

Administrative Information

Title

People vs. Owen Bathhouse Closure Litigation Records, 1984-1987.

Collection Number

SFH 31

Creator

San Francisco (Calif.). Bureau of Communicable Disease Control.

Size

1 carton (1.0 cubic ft.)

Provenance

The collection was acquired via an anonymous donation 12/18/96.

Access

Collection is open for research.

Publication Rights

Four confidential documents written between City Attorneys and Department of Public Health officials have been removed.

Processed by

Wendy Kramer

Date Completed

November 21, 2008

Languages Represented

Collection materials are in English.

Physical Location

For current information on the location of these materials, please consult the library's online catalog: www.sfpl.org

Repository:

San Francisco History Center, \$e San Francisco Public Library, \$e 100 Larkin Street, San Francisco, CA 94102, 415.557.4567.

Preferred Citation

Preferred Citation: Preferred citation: [*Identification of item*], People vs. Owen Bathhouse Closure Litigation Records, 1984-1987 (SFH 31), San Francisco History Center, San Francisco Public Library, San Francisco, CA.

Related Materials

Researchers are encouraged to see also "The San Francisco Bathhouse Battles of 1984: Civil Liberties, AIDS Risk, and Shifts in Health Policy." Disman, Christopher. Co-published simultaneously in *Journal of Homosexuality*, (Harrington Park Press, an imprint of The Haworth Press, Inc.) Vol. 44, Nos. ¾, 2003, pp. 71-129; and *Gay Bathhouses and Public Health Policy*, (ed. William J. Woods and Diane Binson) Harrington Park Press, an imprint of The Haworth Press, Inc., 2003, pp. 71-129.

Related Collections

Researchers are encouraged to see also AIDS Office of the San Francisco Department of Public Health Records, 1982-1994 (SFH 4).

Conservation Note

During processing, the entire collection was re-folded and re-housed in acid-free folders and boxes. Some metal staples and paper clips remain.

History

The court case People of the State of California, ex rel. George Agnost, et al. vs. Ima Jean Owen, et al. (Superior Court No. 830-321), aka People vs. Owen, filed Oct. 10, 1984 by San Francisco City Attorney George Agnost and Director of Public Health Mervyn Silverman, documents the efforts of the San Francisco Department of Public Health to close fourteen

bathhouses, sex clubs, bookstores, and adult movie theaters by claiming them to be a public nuisance, as a response to the then-new knowledge of sexual methods of AIDS transmission. More broadly, the case positions San Francisco in a local and ultimately national public debate over AIDS –related policies in the 1980s, in which city officials, community activists, and private citizens struggle with the relationship between public health and gay civil rights.

Defendant businesses in the original Oct. 10 complaint were: The Academy; The Animals; The Boot Camp; Club Baths of San Francisco; California Baths Corp.; Club San Francisco; Folsom Gulch Books; Gartman Enterprises; Jack’s Turkish Baths; Jaguar Book Store; The Savages Theater; San Francisco Health Club; Tea Room Theater; The Slot Hotel; The Baths.

Although the provenance of this collection is unknown, based on the organization and original notations on the material, the records appear to be from the files of Dean Echenberg, then-Director of the Bureau of Communicable Disease Control, of the San Francisco Department of Public Health.

Scope and Content

The bulk of the material consists of copies of pleadings filed by both plaintiffs and defendants, including declarations of physicians, public health experts, and investigators, upon which the City based its application for a temporary restraining order, preliminary injunction, and permanent injunction to enforce Dr. Silverman’s closure order of Oct. 9, 1984; along with subsequent court filings, including writs of supersedeas, a summons, the modified preliminary injunction, depositions, supplemental declarations, exhibits, and a defendants’ first set of interrogatories. There is also some case-related correspondence, including letters, memos, articles, and investigative reports, between city officials, law firms, private investigators, and community organizations. Some correspondence concerns proposed legislation to transfer jurisdiction for bathhouses from the Police Code to the Health Code.

