# 10

## ‘*CRUISING* IS A PICTURE WE SINCERELY WISH WE DID NOT HAVE TO SHOW’

### United Artists, ratings, blind bidding and the controversy of William Friedkin’s *Cruising* (1980)

#### Gary Needham

In its 60 years, United Artists has been proud to provide an abundance of award-winning ﬁlms, many of them initially meeting with controversy. To name a few – *Last Tango in Paris, West Side Story, Apocalypse Now, One Flew Over the Cuckoo*’*s Nest, Midnight Cowboy, Judgment at Nuremberg, Coming Home*, and *Sunday, Bloody Sunday*. Like many of these movies, *Cruising* is a strong movie, one that makes people think. Starring the acclaimed Al Pacino and dir- ected by William Friedkin (Oscar winner for *The French Connection* and director of *The Exorcist*), *Cruising* delivers its message with honesty, responsibility and art- istic integrity. There is no intention to oﬀend any segment of the public.

*(United Artists 1980a)*

That was United Artists’ position statement on William Friedkin’s *Cruising* (1980), which opened in February 1980 and bookended an unfortunate year for the studio. The year closed on the *Heaven*’*s Gate* (Cimino, 1980) ﬁasco that November, which prompted Transamerica to sell the studio to Metro-Goldwyn-Mayer in May 1981 (Balio 2009: 339–43). The controversy surrounding *Heaven*’*s Gate* overshadowed some of United Artists’ earlier ‘problem ﬁlms’ of that year, Gordon Willis’ *Windows* (1980) in particular. Since the 1970s, United Artists had embraced controversy with Bernardo Bertolucci’s *Last Tango in Paris* (1972) and Ivan Dixon’s *The Spook Who Sat by the Door* (1973), with the former generating a tremendous amount of publicity and success for United Artists. The success of *Last Tango in Paris* may have given United Artists some license to pursue more controversial pictures such as *Cruising* starring Al Pacino, which echoed the casting of Marlon Brando in *Last Tango*.

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FIGURE 10.1 Marlon Brando and Maria Schneider in *Last Tango in Paris* (1972)

*Windows* opened in January 1980, only a month before the release of *Cruising*, and was picketed. Both ﬁlms concern homosexual psychopaths, although *Windows* has avoided the controversial legacy that has dogged *Cruising*. While *Cruising* attracted signiﬁcant scholarly attention in terms of its ideological and sexual ambigu- ity (Miller 2007; Nystrom 2009; Greven 2013), was seen as a key example of the ‘incoherent text’ (Wood 1986) and positioned critically as the ‘erotic thriller’s clear- est starting point’ (Williams 2005: 80), *Windows* appears to have been forgotten.1 Nonetheless, *Windows* was ﬁnanced and distributed by United Artists and opened the studio’s fateful year as both a critically panned ﬂop and a controversial release. Reviewing *Windows* in the *Washington Post*, one critic wrote:

Does United Artists plan to double-bill William Friedkin’s messily deplor- able ‘Cruising’ with Gordon Willis’ exquisitely deplorable ‘Windows’ in their near second-run future? Their timing and loathsome tendentiousness make them uniquely compatible co-features.

*(Arnold 1980: 11)*

The knotty sexual politics of Hollywood in 1980 are conspicuous in other studio oﬀerings, such as Paramount’s *American Gigolo* (Schrader, 1980) and Filmways’ *Dressed*

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*to Kill* (De Palma, 1980). *Dressed to Kill*, like *Windows* and *Cruising*, was picketed and initially rated X by CARA (Classiﬁcation and Rating Administration). *Cruising* was diﬀerent from these ﬁlms, however, as protests against it started during its production in the summer of 1979, rather than as part of its reception. The ﬁlm was also poorly reviewed in the press, so much so that *Christopher Street* (1980), a liberal gay magazine, published a review of the reviews elaborating on familiar tropes of homophobia in the ﬁlm’s mainstream reception. ‘Friedkin may have made a bad ﬁlm, but in a test of crit- ical attitudes towards homosexuality you couldn’t ask for better litmus’, wrote one critic (Aitkin 1980: 59).

This chapter begins with the history of *Cruising* as a property, attached to diﬀerent producers and personnel, from 1970 onwards, before moving to the controversy arising from the gay protests during production. It argues that United Artists’ hand- ling of the issue was more concerned with reputational damage and box-oﬃce impact than with ameliorating any protestors. The chapter then examines, in more detail, some thorny issues that surrounded the ﬁlm’s distribution and exhibition. Speciﬁcally, it highlights two lesser-known controversies associated with the ﬁlm: *Cruising*’s contentious R rating, which was deemed to be inappropriate for its subject and treatment, and UA’s distribution practice of blind bidding, which was a prevalent industry practice in the second half of the 1970s. As the chapter demon- strates, the controversy surrounding *Cruising*’s R rating was a window of opportun- ity for the large national theatre chains to challenge the practice of blind bidding.

##### The ‘village murder script’: *Cruising* before United Artists

The production history of *Cruising* begins with the 1970 publication of Gerald Walker’s murder-mystery *Cruising*. Walker, an editor of the *New York Times*, set his book in the ‘gay underworld’ of New York; it follows a cop who goes undercover to catch a serial killer picking oﬀ gay men. Walker’s book was mod- erately successful, enough to pique Hollywood’s interest. Reports on the prop- erty’s movement among producers and the various personnel attached to *Cruising* appeared in *Variety* and *Boxoﬃce*. Late in 1971, *Variety* announced that *Cruising* would ‘lens in the bars, baths, trucks and parks which comprise the gay cruising scene in New York’ with Phil D’Antoni (producer of both *Bullitt* [Yates, 1968] and *The French Connection* [Friedkin, 1971]) attached as director, Robert Weiner producing, and Larry Cohen ‘scripting a ﬁnal draft’ (‘D’Antoni May Direct …’ 1971).

