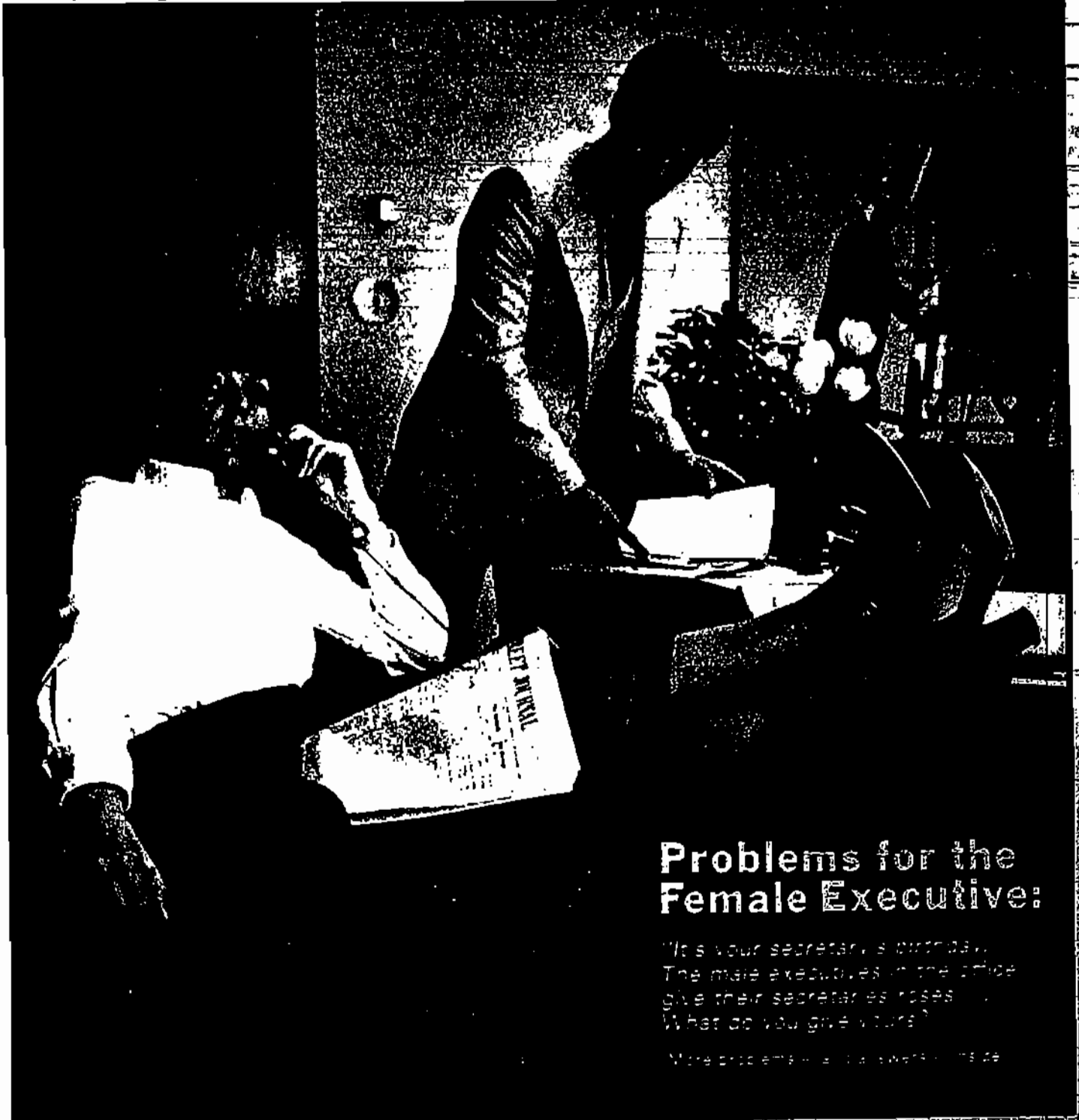


today

The Inquirer Magazine

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Problems for the Female Executive:

It's your secretary's birthday. The male executives in the office give their secretaries roses. What do you give yours?

More problems in the workplace.

From Stockbroker to Pornbroker

By JACK SMITH

"It's a witch-hunt," he had said on the phone. "McCarthyism, Sacco and Vanzetti and the Scopes trial. "And I'm one of the few people who knows what those unscrupulous, publicly seeking authorities are doing to Free Speech in this country."

The speaker, Tony Battista, was obviously more sensitive than most of us to the erosion of constitutional rights, particularly the First Amendment. But then, Tony is not only a concerned American, he is also a convicted pornographer. On April 30, 1976, a federal court in Memphis found Tony Battista, 11 other men and four corporations guilty of conspiring to transport obscene material, to wit, the movie *Deep Throat*, into Tennessee.

