

A Breakthrough Decade for LGBT Rights

Memory Book honoring the law students and lawyers who propelled the social and legal reforms we enjoy today

Spectrum Institute



Thomas F. Coleman, Editor

# The Seventies

A Breakthrough Decade for LGBT Rights

Memory Book honoring the law students and lawyers who propelled the social and legal reforms we enjoy today

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## Spectrum Institute Press

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#### History, Herstory, Yourstory, Ourstory



As noted in the recent Broadway musical Hamilton:

Let me tell you what I wish I'd known When I was young and dreamed of glory You have no control:

Who lives
Who dies
Who tells your story?

One of the wonderful things about the Memory Book is that it is telling the stories of many who deserve to be remembered, who played an important part in our history, but who would otherwise be totally invisible to posterity, their legacy having vanished because no one bothered to record their role.

Bravo! Great work!

– Jay M. Kohorn



#### OFFICE OF THE GOVERNOR

## Birds of a Feather

It is a great pleasure to send greetings to the Spectrum Institute and the collective supporters of *Birds of a Feather*. During LGBT History Month in October 2022, activities associated with the project, including a webinar, memory book, and videos, will honor the courageous law students and lawyers who openly advocated for LGBT rights during the 1970s. They took a stand in an era when discrimination on the basis of sexual orientation and gender identity was all too pervasive.

I am proud to note that many Californians are among those being recognized for their contributions to advancing justice and equal rights during the 1970s – dozens of them receiving their legal training at law schools here in our Golden State. During that time – thanks in many parts to their advocacy – Governor Brown signed the Consenting Adult Sex Bill into law to protect sexual privacy rights, issued an executive order to prohibit sexual orientation discrimination in state employment, and appointed to the bench the first openly gay judge in the nation.

Californians of all careers and walks of life continue this vital work – including those in law, who now more than ever must ensure that these hard-won rights are as unassailable as possible.

On behalf of the people of the State of California, I honor the trailblazing law students and lawyers recognized here and offer my best wishes for successful events during LGBT History Month.

Sincerely,

Gavin Newsom

Governor of California



Dear colleagues, advocates, and friends,

Throughout the history of LBGTQIA+ people in America, brave and pioneering trailblazers have led the march towards liberation and equal rights. We owe a particular debt of gratitude to the lawyers and legal professionals of the 1970s who were activists for LGBTQIA+ rights during that decade. Their courageous advocacy was even more notable at a time when the oppression of LGBTQIA+ individuals was so pervasive in our society.

Throughout the 1970s, the Massachusetts legal community was one of many important hubs of organizing and advocacy for LGBTQIA+ rights. Among the equal rights pioneers who studied law at Harvard Law School were Jose Gomez, Barbara Kritchevsky, Arthur Leonard, Shepherd Raimi, David A.J Richards, Donald Solomon, and Michael Sonberg. Attorney John Ward, a resident of Massachusetts, founded Gay and Lesbian Advocates and Defenders in 1978. The Commonwealth of Massachusetts benefitted through the generations from what these individuals did to address discrimination and advance equal rights and protection under the law for all.

I want to commend the Spectrum Institute and the sponsors of the Birds of a Feather Project for sponsoring webinars and publishing a Memory Book to ensure that the transformative legal events of the 1970s and the individuals who helped produce them are remembered and honored by this and future generations.

My office and countless advocates are proud to take up the fight to ensure that every LGBTQIA+ person in our state and across the country knows that they are seen, they are loved, and we'll always have their back.

**Maura Healey** 

Massachusetts Attorney General

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## **Acknowledgments**

My appreciation is extended to the individuals who volunteered their time to the *Birds of a Feather* Project. I am also grateful to the individuals and organizations that made financial contributions to the project as well as the organizations that endorsed it.

The OutLaw student group at Loyola Law School in Los Angeles hosted the webinar titled "1972" in March 2022 which highlighted the significant developments by lawyers and law students during that breakthrough year for LGBT rights. Many thanks to Francisco Calderon for the important part he played in making that event a success.

The Williams Institute hosted a webinar during LGBT History Month in October 2022 during which some of the trailblazers of the 1970s shared their memories and experiences. We are indebted to Brad Sears for his role in having the Institute collaborate with Spectrum Institute and others in this historic legal history project.

Special thanks are extended to the individuals who participated in the production of the Memory Book. John DiPietro for his ongoing support and comradery throughout the process. Mike Kilary for gaining access to special research services. Kelly Blair for developing a database of LGBT law student organizations. Gurdeep Singh Raina for his advice as the project was in its initial stages. Richard Cox for his assistance in proofreading and copy editing. Jay Kohorn for his insightful quote that appears at the beginning of the book. Professor David A. Reichard for writing the Preface. Joseph Reyes for researching and writing the biographies in the section titled "Lawyers of the Seventies." Maria Reyes Olmedo for writing the Post Script to explain how nonbinary, transgender, and students of color emerged as LGBT activists. Sheri Kellogg for social media promotion. Jenny Coleman for her work with our website, through which we have been able to share information about the project with the public. Sarah Barlow for video editing and social media promotion. Diane Coleman-Rogers for designing the book cover. Jay Kohorn, Art Leonard, and John DiPietro for writing reviews of the Memory Book. And my husband, Michael Vasquez, for his ongoing encouragement and support.



It has been a privilege for me to direct this legal history project, to work with such talented and dedicated people, and to have the support of so many organizations as the project evolved. It has also been an honor and a profound educational experience to learn about the contributions, whether large or small, of the trailblazing law students and pioneering lawyers of the 1970s.

Thomas F. ColemanEditor

#### Law Students of the 1970s

Roberta Achtenberg (1975 - U of UT)

Ron Albers (1976 – U of WI)

Paul Albert (1971 – Stanford)

Rick Angel (1974 - Loyola, L.A.)

Jack Baker (1971 – U. of MN)

Robert Blaustein (1975 - Loyola, L.A.)

Steven M. Block (1976 - Stanford)

Bob Brosius (1973 – SUNY Buffalo)

Barbra Bryant (1980 - Golden Gate)

Patricia Cain (1973 - U of GA)

Andrew Chirls (1981 - Boalt Hall)

Thomas F. Coleman (1973 - Loyola, L.A.)

Thomas J. Coleman Jr. (1980 - Tulane)

Matt Coles (1977 - Hastings)

Barry Copilow (1973 - USC)

Thomas DePriest (1976 - U of VA)

Leonard Ebreo (1980 - NYU)

Robert Eimers (1974 - Hastings)

Katharine English (1978 – Northwestern)

Rodney Eubanks (1971 – Case Western)

Claudio Frias (1975 - Rutgers)

Phyllis Frye (1981 - U of Houston)

Georgia Garrett-Norris (1980 – Western State)

Don Gaudard (1977 – People's College)

Richard Gayer (1975 – Hastings)

Jose Gomez (1981 – Harvard)

Leonard Graff (1975 - Cooley)

Ron Grayson (1975 - Peoples College)

Donna Groman (1979 - American U. WA)

Donald Hall (1978 - NYU)

Ray Hatler (1975 - Southwestern)

Marilyn Hedges-Hiller (1977 – Hastings)

Fred Hertz (1981 – Boalt Hall)

Donna Hitchens (1977 - Boalt Hall)

Judith Holmes (1976 - Catholic U.)

Tom Homann (1978 - Western State)

Thomas E. Horn (1971 –UCLA)

Nan Hunter (1975 - Georgetown)

Marshall Jacobson (1972 - Loyola, L.A.)

Margot Karle (1973 – Brooklyn Law)

Steven Kelber (1976 - UCLA)

Jay Kohorn (1974 – UCLA)

Barbara Kritchevsky (1980 - Harvard)

Linda Krieger (1978 – NYU)

Arthur Leonard (1977 - Harvard)

Robert Lynn (1972 – California Western)

Step May (1975 – Peoples College)

Jerel McCrary (1977 - Hastings)

Susan McGreivy (1977 – Western State)

Mary Morgan (1972 - NYU)

Bruce Nickerson (1979 – Golden Gate)

Terence O'Brien (1972 - Loyola, L.A.)

Jodie O'Connell (1975 - U of GA)

Adrian Oktenberg (1975 - Rutgers)

John O'Loughlin (1972 - UCLA)

Craig Patton (1971 - Ohio State)

Daniel Pinello (1975 - NYU)

David Piontkowsky (1981 - Wayne State)

Nancy Polikoff (1975 - Georgetown)

Shepherd Raimi (1971 – Harvard)

George Raya (1980 - Thomas Jefferson)

David A. J. Richards (1971 - Harvard)

Rosalyn Richter (1979 - Brooklyn Law School)

Ruthann Robson (1979 – Stetson)

David Rosenbaum (1973 - Southwestern)

Robert Roth (1975 - Fordham)

Richard Rouilard (1978 - South Texas)

Abby Rubenfeld (1979 – Boston U.)

Marjorie Rushforth (1978 - Western State)

D. Nicholas Russo (1971 – Case Western)

John Sanchez (1977 - Boalt Hall)

Rand Schrader (1973 - UCLA)

Donald Solomon (1975 - Harvard)

Michael Sonberg (1971 - Harvarad)

Matt St. George (1979 - Loyola, L.A.)

Tim Stearns (1974 – Golden Gate)

Tom Steel (1975 - Hastings)

Mary Stevens (Rutgers - 1977)

Tom Stoddard (1977- NYU)

Katherine Triantafillou (1975 – Suffolk)

John Ward (1976 - Boston U)

Paul Freud Wotman (1976 – Boalt Hall)

Jim Yeadon (1975 – U of Wisconsin).

#### Lawyers of the 1970s

Sheldon Andelson (Los Angeles)

Walter Barnett (New Mexico)

B.J. Beckwith (San Francisco)

Jerry Berg (San Francisco)

E. Carrington Boggan (New York)

David Clayton (San Francisco);

Herb Donaldson (San Francisco)

Mary C. Dunlap (San Francisco)

William H. Gardner (Buffalo)

Gerald Gerash (Denver)

David Goodstein (San Mateo)

George Haverstick (San Diego)

Renee C. Hanover (Chicago)

Pearl M. Hart (Chicago)

Paul Hunter (Denver)

William B. Kelley (Chicago)

Harris Kimball (Orlando)

Barry Kohn (Pennsylvania)

Barry Kohn (Los Angeles)

Donald Knutson (San Francisco)

Jerold Krieger (Los Angeles)

Stephen Lachs (Los Angeles)

Michael Lavery (Pittsburgh)

Larry Long (San Francisco)

Henry J. McCluskey Jr. (Dallas)

Janet A. Metcalf (Portland)

Michael Miller (New York)

Pauli Murray (New York)

William Reynard (Denver)

villialii Keyllard (Delivel

Rhonda Rivera (Ohio)

Rick Stokes (San Francisco)

George Terzian (New York)

William Thom (New York)

John Vaisey (San Francisco)

John Eshelman Wahl (San Francisco)

Leroy S. Walker (Los Angeles)

Arthur C. Warner (Princeton)

R. Michael Wetherbee (Minneapolis)

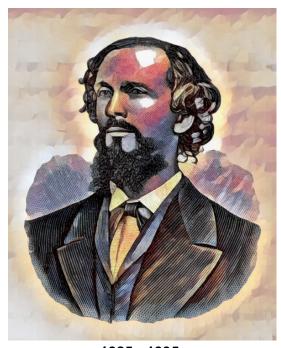
G. Keith Wisot (Los Angeles)

Law students of the 1970s are individuals who attended law school during that decade, many of whom were active as lawyers in the 1970s, 1980s, and beyond. Lawyers of the 1970s are individuals who practiced or taught law in the 1970s but who attended law school in the 1950s or 1960s.

#### **Other Law Students and Lawyers**

The Birds of a Feather Project did its best to identify the law students and lawyers who were openly gay, lesbian, bisexual, and transgender in the 1970s and who took action to advance LGBT rights during that decade. We are aware that we may have missed some of the trailblazing students and pioneering lawyers. It is our intent to honor all students and lawyers who took steps, however large or small, to secure justice and equal rights for the LGBT community in the 1970s.

As one of the honorees has appropriately noted: "The structure we now enjoy had many, many architects throughout the 70s (and beyond) and throughout the country (and beyond), some participating at a grand and public scale, and many more in a more modest and yet astute and influential way, balancing family, work, and community." Although they may be unnamed in this book, they too are honored and thanked for their service to this just cause.



1825 - 1895 Karl Heinrich Ulrichs (Germany) is regarded as the first openly gay lawyer in world history.



Stephen Lachs (Los Angeles) is regarded as the first openly gay judge in America.

#### **FIRSTS**



1926 - 2011
Rene Hanover (Chicago) is regarded as the first openly lesbian lawyer in America.



Mary Morgan (San Francisco) is regarded as the first openly lesbian judge in America.



Ron Grayson (center) Peoples College of Law



Claudio Frias Rutgers Law School

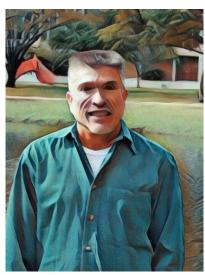
## BIPOC\* STUDENTS OF THE 1970S



Jose Gomez Harvard Law School



George Raya Thomas Jefferson Law School



John Sanchez Boalt Hall Law School

<sup>\*</sup> Black, Indigenous, and People of Color



Katharine English Oregon



Donald Solomon California

### **BISEXUAL TRAILBLAZERS**



Mary Stevens New Jersey



Barry Kohn Pennsylvania



Ron Albers California



Stephen Lachs California



Donna Groman California



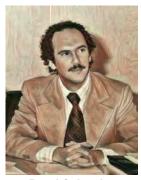
Donna Hitchens California



Mary Mogan California



Rosalyn Richter New York

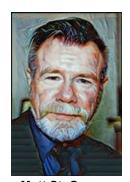


Rand Schrader California



Michael Sonberg New York

#### TRAILBLAZERS BECAME JUDGES



Matt St. George California



William Thom New York



Herb Donaldson California



William Kelley Illinois



Jerold Krieger California



Barry Kohn California



Keith Wisot California



Pauli Murray New York

### TRANSGENDER TRAILBLAZERS



Phyllis Frye Texas



#### **Preface**

by David A. Reichard \*

<sup>\*</sup> Trained in history and law, Professor Reichard's academic career has concentrated on 19th and 20th century U.S. social, political and legal history. He is completing a book, tentatively titled *Here Are My People: LGBT College Student Organizing in California, 1967-1978,* focusing on the origins of lesbian, gay, bisexual and transgender (LGBT) student politics in California. Professor Reichard also has been involved in numerous LGBTQ+ initiatives and organizations. He has worked closely with the GLBT Historical Society in San Francisco, volunteering in the archives, supporting exhibits at the GLBT History Museum, and serving as a member and as co-chair of the organization's Board of Directors. David A. Reichard is a Professor of History & Legal Studies in the School of Humanities & Communication at California State University, Monterey Bay.

During the late 1960s and 1970s, a new generation of open and visible LGBTQ+ student organizations emerged on college and university campuses in the United States. Influenced by the many social movements of the period—including civil rights, the anti-war movement, and women's liberation, among others, these out and proud queer students created new organizations and new programs that had not existed so publicly before. They sought to transform higher education—advocating for changes in curriculum, providing peer to peer support, and addressing their unmet needs as LGBTQ students on campus. Importantly, and following in the footsteps of other student activists, they forged connections with the gay and lesbian movement of the 1970s, creating links between campus and community in new and transformative ways.

As this book reveals, that story includes law students who, along with established lawyers who mentored them, played an important, if somewhat little-known part in a critical period in LGBTQ+ history. Until now. This memory book provides the most comprehensive picture to date of who these lawyers and law students were, and how they participated in movement building and sustained advocacy on behalf of LGBTQ+ folks and their communities. It does so by bringing together a compelling collection of biographies of many leading lights of this generation, drawn from across the United States, tracing their paths to the law and how being LGBTQ+ or an ally shaped their professional and personal lives. It is a valuable contribution to our collective understanding of the many roles that law students and lawyers played in the social, political, and legal history of this period.

Importantly, as these biographies and the helpful introductory background chapters reveal, coming out meant coming together as legal professionals. Perhaps because they faced discrimination and roadblocks along the way, finding each other in the 1970s was not only personally significant but also professionally meaningful and community focused. As these biographies document, as law students and lawyers, they applied their professional skills to address real world issues faced by LGBTQ+ people in many ways. The diversity and breadth of the work as it emerges from these pages is testament to that commitment. Some focused on supporting LGBTQ+ folks caught up in the criminal justice or immigration systems. Law students organized conferences and symposia at law schools or participated in summer projects serving LGBTQ+ communities. Some lesbian lawyers focused on issues pressing to many of their peers—from child custody to sex and gender discrimination. Others lobbied legal organizations like the American Bar Association or the National Lawyers Guild to attend to issues of gay rights. Still others found their way to government work, seeking to influence policy from the inside. And, many profiled in this collection became movers and shakers as lobbyists, judges, and as law professors. Regardless of how they engaged, engage they did.

It is sometimes common in the histories of social movements to highlight the most vocal advocates—protestors on the front lines, holding picket signs and megaphones. Yet, as scholars often remind us, it is the nuts and bolts of organizing behind the scenes that paint a more nuanced picture of how such movements work in practice. This collection reminds us to include those who worked within legal and political institutions on behalf

of movement goals—small and large. That meant making sure to have lawyers who were sensitive to what it meant to work with LGBTQ+ clients. It meant having the professional skill to navigate cumbersome and hostile bureaucracies. And, it meant engaging in painstaking research, writing, and argument making so essential to transform movement goals into law, policy, and practice. Because of their training and experience, law students and lawyers were poised to take on these tasks. And, this collection gives us a glimpse of what that work entailed—and who made it possible.



## **Before the Seventies**

by Thomas F. Coleman

#### Introduction

The breakthrough events of the 1970s cannot be properly appreciated without an understanding of what life was like for gays and lesbians in the preceding decades. "Oppressive" is probably the best word to describe the posture of society and its institutions and leaders in the 1940s and 1950s, with "harsh" and "conflicted" as appropriate describers for the 1960s.

Anything deviating from the heterosexual ideal and anyone who did not project a male-female sexual attraction with a goal of heterosexual marriage, was considered a threat to society. To minimize the threat and to pressure sexual minorities into conformity, powerful forces were used.

Religion labeled all sex other than male-female within marriage and for purposes of procreation to be sinful and condemned unrepentant sinners to hell for all eternity. The criminal law built on that foundation and considered homosexual sex to be abominable and detestable with felony penalties of up to life in prison, even for consenting adult sex in private. Psychiatry considered homosexuals to be mentally ill, with some psychiatrists offering to "cure" homosexuals with electro shock therapy or other forms of torture. Families would often ostracize or shun members if their homosexuality was discovered. Employers would decline to hire or would fire anyone determined to be homosexual.

Factual information about homosexuality was hard to find. Libraries often kept such books in locked cages, making it difficult for someone to obtain them without asking a librarian for access. This was an insurmountable obstacle for many library users who were hiding their sexual orientation. Only a homosexual would want such information was the thought that prevented them from asking.

Motion pictures, newspapers, and magazines generally avoided the topic of homosexuality unless there was a scandal. In that event, the "perverts" or "psychopaths" would be depicted as villains.

Then there were the purges of suspected homosexuals from universities, the military, and federal civil service positions.

This is the atmosphere that many of the trailblazing law students and lawyers were raised in as children or teenagers. This was the society that they decided to transform. Standing up and speaking out as an openly gay or lesbian or bisexual student or lawyer was not easy. It took courage.

Compare the breakthrough events of the 1970s with the information in this section of the Memory Book and the significance of those advances is best described as "astonishing."

#### **Culture and Homosexuality**

"Cultural assimilation" is the process in which a minority group comes to resemble a society's majority group or assume the values, behaviors, and beliefs of another dominant group, whether fully or partially. (1)

"Forced assimilation" is an involuntary process of cultural assimilation of minority groups during which they are pressured or required to adopt language, identity, norms, mores, customs, traditions, values, mentality, perceptions, way of life, and often religious ideology of an established, larger, and more powerful community. (2)

"Social conditioning" is the sociological process of training individuals to act or respond in a manner that is generally approved by the larger society and peer groups within that society. The concept is stronger than mere socialization which refers to a more passive process of inheriting norms, customs and ideologies. (3)

To a large extent, the perspectives of the gay and lesbian lawyers and law students who were trailblazers for LGBT rights during the 1970s were shaped by the cultural pressures of the 1950s and 1960s. For some of the older pioneers, their attitudes and subconscious beliefs were developed as they were growing up in the 1940s.

"Give me a child until he is seven and I will show you the man." That quote is often attributed to St. Ignatius Loyola, founder of the Jesuit order. Others trace it to the philosopher Aristotle. Whatever its true origin, the idea is that the direction and attributes of an individual's life is shaped during his or her formative years as a child. By what they see and hear. By the system of rewards and punishments they experience.

When it comes to sexual orientation and gender identity, there should be no doubt that individuals raised in the decades before the 1970s experienced social, religious, financial, and governmental pressure to conform to the heterosexual norm. They were praised when their conduct mirrored the dominant culture and condemned when it did not.

It took strength, indeed courage, for these individuals to break free from the social mores, religious dogma, and penal commands against homosexuality. But that is what the open LGBT law students and lawyers of the 1970s did. They mustered up the strength to say "enough" and to advocate for the liberty and justice they wanted and deserved.

- (1) "Cultural assimilation," Wikipedia (link)
- (2) "Forced assimilation," Wikipedia (<u>link</u>)
- (3) "Social conditioning," Wikipedia (link)
- (4) Wordreference.com (link)

#### Libraries and Homosexuality

In the 1940s and 1950s, very few books discussed the topic of homosexuality. The few that were published were hard to access. Anyone who went to the card catalog would not find books listed under the term "homosexual." They were usually cataloged under "sexual perversion." (1) In those libraries that shelved them in the open stacks, such books were most likely to be found in the section on "abnormal psychology." (2)

As one author has explained: "The Library of Congress classification has included call numbers for books related to homosexuality since at least the 1920s, originally under the rubric of Abnormal Sex Relations, while the Dewey decimal system began to distinguish such books in the 1930s but classed them under Mental Illnesses." (3)

Most libraries, if they had such books at all, would keep them behind locked cages. (3) A library user would be forced to ask a librarian for the book and the librarian would have to unlock the cage and retrieve it. Many users would be too shy or embarrassed to make such a request, especially if they were a teenager using a local public library.

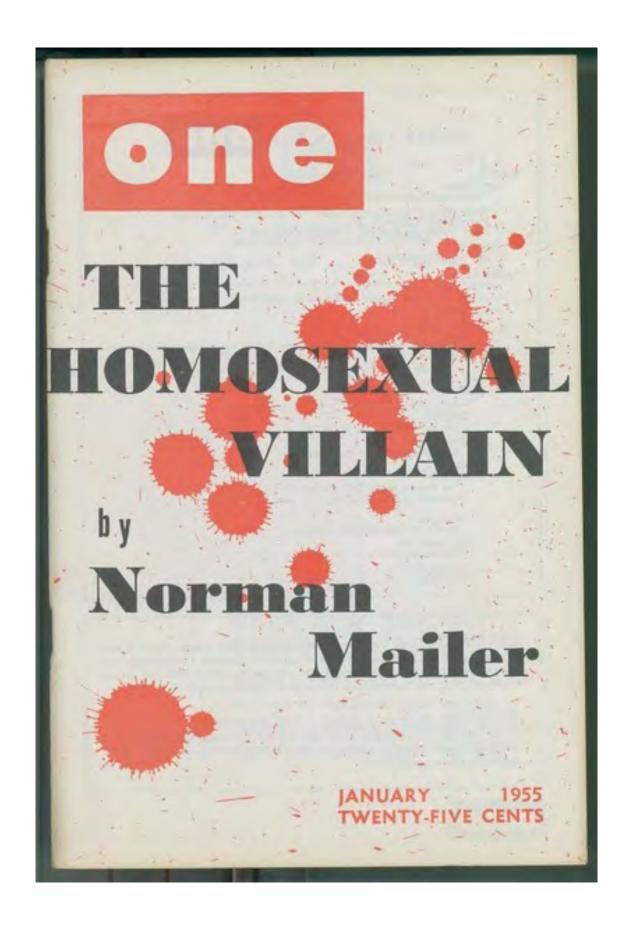


**Barbara Gittings** 

When Barbara Gittings was attending Northwestern University in the 1950s, she realized she was a lesbian and wanted to learn more about herself and what life would be like. College text books and professors had nothing to offer, so she went to the library instead of classes. "There were no organizations to turn to in those days. Only libraries were safe, although the information contained was dismal," she recalled. The library was the one place she could find information on homosexuality, even though it was cataloged under "Sexual Perversion" along with books on pedophilia, incest, and sex crimes. Gittings soon

became a vocal advocate for "a revolution in the inclusion and cataloging of LGBTQ materials in public libraries." (5) She died of breast cancer in 2007.

- (1) Melissa A. Adler, "Let's Not Homosexualize the Library Stacks: Liberating Gays in the Library Catalog," Journal of the History of Sexuality (2015) (link)
- (2) Haley Branson-Potts, "What it was like to be gay in 1944 -- and other historic lessons in a USC archive," Los Angeles Times (Aug. 30, 2015) (<u>link</u>)
- (3) Jason Baumann, "LGBTQ Publishing: File Under Queer," Publishers Weekly (May 22, 2015 (<u>link</u>)
- (4) Polly Thistlethwaite, "Gays and Lesbians in Library History," CUNY Graduate Center, Publications and Research (1994) (link)
- (5) Courtney Suciu, "The Fight for Positive and Accurate LGBT Information in Libraries," ProQuest Blog (July 31, 2016) (link)



#### **Motion Pictures and Homosexuality**

What people saw on movie screens at theaters in the decades before the 1970s contributed to their views about homosexuality and homosexuals. Because of something called the Motion Picture Production Code, also referred to as the "Hays Code," very little could be depicted on this subject, but when it was, homosexuals were portrayed in a negative light and in a stereotypical manner. (1)



As more movies were being made in the 1930s than ever before, and as audiences were filling movie houses, the pressure was growing to regulate content. Protestant and Catholic church leaders were calling on the government to censor "immoral" films. Not waiting for a government crackdown, movie moguls decided to self-regulate the industry. The Motion Pictures Producers and Distributors Association (MPPDA) was created to oversee the moral decency of movie pictures. The head of the association, Will Hays, adopted a

code in 1930 that was heavily influenced by the Catholic Church. It became vigorously enforced in 1934. (2)

The rules declared: no nudity, no "sexual perversion" (i.e., homosexuality), no adultery, and no miscegenation. The rules affected dialogue, plot, and themes. To have a chance at being selected, scripts has to conform to the rules. Production companies that released a non-Code movie would be fined \$25,000 – a lot of money at that time – and MPPDA theaters agreed to ban non-Code films.

As a result of the Hays Code, homosexual men and women could not be shown in a positive light or a realistic manner. Hints at a character's homosexual orientation would occur by showing a man as effeminate or a woman as masculine. Depicting healthy and happy gay and lesbian relationships were out of the question. As one writer put it: "Due in part to the Hays Code's proscription on positive portrayals of 'perversion,' these characters were often villainous and/or mentally ill." (3) The Motion Picture Production Code was abolished in 1968.

- (1) "Motion Picture Production Code," Wikipedia (<u>link</u>)
- (2) Production Code (Hays Code) Encyclopedia.com (link)
- (3) Lynne Stahl, "Chapter 11: Screening LGBTQ+," LGBTQ+ Studies: An Open Textbook (link)

#### **Print Media and Homosexuality**

Journalists and reporters wrote about homosexuality in a negative and often sensationalist manner prior to the 1970s. This treatment of the topic reflected the social mores of that era. Hostility, fear, and disgust of "the love that dare not speak its name."

A Newsweek story, published on June 9, 1947 and titled "Homosexuals in Uniform," provides an example of the type of reporting by journalists on homosexuality in the 1940s. "Although Army regulations strictly forbade the drafting of homosexuals, scores of these inverts managed to slip through induction centers during the second world war. . Once this abnormality was detected, the man was usually evacuated by the unit doctors to a general hospital where he received psychiatric treatment."

A search of the term "homosexual" on the newspapers.com website revealed harsh treatment of the topic of homosexuality and pejorative descriptions of homosexuals during the 1950s and 1960s. Here are some examples.

Jan. 7, 1950 - The New York Age. The author wrote about how Harlem "was being used as a cesspool for New York's colony of homosexuals." These are the findings of his investigative reporting. "Victims of a freak of nature that condemns them to live strange double lives, thousands of homosexuals, or 'queers', walk the streets of New York every day scorned by a public that doesn't quite know to take them, or leave them alone."

Jan. 31, 1950 – New York Daily News. The AP story reported that a New Jersey state commission concluded there was too much hysteria about sex crimes. It asked lawmakers to distinguish between dangerous sex criminals and those who offend "only good taste and morals." The latter category included homosexuals, exhibitionists, and "peepers."

**Feb. 5, 1950** – **Detroit Free Press.** The story, titled "Little Hope of Cures for Sex Deviates," leads off with this bold assertion: "Huge stone-and-steel hospital prisons may be Michigan's only answer to the problem of sex deviates, many psychiatrists believe." The staff writer declares "there is little that can be done to cure the person who has already developed strange sexual desires." He adds: "Many homosexuals don't want to be treated. They have established a way of life."

**Jan. 1, 1951** – **Miami Herald.** The commentary referred to a congressional report calling for a purge of homosexuals from the federal government. The columnist wrote: "Can you image what we have come to as a people that a committee of congress needs to be appointed to deal with such a debasement! It used to be that if one met one of these creatures, he beat him up and drove him outside the pale."

Jan. 27, 1953 – The Alliance Times-Herald (Nebraska). In an article about proposed

new rules on federal security clearances, the story said: "Few critics are bold enough to question the government's right to reject prospective employees who are labeled security risks. These usually include alcoholics and homosexuals and or those just too gabby to be trusted with government information."

There are scores of other articles like these in the 1950s. An Internet search found many more published by newspapers and magazines during the 1960s. Here are a few.

- Jan. 1, 1960 Delaware County Daily Times (PA). Titled "FBI Sets Course on Morals," this article reports that police will attend a four-day FBI course. "The classes will deal with investigations of the child molester, the exhibitionist, the homosexual, and many other types which form the bulk of police morals case investigations."
- **Dec. 31, 1960 The Independent Record (MT)**. An article titled "Total Reorganization of State Department is Needed" declared that the federal agency needed to be overhauled by "searching out of blackmailable homosexuals in the State Department and the Pentagon and their elimination at any cost."
- **Dec. 1963 New York Times.** A front-page story stirred things up by proclaiming: "The city's most sensitive open secret—the presence of what is probably the greatest homosexual population in the world and its increasing openness—has become the subject of growing concern of psychiatrists, religious leaders, and the police."
- **Feb. 12, 1965 Time Magazine.** An article titled "Homosexuals Can Be Cured" claimed that one reason homosexuals are rarely cured is because they rarely try treatment. It quoted a psychiatrist who told colleagues at a conference that male homosexuals are more treatable and curable than generally believed.
- **Jan. 21, 1966 Time Magazine.** In an essay titled "The Homosexual in America" an unnamed author made these pronouncements: "The homosexual is unsure of his position in society . . . A vast majority of people retain a deep loathing toward him . . . But increasingly, deviates are out in the open . . . Like all psychic masochists, they are subservient when confronted by a stronger person."
- **Jan. 10, 1967 Look Magazine.** The entire issue is devoted to *The American Man*. One article is titled "The Sad 'Gay' Life." It blames overbearing mothers for making men homosexuals.
- Oct. 31, 1969 Time Magazine. This cover story, titled "The Homosexual in America" proclaims: "The homosexual subculture, a semi-public world, is, without question, shallow and unstable."

#### 1950 News Headlines

## Senators Pressing Investigation Of Sex Perverts On U.S. Payroll

## Washington Post Reports Government Agencies Are Firing All Sex Perverts

WASHINGTON, May 9 (AP)—
The Washington Post said today
that the names of about 200 sex
perverts in government jobs have
been turned over to their employing
agencies and "many of them either
have been or will be fired."

The Post said that the FBI gave the names—"of men and women alike"—to the civil service commission after top government officials agreed to a "purge of perverts from government rolls."

## Sex Pervert Probe Asked By Congress

By MARVIN L. ARROWSMITH

WASHINGTON, May 20 (P) — Lawmakers pressed today for a speedy senate inquiry into federal employment of sexual perverts described as the likely tools of Communist conspirators.

A resolution calling for a fullscale investigation was introduced in the senate last night shortly after an appropriations subcommittee reported that there are an estimated 3,750 homosexuals in government jobs in Washington.

## State Weeds Out Teachers In Fight On Sex Perverts

# 3750 Sex Perverts Said in Capital

WASHINGTON, May 19 (U.P.—A Senate appropriations subcommittee voted unanimously today to ask the Senate for a fullscale investigation of sex perverts in government.

WASHINGTON, May 19 (UP)—Senate Republican Leader Kenneth S. Wherry said today that Washington police estimate there are 3,750 sex perverts in the government here, ranging from higher-ranking officials to minor functionaries.

#### **Broadcast Media and Homosexuality**

Very little about homosexuality was shown on American television in the 1950s. However, there were occasional shows on local stations, but these were mostly talk shows with panels of "experts" who discussed the pathology of homosexuality. (1)

The 1950s had local television shows such as "Confidential File" from Los Angeles, which included episodes on "Homosexuals and the Problems They Present" in 1954 and "Homosexuals Who Stalk and Molest Our Children" in 1955. There was also a New York broadcast of "The Open Mind" which had episodes in its 1956-57 season on "Introduction to the Problem of Homosexuality," "Homosexuality: A Psychological Approach," and "Male and Female in American Society."

In 1958, a positive show aired on WABD, a New York station. According to Wikipedia, "Showcase presented several of the earliest well-rounded discussions of homosexuality and was one of the few programs on which homosexual men spoke for themselves."

The first documentary was broadcast in 1961 by PBS station KQED in San Francisco. According to Wikipedia: "Each segment of the documentary included 'experts' discussing specific perspectives, like medical, social, legal, anthropological. Karl Bowman, a pioneer in the study of psychiatry, explained why homosexuality is not a mental illness. It received generally positive reviews from the press."

The first national broadcast to cover lesbianism aired on KTTV, a local Los Angeles television station which was part of the Fox network. "Confidential File" covered the national convention of the Daughters of Bilitis, the first lesbian organization in the nation.

Negative coverage returned in a big way in 1967. The David Suskind Show, a syndicated broadcast, aired "Are Homosexuals Sick?" The answer was yes. Then there was a CBS show hosted by Mike Wallace. In addition to interviewing some disguised gay men, Wallace had a dialogue with two psychiatrists who said homosexuality was a pathology.

Wallace's own comments were disparaging. "The average homosexual, if there be such, is promiscuous. He is not interested or capable of a lasting relationship like that of a heterosexual marriage. His sex life, his love life, consists of a series of one—chance encounters at the clubs and bars he inhabits."

- (1) "List of pre–Stonewall riots American television episodes with LGBT themes," Wikipedia (link)
- (2) "The Homosexuals," CBS Reports, Wikipedia. (link)

#### **Universities and Homosexuality**

Prior to the 1970s, most universities were not hospitable to homosexuals as students or faculty. College campuses were functional for lesbians and gay men so long as they adhered to the unofficial policy of "don't ask, don't tell." Students and professors generally kept their sexual orientation to themselves and administrators generally had no reason to inquire. Everyone was presumed to be heterosexual.

But in some areas of the country, flame-fanning politicians whipped up a homophobic frenzy on university campuses, encouraging or pressuring administrators to identify and expel homosexual students and fire homosexual employees. This occurred in the 1940s in Texas, Wisconsin, and Missouri. (1) A major purge happened in the 1950s in Florida.

In 1944, the Regents dismissed University of Texas President Homer Rainey because he was too soft on homosexuals on campus. In 1948, several University of Wisconsin students were placed on probation after pleading guilty to engaging in homosexual activities. A judge warned them that they had an "indelible mark" against them. That same year, a tenured journalism professor at the University of Missouri was dismissed for belonging to a group that allegedly included homosexual students and faculty. One of the students was expelled even though there was no evidence that he was a homosexual or had engaged in homosexual acts.

Another purge occurred at the University of Wisconsin in 1962. According to a reported account, Dean of Men Theodore Zillman, said at the time, "We can't allow admitted homosexuals on this campus. It's not good for the campus." (9) Zillman ordered the university's Office of Protection and Security to question students suspected of "homosexual misconduct." Students were advised they would not be expelled if they named other homosexuals on campus, including employees. "Hundreds of names were compiled, including that of a university hospital employee, who resigned under duress. The university's 'McCarthyistic' tactics created a climate of fear in the campus' already tentative gay community." (9) The lives of many students were devastated. (12)

In Missouri, the state legislature ordered Missouri University to develop policies to halt the influx of homosexuals. Administrators established a committee to investigate suspects. Homosexuals were identified based on the testimony of students and faculty who were offered immunity from discipline in exchange for testifying against an accused colleague. (2) One professor who held parties for gay men off campus was fired in 1948 and criminally charged for homosexual activities. (3)

A major purge of homosexuals from universities occurred in Florida in the 1950s and 1960s. According to a published account: (4)

"In 1956, state Senator Charley Johns was appointed the chairman of the newly formed Florida Legislative Investigation Committee, now remembered as the Johns Committee. This group was charged with the task of unearthing communist tendencies, homosexual persuasions, and anything they saw as subversive behavior in academic institutions throughout Florida. With the cooperation of law enforcement, the committee interrogated and spied on countless individuals, including civil rights activists, college students, public school teachers, and university faculty and administrators."

In an interview with Mitch Smith, author Stacy Braukman explained: (5)

"At the University of Florida, beginning in 1958, the Johns Committee had the cooperation of President J. Wayne Reitz and the university police department. The committee enlisted one of UF's officers, John Tileston, to assist investigators on campus. He participated in sting operations set up in campus restrooms and other public spaces, and he helped interrogate suspects in closed-door, secret questioning. In early 1959, when it became publicly known that 14 faculty and staff members had been fired because of homosexuality, Reitz defended his record on protecting the university from this menace."

The toll that was taken on the lives of gay and lesbian teachers in Florida was explained by Karen Graves, a professor of education at Denison University and author of "And They Were Wonderful Teachers: Florida's Purge of Gay and Lesbian Teachers," University of Illinois Press (2009) (7)

"Between 1957 and 1963 the state legislative committee actively pursued gay and lesbian schoolteachers and professors, subjected them to interrogation without regard for due process, fired them from teaching positions, and revoked their professional credentials. Investigators threatened imprisonment to get people to talk. Given that the penalty for perjury, twenty years in the state penitentiary, was the same as that for 'crimes against nature,' witnesses faced difficult choices. Some provided very little information. Others tried to defend themselves by emphasizing that they and their partners were respectable teachers; that they were being questioned regarding events that took place in the privacy of their own homes; that they were people of good character. Regardless of the strategies teachers pursued during the interrogations, the results were the same. By 1963 the Investigation Committee reported that it had revoked scores of teachers' certificates with multiple cases pending and files on another hundred 'suspects.'"

Wayne State University in Detroit had its own gay purge in the mid-1960s. University police, at the behest of the president, installed cameras in men's restrooms to discover homosexual activity. The evidence was used to interrogate and expel anyone seen engaging in sexual activity even if consensual and not observed by any third parties. (6) It was later reported that some of the files dated back to the early 1950s. They included copies of police surveillance and arrest reports of homosexual students. In 1967, university officials agreed to destroy the files.

New York University and George Washington University were targeted by the FBI as part of its campaign to root out homosexuals and "subversives" from institutions of higher learning.(10) Purges of homosexuals also occurred at the University of Michigan in Ann Arbor in the 1950s and 1960s. Ann Arbor police would conducted periodic raids on campus restrooms. They would employ covert surveillance to spy on unsuspecting men. As a result, dozens of homosexuals were arrested and convicted of gross indecency or attempted indecency, both of which were felonies. (11)

Jonathan Ned Katz, Co-Director of OutHistory, believes that "the hunting of homosexuals occurred at almost every U.S. school, college, and university, from the late-nineteenth century to 1970." (8)

- (1) Margaret A. Nash, "The Hidden History of Gay Purges in Colleges," HuffPost Blog (Dec. 11, 2015) (link)
- (2) Erin Goldenhersh, Tara Leitner and Julie Wyatt, "Outing History," Columbia Missourian (July 22, 2008) (<u>link</u>)
- (3) Kristofor Husted, "Show Me The State: The Gay Purge," KBIA Radio (Oct. 1, 2019) (link)
- (4) Stacy Braukman, "Communists and Perverts under the Palms: The Johns Committee in Florida, 1956-1965," (2012) (link)
- (5) Mitch Smith, "Communists and Perverts," Inside Higher Ed (Apr. 27, 2012) (link)
- (6) Jim Burroway, "Discovery of Secret Student Records Spark Protests," (Mar. 18, 2018) (link)
- (7) Karen Graves "The Shameful History of the Mistreatment of LGBT Teachers," History News Network, The George Washington University (June 23, 2015) (<u>link</u>)
- (8) "Hunting Homosexuals at Southern Miss: 1955-1965," OutHistory Website (link)
- (9) Kenneth Burns, "A New Chapter," Isthmus (Apr. 12, 2007) (link)
- (10) Charles, Douglas M. Hoover's War on Gays: Exposing the FBI's "Sex Deviates" Program (University of Kansas Press, September 18, 2015) (link)
- (11) Daniel C. Tsang, "Gay Ann Arbor Purges," Midwest Gay Academic Journal 1/1 (April 1977) (link)
- (12) Richard Wagner, "When The University Of Wisconsin Persecuted Gay Students," Wisconsin Historical Society Press Excerpts (June 19, 2019) (link)

#### Florida in 1959

## Homosexual **Probe Hits** Florida U.

# **UF** Dismisses 14 Employes After Inquiry

GAINESVILLE (AP) - Dr. J. Wayne Reitz said today 14 academic and nonacademic employes at the University of Florida have been dismissed as a result of an investigation of homosexual activities.

#### IN YEAR-LONG 'ALERT'-

#### Homosexuals Found By Florida U. Detectives

GAINESVILLE, Feb. 18 (Special) — Youthful plainclothes detectives have uncovered a number of homosexuals at the University of Florida in the past year in a continuing program prompted by the Johns' committee investigation.

Those implicated — including students, faculty and non-academic personnel — have been forced to leave the university.

Dann of Academic Affairs sent to public places when university.

## Civil Liberties Union Attacks Probe At UF

MIAMI (AP) - A legislative inquiry into alleged homosexuality at the University of Florida could cause "tremendous and permanent damage," the Florida Civ-11 Liberties Union says.

#### **In Florida Schools**

# Homosexual Activities Widespread

TALLAHASSEE (UPI) A housesenate investigating committee said yesterday that the rate of homosexuality in Florida's schools and universities is "appalling," and the legislature should pass laws to keep it from getting worse.

#### **Psychiatry and Homosexuality**

Since the founding of the nation, homosexuality has been considered sinful. Religious attitudes were the basis for criminalizing homosexual conduct under the rubric of "the abominable and detestable crime against nature," or sodomy or gross indecency and the like. Anyone who would commit such despicable acts was also considered mentally ill.

United in a belief that homosexuality was a perversion of the natural order, medical professionals had differing views regarding the causes of homosexuality. Some thought homosexuality was an inherited condition while others felt it was a product of one's environment. Regardless of the cause, there was uniformity of opinion that it was more than undesirable and needed to be cured.

Congress passed an act in 1947 "for the treatment of sexual psychopaths" in the nation's capital. The law authorized the arrest and punishment of people who committed homosexual acts. It also labeled them mentally ill. (6)

Homosexuality was classified as a mental disorder in the APA's first *Diagnostic and Statistical Manual of Mental Disorders* (DSM-1) in 1952. The label of "sociopathic personality disturbance" had far-reaching consequences. (1) Of course, many methods were devised to treat homosexuality in order to cure the afflicted person of the malady. In addition to psychoanalysis, several others forms of "treatment" were advocated in the 19<sup>th</sup> and early 20<sup>th</sup> century. They included hypnosis, electroshock therapy, lobotomy, and various behavioral treatments, such as abstinence and aversion therapy. (1)

The State of Iowa built on the DSM classification by enacting a "sexual psychopath" law in 1955. It allowed for the involuntary commitment of anyone charged with a public offense who possessed "criminal propensities toward the commission of sex offenses." Homosexual conduct, even between consenting adults in private, was a sex offense. Therefore, the scope of the sexual psychopath law allowed government officials to detain and confine homosexuals until they were "cured." The year the law went into effect, 20 gay men from the Sioux City area were committed to a mental institution. (3)

The view of homosexuality as a treatable mental illness had ramifications for public policy. For example, the California Legislature passed a law directing the Department of Mental Hygiene to "plan, conduct and cause to be conducted scientific research into the causes and cures of sexual deviation, including deviations conducive to sex crimes against children, and the causes and cures of homosexuality, and methods of identifying potential sex offenders." This law remained on the books until 2010. (2)

The case of Thomas H. Tattersall is particularly disturbing. (7) According to a report in Washington CityPaper: (7)

"Tattersall was admitted to the federal hospital in Southeast D.C. in the mid-1950s, after he had been forced out of his job at the U.S. Department of Commerce. Bureaucrats in the Eisenhower administration learned that Tattersall, a married man with a history of mental illness, was what was then pejoratively labelled a 'self-admitted homosexual.' He was gay, in other words—and needed to be cured of it.

"So off he went to the country's first federally operated psychiatric facility.

. Ousted from his job, the civil servant was certified 'insane' and received a battery of 'insulin shock therapy' sessions by injection. Over the course of weeks, Tattersall endured insulin-induced comas that St. Elizabeths caregivers believed would heal him.

"This method, among others, was a treatment for his mental illness, which physicians of that era believed included his homosexuality. Being gay—anything but straight and cisgender, really—was deemed a disease.

"The U.S. government subscribed to that theory, too. Investigators for the U.S. Civil Service Commission, an agency that vetted federal employees, used Tattersall as an informant, even while describing him as 'mentally deranged' in interrogation papers. The investigators sought to ferret out homosexuals, or suspected homosexuals, from the government.

"Thomas H. Tattersall became a vessel for that goal—in between receiving insulin treatments that rendered him zombie-like. In an affidavit he gave to the CSC in 1955, he named dozens of men and women as LGBTQ based on photos investigators had shown him and personal encounters. In one instance, he identified employees across 22 federal agencies. In another, he chatted on the phone with a friend at the U.S. Interior Department while an investigator monitored the call."



**Rick Stokes** 

One of the lawyers being honored as a "trailblazer" in the *Birds of a Feather* commemoration, Rick Stokes, once recalled his own experience with forced therapy. Born in Oklahoma in 1935, Stokes came from humble roots. In the 1950s, Stokes lived in Kansas with his wife. The couple remained together for almost five years and even had children. Until one day, the truth of his sexuality was revealed, and his family had him committed to a mental institution where his treating doctor threatened to castrate him if other treatments did not work. Stokes was a victim of what today we would call "Gay Conversion Therapy." (8) Stokes would undergo

therapy to "excise the homosexual element from his character" and was subjected to

painful and frightening electroshock therapy. Of course, none of this achieved its intended goal and Stokes ended his marriage and moved to Sacramento.

Time Magazine promoted the idea that homosexuality was a treatable mental illness when it published an article in 1965 titled "Homosexuals Can Be Cured."

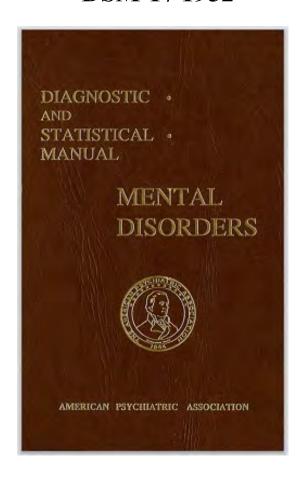
There was slight improvement in the psychiatric profession when the DSM-II, published in 1968, listed homosexuality only as a "sexual deviation." It was not until 1973, after intense lobbying of the American Psychiatric Association, that homosexuality was removed from the DSM entirely. Two years later, the American Psychological Association adopted a policy endorsing this policy statement. (5) However, more than just supporting declassification of homosexuality as a mental disorder, the resolution of the psychological association took a bold stand on gay rights:

"Homosexuality per se implies no impairment in judgment, stability, reliability, or general social and vocational capabilities; further, the American Psychological Association urges all mental health professionals to take the lead in removing the stigma of mental illness that has long been associated with homosexual orientations.

"The American Psychological Association deplores all public and private discrimination in such areas as employment, housing, public accommodation, and licensing against those who engage in or have engaged in homosexual activities and declares that no burden of proof of such judgment, capacity, or reliability shall be placed upon these individuals greater than that imposed on any other persons."

- (1) Sarah Baughey-Gill, "When Gay Was Not Okay with the APA: A Historical Overview of Homosexuality and its Status as Mental Disorder," Occam's Razor: Vol. 1, Article 2 (2011) (link)
- (2) Bonnie Lowenthal, "'Cure' Gays? No Fix the Law," Los Angeles Times (Apr. 4, 2010) (link)
- (3) "1950s in LGBT Rights," Wikipedia (link)
- (4) "Homosexuals Can Be Cured," Time Magazine (Feb. 12, 1965) (link)
- (5) Resolution, "Discrimination Against Homosexuals," American Psychological Association (Jan. 24-26, 1975) (link)
- (6) Judith Atkins, "These People Are Frightened to Death: Congressional Investigations and the Lavender Scare," Prologue Magazine (Summer 2016) (link)
- (7) Andrew Giambrone, "LGBTQ People Suffered Traumatic Treatments at St. Elizabeths Hospital for the Mentally Ill," Washington CityPaper (May 31, 2018) (<u>link</u>) (8) "Conversion Therapy," Wikipedia (<u>link</u>)

# **DSM-I / 1952**



MENTAL DISORDERS

38

000-x60 SOCIOPATHIC PERSONALITY DISTURBANCE

#### DEFINITION OF TERMS

39

The term includes most of the cases formerly classed as "psychopathic personality with pathologic sexuality." The diagnosis will specify the type of the pathologic behavior, such as homosexuality, transvestism, pedophilia, fetishism and sexual sadism (including rape, sexual assault, mutilation).

## **Religion and Homosexuality**

Much of the condemnation of homosexual relations by Jewish, Christian, and Catholic religious doctrines stems from the Old Testament's pronouncement in the book of Leviticus: "And if a man also lies with mankind, as with womankind, both of them have committed abomination; they shall surely be put to death; their blood shall be upon them." Although this statement says nothing about sex between two females, lesbian sexual relations have been historically condemned along with male homosexuality.

### As explained in Wikipedia: (1)

"Historically, Christian churches have regarded homosexual sex as sinful, based on the Catholic understanding of the natural law and traditional interpretations of certain passages in the Bible. This position is today affirmed by groups representing most Christians, including the Catholic Church (1.1 billion members), Orthodox Church (250 million members), and some Protestant denominations, especially most Pentecostal churches, Evangelical churches such as the Southern Baptist Convention (16.3 million members) and the United Methodist Church (12 million members).[60] Restorationist churches such as the LDS Church (13 million members) also view homosexual sex as sinful."

This religious prohibition, including the punishment of death, found its way into American law in early colonial times. When it was called "The Bay Colony," Massachusetts adopted the exact wording of Leviticus into section 8 of its penal code in 1641. As Professor Louis Crompton once wrote: "Astonishingly, this phraseology was to remain on the books of at least one American state-Connecticut-until some 46 years after the Declaration of Independence." (2)

Other colonies, and later, all states used the power of the state to enforce this religious prohibition against same-gender sexual activities. From the founding of the nation until 1961, every state criminalized such conduct. Any sex that did not involve vaginal sex between a man and woman married to each other was not only sinful, it was deemed a crime. Punishments for oral or anal sex, even between consenting adults in private, ranged from several years in many states up to life imprisonment in others. While few married couples were ever prosecuted, and only a small number of unmarried heterosexuals were ever imprisoned, the brunt of law enforcement was focused on homosexuals. The police served as enforcers of religious prohibitions.

While not everyone in America belonged to an organized religion, the overwhelming majority of families in the nation did. Weekly attendance at church services reached an all-time high in the 1950s. On a typical Sunday in the mid-1950s, nearly half of all

Americans went to church services. This was the highest percentage in American history. During the 1950s, nationwide church membership grew at a faster pace than population growth – rising from 57 percent of the population in 1950 to 63.3 percent in 1960. (3) Researchers who have delved into the subject of religious attitudes on homosexuality have concluded: "The higher the frequency of individuals' religious attendance, the more strongly they reject homosexuality."

Whether the message was contained in quotes from the bible, excerpts from the Catholic catechism, or sermons from the pulpit, American families were being indoctrinated, repeatedly, that homosexual conduct was a mortal sin that would cause eternal damnation to anyone who engaged in such perverted practices.

Little wonder that parents would shudder at the thought of their child becoming a homosexual. Imagine the fear experienced by gay and lesbian teenagers who felt an attraction to persons of their own gender. This was the culture that the trailblazing attorneys of the 1970s and the pioneering law students of that decade had been raised in during their formative years.

In addition to messages conveyed in churches, the 1950s saw the rise of the Christian Evangelical Movement. Probably the most famous preacher of this genre of religiosity was the Reverend Billy Graham. (4) He took his preaching to the public through his "crusades" across America. Throngs of Christian adherents would flock to his performances as he traveled across the nation, city by city, to spread the "good word." However, there was nothing good said about homosexuals.

Graham was not content with in-person evangelizing. So in 1950, Graham initiated his weekly "Hour of Decision" radio program which was broadcast on more than 700 stations around the world. It would not be long before televangelism would be born. By the 1960s, television became a major way to spreading religiously-based homosexual intolerance. But eventually, many gays and lesbians had their fill and began to push back. Some of them included the trailblazing lawyers and pioneering law students honored in this Memory Book.

- (1) "History of Christianity and homosexuality," Wikipedia (link)
- (2) Louis Crompton, Ph.D., "Homosexuals and the Death Penalty in Colonial America," University of Nebraska, Faculty Publications (1976) (link)
- (3) Carol Tucker, "The 1950s Powerful Years for Religion," USC News (June 16, 1997) (link)
- (4) "List of Billy Graham's crusades," Wikipedia (link)
- (5) Jansen and Sheepers, "How Religiosity Shapes Rejection of Homosexuality Across the Globe," Journal of Homosexuality (2019) (link)

### Federal Government and Homosexuality

The federal government is supposed to play a limited role in the lives of Americans. It was specifically designed that way by the nation's founders. The Constitution gives the federal government specific and limited powers. All other governmental power is reserved to the states. (1)

In addition to the federal government having only enumerated powers under the constitutional grant of authority, the Constitution also prohibits federal officials from restricting certain individual freedoms. ""Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances." So says the First Amendment.

Despite these limitations and prohibitions, in the decades preceding the 1970s, all three branches of the federal government had no problem restricting the rights of homosexuals, regulating their lives, and taking punitive action against those who refused to conform to the heterosexual norm. This occurred in various contexts in which the federal government had plenary power: the military, postal service, federal employment, and immigration and naturalization. The use of federal power, indeed its blatant abuse, in these areas adversely affected millions of gays and lesbians since the founding of the nation. Discussed here are systemic abuses that occurred during the 1940s, 1950s, and 1960s.

## Military

The 1994 documentary film, *Coming Out Under Fire*, revealed the experiences of thousands of gay and lesbian service members in the 1940s during World War II. The film was based on a book by historian Allan Bérubé. The film looks at the origins of the military's policy to exclude homosexuals from service and exposes the harsh consequences experienced by more than 100,000 of the 9 million gays and lesbians in the armed services in the decades that followed. (3) What cannot be underestimated, however, are the adverse effects on the overwhelming majority of gay and lesbian service members caused by the fear of exposure and the psychological pain of suppressing one's true identity.

A review of the film explained the situation as follows. (2)

"The United States military, hoping to screen out mentally ill individuals, asked every potential service member questions on their sexuality. People who were gay and lesbian were forced to answer questions vaguely, or lie

about their sexuality, in order to be allowed to serve; otherwise, they would run the risk of being sent home and branded as 'sex perverts.'

"By the middle of the war, the military sought new ways to target and expel homosexuals. Instead of charging individuals with sodomy, a court-martialed offense, the military began identifying suspected homosexuals as psychopaths. In other words, instead of charging service members with a crime of behavior or action, the military charged service members with a crime of being. Such a move created an efficient system of discrimination and prosecution of homosexual members of the military.

"Service members who were persecuted by a section 8 blue discharge were purged from bases and units and sent to mental institutions and make-shift quarantined brigs where they suffered from isolation, depression, and humiliation, and were stripped of their rights and dignity."

The ongoing purges of male and female military members suspected of homosexuality adversely affected these individuals, with a domino effect on families and friends. These so-called "blue discharges" haunted veterans for their entire lives, making them ineligible for all veteran services. It also limited the types of civilian jobs they could hold.

Many service members who were not expelled, found themselves in federal civil service jobs after the war ended. Little did they know that a purge of homosexuals from federal employment was about to begin.

#### Civil Service

Under an executive order issued by President Dwight D. Eisenhower in 1953, the systematic investigation, interrogation and removal of homosexuals from the federal government became national policy. The order, which required the firing of any employee guilty of "sexual perversion," was issued in the aftermath of congressional hearings designed to expose and expel homosexuals who were federal employees.

Three congressional actions occurred in 1950 that provided the impetus for Eisenhower's executive action three years later. A subcommittee of the House of Representatives initiated hearings into "moral perverts" in the federal government. A Senate committee conducted similar hearings. (6) That same year, Congress released a report entitled "Employment of Homosexuals and Other Sex Perverts in Government." (7) It encouraged the Civil Service Commission to investigate and fire "moral perverts" who worked for the federal government. The report also referred to homosexuality as a psychological illness which made workers "generally unsuitable" for employment. It also declared those with sensitive positions in private employment to be "security risks."

The witch hunt of homosexuals in federal civil service positions continued for more than a decade. As a parallel to Senator Joseph McCarthy's infamous "Red Scare" tactics to eliminate communists from federal employment, the expulsion of gay and lesbian civil servants came to be known as the "Lavender Scare." (5) More than 5,000 gays and lesbians were expelled from civil service positions in 1953 alone.

The purge of homosexuals from federal employment sent a signal to the American public. Homosexuals were sick, untrustworthy, and a security risk to the nation. This social and political stigma would last for many years.

#### **Security Clearances**

The effects of the military policy of exclusion, the congressional report on perverts, and the presidential executive order on exclusion and expulsion, spilled over to the private sector where many jobs required a security clearance.

The requirement for federal employees or employees of private federal contractors who handle classified information to be loyal and trustworthy was an outgrowth of a federal loyalty program established by President Truman in 1947. Security clearances were routinely denied to known homosexuals for decades. The policy was upheld by a federal appellate court in 1990.

The policy to deny security clearances to gays and lesbians was not changed until 1995 when President Bill Clinton signed Executive Order 12968. (9) The order contained the following nondiscrimination language: "The United States Government does not discriminate on the basis of race, color, religion, sex, national origin, disability, or sexual orientation in granting access to classified information." It also said that "no inference" about suitability for access to classified information "may be raised solely on the basis of the sexual orientation of the employee." (9)

Dick Gayer, one of the trailblazing law students honored by the Birds of a Feather commemoration, had his own ongoing battle with the federal government over the denial of a security clearance and resulting termination from employment. His biography explains what he endured. His experience caused him to handle such cases as a lawyer.

"When Dick heeded the call to come out publicly in 1969, he was fired from an electronics position at Sylvania Electronics because his top-secret security clearance was revoked by the federal government. Dick fought back, with his case being litigated in the federal courts for years. His clearance was finally reinstated in 1975. After he was admitted to the bar, Dick successfully sued the CIA, FBI, and the Department of Defense in various security clearance cases."

## **Immigration and Naturalization**

As the flames of the Lavender Scare were fanned by the FBI and congressional homophobes, Congress passed a law in 1952 that a non-citizen with a "psychopathic personality" shall not be allowed entry into the United States and, if entry is mistakenly allowed, he or she is subject to deportation proceedings.

Prior to its passage, an earlier version of the bill would have specifically excluded homosexuals and sex perverts as separate excludable classes. However, based on advice from the Public Health Service, that language was stricken because Congress was told that "psychopathic personality" included both of those categories.

