

THE ALEXANDER PANTAGES RAPE TRIALS

By John S. Caragozian

The 1930 grand opening of Hollywood's opulent Pantages Theatre was an extravaganza, thronged by actors Douglas Fairbanks, Greta Garbo, Buster Keaton, Mary Pickford, studio head Louis B. Mayer, and other movie royalty. Notably absent was the theater's owner: Alexander Pantages. He could only listen on the radio because he was in Los Angeles County jail awaiting transfer to San Quentin prison to begin his sentence for statutory rape.

Pantages was born in Greece, probably around 1867. He ran away from home to serve on a merchant ship and then worked in Panama on France's failed effort to build a canal. After contracting malaria, Pantages emigrated to San Francisco, where he was an unsuccessful prize fighter and, by 1896, a successful restaurateur.

In 1898, Pantages joined the Yukon gold rush. There, he came to own a profitable vaudeville theater, but lost most of his resulting wealth in failed partnerships and bad investments.

He moved to New York City in 1902 and, a year later, to Seattle, where he bought an aging theater. Pantages did well with the theater and began buying more theaters in western U.S. cities.

By 1918, Pantages owned the nation's largest independent theater circuit. Owing to his Yukon experience, Pantages eschewed partners. Instead, he controlled each theater, from booking the vaudeville acts to managing operations. Pantages succeeded despite his poor English language skills; he spoke with a heavy accent and was illiterate. *E.g.*, Taso Lagos, "American Zeus: The Life of Alexander Pantages, Theater Mogul," at 5-17 (2018).

As movies became popular, Pantages' theaters began successfully exhibiting movies along with vaudeville. Pantages moved his headquarters to movie-making capital Los Angeles. By the mid-1920s, his empire was worth at least \$24 million (over \$700 million today).

In 1929, Pantages' world collapsed. The year began favorably. In April, competing theater chain and Hollywood studio RKO negotiated to buy 15 of Pantages' theaters plus other properties. Initially, Pantages agreed, but later sold only six theaters to RKO. One of RKO's principals, Joseph P. Kennedy – father of future U.S. President John F. Kennedy – was furious with Pantages' turnabout.

In June 1929, Pantages' wife Lois, apparently drunk, crashed her luxury Stutz car into another car in Hollywood. The other driver died, and the driver's wife and children were injured. Lois

Pantages was convicted of manslaughter. She avoided prison, but paid \$78,500 (almost \$2.3 million today) in a civil settlement. Lagos, *supra*, at 127.

Finally, in August 1929, Eunice Pringle, a 17-year-old dancer, visited Pantages in his office at 7th and Hill Streets in downtown L.A. What happened next was disputed in courtrooms and the media for years.

Pringle told police that she offered to audition her act for Pantages, he invited her into his private office, and he forcibly raped her. Pantages told an opposite story; he said that Pringle had repeatedly badgered him for an audition, entered his office without an appointment, ripped her own clothes, and ran outside screaming that she had been attacked.

The police arrested Pantages. The press, especially Hearst newspapers, vilified Pantages both for the alleged rape of an innocent girl and for being an immigrant. The xenophobic attacks ridiculed Pantages's poor English and referred to him as "foreign gloatedness." See, e.g., Megan Wagner, "Spectacular Los Angeles Trials," *Los Angeles Lawyer*, 68, 74 (Mar. 2003); Marvin Wolf & Katherine Mader, "Fallen Angels: Chronicles of L.A. Crime and Mystery," 102 (1986).

Before trial, legal events took a bizarre turn. In September 1929, two half-sisters were arrested for witness tampering. The sisters, aged 25 and 19, had recently moved into the same Hollywood rooming house where Pringle's agent and dance partner, 40-year-old Nick Danaev, then lived. The sisters repeatedly invited Danaev and the landlady to their room to drink absinthe. After Danaev and the landlady declined, someone slipped a note under Danaev's door. The note, handwritten on the back of an old letter to one of the sisters, suggested that Danaev would receive a \$25,000 payment for testifying "that the Pringle girl bruised herself."