"Yeah, the judge's charge to the jury took three and a

way The approaching traffic glows orange against the encroaching dusk; beyond, the road sweeps indistinctly toward Philadelphia. Once past the bulldozers and scoured earth that herald the Blue Route, there is little along the route that has changed in the past 10 years. Nearer the Belmont exit, to the left, the ruins of former mills and warehouses glide past as ever, an Acropolis of the ordinary.

On this night it's almost heartening to see that some things haven't changed since Tony and I first met.

It was December 1968. The holiday season was in full swing. The inauguration of President elect Richard Nixon was only a month away, and the nation was in a period of wartime prosperity.

Tony, coupled with the promise of a close to the conflict in Vietnam, generated a mood that was optimistic, almost carefree. America's pulse was racing, a fact that was evident to anyone in

bunkport, Middle America — yes, that same Middle America that, when vested in the toga of Presbyterian morality, might eschew the lottery, condemn horse racing or spurn roulette — was learning how to day-trade, to pyramid on margin, to sell short.

Even trust fund managers were replacing standbys like AT&T or General Motors with obscure issues bearing names that hinted at scientific breakthroughs or fat aerospace contracts.

M/E ratios, first issues, convertible bonds. They all belonged to an Esperanto common to taxi drivers and neurosurgeons, cafe society and union halls.

The employment rolls of the larger brokerage firms were just beginning to reflect this New Populism on Wall Street. And a registered representative was just as liable to have a background in aluminum siding sales or in hawking Bibles door to door as in Keynesian economics or

broker, and he seemed to move through his setting like an American tourist through the Prado in Madrid — impressed, but not really influenced. He knew he would always prefer bocce to squash and backgammon. The first member of his family to attain a college degree, he wouldn't pass up the easy sociability of a Big Five basketball game for a millennium of Assemblies. Let others enjoy the trappings of success; he hoped to catch a small piece of the substance.

But this modest ambition would prove elusive — as elusive as the light at the end of a tunnel that would like some cosmic Moebius strip to the rice paddies of Asia.

Four years later, as the presidential campaign of 1972 approached, Washington and Wall Street alike were sending signals that things were tightening up — announcements of declines in the rate of growth of the gross national product; demands to put up more cash

tunity; the exclusive rights to a venture that was destined to become a blue-chipper. Suddenly fate had placed him again in the fore of the next growth industry.

Tony had been working for another brokerage firm when a Florida-based personal friend telephoned to ask if he would be interested in taking over the distribution of *Deep Throat* in eastern Pennsylvania, New Jersey and Delaware.



half hours and they deliberated the obscenity charge for 10 minutes," Tony continued. "Does that sound like a setup, or what? If it weren't for the Supreme Court, I'd probably be in jail right now."

"Tall you what, meet me downtown tonight and I'll fill you in on the case. What those federal prosecutors did was a crime."

A few hours later, the windshield wipers whisk away the spring mist with an intermittent swoosh as I head south on the Schuylkill Express-

a front-row seat at what was then one of the most popular, fast-moving shows in town. The lunchtime crowd was generally a mixture of young and old, with men far outnumbering a handful of women. Here we would sit, attentions riveted on the figures that went dancing across the screen. After all, where else could one find his wildest fantasies so graphically depicted — or at least share in the fantasies of others — as on the electronic tote board of the New York Stock Exchange at the F.I. duPont Co. on Chestnut Street.

From Pasadena to Kenna-

steepchasing. For Tony Battista, freshly inducted into the mysteries of portfolio management, it was the American Dream all over again. His more blasé fellow brokers might dismiss his employer, that same F. I. duPont, as the Korvettes of Wall Street, but to him the atmosphere seemed thick with the aroma of high finance and the promise of cricket clubs, yachts and fox hunts. All of it was very heady stuff for a young man from West Philadelphia who a year earlier would have defined a socialite as anyone who owned a tennis racket.

Tony Battista was my

when buying on margin. Within another year, disappointment had coalesced to cynicism.

Agnew's resignation, Nixon's complicity in the Watergate coverup, the first glimmerings that we had achieved something less than "peace with honor" in Asia, and evidence of corporate corruption from Lockheed to Penn Central — they had all chipped away at the Republic and eroded the Dow Jones gains.