The exclusion of homosexuals was challenged by Clive Michael Boutilier who had entered the United States from Canada in 1955 at the age of 21. At the time of entry, he was admitted for permanent residence.

The issue of his homosexuality arose after he filed a petition for citizenship in 1963. During an interrogation by an INS officer, Boutilier admitted that he was gay, had been since he was 16, and that he engaged in consenting adult homosexual relations several times a year, including with a gay roommate. He was gainfully employed, had no criminal record, and maintained a close relationship with his parents and siblings, all who lived in New York as he did. He was ordered to be deported on the ground that he was excludable under the "psychopathic personality" criteria of the law.

Boutilier filed a federal lawsuit seeking to overturn that determination. A federal appellate court rejected his argument and upheld the order of exclusion. In a broad ruling, the court concluded that Congress intended to exclude individuals based on their status of being a homosexual. Proof of homosexual conduct was not required. Thus, even if Boutilier had been sexually abstinent after entering the United States, he would still be deportable based on his status as a homosexual at the time of entry. (Boutilier v. INS, 363 F2d 488 (2d Cir. 1966). While his case was on appeal, immigration laws were amended to explicitly add "sexual deviation" as medical grounds for denying entry to the U.S. It wasn't until the Immigration Act of 1990 that homosexuality was removed as grounds of exclusion from the U.S. (9)

#### **Postal Service**

According to historian David Johnson, the United States Post Office was obsessed with any material involving homosexuality in the 1950s and 1960s. (10) In addition to the general prohibition of mailing "obscene" materials, postal officials believed that any positive discussion of homosexuality or positive depiction of same-sex relationships, encouraged people to become homosexuals. Gay publications and newsletters of gay

penpal clubs were of particular interest to postal inspectors. Johnson explained to a Vox reporter:

"In 1958, the Supreme Court in the case of ONE Magazine said that mere discussions of homosexuality are not obscene.

"In 1962, there was another case, MANual v. Day, and there the Supreme Court said that the physique photographs and male nudity or semi-nudity were not inherently obscene. The judges recognized that these magazines were being read by gay people and targeted toward gay people, and they said it's fine.

"But the Post Office continued to bring suits. There was actually a case that didn't go to the Supreme Court in 1967 — in an appeals court in Minneapolis — that won the right to have full frontal male nudity. The court said that is not obscene. That opened the floodgates to all sorts of openly gay and erotic magazines."

The First Amendment eventually won the day, but only after decades of ongoing censorship and the use of heavy-handed tactics by the United States Post Office.

- (1) Barnett and Gerken, "Article I, Sec. 8: Federalism and the Overall Scope of Federal Power," Interactive Constitution, National Constitution Center (<u>link</u>)
- (2) "Film Review: Coming Out Under Fire: The Story of Gay and Lesbian Service Members," National World War II Museum, Website (<u>link</u>)
- (3) Ross Benes, "How Exclusion From the Military Strengthened Gay Identity in America," Rolling Stone (Oct. 3, 2016) (link)
- (4) Susan Donaldson James, "Lavender Scare: U.S. Fired 5,000 Gays in 1953 'Witch Hunt'," ABC News Website (March 5, 2012) (link)
- (5) Suyin Haynes, "You've Probably Heard of the Red Scare, but the Lesser-Known, Anti-Gay 'Lavender Scare' Is Rarely Taught in Schools," Time (Dec. 22, 2020) (link)
- (6) "FBI and Homosexuality: 1950-1959," OutHistory Website (<u>link</u>)
- (7) "A Summary History of LGBTQ+ Legislation and Representation within Congress," United States Capitol Historical Society Website (link)
- (8) "Security Clearances: Consideration of Sexual Orientation in the Clearance Process," U.S. General Accounting Office (March 1995) (link)
- (9) "Immigration," We're Here, We're Queer, and We're in the Public Record! UC Berkeley Website (link)
- (10) German Lopez, "The homophobic history of the Post Office," Vox (May 28, 2014) (link)

#### [CONFIDENTIAL COMMITTEE PRINT]

81st Congress 2d Session

SENATE

DOCUMENT No. —

# EMPLOYMENT OF HOMOSEXUALS AND OTHER SEX PERVERTS IN GOVERNMENT

#### INTERIM REPORT

SUBMITTED TO THE

# COMMITTEE ON EXPENDITURES IN THE EXECUTIVE DEPARTMENTS

BY ITS

# SUBCOMMITTEE ON INVESTIGATIONS

PURSUANT TO

# S. Res. 280

(81st Congress)

A RESOLUTION AUTHORIZING THE COMMITTEE ON EXPENDITURES IN THE EXECUTIVE DEPART-MENTS TO CARRY OUT CERTAIN DUTIES



1950.—Ordered to be printed

\_\_\_\_

76221

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON: 1950

38

## **State Government and Homosexuality**

With the exception of a constitutional grant of power to the federal government in limited areas such as the military, national security, federal employees, postal services, immigration and naturalization, federal lands, and interstate commerce, most governmental power is reserved to the states.

The Tenth Amendment of the United States Constitution states: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."

What is sometimes referred to as the "police power," is the authority of the states to regulate behavior and enforce order within their territory for the betterment of the health, safety, morals, and general welfare of their inhabitants. It is under these rather vague terms that states, and through delegation to them, municipalities, have run roughshod over the rights of LGBT inhabitants.

An ongoing practice of oppression and overreach by the states was especially pronounced in the decades preceding the 1970s. This was manifest in the passage and enforcement of laws defining crimes and regulating family relationships, the issuance of business and professional licenses, the implementation of health and safety regulations, the regulation of alcoholic beverages, the administration of public education, and the issuance of civil service rules for state and municipal workers. This section of the Memory Book focuses on two areas of state law – criminal law and family law – that due to space and time limitations will serve as surrogate examples for the full panoply of state law.

#### **Criminal Law**

The earliest criminal laws passed by American colonies imposed harsh penalties for homosexual conduct, including consensual sex between adults in private. Homosexual sex was taboo regardless of circumstances. In most jurisdictions, the offenders could be sent to prison. In others, they could be put to death.

Other than the removal of the death penalty, all states in the 1950s made homosexual sex, whether oral or anal, a felony. In California, the "crime against nature" which was a way of referring to anal sex, was punishable by a prison term of up to life. The crime of "oral copulation" carried a potential penalty of up to 15 years in prison. Those laws remained on the books in California until 1975 when they were repealed. However, even with that reform, asking another adult to have legal gay sex was a crime that, if convicted, required the offender to register as a sex offender for the rest of his life. The sex registration requirement remained mandatory until it was declared unconstitutional by the California Supreme Court in 1980.

Illinois was the first state to decriminalize private consenting adult sex. The repeal bill was passed there in 1961. Connecticut became the second state to decriminalize. That was in 1969. Thus, even throughout the 1960s, consenting gay sex in private was a crime almost everywhere in the United States.

The criminalization of gay and lesbian sexual relationships had ramifications outside of the criminal law. Criminals could not get security clearances. They would not be employable as police officers. They could have teaching credentials or professional licenses revoked. They could lose custody of their children or be denied visitation if they were divorced from the other parent. That is why the gay rights movement that began to emerge in the 1950s and 1960s was so heavily focused on decriminalization.

The other aspect of criminal law that came down hard on homosexuals, especially men, involved laws prohibiting sexual solicitation and consenting adult sex in quasi-public places. Since most gay men were "in the closet" prior to the 1970s, it was not easy for them to meet other gay men for sexual or romantic encounters. They could not meet at work, church, school, or family gatherings. Their encounters were limited to fringe places such as bars, theaters, parks, and bathhouses.

These trysts were very risky because police departments in most major cities used "vice squads" of undercover officers to root out and arrest homosexual men in these locations. The officers would pretend to be homosexuals interested in gay sex. Once such a signal was sent, the target of the officer would feel safe and would solicit sex or make a sexual overture. This, in turn, would result in an arrest. Then a prosecution would occur. In order to avoid publicity, which would result in loss of a job and family disruption, the defendant would plead guilty, often to a lesser offense in order to avoid conviction of an offense involving "moral turpitude" which would jeopardize professional licensing. Plea bargaining would also avoid the need to register as a sex offender for life in states such as California that had sex registration laws.

These men were easy arrests for the police, easy prosecutions for district attorneys, quick money for bail bondsmen, and a lucrative stream of income for defense attorneys. The criminal system ran on "auto pilot" for decades without being challenged. That eventually changed in the 1970s when a new breed of lawyer emerged. Some of the pioneering gay law students challenged the constitutionality of these laws, and the discriminatory enforcement methods, when they became lawyers. But prior to the 1970s, the criminal injustice system mostly operated unchallenged.

A historical account explained how the vice squad operated in Los Angeles between 1947 and 1950.

"In Los Angeles this effort to ferret out homosexuals was led by the Chief of Police, William Parker. Appointed in 1950, Parker did not invent police tactics to entrap gay and bisexual men, but he did much to regularize and institutionalize them. The Vice Squad, which had been dismantled in 1939, was reinstituted and renamed —Administrative Vice. The unit reported directly to Parker and productivity was measured by the number of prostitutes and homosexuals arrested. Historians Lillian Faderman and Stuart Timmons documented a dramatic increase in arrests for so-called sex crimes between 1947 and 1950. In 1947 there were 1,656 arrests for sexual perversion or lewd and lascivious conduct. Three years later arrests increased by 86.5%."

Writer John Rechy once told a historian about his first encounter with police in Los Angeles – shortly after he arrived in the city on a bus.

"In the early 1950s, John Rechy stepped out of a Greyhound bus from Manhattan into downtown Los Angeles for the first time. An hour later the 20-something future novelist was being interrogated by police in a small room inside a vast parking garage under Pershing Square. Rechy says he was picked up by police because his was a new face to the ever-watchful LAPD sergeant who was the neighborhood's supreme authority. 'He ruled the park and if he saw anyone there he hadn't seen before, you went downstairs to this weird little room and he interviewed you,' Rechy says. 'And without saying he suspected you of hustling or being a queen, he'd take you down there and hassle you."'

The high rate of arrests of gay and bisexual men for soliciting or engaging in lewd conduct continued unabated throughout the 1950s and 1960s. Sometimes the police were so brazen that they would raid a gay bar or other gathering place and round up dozens of patrons on various sexual and non-sexual criminal charges. On very few occasions prior to the 1970s would patrons find the courage to push back against such police harassment by the Los Angeles Police Department. One such event involved a raid on Cooper's Donuts in 1958; another was at the Black Cat Tavern in 1966. The later revolt turned bloody. (2) Of course, the most famous revolt against police harassment occurred in June 1969 in New York City at the Stonewall Inn. That event sparked a national gay rights revolution – something that would be hard for gays and lesbians of the 1940s and 1950s to have imagined.

#### **Family Law**

Same-sex relationships were not legally recognized in the 1950s and 1960s. The partners were considered strangers in the eyes of the law. Many pretended to be "friends" or

"roommates" so as not to upset their families or social acquaintances. Others would take a pretend date to social gatherings sponsored by their employers.

A significant number of gays, lesbians, and bisexuals married and had children. Some created heterosexual families because they were not willing to admit their true identity even to themselves. Others knew they were gay or lesbian but felt the need to fit the traditional nuclear family model in order to socially or economically survive or advance in life. But at one point or another, many of these male-female married relationships dissolved. This usually involved a legal proceeding to determine how to divide assets, whether there would be alimony, and the level of child support. If there were children, conflicts often arose about custody and visitation.

The law and the judges who enforced the law were not friendly to a homosexual spouse or parent in the 1950s and 1960s. After all, they were criminals. They were mentally ill. And they were immoral. Since the standard for custody and visitation required judges to decide what was in the "best interests" of the children, it would be unusual for a court to grant custody to a homosexual parent. Restricted visitation might be allowed, but often with strings attached. Any homosexual "friend" or partner of the parent would not be permitted on the premises while the child was visiting the parent.

As a result of these biases in the law and in the minds of the judges who enforced the law, lawyers would often advise a parent to deny being a homosexual if at all possible. They were also advised to make generous settlements with the spouse in order to avoid going to court at all.

As a result of these oppressive legal standards and biased judicial attitudes, gays and lesbians who were married or who had children had a rough time when the marriage dissolved. This could involve years of headaches and heartaches.

Some breakthroughs in family law occurred in the 1970s. The California Supreme Court ruled that unmarried couples had some rights under the legal theory of implied contracts. Some trial judges began to rule that homosexuality, in and of itself, would not automatically prevent a parent from custody or visitation. But it would take many more years for the antiquated family law system that pre-dated the 1970s to advance to a more just and equitable process based on merit rather than biased assumptions and stereotypes.

- (1) "Survey LA: LGBT Historic Context Statement," Los Angeles Department of City Planning (Sept. 2014) (link)
- (2) Jason McGahan, "Before Stonewall, the Queer Revolution Started Right Here in Los Angeles," Los Angeles Magazine (May 29, 2019) (link)

# THE MICHIGAN PENAL CODE (EXCERPT) Act 328 of 1931

#### 750.158 Crime against nature or sodomy; penalty.

Sec. 158.

Any person who shall commit the abominable and detestable crime against nature either with mankind or with any animal shall be guilty of a felony, punishable by imprisonment in the state prison not more than 15 years, or if such person was at the time of the said offense a sexually delinquent person, may be punishable by imprisonment in the state prison for an indeterminate term, the minimum of which shall be 1 day and the maximum of which shall be life.

**History:** 1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.158 ;-- Am. 1952, Act 73, Eff. Sept. 18, 1952



#### A Few Rays of Hope

Despite the pervasiveness and intensity of oppression and discrimination in society and its institutions prior to the 1970s, some positive events occurred during that era. One ray of hope was the formation of a few homosexual organizations in the 1950s and 1960s. Some positive legal precedents also were established in that era. A few blockbuster publications released in those decades revealed that homosexuals were more numerous and well-adjusted than previously known. This series of events served as stepping stones leading to the breakthrough decade of the 1970s.

## **Homosexual Organizations**

The Mattachine Society (initially called the Mattachine Foundation) was founded in 1950 in Los Angeles. (1) The founders created the organization for the purpose of fostering self esteem, equal rights, and group consciousness among gay men and women. (2)

The Foundation's original statement of purpose, drawn up in 1951, included three organizational goals: (2)

"to unify homosexuals as a group and with the 'dominant culture'; to educate both homosexuals and heterosexuals because 'the total of information available on the subject of homosexuality is woefully meagre and utterly inconclusive'; and 'to lead forward into the realm of political action.""

In the early 1950s, chapters popped up in a number of states. The national organization began publishing The Mattachine Review in 1955. Regional organizations also published their own periodicals and newsletters. Around 1957, the national organization moved its headquarters from Los Angeles to San Francisco where it operated until 1961 when the local organization took the lead. The San Francisco Mattachine Society remained active until 1967. (1)

One Inc., another homosexual organization based in Los Angeles, was an outgrowth of The Mattachine Society. It was formed in November 1952 by Dorr Legg and Jim Kepner for the primary purpose of publishing a periodical for the homophile community. The first issue of One Magazine was issued in January 1953. Featuring articles, editorials, short stories, book reviews, and letters to the editor, One Magazine became the first widely distributed publication for homosexuals in the United States. (3) One Institute, the educational arm of One Inc. was also created. It conducted seminars and published a journal. When One Magazine ceased publication in 1967, the Institute continued advocating and educating. It eventually issued advanced degrees in "Homophile Studies."



The Ladder Daughters of Bilitis was the first lesbian rights organization in the United States. It was founded in San Francisco in 1955 by Del Martin and Phyllis Lyon. The organization started publishing *The* Ladder in 1956. It was the first national lesbian periodical. (4) DOB started as a private social club but soon developed into a national organization with local chapters. By 1959 there were chapters in New York City, Los Angeles, Chicago, and Rhode Island. (5) In 1960, the DOB held its first convention in San Francisco, with 200 women attending. The impact the organization had during the 14 years it existed was described by historian Martin Meeker: "The DOB succeeded in linking hundreds of lesbians across the country with one another and gathering them

into a distinctly modern communication network that was mediated through print and, consequently, imagination, rather than sight, sound, smell, and touch." (5)

There were other homosexual organizations in the 1950s and 1960s. The Janus Society was founded in Philadelphia in 1962. Society for Individual Rights and the Council on Religion and the Homosexual both were formed in San Francisco in 1964. A regional coalition known as ECHO (Eastern Conference of Homophile Organizations) coalesced in 1963 while a national coalition known as NACHO (North American Conference for Homophile Organizations) emerged in 1966. NACHO adopted a five-point Homosexual Bill of Rights at its 1968 meeting:

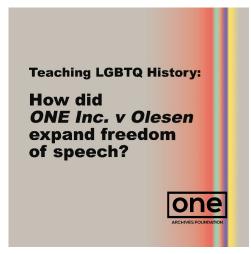
(1) Private consensual sex between persons over the age of consent shall not be an offense; (2) Solicitation for any sexual acts shall not be an offense except upon the filing of a complaint by the aggrieved party, not a police officer or agent; (3) A person's sexual orientation or practice shall not be a factor in the granting or renewing of federal security clearances or visas, or in the granting of citizenship; (4) Service in and discharge from the Armed Forces and eligibility for veteran's benefits shall be without reference to homosexuality; (5) A person's sexual orientation or practice shall not affect his eligibility for employment with federal, state, or local governments, or private employers.

- (1) "The Mattachine Society," Library of Congress Website (link)
- (2) Martin Meeker, "Behind the Mask of Respectability: Reconsidering the Mattachine Society and Male Homophile Practice, 1950s and 1960," Journal of the History of Sexuality (Jan. 2001)
- (3) "History," One Archives Foundation Website (link)
- (4) "The Daughters of Bilitis," Library of Congress Website (link)
- (5) "Daughters of Bilitis," Wikipedia (link)

### Legal Precedents

A few rays of hope for a better future for homosexuals came in the form of various legal precedents that were established in the 1950s and 1960s.

The United States Supreme handed One Inc. a legal victory in 1958. The case arose when the postmaster of the city of Los Angeles, Otto K. Olesen, ordered federal postal authorities to seize the October 1954 issue of One Magazine. He informed the publisher that the magazine was "obscene, lewd, lascivious and filthy" and "non-mailable" under federal law. The publisher sued, arguing that the government's actions violated the First and the Fourteenth Amendments.



After a victory for the government in federal district court, the case landed in the Ninth Circuit Court of Appeals. In 1957, that court also ruled for the government on the ground that a magazine published for a homosexual audience was by its very nature obscene and was therefore not constitutionally protected. One Inc. petitioned the Supreme Court which granted review.

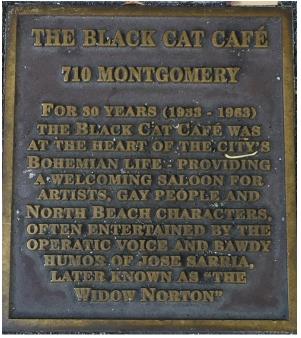
In 1958, the Supreme Court reversed the Ninth Circuit opinion, ruling that the magazine did not meet the criteria for obscene material.

This was the first U.S. Supreme Court ruling on the subject of homosexuality and the first to rule on the free speech rights of homosexuals. According to Jonathan Rauch, a scholar at the Brookings Institution, because the Supreme Court's ruling extended free speech protection to the gay press, One Inc. v. Olesen was "the seminal gay rights case in America. It put gay people on the path to freedom." (3)

The California Supreme Court handed the homosexual community two victories in the 1950s. Both involved the right of bars and taverns to sell alcoholic beverages to known homosexuals and for such establishments to be places where such patrons could congregate. Both rulings came in response to the attempts of state agencies to revoke the alcohol beverage permit of the owners of the Black Cat and other bars in San Francisco.

In 1951, the California Supreme Court ruled in *Stoutmen v. Reilly* that "[i]n order to establish 'good cause' for suspension of plaintiff's license, something more must be shown than that many of his patrons were homosexuals and that they used his restaurant and bar as a meeting place." This was one of the earliest legal affirmations of the rights of gay people in the United States. There was one caveat, namely, that the Alcoholic Beverage

Commission might still close bars with "proof of the commission of illegal or immoral acts on the premises."



In response to this ruling and citing the "illegal or immoral acts" language of the opinion, the state took two actions. A constitutional amendment was adopted creating the California Department of Alcoholic Beverage Control (ABC). The legislature then passed a law in 1955 authorizing the ABC to shut down any "resort [for] sexual perverts." Using these new tools, several bars in the Bay Area were targeted. Litigation ensued.

In 1959, the California Supreme Court gave the homosexual community and the taverns where they congregated a limited victory. In *Vallerga v. Department of Alcoholic Beverage Control*, the court declared the new law as unconstitutional. However, the ruling

contained language that would limit displays of affection at gay bars. The court noted, unnecessarily, that had the ABC's revocation been based on "reports of women dancing with other women and women kissing other women" the court might have upheld the law. Homosexuals, therefore, had won the right to assemble but only if they did not touch.

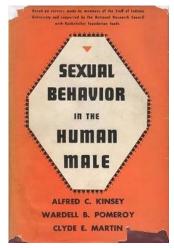
Prior to 1962, there were laws on the books in all 50 states criminalizing private sex between consenting adults. Although these sodomy and gross indecency laws were written broadly enough to include oral and anal sex, whether heterosexual or homosexual, the police primarily targeted homosexuals for arrest. A priority for homosexual organizations in the 1950s was "decriminalization" since an arrest could not only land the arrestee in jail or prison, it could result in the loss of a job, security clearance, or professional license.

It was therefore a big deal when the American Law Institute published a Model Penal Code in 1962 that did not make consenting adult sexual conduct in private a crime. The model code was released after 10 years of research and deliberations.

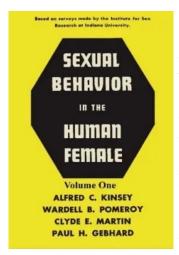
Illinois became the first state to adopt the Model Penal Code. It went into effect the same year the ALI's model code was widely circulated. Connecticut followed suit in 1969. The 1970s saw a dozen states pass legislation decriminalizing such conduct.

#### **Publications**

Several publications were released prior to the 1970s that provided hope to individuals who were gay, lesbian, or bisexual and to the emerging organizations that were beginning to press for social change and legal reform. Among them were two Kinsey Reports, one on male sexuality issued in 1948 and the other on female sexuality released in 1958.



Homosexuality was placed in the national spotlight in 1948 when the first "Kinsey Report" was released. (5) It was titled "Sexual Behavior in the Human Male." The book caused a controversy in the scientific community and stirred up the general public. Many myths about human sexual behavior were destroyed. The assumption that homosexuality was rare in the population was shattered. The world learned that human sexuality existed along a continuum and that most men fit somewhere in the middle range. Homosexual behavior was more widespread that previously believed. Bisexuality was not uncommon. A small percentage of men were exclusively heterosexual throughout life. The same was true for exclusive homosexuals.



Ten years later, a second book was released. It was titled "Sexual Behavior in the Human Female." These books were a thorn in the side of homophobic politicians and religious leaders, both of whom gained much of their power from societal silence on the issue of sexuality. Controversy causes conversations, which in turn enable people to question assumptions and change their minds. These books became powerful tools for changing social attitudes, personal beliefs, and public policy. Many homosexuals who had previously thought they were aberrations, learned that they were not. The question for many gays, lesbians, and bisexuals shifted from how to hide their sexuality to how to find others who were like them.

- (1) Susan Gluck Mezey, "One Inc. v. Olesen (9th Cir.) (1957)," The First Amendment Encyclopedia (<u>link</u>)
- (2) "One, Inc. v. Olesen," Wikipedia (<u>link</u>)
- (3) David G. Savage, "Supreme Court faced gay rights decision in 1958 over 'obscene' magazine," Los Angeles Times (Jan. 11, 2015) (link)
- (4) "Black Cat Bar," Wikipedia (link)
- (5) "Kinsey Reports," Wikipedia (link)



# **The Seventies**

by Thomas F. Coleman

#### Introduction

This section of the Memory Book describes many of the breakthroughs that occurred in society in the 1970s as a result of the activism of law students and advocacy of lawyers who fought for justice and equal rights. The trailblazers of the 1970s recognized by the *Birds of a Feather* Project decided to be openly gay, lesbian, bisexual, or transgender law students or lawyers as they challenged the status quo.

While the harsh and oppressive policies and practices of the 1940s and 1950s were beginning to soften, ever so slightly, in the 1960s, there was much work to be done. Especially in the field of law. The trailblazers of the 1970s knew that they could not bring about the needed reforms if they were hiding behind a mask of heterosexuality.

Even though there were risks in doing so, the law students and lawyers who helped create these breakthroughs did so by opening the closet door and revealing their true identities to fellow law students, professors, other lawyers, and judges. As they were making their sexual orientation or identity known, thousands of adults who were not part of the legal profession were doing the same. Thousands of tiny rays of light were glimmering throughout the nation and catching the attention of the American population.

The seventies saw the formation of the first gay law students associations. The first few were formed in 1972 with others following as the decade progressed. The first forum on gay rights occurred in 1972 at an annual meeting of the American Bar Association, with positive position statements and committees on gay rights happening within the ABA in the next few years. Being an openly gay or lesbian law student or lawyer was not yet common at the ABA, but it was no longer a rarity.

State legislatures were decriminalizing private sexual conduct between consenting adults in the 1970s. State appellate courts started to affirm gay rights during this transformative decade. The American Civil Liberties Union decided to make gay rights a priority.

The emergence of gay and lesbian legal advocacy organizations – such as Lambda Legal, Gay Rights Advocates, Gay and Lesbian Advocates and Defenders, and the Lesbian Rights Project – accelerated the movement for legal reform.

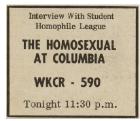
These legal advocacy activities and these legal reforms were occurring at the same time that the movement for gay rights was occurring in other professions and in the general public. The psychiatric profession changed its tune. The federal civil service did an about face. Some religious leaders became more open and inclusive. The media started to portray gays and lesbians in a more positive light. All of this was made more possible by millions of LGBT individuals marching in the streets and starting to have meaningful conversations with their friends, families, employers, and neighbors.

# **University Student Organizations**

In the 1970s, gay and lesbian students at 14 colleges and universities took their institutions to court after newly created student groups were denied recognition by administrators. While some of the lawsuits were unsuccessful, by the end of the decade most gay student groups had won the quest for recognition. (3)

Advocates for the successful student groups generally won their cases by opposing the university's claim that recognition would be tantamount to officials aiding and abetting criminal sexual activities. The student groups simply denied that their organizations were encouraging gay sex. (3) This was about freedom of speech and association, and equal protection of the law and not about the right to engage in sexual conduct.

On some campuses, such as Columbia and Berkeley, approval was given without the need for litigation. On others, such as the University of Georgia, lawsuits were required.

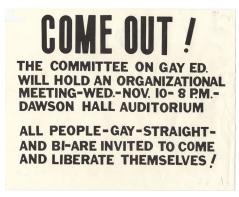


The Student Homophile League was the first university-approved gay student organization in the United States. It was founded at Columbia University in 1966. (1) When news of the organization spread, the campus newspaper ran a story with the headline: "Undergraduates Form Group to Help Homosexual Students." (1)

Whether the second gay student organization was formed in Minneapolis or in Berkeley is somewhat of a tossup. As stated in his biography in this Memory Book:

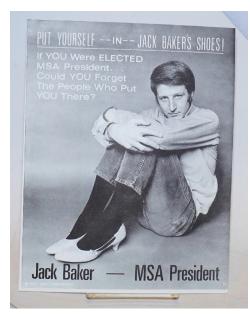
"Jack Baker (born Richard John Baker) became a gay rights activist before the uprising at the Stonewall bar in New York City on June 28, 1969. A few months prior, Jack became the founding president of FREE (Fight Repression of Erotic Expression). The organization was approved by the University of Minnesota as a student organization in October 1969, making it the second gay student group in the nation to receive such recognition at a university. The first was the Columbia Queer Alliance which was recognized by Columbia University in 1967.

Two gay student groups formed on the Berkeley campus of the University of California in 1969: Students for Gay Power and Gay Liberation Front. GLF was the more radical of the two. It sponsored protests challenging the use of police officers to suppress gay activity on campus. Students for Gay Power, renamed Gay Students Union in 1970, created "safe spaces" on campus where gay and lesbian students could be themselves. A location called "Sherwood Forest" offered counseling, religious services, and a coffee house certain days of the week. (1)



A student group known as the Committee on Gay Education emerged in 1971 at the University of Georgia. Despite being rejected as a student organization, the group sponsored a Gay Dance to raise gay awareness on campus. When officials threatened to close it down on the ground that the university could not condone a gathering of sodomites – sodomy was criminal in Georgia – the students obtained a court injunction allowing the dance to proceed.

Gay student organizations were not limited to big cities on the East Coast, West Coast, and Midwest. The Gay Liberation Front, now called Queer Liberation Front, was formed in 1970 at the smaller campus of the University of Iowa. (2)



The growing power of gay rights and the acceptance of gays and lesbians as part of campus life became evident when law students at two universities won elections for student body president.

Jack Baker, an openly gay law student at the University of Minnesota threw his hat into the ring – or perhaps it would be better to say his shoes – when he ran for president of the Minnesota Student Association. MSA is the student government at University of Minnesota-Twin Cities campus. The theme of Jack's campaign was "PUT YOURSELF – in – JACK BAKER'S SHOES!" His campaign poster showed Jack in women's high heal shoes. Jack was elected president of the MSA in 1971.

Six openly gay students were elected to the Student Senate at the University of Georgia in 1973. Jodie O'Connell was one of them. As an openly gay law student and former director of the Committee on Gay Education, Jodie secured the most votes of the 21,000 students at the university and was elected as president of the student body in 1975.

- (1) "Gay Liberation Movement," Civil Rights Digital History Project, University of Georgia Website (link)
- (2) Katherine Schumaker, "LGBTQ+ Student Organization Changes Name to Honor History," University of Iowa Website (June 17, 2021) (link)
- (3) Marc Stein, "Students, Sodomy, and the State: LGBT Campus Struggles in the 1970s (Cambridge University Press April 28, 2022) (<u>link</u>)



Several major events involving LGBT law students and lawyers occurred 50 years ago. Although the decade of the 1970s saw many legal and political breakthroughs, the year 1972 was especially noteworthy:

- The first gay law student associations were formed.
- The first legal association comprised of lawyers, law students, and legal workers started meeting.
- The American Bar Association held its first forum on gay rights at an annual meeting.

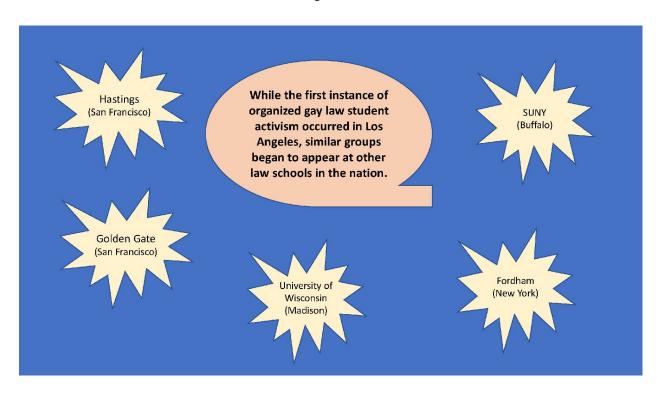
Research, education, advocacy, and community service activities by gay law students occurred in 1972 in Los Angeles, San Francisco, Minneapolis, Madison, Buffalo, and New York City while significant legal events happened that year other areas of the nation.

The very first gay law student association was founded in Los Angeles. It consisted of law students from Loyola, UCLA, Southwestern, and USC. The first two meetings were held at Dude City, a gay bar in Hollywood. Subsequent meetings were held at the Gay Community Services Center in an old Victorian house near Loyola Law School.



The origins of the very first meeting of the gay law students in Los Angeles were shared in an email from a Loyola alumnus to Thomas F. Coleman in 2012.

"After a liberating experience as an openly gay undergraduate student at UCLA, I get to Loyola Law School where I feel stifled in a repressive atmosphere. You genuinely feel that confiding your sexual orientation to anyone would spell death to your future legal career. One night studying in the law school library, I feel especially frustrated. I find myself sitting in an end stall in the bathroom adjacent to the library. I take out a pen and carefully scrawl this accusatory slur directed at gay law students in the grouting between the wall tiles. I don't remember the exact words, but it was something to the effect that gay law students are a bunch of repressed closest cases. Remarkedly, some days later someone responds to my graffiti. It's another law student refuting my accusations and coming to the defense of his gay brethren. Soon there's this dialogue being conducted between the tiles of the bathroom wall, all culminating in our first rendezvous at that tacky gay bar called Dude City on Highland Avenue. Think about it--the first Gay Law Students Association in the United States, at a Catholic University no less, can trace its origins to an exchange of words on a bathroom wall."



Dick Gayer was the prime organizer of the gay law student group at Hastings Law School. Tim Stearns formed a work-study program at Golden Gate. Bob Brosius got the ball rolling at State University of New York law school campus in Buffalo. Bob Roth led the way at Fordham Law School and Jim Yeadon started the group in Madison.



"The Gay Students at Hastings (GSH) is a registered campus organization since September 11, 1972. We have eight participants, plus the assistance of Walter Barnett as informal advisor. Reaction from the student government, the students in general, and the low-level administration has been positive. However, response from the gays has been less than exciting. Even those who do participate, in general, do so with hesitancy and

with aspects of paranoia." (Letter from Dick Gayer, student at Hastings, to Tom Coleman, student at Loyola) Hastings Law News published an article on sexual law reform in 1972. Walter Barnett, a visiting professor, was in the process of completing a book titled *Sexual Freedom and the Constitution*. With financial support from the Playboy Foundation, the book was published in 1973. Also in 1973, the Gay Students at Hastings filed an amicus curiae brief in the California Supreme Court to challenge the constitutionality of laws criminalizing private sex between consenting adults.

Golden
Gate
(San Francisco)

Tim Stearns, president of the student bar association at Golden Gate coordinated a work-student program in cooperation with the Society for Individual Rights (SIR) and the California Committee for Sexual Law Reform. Four gay law students developed research materials to assist lawyers representing clients in gay rights cases. The project was supported by the Whitman-Radclyffe Foundation. All of these organizations were based in San Francisco. (Bay Area

Reporter, August 23, 1972; The Advocate, September 13, 2072)



In October 1972, Gay Law Students was given formal approval by the Student Bar Association at Buffalo Law School. Bob Brosius was elected chairman of the group. Bob told a reporter for Gay Magazine that the primary purpose of the organization was to raise the consciousness of all law students so they can work together in an atmosphere of mutual respect. He said it would cooperate with other gay organizations, such

as the Mattachine Society of the Niagara Frontier, to achieve reforms in city, state, and federal laws. The Buffalo law student group also planned to reach out to the other 10 law schools in New York state as well as the American Bar Association's Law Student Division. Bob and Tom Coleman, president of the law student association in Los Angeles, made plans to lobby the ABA to support the repeal of sodomy laws and other gay rights proposals at the mid-year and annual meetings in 1973.



Jim Yeadon was a cofounder of Madison's Alliance for Homosexual Equality (MAHE), the first gay rights organization in the state, formed in the fall of 1969 after Stonewall. He also was a founding member of the University of Wisconsin-Madison Gay Law School Students Association which was created around 1972. In 1975, along with the U.W. Gay Law Students Association and others, Yeadon helped the Madison Equal Opportunities Commission rewrite its ordinance to include sexual

orientation to protect gays and lesbians from discrimination in housing, employment, public accommodations, and access to city facilities. On March 11, 1975, it was passed by the Madison Common Council and signed into law by Mayor Paul Soglin.



Bob Roth, a law student at Fordham Law School, wrote a commentary in the April 6, 1972 issue of the law school's newspaper, The Advocate. He reported that on February 7, law students, lawyers, and legal workers held the first meeting of the *Gay Legal Caucus* of the Gay Activists Alliance in New York. This was the first gay legal association in the nation. He explained: "The Gay Legal Caucus is a first step in breaking the cycle of fear and oppression that keeps most homosexual lawyers underground, 'in their closets,' and forces them to

lie constantly about their personal feelings, relationships and life plans . . . An important question for Gay law students, which the Caucus is seeking to answer, is whether they must keep their homosexuality secret in order to gain admission to the Bar . . . Within a few months there should be a definite answer for all of the Gay law students who presently live in fear in the shadow of this question."

In other major developments in 1972:

- Openly gay law graduate Craig Patton was admitted to the bar by a narrow vote in Ohio.
- The ABA held its first forum on gay rights at an annual meeting.
- First city laws protecting gay rights passed (San Francisco, East Lansing, Ann Arbor).
- A Los Angeles judge rules criminal law against consenting adult sex is unconstitutional.
- The Gay Coalition of Denver is formed by openly gay lawyers and activists.

Meanwhile . . . back in Los Angeles

Tom Coleman and Barry
Copilow gather data to
prove discriminatory
enforcement of the
lewd conduct law

David Rosenbaum and Tom Coleman slow dance at the ABA Law Student Division reception at the Hilton

Barry Copilow and Tom
Coleman write a
constitutional challenge to
the lewd conduct law in the
"Black Pipe 21" case

Rick Angel and Tom
Coleman operate an
Arraignment Intervention
Project to help defendants
gain release from custody

- Coleman and Copilow taught defense attorneys in Los Angeles how to challenge the constitutionality of the lewd conduct law by filing a demurrer. They adapted the demurrer from two 1972 court decisions declaring vagrancy and lewd conduct laws unconstitutionally vague.
- Coleman and Copilow developed a motion to dismiss, adapting the rationale of *Yick Wo v. Hopkins* to discriminatory enforcement based on sexual orientation bias by the police. They searched through hundreds of arrest reports to prove selective enforcement and they added the police chief's public homophobic comments to show ill intent. Their research was cited by the California Supreme Court when it declared the lewd conduct law unconstitutionally vague seven years later. (*Pryor v. Municipal Court* (1979) 25 Cal.3d 238, fn. 8.) Dismissals based on discriminatory enforcement of the lewd conduct law were successful in later years in Santa Clara and Long Beach.

#### References:

1. "1972," Webinar Produced by Spectrum Institute and Hosted by OutLaw - LLS (March 30, 2022) (link to PowerPoint) (link to video)

# **Law Student Groups**

The chapter of the book titled "1972" explains the formation of several gay law student organizations that year. Students from Loyola, USC, Southwestern, and UCLA created the first gay law student association in the nation in March. Later that year, gay law student groups and projects were formed at Hastings and Golden Gate in San Francisco. Groups also sprang up that year in Madison, Buffalo, and New York City. As the decade progressed, similar organizations were formed at other law schools. Whether titled OutLaw, Pride, or otherwise, most law schools today have an LGBT student association.

About a year after a gay law student group was formed at Boalt Hall on the UC Berkeley campus in 1973, those students joined forces with the gay student group at Hastings to lead a challenge to the homophobic employment practices of Pacific Bell. The students worked with the Society for Individual Rights (SIR) on this project for several years. (1)

Among the gay law students who participated in the project were trailblazers Dick Gayer, Jerel McCrary, Matt Coles, and Paul Wotman. They pressed the case with the City of San Francisco, the state Public Utilities Commission, and the civil rights enforcement agency known as the Fair Employment Practices Commission. When those administrative and political efforts failed, the student organizations joined several members of SIR to file a lawsuit against the phone company. After several years of litigation, the plaintiffs achieved a victory when the California Supreme Court ruled that anti-gay employment practices by private employers violated the California Labor Code. (*Gay Law Students Association v. Pacific Telephone Co.* (1979) 24 Cal.3d 458) (1)

As historian David A. Reichard explained in an unpublished manuscript in 2010, the gay and lesbian law students of the 1970s advanced the cause of justice and equality in a variety of ways: participating in protests, building coalitions, publishing articles, meeting with politicians, and sponsoring legal conferences.

As the summer of 1972 ended, the Gay Law Students Association of Los Angeles, in cooperation with gay law students from Hastings and Golden Gate, sponsored an educational forum at the annual meeting of the American Bar Association in San Francisco. It was titled "Sex Law Reform, Gay Rights and Related Topics." In an interview with Professor Reichard in 2010, Coleman recalled his thoughts as he took the podium that day: "The ABA was about to have its first educational forum on gay rights. We were making history. The ABA's silence on gay issues would be broken." (2)

In 1973, law student Coleman, as a delegate from Loyola Law School, convinced the Law Student Division of the ABA to pass a resolution calling for "an end to investigation, denial of admission, and disciplinary action by state bar associations because of sexual

orientation or private sexual behavior of law students and attorneys." (2)

David Rosenbaum and Bob Seimer, gay law students at Southwestern Law School, set up a meeting with California state senator David Roberti in the fall of 1972 as part of an effort to educate politicians about injustices and the need for reform. (2)

Gays and lesbians were involved in the launch of People's College of Law (PCL) in Los Angeles in 1974. Ron Grayson and Step May were two of the founding members of the school's Gay Caucus. Attorneys Tom Coleman and Al Gordon became advisors to the school's administrative committee which was comprised of staff, professors, and students. Grayson and law student Gloria Brown worked cooperatively with the community organizations such as the Association of Black Gays. They also represented the Gay Caucus at meetings of the Gay Students Coalition of Southern California. PCL student Debra Miller and others from the Gay Caucus marched with the law school's banner as they participated in various demonstrations and celebrations in Los Angeles.

The National Lawyers Guild sponsored a Gay Rights Summer Project in 1975. Four law students participated: Marilyn Hedges (Hastings), Darryl Kitagawa (People's College o Law), John Sanchez (Boalt Hall) and Claudio Frias (Rutgers). (2) The students were supervised by Los Angeles attorneys Tom Coleman and Al Gordon.

Chicago law student Charles Whitman published an article in a newsletter of the ABA in 1976 calling on law school administrators to be more supportive and law students to be more vocal. (2) (3) He asked for a "more relaxed climate in the schools, perhaps achieved in part by statements of reassurance from administrators that being gay is no longer an offense in the disciplinary lexicon. We need to feel freer to gather together to grapple with our common problems, problems unique to our minority, problems having unique legal facets, which get too little attention in the curriculum."

Directing other remarks to fellow gay law students, Charles warned that failing to speak out "will merely make it necessary to continue failing to speak out. That is the worst evil: the self-perpetuating one. If we allow it to continue, it will mean each invisible gay law student merely adds to the suffering of each other gay law student, not only for school days but for all the days that stretch beyond graduation."

Gay law students in Northern California helped launch a public-interest lawfirm known as Gay Rights Advocates in 1977. Hastings student Jerel McCrary was one of them. Don Knutson was the founding legal director of this San Francisco nonprofit.

Gay Rights Advocates sponsored a summer project in 1979 where law students produced pamphlets for the general public on legal issues concerning gays and assisting attorneys to counsel and advocate for gay and lesbian clients on these cases. (2) Students on this

project came from Hastings, Boalt Hall, the College of William and Mary, Harvard Law, and Santa Clara University School of Law.

The Hastings Gay Law Student Association sponsored a forum in September 1978 titled "Gay Rights Symposium under the Law." It was billed as "the first large-scale exchange of litigation strategies in the area of gay rights." Presentations focused on employment discrimination, child custody, criminal law, gay prisoners, and legislative lobbying. (2)

In September 1978, law students Jose Gomes and Barbara Kritchevsky founded a gay law student association at Harvard. It was known as the Committee on Gay Legal Issues and was later named Lambda Law Students.



An attempt was made to form a gay law students association at New York University School of Law in 1972 but it was not successful. Donald Hall renewed this effort in 1976 and with the help of classmate Linda Krieger, the Lesbian and Gay Law Students Association was founded. Its name was changed in 1993 to the Bisexual, Gay, and Lesbian Law Students Association. Since 2000 it has been known as OUTlaw. The organization ambitiously sponsored a national conference with Lambda Legal Defense on "Law and the Fight for Lesbian"

and Gay Rights" in 1979. Prominent gay and lesbian lawyers and professors made presentations to a receptive audience of lawyers and law students. New York Attorney General Robert Abrams was the keynote speaker. (Photo: Donald Hall and Linda Krieger)

The decade ended with David Piontkowsky becoming the founding president of the Coalition of Law Students for Gay and Lesbian Rights, a student organization formed at Wayne State University in 1979. Once he graduated, David spent a decade advocating as a lawyer for lesbian and gay rights in Michigan, both in the courts and in the legislature.

- (1) "Today In History, 1979: Gay Law Students Challenge Pacific Telephone's Hiring Practices and Win," Box Turtle History (May 31, 2016) (<u>link</u>)
- (2) David A. Reichard, "These Classes Are Relevant to Gay Rights': California Law Students and Gay Liberation in the 1970s," Question of Rights Conference, San Francisco State University (Sept. 16-17, 2010)
- (3) Whitman, Charles. "On Being a Gay Law Student." Section of Individual Rights and Responsibilities Newsletter, vol. 3, no. 2, 1976, <a href="http://www.jstor.org/stable/43872012">http://www.jstor.org/stable/43872012</a>



# Gay Law meetings

A Gay Law Student Association is forming in the Chicago area. It is open to law students, members of the bar, and any other persons interested in the legal problems of the homosexual society. Announcements of meetings and activities will be posted at the various law schools.

# SOJOURNER

CAMBRIDGE, MASSACHUSETTS MARCH, 1979

# Gay Rights and the Law

The Lesbian and Gay Law Student Association of New York University and the Rutgers Gay Caucus, in conjunction with the Lambda Legal Defense and Education Fund, will hold a national conference entitled "Law and the Fight for Gay Rights" on March 10-11, 1979, at the New York University School of Law, 40 Washington Square South, New York, New York. Speakers, including New York Attorney General Robert Abrams, New York City Councilwoman Jane Trichter and numerous attorneys with expertise in areas of gay interest, will consider the role of the gay attorney in securing equal rights for lesbians and gay men.

# gay liberator

October 1973

Detroit

No. 31

# gay lawyers!

Detroit — Efforts have begun to organize gay law students in the Detroit-Ann Arbor area. The move was initiated by Tom Coleman of Los Angeles, a native Detroiter who returned to visit the city in August and was dismayed at the lack of organization among gay lawyers and law students here.

Coleman, who has been involved in gay legal organizing in Los Angeles for two years, immediately posted notices in several Detroit law schools. "An effort must be made to reach the numerous gay law students in Detroit," he said. "There must be hundreds of gay lawyers practicing in Detroit,"

There are three law schools in Detroit and one in Ann Arbor. Coleman is hopeful that gay lawyers and law students will contact him for more information and organizing advice.

Gay Law Student Associations have already been formed in Los Angeles, San Francisco, and Buffalo, NY. One is currently being organized in Chicago, and a Gay Legal Caucus exists in New York City. According to Coleman, the purposes of such organizations are threefold: to serve as a social and intellectual exchange between gay law students and gay lawyers, to give legal assistance to gay persons who would otherwise be ignored by the legal system, to educate and raise the consciousness of the legal profession and society at large as to the legal problems suffered by gay persons in modern society.

In additon, a National Committee for Sexual Civil Liberties, comprised of gay and non-gay lawyers and other professionals, is interested in developing a Law Stüdent Division. The committee works closely with the Am. Bar Assoc., the Assoc. of American Law Schools, and State Legislative bodies, and involves itself in test cases involving private sexual behavior, prostitution, solicitation, discrimination on the basis of sexual orientation, etc. For further information about forming a gay law student assoc. in Detroit or about the National Committe for Sexual Liberties contact Coleman at 618% E. Lomita Ave., Glendale, CA 91205; (213) 240-1616.

# **Lawyer Associations**

#### **National Committee for Sexual Civil Liberties**

Founded in 1970, the National Committee for Sexual Civil Liberties was the first organization in the nation created for gay attorneys. While many of members were lawyers focusing on the repeal of oppressive sex laws through the courts or legislatures, some participants were scholars and professionals in other disciplines.

Arthur C. Warner, a graduate of Harvard Law School, was co-chair of the National Committee as was law professor Walter Barnett. In 1972, Tom Coleman, a law student from Los Angeles, and Craig Patton, a law student from Ohio, joined the group. They worked closely with New York attorney E. Carrington Boggan – one of the founders of Lambda Legal Defense and Education Fund – and others to successfully lobby the American Bar Association to adopt a resolution in 1973 calling for the repeal of laws criminalizing private noncommercial sex between consenting adults.

Membership in the National Committee was by invitation only. As the decade progressed, several gay lawyers and professors became members: Don Knutson, former USC law professor and founder of Gay Rights Advocates in San Francisco; Jay Kohorn of Los Angeles; Jerry Gerash, founder of the Gay Coalition of Denver; David A.J. Richards, professor at New York University School of Law; William Reynard, Denver attorney who served on the board of the national ACLU; Thomas DePriest, founding president of the Virginia Gay Alliance; Leonard Graff, legal director of Gay Rights Advocates; Thomas Horn, San Francisco lawyer; Larry Long, staff attorney with the San Francisco Bar Association; John Quigley, professor at Ohio State University School of Law; Matthew St. George, law student and later a lawyer in Los Angeles; John Vaisey, San Francisco gay rights litigator; and William Gardner, Buffalo gay rights litigator.

The National Committee held meetings in major cities throughout the nation. The organization and its members had many victories: winning major court cases enhancing sexual civil liberties; convincing law revision commissions in several states to recommend repeal of sodomy laws; securing executive orders from governors; and convincing bureaucrats to interpret existing laws in a manner supportive of gay rights.

In 1982, the association dissolved as such. After that, Arthur Warner and a small group of non-lawyers operated as the American Association for Personal Privacy.

#### References:

(1) Jeffery Kosbie, "How the Right to be Sexual Shaped the Emergence of LGBT Rights," *Journal of Constitutional Law* (Aug. 2020) (link)

#### **Gay Legal Caucus**

The Gay Legal Caucus of the New York Gay Activists Alliance was formed in 1972. Members included lawyers, legal workers, and law students. Excerpts from the biographies of some of the New York law student trailblazers describe the caucus and mention some of its members: Bob Roth, Nick Russo, Rodney Eubanks, and Bill Thom. Other members of the caucus included Michael Lavery, E. Carrington Boggan, and Michael Miller.

Robert Roth graduated from Fordham in 1975. During his law school years, Bob became very active in gay rights. Because the school is located in new York City, he collaborated with other openly gay lawyers and law students there during the early 1970s.

Bob's activist inclinations in law school prompted him to publish a commentary in the law school's newspaper in April 1972, called The Advocate, about the situation then experienced by gay and lesbian law students and the need for reforms. The article also disclosed that a new group had been formed a few months earlier. Titled "Out of the Slough," the article started off by posing some questions.

"Are Homosexuals discriminated against in the legal profession? Can an acknowledged Homosexual gain admission to the Bar? Will a lawyer be fired from a law firm if his or her colleagues find out that he or she is a Homosexual? Does a Homosexual lawyer have to be afraid to help in Gay people's struggle for their civil and legal rights? These and other questions were discussed by the lawyers, law students, and legal workers who came to the first meeting of the Gay Legal Caucus on Monday, February 7.

"The Gay Legal Caucus is a first step in breaking the cycle of fear and oppression that keeps most homosexual lawyers underground, 'in their closets,' and forces them to lie constantly about their personal feelings, relationships and life plans. More importantly, it keeps homosexual lawyers from extending their legal services to Gay clients or to Gay civil rights organizations, both of which need legal help very badly."

It was during his third year at Case Western Law School in Ohio that Nick Russo met fellow law student Rodney Eubanks. The two became friends and continued the friendship when each of them moved to New York City where they studied for the bar exam in the fall of 1971.

As it turned out, Rodney lived next door to a law student from Fordham by the name of Bob Roth. Bob was very "out" at law school and was part of a newly-formed group of lawyers, law students, and legal workers. The Gay Legal Caucus was part of the Gay

Activists Alliance. Bob invited Rodney to attend the next meeting of the caucus and Rodney extended the invitation to Nick. It was at the caucus that the two met attorney Bill Thom. He invited them to become founding directors of a new legal services advocacy organization that he was forming. It would be named Lambda Legal Defense and Education Fund. The year was 1972.

An article in The Advocate newspaper described the reports and discussions that occurred at a meeting of the caucus on December 5, 1972 in New York City. (1)

"30 men and five women were attending a meeting of the New York Gay Legal Caucus, which describes itself as 'an emerging, independent association of lawyers, law students, and those otherwise involved with the legal profession seeking to coalesce a gay legal community.'

"In addition to [Arthur] Warner, speakers included attorneys Michael Miller, E. Carrington Boggan, and William Thom; law graduate Michael Lavery; and law student Robert Roth. Boggan reported on activities within the New York State Bar Association, including proposals before bar committees to remove a variety of sex laws from the books. Warner then went into discrimination against Gays in the legal and teaching professions.

"Lavery said efforts were under way to establish a National Gay Law Conference which would publish a Gay Legal Reporter and would meet semi-annually at the same time and place as the American Bar Association to facilitate attendance by gay members of the bar and to make the ABA aware of the existence of gay legal groups.

"There are now seven professional law groups in this country,' Lavery noted. 'Many of these are student associations in law schools scattered in different parts of the country. It's time we expanded contacts with each other. The National Gay Law Conference will meet this coming Feb. 10-14 in Cleveland."

It was not until the late 1970s that the New York Law Group – an association of gay and lesbian lawyers – replaced the Gay Legal Caucus as the primary association of gay lawyers in New York City. What started as a gathering in Art Leonard's living room would eventually incorporated as the Bar Association for Human Rights of Greater New York. It was later renamed the LGBT Bar Association of Greater New York.

#### References:

(1) "Admitted Gay ordered certified as lawyer in Ohio," The Advocate (Jan. 3, 1973) (link)

### **New York Law Group**

The origins of the LGBT Bar Association of Greater New York were described by its founder, Professor Arthur Leonard, to Advocate journalist Peter Freiberg in 1985. (1)

"It began, as so many gay organizations do, as a way to meet other people – in this case, other gay lawyers. Initially, about 10 people showed up for a Manhattan party in response to a newspaper ad. The turnout was hardly overwhelming, but 'it was enough to have a second party,' recalls Art Leonard, a gay lawyer who had recently come to New York City and wanted to get to know other gay attorneys.

"Those small parties held in [1978] led to the founding of the New York Law Group, which has since become the Bar Association for Human Rights (BAHR) of Greater New York, an organization of lesbian and gay lawyers. Leonard, now BAHR's president, predicts the group's membership will approach 300 this year.

"Moreover, the organization's activities have expanded from its purely social beginnings to efforts that can help tip the legal scales away from discrimination and toward justice for lesbians and gay men."

When the Law Group started to grow, members voted on whether to include the word "gay" in the organization's name. Because they wanted to attract closeted gay and lesbian attorneys to the group, they voted overwhelmingly to keep the name generic. Today the name is the LGBT Bar Association of Greater New York (LeGaL). (2)



In 1979, Art Leonard began reporting judicial decisions involving LGBT rights and slipping them in the monthly mailer. This was the start of what is now known as "LGBT Law Notes." Originally a two-sided photocopied sheet of paper, it is now a monthly newsletter with a circulation of thousands. There is also a Law Notes podcast. The periodical and the podcast are produced by the LeGaL Foundation which also sponsors walk-in pro bono legal clinics, the Dr. M.L. Hank Henry, Jr. Fund for Judicial Fellowships, and the area's only career fair for first-year LGBT law students. LeGaL

employs three full-time professional staff members.

- (1) "Opening Up the Bar: Gay Lawyers Unite," The Advocate (Feb. 19, 1985) (link)
- (2) "History," LGBT Bar NY Website (link)

## **Lawyers for Human Rights**

While law students created a Gay Law Student Association in 1972, gay and lesbian lawyers in Los Angeles did not form a bar association until the late 1970s. Some openly gay and lesbian attorneys advocated for justice in the courts and legal reforms in the legislature, but they operated mostly as mavericks, with occasional networking around specific projects or cases.

The "Blackpipe 21" – a criminal proceeding involving 21 men arrested when the Blackpipe Bar was raided by police in 1972 – brought about a dozen attorneys together to help the defendants push back in court as a group. Gay law students Barry Copilow and Tom Coleman assisted with research and writing legal challenges to the lewd conduct law and its discriminatory enforcement by the police.

When Coleman and Copilow started practicing law in 1974, they worked with attorney Al Gordon to continue the legal battle against police oppression. Barry started a legal counseling and referral program at the Gay Community Services Center. This was eventually taken over by Susan McGrievy, a vocal and active lesbian attorney with a penchant for helping the needy. Local gay and lesbian attorneys would take turns seeing walk-ins who needed legal advice. The program would also give clients three names from a rotating list of attorneys if they needed legal representation in criminal, family, or other types of cases. That list included attorneys such as Steve Kelber, Ray Hatler, Jay Kohorn, and Marcelle Philpott-Bryant.

As the 1970s progressed, and more gay and lesbian law students became lawyers, some of the more active attorneys decided it was time to form a local bar association. One that they would feel comfortable belonging to. To fill this need for socialization and business networking, a group of gay and lesbian lawyers decided to create an association then known as Lawyers for Human Rights.

It was founded as an unincorporated association. In April 1979, the founding members held their first meeting at The Old Spaghetti Factory in Hollywood. The organization would not be incorporated until 1983. The founding and formative years of the bar association are described on the website of what is now known as LGBTQ+ Lawyers Association of Los Angeles.

"The idea for a gay lawyers group first occurred to Susan McGrievy as a means to provide assistance in doing gay rights litigation while she was working at The Gay and Lesbian Community Services Center. Ray Hatler, who did much of the initial organizing and served as the group's first president, was inspired by a gay law student group that had been formed by Thomas F. Coleman and Jerold A. Krieger (who later became a Superior

Court Judge and was LGBTQ+ Lawyers LA second President).

"LGBTQ+ Lawyers LA's original name was selected in deference to social pressures of the day and professional concerns of some of its members. Many gay and lesbian attorneys were confronted with blatant discrimination based on their sexual orientation, so it made sense that the association chose a name that suited the group's goals but did not include the words gay or lesbian.

"In the 1990s, the association adopted the acronym name LHR: The Lesbian and Gay Bar Association as a transition from the historic title to a more out-of-the-closet name that would more adequately express the ongoing struggle for equality and celebrate the hard-fought freedoms that our community was beginning to enjoy."



Two years ago, the organization became known as the LGBTQ+ Lawyers Association of Los Angeles. The new name recognizes that the LGBTQ+ community is expansive, including people who consider themselves to be "queer, gender non-binary, two-spirit, intersex, and more." The association also adopted a new logo that is more inclusive. It is intended to be in line with the Philadelphia Pride Flag which highlights the role of persons of color within the LGBTQ+ community.

The LGBTQ+ Lawyers Association of Los Angeles is a major donor to the Birds of a Feather Project and a sponsor of this Memory Book. Many of its founding members, such as Thoms F. Coleman, Susan McGrievy, Steven Kelber, and Ray Hatler, have biographies in the Memory Book.

## **Bay Area Lawyers for Individual Freedom**

The Advocate newspaper reported that "More than 100 gay male and lesbian lawyers, judges, and law students gathered in San Francisco on October 29 to organize a gay lawyers group." Thus, the Bay Area Lawyers for Individual Freedom or BALIF was created in 1980. The association incorporated in 1999.

#### References:

- (1) "History," LGBTQ+ Lawyers Association of Los Angeles Website (<u>link</u>)
- (2) "About," BALIF Website (link)
- (3) "Gay Lawyers Group Organizes in SF," The Advocate (Dec. 11, 1980) (link)

## **Sexual Law Reporter**

There were no speciality legal publications in the 1970s that the emerging and evergrowing cadre of law students and lawyers could use to keep abreast of legal developments affecting gay and lesbian rights. Established legal publishers either did not see a profit in publishing such information or they were too "old guard" to fathom reporting on challenges to sodomy laws or judicial rulings involving child custody for lesbian mothers. There was an informational void in the legal publishing field that needed to be filled.

As a substitute, legal advocates were relying on stories they would read in The Advocate – a national gay newspaper. It had correspondents in cities throughout the nation. In addition to social and recreational stories, and advertisements catering to the social and sexual interests of it readers, The Advocate reported heavily on legal and political news and developments affecting the gay community.

Michael Miller, a gay attorney practicing law in New York City, shared with a group of attorneys and law students at a meeting of the Gay Legal Caucus on December 5, 1972, how he relied on and used information from The Advocate in his legal practice.

"The ADVOCATE is very valuable. I clip articles pertaining to certain cases, index them, and keep them on file. By referring to these clippings, I am able to cite cases unofficially and this is of great assistance in convincing judges that the decision we are seeking is not so out of the ordinary but, in fact, is a course which has already been taken in other jurisdictions."

