

AWKWARD ALLIANCES AND THE INDIANAPOLIS ANTI-PORNOGRAPHY  
ORDINANCE OF 1984

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## PREFACE

In 1983 Minneapolis, a prophetic battle took place against the city's adult, pornographic businesses. Radical feminists Catharine MacKinnon and Andrea Dworkin drafted an ordinance for Minneapolis that attempted to outlaw pornography on the basis that it was harmful towards women, framing pornography as a civil rights issue. Don Fraser, mayor of Minneapolis, rejected the ordinance, citing it as unconstitutional. Battles against adult businesses were nothing unique to Minneapolis, and Indianapolis had fought a long war of their own against these types of establishments. Partly inspired by Minneapolis and frustrated with previous failings from other measures, Indianapolis City-County Councilwoman Beulah Coughenour offered to sponsor an ordinance of their own. With full support of Hudnut, they, too, called upon the help of Catharine MacKinnon. Coughenour and MacKinnon collaborated to write an ordinance similar to the Minneapolis ordinance, stressing the dangers of pornography.<sup>1</sup> Unlike Minneapolis, it was momentarily successful, and on May 1st, 1984, Indianapolis Mayor William Hudnut signed the anti-pornography ordinance passed by the City-County Council and left the city divided.<sup>2</sup> While most residents would have been happy to see these businesses gone, some strongly disagreed with the method of attack. In the ordinance, the City-County Council determined:

“Pornography is a discriminatory practice based on sex because its effect is to deny women equal opportunities in society. Pornography is central in creating and maintaining sex as a basis for discrimination. Pornography is a systematic practice of exploitation and subordination based on sex which differentially harms women. The bigotry and contempt it promotes, with the acts of aggression it fosters, harm women's opportunities for equality of rights in employment, education, access to and use of public

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<sup>1</sup>William H. Hudnut, *Minister Mayor*, (Philadelphia: The Westminster Press, 1987), 146.

<sup>2</sup>“Porno Ordinance Causes Instant Legal Battle,” *The Republic*, 2 May, 1984, p. 6.

accommodations, and acquisition of real property, and contribute significantly to restricting women in particular from full exercise of citizenship and participation in public life, including in neighborhoods.”<sup>3</sup>

Indianapolis made waves with this attempt at new legislation. Not only had it been the first ordinance of its kind actually approved by a city official, Mayor Hudnut, it represented an unusual political alliance between religious conservatives and a radical feminist. This topic is not entirely obscure among scholars of sex history and obscenity law, but it is often misunderstood. Some historians and journalists refer to the Indianapolis ordinance as a feminist ordinance and an alliance between conservatives and feminists, but these claims are not entirely correct and deflect from the intricacies of the development of the ordinance. While the ordinance had feminist language from MacKinnon and Dworkin’s Minneapolis ordinance, it received no support from individual Indianapolis feminists or women’s groups such as the Indiana chapter of the National Organization for Women. Regardless of their position on pornography, local feminists saw the ordinance as unconstitutional and an attempt at censorship. The majority of support for the ordinance came from outraged religious conservatives who opposed pornography not on the grounds of civil rights, but conventional morality. Due to its arguable unconstitutionality, the ordinance was challenged and rejected by the courts within a year of Hudnut’s signature. It marked the city’s last moment of the unlikely coalition of conservatives and a radical feminist. Though ultimately unsuccessful, it made headlines across the nation and managed to begin a new conversation around pornography. Subsequently, came the Meese Commission, a federal

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<sup>3</sup>Minutes of the City-County Council and Special Service District Councils of Indianapolis, Marion County, Indiana. General Ordinance No. 24, 1984.  
<http://journals.iupui.edu/index.php/ccci/article/view/13204/13194>

level political effort against pornography that borrowed the ordinance's language, pushing women's safety as a key element of the debate. Without the Indianapolis ordinance, it is difficult to determine how and when the pornography debate would have shifted.

This thesis argues that the Indianapolis ordinance was a predominantly conservative ordinance that borrowed feminist language, and though never enforced, helped guide the nation to consider pornography as a civil rights issue. The chapters are organized by topic: the preface introduces the main subject of the thesis. The first chapter is a historiography covering early attempts at legislating obscenity and pornography, as well as general outlooks on pornography on both the feminist and conservative sides in the mid-century to the 1980s. The second chapter will focus on the conservative concerns and efforts in Indianapolis, those who were outraged by pornography, why, and methods used prior to the ordinance. It will also give background on political and governmental shifts in Indianapolis after Unigov and how it is relevant to Indianapolis politics of the 1980s. The third chapter will discuss the women involved in the ordinance, focusing on the women of Indianapolis. It will also address Indianapolis feminists and feminist initiatives, show alternative ways local feminists fought for the rights and safety of women, and why they did not consider the ordinance a conducive method to their vision. This chapter will also focus on the key figures who took the ordinance down on the grounds of censorship. Chapter four concludes this thesis by explaining the more recent status of pornography in the country and how the Indianapolis ordinance impacted this direction. This thesis will explore the irony of the Indianapolis anti-pornography

ordinance-- an ordinance dismissed by the women it claimed to protect, and a piece of feminist language adopted by conservatives that led the future of the feminist debate.



Jonnie Bray Fox

AWKWARD ALLIANCES AND THE INDIANAPOLIS ANTI-  
PORNOGRAPHY ORDINANCE OF 1984

This thesis examines the motivations behind the advocates and detractors of the Indianapolis Anti-Pornography Ordinance of 1984. It will examine how and why Indianapolis Conservatives, who opposed pornography due to its perceived moral implications, joined forces with a radical feminist to create an ordinance outlawing pornography that utilized the radical feminist argument of pornography's potential violence. It will explain the national divide between radical and liberal feminists on the issue of pornography and how this is reflected on a local scale through the methods of Indianapolis feminists to contend with violence against women. Through interviews with those associated with the ordinance, it will broaden the understanding of the sides in the debate and how the ordinance was defeated. This thesis will also demonstrate that while the ordinance ultimately failed to be enforced after being signed into law by Mayor Hudnut, it marked a significant moment in not only Indianapolis but the Nation's history and helped change the course of the pornography debate.

Raymond Haberski, PhD, Chair

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## Chapter One: A Historiography of Pornography and Its Main Critics

### Obscenity and the Law

The First Amendment of the Constitution of the United States reads, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.” This amendment has protected people from unlawful prosecution and defined personal freedom, but has remained ambiguous in crucial instances. A key stumbling block of this amendment is obscenity. Obscenity is a category of speech that is unprotected from the U.S. Constitution. Taking obscenity to court proves tedious because there has yet to be a comprehensive, legal definition of the term.

Attempts to define obscenity at the Supreme Court level occurred in cases like *Roth v. United States* and *Miller v. California*. While these cases did not result in clear definitions of obscenity, it is important to look at how the Court attempted to shape the term’s meaning during these trials. In the 1957 verdict of *Roth v. United States*, the Supreme Court upheld the conviction of Samuel Roth, American writer and publisher, guilty on obscenity charges for distribution of pornographic material. The court defined obscenity as material without “redeeming social importance,” appealing to “prurient interest.”<sup>4</sup> *Roth* established a judicial standard for obscenity with a five-part structure; (1)

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<sup>4</sup>“*Roth v. United States*,” 1957, Wex Legal Dictionary, accessed October 3, 2017, [https://www.law.cornell.edu/wex/roth\\_v.\\_united\\_states\\_1957](https://www.law.cornell.edu/wex/roth_v._united_states_1957)

the perspective of evaluation was that of an ordinary, reasonable person, (2) community standards of acceptability were to be used to measure obscenity, (3) works whose predominant theme was questionable were the only target of obscenity law, (4) a work, in order to be evaluated for obscenity, had to be taken in its entirety, and (5) an obscene work was one that aimed to excited individuals' prurient interest. *Miller v. California* in 1973, a case in which the appellant was convicted of mailing unsolicited, sexually explicit material, elaborated on the definition of obscenity with what is now known as the "Miller Test." From this came the following criteria for obscene material; (1) whether 'the average person, applying contemporary community standards' would find that the work, 'taken as a whole,' appeals to 'prurient interest' (2) whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law, and (3) whether the work, 'taken as a whole,' lacks serious literary, artistic, political, or scientific value.<sup>5</sup> This "Miller Test" standard continues to be used in court and, to date, has not been replaced by any new criteria.<sup>6</sup>

In the Western world before the nineteenth century, it was not obscenity, but heresy and sedition that were prominent targets of censorship. The United States did not experience its first federal sex-censorship law until the Tariff Act of 1842, when Congress enacted a federal ban that allowed U.S. Customs to confiscate "obscene or immoral" pictures or prints.<sup>7</sup> This was later followed by the notable Comstock Law of

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<sup>5</sup>"Marvin Miller, Appellant, v. State of California," Legal Information Institute, accessed January, 16, 2021, <https://www.law.cornell.edu/supremecourt/text/413/15>

<sup>6</sup>"Obscenity," Wex Legal Dictionary, accessed December, 27, 2020, <https://www.law.cornell.edu/wex/obscenity>

<sup>7</sup>Margaret A. Blanchard, "The American Urge to Censor Freedom of Expression Versus the Desire to Sanitize Society - From Anthony Comstock to 2 Live Crew." *William and Mary Law Review* 33, no. 3/4 (1992): 764, accessed October 10, 2019, <https://scholarship.law.wm.edu/wmlr/vol33/iss3/4>

1873, which prohibited usage of the postal service to send any items considered obscene.<sup>8</sup> At this point, obscenity was typically regarded as any material that might elicit lustful desires or corrupt the youth, which does not deviate far from its modern criteria. It wasn't until roughly a century after the Comstock Law that arguments against obscenity would shift to pornography specifically.

### **Rise of Pornography**

Forms of pornography have existed long before the term was even coined. It wasn't until 1842 that the word "pornography" surfaced- its Greek root *porne* meaning prostitute.<sup>9</sup> Considering its lengthy existence, it is plausible to surmise that a war on pornography developed simultaneously to its rise in popularity and exposure. The 20th century saw gradual shifts toward a society that was increasingly open about sex. By the 1920s, the United States was more comfortable with heterosexual pleasure, and in the 1940s, magazines began publishing seductive images of women even more sensational than those in the past.<sup>10</sup> It was the 1960s that took this gradual shift into something far more extreme, something many were not ready for- the sexual revolution. The "Sexual Revolution," refers to a time in the United States, between the 1960s-1970s, when people began to deviate from traditional sexual morality.<sup>11</sup> Heterosexual women became more autonomous and outward with their sexuality, challenging the traditional nuclear family

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<sup>8</sup>Marjorie Heins, *Not in Front of the Children: 'Indecency,' Censorship, and Innocence of Youth*, (New York: Hill and Wang, 2001), 25.

<sup>9</sup>Online Etymology Dictionary, <https://www.etymonline.com/word/pornography>.

<sup>10</sup>Robert O. Self, *All in the Family: The Realignment of American Democracy Since the 1960s*, (New York: Hill and Wang, 2012), 189.; Whitney Strub, *Perversion for Profit: The Politics of Pornography and the Rise of the New Right*, (New York: Columbia University Press, 2010), 24.

<sup>11</sup>Eric Schaefer, *Sex Scene: Media and the Sexual Revolution*, Durham, (Duke University Press, 2014), 2-3.

roles of the 1950s, and demanding control over their bodies and reproductive rights. Homosexual men and women fought for equality, and finally, entrepreneurs attempted to profit off of the growth in technology and sexual appreciation. Starting at the end of the 1960s, America experienced the “Golden Age” of pornography. Entrepreneurs like Hugh Hefner and Gerard Damiano pushed pornography into high levels of popularity in the mid-70s.<sup>12</sup>

The problem with pornography is its subjectivity. Pornography’s more socially acceptable counterpart, erotica, often defined as a literary or artistic work with a strong sexual theme, has added to the ambiguity. Erotica, though frequently challenged in the past, usually remained protected under the Constitution due to its artistic value. Obscenity is not protected under the First Amendment, but proving that any form of pornography is truly obscene is arduous. Determining the difference between literary and visual material that holds artistic value or merely arouses its audience forces the critic to grapple with this subjectivity. Take for example Bernardo Bertelucci’s *Last Tango in Paris* or Pasolini’s *Salo, or the 120 Days of Sodom*. Both are notorious for their graphic sex scenes, but are held in high regard by many film critics. Yes, they are works of art, but to some they might incite salacious desires- “prurient interest.” How much art is necessary to protect something from censorship? Linking controversial material with a societal problem eliminated the need to answer this question or attempt to prove if the material was completely without merit.

In *Perversion for Profit*, Whitney Strub compares the post-WWII methods that linked comic books and juvenile delinquency to later efforts that used pornography to

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<sup>12</sup>Self, 190.

explain sexual deviance. After WWII, comics gained notoriety that drew attention to what some saw as an abundance of inappropriate material including sex, violence, and crime. Strub outlines the development of an argumentative framework that attempted to prove comics deserved censorship because of the potential ill effects they had on children readers. In the 1950s, German-American psychiatrist Fredric Wertham emphasized the “pathogenic” and “pathoplastic” influence of comics. His justification for attacking comics was successful. The public embraced his claims because he had created a “whipping boy”- a way for parents to deflect from their responsibilities.<sup>13</sup> This method, which linked obscene material with degenerative and unacceptable behaviors, was adopted by social groups from the political right and left in opposition to obscenity and pornography.

The relationship between culture and law in western society is deep, cyclical, and complex. British judge Patrick Devlin famously argued that the law should be used to enforce cultural norms within society. This idea sees law as the glue that holds a society together, its ultimate identity and authority. According to Robert C. Post of Yale Law School, the Devlin model of law oversimplifies law and culture. The Devlin model assumes that society’s culture is stable and singular. In “Law and Culture Conflict,” Post describes law and culture as a more reciprocal relationship in which neither are as stable as Devlin imagined. Post asserts that law is frequently used by the government as a tool of social engineering to accomplish politically desirable goals. It has been used to revise and reshape culture, most notably has Post points out, with Catharine MacKinnon’s efforts to use legislation to suppress pornography. Situations such as these prove that law

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<sup>13</sup>Strub, 15.



doesn't only reflect the norms of a culture but acts as a medium that modifies and establishes these norms.<sup>14</sup> In the case of pornography, law served two purposes. For radical feminists like MacKinnon and Dworkin, the objective was to change culture, to erase female subordination. For conservatives, the pornography ordinance was an attempt to halt culture, to suppress the growing effects and openness that came from the sexual revolution.

### **Conservative Overview**

Shortly after *Roth*, the United States saw the emergence of pressure groups advocating against obscenity. Groups such as the National Organization of Decent Literature (NODL) and Citizens for Decent Literature (CDL) became dominant forces in the fight against obscenity, most importantly, on moral grounds. NODL, active from 1938 to 1969, was a powerful censorship group formed in the United States by American Catholic Bishops. It was primarily led by priests and sought to restrict youth access to obscene magazines, comic books, and paper bound books.<sup>15</sup> The CDL was formed by Charles Keating Jr. in 1957 out of his growing opposition toward media he considered immoral. Keating rallied local clergy and businessmen to confront legal forces to shut down the distribution of pornography. By the 1960s, it had grown into a nationwide organization, acting as one of the most influential pressure groups against obscenity.<sup>16</sup> These prominent groups advocated censorship of obscene materials on the grounds, often

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<sup>14</sup>Robert C. Post, "Law and Cultural Conflict." *Yale Law School Faculty Scholarship Series*, (2003): 180.

<sup>15</sup>Thomas F. O'Connor, "The National Organization for Decent Literature: A Phase in American Catholic Censorship." *The Library Quarterly: Information, Community, Policy*, 65, no. 4 (1995), 386-414.

<sup>16</sup>"Citizensfirst Citizens for Decent Literature." Salem Press Encyclopedia Research Starters, EBSCOhost, accessed October 17, 2017.

religious, that it was immoral and deviant. Keating became known as a prominent moralist and was later named by Nixon to the Presidential Commission on Obscenity and Pornography in 1969.<sup>17</sup>

In 1965, the CDL broadcasted *Perversion for Profit*. Funded by Charles Keating and narrated by news reporter Charles Putnam, this propaganda film sent a strong message against obscene material. It was delivered through a staunchly conservative and even religious lens. Accusations such as obscene material leading to gay and lesbian behavior are made, and those who view this material are referred to as sadists. Putnam states that “This moral decay [obscene material] weakens our resistance to the onslaught of the Communist masters of deceit.” Putnam expressed that this material threatens a “normal” and safe home, and stresses its pervasiveness, that it could fall into the hands of children. Sex is referred to as a “God-given gift.”<sup>18</sup> The film reflected conservative and religious concerns with obscenity that would last through the pornography wars in Indianapolis. To religious conservatives, obscene material was corrupting and threatened an orthodox lifestyle, and even the country’s defense against foreign enemies.