Soon after *Variety* reported that *Cruising* would be directed by Paul Morrissey, who was reportedly looking to exit ‘Warhol Factory for Weiner Pic’ (‘Morrissey Exits …’ 1972). The Morrissey version would feature Jeﬀ Bridges or Timothy Bottoms as Detective Burns with Jan-Michael Vincent as the killer (ibid.).

Weiner told *Variety* that his Morrissey-helmed *Cruising* was

a pro-police yarn but one which would be sympathetic to and not exploit the homosexual community. New York policeman Sonny Grosso will

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ditto his ‘French Connection’ duties as technical advisor on ‘Cruising,’ while ﬁlmmaker Jack Doroshow (‘The Queen’) is acting as advisor on matters relating to New York’s gay world.

*(ibid.)*

*Cruising* failed to make it into production with Morrissey, who would instead direct two Warhol-related horror ﬁlms in Italy – *Flesh for Frankenstein* (1973) and *Blood for Dracula* (1974) – and the rights of the book reverted back to Walker in 1973 (‘“Cruising” Book Reverts …’ 1973).

Meanwhile, a series of murders in New York tied to Walker’s book as copycat crimes emerged (Cowley 1973). The murderer was nicknamed ‘the trash bag killer’ for the refuse bags with various body parts surfacing in the Hudson River.2 The *Cruising* property was now referred to as the ‘Village Murder Script’ and was attached to up-and-coming Hollywood talent in the second half of the 1970s, including Steven Spielberg, Brian De Palma and Richard Gere (Friedkin 2014: 319). It was around this time that Friedkin’s involvement with the picture started. As he noted, although he had read Walker’s book and had found it a fascinating read, he was not ‘anxious to pursue another movie about gay life’, having directed *The Boys in the Band* (1970) only a few years earlier (ibid.). However, Friedkin maintained an interest in the reporting of murders of gay men in New York that continued to take place throughout the decade, while the book’s ﬁlm rights were optioned by music concert promoter and (then) aspiring ﬁlm producer Jerry Weintraub. With Friedkin involved in the production of *Sorcerer* (1977) and Weintraub unsuccessfully courting Spielberg to direct the project (360), *Cruising* continued to evade production.

However, following the release of *Sorcerer*, Friedkin expressed an interest in the property, and together with Weintraub formed a partnership to develop it, with Friedkin attached as writer-director and the latter as producer. According to the *Village Voice*, ‘at least three studios (Warner, Paramount, and Fox) turned Friedkin’s screenplay down’ (Goldstein 1979: 16) before the team exploited Weintraub’s increasingly strong relationship with television and ﬁlm production company Lorimar, which agreed to ﬁnance and produce the ﬁlm (Friedkin 2014: 361). *Cruising* became Lorimar’s fourth theatrical release following the comedies *Americathon* (Israel, 1979) and *The Fish that Saved Pittsburgh* (Moses, 1979), and the critically acclaimed *Being There* (Ashby, 1979). These ﬁlms were released by United Artists, which had done well to attract such an active inde- pendent ﬁlm production company in the post-Krim era. However, the relation- ship between UA and Lorimar lasted only until the end of 1980 after the release of two more ﬁlms, *Carny* (Kaylor, 1980) and *The Big Red One* (Fuller, 1980). With most titles of this slate underperforming at the box oﬃce, the distribution deal with UA dissolved and Lorimar switched to Paramount through which it released the hits *The Postman Always Rings Twice* (Rafelson, 1981) and *An Oﬃcer and A Gentleman* (Hackford, 1982).

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Resonating with the Village murders, *Cruising* begins with the discovery of a bloated, severed arm ﬂoating in the Hudson near the World Trade Center. Friedkin’s script was loosely adapted from Walker’s novel and was inspired by the New York Police Department Detective Randy Jurgensen’s undercover work investigating the murder of gay men in New York’s Greenwich Village. Friedkin and Pacino did preparatory work for the ﬁlm by visiting leather bars with Jurgensen and another detective, Sonny Grosso, both having consulted on *The French Connection* (Wilson 1981: 99). The police oﬃcers would also portray ﬁctional detectives Lefransky and Blasio in the picture. Besides drawing on their experience to make the ﬁlm as authentic as possible, Lorimar and United Artists hoped that Jurgensen’s and Grosso’s participation would ameliorate any hostile reception the ﬁlm was expected to attract during its production.

UA’s press release for the ﬁlm’s opening emphasized *Cruising*’*s* ‘authenticity of

dialogue, locations and events’ (United Artists 1980b: 1). However, unlike United Artists’ position on its history of ‘excellence’ and ‘artistic integrity’ that opens this chapter, the production notes oﬀered a diﬀerent view of the ﬁlm, emphasising the true crime element. United Artists maintained that the ‘charac- ters and events have been drawn from the ﬁles of the homicide division of the New York City Police Department, the Medical Examiner of the City of New York, the District Attorney’s oﬃce, and from the documented experiences of undercover police assigned to track down the killers’ (ibid.). United Artists’ account of Randy Jurgensen’s undercover experiences in the West Village even parallels the narrative trajectory of Burns (Al Pacino):

Jurgensen quickly discovered that in order to be successful he would have to initiate himself into a totally new code of behaviour, including new ways of dress and speech. He bought a wardrobe of tight pants, leather jackets, sneakers, black boots, and studded leather wrist bands. He wore make-up in the form of a star painted over one eye. He visited erotic boutiques and quizzed clerks about the sexual meanings of diﬀerent- coloured handkerchiefs placed in back pockets of jeans. He cruised the piers and trucks learning the lingo and customs of cruising.

