Bound and Gagged

Pornography and the Politics of Fantasy in America

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Fantasy in America:  
The United States v.  
Daniel Thomas DePew

What kind of society sends its citizens to prison for their fantasies?

When an undercover San Jose police officer calling himself “Bobby” phoned Daniel DePew in Alexandria, Virginia, to suggest that they had “mutual interests” and invited him to his hotel for dinner, DePew, ever the optimist—and thinking that he’d been beckoned to a blind date with an out-of-town prospect—showered, put on a pair of tight jeans, and drove himself to the Dulles Airport Marriott. Twenty-eight at the time, DePew was a systems control engineer at a high-tech electronics company; he was also, in his off-hours, a well-known habitué of the gay sadomasochistic subculture of the Washington, D.C., area. Subcultures have their own private languages, along with shared sets of rules and codes of behavior that members employ: to DePew, when Bobby said “mutual interests” it meant S&M sex. It wasn’t unusual for him to meet people over the phone and get together to explore fantasies, maybe have some kind of
scene—which often included verbalizing elaborate and violent fictional scenarios. Fantasy was a major component of DePew’s sexual universe. What DePew didn’t know was that what Bobby had in mind was that Dan play the role of executioner in a snuff film that Bobby was scripting, that Bobby was inviting Dan to his hotel room to discuss kidnapping and murdering a child, and that Bobby was working for the government. Our government.

What follows is a case study about odd, disturbing, and violent sexual fantasies, but just whose fantasies were they? Daniel DePew was sentenced to thirty-three years in prison for sitting around a hotel room and trading detailed kinky fantasies with two undercover cops who’d invited him there in the first place, and who spurred him on by sharing their own equally kinky fantasies, while a team of FBI agents listened eagerly in the next room. The cops and FBI agents are still roaming the streets; DePew is serving out his sentence in a federal prison. The fantasies never progressed beyond the realm of fantasy. This is a story about a crime that never happened. There was no victim. It’s also a story that wouldn’t have taken place without a couple of zealous law enforcement agents prodding a couple of tragically over-susceptible men to scratch open their psychic scars and plumb their darkest fantasies while the tape recorders rolled—like Kafkaesque state-sponsored psychotherapy—with every free association captured as evidence for a future trial.¹

United States v. DePew was the first prosecution nationwide involving sex-related computer bulletin boards, which is where a Richmond, Virginia, real estate agent named Dean Lambey inadvertently picked up a San Jose undercover cop and proceeded to lead Daniel DePew, whom he’d met only once, into the setup. These bulletin boards, and their successors on the Internet, were, briefly, an unregulated space for all manner of nonconstrained expression, whether political, sexual, creative, or just weird. These days any small-town cop with a modem and
a nose for sin can log on to the Internet and set about electronically policing the sexual proclivities of the nation. And following the case of a California couple sentenced to prison after an undercover Memphis postal inspector received their pornographic images over the Internet, Net hounds around the country are faced with the task of ensuring that their fantasy lives conform to the community standards of the Bible Belt, or risk prosecution. At the same time, these prosecutions are conducted haphazardly and rulings are contradictory: despite massive publicity about the 1995 arrest of a University of Michigan student after he published a violent fantasy about another student on a computer bulletin board and discussed similar fantasies through E-mail, the case was dismissed by a federal judge (after the student had spent a month in jail) who decided that the story and the E-mails were merely tasteless fiction. Federal legislation is now pending to criminalize sexually explicit speech and images on the Internet—ironically, as an amendment to a bill otherwise deregulating the telecommunications industry.

It's inevitable that the Internet will increasingly be used for entrapment purposes, as was the case with DePew and Lambey. The rationale for this expansion of law enforcement into the fantasies of the citizenry comes cloaked as the all-too-necessary responsibility of protecting children from perverts. The subject of child sexual abuse is so emotionally charged these days that little rational discussion of the topic is possible. Pedophilia is the new evil empire of the domestic imagination: now that communism has been defanged, it seems to occupy a similar metaphysical status as the evil of all evils, with similar anxiety about security from infiltration, the similar under-the-bed fear that "they" walk among us undetected—fears that are not entirely groundless, but not entirely rational either. (And predictably, the FBI once again plays a key role in ferreting out wrongdoing.)
Although the fact is that children are at far greater risk of abuse, violence, and murder by their own parents than anyone else, cultural panic about child safety attaches far disproportionately to the monster figure of the pedophile stranger-abductor. The missing children campaign of the early 1980s spawned a national mythology that a million children a year were being abducted by murderous perverts. These figures have been widely debunked: the vast majority of missing children are runaways or abducted in custody battles, which was never mentioned on the back of all those milk cartons featuring their haunting portraits. A small fraction of these cases are stranger abductions. The Justice Department estimates 200 to 300 stranger abductions a year (a child taken overnight or longer) and, of these, a fluctuating rate of 50 to 150 murders yearly.

Of course, it's the monstrosity of these crimes rather than their frequency that makes this such an archetypal scene of horror, but despite the terror and dread these cases generate, they're rare compared to family violence (and especially rare compared to other far more routine household dangers to children). As Kenneth Lanning, special supervisory agent at the FBI Academy's Behavioral Science Unit in Quantico, Virginia, puts it, "In the two months that you put all this energy and these resources into one child who's been abducted, two hundred kids are murdered by their mother or father."² The cultural preference to fixate on bizarre tales of murderous rings of pedophile-pornographers rather than the mundane and even more horrifying truth of parental violence is, however, unswayable; given these very vocal public sentiments, the pressure is on law enforcement agencies to perform the impossible task of ensuring that these crimes don't happen. That is, to hunt down stranger-pedophiles before they commit crimes. And if, increasingly, their lair is believed to be that unregulated den of perversity, the Internet, it's probably because it's a less impossible
territory to police than the nondigital universe. Even if there’s the occasional trumped-up charge or manufactured crime, with every widely publicized arrest comes the reassurance that law enforcement agencies have the threat under control, and no one is inclined to look too closely at the particulars. There may now be more attention devoted to family violence than in the past, but as long as the stranger-pedophile can provide a public alibi for violence to children, deflecting attention from where it apparently needs to be deflected, there seems to be a public compact to keep reviving and reinventing the stranger-pedophile threat.

Fantasy is ever present, particularly when it comes to the type of issues evoked in the DePew case. Mainstream culture constructs elaborate fantasies about what it purports it’s not—subcultural, foreign, pornographic, violent—which propel, and are enacted in, these highly publicized rituals of control and punishment, policing and mastery. (You can see the control fantasies at work in the cultural fascination with policing as well, which, not unlike other purity rituals—compulsive handwashing comes to mind—desires to excise contamination once and for all. If only you could scrub hard enough.) The overarching fantasy is that the powerfully monstrous bad thing is somewhere else, that it can be caged, and most crucially, that it’s “other.” Violence isn’t here, it’s there. No, over there. Not in the family, but in that Satanic cult disguised as a daycare center; not the criminal justice system, but in the psychopathic stranger. Violence never has a history; it’s born from itself, residing in the random and the anomalous, not the mundane and the everyday. Not in us, but in Daniel DePew.³

Fantasy permeated all levels of the DePew case, because as a culture, we’re never more beset by fantasy than in our assertions about the purity of our own motives, and in our fantastical belief in our own capacity for rationality.

If there’s little serious cultural attention devoted to inter-
rogating questions of fantasy—aside from psychoanalysis, that
dying lore (killed off by more cost-effective ways of understand-
ing the human psyche, like psychopharmacology)—there's even
less serious cultural attention devoted to violent fantasy, despite
the fact that, as media pundits never tire of bemoaning, they
percolate throughout our popular culture. But violent fantasies
aren't only the province of the mass media—governments have
them as well, projecting them onto the citizenry. 4 (And the
rest of the time, onto other nations.) When the violence ques-
tion does arise, convenient clichés and convenient scapegoats
occupy our attention: mass media is the culprit, especially the
pornography industry. And the state keeps mounting expensive
commissions and hearings to prove it. Despite the fact that por-
nography is far less violent than run-of-the-mill popular culture,
through the tireless efforts of antiporn feminists and cultural
conservatives, violence and pornography are now firmly linked
in what passes for debate on the subject, and against all evidence
to the contrary—even Women Against Pornography estimates
that only 6 percent of pornography is violent. 5

But what a violent fantasy means in any particular instance
is far from predictable; where any particular fantasizer's identi-
fications lie is up for grabs. We view culture, and popular cul-
ture, from the vantage point of complicated idiosyncratic private
histories, including the formative experience of having often felt
powerless and victimized—how can you have been a child and
not have felt this? Questions of power, vulnerability, control,
and victimhood are raw and tender regions. The entire terrain
is laden with projection and denial, including all our facile
assumptions that other people invariably take pleasure in identi-
fying with the aggression in any imaginary violent scenario. This
vastly undercomplicates anyone's imaginative investment in
these scenes, because these kinds of experiences are blurred
and conflicting: it's possible—it's even routine—to experience
contrary emotions simultaneously. Psyches are complicated things.

If the meanings of particular fantasy scenarios to particular viewers aren’t simply black and white, if it’s impossible to say with any reliability what person X or Y experiences when viewing or constructing a violent fantasy, imagine the conceptual and evidentiary mess when the criminal justice system is called on to take up such labyrinthine matters—if a group of twelve jurors is asked to determine the relation of fantasy to reality, or determine when fantasizing about doing something illegal becomes illegal, or when fantasy becomes intent. How can twelve strangers, caught up in their own fantasies, their own histories, possibly determine anything about someone else’s fantasy life, particularly when the fantasies strike them as repugnant? Yet a Virginia jury in the DePew case deliberated a fast four hours before declaring that fantasy is intent. Beyond a reasonable doubt. The relation of fantasy to reality is fairly tangled to say the least: the entire discipline of psychoanalysis is devoted to unraveling it (and has spent about the last hundred years trying to do so), making a four-hour verdict on the question seem, perhaps, precipitous.

Pornography—like members of sexual subcultures—provides a highly useful set of cultural alibis. Focusing on either, or both, deflects attention from matters upon which the culture prefers not to dwell. Panic-button issues like rape and child molestation don’t invite critical thought but rather fear, and fear is available to be mobilized, as populist politicians know so well. If rape and child molestation fail to produce sufficient panic, antipornography activists (having populist ambitions) have further upped the ante by insistently linking pornography to snuff films—films in which someone is, supposedly, killed on camera. Catharine MacKinnon, the country’s leading antiporn feminist, is fond of remarking that pornography is a continuum on
which the end point is the snuff film. Or as she puts it in her stump speech: “Snuff films cast a light on the rest of pornography that shows it for what it is: that it’s about the annihilation of women, the destruction of women, the murder and killing of women—in which murder and killing are just the end point that all the rest of pornography is a movement toward.”

There’s some question, though, whether snuff films actually exist, or are just another cultural myth. Rumors of vast underground snuff film rings began circulating in the mid-1970s following the release of a film called *Snuff*, which ended with a supposed on-camera murder in what purports to be a documentary sequence. A month-long investigation of the film by the Manhattan DA’s office ground to a halt when the quite live “victim” was interviewed by police. In fact, no law enforcement agency has ever come across a snuff film. MacKinnon claims to have seen snuff films herself, but refuses to reveal her sources “for reasons of security.” Justice Department and FBI officials say they’ve never seen one. Even U.S. Attorney Henry Hudson, chair of the 1986 Attorney General’s Commission on Pornography—and who will later figure in this story—has said, “As far as I can tell, no snuff films have been recovered in the United States. I don’t know that anyone has actually seen one.”