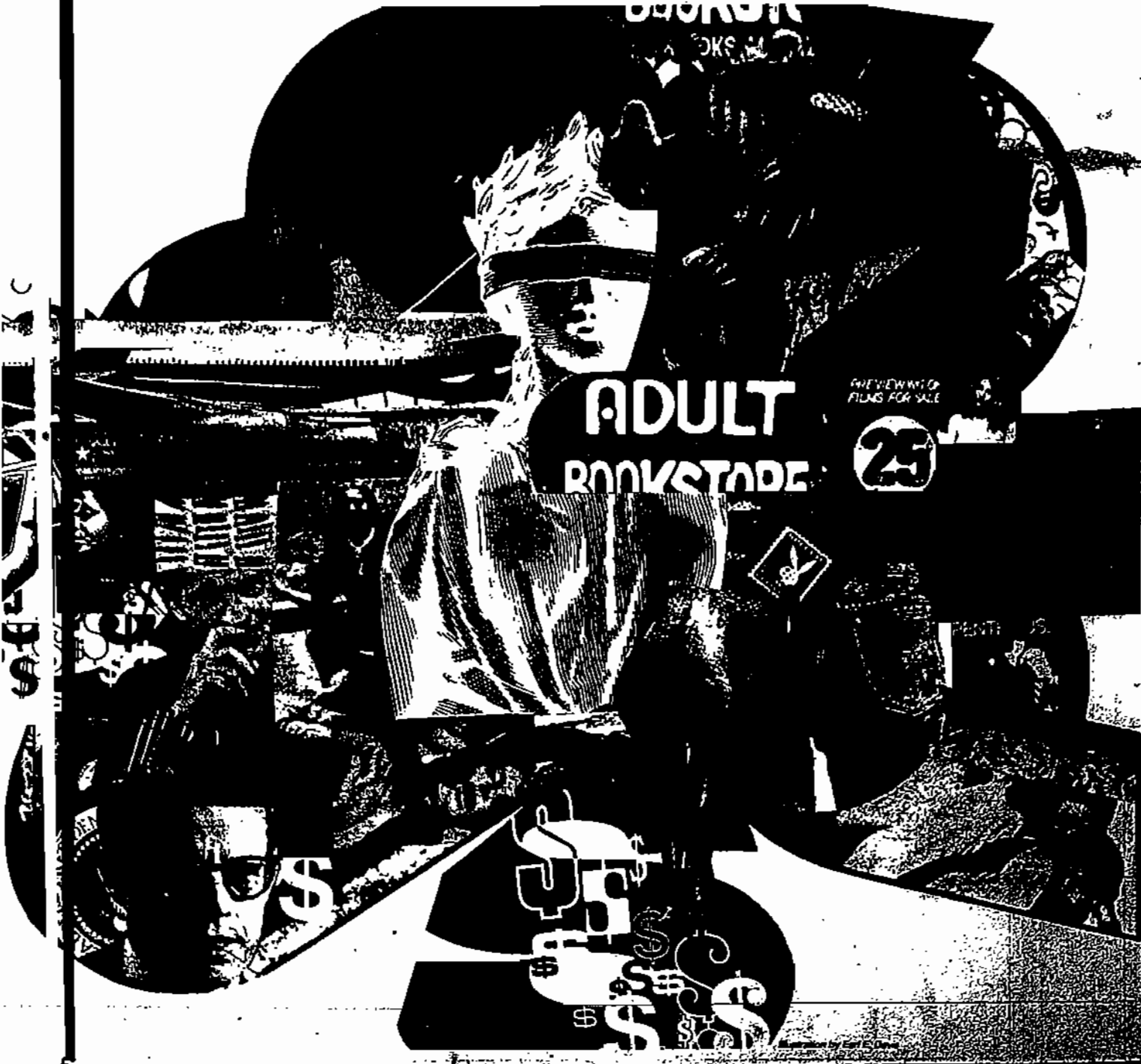
Yet even as the boom in stocks began to fade — and Tony Battista's dreams with it — he found himself confronted with a unique oppor-

Tony had to think it over, of course. He hadn't worked and studied and waited to become a stockbroker just to wind up handling stag films. But, then, he had been at the duPont brokerage when that firm began to founder like a corporate Titanic, and the management of his present firm already seemed to be edging toward the lifeboats.

He would give it a try. And in the ensuing eight months while he still kept his day job as a stockbroker, he took over distribution of other such favorites as *Deep Throat*, *Memories of My Mother*, *Aggie*, *Blonde*, *Devil*, *My*

JACK SMITH is a publicist and writer who has learned to expect only the unexpected.

The big difference between selling stock and selling smut, according to Tony Battista, is the hours. Also, he doesn't wear a tie any more.



BATTISTA continued

as long as the girls aren't fighting backstage and the manager of the theater is all right."

Wildflower's monologue is interrupted as Tammy Lynn,

her performance concluded, makes it a foursome in the office. I find out that I have missed a spectacular display of acrobatics.