*(United Artists 1980b: 2*–*3)*

Besides drawing on real detectives’ experiences, the ﬁlm’s screenplay also ben- eﬁtted from Friedkin’s escorted visits to the SM (sadism and masochism) clubs and leather bars of the city, which enabled him to develop the story in the con- text of a scene mostly unknown to those outside of it (Friedkin 2014: 361). The authenticity of the ﬁlm was further enhanced by the locations chosen for the shooting of the club scenes. Although *Cruising* was not ﬁlmed – as popular myth has it – inside the Mineshaft (a legendary SM club of the time), the production used the meatpacking company next door to the Mineshaft on Washington Street as a key location for the entrances to and exits from the movie’s ﬁctitious club (Fritscher 2008: 482–3). Some interiors were shot at The Catacombs on

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West 14th Street and other non-studio locations. *Cruising* came in on its $7m budget and, despite interruptions from protestors, kept to its schedule of 40 days’ location shooting in New York City (Pollack 1979: 6).

##### Agony dressed in leather: Protesting *Cruising*

‘Friedkin’s folly has been to take the characters from *The Boys in the Band*, which he directed 10 years ago, and update their agony by dressing them in lea- ther’, wrote Richard Goldstein in the *Village Voice* (Goldstein 1979: 16). A script draft leaked to prominent gay journalists in New York precipitated a hostile attack in *Christopher Street* magazine and the weekly *Village Voice*. The growing discontent around *Cruising* extended to the *New York Times* and the *New York Post*, which regularly reported on the protests in the second half of 1979. The ﬁrst signiﬁcant protests took place on 26 July with a march of a thousand people through Greenwich Village (Ledbetter 1979: 2). Activists lobbied the closeted New York mayor Ed Koch to withdraw city support for the picture, which he did not do (ibid.). Two issues motivated the protests: the ﬁlm’s negative gay representation and its potential to incite violence against gay people.

What was often erased in accounts of the protests and the journalistic polem- ics was the divisive nature in which other members of New York’s gay commu- nity were cast as complicit in *Cruising*. Charles Ortleb’s ‘The Context of Cruising’ in *Christopher Street* (1979), for example, condemned the production for the above reasons and for the portrayal of the extras that did not ﬁt his narrow view of gayness: ‘when *Cruising* comes out in theatres you may ﬁnd yourself having to explain (like pre-Holocaust Jews) that you are “respectable,” that you aren’t an uncouth ghetto homosexual, that you are an exception’ (Ortleb 1979: 7). Similarly, the *Village Voice* described the men of *Cruising* as belonging to a ‘netherworld that many gays abhor’ (Goldstein 1979: 16). There were more than 500 gay men employed as extras (for $50 a day and an extra

$25 for those simulating sex [Devere 1980]). Ortleb and his allies characterised these men as ‘too drugged or too ignorant to see that Weintraub and Friedkin were on the set with a sexual ideology that held them in implicit contempt’ (‘Mayor Asks UA …’ 1980: 8).

These early protests focused on William Friedkin and Jerry Weintraub with no mention of United Artists’ role in the picture. While the vigour and visibility of these protests inevitably shaped – partially at least – *Cruising*r’seception with critics and audiences, when the ﬁlm was closer to distribution it necessitated a response from United Artists’ conglomerate parent Transamerica and its corporate relations department (United Artists 1980b). Exercising parental authority, Transamerica set the tone of its subsidiary’s responses to the controversies surrounding the ﬁlm, deciding that UA should highlight its history as a company supporting artistic free- dom in Hollywood cinema. Keen to establish United Artists’ distance from the con- troversy, one memorandum from July 1979 pointed out:

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CRUISING is a Lorimar Production. United Artists has no ﬁnancial involvement nor do we have any control on the content of the ﬁlm. We have no creative involvement, no script approval, NOTHING. UA is not involved until the ﬁlm is in the proverbial can, at which time we release it.

*(Eichhorn 1980)*

However, United Artists’ distance could no longer be maintained when *Cruis- ing* came closer to release. Aiming to understand the nature of the protests, the potentially negative publicity the ﬁlm would generate upon its release, and the impact on the box oﬃce and the company’s reputation, United Artists commis- sioned research on America’s major gay communities and ‘moviegoers in the same major markets’ (Farrell 1980). The company used the results of this research to shape its response to the ﬁlm’s expected hostile reception, as this was outlined in a series of oﬃcial statements made during *Cruising*’*s* theatrical release.

United Artists had contracted Joseph Farrell of the National Research Group to

come up with ‘recommendations’ on how to deal with ‘the gays’. In January 1980, Farrell drew up an eight-page report based on the ‘thoughts and views of several dozen well-known organisers and activists in the major gay communities’ (Farrell 1980: 1). Farrell’s recommendations were followed through in United Artists’ response to *Cruising* and the disclaimer that would eventually precede the ﬁlm. The results of the research conﬁrmed what was known through the press: that the



FIGURE 10.2 William Friedkin accosted by reporters during protests about the ﬁlming of *Cruising* (1980)

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protesters and activists were organised and well-ﬁnanced; that the gay communi- ties in the US feared the ﬁlm would incite violence towards them; that general audiences would assume that *Cruising*’s men were representative of all gay people.