A snuff film is one of the most evil things imaginable, but they appear to be just that: imaginary. This doesn’t stop them from being a subject of massive cultural fascination; in fact, quite the reverse—it’s hard to pick up a gritty urban detective novel in which the hero isn’t foiling a well-organized band of depraved snuff film makers. It also didn’t stop them from being brandished as the linchpin of the DePew case. Rumors about snuff films usually claim they originated in South America (the advertising slogan for the film *Snuff* was “Made in South America where life is cheap,” which may have been the ancestry of the rumor). The foreign origin is important, because insofar as the metaphys-
ics of evil is a recurring feature of the social imagination, and gets mobilized by different symbols at different points in history, it's often the case that the bad, scary thing is symbolized by the outsider. Heretics, witches, Jews, homosexuals, communists, international terrorists, and now pedophiles have all had their day as icons of evil and perversity. The threat comes from elsewhere: not from inside our borders, but from foreign southern places; not from family violence, but from the murderous psychopath with a movie camera. "Witch-hunt" is the term invented to describe the zealous quest to eradicate this kind of threat, which is usually, according to the dictionary, "based on slight, doubtful, or irrelevant evidence." This was certainly the case in United States v. DePew.

Daniel DePew was not a pedophile. All his sexual partners were adults. Unfortunately, they were all adult men, which is still a crime in the state of Virginia, and was surely not a point in his favor with the Virginia jury or prosecutors. DePew was a tailor-made scapegoat: not only the quintessential outsider, but someone who made no bones about his offbeat sexual preferences. For DePew, sex was a form of private theater, and his sex life was often theatrically violent. The violence was never anything but consensual though, and took place between adults. But the content of his fantasies centered primarily around relations of domination and submission, and included extensive role-playing. Often these roles were of fathers or daddies, and sons or "boys"; however, in DePew's lexicon the term "boy" was a role to be played, not a chronological age. But according to federal prosecutors, this role-playing made DePew a potential pedophile. They regarded the violence of his fantasies, and the consensual violence of his sex play, as "evidence" and proof beyond a reasonable doubt—as if this could exist in anything but a psychological
cartoon world—that he would, without question, have committed violence against a fictional, nonexistent child. In the stripped-down good-guy, bad-guy psychological universe invented by U.S. prosecutors, where fantasy equals intent, and role-playing makes it real, how many thousands of new prisons—each the size of Texas—would it take to hold our new criminal class?

DePew is serving out his sentence at Ray Brook federal prison in upstate New York, a medium-security prison. This is the sixth prison he's been in, largely because every time there's publicity about his case—the publicity tends to be sensationalistic—he gets beat up by other prisoners and then transferred. Consequently he routinely refuses interview requests, and he had some initial reluctance to talk to me. Once he agreed, though, he seemed extraordinarily trusting. I had some ambivalence about this trust: it's his very incautiousness and lack of guile that have landed him where he is. DePew is tall and well built, with a neatly trimmed brownish red beard and pleasant features. Intelligent and likable, he has an open, eager-to-please air and a sort of cheerful, make-the-best-of-things demeanor. He was quite solicitous of me. We met in a room with floor-to-ceiling picture windows overlooking a prison courtyard populated with prisoners strolling between buildings, and once in a while male prisoners stopped to gawk through the glass. "They're not used to seeing women," he would say apologetically, and a bit anxiously. DePew struck me as remarkably without self-pity about the way his life has turned out. Like everyone else who came in contact with him—the judge, the jury forewoman, his defense attorney—I was jarred by the contrast between the gentle quality he projects and the violence of his inner life, which was bared for the world in elaborate detail at his trial.

Research on viewers' responses to pornography has tended to employ social science methodologies: large-scale surveys, measuring physiological responses, setting up weird contrived
experiments to measure how volunteers might act in hypotheti-
cal situations after being exposed to various kinds of sexual or
violent movies. None of this well-funded research explores the
question of what fantasies of violence and fantasized sexual vio-
lence mean: the question of meaning seems to drop straight from
sight. What follows takes a diametrically opposite approach:
keeping that question resolutely in the foreground and dissect-
ing the meaning of violent sexual fantasy in one man’s life.
Given how complex, idiosyncratic, and counterintuitive these
meanings prove to be, it strongly suggests that no generalization
about what violence means or about why viewers are attracted
to it is supportable.

Daniel DePew’s catastrophe was that his particular fanta-
sies happened to collide with those of the government and crimi-
nal justice system. DePew, of course, lost.

It all started when an enterprising San Jose police officer named
James Rodrigues, working undercover, placed a message on a
California computer bulletin board called CHAOS, which was
devoted to gay, sexually explicit conversation. Calling himself
“Bobby R.,” he wrote, “Subject: Youngsters. Looking for others
interested. Hot and need someone. I’ll travel if we can set some-
thing up. Pics of the real thing better. I like taking pictures and
being the star. Hope someone is interested.” This was in late
February 1989. Dean Ashley Lambey, a real estate agent, then
thirty-four, responded, using the name “Dave Ashley”: “Your
message caught my interest. Think we may have something in
common but need to explore more. Want to talk?”

“Bobby” writes back to “Dave Ashley,” initiating a discus-
sion of pornography and where to find it, confiding that he has
an “extensive personal photo collection and occasional access
to ‘models.’” It’s established that each is interested in young boys,
and each assures the other that he's not a postal agent or cop. Bobby implores Dave to keep up the correspondence, as "it's hard to find friends with our interests." He tells Dave that he works in a camp, though he doesn't say what he does there. (This must be straight out of the handbook on how to hook a potential pedophile's interest.)

The correspondence blossoms. The main subject is the impossibility of finding pornography of young boys, which, contrary to mythic reports about vast underground child porn rings, is largely unavailable even if you're zealously searching it out. As Dave complains, "It seems as though there is NO safe source for materials here domestically, unless of course, we want to produce some ourselves." Bobby responds quickly, "What did you have in mind in the way of making our own movies?? Really interested." Dave writes back that he'd only been half-serious, but Bobby continues to press it: "Read that you were fantasizing about the videos. I'm interested if you are??" He lets Dave in on his secret: he works producing pornography for an acquaintance who flies him to different locales to take pictures of "clients and their fantasies," some of which he's managed to keep. He offers, "I'd really like to show some of my stuff off, but would like to keep our conversations up for a little while longer so that I feel more comfortable with the situation."

Over the course of the next three and a half months Bobby painstakingly cultivates and wins Dave's trust, providing a climate of approval and reciprocity for Dave's guilty interest in children. "I think we have mutual ground for a friendship on these grounds," Bobby enthuses, confessing, "I used to think that I was the only person in the world with these feelings and that NO ONE could ever understand how I felt or why different things made me feel the way they did (and still do)." Dave must have felt like he'd stumbled onto his long-lost soulmate in Bobby.

Dave is, according to his own reports, a somewhat nervous
and ineffectual pedophile. He seemed to have mostly confined himself to furtive fondling of sleeping boys he manages to come in contact with, terrified of being caught. He described himself repeatedly as paranoid to Bobby. (He was a volunteer Big Brother, although an FBI investigation after his arrest found no evidence that “anything inappropriate happened” with any of his charges.) To Bobby, he confesses his frustration at not being able to get anywhere with various young prospects and his anxiety about not knowing how to make the right moves. Dave makes an enthusiastic and appreciative audience for Bobby's vague accounts of his own multiple successes in the kiddie-sex arena, which he dangled before the hapless Dave like a calculated lure.

Bobby's descriptions of his professional life are also becoming more elaborate: he tells a convoluted tale of freelancing for a mafioso-type pornographer and tough guy named Roberto (“He's not a real nice guy when he gets nasty,” Bobby warns), spending his time traveling around California doing various photo layouts for this Roberto, including, he informs Dave leadingly, many featuring the elusive object, young boys. As a gesture of trust, Bobby sends Dave some photos of boys through the mail and does some enlargements for Dave of photos of boys Dave sends him (which also allowed San Jose police to trace Dave's fingerprints and identify him as Dean Lambey).

Bobby's professional endeavors and tales of various pornographic escapades inspire no small amount of envy in Dave, as do Bobby's reports of his sexual conquests. “I gotta be doing something wrong,” Dave keeps moaning. Dave casts Bobby in the role of pedophilic mentor, frequently requesting advice about how to approach boys successfully, what to do with them once he's made contact, and even shyly solicits basic sexual information such as at what age boys start having erections and orgasms. For a purported pedophile, he's surprisingly uninformed about male sexual development, and he's so out of the loop he can't
even find a kid to cut his overgrown lawn—"a perfectly legitimate situation," as he laments. His self-description as all-round loser apparently matched his social demeanor: Daniel DePew described him as a "drip." Indeed, psychological theories of pedophilic personalities often focus on their inappropriate social behavior: isolated, sexually inhibited, anxious, and timid, these men tend to be sexually and emotionally insecure in interactions with adults. Expecting nothing but rejection and failure there, beset by feelings of inadequacy, they turn instead to relations with inappropriate partners such as children.

Dave's timorousness and reassurance seeking alternates with a second persona, however, one of braggadocio and kinky fantasy. "I have no morals," he boasts to Bobby early on. "How kinky would you like to get??" It's this second personality that Bobby cultivates, and Dave is pathetically grateful to have a new friend to share his fantasies with. ("Knowing you are on the bulletin board, I've pretty much gotten into the habit of checking in every day!! Look forward to hearing from you soon!!" he gushes.) With Bobby's encouragement, Dave allows his fantasies to intensify, and between the two of them, this begins to evolve into a plan to produce a video, in which a young boy will somehow be obtained, possibly from a source Dave claims to have in Florida, and made the unwilling star in a child porn movie. (At the time, Officer Rodrigues related to the local FBI that he thought Dave's Florida connection was fictitious.)

At the same time, Dave's uncertainty continues to manifest itself in almost every other line: "Of course by now you probably think that I'm a real nut case, but what the hey, at least I'm honest, right?" "I could be game if you are." "Maybe I'm speaking out of turn, I don't know where your head is about real heavy stuff . . ." "You probably think I'm a real mental case," he writes nervously, when Bobby doesn't immediately enthuse over
some particular fantasy element. As long as Bobby keeps reassuring him however, Dave remains a willing player.

Soon this fantasy, or plan ("fantasy" is the term Ashley uses most), is being alluded to regularly, as is the very gruesome possibility that the boy will have to be somehow "disposed of" once the film is wrapped. The necessity of this particular finale is, initially, for Dave and Bobby's self-protection. The conversations move from the bulletin board to lengthy, rambling phone conversations. Following the first phone conversation, Bobby writes to Dave on the bulletin board, "I've been thinking about our conversation and FANTASIZING. I'm leaning toward doing it. I hope you are for real and not pulling my chain. I've done a lot of thinking and find it stimulating." The discussions continue. The idea of somehow getting rid of the boy hangs there, although Dave is never entirely happy about it. While in his braggadocio persona he seems to accept it, but the rest of the time it makes him quite squeamish: he imagines himself growing fond of this imaginary boy, he speaks of him romantically. He refers repeatedly to having moral qualms, but is also willing to discuss possible methods—which he prefers be painless, like a drug overdose. He doesn't want to be present at the end, yet also worries that he could become addicted to killing as a sexual activity. And what if the actual event proves less satisfying than the fantasy? he frets.

Is this a fantasy or a plan? Are these two plotting a crime, or collaboratively spinning out a perverse piece of fiction? Dave seems content to talk endlessly on the phone long-distance, mulling over details and scenarios, debating about how to obtain the boy (kidnap or purchase), what to do with him once they have him (various sexual activities), and what to do with him once they've finished (sell him in South America, give him a drug overdose, return him . . .). It's Bobby who moves these vagaries
closer to reality by telling Dave that boss Roberto will bankroll the film, discussing marketing, and even dangling before Dave (who continually complains about money) future projects and business ventures the two can undertake as buddies.

Dave's reports of his mostly unsatisfactory sexual experiences with boys seem to have been confined, to date, to fondling and a few episodes of oral sex; he's intrigued but also put off by sadomasochistic possibilities and seems repelled by anal sex. Reading through over five hundred pages of FBI transcripts of these conversations one begins to wonder if they were simply a way for Dave to be able to talk about sex (which he seems not to have much experience at) with Bobby. Of course, the two of them never, in all these many hours on the phone, refer to sex with each other: it's never even raised as a possibility. Sex is always discussed through the intermediary of the abducted child: perhaps it was the figure of this fictional child that allowed Dave to sustain this lengthy relationship with an adult. Detective Bobby, in the interests of entrapping Dave, feigns acceptance, provides sympathetic, nonjudgmental fraternity, even intimacy. Dave, in need of a competent therapist if ever anyone was, responds by casting Bobby to play the role, spontaneously lapsing into free-associational speech, alternating between rambling fantasy, free-form confession, and requests for advice and reassurance. Context is everything: had Dave verbalized his fantasies in a shrink's office at $150 an hour instead of to an undercover cop, it would have been called therapy. It was a category error that earned him a thirty-year prison term.