While *Roth* helped define pornography, and Keating corralled opposition. President Lyndon Johnson’s Commission on Obscenity and Pornography set back conservatives. Johnson established the Commission in 1967 in an effort to determine the possible harms and ill effects posed by pornography. The Commission’s report, issued in 1970 after Nixon took office, determined there was no evidence to show that such materials explicitly led to delinquent or harmful behavior by viewers. Nixon was

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<sup>17</sup>Robert D. McFadden, “Charles Keating, 90, Key Figure in 80s Savings and Loans Crisis, Dies,” *The New York Times*, (April 2, 2014).

<sup>18</sup>Citizens For Decent Literature. “Perversion for Profit.”.Filmed [1965]. YouTube Video, 30:58. Posted [February, 2012], accessed November 15, 2017, <https://www.youtube.com/watch?v=om4kMTw-R6o>

outraged by these findings. Upon taking office, he switched one Commission member with Charles Keating, likely hoping to sway the results in a direction that would support anti-pornography legislation. Conservatives hoped the Commission would prove the necessity of anti-pornography laws. Instead, it showed now there was no strong evidence with which to base their claims against pornography. Both Nixon and Keating rejected the Commission's results, with Keating unsuccessfully attempting to halt its publication. The White House eventually distanced itself from the commission and Nixon continued to support Keating's anti-pornography efforts, proving that political conservatives would not back down from the fight.<sup>19</sup> Feminists simultaneously agreed and disagreed with the parts of the conservative fight against porn.

### **Second-Wave Feminism: Liberals and Radicals**

Criticism over the depiction of women in the media rose to prominence in the 1960s during the second-wave feminist movement. Second-wave feminism, sometimes referred to as the Women's Liberation Movement, developed out of reactions from white women against the domesticated roles expected of them during the post-war period. Betty Friedan, founder of the National Organization for Women, is frequently cited as being responsible for bringing the modern feminist framework to the masses with her book *The Feminine Mystique*. Published in 1963, *The Feminine Mystique* addresses the lives of suburban white housewives and the detrimental effects posed by these subordinating roles. The term "feminine mystique" refers to the idea that women are expected to be

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<sup>19</sup>United States. Commission on Obscenity and Pornography. *The Report*. [Washington: For sale by the Supt. of Docs., U.S. Govt. Print. Off.], 1970. ; Brooke Gretchen Gould, "Obscenity and Pornography: A historical look at the American Library Association, the Commission on Obscenity and Pornography, and the Supreme Court." Master's thesis, University of Northern Iowa, 2010. 69-79.

fulfilled in these roles that restrict them to the home and family duties, and that women do not desire more freedom, education, or autonomy. Friedan and many of her contemporaries were inspired by French existentialist Simone de Beauvoir. In 1949, Beauvoir published her book *The Second Sex*, which was later translated into English in 1953. In the book, Beauvoir challenges the traditional concept of marriage. She argues that women are seen as an “other,” a second-class citizen. According to Beauvoir, women of the time lived in a patriarchal society that left customs like marriage unequal and oppressive toward women. Beauvoir also acted as a link between other contemporary feminists.

In addition to Friedan and Beauvoir, changes at the political level helped guide the formation of early feminist organizations. In 1961, President Kennedy, with a directive from women’s advocate Esther Peterson, established the President’s Commission on the Status of Women. The Commission was chaired by Eleanor Roosevelt until her death in 1962. The goal of the Commission was to investigate questions regarding women’s equality in education, the workplace, and law. This led to the establishment of 50 state commissions to do research on women being denied rights and opportunities at the state level. Many had their doubts about the reasoning behind the development of the state commissions and believed they were created to pay off political debts to women without giving them more influential positions. Despite its critics, these commissions laid the groundwork for organizations like NOW, Human Rights for Women, and the Women’s Equity Action League. Research from the commissions generated more awareness and urgency around issues of women’s inequality and brought

together knowledgeable and political minded women who might not have otherwise been able to work together on women's issues.<sup>20</sup>

In 1966, Friedan founded NOW, bringing together feminists nationwide. Ti-Grace Atkinson, who would later be known as a radical feminist, found inspiration in Beauvoir's work. Atkinson subsequently reached out to Beauvoir who connected her with Friedan. Atkinson joined NOW in the fall of 1966, but soon found herself discouraged with the organization's reluctance to vocalize support of abortion and other sex related issues. According to Atkinson, the members of NOW restricted their feminist efforts to things such as taxes, education, and employment. Atkinson felt the only effective way to bring about a revolution for women required focusing on the systemic issues of sex and abortion. Her departure from NOW and Friedan's ideas hinted at a growing division between liberal feminists and radical feminists<sup>21</sup>.

Differences between liberal and radical feminists had existed from the inception of these groups. Feminist scholars use different terminology to differentiate between the liberal and radical feminists, but all terms have the same, underlying meanings. Liberal feminists included the earlier groups and organizations that came in the 60s. These women tended to be over 30, work in a profession, and have a family. They were defined by their structure. Their methods included working through the law and lobbying to make change. Liberal feminists were often seen as more bureaucratic and hierarchical than

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<sup>20</sup>Jo Freeman, "The Origin of the Women's Liberation Movement," *American Journal of Sociology*, 78(4) (1973), 795-798.

<sup>21</sup>Breanne Fahs, "Ti-Grace Atkinson and the Legacy of Radical Feminism," *Feminist Studies*, vol. 37, no. 3 (2011), 562.

radical feminists and reflected the techniques of Kennedy's Commission in 1961. Liberal feminists, though fighting tradition, were considered the more traditional of the two.

While radical feminists emerged around the same time as liberal feminists, they did come slightly after as younger group of women with differing political educations and experiences. Radical feminists tended to be under 30 and were formed out of the Civil Rights Movement and the youth and student movements of their colleges. Radical feminists rejected the structure of liberal feminists. Radicals were anti-establishment, consisting of loosely formed groups who rejected leaders. Their methods included working on feminist issues through support groups and action through media rather than law. Kathie Sarachild of the New York Radical Feminists referred to the work of radical feminists as "consciousness-raising." Both liberal and radical feminists of the 1960s and 1970s consisted predominantly of college educated, white women, but the radical groups managed to be marginally more diverse due to their lack of structure which often meant no need for official memberships or dues.<sup>22</sup>

### **Feminists and Pornography**

By the early 1970s, feminist groups increased their focus on the issue of rape. In 1971, the New York Radical Feminists held a conference on feminist thinking on rape. In California, the Bay Area Women Against Rape formed the first known anti-rape groups.<sup>23</sup> In an attempt to determine the causes for violence against women, feminists

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<sup>22</sup>Voichita Nachescu, "Radical Feminism and the Nation: History and Space in the Political Imagination of Second-Wave Feminism," *Journal for the Study of Radicalism*, vol. 3, no. 1 (2009), 29-31.

<sup>23</sup>Clark A. Pomerleau, *Califia Women: Feminist Education Against Sexism, Classism, and Racism*, (Austin, TX: University of Texas Press, 2013), 79-80.

turned their attention toward the media. Criticism of the media came from two main components, the lack of women seen in professional working roles, instead, depicted doing household chores, and the use of sexually violent images.<sup>24</sup> With the rise in sexually explicit media and films like *Deep Throat*, some feminists concentrated their focus solely on pornographic material. Released in 1972, the plot centered on the sexually frustrated Linda Lovelace. Unable to achieve orgasm, she seeks help from a psychiatrist who determines that her clitoris is located in her throat. Widely viewed as sexist toward women, *Deep Throat* was considered an example of the failures of the sexual revolution by not taking women's sexual pleasures seriously. Growing apprehension over depiction of women in media led to the development of three key feminist groups focused on the issue, Women Against Violence Against Women, Women Against Violence Pornography and Media, and Women Against Pornography. Each group originated out of shared concerns, but eventually deviated in their methods and varying levels of radicalism.

Women Against Violence Against Women (WAVAW), a national feminist organization, was founded in Southern California in 1976 by anti-pornography activist Marcia Womongold. WAVAW developed as a reaction against the Los Angeles debut of *Snuff*, a film that garnered controversy over its marketing that led people to believe it filmed an actual murder of a woman. Due to WAVAW's protests, *Snuff* was withdrawn from all theaters in the Southern California area a week after its release. WAVAW was devoted solely to the problem of violence toward women in the media, broadly

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<sup>24</sup>Carolyn Bronstein, *Battling Pornography: The American Feminist Anti-Pornography Movement, 1976–1986*, (New York: Cambridge University Press, 2011), 2.

approached multiple forms of media. This included sexual violence, but the organization was clear to not label themselves as anti-pornography. Unlike anti-pornography groups to follow, WAVAW opposed censorship, instead urging media companies to exercise “corporate responsibility,” through efforts like boycotts, campaigns, and letter-writing.<sup>25</sup> This agenda, however, did not reflect the later efforts of WAVAW’s founder. By 1979, Womongold had taken a far more radical approach to combatting pornography and was subsequently arrested for firing a bullet through a bookstore in Harvard Square because it carried pornographic magazines.<sup>26</sup>

Women Against Violence Pornography and Media (WAVPM) emerged from a “Violence Against Women” conference in San Francisco in 1976.<sup>27</sup> Actions taken by WAVPM include a 1978 National Feminist Conference on Pornography, feminist tours of pornography theaters, and various marches. In 1977, WAVPM picketed the Ultra Room, a live, all women, S/M (sadism and masochism) sex show at a San Francisco theater. Picketers claimed the show was “anti-women.” WAVPM faced backlash by women in the sex industry. In 1983, the U.S. Prostitutes Collective demanded WAVPM discontinue their protests against pornography and interference in the lives of sexual workers, which they argued, was the livelihood of many poor women. These organizations posed a changing theoretical stance on the potential harms of pornography. WAVAW argued that the depiction of violence toward women in the media threatened to

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<sup>25</sup>Lynn Comella, “Revisiting the Feminist Sex Wars.” *Feminist Studies*, vol. 41, no. 2 (2015), 445-46.

<sup>26</sup>Judy Foreman, “What are they doing about violence against women?” *The Boston Globe*. (September 17, 1979).

<sup>27</sup>Pomerleau, 80.



desensitize men to rape and other forms of violence. WAVPM disbanded not long after due to financial issues.<sup>28</sup>

Women Against Pornography (WAP), founded by Susan Brownmiller in 1978, was the last and most prominent organization to emerge. Brownmiller, inspired by the work of WAVPM, called upon their help to form a partner organization on the east coast. WAP was initially seen as the east-coast version of WAVPM, but in 1978 they detached themselves entirely from the organization. According to Carolyn Bronstein, WAP was playing an entirely different league. They aimed to make pornography the largest women's right issue in the nation.<sup>29</sup> Prior to WAP, issues of pornography, as demonstrated by WAVAW and WAVPM, received little critical attention. It wasn't until WAP took the forefront, that pornography did as well.<sup>30</sup> It was likely the more radical and extremist views of WAP that made it the most prominent feminist anti-pornography organization in the nation. Brownmiller asserted that pornography was as dangerous to women as "storm troopers, concentration camps, and extermination," was to European Jews during WWII, and argued for a ban on the display of pornography.<sup>31</sup> Whether or not Brownmiller represented the agenda of all members of WAP, these were the ideas that garnered the most attention. By the 1980s, WAP remained the only anti-pornography group in the public eye after WAVAW and WAVPM both fizzled, likely due to loss of leaders and financial support.

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<sup>28</sup> Historical note, Guide to the Women Against Violence in Pornography and the Media Records, 1977-1983, Online Archive of California, accessed October 22, 2017, [https://oac.cdlib.org/findaid/ark:/13030/tf1v19n4tx/entire\\_text/](https://oac.cdlib.org/findaid/ark:/13030/tf1v19n4tx/entire_text/); Carol Pogash. "Ultra-bias, claim porn tickets" The San Francisco Examiner. Wed. March 9, 1977

<sup>29</sup>Bronstein, 191.

<sup>30</sup>Bronstein, 8.

<sup>31</sup>Bronstein, 199.

Often connected with feminist Robin Morgan's quote, "Pornography is the theory, and rape is the practice," radical feminists like MacKinnon and Dworkin built upon this sentiment insisting that pornography was not just an idea or theory, rather it was an act of discrimination itself.<sup>32</sup> In 1980, Linda "Lovelace" Boreman released her autobiography titled *Ordeal*. In it, she described how her pornography career came to fruition due to the abuse and coercion of her husband Chuck Traynor. WAP, along with radical feminists Catharine MacKinnon and Andrea Dworkin, rallied in support of Boreman. MacKinnon and Dworkin developed a close bond with Boreman and discussed ways in which Boreman might sue Traynor. Boreman became a spokeswoman for WAP and MacKinnon utilized her story to demonstrate the dangers of pornography.<sup>33</sup>

While teaching at the University of Minnesota law school in 1983, MacKinnon and Dworkin were approached by discouraged neighborhood groups of Minneapolis. Much like other communities concerned with pornography (including Indianapolis), Minneapolis's City Council was considering a zoning law that would outlaw the operation of bookstores and theaters within 500 feet of churches, schools, and residential areas. This was first attempted in 1977, but the city was successfully sued by a pair of local adult business owners. Minneapolis made a second effort in 1983, calling upon MacKinnon and Dworkin to testify on behalf of the law. The women did more than just support this effort and worked to draft the proposed law, turning the banning of pornography in Minneapolis into a civil rights issue.<sup>34</sup> The end result was an ordinance that defined pornography as a form of discrimination on the basis of sex, and created a

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<sup>32</sup>Bronstein, 314-15.

<sup>33</sup>Bronstein, 257-262.

<sup>34</sup>E.R. Shipp, "A Feminist Offensive Against Exploitation," *The New York Times*, June 10, 1984.

right to sue to ban the production and distribution of pornographic material. Mayor Donald Frazer vetoed the ordinance, but it set a new standard for future attempts to outlaw pornography.

**“Pornography is a practice.” Catharine MacKinnon**<sup>35</sup>

Unlike Robin Morgan, MacKinnon did not see pornography as something that supported and perpetuated discrimination against women, rather as an act of subordination. While liberal feminists may have argued that pornography posed a threat against women by potentially inspiring harmful thoughts in men that might lead them to be violent toward women, MacKinnon saw watching pornography as the equivalent of committing a violent act. According to MacKinnon, sexism did not just stop at the man’s mind. When a man masturbated to pornography, he was performing a degrading sexual act against women. By defining pornography in this way, new legislation could put the power to act in the hands of women. A power that, in MacKinnon and Dworkin’s eyes, was lost even in heterosexual intercourse or abortion rights, which subordinated women and could make them more sexually available to men.<sup>36</sup> As pervasive as these women were, their views did not represent those of liberal feminists, rather select, radical feminists.

In 1983, feminists splintered on how to tackle pornography. Groups like NOW experienced intense debates and fissures over the matter. Many grew to disapprove of

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<sup>35</sup>Catharine MacKinnon, Andrea Dworkin, and Alice Henry. “MacKinnon on Defining Pornography.” *off our backs*, vol. 14, no. 6 (1984), 14-15.

<sup>36</sup>MacKinnon, 14-15. ; Marjorie Heins, *Sex, Sin, and Blasphemy: A Guide to America’s Censorship Wars*, (New York: The New Press, 1993), 158-159.

anti-pornography measures, which they saw as extremism, while others lent support to the movement. This division among feminists is referred to by some scholars and activists as the “Sex Wars.”<sup>37</sup> MacKinnon and Dworkin and their followers transitioned the anti-pornography movement into a crusade that objected any depiction of sex and favored censorship. The other end of the spectrum consisted of those feminists who favored educating others on the dangers of violence in the media and feared the consequences of censorship. Catharine MacKinnon believed education was simply not enough to combat pornography.<sup>38</sup> To anti-censorship feminists, legislation to ban pornography could be turned to work against women and other marginalized groups. This was a threat greater than pornography. In 1984, the Feminist Anti-Censorship Taskforce (FACT) was formed. These women asserted that a direct connection between pornography and violence toward women was not proven. To FACT, censorship was not a feminist position, and to support power over free speech could leave feminists susceptible to unwanted alliances with anti-feminists.<sup>39</sup> The use of legal action to address the pornography problem shared similarities with conservative efforts on the same matter.<sup>40</sup> Many feminists feared the legal actions in the conservative political climate. They saw the New Right’s efforts to purge public libraries and schools of books containing sexual themes to be a drastic measure with potentially severe consequences. All the while, radical feminists formed an unlikely connection with right wings.