Farrell suggested that older moviegoers would be discouraged from attending if ‘homosexual subject matter’ was foregrounded too much, that gays might threaten moviegoers with violence, and that liberal, socially conscious movie- goers would be put oﬀ by the ﬁlm’s assumed homophobia (Farrell 1980: 5). The key goal was to safeguard United Artists’ and Transamerica’s reputation and to keep Lorimar in alignment. The recommendation was vital in shaping United Artists’ response and is indicative of the importance of the distributor’s role in the ﬁlm business:

A forthright position must be established by all parties and UA, Transa- merica, and Lorimar must coordinate. United Artists and Transamerica should ‘be on the side of the angels’ in their political position, make no mistake United Artists and Transamerica will be given far more attention in the press and by demonstrations than the distribution role should war- rant because of the high visibility and long standing established position of the companies compared to the not-so-well-known Lorimar name and the diﬃculty of getting much political mileage out of names like Weintraub or Friedkin. Rather they (UA & TA) should maintain the image of the business and artistic establishment, remaining calm in the midst of confusion and misunderstanding by an understandably touchy and troubled group of people. Also, however, it is important that UA and TA not appear to engage in sophisticated distinctions, such as ‘we only distribute’ and ‘we are only the parent company’ seemingly to avoid responsibility.

*(Farrell 1980: 7)*

Taking these recommendations to heart, United Artists, under the authority of Jane W. Hall, Transamerica’s vice president of corporate relations, prepared its position statement on *Cruising*. It went through four drafts. The ﬁrst, titled ‘*Cruising*: Position Paper’ and dated 9 January, highlighted speciﬁcally the com- pany’s role as distributor:

United Artists does not produce movies. It distributes and sometimes ﬁnances or shares in the ﬁnancing of movies made by independent produ- cers and production companies. In the case of Lorimar Productions, which is producing *Cruising*, United Artists has a multi-year agreement to distribute Lorimar’s ﬁlms throughout the U.S. and Canada. (The company has a similar agreement with MGM.) Thus United Artists, a subsidiary of Trans- america, will be the distributor of *Cruising*, scheduled to open in February.

*(Hall 1980a)*

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But this approach was discarded in Hall’s second draft on 16 January in favour of framing the company’s response in terms of United Artists’ support of risky ﬁlms, free speech, and artistic excellence:

United Artists has pursued a standard of excellence since 1919, when four great artists united – as they stated – ‘To improve the artistic standards of the photoplay industry and to market photoplays in the interests of the artists who create them.’ Perhaps because United Artists distributes and sometimes ﬁnances movies rather than produces them, it is very keenly aware of the principles of artistic freedom, a policy which has in turn attracted United Artists the ﬁnest talent in the industry.

*(Hall 1980b)*

This angle was further strengthened in the next draft, more explicitly titled ‘United Artists Position on its Responsibilities in the Matter of *Cruising*’. Hall’s new approach was to make highfalutin references to Cervantes and Faulkner before evoking the studio’s history of artistic integrity (Hall 1980c) and citing such ﬁlms as *In the Heat of the Night* (Jewison, 1967), *Midnight Cowboy* (Schle- singer, 1969), *Last Tango in Paris*, *Apocalypse Now* (Coppola, 1979), *Sunday, Bloody Sunday* (Schlesinger, 1971), and *Coming Home* (Ashby, 1978). *Cruising*, Hall suggested, belonged to a history of controversial UA titles, ﬁlms that even- tually led to awards and widespread acceptance of their artistic merit and cultural signiﬁcance. Hall’s statement also addressed the issue of gay representation and the ‘problem gays’, though much of this was removed in the ﬁnal version just before the ﬁlm’s opening (Hall 1980c).

Entitled ‘The Right to Freedom of Expression and the Attempt to Suppress

*Cruising*’, Hall’s ﬁnal draft on 2 February 1980 tackled the controversy, head on (Hall 1980d) by invoking the First Amendment of the US Constitution in conjunction with the ﬁlm’s basis in real events. The paper introduced a disclaimer stating that *Cruising* does not represent the gay community; the ﬁlm’s milieu is described as a ‘world, characterized by intense and often vio- lent sexuality, that exists far from the mainstream of gay life and is experi- enced by only a few homosexuals’ (3–4). The fallacious point that underpins Hall’s discourse, mined to its fullest by the anti-*Cruising* gays, is the arbitrary link between SM and violence. Nonetheless, Hall’s concerns are expressed when she writes:

As the release date for *Cruising* approaches, other gays have applied pres- sure to suppress the ﬁlm before its release. Transamerica has received sev- eral hundred signed letters on the subject, and last Friday approximately 50 gay men and women picketed the Transamerica Pyramid to protest the release of *Cruising*.

*(Hall 1980d: 1)*

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To prepare the ﬁlm for release, UA added a disclaimer on the print ads which referenced the freedom of speech precept of the First Amendment: ‘warning, this motion picture is one of great artistic achievement. However, its subject matter is extremely sensitive and contains scenes of explicit violence’ (Siegenfeld 1980). Furthermore, in an attempt to appease a major concern of the protesters, a disclaimer was added to the beginning of the ﬁlm: ‘the ﬁlm is not intended as an indictment of the homosexual world. It is set in one small segment of that world which is not meant to be a representation of the whole.’ (This disclaimer was eventually removed when *Cruising* was issued on DVD in 2008 and no longer appeared on subsequent releases.)