In fact, the relationship was carefully engineered to elicit Dave's intimacies: Rodrigues held regular phone conferences with the Behavioral Sciences Unit at FBI headquarters in Washington, who advised him on how to play Dave most effectively and win his trust. (Presumably, the state's nontherapeutic position in pursuing this entrapment case so relentlessly was that
this sort of friendship would have been the catalyst that drove this nervous fondler over the edge into violence and murder. Which, of course, he'd shown no inclination toward previously.) The question of whether Dave was serious or merely fantasizing was immediately raised in Rodrigues's meetings with local FBI agents; their advice was to set up a meeting with Dave as soon as possible to gauge his seriousness. (The FBI behavior experts in Washington were puzzled about why Lambey was so incautious in his conversations with Bobby, having only met him on a bulletin board. Perhaps it's because he never thought it was serious.)

Following the FBI's instructions, after two months of contact, Bobby starts pushing the question of whether Dave is serious by repeatedly mentioning the possibility of flying out to the East Coast. "But I don't wanna come out there for nothing, I wanna make sure you're, if we're gonna do it, we're gonna do it." Dave says yes, he's ready to do it. Bobby is at this point initiating all contact with Dave, phoning him frequently, pursuing him like an eager suitor. Bobby now broaches the possibility of bringing a friend in on the plan. The friend, he says, thinks there's a market for these kind of films, and says he's been asking around for buyers for certain "materials" and has possibly found someone interested. Now Bobby wants Dave to find someone on the East Coast to join in the plan. Dave argues with him, but Bobby returns to this element again and again. The reason for his insistence is clear. For Bobby and Dave, talking over these lurid possibilities is, legally speaking, just talk, because legally, you can't form a conspiracy with the police. In order for there to be a crime, short of an actual kidnapping (or other than a minor charge for the photos Dave sent through the mail), that is, in order for there to be a criminal conspiracy, there had to be a second person who was not a policeman involved. Bobby's plan is to bring his friend R.J. (actually his undercover partner) in
on the plan, and he again encourages Dave to find someone in his area. Or as Bobby puts it, "Let's put the machine in gear and get going."

Soon it develops that the fictional Roberto is sending Bobby and pal R.J. to the East Coast to do a shoot. The two long-distance phone pals can finally meet up. Shortly before this planned meeting Dave seems to drop from sight. "Hey dude, are you around or what?" Bobby writes. "I've been paging you and calling you at home . . . we need to talk to confirm our plans." He even tries fruitlessly to contact Dave on another bulletin board called Harbor Bytes. "Hey dude, are you still on the planet earth or what? I've been trying to get a hold of you but no success. Get hold of me at home." When they finally do connect, Bobby makes it clear to Dave that once in D.C., he won't be able to leave his hotel room. He's on call for Roberto, he says, so the meeting will have to take place at his hotel. Dave doesn't like this at all. His paranoia reasserts itself and he's worried about the room being bugged. Bobby however, reassures him, and Dave finally relaxes. (In fact, the detectives wore body mikes, which made their conversation frequently incomprehensible on the tapes.)

Around this time, one Wednesday night, Daniel DePew logged on to another computer bulletin board called "Drummer," run by an S&M oriented gay porn magazine of the same name. Wednesday was the night DePew usually reserved for himself, spending it apart from his live-in lover, Patrick. His work situation had been frantic the last few months: the company he worked for was about to undergo a takeover, employees had been let go and not replaced, his workload was up, and he was under a lot of stress. (Ironically, or so it would later seem, the company he worked for had numerous government contracts to
manufacture wiretap equipment for various national security agencies.) Logging on to one of the gay bulletin boards was a way he relaxed.

The Drummer board allowed a user, once logged on, to have a simultaneous conversation with anyone else logged on at the same time—to chat in person, so to speak. DePew had posted a description of himself and his sexual preferences on the board, indicating a number of very specific activities he liked, all having to do with dominance and submission. He advertised himself as a "top," that is, the dominant partner, or master. Dean Lambey also had a description on the board, advertising himself as being into father-son type relationships, as well as infantilism. Lambey (calling himself Ashley again) saw DePew's ad, saw he was on line, and beeped him, requesting a conversation. The two conversed (in writing) for a bit, and Ashley asked for DePew's home phone number; DePew gave him his work number.

Ashley called a few days later and eagerly suggested getting together. DePew proposed they meet in a bar, which was his practice when meeting someone he didn't know. In case they didn't hit it off he could down a few drinks and make a quick escape. Ashley, though, was adamant about meeting in a hotel, so they made a date to meet at the Radisson in Alexandria, near where DePew lived, but at least two hours from Ashley's home in Richmond.

It wasn't uncommon for DePew to meet someone with mutual sexual interests over a bulletin board and get together to have sex. In the world of gay S&M, a good top is hard to find (everyone wants to be dominated, it seems), and DePew was sometimes contacted through referral by people who wanted his services. He'd made the switch to top himself a few years before, partly, he says, because the tops he encountered were so terrible at it: abusive rather than caring, or dangerous. (In his first encounter with rough sex, he'd cracked a rib.) Also he was get-
ting older, had a hairy chest, and didn't want to shave his beard, so he more or less grew into the role. But he still considered himself primarily a bottom, at least psychologically (he says that when he fantasizes it's as a bottom), and yearned for someone else to take control, for a man he could look up to.

DePew was a man who'd always felt like a failure at masculinity. In a conversation with him, almost every question circles back to the problem of manhood. Masculinity looms, grail-like, as something quite unattainable, yet something incredibly important, and this overriding sense of masculine failure fueled the most pervasive feelings of insufficiency and inferiority. He'd known he was gay from an early age and never made any attempt to conceal it; in rural Maryland in the seventies where he grew up, that was a particularly daunting experience. His father frequently berated him for not being enough of a man and refused to talk to him for several years after Dan acknowledged he was gay.

His father's rejection was rounded out by his general social ostracization. From an early age he yearned to be one of the guys—it was all he wanted in life. But he never had any social success, except as "the brain," and was exiled from sports and other masculine spheres. So of course what he most craved was masculine camaraderie and approval; his solution was to give all the boys in the neighborhood blow jobs, which they accepted, then pretended hadn't happened. After a fairly indifferent turn at being a father, Daniel DePew, Sr.—a second- or third-generation alcoholic who worked as a sanitation engineer in a sewage treatment plant—moved out, divorcing Dan's mother, Barbara, a mail carrier. This was when he was twelve. It was also at age twelve that he started having sex. His overwhelmingly negative feelings about his father seem to stem both from bitterness at not having had much of a father-son relationship, but also because he regards his father as not having been particularly successful at
masculinity either. He told psychiatrists who compiled a postarrest psychological profile that he'd actually had quite a close relationship with his father when he was younger but that his father's alcoholism put a stop to this, which suggests that at one time he did have the masculine attention he craved, and it was abruptly withdrawn.

The specter of that paternal absence seemed to hover throughout his adult life, reappearing continually in the shape of a pressing sexual desire. His first entrée into S&M subculture came when he took over the job of bootblack boy at a local leather bar. He describes in elaborate detail the procedure of polishing men's boots: the man sat in "a great big chair" while Dan, perched below, went through an elaborate routine of putting the wax on with his bare hands, working it in, buffing it with his bare hands (he says he'd have blisters when he got home). I asked what he liked about that. "He's sitting up there," he replied, "and I'm down here and I'm doing this for him and he's looking down at me... That's where it started—the worshiping-type role." "What were you worshiping?" I asked. "The man," he said. "A man. This masculine, virile, everything I wanted to be type man." "And felt you weren't?" "Everything I felt I wasn't," he confirmed, reprising the now-familiar theme of masculine insufficiency. But when he described the worshipful intimacy of the relationship of "bootblack" to "man," his description centered most vividly around the moment of looking up into the man's eyes, from the position of squatting at his feet. That is, from the position of a child looking up into the parent's eyes. The payoff of making himself into a menial, a bootblack, seems to have been contained in that glance, one that he recounts vividly and sentimentally, in which his adoring, worshiping look at the man above him is returned. And it seemed to me that it was simply a child's desire for love that he was describing and living out in that moment, and the devastating absence of that in his
own life that induced him to read love into a moment that for anyone else would have been simply a shoeshine. His lifelong quest had been to recreate such moments at any cost, and his ability to so misread a situation, or to so creatively transform it—to find the love he was looking for in all the wrong places—would, in the end, destroy his life.

Dan’s first experience with someone he thought of as sufficiently masculine was an early sex partner named Donny, when he was about fourteen. The experience with Donny left an irrevocable mark, jarring and somehow realigning something within his emotional circuitry. Donny, although not in any self-conscious way into sadomasochism, was terrifically rough. Dan describes Donny picking him up and hurling him across the room, and Dan seemed to think he’d finally been let in on the masculine rough-housing he’d always missed out on. (He described this as a “boys will be boys kind of thing” with a kind of pride.) Always hyperattentive to the question of whether he was being treated as masculine or not, Dan was in rapture. For him, Donny’s roughness was not only a sign of Donny’s masculinity, but more important, a chance to prove his own masculinity by being tough enough to “take it.” (His own father never disciplined him, and he recounts this as another paternal failure. It’s as if he thinks he’d missed out on some masculinity-building experience.) His description of having anal sex for the first time with Donny, which, as he describes it (painful, un lubricated) sounds like an almost rapelike experience, turns into an ode to masculinity: “It was so natural, so masculine for Donny to just take it the way he wanted it.”

Dan’s experience with Donny wasn’t that Donny was in the “masculine role” and Dan in the “feminine,” it was that they were both masculine because Donny was rough like a man, and Dan was “taking it like a man.” It started to become clear to me while hearing this story, and noting the nostalgia with which it was
recalled, that DePew's ardent dedication to violence stemmed in large part from its stereotypical association with masculin-
ity. Lacking, as he puts it, "masculine role models," he was pick-
ing and sifting through the culture, searching for behaviors and
attitudes to adopt, and settling on those that the culture itself
had already stamped with the imprimatur of maleness: he seems
to have gotten a lot of input from cowboy movies particularly,
and mentions John Wayne fondly.

Had some core sense of masculinity been more securely
implanted within him, this quest would hardly have been ne-
cessary; neither, one suspects, would his devotion to sadomaso-
chistic sex and fantasy. As a bottom, it could feel fantastic to
have a loving daddy, "... you know, warm, loving, and he's in
charge, and Daddy will take care of it. If there's any problem
Daddy will handle it, if you're upset you can go to Daddy...".
Later on, as a top, he took extraordinary pride in being the kind
of good father he himself never had: ushering his "boys," as he
called his bottoms, into manhood. "Raising them," as he puts
it. He describes teaching his lover Patrick (also the product of
an indifferent father) how to rebuild an engine, change the oil
in the car, how to use tools. ("I'd ask him to give me that nine-
millimeter wrench over there and he walks out with a pair of
vice grips," he recalled, with what can only be described as
paternal affection.) "Where did you learn to use tools?" I asked.
"From a book called Motor Manual," he answered, an autodidact
of masculinity. His devotion to tools and auto repair are, of
course, again part of the official repertoire of masculine stere-
types. But in both his sexual roles, bottom and top, he was also
unremittingly devoted to repair: repairing, then reliving, in ide-
alized and sexualized fashion, these coveted paternal moments.

His formal entrée into the world of S&M actually began
when he started frequenting leather bars in an attempt to rid
himself of the feminine mannerisms he'd picked up in the local
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gay bar while serving in the air force in Biloxi, Mississippi. The air force was his first experience away from home, his first experience of gay social life. To fit in he'd refashioned himself into a southern queen, and becoming a southern queen meant, first of all, becoming bulimic: "I would not eat. If I ate anything I immediately went and threw it up, unless I was depressed and then I binge ate, and then I felt guilty, and then I went and threw it up." His goal was to obtain a twenty-eight-inch waist, he said.