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<sup>37</sup>Lisa Duggan, “Feminist Historians and Antipornography Campaigns,” *Sex Wars: Sexual Dissent and Political Culture (10th Anniversary Edition)*, (New York: Routledge, 2006), 65.

<sup>38</sup>MacKinnon, 14-15.

<sup>39</sup>Gillian Rodgeron and Linda Semple, "Who Watches the Watchwomen?: Feminists against Censorship." *Feminist Review*, no. 36 (1990): 19-24.

<sup>40</sup>Comella, 449-51.

Conservatives reached out to WAP, much like the Anti-Pornography Ordinance in Indianapolis.<sup>41</sup>

### **Connections between Conservatives and Feminists**

The term “strange bedfellows” is used by some scholars to describe the unlikely alliance built between radical feminists and conservatives in the wave of the anti-pornography movement. This odd relationship has served as a case study for historians, sociologists, and other social scientists to better understand strange coalitions throughout history. How it came to be arose out of convenience and a desire for a shared end result, the abolishment of pornography. With WAVAW and WAVPM on decline by 1982, WAP stood at the forefront as a prominent, established organization on a mission to end pornography. This caught the attention of religious conservatives seeking help to rid society of immoral smut. Numerous conservatives expressed admiration and support for WAP in the early 1980s, even asking for WAP materials to distribute at their own functions. This rapport heightened by 1985, when WAP publicly endorsed MacKinnon and Dworkin’s efforts and provided witnesses for the Meese Commission on Pornography.<sup>42</sup>

As conservatives and some radical feminists established connections and worked to tackle pornography, liberals, according to Strub, found no other sufficient mechanisms that could counterattack this developing regime. Strub argues that post-war liberals remained too ambivalent in the pornography war. Though they condemned censorship,

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<sup>41</sup>Bronstein, 320.

<sup>42</sup>Bronstein, 321.

liberals condoning obscenity was enough to inadvertently perpetuate the measures taken by radical feminists and conservatives. Strub's assertion is that this behavior proved that post-war liberals were complicit in their downfall in the anti-pornography movement.<sup>43</sup> Much like nation-wide actions, local Indianapolis liberals proposed no other legislative action when the awkward alliance worked to pass an anti-pornography ordinance. Unlike Strub's comments on liberals in general, in Indianapolis, it seemed local liberals had larger concerns with their agenda. Analyzing Indianapolis in 1983 allows a deeper, concentrated look into how and why this unlikely relationship between some radical feminists and some religious conservatives developed and functioned, as well as why some liberals could propose no alternative action.

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<sup>43</sup>Strub, 2, 243.

## Chapter Two: Moral Crusades and The Indianapolis Conservative Agenda against Pornography

*“One of the clearest conclusions in Scripture is that freedom must be accompanied by discipline, or it will become license.” “A Two-Edged Sword,” William H. Hudnut III<sup>44</sup>*

On June 4th, 1985, William Hudnut III, mayor of Indianapolis, wrote a heartfelt letter of support to the United States Attorney General Edwin Meese. “The other day in the newspaper I read an article indicating that the Justice Department intends to mount an attack on pornography,” Hudnut began, “We have been doing some things here in Indianapolis that you might find interesting.”<sup>45</sup> Hudnut had in mind imilar attempts that Indianapolis was making toward eradicating pornography. In 1985, President Ronald Reagan ordered for the semblance of a commission to do a comprehensive study on the effects of pornography. Under the guidance of Attorney General Edwin Meese, the Meese Commission published their report in 1986 which detailed the pornography industry and its effects. Like the Indianapolis Anti-Pornography Ordinance, the previous year, the Commission linked pornography to its harmful and violent effects, and adopted the rhetoric of the radical feminists’ anti-pornography agenda.

Pornography, and more broadly obscenity, had long been combatted by people of the United States. Prominent in opposition were religious conservatives. By the mid-20th century, radical feminist opposition had grown. As the nation approached the 1980s, and

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<sup>44</sup>A Two-Edged Sword, June 3, 1966, box 199, Hudnut Collection, University of Indianapolis Digital Mayoral Archives, accessed November 22, 2017, <http://uindy.historyit.com/item/?itemid=965948>

<sup>45</sup>Mayor Hudnut to Edwin Meese, June 1985, box 180, Hudnut Collection, University of Indianapolis Digital Mayoral Archives, accessed December 5, 2017, <http://uindy.historyit.com/item/?itemid=950068>

pornography became more easily produced and distributed, concerns from both groups exploded. In the city of Indianapolis, conservative concern about pornography and local adult businesses rose to the point of a historic moment in legislation. In 1984, Mayor Hudnut signed an Anti-Pornography Civil Rights Ordinance. This ordinance was unique. This was an ordinance supported by religious conservatives with the language of radical feminists--not because the conservative concerns matched those of radical feminists, but because doing so was a last-ditch effort to completely eradicate pornography from the city. This chapter will illustrate conservative concern for pornography. It will address multiple factors in the conservative attack on pornography, while focusing on the religious component. This chapter will also chronicle the Indianapolis efforts against pornography that led up to the ordinance of 1984. It will assess the conservative climate of Indianapolis, why efforts were taken to eliminate pornography, who was behind those efforts, and why each effort was not a sufficient method for the destruction of pornography in the city.

### **Indianapolis as a Republican Majority City**

In 1968, defeating incumbent mayor John J. Barton (Democrat), Richard Lugar was elected Mayor of the city of Indianapolis. The new Republican mayor marked a significant change in a city that had been previously led by four consecutive Democratic mayors. The mid-sixties saw the rise of the “Republican Action Committee,” headed by Keith Bulen and Richard Lugar, the latter recently elected to the city’s municipal school board. This was only the beginning of the resurrection of Republican power. In his term



as mayor, Lugar revamped Indianapolis into a heavily Republican-leaning city, most notably through the implementation of Unigov in 1970.

Unigov became Lugar's answer to the woes of Indianapolis. The new mayor assumed leadership of a city that faced complex social and economic challenges, much like other American cities of the 1960s. Unemployment was rising, white residents were fleeing to the suburbs, downtown was becoming riddled with dilapidated buildings, and crime was increasing. The economy was primarily dependent upon heavy manufacturing, more specifically, the automobile industry, making the city an easy target for capital disinvestment. Concerns over the state of the city lay not only in its leaders but also with other movers and shakers, like the board of Eli Lilly and Company.<sup>46</sup> There seemed to be a general awareness about Indianapolis' problematic image. Civic leaders longed for it to no longer be seen as "Naptown," due to a perception of it as slow and sleepy, or something even worse. Leaders of Lilly, with their financial contributions at stake, grew fearful of the city's ability to attract future employees.

In 1970, Lugar proposed his solution to the looming image and economic crisis, Unigov. Unigov consolidated the City and Marion County governments. This consolidation was one motivation for the legislature's implementation of Unigov. In 1967, roughly 60 government units had been recorded as being in operation in the county-metro area. Consolidating this power, some thought, would make politics easier and more effective. It also drastically increased the amount of land and people

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<sup>46</sup>Kimberly S. Schimmel, "Sport Matters: Urban regime theory and urban regeneration in the late-capitalist era, pp. 259-277," in *Sport in the City: The Role of Sport in Economic and Social Regeneration*, New York: Routledge, 2001. Is there an editor for this volume

overseen.<sup>47</sup> Some additional 320-square miles, 250,000 citizens, and 18 small towns, townships, and villages were included in the metropolitan governing territory.<sup>48</sup> Unigov led to increased budgetary powers in the mayor's office, now a Republican office. It placed more power behind policy and allocation of money into the hands of a new City-County Council, replacing the Indianapolis City Council.<sup>49</sup> Prior to Unigov, the Indianapolis City Council consisted of nine members. Their jurisdiction existed predominantly in Center Township and included small portions of Washington, Lawrence, Warren, Perry, Decatur, and Wayne Township. The newly formed City-County Council consisted of 29 members, with four at-large members and 25 elected from single-member districts and oversaw all townships. The Council was now responsible for legislative and budgeting actions originally dispersed among the City Council, County Council, and County Commission.<sup>50</sup> Unigov acted as a turning point not only by shifting political power into the hands of Republicans and a Republican-dominated City-County Council, but also by bringing neighborhoods that were once on the outskirts into the matters of the city. Once the white-dominated suburbs were consolidated into a City-County structure, any issues the residents had would go to the appropriate City-County Councilmember.

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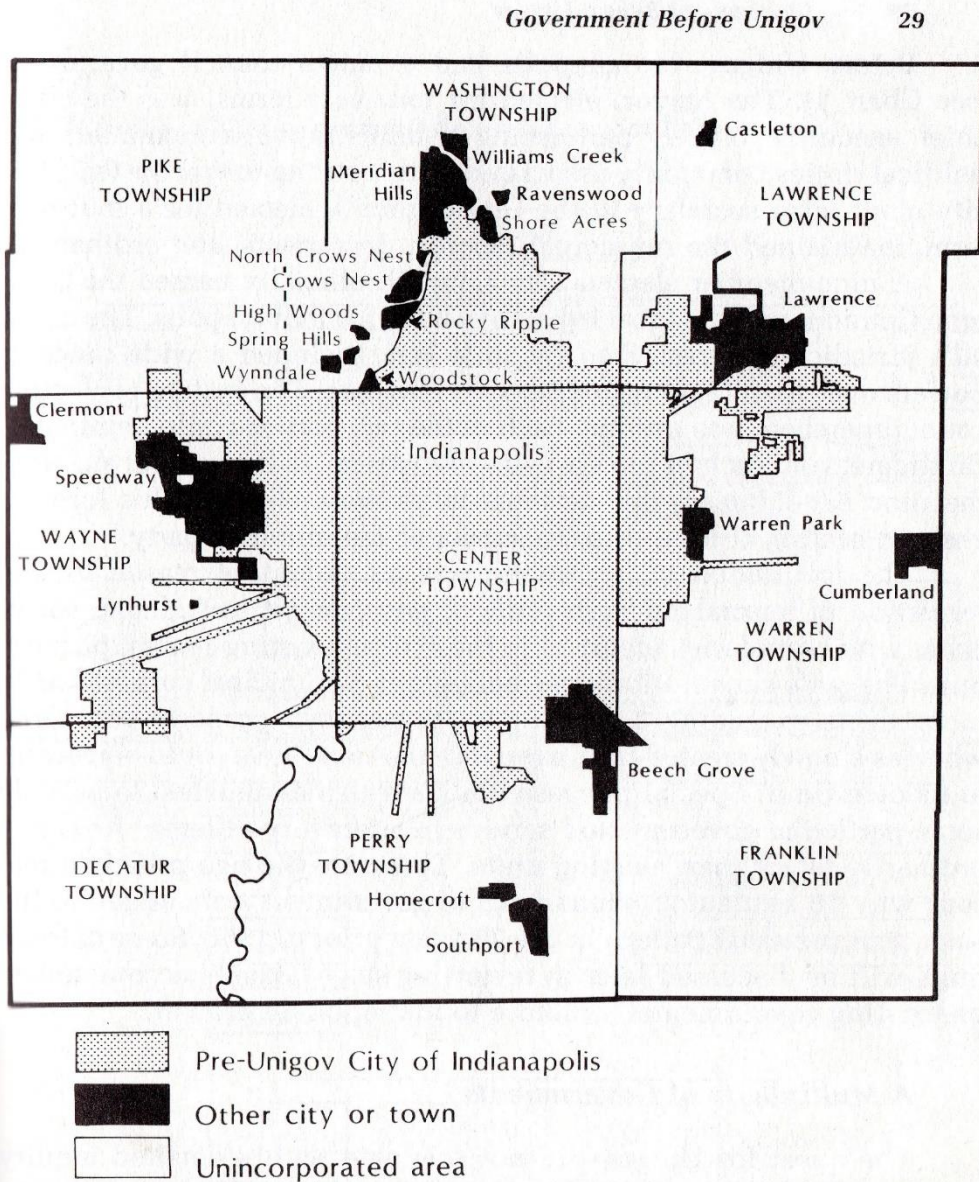
<sup>47</sup>William A. Blomquist, "Government," in *Encyclopedia of Indianapolis*, edited by David J. Bodenhamer and Robert G. Barrows, Bloomington: Indiana University Press, 1994. 92.

<sup>48</sup>James C. Owen. and York Willbern, *Governing Metropolitan Indianapolis: The Politics of Unigov*, (Berkeley: University of California, 1985), 115.

<sup>49</sup>Questions Most Frequently Asked About UniGov, Unigov Local Related, box 051, Lugar Collection, University of Indianapolis Digital Mayoral Archives, accessed October 22, 2017, <http://uindy.historyit.com/item/?itemid=524761>

<sup>50</sup>Owen, 29-30.

Figure 1: Trends in Local Government, Indianapolis-Marion County Prior to Implementation of Unigov in 1971



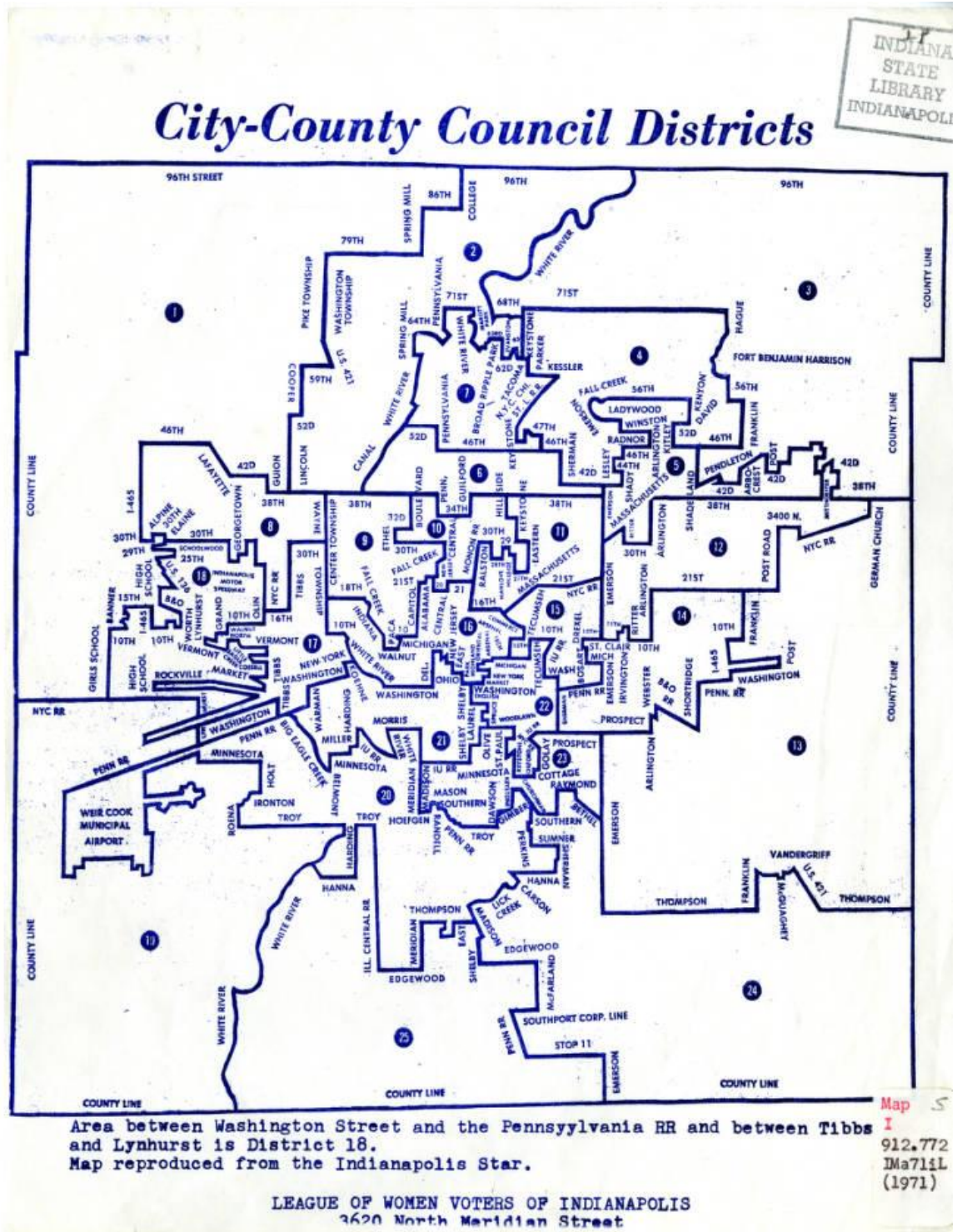
**Map 3.**

*Trends in Local Government, Indianapolis-Marion County Prior to Implementation of Unigov in 1971*

Source: Indianapolis Chamber of Commerce, Governmental Affairs Department.