##### ‘There aren’t enough X’s in the alphabet’: *Cruising*’s controversial rating

Since its inception in 1968 by the Motion Picture Association of America (MPAA) under Jack Valenti, the Classiﬁcation and Rating Administration has come under scrutiny for operating in secrecy and for its ideological stance. Often presenting itself merely as an agency that assigned appropriate ratings on ﬁlms as a guide for parents, CARA’s board obscures its agency in shaping American ﬁlm culture through its ‘counsel’ for script revisions and re-editing. Its board members ‘are veterans of the Hays Code oﬃce’ and ‘still function as unoﬃcial censors of American ﬁlms’, wrote two *New York Times* journalists in the early 1970s (Farber and Changas 1972: 1). Concerns over the ratings system had been front-page news since the late 1960s, especially concerning arbitrary and contradictory decisions CARA had taken about particular titles. The constitution and secrecy of CARA were met with particular progressive criticism throughout the 1970s:

The predominantly male board had no objections to total female nudity in R ﬁlms. The male genitalia, more sacred, remained X material – out of bounds even for teen-agers. Rape was sometimes approved in GP ﬁlms (the unrestricted category recently re-designated PG); normal, pleasurable sex – never. Since no blacks or representatives of other ethnic minority groups have ever served on the board, it is not surprising that rating is based on narrow white middle-class, middle-aged biases.

*(Farber and Changas 1972: 15)*

Moreover, further criticism highlighted the complicity of the studios in bend- ing their will to the ratings board and thus not operating in the interests of ﬁlm audiences. CARA’s interference in reshaping ﬁlms through pre-production script suggestions and post-production editing was perceived as a means to assure studios that their ﬁlms would be awarded commercial ratings. Ratings have economic implications for the studios, which require the widest possible ad campaigns and release strategies. When studios did handle X-rated features,

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Balio informs us, they often did so ‘under the aegis of distribution subsidiaries to avoid notoriety’ (Balio 2009: 291).

With the controversial *Last Tango in Paris*, United Artists adopted a ‘hard to see’ strategy, using Pauline Kael’s rave review to advertise the ﬁlm and circum- venting CARA by self-imposing an X on the ﬁlm (Balio 2009: 299–301). Despite United Artists’ success with *Last Tango*, one of 1973’s top Hollywood hits (‘Big Rental Films of 1973’ 1974: 19), the publicity was problematic for Transamerica. Because of the implication that United Artists ‘was distributing a pornographic ﬁlm, Transamerica’s insurance agents complained that they would never be able to sell to the family trade again’ (Balio 2009: 298). Nevertheless, Balio informs us that after *Last Tango* United Artists continued to operate with autonomy in terms of selecting projects (Balio 2009: 334), which explains why the company did not shy away from yet another controversial ﬁlm in *Cruising*.

The protests and clashes, and the hostility of the gay press towards *Cruising* did not

aﬀect the rating decision. There is no known evidence that CARA took any notice of these factors in initially awarding *Cruising* an X. X ratings were chieﬂy associated with hardcore pornography, gory horror, and exploitation. Operating within a diﬀerent exhibition market, those ﬁlms conferred the X or even a XXX upon themselves as a marketing strategy. Nonetheless, ‘the MPAA never clariﬁed the fact that the X was meant to be a respectable rating for a legitimate adult ﬁlm – preferring to allow people to interpret it as an “undesirable” rating’ (Farber and Changas 1972: 15). Indeed, the X was not an MPAA patented trademarked rating, hence the late introduction of the NC-17 (no children under 17 admitted) in 1990 that only the MPAA could legally apply to ﬁlms exceeding R rating criteria.3

Given the discourses surrounding the X rating, Hollywood directors pushing the boundaries within studio productions in the 1970s and early 1980s always ended up delivering to distributors R rated ﬁlms, which suggests that it was a contractual obligation to do so. As large theatre chains across the US would not bid on or exhibit X rated ﬁlms, network television would not broadcast any trailers, and most national newspapers would not carry any print ads, theatre list- ings or reviews, it was sensible business practice for ﬁlmmakers to deliver to dis- tributors nothing exceeding the R rating. Indeed, Friedkin admitted that Lorimar’s chief executive Merv Adelson insisted that he and Weintraub ‘had to get an R rating’ for *Cruising* (Friedkin 2014: 365), implying that this was a contract clause in this case too.

United Artists had prior success with the X rating and would appear to have been the most ‘X-rated-friendly’ of the studios, beginning with *Midnight Cowboy*, the ﬁrst studio ﬁlm to receive an X rating, and followed by *Last Tango in Paris*.4 The subsequent diﬃculties created by the very public protests about *Cruising* gen- erated further controversy as the ﬁlm went back and forth at the MPAA through- out December 1979 (Harmetz 1980b: 9). Friedkin made the necessary cuts and alterations to secure an R rating for United Artists and on 4 January 1980, the ﬁlm was awarded ‘Certiﬁcate of Rating No. 25871’ (ibid.). However, this was not the end of the controversy where the rating was concerned.