Suddenly we were girlfriends: his mannerisms became much more broadly feminine than they'd been—he was animated, and his voice even seemed higher. "But I found I had thirty-two-inch hipbones so a twenty-eight-inch waist is impossible. I had to get rid of all my clothes, I had to go out and buy these silk things with drapey sleeves, and big flowing things, and I started doing my nails—I always bit my nails before but now I was polishing them. I was an extremely unhappy person. I hated everything about this—doing my nails, and my hair, and not eating, and I was always so fat, I could not lose enough weight. And up until then I hadn't had any chest hair, then I was getting all this chest hair, and that was disgusting, I had to shave it all off. I can't look my best, because I'm becoming this ape. . . . And so I'm going through all this, and I don't have a lover, I can't get one. . . . Of course now I look back on it: Who would want to go home with something that was all bony like that?"

I had to explain that the reason I was laughing was that his description of becoming a southern queen was so close to the day-to-day experience of being gendered female in this culture (at least it's mine): fanatically consumed with dieting, depilation, and clothes. His makeshift approach to adopting femininity was like his selective adoption of masculinity: it was the stereotypical extremes he was most drawn to, which, in effect, meant their respective pathologies. For the male role, it
was masculinity's pathological proximity to violence that he seized on; for the feminine, its debilitating anxieties and fixation on appearance. It was either going to be Rambo or Blanche DuBois. Gender, for DePew, was a sort of playacting. What seemed lacking was something felt or internal that would supply, in some automatic, unstudied way, information on how to act, feel, and live a particular gender identity in a way that felt "natural." Absent that, the predefined roles of S&M offered a replacement, in addition to the opportunity to keep reliving and repeating the problematic father-son relationship.

Once Dan was entrenched in the social world of S&M, sex was organized through fantasy and role-playing. Consequently, when he met up with "Dave Ashley" at the Radisson, discussing fantasies was the first order of business. Ashley had rented a room, but DePew, who had been hoping the assignation would lead to sex, found Ashley repellent and was turned off. DePew, who's a nice-looking guy, describes Ashley as "a troll," with an oily complexion, unclean hair—totally unappealing in every way. Ashley immediately brought up his interest in children. DePew says he told him that he wasn't into kiddie sex but said, "I can be open-minded." Ashley described the kidnapping–snuff film scenario as a favored fantasy and mentioned his pornographer friends from California. DePew, a crime magazine buff, critiqued the plan; getting into it, he gave Ashley tips on how to dispose of the body to make it unidentifiable.

In DePew's creed about being a top, the first thing you do with someone you don't know is discuss fantasies. It's a way of getting to know someone, and of building up the necessary trust to have a sexual encounter in which one person makes himself completely vulnerable to the other. DePew has quite an elaborate set of theories about being a top, an earnestness about the
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responsibility involved—part of his didactic dedication to the
good father role. Trust, caring, sensitivity are essential elements.
He explains, "It's customary that you sit and you talk and you
get to know the person, because in an S&M situation, it's
important to develop a rapport with your bottom so that you know
where his head is at, you know not to go too far. Going too far
doesn't necessarily mean that you hurt the person," he explains.
"You can go too far and scare them, and so then you have to
put their head space back together and you've got to reassure
them that they're a good person, that they're somebody to be
respected."

DePew says that he had no idea whether Ashley was seri-
ous, or a "standard flake" who just got off on talking that way,
but that kidnapping fantasies, arrest fantasies, prisoner-of-war
fantasies, even execution fantasies were fairly standard in his
social circles. DePew and Ashley spent about an hour and a half
talking, didn't have sex, and parted. DePew says he didn't expect
or want to be in contact with Ashley again. Three weeks later
Ashley left a message on DePew's answering machine telling
him that his friends from California were in town and that he'd
like the four of them to get together. Ashley had described
DePew to Bobby, suggesting him as a possible addition to the
snuff film scenario (complying with Bobby's command to come
up with a fourth person on the East Coast). Without DePew's
being aware of it, his name had been mentioned more and more
frequently as a part of the plot, in the role of executioner in the
snuff film. Now the two detective-pornographers, Bobby and
R.J., had indeed flown to the East Coast and, apparently taking
no chances, had booked into a Sheraton hotel around the cor-
ner from Ashley's home in Richmond, rather than staying in D.C.

Calling Ashley to arrange a meeting, they tried unsuccess-
fully to get him to contact DePew and persuade DePew to join
them. To Ashley was left the task of explaining the realities of
D.C. rush hour traffic to the two Californians—that it would take three or four hours for Dan to get down to Richmond from Washington on a Friday night. Dave does try to call Dan but only has his work number, doesn’t reach him, and doesn’t leave a number for Dan to call him back.

The meeting with Ashley and the detectives starts out like an awkward blind date, with lengthy discussions of the weather, then cars, then the merits of various California cities as compared to those on the East Coast. Bobby’s partner, R.J., who is playing the role of tough guy, finally gets down to business by telling Dave that they have “basically the same kind of interests” and pulling out a bound book of sadomasochistic pornography. R.J. asks Dave if he has any pornography with him, and this segues into a discussion of the snuff film plot.

Throughout the conversation, Ashley raises numerous objections to both the kidnapping scenario and the snuff scenario; each time he does, the two detectives lead him like a horse on a tight rein, back to the booty. Ashley broaches the possibility of obtaining a boy from his Florida contact, but it will take maybe a month, and R.J. protests vehemently, “Man, I thought that’s why we came out here. I didn’t want to wait no fucking month”; thus back to the kidnapping option. (This is the Florida connection that Officer Rodrigues had previously told the FBI he thought was fictional.) They discuss the possibility of DePew doing the snuff and Ashley says of the boy, “Ideally I’d just like to, you know, kick it out. But you can’t kick it out.” R.J. says, “Let it walk?” Dave says, “Yeah.” R.J. says, “Then let it talk.” Dave agrees, but later repeats, “You know, the ending is not my particular favorite part, I got to tell you that. If there was some way we could do what we wanted without the ending, I think we’d probably do that.” He rues again, “You know, fantasies don’t
always turn out the way you think they will.” Bobby reassures him, “Sometimes they do though,” and Dave agrees that sometimes they’re even better, but worries that if the boy is screaming and crying, he won’t enjoy it at all.

The main purpose of this meeting seems to be to get Ashley to commit to the plan and to commit to getting DePew in on the plan also. In other words, the detectives have flown from California to Richmond in order to engineer a crime that wouldn’t occur without their instigation. Within the space of two hours, R.J. and Bobby repeat seventeen times their desire to meet with DePew. R.J.: “Have you talked to Dan about this?” “I’d sure like to meet this guy. . . .” “I want to make sure I have a face-to-face with this man. . . .” “I think we should include Dan.” “I think we still need to meet him just because he knows.” “Will Dan help on that?” “What’s Dan’s ideas about it?” Bobby: “[I want to] meet up with Dan, see where he’s coming from, you know. I think we really should.” R.J. seizes on the point that because Ashley has mentioned the plan to DePew, DePew has to be in on it, or at least R.J. has to meet him to reassure himself that Dan is trustworthy. Dave tries telling R.J. that Dan has only a vague notion of the plan, and R.J. barks, “Don’t be fucking stroking me along here. Does he know what we’re doing? Yes or no?” Toward the end of the meeting R.J. states, “I guess we’re in agreement, Dan’s going to do it?” Dave: “Well, I mean we—I don’t think we can—” Bobby: “If he’s interested.” Dave: “We can say that now until you talk to him because he might not—you know, what if you talk to him and you’re not comfortable, well, then that changes things altogether.” Dave tried to suggest again that they don’t need another guy, even one person could pull it off, he insists. R.J. is adamant that they need four.

At this point, Bobby had been courting Ashley for close to four months. Without another person involved, there was no crime. And if there was no crime, these were four wasted
months, and a lot of wasted law enforcement dollars as well. The meter was ticking.

On parting, R.J. instructs Dave, "See if you can't get a hold of Dan tonight or first thing in the morning. . . . I definitely want to talk to him on a face-to-face." He repeats this twice. Ashley reiterates his qualms, "But I'm just not sure I want to actually do the deed, cause I have some morals, you know." But he follows with, "Then again, I may really enjoy doing the deed, I don't know." Ashley's commitment to the plan seems not entirely intact at this point. Without the two detectives stringing him along, would he have continued his involvement, which never did go beyond talk? If either Bobby or R.J. had agreed that this scheme probably wasn't the greatest idea, would Dave perhaps have been grateful? But of course the purpose of their trip east was to ensure that there was a crime, not give Ashley an out. Ashley gave them Dan DePew's work number before he left.

When Dan DePew and Dave Ashley had their unsatisfying assignation in Alexandria, Dan had suggested that his role in the fantasized film would be as the executioner: he would do the snuff. What does killing a child mean to you? I asked him. Oddly, DePew answered as though I had asked him, Who is the child? (In fact, there never was any particular child targeted or even identified as a prospective victim, one of the more questionable aspects of this case.) He first answered, "Remember that when you say 'child' it depends on what's going through the mind of the speaker. I wasn't visualizing some nine-year-old choirboy—more along the lines of some sixteen-year-old street punk doing drive-by shootings." Then he added, "Maybe like the kind of kid I was terrorized by when I was younger."

In further discussions, DePew's answer to this question went through a number of oscillations, quite reminiscent of those
Freud describes in his 1919 paper “A Child Is Being Beaten,” which opens with the odd report that during the course of psychoanalysis, patients frequently confessed to having an identical, recurrent, strangely pleasurable yet guilty fantasy that begins “A child is being beaten.” The paper is based on the close study of six cases (reportedly including Freud’s daughter Anna). According to Freud there were numerous others. “Who was the child that was being beaten?” he wonders. “Who was it who is beating the child?” Answers are initially elusive. “Nothing could be ascertained that threw any light upon all these questions—only the timid reply: ‘I know nothing more about it: a child is being beaten.”

In exploring this fantasy with patients, Freud found that the fantasy went through three distinct incarnations. In the initial version (“A child is being beaten”), the child being beaten isn’t the one producing the fantasy, and the child producing the fantasy isn’t doing the beating either. As this is discussed further, a second version of the fantasy emerges, in which the person doing the beating is identified as the child’s father. This is a more unconscious moment that is summed up as “My father is beating the child” and is further amplified as “My father is beating the child whom I hate.” In analyzing this second stage of the fantasy, it emerges that the child who is being beaten has now changed into the child who is producing the fantasy: “I am being beaten by my father.” This version of the fantasy is accompanied by a high degree of sexual pleasure, says Freud. In the third stage of the fantasy, the person doing the beating is no longer the father, but some other authority figure who is the father’s representative, and the child being beaten is no longer the one producing the fantasy. Here the fantasizer’s role is that of an onlooker, joined by a number of other children looking on.

In Freud’s interpretation, the origins of the fantasy are actually pretty mundane, not so very different from the origin
of so much general everyday unhappiness and neurosis. He traces the early stages of the fantasy to feelings of childhood abandonment, which often come with the birth of a sibling. The notion of the father beating another child signifies "My father does not love this other child, he loves only me." In the second stage, guilt intervenes, and the earlier sadistic fantasy ("He loves only me, not the other child, for he is beating it") turns masochistic ("I am being beaten by my father"). (The guilt is also an expression of guilty sexual love for the father.) In the third form of the fantasy, in which the person producing the fantasy is a spectator and the person doing the beating is the father's representative, Freud sees these as simply masked versions of the father and child and interprets it as "My father is beating the other child, he loves only me."

When I asked Dan, "What does killing a child mean to you?" and he answered with the description of his sixteen-year-old tormentor, I said, "So it's a kind of revenge fantasy?" He answered, "When you have a ninety-eight-pound weakling and you have sand kicked in your face and now you're thinking of revenge, you're going to imagine something a lot worse than kicking sand in Mr. Macho's face."