At the same meeting, Michael Lavery shared his vision that someday there would be a Gay Law Reporter. (1) By the summer of 1973, attorneys Cary Boggan and Tom Coleman would have a conversation in Washington D.C. where they took the idea one step closer to becoming a reality. Tom embraced but expanded on Cary's suggestion that it be called the Gay Rights Law Reporter. Tom emphasized that the same legal issues existed whether the individuals were gay, straight, or bisexual. The issues of liberty and justice in the field of human sexuality are not easily compartmentalized, Tom argued. "We need a Sexual Law Reporter," he concluded. It will cover legal issues involving the full spectrum of sexuality. The lives of gays and lesbians will be included."

"As the Kinsey reports show," Tom added, "there are very few people who are a "Kinsey 6" or exclusively homosexual and very few who are a "Kinsey 0" or exclusively heterosexual all of their lives." Since Cary understood that most of the population fell between these extremes, he understood that a Sexual Law Reporter would benefit many

more people than would a Gay Rights Law Reporter. When Tom returned to Los Angeles, he let the idea germinate and grow. Then he acted. On March 8, 1974, he filed papers with the California Secretary of State to incorporate the Sexual Law Reporter.

Over the next several months, Tom developed a plan for research, writing, editing, proofreading, and distribution of the Sexual Law Reporter. It would be published bimonthly. Content would include original articles, book reviews, and news reports about developments – whether legal, political, social, or scientific – that could affect the sexual civil liberties of adults of all sexual orientations, family configurations, and living arrangements. It would be factual and objective in reporting, but with a perspective that justice and equality should give consenting adults a wide range of latitude in sexual expression and that sexual orientation should never be valid grounds for discrimination in employment, housing, public accommodations, and government services.



Sexual Law Reporter volunteers in 1976: (left to right) Wade Agurcia, Paula Davis, Don Gaudard, Tom Coleman, Susan Bonine, Tim Sullivan, Michael Wetheree, and Dean Blake.

Funding for the project was sought from the Playboy Foundation. (2) When that did not happen, Tom assembled a team of volunteers to help with all aspects of the project. Some were law students. Others were lawyers. Plus there were lay volunteers who provided help with production and distribution. This would be a labor of love.

The inaugural issue in 1975 focused on judicial rulings affecting sexual civil liberties. Reports were made on a resolution by the National Lawyers Guild opposing anti-gay ideology, a Victimless Crimes Task Force in Michigan, and a resolution to the ABA encouraging legislators to enact laws prohibiting sexual orientation discrimination. A bibliography listed more than a dozen relevant books and articles. Bills pending in several states were summarized. Information on gay rights lawsuits was shared. A story discussed a child custody appeal where a lesbian was declared unfit. There was an article that a gay deputy attorney general had been ordered reinstated by an appellate court.

That was just the first issue of the Sexual Law Reporter. More than three dozen issues were published before the periodical was discontinued in December 1979. The need for such reporting soon would be filled by Art Leonard's *Lesbian and Gay Law Notes*.



. . . It becomes readily apparent that the *SLR* fulfills an especially significant function which ought to be of vital concern to all — that of presenting the sort of in-depth reportage of issues and legislation imperative to sexual law reform. Such information has been, and continues to be, regularly disregarded or suppressed by the commercially focused newspapers.

CARL JOHNSTON Editor, H.E.L.P. Newsletter

... I think the SLR is a worthwhile and informative publication — keep up the good work.

─ ELAINE NOBLE

State Representative

Commonwealth of Massachusetts

. . . Very impressed by the first issue. Enclosed is a check for a subscription. Thanks for going through the trouble to produce this service.

- PAUL ALBERT Attorney, San Francisco

. . . Our congratulations on your first issue of the SexuaLawReporter. You have approached a subject of great sensitivity in a thoroughly responsible manner, in the tradition of other law reporters. It seems to me that your dedication and professional foray into a delicate field of human activity is in keeping with the highest tradition of the Bar. Your initiative and tenacity are among the fine and nobel virtues of every pioneering effort which has ever led to social change. May your efforts be rewarded within a few short years.

G. KEITH WISOT
 President, Los Angeles County
 Public Defenders Association

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Volume Three, Number 5

ISSN 0098-2423

November / December 1977

## A CONSTITUTIONAL RIGHT TO SEXUAL PRIVACY

## Recent Word from Above

by THOMAS B. DePRIEST, J.D.

Virginia State Bar

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Civil libertarians hoped for a wave of constitutional decisions from the Supreme Court in the wake of Griswold v. Connecticut, 381 U.S. 479 (1965), with its talk of constitutional "penumbras" and "zones of privacy" for the individual. Important extensions of Griswold and its arguments were upheld in Stanley v. Georgia, 394 U.S. 577 (1969); Eisenstadt v. Baird, 405 U.S. 438 (1972); and Roe v. Wade, 410 U.S. 113 (1973), to name only a few. More recently, with the most notorious example being Doe v. Commonwealth, 425 U.S. 901 (1976), the Court's affirmation without any oral argument of the validity of the Virginia sodomy statute apparently halted the growth of a judicially recognizable right, founded on the Constitution, to sexual privacy. Some hope remains, however.

The Supreme Court recently struck down a New York statute that regulated the sales and the distribution of contraceptives. Carey v. Population Services International, 431 U.S. —, 97 S.Ct. 2010, 52 L.Ed. 2d 675, 45 U.S.L.W. 4601 (June 9, 1977). In the opinion, Mr. Justice Brennan naturally relied on Griswold and its progeny, but he also included a curious aside concerning this whole matter of sexual privacy. As he discussed the state's prohibition on the sale of contraceptive devices to minors under sixteen, he had to respond to the state's argument that such a prohibition properly discouraged sexual promiscuity among the young. Then, in Footnote 17, he added:

We observe that the Court has not definitely answered the difficult question whether and to what extent the Constitution prohibits statutes regulating such [private consensual sexual] behavior among adults.

In that same footnote, Mr. Justice Brennan referred to pages 719 through 738 of an anonymous Note on Privacy: Constitutional Protection for Personal Liberty, 49 N.Y.U. L. Rev. 670 (1973). No prior judicial citations of the Note on Privacy exist. This reference and the quoted passage are unnecessary for the decision in Carey. Why were they included? The author seems to be giving us one of those hints which members of the Court have historically passed along from time to time, while waiting for the proper factual context and the proper argument to present themselves for determination. Footnote 17 in Carey directs us to focus our attention on arguments which can persuade a court to recognize a constitutional right to sexual privacy.

At the beginning of the section of pages mentioned in Footnote 17, the author of the Note on Privacy points out that the expected wave of constitutional challenges after Griswold to criminal statutes regulating private sexual be-

havior has, in fact, produced few victories. The most serious obstacle has been the unfortunate factual context of most privacy cases. The courts seldom see the proper litigants who can raise the privacy arguments. The presence of a defendant in court usually means that private adult consensual sexual activity is not at issue. *Griswold* and progeny have taught us that if children, force, or public exposure is involved, there can be no privacy challenge from the defendant. Finding a defendant with "clean hands" is difficult since truly private adult consensual activities are only rarely, if ever, prosecuted. In other words, a party before a court who needs the privacy defense can't raise it, and the party who can use the privacy argument successfully is seldom before a criminal court.

On the other hand, the factual context of civil proceedings is often more favorable to a successful use of sexual privacy arguments. Hearings seeking to reverse a denial of public employment, of a security clearance, of naturalized citizenship, of an immigration visa, of a liquor license, of state bar admission, or of an honorable military discharge—all of these hearings may present a party who has committed a proscribed sexual act only in private with another consenting adult. Clearly, the party in such proceedings who raises the sexual privacy argument cannot be silenced as quickly as the defendant in a criminal case.

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## **Legal Advocacy Organizations**

## 1973: Lambda Legal Defense and Education Fund

Records of the New York Department of State show that Lambda Legal Defense and Education Fund, Inc. was incorporated on October 29, 1973. That occurred after nearly two years of litigation as the organizers sought permission from the New York courts to operate a legal services organization. An excerpt from a book published by Ellen Ann Andersen explains how and why Lambda was conceived and came into being. (1)

"Attorney Bill Thom came across a request for a gay lawyer as he was reading a magazine one day in 1972. Although he was closeted at his midtown Manhattan law firm, Thom was active in the Gay Activists Alliance, one of several gay liberation groups formed in the immediate aftermath of the Stonewall Riot. He decided to reply to the request and discovered that he was the only person willing to come forward. As Thom later recalled, the event brought home to him the need for lesbians and gay men to have legal representation. He envisioned an organization that would work to advance gay civil rights just as the National Association for the Advancement of Colored People (NAACP) Legal Defense and Educational Fund had advanced the civil rights of African Americans. Marshaling a small group of gay lawyers, he filed papers in 1972 to create the nation's first public interest law firm dedicated to the advancement of gay rights: the Lambda Legal Defense and Education Fund.

"In New York, voluntary associations can only practice law if they are 'organized for benevolent or charitable purposes, or for the purpose of assisting persons without means in the pursuit of any civil remedy.' To ensure that Lambda's petition for incorporation as a nonprofit law firm met these guidelines, Thom copied verbatim from the application of the Puerto Rican Legal Defense and Education Fund-a group that had been granted approval by the New York courts only a few months earlier. Where the latter application said Puerto Ricans, Thom simply altered the text to say homosexuals. . . . The application was denied.

"According to the three-judge panel assigned to review it, Lambda's purpose was neither benevolent nor charitable. No parallel existed, they wrote, between Lambda and the Puerto Rican Legal Defense and Education Fund. Puerto Ricans needed a legal defense fund because widespread indigence effectively deprived them of legal representation. Homosexuals were in a different situation. While they too faced widespread

discrimination, the difficulties they had in securing legal representation merely reflected 'a matter of taste' on the part of individual lawyers. In response to this decision, Lambda became its own first client, suing to establish its very right to exist. Thom made two major claims in his appeal to New York's highest court (which is incongruously called the Court of Appeals). Drawing on U.S. Supreme Court precedent holding 'collective activity undertaken to obtain meaningful access to the courts [to be] a fundamental right within the meaning of the First Amendment,' he argued that the lower court's decision infringed impermissibly on the speech and association rights of homosexuals. He also argued that the lower court's denial of Lambda's application after approving the virtually identical application of a similarly situated group raised serious equal protection considerations under the Fourteenth Amendment.

"Persuaded by Thom's argument, the Court of Appeals reversed the lower court's decision and remanded the case to the lower court for a reevaluation of Lambda's incorporation papers. With little option to do otherwise, the lower court reluctantly granted the application-with one modification. Refusing to lend their approval to the purpose of encouraging homosexuals to enter the legal profession, the three judges used their discretion to strike that clause from Lambda's charter."

Several of the trailblazers honored in this Memory Book formed the first board of directors of Lambda Legal: Bill Thom, Cary Boggan, Michael Lavery, Rodney Eubanks, Shepard Raimi, and Nick Russo. Other honorees joined the board or became staff attorneys for the organization as years progressed: Roz Richter, Nan Hunter, Abby Rubenfeld, and Tom Stoddard.

## 1977: Lesbian Rights Project

Lawyers Donna Hitchens and Roberta Achtenberg began the Lesbian Rights Project in San Francisco in 1977. It operated under the auspices of Equal Rights Advocates and eventually evolved into a separate organization known as the National Center for Lesbian Rights. (2)

The role of the Lesbian Rights Project in advocacy for gay and lesbian rights as it evolved into a larger, stand-alone, organization was described in a recently published college thesis. (3)

"LRP took on a variety of cases related to anti-gay discrimination, but a substantial portion of their case load in the late 1980s centered on lesbian custody issues. Founded on the cusp of the lesbian baby boom and the era

of custody struggles of lesbians leaving heterosexual marriages, LRP served both 'generations' of lesbian parents. According to Achtenberg, the LRP was founded in response to the slew of custody issues facing the community and was in part inspired by the Lesbian Mothers National Defense Fund, discussed at length in the previous chapter.

"LRP grounded their advocacy work in community dialogue and forming information networks, disseminating information about the legal situations of lesbian parents and their children. LRP wrote and circulated 'know your rights' pamphlets about donor insemination, in response to broad interest in the topic by the lesbian community and reports of discrimination at certain clinics. LRP attorneys published and circulated similar pamphlets covering legal rights of gay couples to adopt or foster children and tips for engaging with the child welfare system. Further, LRP also appeared in popular lesbian and gay magazines and newspapers throughout the latter 1980s and early 1990s, either by writing in directly with legal advice and news or as referenced by those who wrote into the magazine.

"Additionally, LRP members spoke at popular lesbian community events like music festivals, and hosted family support groups, which were also advertised in print. When Roberta Achtenberg began hosting workshops on legal rights for gay and lesbian parents in the late 1980s, attendance reached as high as 500 parents at a single session. This demonstrates LRP's high level of engagement with broad sections of the community."

From 1984 to 1987, LRP participated in important legal cases in state and federal courts. Some involved child custody issues. Others focused on the right of sexual freedom, employment discrimination, military service, teacher's rights, and the Gay Olympics.

## 1977: Gay Rights Advocates

Gay Rights Advocates was a non-profit, public interest law firm that promoted the rights of gay men and lesbian women throughout the United States. Its name eventually changed to National Gay Rights Advocates to reflect the geographical scope of its legal advocacy. Incorporated in 1977 under the name Human Rights Foundation, Inc., Harvard law student Jose Gomez was listed as its resident agent. The organization was dissolved in 1985.

NGRA advanced gay and lesbian rights through litigation coordinated by professional staff and supported by pro bono assistance from law firms. In addition to its work in the courts, NGRA provided legal referral services and publications to educate individuals on such issues as taxation, healthcare, insurance and fair employment practices.

The organization was founded by former USC law professor Donald Knutson and newly-admitted gay attorneys Donald Solomon, Jerel McCrary, and Matt Coles. Later added to the team was attorney Leonard Graff who became the organization's legal director.

Gay Rights Advocates sponsored a summer project in 1979 where law students produced pamphlets for the general public on legal issues concerning gays and assisting attorneys to counsel and advocate for gay and lesbian clients on these cases. (4) Students on this project came from Hastings, Boalt Hall, the College of William and Mary, Harvard Law, and Santa Clara University School of Law.

Attorneys for NGRA were listed as representing amici curiae in a wide range of gay rights cases in the late 1970s and early 1980s. The issues included freedom of sexual expression, recognition of gay student organizations on university campuses, immigration rights, rights of same-sex couples, AIDS discrimination, teacher's rights, military separations, and employment discrimination.

## 1978: Gay and Lesbian Advocates and Defenders

Gay & Lesbian Advocates & Defenders was founded by attorney John Ward in 1978. Details about the organization are found in its listing on Wikipedia.

"It was founded by John Ward in 1978 in response to a sting operation conducted by Boston police that resulted in the arrest of more than a hundred men in the men's rooms of the main building of the Boston Public Library. GLAD filed its first case, *Doe v. McNiff*, that same year and eventually all those arrested were either found not guilty or had the charges against them dismissed. An early victory came in *Fricke v. Lynch* (1980), in which GLAD represented Aaron Fricke, an 18-year-old student at Cumberland High School in Rhode Island, who won the right to bring a same-sex date to a high school dance.

"The organization works to end discrimination based on sexual orientation, HIV status, and gender identity and expression. The organization primarily achieves this goal through litigation, advocacy, and education work in all areas of LGBT (lesbian, gay, bisexual, transgender) rights and the rights of people living with HIV. In addition, GLAD operates a legal information line, GLAD Answers, where LGBTQ & HIV+ residents of New England can receive attorney referrals and information about their rights. The organization changed its name to GLBTQ Legal Advocates & Defenders in February 2016."

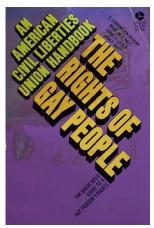
#### 1973: American Civil Liberties Union

Although the American Civil Liberties Union has been around for decades and has advanced a variety of causes over the years, it had a difficult time embracing gay rights. But when it decided to jump on the gay rights bandwagon, it evolved into a major force to end invasions of sexual privacy and eliminate discrimination on the basis of sexual orientation.

In 1957, the ACLU approved a policy statement saying laws against sodomy and federal restrictions on employment of lesbians and gay men are constitutional. (6)

"We recognize that overt acts of homosexuality constituted a common law felony and that there is no constitutional prohibition against such state and local laws on this subject as are deemed by such states or communities to be socially necessary or beneficial. Any challenge of laws that prohibit and punish public acts of homosexuality or overt acts of solicitation for the purpose of committing a homosexual act is beyond the province of the Union."

According to the ACLU's website: "[T]he organization first formally endorsed the principles of gay rights in 1966." (7) A few years later, state ACLU affiliates started to hire openly gay lawyers. Michael Wetherbee was hired by the Minnesota Civil Liberties Union in 1970. John O'Loughlin became a staff attorney with the ACLU of Southern California soon thereafter. William Reynard of Denver was a member of the national board of the ACLU in the 1970s.



The first formal project focusing on gay rights was launched by the national ACLU in 1973. The Sexual Privacy Project was funded by the Playboy Foundation and directed by attorney Marilyn Haft out of New York. (8) By 1974, the project had some 150 cases on its docket. Some involved child custody issues involving gay and lesbian parents. Others involved challenges to laws criminalizing consenting adult sex. In 1975, the ACLU published a handbook on "The Rights of Gay People." It was co-authored by Marilyn Haft, E. Carrington Boggan, and others. The book gave advice to lawyers and lay people alike on how to assert and defend their rights.

The ACLU of Southern California took up the cause of gay rights in a big way in the late 1960s and throughout the 1970s. (9)

"In 1966, the ACLU Foundation of Southern California formally affirmed

that the right to privacy in sexual relations is a basic constitutional right and defended a public school teacher threatened with the loss of his teaching credentials after he was acquitted of charges of illegal homosexual conduct. In 1970, the ACLU of Southern California went on to obtain an injunction that permitted the first Christopher Street West parade to take place.

"[T]he Lesbian & Gay Rights Chapter of the American Civil Liberties Union Foundation of Southern California (ACLU-LGRC), in Los Angeles . . . [was] the first ACLU chapter in the United States to address the civil rights of gay men, lesbians, bisexual and transgender people."

Soon after its formation, Gay Rights Chapter President Dick Caudillo stated: "The Gay Community no longer assumes a passive role while the Municipal, Appellate, and Superior Courts distort our civil liberties." (12) Caudillo was also a member of the National Committee for Sexual Civil Liberties.

In 1985, the patchwork of regional advocacy and local projects of the ACLU was supplemented by a national Gay Rights Project headquartered in New York. Nan Hunter became the project's first legal director. Matt Coles assumed that role several years later. Today it is called the Lesbian Gay Bisexual Transgender Project. (11)

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- (9) "American Civil Liberties Union of Southern California Lesbian and Gay Rights Chapter records," ONE National Gay and Lesbian Archives (link)
- (10) "ACLU to Hire Full Time Gay Rights Lawyer," Lesbian and Gay Law Notes (March 1985) (link)
- (11) "LGBTQ Rights," ACLU Website (link)
- (12) "ACLU Gay Chapter," Bay Area Reporter (Nov. 24, 1976) (link)

## **Legal Conferences**

**1971: National Lawyers Guild.** The National Lawyers Guild held its 1971 convention in Boulder, Colorado. (1) The program included a workshop on "Gay Liberation – Homosexuals and the Law." A gay caucus was formed at the convention. The Women's Caucus submitted a resolution affirming homosexual rights.

**1972:American Bar Association**. The first forum on gay rights at an annual meeting of the American Bar Association occurred in 1972. (2) The workshop was sponsored by the Gay Law Students Association of Los Angeles. Walter Barnett, a visiting professor at Hastings Law School discussed his upcoming book, *Sexual Freedom and the Constitution*, scheduled for release in 1973.

**1975:** Gays and the Federal Government. This Bicentennial Conference on Gays and the Federal Government was held in Washington D.C. in October 1975. Although it technically was not a legal conference, many panels and presentations focused on LGBT legal issues in areas such as privacy, sex law reform, federal employment, civil rights legislation, immigration, health and taxes. Lawyers were among those who attended and presented at the conference.

**1977:** Women and the Law. The Eighth Annual Conference on Women and the Law was held in Madison, Wisconsin in March 1977. The conference attracted more than 2,000 lawyers and law students. Elaine Noble, the first openly gay state legislator in the nation, kicked off a series of presentations on lesbian and gay rights. The Conference created a Lesbian Law Section.

**1978: Hastings Law School**. A gay rights symposium was held at Hastings Law School in San Francisco in 1978. Nearly two dozen presenters shared information with hundreds of lawyers and law students on a wide range of topics. The following year, the law review published several articles arising out of the 1978 forum. (4)

**1979:** New York University. The NYU Gay Law Students and Lambda Legal Defense and Education Fund jointly sponsored a forum on gay rights in 1979. The New York Attorney General was the keynote speaker. Some 10 panel presentations were made on a wide range of topics.

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## **PROGRAM**



Bicentennial Conference

# GAYS and the FEDERAL GOVERNMENT

October 10-13, 1975 Washington, D. C.

## SPECIAL INTEREST DISCUSSION SESSIONS

"The Respective Roles of the Federal Government and the States in Penal Law Reform" A special presentation by the National Committee for Sexual Civil Liberties. Dr. Arthur C. Warner; Thomas F. Colemen, Esq.

## 1977

## Conference on Women and the Law

# Women and the Law Conference Comes to the Law School

Nationally recognized legal experts in fields varying from women in institutions to women's property rights will come to the University of Wisconsin Law School on March 24-27, 1977. The occasion which brings them is the Eighth National Conference on Women and the Law. It is expected that 1,500 to 2,000 persons will attend the conference.

The Conference "Women Helping Women Through Law" will feature United States Representative Elizabeth Holtzman (Democrat-New York), as the keynote speaker. Holtzman, elected to the United States House of Representatives in 1972, founded the Brooklyn Women's Political Caucus. She has co-sponsored bills dealing with sex discrimination in insurance, a national rape control center and enrollment of women in military academies.

#### CONFERENCE, continued from p. 7

The Conference has become a forum for the examination of women's current status in the American legal, political and economic system. It is an opportunity to share expertise on substantive legal issues and to develop strategies for litigation and political action.

Professor Herma Hill Kay, of the University of California-Berkeley Law School will give the opening address. Kay is a national leader in divorce reform. She will speak on "Family Law and the Equal Rights Amendment: Last Frontier for Meaningful Reform." Kay is currently on leave and teaching at Harvard.

The Conference will focus on the legal concerns of women: sex discrimination in employment and education, health and family problems, divorce reform, prostitution, lesbian and minority women's rights. Many of these concerns are receiving more attention and present a developing challenge in law.

Two new features of the Eighth National Conference will be the Lesbian Law Section and the Third World Women Block. Elaine Noble, Congresswoman from Boston, Massachusetts will address the Lesbian Law Section on the opening night. The Third World Women Block will concentrate on the concerns of minorities.

The Conference expects to draw law students, professors, practicing attorneys, judges, legal workers and political figures from across the country. Workshops will cover women as victims, health, economic and family issues, in athletics discrimination and women in institutions.

Other events include a Saturday night banquet, judges luncheon panel, trial attorneys luncheon panel and special interest group meetings.

Feminist pianist and vocalist Margie Adam from Davis, California will entertain the Conference Saturday night.

Continued on page 15

The University of Wisconsin Women's Law Student Association was chosen as the site of the 1977 Conference during last year's Conference at Temple University in Philadelphia. The Conference rotates throughout the country and has gone from New York to California, from

Chicago to South Carolina. Attendance has grown from 50 women in 1969 to 2,050 at Temple in 1976. As the Conference increases in size, it plans to broaden its scope to include more of the ever-increasing legal concerns of women.

In 1970, New York University Law School hosted the first annual conference on Women and the Law. This national conference continued for twenty-two years. The 1977 Conference was the first to include sessions on lesbian and gay rights.

# 1978

## Hastings Gay Law Students Sponsor First National Symposium on Gay Rights

# GAY LEGAL RIGHTS SYMPOSIUM SET FOR SEPTEMBER 23-24

Twenty-one attorneys, elected officials and Gay activists will be featured in a special weekend forum September 23-24 at Hastings Law College in San Francisco. They will discuss past and current Gay rights litigation and future strategies. The entire symposium will be videotaped for future reference.

Six major panel discussions will be presented on the subjects of employment discrimination, criminal law, Gay prisoners, child custody, lobbying for legislation, and legislative alternatives.

Panelists include the following:

Employment Discrimination (Sat, 11:00am): John Vaisey, Attorney, Military & Administrative Law — David C. Moon, Attorney, Consumer Fraud Division, Office of the District Attorney, San Francisco — Donald C. Knutson, Professor of Law, University of Southern California, Director, Gay Rights Advocates

Criminal Law (Sat, 2:00pm): Tom Coleman, Attorney, Criminal Law — E. Carrington Boggan, Attorney, Lambda Legal Defense & Edu-

cation Fund — Thomas Horn, Attorney, Criminal Law

Gay Prisoners (Sat, 4:15pm): Margot Karle, Attorney, Lambda Legal Defense & Education Fund — Nan Hunter, Attorney, Lambda Legal Defense & Education Fund — Jim Denman, Undersheriff, San Francisco

Child Custody (Sun, 9:00am): Donna J. Hitchens, Director, Lesbian Rights Project; Attorney, Equal Rights Advocates — Patti Roberts, Attorney, Women's Litigation Unit, San Francisco Neighborhood Legal Assistance Foundation

Lobbying for Legislation (Sun, 10:45am): Hon. Willie L. Brown, Jr., California State Assemblyperson - Hon. Carol Ruth Silver, Member, San Francisco Board of Supervisors Hon. Harvey Milk, Member. San Francisco Board of Supervisors - Bruce Voeller, Attorney, Co-Executive Director. National Gay Task Force -Steve Badeau, Legislative Advocate, Northern California Human Rights Advocates -Anthony Silvestre. Chairperson, Pennsylvania Council on Sexual Minorities

Legislative Alternatives (Sun, 2:00pm): Frank Kameny, Commissioner, District of Columbia Human Rights Commission — Paula Downing, Assistant Professor of Law, Hastings College of the Law — Matthew Coles, Adjunct Professor, Hastings College of the Law; Attorney, Gay Rights Advocates — Jo Daly, Gay Community Liaison, San Francisco Human Rights Commission

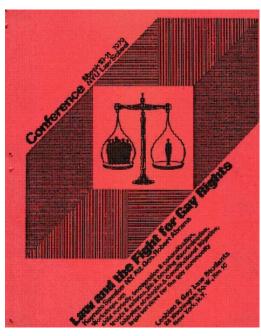
The symposium will be of primary interest to attorneys and law students, although the public may attend. The Gay Law Students Association of Hastings is sponsoring the sessions. Law students will be admitted free. A \$15 registration fee (tax-deductible) is being charged to all others attending. Donations are needed to defray expenses. Information may be obtained from Gay Law Students, 198 McAllister St., San Francisco 94102, (415) 557-1970.

Each day will begin at 9:00am. There is a reception on Saturday evening, Sept. 23, so that participants may socialize.

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## 1979

## NYU: Law and the Fight for Gay Rights



## **Keynote Address:**

Robert Abrams

## The Right of Sexual Privacy:

E. Carrington Boggan

# **Securing Gay Rights Through Constitutional Litigation:**

E. Carrington Boggan, David A. J. Richards, Thomas F. Coleman

## Immigration and Naturalization of Gays:

Robert DiPierro, David Carlinger

## **Enforcing Gay Rights Legislation:**

Mathew Coles, David Donaldson Joseph V. Stewart

#### **Securing Child Custody For Gay Parents:**

Margot Karle, Donna Hitchens, Bernice Goodman, Shephard Raimi, Nancy Shilepsky

## **Property Distribution by Gays: Problems of Trusts and Estates:**

Helen Leeds, Henry Weiss, John Peschel

#### **Lobbying Strategies For Gay Rights Legislation:**

Steven Endean, David Thorstad, Jane Trichter

## **Providing Legal Services to the Gay Community:**

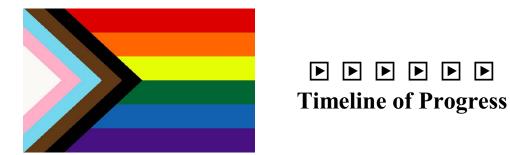
William Thorn, George Terzian, Judith Holmes

## **Concluding Address: The Role of Lesbian and Gay Lawyers:**

Donna Hitchens

# A song by Meg Christian and Holly Near suggests the power of persistence in efforts to bring about social change:

Can we be like drops of water
Falling on the stone,
Splashing, breaking, dispersing in air,
Weaker than the stone by far. But be aware
That as time goes by,
the rock will wear away.
And the water comes again.



1970: The first Gay Liberation Day March in the United States was held in **New York** City; a corresponding march was held in **Los Angeles**.

1971: Colorado and Alaska decriminalized private sex between consenting adults.

1972: East Lansing, Ann Arbor, and San Francisco became the first cities in United States to pass a ordinances prohibiting sexual orientation discrimination; Lesbianism 101, first such course in the United States, was taught at the University of Buffalo; Gay law student associations were created in Los Angeles, San Francisco, Madison, and Buffalo; Gay Legal Caucus for lawyers was formed in New York; American Bar Association held its first forum on gay rights at an annual meeting; Oregon and Ohio decriminalized private sex between consenting adults; Jim Foster became the first openly gay delegate to address a major party presidential nominating convention when he spoke at the Democratic National Convention; New York Mayor John V. Lindsay issued an executive order prohibiting anti-gay discrimination in public sector hiring; U.S. Senator George McGovern became the first presidential candidate ever to endorse gay rights.

1973: The American Psychiatric Association removed homosexuality from its list of psychiatric disorders; American Bar Association adopted a resolution calling for the repeal of laws criminalizing non-commercial private consenting adult sex; Seattle adopted an ordinance prohibiting sexual orientation discrimination in employment and housing; Lambda Legal became the first legal services organization established to fight for the equal rights of gays and lesbians; Hawaii and Delaware decriminalized private sex between consenting adults.

1974: Kathy Kozachenko and Jerry DeGrieck became the first openly lesbian and gay elected officials when they won a seat on the Ann Arbor, Michigan city council and "came out" publicly the following year; Elaine Noble became the first openly gay person to serve as a state legislator when she was elected to the Massachusetts State House of Representatives; Portland, Oregon prohibited sexual orientation discrimination in city employment. American Historical Association voted to prohibit sexual orientation discrimination in membership practices.

- 1975: California repealed laws criminalizing private consenting adult sex; Pennsylvania Gov. Milton Shapp issued an executive order, the first of its kind in the nation, prohibiting sexual orientation discrimination in state employment; American Psychological Association adopted a resolution supporting gay rights; US Civil Service Commission announced it would no longer exclude homosexuals from government employment; Minneapolis, Minnesota became the first U.S. city to protect transgender people from discrimination; Washington State, New Mexico, and New Hampshire decriminalized private sex between consenting adults; Conference on Gays and the Federal Government in Washington, DC.
- 1976: The first Michigan Womyn's Music Festival, one of the largest and most visible lesbian events in the United States, was held in Hart, Michigan. The American Association of University Professors voted to protect gay rights on campuses.
- 1977: Harvey Milk was elected to the Board of Supervisors in San Francisco; Dade County, Florida enacted a Human Rights Ordinance but it was repealed the same year after a militant anti-homosexual-rights campaign led by Anita Bryant; Oregon Gov. Robert Straub appointed a task force to study the status of gays; Nebraska decriminalized private sex between consenting adults; Jim Yeadon was the first openly gay man knowingly *elected* by voters when he won the city council race in Madison, Wisconsin; San Francisco hosted the world's first gay film festival; the first ever meeting with gay and lesbian advocates and presidential aides was held in the White House.
- **1978:** The **Briggs Initiative**, a statewide proposition against gay teachers, was defeated by 58% of the voters in California; **New Jersey** decriminalized private sex between consenting adults.
- 1979: The first national homosexual rights march was held in Washington, D.C. with hundreds of thousands of people participating; California Gov. Jerry Brown issued an executive order, the second of its kind in the nation, prohibiting sexual orientation discrimination in state employment; California Supreme Court declared the state's lewd conduct law unconstitutional, voiding the solicitation portion and interpreting the conduct portion to minimize enforcement by undercover vice officers; California Supreme Court declared that it was illegal for private employers to discriminate against openly gay and lesbian employees or applicants for employment; California Department of Fair Employment and Housing declared it would investigate and prosecute complaints involving sexual orientation discrimination by landlords; Stephen Lachs became the first openly gay judge in the nation when he was appointed to the Los Angeles County Superior Court by California Gov. Jerry Brown.

# 1970 Christopher Street West Hollywood Boulevard



Photographer: Donald Sanders



# **BIOGRAPHIES**

# Law Students of the Seventies

by Thomas F. Coleman

## Roberta Achtenberg



Roberta Achtenberg and her three siblings were raised by their parents in Los Angeles. After graduating from high school, Roberta attended UCLA but then transferred to the University of California at Berkeley. After receiving her undergraduate degree there, she enrolled at Hastings College of Law, later transferring to the University of Utah School of law where she received her law degree. Roberta was admitted to the bar in California in 1975.

Wikipedia has summarized her professional life as follows:

Before becoming a public official, Roberta worked for more than 15 years as a civil rights attorney, nonprofit director, and legal educator. Achtenberg supported the LGBTQ community early in her political career. Her activity included co-founding the National Center for Lesbian Rights. Between 1975 and 1976, she served as a teaching fellow at Stanford University. In 1976, Achtenberg became the Dean of the New College of California School of Law. Additionally, in 1978 Achtenberg represented LGBTQ rights while in the Anti-Sexism Committee for the National Lawyers Guild. While working for the organization, she edited Sexual Orientation and the Law (1985).

Achtenberg unsuccessfully ran for a seat in the California State Assembly in 1988. She was elected as a member of the San Francisco Board of Supervisors in 1989, becoming the first open lesbian to serve on the Board.

In 1993, she was appointed Assistant Secretary for the Office of Fair Housing and Equal Opportunity by President Bill Clinton, becoming the first 'out,' LGBTQ person to be appointed and confirmed to a position within a cabinet office.

Achtenberg unsuccessfully ran for mayor of San Francisco in 1995. From 1998 to 2004, Achtenberg helped develop the policies for both the San Francisco Chamber of Commerce and the San Francisco Center for Economic Development. In 2000, she became the Director of the Bank of San Francisco and Andrew J. Wong, Inc. She served as Senior Vice President for Public Policy at the San Francisco Chamber of Commerce until January 2005. In 2000, she was appointed to the Board of Trustees of California State University by Governor Gray Davis, becoming chair of the

board in May 2006, serving on the CSU Board of Trustees until 2015.

Achtenberg was in charge of the Housing and Urban Development Department's Agency Review Team that assisted the Obama administration during its transition to office. On January 26, 2011, President Barack Obama named Achtenberg to the United States Commission on Civil Rights.

Among the major legal cases Roberta handled was that of Boyce Hinman and his life partner Larry Beatty. The two had been life partners for 12 years. As a state employee, Hinman wanted to add Larry to his dental plan in 1981. The state refused the application on the ground that the two men were not married. There were no domestic partner benefits at the time. The Court of Appeal ruled against Hinman in a published opinion in 1985, concluding that the denial of benefits was not illegal discrimination. Publicity from the Hinman case created fuel for the emerging domestic partner benefits movement. From 2000 to 2004, California adopted a domestic partner benefits program for state employees, instituted a domestic partner registry for unmarried couples, gave registered partners marriage benefits under state law, and in 2008 legalized same-sex marriage.

As for her personal life, in 1981 Roberta met her former life partner, Mary Morgan, who was a judge on the San Francisco Municipal Court. Four years later the two had a child.

Roberta was the author of or contributor to several publications important to LGBT rights. Among them are:

Sexual Orientation and the Law, by Roberta Achtenberg (editor) (1985); "Partner Benefits Litigation: Expanding Definitions of the Family", Matthew bender Family Law Monthly (May 1987); The Adoptive and Foster Gay and Lesbian Parent, in Gay and Lesbian Parents, Bozett, Ed., Praeger Press (1987); Aids and Child Custody: A Guide to Advocacy, National Center for Lesbian Rights (1989); The Lesbian and Gay Book of Love and Marriage: Creating the Stories of Our Lives, by Paula Martinac, Roberta Achtenberg (contributor) (1998); Preserving and Protecting the Families of Lesbians and Gay Men, National Center for Lesbian Rights (1986, 1990); Lesbian Mother Litigation Manual, Second Edition, national Center for Lesbian Rights, with Donna Hitchens (1990); Protecting the Lesbian Family in Our Right to Love, Vida, Ed, (1990); and Helping Gay and Lesbian Youth: New Policies, New Programs, New Practice, by Teresa Decrescenzo (editor), Roberta Achtenberg (contributor) (1994).

**News Stories - Link** 

## **Ronald Ellwood Albers**



Ron Albers was the first in his family to attend college. He did his undergraduate studies at Cornell University in New York where he graduated in 1971. He then attended the University of Wisconsin School of Law where he graduated in 1976. Ron moved to San Francisco and was admitted to the bar in California in 1977.

From 1977 to 1978, Ron was the director of the Juvenile Justice Research Project. He was a trial attorney with Legal Services for Children from 1978 to 1979.

From 1979 to 2001, Ron worked for San Francisco County Public Defender's office. He was the first openly gay lawyer to be hired by that office.

Ron was heavily involved with the National Lawyers Guild, especially its Anti-Sexism Committee. With his participation, in 1978 the committee published "A Gay Parents Legal Guide to Child Custody. The Advocate newspaper called it "a thorough, easily readable booklet."

On October 11, 1987, Ron and a group of gay and lesbian lawyers from around the nation participated as a contingent at a march in Washington D.C. to protest a decision of the United States Supreme Court upholding the constitutionality of Georgia's sodomy law. The day before the march, some of the attorneys held a meeting to discuss organizing the first lesbian and gay lawyers professional association. Ron suggested that the group have a follow-up meeting in San Francisco.

As Los Angeles attorney Bill Weinbrger recalled in a commentary he wrote for the Advocate in 2017: "At the suggestion of San Francisco attorney (and later, Superior Court Judge) Ron Albers, we met in San Francisco to plan our first conference and organize what was initially called the National Lesbian and Gay Law Association." Weinberger explained: "It was a beginning — the beginning of a lasting institution, now almost 30 years old, to support lesbian and gay, and later also bisexual and transgender, attorneys."

After years toiling as a public defender, Ron embarked on a judicial career. He stared as a commissioner in 2002, where he presided over the Drug Court and Proposition 36 Court, as well as hearing felony and misdemeanor cases.

Governor Arnold Schwarzenegger appointed Ron as a Superior Court judge in 2009. The Bay Area Reporter noted that Ron's swearing-in ceremony "coincided with his wedding anniversary; he is married to Colin Alexander, his partner of 34 years."

Ron was the first openly gay judge to be appointed by a Republican governor. He remained on the bench until he retired in 2017.

In a press release announcing Ron's retirement, presiding Judge Teri L. Jackson said: "Judge Albers' positivity and compassion for those who appeared before him is an inspiration to his colleagues on the San Francisco bench. He was deeply committed to stopping the revolving door for those who suffered from mental illness and substance abuse involved in the criminal justice system."

Speaking to the Bay Area Reporter, a LGBT newspaper in San Francisco, Public Defender Jeff Adachi praised Albers' service in the Public Defender's office: "Albers was a mentor to me when I was coming up in the public defender's office, and he was a role model for us in terms of providing excellent representation to his clients. As a judge, he helped pioneer the Community Justice Center and was a huge supporter of the collaborative courts. He also was a staunch defender of the constitutional rights of all of those who appeared before him, and was compassionate and patient with everyone. His absence on the bench will be deeply felt."

After his retirement, Ron did volunteer work at Cornell University. He assisted the Berry Career Institute by mentoring pre-law, first-generation, and LBGT students. Ron told the News Center at the University: "Mentoring students is a chance for me to connect with the Cornell student of today—what's important to them and to learn what they are doing. I was inspired by the intelligence and pride that I found within Cornell's LGBTQ students. I was particularly impressed with their involvement and leadership in the Student Senate."

The Bay Area Reporter had this to say about Ron Albers:

"He has long been an advocate for LGBT lawyers; in 1984 he was the founding co-chair of the National Lesbian Gay Law Association and in 1989 served as the national co-chair of the Lavender Law conference. Closer to home he helped found the Bay Area Lawyers for Individual Freedom, an LGBT legal group, and the AIDS Legal Referral Panel. He also was the first gay vice president of the State Bar of California."

#### References:

Gay SF Judge to Retire (2-8-17) Bay Area Reporter - <u>Link</u> Governor Appoints First Openly Gay Judge (6-1-2009) Bay Area Reporter - <u>Link</u> Organizing the '87 March (6-9-19) Advocate - <u>Link</u> Ron Albers '71 Assists Berry Career Center (4-2019) Cornell News Center - <u>Link</u>

## **Paul Albert**



After graduating from Stanford Law School, Paul Albert was admitted to the bar in California in 1972. In 1974, Paul represented the victim of a gay bashing in San Francisco. When the police refused to file charges, Paul initiated a civil action against the perpetrators. At a court trial in 1976, Paul won the case.

Paul represented an electronics technician in 1976 who had been denied a security clearance based on a lewd conduct charge. Paul convinced an administrative judge to recommend that issuance of a secret-level clearance was in

the national interest. The Department of Defense did not appeal. According to the Bay Area Reporter: "The case is believed to be the first instance in which a homosexual with a sex-related criminal record has been granted a secret security clearance."

In the 1980s, Paul focused his attention on legal services for people with AIDS. The National Lawyers Guild (Guild) is an association of over 10,000 progressive attorneys, law students, and legal workers with over 200 chapters throughout the nation. In 1985, Paul formed the National Lawyers Guild AIDS Network (NGLAN) to address the inadequate legal services many people with AIDS were experiencing at that time. Paul served as the project's director for five years.

Under Paul's leadership, NGLAN published a 112-page AIDS Practice Manual in 1986, a joint publication of the Guild and National Gay Rights Advocates. NLGAN called for AIDS work to be a priority in the Guild. At the 1993 convention, it was resolved that "each chapter must provide basic education on public health and policy issues surrounding the AIDS epidemic and develop a legislative action committee."

In the 1990s, Paul jumped into international advocacy to address human rights violations against LGBT people in other nations. The Bay Area Reporter published a story in 2006 explaining how pivotal Paul's work was to this issue:

"Amnesty International first began a task force to study the issue of LGBT prisoners of conscience in 1979, but until [Julie] Dorf provided the basis of human rights work its intentions lay dormant.

"Unlike mainstream rights groups organized by attorneys, Dorf and her small band of volunteer grassroots activists could dig into abuse research, corroborate facts, and through cooperation, advocacy, and coalition building, make connections with fledgling gay liberation movements, while agitating from the outside.

"Yet, the group lacked international legal knowledge, until, in 1992, former Gay Liberation Front member Paul Albert, an attorney, offered his assistance. He compiled education material on treaties, European and Inter-American Human Rights Court, and the United Nations' Human Rights Declaration.

"For LGBT people the U.N. is a powerful tool, more than activists realize,' said Dorf, who stepped down as IGLHRC's director and is today the Horizon Foundation's philanthropic services director. 'When the U.N. says that a country has to clean up its act on LGBT issues, that's incredibly powerful.'

"We knew [for example] it was wrong to arrest transsexuals off the streets of Bogota, but Paul helped us translate that into violation of freedom of association,' said Dorf. 'Paul helped us learn the tools of the trade.'

"That's the kind of consciousness Paul Albert helped frame in the early days,' said IGLHRC Executive Director Paula Ettelbrick."

In conferring an award on him in 2006, the International Gay and Lesbian Human Rights Commission said this about Paul Albert:

"Paul Albert has made lasting contributions to IGLHRC's work. Mr. Albert has been involved as a volunteer with IGLHRC since 1992, assisting Julie Dorf and other IGLHRC staff on international human rights law and policy. A lawyer by profession, Mr. Albert wrote the human rights training manual that has guided IGLHRC's work all these years. Mr. Albert had a private law practice with cases involving gay rights, gay bashing, the rights of gay men to a security clearance, as well as significant involvement with the San Francisco Nicaraguan community and especially, for several years before and after the revolution, with groups associated with the Sandinista National Liberation Front (FSLN). Mr. Albert published a law review article on the legality under international and U.S. law of the Reagan administration support for the repressive government of Guatemala (The Undermining of the Legal Standards for Human Rights Violations in United States Foreign Policy: The Case of Improvement in Guatemala, 14 Columbia Human Rights Law Review 231 (1983).) He was also the editor of the AIDS Practice Manual: A Legal & Educational Guide, National Lawyers Guild (three editions 1988-1993)."

## **Richard Douglas Angel**



Rick Angel was one of the founding members of the Gay Law Students Association in 1972. He graduated from Loyola Law School in Los Angeles and was admitted to the bar in California in 1974.

Rick and fellow gay law student Thomas F. Coleman, initiated an Arraignment Intervention Project which was operated by the Gay Community Services Center, a nonprofit social services organization that was founded in 1970. The Gay Law Students Association held its meetings at the Center.

The Arraignment Intervention Project was suggested by attorney Stephen Lachs, then the head of the public

defender's office in the arraignment division of the municipal court. Hundreds of gay and bisexual men were processed through the arraignment court each year after being arrested for soliciting or engaging in lewd conduct. Most of the men had been enticed or entrapped into these criminal violations by undercover vice officers.

The first issue the judge had to decide was whether to set bail or to release them on their own recognizance. In order to get an O.R. release, the public defender had to show evidence of the client's stability – residence, occupation, family relationships, etc. For some low-income men, chances for a release were better if they could be matched with a counselor at the Gay Community Services Center to help them stabilize their life.

Rick and Tom interviewed these men and gathered the necessary information which in turn was given to the public defender and on to the court. The students coordinated with Michael Miller, a young gay man who worked at the Center. As a result of this program, many of these defendants were released without posting bail, thus sparing them from having to disclose the arrest to their families, employers, or friends.

In reviewing police reports, Rick and Tom noticed there were no arrests for heterosexual lewd conduct. The police efforts were targeted only against homosexual activities.

This sparked an idea to initiate a larger study of arrests in all police precincts in the city to determine if the homosexual pattern was city wide. If a discriminatory pattern were documented, the motivation of bias would not be hard to prove since the chief of police and other police officials were constantly speaking publicly about homosexuals in a derogatory manner. Rick and Tom thought the data could be used in motions to dismiss

for discriminatory enforcement of the law. Fellow gay law student Barry Copilow worked with Tom Coleman to gather the necessary data, reviewing more than 600 police reports in lewd conduct cases throughout the city. That report was cited by the California Supreme Court in the landmark case of Pryor v. Municipal Court in 1979 – a decision that invalidated the solicitation portion of the law and created criteria for the lewd conduct portion that made it difficult for police and prosecutors to gain convictions.

After graduating from law school, Rick entered the practice of law. His focus was no longer on gay rights. Some years later he moved to Cambodia where he resides today.

Rick emailed Tom in 2012. Among other topics, he recalled his days at Loyola and his fond memories of the Gay Community Services Center as a place of refuge. He wrote:

"When I first got to Loyola Law School, I feel like I'm back in high school-totally repressive social atmosphere. You genuinely feel that confiding your sexual orientation to anyone would spell death to your future legal career. Thankfully I find that Loyola is within easy walking distance of this Gay Community Services Center located in a run-down old Victorian at Wilshire and Union. So that place becomes my spiritual sanctuary, and I spend countless afternoons between classes hanging out at the center hobb-knobbing with Morris Kight and Don Kilhefner, and just generally reveling in the whole gayness of the place. It kept me sane through my first months at Loyola.

"So one night studying in law school library, I feel especially frustrated. I find myself sitting in an end stall in the bathroom adjacent to the library. I take out a pen and carefully scrawl this accusatory slur direct at gay law students in the grouting between the wall tiles. I don't remember the exact words, but it was something to the effect that gay law students are a bunch of repressed, tight-assed closest cases. I do remember using the expression "closet cases." Remarkedly, some days later someone responds to my grafitti. It's another law student refuting my accusations and coming to the defense of his gay brethren. Soon there's this entire dialogue being conducted between the tiles of the bathroom wall, all ultimately culminating at our first rendezvous at that tacky gay bar on Highland, the name of which I have long forgotten. So think about it--the first Gay Law Students Association in the United States, at a Catholic University no less, can trace its origins to a bathroom wall."

References - Link

## Jack Baker



Jack Baker (born Richard John Baker) became a gay rights activist before the uprising at the Stonewall bar in New York City on June 28, 1969. A few months prior, Jack became the founding president of FREE (Fight Repression of Erotic Expression). The organization was approved by the University of Minnesota as a student organization in October 1969, making it the second gay student group in the nation to receive such recognition at a university. The first was the Columbia Queer Alliance which was recognized by Columbia University in 1967.

Although FREE was not a law student organization, some law students like Jack were members. At the time it was formed, Jack explained the need for such a group: "What we're trying to do is to counteract the 'gay bar' mentality and help those under 21 especially to meet people as human beings before they become hardened to life." When it was founded, the group had about 60 members.

Jack and his lover, Michael McConnell (born James Michael McConnell), applied for a marriage license on May 18, 1970. McConnell was a librarian at the university.

The story of the couple's quest for a marriage license is told quite well by Elisa Rolle at Live Journal:

"In 1970, Minnesota laws did not explicitly forbid granting a marriage license to a same-sex couple. On May 18, 1970, Baker and McConnell applied for a marriage license in Minneapolis. The clerk of the Hennepin County District Court, Gerald Nelson, said he had "no intention of issuing a marriage license". He then denied the request on the sole ground that the two were of the same sex.

Baker and McConnell filed suit in district court to force Nelson to issue a license. Legislator Allan Spear, a University of Minnesota professor, called them 'the lunatic fringe." A trial court dismissed the couple's claims and ordered the clerk not to issue it.

They appealed the district court's decision to the Minnesota Supreme Court. In a brief opinion issued on October 15, 1971, the state's highest court affirmed the trial court's dismissal. Its opinion said that: 'The institution of marriage as a union of man and woman, uniquely involving the procreation or rearing of children within a family, is as old as the book of Genesis.'

Chief Justice Robert J. Sheran, and all Associate Justices, concurred.

The Minnesota Civil Liberties Union filed an appeal in the U.S. Supreme Court, which dismissed the case unanimously on October 10, 1972, issuing a one-sentence decision: 'The appeal is dismissed for want of a substantial federal question.'

Not content to be compartmentalized in a gay student group, Jack set his sights on being elected president of the Minnesota Student Association. MSA is the student government at University of Minnesota-Twin Cities campus. The theme of Jack's campaign was "PUT YOURSELF – in – JACK BAKER'S SHOES!" His campaign poster showed Jack in women's high heal shoes. Jack was elected president of the MSA in 1971.

The Advocate Newspaper ran a story that year about Jack's speech at the commencement ceremonies where to spoke to 10,000 graduating students and their families and friends.

"Give some thought to some of my friends who will come after you. Give them the same chance to utilize their talents that each of you will receive." Jack named a Black, a Chicano, and a woman – all friends of his who are encountering discrimination that ignores their personal capabilities. "Myself, well, I chose to live a same-sex life-style. Some of your parents believe that, unless you produce children, you are not entitled to the same decent amenities as they are. And somehow the name of God is used to justify their intolerance and bigotry. But the times, and society's attitudes are changing. Use the tools of knowledge and maturity you have won to make a better life for those who come after you. We are expecting great things from you."



According to Wikipedia's *Timeline of Same-Sex Marriage*, Baker and McConnell re-applied in another county before the appeals from the first application were rejected by the appellate courts. The couple received a license and were married by a minister. Assistant Chief Judge Gregory Anderson ruled the marriage to be valid. As a result, the IRS recognized the marriage and allowed them to share Social Security benefits. The couple are still married today. (Photo: Baker (left) and McConnell)

**News Articles – Link** 

## **Robert Sonkin Blaustein**



Bob Blaustein attended the University of California at Berkeley from 1967 to 1971 when he received a Bachelor's Degree in Dramatic Arts. He entered Loyola Law School in Los Angeles in the fall of 1972 – a few months after the Gay Law Students Association was originally created. Bob graduated three years later and was admitted to the bar in California in 1976.

Bob became director of the Arraignment Intervention Project in the fall of 1973. The project was initiated in 1972 by Loyola law students Rick Angel and Tom

Coleman and was operated in cooperation with the Gay Community Services Center, a nonprofit social services organization that was founded in 1970.

The project had been suggested by attorney Stephen Lachs, then the head of the public defender's office in the arraignment division of the municipal court. Hundreds of gay and bisexual men were processed through the arraignment court each year after being arrested for soliciting or engaging in lewd conduct. Most of the men had been enticed or entrapped into these criminal violations by undercover vice officers.

The first issue the judge had to decide was whether to set bail or to release them on their own recognizance. In order to get an O.R. release, the public defender had to show evidence of the client's stability – residence, occupation, family relationships, etc. For some low-income men, chances for a release were better if they could be matched with a counselor at the Gay Community Services Center to help them stabilize their life.

Rick and Tom, and then later Bob, would interview these men and gather the necessary information which in turn would be given to the public defender and then passed on to the court. The students coordinated their efforts with an employee at the Center. As a result of this program, many of these defendants were released without posting bail, thus sparing them from having to disclose the arrest to their families, employers, or friends.

Bob was interviewed for a television show about his role with the project. The program – Takes All Kinds – was filmed at the Gay Community Services Center. It aired on December 13, 1973. According to the Advocate newspaper, "the show deals with the idea that everybody in Los Angeles is part of a minority of some kind" and tries to take the audience beyond stereotypes. This segment focused on six gay men: Blaustein (a gay law student); Rand Schrader (a law graduate soon to become an openly gay lawyer); Bill Sheen (a landscape architect); Paul Mathison (an artist); Richie Fields (a Black man who

had just completed a two-year term in the military); and Dr. Ben Teller (the medical director at the Center who had recently been given residency at a major hospital as an openly gay person).

In 1974, the Arraignment Intervention Project expanded into a Prison, Probation, and Parole Program. Bob was the director of the program. In that capacity, Bob was a speaker during Gay Awareness Week at UCLA in May 1974.

Also in 1974, the Loyola Chapter of the Gay Law Student Association in cooperation with the Women's Union sponsored a forum at the school on sex law reform and sexual civil liberties. The program featured Walter Barnett, a visiting professor at Hastings College of Law. Barnett was considered to be one of the leading experts in the country in the area of the constitutionality of sex laws that were currently on the books.

Bob eventually moved to the East Coast where he obtained a Master of Laws degree in taxation at New York University School of Law in 1982. He was admitted to the bar in New York in 1985.

From 1988 to 2001, Bob was a partner in the lawfirm of Ross and Hardies where he handled a wide range of legal issues, including: business transactions; estate planning; tax planning, compliance and litigation; corporate law; and probate.

Bob currently lives in New York where he has his own firm. His Linkedin page says that he is "advising businesses on corporate and other business structures such as limited liability companies, partnerships and joint ventures; structuring commercial and real estate transactions; buying and selling businesses; estate planning and probate; tax planning and compliance; legal issues pertaining to the LGBT community."

**News Stories – Link** 

## Steven M. Block



Steven Block grew up in Seattle, Washington. He attended the University of California at Berkeley where he was vice-president of the student body. He graduated Phi Beta Kappa in 1973. Steven then attended Stanford Law School from which he obtained a law degree and graduated Order of the Coif in 1976.

Steven was one of 17 members of the Class of 76 who accepted judicial clerkships for the coming year. He clerked for Chief Judge Robert F. Peckman until 1977 when he was hired by the San Francisco lawfirm of Heller, Ehrman.

From 1977 until he moved to Minnesota a few years later, Steven sometimes represented clients as a cooperating attorney for Gay Right Advocates. He also found time to teach at Boalt Hall as an adjunct professor. Steven also did pro bono litigation for the American Civil Liberties Union.

After leaving San Francisco, Steven became a law professor for a short time at the University of Minnesota. He died of AIDS on October 21, 1984 – just short of his 34<sup>th</sup> birthday. As a person and as a professor, Steven made a lasting impression on his colleagues and students. The University of Minnesota Law Review published a tribute to him in 1985. These are excerpts from what the Gay and Lesbian Law Students said.

"Each of us knew Steve on a different level; some knew him as a friend, some knew him as a teacher. Regardless of how we knew him, each of us has felt his death as a personal loss. . . He was a friend, a spokesperson, and an advocate. Steve was proud to be a gay man. . . . We, as lesbian and gay law students, are afraid. Steve's presence in this school allowed us to feel safe about being open and allowed us to believe that we could be openly lesbian and gay and successfully function in the legal community."

Steven was a founding member of Bay Area Lawyers for Individual Freedom. The University of Minnesota Law School annually since his death has awarded the Steven M. Block award for the "[m]ost outstanding paper or article by a graduating student in the area of civil rights and/or civil liberties."

#### References

- 1. "Clerkships Announced," Stanford Lawyer (Fall 1976) (link)
- 2. "Steven Block," University of Minnesota law Review," (1985) (link)

## **Robert Brosius**

The Mattachine Society of the Niagra Frontier (MSNF) was formed in 1970, about the time that Bob Brosius had enrolled in law school at the University of Buffalo. By 1972, Bob was the legal committee chairman of the organization.

The charter of MSNF called for "re-affirmation of individual pride and dignity; elimination of stigma attached to human self-expression; effective changes of unjust laws concerning one's individuality and relationships among consenting individuals; promotion of better physical, mental, and emotional health; creation of a sense of Gay community; and a constructive outlet for members and friends."

The Internal Revenue Service denied MSNF tax-exempt status on May 24, 1972. The Advocate newspaper reported that on June 15, Bob went to Washington D.C. to meet with a representative, hoping to change his mind. The IRS would not budge. The news story added:

"Per IRS's usual policy, no reasons were given either on May 24 or in their Oct. 26 affirmation of that ruling, as to why Mattachine does not qualify, or in what way its application is deficient. Apparently at this point, no administrative appeal is open. MSNF does plan to take court action, and American Civil Liberties Union attorney William H. Gardner is considering what possible tines of attack are open. 'In effect,' said Brosius, 'IRS has used its discretionary power to tell us that we can't have the same benefits to the law as other organizations, and they won't say on what basis they are exerting their discretion."

Earlier that year, the Advocate reported how Bob made the issue of gay rights the highlight of a forum at which Congresswoman Shirley Chisholm was the keynote speaker. Chisholm had a high profile since she was the first black woman to run for President of the United States. In response to Bob's question of whether she supported equal rights for homosexuals, many in the 1,000-person audience laughed. Chisholm cut them off, stating: "This is no laughing matter. America has many sexual hangups, including irrational reactions to homosexuality. Homosexuals are individuals. They're human beings and entitled to their rights." She added: "Stop labeling people. This has been the basis of black oppression."

On September 28, 1972, the constitution of a Gay Law Students group was formed by students at the State University of New York at Buffalo. It was approved by the Student Bar Association on October 6. Bob Brosius became chairman of the new organization.

Gay Sunshine, a newspaper in the Buffalo community at the time, reported that Bob and his band of gay law student activists had an ambitious agenda.

"The organization grew out of a felt need to raise the consciousness of both gay and non-gay law students. GLS chairman, Bob Brosius, stated that the organization also plans to work together with other organizations for reforms in city, state and federal laws and administrative services. Clinical services will be offered to the gay community as soon as programs can be developed. Current efforts will be focused on a civil rights amendment to the Buffalo City Charter and prisoners' rights in New York state prisons.

"GLS has established liaison with the Gay Law Students Association of Glendale, California, which includes law students from U.C.L.A., U.S.C., Loyola University, Southwestern Univ., Univ. of San Diego and the University of San Francisco. The Buffalo group will also seek cooperation from students at the other ten law schools in New York State, as well as from the American Bar Association's law student division. GLS will be a member of the New York State Coalition of Gay Organizations and will work closely with the Mattachine Society of the Niagara Frontier."

Bob made good on the promise to work with the coalition. He attended its annual meeting in December 1972.

No news accounts or other information about Bob after 1973 could be found online. Whether he became a lawyer or continued his gay rights advocacy after he graduated from law school is unknown.

**News Stories – Link** 

## Barbara S. Bryant



Barbara Bryant spent much of her young adult life in college. She attended the University of California at Berkeley, receiving her undergraduate degree in 1970. She then moved to Sacramento where she obtained a master's degree in social work at California State University. Next she attended Golden Gate University School of Law from 1977 to 1980. She was admitted to the California bar in 1980.

