (New York: Columbia University Press, 1996), 273.

46 On the narrative-"number" structure see Linda Williams, *Hard Core: Power, Pleasure, and the "Frenzy of the Visible"* (Berkeley: University of California Press, 1989), 120–152. On gay liberation's cultural alignment with gay pornography see Ryan Powell, *Coming Together: The Cinematic Elaboration of Gay Male Life, 1945–1979* (Chicago: University of Chicago Press, 2019), 164–222.

47 Lee Beaupre, "First Time Round," *Daily Variety* 156, no. 42 (August 3, 1972): 3. For more on the story film format as a mode of legitimizing gay film, see Bryan Wuest, "Defining Homosexual Love Stories," 59–88.

48 For *Variety's* reviews of *Mona* and *Boys in the Sand*, see Addison Verrill, "Mona," *Variety* 262, no. 2 (February 24, 1971): 18; Robert B. Frederick, "Boys in the Sand," *Variety* 265, no. 6 (December 22, 1971): 6.

49 See "Chapter 2147," in *Statutes of California 1960 and 1961* (California State Assembly, 1961), 4427, http://clerk.assembly.ca.gov/archive-list?archive_type=statutes. For additional discussion of this method by industry contemporaries of J. Brian, see Jerry Douglas, "Gay Film Heritage: Jaguar Productions Part 1," *Manshots* 8, no. 6 (June 1996): 14.

50 "Gay Porno-Flick Seized," *Triton Times* [UCSD], March 31, 1972, 2.

51 J. Brian interview by Ridge, "Twelve Years Behind the Lens," 28.

52 Daniel G. Aldrich, Jr. to Richard E. Whalen, March 22, 1972, University of California, Irvine, Central Records Unit Records, AS-004. Box 26, Folder: Seven in a Barn, 1972, Special Collections and Archives, The UC Irvine Libraries, Irvine, California. On the underground novella's popularity on college campuses, see Frank Hoffmann, *Analytical Survey of Anglo-American Traditional Erotica*. (Bowling Green: Bowling Green University Popular Press, 1973), 60.

53 Jim Johns, "Ban the 'Barn' Remains Live Issue," *New University* [UCI], April 4, 1972, 1.

54 This table is compiled from the set of questionnaires found in University of California, Irvine, Central Records Unit Records, AS-004. Box 26, Folder: Seven in a Barn, 1972, Special Collections and Archives, The UC Irvine Libraries, Irvine, California.

55 "Gays' Complaint Against Sheriff, DA Dismissed," *Daily Pilot* [Orange County], May 24, 1972, 2.

56 In the gay press, Brian claimed the informant was not substantively involved in the production and "wasn't part of any film shooting and didn't see any part of the film shooting," see "J. Brian Busted Again in S.F.," *The Advocate*, June 7, 1972, 11.

57 "Film Maker Charged with Conspiracy," *San Francisco Sentinel* 1, no. 3, February 28, 1974, 1; "Director J. Brian Charged in Second Film 'Conspiracy,'" *The Advocate*, March 27, 1974, 2.

58 *People v. Donahue*, 46 Cal. App. 3d 832, (Ct. App. 1975), 832.

59 *People v. Donahue*, 835.

60 As Brian put it in an interview, "I think it's important to be able to stand in front of god and everyone and say, 'Yeah that's my work and I'm damn proud of it.' I've never hidden behind a phony name, and I've

DISTRIBUTION STRUGGLE

never produced work that I wouldn't put my name on in the marketplace." See J. Brian interview by Ridge, "Twelve Years Behind the Lens," 17.

61 *Stanley v. Georgia*, 394 U.S. 557 (1969).

62 *People v. Donahue*, 835.

63 *People v. Donahue*, 835. For a discussion of Continental's operations as both a chain and holding company, see Finley Freibert, "Obscenity Regulation and Film Exhibition: Policing Gay and Feminist Media Industries in Southern California, 1960 to 1979" (PhD Dissertation, University of California, Irvine, 2019), <https://escholarship.org/uc/item/9ws5n61j>, 51-92.

64 *People v. Donahue*, 838.

65 Quoted in *People v. Donahue*, 837.

66 A discussion of Jaguar's distribution methods appears in "A Peek at Porn's Past with Jaguar Studios," *Skinflicks*, July 1997, 63.

67 Toby Ross, *Toby Ross and the 70's: An Erotic Memoir* (Chicago: Hornbill Books, 2014); 57-62.

68 In a fascinating reversal of the typical release sequence from the big screen to home video, Brian distributed his final feature film *Flashbacks* (1982) as a two-tape set (priced at \$99 for the individual tapes or \$149 for the set) in 1981 prior to its premiere theatrical release at the Nob Hill in San Francisco in January 1982.

69 John F. Karr, "Filmmaker J. Brian Dies in San Francisco," *Bay Area Reporter*, June 6, 1985, 34.