

## FIRST AMENDMENT WATCH

NAT HENTOFF

### A bruising for Cruising

**T**HIS FALL, AS A BENEFIT for itself, the New York Civil Liberties Union is selling tickets to the world premiere of *And Justice for All*, a movie starring Al Pacino. (Norman Jewison, Columbia Pictures, Pacino, and the producer are contributing the opening night's proceeds to the NYC-LU). A professional fund-raiser in New York who has long supported the civil-liberties organization now vehemently urges it to cancel the benefit because of Al Pacino's "willing participation" earlier this year in the making "of the anti-gay film *Cruising*."

For the NYCLU to be associated with Pacino, says the fund-raiser, would be "a betrayal of its principles," because *Cruising* is so viciously prejudicial to homosexuals that it "represents a clear danger" to their physical well-being. It doesn't matter that what is being premiered is another picture. Any involvement with Pacino now would mean that the NYCLU "embraces the implication" of *Cruising*.

If this pronunciamento were not so manifestly earnest, it could have been a mischievously deliberate transmogrification of civil-liberties principles. To punish an actor for the beliefs of fictive characters he portrays might have made even Joe McCarthy giggle in his winning way. But even if Pacino actually himself were a carrier of "bad" thoughts, to impose sanctions on him as an actor would be to return to the blacklists of yore, when performers such as John Henry Faulk and Gale Sondergaard were prevented from working because someone had placed them on lists

of "subversives."

The New York Civil Liberties Union told the fund-raiser, of course, that it was sorry he couldn't participate in the benefit, but it was not about to change itself into a latter-day version of *Red Channels*.

The infuriated fund-raiser was hardly the only summer soldier of the First Amendment to lose his bearings in the fierce New York battle over *Cruising*. The movie is being produced by Jerry Weintraub and directed by Billy Friedkin (*The French Connection*, *The Exorcist*). As soon as the film crew began appearing this summer on Christopher Street (one of a number of Greenwich Village areas that homosexuals have claimed as their own), reports about the nature of the script quickly circulated. Homosexuals with whom I've been allied in previous First Amendment wars began to insist that *Cruising* had to be shut down. One of them spelled out the bottom line: "I'm against censorship, but this is not censorship. It's self-defense."

The version of the script that homosexuals believed was actually being shot has Al Pacino playing an undercover

of my people."

For weeks, there were street demonstrations in the Village—including some violence by both demonstrators and cops—as well as attempts during the day to create so much noise outside shooting sites as to make it impossible to film. For some of the evening rallies, thousands of homosexuals and empathic straights jammed Christopher Street and, on occasion, stopped traffic in Sheridan Square. Among the homosexuals were a minority of civil libertarians who were furious at the film but who also, as one said to me during a demonstration one night, did not want to "lose the First Amendment" in the course of these attempts to close *Cruising* down.

"You won't," I told him, "so long as you keep government neutral. The *Cruising* people have a right to film; you have a right to demonstrate."

Morosely, he shook his head. "The demonstrations aren't enough. They're still shooting."

**A**ROUND THAT TIME, AN ad hoc coalition of homosexual groups went to the mayor of New York, Ed Koch, and asked him to withdraw city support for the filming of the inflammatory picture. (For all films shot in New York, the city provides free police protection, free location shooting permits, free sanitation and fire department services, and a very useful "one stop" coordination of all permits and

**"I'm against censorship, but this is not censorship," said one protester. "It's self-defense."**

cop trying to solve the murders (and sexual mutilations) of a number of homosexuals in Greenwich Village. He in turn is jolted into an awareness of his own latent homosexuality and becomes a raging slayer of homosexuals himself.

The screenplay, proclaimed the National Gay Task Force, "represents a gross distortion of the lives of gay men by portraying them as violent and sex-obsessed." And the Gay Activist Alliance protested: "This movie glorifies fag-killing. It's going to encourage violence against gays." Arthur Bell, a columnist for the *Village Voice* and a chronicler of the homosexual scene, agreed: "It's a message to go out and kill, mutilate and decapitate gays." No one, Bell added, "has a right to make a movie that is going to be responsible for the murder

approvals through the Mayor's Office of Motion Pictures and Television.)