Barbara described her life in the 1970s and beyond in an essay published as part of an LGBT legal anthology in 2015. (Out and About: The LGBT Experience in the Legal Profession (ABA - 2015)) The following are excerpts from that essay.

"In 1977, I decided to become a lawyer as my way of advancing the rights of women and the lesbian/gay community. I had spent most of the 1970s out of the closet as a feminist political activist in both the Women's and Gay Liberation Movements. It was a natural trajectory for me to extend these activities into law school, and by 1977, there were a number of ways for me to do so, thanks to those who had come before me in the legal profession who had written articles, created courses, and started organizations and law centers advancing women's and lesbian/gay rights. Many of these pioneers were located in the San Francisco Bay Area where I lived.

"I attended Golden Gate University School of Law in San Francisco, which at the time was the most women-/gay-friendly law school in the region. I immediately joined its women's organization and Lesbians in Law chapter. During my time there, the dean and associate dean were women, several of my law professors were women, and there was the Women's Forum law review, for which I was a writer and then editor. With a few exceptions, the professors with whom I interacted were either actively supportive of or at least not hostile toward women's and gay issues.

"My experiences at Golden Gate were pivotal for success in my legal career—in personally supporting who I was as a feminist and lesbian, nurturing me academically as I honed my political voice in this new legal environment, and in providing me important contacts in the legal profession who also supported me and helped advance my career. Also, I was greatly bolstered by

such groups as Equal Rights Advocates and the Lesbian Rights Project (now National Center for Lesbian Rights) in my decisions to be out in my professional life and regularly speak about women's and LGBT rights, including interrelated social justice issues such as race and class.

"I have enjoyed a rewarding and meaningful career these last 30+ years, including as a federal court law clerk; litigator of individual and classaction cases of employment, harassment, and discrimination issues; ADR neutral as a mediator, workplace investigator, and discovery referee; member of numerous legal boards and committees, including Vice President of California Women Lawyers and Board Member of the Alameda County Bar Association; and law professor teaching sexual harassment law at the University of California, Berkeley School of Law (Boalt Hall).

"For most of my legal career, I represented clients who had been discriminated against, including on the basis of their sexual orientation or gender nonconformity. Through these cases, and the often cruel and damaging conduct my clients had experienced, I was continually reminded of the prejudice still directed at LGBT people, and the deep pain such attitudes and prejudice could cause. While my heart often broke at their pain, I also rejoiced when I could help them stand up to discrimination, perhaps educate the other side along the way, and find what vindication was possible through the legal system.

"In reflecting on my legal professional life from the 1970s to now, my overall experience is of awe and gratitude for how dramatically attitudes have changed toward LGBT people and their issues—both within and beyond the legal profession. This awareness, however, is tempered by a sadness for how long it has taken for these incremental changes to occur, and how many people have been harmed along the way solely for loving someone of the same sex and/or challenging imposed gender roles. I still experience daily the need for further progress, particularly in the areas of marriage and parenting rights for all, as well as full acceptance of gender nonconformity."

Barbara passed away peacefully in February 2022 after what her obituary described as a "courageous journey with Alzheimer's." Barbara is survived by her life partner and spouse of 30 years, Elizabeth M. Williams.

#### Patricia Cain



Patricia Cain received her undergraduate degree at Vassar College in 1968. She graduated magna cum laude from law school at the University of Georgia in 1973.

Once she had her law degree, Patricia practiced law in Montgomery, Alabama for two years. She then joined the faculty at the University of Texas School of Law, teaching there from 1974 to 1991. Her home base shifted to Iowa where she joined the faculty at the University of Iowa School of law: law professor in 1991; Aliber Family Chair in Law in 2001; associate dean of academic affairs from

1996 to 1999; associate dean of admissions from 2001 t 2003; interim provost from 2003 to 2004; and vice provost in 2004. She has been a faculty member at Santa Clara University School of Law since 2007.

Patricia's teaching and publications focused on taxation, wills and estates, property, nonprofit organizations, feminist legal theory, and LGBT legal issues.

Patricia served on the board of directors of Lambda Legal Defense and Education Fund from 1985 to 1992. She was a president of the Society of American Law Teachers. She also was a member of the prestigious American Law Institute.

Patricia once explained how she gradually "came out" as a lesbian in academic circles. The formation of the Section on Lesbian and Gay Legal Issues of the American Association of Law Schools was the tipping point for her to become more public.

"I joined the University of Texas faculty in 1974. When I interviewed at UT, my girlfriend at the time was there with me. She didn't join me with the faculty for social events, neither during the interview nor during my first few months on the faculty. They thought she was just a friend. True, I had never said to my colleagues: 'I am a lesbian.' But anyone with any sense should have been able to figure it out. I lived with the same woman for my first four years at UT, and she became a Texas law student. We hosted parties together, and eventually attended all social events as a couple. Nevertheless, it took some of my male colleagues more than a year to figure it out. (I'm told that their wives figured it out sooner.)

"So I thought to myself, well, I don't have a problem with being out. But then I thought further. Joining the leadership team of a national LGBT organization would be a more public statement about being out than I had ever made before. And being a sensible person (at least ten percent of the time), I thought I should inquire about who the other initial executive committee members would be. Were they flakes or serious people?

"Before I told my Dean that I was doing this, I thought I should know more about the group I was about to associate with. Of course, I have and always have had the greatest respect for Rhonda Rivera. But who were the others? And at that moment, Jean Love entered the room. And Rhonda grabbed her arm and said: "Well, Jean Love is one of them." Without a moment's hesitation, I said 'In that case, I'll do it."

An article in a gay newspaper explained how unusual it was for a law school in Iowa to have two lesbian law professors in a romantic relationship serve on the faculty together.

"Two women in a relationship have been taken on together as law professors at an American university. Professors Patricia Cain and Jean Love are open about their sexuality. Previously, the pair had been visiting professors to the faculty. 'We proceeded very conventionally to treat them as candidates in their own right,' said the University of lowa's Dean of the College of Law. You don't usually have access to senior women with that degree of experience and national prominence. It was an extraordinary opportunity for us."

Patricia's biography on the website of Santa Clara School of Law says this about some of her scholarly publications.

"She is the co-author, with Professor Arthur S. Leonard, of one of the leading casebooks for Sexuality and the Law courses, Sexuality Law, 3rd edition (2019). She is also the author of Rainbow Rights, The Role of Lawyers and Courts in the Lesbian and Gay Civil Rights Movement (2000) and has recently edited a pivotal book on early women law professors, originally authored by the late Herma Hill Kay and titled, Paving the Way: The First American Women Law Professors (2021)."

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### **Andrew Chirls**



Andrew Chirls became passionate about gay rights while he was a law student at Boalt Hall in Berkeley. He entered law school in 1978 and graduated in 1981. It was in law school that Andrew met fellow law student Larry Frankel. After graduating, the two moved to the East Coast and have been life partners ever since.

Andrew was a clerk for the U.S. District Court in New Jersey in 1982 after which he joined a private law firm where he spent more than two decades litigating class action

major tort cases and engaging in business litigation.

His listing in Martindale explains that Andrew was elected Chancellor of the Philadelphia Bar Association in 2005. He was chairman of the Philadelphia Commission on Human Relations, president of Philadelphia-based BalletX, and a long-standing board member of the Lambda Legal Defense and Education Fund. He now serves on the American Law Institute and Academy of Court Appointed Masters.

The Philadelphia Jewish Voice published an article in 2006 focused on a Social Justice Award presented to Andrew Chirls and Larry Frankel. Frankel was the legislative director of the ACLU in Pennsylvania for many years.

The article said: "In every aspect of his legal career, Andrew Chirls has demonstrated his determination to use the law and the justice system to reach across language and other barriers, thereby empowering those who are marginalized in society." It added:

"Andrew also has considerable experience in age and gender discrimination claims and successfully tried, for the plaintiff, the first case presented to a Pennsylvania jury for discrimination based on AIDS/HIV status. During his term as Chancellor, Andrew championed outreach to immigrant and non-English-speaking communities."

Pennsylvania Super Lawyers Magazine noted that while Andrew was obtaining his law degree at the Boalt Hall School of Law at the University of California in Berkeley in the late 1970s, he was an advocate in several gay rights issues. The article added:

"Andrew Chirls never wanted to be known as a gay lawyer. He sees himself as a lawyer who just happens to be gay. But like it or not, as the newly installed chancellor of the Philadelphia Bar Association, he is one of the most visible leaders of the gay community. And he isn't shirking the responsibility.

"The 49-year-old partner at Wolf, Block, Schorr and Solis-Cohen was appointed to the position in January. It was a groundbreaking event for the gay community. 'Not only was it a first for the Philadelphia Bar, it was a first for any bar association in America,' he says, emphasizing that he is the first openly gay man elected bar association leader.

"Chirls realizes that during his one-year term he will be regarded primarily as 'the gay lawyer.' But he refuses to let this define his priorities. He has a number of goals on his agenda — among them, improving access to the courts for immigrants, strengthening the bar's international outlook and obtaining more resources for the legal system.

"In 1989, he became the first openly gay member of the Philadelphia Commission on Human Relations, an agency that adjudicates discrimination claims and arbitrates racial disputes. In 1997, he helped establish the Philadelphia Bar Association's Committee on the Legal Rights of Lesbians and Gay Men. Chirls also played a large part in getting Philadelphia's 25 largest law firms to endorse a nondiscrimination policy that includes sexual minorities."

Andrew was the first lawyer to represent a plaintiff in an AIDS/HIV discrimination case before a jury in the Commonwealth of Pennsylvania. The Super Lawyer article explains:

"Chirls represented the mother of a young man who died of AIDS in 1984. The mother of the deceased asked the funeral director if he would perform a funeral for someone who had died of AIDS. The funeral director agreed but told the mother that the law required the casket be closed. This wasn't true. Furthermore, during the ceremony, she learned that the casket was actually empty and her son's body was in another casket outside the funeral home. The director didn't want to bring an HIV-infected body into the facility. The case was tried in 1989, and the jury awarded the mother \$75,000 in compensatory damages for emotional distress and \$100,000 in punitive damages due to breach of promise. As Chirls says, 'You only get one funeral, and the family has a right to expect that it will be done right and according to the announced plan."

Larry Frankel and Andrew A. Chirls affirmed their life partnership in 2003 at the home of their friends Daniel and Kate Small. Judge Benjamin Lerner of the Pennsylvania Court of Common Pleas in Philadelphia performed the commitment ceremony.

#### Thomas F. Coleman



Thomas F. Coleman attended Detroit College of Law for his first year of law school in 1969-1970. He transferred to Loyola Law School in Los Angeles in January 1971 for one semester but went back to Detroit that summer to earn money to pay for his next semester. When Coleman returned to Loyola in January 1972, little did he know that his emergence as a gay law student activist was imminent.

The story of how the first gay law student association in the nation was formed was told by historian David Reichard in an article he wrote in 2010. ("These Classes Are Relevant to Gay Rights: California Law Students and Gay Liberation in the

1970s," David A. Reichard, California State University Monterey Bay (2010))

"When Tom Coleman left his home state of Michigan to attend Loyola Law School in the fall of 1971, he was ready to tap into the 'fertile ground' of Los Angeles, a place he had visited in 1970 and found appealing on a number of levels, including the promise of political activism. At first, he kept to himself, going to school and doing his work. 'I wasn't openly gay at school. I felt alienated,' Coleman noted in a 1975 interview. Leaving Loyola for a year due to financial reasons, Coleman returned in January of 1972, but did 'not do anything gay' for fear of losing his scholarship at a Catholic institution. That all changed when he saw a notice on a bulletin board at the law school advertising a gay law student gathering at a local bar. At first, he thought it was a joke, or even a trap, so he did not attend this organizing meeting. Yet, determined to find other gay law students like him, Coleman went the next week, meeting a half a dozen other gay men attending a variety of Los Angeles area law schools, including Loyola, UCLA, USC, Southwestern, and Pepperdine. Coleman, who later described his first meeting with his gay law student peers as 'thrilling' and 'exciting,' was not so isolated any more, and poured himself into the organization and making a difference in the local community. The group began to meet weekly, eventually choosing to do so at the Gay Community Services Center in Los Angeles. They now 'began thinking about some purpose, some matters of mutual concern we should be occupying ourselves with."

The student group had a gay public defender as its mentor. Stephen Lachs met with the students periodically and helped them launch an Arraignment Intervention Project to assist gay men who had been entrapped and arrested by the police. Coleman and Rick Angel worked with a volunteer at the Center to help those who had been arrested gain release from custody and obtain any social services they might need. In 1979, Lachs would become the first openly gay judge in the United States.

The student group issued a press release that summer to let the world know of its existence, to attract more members, and to stimulate law students at other schools to organize on their campuses. Sure enough, in the fall of 1972 gay law student associations were emerging in other parts of the nation.

In August 1972, the Los Angeles Police Department raided a gay bar known as the Black Pipe. Twenty-two men were arrested for soliciting or engaging in "lewd conduct." However, instead of plea bargaining like almost all the defendants in these cases did, 21 of the men fought back as a group. With legal research provided by Coleman and fellow student Barry Copilow, attorneys challenged the constitutionality of the law. Coleman and Copilow also provided data from hundreds of arrest records showing that the law was being enforced against gay men but not straight men. Some called the case the "Stonewall of the West Coast." The cases against all 21 were dismissed. The report was cited by the California Supreme Court in a 1979 decision declaring this law unconstitutional.

After he graduated and was admitted to the bar, Coleman opened up his own law practice. Part of his time was devoted to criminal defense while the bulk of his advocacy focused on justice and equal rights for the lesbian and gay community. But his approach was much broader. He focused on sexual civil liberties for everyone regardless of sexual orientation. He was in the forefront of a movement for domestic partner rights and benefits for unmarried couples and for the use of a broad and inclusive definition of "family" in public policy and private benefits programs. He worked with others to address the problem of hate crimes — not just against gays and lesbians, but against racial, ethnic and religious minorities. As years progressed, his time and attention were drawn to the abuse of teenagers. He also lent his skills to address the problem of abuse of people with disabilities. Eventually, Coleman would become a national leader for conservatorship and guardianship reform.

At the University of Southern California School of Law, Coleman taught the first law school class in the nation on Rights of Domestic Partners. He won major civil liberties victories in the California Supreme Court and the United States Supreme Court. Coleman introduced the public to "singles' rights" by generating media attention to the problem of martial status discrimination against millions of single individuals and unmarried couples.

His activism as a gay law student in 1972 has turned into five decades of advocacy for a variety of worthy causes and disadvantaged populations.



Thomas F. Coleman was born in Detroit in 1948 and raised in Ferndale, Michigan – a suburb where he attended Catholic schools until he graduated from high school in 1966. He is the second oldest of nine children. Coleman married Michael A. Vasquez in international waters in 1981. They were legally married in 2008 in Palm Springs which is where they live today.

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### Thomas J. Coleman Jr.



Thomas J. Coleman Jr. attended law school at Tulane University in New Orleans where he graduated in 1980. He started practicing law in Louisiana but moved to Texas the following year.

Tom became active in the Houston Gay Political Caucus (HGPC) in 1982 and was Vice-President of that organization in 1985. He was President of the Texas Human Rights Foundation (THRF) from 1983 to 1985 and was its full time Executive Director from 1985 to 1986. THRF is a non-profit public litigating foundation chartered to fight legally sanctioned discrimination against gay men and lesbians.

Part of Tom's work with these organizations dealt with anti-gay violence in Texas and particularly in Houston. He also had a personal experience with violence motivated by homophobia. At the Gay Pride Rally in Houston in 1986, Tom was verbally assaulted by a group of young gay bashers while parking his car. Later, upon leaving the Rally, he discovered that the tires of his car had been slashed – apparently by the gay bashers.

Testifying at a hearing in the United States House of Representatives in 1986 about the need for federal legislation to combat anti-gay violence, Tom told members of the committee:

"There is no question in my mind, based upon my personal experience as well as numerous reports of anti-gay violence I have taken at HGPC and THRF, that this problem is serious and one that needs to be addressed at the federal level. Moreover, it is a problem that is increasing in severity. I am sure that you already know, Mr. Chairman, that any group that suffers from irrational prejudice, which then seeks to redress this injury, will endure the sort of reactionary backlash that the Rev. Martin Luther King called 'redemptive suffering."

Tom wrote amicus curiae briefs and law review articles during his time at the Texas Human Rights Foundation. He filed a brief in *Gay Student Services v. Texas A&M University* 737 F.2d 1317 (5<sup>th</sup> Cir. 1984) challenging the university's refusal to recognize a gay student organization. He wrote an article in 1986 titled "Disordered Liberty: Judicial Restrictions on the Rights to Privacy and Equality in *Bowers v. Hardwick* and *Baker v. Wade*," 12 Thurgood Masgall Law Review 81, 101.

In 1986, Houston was one of several cities trying to convince the Democratic National Party to hold its next convention there. In response to an advertising campaign by the Host Committee portraying Houston as a "progressive city," Tom and a group of gay activists formed a Committee for Democratic Awareness. They reminded the Host Committee that discrimination and homophobia was rampant in Houston. They demanded that a gay representative serve on the Host Committee and that the committee adopt a statement of nondiscrimination. Those and other demands were met.

Tom then moved to Los Angeles where from 1986 to 1990 he was a legal director of the Los Angeles Gay and Lesbian Community Services Center. In that capacity, he was responsible for providing legal counseling and referrals for those in need, including victims of discrimination and police misconduct and discrimination.

As the center's legal director, as vice president of the Lesbian-Gay Rights Chapter of the American Civil Liberties Union of Southern California, and as board member of the Gay and Lesbian Alliance Against Defamation in Los Angeles, in 1989 Tom prepared a report on the issues between the lesbian and gay community and the Los Angeles County Sheriff's Department.

After leaving his job at the Center, Tom worked for a while in the law office of Leroy Walker – a firm that specialized in sexual orientation and AIDS discrimination in employment. After that, Tom was hired as associate counsel for legal services for the Writers Guild of America.

Tom had no fear of taking a public stand on an issue. In 1991, he wrote a letter to the editor of the Los Angeles Times where he criticized the city council for doing little or nothing about anti-gay bias by the Police Department against applicants and employees.

#### References

"Anti-Gay Violence," Hearing Before the Subcommittee on Criminal Justice, October 9, 1986 – Link

"Gender Bias in Law Enforcement," Hearing Before the California Senate Judiciary Committee, November 6, 1991 – <u>Link</u>

### **Matthew Albert Coles**



Matt Coles received his undergraduate degree from Yale, graduating cum laude, in 1973. He enrolled in Hastings College of Law in 1974 and graduated three years later. Matt was admitted to the bar in California in 1977.

Here are some excerpts from an article written by James Esseks in 2016 when Matt retired from his position as executive director of the ACLU's LGBT and HIV Project and James assumed the position.

"Matt hadn't yet finished law school when he drafted the first proposal for a sexual orientation nondiscrimination ordinance in San Francisco, as a legal advisor to the legendary Harvey Milk. He went on to draft many of the nondiscrimination ordinances throughout California and in other parts of the country, laws that became models for protections at the state and federal level.

"After law school, Matt hung out a shingle on Castro Street in San Francisco, opening a law practice focused on LGBT individuals, couples, and businesses. At the same time, he worked together with friends to start Gay Rights Advocates, the first public interest law firm devoted to gay rights in the West.

"Matt was also an early advocate for recognition of same-sex relationships. The term 'domestic partnership' is now familiar to all of us. But neither the term nor the concept existed until 1981, and Matt was part of the group that coined the term and pushed for the first registry in San Francisco.

"The 1980s were tragically difficult years for the LGBT community because of the AIDS epidemic. Much of Matt's law practice focused on serving the legal needs of people living with HIV. He invented documents to try to ensure that lovers could visit their partners in the hospital. That seems like an easy thing today, but in the early 1980s it involved countless fights with hospital officials, other family members, and judges.

"In 1987, Matt joined the ACLU of Northern California as its first gay rights lawyer. While there, he continued his work on HIV, litigating a groundbreaking case challenging the inadequate medical treatment of state

prisoners with HIV. He also helped ballot campaigners fight off initiatives calling for the quarantining of people living with HIV."

Danielle Riendeau of the ACLU of Northern California wrote this about Matt in 2012.

"Matt has built an impressive career out of opposing discrimination and fighting difficult battles – he served as counsel in the ACLU/Lambda challenge to the military's anti-gay "Don't Ask, Don't Tell" policy, on the case that led to our first win in the U.S. Supreme Court, the challenge to Colorado's anti-gay amendment 2, and on several challenges to Florida's ban on adoption by gay people. He has figuratively - and literally - written the book on how to win LGBT Civil Rights: read *Try This At Home* for a few tips and tricks. When it comes to slaying dragons for the community, Matt is a genuine hero."

Matt's biography on the UC Hastings Law website where he is a professor of practice is impressive. It noted that Matt "was the primary drafter of *Winning Marriage*, the LGBT movement's 2005 strategic plan for winning the fight for marriage for same-sex couples." It also mentions that he wrote the nation's first domestic partnership laws (in San Francisco and Berkeley).

Among the court cases for which Matt was either counsel or record or filed an amicus curiae brief were 28 cases involving LGBT equality or privacy, three of which were in the United States Supreme Court. There were also three cases on voting rights, two on affirmative action, and three on freedom of expression.

In addition to his litigating skills, Matt's scholarship is evident from the many law review articles he wrote over the years in the Hamline Journal of Law and Public Policy, Ohio State Law Journal, Stanford Law and Policy Review, Berkeley Journal of Gender Law and Justice, New York University Review of Law and Social Change, and Hastings Law Journal.

Matt remains on the faculty at Hastings, teaching constitutional law; civil procedure; Sexuality, Gender and Law; and Elections, the Law of Democracy.

#### References

UC Hastings Law, Biography of Matt Coles – <u>Link</u>
Saying Goodbye to One of the Most Unsung Heroes of the LGBT Movement – <u>Link</u>
Meet the Man Who Kept the Rainbow Flag Free – <u>Link</u>

# **Barry Copilow**



In June 1972, an announcement appeared in Vector Magazine: "Dateline: California. Gay law students are organizing. They meet at 9:30 pm, every Wednesday at the Gay Community Center in Los Angeles - 1614 Wilshire Blvd. Interested parties, anywhere in California, contact Barry Copilow at 213-664-8356 (Los Angeles)."

The contact person, Barry Copilow, was a law student at the University of Southern California. Earlier that year, Barry joined with law students from Southwestern, Loyola, UCLA (Rand Schrader) and other schools in Southern California to form the first gay law student association in the nation.

While some of the members used the new group for socialization with other gay law students, Barry, Tom, and Rick saw it as a tool to energize their desire for gay rights advocacy. Rick and Tom created an Arraignment Intervention Project to help gay men who had been arrested by vice cops and were being processed through the criminal court. Barry and Tom worked together on other aspects of criminal defense.

They developed what is procedurally called a "demurrer" to challenge the constitutionality of Penal Code Section 647(a) which made it a crime to solicit or engage in lewd or dissolute conduct. Barry and Tom felt like they struck gold when they discovered a 78-page ruling in 1972 where a judge in the District of Columbia had declared a similar law in that jurisdiction to be unconstitutional. The law students handed lawyers in the "Black Pipe 21" case a legal brief on a silver platter so they could throw a monkey wrench into the criminal process in the Municipal Court.

The case bore that name because it involved 21 men who had been arrested at the Black Pipe gay bar in Hollywood at a private party raising funds for a legal services program operated by a gay organization known as HELP. Instead of plea bargaining like most Section 647(a) defendants did – for fear of the repercussions of being found guilty – the men fought back as a group. A team of lawyers offered to defend them. But the lawyers knew nothing about how to level a constitutional challenge to the law itself and to the court's jurisdiction over these men. Barry and Tom gave them the brief and coached the lawyers on how to argue the legal issues of due process and freedom of speech.

Barry and Tom also decided to gather statistical data to show that Section 647(a) was being enforced in a discriminatory manner. From anecdotal evidence developed by Rick and Tom with the arraignment project, it appeared that only homosexual conduct

involving men was targeted by the police. Virtually no one was ever arrested for noncommercial heterosexual conduct between a man and a woman. But this was anecdotal evidence. More was needed to prove discriminatory enforcement. So Barry and Tom spent weeks reviewing court records in more than 600 lewd conduct cases to see if there was a pattern and practice of discriminatory enforcement. The end product was a major report showing such discrimination. That report was later cited by the California Supreme Court in a landmark ruling in *Pryor v. Municipal Court* in 1979 where the court declared Section 647(a) unconstitutional. The court found that the vagueness of the statute that Barry and Tom challenged years earlier allowed the police to enforce the statute in a discriminatory manner – something that Barry and Tom proved by their research of the court records.

When the ACLU of Southern California formed a Committee on the Rights of Homosexuals in 1973, Barry was appointed to the panel.

Barry graduated from USC in June 1973. After graduation, Barry acted as legal director at the Gay Community Services Center in Los Angeles. He provided direct counseling as well as operating a lawyer referral program.

Once he got his law license, Barry started his own practice, the majority of which involved criminal defense services. One major criminal case involved a mock "slave auction" in which the leather community raised funds for charity. The event occurred at the Mark IV bathhouse. Seizing on an opportunity to harass homosexuals, the local police raided the event and arrested 20 men for felony slavery charges, even though this was a pretend event. To be released from custody on bail, a slavery charge required a non-refundable cash payment of \$2,000 per defendant to secure a \$20,000 bail bond. None of the men had this type of money available. Barry, Tom, and attorney Al Gordon intervened and were able to have nearly all of the men released on a promise to appear. The men were pleased but the bail bondsman was not. He lost nearly \$40,000 in profits.

Barry was a criminal defense lawyer for decades, often handling low-income clients that no other lawyer would take. He sometimes paired up with attorney Susan McGrievy who was a lawyer with the ACLU of Southern California. Together they represented a client who challenged the refusal of the Boy Scouts of America to allow openly gay men to serve as scout masters. Barry also successfully represented a lesbian in a case where the Navy wanted to discharge her on the basis of her sexual orientation.

For many years, Barry had a loving relationship with Skip Spruill. Skip passed away on January 30, 2006 at the age of 44.

### Thomas B. DePriest



Tom DePriest received his undergraduate degree from Duke University. He entered the University of Virginia School of Law in 1973 and graduated in 1976. Tom was admitted to the bar in Virginia and later in the District of Columbia.

Tom was employed as a lawyer for the Office of the General Counsel of the United States Department of Energy for many years. He sometimes appeared in regulatory hearings on behalf of the Secretary of Energy.

Tom's gay rights activism was done through a variety of organizations. One of them was the National Committee for Sexual Civil Liberties where in the 1970s he worked with other trailblazers such as Arthur C. Warner, Thomas F. Coleman, Michael Miller, Walter Barnett, Craig W. Patton, and Gerald Gerash. Together this team pushed for the repeal of sodomy laws and other repressive sex laws in states throughout the nation, including in Tom's home state of Virginia.

Tom was a founding member of the Virginia Gay Alliance. When it was formed in 1983, he was the organization's lobbying coordinator. Tom's first lobbying priority was the repeal of the state sodomy law, which, among other things, barred all private, consensual sexual acts between persons of the same sex. Also a priority was the repeal of a state liquor law provision that prohibits bars from employing or serving homosexuals.

The sodomy law was not repealed by the Virginia Legislature until 2013 - 10 years after such laws were declared unconstitutional by the United States Supreme Court.

Tom met with Virginia Republican Congressman Thomas J. Bliley in 1983. Bliley had anti-gay positions and was aligned with the Moral Majority. Tom was able to secure an agreement from Bliley that he would not oppose a revision of the United States Code of Military Justice to decriminalize consenting adult sex of military members in private.

In his capacity as president of the Virginia Gay Alliance, Tom testified before the Judiciary Committee of the United States Senate in 1984. At that time, the alliance had chapters in five of the state's 10 congressional districts. Tom testified in opposition to the confirmation of J. Harvie Wilkinson to be a judge on the United States Court of Appeals. Tom argued that Wilkinson lacked the necessary judicial temperament due to his prior public expressions of disdain for homosexuals.

News Stories – <u>Link</u>

### **Leonard Shalom Ebreo**



Leonard Ebreo was a student at New York University School of Law from 1976 to 1980. He attended a historic conference at the school in 1979 which was co-sponsored by the Lesbian and Gay Law Student Association and Lambda Legal Defense and Education Fund.

"Law and the Fight for Gay Rights" was one of the first legal conferences of its kind in the nation. The keynote address was given by New York Attorney General Robert Abrams. Other 1970s trailblazers made presentation too.

including Thomas F. Coleman, E. Carrington Boggan, David A.J. Richards, Matt Coles, Donna Hitchens, and Bill Thom.

"I remember Len Ebreo from that conference," said Tom Coleman. "He came up to greet me after my presentation and introduced himself. We started a conversation which changed venues and seemed to last for hours. We debated the power of the courts versus the power of the media. He was bright, articulate, handsome, and very opinionated."

What Tom did not realize at the time was Len's history for gay rights activism prior to law school. Len was a trailblazer for gay rights and social activism in the early 1970s in New York City. The Advocate newspaper ran a story in February 1972 which discussed his role in the creation of Liberation House.

"Alice Bloch, Rebecca Klinger, Len Ebreo, Robert Hyman, four dynamic, warm young people, have come together in recent months to form the Liberation House Gay Collective, an attempt to provide services to the gay community and to explore alternate gay lifestyles.

"The collective live together in an apartment in Chelsea and work out of basement quarters which they call their 'basement store-front' in the West Village. The stripped brick walls, ever-present coffee urns, and general friendliness of atmosphere have already made the place a center for many Gays.

"Len Ebreo is a peer counselor with Gay Counseling, a spin-off group from the Homosexual Community Counseling Center, which relies on the services of gay brothers and sisters rather than professional therapists to do counseling. He became aware through his work that counseling needed to be supplemented by certain practical services such as job information, apartment locating. and a crisis phone service that would be available more hours of the day than Gay Counseling could provide.

"Among the projects currently in the works or in the offing at Liberation House are coming-out groups for men and women who are just beginning to realize that they are gay and have questions groups, crisis counseling for Gays about it, consciousness-raising for those who have urgent problems and need someone to discuss them with, organization of gay groups in the boroughs such as the Bronx and Queens, helping gay people to form their own living communes, a food co-op, a bake shop, a free clothing store, crafts and poetry workshops, a theatre group, and re-education workshops and seminars - the first of which will be on 'Our Bodies.' In this first seminar, men and women will be able to exchange information and rid themselves of sexist stereotypes and misinformation."

Len also did volunteer work in New York City with the <u>Gay Men's Health Project</u>, an organization which he helped create in 1972. He was the moderator of discussion groups focusing on healthy and risky sexual practices.

"We wanted change, a big one," Perry Bass, another co-founder of GMHP, said in an <u>interview</u>. "The gay community was being destroyed from within by internalized homophobia, much of it stemming from taboos we experienced around our own bodies. Talking about sex was something we did in the dark, in secret. Tired of 'business as usual,' three of us — Lenny Ebreo, Marc Rabinowitz, and myself — decided to have a public event on 'Gay Health.' On a spring night, about 200 men showed up: asking health questions for the first time at a church near Washington Square."

"Now what?" Perry asked those assembled for the event. "We'll open a clinic," Lenny answered. "We'll provide care for our own community—that's the only way to do it."

Perry explained how the project evolved over the years. "The Gay Men's Health Project Clinic evolved into the Community Health Project, and then, through the AIDS epidemic, into Callen-Lorde. We had to stand up to history to do this—to shame, fear of disapproval, and so many other barricades that separate LGBTQ people from their own bodies and feelings. Of the three original founders, I am the only one left."

Leonard was admitted to the bar in New York in 1980. After practicing law in the field of <u>housing rights</u> for a few years, he died in New Jersey in 1987 at the age of 41 from complications associated with AIDS.

### **Robert Eimers**



Robert Eimers graduated from Hastings Law School in San Francisco in 1974. Two years later, he applied for admission to the bar in Florida. After passing the bar exam, Robert was summoned for a special hearing by the Florida Board of Bar Examiners where he was asked if he was a homosexual. Robert answered affirmatively.

Normally such a procedure would not have occurred. Robert later explained that someone had written to the Florida Bar as an act of revenge because Robert would not perjure himself in a lawsuit. The result of the hearing was

problematic. The board deadlocked and advised the Supreme Court that after months of "tortuous debate" it could not reach a decision. It asked the court for guidance.

In March 1978 the Supreme Court ruled that an applicant's admission of having a homosexual orientation, in and of itself, would not preclude admission to the bar. However, the court said that it was not ruling on what would happen if the applicant admitted to engaging in criminal sexual acts. Homosexual conduct between consenting adults in private was criminal in Florida. During the two years he was waiting for a decision in Florida, Robert was practicing law in Philadelphia.

The Florida ruling gave a degree of optimism to law students in other states where the policies of bar associations were unsettled. The New York Times <u>reported</u> that in 1976 a subcommittee of the American Bar Association had asked bar associations across the nation whether sexual orientation was considered in applications for admission. No state bar said that such information was sought from an applicant. To a questionnaire sent to the state bar associations asking whether they have a policy, formal or informal, relating to the admission of gays, 45 associations responded in the negative. Six, including Florida, made no response.

Prior to attending law school, Robert served in the military for two years during the Viet Nam war. After law school, he worked for two years as an investigator in Beverly Hills, California.

Robert died in 1999 at the age of 51 in Florida.

# **Katharine English**



As a child, Katharine English was raised in a strict Mormon home in Salt Lake City, Utah. When she left the church at 18, she was excommunicated.

After getting her undergraduate degree, Katharine taught school for five years. Then she attended Lewis & Clark College's Northwestern School of Law in Portland where she graduated in 1978. Law license in hand, Katharine worked for the lesbian-oriented Community Law Project for four years.

The Gay and Lesbian Archives of the Pacific Northwest describes Katharine in glowing terms. "English was a gay-friendly lawyer before the term was in common use. In court and behind the scenes, she was a pioneer in defining real legal rights for LGBTQ Portlanders."

According to a profile of her in the Advocate newspaper, Katharine "started her own law firm with her lover, Janet Metcalf, a well-respected lawyer who had clerked for the Oregon Supreme Court and the state court of appeals. English and Metcalf are both distinguished lawyers who might have had their pick of work at downtown Portland's large corporate law firms. Instead they opened their own office in a modest five-story, brick building in an older district near the Willamette River. Because of their legal skill and dedication to equal rights for lesbians and gay men seeking child custody, English & Metcalf was a success from the beginning."

Katharine says that being a lesbian was partly responsible for the development of her interest in the law. She is the mother of two boys and her own child-custody dispute prompted her involvement in gay rights and family law.

In 1985, when she was appointed to be a juvenile court referee, Katharine changed roles from advocating for clients to deciding cases. Upon her appointment, she stated: "I see this as an opportunity for educating people about gay parents and children. Historically, Children's Services Division – the Oregon state agency entrusted with child welfare – has alleged that [the presence of] children in gay households is sufficient grounds for removal. That won't happen in my courtroom."

Katharine identifies as bisexual. She is now retired and living in her native Utah.

## **Rodney Eubanks**



Rodney Eubanks was born and raised in Missouri. He graduated from Lee's Summit High School in 1964 and enrolled at the University of Pennsylvania. It was in his junior year that Rodney knew that he was gay. However, he was not open about it at the time. There were no gay rights activities while he attended college. He graduated with a degree in political science in 1968.

Rodney then moved to Cleveland, Ohio, where he attended Case Western Law School. Although he became acquainted

with two other gay law students, there were no gay rights activities at the law school. Rodney reports that he and his gay buddies were all on the "down low." After he graduated from Case Western in 1971, Rodney moved to New York City.

Soon after he arrived, mutual friends introduced Rodney to attorney Bill Thom while Rodney was taking the "cram course" for the New York State Bar. Bill was in the process of incorporating a new organization to provide legal services for the gay and lesbian community. It was to be called Lambda Legal Defense and Education Fund. Bill asked Rodney if he would be one of the initial five board members of the corporation. Rodney accepted. He served as a board member from 1972 to 1980.

Rodney decided to be a "test case" with the Character and Fitness Committee of the New York Bar Association in 1972. To be admitted to the bar, a law student had to obtain a law degree, pass the bar exam, and be certified as having good moral character. Candidates for admission to the bar were interviewed by a committee. At the time, there was an unofficial "don't ask, don't tell" policy in effect.

Applicants who were gay didn't offer that information and the committee did not ask about their sexual orientation. Rodney decided to break that barrier. After the formal questioning was done, Rodney told committee members he had one more thing to say. "You should know that I'm gay and that I intend to lead my life as an openly gay person." The chairman replied: "Thank you for your candor." He was called back into the room about five minutes later and unanimously admitted to the Bar. Rodney may have the distinction of being the first openly gay candidate to be admitted to the bar in New York.

Rodney Eubanks and Michael Lalla have been life partners for 30 years. They were married in Beverly Hills, California, in 2013.

**Reference – Link** 

### **Claudio Pastor Frias**



Claudio Frias graduated from William Patterson College in New Jersey in June 1974 with a major in political science. By fall he was attending Rutgers University School of Law. This was an achievement for a young Black man who had fled Cuba with his mother to the United States in 1961 at the age of 14.

In the spring of 1975, Claudio saw an announcement at the law school that the National Lawyers Guild would be sponsoring a Gay Rights Summer Project for law students. The students would have to find a place to stay in Los Angeles where the project would operate. Claudio applied and was accepted as a summer intern.

Attorneys Thomas F. Coleman and Albert Gordon offered to mentor the law students for the summer. One of Claudio's first adventures in Los Angeles was marching down Hollywood Boulevard with Tom at a protest for gay rights.

As soon as all four students were in Los Angeles, they gathered with Al and Tom to discuss the work they would be doing throughout the summer to advance the cause of gay rights. Activities of the project were described in the August 1975 issue of the <u>newsletter</u> of the Gay Caucus of the National Lawyers Guild.

"The Project had three main areas of work: Legal, Community Involvement and Political Work/Education. In the area of legal work the Project concentrated on issues of importance to the Gay community in Los Angeles. These were: the jail Work-Furlough Program, which presently excludes all Gays from participation; the Certification for publication of appellate cases on Gay issues (such cases have tended not to be published in the past); and the area of public accommodation (in which Barney's Beanery, a local restaurant and Studio One, a discotheque, were monitored for sexist and racist discrimination. Legal work was also done in the area of Lesbian Mothers' child custody, Artificial Insemination and its importance for Gays, and the possibility of taking a separation of a Gay couple to Family Court in order to insure the family law benefits in the disposition of property and other related matters."

When the summer ended, Claudio returned to New Jersey where he resumed his studies at Rutgers. He eventually graduated but never became a lawyer.

Having become friends over the course of the summer of 1975, Tom visited Claudio in New Jersey and the two kept in touch by phone from time to time. When Claudio formed a relationship with Bob Gimbert in the early 1980s, Tom and his partner Michael stayed at their home in Jersey City to celebrate New Years Eve with them in 1985. The four went to Times Square in Manhattan and watched the ball drop.

Tom would not return to their home until September 1988 in response to phone call from Claudio pleading for help. Bob had just died of AIDS and his family blamed Claudio. They wanted to strong-arm him out of the house he had shared with Bob for the eight years they were life partners. Never mind that Bob's will left the house to Claudio. The family was also threatening to cut Claudio out of all funeral events. Tom immediately flew to New Jersey and tried to help Claudio. The harrowing events of the next few days are recalled in a book Tom published in 2009 titled *The Domino Effect: Memoirs of an Equal Rights Advocate*. The story is found in Chapter 8 which is titled: "In Sickness and in Death: Protecting the Rights of Survivors in Emotionally Challenging."

After two years of litigation, Claudio was able to gain ownership of the house. He lived there for a few years when, due to his medical condition, he moved into his mother's apartment in New York City. Claudio died there in 1995 at the age of 48.



National Lawyers Guild — Gay Rights Summer Project — 1975 (from left to right) Darryl Kitagawa, Marilyn Hedges, John Sanchez, Albert Gordon, Claudio Frias, Tom Coleman

Chapter 8 of Book – Link

## Phyllis R. Frye



The transformation of Phyllis Frye from Phillip Frye was a long and difficult journey. Along the way, the person named Phillip was an Eagle Scout, served in the military, and twice married a woman. The process of getting society to accept what Phillip knew from an early age – that she was really Phyllis – was tumultuous to say the least.

Frye attended Texas A&M University, graduating with a B.S. degree in civil engineering and an M.S. in mechanical engineering. After graduating, Frye joined the Army and was stationed in West

Germany as a lieutenant. Frye told superiors she was struggling with her sexual identity. Their response was to send her back to the United States to be "cured" with drug therapy, hypnosis, and aversion therapy. All efforts failed. Frye was forced to resign in 1972, although she was honorably discharged. (1)

The stress of the situation caused Fry's first marriage to end in divorce. It would not be long before Frye married again. But with rumors of her gender identity popping up, it was difficult for Frye to keep a job. She was dismissed by Texas A&M University and rejected for a government job – all because of the rumor mill.

Having the support of her second wife, Frye made a formal transition to Phyllis in 1976, undergoing some medical procedures but rejecting others. She also won the right to change her birth certificate.

Frye then distributed letters to advise neighbors that the person formerly known as Phil was going to start living as Phyllis. (2) The reaction from the community was horrifying. Her house was egged, her tires slashed, and her driveway spray-painted with vulgarities. Teenagers mocked her, the engineering profession blacklisted her, and the federal government denied employment because of her "desire to impersonate the opposite sex."

After Frye moved to Houston, she became a political activist. She started challenging a city law that criminalized "cross-dressing" – an ordinance frequently used by local police to harass the gay community, especially persons who were transgender. Years of lobbying, protesting, and coalition building eventually paid off. The city council repealed the ordinance in 1980.

"I put on my skirts five weeks ago, and I have not taken them off," Frye told an audience

in the fall of 1976. "During the past five weeks, I have felt normal for the first time in 28 years." This was one of the many lectures about her gender identity that Frye gave at local universities during the mid-1970s.

It was during these years of political activism that Frye decided to enroll in a joint-degree program at the University of Houston. She could get an advanced degree in engineering as well as a law degree. She hoped the law degree would give her "the tools to defend myself against all the crap that was dished my way." (2)

Frye started her law classes in September 1978 and received her law degree in May 1981. Frye described her experience in law school as more than difficult. She felt shunned during her first semester. Then there were the battles over which restroom she would be allowed to use. To counteract the negativity, Frye created "Friends of Gays" – a group for LGBT law students and allies. (4)

During her years in law school, Frye was very politically active in the LGBT community. She spoke at rallies and participated in the local gay pride parade in Houston. She also traveled to the District of Columbia in 1979 to participate in the March on Washington.

After practicing law for nearly a decade, Frye was appointed to the Municipal Court on November 17, 2010 by the mayor of Houston, a move that was unanimously approved by the city council. Although she is regarded by many as the first open transgender judge in the nation, some give that distinction to Victoria Kolakowski who was elected by voters on November 2, 2010 but was not sworn in until a few weeks after Frye took the bench.

Frye has received many awards for her tireless advocacy. (3) She received a "Creator of Change" award from the National Gay Task Force in 1995. In 1999 she was the recipient of the International Foundation for Gender Education's "Virginia Prince Lifetime Achievement" award. In 2001 she received the "Dan Bradley Award" from the National LGBT Bar Association. Beginning in 2009, Texas A&M University has conferred an annual "Advocacy Award" in Frye's name. In 2013 the Houston Transgender Unity Committee gave her its "Lifetime Achievement Award." In 2015 she received the National Center for Transgender Equality's "Julie Johnson Founders Award."

#### References

- (1) "Phyllis Frye," Wikipedia (link)
- (2) Deborah Sontag, "Once a Pariah, Now a Judge: The Early Transgender Journey of Phyllis Frye," New York Times (Aug. 29, 2015) (link)
- (3) "Phyllis Frye Biography," Frye, Oaks & Benavidez Lawfirm Website (<u>link</u>)
- (4) "Repeal of the Houston Crossdressing Ordinance" (link)

### Georgia Garrett-Norris

Georgia Garrett-Norris graduated from Western State College of Law in 1980. While she was in law school, Georgia met her lover and future law partner, Marge Rushforth. She and Marge formed a family in which they raised two children Marge had with her former husband. Marge and Georgia founded the law office of Garrett-Norris and Rushforth.

A biography of Marge Rushforth on WikiTree had this to say about the dynamic duo.

"Partnering with Georgia and coming out of the closet as a lesbian were profound experiences in Marge's life. She and Georgia became politically active in the women's and gay rights movements, a courageous stand in conservative Orange County. They worked to defeat Proposition 6 (inspired by Anita Bryant), which would have banned homosexuals from teaching in California schools. They attended the National Democratic Convention in 1976 [?] and the first National March on Washington for Lesbian and Gay Rights in 1979."

Georgia was a delegate to the White House Conference on Families. The conference was convened in 1980 by President Jimmy Carter who challenged the delegates to examine how federal and state agencies can improve the quality of life for families. He called the conference "A catalyst for a period of intense reassessment of programs and policies." "Where government is helpful to families, let it be strengthened. Where government is harmful to families, let it be changed," the President said.

A series of reports were developed by the Conference on a wide range of issues. The issue of gay and lesbian rights was raised by delegates such as Georgia, but only made it into minority reports, three of which urged an end to discrimination against homosexuals. One of those reports stated: "We urge support of HR 2074 which ends discrimination in housing, employment, education, and public accommodations because of an individual's sexual orientation, preference, or choice. Furthermore, we believe that any services, supports, or benefits granted to families should include lesbian and gay families (86 delegates)."

Two years later, Georgia was a founding co-chair of the Elections Committee of the County of Orange (ECCO) – an all-volunteer and nonpartisan political action committee that worked on behalf of civil rights, mainly those of the LGBT community. The Advocate newspaper had this to say about the impact ECCO was having on politicians.

"Though the first donations to candidates amounted to only \$5,000, politicians have already taken notice. 'Political strength is money,"' says ECCO Co-Chair Georgia Garrett-Norris, a Costa Mesa attorney. 'This is John Wayne country, and I can't change that. But already legislators are opening their doors and listening to us.' ECCO members lobbied area lawmakers for AB I, the state bill that would outlaw anti-gay discrimination in the workplace. And though not a single legislator switched votes, a dialogue began."

A small group of volunteers founded the AIDS Services Foundation (ASF) in 1985 because people were dying and desperately needed help. Existing service agencies could not meet that need. Georgia was one of the founders. The following year, she helped create a new group called ACTION (AIDS Coalition to Identify Orange County Needs).

In 1987, Georgia was co-counsel for Vincent Chalk, a special education teacher in Orange County who had been fired because he had AIDS. A federal appeals court ordered the school district to reinstate Chalk.

In 1988, she was a founding member of the Eleanor Roosevelt Democratic Club of Orange County, an organization advocating for gay and lesbian issues and supporting candidates who embraced LGBT rights.

Georgia was one of the few lawyers who would call out police misconduct in Long Beach, a city near Orange County and in which she often defended men who were arrested for lewd conduct by overzealous and entrapment-minded undercover vice officers. A 1985 story in the Advocate newspaper said this:

"Long Beach attorney Georgia Garrett Norris said police activity against gay males is intensifying. She indicated that she knows of at least 150 cases of police abuse and wrongful arrest of gay men and women in Long Beach in the last five years. 'I am terrified that some gay man is going to get killed,' Norris said."

Marge and Georgia's personal and professional relationship ended in 1989.

### Don Gaudard



An organization known as Gay Liberation Movement, later called Gay Liberation Front, began with a gathering of some gay men in the apartment of Don Gaudard in East Lansing, Michigan early in 1970. Before the year was out, GLM was officially recognized as a student organization on the East Lansing campus of Michigan State University.

Don appeared before the city council on behalf of GLM in 1971 and asked the city to adopt a policy to prohibit discrimination against employees or applicants for city jobs on the basis of race, creed, color, national origin, sex, or sexual orientation. The motion was approved on March 7, 1972, making East Lansing the first city in the nation to prohibit sexual orientation discrimination in city employment.

In 1972, Don spoke out against a proposed state law to criminalize cross-dressing. Also that year, on the local front Don pressed the city council to expand the scope and reach of its nondiscrimination ordinance to prohibit discrimination on the basis of sexual orientation in housing, public accommodations, and private employment. It took nearly a year of advocacy, but the city adopted a new law in May 1973 with all of the provisions intact except for housing.

In 1974, Gaudard criticized the legislature for declining to add sexual orientation as a protected category under the state's civil rights bill.

Don moved to Los Angeles in 1976 where he attended People's College of Law, a progressive law school that engaged in recruitment efforts to encourage women, people of color, and gays and lesbians to enroll. Don became a volunteer researcher for the Sexual Law Reporter, a bimonthly national legal publication focusing on LGBT and sexual civil liberties issues. Thomas F. Coleman was its publisher.

Years later, Don moved back to Michigan. He became a contributor to The LGBT News, a publication of the Lansing Association for Human Rights. A posting he made to an internet blog in 2009 referenced him as "Professor of Law Emeritus" but did not specify where or when he taught law.

## Richard Leo Gayer



Dick Gayer enrolled at Hastings College of Law in 1972. He graduated in 1975 and was admitted to the bar in California.

Dick was one of the most active trailblazers for LGBT rights, both as a law student in the 1970s and as a lawyer during the 70s and 80s. His gay rights activism predates the Stonewall uprising in 1969. Dick was involved in the Society for Individual Rights – an organization founded in 1964 that promoted the public affirmation of gay and lesbian identity, repeal of victimless crimes and social and legal services to gays in difficulties.

When Dick decided to come out publicly in 1969, he was fired from an electronics position at Sylvania Electronics because his top-secret security clearance was revoked by the federal government. Dick fought back, with his case being litigated in the federal courts for years. His clearance was finally reinstated in 1975. After he was admitted to the bar, Dick successfully sued the CIA, FBI, and the Department of Defense representing clients in various security clearance cases.

In 1971, Dick sued the Department of Motor Vehicles when it refused to issue him a specialized license plate bearing the letters "GAYLIB." Relentless in his quest, after a victory in the state Court of Appeal, he finally obtained the license plate in 1975.

In addition to his personal battle with the federal government and his quest for sex law reform, Dick had an interest in improving the way that organized religion treated gays and lesbians. Thus, in 1970, he was appointed as chair of the religious committee of the Society for Individual Rights. By 1972, Dick was writing articles for and being quoted in other articles in the Advocate newspaper on the topic of religion and homosexuality.

It was in 1972 that Dick became acquainted with Tom Coleman, the founding president of the Gay Law Students Association in Southern California. That year, the two men met at a forum on gay rights at the annual conference of the American Bar Association in San Francisco.

The following month, Dick succeeded in having a Gay Law Students Association approved as a campus organization at Hastings College of Law. Dick explained to Tom that the Hastings group planned to launch three projects; wearing Lambda buttons to raise consciousness on campus; recruiting gay undergraduate students to attend law school; developing a symposium on sex law or gay law to be given for credit.

After San Francisco adopted an ordinance in 1972 prohibiting city contractors from engaging in sexual orientation discrimination in employment and requiring them to engage in affirmative action to recruit minorities, Dick and a small group of activists met with the city's Human Rights Commission. They pressed for more aggressive enforcement of the new law.

While he was a law student at Hastings in 1973, Dick was part of a small group of activists to challenge the policies and practices of Pacific Telephone Company that discriminated against gay and lesbians in employment.

Also in 1973, Dick helped develop a civil lawsuit against "gay bashers" who had brutalized two gay men outside of a gay bar in San Francisco. After being arrested, the prosecutor allowed the perpetrators to plead guilty to disturbing the peace and they were given a suspended sentence by the judge. Outraged at the result, Dick helped a local lawyer prepare a civil suit to hold the men accountable to the victims. The suit ultimately resulted in a jury verdict against the perpetrators and an award of money damages to the victims.

Dick and some of his colleagues escalated the challenge to Pacific Bell when in 1973 they "zapped" a meeting of the Public Utilities Commission with a 45-minute teach-in. They wanted the regulatory agency to use its power to take action against utility companies that discriminated on the basis of sexual orientation. The following year, Dick testified on behalf of the Hastings Gay Law Students Association at a meeting of the state Fair Employment Practices Commission. He and others were demanding that the civil rights agency interpret the term "sex" – which was already in the law – to include "sexual orientation." The commission declined. It is noteworthy that the United States Supreme Court recently accepted that argument for purposes of federal civil rights laws.

In 1974, having been unsuccessful in getting Pacific Bell to change its ways, attorney David Moon, with the help of law student Dick Gayer, filed a lawsuit against the utility company for its discriminatory hiring practices. One of the plaintiffs in the lawsuit was the Gay Law Students Association at the University of California which consisted of students at Hastings and Boalt Hall.

It took several years, but in 1979 the California Supreme Court issued a landmark ruling. It declared that sexual orientation discrimination by a quasi-governmental entity was unconstitutional, by a public utility was illegal, and by any private employer violated the Labor Code's prohibition against suppression of political activities of employees or job applicants. The court ruled that in a society that oppresses homosexuals, being openly gay was a political act. Dick Gayer had his hand in this victory, from start to finish.

### Jose Gomez



Jose Gomez and his nine siblings were raised in a workingclass family in Wyoming. His father was a coal miner but when the mine closed the family moved to an agricultural area where the parents and children worked in the fields. In 1954, Jose and his sister were the first Latino/a students to attend the local public school rather than a Mexican school. Jose immediately noticed the difference in the quality of education between the two schools. He made a decision that education would be his ticket out of a life of poverty.

Jose enrolled at the University of Wyoming from which he received his undergraduate degree. After one year in graduate school, Jose received a Fulbright scholarship to study Latin American literature in Nicaragua. When he returned to Wyoming the following year, his desire for

political activism overshadowed his interest in academics so he dropped out of school in order to serve in the <u>Peace Corps</u> in Brazil. The following year he found himself living and teaching at an international school in Costa Rica.

A Time Magazine cover story about Cesar Chavez and the United Farm Workers caught his eye. He was so moved by the story that he quit his teaching position in Costa Rica and went immediately to the headquarters of the United Farm Workers Organizing Committee. Impressed by his dedication and abilities, UFW leaders assigned him to a variety of projects from 1970 to 1975, including working as the executive assistant to Chavez from 1973 to 1975. He left the farm worker's movement in 1975 in order to work for Governor Jerry Brown for two years.

Jose then enrolled at Harvard Law School. Between his first and second year of law school, Jose served as a legal intern at the San Francisco office of Gay Rights Advocates. After returning to Harvard in September 1978, Jose and fellow student Barbara Kritchevsky founded a gay law student association known as the Committee on Gay Legal Issues, later named Lambda Law Students.

The student group successfully pressured Harvard Law School to amend its non-discrimination policy to prohibit sexual orientation discrimination. It was also successful in convincing the law school to ban the military from having access to its career center, on the grounds that the military's exclusion of lesbian and gay service members violated the school's nondiscrimination policy.

Wikipedia has an excellent summary of other aspects of his professional life.

"Gómez was also active in the wider Boston community, volunteering as a founding board member of Gay & Lesbian Advocates & Defenders (GLAD) from 1979 to 1981. He entered the national stage as a board member of the National Gay Task Force, later renamed National LGBTQ Task Force, from 1979 to 1984, serving as co-chair from 1982 to 1984.[6]

"In 1981 Gómez earned his J.D. from Harvard Law School and returned to San Francisco. In 1983 he was the first openly gay candidate elected to the national board of the American Civil Liberties Union (ACLU) and he published an influential law review article "The Public Expression of Lesbian/Gay Personhood as Protected Speech."[3] Also in 1983 he published the chapter "First Amendment" in Sexual Orientation and the Law, revised and co-written with Mary Dunlap for the 2006 edition.[10]

"From 1981 to 1983 Gómez worked as executive director of the Human Rights Foundation, a group established by San Francisco donors in the wake of the defeat of California Proposition 6, popularly known as the Briggs Initiative. That initiative aspired to ban from employment in California public schools any LGBT person and any person who supported LGBT rights. The Human Rights Foundation sought to create a supportive environment in public schools for LGBT students. Gómez organized a speaker's bureau and co-wrote and edited a resource book, Demystifying Homosexuality: A Teaching Guide about Lesbians and Gay Men.[11]

"In 1983 Gómez was named executive director of the legal services agency La Raza Centro Legal in San Francisco. He held that post until 1988, when he took a position as academic dean at The Evergreen State College.

"Harvard Law School's Lambda, at its 25th anniversary in 2003, bestowed upon Gómez its Distinguished Alumni Award. Gómez died Sept. 14, 2014 after a battle with cancer. He is buried at Mount Calvary Cemetery in Portland, Oregon."

Jose ended up in Portland when he moved there in the late 1980s to care for his dying father. Once there, he sought and obtained a teaching position at Evergreen State College. "Teaching gives me the opportunity to bring together in the classroom my experiences in the farm worker movement and the gay rights movement," he told a local newspaper reporter in 2003. Evergreen published a memorial to him after his death.

### **Leonard Graff**



Leonard Graff attended Cooley Law School at Western Michigan University in Lansing, Michigan. He graduated in 1975.

As an undergraduate student at Michigan State University, Leonard was very active in promoting gay rights, on campus, in the political arena, and on the streets. His activism in the early 1970s is best described in his own words – taken from a message he sent to a Michigan LGBTQ organization in 2017.

"My friends and I were very active in the nascent gay rights movement of the early '70s. We lobbied successfully in East Lansing, for the nation's first law to prohibit discrimination based on sexual orientation; we created the first state wide network of gay organizations; we brought an action against MSU to compel it to promote Gay Pride Month on campus; and, we helped organize the first gay pride parade in Detroit. I'm pretty sure we were, at the time, the largest student organization on the MSU campus.

"We fought for our right to be free from discrimination and for the dignity to be ourselves—proud gay, lesbian and bi people."

Leonard, who was raised in Detroit, Michigan, did not fully acknowledge he was gay until his late teens, just before entering his freshman year at Michigan State University. Once on campus, it took him only a few days to become involved in gay rights. The only thing negative he experienced about being openly gay in college was at another university. As he and his lover were walking hand in hand on the campus at the University of Michigan, they were stoned.

In the late 1970s, Leonard became a member of the National Committee for Sexual Civil Liberties, a group of lawyers and scholars from a variety of disciplines such as history, sociology, psychology, and theology. Through legislation and litigation, the committee sought to repeal laws criminalizing consenting adult sexual behavior. Other 1970s trailblazers were members of the committee, including Thomas F. Coleman, Walter Barnett, Arthur C. Warner, David A.J. Richards, William F. Reynard, Gerald Gerash, and William H. Gardner.

In his private law practice, Leonard worked on several gay rights cases, including one in 1978 where represented the Gay Activists Alliance of D.C. against the transit authority for refusing to accept gay advertising. A 1981 case involved a student group denied recognition by Georgetown University.

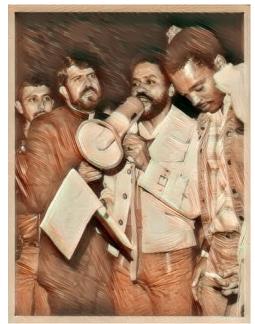
In 1982, Leonard moved to San Francisco where he became legal director of National Gay Rights Advocates – the West Coast version of Lambda Legal Defense on the East Coast. He was admitted to the bar in California the following year.

Under Leonard's leadership as legal director, National Gay Rights Advocates managed or participated in a wide variety of court cases involving LGBT rights. These are but a few examples::

- a lawsuit against the Immigration and Naturalization Services for denying entry to the United States to visitors from other countries who openly acknowledged being gay or lesbian;
- securing a money judgment against Senator John Briggs, author of the infamous anti-gay teacher initiative in California in favor of a gay teacher;
- the case of a gay sailor wrongfully discharged from the Navy;
- a challenge to an anti-gay teacher law in Oklahoma;
- a lawsuit arguing that unmarried domestic partners should be entitled to unemployment benefits to care for an ill partner the same as heterosexual married spouses are;
- a palimony case involving a same-sex couple who had separated;
- challenges to the sodomy laws in Texas and Georgia;
- reinstatement of a school guidance counselor discharged for being lesbian.

Leonard gave a lecture in 1984 to the Stanford Gay and Lesbian Students Association. The lecture was recorded and is available online.