"Oh, yes," says Wildflower, "all of us develop a special routine of one sort or another.

In this world you've gotta have a gimmick, she comments, wide-eyed. "I'm still working on my own act. I'm having a great big plastic flower built, about eight feet tall. Like a daisy, made of Plexiglas. It'll have a little

platform on it and I'll do my act there, with a long stuffed worm."

"The conservationists will love it," observes Tony, blowing smoke rings at the ceiling.

"It's going to cost me \$800

but it will be worth it because then I won't have to do any more floor work," she continues.

"Hey, whataya say we go out and grab a beer," Tony interrupts before Wildflower can elaborate on the hazards of floor work. The girls want to come with us, and Tony says it's up to me whether they should. There's so much to learn and so little time to learn it, I figure the girls should come.

In a few minutes Tony's Thunderbird has arrived in front of one of the more fashionable watering spots along North Broad Street. Tammy Lynn and Wildflower are soon munching happily on roast beef sandwiches as Tony tells about some of his former business deals. Was such-and-such still hustling oil leases? Had I bought any municipals from another broker? Was I going to start a college trust fund for my children?

Wildflower looks up from her sandwich. "Oh, are you married?" I answer in my most avuncular tone that I am, indeed. "Too bad," she giggles and returns to her sandwich.

Tammy Lynn wants to know if her name will be in the papers.

"Wildflower got her name in the Daily News this week," she pouts.

Wildflower flashes through her handbag and finds a slip of newsprint with an observation by Larry Fields that an "oddlomake" from Houston was flying to Philadelphia just to catch her show. "It would be a shame if he came all the way to Philadelphia and then found the Lane closed," she says.

This, as it turned out, was a real possibility. For years, the Lane Theater had functioned as a general-entertainment movie house, showing such fare as *Bambi* one week and *I Am Curious (Yellow)* the next. In January 1975, Tony had leased the theater from the RKO Corp. and reopened it with all-X-rated films and live nude dancers. The majority of nearby residents didn't welcome the advent of "adult entertainment."

warmly as they might have North Broad Street branch of Tiffany's.

"Well, I guess everybody's heard about the troubles you have. I bet that the theater's actually going to close."

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ling Tod Kennedy to lecture on water safety. It just shows you what a headline-hunting prosecutor can get away with in this country.

"Sure, it was me, and Harry Reems, this time. But what if one of these federal prosecutors doesn't like something you print? Or what if the district attorney disagrees with a news report on television?"

"Hey listen, the First Amendment could be in for a rough time in the next couple years. At least in my case, the Supreme Court upheld our rights. *Deep Throat*, the movie we were bringing into Tennessee, had been made in '72, right? And the prevailing community standards rule went into effect sometime in '73.

"Well, Parrish and his band of Merry Men applied this statute retroactively to cover *Throat*. The Burger court ruled just last month that this was unconstitutional, which is what we'd been saying all along.

"Of course, I'm not out of the woods yet. The last case dealt with another film distributor, a man named Marx. My conviction wasn't re-

versed directly. But let's say for a minute that the Supreme Court did not decide this way. Or maybe, they refused to hear the case. No sweat. We can always appeal, you say.

"So now I want to appeal a \$5,000 fine. Now, to appeal in federal court you have to provide a transcript of everything produced at the trial. Well, that sounds fair, you say. But wait — a transcript can cost between \$1.50 and \$2.25 a page. So, how many pages were there? Only about 40,000. So to avoid paying a \$5,000 fine I'm going to pay maybe \$100,000 for transcripts?"

From the next room a cheer goes up as one of the dancers favors an admirer with that bit of terpsichore known to Marseilles dockhands as "s'assoir sur la nez." Tony continues:

"If the government wants to, we could be brought back for retrial, of course. But my friend Larry Parrish is out now, he was replaced right after Jimmy Carter's inauguration. So it looks like the charges will be dropped. Hell, why shouldn't they be dropped? The President's

trying to establish diplomatic relations with Cuba, isn't he? He's offered amnesty to the Vietnam deserters, hasn't he? Even Gordon Liddy's getting his sentence commuted. So maybe the witch-hunt's over."

Tony turns back to the pinball machine, and slings another ball out to carom from bumper to sidewall, flipper to counter, and watches intently, as if seeking a logic, a consistency that he had failed to perceive in the laws of man.

"Funny," he observes as the ball disappears at the bottom of the playing surface, "the only thing that the indictment and last year's trial really accomplished was to make it tougher for me to get back into the stock market. Last year I tried to get a job with a commodities brokerage, but once they found out I was the *Deep Throat* Tony Battista, they wouldn't touch me."

Wait a minute, is this the same Tony Battista who had told me two years ago that there is no real difference



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