Koch is deficient in many respects (particularly his unstated notion that he is essentially the mayor of the middle-class population of the city); but from his years in Congress to the present, Koch has been a passionate and knowledgeable defender of the Bill of Rights, particularly of the First and Fourth Amendments. (As a representative, he most distinguished himself by his privacy legislation, and he almost invariably voted against bills limiting free speech.) In this instance, Koch pointed out that the city of New York does not offer its cooperation to film companies on the basis of whether it approves the content of the film or not. "To do otherwise," he said, "would involve censorship."

NAT HENTOFF writes a monthly column on civil liberties for *INQUIRY*. His book *The First Freedom: A Tumultuous History of Free Speech in America* has just been published by Delacorte.

The delegation announced itself to be grievously disappointed in Koch. Ethan Geto, a spokesman for the coalition, declared: "I do not consider this a First Amendment issue because we were not asking government to block production of this particular movie." All they were asking, Geto added, was for the city to "stop allocating taxpayer resources to this particular project." Well, that wasn't quite all they were asking. In addition, Geto wanted Koch to deny the film crew permits to use the city streets.

Ethan Geto, a principal assistant to New York state Attorney General Robert Abrams, has in the past been one of the few public officials I've known with a serious concern for the First Amendment. He once called me, for example, because he was alone among the attorney general's advisers in opposing a proposed interference with certain reporters and he wanted some help in buttressing his free-press arguments. When it came to *Cruising*, however, Geto simply ignored the First Amendment by failing to acknowledge that if the city were to place sanctions only on this one picture—and only because of its content—the government would indeed be involved in censorship.

The demonstrations went on, as did the pressure on Koch to end all city support of *Cruising*. By the end of August, however, the crew had done all the shooting it had intended to in New York, and moved on. Before he left, Billy Friedkin told a reporter that the script that will finally be seen is not the one that so infuriated many of New York's homosexuals. But in terms of freedom of expression, it doesn't matter what's in the script. As *Daily News* columnist Pete Hamill wrote, even if *Cruising* confirms "the worst fears of the gay community, they would still have the right to make it. And members of that community would have the absolute right to protest it, but not to stop it."

Everybody knows that, right? But what civil libertarian would dare have a plebiscite on the question—anywhere?

**W**HEN IT WAS ALL OVER, for the time being, a closer look at the battle reports indicated that the First Amendment had not been left entirely unscathed. In response to pressure by those who had wanted *Cruising* silenced, two actions were taken that may well set oppressive precedent the next time a controversial film begins shooting in New York.