## Ron Grayson



Ron Grayson with bullhorn

Formed in 1975, the Association of Black Gays was one of the earliest Black gay activist groups in Los Angeles. Its combination of political, intellectual, and creative activities raised awareness about the issues facing the Black gay and lesbian communities and offered a critical perspective of the mainstream gay rights movement. Ron Grayson was its founder.

Ron attended People's College of Law in Los Angeles when the school first opened in 1974. Earlier that year, he met gay-rights attorney Thomas F. Coleman who, seeing Ron's potential as a legal and political advocate, had encouraged him to enroll. "That law school might as well have been designed for Ron Grayson," Tom later observed. "The school was radical, inclusive, and cutting edge. So was Ron. More than that, he was fearless."

Tom recalled an incident in 1974 that reinforced Ron's desire to use law and community organizing to fight discrimination within the gay community. Tom, Ron, and two other men in their mid-20s went to a popular gay nightclub known as After Dark. All but Ron were given entry without any request for identification. Ron was ask for three pieces of government-issued photo identification. He produced two, but the third did not have a photo. No entry. That incident was written up in the <a href="Advocate">Advocate</a> newspaper which described how a complaint was filed with the Alcohol Control Board and how the two men organized protests at the club each weekend for weeks to challenge practices which were used to keep the number of women and clients of color to a minimum.

A handsome, young, Black gay man, Ron was destined to be a political organizer for causes and classes of underprivileged segments of society more than counseling clients on legal issues or filing lawsuits. He was an "advocate for the people" who called it as it saw it, and part of what he saw was racism in the gay community. So he led the cause of equal rights and justice for Black lesbians and gay men. Although he never graduated from law school or became a lawyer, Ron did become well-known as a Black gay organizer and activist. Some of his fame came from a radio show he produced and hosted about Black gay issues in the 1970s and early 1980s on Pacifica Radio in Los Angeles.

Kevin Quinn, a LGBTQ Research Fellow with the One Archives wrote about Ron. (Queer Visions of the Black Past: Black Gay and Lesbian Cultural Politics, 1970-1989)

"My research examines the intersections between African American and LGBT history. At ONE Archives, I conducted research on a Los Angeles-based activist group called the Association of Black Gays (ABG). Founded in 1975 by Ron Grayson, the ABG was a collective of militant African American gays and lesbians who fought against racial inequality in L.A.'s gay community. Grayson and the ABG boycotted white-owned gay clubs and bars that denied entry to women and people of color and protested the police harassment of gays and lesbians. Moreover, Grayson and the ABG used the media to raise awareness of racism in the gay community. Grayson and the ABG led identity development workshops at local junior high and high schools, spoke on local television and radio broadcasts, and met frequently with then Mayor Tom Bradley. As one of the earliest Black gay activist groups, the ABG used a combination of grassroots activism, community outreach, and formal politics to advance the aims of L.A.'s Black gay community.

"I discovered that prior to the founding of the ABG, Grayson had formed an organization called the Gay Community Mobilization Committee (GCMC). . . . Grayson was involved with other radical queer activist groups such as the Lavender & Red Union. Expanding my scope also led me to consult the Pat Rocco Papers where I discovered that Rocco listed the ABG in a directory of LGBT outreach groups in L.A. Additionally, I investigated the Jim Kepner Papers where I found several journal entries and notes on conversations about racism in the gay community between Kepner and Grayson. The most interesting find, however, was audio reel tape recordings of Grayson conducting interviews with other local activist groups on IMRU, a community-sponsored LGBT radio station."

About the photo: [Excerpt taken from Quinn, "To Stamp Out the Oppression of All Black People": Ron Grayson and the Association of Black Gays, 1975-1979]

"In Los Angeles, one October evening in 1975, an African American man named Ron Grayson addressed a crowd of 600 people in front of Hollywood High School. Grayson, a local activist who was regarded as the "dean of the black gay community in Los Angeles," was selected to speak at the gathering that preceded a march to the Los Angeles Police Department's (LAPD) Wilcox Avenue station where attendees demanded the removal of racist police chief Edward M. Davis."

Ron died in Los Angeles in August 1990 of complications from AIDS at the age of 43.

News Stories – Link / Other References – Link

## **Donna Lynn Groman**



Donna Groman's biography cannot be written any better than the one she submitted to the League of Women Voters when she was running as a candidate for a judicial position in November 2004. Here it is in full.

The daughter of a police officer and a teacher, Donna Groman was born in Brooklyn, New York and grew up in a blue-collar housing project. Groman attended NY public elementary and secondary schools, receiving her B.A. in economics at the State University of New York at Stony Brook in 1976 and her J.D. from American University in 1979.

Groman moved to Los Angeles, took the bar exam and was admitted to practice before all courts in the State of California and the United States District Court for the Central District of California. From 1980-1990, Groman was a sole practitioner specializing in juvenile, child custody, and appellate matters. She worked as a panel attorney in the Juvenile Court system in both the delinquency and dependency divisions.

In 1990, the non-profit Dependency Court Legal Services was formed to provide quality legal services for children, and Groman jumped at the opportunity to serve. With 10 years of practice under her belt, Donna was hired as a supervising attorney for the Law Offices of Jo Kaplan. In 1991, in her on-going efforts to pursue justice for her clients, she was admitted to practice before the United States Supreme Court.

In 1994, Donna and another dependency court attorney, Mitchell Beckloff, formed Groman & Beckloff, specializing in dependency law. As Groman developed her expertise in the law she felt that she could be a benefit to the court by becoming a bench officer. She believed that the system needed experienced bench officers who knew the law and were committed to consistent service to the dependency court.

Groman was appointed as a Superior Court referee in September, 1997 and elevated quickly to the position of Commissioner in April, 1999. During that time, Groman presided over juvenile dependency, juvenile delinquency, misdemeanor jury trials, small claims and traffic matters. In January, 2003, Groman took the grueling assignment of the arraignment master calendar, a high volume assignment which has her hearing up to 120 cases each day.

Active in her judicial arena and in the local community, Groman is a member of the California Judges' Association, California Court Commissioner's Association, National

Association of Women Judges, Los Angeles County Bar Association, Women Lawyer's Association of Los Angeles, and The Lesbian and Gay Lawyers of Los Angeles. Groman is an educator and lecturer for CJER (Center for Judicial Education and Research), and participates in trainings for the Juvenile Court Bar, foster family agencies and the Los Angeles County Department of Children and Family Services. She judges Mock Trial competitions and is a judicial speaker at local public elementary and secondary schools.

Groman has been a tutor at Milliken Learning Center and Kenyon Juvenile Justice Center. She participates in Los Angeles Aids Walk and completed the California Aids Ride 2. An active member of Temple Beth Chayim Chadashim, Groman has served on the Board of Directors and on the Rabbinic search committee. Donna served 12 years in the United States Naval Reserve, achieving the rank of Lieutenant. She was honorably discharged in 2000.

As a practicing attorney, Groman performed pro-bono legal work for the Gay & Lesbian Community Services Center, the Women Lawyers Association of Los Angeles - Jail Project, the Felicia Mahood Senior Citizens' Center, the Los Angeles County Guardianship/Conservator Project, Public Counsel's Children's Rights Project, and several Los Angeles County Bar Association projects, including AIDS Legal Services Project, Barristers Northridge Earthquake Assistance Project and Immigration Legal Assistance Project.

Donna and her domestic partner of 11 years, Cecilia Quigley, are legal guardians of Donna's 14 year old nephew, Daniel. Donna's hobbies include cardiovascular and weight training, cycling, scuba diving, kayaking, hiking, reading and gardening



Donna Quigley Groman married Cecilia Quigley Groman in May 2008 in Vancouver, BC, Canada. The two are longstanding members of Beth Chayim Chadashim. Founded in 1972, BCC is the world's first gay and lesbian synagogue. Today it is an inclusive community of progressive lesbian, gay, bi, trans, and heterosexual Jews and their families and friends. This photo of Donna and Cecilia by Amelia Weiman appeared in the July/August 2008 issue of the BCC newsletter.

### **Donald Hall**



An attempt was made to form a gay law students association at New York University School of Law in 1972 but it was not successful. Donald Hall renewed this effort in 1976 and with the help of classmate Linda Krieger, the Lesbian and Gay Law Students Association was founded.

Its name was changed in 1993 to the Bisexual, Gay, and Lesbian Law Students Association. Since 2000 it has been known as OUTlaw.

In its first few months, the student group served primarily as a support and social organization, but when United States Supreme Court Chief Justice Warren Burger visited the law school later that year, members of the lesbian and gay law students group protested outside Vanderbilt Hall along with the Gay Activists Alliance and the Gay People's Union.

Donald graduated from law school in 1978. Nothing more about him could be found other than the above photo of Donald and Linda which was published online by NYU Law News.



In 1979, the Lesbian and Gay Law Students Association and the Lambda Legal Defense and Education Fund co-hosted a national forum at NYU Law School titled "Law and the Fight for Gay Rights." New York State Attorney General Robert Abrams spoke about the problems of securing and enforcing gay rights. Other trailblazers, such as Thomas F. Coleman, David A.J. Richards, E. Carrington Boggan, Matt Coles, Donna Hitchens, and William Thom made presentations.

### **Ray Allen Hatler**

Ray Hatler was one of the founding members of the first gay law students association in the nation. The year was 1972. The place was Los Angeles. At the time, Ray was a first year student at Southwestern Law School.

Seven years later, Ray played a primary role in forming a gay lawyers association in Los Angeles. It was called Los Angeles Lawyers for Human Rights. Today it is known as LGBTQ+ Lawyers Association of Los Angeles. The opening page of the organization's website recalls how the it was formed.

"In April 1979, LGBTQ+ Lawyers LA held its first meeting at The Old Spaghetti Factory on Sunset Boulevard in Hollywood. The organization was formed in the aftermath of a bitter battle over Proposition 6, a ballot measure backed by State Senator John Briggs seeking to ban homosexuals from the profession of teaching in California.

"The idea for a gay lawyers group first occurred to Susan McGrievy as a means to provide assistance in doing gay rights litigation while she was working at The Gay and Lesbian Community Services Center. Ray Hatler, who did much of the initial organizing and served as the group's first president, was inspired by a gay law student group that had been formed by Thomas F. Coleman and Jerold A. Krieger (who later became a Superior Court Judge and was LGBTQ+ Lawyers LA second President)."

In the late 1970s, Ray went to work for the lawfirm of Jacoby and Meyers. The firm was founded in 1972. It catered to middle-class individuals, offering free consultations and a flat fee rate for many services. By 1980, Ray was the managing attorney for the West Hollywood office.

In 1977, Ray ran for State Assembly as an openly gay candidate. Antiwar activist Tom Hayden was the top contender for the seat. Twelve years later, Ray moved to the San Luis Obispo area where he opened a law office specializing in probate matters. He died there at his residence in 2006. In an <u>interview</u> with the Gay and Lesbian Alliance of the Central Coast prior to his death, Ray discussed his life with his partner and spouse Jamie Mae Hatler. The two were together for more than four decades. Because Jamie had cerebral palsy, Ray was very sensitive to and concerned about disability rights.

In the early 1960s, Ray served in the Peace Corps in Liberia. He later recalled how sad he was when, while in Liberia, the news broke of the death of President John F. Kennedy – the man who had inspired him to join the Corps.

# Marilyn Hedges-Hiller



Marilyn Hedges wanted to be a lawyer – until she didn't. She was initiated into the field of law when she attended Hastings College of Law from 1974 until she graduated in 1977.

Mid-stream in law school, Marilyn became an intern with a gay rights project of the National Lawyer's Guild during the summer of 1975. Other interns included John Sanchez of Boalt Hall, Claudio Frias of Rutgers, and Darryl Kitigawa who planned to enroll in Peoples College of Law. Attorneys Thomas F. Coleman and Albert Gordon supervised the summer project which occurred in Los Angeles.

The Project had three main areas of activity: legal, community involvement, and political work. On the legal front, Marilyn's internship focused on lesbian mothers' child custody issues and the emerging field of artificial insemination. The Gay Caucus of the National Lawyer's Guild considered the summer project to be a success.

After being admitted to the bar, Marilyn practiced law for eight years in San Francisco. She then turned her attention to her real passion – religion and spirituality. A discussion of Marilyn's early life experiences with organized religion is recounted on the website of Faith Community Church of which she was once the pastor.

"Her view of the Christian faith was first shaped by her early childhood attendance at a fundamentalist Baptist church in a small rural town. Sin seemed to be the focus rather than love. This God was one of exclusivity. Her Catholic best friend was doomed to hell because only Baptists go to heaven. At the age of 12 Marilyn left the church until she returned about 25 years later.

"Marilyn continued to feel the guidance of God through her life. After graduating from the Hastings School of Law in San Francisco, Marilyn practiced law for eight years in San Francisco.

"Eventually she returned to a church that was on the other side of the spectrum from the fundamentalist church of her youth. There Marilyn experienced acceptance and community -- companions on the journey of life to/with God. As she healed from negative Christian experiences,

Marilyn began to miss the depth, richness, and challenges of the Christian story and journey.

"Marilyn went to a theologically progressive seminary, graduating from the Pacific School of Religion in Berkeley with a Masters of Divinity degree. She believes that our spiritual journey is enhanced by dialogue with other traditions."

Marilyn founded the New Faith Church in Novato, California in 1996. Being an open lesbian minister was a problem for some fellow ministers who belonged to the same ministerial association with her. They wanted her to be ousted from the group. When a majority of the association's members refused to do so, the objectors quit in protest.

An article written by Marilyn, "A Trickle of Ordained Women," was published in 2000 by the Bulletin of the Congregational Library. It was originally written while she was a student in at Pacific School of Religion in 1992. In it she noted that from 1948 to 1957, only sixteen women were ordained in the Evangelical and Reformed Church. Among other denominations, a small yet steady trickle of ordained women followed. Not until 1956, did the Methodists and the Presbyterians vote full clergy status to women.

Marilyn recently retired from her position as a member of the Library Board of Trustees in Churchill County, Nevada.

Marilyn and her wife Sharon have been together for 44 years. After becoming a couple they both changed their last names to Hedges-Hiller. Years later they were married. Marilyn and Sharon live in Nevada.



Marilyn and Sharon are benefactors to the *Birds of a Feather* Project of Spectrum Institute.

### **Frederick Charles Hertz**



Fred Hertz received his law degree in 1981 from Boalt Hall on the Berkeley campus of the University of California. He was admitted to the bar in California the same year. For the next two years, he clerked with the Minnesota Supreme Court.

Fred was born in 1952 in St. Paul, Minnesota into an observant Jewish family. As a young man, he was involved in youth groups and religious schools in what he called "a very tolerant community." While in high school, Fred was involved with the school newspaper, performed in school musicals, and was interested in politics. In his junior year, he associated with what he called "lefties" and started disassociating himself from his "county club' friends.

Until he was nearly 30 years old, Fred considered himself bisexual. He was in a gay relationship in his early 20s and in a straight relationship in his late 20s.

Fred moved around a lot in his early adult years. He attended his freshman year of college at the University of Michigan, spent a year in Europe, and then returned to finish his undergraduate work at the University of Minnesota. He then spent a few years in Texas where he became active in gay rights.

Fred explained one of his experiences while in Texas:

"My favorite thing we did was we picketed the local newspaper. They wouldn't allow you to say "gay-only roommate" [in a classified ad] but they would allow employers to say, "No fags can apply." So we protested. And they got their revenge by taking close-up photos of all of us and putting us with our names on the front page of the paper as self-avowed homosexuals, thinking somehow our lives were going to be ruined. The only thing that happened is I did get a delivery of a Bible on my front door with all the appropriate lines from Leviticus highlighted."

In 1978 he moved to Berkeley where he attended law school. Although he focused primarily on academics, Fred found time to participate in political actions against the Briggs Initiative – a ballot measure intended to rid the schools of openly gay teachers.

The following year Fred did a one-year internship with National Gay Rights Advocates in San Francisco. In his own words:

"It was a bit surreal, since once a week I would take a bus across the bay, then a streetcar into the Castro and find myself surrounded by this wonderful community of gay rights lawyers, clients, and staff. I felt like I found my tribe! This experience had a profound effect on my life."

Fred was involved with the Gay Law Students Association at Boalt Hall and was a founding member of the Bay Area Lawyers for Individual Freedom which was the LGBT bar association in that area.

When AIDS hit the gay community hard in the mid-1980s, Fred found there was a need for lawyers to do legal work for those infected with HIV. So he spent nearly a decade providing legal services to this population.

Since same-sex marriage was not legal, Fred decided to focus his legal skills on cohabitation agreements, powers of attorney, and legal issues involved in the dissolution of unmarried relationships. He became a nationally-recognized expert in these matters for same-sex and different-sex unmarried partners. He has been quoted in The New York Times, the Advocate, American Demographics, Hero Magazine, Kiplingers Magazine, and the New York Observer, and has appeared on NPR's All Things Considered, Sound Money, and on the Oprah Winfrey Show and the Today Show.

Fred was also highly active in the political and legal movement for domestic partner rights and benefits.

Fred is currently an attorney and mediator with an office in Oakland, California.



Fred has written several books:

- Making It Legal: A Guide to Same-Sex Marriage, Domestic Partnerships & Civil Unions.
- A Legal Guide for Lesbian & Gay Couples.
- Legal Affairs: essential advice for same-sex couples.

### **Donna Hitchens**



Donna Hitchens received her legal education at Boalt Hall on the Berkeley campus of the University of California where she graduated in 1977.

Fresh out of law school, Donna and other members of a nonprofit advocacy organization known as Equal Rights Advocates founded the Lesbian Rights Project. In 1988 it became known as the National Center for Lesbian Rights.

When Professor Donald Knutson published *Homosexuality and the Law* in 1980, an article by

Donna appeared in the book. Her chapter, titled "Social Attitudes, Legal Standards, and Personal Trauma in Child Custody Cases" argued that more needed to be done to combat prejudices against gay and lesbian parenting, especially through judicial education.

Donna went on to become the first openly-gay elected female judge in the United States in 1990. The following biographical information is taken from the "Founders Bio" page of the website of the National Center for Lesbian Rights.

"After 20 years, Judge Hitchens—who developed a reputation as one of the nation's most well-respected judges—retired from the San Francisco Superior Court in November 2010, ending a legal career that spans more than three decades.

"Her unfailing commitment to justice and equality began in the 1970s, when she saw the courtroom as a way to change the world, and entered law school. As a lesbian, she had experienced frustrations and fears – both personal and professional – and didn't want others to suffer the same. And as a future parent, she knew she would face even more challenges ahead.

"Hitchens won election to the San Francisco Superior Court in 1990, soon helping unify the court so that all cases involving divorce, adoption, abused children, child support, domestic violence, and other matters of family law are in one division.

"In a 2002 San Francisco Chronicle story about Judge Hitchens becoming the Presiding Judge of the San Francisco Superior Court, Chief Justice Ronald M. George of the state Supreme Court, presiding over California's 1,600 judges, said Hitchens' work stands out. 'She's quite exceptional,' George said in the news story. 'She's really inspired a lot of people to turn their lives around.' Judge Hitchens has worked to improve the accessibility of the legal system for low-income families and children by helping establish coordinated youth services as well as a mandatory training program and peer review procedures for juvenile court attorneys to ensure delivery of the best services.

"She has devoted much of her efforts at improving the social welfare and justice system for families and youth, and worked with the Bar Association of San Francisco to establish the court's Family Law Self-Help Center, as well as with court staff, the Bar Association of San Francisco, San Francisco agencies and various community organizations to improve services for the dependency court and foster children. She has also chaired the San Francisco Safe Start Initiative, aimed at improving services to young children exposed to violence in the home and in the community.

"Over the years, her efforts have been recognized by numerous organizations that have honored her with awards, including the 2001 Benjamin Aranda Access to Justice Award for her efforts to improve access to the courts for low- and moderate-income people. She also is the recipient of the 2002 Judicial Officer of the Year Award from the Family Law Section of the State Bar of California.

"Since being elected to the Superior Court, Judge Hitchens has served as Presiding Judge, a trial judge in the Civil and Criminal Divisions and as Supervising Judge of the Unified Family Court. She is a former member of the Judicial Council and the Advisory Committee on Access and Fairness in the Courts and recently chaired the Science & the Law Education Committee."



While working at the Lesbian Rights Project, Donna met her wife, Nancy Davis. In 2003, Donna administered the oath of office to Nancy after she was appointed to the San Francisco Superior Court, making them the first lesbian couple to sit on the same judicial bench. Donna and Nancy were married in 2008 when same-sex marriage became legal in California.

### Judith L. Holmes



Judith Holmes received her undergraduate degree from Chicago University in 1973 and her law degree from Catholic University in 1976. After law school, she became a partner at a feminist law collective in Washington D.C.

In 1979, Judith was a presenter on "Providing Legal Services to the Gay Community" at a national legal conference at New York University titled "Law and the Fight for Gay Rights." She explained to the audience the unique way in which the law collective operated.

"The collective is not specifically a 'gay' law firm, although the five of us who work there now are lesbians. The principal prerequisite is simply that each member be a committed feminist. At the same time the collective does have a 'gay' practice in that many of the clients are gay and many of their problems involve gay issues. The cases the collective accepts involve issues such as child custody, job and housing discrimination, real estate, and relationship problems. The collective represents most of the feminist businesses in Washington, D.C.

"Besides the ordinary legal problems we work on, we also take a number of political cases, some of which are related to gay issues. The fees for political cases are set lower than the lowest ordinary fees and are based on the collective decision of the members. One of these political cases is a suit we are working on with Lambda Legal Defense and Education Fund challenging the federal prison policy of excluding gay publications. We have also been providing support work in women prison cases, military discharge cases, and union organizing. In addition we are working with women's study groups and the local chapter of the National Organization for Women."

Judith eventually moved to New York City. After being admitted to the bar in New York in 1984, she joined with Susan Tipograph to create the Holmes & Tipograph law firm. In 1992, Judith received a master's degree and in 1996 a doctorate degree from the University of Massachusetts. She lectured for many years at the Amherst campus until her retirement in 2014. Judith and her spouse Sandy live in Massachusetts. Judith serves on the board of directors of *Friends of the Tilton Library* in South Deerfield.

#### References:

(1) "Law and the Fight for Gay Rights," NYU Conference (March 1979) (link)

### **Thomas Furste Homann**



Tom Homann was an undergraduate student at the Santa Barbara campus of the University of California. After obtaining his degree in 1971, Tom enrolled at Western State University Law School in San Diego where he graduated in 1978. When Tom was admitted to the bar later that year, he went to work for attorney George Haverstick. He later credited George for helping Tom to forge his goals as an attorney.

One of his legal cases involved a suit against the Sheriff's department for refusing to hire gay and lesbian deputies. In another case, he represented two sailors with AIDS who the Navy wanted to discharge without affording them benefits.

Tom's short legal career ended when he died in 1991. The Tom Homann LGBT Bar Association in San Diego has published a short biography of him on its website.

"In his relatively short legal career, Tom made an enormous impact on the local community. The San Diego newspapers from the 1980s are filled with reports on his constitutional battles with the establishment.

"He fought with the city to prevent it from shutting down the F Street adult bookstores or limiting the materials they sold; he fought city efforts to license and restrict the operations of topless bars; he sued the San Diego County Sheriff when the sheriff refused to hire gay and lesbian deputies, persuading the sheriff to stop discriminatory hiring policies; and he represented two sailors with AIDS who the Navy wanted to discharge without medical benefits because they were gay.

"The list of his legal battles and accomplishments goes on and on. The hallmark of his efforts was to empower those who were shunned by society and to prevent the government from silencing minority voices."

Tom was a libertarian when it came to defending X-rated businesses such as movie theaters, book stores, and massage parlors. What adults do behind closed doors and out of the public eye should not be subject to closure or harassment by the government even if money is involved. Tom once explained that distrust of government and skepticism for the way the government utilizes power were his guiding principles.

The San Diego County Bar Foundation has a webpage recognizing Tom's contributions to the defense of constitutional rights.

"Thomas (Tom) F. Homann was an accomplished and pioneering gay lawyer in San Diego. His great passion in life was the Constitution. After passing the California Bar in 1978, Tom joined with one of the few other openly gay lawyers in San Diego, George Haverstick, who had a thriving practice representing an unusual mixture of clients including unconventional religious groups, transsexuals, and people involved in the sex industry. Near the end of his life, Tom noted that, "while our clients were not especially popular, their legal issues...involved very fundamental and important...constitutional rights."

"During Tom's career, he fought several constitutional mêlées, including, fighting the City of San Diego to prevent it from shutting down the F Street adult bookstores or limiting the materials they sold; fighting efforts to license and restrict the operations of topless bars; suing the San Diego County Sheriff when he refused to hire gay and lesbian deputies; and representing two sailors with A.I.D.S. who the Navy wanted to discharge without medical benefits because of their sexual orientation.

"Tom's list of legal battles and accomplishments is lengthy and varied. The hallmark of Tom's efforts was to empower those who were shunned by society and to prevent the government from silencing marginalized voices. In 1990, Tom received the Ceil Podoloff Award from the ACLU in recognition of his civil liberties efforts surrounding the First Amendment, police misconduct and gay and lesbian rights.

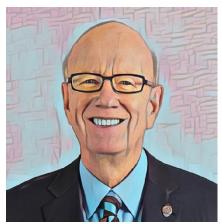
"Although his life was cut short by A.I.D.S. in 1991 at the age of 42, Tom Homann's contribution to the legal and humanitarian landscape in San Diego continues. Tom's memory flourishes through the Tom Homann Law Association, which is dedicated to the advancement of gay, lesbian, bisexual and transgender issues throughout California and the nation."



TOM HOMANN LGBT Named in his honor, the Tom Homann LGBT Law Association was incorporated in California in LAW ASSOCIATION 1999. Its website states that the organization is "dedicated to the advancement of lesbian, gay,

bisexual, transgender, and queer issues throughout California and the nation." A separate Tom Homann LGBT Law Foundation was incorporated in 2016.

## **Thomas Eugene Horn**



Tom Horn was born and raised in New Mexico. He attended undergraduate school at the University of New Mexico. When graduate deferments were eliminated during the Vietnam War, he enlisted in the National Guard. Tom enrolled at UCLA Law School in 1968 and obtained his law degree in 1971.

After graduation, Tom was admitted to the bar in California and New Mexico. Then married to a woman, Tom and his wife moved back to New Mexico where he practiced law for several years. They divorced in 1972.

Tom became the legal director of the ACLU of New Mexico from 1972 to 1976. Although he was not out as a gay man in his professional life, he was able to engage in advocacy for gay rights and sexual civil liberties in his role with the ACLU. For example, he challenged the constitutionality of the state's sodomy law on the ground that it was unconstitutionally overbroad in that it prohibited private sexual conduct between consenting adults. In *State v. Armstrong*, 85 N.M. 234 (N.M. Ct. App. 1973), the majority of judges declined to address the issue on the ground that his client lacked standing to raise the issue. A lengthy and well-reasoned dissent concluded otherwise. The dissent was later cited favorably in judicial opinions in other states.

In 1976, Tom moved to San Francisco. He wanted to live his life as an openly gay man in a supportive environment. It was also an exciting time for gay politics in San Francisco. Harvey Milk was stirring things up. Tom, who came from a political family in New Mexico, wanted to be part of the gay rights action. Tom would attend rallies and walk precincts for candidates who supported gay rights.

Much of Tom's law practice in the late 1970s involved gay clients. He defended men who were being separated from the military due to their sexual orientation. He also engaged in criminal defense, representing men who had been arrested for lewd conduct by undercover vice officers.

In the late 1970s, Tom associated with gay and lesbian lawyers who would gather on occasion to socialize and discuss legal issues affecting the gay and lesbian community. Tom recalls that at the first such meeting he attended, Mayor George Moscone spoke to the lawyers. After two years of operating as an informal group, the lawyers created a formal bar association in 1980. They called it Bay Area Lawyers for Individual Freedom.

In 1981, Tom found his way into mainstream and high-level San Francisco politics in a big way. A vacancy was occurring on the board of trustees of the city-operated War Memorial and Performing Arts Center. Trustees were appointees of the mayor who at that time was Dianne Feinstein. This entity operates the War Memorial Opera House, Veterans Building, and Louise M. Davies Symphony Hall. The board at that time consisted of heterosexual upper-class residents of San Francisco. The mayor decided to shake things up by appointing an openly-gay trustee. She appointed Tom. Tom has served on the board for more than four decades, often as its president which he is today.

After serving as legal counsel to the Bay Area Reporter for several years, Tom took over management of the publication in 2003 when its publisher, Bob Ross, died. Tom remained in that role until 2011. Founded in 1971, the Bay Area Reporter has been an influential and well-read gay newspaper, focusing heavily on California news but reporting on current events throughout the nation.

Bob Ross left his \$11 million estate to the Bob Ross Foundation that supports a broad range of LGBT health and social services as well as local arts and cultural organizations. Tom, who directs the foundation, used some of the money to fund a project by the GLBT Historical Society to digitize all issues of the newspaper from 1971 forward. This online archives was helpful in finding information for the bibliographies written for the *Birds of a Feather* commemoration.

On a personal note, Tom met his current husband, Caesar Alexzander, in 1984 shortly after he had been discharged from the army for confiding in an army psychiatrist that he felt gay tendencies. He returned to the home of his birth, San Francisco, joined the Ironworkers Union and worked for many years as an iron worker. They were married in 2018 by then Lt. Governor Gavin Newsome at San Francisco City Hall.

One of Tom's passions outside of the law has been France and things French. He returned to school at age 40 to learn French. He has served on numerous French non-profit boards and was named by then Mayor Gavin Newsom as Chair of the San Francisco Paris Sister City Committee. He has been decorated four times by the French Republic, including la Légion d'honneur, France's highest decoration. In 2009, Tom was named Honorary Consul of Monaco by HSH Prince Albert II.

### Nan Hunter



Nan Hunter spent her childhood years in Wilmington, North Carolina. When she graduated from high school, she moved to Chicago to attend Northwestern University because she knew it had a good journalism school. Eventually she changed her major to political science.

After she finished her undergraduate studies, Nan stayed in Chicago for another year, working as a paralegal in the Northwestern Law School Legal Aid Clinic. In Nan's own words: "That was a hotbed of young radicals at the time. It was during that year that I decided that I wanted to go to law school. I didn't apply to law school when I was a senior in college. I found that I really loved the

work and loved the skill sets that were part of lawyering and there was a good match between my skills and those that law drew upon. So, that's when I applied to law school."

When Nan arrived at Georgetown Law School in Washington, DC, she associated with students who, like she, were interested in social justice issues. It was during law school that Nan started coming out more as a lesbian. She also became involved in women's legal issues. There was not a LGBT student group at Georgetown until after she graduated in 1975.

After graduating, Nan practiced law for a year in DC, associating herself with other progressive lawyers in the National Lawyers Guild. After her first year of solo practice, she and a few other women formed a women's law collective. In one of her first cases with the collective, Nan represented a feminist newspaper in Denver called Big Mama's Rag when it was denied tax-exempt status by the IRS because it advocated equal rights for lesbians. Five years later, Nan moved to New York City and became an attorney with the Reproductive Freedom Project of the American Civil Liberties Union.

Nan left the Reproductive Freedom Project in 1986 to become the legal director of a newly-created Lesbian and Gay Rights Project of the ACLU. At the beginning, it was staffed by just Nan and a secretary. So Nan expanded the project's reach by working closely with attorneys in the ACLU affiliate offices in all 50 states. In those years, much of the focus was on legal issues related to AIDS. A good portion of her work in those years involved public education and political lobbying.

One of the first major court cases she participated in was *School Board of Nassau County* v. *Arline* – a 1987 Supreme Court case which ruled that a contagious disease can qualify

as a disability and protects a person from employment discrimination. Nan wrote an amicus curiae brief in that case for the ACLU. Calling that ruling "a huge turning point for AIDS issues," Nan explained in a 2015 interview for the Rutgers Oral History Project:

"That was the watershed for the analysis of employment protection. Employment protection for people with HIV/AIDS was based on disability law. Tuberculosis is a disability. HIV/AIDS is a disability. Arline's claim was based on a law that prohibited discrimination based on disability. So disability then became the frame that we used in a significant part of the work of representing people with HIV/AIDS."

Since she left the ACLU in 1990, Nan has taught as a professor at Brooklyn Law School, Harvard Law School, the University of Miami Law School, UCLA Law School and Georgetown. Her biography at Georgetown Law provides a good insight into the scope and depth of her academic credentials and advocacy skills.

"From 1993 to 1996, she was Deputy General Counsel at the U.S. Department of Health and Human Services. In 1997, President Clinton appointed her to serve on the Presidential Advisory Commission on Consumer Protection and Quality in the Health Care Industry. Professor Hunter is a Fellow of the New York Academy of Medicine and a member of the National Academy of Social Insurance.

"Professor Hunter's scholarship has been published in many law journals, and selected for reprinting in anthologies. With William Eskridge, she wrote the first casebook to conceptualize sexuality and gender law as embodying a dynamic relationship between state regulation, sexual practices, and gender norms. Her most recent scholarship focuses on social movements, including the ramifications of the same-sex marriage campaign for democratic theory. Her awards include the Pioneer of Courage award from the American Foundation for AIDS Research and the inaugural Edie Windsor Lifetime Achievement Award from Equality Florida."

When Chai Feldblum was nominated by the president to be an Equal Employment Opportunity Commissioner, she brought her life partner, Nan Hunter, to the confirmation hearing. Chai was the first open lesbian to be appointed to serve on the commission.

### Marshall Howard Jacobson



When Marshall Jacobson entered Loyola Law School in 1969 he had just married a woman. The marriage was short-lived. The couple divorced in 1971. Although Marshall knew he was gay, he was not "out" at school until 1972. That was the year students from several law schools in Los Angeles, including Loyola, formed the first gay law students association in the nation.

Despite his hesitancy for publicity about his sexual orientation, when the group issued a <u>press release</u> to announce its formation, Marshall allowed his name to be listed as the contact person.

Marshall had been the delegate from Loyola to the Law Student Division of the American Bar Association in the 1971-72 school year. He arranged for fellow gay law student Tom Coleman to be an alternate delegate in the hope that Tom could be the main delegate the following year. Marshall introduced a <u>resolution</u> to the 9<sup>th</sup> Circuit region of the Law Student Division in May 1972 in San Diego calling for the repeal of laws criminalizing private sex between consenting adults. He and Tom lobbied for that and another <u>resolution</u> on gay issues at the Law Student Division's national meeting in August 1972 in San Francisco.

After graduation, Marshall went into real estate law. When he moved to Bakersfield, he said: "I'd rather be a big fish in a small pond than a small fish in a big pond.".

At one point, he reached out to Tom for advice relating to the firing of gay man because he publicly protested the lenient verdict of a jury in a gay hate crime case. Tom later recalled that situation in his book of professional memoirs titled *The Domino Effect*.

"My attention had been drawn to the problem of hate crimes in 1982 by my friend Marshall Jacobson. He was a former law school associate who had moved to Bakersfield where he established a law practice. Marshall had called me for advice when a friend of his, Tony K. Moore, was fired after Tony's employer saw him on television news. Tony was part of a group of people who picketed the Kern County Courthouse after a jury found William Robert Tyack guilty of just one count of involuntary manslaughter in the shooting deaths of two unarmed gay men. Apparently, the employer either assumed Tony was gay or somehow was upset with Tony's participation in a political protest. Tony worked for a local appliance store.

"I urged Marshall to help Tony file a complaint with the state labor commissioner's office in Bakersfield. Cite the case of Gay Law Students Association v. Pacific Telephone and Telegraph Company, I suggested. I had filed a brief in that case in the California Supreme Court. In 1979, the court ruled it was illegal for an employer to fire an employee because of his or her political activities. Tony filed the complaint and he was ordered reinstated. He later quit and went to work as a manager in Marshall's law office."

Tom had advised Marshall that the best way to pressure the employer to reinstate Tony was to file a complaint with the Labor Commissioner. The California Supreme Court had ruled in 1979 that being openly gay was a political act protected by Labor Code Sections 1102 and 1102. The only mechanism to enforce this law was criminal prosecution.

Fortunately for Tony, the Labor Commissioner lived only a few houses from Marshall and so the two were on a first name basis. Tom supplied Marshall a legal memo which he handed to the Labor Commissioner. A few weeks later the employer was <u>prosecuted</u> by the Kern County District Attorney for a labor code violation. This was apparently the first such prosecution in the state under the Supreme Court's ruling.

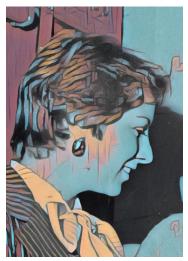
When hate crimes against gay men seemed to be on the increase in Kern County in 1984, Marshall called on Tom to help deal with the problem. At the time, Tom was a member of the Attorney General's Commission on Racial, Ethnic, Religious, and Minority Violence. The Bakersfield newspaper reported on the AG's involvement.

"Leading the charge was Bakersfield attorney Marshall Jacobson, who brought in Thomas Coleman, a civil rights attorney from Los Angeles. Coleman, alleging that homosexual victims of violent crimes tended to be shortchanged by the Kern County criminal justice system, convinced the state Attorney General's Office to take a closer look.

"The civil rights inquiry helped build steam for then-Attorney General John Van de Kamp's campaign against "hate violence." In 1986, Van de Kamp called for enhanced criminal penalties in cases involving violence and intimidation against certain groups. He specifically proposed funding for county human relations centers, which would work with local schools, police, community groups and victims of bigotry-linked violence. Kern County created its own commission in October 1990."

Unfortunately, Marshall did not live long enough to witness the county commission's creation. He died in December 1984 at the age of 48.

# **Margot Karle**



Margot Karle graduated from Brooklyn Law School in 1973. The prior year, she represented her school at the National Conference on Women and the Law in San Francisco.

Margot was admitted to the bar in New York in 1974. One of her first jobs as a lawyer was at the Harlem office of the Legal Aid Society. She once told the New York Times that her workload there was crushing. "I share my telephone with five other people and after seeing 45 clients in a single day I feel like jumping out the window,' said 26 year old Margot Karle, whose departure into private practice next month will leave the society's Harlem office with only nine lawyers—down from 14 last October."

Margot joined the board of directors of Lambda Legal Defense and Education Fund in 1977. She served as the organization's president from 1979 until her death in 1981.

Her obituary in the Bay Area Reporter supplied additional details about her law practice.

"Ms. Karle was actively involved in litigating many Lambda cases, most notably in <u>NGTF v. Carlson</u> (successful challenge of the exclusion of Gay publications from federal prisons) and in <u>People v. Onofre</u> (successful challenge to the New York State consensual sodomy law).

"An attorney in private practice in New York, Ms. Karle was also an active member of and provided legal assistance to numerous Lesbian, Gay, and feminist organizations, as well as successfully representing Lesbian mothers in their efforts to gain custody of their children. She was the President of the Board of Working Women United Institute, an organization addressing the problems of sexual harassment in the workplace, and was an active member of the Astrea Foundation, which provides grants to women's organizations. Ms. Karle also taught courses in "Women and the Law" at Pace College and New York University."

The City University of New York created a Margot Karle Scholarship Fund which provides needs-based funds for women students who have demonstrated a commitment to social justice. The fund is supported by Astraea Lesbian Foundation for Justice with donations made in Margot's honor by her long-time friend Arlene Bronstein.

### **Steven Thomas Kelber**



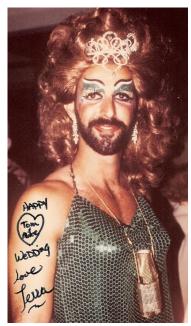
Steve Kelber graduated from UCLA Law School in 1976. After two years of practicing law as a solo attorney, he and attorney Thomas F. Coleman formed a partnership. Tom had been solo since 1974, focusing on criminal defense and civil rights advocacy. What Steve brought to the firm was his interest in civil litigation and probate law. The Coleman-Kelber partnership enabled the firm to provide a wider range of legal services to the gay and lesbian community in Los Angeles. The law office was located on the ground floor at 1800 N. Highland Avenue, right in the heart of Hollywood.

Coleman and Kelber successfully <u>sued</u> a Municipal Court judge in 1977 for imposing a condition of probation on a defendant that he "not associate with known homosexuals."

The firm represented Don Barry Pryor in the California Supreme Court resulting in a landmark ruling in 1979 declaring Section 647(a) of the Penal Code unconstitutional – a law prohibiting soliciting or engaging in lewd or dissolute conduct. As a result of that decision, prosecutions for consensual homosexual conduct dropped by 90% in California. The firm also filed an amicus curia brief in the landmark case of Gay Law Students Association v. Pacific Telephone – a decision that provided gays and lesbians legal protection against employment discrimination by public and private employers.

Steve had no hesitancy to fight discrimination or rough treatment of gay customers by business establishments. The Advocate newspaper recalled one such incident in 1980.

"Three gay activists have won an out of court settlement for an allegedly antigay action by the Century Plaza Hotel. Last May, the three entered the hotel's cocktail lounge for a drink following a demonstration against the CBS documentary 'Gay Power, Gay Politics.' The manager told them the hotel did not want 'their kind' on the premises and insisted they leave. One of the demonstrators, attorney Steven Kelber, asked the hotel for an apology and a statement of nondiscrimination. When the demands were not met, Kelber filed suit under the Unruh Civil Rights Act, which guarantees equal access to public accommodations. In the recent settlement two plaintiffs, James Lindgren and Donna Davidson, were each paid \$250 in damages and Kelber was compensated for court costs."



When Steve was invited to the wedding of his law partner Tom to Michael A. Vasquez in 1981, Steve asked if he could come dressed as his alter ego "Terra." Once in a while, Steve liked to dress in drag. Tom asked him not to. So Steve came dressed in a tight muscle shirt and form-fitting blue jeans. Inside the wedding card that Steve gave to Tom and Michael — who were married on a ship at sea — was a photo of Terra with a message that said: "Terra was so upset she could not attend your cruise. Happy Day and Best Wishes."

In 1982, Steve and ACLU attorney Susan McGievey secured an appellate ruling in California prohibiting landlords from discriminating on the basis of sexual orientation against tenants. The case – <u>Hubert v. Williams</u> – involved a paraplegic man who hired a lesbian service provider. The landlord claimed that the law did not prohibit sexual orientation discrimination. With excellent briefing by Steve

and Susan, the appeals court had no problem rejecting the landlord's assertion.

"[W]e hold that under the Unruh Act, landlords may not refuse to rent an apartment to a homosexual solely because of that person's sexual preference. . . . [H]omosexuals, as a class, are protected from arbitrary discrimination. . . . Because homosexuals are protected from arbitrary discrimination in rental housing by the Unruh Act, the right to associate with members of the protected class is likewise protected under the act."

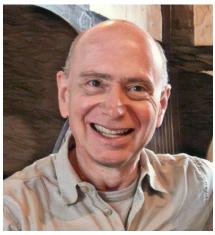
In 1986, Steve <u>represented</u> a man who was refused an opportunity to serve as a "big brother" with the Big Brothers Association. The application was rejected because, in response to questioning, the man indicated that he was bisexual.

Steve <u>died</u> of complications from AIDS in 1986 at the age of 34. Tom recalls what Steve once said about dying young. "He loved to live a fast-pace life with lots of partying. He said that he would rather have fun and die young than play it safe and live to an old age."

In his honor, the ACLU of Southern California created the Steven T. Kelber Courageous Advocate Award. It was given to Tom Coleman in 1990 for his advocacy on behalf of the rights of lesbians and gay men.

While in law school, Steve served as a summer law clerk to the chief justice of the High Court of Micronesia.

## Jay M. Kohorn



As a child and young adult, Jay Kohorn's favorite form of creative expression was music. He was an exceptionally talented pianist who performed for audiences and competed in talent shows. His parents must have been very pleased to read favorable reviews of his performances in newspapers – and there were many.

After entering college, Jay displayed his talents in other ways. Writing was one of them. He eventually took an interest in the law as form of creative expression – a way to help others through legal research, education, and advocacy. His legal knowledge and skills were honed at

the University of California School of Law in Los Angeles where he graduated in 1974.

Jay was not "out" as a gay man in law school. He came out after he took the bar exam. But once that happened, his sexual orientation was not just a matter of personal relationships. Jay became an advocate for justice and equal rights for those who found themselves victims of oppression or discrimination because of their sexual orientation.

In the early years of his law practice, Jay sometimes represented men who had been arrested on lewd conduct charges by undercover police officers. These charges involved consenting adult sex in situations where the men thought that no one was looking or would be offended. Jay and other gay defense attorneys, such as Thomas F. Coleman, would sometimes cross paths in courtrooms in Long Beach or Los Angeles. Jay and Tom soon became friends as well as colleagues. Both lawyers regularly challenged the constitutionality of California Penal Code Section 647(a) which prohibited soliciting or engaging in lewd or dissolute conduct.

Tom was co-chair of the National Committee for Sexual Civil Liberties, a select group of lawyers, scholars, and other professionals from throughout the nation whose mission was to decriminalize consenting adult sex through education, litigation, and lobbying. When Jay was introduced to the committee, his talents and passion for justice were so evident that he was immediately invited to join the group. At the time, Tom was publishing the Sexual Law Reporter, a periodical focusing on all aspects of sexuality and the law. Jay accepted Tom's invitation to participate and became the editor.

When the California Supreme Court granted review in a Section 647(a) case in 1977, Jay filed a major amicus curiae brief challenging the law's constitutionality. Tom represented the defendant. The two lawyers celebrated in 1979 when the court invalidated the

solicitation portion of the statute on First Amendment grounds and interpreted the lewd conduct portion of the statute to require proof that the defendant knew or should have known that persons were present who may be offended by such conduct. As a result of this ruling, arrests and prosecutions under this law dropped by about 90% in California.

A few years later, Jay won a victory in the California Supreme Court that took the sting out of the lewd conduct law by removing the prospect of sex registration. Defendants were generally unwilling to take a case to trial because they feared that if convicted, they would have to register as a sex offender for the rest of their lives – just like rapists and child molesters. Not willing to take that risk, the defendants generally entered into a plea bargain to a lesser offense. Jay convinced the Supreme Court that mandatory sex registration for consenting adult sexual behavior, a misdemeanor, was cruel and unusual punishment.

In the 1980s, Jay filed amicus curiae briefs in other important legal cases that would have an impact on the LGBT community. These cases included the filing of briefs in the United States Supreme Court in a New York sexual privacy case in 1984 and another U.S. Supreme Court case involving a challenge to an anti-gay teacher law arising out of Oklahoma in 1985. Both cases had results favorable to the LGBT community. He also filed a brief in a case before the New York Court of Appeals in 1988 that resulted in the court accepting the use of an expanded definition of family in rent control housing cases. The implications of unmarried couples being considered to be a family were far-reaching.

Jay wrote a masterful executive summary of a report issued in 1982 by the Governor's Commission on Personal Privacy in California. He took a 500-page report covering a wide range of issues involving the privacy rights of gays and lesbians, unmarried couples, seniors, people with disabilities, consumers, and others and made the issues and the recommendations understandable to the general public in a very condensed summary.

In the mid-1980s, Jay's love of appellate law landed him a full-time position as Assistant Director to the California Appellate Project in Los Angeles. The staff lawyers as well as the hundreds of cooperating attorneys would benefit from Jay's keen intellect as well as his managerial skills for several decades. He is still in that position today.

Along the way, Jay met a law student named Zeke Zeidler. They fell in love and became life partners. The two officially married in 2008. Zeke eventually became a judge of the Los Angeles Superior Court. For many years, Zeke and Jay have hosted an annual social event for LGBT students who attend law schools in Southern California.

# **Linda Hamilton Krieger**



Linda Krieger was a founding member of the Gay Law Students Association at New York University Law School in 1976. She graduated in 1978 and was admitted to the bar in California the following year.

Linda practiced as a civil rights lawyer in San Francisco for 13 years. She taught at Stanford Law School from 1991 to 1995. She then joined the law faculty at Boalt Hall where from 1996 to 2007 she taught employment discrimination, civil rights law and policy, and civil litigation. She was a visiting professor at Harvard Law School in 2006. She then moved to Hawaii where since 2007 she has been a professor at the University of Hawaii Richardson School of Law.

Over the years, Linda has published more than two dozen articles in academic journals and has given a similar number of lectures.

From 2011 to 2015, Linda served as the Chair of the Hawaii Civil Rights Commission. Since 2008, she has been a member of the Hawaii Access to Justice Commission. She has an ongoing membership in the American Bar Association, Section on Litigation, Committee on Civil Rights Litigation.

In 2011, Linda Krieger and Kathleen Sands were plaintiffs in a civil suit against the State of Hawaii seeking to force the state to recognize civil unions between same-sex couples. A press release from Lambda Legal, the lawfirm representing six couples in the lawsuit, said this about Linda and Kathleen.



"Kathleen Sands (left), 55, and Linda Hamilton Krieger (right), 56, have been in a loving, committed relationship since 2004. They were married in Massachusetts in 2007 and registered as reciprocal beneficiaries when they returned home that same year. Linda and Kathleen both teach at the University of Hawaii at MÄ noa. As a deeply spiritual couple, they are pained that the state favors religious views that discriminate against same-sex couples while ignoring religious views that, like their own, favor equality and inclusion."

# Barbara Kritchevsky



Barbara Kritchevsky did her undergraduate studies at Middlebury College where she graduated summa cum laude in 1977 with high honors in political science. She received her law degree, cum laude, from Harvard Law School in 1980.

Founded by fellow law student Jose Gomez, Barbara became one of the initial members of the first gay law student group at Harvard Law School. It was known as the Committee on Gay Legal Issues. In October 1978, Jose and Barbara met with the head of the career placement office to insist that the law school refuse to offer placement services to employers unless they would promise not to discriminate on the basis of

sexual orientation. Barbara was shocked when the placement officer responded that a gay male student should not expect a firm to hire him if he shows up for an interview wearing a dress She and Jose knew they had their work cut out for them.

Although they got off to a rocky start, the Committee on Gay Legal Issues made some progress in the late 1970s. They convinced the law school to enforce its anti-discrimination policy against the military and other on-campus recruiters, and, joining together with other Harvard students, they succeeded in having Harvard include sexual orientation in the university-wide nondiscrimination policy.

In 1981, the Harvard Women's Law Journal published an article written by Barbara titled "The Unmarried Woman's Right to Artificial Insemination: A Call for an Expanded Definition of Family."

After leaving Harvard Law School, Barbara practiced law for a few years before devoting the rest of her career to teaching at a law school. She has been a professor at the University of Memphis School of Law since 1983. Barbara served as the Associate Dean from 2001 to 2009. She became the Director of Advocacy in 2009 and remains in that position today.

For the past 20 years, Barbara has been an officer or executive committee member of the Civil Rights Section of the Association of American Law Schools. Her teaching interests have included: administrative law, appellate advocacy, brief writing, civil rights, constitutional law, criminal law, federal courts, legal argument, appellate practice, and torts.

Barbara's real passion is coaching moot court. According to her profile on the Tennessee Bar Association, her teams "have won the Wagner Labor & Employment Law Moot Court Competition three times and have reached the national finals of the country's two largest moot court competitions: the New York Bar Association's National Moot Court Competition and the American Bar Association's National Appellate Advocacy Competition. Members of her teams have won the National Best Advocate Award at the ABA competition, best advocate in the final round of the National Moot Court Competition, and best advocate at Wagner. Teams have also won regional best brief in the National Moot Court competition and brief awards in the ABA Competition and Wagner."

An article in the Memphis Daily News quoted Barbara as saying: "Being able to work closely with students and teach them a skill they didn't have before coming to law school – and then beating the big schools like Duke and Harvard – is very rewarding. I've written some articles that I'm proud of, but in terms of passion, the moot court is what I'm really proud of. . . . Moot courts, in my opinion, are like law school sports. We don't have football or soccer, but there are huge interschool moot court competitions."

In addition to Barbara's affinity for teaching law students and coaching moot court students, she enjoys traveling whenever she can. Barbara says that if she gets an opportunity to travel, she'll take it.

Barbara really loves Memphis. In addition to enjoying the people who live there, she says that she finds Memphis a great environment for learning.

Barbara is open about her sexual orientation. In response to a question from the Law School Admission Council about whether there were any open LGBT faculty members at the University of Memphis School of Law, the school listed Barbara's name and contact information.

Barbara is not shy about speaking to the media on LGBT issues. For example, she had this to say when interviewed by The Daily Helmsman Newspaper about the media's portrayal of LGBT people.

"First, portraying differences is important. Public invisibility breeds the sense that there's a secret. Accurate presentation means that sexuality is just one of many traits a person has. It doesn't define anyone any more than being straight is all that matters about a straight person."

More than 30 state and federal judicial opinions have cited law review articles written by Barbara Kritchevsky.

### **Arthur Sherman Leonard**



As a law student at Harvard (1974 - 1977), Art Leonard joined the Harvard-Radcliffe Gay Students Association as part of his coming out process. For five years after he graduated, he practiced labor law (management side) with two major law firms in New York City.

Art's efforts to organize gay and lesbian lawyers were described in a 1985 <u>article</u> for the Advocate newspaper titled "Opening Up the Bar: Gay Lawyers Unite." It began as a series of house parties in 1978. Those small gatherings eventually led to the founding of the New York Law Group, which has since become the Bar Association for Human

Rights (BAHR) of Greater New York. Art served as the group's first president after it incorporated in 1984. The association operated a legal referral service and held a weekly clinic at the LGBT Community Services Center staffed by volunteer lawyers.

Next came a monthly newsletter, written and published by Art, that lawyers and law professors came to rely on for accurate and comprehensive information regarding legal developments affecting the LGBT community. Initially it was for the benefit of the Law Group's members. In an article written by him in 2000 for New York Law School, Art recalled how the newsletter developed. *(Chronicling a Movement: 20 Years of Lesbian/Gay Law Notes - Link)* The following are excerpts from the article.

"I sent a monthly meeting notice to everybody on the mailing list and during 1979 began to add brief news items about legal developments that came to my attention. By January 1980, I was calling the monthly newsletter "New York Law Group Notes." This was produced on my portable electric typewriter at home, consisted of equal parts organizational announcements and legal news, and fit on two sides of a sheet of paper.

"Before long, the amount of legal news was taking up most of the monthly mailing. When the Law Group was incorporated as "Bar Association for Human Rights of Greater New York" in 1984, the organization renamed the publication "Lesbian/Gay Law Notes" beginning with the June issue, and the purely organizational announcements (calendar of events, committee news, and the like) was spun off into a separate newsletter.

"The sheer volume of lesbian and gay legal news today, compared to 1980, is truly extraordinary. During 1999, the eleven issues of Law Notes totaled

200 pages, an average of 18 pages per issue, and the total for 2000 appears likely to surpass that. Today, Law Notes is read by the members of seven lesbian and gay bar associations and several hundred individual subscribers, some of whom receive it by direct email transmission from the LeGaL Foundation, as well as thousands each month who access the website. More than a hundred Law School libraries subscribe to Law Notes, and it is frequently cited in law review articles as a source of information on litigation, legislation, and otherwise unpublished decisions."

Art joined the faculty of New York Law School in 1982 and served there as full-time legal academic until he retired in 2021. In 1983, he persuaded the faculty to vote for a policy to exclude discriminatory employers from using the school's placement services, a position which the Board of Trustees later approved. When adjunct professor Cary Boggan moved to the West Coast, Art took over a class on sexuality and the law. He eventually co-authored a casebook on Sexuality and the Law with Professor Patricia Cain.

Art's importance to the LGBT legal community is evident from the biography found on his webpage at New York Law School. (Link) Here are some excerpts.

"Over the past 40 years, Professor Leonard has written numerous articles on employment law, AIDS law, and lesbian and gay law, including an influential law review article in 1985 on AIDS discrimination that helped form the nation's legal response to the AIDS epidemic. A frequent national spokesperson on sexual orientation law, and an expert on the rapidly emerging area of gay family law, he is also a contributing writer for Gay City News, New York's weekly lesbian and gay newspaper, and has written for several other lesbian and gay newspapers in New York City.

"Professor Leonard has held a variety of influential and activist positions in civic and legal organizations, including trustee of Lambda Legal, trustee of the Center for Lesbian and Gay Studies at the City University of New York, and chair of the Section on Gay and Lesbian Legal Issues of the Association of American Law Schools.

"Professor Leonard received the prestigious 2005 Dan Bradley Lifetime Achievement Award from the National Lesbian and Gay Law Association in recognition of his significant contributions to the advance of LGBT rights under the law."

After his retirement, Arthur Leonard was given the title of Robert Wagner Professor of Labor and Employment Law, Emeritus, at New York Law School.

## **Robert Holt Lynn**



A native of Oklahoma, Robert Lynn attended the University of Kansas where he graduated in 1960. He then enlisted in the Navy and served as an officer for a decade after which he enrolled in California Western School of Law in San Diego. He obtained his law degree in 1972.

Bob used his skills as a lawyer and communicator to build coalitions for the gay and lesbian community in San Diego with other disadvantaged groups. Bob saw the need for such a coalition in order to combat the ongoing and pervasive <u>discrimination and oppression</u> of LGBT residents of San Diego that had existed for decades.

His husband, Kleon Howe, once told the San Diego Union Tribune: "He would go out and meet with Latino groups, African American groups, Asian business groups, and women's groups. He would create coalitions, so the gay community would support measures that would give more freedoms for these other groups and also support people running for office in these other groups."

Not only was Bob a coalition builder, he was a political leader. In 1975, the year the California Legislature voted to decriminalize consenting adult sex in private, Bob founded the San Diego Democratic Club. He served as the organization's first president. By 1977, the club was the most powerful gay political organization in San Diego and the second largest Democratic organization in San Diego County.

In 1979, Bob launched the Greater San Diego Business Association to support gay and lesbian businesses. It is now called the San Diego Equality Business Association. Bob served as president of the San Diego Chapter of the ACLU of Southern California in the 1980s.

Bob was not hesitant to speak truth to power. In 1981, he urged gays to stop contributing to Governor Jerry Brown in response to the state cancelling television advertisements promoting mental health among gays and other minorities.

In 1982, the Presiding Judge of the San Diego Municipal Court showed his respect for Bob by appointing him as a temporary judge to hear cases when there was a shortage of judicial officers. That gave Bob the distinction of being the first openly gay judge in the county.

As good as he was at community organizing, Bob was just as good in his legal advocacy. He was part of a legal team representing Edward Lawson in a federal lawsuit challenging a California law allowing police to stop people and require "credible" identification. Lawson, a law-abiding man who had long dreadlocks, was frequently the target of police questioning and harassment when he walked in white neighborhoods. Working as a cooperating attorney for the ACLU, Bob and his colleagues challenged the law requiring "persons who loiter or wander on the streets to provide a 'credible and reliable' identification and to account for their presence when requested by a peace officer." The case was ultimately heard by the U.S. Supreme Court which ruled in 1982 that the law was unconstitutionally vague.

With the Lawson victory in hand, Bob decided to leave behind his legal advocacy and political organizing. He and his life partner embarked on an 11-year voyage. They sailed the South Pacific, the Mediterranean and the Caribbean, in the process visiting 36 countries on their boat, the Rhiannon.

Nicole Murray Ramirez, a longtime gay and Latino activist, credited Bob with teaching others how to advocate effectively. "I learned a lot from Bob, because he was so knowledgeable, so brilliant and so seasoned and knowledgeable about the political process," Murray Ramirez told the Tribune.

Bob and Kleon were married in 2008 during the brief window when gay marriage was legal in California. Bob died at home in 2021 in the arms of his husband. The cause of death was complications from dementia after several years of illness.

Doug Case, a former president of the San Diego Democratic Club told the Tribune that if there was one person he would credit for the clout the LGBTQ community has today in San Diego, it would be Bob Lynn.

Senate President Pro Tem Toni Atkins and former California Senator Christine Kehoe, both from San Diego, became major donors to the *Birds of a Feather Project* in honor of Robert Lynn.

## **Step May**

Step May was among the first post-Stonewall gay rights activists in Chicago. *Queer Legacies*, a book by historian John D'Emelio, has a chapter titled "A Queer Radical's Story: Step May and Chicago Gay Liberation." The following excerpts provide background information on Step before he moved to Los Angeles in the 1970s and entered law school.

"Who were these first post-Stonewall activists? How did they make their way into this new and more militant movement? Step May was one such individual.

"The son of Jewish refugees who had fled Nazi Germany, May grew up in rural America, on a poultry farm near Lake Ontario in upstate New York. At the age of thirteen, he came upon the word 'homosexual' and knew that it described him. Considered to be 'fruity and a fairy' by many of his peers, he found a group of friends that accepted him and helped him make it through high school. Winning admission to the University of Chicago, he moved to the campus on Chicago's South Side in the fall of 1965.