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Despite a commercial rating, *Cruising*’s R was disputed by theatre owners and, sur- prisingly, by the chairman of CARA Richard Heﬀner. By the time the ﬁlm was released in theatres, the focus of reporting had shifted from gay protests to an alleged industry conspiracy in which the American public was duped by an ‘X in R’s Cloth- ing’ (ibid.). Heﬀner prepared a public statement quoted in the *New York Times:*

It was on Feb. 14th 1980 – the day before exhibition, when my Rating Board colleagues and I were ﬁrst provided the opportunity to see a release print of ‘Cruising’– that we became so painfully aware that at least three of the crucial changes *previously* seen by us or represented to us before we would issue an R rating, were not, in fact, part of the ﬁlm’s release print.

*(Heﬀner, quoted in Harmetz 1980b: 9)*

The 500 plus release prints allegedly diﬀered from the approved rating board version. Friedkin provided a detailed list of alterations, cuts, and a timeline of exchanges with the MPAA as indemnity for United Artists and Transamerica that everything Friedkin and Weintraub did concerning the ﬁlm’s rating fol- lowed the letter of CARA’s recommendations (Friedkin and Weintraub 1980). The R rating could be legally defended, suggesting that any ‘innuendos from board members of the MPAA [were] without foundation’ (1). For United Artists and the ﬁlm’s creators the accusations seemed to have been initiated by percep- tion rather than fact, especially when Heﬀner was quoted saying that *Cruising*’s ‘theme [was] so incredibly unpleasant, we knew that people would want us to punish the ﬁlm. People are angry. They want to be saved from this ﬁlm’ (Heﬀ- ner, quoted in Harmetz 1980a: 12). In the same article, Harmetz bolsters Heﬀ- ner’s position with her own bias asking *Times* readers to consider how it was possible for *Cruising* ‘to get an R rating rather than an X rating from the Motion Picture Association of America, despite homosexual sadomasochistic content’ (ibid.). Indeed, the problem was not the depiction of queers being murdered, as many R rated ﬁlms have shown: *The Detective* (Douglas, 1968), *Magnum Force* (Post, 1973), *The Day of the Jackal* (Forsyth, 1973), *Freebie and the Bean* (Rush, 1974), *The Eiger Sanction* (Eastwood, 1975); it was the Hollywood representation of a gay sexual subculture without shame and illegality.

Corroborating this argument is the substantial mythology surrounding what

may have been ﬁlmed and what may have been cut from *Cruising*. As Harmetz reported in the *New York Times:*

according to studio sources, nearly three minutes were edited out of ‘Cruising’ before the movie was able to receive its R rating. The excised material toned down the violence of the movie’s ﬁrst murder and softened the speciﬁcs of sex in the heavy leather-bar scenes. Jerry Weintraub, the movie’s producer, con- ﬁrmed that his ﬁlm was resubmitted to the seven-member ratings board ﬁve or six times.

*(Harmetz 1980a: 12)*

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The frequent exchanges between CARA and Friedkin mostly consisted of minor adjustments rather than extensive cutting with the removal of frames and brief shots rather than entire sequences. Optical changes were done at Techni- color before release where the density of speciﬁc shots was altered to obscure certain background details during ‘Precinct Night’ (Cipes 1980). To demonstrate that he had done what was asked by CARA, Friedkin listed all the changes in studio correspondence to board member Aaron Stern:

The ﬁrst murder

The removal of a shot of the victim’s bloody back being stabbed.

The removal of blood spurting across the victim’s face. Replaced by a similar shot without blood.

The ﬁnal shot of the victim’s face now fades out before another blood spurt. The ﬁrst club interior

During a pan, a shot of simulated fellatio is printed down to be much darker.

Several frames were removed to lessen the appearance of the man in the bathtub.

‘Precinct Night’

The establishing pan shot is printed down darker.

Frames have been removed showing a man on his knees behind another’s buttocks.

Frames have been removed of three men locked in an embrace. Frames have been removed showing the close-up of a greased ﬁst. Frames have been removed of the man in the sling.

The peep show murder

Frames of fellatio have been removed from the peep-show porno ﬁlm.

*(Friedkin 1980)*

Despite minor alterations to secure an R rating, this was not enough to quell further controversy when the ﬁlm eventually opened. The opinion of theatre chains, bolstered by CARA’s Richard Heﬀner, generated additional problems for United Artists that had broader implications for the ﬁlm industry. In very public denouncements of *Cruising*’s rating, it was claimed that ‘the distributor, production company, producer, director and ﬁlm editor of the movie … misrepresented “Cruising” to theatres by giving the movie an R rating when it deserved to be X-rated’ (Harmetz 1980b: 9). With its R rating in dispute, one theatre chain, College Theatre, ﬁled a civil suit against United Artists, Lorimar, Friedkin, editor Bud Smith, *and* the MPAA as co-conspirators in an X rated plot (ibid.).

##### United Artists vs the theatre chains: Blind bidding controversies

The proliferating controversies around *Cruising* now extended to accusations of deception, in turn reigniting exhibitors’ long-simmering discontent with the industry practice of blind bidding. In 1975, the Justice Department had revoked

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its rules on blind bidding in favour of the studios (Bratman 1980). The *Cruising* rating controversy allowed the national theatre chains to push for the reversal of the Justice Department’s ruling and outlaw the blind bidding system once again. Deeming the practice unfair, theatre chains were ready to exploit *Cruising* in order to challenge United Artists’ and other studios’ control over distribution and exhibition.