*Governing Metropolitan Indianapolis*, (Berkeley: University of California, 1985), 29.

Figure 2: City-county council districts of Indianapolis-Marion County, 1971



Indiana State Library Map Collection,  
<https://indianamemory.contentdm.oclc.org/digital/collection/p15078coll8/id/2419>

Despite the potential benefits for some, Unigov did not pass without controversy. Some Democrats felt the change was forced upon them by Republicans without full consideration, leading some to assert it was an attempt to shift political power to the Republicans.<sup>51</sup> Some theorized this was done to limit Black participation in the government, as most Black residents were Democrats living closer to downtown.<sup>52</sup> Over time, it led others to claim that this obsession with downtown revitalization left the periphery of the city, inhabited by white-suburbanites, overlooked and neglected. These changes altered how zoning ordinances were proposed and enacted in the city. Complaints about neighborhoods in white-dominated suburban areas were now the concern of the city.

### **Concern for the City**

Community development programs took on the responsibility of improving neighborhood and urban problems. Organizations like the Greater Indianapolis Progress Committee (GIPC), formed prior to Unigov, were a way for the government and citizens to work in tandem on community issues. Formed in 1965, GIPC convened community leaders and citizens to address prominent concerns and issues in the City of Indianapolis. GIPC also played a key role in the development of Unigov. Many of the issues addressed by individuals and groups were based on rising crime rates and a desire for neighborhood revitalization. In the same year Unigov was established, the Near East Side Community Organization (NESCO) was founded. NESCO was formed out of concerned citizens of

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<sup>51</sup>Claude M. Spilman Jr. to John Walls, February 10, 1968, Progress Committee Board, box 050, Lugar Collection University of Indianapolis Digital Mayoral Archives, accessed October 22, 2017, <http://uindy.historyit.com/item/?itemid=527189>

<sup>52</sup>Blomquist, 94.

the Near Eastside in Indianapolis. The Near Eastside neighborhoods included areas extending northeast outside of I65 that bordered downtown Indianapolis. Their efforts consisted of (and still revolve around) dealing with local neighborhood issues such as run-down properties, streets, traffic problems, and zoning. In June of 1976, the NESCO Task Force on Pornography was activated, perhaps out of the increasing number of adult entertainment businesses in suburban areas. The task force established a zoning ordinance that prohibited pornographic establishments from locating within 500 feet of a residential zoning district, with the purpose of preventing the spread of pornographic businesses into the area which could lead to “neighborhood deterioration.”<sup>53</sup>

Moral outrage over what some considered obscene and inappropriate became another growing concern that many vocalized to Mayor Lugar. Early campaigns against obscenity, much like the subsequent ones of the mid-1980s, developed out of a religiously-driven public. Greg Dixon, pastor of the Indianapolis Baptist Temple, then located on South East Street, served as a spokesman not only for himself but for many of these people. In 1970, Indianapolis was a potential host for a travelling performance of the Broadway musical “Hair.” Lugar’s office was flooded with countless letters and petitions from the Indianapolis community, including a local Catholic church, who argued that the musical was obscene and should be banned from the city. Dixon’s input was prominent in those letters.<sup>54</sup> In that same year, Dixon and other “concerned

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<sup>53</sup>NESCO Annual Report, box 148, Hudnut Collection, University of Indianapolis Digital Mayoral Archives, accessed September 26, 2017, <http://uindy.historyit.com/item/?itemid=851034>

<sup>54</sup>“Seizure of Indianapolis Baptist Temple Ends Standoff...,” *Southern Poverty Law Center. The Intelligence Report*, (Summer, 2001), accessed October 27, 2017, <https://www.splcenter.org/fighting-hate/intelligence-report/2001/seizure-indianapolis-baptist-temple-ends-standoff-%E2%80%98unregistered%E2%80%99-church-movement-continues>

ministers” contacted Mayor Lugar to discuss pornography in the city.<sup>55</sup> An anti-obscenity ordinance was ultimately passed by the City-County Council and signed by Lugar. The objective behind this was for law enforcement to stop the flow of pornography by collecting photographic evidence of pornography entering the city. Lugar received gratitude from those in the community who were outraged over “Hair,” and felt he had stood up for proper morals to clean up the city..<sup>56</sup>

### **Early Legal Efforts against Obscenity**

The anti-pornography ordinance of 1970 was one of numerous attempts to rid Indianapolis of adult establishments prior to the landmark 1984 law. In 1969, City Controller William I. Spencer signed off to revoke the theater license of Fox Theater Enterprises Inc. From 1968 to 1969, Fox had a theater located downtown on Illinois St., just northwest of Monument Circle, and was known for showing “X” rated films. While in business, a reported 103 arrests were made outside of the establishment. Charges included sodomy, obscene conduct, and public indecency. It was determined by the city of Indianapolis that the business was a direct violation of a Municipal Code on the grounds of allowing “obscene” conduct. During the hearing to discuss the potential revokement of licensure, it was also determined that while the majority of films portrayed heterosexual relationships, many patrons included “males with homosexual

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<sup>55</sup>Donald D. Wilmoth to Richard G. Lugar, Unigov - Safety, Mayor's Correspondence, box 038, Lugar Collection, University of Indianapolis Digital Mayoral Archives, accessed October 22, 2017, <http://uindy.historyit.com/item/?itemid=844091>

<sup>56</sup>“Mayor Lugar to Mrs. Louise Bogden, November 27, 1970,” Obscenity Cases, box 067, Lugar Collection, University of Indianapolis Digital Mayoral Archives, accessed July 28, 2018, <http://uindy.historyit.com/item.php?id=744403#share>

tendencies” who committed “unnatural and unlawful sex acts” in the men’s restroom.<sup>57</sup>

The successful closing of Fox Theater showed that with enough proven crime outside of these establishments, they could be shut down.

Ordinances were another method used to eliminate adult businesses. General ordinances were passed by the City Council and City-County Council in the 1960s and 1970s, prohibiting possession, sale, or exhibition of material considered obscene. Pornography was a widely opposed issue, but there was disagreement with these legal efforts. A 1966 anti-obscenity ordinance passed by the Indianapolis City Council sparked controversy over who should determine what was “obscene.” WFBM, an Indianapolis television news station, released a statement explaining that while they did not support pornography, they could not advocate such government interventions.<sup>58</sup> In 1973, the Supreme Court approved a City-County ordinance prohibiting obscene material. William Hudnut, Mayor Lugar’s successor, expressed full praise and support of this ordinance and the Court’s decision.<sup>59</sup> Zoning ordinances, like the one created by the NESCO Taskforce on Pornography, continued to be developed to control the placement of adult bookstores and massage parlors.

In 1975, Mayor Hudnut, along with citizen participation, issued a zoning ordinance that strictly regulated the location of massage parlors, adult bookstores, and

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<sup>57</sup>Revocation of License Hearing, Findings of Fact, October 20, 1969, City Controller, Fox Theatre Hearing, Aug. 10, 1969, box 084, Lugar Collection, University of Indianapolis Digital Mayoral Archives, accessed October 17, 2017, <http://uindy.historyit.com/item/?itemid=724808>

<sup>58</sup>Who Should Decide What’s Obscene?, Pornography, February 9, 1966, box 223, Hudnut Collection, University of Indianapolis Digital Mayoral Archives, accessed October 17, 2017, <http://uindy.historyit.com/item/?itemid=1011277>

<sup>59</sup>Congressman Hudnut Lauds Supreme Court Decisions To Curb Pornography And Obscenity, June 18, 1973, box 098, Hudnut Collection, University of Indianapolis Digital Mayoral Archives, accessed June 18, 2017, <http://uindy.historyit.com/item/?itemid=853168>



theaters in neighborhoods. This resulted in some of the businesses closing.<sup>60</sup> These zoning policies helped keep some adult businesses away from schools and residential areas, which alleviated concern over exposure of children to these places, but people hoped for something more extreme. While policing, zoning, and revoking of business licenses seemed to work initially, their long-term effects were not as helpful. Even though many of these establishments were shut down, most of these cases stayed in limbo in the appellate process. By the time a case had gone through, business ownership had already changed to someone new.<sup>61</sup> This early legislation did not yet use the term “pornography.” “Obscene” was a broad term, but it was constitutionally illegal, therefore a safer term to use. When the battle shifted to pornography, specifically, legislation language proved tricky. Indianapolis leaders had to deliberate over what constituted as “pornography.”

The language of these earlier ordinances was starkly different from the language of the 1984 ordinance. These definitions of pornography were conservative. In earlier ordinances of the 1970s deeming pornography unlawful, obscenity was defined under the following terms:

- (a) The average person applying contemporary community standards would find the material, taken as a whole, appeals to the prurient interest;
- and
- (b) The material depicts or describes patently offensive representation or description of ultimate sex acts, normal or perverted, actual or simulated,

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<sup>60</sup>“Zoning Statement.”

<sup>61</sup>Donald Alexander Downs, *The New Politics of Pornography*, (Chicago: The Chicago University Press, 1989), 100.

or patently offensive representations or description of masturbation, excretory functions, and lewd exhibition of the genitals; and (c) The material, taken as a whole, lacks serious literary, artistic, political or scientific value.”<sup>62</sup>

In a 1978 general ordinance, obscenity was defined under broad terms such as “nudity,” “sexual conduct,” “sexual excitement.” This ordinance did refer to “sado-masochism,” and mentioned obscenity as harmful to the public, but under the condition that it is morbid and goes against community standards.<sup>63</sup> These ordinances demonstrate why Indianapolis conservatives were trying to eradicate pornography. They were not trying to protect women from potential harm. They were trying to control what they thought was morally correct, and important Indianapolis leaders kept pushing this moral agenda. The ineffectiveness of this language proved that it needed to change, but while the language did transition to a feminist tone, local moral crusaders stuck to the mentality behind this earlier ordinance. Of these moral crusaders, the most influential was Baptist minister, Greg Dixon.

### **Greg Dixon and the Moral Majority Initiative**

Soon after graduating from the Baptist Bible College of Missouri, Greg Dixon came to Indianapolis, adopting a handful of roles in the Baptist community. When Dixon took over the Indianapolis Baptist Temple (IBT) in 1955, the congregation reportedly

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<sup>62</sup>City-County Council, Regular Session. Proposal No. 500, 1978, Proceedings of the Indianapolis Common Council and City-County Council, IUPUI University Library, accessed September 21, 2017, <https://journals.iupui.edu/index.php/ccci>

<sup>63</sup>City-Council, Regular Session. Proposal No. 16, 1978, Ibid.

grew by 300 members a year. In the 1970s, the Temple claimed more than 8,000 members. Dixon's influence was strong and his audience was large. He personified the conservative mindset toward pornography in Indianapolis because he helped bring it to the forefront. By the late 1970's, Dixon established significant outreach and promotion of his conservative ideals in the city. In the summer of 1977, he hosted a "Sin Bustin' Tent Crusade." Each day, for a week, the crusade held themed sermons based around sex crimes, homosexuality, rock concerts, and the Women's Liberation Movement.<sup>64</sup>

In 1979, Southern Baptist pastor and televangelist Jerry Falwell reached out to Dixon for help forming the Moral Majority. The Moral Majority was a political action group composed of members of the religious right in response to issues they felt undermined their religious freedom in the nation. Some priorities included opposition to abortion, the Equal Rights Amendment, support of prayer in schools, and traditional family dynamics. Though not discussed much in other secondary literature, according to Dixon, the Moral Majority had its start at IBT. Dixon, one of the original incorporators, also served as National Secretary for the group for roughly three years. He later resigned once Falwell reportedly "called for civil rights for homosexuals." Dixon never specified what he meant by this statement, and the Moral Majority had a strong reputation of opposition to homosexuality and legalization of homosexual acts. His resignation demonstrates that his views may have been even more radical than the Moral Majority's. Dixon still managed to have his critics. While many of Indianapolis' white evangelicals and fundamentalists agreed with Dixon, not all joined forces with him. Some people in the white evangelical community argued that he focused too much on politics and not

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<sup>64</sup>Giant Tent, August 14, 1977, August Regret 77, box 189, Hudnut Collection, University of Indianapolis Digital Mayoral Archives, accessed September 21, 2017, <https://uindy.historyit.com/item.php?id=925213>

enough on religion.<sup>65</sup> Despite all this, Dixon's IBT following was large enough to gain a significant amount of momentum behind the anti-pornography agenda in Indianapolis.

In 1980, Dixon delivered a speech to the Republican Platform Committee. In it, he urged Republicans to support community standards for determining definitions of pornography, along with advocating First Amendment rights, opposing women in the military, and legislating abortion. After this, the collective battle of conservatives against pornography grew exponentially. In October of the following year, Dixon organized a downtown parade against pornography. Around 1,000 people were in attendance, many of them children. Dixon asked that Mayor Hudnut declare the day "Anti-Pornography Day in the city of Indianapolis," urging that a "climate against pornography" needed to be developed.<sup>66</sup> Dixon spoke at the rally, claiming pornography was "against everything right and decent in society," and that those defending pornography were not doing so for freedom, but money. Some attendees held protest signs with homophobic comments toward the LGBTQ community, stating "Don't let gays and lesbians recruit in our schools," sentiments that resembled those in the Citizens for Decency through Law's *Perversion for Profit*.<sup>67</sup>

Also in attendance was then County Prosecutor Stephen Goldsmith. Goldsmith was attacking pornography in his own way. Goldsmith, an Indianapolis native, received his law degree from the University of Michigan Law School. In 1971, he joined the

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<sup>65</sup> Arthur E. Farnsley II, Demerath III, N. J., and Diamond, Etan. *Sacred Circles, Public Squares : The Multicentering of American Religion*, (Bloomington: Indiana University Press, 2003), 70-71.

<sup>66</sup> Greg Dixon to Mayor Hudnut, September 21, 1981, Hudnut, box 083, Hudnut Collection, University of Indianapolis Digital Mayoral Archives, accessed September 21, 2017, <http://uindy.historyit.com/item/?itemid=771012>

<sup>67</sup> William J. Sedivy, "Pornography target of downtown rally attended by 1,000," *The Indianapolis Star* (October 10, 1981).

Indiana law firm of Barnes, Hickam, Pantzer, & Boyd, specializing in civil litigation. He went on to serve as Deputy Corporation Counsel to Mayor Lugar, was elected Prosecutor of Marion County in 1978, and eventually served as Mayor of Indianapolis from 1992 to 2000.<sup>68</sup> As soon as he won County Prosecutor on 1979, Goldsmith worked to eradicate pornography.<sup>69</sup>

In 1981, Goldsmith attempted to prosecute Indiana porn distributors. Though not successful, he persisted in other ways, and in 1983, he proposed an ordinance that would censor “pornography” on cable television. In March of the following year, he accused owners of adult business, Plaza Entertainment Center, for being involved in a racketeering scheme in an attempt to close down the business, which, Stanley Berg, publisher of *The Works*, asserted was a sham of a case.<sup>70</sup> Goldsmith’s efforts received criticism from other locals including Indiana Civil Liberties Union Executive Director, Michael Gradison, who claimed the attempts at censorship violated First Amendment rights<sup>71</sup> According to Richard Kammen, an Indianapolis attorney who represented local adult business owners in the 1970s and 1980s, pornography became an increasingly more political issue in the late 1970s because of Greg Dixon and Stephen Goldsmith.<sup>72</sup> They encouraged the outraged, and gave them hope that pornography could be combatted

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<sup>68</sup>Stephen Goldsmith Information, Dec. 1990, box 153, Hudnut Collection, University of Indianapolis Digital Mayoral Archives, accessed October 22, 2017, <http://uindy.historyit.com/item/?itemid=932693>

<sup>69</sup>Downs, 99.

<sup>70</sup>“Courts Orders Bookstore Unlocked,” *The Works*, March 1984, p.9 Indiana Historical Society. ; While *The Works* was a publication for the LGBTQ community, the majority of its reader base consisted of cis-gendered, gay men.

<sup>71</sup>Rick Stone, “Standing for Righteousness.” *Indianapolis News* ,(April 20, 1983). , ACLU Indiana, accessed December 9, 2017, <https://www.aclu-in.org/en/about/about-us>  
The Indiana Civil Liberties Union (ICLU), now called the American Civil Liberties Union of Indiana, was established in 1953. The ICLU fought to defend individual rights and preserve liberties granted by the U.S. The ICLU was outspoken against the 1984 ordinance and other matters of censorship based on the argument that it was not constitutional.