"A couple of months before the Stonewall protests in New York and the founding of the Gay Liberation Front, May saw an ad in the Maroon, the campus student newspaper, that said 'Gay Power' and had a box number for mailing a reply. May wrote a note and learned that there would be a meeting a few days later. He remembers about ten other students showing up, all tense and nervous. They listened to the student who called the meeting, David Goldman, talk about how student homophile leagues had formed on a few campuses and how he wanted to start one at the University of Chicago. 'Here I was so political,' May recalled, 'and, even though he was speaking in political terms, it still didn't really connect with me . . . I never made the connection that what was happening to me as a gay person was also a form of oppression. I never used that word, oppression, to apply to a group of gay people.'

"In June 1970, Step May helped organize the first Pride March in Chicago to commemorate the Stonewall Uprising in New York the year before.

"May became active for a while in a new group, the Chicago Gay People's Legal Committee, which Renee Hanover had set up and which was connected to the National Lawyers Guild. Finally, in 1974, he left Chicago

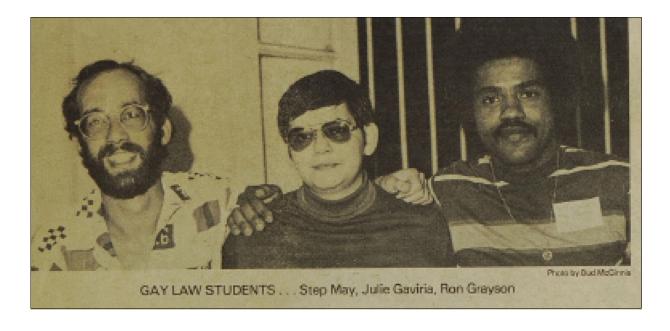
and settled in Los Angeles, where he continued his gay liberation activism in a local radical group, the Lavender and Red Union.

The Lavender and Red Union was an early gay communist political organization that was based in Los Angeles from 1974 to 1977. Literature of the organization explained its philosophy.

"Full rights for gay people is as impossible under the top-down rule of a Stalinist bureaucracy as it is under the modern bourgeois states. Our integration into a free society where sexuality is scientifically understood and politically unfettered is possible only in the context of a world-wide, unceasing, socialist transformation. That is the permanent revolution, and on it the future of gay people depends."

Other than an article in the Advocate newspaper about People's College of Law – the school Step enrolled in when it first opened its doors – nothing more could be found about him online.

In its statement of purpose, the People's College of Law said: "We are a working coalition of the Asian Law Collective, La Raza National Law Students Association, the National Conference of Black Lawyers, lawyers from the gay community, and the National Lawyers Guild. Los Angeles gay-rights attorney Thomas F. Coleman was on the law school's board of advisors.



# Jerel McCrary



Jerel McCrary graduated from the University of California Hastings College of Law in San Francisco in 1977. His hometown newspaper in Casper, Wyoming, carried a notice of his graduation. His graduation from Stanford in 1974 was also the subject of an announcement in the Casper Star Tribune.

Once admitted to the bar, Jerel immediately jumped into the fray of gay rights as one of the founders of Gay Rights Advocates, a nonprofit legal advocacy organization. Later

called National Gay Rights Advocates, the organization was founded in 1978.

NGRA was a public interest law firm promoting the rights of lesbians and gay men throughout the United States. Its methods involved impact litigation coordinated by professional staff with pro bono assistance from law cooperating attorneys. It also provided legal referral services and issued publications to educate individuals on a wide range of issues, including taxation, healthcare, insurance and fair employment practices.

In 1977, Jerel filed an amicus curiae brief with the California Supreme Court challenging the constitutionality of a state law prohibiting soliciting or engaging in lewd or dissolute conduct. The Supreme Court declared the law unconstitutional in a landmark ruling in 1979. (*Pryor v. Municipal Court* (1979) 25 Cal.3d 238) Los Angeles attorney Thomas F. Coleman represented defendant Don Barry Pryor, a San Francisco resident, in the case.

Jerel had a busy year in 1979. According to a story in the Advocate newspaper, NGRA could not handle all of the complaints of job discrimination is was receiving from workers in San Francisco. Jerel told the paper that his firm was trying to determine the best case to test the strength of the gay rights ordinance adopted by the city a few years prior. That same year, Jerel filed a defamation lawsuit against Senator John Briggs and his anti-gay teacher campaign, seeking damages for libelous statements made against a second-grade teacher.

Also in 1979, Jerel was able to secure the release from federal custody of a dress designer from Mexico who was detained at the San Francisco airport on suspicion of being a homosexual trying to enter the county. At that time, there was a federal ban against entry into the county by known homosexuals.

When Professor Donald Knutson published *Homosexuality and the Law* in 1980, it contained a chapter by Jerel McCrary. A review of the book in the Advocate newspaper discussed that chapter.

"Jerel McCrary's article 'The Homosexual Person in the Military and National Security Employment' is an interesting and not overdrawn historical perspective which illustrates the backward approach still taken by our government to the question of gay military and security service, as compared to the approach taken by other nations. The article contains a thorough review of the response of both administrative and judicial bodies to challenges to discriminatory regulations. Unlike other articles which cite periodicals as the source for regulatory changes and case decisions, McCrary's citations usefully provide the interested researcher with the primary source of obscure regulations and decisions.

"As McCrary states in his conclusion, gay rights law has made perceptible progress in the areas of military service and security clearances; however, victories with an impact much beyond individual cases have eluded advocates."

Jerel was appointed to the Gay Advisory Committee to the San Francisco Human Rights Commission in 1982.

After leaving Gay Rights Advocates, Jerel worked for the San Francisco District Attorney for five years. A biography of him by the Practicing Law Institute explains his many years of education, counseling, and advocacy in the field of domestic violence.

"He joined the San Francisco Neighborhood Legal Assistance Foundation in 1989 in its domestic violence prevention unit and continued representing survivors of abuse until 2001 when he became the Regional Counsel in Domestic Violence for Bay Area Legal Aid. During 2006, he served as Acting Executive Director of BayLegal. In 2013, he was named Managing Attorney of BayLegal's San Francisco Office. He has served as a member of the Board of the Cooperative Restraining Order Clinic for 25 years. In 2004, he received the Legal Aid Association of California's Family Law Award, and in 2006, he received the Tanya Neiman Award for Social Justice Advocacy from the San Francisco Domestic Violence Consortium. Jerel has presented numerous local and national trainings on matters of family law, domestic violence, serving the LGBT community and management of legal aid programs."

# **Susan Douglas McGreivy**

Susan McGreivy attended undergraduate school at Northwestern University where she graduated in 1961. Throughout the rest of the 1960s, Susan was busy as a Peace Corps volunteer followed by a few years as a wife and mother of two children as well as working as a teacher.

In the 1970s, Susan attended law school, graduating from Western State in 1977. The following year, she became the director of the legal services program at the Gay Community Services Center in Los Angeles. As explained by the One Archives webpage for the Susan McGreivy papers: "[She] then went on to become a civil rights attorney for the ACLU of Southern California with a focus on gay and lesbian rights. Throughout this time, she was also an activist in the lesbian feminist movement, participating in organizations and events, such as the National Organization for Women and the West Coast Lesbian Conference."

Although Susan was one of the founders of the Lawyers for Human Rights in Los Angeles – now the LGBTQ Bar Association of Los Angeles – she dropped her membership a few years later. She explained to the Advocate newspaper in 1985 that she was disappointed at the direction taken by the group. She said it was "mostly social, with the predominantly male membership unwilling to get heavily involved in litigating gay rights cases." Susan was a mover and shaker.

Throughout the 1980s, Susan was involved in a wide range of gay rights legal cases in her capacity as a staff attorney with the ACLU. She often worked with cooperating attorneys, such as Barry Copilow who was a gay attorney in Los Angeles. Barry was one of the founding members of the first gay law students association and also ran the legal services program at the Center before Susan took over that position.

Susan and Barry became involved in a series of Navy discharge cases in the early 1980s. The first case involved Seaman Barbara Lee Underwood. Susan was stunned when their legal defense of Barbara resulted in two-to-one vote by a discharge board to retain Underwood. She told the Associated Press "I guess the world has changed." Although things had changed for one lesbian sailor, there would be many more discharge cases to come. However, Susan was able to get several of those cases dropped.

Susan's next major legal battle involved a 1981 lawsuit against the Boy Scouts of America. Timothy Curran, a resident of Oakland, California attracted attention when he insisted on taking a male date to his high school prom. When word reached his Boy Scout troop, his membership in the scouts was terminated. Tim, then an Eagle Scout, had been with his troop for several years. Susan filed a lawsuit against the local chapter,

alleging they were violating the Unruh Civil Rights Act which prohibits sexual orientation discrimination in public accommodations. Eventually the Boy Scout organization won, on the ground that their First Amendment rights to freedom of speech and association trumped a state nondiscrimination law.

The year 1981 found Susan brokering a compromise between the Gay Bartenders Association of Los Angeles and Ventura County Sheriff's Office. The bartenders wanted to hold an event at a Ventura park which was expected to draw 2,000 people. The sheriff insisted that they have 20 security officers for the event. That was cost prohibitive. Susan took the matter to the Board of Supervisors which gave permission for the event to proceed with only 8 security guards.

A former Olympian herself (swimming, 1956), Susan took on the International Olympics Committee in 1983 on behalf of 50 women runners from 19 nations who wanted the committee to add women's 5,000 and 10,000 meter races for the 1984 Olympic Games.

Susan got involved in AIDS litigation in the mid-to-late 1980s when discrimination against those infected with HIV became quite prominent. She also served on the board of directors of the Hospice of Los Angeles and Long Beach.

She resigned her position with the ACLU in 1988 and opened a private practice. Despite her dropping membership, the Lawyers for Human Rights gave her the Presidents Award in 1988 in recognition of her contributions to gay and lesbian rights.



The Advocate newspaper ran a feature story about Susan in 1988. It was titled: "Dreaming Big: ACLU Attorney Susan McGreivy is a Lesbian Earth Mother with Clout." Susan told the paper that one of the biggest mistakes she's made during her years in the movement is that she didn't dream big enough. Susan McGreivy died in 2019 at the age of 80.

# Mary Morgan



Mary Morgan made history in 1981 when she was appointed to the bench by California Governor Jerry Brown and became the first open lesbian judge in the nation. It was at this time that Mary met Roberta Achtenberg. They developed a long-term relationship and raised a child together.

Mary did her undergraduate studies at Smith College. She then attended New York University School of Law and obtained her law degree in 1972. Most of the clients in her private law practice were women, many of them lesbians.

In response to her appointment as a judge, Mary said: I think it 's absolutely a step forward for the gay and lesbian community. I think it 's important to have more lesbians and gays visible in our society so people can see there 's not an enormous difference between us and we don 't have anything to fear from each other."

From 1981 to 1993, Mary served as a judge on the San Francisco County Municipal Court. When Roberta was appointed to a federal government position in 1993, Mary and their son moved to Washington, D.C. too. Mary ran a domestic violence legal clinic and worked in the United States Department of Justice.

After returning to San Francisco, Gov. Gray Davis appointed Mary as a judge on the San Francisco Superior Court in 2003. She heard cases in the court's criminal division and its domestic violence division.

From 2006 until July 2010, Mary was assigned once a week to the Behavioral Health Court, presiding over cases involving mentally ill defendants, many of them homeless. "These are people who are ill and who need treatment for their sake, for the sake of their families, for society at large," Mary said in a 2007 interview. Mary was a member of the Judicial Council Task Force on Criminal Justice Collaboration on Mental Health Issues.

When she retired in 2011, Mary said she was "proud of the difference I was able to make alongside other justice partners committed to having people live happier, healthier and more productive lives."

#### **Bruce William Nickerson**



Bruce Nickerson received his law degree from Golden Gate University in San Francisco and began practicing law in 1979. He passed away at the age of 80 in February 2022. His surviving domestic partner, Carlos Scott Lopez, told Q Voice News: "Bruce was a civil rights lawyer, and a human rights lawyer. Bruce was devoted to LGBTQ rights. He would not give up. He was working and fighting up until the very end. Bruce was relentless . . . He had a passion for justice."

A profile of Bruce published in the Los Angeles Times in 2017 described how the first case he took to trial which involved an arrest in an adult bookstore in Fresno launched his legal career. Bruce's tactics resulted in a hung jury followed by a prosecutorial dismissal.

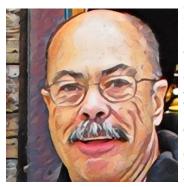
"The victory was the first in a career that would see Nickerson become a legal champion for LGBTQ rights as the go-to criminal defense attorney for gay and bisexual men accused of lewd conduct and indecent exposure in California. In the last few decades, he has waged legal war on undercover stings, an age-old police tactic that activists condemn as a form of entrapment that unfairly singles out gay men.

"In courts throughout California, Nickerson has argued that officers engage in discriminatory policing by exclusively using attractive male officers to target men seeking gay sex. His victories, combined with changing attitudes toward gay sex, have led some police departments to scale back or end their use of the stings.

"Over the years, Nickerson has become a beloved figure in LGBTQ circles and the legal community. Earlier this month, he rode in a float during Long Beach's gay pride parade, seated next to the grand marshal, a former client."

A search of his name in a legal database shows 18 state and federal cases in which Bruce challenged police practices. One was a victory in the California Supreme Court making it easier for lewd conduct defendants to obtain a dismissal based on discriminatory enforcement of the law by the police. (Baluyut v. Superior Court (1996) 12 Cal.4th 826.)

### **Terence Kevin O'Brien**



In 1972, Terry O'Brien was a founding member of the first gay law students association in the nation. He graduated in June that year. During the academic year 1972-1973, Terry was an associate dean at Loyola Law School. In 1976, he was a professor at Whittier Law School.

Terry obtained his Bachelor's Degree in Foreign Service at Georgetown University in 1964 and his Master's Degree in Public Education at U.C.L.A. in 1969.

During the 1970-1971 academic year at Loyola, he was the school's representative to the Law Student Division of the American Bar Association. This began a tradition of LSD representation by gay law students. In 1971-1972, the LSD representative was gay law student Marshall Jacobson and in 1972-1973, it was Thomas F. Coleman.

In 1974, along with gay law student Rand Schrader, Terry was one of the first openly-gay attorneys to be hired by the Los Angeles City Attorney. That year he also served on the board of directors of the Gay Community Services Center.

From 1974 to 1976, the UCLA Gay Student's Union held an annual forum during Gay Awareness Week on problems of gays in society. Terry was one of the invited speakers. During the mid-to-late 1970s, Terry was involved in gay politics in Los Angeles. In 1977, Mayor Tom Bradley made one of his first appointments of an openly gay persons to a city commission by appointing Terry to the Mayor's Citizen's Committee on Downtown Redevelopment.

Terry's interest in law was superceded by his attraction to social work. He enrolled in the USC in 1980 and obtained a Masters of Social Work and a Masters of Gerontology in 1983. In the early 1980s, Terry was a corporate officer of United Men's Health Clubs, a corporation that owned bath houses in Los Angeles.

From 1992 to 2006, Terry was the Chair of the Chief's of Chemical Dependency Treatment Programs at Kaiser Permanente of Northern California. In that position he managed 16 chemical dependency programs across a 400 mile territory. Terry is now retired and lives in Oregon.

### Jodie O'Connell



Jodie O'Connell graduated in 1975 from the University of Georgia School of Law. During his undergraduate and law school years, Jodie was a gay rights activist and organizer. He and his fellow activists made their mark at the university and paved the way for future gay and lesbian students.

Inspired by the Stonewall uprising in 1969, a handful of college students at the University of Georgia decided to form a gay student group on campus. It was called the Committee on Gay Education (CGE). With lots of publicity, 70 students showed up for the group's first meeting on November 10, 1971. Jodie would become the organization's director.

Administrators refused to recognize CGE as an official student organization. They feared that by acknowledging the group and allowing them to meet and host events on campus, the university would be complicit in breaking Georgia's sodomy law. Undeterred, gay student leaders pressed forward and held its second meeting the following month.

Pushing the envelope even further, gay student leaders notified the university that CGE planned to hold its first dance on March 10, 1972. When they received word that administrators would block the gathering, CGE went to court and sought an injunction to prevent such interference. Just hours before the event was about to start, the court granted the injunction. News reports estimated that 300 people attended the dance.

CGE tried to reserve space later that year to host the Southeast Regional Gay Coalition Conference and dance. Administrators refused. CGE went to court and obtained an <u>injunction</u>. CGE expanded its activities to include movie nights with gay and lesbian themes. It celebrated the first Pride Week on campus in 1973. That year, six openly gay students were elected to positions in the Student Senate. Jodie was one of them.

As an openly gay law student and former CGE director, Jodie secured the most votes of the 21,000 students at the university and was elected as president of the student body in 1975.

The Committee on Gay Education ended in 1983. Lambda Alliance became the official LGBT student organization in 1998. Today it is called Pride Alliance. There is an OutLaw group at the University of Georgia Law School.

# **Adrian Theo Oktenberg**



Adrian Oktenberg (a.k.a. Rose Basile) was a poet, literary critic, feminist scholar, and lawyer. She attended Bennington College in Vermont where she majored in literature, receiving a Bachelor of Arts Degree in 1969. While at Bennington, Adrian apprenticed with artist Adolph Gottleib. Adrian later attended Columbia University where she received her Master in Fine Arts degree in poetry. She then enrolled at Rutgers Law School where she obtained her law degree and was admitted to the bar in New Jersey.

The May 1974 issue of Gay People's News posted the following notice: "R.A. Basile, a Lesbian law student is presently researching

Lesbian law. This report will be a noteworthy contribution to the gay movement and will be facilitative in law reform as well as being serviceable to many gay sisters." (1) In December 1974, Adrian who was then known as Rose Basile published an article in the Women's Rights Law Reporter titled "Lesbian Mothers." It examined the roots of homophobia in the law, especially in the context of gay and lesbian custody disputes. (2)

Although Adrian practiced law for years, her professional passion was literature. She received the Astraea Foundation's Lesbian Writer's Fund Award in 1995. Adrian was awarded a Barbara Deming Fund grant for her collection of poems, *The Bosnia Elegies*, published by Paris Press in 1997. Her second collection of poetry, *Swimming with Dolphins*, was published by Bucknell University Press in 2002.

Adrian passed away in 2014. She is survived by her longtime partner and friend, Jan Freeman. Adrian's papers are housed at Amherst College. The following excerpts are taken from an obituary article.

"Adrian Theo Oktenberg (a.k.a. Rose Basile), born Sept. 19, 1947, passed away Sunday, May 18, 2014, of complications from rheumatoid arthritis. . . In the 70's, she ran an independent bookstore, directed women's studies at Evergreen College, and in 1992 founded the feminist literary press, Paris Press . . . A true intellectual, she educated friends, acquaintances, and the compassionate staff of Linda Manor in Leeds, where she died."

#### References:

- (1) GPU News (May 1974) (<u>link</u>)
- (2) Barbara Friedman, "Women's Work and Women's Studies, 1973-1974: A Bibliography," Columbia University (1975) (link)
- (3) Daily Hampshire Gazette (June 19, 2014) (link)

# John Delaney O'Loughlin



John O'Loughlin graduated in June 1972 from UCLA School of Law and was admitted to the bar in California that December.

John began working as a staff attorney for the American Civil Liberties Union of Southern California in 1973. He was the first openly gay attorney to be hired by that office. For several years, John handled a wide range of civil liberties litigation.

One of his first cases for the ACLU was in connection with the "Black Pipe 21" case. When 21 men were

arrested at a gay bar in 1972, the men decided to fight back as a group. Gay law students Thomas F. Coleman and Barry Copilow did the research to challenge the constitutionality of the lewd conduct statute. With that as a starting point, John offered to file an amicus curiae brief with the Municipal Court in the case on behalf of the ACLU.

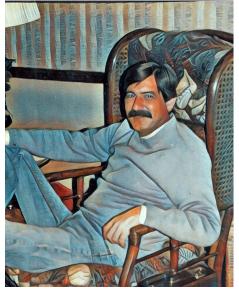
John and his ACLU colleagues challenged the constitutionality of a loitering law in 1973; sought reinstatement of a teacher who had been convicted of consenting adult sex in 1973; sought a ruling from the United States Supreme Court to overturn the mailing-obscene-materials conviction of a publisher of an illustrated report of the federal commission on obscenity in 1973; challenged regulations prohibiting the solicitation of signatures at a shopping center in 1974; tried to invalidate a conviction for consensual sex in 1975; sought to strengthen the criminal defense of discriminatory enforcement of the law in 1975; and sought to overturn a conviction for private sexual conduct between consenting adults in 1976.

After he left the ACLU, John worked as an attorney for the Los Angeles City Attorney in the early 1980s. Following that short stint, he was a panel attorney for the California Appellate Project from 1985 to 2013, representing criminal defendants on appeal under appointment by the Court of Appeal.

During the mid-1980s, John was a member of a group of gay and lesbian lawyers in Los Angeles known as Lambda Roundtable. The lawyers met monthly to share strategic ideas on legal cases and to discuss current political events.

John is retired and lives in Newport Beach, California.

# Craig W. Patton



Craig W. Patton never intended to be a trailblazer for gay rights. In a way, he was conscripted into gay rights advocacy by the Ohio Supreme Court.

Craig grew up in Athens, Ohio – a community with about 20,000 residents located in the southeast region of the state. He was a student at Athens High School where he graduated in 1962. Craig then attended Ohio State University where he graduated No. 2 in his class. He enrolled in Ohio State University School of Law in Columbus, Ohio, where he graduated No. 10 in his class.

Craig passed the bar exam in 1971, expecting to be admitted to the bar forthwith and hoping to start

practicing as a junior lawyer with a lawfirm in Columbus. However, there was a glitch.

"Hearings by an Ohio Committee on the suitability of an Ohio applicant for admission to the Ohio Bar had outraged some civil libertarians because the committee reportedly delved into the explicit sex habits of the applicant."

Advocate - May 9, 1973

Craig had been in a same-sex relationship which broke up in the summer of 1971. Upset and vindictive, Craig's former lover notified the local bar association that Craig was gay. This triggered an inquiry by the association since most forms of private consensual homosexual sex were criminal in Ohio. The association notified the Supreme Court that Craig had good moral character, a requirement for being admitted to the bar. The Supreme Court declined to accept the finding and sent the matter back to the local bar association for further inquiry. The association again recommended Craig for admission to the bar.

Instead of accepting the recommendation, the Supreme Court established a character and fitness committee – an entity that had never existed before. The committee conducted a thorough investigation, culminating in a "star chamber" hearing at which Craig and his former lover were required to testify. Fortunately for Craig, the lover was sorry that he had started this mess and became a witness on Craig's behalf.

Committee members questioned each of them about their private sexual practices. Did they engage in oral or anal sex, both of which were felonies in Ohio? Committee members were frustrated when both men testified that mutual masturbation was the only

form of sex they had ever engaged in. Mutual masturbation was not a crime.

At the conclusion of the hearing, the committee voted 5 to admit, 3 to deny, and two abstentions. This constituted a bare majority in favor of admission to the bar. So in November 1972, Craig W. Patton became a licensed attorney in Ohio.

"In 1971, a graduate of the Ohio State University Law School who was an avowed homosexual sought admission to the Ohio Bar. To make that determination the Supreme Court of Ohio appointed a special committee which ultimately admitted the person in question. However, since the issue was dealt with by special committee, the fact that in Ohio homosexuality is not a reason for denial of admission to the Bar was not made a matter of public record." Rhonda R. Rivera, "Our Straight-Laced Judges: The Legal Position of Homosexual Persons in the United States," Hastings Law Journal (1979), fn. 349.

When he was in law school, Craig had aspirations to represent corporate interests, perhaps as a lobbyist in Columbus where state government officials are located. Gay rights advocacy was not on his radar. But after his experience with the bar admission process, he offered to help the National Committee for Sexual Civil Liberties – an organization that assisted him during the bar admission ordeal. He joined the committee which is where he met Thomas F. Coleman in November 1972 at a meeting in Buffalo, New York. Craig and Tom developed a friendship and became colleagues as the two young lawyers attended annual and mid-year meetings of the American Bar Association (ABA) to lobby the organization for gay rights and sex law reform.

Craig did become a lobbyist with a lawfirm in Columbus, representing clients such as U.S. Steel, Ashland Oil, and the Ohio Dental Association. Craig's father was a well-connected dentist. But there was another dimension of legal practice that interested Craig. He became general counsel to the Club Bath Chain, a trade association of more than a dozen private men's clubs in various cities throughout the nation. Because the baths were sometimes raided by the police, Craig would work with local attorneys and lawyers with the National Committee to challenge these raids in court.

By attending the ABA meetings twice a year, Craig became acquainted with E. Carrington (Carry) Boggan, a lawyer who was chair of the ABA's Section on Individual Rights and Responsibilities. Carry was associated with attorney William (Bill) Thom. Carry and Bill were two of the original founders of Lambda Legal Defense and Education Fund in 1973. A few years later, Craig, Carry, and Bill formed a boutique law firm in New York City handling specialized cases. The firm was relatively short lived.

Craig became the lawyer for the Leonard Matlovich Foundation in 1976. Leonard Matlovich was expelled from the military in 1975 for being gay but was ordered

reinstated by a federal judge. Matlovich became an icon in the gay community. In addition to running for public office, and giving lectures about his military experiences, Matlovich counseled gays and lesbians on their rights. He also founded the Matlovich Foundation and the Never Forget Foundation to fight for the rights of lesbians and gay men.

Craig bought a large house in Key West, Florida where he operated a guest house catering to gay tourists. Members of the National Committee for Sexual Civil Liberties sometimes met there for retreats.

With his lobbying work in Columbus, the business lawfirm in New York, and select legal work in Key West, Craig bought a private plane so that he could easily reach each point in the triangle.

Burning the candle at both ends, and with HIV spreading rampantly among gay men, Craig's health became compromised, resulting in major changes in his life. The New York firm was dissolved. He sold the Key West property. He left the Columbus firm and moved to Cleveland where he purchased a three-story townhouse that needed major renovations.

As his health deteriorated, Craig found himself at St. Luke's Hospital in Cleveland. Craig died two weeks later on November 18, 1987 at the age of 43.

A memorial service was held, after which a few of those in attendance took Craig's ashes to the shoreline of Lake Erie where they were scattered.

**News Articles - Link** 

### **Daniel Pinello**



Dan Pinello tried to organize a gay law student group at New York University School of Law in 1972 but only a few people showed up. So he associated with the Gay Legal Caucus of the Gay Activists Alliance. The caucus included lawyers, law students, and legal workers interested in advancing gay rights. Dan graduated from NYU in 1975.

Dan's gay rights activism did not start in law school. He "came out" in a big way when he was an undergraduate student at Williams College in 1971. His essay titled "The

Homosexual at Williams" was on the front page of the college <u>newspaper</u> on October 28, 1971. After recounting the isolation and the pressure to conform to heterosexual mores at Williams, Dan urged readers to contact him to form a gay liberation student group.

Dan's essay did not come out of the blue. His decision to go public had been building for months. Dan described the process, step by step, in the senior honors thesis he wrote in the spring of 1972 to fulfill his American Civilization major at the college. He recalled becoming a member of the Gay Activists Alliance; marching in the streets during the second anniversary commemoration of the Stonewall uprising where he raised his fist in the air and shouting "Justice! Justice! Justice!"

From 1975 to 1984, Dan had a private law practice in New York City. In the late 1970s, he and some activists from two other organizations founded Gay and Lesbian Community Services in New York City. It was there that Dan and attorney George Terzian offered legal counseling and referrals to clients in crisis. Eventually the two lawyers created a separate entity for such legal services. It was called the Law Stop Clinic.

Dan eventually shifted his focus from practicing law to teaching law and government. He was an assistant professor in the Department of Political Science at the University of New Orleans. Then he attended Yale University where he received a Ph.D. in political science in 1991. Next up was teaching law and politics at Ohio Wesleyan University. From 1994 to the present, Dan has been teaching at the John Jay College of Criminal Justice of the City University of New York. He has <u>published</u> many scholarly articles and books.

After Dan and his life mate, Lee Nissensohn, had been a couple for 13 years, they applied for and were denied a marriage license in New York in 2008. So they flew to California and were legally married there.

# **David Piontkowsky**



David Piontkowsky was a second year law student at Wayne State University School of Law when he became the founding president of the Coalition of Law Students for Gay and Lesbian Rights. The university accepted the group's constitution on May 3, 1979. At the time, David was also the president of the law school's chapter of the National Lawyer's Guild.

After he graduated in 1981, David used his lawyering skills to advance lesbian and gay rights. David soon aligned himself with

the Michigan Organization for Human Rights, an LGBT advocacy organization of which he served as president for several years. At the 15<sup>th</sup> Anniversary of the founding of Gay Liberation in Ann Arbor, Michigan, David told the crowd at the rally that gays and lesbians would be demanding appointments to city boards and commissions. He added: "We're going to ask – no, demand – the rights we deserve and we're going to get them." Although David was professional, he was assertive when it came to gay rights.

In 1982, David represented Metropolitan Community Church, a denomination with a predominantly gay and lesbian congregation, when the warden at Jackson State Prison refused to allow the church to hold services for inmates who requested them. The same year, he filed an amicus curiae brief in the Michigan Supreme Court in a case which resulted in a ruling prohibiting the police from using a felony statute to arrest men for soliciting a sexual act. In 1985, David represented an insurance salesman who sued his employer for AIDS discrimination. The following year, he was appointed to serve on the Governor's Task Force on AIDS. He would come to represent other victims of AIDS discrimination. In 1988, David filed a lawsuit challenging the sodomy law in Michigan which was declared unconstitutional by the trial court and not appealed by the defendants — the Attorney General and Wayne County Prosecuting Attorney. In 1988, he won a federal lawsuit and damages for an off-duty gay police sergeant who was harassed by two police officers from a neighboring jurisdiction.

After teaching a course on AIDS legal issues and independent studies on gay and lesbian legal issues at the University of Michigan School of Law, David left the field of law to become a medical doctor. He received his M.D. degree in 2001. From 2004 to 2008, he was the medical director at an HIV clinic in Pittsburgh. He then transferred to Gilead Sciences where he served as the senior director of HIV Medical Affairs until 2020. David was then was promoted to his current position as head of the company's division on global medical affairs therapeutic areas including HIV, Hepatitis and COVID-19.

# **Nancy Polikoff**



There was no gay law student group at Georgetown Law School when Nancy Polikoff was a student there from 1972 to 1975. The first women's group, the Women's Law Collective, had just been formed in 1971. It was not until 1988, and only after an eight-year legal battle, that the nation's oldest Roman Catholic university agreed to give a gay and lesbian student group the same privileges as all other student organizations.

The year after she graduated from law school, Nancy made a presentation at the Seventh Annual Conference on Women and the Law. It was held at Temple University in March 1976.

Her advice to the audience regarding child custody disputes involving a lesbian mother who had or was in the process of separating from the child's father was extremely cautious. It was very pragmatic in an era when homophobia permeated the judiciary and the legal profession. The advice was "settle the case out of court." If the father does not know the mother's sexual orientation, "don't offer the information." At the time, Nancy was a professor at Catholic University School of Law. That year, Nancy co-authored one of the first law review articles on custody rights of lesbian mothers.

Nancy is a visiting scholar with the Williams Institute at UCLA Law School. Before she joined academia in 1987, Nancy was the co-founder of the Feminist Law Collective in Washington D.C., after which she supervised family law programs at the Women's Legal Defense Fund. She once served as chair of the Association of American Law Schools Section on Sexual Orientation and Gender Identity Issues and was a member of the Family Law Advisory Council of the National Center for Lesbian Rights.

Nancy's book, *Beyond (Straight and Gay) Marriage: Valuing All Families under the Law,* was published in 2009. It proposed that legalizing gay marriage should not be the only way to secure rights for gay and lesbian family relationships.

Nancy was a leader in developing legal theories supporting second-parent adoption and custody and visitation rights for unmarried parents. She won a case in 1995 that established joint adoption for unmarried couples in the District of Columbia. She also won a case in Maryland in 1998 that overturned restrictions on the visitation rights of a gay noncustodial father. Nancy later received a Distinguished Service Award from the DC Gay and Lesbian Activists Alliance.

# **Shepherd Raimi**

Shepherd Raimi graduated from Cornell University in 1952 and Harvard Law School in 1955. He served with the United States Army from 1956 to 1957 and was stationed in Korea. He then worked for Citibank in Japan for two years. He moved to New York City where he worked on Asian business matters at The Bank of New York throughout the 1960's. He was admitted to the bar in New York in 1972. Much of his law practice involved wills and estate planning.

Shepherd was a member of the <u>first board of directors</u> of Lambda Legal Defense and Education Fund. Back then, few lawyers were willing to be associated with Lambda because it was tantamount to a declaration of homosexual orientation.

Shepherd wrote a letter to the editor of the Harvard Law Bulletin in 2004 explaining his involvement with Lambda during its early days.

"This letter is prompted by your article in the Spring 2004 issue of the Bulletin on the first reunion of GLBT alumni. I was a co-founder of Lambda Legal Defense and Education Fund Inc., which came into existence in 1972-73, and I was a member of the board of directors for the first 10 years or so. Those were the hardest years for the gay movement. By the 1980s, gay pride had taken hold. But in the early '70s, for example, we could not find one lesbian lawyer to join our board.

"In those early years, we did mount a challenge to the New York sodomy law in the Court of Appeals, but mostly we represented lesbian mothers who were in danger of losing custody of their children, and we handled a variety of military cases.

"We did not achieve a great deal in the '70s, but we existed. And our very existence was critical to the eruption of the gay civil rights movement in the '80s. One could say that Harvard Law School's first contribution to the gay civil rights movement was me."

Shepherd made a presentation in 1979 at a <u>symposium</u> sponsored by Lambda and the gay Law Student Association at New York University School of Law. He spoke on a panel addressing the custody rights for gay parents. His focus was on <u>gay fathers</u>.

Shepherd was a member of the Board of Trustees of Alcoholics Anonymous (1985-89) and Chairman of AA World Services (1986-87). He <u>died</u> in 2015 at home in New York City.

# George Raya



George Raya started his gay rights activism when he was a student at California State University in Sacramento. He and a handful of other undergraduate students formed a club known as the Society for Homosexual Freedom. They asked the university to grant it a charter. After the president refused, they sued the university and won.

George graduated from Cal State in 1972. He was the first in his family to receive a college degree. He then attended Boalt Hall Law School at the University of California in Berkeley.

After he dropped out of law school in late 1973, George moved to the Castro area of San Francisco where he became a full-time gay rights activist. He volunteered at the Whitman-Radcliffe Foundation which had a project known as the Committee for Sexual Law Reform. This group of attorneys drafted proposed state legislation to advance gay rights in an era where there were none. Providing assistance to the East Bay Gays, George was instrumental in convincing the City of Berkeley to adopt an ordinance in 1973 prohibiting city contractors from discriminating on the basis of sexual orientation.

When he moved back to Sacramento in 1974, George became the first full-time gay rights legislative advocate in Sacramento. His first victory as a lobbyist was the passage of AB 489, the Willie Brown Consenting Adults Bill. Passed in 1975, the bill decriminalized private sexual acts between consenting adults. With that victory in hand, George pressed the legislature to pass AB 633, a bill to protect gays and lesbians from job discrimination. That was a much harder sell. It took more than two decades for job rights to become law.

Throughout the 1970s, George's activism was often the subject of stories in the Advocate, a national newspaper for the gay and lesbian community. Next to his photo on the cover page of the May 21, 1975 issue were the words "Lobbyist George Raya: Our Man in Sacramento." David Goodstein, publisher of the Advocate, told readers that George was "quiet, likeable, and successful." George discontinued lobbying in June 1976.

He returned to law school in 1977. George attended what is now the Thomas Jefferson School of Law in San Diego. He graduated in December 1980.

In the mid-1980s, George focused his attention on AIDS-related issues. George cofounded the Latino AIDS Project in 1986. He involved himself in AIDS education and prevention as well as legislative issues pertaining to HIV and AIDS.

### David A.J. Richards



David Richards has been a law professor for nearly 50 years. After he graduated from Harvard Law School in 1971, David spent only three years practicing law. Then he immersed himself in academia which is where he remains today.

In 1977 David joined the faculty at New York University School of Law and has been there ever since. The following excerpts from the law school website demonstrate the breadth and depth of his legal and philosophical scholarship.

"A teacher of both constitutional law and criminal law at NYU School of Law, Professor Richards has brought his background in moral and political philosophy and his interests in history to bear on several major studies of constitutional interpretation in the United States. . . Richards has played an important role in developing a range of interdisciplinary programs at the School of Law that innovate both new forms of educational pedagogy and research, writing, and scholarship.

"The author of seventeen books and numerous articles, Richards, a gay man in a life partnership of some thirty years, has over his career at the School of Law developed influential arguments interpreting feminism in general and gay rights in particular as grounded in human and constitutional rights. Richards discusses, autobiographically, the connections between his personal life, teaching, and scholarship, during the period he has taught at N.Y.U. School of Law, in his book, *The Case for Gay Rights*. In addition to this book, his works directed to gay rights include Sex, Drugs, Death and the Law (1982), Toleration and the Constitution (1986), Women, Gays, and the Constitution: The Case for Gay Rights (1998), Identity and the Case for Gay Rights (1999), and The Sodomy Cases (2009) in the legal landmark series of Kansas University Press. In 2008 he published with Cambridge University Press a book with Nicholas Bamforth (law, Queens College, Oxford University) under the title, Patriarchal Religion, Gender and Sexuality: A Critique of New Natural Law, a work criticizing, as sexist and homophobic, a theory that appeals to patriarchal religion to attack many of the constitutional protections now accorded women, straight and gay, and gay men."

**Publications – Link** 

# Rosalyn Richter



Rosalyn Richter graduated from Barnard College in 1976 and received her law degree in 1979 from Brooklyn Law School.

Shortly after her graduation, Rosalyn became the Executive Director of Lambda Legal Defense & Education Fund. Prior to her appointment to the bench, Rosalyn was an Administrative Law Judge at the New York City Office of Administrative Trials and Hearings. She was also a supervisor in the appeals bureau of the Brooklyn District Attorney's Office.

As an open lesbian jurist, Rosalyn served for 30 years in various courts in New York. She was a judge on the New York City Criminal Court from 1990 to 1996. She then served as a New York Supreme Court Justice from 2002 to 2009. Her next assignment was as a Justice for the Appellate Division, First Judicial Department, having been appointed to that position by Governor David Paterson in 2008.

Rosalyn received the Dan Bradley Award, the National LGBT Bar Association's highest honor, in 2018. She also received the Benjamin Cardozo Award from the Jewish Lawyers Guild, the Capozzoli Gavel from the New York County Lawyers Association, and a Diversity Champion Award from the New York City Bar Association.

She taught at Brooklyn Law School and New York Law School. Rosalyn is a faculty member of the New Federal & State Appellate Judges Seminar sponsored by the Institute of Judicial Administration at New York University Law School.

Rosalyn married her wife, Janet Weinberg, in August 2011, shortly after New York State legalized same-sex marriage. Janet died on September 1, 2018.

After she retired from the bench in 2020, Rosalyn became senior counsel in the complex litigation group of Arnold & Porter. She now serves as chair of the New York State Courts Advisory Committee on Access for People with Disabilities.

Rosalyn is currently an adjunct professor at Columbia Law School where she teaches a class on domestic violence and economic justice.

### **Ruthann Robson**



Ruthann Robson graduated from Stetson University College of Law in 1979. She was admitted to the Florida bar in 1980.

After clerking for federal judges for two years, Ruth worked for three years with Florida Rural Legal Services. She has been a law professor since 1986, first at Florida State University College of Law (1986-1989), then at UC Berkeley (1989-1990), and finally at City University of New York School of Law where she teaches Constitutional Law and Sexuality and Law. (1990 - present).

Ruth has been a prolific writer. Since 1979, she has published more than 300 pieces of scholarship. Her writings are so numerous that a 90-page annotated bibliography of them was published by the City University of New York Law Review in 2005. (Sanja Zgonjanin, *Ruthann Robson: An Annotated Bibliography 1979-2005.*) The following excerpts from that bibliography provide an understanding of her passion for writing and her ability to capture the minds, hearts, and imaginations of her readers.

"Ruthann Robson is a law professor, essayist, fiction writer, poet, and one of the leading advocates of lesbian legal theory. Her engagement in the development of a jurisprudence grounded in lesbian existence with a purpose of lesbian survival represents an invaluable contribution to legal scholarship. Robson's legal and literary pursuits are imbued with liberating politics, and she is a masterful practitioner of various writing forms.

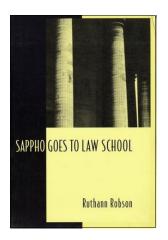
"While an affiliated scholar at the feminist Beatrice M. Bain Research Group at the University of California, Berkeley, where she received her L.L.M. in 1990, Robson laid down the groundwork for lesbian jurisprudence. She envisioned this new legal theory as 'a jurisprudence concerned with lesbians, lesbian issues and problems that affect lesbians." The result of this work was the first book of both a practical and theoretical nature intended for a lay audience entitled *Lesbian (Out)Law*. Subsequently, Robson theorized the relation between lesbianism and law in the context of the criminal justice system, identity politics, parenting and child custody, and as a part of the larger discourse on lesbian liberation. The essays collected in the book *Sappho Goes to Law School* further explore the complexity of lesbian identity and the issues related to the development of lesbian legal theory."

Both her autobiographical and fictional writings allow lawyers and the general public to understand the impact of many issues that lesbians and gay men face on a daily basis.

According to one writer who has studied Ruth's published works, Ruth is fearless. In *Ruthann Robson: Writing Life and Fiction-Theory Writing*, City University of New York Law Review (2005), Lynda Hall states:

"Writing as a lesbian and as an attorney and as a professor and as a mother and as a woman, places Robson in the public eye in a way that attracts surveillance as well as praise. . . . As evidenced by Robson's many autobiographical writings, and her frequent presentations at conferences and workshops, her devotion to her beliefs and her desire for social justice preclude any notion of silencing herself or altering her works to avoid the repercussions of oppressive homophobia."

Ruth told Hall: "I am very interested in writing as transformation and exploration. The possibility of change, especially social change, is what attracts me most."



Although Ruth may not have been a lesbian activist while she was in law school, her experiences at Stetson informed her 1998 book *Sappho Goes to Law School*. According to the publisher, the book "weaves together concepts taken from traditional legal theory, postmodernism, feminist theory, and queer theory, as well as her own personal experience in the courtroom and classroom, to take stock of the complexities of lesbian identity and the often detrimental ways in which legal scholarship approaches lesbianism."

One review on Amazon's website had this to say about the book:

"Included are essays on lesbians and criminal justice, same-sex marriage, child custody cases, and the role of personal experience in postmodern theorizing. In her provocative closing essay, 'Lesbian Sex in a Law School Classroom,' Robson describes the difficulties of teaching a course entitled 'Sexuality and the Law' to a diverse group of students, some of whom object to the word 'sex' appearing on their law school transcript, while others cannot help but unburden their private lives to her during her office hours. With its multitude of stories and its playful ambivalence toward personal narrative, even the theory-weary will find *Sappho Goes to Law School* stimulating and unusual."

**References: Link** 

### **David Ira Rosenbaum**



David Rosenbaum was born and raised in New Jersey. After high school, he moved to Boston where he attended Boston University. He then attended Suffolk Law School, later transferring to Southwestern Law School in Los Angeles. David obtained his law degree in 1973.

It was in 1971 that David met another gay law student – Thomas F. Coleman from Loyola Law School. David had placed a personal ad in the Advocate newspaper. Tom saw the ad and contacted him. What attracted Tom was not the "life to share" heading of the ad, but the words "law student" that were used to describe David. Tom did

not know of any other gay law students in Los Angeles and thought it would be great to make a new friend.

Tom went back to Michigan for a few months in 1971, but returned to Los Angeles in January 1972. About a month later, Tom saw a notice posted on the school bulletin board calling on gay law students to meet. Tom told David and the two attended the gathering. After a few more meetings, the small group of students decided to form the Gay Law Students Association – the first of its kind in the nation.

Tom became the alternate delegate from Loyola to the 9<sup>th</sup> Circuit region of the Law Student Division of the American Bar Association. When that region decided to hold a dinner dance prior to its semi-annual meeting in the spring of 1972, Tom asked David to accompany him to the event. When the dancing started, Tom and David decided to break the social barrier – the expectation that people who dance will be male-female couples. First they danced a fast dance. No touching. There were looks. Then, when a slow song played, David and Tom decided to take it all the way. They got up and embraced and danced to the song. The students were wide-eyed. The staff at the Hilton Hotel were gawking. David and Tom made their presence known and sent a signal that a new era of social equality was beginning for the legal profession. They were also breaking a legal barrier. An existing police commission rule prohibited licensed establishments from allowing two people of the same sex to dance together.

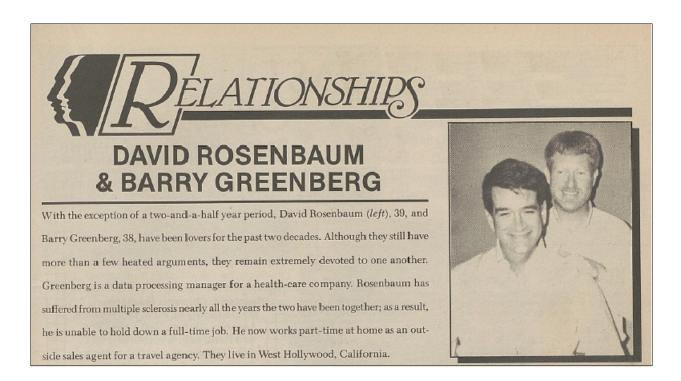
David and Tom remained friends for many years. David and his life partner, Barry Greenberg, attended the wedding ceremony of Tom Coleman and Michael Vasquez in 1981. After several years, the couples lost track of each other, only to wind up living in the same community after Tom and Michael moved to Palm Springs in 2017.

David passed away at home on July 3, 2020 after a long battle with Multiple Sclerosis. His obituary contained many details about his life after law school.

"After Law School he spent a number of years working as a credit analyst for several firms, including a division of Dun and Bradstreet. In spite of the fact that his physical health was failing, he spent as much time as he could volunteering as a "buddy" for the Aids Project Los Angeles and also as a volunteer on the AIDS unit at Cedars Sinai Medical Center in Los Angeles.

"David enjoyed the arts, especially theater and the opera. His favorite activity without a doubt was planning and taking trips with his life partner, Barry. They went on numerous trips and cruises throughout their long relationship. They always tried to visit cemeteries especially in smaller cities. At a cemetery in Key West, Florida they saw a gravestone with the inscription, "I told you I was sick". At the time, he said that he wanted that on his grave. And that he shall have.

"David is survived by his partner of 54 years, Barry Greenberg of Palm Springs."



News Story – <u>Link</u>

### **Robert Alan Roth**



Robert Roth graduated from Fordham University School of Law in 1975. While in law school, Bob was active in gay rights. Because the school is located in New York City, he collaborated with other openly gay lawyers and law students there during the 1970s. Bob's involvement in gay rights stems back to his days as an undergraduate student at Cornell University. He was a founding member of the <a href="Student Homophile League">Student Homophile League</a>, later known as Cornell Gay Liberation, a campus organization that started in May 1968. In the early 1980s, Bob used his legal skills to help a group of Cornell graduates to incorporate the <a href="Cornell University Gay">Cornell University Gay and Lesbian Alumni Association</a>.

Bob's activist inclinations in law school prompted him to publish a commentary in the law school's newspaper (The Advocate) in April 1972 about the situation then being experienced by gay and lesbian law students and the need for corrective reforms. The article also disclosed that a new group had been launched a few months earlier. Titled "Out of the Slough," the article started off by posing some questions.

"Are Homosexuals discriminated against in the legal profession? Can an acknowledged Homosexual gain admission to the Bar? Will a lawyer be fired from a law firm if his or her colleagues find out that he or she is a Homosexual. Does a Homosexual lawyer have to be afraid to help in Gay people's struggle for their civil and legal rights? These and other questions were discussed by the lawyers, law students, and legal workers who came to the first meeting of the Gay Legal Caucus on Monday, February 7.

"The Gay Legal Caucus is a first step in breaking the cycle of fear and oppression that keeps most homosexual lawyers underground, 'in their closets,' and forces them to lie constantly about their personal feelings, relationships and life plans. More importantly, it keeps homosexual lawyers from extending their legal services to Gay clients or to Gay civil rights organizations, both of which need legal help very badly."

The Gay Legal Caucus was a function of the Gay Activists Alliance in New York City. This caucus likely was the first gay legal association in the United States. It emerged in 1972 – the same year that gay law student associations were popping up in places like Los Angeles, San Francisco, Madison, and Buffalo. It was not until 1978 that the New York Law Group – an association of gay and lesbian lawyers – started to meet. The Law Group, an informal gathering in Art Leonard's living room in 1978, eventually

incorporated and named itself the Bar Association for Human Rights of Greater New York. It was later renamed the LGBT Bar Association of Greater New York.

The <u>webpage</u> of the Robert Roth <u>papers</u> at Cornell University has an excellent biography about Bob's life.

"Robert Roth was born in Englewood, New Jersey in 1950. He graduated from the Horace Mann School in 1967, Cornell University in 1971, and the Fordham Law School in 1975. While at Cornell, he was one of the co-founders of the Student Homophile League (later the Gay Liberation Front), which at the time was only the second gay rights organization among U.S. universities. As a lawyer, he specialized in landlord-tenant cases, winning the landmark Chin vs. London Management case in 1982, which ruled that unmarried tenants shared survivors' rights to an apartment. Another courtroom victory established First Amendment rights for the Swedish gay magazine "Revolt," which had been seized by U.S. Customs. In New York City, where he lived. Roth was involved with several legal and human rights organizations, particularly the Bar Association for Human Rights of Greater New York.

"A principal project of Robert Roth was the compilation and cataloguing of international gay publications, and the accumulation of information and documents pertaining to the international gay rights movement. In addition to collecting numerous periodicals from many countries and all parts of the world, he corresponded with gay people in developing countries where there was no gay freedom movement, providing contacts and materials to those who might otherwise have had little awareness of or access to the international gay liberation movement.

"Roth privately published a newsletter (1977-1979), which discussed the international gay rights movement, and was instrumental in promoting and distributing other publications concerned with the issue, particularly "Paz y Liberacion." Under the pseudonym "Calaph Timmerman," Roth published in 1988 an article "Home Remedies for the Holocaust - A Few Simple Techniques for Staying Alive," which was widely distributed. Another major undertaking was a microform project with the National Gay Archives and Library, for which he composed an extensive bibliography of gay periodicals and publications."

According to an <u>obituary</u> published in Indiana newspapers and a subsequent story in the New York Times, Roth died from Hodgkin's disease on July 9, 1990.

### Richard Rouilard



Richard Rouilard attended South Texas College of Law from 1975 to 1978. It was in his third year of law school that Richard decided to become involved gay rights advocacy. When he graduated in 1978, Richard moved to San Francisco where he joined forces with a few like-minded lawyers: Donald Knutson, Donald Solomon, Matt Coles, and Jerel McCrary. Together they founded Gay Rights Advocates, a nonprofit providing legal advocacy services in impact litigation involving gay and lesbian rights.

Richard, who had inherited considerable wealth from his adoptive parents, became the primary funding source for the organization. Since he did not seek admission to the bar,

Richard did not personally handle cases. The other lawyers did. The firm also had law student interns participate in research and developing educational materials.

When Leonard Graff joined the organization in 1980, the name was changed to National Gay Rights Advocates because the cases it was handling were all across the nation. NGRA dissolved around 1985.

Richard shifted his focus to journalism. He became editor-in-chief of The Advocate magazine in 1990. A profile of him published in the Los Angeles Times in 1992 explained how Richard shook things up at the Advocate when he took over the reins of the editorial department. (1)

"His mission has been to make The Advocate credible to a broad spectrum of the gay community, while appealing to the new activists. To this end, he has given the magazine a news orientation, attracted younger readers as well as gay women and minorities and run spicy personality interviews that have garnered kudos from mainstream journalists."

The profile described how Richard was gaining personal attention for himself through his flamboyance and being as out of the closet as possible. (1)

"At a time when more gays and lesbians are making their sexual orientations known, the 40-year-old editor-in-chief is promoting his own as a cause celebre. 'I'm not just a homosexual, I'm a publici-sexual,' he declares. Niles Merton, The Advocate's publisher, who hired him, affirms, 'How much more out of the closet can you be than Richard?'

"Friends describe Rouilard as flamboyant, funny, inveterately au courant and 'a schmoozer extraordinaire.' An interior-decorating maven—'Richard lives to design,' says Jerry Lazar, the West Coast bureau chief of US magazine—he is a fashion addict whose wardrobe ranges from Gap T-shirts to Hermes ties and Italian suits. But more than anything, friends agree, he loves to be outrageous."

As editor-in-chief of The Advocate, Richard nearly tripled circulation, and upgraded the magazine's layout and journalistic standards. He also was a founder of the National Lesbian and Gay Journalists Association. (2)

#### References

- 1. Elizabeth Venant, "The editor-in-chief of The Advocate has recast the gay magazine as a clarion call to activism. Richard Rouilard is proud, outrageous and . . . : In Your Face," Los Angeles Times (Jan. 2, 1992) (link)
- 2. "Journalist and gay rights activist Richard Rouilard," South Texas College of Law Website (link)

# **Abby Rubenfeld**



Abby Rubenfeld took naturally to being a leader. She was secretary of the Student Council for two years in high school where she graduated fourth in her class of 460. Her leadership continued at Princeton University where she attended undergraduate school. She ran for freshman class president in 1971 and won, becoming the first woman to be elected class president in Princeton's history. At the time, Abby was not yet out as a lesbian. In an interview with the school newspaper, she indicated there was no special boyfriend yet but that she would

some day get married. That eventually came true but in a different way. She is married to a woman, has two daughters, and a stepdaughter.

Abby attended Boston University School of Law where she graduated in 1979. She was a founding member of the Boston University Gay and Lesbian Law Association.

From 1983 to 1988, Abby was Legal Director of Lambda Legal Defense and Education Fund. While at Lambda, she created the Lesbian and Gay Civil Rights Roundtable. In the 1980s, Abby played a crucial role in expanding the mission of Lambda Legal beyond LGBT rights in order to deal with the AIDS crisis. Under her leadership, Lambda litigated the first AIDS discrimination case in New York, and published an AIDS legal guide that was an important resource for lawyers throughout the nation.

The website of her private law practice explains her extensive experience in advocating for LGBT issues and clients as well as AIDS-related legal issues.

Abby's general practice in Nashville, Tennessee, has an emphasis on family law, LGBT and AIDS-related issues, and civil rights matters. She was the founding chair of the Tennessee Bar Association Section on LGBT Rights in 2015-2016. Ms. Rubenfeld also was an Adjunct Professor at the Vanderbilt University Law School in Nashville for several years where she taught a course on Sexual Orientation and the Law. She served for many years on the board of the Human Rights Campaign, a national civil rights organization and the largest lesbian and gay political organization in the world. She has also served as Chair of the American Bar Association (ABA) Section of Individual Rights and Responsibilities (now called the Section on Civil Rights and Social Justice). From 2007 to 2009, she was appointed by the President of the ABA to serve on the then-newly created ABA Commission on Sexual Orientation and Gender Identity.

# **Marjorie Rushforth**



Marjorie Rushforth graduated from Western State Law School in 1978. She lived and practiced law in Orange County and surrounding communities until 2005 when she moved to Washington State. An excellent biography of her personal life and advocacy activities was written by Kate Rushforth Fitz and Janet Rushforth for WikiTree in 2008. The following are excerpts from that biography.

"Marjorie was born January 24, 1943, in New York City to Hugh and Charlotte Bierman. She was a graduate of Dickinson College (Pennsylvania), earned an MA in theatre arts from UCLA in 1965, and her law degree from Western State University (WSU) in 1978.

"Her marriage to George Rushforth produced two children, Catherine Alice (Kate) and Janet Rose, but ended in divorce. She met lover and future law partner Georgia Garrett-Norris at WSU. Georgia brought her daughter, Hope Marian Norris, to the family, and Marge and Georgia raised Janet, Hope and Kate together in Orange County.

"Partnering with Georgia and coming out of the closet as a lesbian were profound experiences in Marge's life. She and Georgia became politically active in the women's and gay rights movements, a courageous stand in conservative Orange County. They worked to defeat Proposition 6 (inspired by Anita Bryant), which would have banned homosexuals from teaching in California schools. They attended the National Democratic Convention in 1976 and the first National March on Washington for Lesbian and Gay Rights in 1979.

"Marge and Georgia founded the law practice Garrett-Norris and Rushforth. They practiced general law, and Marge developed something of a specialty in criminal defense, with an emphasis on defending men charged with soliciting sex in public restrooms. Marge took a great deal of pride in her success in securing acquittals by convincing the jury that her clients were essentially entrapped by undercover police specifically assigned to the public park bathroom "beat."

"Marge also represented teacher Vincent Chalk in a groundbreaking case establishing the rights of people with AIDS/HIV under disability law. Vince, a popular teacher of hearing impaired students in the Orange County public schools, was reassigned to a desk job after the school district learned

he had AIDS. Marge, along with the ACLU, took his case to the federal Court of Appeals, which ordered his return to the classroom in November, 1987.

"Marge participated in many groups and events serving the gay community. In response to the AIDS epidemic, which had an enormous effect on the community, she was a founding member of the Orange County AIDS Services Foundation. The loss of numerous friends and clients to AIDS affected her deeply. She was passionately engaged in this heartbreaking work throughout the 1980's.

"After Marge and Georgia's personal and professional relationship ended in 1989, Marge worked as a solo attorney, and as a child advocate for Los Angeles County's Dept. of Child Protective Services. She lived with activist, artist and comedian Ivy Bottini in Los Angeles for several years, and became involved in the Metropolitan Community Church there, particularly enjoying singing with the gospel choir.

"Declining health limited her activities in recent years. In 2005, she moved to Washington state, where she enjoyed the cool climate and wooded countryside. There, she met her partner Gay Birnel.

"Marge loved sailing and spent many happy hours on the Pacific. She enjoyed music, particularly opera, and brought her piano with her wherever she lived. She was working on a book about her years in practice, tentatively titled "My Life in the Tea Rooms," which remains unfinished. She was an accomplished seamstress and collected silver and turquoise jewelry handcrafted by Navajo artists. She loved dogs and leaves behind Taffy, a neglected dog she took in and nursed to health.

"Marge had a sharp wit, a vibrant, sometimes ribald, sense of humor, and a wonderful laugh. She brought a sense of drama and presence to everything she did. She believed passionately in social justice and equality, and instilled these values in her children, along with a sense of service, integrity and tolerance.

"Marge died January 24, 2008, on her 65th birthday – a memorable exit for a memorable person."

#### D. Nicholas Russo



Nick Russo was born in New York City in 1945. He lived in Greenwich Village with his parents for three years until they moved to Queens. Nick attended public schools there until he graduated from high school in 1963. In his senior year, Nick was very popular and was elected president of the student body.

Although Nick appeared to fit in with his peers, on the inside he was struggling with his sexual orientation. He felt attracted to men, but social and religious pressures prevented him from acting on his sexual urges much less admitting that he was gay. Nick came from an Italian family and was a devout Catholic.

Nick's father was a medical doctor who had many medical books at home. Nick searched one of the books and found a chapter about deviancy. Everything in that chapter about homosexuality was extremely negative. Add science to the pressure to stay closeted.

In the fall of 1963, Nick attended the University of Pennsylvania in Philadelphia. Finding himself distracted by the tension between his sexual urges and societal prohibitions, Nick was not able to concentrate properly on his studies. As a result, his grades were low that year. Things improved a bit when he transferred to the Liberal Arts College on campus and also started to see a therapist. The therapy would continue for several years.

In 1967, Nick moved to Cleveland where in enrolled at Case Western Reserve Law School. He was concerned about being drafted into the military, but chose not to "check the box" to get excused. The military screening process had a line that allowed an inductee to declare that he had homosexual tendencies. Nick was not yet ready to declare his sexual orientation in such an open manner. However, he was fortunate to get a medical deferment for other reasons.