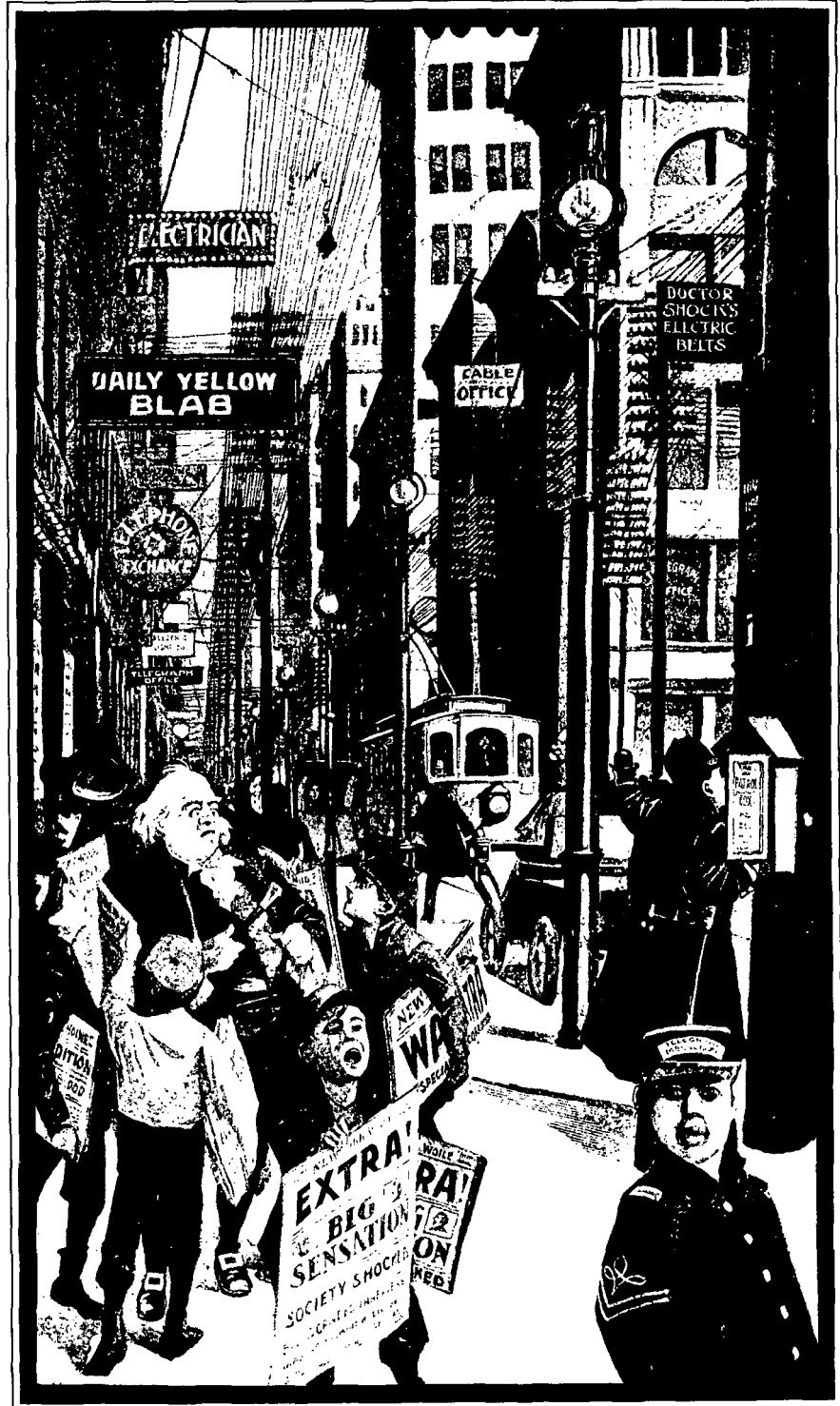
Community Board No. 2, which speaks for much of lower Manhattan,

including Greenwich Village, passed two resolutions while *Cruising* was still in the streets. One of them noted that because of all the tension (in other words, violence) caused by shooting the film on Christopher Street and the "sensitivity of the Gay Community" to using Christopher Street at all for what they see as a very hostile film, the mayor ought to use his good offices to get the film crew to stay out of Christopher Street.

What the board thereby did, of course, was to endorse a "heckler's

veto." If a filmmaker or a speaker provokes sufficient anger to lead to great tension in the community, then *he* must be silenced in order to keep the peace. Furthermore, by inviting the mayor into this conflict between two groups exercising their conflicting free-speech rights, the board had also endorsed the profoundly un-American concept that government has the power to regulate the content of speech in a public place.

Also passed by Community Board No. 2 was a resolution pressing the city



to guarantee "prior consultation" to all community boards before any crew gets a permit to film in any neighborhood. The text says nothing about advance review of scripts, but as several board members grumbled, that demand will inevitably be added—sooner rather than later. "Actually," one member of the board told me, "you don't even have to specify script approval in order to censor. All that the boards need do, anywhere in the city, is say that they don't want any film in their neighborhoods that is going to cause disruption. So, in some section of the city deeply hostile to gays, a crew filming a prohomosexual film will be kept out because lots of folks in that neighborhood promise to disrupt the filming."