<sup>72</sup>Downs, 112.

legally. These outspoken crusaders and their attitudes toward LGBTQ Indianapolis also showed the link between anti-pornography and anti-homosexuality.

In the early 80s, policing came back as a common method for controlling adult businesses and the crimes that took place outside of these businesses. From 1981 to 1983, 144 arrests occurred outside of adult bookstores and massage parlors with cited offenses such as prostitution, public indecency, exhibition, and disorderly conduct.<sup>73</sup> Adult bookstores were a popular location for gay men to meet, and served as a safer place than other options. Cases of public indecency and lewd conduct in police reports likely referenced homosexual behaviors. Often, sodomy referred to any homosexual act. Public spaces became heavily policed for such behavior, and local complaints about gay men accused of engaging in sexual behavior in parks were not uncommon.<sup>74</sup> Despite these arrests, businesses continued to stay afloat along West Washington Street, near Lawrence Township, and near residential areas.

Law enforcement also faced criticism from the LGBTQ community on later arrests. Locals claimed that undercover officers would entrap gay men who visited the local bookstores.<sup>75</sup> In an editorial in *The Works*, Indianapolis' newspaper for the gay and lesbian community, gay men addressed their feelings of being persecuted during these obscenity raids. In a 1982 letter to the editor, one man explained that, at a local obscenity trial, there was homophobic rhetoric from prosecutors and those associated with the CDL.

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<sup>73</sup>Massage Parlors, Hudnut box 144, Hudnut Collection, University of Indianapolis Digital Mayoral Archives, accessed September 20, 2017, <http://uindy.historyit.com/item/?itemid=790625> ; Bookstores ,Hudnut box 144, Hudnut Collection, University of Indianapolis Digital Mayoral Archives, accessed September 20, 2017, <http://uindy.historyit.com/item/?itemid=790624>

<sup>74</sup>Letter to Indianapolis Star - Holliday Park, Safety - News Clips, box 033, Lugar Collection, University of Indianapolis Digital Mayoral Archives, accessed October 10, 2017, <http://uindy.historyit.com/item/?itemid=527906>

<sup>75</sup>Rick Kammen , interview by author, Indianapolis, April 20, 2017.

While local law enforcement argued they were not attempting to single out any one group when they policed these establishments, the LGBTQ community strongly felt otherwise, and criticism toward law enforcement grew.<sup>76</sup> That same year, *The Works* included a series in their issues titled, “How the Law Works.” These articles included topics like public indecency and entrapment in an attempt to equip gay men in Indianapolis with tools to avoid potential legal trouble. According to multiple articles in the series, entrapment did occur in areas such as public parks and adult bookstores and when one was taken into custody, it was very difficult to convince a judge that entrapment had occurred. In the case of bookstores, one author explains, a person would have to demonstrate that the sexual act committed would have never taken place if not for the actions of the officer. While some judges frowned upon officers planting themselves at bookstores to potentially entrap patrons, they were considered the “enlightened minority.”<sup>77</sup> Hudnut faced direct urging from Stanley Berg to speak out against homosexual discrimination. Advice from a colleague on this matter stated that Hudnut should comply because the “gays will get off [his] back.”<sup>78</sup> Hudnut’s relationship with the Indianapolis LGBT community remained tumultuous throughout his career. He took a seemingly progressive stance in 1988 during the AIDS epidemic when he signed the Indianapolis Executive Order which stated that Indianapolis would not discriminate against employees with or suspect of having AIDS.<sup>79</sup> However, in 1991 the Hudnut

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<sup>76</sup>“Letter to the Editor,” *The Works*, December, 1982, Indiana Historical Society.

<sup>77</sup>“How the Law Works,” *The Works*, March 1982, Indiana Historical Society. ; “How the Law Works, *The Works*, August 1982, Indiana Historical Society.

<sup>78</sup>Ron Hackler to Mayor Hudnut, Meadows, Box 185, Hudnut Collection, University of Indianapolis Digital Mayoral Archives, accessed October 20, 2017, <http://uindy.historyit.com/item/?itemid=913338>

<sup>79</sup>“Mayor Bars Aids Discrimination,” *The New Works News*, June 1988, Chris Gonzalez GLBT Archive Collection, accessed February 28, 2021, <https://ulib.iupuidigital.org/digital/collection/GonzalesLib/id/370/rec/87>

administration refused to allow Pride activities at Monument Circle.<sup>80</sup> Unlike Hudnut's irresoluteness with the LGBT community, Stephen Goldsmith appeared firm in his convictions toward the community. The mid and late 1980s saw Stephen Goldsmith, along with the Commissioner of Health, attempting to put under LGBTQ bars businesses.<sup>81</sup>

Controlling adult businesses and public spaces by entrapping gay men showed that there were religiously conservative convictions against these businesses. This drive was about upholding what some of the public considered "normal" and not about protecting women from violence. Policing had become an insufficient mode of eradicating pornographic businesses to the degree this segment of the public desired, and was placed under too much scrutiny by the LGBTQ community.

### **Hudnut and His People**

Neighborhood groups like NESCO and the Mayor's Community Development Task Force continued to take initiative to rehabilitate Indianapolis neighborhoods during Mayor Hudnut's term. This initiative was encouraged by Hudnut once elected. At the age of 30, Hudnut had moved from Annapolis to Indianapolis to serve as the minister at the Second Presbyterian Church. As a minister, he delivered messages around traditional mindsets about sex. Movies, television, books, and advertisements, he felt, all glorified sex. This glorification, Hudnut believed, could lead young men and women into life-long trouble. He called for principles and resources for better understanding and regulation of

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<sup>80</sup>Sam Opsahl, *Circle City Strife: Gay and Lesbian Activism During the Hudnut Era*, Thesis, March 2020, p.52

<sup>81</sup>"Goldsmith," *The Works*, December, 1985. Indiana Historical Society.



physical relationships with others.<sup>82</sup> The Second Presbyterian Church has had a long and prestigious history in Indianapolis from its inception in the mid-1800s, with its first minister, Henry Ward Beecher who helped link the religious establishment with the “broader cultural elite.” The church remained intertwined with the culture and politics of Indianapolis throughout the 1970s and 1980s, with prominent members including Thomas H. Lake, former president of Eli Lilly and Co. and chairman of the Lilly Endowment.<sup>83</sup> The connection between the Second Presbyterian Church and Indianapolis politics developed even further when Hudnut transitioned into his most notable career, and it is possible that the church’s reputation helped to build a positive reputation for Hudnut as he entered politics. By the late 1960s, Hudnut had expressed an interest in Republican politics. With a compelling campaign and suburban following, Hudnut won the mayoral election of 1976.<sup>84</sup> Like his predecessor, Hudnut was determined to improve the image of Indianapolis through urban renewal. He aimed to rid the city of derogatory labels such as “India-no-place,” with downtown developments like the Hoosier Dome, which eventually became home to the Indianapolis Colts.<sup>85</sup>

As mayor, Hudnut stayed close to his ministry roots, and, in some regards, his pastoral tendencies merged with his policies. His 1975 mayoral campaign had been based around citizen participation in planning and zoning. Once elected, he made it clear that he

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<sup>82</sup>Towards a Christian Understanding of Sex, Christian Perspective on Sex, April 28, 1964, box 196, Hudnut Collection, University of Indianapolis Digital Mayoral Archives, accessed November 20, 2017, <http://uindy.historyit.com/item/?itemid=933511>

<sup>83</sup>Farnsley, 86. ; Jeff Swiatek, “Former Lilly Endowment chairman was key figure in Downtown rebirth,” *The Indianapolis Star*, (October 12, 1999).

<sup>84</sup>Justin L. Mack and Will Higgins, “Former Indianapolis Mayor Bill Hudnut Dies at 84,” *The Indianapolis Star*, (Dec. 18, 2016).

<sup>85</sup>James H. Madison, “Economy,” in *Encyclopedia of Indianapolis*, edited by David J. Bodenhamer and Robert G. Barrows, Bloomington: Indiana University Press, 1994. 69.

would listen to the neighborhoods, and he wanted them to speak out. Hudnut routinely met with neighborhood organizations, and appointed neighborhood leaders to zoning board positions and task forces.<sup>86</sup> In advocacy of neighborhoods, Hudnut voiced frustration to Richard Blankenbaker, Director of the Department of Public Safety, in a 1983 letter. He wrote that citizens and neighborhoods should not have to put up with adult businesses in “their backyards.” He went on to emphasize that these businesses attract “negative elements” to the neighborhoods and lower property value.<sup>87</sup> Hudnut believed in a correlation between adult businesses and decreasing property values. The Department of Metropolitan Development conducted a study in a neighborhood that contained a go-go establishment that had burned down. The Department found that over the course of eighteen months following the demise of the establishment, property values had increased while crime statistics had decreased.<sup>88</sup> The map below shows the prevalence of adult businesses in Indianapolis from 1981 to 1983 (56 total, orange: adult bookstores, green: massage parlors, purple: adult theaters). These were mainly clustered outside of downtown in white-dominated suburban areas.

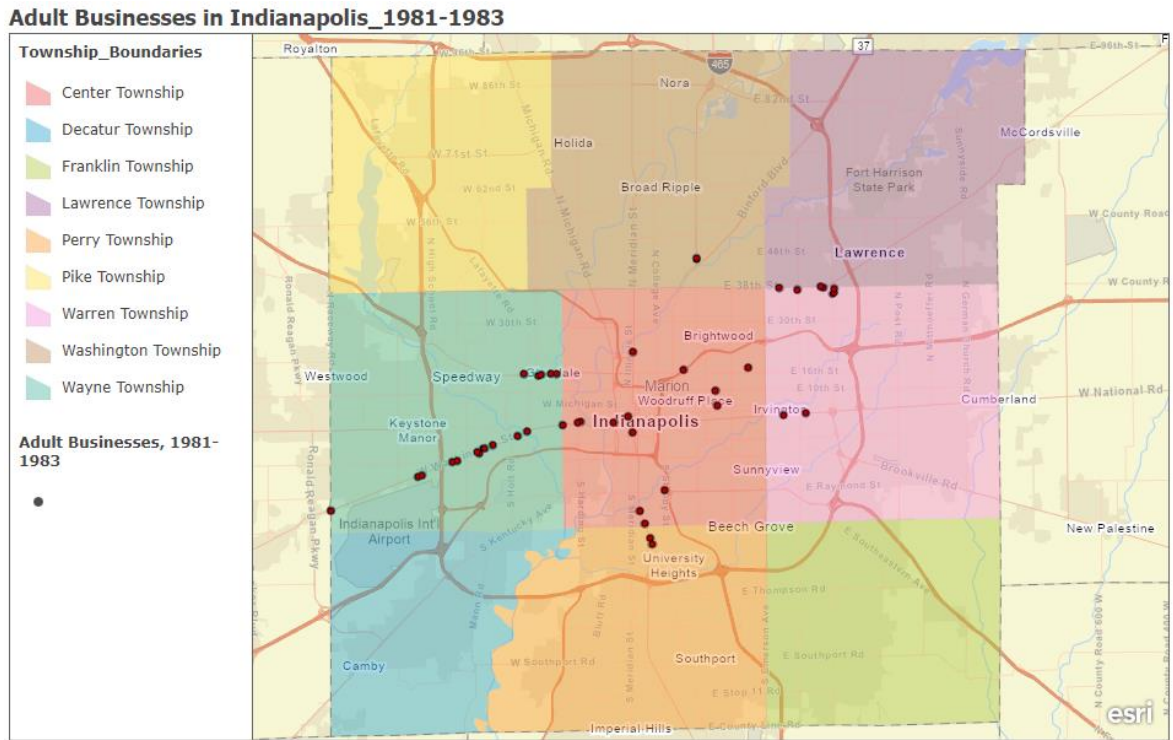
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<sup>86</sup>Zoning Statement, C79-Backup, box 144, Hudnut Collection, University of Indianapolis Digital Mayoral Archives, accessed April 17, 2017,<http://uindy.historyit.com/item/?itemid=790877>

<sup>87</sup>Mayor Hudnut to Richard Blankenbaker, February 28, 1983, City Legal 6/83 \_, underlining? box 068, Hudnut Collection, University of Indianapolis Digital Mayoral Archives, accessed October 10, 2017, <https://uindy.historyit.com/item.php?id=807568>

<sup>88</sup>Hudnut, 146.

Figure 3: Adult Businesses in Indianapolis, 1981-1983



Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, EPA, NPS, USDA

Created by author using ArcGis, with materials (“Bookstores” and “Massage Parlors”) from the University of Indianapolis Digital Mayoral Archives.

There is a sense of irony in Lugar’s Unigov. Lugar had consolidated the surrounding, white-dominated suburban areas making their concerns matters of the city, while he placed his focus on urban development. The white, downtown residents who moved to suburban areas, along with existing suburbanites, felt problems in their area were being ignored. They expressed concern over drugs in their area, adult businesses, and in the late 1980s, fear of homosexual business owners in their areas.<sup>89</sup> If Indianapolis was to no longer be “Naptown,” it not only had to have a lively metro area, but also

<sup>89</sup>Ron Hackler to Mayor Hudnut, no date, Meadows, box 185, Hudnut Collection, University of Indianapolis Digital Mayoral Archives, accessed September 15, 2017, <http://uindy.historyit.com/item/?itemid=913338>

satisfied residents, and enticing properties for future residents. This was not to say that nothing had been done to eradicate adult businesses from neighborhoods. Many efforts had been made in the past, but many Indianapolis citizens thought this was not enough, and that weight fell upon the shoulders of Mayor Hudnut. More had to be done, and soon Indianapolis would see inspiration from another midwestern city.

### **An Indianapolis Ordinance**

In 1983, two radical feminists in Minneapolis worked to change the way pornography was defined in legal terms. Catherine MacKinnon, then an Assistant Professor of Law at University of Minneapolis, had forged a vision with visiting feminist activist, Andrea Dworkin. They developed an argument against pornography that was used by feminists against pornography across the nation. MacKinnon and Dworkin presented pornography as violent and asserted that it promoted the sexual subordination of and potential harm to women. The Minneapolis government asked MacKinnon and Dworkin to draft an anti-pornography ordinance. In 1983, this ordinance was completed and brought to Minneapolis Mayor Don Fraser, who refused to support it. Though not successful, the proposed legislation caught the attention of Hudnut, who was a colleague of Fraser's.

In early 1984, Hudnut met with Minneapolis City Council member Charlee Hoyt at a National League of Cities meeting. There he asked her for a copy of the ordinance legislation, and brought it to Beulah Coughenour, an Indianapolis City-Council member who had shown interest in sponsoring such an ordinance. Coughenour would later be known for her environmental efforts in the city, but in the early 1980s, she was a vocal

opponent of the Equal Rights Amendment. The Equal Rights Amendment (E.R.A.), had been first brought to Congress in 1923. It was proposed as an amendment to protect women from current and potential inequalities. It was not passed in those years, but became a prominent topic again in the 1970s due to the controversy over women in the workplace being paid inequitably to men. By 1982, the amendment was passed by Congress, but failed to be ratified by three fourths of the states. As some Hoosiers fought to support the ERA, Coughenour remained opposed out of the belief that it could lead to more women taking up positions outside of their traditional role. Coughenour's politics fit the ideas of Republican men in Indianapolis, yet she called upon the help of MacKinnon to help refine the language of the ordinance before introducing it to the City-County Council.<sup>90</sup>

With MacKinnon's input, the language of earlier ordinances transitioned from vague concerns about material that went against moral standards to graphic films that could promote harm toward women. The Indianapolis Ordinance was like its Minneapolis counterpart, with tactical changes made. The Minneapolis Ordinance defined pornography as "the sexually explicit subordination of women, graphically or in words," that also includes one or more of the following depictions:

- (i) women are presented as sexual objects, things, or commodities; or
- (ii) women are presented as objects who enjoy pain or humiliation; or
- (iii) women are presented as sexual objects who experience sexual pleasure in being raped; or

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<sup>90</sup>Hudnut, 146.

- (iv) women are presented as sexual objects tied up or cut up or mutilated or bruised or physically hurt; or
- (v) women are presented in postures of sexual submission or sexual servility, including by inviting penetration; or
- (vi) women's body parts - including but not limited to vaginas, breasts, and buttock - are exhibited, such that women are reduced to those parts; or
- (vii) women are presented as whores by nature; or
- (viii) women are presented being penetrated by objects or animals; or
- (ix) women are presented in scenarios of degradation, injury, torture, shown as filthy or inferior, bleeding, bruised, or hurt in a context that makes these conditions sexual.<sup>91</sup>

The depictions of pornography in the final draft of the Indianapolis ordinance went as follows:

- (i) women are presented as sexual objects who enjoy pain or humiliation;  
or
- (ii) women are presented as sexual objects who experience sexual pleasure in being raped; or
- (iii) women are presented as sexual objects tied up or cut up or mutilated or bruised or physically hurt, or as dismembered or truncated or fragmented or severed into body parts; or
- (iv) women are presented being penetrated by objects or animals; or

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<sup>91</sup>Downs, 44.