When his first year of law school ended, Nick decided to take a year off. He moved back to New York City in 1969 where he landed a job with a city housing program. During that year, he attended therapy sessions weekly. He was so oblivious to anything pertaining to the gay community that even though he was living in New York City in the summer of 1969, he was totally unaware of the Stonewall uprising.

Nick went back to Cleveland in the fall of 1969 to resume the study of law. Using a dating service, he was able to have sexual relations with a few men that year. However,

he was not "out" to students or professors at law school. But he was popular enough to be elected as vice-president of the student bar association.

It was during his third year in law school that Nick met fellow law student Rodney Eubanks. The two became friends and continued the friendship when each of them moved to New York City where they studied for the bar exam in the fall of 1971. This was when Nick told Rodney he was gay. Rodney joked that now "we can be sisters."

As it turned out, Rodney lived next door to a law student from Fordham by the name of Bob Roth. Bob was very "out" at law school and was part of a newly-formed group of lawyers, law students, and legal workers. The Gay Legal Caucus was part of the Gay Activists Alliance. Bob invited Rodney to attend the next meeting of the caucus and Rodney extended the invitation to Nick. The year was 1972.

It was through this group of legal activists that Nick met a gay lawyer by the name of Bill Thom. Bill advised Rodney and Nick that he was forming a new legal services corporation called Lambda Legal Defense and Education Fund. An application had been filed with the New York courts in 1971 but it was denied by an intermediate appellate court on November 9, 1972. However, that decision was overturned in 1973 by the Court of Appeals, thus giving Lambda the green light to proceed.

The first meeting of the board of directors was held on November 10, 1973. In addition to the original three incorporators – Cary Boggan, Bill Thom, and Michael Lavery – the other members of the board included Nick Russo, Rodney Eubanks, and Shepherd Raimi.

Nick remained on the board for only a year. He wanted to make way for someone with more experience in gay rights. However, Nick joined Lambda's fundraising committee in the late 1970s. Nick, who had met Jerry Rumain in 1974 through Bill Thom, enlisted Jerry to help with the fundraising. Nick and Jerry were now lovers and Jerry was happy to help out. Jerry had a friend who owned Studio 54 – an exclusive nightclub in Manhattan. The first major fundraiser for Lambda was held at Studio 54.

Nick chose a legal career in labor relations. First on the management side when he worked for the City of New York. Then for 28 years on the union side as a director of legal affairs for a union representing some 20,000 employees at 18 colleges affiliated with the City University of New York. Nick is now retired.

Nick and Jerry have been life partners since they met in 1974. They were married by Judge Roz Richter in New York City in July 2011 - on the first day that gay marriage became legal there. Their relationship endures to this day.

News Story - Link

### John Sanchez



It was on his first day at Boalt Hall Law School in September 1974 that John Sanchez learned about the existence of the Gay Law Students Association. He immediately joined the group which is where he met Paul Wotman. Paul was one of the members who created the group in 1973.

John also became a member of the school's chapter of the National Lawyer's Guild.

The National Lawyers Guild was organized in 1937 as an alternative to the American Bar Association by progressive attorneys who were not in alignment with the conservative positions of the ABA on civil rights and other social justice causes. The Guild began its relationship with the gay rights movement when the Gay Activist Alliance and the Gay Liberation Front contacted some Guild members to act as legal observers at the first Gay Pride march in New York City on the one-year anniversary of the 1969 Stonewall uprising. This ad hoc embrace of gay rights was formalized when a resolution supporting the gay movement was adopted by acclamation at the organization's annual convention in Minneapolis in 1974. A description of the archives of the National Lawyers Guild states: "During the 1970's the Guild was also actively involved in the struggles for affirmative action and women's and gay rights."

It was in 1975 that the Guild announced that it would sponsor a Gay Rights Summer Project for law students in Los Angeles, a hotbed of lesbian and gay rights advocacy in that era. Although they were not members of the Guild, attorneys Thomas F. Coleman and Albert L. Gordon agreed to be mentors to the students. John Sanchez was one of the four students who enrolled in the project.

When the summer ended, the August 1975 <u>newsletter</u> of the Gay Caucus of the Guild proclaimed that "the project was a success" and further explained its activities.

"The Project had three main areas of work: Legal, Community Involvement and Political Work/Education. In the area of legal work the Project concentrated on issues of importance to the Gay community in Los Angeles. These were: the jail Work-Furlough Program, which presently excludes all Gays from participation; the Certification for publication of appellate cases on Gay issues (such cases have tended not to be published in the past); and the area of public accommodation (in which Barney's Beanery, a local restaurant and Studio One, a discotheque, were monitored for sexist and racist discrimination. Legal work was also done in the area

of Lesbian Mothers' child custody, Artificial Insemination and its importance for Gays, and the possibility of taking a separation of a Gay couple to Family Court in order to insure the family law benefits in the disposition of property and other related matters."

When John returned to law school in the fall, he resumed his studies while also attending meetings of the gay law student group. John graduated in June 1977, took the bar exam, and received his license to practice law in California in December. He then moved back to Los Angeles which had been his home prior to law school. John took a job there for two years with a local law firm.

John moved to Long Beach in 1979 so he could live closer to his new job as a full-time professor teaching business law at California State University. In 1983, John moved to Washington D.C. so that he could attend Georgetown University. He received a Master of Laws degree in Labor Law in 1985.

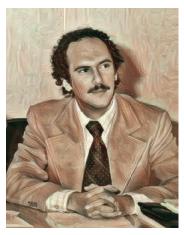
John moved back to California that year where he was hired as a professor at Western State Law School in Fullerton. He taught remedies, wills, and labor law. When the school did not receive accreditation from the American Bar Association in 1988, John sought employment elsewhere. He was hired by the law school at Nova Southeastern University in Ft. Lauderdale, Florida.

At Nova, John taught classes on labor law and constitutional law as well as a separate class focusing exclusively on the First Amendment. Issues involving the rights of gays and lesbians sometimes arose in these classes. Because of his knowledge of First Amendment issues, John was quoted in newspaper articles in the early 1990s about the legal troubles experienced by Santeria members arising from animal sacrifice rituals.

John published "Public Employment Law" in <u>Nova Law Review</u> in 2000 and "Constitutional Civil Rights" in <u>Mercer Law Review</u> in 2001. He published "Two's Company, but is it a Quorum?" in *Florida International University Law Review* in 2010, focusing on legal issues arising from the fact that for two years, the National Labor Relations Board had been functioning with only two board members.

John retired from teaching in 2019. He and his life partner of 15 years live in the heart of Florida's Gold Coast in Pompano Beach.

### **Rand Schrader**



Rand Schrader was attending UCLA Law School when he became a founding member of the first gay law students association in the nation in 1972. Members of the group included students from USC, Loyola, and Southwestern as well. Rand graduated in 1973 – the same year that Burt Pines became the city attorney of Los Angeles.

Years later, Rand told a reporter how coming out in law school was an unnerving event. "I went to the dean of the law school at UCLA and asked him: 'Will I be admitted to the bar if I'm openly gay?' That's how frightened we were."

Right after he passed the bar exam, Rand appeared on a public affairs television program in Los Angeles titled "It Takes All Kinds." An announcement for the show said that Rand "expects to be admitted to the bar as an openly gay person."

Burt Pines ushered in a new era for Los Angeles in terms of equal opportunities for gays and lesbians in city employment. The previous city attorney who had been in office for two decades was homophobic. Burt was just the opposite. He was progressive, inclusive, and fair-minded. Burt hired Rand as a deputy city attorney. He knew there would be repercussions for hiring an openly gay attorney at a time that consenting adult homosexual conduct in private was a felony. But he hired him anyway. Some would have considered this a bold move considering that in addition to being openly gay, Rand's brand of politics was to the left of Burt Pines. Rand had been one of the founders of the city's radical Gay Liberation Front in the late 1960s.

In an interview with the Advocate newspaper in 1978, Burt discussed Rand's position in the City Attorney's office. "We have 240 attorneys. Rand Schrader was the first to openly acknowledge he was gay. I remember the first time he came into the office there was real concern on the part of some of our staff as to what this would mean. But they were quickly surprised and impressed by Rand's performance more so than by any articles or rhetoric they might have read about gays. Of course, there was also concern in the LAPD and other quarters. But I didn't see why that should stand in their way. The gay attorneys in this office have made substantial contributions."

Rand served as a deputy city attorney until 1980, the year that Governor Jerry Brown appointed him to the Municipal Court. Rand gained the distinction of being the second openly gay judge in the nation, right after Stephen Lachs who was appointed to the Superior Court in 1979. Rand and Steve were friends. They both had served during the

1970s on the board of directors of the Gay Community Services Center in Los Angeles. Rand was also friends with attorney Sheldon Andelson, another board member of the center who happened to be a wealthy lawyer and donor to progressive politicians.

After he had been serving on the bench for a while, Rand and his lover hosted a party at their home for other judges and their spouses or dates. The party was well-attended and well-received. He would host other parties for gay law students. He wanted to show them there were open and successful gay attorneys and judges in Los Angeles.

In 1991, Rand announced that he had AIDS. At the time he was not only a judge but was also the chair of the Los Angeles County AIDS Commission. Part of his reasoning for going public with his condition was to show men and women who contract AIDS that they can continue to work and be productive. In a feature story about Rand and his illness, the Los Angeles Times quoted him as saying "It changes your life to feel as if you are standing at the edge of an abyss."



A month before he died, the Los Angeles County Board of Supervisors named the AIDS clinic at the Los Angeles County USC Medical Center in his honor. Following his death, the street on which the LGBT Center is located was renamed Rand Schrader Boulevard. In 2021, UCLA Law School devoted a webpage on its website to honor UCLA Law Graduate Rand Schrader.

Rand died of complications from AIDS in 1993 at the age of 48. He was survived by his life mate David Bohnett. The David Bohnett Foundation is a major donor to the *Birds of a Feather* commemoration in honor of Rand Schrader.

In 2022, UCLA Law School <u>launched</u> the Judge Rand Schrader Pro Bono Program. A video of the launch is available online.

In 1999, the Los Angeles Gay and Lesbian Center held an awards banquet at which one award was given to David Bohnett. Speaking of the Rand Schrader Distinguished Achievement Award, David told the audience: "Eight years ago, I sat at the back of a ballroom as Rand accepted this award. . . When he died, I did not know how I would go on. But I did."

### **Donald Michael Solomon**



Don Solomon was born and raised in Brooklyn, New York. After attending Brooklyn College, he moved to Boston where he enrolled in Harvard Law School in 1970. After he received his law degree in 1973, Don moved to Connecticut where he worked as a lawyer for a nonprofit legal services firm.

Don took a trip to San Francisco in 1974 and after a funfilled vacation, he decided to move there permanently. Although he is bisexual by nature, during the next few years his personal and professional life were filled with gay interests.

Don took the bar exam in the summer of 1975 and was admitted to the bar that December. He then got a job with the City Attorney's office which, at that time, was very conservative. Neither he or other lawyers were openly gay while at work.

Don's life changed when he met a few men who were in the planning stages of opening a public interest law firm to advance gay rights. There was nothing like that on the West Coast at the time. He joined forces with Donald Knutson, Matt Coles, Jerel McCrary, and Richard Rouilard. Knutson was older and more experienced. Rouilard had the money to fund the project. Coles and McCrary were young, energetic, and very eager. Their adventure had two components. One was a private law firm to generate revenue. The other was the public interest advocacy organization they called Gay Rights Advocates. Don was with GRA until 1980. The organization was renamed National Gay Rights Advocates when attorney Leonard Graff became its legal director.

Don wrote "The emergence of associational rights for homosexual persons" which appeared as a chapter in *Homosexuality and the Law*, a book edited by Don Knutson which was published as a double issue of the Journal of Homosexuality in 1980.

In 1979, Don developed a relationship with a woman. They moved to Boston, got married, and had a child. Don worked there for a legal services nonprofit for eight years. Then he became executive director of a rent control board in a neighboring city. Don and his wife remained together for 15 years. After the divorce, and as the years progressed, Don remained true to his bisexuality, having some long term relationships with women and some intermittent relationships with men. H has fond memories of his time at Gay Rights Advocates and of his life in San Francisco.

### **Michael Robert Sonberg**



Michael Sonberg received his undergraduate degree with honors from Queens College in New York City in 1968. He graduated from Harvard Law School in 1971and was admitted to the bar in New York in 1972.

The program for the 2022 Lavender Law Conference of the National LGBTQ Bar Association has this to say about Michael:

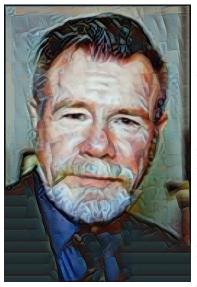
"Hon. Michael R. Sonberg served as an Acting Justice of the Supreme Court of the State of New York, sitting in the Criminal Term in New York County (Manhattan) from 2009 to 2017, and in the Criminal Division in Bronx County from 2003 to 2009, and as a Judge of the Criminal Court of the City of New York, from 1991 until his mandatory retirement at the end of 2017. He was president of the International Association of LGBTQ Judges from 1999 to 2002, as well as president of New York's Association of Lesbian & Gay Judges from 1996 to 2018. . . Among other activities, he was secretary of the 25,000-member New York City Bar Association from 1997 to 2000 and a member of the executive committee of the Harvard Law School Association from 1996 to 1999. Prior to his appointment to the bench, he was a corporate/commercial litigator in Manhattan for twenty years."

Michael's 26 years as a criminal law judge in New York were informed by the work he did in the late 1970s with his life partner and now husband Andy Austin. The two men were founding members of the NYC Anti-Violence Project. A webpage devoted to the couple on the 40<sup>th</sup> Anniversary of the Project explains further:

"In 1978, Andy Austin moved to New York City's Chelsea neighborhood and found community in the Chelsea Gay Association (CGA), a social group for gay men. He invited his long-time partner, Michael Sonberg, to join and together, they became founding members of the NYC Anti-Violence Project.

"When queer men began to face violent attacks coming to and from the gay bars on the west side of Manhattan, some members of the CGA rallied to support the survivors. As members, Andy and Michael supported the formation of AVP's hotline by launching a home answering service to support people who had been attacked."

## Matthew Clifford St. George, Jr.



Matt St. George attended Loyola Law School in the late 1970s. He graduated in 1979 and was admitted to the bar in 1980. In 1977, Matt was the chair of the Gay Law Students Association, an organization with members from several law schools in Southern California. In 1980, he attended the annual meeting of the American Bar Association where he spoke out in favor of several resolutions to advance the rights of gays and lesbians. Matt later served as president of the Los Angeles Lawyers for Human Rights, now called the Los Angeles LGBTQ+ Bar Association.

Matt started out his legal career in private practice. During his time as a private attorney, Matt was a member of the Gay and Lesbian Police Task Force, a group monitoring relations between the gay and lesbian community and local police

departments. One goal of the task force was to have a workplace environment for officers so they could be open and honest about their sexual orientation.

In a 1984 interview with a reporter for the Los Angeles Times, Matt stated:

"As long as you have a system where gay officers keep quiet about their homosexuality, it doesn't matter whether you have gay officers. As long as that exists, gay candidates can be washed out from the hiring process for all kinds of reasons. But if you have openly gay candidates on the force, you have a visible sign of progress."

In 1985, Matt became a deputy city attorney for the City of Los Angeles and remained in that role for 24 years. He served as a supervisor in both the civil and criminal branches of the City Attorney's Office.

In 2009, Matt was appointed by a vote of the judges to serve as court commissioner. He was president of the California Court Commissioners Association in 2013 and acted as secretary and treasurer of the California Judges Association in 2017-18.

Matt died of cancer in 2019 at the age of 70. He was survived by his husband and life partner of many years, Roy Williams. The presiding judge of the Los Angeles Superior Court issued a warm <u>statement</u> of tribute to Matt upon his death.

## Timothy H. Stearns



Tim Stearns enrolled in Golden Gate Law School in San Francisco in 1971. The following year, he was elected student body president. While at the law school, Tim helped establish a work-study program with a local gay rights organization.

An article published in the Advocate newspaper in September 1972 explained that the work-study program operated in cooperation with the Society for Individual Rights and the California Committee for Sexual Law Reform. The project was supported by the committee's

Whitman-Radclyffe Foundation. Its goal was to eventually provide every attorney handling gay cases with a battery of research material on past court decisions.

After Tim graduated from law school in 1974, he moved to Alaska where he was admitted to the bar. For the next 15 years, he practiced civil and criminal law there. Tim then returned to California where he was admitted to the bar in 1989. For the next two years, he worked for a law firm specializing in medical malpractice defense. After that, Tim opened a civil law practice in Siskiyou County, California.

The 2006 edition of "Class Action," an alumni publication of Golden Gate Law School, had an entry about Tim which read: "TIMOTHY H. STEARNS (JD 74) became mayor of Mt. Shasta in November, after serving on the City Council for seven years. Stearns continues to maintain a full-time general civil practice as a small-town country lawyer."

Tim actually served on the Mt. Shasta City Council for a total of 20 years, until he lost the position in an election in 2018. He ran again a few years later and won the seat back.

Prior to attending law school, Tim earned a degree in business administration and served in the Navy aboard two aircraft carriers. His duties in the Navy included acting as the legal officer on the U.S.S. Kearsarge, and as the public relations officer on the U.S.S. Lexington. Tim comes from a Navy family.

Tim is a member of many civic organizations in Siskiyou County, including the Rotary Club, various chambers of commerce, a library advisory committee, and the Mt. Shasta Beautification Committee.

**News Story - Link** 

## Tom Steel



Tom Steel did his undergraduate studies on the Berkeley campus of the University of California. He enrolled at Hastings College of Law in 1972 where he obtained his law degree in 1975. While attending law school, Tom founded the Gay Caucus of the National Lawyers Guild. He served as president of the guild's Bay Area chapter from 1980 to 1982. Tom was a founding member of Bay Area Lawyers for Individual Freedom, a gay and lesbian bar association formed in 1980.

Throughout his career, Tom was a fearless advocate for a variety of progressive causes, including gay rights. He also fought for the First Amendment rights of operators in the adult bookstores and movie theaters, as well as gay bath houses.

In 1978, Tom and two other lawyers successfully defended Black Panther leader Huey Newton against assault charges in Alameda County. In 1985, Tom won a large settlement for lesbians who had been assaulted by a group of off-duty police officers who barged into a lesbian bar for a bachelor party for a fellow officer.

Tom was a vocal opponent of U.S. involvement in wars in Central America. In 1990, he won a substantial settlement for an anti-war protester who lost both legs when a train ran over him at the Concord Naval Weapons Station. In 1992, he filed an unsuccessful federal lawsuit claiming that San Francisco was violating the First Amendment mandate of separation of church and state by owning and displaying a cross on Mount Davidson.

Tom became a plaintiff himself in 1991 by suing for paternity and visitation rights arising out of Tom having donated sperm to a lesbian couple in 1981. The situation became fodder for an HBO three-part docuseries titled "Nuclear Family" which aired in 2021.

Tom died in 1998 of complications from AIDS at the age of 48. Tom was survived by his life partner, Dr. Milton Estes, and their son Jacob.

In 2001, the Pride Fund launched the Tom Steel Fellowship. The organization described it as "one of the first year-long fellowships on LGBT issues in the nation, to fund a recent law school graduate for an innovative, public interest law project."

## **Mary Stevens**



Mary Stevens was very active in women's rights in general, and lesbian rights in particular, throughout the 1970s. Her advocacy and organizing in these realms built upon her hands-on experience in the civil rights movement of the 1960s.

Mary enrolled in the University of Massachusetts in 1960 where she graduated in 1963. After a year of working as a lab technician for a project that was developing open heart surgery techniques, Mary decided to take a leave so she could partake in the ever emerging civil rights movement. She traveled south in the fall of 1964 to work with "Freedom Summer"

Project where she was the contact person for about two dozen field offices. Sponsored by the Student Nonviolent Coordinating Committee, this voter registration project brought 700 students from around the country to join the struggle for civil rights in Mississippi.

In 1965, Mary traveled west where she joined forces with others protesting the Vietnam War. She worked with anti-war activists such as Jerry Rubin to organize a Vietnam "teach-in" on the Berkeley campus of the University of California. Over the course of 36 hours, an estimated 30,000 people attended the event. (2)

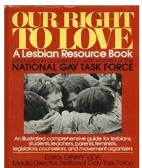
Mary married in 1968 and her daughter Elizabeth was born in 1970. About a year later, Mary discovered she was gay. However, her life was more complex and nuanced than sexual orientation labels.

As 1970s was ending, so was Mary's first marriage. When she married again, Mary and her new husband became short-term foster parents for children in need. They provided love, support, and guidance to 37 children from 1983 to 1993. A year before she and her second husband divorced in 1994, they both adopted their son David. A year after the divorce, Mary herself adopted her son Isaiah. Although Mary believes that sexuality is fluid, on a spectrum she would accept the label bisexual.

The rest of the 1970s found Mary involved in any number of activities and events promoting women's rights and lesbian rights. She enrolled in Rutgers Law School in 1973. There she found herself brainstorming with Rose Basile and a few other lesbian law students. Throughout her law school years, Mary served as a legal advisor to the National Gay Task Force. She was also an editor of the Women's Rights Law Reporter, a periodical founded in 1970 which became formally affiliated with Rutgers in 1974.

In 1976, Mary became a board member of the newly formed Gay Rights National Lobby. GRNL registered as a civil rights lobby dedicated to obtaining federal legislation to guarantee equal protection under the law to all men and women, whatever their affectional preference or sexual orientation. (3)

The Seventh Annual Conference on Women and the Law was held at Temple University in Philadelphia in 1976. Mary and some of the lesbian law students at Rutgers were determined that the next conference, scheduled for March 1977 in Madison, should include presentations and workshops focused on lesbian rights. They contacted the organizers of the Madison conference and asked that an entire day of the conference be dedicated to the interests of lesbian lawyers and law students. The organizers agreed. A Lesbian Law Section of the conference convened for the first time at the Eighth Annual Conference on Women and the Law. (4) Approximately 1,500 of the 2,200 lawyers and law students at the conference attended sessions sponsored by the Lesbian Rights Section.



By the time the Madison conference ended, Mary was a law graduate. Energized by her experiences at the conference, Mary decided to participate in a writing project for the National Gay Task Force. She submitted an article for "Our Right to Love: A Lesbian Resource Book" being edited by Ginny Vida. The article was titled "Lesbian Mothers in Transition." She contributed to another article which was titled "Legal Planning for Loving Partnerships." The book was published in 1978. A new edition was released in 2010.

Mary was involved in many feminist causes: serving as President of Rhode Island NOW; convening the Rhode Island Women's Political Caucus; attending the 1972 Democratic National Convention as a delegate for Shirley Chisholm on the Challenge Slate.

Although Mary was admitted to the bars of New Jersey and Pennsylvania in 1980, she only practiced law for a few years. However, she used her legal skills by teaching business law at St. Joseph University in Philadelphia from 1985 to 1992.

From 1995 to 1998, Mary joined Americorp and worked in Trenton at the Mercer Alliance to End Homelessness. For the last few years, Mary has been doing opinion research work from her home in Princeton. Mary celebrates her 80<sup>th</sup> birthday this year.

#### References:

- (1) "Freedom Summer," U-Mass Amherst (Fall 2014) (link)
- (2) "Teach-in," Wikipedia (link)
- (3) "New Drive Begins for Federal Legislation," It's Time (Feb. 1977) (link)
- (4) "Women and the Law Conference Comes to the Law School," The Gargoyle (Spring 1977) (link)

### Tom Stoddard



Tom Stoddard did his undergraduate studies at Georgetown University where he graduated in 1970. He was not openly gay at the time. In fact, he was struggling with his sexual orientation and continued to do so for several years.

In 1971, Tom moved to Minneapolis where he worked for the American Field Service. While in Minnesota, Tom met his first boyfriend and developed a circle of gay friends. Feeling a little more sure of his sexuality, and with his political bent, Tom joined the Minnesota Committee for Gay Rights.

In 1974, Tom moved back to Manhattan to attend New York University Law School where he graduated in 1977. While at NYU, Tom applied for a Civil Liberties fellowship as an openly gay person. He believed that he was the first person who had ever done that. He was awarded a scholarship and an internship with the New York Civil Liberties Union, an organization for which he eventually worked for eight years

Upon being admitted to the bar in New York, Tom joined the firm of Norwick, Raggio, Jaffe & Kayser. He also served as legal counsel to the legislative director of the ACLU of New York. A few years later, he became the organization's legislative director.

Tom became an adjunct professor at the NYU Law school in 1981, teaching one of the first courses in the nation on gay rights. Tom wrote the 1986 bill passed by the New York City Council prohibiting sexual orientation discrimination in housing, employment and public accommodations. Mayor Edward J. Kotch later praised Tom's legal crafting of the bill, calling it "perfect."

From 1986 to 1992, Tom was executive director of the Lambda Legal Defense and Education Fund. During that time, as staff grew from 6 to 22, Lambda's clout and influence grew as well. By 1988, nearly 50% of Lambda's caseload involved AIDS cases. That was the year Tom received a diagnosis of Karposi's sarcoma, an AIDS-related cancer. Tom reportedly said at the time: "I became the client as well as the lawyer. "The 'they' became 'we."

Tom and his life partner, Walter Reiman, had a wedding ceremony in 1993. Tom died at home some four years later at the age of 48. He was survived by Walter. Much of this biography comes from an excellent <u>review</u> of Tom's life by Elissa Role.

## Katherine Triantafillou



Katherine Triantafillou received her undergraduate degree from the University of Michigan in 1972. Then she attended Suffolk Law School where she graduated in 1975. Katherine was the first openly gay or lesbian lawyer in Boston. In 1999, she obtained a master's degree in public administration from the Kennedy School of Government at Harvard.

Katherine put her education to work when she served three terms as a City Councilor in Cambridge, MA. Her mediation website explains the broad range of experience she has gained and her contributions to justice and equality.

"Katherine has taught family law as an adjunct professor at Suffolk University Law School and Sexual Orientation Law at Northeastern University Law School. She has developed and taught family law paralegal training programs at Boston University, the University of Massachusetts and Transition House, a shelter for battered women. Katherine is a frequent lecturer at continuing legal education seminars and has presented workshops at the Massachusetts Bar Association, the Massachusetts Continuing Legal Education Foundation, the American Bar Association, Harvard Law School, the Community Dispute Settlement Center, the Martha's Vineyard Mediation Center and Boston Law Collaborative, LLC.

"Among her many publications is Cultural and Diversity Issues in Mediation; Same Sex Conflicts: A Primer for Mediators; Do Your Own No-Fault Divorce; Representing Non-Traditional Families; The Future of Mediation and the Art of Conversation; and Mediators Feeling the Heat of Hysteria.

"In 1994 Katherine was featured in Boston Magazine as one of the city's top lawyers and recognized in Feminists Who Have Changed America. She is a former member of the Massachusetts Bar Association (MBA) Family Law Council, served as chair of the MBA Individual Rights and Responsibilities Section and was Vice-President of the Board of Directors of MassEquality. Katherine co-wrote the Massachusetts Abuse Prevention Act (Chapter 209A) and has written and trained extensively on the issue of domestic violence."

## John P. Ward



John Ward graduated from Boston University School of Law in 1976. According to a profile of John in the December 2019 issue of *Bostonia*, Boston University's Alumni Magazine, "Ward became Boston's first openly gay male attorney in 1977." Some 18 years later, John was the first openly gay lawyer to argue a case before the United States Supreme Court.

For more than 40 years, John has been a crusader for LGBT rights, often taking the fight to the courts to end discrimination based on sexual orientation, HIV status, and gender identity. In 1978, he was a founder of GLAD (Gay and Lesbian Advocates

and Defenders, now known as LGBTQ Advocates and Defenders).

John spoke to *Bostonia* about his days in law school. "I dipped my toe in the water there at first. At one point I put a note on the blackboard: 'Anybody interested in starting a gay caucus?' But nobody showed up." John's interview with Bostonia reveals more about his life as a gay lawyer.

"I came out as a gay lawyer by putting an ad in Gay Community News saying, 'John Ward, Attorney, Serving the Community.' That's all it took. Most, but not all, of my clients were gay.

"I have something in my gut that identifies with the underdog and is offended by unfairness and injustice. I didn't know that I really wanted to be a lawyer until maybe October of my first year at BU, when it quietly dawned on me that I was in the right place. I did not think it was possible for me to be an openly gay lawyer until I met one, Tom Coleman, in Los Angeles, and he gave me the courage to give it a shot. Once I started representing LGBTQ+ folk, I knew I was in the right place."

In addition to handling a wide range of cases involving LGBT rights, for many years John practiced criminal appellate law, representing defendants on appeal in major felony cases. His practice included death penalty appeals.

The History Project, Boston's LGBTQ archives, gave its *History Maker Award* to John in 2021. GLAD gave him its *Spirit of Justice Award* in 2008.

### **Charles Whitman**



Charles Whitman was a student at John Marshall Law School in 1975. He was also a member of the Subcommittee on the Rights of Gay People of the American Bar Association's Section on Individual Rights and Responsibilities. More information about Charles could not be found. Therefore, in his honor, an excerpt from an article he wrote for the September 1975 issue of *Student Lawyer*, a publication of the Law Student Division of the ABA, is presented below. It took courage for him to be so visible in an era that was permeated with so much oppression and discrimination. The article is titled "On Being a Gay Law Student."

"While affirmative action with regard to racial minorities and women is now an accepted practice, the minority status of gay people is not yet similarly understood, accepted or acted upon.

"For gays, 'minority student recruitment' does not go to the heart of the matter. There have always been gay law students (gay lawyers, too - not to mention professors). We're already in law school, though probably more because of our invisibility than despite it. We're here in reasonably large numbers, though probably not in a proportion equal to our share in the larger society (about 10 to 15 percent), because the legal profession - like medicine and the church - has not looked favorably on gay people in the past.

"Knowing that, gay law students have played it safe. And with good reason: law students have been dismissed for being gay. That this has not happened frequently is no tribute to the schools; we have simply been taking refuge in our invisibility. Having assessed the risks, we preferred not to become test cases. As defendants, we have not been numerous, until lately, every defendant was an involuntary one. No, the fear is not unreal; there is no paranoia here. The cases exist: some applicants have failed to gain admission to the bar; others, already members, have been disbarred. Nor are straights safer than gays. As 'the wrong man' can be sent to jail, so 'the wrong man' can be disbarred for being what he isn't. It cuts both ways: straights and gays both suffer from the fear that society engenders.

"Unfortunately, the resolution regarding 'good moral character,' passed at its 1973 Annual Meeting in Washington, D.C., pertains only to applicants to the bar, not to law students or school applicants. The resolution asserts

that the qualifications required of an applicant 'must have a rational connection with the applicant's fitness or capacity to practice law.'

"It continues: 'The sexual orientation or sexual conduct of an applicant for admission to the bar or of a member of the bar should not be a proper subject for investigation, denial of admission, or any disciplinary action by the bars of the several states or of any state or federal court, provided that such sexual conduct occurs in private with other consenting persons of the age of legal consent.'

"Passage of that resolution is a credit to the Division. (It has also been passed by the ABA's Section of Individual Rights and Responsibilities and is pending in the Section on Legal Education and Admissions to the Bar, but has not yet been submitted to the ABA's House of Delegates itself.)

"What we also need from the Division, however, is a resolution that benefits students. The issue, then is not student recruitment so much as it is student treatment. Of course, any school that explicitly recruits any other minority ought to specify 'gays' in the same breath and in the same brochures."



2022 marks the 50th anniversary of the publication of Student Lawyer

### **Paul Freud Wotman**



Paul Wotman obtained a degree in political science from Columbia University. He enrolled in law school at Boalt Hall in Berkeley in 1973 and graduated in 1976. While at Boalt Hall, he was one of the founding members of the Gay Law Students Association.

The law student group at Boalt Hall joined with the law student group at Hastings in San Francisco to work with the Society for Individual Rights in legal challenges to the anti-gay employment practices of Pacific Bell. When administrative complaints with the Public Utilities Commission and the Fair Employment Practices Commission were unsuccessful, a lawsuit was filed. It was titled *Gay Law Students Association v. Pacific Telephone and Telegraph Co.* 

The case eventually found its way to the California Supreme Court which ruled that discrimination by public utilities on the basis of sexual orientation and discrimination by private employers against openly gay employees or applicants was illegal under state law. Several trailblazers being honored by the *Birds of a Feather* commemoration were involved in that lawsuit. Dick Gayer and John Wahl were two of the four attorneys representing the plaintiffs. Representing various organizations filing amicus curiae briefs were Thomas F. Coleman, Steven T. Kelber, Donald C. Knutson, and Paul Wotman.

Paul gained national notoriety when he sued Shell Oil Company for sexual orientation discrimination in its employment practices and won \$5.3 million in damages for his client in 1991. A story about Paul and the Shell Oil case in the San Francisco Chronicle was titled "Gay Law's Rising Star."

In 1992, Paul filed seven separate lawsuits against Bay Area corporations alleging the companies engaged in anti-gay employment practices. That year he also represented a legal secretary who sued Bank of America for firing him when it discovered that he was moonlighting as a stripper in a gay club in San Francisco. In 1993, Paul filed a hate crime civil lawsuit on behalf of a local resident who was sprayed with mace and threatened with a golf club by a hostile neighbor.

In the 15 years prior to his death in December 1990, Paul's law office represented more than 2,200 clients in discrimination lawsuits. He was survived by his life partner, Danny Scheie. Paul served on the board of directors of the LGBT bar association known as Bay Are Lawyers for Individual Freedom. In 1986, he ran for a seat on the school board.

## Jim Yeadon



Jim Yeadon graduated from the University of Wisconsin School of Law in Madison in 1975. Just two years later, he became the nation's fourth openly gay or lesbian public official when he was appointed to fill a vacancy on the Madison City Council. Four days later, he told a college newspaper: "I have deep personal convictions that are important to me. I'm a vegetarian and I'm gay, but they're not anything I am going to push on anyone."

Despite his collegiality, a fellow alderman called Jim the "alderfaggot," a slur that Jim's brushed off. The death threats he received, however, he took more seriously. Pointing to a file filled with them, he told the council's secretary that if anything ever happened to him to have the police look in that file for clues.

While he was in law school, Jim had been active in the Gay Law Students Association. He then served on the city's Equal Employment Opportunity Commission.

A gay activist since 1969, Jim played a major role in developing a 1975 Madison ordinance prohibiting sexual orientation discrimination in employment and public accommodations.

When he left office in 1979, Jim told the Madison newspaper that he hoped that being an openly gay official may have "helped Madisonians see gay people as human beings just like themselves."

In 2009, Jim spoke about his life in an interview with the Oral History Project at the University of Wisconsin in Madison. He was about to turn 60 at the time. Here some excerpts from that interview.

"I was born in 1949 in a little town called Ontonagon, Michigan, which is the middle of nowhere. I don't know anyone from upper Michigan ever been there, beautiful country, very backwards, like about 20 years behind everything. But when I was growing up, we moved around a lot. I never lived in the same house more than three years in my entire life. We'd always move in the middle of a semester, like middle of third grade, we'd move to some other town or city. Middle of ninth grade, we moved to Wisconsin.

"And I think I seriously thought about suicide so many times because I was just all alone. And I didn't think I'd ever be happy. I didn't have any friends. The little town I lived in, there was no one my age even. So it was just a very sad lonely time. I think that's what made be vow to be open and honest about myself when I finally came out. I'm going to be myself. I don't want other kids to go through that loneliness, where they think they're the only gay person in the entire world.

"I graduated from Lincoln High School in 1967, still a virgin, still thinking I was the only gay person in the entire world.

"I'm so glad I didn't commit suicide when I was a kid, really, really glad. I have had some fantastic lovers in my life, wonderful people that I would have never had the chance to meet, much less be lovers with. A couple of them were women, not lesbians.

"My present situation, I'm actually living with a straight guy. We've been sharing a house for 12 years and raising dogs together. And I have my friends on the side. And he has his friends. And it turns out it's just a comfortable relationship. And he's been married and had kids, so he doesn't need to go through all that. It's kind of odd, and people think-- we don't care what people think. It's kind of neat. Try and explain it to somebody though. People always say well you guys must be lovers. Well no, sorry, it's not how it works.

"You know, there are things I regret, mostly things I didn't do, and maybe some things I did. But I tell you right now, if I walked out of this building, and a car came along and ran me down and killed me. You know, I'm going to be 60. I would die with a smile on my face. I would because all the wonderful things, all the wonderful people, all the wonderful things I've done. Now I feel like I've done something with my life. And I helped change the world just a tiny little bit, and that's fine with me. And I had some great lovers and some great friends, and opportunities like this to talk to people. And I'd die with a smile on my face."



# **BIOGRAPHIES**

# Lawyers of the Seventies

by Joseph Reyes\*

<sup>\*</sup> Joseph Reyes graduated from Hastings College of Law and was admitted to practice law in California in 2017. For the past several years, he has been employed as a deputy public defender in Solano County.

## **Sheldon Wayne Andelson**



Sheldon "Shelley" Andelson was a higher education administrator, political fund-raiser, and gay rights advocate.

Born on March 5, 1931 in Los Angeles, California, Andelson was raised within the backdrop of Jewish discrimination. Throughout his life, Andelson often felt discriminated for his Jewish heritage, and described his high school years as particularly difficult. After graduating high school, Andelson attended and graduated from Stanford University. It was here that he discovered that being gay made him a further target of discrimination.

He went on to graduate from the University of Southern California Law School. He was admitted to the bar in California in 1955. Shortly thereafter, Andelson constructed a successful career of defending gay men arrested by the Los Angeles police vice squads of the 1950s and '60s. But until he finally came out in the 1970s, Andelson was slow to join personally in gay rights movements and he denied his sexuality to friends and family.

Andelson's law practice proved to be lucrative, and his friends plead with him to use his newfound wealth to support the cause of gay rights. At first, he donated anonymously, but as he continued to financially support gay rights organizations his profile within the community began to grow. Until one day, by accident his name was listed on the letterhead of the Los Angeles Gay Community Services Center – while in court a judge called him to the bench and inquisitorially questioned him about the letterhead. Andelson's sexuality was now public: "What do I do now? The word is out!" Andelson said.

However, this did not deter Andelson from advocating for gay rights and achieving greatness. By 1979, he was one of the most prominent gay rights activists in the country. He became president of the board of directors of the Gay Community Services Center in Los Angeles when it was founded in the early 1970s. Additionally, he was a founder of the Los Angeles Museum of Contemporary Art, chairman of the Bank of Los Angeles, a director in the Anti-Defamation League, and served on a committee for the 1984 Olympic Games in Los Angeles.

Andelson was an astute political player who helped raise the profile of gay rights across the country. He would often throw large fundraisers at his lavish home in Bel Air where he would host prominent political figures such as members of the Kennedy family, former Vice President Walter Mondale, and even former Governor Edmund G. Brown Jr.

Andelson later supported Governor Jerry Brown's bid for president in 1979. In 1981, Andelson was appointed as the first openly gay member of the University of California Board of Regents. The appointment caused quite a stir.

Andelson's was a role model for other gay men, showing that being gay and successful were not mutually exclusive.

Andelson passed away on December 29, 1987 at the age of 56 due to complications related to AIDS. Then U.S. Senator Edward M. Kennedy eulogized Andelson as "a pioneer in national politics on the issue of gay and lesbian rights" who fought for the "principle that discrimination based on sexual orientation is as intolerable as discrimination based on race, or gender or religious belief."

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## Walter E. Barnett



Walter Barnett was one of the leading experts in the United States in the area of the constitutionality of the 1970s and 80s sex laws. He graduated summa cum laude from Yale in 1954, law degrees from the University of Texas, and a master of laws from Columbia. He was also a Fullbright Scholar at the College of Europe in Belgium.

Barnett practiced law in Dallas from 1958 to 1960, when he took a position as an attorney-advisor in international affairs with the U.S. Secretary of State's Office. In 1964, he was an assistant professor of law at the University of Miami. In 1967, he was an associate law professor at the University of New Mexico. In the 1970s, he was a visiting professor at UC

Hastings College of Law. He was admitted to practice law in California in 1974.

Barnett was an important voice in the movement to challenge the constitutionality of state sodomy laws that criminalized private sexual conduct between consenting adults. In 1960, such laws existed in every state. By 1970, only two states had voted to repeal their sodomy statutes, Illinois in 1961 and Connecticut in 1969.

Barnett became involved in the gay rights movement in 1970 when he authored a brief on behalf of the North American Conference of Homophile Organizations Legal Committee in the Texas case of *Buchanan v. Batchelor*. In that case, the constitutionality of Texas sodomy law was challenged. The brief argued that the law violated the right of privacy, violated the establishment clause, and was void for vagueness.

In 1971, Barnett, along with Arthur Warner, a fellow attorney and gay rights activist, founded and co-chaired the National Committee for Sexual Civil Liberties – a sexual law reform interdisciplinary group. That same year, Barnett wrote a memorandum to Senator John L. McClellan to reform the oppressive and discriminatory federal sodomy statute which applied to private sexual conduct committed on federal land. "We believe that the only proper inquiry in molding the federal law is whether the conduct in question is seriously detrimental to society. We submit that adult consensual sodomy is totally harmless." Barnett remained a member of the National Committee for a decade.

In 1972, while teaching at UC Hastings, Barnett was asked by Thomas Coleman – then a gay law student at Loyola Law School – to make a presentation on gay rights at the annual ABA meeting in August of that same year – he agreed. This marked the first time a forum on gay rights was ever presented at an ABA meeting. In 1973, Barnett wrote a

book titled *Sexual Freedom and the U.S. Constitution* which dealt with the constitutionality of sodomy laws in the United States. This book was funded by the Playboy Foundation. The book guided attorneys on how to challenge the constitutionality of sodomy laws which criminalized private sex between consenting adults. The Advocate newspaper published a review of the book in 1973. The article was titled "Barnett book will be landmark in march for sexual freedom."

Barnett was a gentle and spiritual man. He was a devote Quaker, and in 1979 he published a pamphlet titled *Homosexuality and the Bible: an Interpretation*. The publication drew on his legal expertise as well as his experience working for social justice within a religious context in California. In this pamphlet, he wrote:

"The Bible does mention homosexual behavior in extremely negative terms in a handful of widely scattered verses, but modern research has turned up considerable evidence casting doubt on the traditional interpretation of these passages – an interpretation that has borne tragic consequences for homosexuals throughout almost the whole of Christian history. The purpose here is to examine this evidence, together with some of the light science has shed on the subject of psychosexual development, in the hope that it will lead to a more informed appraisal."

Barnett worked as counsel to the Friends Committee for California Legislation, a Quaker based organization that lobbied for legal reform, and lived for many years in Catholic Worker houses in that state. Barnett passed away in 1985.

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## **B.J. Beckwith**



B.J. Beckwith was an influential gay rights activist of the 1970s, who was the director of the Pride Foundation, and legal counsel for the Society for Individual Rights.

Born in 1933, Beckwith grew up in Texas and developed a distinct Texas accent that he brought with him to San Francisco. Beckwith obtained both is undergraduate and law degree from the University of Texas. He was admitted to the bar in Texas in 1959 and to the California bar in 1967.

In the mid-1960s, Beckwith began working as the legal director for the Society for Individual Rights. Founded in San Francisco in 1964, the goals of the organization included public affirmation of gay and lesbian identity, the elimination of victimless crime laws, providing social services and legal aid to "gays in difficulties," and promoting a sense of a gay community.

As legal director of the Society for Individual Rights, Beckwith spearhead major lawsuits challenging laws which discriminated against the gay and lesbian community. In 1969, Beckwith challenged oppressive police practices in Berkeley and Oakland. In that suit, Beckwith sued the Berkeley and Oakland Police Departments to prohibit them from using undercover agents for "clandestine surveillance" in public restrooms.

In 1971, Beckwith secured the right of the Society to publish a gay "know your rights" advertisement in the yellow pages. Initially, the Society faced opposition from various groups arguing that gay men should not be allowed to "publicize their activities" in phone books. The case was argued before the State Public Utilities Commission and eventually was scheduled to be heard before the Supreme Court of California. However, after three years of litigation, the Yellow Pages agreed to publish the ad short of a court order.

Beckwith was a thorn on the side of the San Francisco Police Department. In 1972, Beckwith in conjunction with the Society for Individual Rights helped to organize a meeting between gay rights activists and the San Francisco Police Department to discuss reforming the practice of "venereal disease holds." These holds were intended to be used on individuals suspected of carrying sexually transmitted diseases, upon arrest these individuals would be quarantined from the general population for a specified amount of time to prevent the spread of the disease. However, in practice the police would use these holds as a form of punishment for arrested gay men – isolating the gay inmates and denying them an opportunity for bail. Beckwith called this practice unconstitutional and discriminatory, he sought to rewrite the guidelines by which police officers imposed these

holds. Ultimately, the San Francisco Police Department acknowledged that the hold system had been abused by officers and agreed to reform its guidelines.

Beckwith also fought the department in legal battles. In 1976, San Francisco police raided a gay bath house. Armed with a warrant, the police searched the entire premises and arrested 17 people within. These individuals, all gay men, were charged with various crimes ranging from traffic violations to serious felonies. However, Beckwith succeeded in having the search warrant thrown out as a violation of the patron's fourth amendment rights. Beckwith argued that the search warrant was largely based on false and misleading information – he went as far as to call the investigating officer a liar in open court. Ultimately, after a lengthy hearing, the court sustained Beckwith's arguments, the evidence was suppressed, and the charges were dropped.

Beckwith also served as director of the Pride Foundation. The Foundation was founded in 1973 in San Francisco and operated by a board of directors, including Beckwith. The Foundation served the gay and lesbian community by providing direct legal assistance, especially in cases of discrimination and defamation, engaging in educational research, conducting classes, and aiding in social and health services.

Beckwith retired in 1981 at the age of 48. A <u>story</u> in the San Francisco Crusader carried a headline "Famed Trial Lawyer Retires." The article noted: "B.J. Beckwith was the only Gay attorney in the first Gay Parade in this city in June 1972." The Texas Bar Association lists him as deceased. Apparently he <u>died</u> of complications from diabetes in 1989 at the age of 55. His name at birth was Billy Joe Beckwith.

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## Jerry Elmer Berg



Jerry Berg was an attorney, activist, and philanthropist who was involved in the San Francisco LGBT community during the 1970s and 80s. Berg obtained both his undergraduate education and law degree from Stanford University. After graduating from law school, Berg served as a legal advisor to the president of Malawi from 1964 to 1966. He then returned to the Bay Area, where he opened his own private practice.

In 1978, he led a campaign against the so- called "Briggs Initiative" that sought to ban members of the LGBT community from working in California's public schools.

Berg was the first national co-chairperson of the Human Rights Campaign Fund - the first openly LGBT political action committee designed to elect LGBT and LGBT-friendly officials and to lobby Congress. Berg also helped found the Lesbian/Gay Marching Band, served as vice chair of the Northern California ACLU, and served as a member of then Governor Jerry Brown's Commission on Personal Privacy.

Berg was heavily involved in civic affairs. He served on the boards of: the San Franciscan Seeking Consensus, Larkin Street Youth Services, Shanti Project, Theatre Artaud, and NPR affiliate station KQED. In 1983, Berg was appointed by then Mayor Diane Feinstein to the Board of Permit Appeals and was reappointed to that position in 1986 where he served until 1988. Berg was a member of the San Francisco Gay Men's Chorus from April 1981 until July 1982 for a total of six concert seasons.

Berg was a founding member of the Bay Area Lawyers for Individual Freedom in 1980. BALIF was and is the LGBT bar association in San Francisco. He died in 1991 at the age of 54 due to complications related to AIDS. More about Berg is found in his obituary.

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## **Elton Carrington Boggan**



E. Carrington "Cary" Boggan was an attorney, a leading advocate the gay legal rights movement, and one of the founders of Lambda Legal Defense and Education Fund – a national LGBT-rights organization headquartered in Manhattan which still operates today.

Boggan graduated from law school in 1969 from Wake Forest University, having graduated cum laude. He was given the Warren A. Seavey Award which recognizes achievement in courses in torts and agency partnership. Boggan was admitted to the bar in New York in 1970.

Boggan was crucial to the creation of the Lambda Legal Defense and Education Fund. In 1972, Boggan, along with William Thom and Michael J. Lavery, filed an application to establish Lambda. However, upon review by an intermediate appellate court, their application was denied on the ground that Lambda's purpose was "neither benevolent nor charitable," nor was there "a demonstrated need for this corporation." After litigation to the highest New York Court, the application was eventually granted, and the organization came into existence. The Lambda Legal Defense and Education Fund officially opened its doors in 1973 with the purpose of ensuring "equal protection of the laws and the protection of civil rights of homosexuals." Lambda is still in operation today and spearheaded the litigation in *Obergefell v. Hodges*, the now famous case which legalized same-sex marriage across the United States.

Soon after he was admitted to the bar, Boggan decided to become involved with the American Bar Association and to use it as a vehicle to promote the repeal of sodomy laws in the states. At that time, all but two states criminalized private sexual conduct between consenting adults. Boggan worked from inside the ABA as Thomas F. Coleman, Arthur C. Warner, William B. Kelley, and Craig W. Patton of the National Committee for Sexual Civil Liberties lobbied from the outside. Boggan became chair of the a committee of the ABA's Section on Individual Rights and Responsibilities. In 1973, with prodding from his committee and the entire section, the ABA House of Delegates went on record to urge the states to repeal these laws. Boggan served as chair of the Individual Rights Section in 1979. He was the first openly gay lawyer to hold that position.

Boggan also headed the editorial board of Human Rights magazine and the Individual Rights and Responsibilities Section of the American Bar Association and was on the board of the association's journal.

In 1975, Boggan was <u>co-author</u> of The Rights of Gay People: The Basic ACLU Guide to a Gay Persons Rights. This was the first book of its kind on gay rights.

Boggan represented gay litigants in several major cases. In 1973, Boggan became the first openly gay attorney to argue a case before the New York Court of Appeal in *Matter of Kimball*, a case which allowed an attorney who had previously been disbarred for being gay to be admitted to practice in New York. He won a federal court ruling in 1974 giving gay students at the University of New Hampshire the right to organize in *Gay Students Org. of Univ. of New H. v. Bonner*. In 1978, Boggan represented a Vietnam war hero, Sgt. Leonard Matlovich, after he was discharged from the Air Force because he was gay, which resulted in a \$160,000 payment, a promotion and an honorable discharge for his client. Boggan also represented Vernon E. Berg in a matching suit against the Navy, with similar results.

In 1974, Boggan encouraged attorney Thomas F. Coleman to create and publish a gay rights law reporter to fill a void in legal research and publishing. Coleman went further than Boggan's suggestion and from 1975 through 1979 published the Sexual Law Reporter, a respected legal periodical focusing on a wide range of sexual-legal issues, including the rights of LGBT individuals and couples. "Cary was a visionary who inspired me immensely," Coleman later would say. "He was a top-notch lawyer."

From 1978 to 1986, Boggan was an adjunct professor at New York Law School. He was one of the first to teach a law school class on gay rights. He was also a founding partner of the lawfirm of Boggan and Thom. The partnership was dissolved when William Thom was appointed to be a judge in 1984.

Boggan moved to Los Angeles in the late 1980s. He was admitted to the bar in California in 1988 and a professor at the University of West Los Angeles for several years prior to his death. Boggan <u>died</u> in 1992 at the age of 48 due to complications related to AIDs.

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## **David Irl Clayton**



David Clayton was born in Sacramento in 1932. He graduated valedictorian from his high school and attended UCLA where he studied history and Russian. Clayton earned his law degree from UC Berkeley's Boalt Hall and was admitted to the California bar in 1958.

After graduating, Clayton served in the U.S. Army as a counselor to terminally ill soldiers. He returned to Sacramento where he met his lifelong partner Rick Stokes. He practiced law there until 1967. That year, he and Stokes moved to San Francisco where Clayton began working at Neighborhood Legal Assistance before starting a private practice with Stokes in 1972.

Clayton was a founder of Sacramento's first gay organization, the Association for Responsible Citizenship, and was a supporter of Theater Rhinoceros, the Lesbian and Gay Film Festival, the Museum Society, the Museum of Modern Arts, the Symphony and the Zoological Society. Clayton appeared alongside his partner Rick Stoke in the 1976 documentary "Bay Gays" in which the couple showcased their relationship in an attempt to normalize same-sex relationships to society as a whole.

Clayton was a devote Methodist. He often volunteered at churches throughout his life. He was a member of the Council of Religion and the Homosexual. His faith informed much of his ideology, believing it was his duty to give back to the less fortunate.

In 1984, Clayton left the practice of law to focus on managing his businesses. Clayton and his partner were owners of several prominent gay bathhouses around the Bay Area.

Clayton died in 1995 at the age of 63 due to complications related to AIDS.

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## Herb Donaldson



Herbert Donaldson was the first openly gay male judge in San Francisco and an influential LGBT advocate and leader.

Donaldson was born in 1927 into poverty in the coal-mining town of Baxter, West Virginia. His upbringing was not easy. At an early age, his father was killed in a mining accident and as a result his mother took him and his two brothers to live with her family in Wisconsin during the Great Depression in a one-bedroom home. As Donaldson grew into adulthood, he enlisted in the Navy at the age of 17 and served in World War II as a minesweeper.

After the war, Donaldson graduated from the University of Wisconsin in 1953 and Stanford Law School in 1956. He worked as an attorney for Southern Pacific Co. until 1960

In the early 1960s, Donaldson became involved with the gay and civil rights movements. He worked with various gay rights groups, including the Mattachine Society, League for Civil Education, and Society for Individual Rights. Additionally, he worked with the newly formed Council on Religion and the Homosexual. The Council was an organization formed in part by Donaldson and was committed to bringing together ministers and gay rights groups with the purpose of educating religious communities about discrimination and anti-gay violence.

Donaldson came into prominence in 1965 for his role in what some have called the "West Coast Stonewall" – an event in which gay rights activists clashed with San Francisco police at a fundraising event for the Council on Religion and the Homosexual.

On January 1, 1965, the Council held a Mardi Gras Ball fundraiser. The event called for elaborate costumes. However, the celebrations never occurred due to harassment by the San Francisco Police Department. Initially, the police had agreed to allow the fundraiser to proceed, ensuring event organizers they would not arrest party goers in violation of an ordinance prohibiting cross-dressing. The police reneged on the agreement, and as the party began, they surrounded the event and pointed spotlights at the entrance to take photographs of every guest who entered and readied themselves to make mass arrests.

As police moved towards the building to make arrests, Donaldson along with other attorneys blocked the entrance and prevented police officers from entering the building. Donaldson and the others were arrested on the grounds that they obstructed the police from entering the premises. The charges were ultimately dismissed on technical grounds,

but, more importantly, the resulting publicity of the event and the new willingness of people to stand up in support of LGBT rights created a turning point for the gay movement in San Francisco.

Rather than hurting Donaldson's career, this incident bolstered it. In 1967, he was offered the position of chief counsel for the San Francisco Neighborhood Legal Assistance Foundation, a legal services organization which helped indigent clients.

On December 31, 1982 – Jerry Brown's last day in office as governor – Donaldson was appointed to a judgeship in San Francisco where he served until 1999. When Donaldson retired, Jerry Brown recalled how he had offered an appointment to the Superior Court but Donaldson turned it down. He said he would prefer a Municipal Court judgeship where he could be closer to the people. Brown said that Donaldson was the only person who had ever done that.

After he left the bench in 1999, Donaldson remained committed to his community and to the administration of justice. He took a part-time judgeship on a new Behavior Health Court, which he described as "one of the most fulfilling periods of my judicial career."

Even in his final years, Donaldson continued hearing special assignment cases and remained committed to his community, sitting on the Redistricting Task Force in 2002 and serving on the boards of the San Francisco Mental Health Association and Bethany Center Senior Housing.

Donaldson passed away at the age of 81 in 2008. The Bay Area Reporter, a LGBT newspaper, called him "a trailblazer in the field of gay and transgender law."

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## **Mary Dunlap**



Mary Dunlap was a civil rights attorney and an LGBT advocate who challenged gender and sex discrimination. She was the first openly lesbian attorney to argue a case before the U.S. Supreme Court.

Dunlap was born in 1949. She described her childhood as psychologically traumatic, suffering abuse at the hands of her parents. It was these early experiences that later influenced her career, saying, "I came from a family that caused me to be particularly attuned to the suffering of other people . . . among other things, I

learned a tireless commitment to justice, from the perspective of someone who survived injustice."

Dunlap attended Boalt Hall law school in Berkeley California and graduated in 1972. After graduating from law school, Dunlap, with her law school colleagues, started a nonprofit law firm called Equal Rights Advocates, with the goal of representing women facing sex discrimination. The firm was devoted to reforming gender-based laws and practices and included a component of teaching a clinical program for Stanford law students. It was with this firm that Dunlap first developed a Women and the Law course. Dunlap and the firm taught the course at Hastings College of the Law in San Francisco, Golden Gate University, University of San Francisco, and Stanford University.

Dunlap eventually left the firm and went on to develop a law school course on sexual orientation, which she taught in several Bay Area schools, and continued to write on the subject of sex discrimination. In 1980, she published a book titled *Sex Discrimination in Employment*.

Dunlap was involved in a series of high-profile cases. In 1977, she made history when she became the first lesbian to argue a case before the U.S. Supreme Court in the matter of *Richmond Unified Sch. Dist. v. Berg.* In that case, she represented a pregnant schoolteacher who was sent home on mandatory maternity leave even though she was ready, willing, and able to continue working.

In 1980, in the case of *Beller v. Middendorf*, she represented an air traffic controller discharged from the military because of her sexual orientation. In 1987, Dunlap again argued before the U.S. Supreme Court, where she fought for the Gay Olympics' right to use the word "gay" in their title in the case of *S.F. Arts & Athletics, Inc. v. United States* 

Olympic Comm. That same year, she represented women who sought employment with the San Francisco Fire Department in *United States v. City & County of San Francisco*, in which she succeeded in mandating the department to hire ten percent women.

During her later years, Dunlap served as director of San Francisco's Office of Citizen Complaints. She was appointed to this position in 1996 and was tasked with overseeing complaints from citizens about police misconduct.

In 1999, even though she had philosophical problems with the institution of marriage, Dunlap and her partner had a commitment ceremony in a public forum. It attracted a group of religious fundamentalists who were chanting "You are the brides of Satan." This ceremony was interesting since, in 1991, Dunlap had written a poem titled "Choosing" in which she pondered whether the historically conservative and sexist institution of marriage would change gays and lesbians or whether they would change the institution. She was not "pro marriage" but felt people should have the right to choose.

Dunlap only lived a few years after that commitment ceremony was performed. She passed away in 2003 at the age of 54 after a battle with pancreatic cancer.

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## William H. Gardner



William H. Gardner was an attorney who worked for much of his career at Hodgson Russ law firm in Buffalo, New York where he developed a reputation for advocating for the rights of LGBT people.

As a young lawyer at Hodgson Russ, he often witnessed LGBT people getting targeted, harassed and persecuted in court, with little to no protections. Gardner took issue with laws banning consensual sodomy and anti-loitering laws which were disproportionately used against gay men, many of whom were homeless. Gardner vowed to fight this, and while at Hodgson Russ, he began to take cases on a pro bono basis to combat discriminatory practices of the Buffalo police and government.

In 1980, Gardner achieved his first major victory, while representing two men charged with consensual sodomy. At that time, newspapers would routinely publish the names of individuals arrested for such offenses, which put their reputations and jobs at risk – this gave Gardner more of a reason to fight these charges. The case, *People v. Onofre*, was brought all the way to the New York Court of Appeals, where he won, and the sodomy law was declared unconstitutional because it criminalized private sexual conduct between consenting adults.

A second major victory came in 1984. In *People v. Uplinger*, Gardner represented a teacher who was charged with loitering for the purpose of soliciting sodomy. The teacher who was walking down the street was propositioned by an undercover police officer to have a sexual encounter, but it was a trap, and the teacher was <u>arrested</u>. The teacher called Gardner to fight the charge and Gardner happily accepted. After much litigation, the case made its way to the United States Supreme Court which resulted in a victory when the nation's highest court allowed to stand a ruling by the New York Court of Appeals that the loitering law was unconstitutional.

These two cases advanced the legal rights and human dignity of gays and lesbians. Gardner maintained a steady career as a senior partner with the law firm Hodgson Russ, regularly volunteering his service with organizations such as the Legal Aid Bureau.

Of his victories, Gardner says, "I'm not sure I always did what I should have. But from the day I started taking free cases, this whole process was, I think in retrospect, simply doing the one thing I could do, which was to fight the oppression. So I did good, and I'm glad."