Blind bidding was a means through which the Hollywood studios could maintain their market power in a post-vertical integration context. Studio output was substantially reduced in the 1970s and concentrated on fewer ﬁlms with more signiﬁcant rewards. Blind bidding was one way of oﬀsetting the costs and the risks of larger-scale ﬁlm ﬁnancing. The studios could in eﬀect control their ﬁlms in the exhibition market without ownership of any theatres. In licensing their pictures for the ﬁrst run theatre chains for a minimum rental fee, United Artists and the other studios required the exhibitors to bid on ﬁlms sight unseen. The practice was as follows: United Artists would send a ‘bid request letter’ with titles and casts of ﬁlms in production with additional stipulations, such as determining the extent of the run, playtimes, and an initial run box-oﬃce split of 90% for the studio and 10% for the theatre (Harmetz 1979b). The studios only disclosed a minimal amount of information about ﬁlms in production but secured a rental fee that oﬀset some of the potential ﬁnancial risks of poor box-oﬃce per- formance. A. Alan Friedberg, president of the National Association of Theatre Owners, complained by citing two of United Artists’ Sylvester Stallone vehicles, *Rocky II* (Stallone, 1979) and *F.I.S.T.* (Jewison, 1978):

I sat in my oﬃce last fall assessing ‘Players,’ ‘Prophecy,’ ‘North Dallas Forty’ and ‘Rocky II,’… Imagine having to make judgments on four or ﬁve ﬁlms in a single day with no more information than titles, cast, plot- line, and availability dates. With ‘Rocky II,’ I knew it must have some- thing in common with ‘Rocky,’ and I also had to consider the box-oﬃce failure of Sylvester Stallone in ‘F.I.S.T.’ and ‘Paradise Alley’.

*(Friedberg, quoted in Harmetz 1979a: 7)*

Ninety per cent of studio ﬁlms were subject to blind bidding by 1979, and ﬁrst- run exhibition was concentrated among just 15 national theatre chains (‘Blind Bidding …’ 1979: 1131). The 1979/1980 period saw a rise in lawsuits against the practice with several US states passing anti-blind bidding laws, openly con- testing the Justice Department’s 1975 ruling (Harmetz 1979b: 7). The MPPA had legally challenged these laws as an unconstitutional regulation of interstate commerce. Through blind bidding, theatre chains were contractually obliged to exhibit United Artists’ *Cruising* and pay upfront base rental fees without know- ing the ﬁlm would be, in their judgment, controversially gay-themed.

By the time of *Cruising*, blind bidding was already prohibited in Ohio, South

Carolina, Utah, Virginia, Louisiana, Georgia, and Alabama (‘Blind Bidding …’

1979: 1128). The issue of whether motion picture blind bidding violated anti-trust

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laws was considered by the *Harvard Law Review* in light of the increase in lawsuits against the studios in the late 1970s. Analysing the *Syufy Enterprises vs Columbia Pic- tures* anti-trust case, the law review concluded that the economic beneﬁts of blind bidding outweigh any exhibitor’s claims about unfair business practices (1137). The *Harvard Law Review* defended studio control as a rational oligopoly with high investment and high-risk stakes that beneﬁt the motion picture industry overall (1129).

*Syufy vs Columbia* never made it to court. However, *Cruising*’s rating issue provided an opportunity for exhibitors to push back again. The new tack claimed that *Cruising* was a morally objectionable ﬁlm and that CARA was remiss in certifying the ﬁlm with an R rating. Following the gay protests, and with the rating still in dispute, several lawsuits from national theatre chains ran- ging from California to Kansas and Massachusetts were about to be ﬁled. Gen- eral Cinema Theatres refused to play *Cruising* in 35 of its houses (Harmetz 1980a: 9) and the Loews chain threatened to pull *Cruising* out of exhibition (Nadler 1980: 9). *Variety* also reported that ‘United Artists Theatres showing Lorimar-United Artists’ “Cruising” [were] posting signs at their theatres advising patrons that in the opinion of management this picture should [have been] rated X’ (‘UATC Posts Warning at Windows …’ 1980: 5). Cinema chains in Long Island even went as far as creating a two-minute short explaining blind bidding through the example of purchasing a car sight-unseen (Bratman 1980). Like the theatre chains, the new car owners had to buy in advance of a test drive.

Other exhibitors went further. Legally contracted with United Artists for a six-week run, Mid-America Cinema knew it would violate its contract if it rescinded. In light of this, Mid-America Cinema fulﬁlled its contract but placed banners in its theatre lobbies directly addressing its patrons:

‘Cruising’ is a picture we sincerely wish we did not have to show. Had we been oﬀered an opportunity to preview this picture ahead of purchase, you would not see it on our screens today. However, because of a system called ‘blind bidding’ wherein future movies are oﬀered for bid months before we can view them, our hands are tied. We are now obligated by contractual agreement to play ‘Cruising’. Our request to be released from this contract was denied. It’s play or face possible lawsuit. The management of MID- AMERICA Cinema oﬀers its apologies to patrons and suggests all com- ments are addressed to: UNITED ARTISTS, 729 7th Avenue, New York, NY 10019.

*(Jeﬃns 1980)*

The blame was directed towards United Artists’ control as the distributor of

*Cruising* rather than Friedkin, Weintraub or Lorimar.