The declarations in support of the bathhouse closures are of particular interest, as they reflect a representative set of medical and official points of view on businesses that facilitate public gay sex and the relationship of these businesses to the spread of AIDS. Declarants include Mervyn Silverman, Director of Public Health (DPH); Dean Echenberg, Director of the Bureau of Communicable Disease Control at DPH; faculty and administrators at University of California, San Francisco (UCSF), San Francisco General Hospital (SFGH), Mount Zion Hospital, the AIDS Activities Office, San Francisco Veterans Administration Medical Center, California State Department of Health Services, the Center for Disease Control; and several private investigators.

Arrangement Note

Arranged in 2 series: 1. Sex clubs/Bathhouses Subject Files, 1984-1986. 2. Court documents, 1984-1987. Series 2 is arranged chronologically.

Series Descriptions

Series I: Sex clubs/Bathhouses Subject Files, 1984-1986

Folders 1-2

Subject files containing copies of correspondence and documents related to People vs. Owen, circulated among city officials, some of it related to proposed bathhouse legislation from 1984-1986. Includes letters, memos, court documents, inspection reports, press statements, and articles from Coming Up!, a local gay newspaper.

Series II: Court Documents, 1984-1987

Folders 3-28

Copies of court documents from People vs. Owen, with a small amount of interfiled correspondence and filing notes.

Container List:

Folder 1:

Sex Clubs/Bathhouses Subject Files, 1984-1986

Folder 2:

Sex Clubs/Bathhouses Subject Files, 1984-1986

Folder 3:

Summons to Jaguar Book Store, Oct. 10, 1984

Folder 4:

Complaint for permanent injunction, preliminary injunction and temporary restraining order, Oct. 10, 1984

Folder 5:

Declarations in support of application for preliminary injunction and temporary restraining order (Vol. I, Silverman-Conant), Oct. 10, 1984

Folder 6:

Declarations in support of application for preliminary injunction and temporary restraining order (Vol. I, Volberding-Goldsmith), Oct. 10, 1984

Folder 7:

Declarations in support of application for preliminary injunction and for temporary restraining order (Vol. II), Oct. 10, 1984

Folder 8:

Declaration of Dr. Dean Echenberg, Oct. 10, 1984

Folder 9:

Order to show cause re preliminary injunction, Oct. 16, 1984

Folder 10:

Petition for writ of supersedeas after grant of temporary restraining order, Oct. 16, 1984

Folder 11:

Exhibits to petition for writ of supersedeas, Oct. 16, 1984

Folder 12:

Notice of taking deposition and request for production of documents, Oct. 24, 1984

Folder 13:

Notice of taking deposition records only, Oct. 24, 1984

Folder 14:

Deposition of Dean F. Echenberg, M.D., Oct. 29, 1984

Folder 15:

Deposition of Dean F. Echenberg, M.D., Oct. 29, 1984 (cont.)

Folder 16:

Declarations in support of opposition to preliminary injunction, Nov. 6, 1984

Folder 17:

Supplemental declaration of Dean Echenberg, Nov. 9, 1984

Folder 18:

Supplemental declaration of Mervyn Silverman, Nov. 14, 1984

Folder 19:

Memorandum of points and authorities in opposition to issuance of preliminary injunction, Nov. 14, 1984

Folder 20:

Memorandum of points and authorities, Nov. 14, 1984 (continued)

Folder 21:

Memorandum of points and authorities, Nov. 14, 1984 (continued)

Folder 22:

Preliminary injunction, Nov. 28, 1984

Folder 23:

Modified preliminary injunction, Dec. 21, 1984

Folder 24:

Petition for a writ of supersedeas after grant of modified preliminary injunction, June 3, 1985

Folder 25:

Discovery requests from bathhouse operators, with accompanying letter from City Attorney George Agnost and Chief Trial Deputy Philip S. Ward to Dean Echenberg, June 21, 1985

Folder 26:

Court documents re: motion for further modification of preliminary injunction, March 4, 1986

Folder 27:

Investigative report and court documents re: order to show cause re: contempt, Apr. 1987

Folder 28:

Memorandum of points and authorities in support of order to show cause re contempt, May 4, 1987, with copy of modified preliminary injunction