(v) women are presented in scenarios of degradation, injury, abasement, torture, shown as filthy or inferior, bleeding, bruised, or hurt in a context that makes these conditions sexual.<sup>92</sup>

The ordinance also had a new component that allowed any individual claiming they were harmed due to pornography to present this injury to the Equal Opportunity Board, where it would be determined if their claim could be taken to court. If pornography was found to be a cause for harm against the accuser, and it was discovered that an establishment had distributed pornography, that establishment could face legal ramifications.

The language of this ordinance differed greatly from earlier Indianapolis legislation against pornography and obscenity. It depicted pornography as graphic and gruesome. It was something to be feared, something that invoked violence. It did not reference pornography as entertainment that went against community standard, but as an imminent threat to personal safety. It is plausible to assume that Coughenour and other Republicans came to agree with these risks of pornography; however, these views were never apparent nor mentioned in earlier legislation. This talk was new to Indianapolis. It was not native to the city, but to Catherine MacKinnon, and that didn't go unnoticed.

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<sup>92</sup>Downs, 109.

### Chapter Three: Indianapolis Feminists' Opposition to Censorship and their Own Initiatives to Protect Women

*"There is a storm brewing in the women's liberation movement over sexual politics." Retrenchment vs. Transformation, Ann Snitow*

In a 1990 issue of the feminist publication *NWSA Journal*, sociology professor Pauline Bart wrote that the "MacKinnon-Dworkin" civil rights ordinance is one of the least understood feminist issues, even by feminists. Bart's argument hung on what she asserted was the incorrect notion that the Minneapolis and Indianapolis anti-pornography ordinances were anti-censorship. Rather, as Bart claims, they were alternatives to obscenity law. Bart's argument is not entirely incorrect. The ordinances looked at pornography in a very different way, but the ordinances, especially Indianapolis's ordinance, is not largely misunderstood for this reason alone. According to Bart, adversaries claim supporters of anti-pornography measures are tools of the conservative right. This is a claim with which Bart disagreed, implying the allegiance of feminists and conservatives was genuine.<sup>93</sup> Bart was either unaware of or disregarded key components about the Indianapolis ordinance allegiance that strongly suggest it was not genuine. First, the allegiance was not an alliance between feminists and conservatives. Rather, it was an alliance between one feminist who did not represent the community of

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<sup>93</sup>Pauline B. Bart, "Reviewed Work: Pornography and Civil Rights: A New Day for Women's Equality by Andrea Dworkin, Catharine A. MacKinnon." *NWSA Journal* Vol. 2, No. 3 (Summer, 1990), pp. 516-518  
Johns Hopkins University Press



Indianapolis and local conservatives. Additionally, primary sources show that someone was a tool, and maybe each adversary was using the other.

Catharine MacKinnon's involvement with the Indianapolis Anti-Pornography Ordinance falsely displayed it as a feminist measure. Some Indianapolis feminists had their personal concerns about pornography, but during development of the Anti-Pornography Ordinance, they did not vocalize support. On the contrary, groups like the Indianapolis chapter of the National Organization of Women (NOW) argued against what they felt was censorship. MacKinnon may have been a nationally known radical, anti-pornography feminist, but in Indianapolis she was an outsider and whose opinions on pornography legislation did not match those of local feminists.<sup>94</sup> She did not speak for the other feminists of Indianapolis, nor did she communicate with local feminists on the matter. Indianapolis feminists including members of NOW, Sheila Suess Kennedy, and Janice Kreuscher, favored free speech over an anti-pornography ordinance and ultimately opposed the ordinance.

The ideological divide between MacKinnon and Indianapolis feminists mirrored the larger debate between radical anti-pornography feminists and anti-censorship feminists in the 1980s. Indianapolis women opposed to censorship expressed their concerns as early as the 1970 anti-obscenity ordinance passed by Mayor Lugar. In the fall of 1970, the Indiana branch Executive Committee of the Women's International League for Peace and Freedom wrote Lugar urging him to veto the ordinance in order to protect the personal freedoms of adults. They argued that adults over the age of 18 had a right to

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<sup>94</sup>Lisa Duggan, Nan D. Hunter, Carole S. Vance. "False Promises: Feminist Antipornography Legislation." *Sex Wars: Sexual Dissent and Political Culture*, (New York: Routledge, 2006), 45.

view entertainment of their choosing.<sup>95</sup> This argument and concern over the suppression of civil liberties mirrored feminist criticism of the 1984 ordinance.

### **Indianapolis Feminist Agendas**

Rather than fight for women's equality through censorship of pornographic materials, Indianapolis feminists tackled other matters. Local groups like the Indianapolis chapter of NOW, Indiana Women's Political Caucus, and the National Council of Jewish Women petitioned for the ratification of the ERA from the early 1970s up until the 1980s. Other priorities of local feminists included advocating for abortion rights, equal pay, promoting reproductive health education, family planning options, lesbian rights, and combating rape. According to feminist Janice Kreuscher, the women's movement had not yet come to Indianapolis by the 1980s. Prior to and beyond the 1980s, feminists worked diligently to change this issue. At the beginning of the decade, many Indianapolis women entered traditionally male forms of employment. The Equal Pay Act was widely ignored in the state, and the notion of a woman balancing work life with wifely duties baffled male employers. The Womankind Center opened in 1981 to provide a time-shared office space for local women. The Center created their own feminist publication titled *Womankind*, which ran from 1977 to 1983, along with a bookstore called Dreams and Swords.

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<sup>95</sup>“Executive Committee to Richard G. Lugar, October 6, 1970,” Lugar Collection, Box 38, Unigov - Safety Alan Kimbell Correspondence, <https://uindy.historyit.com/item.php?id=845585#share> accessed 4/10

Similar to feminists nationwide, violence toward women was of utmost concern to Indianapolis feminists in the early 1980s. Rape and domestic violence posed great threats toward the safety of women. Though Indianapolis was ranked 4th lowest in the nation for reported rape crimes, many felt one rape was one too many. In the 1970s, the Mayor's Task Force on Women tackled this issue within Indianapolis. The task force, created by Richard Lugar, set out to do, essentially, what Nixon's Task Force on Women had in 1969.<sup>96</sup> Lugar's task force, chaired by Republican women, worked to develop legislation and other methods to insure the rights of women in Indianapolis. The Force of 90 members unanimously supported and advocated for the Equal Rights Amendment. The following year, with the help of the task force, Margaret Moore Post, a local journalist, founded Women United Against Rape. This group sought ways to curb rape at a time when few legal resources were offered to women to protect themselves from violence, primarily in the home.

The U.S. didn't begin to see the criminalization of marital rape until the 1970s. Prior to that, each state had exemptions for spousal rape.<sup>97</sup> This left Indiana women with next to no assistance in cases of domestic violence. In 1977, Indiana limited their marital rape exemption to disclude only spouses no longer living together, or a couple in which

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<sup>96</sup>The Task Force on Women's Rights and Responsibilities was established by President Nixon in an effort to review the present status of women in society and make recommendations to further advance their opportunities. The task force was chaired by former President of the National Federation of Business and Professional Women's Clubs, Virginia R. Allan. It consisted of 12 other members from varying academic and political backgrounds, 10 of whom were women. "A Matter of Simple Justice: The Report of the President's Task Force on Women's Rights and Responsibilities," April 1970, Barbara Franklin Collection, box 13, folder 14, Nixon Presidential Library. <https://cdn.nixonlibrary.org/01/wp-content/uploads/2017/08/04151713/A-Matter-of-Simple-Justice-The-Report-of-the-President%E2%80%99s-Task-Force-on-Women%E2%80%99s-Rights-and-Responsibilities-April-1970.pdf>. Accessed 27, April 2019.

<sup>97</sup>Joann M. Ross, "Making Marital Rape Visible: A History of American Legal and Social Movements Criminalizing Rape in Marriage," PhD diss., (University of Nebraska - Lincoln, 2015). In 1975, Nebraska was the first state to revise their rape laws to exclude a marital exemption.

one spouse had filed for divorce. At least one local attorney would not prosecute on domestic violence charges unless the woman provided proof that she had filed for divorce.<sup>98</sup>

Janice Kreuscher worked as an intern for the Indiana Civil Liberties Union (ICLU, now known as Indiana ACLU) during her third year at McKinley School of Law. Kreuscher left in April of 1984, but managed to stay in the loop of deliberation during her internship. When the ICLU got wind of the Anti-Pornography Ordinance, Kreuscher was one of the local women who testified against the ordinance. Before Kreuscher joined the ICLU, she wrote for the *Indianapolis News*. In the late 1970s, she wrote an editorial for the paper on domestic violence titled “Cries and Whimpers.” In her research, Kreuscher found that some organizations, like the Salvation Army, often tried to send away women who were victims of domestic violence on the pretense that they risked ending up on welfare. While “beat” cops said domestic family disputes were some of their most dangerous runs, some Indianapolis officers had little involvement in such matters claiming it was “just the way some families worked.”<sup>99</sup>

Efforts to curb rape, on behalf of Women United Against Rape, began in the early 1970s. Their strategy was one of education and prevention. In 1973, they held a workshop luncheon in an attempt to launch a city-wide campaign to combat rape. The workshop consisted of speakers from the police force, department of corrections, FBI, and recorded statements from rape victims. The following year, Women United Against Rape rallied support for Senate Bill 51. The bill, co-sponsored by Senators Leslie Duvall

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<sup>98</sup>Janice Kreuscher, interview by author, Indianapolis, March 13, 2018

<sup>99</sup>Janice Kreuscher.

(R) and Marie Lauck (D), prohibited suspended sentences for convicted rapists, mandated determinate sentences for convicted rapists, and mandated those convicted of rape to correctional institutions instead of mental institutions. It was signed into law by Governor Otis Bowen in February of 1974.<sup>100</sup>

Despite these efforts, Marion County experienced a dramatic increase in the number of rapes toward the end of the 1970s. In 1979, Mayor Hudnut launched additional efforts against rape, and announced June 7th to be “Rape Prevention Week.” Like the methods of previous years, Rape Prevention Week centered around educating the public on dangers of rape and how to evade dangerous scenarios. Rape prevention literature was distributed at Marion County shopping centers and law enforcement officers signed up locals for a seminar.<sup>101</sup> Unfortunately, rape crimes continued to climb up into the early 1980s.<sup>102</sup> Gears shifted back to fighting rape with legislation.

In 1983, Indianapolis NOW lent support to the Protective Order Bill (HB1108). The bill, which was developed by Democratic state representative, Jim Jontz, was successfully passed by the House in January. It permitted a victim of domestic violence to petition a court order for a temporary or permanent protective order. Unlike previous years, it allowed the person filing the petition to do so without filing for legal separation, dissolution of marriage, or filing criminal charges. This was a vital step for Indiana women, but NOW took note that it was still not enough to effectively protect women

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<sup>100</sup>Memo to Concerned Citizen from Margaret Moore Post and Frances Toler, Lugar Collection, Box 68, Rape Seminar, accessed April 10, 2018 <https://uindy.historyit.com/item.php?id=745042>

<sup>101</sup>“Mayor Launches Rape Prevention Week, June 7, 1979,” Hudnut Collection, Box 80, June-79 <https://uindy.historyit.com/item.php?id=746933> accessed 4/10

<sup>102</sup>“Richard I. Blankenbaker to Chief Joseph McAtee, February 16, 1982,” Hudnut Collection, Box 29, Crime Rate, accessed April 10, 2018, <https://uindy.historyit.com/item.php?id=718167>

from spousal rape. The same year Catharine MacKinnon and Beulah Coughenour were drafting an ordinance for Indiana with the intent to outlaw pornography, Indianapolis NOW attempted to pass an Indiana Marital Rape Law at the 1984 Indiana General Assembly. NOW's actions at the Indiana General Assembly failed, and it wasn't until 1998 that Indiana repealed their marital rape exemption under all circumstances.

### **Conservatives Work with an Outsider**

During her testimony on the hearing of the anti-pornography bill, MacKinnon stated that she observed Indianapolis as “a place that takes seriously the rights of women and the rights of all people,” which angered some local feminists. Just as Sheila Sues Kennedy noted in a written testimony to the council, supporters of this ordinance showed indifference toward past efforts to gain equal rights for women.<sup>103</sup> Beulah Coughenour, sponsor of the ordinance, showed more than indifference toward feminist initiatives of the time. Coughenour, a graduate of Taylor University, began her career as a medical technologist. By the 1970s, she was a homemaker, wife, and mother of five. As a member of her local Baptist church and multiple Republican clubs, she showed a strong interest in conservative politics and values. In 1975, she ran and won the City-County Council seat for the 24th District, on which she served for 28 years.<sup>104</sup> When the ERA resurged in the 1970s, Coughenour led the fight against the measure as chairman of “Indiana Stop ERA.” This does not assert that Coughenour was necessarily “anti-woman,” rather “anti-feminism.” She opposed the ERA on the notion that women were already protected by

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<sup>103</sup>Duggan, 34.

<sup>104</sup>In 1975, District 24 consisted of a portion of the southeast suburbs of Indianapolis in Perry Township. The Indianapolis Star (Indianapolis, Indiana) 05 May 1975, Mon Page 22

the Constitution, and argued for less permanent ways to combat discrimination against women.<sup>105</sup> This undoubtedly pitted her against local feminists. In 1972, Indianapolis feminist Jill Chambers countered the anti-ERA efforts, arguing that the fears of critics were “wild accusations.” The “protective legislation,” which Coughenour claimed the Constitution already provided women, hindered rather than helped.<sup>106</sup> Despite making a name as a feminist adversary, it was not entirely unusual that Coughenour worked with MacKinnon. After the ERA defeat in 1982, Coughenour remarked that rather than relish in the win, she wanted to look forward to goals all women cared about.<sup>107</sup> It would have been more unusual for a local feminist to choose to collaborate with Coughenour, a woman who adamantly worked to stop a top women’s rights priority.

MacKinnon did not communicate with local feminists, nor was she aware of Reverend Dixon and his influence over the anti-pornography movement in Indianapolis. Coughenour claimed the ordinance had no right-wing fundamentalist influence, which MacKinnon either believed or chose to ignore in order to accomplish her agenda.<sup>108</sup> If blind to conservative input, this would have rendered MacKinnon unaware of the irony that angered feminist women of Indianapolis. It’s likely there was a deliberate divide between MacKinnon and those with whom she did not connect. In a 1984 interview, Dixon indicated that he was not informed of the public hearing held before the ordinance was passed in which Coughenour was present, suggesting that Coughenour intentionally

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<sup>105</sup>Pros and Cons of ERA Brought Out at Public Meeting, Cindy Remke, *The Republic*, Columbus, IN, 14 Feb. 1977

<sup>106</sup>“Jill Chambers Displeased by Protective Legislation, To the Editor of the News,” *The Indianapolis News* (December 8, 1972).

<sup>107</sup>Patricia O’Brien, “Anti-ERA leaders disagree to burying hatchet.” *The Indianapolis Star*, (June 25, 1982).

<sup>108</sup>Duggan, 33.

kept the information from him. Additionally, when Dixon called a meeting with the Coalition for a Clean Community, bringing in around three hundred supporters, MacKinnon was not present nor aware of such a thing.<sup>109</sup> MacKinnon likely did not know, that for many, such as Dixon and his supporters, this ordinance was about wiping out smut, not radical feminist ideals. Coughenour even disclosed with MacKinnon that the ordinance had no right wing fundamentalist involvement. MacKinnon was the only self-proclaimed feminist tied to this “feminist” ordinance that, in fact, did have significant backing from the right-wing fundamentalists of Indianapolis. It is impossible to assert if MacKinnon would or would not have continued to advise Indianapolis had she known she was helping to draft a predominantly right-wing supported ordinance that had no local feminist support. She worked closest with Coughenour, a conservative herself, a fact of which MacKinnon may have been aware. What is most interesting to note is that Coughenour worked so diligently to create an illusion for MacKinnon as she worked on the ordinance.

MacKinnon was not the only one potentially bamboozled. In August of 1984, Twiss Butler, member of the National NOW chapter and ERA advocate, wrote to Coughenour in support of her efforts.<sup>110</sup> The following year, Butler disclosed her frustrations with feminists opposed to the anti-pornography movement. She drew comparisons between conservatives opposed to the ERA and feminists opposed to anti-pornography.<sup>111</sup> The reality in Indianapolis was quite different. The woman who joined

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<sup>109</sup>Duggan, 65.