Meanwhile, also in Greenwich Village, the Village Independent Democrats—one of the first of the city's "reform" clubs, the home base of Ed Koch, and an organization that has long prided itself on its addiction to the Bill of Rights—passed another resolution. This one pointed with alarm to the "inflammatory situation" caused by the filming of *Cruising* in the Village, particularly on Christopher Street. Accordingly, this bold group of reformers urged the mayor to flatly withdraw all support of any *Cruising* activity on Christopher

Street.

This too creates a baleful precedent. If the government is to forbid a single street to this film crew, then it logically must accede to community censorship pressures in other parts of the city. Jews in Brooklyn might well insist on keeping out a film crew of Arabs who also live in Brooklyn. Or Catholics in the Bronx might have the government throw a film crew out of a street there because that movie has to do with the childhood of some Catholic backslider who became an atheist.

I asked the president of the Village Independent Democrats, a professed civil libertarian, how his club could possibly have created so inviting a prelude to random neighborhood censorship.

"Well," he said, "we didn't want to offend the homosexual community."

As if the First Amendment can only be exercised if you're being nice to people.

The insidious attractions of censorship continually take on new forms and rationalizations. As Phil Kerby, the *Los Angeles Times* columnist, puts it: "Censorship is the strongest drive in human nature; sex, a weak second."

For further instance, during the assaults on *Cruising*, a member of the National Gay Task Force was explaining on television what her group's ultimate goal is—after trying to expunge *Cruising*. "We are only asking," she said, "that Hollywood and television include us in their system of self-censorship. They're learning not to offend blacks and women, and this is going to teach them to be careful how they show us."

**S**HE MAY BE CLOSER TO HER goal than she thinks. As *Cruising* was finishing its filming in New York, Arthur Bell, *Village Voice* reporter, called Larry Marks, vice-president for production and marketing at Paramount Pictures. Marks said of the warfare in New York: "I can feel the effects already. Industry people will be more careful about gay life styles and the kind of gay ingredient that should be in a script. To use a cliché, what you've done in New York is raise consciousness."

Raise consciousness? Or put a pall of orthodoxy on it? If this kind of censorious "sensitivity" spreads, before a film can be financed its script will have to pass a review board composed of "representatives" of all the different kinds of folks portrayed in it. And in time, this rigidly benign approach might be extended to books, now that more and

more publishers have been swallowed up by conglomerates that use marketing specialists to set policies.

Another index of what happens to free speech when one group is so offended that it insists on its rightful need to censor—this time a performer—is the attempt to get CBS to remove Vanessa Redgrave from a lead role as a concentration-camp survivor. Even Dore Schary, who has a strong free-speech record, would deny Redgrave the part because of her support of the Palestine Liberation Organization. There is no questioning the honesty of Schary's feelings when he says that the casting of Redgrave in this play "depreciates those who survived the death camps and defames the names of those who died in them." Just as there was no questioning the honesty of homosexuals' anti-*Cruising* feelings.

Another censor of Redgrave, documentary-maker David Wolper, claims that "politics has nothing to do" with his campaign to get her removed from the program. "I don't object that she plays a role, but not this part."

But politics has everything to do with the drive to punish—and that's exactly what it is—Redgrave for what she believes. Her politics are the issue. And as Arthur Miller, who wrote the script, points out, "To fire Vanessa Redgrave for her political views would be black-listing."

So far, the most illuminating civil-libertarian comment in this particular furor has come from Hollywood producer Robert Radnitz: "I don't like what Vanessa Redgrave stands for in any way, shape, or form, but I would defend her right to play that role. I think CBS was terribly insensitive to cast her, but I feel a person's political situation has no bearing on any role she should be able to play. The question really comes down to: Can she play it well?"

Radnitz is rare in the consistency with which he regards free speech as indivisible. So too, one might have thought, is Jerry Weintraub, producer of *Cruising*, who kept trying to make himself heard during the New York wars as he emphasized that the making of the film was an affirmation of everyone's First Amendment rights. Yet in an interview in *New York* magazine, Weintraub has now admitted that he withdrew financial support from the American Civil Liberties Union because it supported the right of Nazis to march in Skokie.