This figure of himself as a tormented and terrorized ninety-eight-pound weakling is one he returned to frequently as a source of his buried anger and resentment. (In reality he's over six feet tall and weighs maybe one hundred and ninety pounds.) "The driver that cut me off, the big guy who treated me like a ninety-eight-pound weakling, all of those situations where I should have been man enough to not have it happen to me, to be walked all over and treated like a nebbish, all of that aggression has been internalized because I'm not man enough to bring it out." The charge of not being man enough was, of course, his father's accusation to him. And invariably, whenever he discusses this snuff film scenario, and when he describes the fictional child to be "snuffed,"
what he describes instead is a rivalry between himself (the ninety-eight-pound weakling) and a macho tormentor. This tormentor appears in various guises: the sixteen-year-old street punk, the boss, the driver who cuts him off—but all are versions of a superior masculine figure, one who reveals to him his own deficient masculinity. The child he wants to kill (not a nine-year-old choirboy but a sixteen-year-old street punk) seems to be the rival for his father’s affections: the boy who is man enough, the son his father wanted, instead of the “ninety-eight-pound weakling” he got.

At another moment, when I asked him about his anger at this imaginary boy, he answered: “The anger? It’s more at myself, because the ninety-eight-pound weakling only gets walked on because he lets somebody walk on him—letting the waiter give you bad service because you’re too afraid to speak up, letting your boss walk all over you because you can’t take a stand—and I was always well known for being able to work with the most difficult bosses because I’m going to swallow it all.” When I asked him whom he would identify with in the snuff film scenario he said with the kid, because he invariably identifies with the bottom in any scene, even though in his life he had made the switch to the top, to the father role. His life as a sadomasochist afforded the opportunity to move between all of the different positions of the beating fantasy: the child being beaten (the bottom, “the boy”), the father doing the beating (the top, “the daddy”), the onlooker, and even as the snuff film executioner, the vanisher of the rival for his father’s affections.

There’s an eerie line in Freud’s paper that reads: “People who harbor phantasies of this kind develop a special sensitiveness and irritability towards anyone whom they can put among the class of fathers. They allow themselves to be easily offended by a person of this kind, and in that way (to their own sorrow and cost) bring about the realization of the imagined situation
of being beaten by their father.” Rereading the essay, I thought immediately of the imprisoned DePew—particularly when Freud remarks of the third phase of the beating fantasy that “the person beating is a substitute from the class of fathers.” What else is the state’s role in the DePew case, but the foremost father in the class of fathers, which in clapping DePew in prison for thirty-three years neatly brought about “the realization of the imagined situation of being beaten by the father.” I had asked DePew, although I felt quite like a sadist in doing so, if he thought it was at all ironic that so much of his fantasy life revolved around scenarios of punishment and that now he found himself spending his life in prison. Had he, at any level, wanted to be punished? (I think, in posing this question, that I must have intuited that I was talking with a person incapable of expressing anger.) He merely answered ruefully that his arrest fantasies had turned out to be nothing like the reality.

When Bobby called Daniel DePew (out of the blue, as far as Dan was concerned), he left a message on DePew’s voice mail at work identifying himself as a friend of Dave Ashley’s. He said that he hadn’t heard from Ashley, was worried, and asked Dan to call him back. He also said, knowingly dangling just the right carrot, that they had “mutual interests” he wanted to chat about. Dan left a message for Bobby that he didn’t have Ashley’s phone number (which he didn’t) but would leave a message for him to call Bobby on the computer bulletin board (which he did). The next day Bobby left another message for Dan: he was on his way to the East Coast and hoped they could get together. (This was the agents’ second trip east.) When they finally spoke, Bobby invited Dan to come out to his hotel and have dinner. Apparently not trusting Ashley to deliver Dan, the cops baited a hook and reeled him into the setup themselves. Dan, who never
stopped questing for the perfect scene, for that one perfect man, wasn't about to turn down the invitation.

When Dan got to the hotel, he was surprised to find that Bobby wasn't alone. R.J. was there with him. They discuss traffic, awkwardly. Bobby fixes Dan a drink while R.J. tells him they're concerned because they haven't heard from Ashley. Dan explains that he doesn't really know anything about Ashley other than his name, doesn't have his phone number, and has only met him once, via the computer bulletin board. Dan turns the conversation to computers, which leads to a discussion of air travel, air crashes, the Eastern Airlines strike; Bobby then suggests they order dinner from room service. Dan, wondering just what kind of situation he's found himself in, notes that they don't even want to leave the room to have dinner and takes this as a hopeful sign that some kind of scene is in the works. He begins talking aimlessly about his job and manages to get in quite a lengthy description of his day-to-day routine before R.J. interjects, "When was the last time that you tried to call David? How long have you known him?" then peppers Dan with a series of questions about what Ashley's told him about them.

Dan's not particularly interested in talking about Ashley. He explains that he lives with his lover Patrick, an artist, that he usually spends Wednesday nights alone—R.J. turns the conversation back to Ashley and their previous visit to D.C. three weeks earlier, when Ashley had told them about Dan. Dan repeats that he and Ashley had met only once. R.J. obliquely introduces the snuff film scheme: "We were just, you know, uh . . . What is the word I'm searching for? Sensitive?" Bobby: "No. That's not—" Dan interjects, "Highly illegal?" confirming that he does know about the plan. R.J. says, "That too, yeah." They all laugh. R.J. continues, "We were real curious as to what he had said about us." Bobby adds, "The thing R.J. is trying to say is that we wanna see where you're coming from."
DePew says now that he thought at the time, at least initially, that they were talking about a scene, a fantasy. It’s a common practice in his world for guys to get together in a hotel room, discuss their fantasies, and have sex. Not only that, but when Dan walked into the hotel room, he’d found himself immediately attracted to R.J., who was, of course, playing the role of the heavy. He describes knowing within the first five or ten minutes of meeting someone whether to treat a man as an equal or take the subservient role. There’s a sort of subconscious calculation that gets made, and Dan made the instant decision that R.J. was “the man” in the scene. “He had a more dominating personality than I do, my personality is more, I’m not going to say that I’m unpopular, but I never attain instant popularity or instant control of the room or the center of attention. . . . R.J. was definitely, you walk in the room, and spotlights, charisma, fanfare, ‘He’s here,’ that kind of thing.” R.J., a cop playing the role of the muscle, must have come across as Dan’s conception of flawless masculinity, the kind of guy he’s always attracted to, the sixteen-year-old street punk grown up: “The one who’s going to steal my car, steal my credit cards, and rob me, I usually end up being attracted to that one,” he says ruefully. “The one who has an edge of danger?” I ask. “Yes,” he confirms.

In Dan’s sense of their respective roles, R.J. was the top and Dan was the second top—that is, bottom to R.J., but top to Bobby. Interestingly, when I spoke to Officer James Rodrigues, who played the role of Bobby, he sketched a similar hierarchical breakdown of who was top in the room. But in his version, DePew was the top, R.J. was second, Ashley was third (he described Ashley as also being quite aggressive), and he, playing the more effeminate role, was the bottom. When I questioned his ranking of DePew as the toughest, he said that DePew had admitted to killing before (which DePew says he’d made up). But then, Bobby and R.J. also claimed to have made snuff
films before. The relations in this room must have been like some Pirandello play, with each character performing an illusory role that the others completely believe, with each convinced by the others’ roles, but unaware of how convincing they are in their own. (There was also a video camera inside a lamp, adding to the dramaturgy.)

R.J.’s masculine allure not only kept DePew immobilized in the room, it also dictated that he attempt to impress R.J. with his own masculine prowess. To Dan, that meant his capacity for violence. Signaling his aspirations as second top, he described his relationship with Patrick as one in which Dan beats him, hangs him, and gets to take his irritations out on him. He also described an incident when he was stationed in Greece, claiming that he beat up an American backpacker and was on the verge of killing him. (He told me this was a fantasy. There was an American backpacker, but nothing violent happened: he insists he’s terrified of real-life violence. Nevertheless, this supposed incident was brought up at DePew’s trial as evidence of intent.) So if R.J. wanted Dan to talk about making a snuff film, Dan was only too willing to comply. When R.J. asked him where he was coming from, he replied, continuing the fantasy he’d set up with Ashley, “Well actually, my main interest is in doing the snuff.” Having cast R.J. as his “man,” his personal code dictated that “when your man tells you to do something you do it, when he tells you to be something, you’d better be it.” What he thought he was supposed to be was the henchman in an imaginary snuff film. He told them that he didn’t want any part of the kidnapping, but would take care of the ending.

Over the next three hours, whenever R.J. cues him, Dan obediently spins out ever more violent scenarios about his role in the film. And perhaps it wasn’t an entirely unexciting prospect
to him that it might not be only a fantasy—that these could be real tough-guy pornographers who weren’t playacting. As long as all he has to do is talk about it. R.J. says things like, “We’re very concerned, I mean, we’re making trips out here and we just wanna make sure that we’re not being set up or you know, spinning our wheels.” They tell him they’ve made snuff films before. Dan, who’s being plied with scotch (he says he had six or seven drinks there on top of the two before he’d left home—even the agents comment on how much he’s drinking), keeps attempting to turn the conversation to topics other than the snuff film. He’s becoming progressively more disjointed, but the detectives keep valiantly turning the conversation back to Ashley. “What kind of agreement did you make with Dave?” R.J. asks. Dan answers, “I made no agreement with Dave. I told him we were talking in a purely hypothetical sense.” He says that he never trusted Ashley, and they all talk a lot about not trusting Ashley. The agents are pissed off he’s not there. He’s neither called nor shown up, and they must have seen their conspiracy slowly wafting away into the ether. R.J. tries to get Dan to call Ashley, and Dan explains that Ashley’s at least two hours away in Richmond. R.J. asks if Dan has tried to get a hold of Ashley himself and Dan reminds him he has no way of getting hold of him other than leaving a computer message. Bobby calls Ashley again, and as he’s leaving yet another message on the answering machine, R.J. instructs him to say “Dan wants to know where you’re at.” Bobby instead says, “R.J. wants to know where the hell you’re at.” R.J. adds, “So does Dan,” and Bobby adds, “So does Dan.” Dan asks them not to give Ashley his home number, and R.J. assures him that he and Bobby are “very, very discreet.”

Ashley finally calls. Bobby and R.J. give him a hard time on the phone about not showing up. Bobby says, “Hold on, Dan wants to talk to you” (which he didn’t) and adds, to Dan, “Make him make a commitment.” Dan talks to Ashley briefly and hands
the phone back to Bobby, who tries the get-tough approach with Ashley. "I think there's some things we gotta sit down and talk about," he says sternly. Ashley grumbles. Bobby protests, "Well, it's not spur-of-the-moment. It's just basically we thought things were discussed with Dan by you in a little bit more specific form as to who the people were that were gonna be involved and stuff." It's clear that the agents are desperately trying to hold this conspiracy together, and trying everything they can to get the four of them together in a room where they can be taped discussing the plot. Without that crucial meeting it seems unlikely that a conspiracy charge would hold up.

The rest of the evening Dan is rambling and drunkenly confessional. What emerges most clearly in the conversation is the way his affinity for tools and home mechanics swerved into his preoccupation with sadomasochism. The result is a passion for sexual gadgetry: his sexual repertoire includes hanging, electrocution, strangling, and other arcane technologies—anything that requires a trip to the hardware store, it seems. He tells them about a bed he built for sadomasochistic scenes, describing in great detail not so much what he does on it, but how he constructed it: the tools, the type of lumber, and the fixtures—down to the last eyehook. He's like a sadomasochistic Mr. Goodwrench. (He complains affectionately, as he will later do to me, about Patrick and tools: "The boy doesn't know a socket wrench from a screwdriver and I have to graphically describe the tool so he knows what to go back to the toolbox to get, and he loses his patience and ends up stripping bolts. . . ."") R.J. relates the story of a friend who built a contraption he calls a "rotisserator" for erotic self-electrocution, and ended up putting himself into cardiac arrest. Dan says earnestly, "Well, the thing is to know the flow of the electricity that you're using," explaining that you have to isolate it from standard house current with a transformer. R.J. jokes, "It was a shock to him, too." Dan launches into
another how-to on electrical shock below the waist as opposed to above, and where on the body to safely pass current—not through the heart, apparently.