<sup>110</sup>“Twiss Butler to Councilmember Coughenour, August 14, 1984” Hudnut Collection, Box 142, Pornography, <https://uindy.historyit.com/item.php?id=817176>

<sup>111</sup>Twiss Butler, “Misogyny’s Handmaidens.” *Off Our Backs* 15, no. 9 (1985): 28. <http://www.jstor.org/stable/25775653>. Accessed 4 May 2019.



forces with MacKinnon, who Butler praised for her “steadfast leadership,” was an anti-ERA conservative. The ordinance gained national attention, and those outside of Indiana truly believed it was a measure brought upon by Indianapolis feminists.<sup>112</sup> It wasn’t until the following year, after the ordinance was ruled unconstitutional, that more people outside of Indianapolis were actually aware of the awkward alliance between conservatives and a radical feminist. Even then, many understood these “strange bedfellows” as conservatives and multiple feminists, when in all actuality, it was just one feminist, MacKinnon.

Once Prosecutor Goldsmith, another conservative, became involved in the ordinance, he asked his Chief Council, Deborah Daniels, to work with Coughenour and MacKinnon. Daniels dismissed the moral approach to outlaw pornography. She saw it as unworkable and unmeaningful. In correlation with MacKinnon’s previous ordinance, Daniels stressed the harms argument.<sup>113</sup> The three saw this as a more definitive approach. With this angle, they did not have to prove that pornography was obscene, but rather harmful. Coughenour, MacKinnon, and Daniels focused on what they considered true victimization represented in pornography.

The women brought in Ed Donnerstein to speak at the public hearing regarding the ordinance. Donnerstein was not versed on the ordinance, but was there to present on his completed research about pornography and violence at University of Wisconsin. While there, he observed the effects of pornographic material on men. The studies concluded that men who viewed depictions of women and sex coupled with violence

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<sup>112</sup>How the law has dealt with the varieties of women, Reviewed by Julia Ciulla, *The Philadelphia Inquirer* (July 1st, 1984). ; Myrna Oliver, Feminist Statute Ruled Unconstitutional: Staid Indianapolis in Midst of a Mess Over Porn Law. *The Los Angeles Times*. December 31, 1984. p.1,8.

<sup>113</sup>Downs, 108.

were more likely to engage in violence thereafter.<sup>114</sup> Daniels, though firm in her belief that pornography posed harmful repercussions, rightfully suspected the criticism they faced from the ACLU and local libraries. She understood how it could be seen as an infringement upon First Amendment rights, as well as a setback in the sexual liberation movement. Women finally reached a point where they could be sexually expressive. For people to say women were being victimized when merely expressing themselves was counterproductive. Even so, these three women allegedly heard no opposition from local feminist groups while they drafted the ordinance.<sup>115</sup>

### **Locals Speak Up**

Even if Coughenour, MacKinnon, and Daniels received no resistance from Indianapolis feminists, opposition existed. Some people identified incongruence in an ordinance intended to “protect” women. Kathy Sarris, then president of Justice Inc., an Indiana gay a lesbian rights organization, claimed Hudnut seemed unwilling to put female leadership in the city-county government, which left her skeptical of his supposed concern with the subordination of women.<sup>116</sup> Of all City-County Council members and officers in 1984, nine of the thirty-seven individuals were women.<sup>117</sup> Whether or not Hudnut was unwilling to enlist female leadership, women remained a small percentage of the council. According to Sarris, along with some additional local feminists, other women of Indianapolis were not even consulted about the ordinance before it was presented to

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<sup>114</sup>Deborah Daniels, interview by author, Indianapolis, February 5, 2018.

<sup>115</sup>Deborah Daniels.

<sup>116</sup>Duggan, 34.

<sup>117</sup>Journal of the Proceedings of the City-County Council of Indianapolis-Marion County State of Indiana, 1984, accessed April 10, 2018, <https://journals.iupui.edu/index.php/ccci/article/view/13190/13187>

the public.<sup>118</sup> Opportunity to object or not, some feminists did their best to evade the matter entirely.

Indianapolis NOW was placed in a complicated position. Most were not supporters of pornography, but harbored greater fear of the potential repercussions of censorship. Censorship posed a threat for many feminists by putting their own publications at risk. Jill Chambers, feminist and president of the Indianapolis NOW chapter from 1980-1982, envisioned censorship as a slippery slope that could lead to the suppression of birth control information or feminist works. At the time, NOW was affiliated with members of Planned Parenthood who provided sex education programs. If the ordinance actually managed to protect women from exploitation, it also jeopardized sexual education.<sup>119</sup> Chambers was slightly more vocal about her own reservations. Speaking on behalf of herself and not NOW, Chambers maintained that while she found violent pornography repulsive, she respected First Amendment Rights. Chambers asserted the ordinance was merely a political gesture and a waste of time.<sup>120</sup> At a State Council meeting in the spring of 1984, they decided to finally issue a statement on the ordinance. “While N.O.W. is definitely opposed as an organization to pornography, and especially the depiction of women enjoying violence, the ordinance appears to be unconstitutional and presents potential infringement of First Amendment Rights.” This movement was approved with one abstention. In the winter of that same year, at a National Board Meeting in Seattle, NOW further discussed pornography. They confirmed that they would look at other initiatives to deal with pornography, a model that would

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<sup>118</sup>Duggan, 34.

<sup>119</sup>Jill Chambers, interview by author, Indianapolis, May 31, 2017.

<sup>120</sup>Bernice O’Conner, “Pornography Restriction Gets Mixed Reviews,” The Indianapolis News, May 1, 1984

stop it without jeopardizing First Amendment rights.<sup>121</sup> Regardless of personal opinions on pornography, locally and nationally, censorship was not an option many feminists considered or supported.

In the early spring of 1984, the City-County Council held a hearing. People of the Indianapolis community were finally welcomed to voice their opinions, but according to Sheila Kennedy, only a select few were permitted to speak against the passage. Those present and in opposition, including Kennedy, were Janice Kreuscher of the ICLU, Sam Jones of the Indianapolis Urban League, and William Marsh, law professor and Vice-President of the ICLU. As a mother, wife, and feminist with strong credentials, Kreuscher was an ideal candidate to represent a woman's perspective. Kreuscher argued that the ordinance was tremendously flawed, overbroad, too vague, had a chilling effect, was impossible to enforce, and was an infringement upon free speech. At one point during the hearing, MacKinnon disagreed, saying that it was clear what was being prohibited. To which Kreuscher replied, "It may be clear in your mind, but we can't read your mind and neither will the court."<sup>122</sup> Kreuscher was correct. Judge Barker later utilized every reason listed by Kreuscher to argue the ordinance's unconstitutionality. Jones expressed fears that the city of equal opportunity agency would have to reduce its investigations into sexual and racial discrimination if obligated to enforce the pornography ordinance. Another valid concern among many, which was brought up by both Marsh and Kennedy was that the ordinance would not likely pass, and those who tried to defend it would end up wasting the city's tax money.<sup>123</sup> Money appeared to be the greatest immediate risk of

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<sup>121</sup>Indiana N.O.W. State Council Meeting, May 12, 1984, box 8, folder 7, Indiana NOW Collection, Indiana Historical Society Library and Archives.

<sup>122</sup>Janice Kreuscher.

<sup>123</sup>Hugh Rutledge, New Porn Law Gains National Attention. The Indianapolis News. April 24, 1984. p.3

the ordinance. Of the opinions shared in local newspapers, some individuals remarked that while they foresaw possible complications from the ordinance, it was a good step on the road to handle pornography, unaware of what it might financially cost the city. This was a leading issue for Marsh. He did not oppose the effort of MacKinnon and the council to solve a societal problem, but simply could not agree that this was a constitutional measure worth pursuing.<sup>124</sup>

It was not an easy task to openly challenge the ordinance. There was an incentive among Conservatives to maintain an image that wasn't linked to "supporting" pornography. One either supported censorship or supported pornography.<sup>125</sup> Perhaps, in part, it was the risk of being wrongly labeled that kept local feminists from getting involved in the matter. Indianapolis NOW did their best to stay out of the debate, and long refused to take a position on the issue. According to Chambers, this was not a matter of contention like the ERA. It was not an issue with which to jump on the bandwagon. No matter how strongly they objected pornography, these women were more fearful of how an established position might negatively impact those in their organization.<sup>126</sup> Those who spoke out, like Sheila Kennedy, were ridiculed.

Kennedy served as Corporation Counsel to Mayor Hudnut from 1977-1980, and in 1984 worked as a private practice attorney. Kennedy stood out among her peers. Not only was she a Republican woman who opposed a conservative ordinance, she put herself in the midst of a controversy that could leave her labeled a degenerate, and logic couldn't save her. In a prior debate with Andrea Dworkin, Kennedy found herself in a situation

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<sup>124</sup>Dan Carpenter, "Anti-pornography law unites pair of odd bedfellow," *The Indianapolis Star* (April 22, 1984).

<sup>125</sup>Sheila Kennedy, interview by author, Indianapolis, October 15, 2017.

<sup>126</sup>Jill Chambers.

similar to Kreuscher. She assumed she could justify her arguments with reason, only to find that her opponent riling up the audience worked more effectively. Kennedy, like others who opposed the ordinance, was accused of supporting pornography. At one debate, a firefighter stated, “She seems like she’s a nice woman. It’s a shame she supports pornography.” To many, the issue over pornography was very black and white. If one was not in favor of censorship, one must be in favor of pornography.<sup>127</sup> Hudnut asked Kennedy to present her arguments at the same council meeting as Kreuscher. As the council members took their vote, the public was encouraged to watch. The chamber was packed with members of Dixon’s Baptist Temple congregation, vocal about their belief that God was against pornography. Several council members felt the need to explain their reasoning for support of the ordinance. One Republican member stated that while he had a lot of respect for Kennedy’s legal opinion, he was “against pornography.”

### **American Booksellers v. Hudnut**

On May 1st, 1984, Mayor Hudnut signed the anti-pornography ordinance into law. Just as Hudnut and the council expected, the ordinance was challenged immediately. The opposition snowballed, as did its media coverage. Less than 90 minutes after it was signed into law, objectors filed a lawsuit. Plaintiffs included American Booksellers, Inc. and several other publishing associations.<sup>128</sup> Despite never being enforced, it continued to draw national attention. Hudnut received letters of support from community members and

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<sup>127</sup>Sheila Kennedy.

<sup>128</sup>“Porno Ordinance Causes Instant Legal Battle,” *The Republic* (May 2, 1984).

outsiders as far as California.<sup>129</sup> On the other end, local newspapers showed criticism from Indianapolis natives.

The case was assigned to Judge Sarah Evans Barker, just months after she was sworn into the United States District Court for the District of Southern Indiana. Barker was not only new, but the first woman to serve on the federal bench in Indiana.<sup>130</sup> The public saw this as a cosmic occurrence, a grand test for this new woman judge. Born in Mishawaka, Barker graduated from Indiana University and later American University at Washington in 1969. Prior to her appointment as judge, Barker worked as an attorney at the law office of Bose, McKinney, & Evans, just two blocks south of the Federal Building and Courthouse. Previous Judge Cale James Holder, who served the District from 1954 to 1983, died of a stroke in August of 1983. This necessitated a replacement and Barker, appointed by President Reagan, was sworn in March of 1984.<sup>131</sup> On July 30th, 1984, Judge Barker was presented the oral arguments of the case, and by November she made her decision. Barker declared the ordinance “to be unconstitutional, void and of no effect,” but this didn’t end the debate.<sup>132</sup> As written in the case memorandum she stated, “To deny free speech in order to engineer social change in the name of accomplishing a greater good for one sector of our society erodes the freedoms of all, and as such, threatens tyranny and injustice for those subjected to the rule of such law.”<sup>133</sup>

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<sup>129</sup>Mayor Hudnut to Adele H. Gross, Hudnut Collection, Box 180, Dictation, 5/1/1984-6/30/1984, University of Indianapolis Mayoral Archives, accessed May 5, 2019, <https://uindy.historyit.com/item.php?id=951775>

<sup>130</sup>Susan Headden, “Sarah Evans Barker sworn in as ‘first lady’ of federal bench,” *The Indianapolis Star* (March 31, 1984).

<sup>131</sup>“Sarah Barker follows path as 1st female U.S. Attorney.” *Journal and Courier* (July 25, 1981), “Barker sworn in as federal judge.” *Journal and Courier* (April 1, 1984).

<sup>132</sup>American Booksellers Association v. Hudnut, 598 F. Supp. 1316 (S.D. Ind. 1984).

<sup>133</sup>Susan Headden, “Judge tosses out city’s porn law,” *The Indianapolis Star* (November 20, 1984).

Judge Barker faced heavy criticism from Hudnut and MacKinnon on her judgement and mixed feedback from others. Michael Gradison, Executive Director of the ICLU and vocal opponent of the ordinance, rejoiced in Barker's decision. Gradison cited the case as a major victory and called sponsors of the ordinance a "strident tiny band of self-righteous, moralizing, preposterous, presumptuous, pro-censorship crazies."<sup>134</sup> On the same day she read a newspaper editorial suggesting her for the U.S. Supreme Court, she received a letter from a woman in Nevada calling her a "degenerate old bag." Barker noted the difference between the work of an appellate judge, who works on a panel, and a district judge, who must act alone. Though more isolated, she still had much appreciated support and camaraderie from her colleagues. In an interview for the Indianapolis Star, she recalled a telephone conversation with federal Judge S. Hugh Dillin whose order desegregated Indianapolis public schools, which was praised and deplored. He said, "Welcome to the club."<sup>135</sup>

Barker's decision, though final in the district courts, was not final to Mayor Hudnut. He pushed the heated issue and filed an appeal. The case went to the United States Court of Appeals for the Seventh Circuit where Indianapolis attorneys Richard Kammen and Sheila Suess Kennedy provided briefs to the case.<sup>136</sup> Kammen, who long fought for adult establishments in Indianapolis was an obvious choice. Kennedy's involvement, however, posed a threat to the professional relationship and friendship between her and Mayor Hudnut. He expected Kennedy to lay out her reasons the ordinance should not be passed, and even thanked her later in a letter for her

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<sup>134</sup>"Gradison." *The Indianapolis Star* (September 8, 1985).

<sup>135</sup>Susan Headden, "Barker adjusting to power of the bench," *The Indianapolis Star* (January 16, 1985).

<sup>136</sup>*American Booksellers Association v. Hudnut*, 598 F. Supp. 1316 (S.D. Ind. 1984).



contributions to the public meeting. He did not expect her to fight its constitutionality in court. No matter how close they were, Kennedy could not abandon her principles for the sake of preventing a schism. Although they remained divided on the issue for the remainder of his life, Hudnut and Kennedy managed to repair the damage over time.<sup>137</sup>

On August 27, 1985, the courts decided. Judge Frank Easterbrook ruled just as Judge Barker, affirming that this ordinance was an erosion of First Amendment freedoms.<sup>138</sup> Additionally, the courts denied the request to reconsider the ruling. Indianapolis officials planned to take the case to the Supreme Court which, in order to support, would require taxpayer money. Like Marsh and Kennedy previously argued, Indianapolis locals finally realized it was absurd to push an ordinance that was bound to fail.<sup>139</sup> This was the end of the ordinance, but it was not the end of the discussion, nor end of the war on pornography. Hudnut and Daniels correctly assumed that though it might fail, the ordinance could open a new door to the issue. As that door opened, another one closed. When women like Kreuzscher and Kennedy stood their ground at the public assembly, they proved that MacKinnon did not speak for local women. Even if the end goal was the same, an outsider with specific motives could not ally with conservatives with radically different motives, not without consulting the women she claimed to protect.

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<sup>137</sup>Sheila Kennedy.

<sup>138</sup>American Booksellers Association v. Hudnut, 598 F. Supp. 1316 (S.D. Ind. 1984).

<sup>139</sup>“City’s Porn Stand Called ‘Wacky’.” *The Indianapolis News* (October 4, 1985).