Danaev turned over the note to the District Attorney. As the sisters were being arrested, one threatened the landlady with a knife, and one hurled the absinthe bottle out a window. The sisters denied writing the note, and the District Attorney ended up trying them only for a Prohibition violation. The sisters were convicted and fined \$75 apiece.

Pantages's statutory rape trial in the L.A. Superior Court began on October 1, 1929. Pringle and Pantages each testified. The defense also tried to introduce evidence of Pringle's prior "unchaste" behavior, but the trial judge refused to admit it. The District Attorney argued in his closing that Pantages had "destroyed [Pringle's] virginity."

The jury deliberated for 50 hours and found Pantages guilty. The court sentenced him to prison for up to 50 years. The defense repeatedly requested post-trial bail due to Pantages's poor health, but the court refused all requests.

Pantages appealed. An immediate issue was bail. On June 6, 1930, the California Supreme Court, exercising original jurisdiction over a bail application, noted that Pantages' underlying substantive appeal "is not frivolous..., but presents important and debatable questions...." The Court also found the "overwhelming weight of the [medical] evidence" was that Pantages' "life is in danger." The Supreme Court set bail at \$100,000, and Pantages was released. *See In re Pantages*, 209 Cal. 535, 536-39.

Next, the District Court of Appeal heard Pantages' substantive appeal. The court ruled in Pantages' favor and ordered a new trial. *People v. Pantages*, 292 P. 500 (1930). The District Attorney sought California Supreme Court review, which was granted.

The Supreme Court ruled that the trial court's reversible errors included the refusal to allow evidence of Pringle's prior lack of chastity. The Supreme Court cited the long-standing rule that a rape victim's prior "unchaste acts" would allow a jury to conclude that the victim was "lacking in virtue" and that such a victim would have been "much more likely to consent [to sexual intercourse] than one whose past reputation was without blemish." (California's 1974 rape shield law reversed this horrific rule. *See* Cal. Evid. Code §§782, 1103(c); Cal. Penal Code §1127d.)

Did this rule ever apply to statutory rape, where consent was irrelevant? The Court answered yes. The rule applied where statutory rape was allegedly committed by force, because the evidence could impeach the victim about the manner of the attack and about whether "the crime [intercourse] was committed at all." Accordingly, the Supreme Court vacated Pantages's conviction and ordered a new trial. *People v. Pantages*, 212 Cal. 237, 259-66 (1931).

At the 1931 retrial, the defense savaged Pringle. For example, the landlady of the "Moonbeam Glen Bungalow Court" testified that Pringle and Danaev previously lived there together as husband and wife, thus undercutting the destroyed-virginity argument. The defense also questioned how Pantages – in his 60s, ill, and lacking a weapon – could have subdued Pringle, who was physically fit and approximately Pantages' size.

This jury acquitted Pantages.

Pantages, however, enjoyed little vindication. His and his wife's legal expenses, the negative publicity, and the Depression forced Pantages to sell his remaining theaters to RKO at a fire-sale price, gutting his finances. Pantages's physical health also declined, and he died in 1936.

The flagship theater in Hollywood has continued to use Pantages' name with successive owners. It hosted the Academy Awards throughout the 1950s and remains a premier venue today.

As for Pringle, numerous books reported that she died young, in 1933, confessing on her deathbed that Kennedy had paid \$10,000 and promised Pringle stardom in exchange for framing Pantages. The books also noted that Pringle's cause of death was undetermined; one speculated whether she had been poisoned to silence her. *E.g.*, Ronald Kessler, "Sins of the Father: Joseph P. Kennedy and the Dynasty He Founded," 59 (1996); Kenneth Anger, "Hollywood Babylon II," 35, 46 (1984); Michael Parrish, "For the People: Inside the Los Angeles County District Attorney's Office 1850-2000," 93 (2001).

All this material is false. Pringle actually lived another six-plus decades, until 1996, and never recanted that Pantages had raped her. None of the books' authors – upon learning the true facts – could identify how the false rumors had started. See Michael Parrish, "A Myth Maker's Clarification," L. A. Times, Jun. 16, 2002.

We may never know which jury verdict was correct, guilty or not guilty.

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