His boy-mechanic side emerges especially vividly when R.J. asks him to discuss various stratagems for the snuff film, and in every case Dan knows just the right tool for the job: to dispose of the body he knows what kind of acid to use to make it unidentifiable, where to buy a roll of sheet plastic to wrap it in—he even knows how much the plastic sells for. (He's also a devotee of True Detective-type magazines and is full of obscure and detailed information on crime and detection.) He frequently free-associates to his own youth, his anecdotes about his boyhood verging suddenly into the snuff film plan and the future victim. When he proposes dumping the body in a swamp in southern Maryland near where he grew up, it occasions a description of his teenage initiation into sex; by the end of the evening he's covered most of his adolescence as he flip-flops between the boy victim and himself as a youth. (Who is the child being beaten?) But the detectives are less interested in the past than in the present, and tonight DePew's designated role, egged on by R.J., is to be a criminal Mr. Fix-it. The autodidact's pedagogical zeal was surely DePew's downfall at the trial, where this rhetorical mode was understood as criminal intent, rather than overcompensation for a tenuous purchase on masculinity.

How could he not have any idea that he was being set up? I asked DePew. He suggested, with apologies to my female sensibilities (this amused me), that he was thinking with his dick. I suggested that perhaps he was thinking with his fantasies. Whichever the case, his particular emotional landscape made him the perfect candidate for this entrapment scheme: a tangled relation to issues of authority and manhood left him excessively
deferential to and excessively impressed by the two undercover cops playing tough-guy roles as mob-financed pornographers. His lifelong quest for masculine "role models" left him completely unskeptical of them: one suspects that the worse their performances were, and the more they overacted, the better it worked on him. Whether they knew it or not (and they must have), these agents managed to push all his buttons, to yank him around by all his uncertainties. He was too eager to please, and titillated by his fear of them, too fascinated to back off, then finally too authentically fearful. They said vague threatening-sounding things about taking steps to protect their interests; he says he worried that if he tried to back out they'd kill him, or kill Patrick.

When did it stop being a turn-on to be afraid? I asked. When did it become real fear? "When it became quite apparent that these guys were very serious about this. Nobody's getting undressed, we're not finally getting personal, the signs aren't escalating where they're supposed to go, this is not turning out to be the prelude to a scene." So why did he stay? And why did he return? "Looking back I can only tell you how I felt at the time. I took the only course of action I could come up with." Which was, he says, to play along, to not piss them off. He felt he didn't have any alternatives: had he actually gone to the police it would have been his word against theirs. (He was also terrified that a scandal would endanger his government security clearance. Without it he'd be unemployable in the D.C. area, and being gay already kept him at a low level.) And this is a man terrified of dealing with authority in general, whether cops or mobsters. "Men frighten me," he said. I asked why. "They don't all have my internal governor, they can be violent and cruel for the sake of being violent and cruel, so that it hurts and it doesn't feel like it does during a scene." (An "internal governor" is another Popular Mechanics-type device.) By way of self-protection he told
them a technically complicated story about having stored the vital details about them and their plan on his work computer, which would automatically dump to paper if anything happened to him and someone else tried to open his files. He also saved their phone messages on his office voice-mail system.

Of course, he now berates himself for not having had the courage to stand up to them—it’s another failure of masculinity. At one point he described to the agents what kind of men make the best bottom. It’s gay men who have spent their lives hating themselves and are consequently “the most submissive and the best bottoms because they hate themselves so much, they want you to do everything you can do to them . . . they’re such dirty filthy people, it’s like they’re paying their penance.” It seems likely that he was describing himself. So like a good bottom, he agreed to come back in two days and meet with the detectives again, and with the elusive Dave Ashley.

At the second meeting Ashley shows up first. He’s oddly bellicose and immediately begins sparring with R.J., issuing various complaints about what he claims has been their cavalier treatment of him. He tells the two agents they’re just like bitchy old women. “Bitch, bitch, bitch,” he says repeatedly. “It must be the damn smog out there [in California] in the air that goes to your brains or something.” R.J. asks, “Bring any pictures, by chance?” Ashley says, “Geez, what does this guy think I am?” R.J. takes a tough stance. “What do I think you are? I think you’re the guy that stood us up night before last. That’s what I think.” R.J. tells Ashley that when he hadn’t shown up, he’d thought Ashley was setting them up. (The technique of the undercover cop seems to be to frequently accuse the people you’re setting up of trying to set you up; apparently this is meant to deflect their suspicions of you.) Dave replies, logically, “See, I would
think just the opposite. How would I set you up if I didn’t show?” Ashley’s not in a cooperative mood. He tells them he’s been too busy to look around for locations and couldn’t get away to meet them the other day. He doesn’t sound entirely happy to be there. He keeps saying, “Bitch, bitch, bitch,” whenever anyone says anything to him.

DePew arrives and immediately requests a drink. He’s nervous. Bobby had called during the day to make sure he showed up. There’s aimless conversation about water fluoridation and other equally pressing topics, until R.J. puts things on track. “We were just talking about our venture here,” he tells Dan. The four settle in to discuss possible locations for the filming, although a location was never ultimately agreed on. They also never agreed on whether to kidnap a child or not, or whether to buy or rent a car. None of the plans were ever finalized. The more DePew drinks, the more he seems, again, to spontaneously relate the snuff scenario to his own youth.

But DePew’s primary role, as in the previous meeting, is to offer lengthy expertise on any technical or mechanical topic. Of course, he’s indefatigable on anything automotive—which extends metonymically to roads, driver’s licenses, and anything connected to the DMV (how to obtain multiple out-of-state driver’s licenses so as not to have to pay speeding tickets, how to get new Social Security numbers to get new driver’s licenses, how to forge a power of attorney to transfer title of your car to someone else to get out of tickets, even the best time of day to go to the DMV). What emerges is a certain obsessiveness about outsmarting government bureaucracies: an antagonism to the class of fathers, as Freud would put it. (Of course he knows the best way to cheat on your taxes and claims he can even get his Social Security contributions repaid to him.) There’s something disquieting about a zeal for mastery so acute, yet so oblivious: at the same time he’s explaining to the two undercover agents
Fantasy in America

just how phone-tap technology works, he's being recorded himself; at the same time he carefully advises the other three on how to evade the tentacles of governmental bureaucracies, he himself is the subject of a massive and concerted multiagency offensive.

DePew is a wealth of information on crime techniques and crime detection: he offers counsel on what kind of clothes to wear when committing a crime; the superiority of chloroform over ether; the superiority of plastic tie wraps (the police use these when making large-scale arrests) over handcuffs and how to configure them most effectively. At another point he cautions the agents to turn on the television so their conversation can't be overheard in the hall. (It was the lamp he should have been worried about.) At various points he does seem to be trying to throw monkey wrenches into their plans: talking at great length about unfeasible options, then shooting them down; insisting they all take part in the snuff when Ashley has repeatedly expressed qualms about it. He told me later that this had been his strategy: appearing to play along, while never intending to go through with it. But every time he opened his mouth, it was another count in the indictment. And in the planning of a crime, DePew was certainly in his métier. Between his zeal to be the expert, his antagonism to the class of fathers, his desire to verbalize violent fantasies in cinematic detail, and his hypercompensatory masculinity, there could not have been a more perfect marriage than this entrapment scheme and DePew's compulsive loquaciousness. His very lack of suspicion, his lack of paranoia, seems, in retrospect, pathological—an engraved invitation to bring punishment down upon himself.

DePew's boyish eagerness for technical know-how handed the prosecution what was likely the single most damaging piece of evidence against him. When various schemes to subdue the (still imaginary) child were discussed at the meetings, Dan, who
claimed some familiarity with the techniques of anesthesia, volunteered to find out how to make chloroform. This interest in chloroform wasn’t completely new for DePew. Part of his sexual repertoire included breath control—controlling someone’s breathing or what they breathe. This included choking to the point of passing out, using implements like plastic bags, and occasionally using nitrous oxide—he had a tankful in his apartment, which he used during sex with Patrick, and which was seized after his arrest. (And which he didn’t volunteer for the film, he points out.) “Why would anyone want to pass out during sex?” I asked, perhaps somewhat conventionally. Dan became positively rapturous explaining it to me. “Oh, you feel so great, it’s like if your computer or TV is screwing up and you unplug it and plug it back in and then everything’s fine—it’s like all the worries and frustrations, and aggravations and screwed-up thoughts all get wiped clean. Like you’ve zapped the reset button and you wake up and you see all the most beautiful colors—more beautiful than you can describe. You wake up and you feel utterly wonderful and happy to be alive and really charged with life.”

Breath control also means giving ultimate control to your top. “What do you feel emotionally about that person at that moment?” I asked him. “Oh, more than love,” he says. “It’s far more intense and far stronger than love. If you can keep your head in the right space, and he’s good and can keep you there, it’s like looking into heaven. It’s nirvana, it’s warmth, security, love, gratitude. . . . It’s not sexual at all, I mean, that’s part of it, because of the intensity of it all, but the only thing that exists is the immediate surroundings. You and your man.”

According to DePew, following the conversation with the agents he became obsessed with the idea of trying out chloroform with Patrick. Thus, like the autodidact he is, and oblivious to the FBI agents trailing behind him everywhere he went,
Dan strolled to the library and looked it up. He also made calls to a couple of like-minded friends (recorded and subsequently introduced into evidence) to inquire if they knew anything about its chemical properties. For the government to prove conspiracy, there has to be at least one “overt act” in furtherance of the conspiracy. From their vantage point, the phone call and the trip to the library looked like the overt acts they needed.

A week after the four-way meeting, Bobby, now back in California, phones Ashley, who immediately informs him, “There’s one small problem—I don’t think they’re gonna let me have vacation those two weeks.” Bobby asks if Dave has looked into a vehicle and Dave says he hasn’t had time. Bobby asks if he’s bought muriatic acid, which was part of the plan. Ashley says he has, but when his house was searched after his arrest, none was found. It may be that Ashley was losing interest, or getting paranoid, or had never intended to go along with the plan at all. (DePew’s lawyer, James Lowe—who would later go on to win the famous acquittal for Lorena Bobbitt—suggested in his closing that things were going beyond Ashley’s fantasy and he wanted out.) Ashley would soon drop completely from sight. The difficulty of contacting him was a constant complaint of the other three, and it appears from the wiretap transcripts that during the nine days preceding his arrest Bobby couldn’t reach him at all.

The two chat for about an hour, and Bobby dangles the prospect of various lucrative business schemes he says Roberto wants Dave to be part of. By the end of the conversation Dave is agreeing to try to get the time off work.

Next R.J. phones Dan DePew at work, soliciting his thoughts on their meeting. Dan offers that he wasn’t too impressed with Ashley and R.J. quickly agrees that he hadn’t been either—he calls Ashley the “master of double-talk.” (For rea-
sons that I never understood, the agents constantly trashed Ashley to DePew and vice versa. Perhaps it was because they understood that the two disliked each other and were trying to play along.) R.J. wants to know if Dan has looked into obtaining a vehicle and Dan says he hasn’t. R.J. tells Dan that Ashley has been scouting around for one, which of course he hadn’t. R.J. tells Dan he’ll be back east in two weeks.

Bobby calls Ashley again. They mull over various business schemes, which Bobby tells Ashley boss Roberto will bankroll. Ashley seems enticed by the possibility of becoming a pornographic entrepreneur like Bobby, and like a couple of high rollers, they discuss the vast sums they’ll soon be raking in. Ashley never seems to question why exactly these California pornographers need him in on these deals. Lamentably for DePew and Ashley, both seemed beset by fantasies of grandiosity, which the police manipulated like master puppeteers. It was their connections, their expertise that the two California pornographers couldn’t proceed without. The loftiness of their fantasies prevented them from asking the most basic questions, from having the tiniest modicum of skepticism about how very improbable this whole setup was.