## **Chapter Four: Modern Conversations and a New Way of Looking at Pornography**

The failure of the Indianapolis anti-pornography ordinance did not quell opponents of pornography, and as some of the supporters suspected, the ordinance managed to generate a new conversation about pornography. Locally, pornography continued to be policed on a case-by-case basis along with established zoning ordinances, but the ordinance inspired a new language against pornography nationwide. Published in July of 1986, the Attorney General’s Commission on Pornography, also known as the “Meese Commission,” outlined perceived harms of pornography and argued for stronger obscenity laws. Everything about it mirrored the Indianapolis anti-pornography ordinance, from its language, supporters, and opposers. The Commission, ordered by President Reagan, was predominantly comprised of Conservatives. The commission used language similar to the Indianapolis ordinance, but focused on stronger obscenity laws rather than civil rights law. Radical feminists expressed support over the message it tried to convey, but some opposed the goal of stronger obscenity laws, arguing it did nothing to protect women.<sup>140</sup>

Currently, radical feminist support of the censorship of pornography no longer appears at the forefront of the anti-pornography cause, but the argument of pornography continues among feminists locally and nationally. In October of 2017, the Indiana Coalition to End Sexual Assault (ICESA) held a conference at the Indiana Historical Society. Based out of Indianapolis, ICESA was formed in 2015 to assist Indiana communities in the prevention of sexual assault by means of advocacy, awareness, and

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<sup>140</sup>United States. Attorney General's Commission on Pornography. Attorney General's Commission On Pornography: Final Report. Washington, D.C.: U.S. Dept. of Justice , 1986.

education. The conference, titled *The Harms of Pornography: A Feminist Framework*, was a two-day training program consisting of presentations and panel discussions with feminist scholars as well as screenings of the documentary *The Price of Pleasure: Pornography, Sexuality, and Relationships*. ICESA views pornography as an exploitative industry based on the degradation and humiliation of women. The organization adopted the framework of MacKinnon and Dworkin to define pornography, but they did not adopt their methods. Rather than work to censor pornographic materials and alter current legislation, ICESA and affiliates argue that education and difficult conversations are what is necessary to change the culture around pornography.<sup>141</sup> The conference was met with some controversy among members of a local grassroots organization, Queering Indy. Cassandra Avenatti, founder of Queering Indy, criticized ICESA for not including people in the sex industry in the discussion, arguing this lack of representation silenced important voices. Avenatti claimed ICESA's methods fit that of a "rescue narrative," and that pornography was not the sole cause of misogyny.<sup>142</sup> These ideas and more encompass the growing and increasingly complicated discussion on sexual assault and discrimination, and this discussion brings with it yet another caveat. As the videocassette brought more pornography into the home, the internet brings it at high speed and virtually no cost.

In 2007, investors from Montreal launched the pornography website PornHub. Over a decade later, PornHub remains one of the most widely used porn websites in the world. In 2017, PornHub published their year in review statistics. In one year they had

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<sup>141</sup>ICESA materials

<sup>142</sup>Tyler Lake, "Differing Views of Feminism Clash Over Pornography," *Indiana Public Media* (October 25, 2017).

28.5 billion total visits, 81 million average daily visits, 25 billion searches performed, and 4,052,543 videos uploaded, which included professional and amateur videos.<sup>143</sup> Pornhub and countless other internet pornography websites contribute to the vast usage of pornography across the nation. Statistics differ, but some U.S. studies report that, on average, 70% of men and 40% of women use pornography in a given year.<sup>144</sup> While some people maintain the same reservations harbored in the 1980s, the prevalence and evolution of use have changed the context of the argument. Common modern concerns with pornography include addiction, marriage difficulties, stifling of sexual development, sexual exploitation of children, and revenge porn. Of these concerns, the ones that revolve around disruption of a “normal” family lifestyle remain prominent among religious and conservative individuals. Christian organizations, like Covenant Eyes based out of Owosso, Michigan, aim to help those who view it to live a pornography free life.<sup>145</sup> Feminist and women-based organizations, like ICESA, are tackling the issue of revenge porn, which unlike with general pornography, they do argue for prohibitive legislation.<sup>146</sup>

Nonconsensual pornography, often referred to as revenge porn or cyber rape, is the distribution of sexually graphic or intimate images without consent from the individual depicted. Most U.S. states have some form of legislation that criminalizes this action. In Indiana it is considered a Class A misdemeanor unless the person has a previous unrelated conviction, in which case it is a Level 6 felony.<sup>147</sup> The advent of social

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<sup>143</sup>“Pornhub 2017 Year in Review.” <https://www.pornhub.com/insights/2017-year-in-review>

<sup>144</sup> Joshua B. Grubbs, Shane W. Kraus and Samuel L. Perry. Self-reported addiction to pornography in a nationally representative sample: The roles of use habits, religiousness, and moral incongruence. *Journal of Behavioral Addictions* Volume 8 Issue 1. March 1, 2019.

<sup>145</sup> “Covenant Eyes.” Accessed September 5, 2019. <https://www.covenanteyes.com/>

<sup>146</sup> ICESA materials, 2017.

<sup>147</sup> Senate Enrolled Act No. 243. <http://iga.in.gov/legislative/2019/bills/senate/243#document-02df8018>

media and mobile phone sexting (the act of sending or receiving sexually explicit messages or images) makes this an issue among not only adults, but teens and pre-teens as well. The act of sending nudes and other sexually charged images brings up questions of what is normative sexual behavior and what encourages that behavior. Modern anti-porn feminists, who have taken a back seat in the argument, assert that “porn culture,” which is degrading and misogynistic, saturates our culture and creates unhealthy attitudes toward women and sex. Just as second wave feminists claimed, some current feminists say pornography contributes to the suppression and objectification of women, which teaches society that it’s acceptable to distribute their sensitive images. While there is legislation against revenge porn in most states, the laws only hold the original distributor responsible. Anyone who forwards on the received material is exempt. Some women compare this to the struggle to obtain rape laws, arguing that there remains a lack of legal protection for women.<sup>148</sup>

While still acknowledging its potential dangers, modern pornography maintains its female support. In congruence with anti-censorship second-wave feminists, some modern feminists see pornography and erotica as an opportunity for sexual expression and body positivity. Susie Bright, American sex-positive feminist, author, and publisher argues that those quick to criticize pornography are unaware that not all pornography is created to titillate men.<sup>149</sup> Bright, along with other sex-positive feminists promote the

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<sup>148</sup>Susan Cox, Revenge porn: The legacy of women as property in rape law, *Feminist Current*, July 13, 2015. <https://www.feministcurrent.com/2015/07/13/revenge-porn-the-legacy-of-women-as-property-in-rape-law/>

<sup>149</sup>Bright worked for the California feminist sex store called Good Vibrations, and in 1984, launched the first U.S. lesbian sex magazine, *On Our Backs*. Bright later worked as a journalist covering the adult industry trade, erotica author, and screenwriter and film consultant for several erotic films. “Biographical Note.” Susie Bright Papers And On Our Backs Records, 1978-2013. Division of Rare and Manuscript

growing variety of modern pornography, including queer and feminist pornography, which place more focus on passion, intimacy, aesthetic, and sexual acceptance. Some women porn producers and filmmakers are attempting to make waves in modern pornography, by using their films as a way to educate about sex and critique the issues of older pornography.<sup>150</sup> In 2004, Vanessa Blue launched the BDSM website FemdomX.com. Blue, who is Black herself, only creates films where Black women are in positions of power, which in her opinion, is a way to practice self-agency and empowerment.<sup>151</sup> Though certainly not the rule, pornography can occasionally teach women and other viewers about taboo forms of heterosexual and non-heterosexual sex, which can arguably be healthy forms of sexual expression, including BDSM, self-pleasure, and role playing. This does not assert sex-positive feminists believe pornography should serve as a legitimate form of sexual education. If pornography is the only form of sexual education, most feminists would argue and have argued that it can lead to unhealthy and confusing outlooks on sex and women. Only recently has the conversation about these outlooks and how to address them gotten widespread media attention.

In the fall of 2017, a *New York Times* article exposed decades of sexual harassment claims against American film producer Harvey Weinstein. A couple weeks after the release, actress Alyssa Milano encouraged victims of sexual abuse to use

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Collections Cornell University Library.; Bright, Susie. "Female Chauvinist Pigs at the Trough." Susie Bright's Journal. September 30, 2005.

<sup>150</sup>Filmmakers creating what is known as feminist and ethical adult films include Erkia Lust and the late Candida Royalle. Royalle was arguably the first feminist pornographer, she started the production company Femme Productions in 1984. For more information, see "Erika Lust." Accessed September 6, 2018. <https://erikalust.com/> and "Candida Royalle." Accessed September 9, 2019. <http://candidaroyalle.com/>

<sup>151</sup>Ariane Cruz, "Beyond Black and Blue: BDSM, Internet Pornography, and Black Female Sexuality." *Feminist Studies*. Vol. 41, No. 2 (2015). 409-436.

“#metoo” on the social media platform Twitter. Within days, hundreds of thousands of women responded with the phrase, some sharing their personal experiences of assault. Me Too began long before the disclosure of Weinstein’s actions. In 2006, civil rights activist Tarana Burke used the phrase to raise awareness of sexual abuse and show support for victims, particularly women of color.<sup>152</sup> Milano made it mainstream, and with this new sense of support, sexual abuse allegations perforated the media. Over the course of the year, numerous high profile people, including Kevin Spacey, Garrison Keillor, and Matt Lauer, stood accused and out of a job. The Me Too movement helped unveil the epidemic of sexual misconduct, but also highlighted the problematic attitudes toward sex and women.

The notion that women “deserve” or “ask for” the inappropriate attention they receive is used in some cases to justify an assault or harassment. It’s not just men perpetrating women who hold this belief. Women, too, make similar arguments and accept harassment as normal behavior. Many feminists argue this problem is rooted in the idea of women’s inferiority, which has been perpetuated in Hollywood for decades. Predominantly films of the 1950s and earlier portrayed the “ideal” woman in traditional roles, catering to the life of her man, while progressive female characters were presented as promiscuous and less respected.<sup>153</sup> When these representations of women penetrate minds with existing misogynistic tendencies, they get acted upon and passed down to future generations creating this false theory of how women should be treated. This mentality is skillfully executed in the American television series *Mad Men*. Set from

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<sup>152</sup>Me Too Sexual Misconduct Movement. By: Issitt, Micah L., Salem Press Encyclopedia, 2019.

<sup>153</sup>From Reverence to Rape: The Treatment of Women in the Movies

1960 to 1970, the show follows employees of a fictional advertising agency in Manhattan, and illustrates the discrimination and challenges women face in the workplace. In the first season, one of the main characters, Peggy Olson, expresses her frustration over sexual harassment in the office, to which her female supervisor assures her she should be flattered.<sup>154</sup> If mistreatment of women is considered acceptable, it complicates the challenge to determine what is legitimate harassment.

Studies show that a significant percentage of people have experienced sexual harassment in the workplace. The majority of these victims are women, and very few of them actually report the harassment to human resources out of fear of retaliation.<sup>155156</sup> It's now apparent that employers struggle over what constitutes as sexual harassment, and in turn, struggle over what policies to implement. Somewhat in line with legal conflicts behind pornography, questions arise over whether corporations should utilize legal methods to address sexual harassment or if the #metoo movement should seek alternative methods to legal and political action. One view is that any attention corporate directors devote to sexual misconduct in the workplace is useful. Simultaneously, corporate and securities law that regulates workplace sexual misconduct poses potential complications and liabilities that could work against women, such as employers' reluctance to hire or mentor women out of fear of potential harassment allegations.<sup>157</sup> Others might argue this

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<sup>154</sup>Mad Men. Season 1 Episode 2 "Ladies Room" 2007

<sup>155</sup>Rhithu Chatterjee, A New Survey Finds 81 Percent Of Women Have Experienced Sexual Harassment, NPR: The Two Way, February 21, 2018. <https://www.npr.org/sections/thetwo-way/2018/02/21/587671849/a-new-survey-finds-eighty-percent-of-women-have-experienced-sexual-harassment>

<sup>156</sup>Lango Deen, "#metoo: Impacts of Sexual Harassment Science, Technology, Engineering, and Math (STEM) Academia," *Women of Color Magazine*. Vol. 17, No. 1. Spring 2018, 38.

<sup>157</sup>Daniel Hemel and Dorothy S. Lund. "Sexual Harassment and Corporate Law." *Columbia Law Review*. Volume 118, No. 6 (October 2018). 1583-1680.



fear is fixed in ignorance, further affirming some men are either uneducated or unwilling when it comes to respecting their female employees and coworkers.

Like censorship, there is the concern that overregulation of employee behavior can do more harm than good. Regardless, without the #metoo movement, it's likely these questions and issues would not get the attention they so desperately need. Even porn sites have taken notice. In 2018, clinical psychologist Dr. Laurie Betito partnered with Pornhub to launch their Sexual Wellness Center. The Pornhub Sexual Wellness Center is an online resource with information on topics ranging from reproductive health and STDs to marriage and relationships.<sup>158</sup> Schools across the country are revamping their sexual education curriculum to teach pertinent topics that some states overlook, such as sexually transmitted diseases and infections, gender identity, birth control, and warning signs of sexual abuse.<sup>159</sup> As Jill Chambers prophetically mentioned years prior, religious conservatives are protesting these initiatives, and attempting to ban books from the curriculums. They equate the adapted education to pornography, arguing it will destroy children.<sup>160</sup>

Debates over pornography and oppression of women continue to go hand-in-hand, as do sexual progressivism and conservative backlash. The 1984 anti-pornography ordinance didn't solve or change either of these dynamics, and perhaps even exists as evidence that they will never be solved. The alliance between Catherine MacKinnon and

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<sup>158</sup>“Pornhub Sexual Wellness Center.” <https://www.pornhub.com/sex/>. Accessed September 5, 2019.

<sup>159</sup>Jeffrey S Solocheck, “Pasco schools to revamp sex education curriculum,” Tampa Bay Times. September 5, 2019. ; “State Policies on Sex Education in Schools.” website. National Conference of State Legislators. September 8, 2019. <http://www.ncsl.org/research/health/state-policies-on-sex-education-in-schools.aspx>

<sup>160</sup>Valerie Strauss, “California is overhauling sex education guidance for schools — and religious conservatives don't like it,” *The Washington Post*, May 10, 2019. ; Deborah Sullivan Brennan, “Oceanside to revamp controversial elementary school sex-ed program.” *The Morning Call*, May 14, 2019.

Indianapolis conservatives was likely a disingenuous collaboration. Yes, they both wanted to obliterate pornography, but for entirely different reasons. It appears the conservatives wanted to convince MacKinnon they truly adopted her feminist language and methods. It's plausible to assert that Coughenour attempted to hide the religious right supporters from MacKinnon, and MacKinnon conveniently never spoke to local feminists to determine otherwise. It's doubtful that local feminist input would have had much sway in hindering the development of the ordinance, considering MacKinnon's stern opinions on pornography and divisive tendencies with liberal feminists. Despite these shortcomings and failures, the ordinance succeeded at forever altering the discussion about women, sex, and pornography. Had MacKinnon and Dworkin not drafted an ordinance in Minneapolis that made pornography a civil rights matter, had Coughenour and Hudnut not collaborated with a radical feminist, and had the Meese Commission not nationally exposed the exact type of language Indianapolis utilized, society might not be capable of looking at the social implications pornography as deeply as it has in recent years. It took decades, and didn't come in the form of resolution, but change did happen from this seemingly ineffectual alliance.

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### **Interviews**

The following interviews were conducted between the years of 2017 and 2018. Interviews with Jill Chambers, Janice Kreuscher, Sheila Kennedy, and Deborah Daniels were all conducted in person. Interviews with Richard Kammen and Judge Sarah Evans Barker were conducted via telephone. None of these interviews were recorded and have no official documentation, except for the interview with Sheila Kennedy. This interview is in the process of being housed in the IUPUI University Library.

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## **Curriculum Vitae**

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#### **Education**

Master of Arts in Public History, Indiana University degree earned at IUPUI, 2021  
Thesis: Awkward Alliances and the Indianapolis Anti-Pornography Ordinance of 1984

Bachelor of Arts in History, Indiana University degree earned at IUPUI, 2013  
Thesis: While the Men Are Away, Women During the Civil War

#### **Professional Experience**

Indiana Historical Society, Education Coordinator, 2019

Indiana Historical Society, Project Archivist, Tom Cochrun Materials, July 2019-  
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Cataloguing and Digitization Assistant, July 2019-August 2019

Indiana Historical Society, Manuscript and Visual Collections Assistant, 2016-2018

Bartholomew County Historical Society, Intern, 2012, 2014

#### **Presentations**

Indiana Council for the Social Studies, "Connecting Indiana to the National Narrative  
and Beyond through Project Based Learning," October 2020

Hoosier Women at Work, "Awkward Alliances and the Indianapolis Anti-  
Pornography Ordinance of 1984," April 2018  
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#### **Organizations**

Graduate Student History Association, IUPUI, 2016-2018  
President, 2017-2018

Phi Alpha Theta, IUPUI, 2012-present  
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