After all, Weintraub said, the Nazis "are a clear danger."

That's what all the censors say. □

## Moving?

Please allow us  
6 weeks' notice

New address:

Name (please print)

Address

City

State

Zip

Mail to:

**INQUIRY**

Subscription Department  
P.O. Box 2500  
Menlo Park, CA 94025

Please send an address label from a recent issue along with your new address to help us speed up the change.



# WHO KILLED JOHN PAISLEY?

**The CIA calls his death a suicide, but the evidence suggests that the former intelligence analyst was another casualty in the war over the Russian "mole" inside the CIA.**

**By JEFF GOLDBERG**

**T**WENTY-TWO-YEAR-OLD Eddie Paisley works as a waiter at a Virginia bar and grill just outside of Washington, D.C. His 55-year-old father, an important CIA analyst, was found dead, floating in the Chesapeake Bay, one year ago. The authorities ruled he had committed suicide. Eddie Paisley believes his father was murdered. "Somebody is plugging the case up and trying to befuddle it as best they can," he says. "That's what it seems like to me. Obviously something's up, but the CIA doesn't want anyone to know about it."

Eddie's father, John Arthur Paisley, left the CIA in 1974 after twenty-one years of service, for which he was decorated with the Distinguished Medal of Honor. Since 1969 he had been the deputy director of the CIA's Office of Strategic Research, the branch that deals with assessing Soviet nuclear capabilities. He was an important and respected expert on U.S. and Soviet atomic weapons and the CIA's computer and satellite systems. Since his "official" retirement five years ago, he had continued to work on top-secret agency projects as a \$200-a-day consultant—until he disappeared.

On Sunday, September 24, 1978,

Paisley sailed off from Lusby, Maryland, on his 31-foot sloop *Brillig* for a day on the bay. He was an expert sailor who loved the time he spent on his boat. He apparently planned to work alone that day, evaluating a sensitive CIA report on Soviet nuclear strength.

Late in the afternoon Paisley radioed ashore to friends to say he would be staying out late on the *Brillig*. He asked for the dock lights to be left on for him. It was the last time anyone is known to have heard from him.

The next morning the Coast Guard discovered the abandoned *Brillig* when a crab boat reported being almost hit by it. After boarding the boat, the Coast Guard quickly identified Paisley as its owner, and they noted the CIA documents in his briefcase. The CIA's security office was immediately notified.

After a delay of some twelve hours, the CIA called Maryann Paisley at her McLean, Virginia, home. The Paisleys had separated a year earlier after twenty-five years of marriage and he had just recently moved into a new apartment in downtown Washington. Maryann Paisley had herself worked for the CIA in 1974 as a contract employee and was still bound by the agency's security oath. She understood the CIA's concern for securing his sensitive papers, so late that night she drove out to the Maryland shore, accompanied by her daughter

Diane, and CIA officials. They searched the *Brillig*, but apparently removed nothing. However, there were indications that other CIA security representatives had already been there, because Paisley's sophisticated radio gear, which included antennas and transmitters, was gone.

The next morning, Maryann Paisley sent her son Eddie to check his father's apartment. He discovered the apartment had already been entered—papers were in disarray and a camera, tape recordings, and a Rolodex were missing. Some nine-millimeter bullets were strewn on a closet floor. It was later determined that CIA representatives had already been there also. The police later complained that these searches had contaminated much of the evidence.

At this point there was no trace of Paisley. Since he was a strong swimmer, his family hoped he was still alive on one of the bay's small islands. The Coast Guard made a helicopter and boat search of the area, but there was no police investigation because a missing-person report had not been filed. For a week Paisley's disappearance went publicly unreported.

Then on October 1, a bloated, badly decomposed body was pulled from the bay several miles from where the *Brillig* had run aground. The victim, shot once behind the left ear with a nine-millime-

JEFF GOLDBERG is codirector of the Washington-based Assassination Information Bureau.

LICENSED TO UNZ.ORG

ELECTRONIC REPRODUCTION PROHIBITED