Another week passes. R.J. calls DePew again. DePew can’t talk, but calls him back later that day and says, suddenly, “I’ve decided not to be involved.” R.J., startled, responds, “You what?” Dan says again, “I’ve decided not to be involved in this one.” R.J. seems at a loss for words. “You’ve decided not to be involved in this one?” he repeats. Dan goes on to complain about not having heard from Ashley, about not trusting Ashley, and about everything going too fast. DePew may have been attempting to disentangle himself, but legally speaking, it’s not so easy to get out of a conspiracy. The only way to withdraw from a conspiracy, the judge would later tell the jury, is to actually do something to defeat the purpose of the conspiracy. The law demands heroism, and DePew, trying desperately not to piss anyone off, fell
far short of the legalities of withdrawal—assuming that he was indeed legally a part of the conspiracy, which James Lowe later attempted to dispute. Instead of declaring his moral indignation and threatening to report the nefarious scheme to the police, he pussyfooted around and finally said that he was wary about not having known the two agents long enough, and suspicious of Ashley generally. Nervously attempting to appease R.J., he offered, “I'm still open-minded for one if we can develop a rapport, but this one I'm definitely passing on.”

R.J. quickly shifts into damage-control mode, working every angle to lure DePew back into the fold. Would DePew go along with it if it were just the three of them? Maybe? Okay, here comes the guilt trip: “We were . . . we were really excited, I mean, we’re planning, we’ve already got plans that we’re coming out.” He appeals to Dan to talk to Bobby, so Bobby can explain why Ashley hasn’t called. Dan repeats his stand to Bobby: “I was just telling R.J. that I’ve decided not to be involved in this one. . . . I want to pass on this one.” Bobby too works the angles. They’ve already made their plans to come, he says, and it’s not just them but that “you know, part of the deal for us—the other people involved, you know,” by which he seems to mean Roberto the mobster boss, which Dan took as a veiled threat. Bobby proposes, “Maybe we could still keep things going, but at a later date.” R.J. gets back on the phone and reassures Dan that Ashley will call. He asks Dan to meet with them again when they come to D.C. Dan reluctantly agrees.

Having won one concession, R.J. pleads that Ashley has to stay in, for Bobby’s sake. He tries a new approach: making Ashley the object of their shared aggression. “You know, I’ve always kinda kept my feelings pretty honest with you on how I felt about Dave,” he tells Dan. “I figured that after we got done doing what we were gonna do with the kid, I’d take time to beat the shit outta Dave.” This was a psychological master stroke,
and with each complaint about Ashley, R.J. lulls Dan farther back in. After R.J. finishes denouncing Ashley, Dan concedes that he’s still interested, but now deploys a new excuse: he can’t possibly be ready in time. R.J. quickly agrees that it does need more planning. (The agents would obviously agree to anything, as long as they can keep some semblance of four-way involvement going.) R.J. suggests they go over the details more thoroughly on their next trip out. Dan protests that he doesn’t want them to make a special trip just to talk, and he’d be willing to talk on the phone. R.J. insists that they’re willing to do their part, which means flying back to the East Coast. Dan valiantly repeats that he doesn’t want to be involved, and R.J. translates, “Well the current schedule is what you have a real problem with.” Dan agrees. He offers that he’d be involved with the two of them, but not with Ashley. R.J. agrees and adds, “Personally, I wouldn’t mind drop-kicking Dave through the goalposts of life,” but now adopting a therapeutic approach, he advises that the best idea is for the four of them to sit down and work out their differences. He requests a favor from Dan: if Dan hears from Dave, R.J. asks him to call Bobby. In other words, keep in touch. Dan agrees.

Six days later R.J. calls Dan again. No, Dan still hasn’t heard from Ashley. The agents hadn’t heard from him either, although R.J. tells Dan that Bobby and Ashley have been playing phone tag on the answering machine. (In fact, they haven’t been able to reach Ashley at all.) Dan turns the conversation to a detailed discussion of his company’s takeover, then moves into an equally detailed discussion of Patrick’s vacation to visit his family, then launches into a long diquisition on the possibility of controlling an ATM via his mainframe computer. (I noticed this too in talking with him: when he doesn’t want to discuss something he talks at great length about something else.) R.J. wraps up the conversation by saying, “We just wanted to let you
know we're dead serious. Pun intended.” He tells Dan they're still planning on coming out the following week and asks if he can meet. Dan says he can get away for a couple of hours and tries to tell him when, but R.J. cuts him off with, “What we'd like to see is if you've got any ideas. Maybe this time we'd like to go check them out, some of the places.” Dan says okay and adds something about “dry runs” being a good idea, but whether he was agreeing to participate or just trying to get off the phone is open to interpretation. (The state would later successfully argue that “dry run” meant kidnapping a child.)

Five days later the FBI showed up and arrested Dan at work. Dean Lambey was arrested the same day.

Henry Hudson, the U.S. attorney for eastern Virginia, called a press conference to announce the arrests. Hudson had, coincidentally, been chairman of the 1986 Attorney General's Commission on Pornography, which released a widely criticized 1,960-page report (the infamous “Meese Report”) linking pornography to sexual violence. He'd become a controversial figure in his previous job as commonwealth's attorney in Arlington because members of the Arlington police department were in the curious habit of encouraging prostitutes to travel to Arlington, Virginia, from Washington and as far away as Baltimore and then arresting them for solicitation. Critics accused Hudson of importing crimes solely for the purposes of prosecuting them, charging that Hudson was using police resources to advance his own career. Hudson did have a reputation for ambitiousness. Within a year of becoming U.S. attorney, his office became the first in the country to use RICO statutes for obscenity cases, allowing the government for the first time to seize assets in pornography prosecutions. (He also had a reputation for playing hard-core pornography at office parties, attorney James Lowe told me, on the record.)
Bound and Gagged

Reporters gathered for the press conference having been told by Hudson’s office that Hudson would be making an announcement of national importance. Hudson, joined by the two FBI branch heads from the Washington and Richmond offices, announced the arrests of Lambey and DePew, but provided only the barest outline of the case. (He did announce that because Dean Lambey had discussed the possibility of using his own house for the filming, application had been made to have the house seized by federal marshals and made subject to forfeiture.) But he answered almost every other question with, “I can’t discuss that.”

Reporters began to balk. What was of national importance here—wasn’t this a local crime? Of course everyone knew that the previous month a ten-year-old Fairfax County girl had been kidnapped and murdered, and this case couldn’t help but be associated with that one. “Parents should exercise caution concerning their children’s whereabouts,” Hudson said. “There are, as this case illustrates, people out there who choose to prey on children.” “Was this a widespread problem?” he was asked. Hudson assured them that it wasn’t. “But if they aren’t a widespread problem, and it’s just one case that you have in northern Virginia, then why put parents on alert and have them worry about a situation that’s not a major or widespread problem anyway?” a reporter pressed. Hudson refused to answer this or any other question put to him about the case. However, the press conference was dutifully reported, and as more lurid details were released the media gratefully lapped them up.

DePew’s encounter with the criminal justice system was a series of fatal missteps and mutual noncomprehension. When taken to FBI headquarters, he, quite stupidly thinking it was Bobby and R.J. who were the targets, cooperated fully. He didn’t initially ask for a lawyer; he says when he finally did, they told him they wouldn’t be able to get him one that day. They explained to him what conspiracy was, told him that Bobby, R.J., and Ashley
had all been arrested, and that whoever talked first got the deal. He spent four hours talking to them. When the two FBI agents doing the interrogation did the good cop/bad cop routine, he, of course, developed an instant crush on the bad cop and talked even more. DePew seems to have had a problem understanding that the FBI agents weren't on his side; his overidealization of masculine authority was once again his downfall.

In DePew's account of the interrogation he asked for a lawyer, and he didn't confess to intending to make a snuff film (although he said that he believed Bobby and R.J. were serious about it). However, in Special Agent Barry Kroboth's account of the interrogation, DePew confessed to having unquestionably intended to make a snuff film.

Kroboth testified in court that the interview wasn't taped. DePew says he thought it was being taped. Although at the pre-trial hearing to quash the confession Kroboth said, "There was no tape recorder in the room," at the trial he stated, "There was a Superscope recorder [an audio recorder] sitting on the table." DePew too says there was a tape recorder in the middle of the table. Given that there was also a video camera in the room, it seems odd for the interview not to have been either audio- or videotaped—for what purpose were the machines in the interrogation room if not to tape interrogations and confessions? Of course, if DePew had asked for a lawyer and not been provided one (and had this request been taped), it would most likely have made any subsequent "confession" inadmissible.

In the defense pretrial motion to dismiss the confession, the judge ruled, not surprisingly, that FBI Agent Kroboth's testimony was more credible than gay sadomasochist DePew's. What this meant was that DePew's confession, as related by Kroboth, was admissible at the trial, and the only record of this confession was in Kroboth's written notes. These notes, riddled with inconsistencies, were Kroboth's "conclusions" rather than
a verbatim record, and didn't even cover the entire interrogation. DePew, who struck me as remarkably without bitterness about his arrest and imprisonment, is vocally bitter about only one aspect of the case: Kroboth's testimony.

Lowe made a second pretrial motion disputing that there was ever a viable conspiracy. He argued that there was no agreement to anything at Lambey's preliminary meeting with DePew in the Alexandria hotel, and that at the first meeting between DePew and the two agents, DePew had explicitly told the agents he had no agreement with Lambey. (This is on tape.) Thus there couldn't have been a conspiracy prior to the second meeting between the four men. (Kroboth's notes claimed, however, that DePew confessed that he left the Alexandria meeting having agreed to make a snuff film with Lambey. This is one reason the admissibility of Kroboth's notes was such a calamity for the defense.) The judge interjected that a "tacit understanding" was enough to qualify as conspiracy. Lowe continued what was by now looking like a losing argument, claiming that at the second meeting there was discussion without any agreement to do anything. The judge ruled that the conspiracy began with DePew and Lambey's meeting at the Alexandria hotel. Things went swiftly downhill from there.

DePew's essential problem at the trial was translating what are, essentially, subcultural practices and interests to a group of outsiders who find them foreign and repellent. The prosecution had a fairly easy task. All they had to do was paint DePew as a brutal and monstrous figure and convince the jury that consensual sadomasochism constituted hard evidence that DePew intended, without a doubt, to commit kidnapping and child murder. They introduced items seized from DePew's home into evidence: nooses, hooks, ropes, manacles, leather straps, leather masks,
paddles with metal studs, pictures of men in bondage, books about bondage, pictures of DePew's bedroom, and videotapes of consensual S&M between DePew and different lovers. After all, why would someone consent to be burned with a cigarette, or strangled, or beaten (all portrayed in stills of DePew in sexual activity shown to the jury) unless he was also going to kill a child? They stressed that since DePew's sadomasochistic sexual practices were "real," not fantasy, the snuff film plot was real as well. Regarding his sex life with Patrick, DePew was asked, "When you hang someone, you actually do that, don't you?" DePew answered yes. "It's not a fantasy?" DePew agreed that it was not. "When you strangle someone, you actually do that. It's not a fantasy, correct?"

DePew was able to win one small point about fantasy when a video was played for the jury in which the camera pans through a park, with DePew's voice-over saying, "This is where I come to find my boys and kill my boys." Prosecuting attorney Neil Hammerstrom demands, "Now, how can you tell this jury now that you have no interest in children?" DePew answers, "Because to me a boy does not have to be a child. A boy can be any age. Patrick, my lover, is my boy, and I refer to him as 'my boy.'" Hammerstrom: "Do people Patrick's age play in playgrounds?" DePew answers that they do, and points out that if they watched the rest of the tape, it portrayed Patrick—six foot three, with a mustache, and in his late twenties—swinging on a swing in the playground, not a child. DePew may have won the skirmish, but he was still hopelessly tainted with the stain of perversity. The state's larger point was that anyone weird enough to make that tape and do all the rest of the sordid things he'd done was weird enough to do anything, and this point seems to have prevailed. Hammerstrom even questioned DePew about having converted from Southern Baptist to Mormonism (which he had, believing it was more enlightened toward homosexuality) and demanded, "Do you believe that the Mormon religion recognizes sadomas-
ochism?” Hammerstrom seemed to take offense at DePew’s statement that he’d developed his own special relationship with God, and asked him twice if he actually believed that.