California’s College Theatre mounted a legal challenge in June 1980 seek- ing $50,000 (the blind bidding sum) in actual damages and a further $1m in punitive damages (‘College Theatre …’ 1980). The action was premised on

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the notion that College Theatre was deceptively supplied an X-rated picture when it knowingly only exhibits R-rated features. This was declared a breach of trust and a conspiracy to misrepresent ﬁlms to exhibitors. Involving all par- ties related to *Cruising*, the lawsuit was against United Artists and Lorimar Films, Jerry Weintraub, William Friedkin, Bud Smith and, surprisingly, CARA. The First Count argued that United Artists knew *Cruising* was an X, that it did not implement the changes CARA requested, and that College Theatre did not do business with X-rated pictures (ibid.). The Second Count accused Weintraub in his capacity as producer, Friedkin as director, and Bud Smith as the ﬁlm’s editor, as ‘responsible for the contents of and the represen- tations concerning the rating’ and conspiring to misrepresent *Cruising* to exhibitors (ibid.). The Third Count accused CARA of negligence for not inspecting the release prints of the ﬁlm.

In its response to this lawsuit, United Artists asked Lorimar ‘to hold them

[United Artists as distributor] harmless from any legal costs or damages’ (Smith 1980) and ‘to indemnify and hold United Artists harmless from any legal costs incurred or damages recovered’ (Rappaport 1980). Like many lawsuits against the studios in this period, *College Theatre, a California Corporation vs United Artists et al*. appears not to have reached any conclusion legal or otherwise. However, at the very least all this negative publicity harmed *Cruising*’s box-oﬃce performance and soured the relationship between Lorimar and UA, prompting the production company to make a distribution deal with Paramount.

##### Conclusion

Upon release, *Cruising* was poorly reviewed, the public disengaged from the ﬁlm after its ﬁrst-week run, and issues with *Heaven*’*s Gate* were nascent as United Artists’ new priority. At the end of 1980, the rights to *Cruising* reverted to Lor- imar and Weintraub was in talks to re-release the ﬁlm as an X (Mitchell et al. 1980). A tetchy memo from Friedkin’s agent remarked that ‘any partnership between Weintraub and Billy is not going to work for Billy,’ implying the end of the professional relationship between the ﬁlm’s two main creative agents (ibid.). Following eight months of protesting, *Cruising*’s legacy and cultural polit- ics continued to obscure other important and contentious issues: a lack of faith in the MPAA and the eﬀectiveness of CARA; conglomerate monopolisation of distribution; and the inﬂuence of blind bidding on exhibition.

Hollywood in the 1980s developed around the strengthening of blockbuster, high-concept ﬁlmmaking (*Flashdance* [Lyne, 1983], *Ghostbusters* [Reitman, 1984]), sequels and franchises (*Batman* [Burton, 1989]) and the dominance of science ﬁction (*E.T. The Extra-Terrestrial* [Spielberg, 1982], *Return of the Jedi* [Marquand, 1983]) and adventure (*Raiders of the Lost Ark* [Spielberg, 1981]). In this light, *Cruising* was an anachronistic feature harking back to United Artists’ prior success with *Midnight Cowboy* and *Last Tango in Paris*. Starting with *Cruising* and ending with *Heaven*’*s Gate*, 1980 would see another imperative shift in United

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Artists’ history. Transamerica Corporation, humiliated by *Heaven*’*s Gate*, departed Hollywood and sold the studio for $320 million to MGM’s Kirk Kerkorian (Balio 2009: 341) in May 1981. Post-*Cruising* and *Heaven*’*s Gate*, United Artists produced two hits in subsequent years, *Rocky III* (Stallone, 1982) and *WarGames* (Badham, 1983), albeit distributed under Kerkorian’s new MGM/UA company banner.

United Artists, one could conclude, is a company that demonstrated an occa- sional penchant for some of the riskier titles in Hollywood’s post-war history. Fol- lowing *Cruising*, it would be another 15 years before United Artists embraced controversy when it co-produced and distributed (as MGM/UA) the NC-17 *Showgirls* (Verhoeven, 1995). A $41 million production harking back to the MGM musical, *Showgirls* was devised as an NC-17 feature and, with faith in its success, it was the most widely distributed NC-17 ﬁlm, opening across 1000 US theatres (Weinraub 1995: 47). Like *Cruising*, *Showgirls* was critically panned, awarded seven Razzies and signiﬁcantly underperformed at the box oﬃce. *Cruis- ing*, on the other hand, was an ambitious attempt to tackle controversial subject matter dogged by problems during its production and subsequent exhibition. Unable to repeat the success of *Midnight Cowboy* and *Last Tango in Paris*, one should admire United Artists for living up to its claims to freedom and artistic excellence, for being the studio that backed *Cruising* when no other studio would.

##### Notes

1. *Windows*’ premise as an ‘erotic thriller’ involves a psychotic lesbian (Elizabeth Ashley) who orchestrates the rape of her neighbour (Talia Shire). She arranges this to encour- age hatred of men with the hope her neighbour will become her lesbian lover. *Win- dows* is undeniably nasty in its representation of a psychotic lesbian, a protracted rape scene and cheap allusions to *Rear Window* (Hitchcock, 1954).
2. Paul Bateson, the person arrested and convicted for the murder of gay ﬁlm journalist Addisson Verrill, was suspected of the other murders but only successfully prosecuted for one. Bateson even had a small part in *The Exorcist* (Friedkin, 1973) as the radiog- rapher. Bateson was at Rikers when Friedkin visited him as part of *Cruising*’s pre- production research (Friedkin 2014: 361).
3. The ﬁrst NC-17 was the October 1990 release of Universal’s *Henry and June* (Kaufman, 1990).
4. *Midnight Cowboy*’*s* rating was upped from an initial R to a self-imposed X in relation to a psychiatrist’s concerns that the ﬁlm’s ‘homosexual frame of reference’ would aﬀect minors (Balio 2009: 291).

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