James Lowe says he had a pretty good idea that things weren’t going well. Throughout the trial it seemed like the government lawyers had more success in creating a coherent narrative, in selling their version of the story. One reason was monetary: the government spent a fortune on this case. When I asked Officer James Rodrigues how much the investigation had cost, he put the out-of-pocket expenses alone at $300,000, not including man-hours, which would have more than doubled that amount. The two San Jose officers spent over six months on the case. At the height of the investigation there were over a hundred FBI agents assigned to the case, doing twenty-four-hour-a-day surveillance for almost a month. There were two assistant U.S. attorneys prosecuting the case, with an untold number of research staff and assistants behind them. (It shows in their briefs, which cite scores of precedents for every point and are most elegantly written, as opposed to Lowe’s one-man productions.) Between the six-month setup on the West Coast, the massive FBI gala on the East Coast, and the trial, it’s likely the government sunk at least $1 million into the case against Lambey and DePew. By contrast, Lowe was operating on a shoestring: his fee was $25,000—in terms of current legal costs, close to nothing. It’s interesting to speculate on how this trial would have turned out had DePew had the government’s limitless resources—or even O. J. Simpson’s—for his defense.

Lowe’s main point was that DePew knew where the line between fantasy and reality was, and was in it for the fantasy. It was the agents, he said, who failed to make the distinction between fantasy and conspiracy. This explanation never strongly took hold with the jury. Lowe emphasized throughout the trial that DePew was, yes, a sadomasochist, but he wasn’t a pedophile.
There was no evidence that he had any interest in real children. This distinction also seems to have been lost. Lowe introduced testimony about the sadomasochistic subculture, about the practice of setting and adhering to rules and limits, about the importance of fantasy. He insisted that DePew had never inflicted any actual harm on anyone and that all his sex partners were still alive and kicking. The violent details DePew went on about were just “hot talk” designed to interest Bobby and R.J. sexually and get them into bed. Yes, fantasy involves a certain amount of reality, and yes, DePew was into bizarre stuff, and yes, he knows he represents the most unpopular defendant who will be tried in the state of Virginia that year, and he knows that DePew “is involved in almost every area that turns people off.” But they can’t decide the case on the basis of being horrified by DePew’s sex life.

Or can they? U.S. Attorney Mike Smythers rebutted Lowe’s closing argument by first avowing that DePew wasn’t on trial for homosexuality or sadomasochism, but then following up with, “S&M in this trial doesn’t mean sadomasochism. What it really means is Satan and Murder.” He said he didn’t want to put DePew on trial for S&M, but then said, of DePew’s homemade sex videotapes that weren’t introduced as evidence, “The other videotapes would have been enough to gag a maggot, to be quite honest about it, and we didn’t want to prejudice you. . . .” (This was his somewhat feeble explanation of why the prosecutors didn’t reveal to the jury that it was Patrick in the tape filmed in the park.) “S&M,” he continued, “while they try to act like this is normal because maybe it’s normal for them, it is still filled with violence and it’s brutal and it’s ugly.” He repeated that he was not trying to play on the jury’s prejudices, but then, referring to Lowe’s argument that DePew was merely fantasizing, he demanded, “Who wants to put their child up first? Which child do we turn over to him to test this and see if he’s actually going to carry this through? Do we want to take that kind of chance in
our society? No!” Daniel DePew, he sputtered, “would have made a good first assistant for Josef Mengele or Adolf Eichmann.”

The jury began deliberating at 2:15 in the afternoon. An hour later they sent a note out asking for the definition of conspiracy. They took a break from 4:45 to 5:00. At 6:15 they asked to see a videotape of DePew hanging Patrick, a request the judge denied because the prosecution, although they’d played it, hadn’t entered it into evidence. Ten minutes later they announced they’d reached a verdict and returned to the courtroom. DePew stood, trembling, and faced the jury. As the guilty verdict was read, tears filled his eyes. A moment later he sat down and put his head in his hands.

After the jury was dismissed, the forewoman, Cathy Boehme, told reporters that DePew’s homosexuality and sadomasochism had no bearing on their decision. “We separated out his sexual preference,” she said. “The question was, Did he really fantasize the killing of a child or did he really mean it?” She added that during the three-day trial, DePew appeared “benign and didn’t necessarily look like the stereotype who could plan such a horrible crime.”

At the sentencing hearing, Judge T. S. Ellis, addressing DePew, pronounced his “the most heinous crime I have presided over.” Then, oddly, he added, echoing forewoman Boehme, “The paradox is that you at one time present this embodiment of evil. . . . There is no doubt in my mind that you intended to commit the crime. The paradox is that as this chilling picture of evil is presented, there is also, strangely enough, almost a sympathetic . . . it’s difficult to explain.” Judge Ellis must have been responding to what I too encountered in DePew: a very basic and overwhelming gentleness. He conveys a certain slightly apologetic dignity about being who he is, as if he knows he got stuck with a bad deal but is trying hard to make the best of it.

Of course, DePew didn’t make that impression on everyone. U.S. Attorney Hammerstrom actually tried to get the judge
to increase the sentence to life strictly on the basis of DePew's sadomasochism, telling the judge (referring to the videos), "When Mr. Smythers told the jury that there was enough in there to gag a maggot, that was no overstatement. Many of us who had to watch these videos nearly lost our lunch. They were gruesome." Judge Ellis responded irritably, "Why in the world is that necessary to mention at this point? What's that got to do with sentencing?" Hammerstrom tried again: "Because, Your Honor, this man is so depraved that if he would engage in this kind of activity—" Ellis interrupted, "That isn't what he was tried and convicted for." Of course Ellis then turned around and meted out the thirty-three-year sentence, rejecting any argument for leniency or reduction in the sentencing level. Instead he added two levels because the fictive intended victim was a child.

There had been an extensive and complicated argument about the applicable sentencing level, with DePew ultimately sentenced on the basis of conspiracy to both kidnap and murder (he hadn't been charged with conspiracy to murder) because the government argued that murder was part of the kidnapping plot. On every question regarding sentencing, the judge found for the state. He also stated quite vehemently that he didn't believe DePew was looking for a way out, didn't believe that he was trying to withdraw from the conspiracy in the phone call in which he told R.J. and Bobby he wanted out, and that there was no doubt in his own mind that DePew and Lambey would have ultimately carried out the scheme. He also believed that DePew was completely without remorse. If he'd found that DePew accepted responsibility for the crime, it could have meant a two-level reduction, but DePew continued to insist that he never intended to carry out the crime, and the judge refused the reduction. Mandatory sentencing guidelines (without possibility of parole) have made federal prisons long-term warehouses. At Ray Brook, where DePew is now imprisoned, the average sentence is twelve years.
Bound and Gagged

With a thirty-three-year sentence, DePew is watching men who have actually committed murder, rape, and child molestation getting out far sooner than he, who merely fantasized about it. Dean Lambey, who seems to have gotten some spectacularly bad legal counsel, pleaded guilty rather than go to trial, following Richmond attorney William Linka’s advice that he would get a seven-to-ten-year sentence. (Linka told me that Lambey had been promised leniency for cooperation.) Instead, U.S. district judge Richard L. Williams sentenced him to thirty years in jail. (James Lowe says contemptuously that Linka either misunderstood or didn’t read the federal sentencing guidelines.) Lambey fired Linka and tried to withdraw his guilty plea. Not so fast, said the court. The case went immediately to a federal appeals court, where the plea and the sentence were upheld, although five of the thirteen judges dissented. U.S. Attorney Hammerstrom, zealously taking advantage of every opportunity to inflict the greatest degree of punishment possible, argued at DePew’s sentencing hearing that “justice dictates” that DePew be given an even harsher sentence than Lambey.

Clearly the sadomasochistic fantasies circulating through the DePew case weren’t DePew’s alone: they permeated the entire case from beginning to end, just as they permeate the cultural imagination. What were the fantasies and ambitions of the two undercover cops playing the roles of tough-guy pornographers, inventing lurid sex scenes with which to regale Ashley and DePew? When DePew joined them in a hotel room to spin out tall tales of sex and violence in what he initially thought was going to be a seduction scene, weren’t they all doing the same thing—lying to get their man? In magnifying those rambling stories of DePew’s into evidence of intent, the prosecution deliberately overlooked just how common fantasy and hyperbole are
when it comes to sex: certainly at this very moment people are lying and exaggerating in order to get someone into bed in hotel rooms around the world. Did the prosecution imagine that pillow talk is conducted under oath?

Sadomasochism, as practiced by Daniel DePew and his friends, is a distinct subculture, with its own rules and etiquette, its own customs, values, and language. As with any subculture, these rules are agreed on and adhered to by the members of the group. To the sadomasochistic cognoscenti, violent fantasies are foreplay, not conspiracy. For the state to peremptorily redefine minority subcultural practices according to its own say-so would seem like a form of cultural violence were it directed at a more popular or politically powerful group than gay sadomasochists. Even Santeria religious animal slaughter won Supreme Court protection against the city of Hialeah, which had attempted to outlaw it (despite the fact that the slaughter of animals by the beef and poultry industries thrives freely in mainstream culture). Subcultural practices often look weird from the outside, to noninitiates, but they receive certain forms of protection and recognition as cultural expression.

Sadomasochism, for DePew, was a form of cultural expression. Culture isn’t only mass-produced, the product of multinational entertainment conglomerates, and we’re not only passive recipients. We make our own culture as well. DePew had literary aspirations as a writer of fantasy: he frequently took requests to custom-write erotic stories for others on computer bulletin boards. He’s written a 270-page novel with similar themes. But of course DePew didn’t single-handedly invent the genre of the violent fantasy: our cultural products in general are increasingly soaked in blood. Had DePew had the cultural capital, or even the arrogance, to declare himself an artist maybe he could have been a Wes Craven or even an Oliver Stone instead of a midlevel electronics worker with an unorthodox private life.
Bound and Gagged

Culture—including pornography—is a place where problematic social issues get expressed and negotiated. In much the same way, DePew's private erotic theater also enacted a particular kind of problem-solving. It was, in a sense, scripted, with a repeating cast of characters in assigned roles and certain themes that were returned to again and again. These memorialized the injuries to masculinity and identity that had marked his early life, but also, with a brand of heroic optimism, attempted to cure them. The jury may have been disturbed by the theatrical violence of his sex life, but that violence had a complex history; it had a narrative.

These kinds of narratives animate the entire pornographic enterprise. As with other forms of culture—as with art or literature—we may be called upon to interpret, to read between the lines (or between the bodies), to perform acts of critical exegesis. As with other forms of culture to which we readily apply our interpretive capabilities, meanings don't necessarily sit on the surface announcing "Here I am." You may have to dig for them. They may take an allegorical form: as in the DePew case, a second level of meaning resides beneath what's explicit. In the genres of pornography discussed in the following chapters, the allegories are large-scale and culturally specific: pornography becomes a way to simultaneously ventilate and submerge problematic contents prohibited from expression in other public forums.

Pornography requires our interpretation, and in return it yields surprising eloquence. Eloquence needs to be pursued, even if it leads us to unlikely places. The criminal justice system disposed of Daniel DePew as quickly as it did because it refused the burdens of interpretation, it was only too willing to treat DePew as though he were some sort of single-celled organism. Plumbing any more deeply might have been disturbing, inconvenient.

The desperate quality to DePew's particular quest, along with its very ordinairiness, strikes too close to the bone of ex-
actly those buried motifs most of us expend much of our psychic energies circumnavigating. As Freud points out, at the bottom of all this theatricality is the banality of everyday unhappiness. Such are the longings, and injuries, and the small humiliations that constitute us and that are perched forevermore just at the edges of awareness, or redeemed within the private utopias of our fantasies. As a culture, our intellectually shriveled approach to pornography has similarly avoided any such disturbing acts of self-recognition: daring nothing, denying everything. Daniel DePew’s fantasies were at some level familiar, and all too human: he became a sacrifice to our own defensive (and overly optimistic) fantasies that we’re not all cut from this very same cloth.