Gardner was a member of the National Committee for Sexual Civil Liberties during the late 1970s and early 1980s, an era when attorney Thomas F. Coleman was the organization's co-chair. Coleman worked closely with Gardner on the Uplinger case, was listed as co-counsel, and sat at counsel table as Gardner argued the case in the United States Supreme Court.

Coleman also enlisted Gardner to be counsel of record on an amicus curiae brief filed in the New York Court of Appeals in *Braschi v. Stahl*, a case in which the court was asked to use an inclusive definition of family in connection with a rent-control dispute. If a restrictive definition had been used – blood, marriage, adoption – the surviving same-sex life partner would have been evicted. The court wrote a landmark decision acknowledging the reality of family diversity in America and encouraging the use of an inclusive definition of family when the legislature did not specify a restrictive one.

The OutLaw LGBT student group at the University of Buffalo Law School honored William H. Gardner at its annual gala dinner on March 10, 2016. Gardner graduated from the law school in 1959. Speaking of his advocacy in the 1970s and early 1980s, Gardner told the audience:

"I let various folks and gay organizations know that if they brought me people, I would represent them for free. If they wanted to make a case and fight the system, I was ready to do that. I was confident that sooner or later someone would show up who wanted to fight and not be a victim."

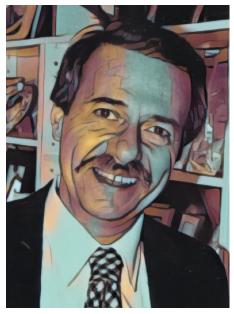
Coleman has high praise for Gardner. "Despite the fact that Bill Gardner was a gentleman and a scholar, he was a real fighter. His advocacy was based on concern for the oppressed and a passion for justice." Coleman was sorry to learn that Gardner had passed away in 2022. He was 88 at the time of his death.

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## Gerald Gerash



Gerald "Jerry" Gerash was an attorney, gay rights activist, and community organizer who spearheaded a movement to repeal anti-gay criminal laws in Colorado.

Gerash was born in the Bronx in 1934. He was the son of Russian Jews who had fled Europe due to increasing violence directed at Jews. Growing up he witnessed and identified with the marginalized and oppressed communities living in the Bronx. This ingrained within him a strong sense of right and wrong, and a need to fight injustice. When Gerash was 10 years old, his family moved to Los Angeles. In the early 1950s, he attended college at both UCLA and UC Berkeley. Then he went on to obtain his law degree from University of Denver Law School in 1969.

Gerash described the Denver gay community of the early 1970s as extremely isolated:

"Gays and lesbians lived hidden lives and in fear of exposure that could, and did, result in loss of a job and professional career—even eviction from one's home. We ventured out to meet other gays only in designated spaces, mostly the gay bars. Once there, we were afraid to use our real names. And arrests were a real possibility. We lived underground—in a gay world, entirely separate from the straight world. And the straight world didn't know our gay world even existed. We preferred that—for our own survival; we knew they saw us as pariahs, perverts, criminals or, at best, as mentally sick."

In 1972, only two gay organizations existed in Denver. Gerash knew that the vacuum of representation needed to be filled. Thus, in the fall of that year, Gerash and a group of friends and colleagues organized the Gay Coalition of Denver (GCD).

"GCD grew fast because people knew about Stonewall, the women's and black civil rights movements, and the anti-Vietnam War movement, and some of us sharpened our organizing teeth in these liberation struggles. We were already pent-up and ready to live an open, freer gay life by creating a liberation movement of our own. GCD's members, imbued with

a yearning for gay freedom, immediately began to fill gay Denver's void with a new gay culture and joyful assertion of our inherent worth."

The coalition offered services, such as: a political and legal committee; a library; a coffeehouse; a hotline; counseling services; coming out classes; and other support groups.

Then came a turning point, in the first few months of 1973, when over 250 gay men were arrested for "lewdness" (using the notorious "Johnny Cash Special" bus). Gerash and the coalition immediately protested, held press conferences, and met with Denver City Council members. Gerash had a two pronged plan: file a lawsuit against the city and organize the lesbian and gay community in mass to protest at city council meeting.

On October 23, 1973, the coalition's supporters arrived at city council ready to voice their concerns. At the start of the hearing, the president threatened to arrest all 350 protesters, but after four hours of speakers the city council was persuaded. They repealed four anti-gay laws – a first in the nation. Gerash's lawsuit against Denver a year later resulted in halting the police's discriminatory arrests, as well as ending their general harassment of the gay and lesbian community.

During this same period, the coalition continued to push for legislation to protect gay and lesbian individuals from discrimination. However, this did little to solve ingrained problems within the gay and lesbian community caused by generations of homophobia. Gerash recognized that the community was in need of an institution to combat the problems of alcoholism, drug abuse, and suicide. Thus, he lead the formation of Unity, an "organization for organizations" to create a community center. In 1976, the Gay Community Center of Colorado was officially formed. Today, the Center remains in operation and is the largest LGBT community center in the Rocky Mountain region.

Gerash continued to fight for gay equality in Denver until 1985 when he moved to California to practice law there. He is now retired and living in the Palm Springs area.

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## David B. Goodstein



David B. Goodstein purchased The Advocate newspaper in 1975 and turned it into the largest and most influential gay news magazine in the country. He was an influential spokesperson for the gay community in the 1970s, playing a significant role in the passage of legislation decriminalizing private homosexual conduct between consenting adults.

Goodstein was born in Denver, Colorado in 1932 to a wealthy family. As a child he was often bullied and ostracized for his effeminate mannerisms, weight, and scoliosis. Yet despite these setbacks, Goodstein would

prove to be an intelligent student. In 1954, he graduated from Cornell University and later went on to earn his law degree from Columbia University. He practiced for a time in New York City as a criminal defense attorney.

In the 1960s, Goodstein went on to work on Wall Street, where he founded his own mutual fund. In 1971, he moved to San Francisco to develop a computer system for a bank but was fired after executives learned he was gay. It was during this period that he first became involved in social justice issues.

Using his wealth, Goodstein's went on to found the Whitman-Radclyffe Foundation, an organization dedicated to gay and lesbian social and political issues. In 1972, a member of the foundation became the first openly gay politician to address a Democratic National Convention about gay rights. In 1972, he organized the Committee for Sexual Law Reform to repeal California's sodomy law, which accomplished its goal in 1975 when the legislature passed, and Gov. Jerry Brown signed, a bill by Assemblyman Willie Brown to repeal two statutes criminalizing consenting adult sex in private. In 1977, Goodstein formed the Concerned Voters of California, a political organization dedicated to opposing proposed legislation, called the "Briggs Initiative" after California state Senator John Briggs. The measure would have prohibited gay and lesbian people from teaching in public schools. The initiative was defeated by voters.

Goodstein is probably most known for his purchase and subsequent overhaul of the highly influential Los Angeles-based gay magazine, The Advocate in 1975. Goodstein committed to changing the publication from a news-oriented publication, to a standard-glossy magazine that was more focused on gay and lesbian "lifestyle" stories. He moved the paper to San Mateo, and published interviews with prominent gay and lesbian personalities sympathetic to LGBT causes.

Under Goodstein's leadership, the magazine was pushed towards mainstream respectability. For example, The Advocate attracted the first advertisement for the product of a major national company in a gay magazine. The magazine's paid subscribers quadrupled within the first few years of his purchase. While his changes were initially met with criticism and opposition, it is undeniable that this shift in tone and style played a large role in raising the profile of LGBT activism across the country.

Goodstein also created *The Advocate Experience*, and series of self-realization workshops to bring self-acceptance, awareness and tolerance within the gay community. The goal of The *Advocate Experience* was to increase the self-esteem of gay men and lesbians. Goodstein was not without his critics. He was often labeled an elitist, and narrow and moderate in his activism. This is most evidenced by his public disagreements with late San Francisco politician Harvey Milk, whom he believed was too radical and divisive to advance gay and lesbian causes and initially refused to support his political aspirations.

Today, The Advocate remains a leading national source of LGBT news in both print and online formats. Perhaps Goodstein's greatest personal legacy was his generous gift to Cornell University to help fund the university's Human Sexuality Collection.

While other lawyers in the 1970s and 1980s were fighting for gay rights in the courts of law, Goodstein did his advocacy with politicians and in the court of public opinion. The Advocate helped shape the opinion and actions of its readers. He used his publisher's column in each edition of the paper to share his views and offer suggestions for moving the gay rights agenda forward. His last "opening space" appeared on February 19, 1985. Goodstein passed away later that year after a battle with cancer.

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## **George Haverstick**



George Haverstick was born in 1926 in Wisconsin. As a young adult, he moved to California to attended law school. Haverstick graduated cum laude from University of San Diego School of Law in 1969.

Haverstick had his own law practice which he ran with Tom Homann, a fellow attorney and lifelong partner. Together, they had a practice focusing primarily on under-represented clients including unconventional religious groups, LGBT community members, and sex industry workers.

Haverstick was president of the San Diego Chapter of the American Civil Liberties Union. He was a staunch opponent of any limitations placed on the First Amendment. He

criticized the U.S. Supreme Court for its 1973 decision in *Miller v. California*, which placed limits on "obscene' materials, saying,

"Now the Supreme Court has said that even in an area as important and as personal as an individual's reading material the government knows best. Such 'big brotherism' is a violation of the fundamental and traditional principles upon which this country was founded."

Haverstick considered himself a civil libertarian. He used San Diego as a battleground to challenge laws and ordinances which he believed encroached on First Amendment rights and civil liberties.

For example, in 1974, Haverstick filed suit against the city of San Diego and the police chief to challenge the constitutionality of a city ordinance banning newsrack displays of publications "depicting nudity or sexual conduct." Similarly, in 1978, Haverstick was successful in defending the owner of an adult bookstore, who was harassed by the San Diego police – they had entered the store over 70 times with the intent to arrest patrons. Haverstick was able to secure a court order blocking the police from patrolling the shop. During this lawsuit Haverstick highlighted that patrons consuming gay content were often the target of arrest while those individuals watching heterosexual content were left alone.

In this way, Haverstick would often point out the hypocrisy of these laws and their discriminatory effects. For example, in 1978, he represented a woman who was cited for

sunbathing topless on a San Diego beach. In representing her, he made clear to challenge the ordinance which criminalized women for being topless in public. Haverstick asked the court to dismiss the case due to its discriminatory impact on women, requiring women to cover their chests but not men.

Haverstick also targeted the police directly, pointing out the hypocrisy of the officers. In 1978, he filed a suit asking the courts to stop the police from engaging in sex acts with sex workers whom they were investigating. Haverstick alleged that an officer, "goes in there, and both he and the woman engage in sexual acts, and after it's over, he gets paid and she gets arrested." The San Diego police would later acknowledge the practice but downplayed its severity.

Similarly, in 1978, Haverstick was quick to threaten police not to engage in unconstitutional police practices in the enforcement of a religiously discriminatory San Diego ordinance. Haverstick defended the Hare Krishna Organization, after the city of San Diego placed limits on the religious group's ability to solicit donations and preach their religious teachings. The ordinance was found to be unconstitutional, yet the city ordered the police to enforce it anyways. In response, Haverstick stated: "Any policeman who enforces it is laying himself and the city open to substantial civil rights damages."

Haverstick was best known for his willingness to defend gay men from discriminatory criminal charges. During the 1970s, gay men were often the target of entrapment by the police. Many of these men could not afford legal services but Haverstick defended them anyway. He came into prominence after his winning defense of several gay men arrested in the infamous May Company bathroom arrests in 1977, an event that marked the beginning of strong, vocal gay rights advocacy in San Diego.

Haverstick passed away in 2000 at the age of 74.

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## Rene C. Hanover



Renee Hanover was an American lawyer and civil rights advocate who primarily defended groups and individuals involved in civil rights cases dealing with gender, LGBT issues and race.

Born in 1926 in New York City, Hanover was the youngest of three siblings. Hanover's father was an immigrant from Russia and her mother from England – they were a working-class family. In 1952, Hanover, as a member of the Communist Party in New York, came to Chicago with her then husband to engage in organizing. She eventually left the Communist Party, having become disillusioned with it for failing to fight racism.

After a divorce, Hanover decided to put herself through law school, all while raising three children as a single mother. She was dismissed from law school in 1964, four months from getting her degree, for being a lesbian. She later returned to graduate from John Marshall Law School in 1969 and was admitted to the Illinois bar in 1969 when she was in her 40s. Hanover is believed to be the first "out" lesbian attorney in the country.

Hanover began practicing law under the direction of Pearl M. Hart who defended oppressed minority groups before leaving to start her own law firm by the name of Midwest Women's Legal Center. Her practice in Chicago dealt primarily in pro bono work and was focused largely on representing gay, lesbian, and transgender clients. Hanover became one of Chicago's most prominent lesbian activists.

Some of her most notable work includes defending gay men against police entrapment, overturning Chicago's so-called "zipper law" which banned cross-dressing, and representing black lesbians who were being discriminated against at lesbian bars. She also represented the Black Panthers. In the early 1960s she organized a "freedom wade-in" on Chicago's South Shore to desegregate beaches. In 1970, she helped defend the "D.C. 12," a group of gay men arrested while in the nation's capital to attend a Black Panthers convention.

Hanover also put her her own skin in the game of civil rights. She frequently engaged in protests. Famously, she was involved in a huge protest against anti-LGBT singer Anita Bryant in Chicago in 1977. She was arrested for protesting in front of the United States Supreme Court the weekend of the national gay march on Washington in 1987.

Hanover also advocated for the rights of LGBT seniors in the 1980s before most people had ever given the issue much thought. She served as director of Lesbian and Gay Seniors for four years and co-founded the Old Lesbian Organizing Committee.

Hanover played an important role in women's issues generally. She helped anti-rape efforts, the Women in Crisis Can Act hotline, Women Employed, Lesbians in the Law, Chicago Lesbian Liberation, Daughters of Bilitis, Lesbian Community Cancer Project, the National Organization for Women, Chicago Women's Liberation Front, and many more.

Hanover was also involved in a variety of legal organizations, including the National Lawyers Guild, the Chicago Lawyers Committee to End the War in Vietnam, and the ACLU. She initiated the first gay and lesbian workshops at any national legal conference. She was also a charter member of the Lesbian and Gay Bar Association of Chicago.

In 1991, Hanover was inducted into the Chicago Gay and Lesbian Hall of Fame. During the ceremony, she was described as:

"an unflagging advocate for the rights and welfare of lesbians and gay males, she has used and taught us lessons derived from a history of labor organizing, leftist politics, feminism, cultural self-affirmation, brotherhood, advocacy of racial justice and being a lawyer."

Hanover eventually retired to Los Angeles and passed away in 2011 at the age of 84.

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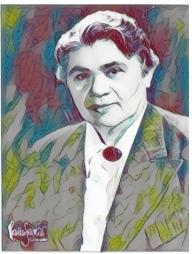
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### Pearl M. Hart



Pearl Hart was a legend in the legal profession and the gay community in Chicago. She defended the oppressed for decades, right up until her death in 1975 at the age of 85. Although she was quiet about her sexuality, Pearl's tireless work for gays and lesbians was rewarded posthumously by Chicago's LGBT community.

The Midwest Gay and Lesbian Archive and Library chose to honor Pearl in 1981, along with Chicago activist Henry Gerber, by naming themselves The Henry Gerber-Pearl M. Hart Library: The Midwest Lesbian and Gay Resource Center. Ten years later, she was inducted into the Chicago Gay and Lesbian Hall of Fame. The City of Chicago gave

Pearl a Chicago Tribute Marker of Distinction in 2001, placing a memorial plaque outside Pearl's former home in recognition of her many contributions to the city. (1)

Pearl's reputation as an ardent defender of civil rights for gays and lesbians gave her the nickname "The Guardian Angel of Chicago's Gay Community." (2) A mosaic of her life and her dedication to justice is drawn from a collection of excerpts from various profiles and biographies.

"Pearl Hart was born in Traverse City, Michigan, as Pearl Minnie Harchovsky, the fifth daughter in a family of Russian Jewish immigrants. Her father moved the family to Chicago before Hart began school. Nurtured in a large, loving family, she had a personality that fused the compassionate outlook of her mother, a social worker, with the wisdom and intellect of her father, an orthodox rabbi." (2)

"Underlying all of Hart's legal and social activism was a commitment to the civil liberties of the individual citizen. At various points in her career, she confronted police abuses of power. In the 1930s, for example, she tackled the problem of women arrested for prostitution on the flimsiest of pretenses. In the 1950s Hart turned her legal skills to fighting the attempts of the federal government to deport naturalized immigrants accused of subversive activities. She appealed the case of U.S. v. Witkovich to the U.S. Supreme Court, and, in 1957, the Court decided in her favor. In the 1960s she was one of the few attorneys in Chicago who defended gay men. Throughout her career, she was devoted to what is the most vulnerable group in any society—children. She was recognized as a national expert on the juvenile justice system and its reform." (2)

"Hart would later recall with pride that when she first began working as a public defender

in 'morals court' with women arrested for alleged prostitution, the conviction rate was 90 percent, but after four years of her work, the conviction rate had dropped to 10 percent, with 90 percent of women going free. In the 1950s, she devoted herself to defending clients subpoenaed by the House of Representatives Un-American Activities Committee (HUAC) and represented many gay men arrested in bar raids or police stings." (1)

"In addition to her legal work, Hart taught at John Marshall Law School and at the Northwestern University School of Social Work, and she participated actively in local and national progressive politics. She spoke regularly at Chicago-area organizations, both Jewish and non-Jewish, and served as a mentor to a generation of female law students. In 1964, Hart was honored with an honorary doctorate of law from John Marshall, which described her as 'a pioneer and exemplar ... an imperturbable trial advocate and a scholar of ingenuity as well as intellect ... a source of radiant confidence in the ultimate supremacy of the law and the goodness of man.' Throughout it all, she maintained a humble focus on the importance of her work defending civil liberties for all." (1)

"Hart first became publicly identified with the LGBT community in Chicago when she addressed attendees at the initial organizing meeting of Mattachine Midwest on 27 July 1965. Hart cofounded the group along with two men, Bob Basker and Ira Jones." (1)

"Historian Timothy Stewart-Winter termed Hart 'the crucial figure in the emergence of the homophile movement in Chicago.' Hart was one of the founding members of the Chicago branch of the Mattachine Society, one of the first LGBTQ organizations in the United States. Chicago Mattachine operated from 1954 to 1958 and was revived in 1965 as Mattachine Midwest, and Hart was involved in both incarnations as a 'professional legal advisor.'" (2)

"When Hart was hospitalized with pancreatic cancer in 1975, her partner Val Taylor was refused entry to her room under hospital policy to admit family members only, until Hart's protégée, attorney Renee Hanover, intervened. By then Hart had slipped into a coma from which she did not wake. Hart died on March 22, 1975." (2)

"She unsuccessfully ran for Municipal Court judge twice, in the 1930s and 1940s, and for City Council in 1947 and 1951. (Chicago didn't elect a female alderman until 1971.)" (3)

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## **Paul Holcomb Hunter**



Paul Hunter moved to Denver in 1967. He graduated from Denver University School of Law in 1970 and was admitted to practice that year. He was involved in gay rights advocacy throughout the 1970s and beyond. Through two decades of community activism, Hunter advanced progressive social and political change in Colorado.

When Hunter arrived in Denver, the LGBT community was still in the shadows. Gay people feared the police department, and with good reason. As Joe Barrows, a close friend of Hunter once put it, "You could never use your real name when you were out at a gay bar. . . [The police] would just be waiting outside gay bars — The

Broadway, especially – at night, to ticket and arrest men leaving the bars, jaywalking at 2 a.m. when there was no traffic at all."

Hunter's political involvement in the LGBT community came directly out of outrage at police tactics that were directed against the LGBT community, and he took it upon himself to fight police brutality and the excessive arrests of gay men.

A moment of outrage came in 1972, during the mass arrests of gay men through deceit, in the now infamous "Johnny Cash Special" bus. This provided Hunter and his friend attorney Jerry Gerash the primary impetus to start the Gay Coalition of Denver in 1973, with the purpose of creating a political voice for the Denver LGBT community and to provide various social services.

Hunter was involved in a major protest at city hall in 1973. Gerash had amassed a large gathering of the LGBT community to demand the removal of discriminatory city ordinances used to persecute the LGBT community during a public hearing conducted to revise the Denver criminal ordinances. Hunter estimated that between 500 and 600 people packed the chamber, demanding a revision to the criminal code. Eventually, after much hostility, the City Council agreed to eliminate the discriminatory laws.

During this same period, Hunter, along with other members of the coalition, filed suit against the city of Denver to end the harassment of the LGBT community by the police. They successfully settled out of court and committed the city to even-handed treatment of the LGBT community in 1974. However, by 1977, the police had resorted to issuing excessive jay walking tickets to patrons of a local gay bar in Denver. Hunter filed for immediate review and put the practice to an end based on the earlier agreement.

Hunter was also politically savvy. He, along with other community activists, campaigned

to elect pro-LGBT officials, including successfully electing Mayor Federico Pena in 1983. Once elected, Pena appointed Hunter and other LGBT allies to key committees and boards, including the Board of Health and Hospitals. In this role, Hunter served a key role in helping to guide public health officials during the earliest days of the HIV/AIDS epidemic. Hunter also served on the Mayor's Transition Committee, in which he made recommendations to the mayor for cabinet positions within the new government.

As Hunter pointed out, "since 1983, in any political campaign certainly in the City of Denver, the Gay and Lesbian community [was] recognized as a major voting bloc." This certainly rang true during Mayor Pena's second run for office in 1987, which he again won due in part to the LGBT votes Hunter helped secure. During this second term, Hunter served on a committee to recommend a Chief of Police to the Mayor.

When asked about his accomplishments in the Denver LGBT community, Hunter said:

"Well I think what I've experienced in my life is that I've been the beneficiary of many, many people who were active in the Gay and Lesbian community before I was. They made the path a lot easier for people of my generation. . . . I'm grateful for the experiences, the friendships, the comradeship that I've had --primarily in the political arena -- and hope that will be our testament. In the 20 years since the Stonewall revolution in New York, a tremendous amount has been accomplished, both at the national level as well as in Colorado. It has been an exciting time and wonderful experiences have come out of that. So if we have made a contribution to the advancement of fairness and equal treatment in this country and on the local level, that would be the testament that I would hope we've all contributed to."

Hunter was <u>interviewed</u> about a year before he died in 1991. The Colorado Steering Committee of the Human Rights Campaign annually confers a <u>Paul Hunter Award</u> to a worthy advocate for social justice. More information on Hunter is found in his <u>obituary</u>.

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## William B. Kelley



William Kelley was a gay rights activist, community organizer, and lawyer who is often regarded as one of the most important figures of the gay rights movement from the mid-1960s into the 1990s.

Kelley was born in 1942 in Missouri. Kelley knew he was gay in high school and would spend hours reading books in the "Rare Books" section to learn about his sexuality. Kelley's interest in civil rights issues was deeply influenced by the discriminatory atmosphere of his hometown. He described it as:

"legally segregated and practically segregated . . . The consciousness of rights was grounded because it was the McCarthy era. I was reading books about free speech, [about] not accepting the religiosity of the day, and about racial justice. It was a combination of those three types of readings that began to make me rights-conscious. In fact, I was an ACLU member when I was in high school."

Kelley moved to Chicago in 1959, where he attended the University of Chicago. It was there Kelley first became involved in gay activism in 1964 after learning about police raids on Chicago gay bars which resulted in local newspapers publishing the names and addresses of those arrested. This moment inspired him to come out while in college.

Since 1965, he pioneered numerous projects and gay rights organizations. From 1965 to 1970, Kelley was active in Mattachine Midwest — a chapter of the Mattachine Society, an early gay rights group —where he wrote and edited its newsletter. In 1966, he helped organize the first national gay and lesbian conference—the North American Conference of Homophile Organizations. Then in 1970, he helped form HOPE (Homosexuals Organized for Political Education – an organization to do political-questionnaires for political candidates. Kelley went on to join the Chicago Gay Alliance where he lobbied Democrats, City Council and the Illinois Fair Employment Practices Commission. He chaired the Cook County Commission on Human Relations for its first 10 years.

In the 1970s, Kelley co-founded the "Chicago Gay Crusader" (Chicago's first lesbian and gay newspaper), and Illinois Gays for Legislative Action, and co-chaired the Illinois Gay Rights Task Force. In 1978, Mattachine Midwest awarded Kelley the Pearl M. Hart Award for his service to the gay and lesbian community.

After some years of working as a legal assistant, and after many years of advocacy with lesbian and gay legal rights, he realized his personal dream of becoming a lawyer after graduating from Chicago-Kent Law School in 1987.

In 1991, Kelley was inducted into the Chicago Gay and Lesbian Hall of Fame. He served as a law clerk for the Illinois Court of Appeals, was on the board of directors of the American Civil Liberties Union of Illinois. He helped found and co-chaired the National Lesbian and Gay Law Association and was a member of the Lesbian and Gay Bar Association of Chicago, Asians and Friends Chicago, the Cook County State's Attorney's Task Force on Gay and Lesbian Issues, the City of Chicago's Advisory Council on Gay and Lesbian Issues, and the National Committee for Sexual Civil Liberties.

When asked for advice for younger activists, Kelley said the following:

Patience ... which is always hard for young people to accept. Also, they should learn from history; I always did. When I was a child, I related better to older people; I was interested in what had happened before. History is such a useful tool for activism; you learn what to expect in terms of opposition and opportunity. Lastly, don't write off older people. They still can be very helpful, not only in terms of intellectual resources but in terms of ideas.

Kelley worked as an administrative judge until he passed away in 2015 at the age of 72. He was survived by his life partner, Chen K. Ooi.

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## Harris Kimball



Harris Kimball, considered by some to be the first openly gay lawyer in the nation, played an unwilling yet fundamental role in securing the right of lesbians and gay men to practice law in the United States.

Kimball was a civil rights attorney practicing in Florida when he was disbarred in the mid-1950s for a sodomy charge. Kimball denied the accusations and decried the whole operation as a set up. As a result of this accusation, the Florida bar began disbarment proceedings against him on the ground that he had violated a state law prohibiting

homosexual relations. Kimball received a felony conviction and disbarment "for committing an act contrary to good morals."

Kimball moved to New York where he struggled to find work and support himself until deciding to return to law in the 1970s. After passing the New York bar exam, he was denied entry to the bar because of his Florida disbarment.

However, in 1973 the New York Court of Appeals overturned that decision and in doing so became the first high court of any state to hold that homosexuality was not a basis for denying admission to the bar. The basic tenet endorsed by the appellate court was that an applicant for admission to the New York bar must be judged by current standards, on the basis of his or her present fitness. The court reasoned that, although "violative of accepted norms," Kimball's sexual preference did not, in and of itself, justify a finding of unfitness for the practice of law. Thereafter, the Florida Supreme Court ordered the reinstatement of Kimball on the condition of passage of the Florida Bar exam.

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## Donald C. Knutson



Don Knutson was a San Francisco attorney and scholar who taught and wrote on the subject of gay rights. He was also a cofounder of the National Gay Rights Advocates.

Knutson was born in St. Paul, Minnesota. He was a graduate of the University of Minnesota Law School where he was first in his class and editor of the law review. He served as an officer in the military before he moved to California where he became a law clerk to California Supreme Court Justice Roger Traynor.

Knutson later was a professor of law at the USC Law School where he served as the first faculty advisor to the Gay Student Union. While at USC, he taught the nation's first law school class on homosexuality and the law.

In 1977, Gay Rights Advocates was founded by UC Hastings law students in conjunction with a private law firm headed by Knutson. The idea was that paid cases from the firm would fund the public interest work of Gay Rights Advocates. Knutson was the organization's first legal director.

In 1978, Gay Rights Advocates enlisted the help of 10 law students from various parts of the nation to conduct research and develop educational materials on gay rights issues. Knutson was the perfect mentor for them, having been a law professor for several years. That year he was a panelist at a National Symposium on Gay Rights sponsored by the Gay Law Students Association at Hastings Law School.

Knutson wrote *Homosexuality and the Law*, a book published by Haworth Press in 1980. That year he was one of the founding members of Bay Area Lawyers for Individual Freedom, San Francisco's LGBT bar association.

Knutson announced that he was leaving in August 1981. The Sentinel newspaper ran a front-page story about his resignation, right under the lead article about the federal government setting up a task force to investigate this mysterious "gay cancer" that was beginning to look like an epidemic. That article, of course, was referring to what would come to be known as AIDS.

The Sentinel story described Knutson's time at Gay Rights Advocates, his thoughts on the gay rights movement, and his plans for the future.

"During Knutson's tenure as a full time director of the organization, Gay Rights Advocates established a national reputation for its legal work on gay-related cases, successfully challenging discriminatory practices in court, meeting with White House officials to negotiate resolutions of discriminatory policies, and testifying before special Congressional and Presidential panels.

"I'm really proud of the fact that GRA has become the preeminent public interest law firm in the country on gay rights and that we have a record which 1 will be able to be proud of for the rest of my life,' Knutson said.

"Reflecting on his nearly seven years as a full-time advocate of gay legal rights, beginning with San Francisco's Pride Foundation, Knutson said, 'I am no longer politically naive, as I was when I came in.'

"[T]here is absolutely no doubt that this has been the most exciting, rewarding time of my life. The past seven years I've had the luxury of using my professional skills in a way that gave me something other than a paycheck, an experience that many people never have, and that I certainly never had before. I think that it's terribly exciting to see, to experience actually being a part of effecting change, and with immodesty perhaps, 1 feel that GRA and 1 have played a role in effecting real change. Sometimes in very small ways, sometimes in very important ways,' Knutson said."

After Knutson retired from Gay Rights Advocates, the organization conducted a national search for a new legal director. In 1981, that position was filled by attorney Leonard Graff. It was at this time that the organization changed its name to National Gay Rights Advocates. Its staff and cooperating attorneys represented clients in a variety of major legal cases to advance LGBT rights until the organization dissolved in 1985.

Knutson died in 1990 at the age of 59 due to complications from AIDS.

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# **Barry Kohn**



Barry Kohn, was an attorney, civil rights advocate, and author who co-wrote *Barry and Alice: Portrait of a Bisexual Marriage*.

Kohn obtained his undergraduate degree from Temple University where he graduated with honors. He earned his law degree from Dickinson Law School and was admitted to the Pennsylvania bar in 1967. He went on to spend the next two years in Panama working for the Peace Corps where he met his wife, Alice Matusow, before returning to Pennsylvania where he worked briefly with Community Legal Services.

In 1971, Kohn began working as a Deputy State Attorney General. Kohn headed the Community Advocate Unit of the Pennsylvania Department of Justice. It was in this role that he became a vocal advocate for LGBT rights.

In January of 1975, Kohn endorsed a gay rights bill on behalf of the Attorney General's office. The bill, intended to eliminate discrimination of LGBT people, faced intense backlash from the public. During a city council hearing on the bill, Kohn provided testimony and was confronted with angry chats from religious groups decrying homosexuals as "sodomites" and "demon spirits." The bill failed to pass.

However, in April 1975, in a milestone moment, Pennsylvania Gov. Milton J. Shapp signed an executive order banning sexual orientation discrimination in state government employment. To enforce the order, the Shapp convened the Pennsylvania Council on Sexual Minorities and appointed Kohn as a consultant to the Council which would monitor and review implementation. This was the first executive order by a any governor prohibiting discrimination against gays and lesbians.

This inspired other governments to take similar actions. In 1976, Kohn was asked to advise the Oregon Task Force on Sexual Preference, which was formed by the Governor of Oregon to study the problem of LGBT discrimination in the state. In 1978, attorney Thomas F. Coleman shared what Shapp had done in Pennsylvania with California Gov. Jerry Brown and asked him to do the same. Brown issued such an executive order on April 4, 1979.

Kohn continued to advocate for the repeal of discriminatory laws. In 1976, Kohn lobbied for the passage of a Pennsylvania bill to repeal a statute under which same-sex sexual activity would be criminalized. This was fueled part by the 1976 U.S. Supreme Court decision in *Doe v. Commonwealth's Attorney for City of Richmond* in which the court

declined to rule that sodomy laws were unconstitutional. By 1977, the bill had garnered support from various state senators, and was poised to become law. However, the senators suddenly and unexpectedly withdrew their support, claiming they were misled by Kohn. Interestingly, they made this claim after the media had published articles labeling the senators as "supporters of sodomy repeal." Sadly, the bill died, and sadder still the Pennsylvania Legislature enacted an obscenity statute that year criminalizing the display of sexual conduct, including homosexuality. The law is on the books today.

Kohn faced intense criticism for the failure of the bill, including from within the Attorney General's Office. Thus, in 1977, Kohn resigned from the Attorney General's Office to begin writing his book and to work for Episcopal Community Services as Director of Volunteer Services. In 1980, Kohn and his wife Alice, published *Barry and Alice: Portrait of a Bisexual Marriage*. The book described the issues related to Kohn's bisexuality, coming out to his wife, and the effect it had on them individually and their marriage. The book preached acceptance of nontraditional forms of marriage and sexuality and how it can lead to growth, creativity, and personal fulfillment in couples.

After leaving Pennsylvania, Kohn lived in Charleston and later in Key West. In his final years, he became increasingly ill until he died in 1987 at the age of 44. Having been divorced from Alice years earlier, Barry was survived by two children from that marriage.

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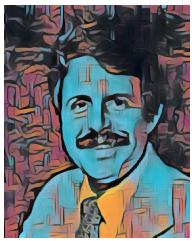
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# Barry D. Kohn



Barry Kohn was born in Los Angeles in 1943. Kohn graduated in 1961 from John Marshall High School. Four years later, he received a degree in political science from UCLA, then decided to follow in his father's footsteps and pursue a career in the law. He obtained his law degree from USC and was admitted to the California State Bar in 1969. He was in private practice from 1969-81 as a sole practitioner in Los Angeles.

Los Angeles during the early 1970s was filled with excessive arrests of gay men. Nothing exemplifies that more than the case of the "Black Pipe 21," a case in which police raided a gay fundraising event at the Black Pipe Tavern in the summer

of 1972. The raid resulted in 21 arrests for lewd conduct. The litigation that followed was lengthy and politically motivated – reportedly the police chief pressured the city officials to pursue the charges despite a desire by the city attorney to dump the charges.

Among the lawyers defending the accused was Kohn. While many of the other attorneys were able to secure dismissals or pleas for their clients, Kohn held strong and took the case to trial. During the trial Kohn fought for an order to have a gay juror on his panel, the order was denied, and the trial progress. However, notably during the trial, the prosecutor did not resort to "gay baiting," and upon receiving a deadlocked jury, declined to retry the case. Kohn had won.

In 1973, Kohn attended a meeting with various LGBT community members and Los Angeles officials including a representative of the police department. The purpose of the meeting was to discuss the discriminatory and disproportionate vice arrests and prosecutions directed towards the gay community. However, the meetings proved hostile and unproductive – the police maintaining that they were there to follow the law, not change it. While the meeting was a failure, it represented a shift in Los Angeles politics – political leaders were willing to meet and listen to the LGBT community and it foreshadowed future acceptance of the community.

Indeed, that is what began to occur throughout the 1970s. In 1975, Kohn represented influential gay political leader Dave Glascock in a criminal matter. Glascock, along with nine other individuals, were charged with "conspiring to commit oral copulation and sodomy" in connection with the production and distribution of allegedly obscene films. The charges stemmed from what many in the LGBT community decried as "politically motivated," police raids of the accused's homes and businesses. However, through astute

lawyering, Kohn was able to suppress evidence illegally obtained by the police. After 11-months of hearings, Kohn was able to negotiate a dismissal for the accused men, and Glascock walked out the courtroom a free man. Interestingly, Glascock was immediately hired onto the staff of County Supervisor Ed Edelman to serve as a liaison between the LGBT community and the county – fulfilling a promise to hire an openly gay man to a political position.

In 1981, Kohn became a bench officer when he was appointed as a commissioner by the Los Angeles Municipal Court and became a Superior Court commissioner in 2000. In the nearly 30 years he spent on the bench, Kohn presided over both criminal and limited civil matters. Kohn retired on December 31, 2011.

Kohn passed away in 2016 at the age of 73.

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## Jerold A. Krieger



Jerold Krieger was a judge of the Los Angeles Superior Court and civil rights activist who was known for his work advocating for the rights of the LGBT community, minorities, and the disadvantaged.

Krieger was born in Los Angeles in 1943. He received his undergraduate education from UC Riverside and received his law degree from the University of California, Los Angeles School of Law in 1968. He was admitted to the bar in California in 1969.

Early in his legal career, Krieger served as a Deputy Attorney General for eight years, where he often fought for the land and water rights of the people of California. In 1974 he was elected to be president of the Association of Deputy Attorneys General.

In 1972, Krieger was a founding member of the Temple Beth Chayim Chadashim – the House of New Life – the world's first gay and lesbian synagogue. Krieger explained how the temple brought together segments of his life. "In the gay community, you don't feel you can be Jewish, and in the Jewish community, you don't feel you can be gay. I'm still a Jew, and I'm also gay. The temple brings it together."

In 1977, Krieger went into private practice where he handled civil lawsuits. It was during this period that he began to build a reputation as a civil rights activist. Krieger co-chaired the Lesbian and Gay Caucus of the State Democratic Central Committee. He helped found Los Angeles Lawyers for Human Rights in 1979. He was president of the association when it gained affiliation status with the Los Angeles County Bar Association in 1981. Similarly, he began to expand into politics and served as a political tactician for Democratic candidates. In 1980, Krieger served on the reelection campaign of a California State Assembly member. Due to the connections he made during that campaign, Krieger was recommend to then Governor Jerry Brown for a judicial nomination.

On December 31, 1982, Brown's last day in office, Krieger was appointed to the Los Angeles County Municipal Court. This appointment marked the fifth openly gay man appointed to the bench by the Governor. Krieger noted that "The importance of my appointment was in the fact that it did not make headlines." In 1988, Krieger ran and was elected to the Los Angeles Superior Court – notably he ran as an openly gay man and won by a significant margin.

In Judge Krieger's final years, he remained actively involved in the pursuit of expanding civil rights and access to justice. Krieger served on the state Judicial Council's Advisory Committee on Access and Fairness. The committee examined and worked to improve treatment by state courts of women, minorities, gays and lesbians, senior citizens and the disabled. Krieger headed the committee's sexual orientation subcommittee.

The subcommittee conducted a six-year study of sexual orientation discrimination in the court system in California. It was the first study of its kind in the nation. It found many situations where participants in the courts system, including parties to cases, workers, and jurors, were subject to bias. Krieger stated, "The study shows that there is both a perception and in some cases actual unequal treatment based upon sexual orientation."

Krieger remained a judge on the Los Angeles Superior Court until his death in 2002 at the age of 58. He was survived by his life partner of 22 years, Jon Smith.

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# **Stephen Michael Lachs**



Stephen Lachs was born in New York in 1939. His family moved to Los Angeles when he was 16. He went on to attend UCLA for both his undergraduate and juris doctorate, which he obtained in 1960 and 1963, respectively.

Following his graduation, Lachs worked at the California Department of Insurance, in general-practice law firms, and for the Los Angeles Public Defender's Office. In 1972, when he was a supervising public defender at the arraignment division of the Los Angeles Municipal Court, Lachs became a mentor to the students who had formed the first gay law students association in the nation.

During the 1970s, Lachs was a member of the Board of Directors of the Los Angeles Gay Community Services Center, a member of the Gay Rights Chapter of ACLU, and a founding member of the Municipal Elections Committee of Los Angeles. In 1975, Lachs began serving as a commissioner in the juvenile courts.

Then in 1979, in a watershed moment, Lachs was appointed to the Los Angeles Superior Court by then Governor Jerry Brown. Lachs' appointment marked the first time in the nation's history that an openly gay man had been appointed to a judgeship. This was a turning point for the LGBT community, as Lachs notes:

"The LA Times story about my appointment called me an 'avowed homosexual,' so you can imagine how different the times were. Everything has changed so much since then. Now, if a gay judge is appointed, people barely bat an eye because it's much more common. However, at the time, this was big news."

Even while serving on the bench, Lachs continued to vocally advocate for LGBT issues. In 1980, he publicly scorned a federal judge after he openly and unapologetically used homophobic slurs to describe Cuban immigrants in his courtroom. Similarly, Lachs raised awareness of issues such as whether judges should be allowed to be members of organizations which discriminate against LGBT people. Specifically, in 1995, Lachs criticized judges who were members of the Boy Scouts, due to their exclusion of gay members. Lachs' advocacy was vindicated in 2015, when the California Supreme Court banned judges from affiliating with the Boy Scouts.

As a judge, Lachs served with distinction, presiding over high-profile cases, including Tony Bennett's divorce and a suit involving the Walt Disney Co., before retiring from the bench in 1999. After retiring, Lachs continued practicing as a private mediator in divorce and other family law cases. His most high-profile cases were handling Michael Jackson's custody case and mediating Janet Jackson's divorce.

Today at the age of 83, Lachs continues to practice as an arbitrator, mediator, settlement judge, trial judge, and referee. Reflecting on his career, Lachs often considers his openness regarding his sexuality as one of his proudest accomplishments, stating:

"If there's one thing I've learned, it's that you should *never* be afraid to be who you are. I know that people are still afraid for their careers today, and that young people still face hostility with their families when coming out. You've just got to live your life. You may have to walk away from people but be honest with yourself and find support from others. The pride marches and Pride Month are important but changing the minds of others is more powerful. Coming out is the most important thing our community can do."

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## Michael J. Lavery



When Lambda Legal Defense and Education Fund filed its incorporation papers in 1971, Michael Lavery was on the initial board of directors. Although incorporated, an appellate court in New York denied Lambda permission to provide legal services. That decision was eventually reversed by the state's highest court in 1973 and Lambda was off to a running start. That was the same year that Michael was admitted to the bar in New York State. Michael served on the board of directors of Lambda for the next 13 years.

Michael spent his childhood in a middle-class town in Pennsylvania. Although he attended a Catholic elementary school with all the religious indoctrination that entails, he privately distanced himself from the religious dogma when he reached adolescence and discovered his homosexual feelings and attractions.

Michael was the editor of his high school's newspaper. He was a boy scout and later an eagle scout. Most of all, he was very "bookish." Michael used that love of reading to his advantage by searching library shelves for anything about homosexuality.

Michael spent three years at the University of Pittsburgh where he majored in philosophy. While he was in college, Michael got heavily involved in the anti-war movement. It was during his college years that Michael had his first full homosexual experience with a man.

While in the university library, Michael discovered a book by Donald Webster Cory titled "Homosexual in America." While reading this book, Michael learned that gay rights organizations existed. He wrote to One Inc. and to the Mattachine Society, hoping to become a member. It was in 1962, when he was just 20 years old, that Michael joined Mattachine. This set him on a gay rights path that continued for decades.

Michael enrolled at the University of Pittsburgh School of Law in 1962. Although he obtained his law degree in 1966, he did not become a licensed lawyer until 1973.

Michael moved to New York City in early 1969. He was employed by Matthew Bender, a legal publishing company. Michael and his boyfriend lived on the upper east side of Manhattan during an era that Michael called "exciting."

In June 1969, Michael's boss talked him into going on a vacation on the West Coast. It was while he was in Berkeley – where he attended a political protest – that he read a

headline in progressive newspaper called the Berkeley Bard that the Stonewall uprising had occurred back in New York.

When he returned from his vacation, Michael leaned of a new political action group that had formed as a result of Stonewall. It was called the Mattachine Action Group. Michael joined. Soon he switched his allegiance to another emerging gay rights group known as the Gay Liberation Front. He became involved in the "Aquarius Cell" of GLF whose purpose was to raise funds for GLF projects by holding weekly dances in Greenwich Village. After the dances, Michael and a group of fellow activists would meet to plan demonstrations and other political activities.

Michael broke off from GLF in September 1970, several months after the Gay Activists Alliance was formed. GAA suited him well. It was focused solely on securing gay rights through political and legal advocacy. He joined its legal committee. Trailblazer Cary Boggan was chair of the legal committee at the time. When Cary and trailblazer Bill Thom became law partners in 1971, Michael took over as chair of the GAA legal committee.

The group of lawyers would sometimes meet at Bill Thom's apartment. It was there in 1971 that Bill got the idea to form a gay rights legal defense organization, similar to the NAACP Legal Defense and Education Fund and the Puerto Rican Legal Defense and Education Fund. They chose the name Lambda Legal Defense and Education Fund. Lambda was a Greek letter that came to symbolize energy and activism.



Michael (left) in GLF parade contingent

When Lambda filed its incorporation papers in 1971, Michael, Bill, and Cary were listed as the original incorporators. Approval of incorporation by the Secretary of State was only the first step. In order to provide legal services, the corporation also had to receive approval from the Appellate Division of the Supreme Court. When the application was rejected, the incorporators filed an appeal with the New York Court of Appeals, the state's highest court. The application was granted in 1973.

The rest is history. Lambda Legal, which started out with volunteer lawyers and then a small staff, has expanded over the years. It now has a multi-million dollar budget and offices in various parts of the

nation. A words search in the Casetext database for "lambda legal" lists 586 cases in which those words appear.

## **Larry Adolph Long**



Larry Long was born in 1941 in Nebraska where he spent his childhood growing up on a farm. He attended the University of Nebraska for his undergraduate degree, and graduated from its College of Law in 1965. Long then enlisted in the Army. He rose to the rank of first lieutenant, held top security clearances, and was awarded the Army Medal for correcting administrative abuses. After the military, Long moved to Washington state where he practiced corporate law for three years. During this period that he became a vocal opponent of the Vietnam War.

In 1971, Long moved to San Francisco and entered private practice. In 1974, he was hired by the San Francisco Bar Association. Long eventually became the director of the Lawyer Referral Services of the San Francisco Bar Association where he served for eleven years. He developed a system of panel attorneys to give legal services at reduced or no cost to indigent clients. He helped establish legal clinics, standardized guidelines for attorneys, and created criminal and juvenile court appointment systems. Today, a similar system of panel attorneys is used for indigent clients across the United States.

Long helped found the Pride Foundation in 1973 and would go on to serve as both vice president and president of the organization. Long also was vice president of the Gay Rights Chapter of the ACLU in San Francisco in 1978. He was involved in many civic groups: Bay Area Lawyers for Individual Freedom, Hospitality House, California Human Rights Advocates, Citizens for Justice, and the National Committee for Sexual Civil Liberties. He organized various associations including the San Francisco Gay Democratic Club, Legal Committee Against Proposition 6, Coalition to Defend Gays in the Military, and Grove Street Community Center.

Long passed away in 1985 at the age of 44 after a long battle with cancer.

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## Henry Jones McCluskey, Jr.



Born in 1943 in Dallas Texas, Henry J. McCluskey was an attorney and early defender of gay rights in Texas. He received his law degree from Baylor Law School in 1965 and mainly practiced adoption and criminal law.

He is most famously remembered for <u>challenging</u> an antisodomy law in Texas. In 1969, McCluskey filed suit in *Buchanan* v. *Batchelor*. The case involved a man convicted of having consensual oral sex with another man. In 1970, a three-judge panel of the federal district court <u>ruled</u> the sodomy law unconstitutional. However, it was appealed. In 1971, the United States Supreme Court overturned the

decision on procedural grounds. While technically a loss, McCluskey's challenge was high point for gay rights at the time even thought the victory was short-lived. The issue returned to the Supreme Court years later. In 2003, in the case of *Lawrence v. Texas*, the Supreme Court <u>ruled</u> that the Texas law was unconstitutional. Because the court's reasoning was so broad, it invalidated similar laws in other states.

Interestingly, McCluskey also played a key role in the landmark *Roe v. Wade* decision. McCluskey was the individual who referred Norma McCorvey, the woman at the center of the case, to the attorneys who would later go on to win that case at the Supreme Court.

Sadly, McCluskey would not live to see the progress he helped create. In 1973, he was slain by a disgruntled gay lover. McCluskey was just 30 years old. The Texas Obituary Project has a webpage about McCluskey.

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## **Janet Metcalf**



Janet Metcalf was an attorney who specialized in family law issues involving the LGBT community. She later served as a Deputy Attorney General for the State of Oregon.

In 1979, Metcalf and her partner Katharine English formed the first LGBT law firm in Portland, Oregon. The two went on a quiet and unofficial campaign to educate judges and lawyers about issues affecting the LGBT community. The thought was that, with informed judges, it would be easier to win LGBT

child custody and visitation cases. They were right. This strategy led to a dramatic increase in legal victories for gay and lesbian parents. In 1984, English became a Juvenile Court referee, setting preferential precedents for both LGBT parents and children – further advancing the goal of achieving fairness in the family courts for the LGBT community.

Metcalf eventually took a position with the Oregon Attorney General's Office. She worked primarily in the appellate division and argued many cases on behalf of her office. She often argued cases in front of the Oregon Supreme Court, *State v. Ready* in 1996, *Marcus v. Myers* in 2001, *State v. Metcalfe* in 2001, and *Hunnicutt v. Myers* in 2007. Metcalf even had the honor of arguing a case before the United States Supreme Court in 2008, in the case of *Engquist v. Oregon Department of Agriculture*. By 2010, Metcalf had retired from the Oregon State Department.

For 23 years, Metcalf and English raised, with the help of English's ex-husband, two sons from a previous marriage until they separated amicably.

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## Michael Miller



Michael Miller was very active in gay rights in New York City in the early 1970s. He was a founding member of the Gay Legal Caucus of the Gay Activist Alliance in 1972.

Miller's's name appears in many articles in the gay press in 1973: founding the Gay Arbitration Panel; pressing the District Attorney not to prosecute consensual sodomy cases; challenging the loitering law used by police to arrest gay men; and opening a free legal clinic for low-income gays. He was also interviewed by NBC-TV. (4) And he spoke at the New York Police Academy. (5) All of that in one year.

Gay journalist Dick Leitsch referred to the Gay Arbitration Panel as "The Plans of a Legal Genius" because it created an alternate forum for legal disputes between gays, taking the process and decision-making away from homophobic judges. (3) Gay and lesbian lawyers would serve as arbiters in such disputes.

Miller served as general counsel for the New York Mattachine Society, a non-profit organization devoted to educating the public about homosexuality, and advocating for the repeal of discriminatory laws affecting the rights of gays and lesbians in housing, employment, and assembly.

Miller focused considerable time and energy on repealing sodomy of laws. He argued that sodomy laws were counterproductive to society because they encouraged disrespect of the law, and were used as a basis for blackmail and extortion. He considered the criminalization of sodomy to be a status crime which had the effect of denying the gay people equal access to the courts due to embarrassment and shame.

In 1973, Miller took the sodomy laws of New York head on. With the Mattachine Society backing him up, Miller publicly met with the New York City District Attorney and urged him to reform the way he prosecuted those cases. Miller succeeded. After the meeting, the District Attorney agreed to assign a special prosecutor to handle those cases. As a result, most sodomy arrests were resolved with dismissals or small civil fines.

Miller was also committed to providing accessible legal services to the gay community. In 1973, he established a free legal clinic in the offices of the New York Mattachine

Society. Miller provided advice to members of the gay community facing legal issues involving employment, housing, and romantic separations. While the service was free, he did encourage volunteer donations which were used towards expanding the legal library of the Mattachine Society.

That same year, Miller helped establish an arbitration panel to address the unique legal problems facing same-sex couples. It was called the Gay Arbitration Panel (GAP). He wanted to expand the gay community's access to legal procedures that would more help gay and lesbian couples end same-sex relationships more amicably. As part of GAP, Miller published a hundred-page guidebook and made it widely available. By doing so, he created a model for LGBT arbitration that could be adopted anywhere in the nation.

Miller also litigated high-profile cases which involved members of the gay community. In 1973, he defended a professional opera singer who was arrested for loitering in a Times Square restroom. Miller used this case to challenge the constitutionally of the New York loitering statute. That same year, Miller defended a former member of New York's Gay Activists Alliance who was charged with forging \$2500 in checks of that organization's account. He was able to secure a dismissal of the case by negotiating a compromise whereby the money would be paid back.

Also in 1973, Miller represented a New York teacher who was abused and beaten by the police in an undercover sting operation. The teacher alleged that he was approached by three men dressed in civilian clothing who asked him to engage in sexual acts. When the teacher refused, the men became physically violent, after which they revealed themselves as police officers. The police slammed the teacher's face into the ground causing severe lacerations and profuse bleeding. Miller represented the teacher in a lawsuit against the city for false arrest and imprisonment, malicious prosecution, malicious abuse of process and assault and battery.

Other than the slew of news stories about him in 1973, Miller seems to have disappeared from view. Nonetheless, Michael Miller should be remembered as a vocal, creative, and passionate advocate or gay rights during the 1970s.

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## Pauli Murray



Pauli Murray was an author, lawyer, educator, poet, and even a priest. Murray was a black, gender-nonconforming scholar who challenged the status quo and altered the course of racial and gender equality in the United States. Some of Murray's advocacy was done in the 1970s.

Murray was born in Baltimore, Maryland on November 20, 1910, one of six children. At a young age, Murray was orphaned and sent to live with her aunt in North Carolina. After high school, Murray moved to New York City.

Murray graduated from Hunter College in 1933 and went to work for the Works Projects Administration and as a teacher.

During this same period, Murray became heavily involved in the civil rights movement. In 1938, she fought to enter graduate school at an all-white university in North Carolina. While ultimately denied entry, Murray's fight drew national attention to the discrimination that qualified people of color faced within higher education. In 1940, Murray and a friend sat in the whites-only section of a Virginia bus and were arrested for violating the state's segregation laws. This pivotal moment led her to pursue a career as a civil rights attorney.

In 1941, Murray enrolled at Howard University to do just that. In 1944, Murray graduated from Howard University, top of the class. Murray later went on to attend the University of California Boalt School of Law where Murray earned a Master of Law degree. In 1965 Murray became the first black American to receive a Doctor of Juridical Science degree from Yale Law School.

After graduation, Murray returned to New York City and became engrossed within the growing civil rights movement. In 1951, Murray compiled and edited "States' Laws on Race and Color" which was an exhaustive compilation of state laws and local ordinances in effect in 1950 that mandated racial segregation. It also included pre-Brown-era civil rights legislation. Thurgood Marshall, head of the legal department at the National Association for the Advancement of Colored People at the time, called the book the "Bible" for civil rights litigators.

In the 1960s, Murray played an integral role in fighting sex discrimination. After a brief stint teaching in Ghana, Murray returned to the United States and focused her energy trying to advance the women's rights movement in multiple ways, from arguing sex-

discrimination cases to serving on President Kennedy's newly created Presidential Commission on the Status of Women. Murray's commanding intellect and zealous advocacy drew the attention of prominent feminist Betty Friedan, and in 1966, Murray was asked to help found the National Organization for Women. Murray would later distance herself from the organization believing it did not appropriately address the issues of black and working-class woman.

From 1968 to 1973, Murray taught an American Studies program at Brandeis University. In 1973, Murray left the tenured position to become a candidate for ordination. In 1977, Murray became the first black woman to become an Episcopal priest.

Murray never publicly spoke about her sexual orientation or gender identity, but her writings showed that she struggled with both. In private writings, Murray wondered if she was "one of nature's experiments; a girl who should have been a boy." Due to these struggles, Murray suffered from breakdowns and was often hospitalized throughout her twenties and thirties. Murray would regularly ask doctors to test for hormonal imbalances and to provide her with testosterone, in an attempt to alleviate her pain, but all her requests were denied. Murray no doubt dealt with the challenges posed by gender dysphoria like many transgender and nonbinary people do today.

Pauli Murray died of cancer in Pittsburgh on July 1, 1985 at the age of 74. A film titled "My Name is Pauli Murray" was released in 2021. It explains who Pauli was and her role in the civil rights movement. In the <u>film</u>, there is a clip of Justice Ruth Bader Ginsberg in which she says that Pauli Murray "was a feisty woman." That she surely was.

Pauli Murray was reported to have said: "In not a single one of these little campaigns was I victorious. In other words, in each case, I personally failed, but I have lived to see the thesis upon which I was operating vindicated. And what I very often say is that I've lived to see my lost causes found."

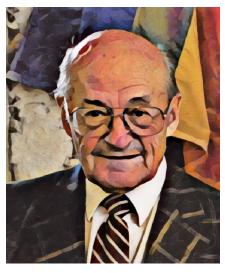
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# William F. Reynard



William Reynard was a Colorado attorney who was a vocal and longstanding advocate for the American Civil Liberties Union. In 1959, while representing the ACLU he criticized legislators for refusing to recognize their "inability to change the orientation of [gay and lesbian people]." In 1968, Reynard received the Whitehead Memorial Award for his civil rights work within the ACLU. For many years he was a member of the organization's national board of directors.

A search of his name on Casetext lists more than 50 federal and state cases in which he was involved, either as an attorney for a party or filing an amicus curiae brief for

an organization. In many of these cases he appeared as an attorney for the ACLU. A search on Newspapers.com revealed that in 1952 he was a delegate from Colorado to the Socialist Party national convention. In 1974, he was mentioned in a newspaper as a national board member of the Unitarian Universalist Humanitarian Committee. He lobbied on behalf of the ACLU for decriminalization of the use and possession of mariuana.

Reynard won an appellate case in 1972 in which a three-judge panel in Denver declared unconstitutional the city's ordinance making it a misdemeanor to "be in or near any place frequented by the public, or public place, for the purpose of inducing, enticing, or procuring another to commit a lewd act or an act of prostitution." Although Reynard downplayed the significance of the ruling at the time, the co-chairs of the National Committee for Sexual Civil Liberties viewed it as a major victory since it was that ordinance that was the primary tool used by vice officers to arrest gay men who sought out others for consenting sex.

In 1974, Reynard succeeded in overturning a Colorado loitering statute in the case of *People v. Gibson* (1974). The Colorado Supreme Court held as void for vagueness a statute which criminalized "loitering for the purpose of engaging in or soliciting another" to engage in "deviate sexual intercourse."

Reynard was the lead attorney in *Rich v. Sec'y of the Army* – a case that started in 1978 and dragged on for six years. The plaintiff alleged that the government deprived him of a

property interest in his position as a military serviceman by discharging him from the Army because of his sexual orientation. The Tenth Circuit Court of Appeals issued a ruling in 1984 that the discharge proceedings and the ultimate separations from the military did not deprive the plaintiff of his property interests; thus, the court refused to afford procedural due process protection.

Reynard's involvement with gay rights was not limited to the ACLU. He was an active member of one of the first "homophile" organizations in the nation – the Mattachine Society. Reynard is mentioned in the September 1960 issue of the organization's newsletter as having been a speaker at its Sixth Annual Convention in 1959.

Reynard was a member of the National Committee for Sexual Civil Liberties in the 1970s and 1980s. He died in Wheat Ridge, Colorado in 2018 at the age of 90.

"Bill Reynard was a kind, intelligent, and articulate man," said attorney Thomas F. Coleman as he recalled his association with Bill Reynard during the 1970s. Coleman was co-chair of the committee from 1975 to 1981. "Bill was committed to the protection of civil liberties, not just for gays and lesbians, but to ensure that the protections in the Bill of Rights were preserved and available to everyone."

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## Rhonda R. Rivera



Rhonda Rivera is an attorney and professor who taught and practiced law in Columbus, Ohio from the mid-1970s until she retired and moved to New Mexico decades later. As a scholar, legal advocate, and friend, she was loved and admired by her colleagues, students, and clients.

Rhonda received a Bachelor of Arts, cum laude, from Douglass College in 1959 and a Master of Public Administration from Syracuse University in 1960. She obtained a law degree from Wayne State University in Detroit in 1967 at a time when there were few women in the field of law.

Rhonda joined the faculty at the Ohio State University School of Law in 1976 where she taught a variety of classes for two decades. She served both as the Associate Dean and Director of Clinical Programs (1983-86) and as the Director of Legal Writing Programs (1983-87). Rhonda assumed the status of professor emeritus in 1995. She loved collaborating on projects of mutual interest and so she participated in many organizations:

Member finance committee League of Women Voters, 1971-1974. Lay reader St. Stephen's Episcopal Church, Columbus, 1976-1995, St. Michael and All Angels Episcopal Church, 2001-2006. Member Central Ohio Diocesan Council, 1980-1981, chancery judge Southern Diocese Ohio, 1982-1990. Member Congregation Albert Reform Synagogue, Albuquerque, since 2007. Active Boy Scouts America, 1976-1980, Columbus Committee for Battered Women, 1979-1980. President Stonewall Union, Columbus, 1983-1984, board directors, 1981-1988. Founder Integrity Central Ohio, 1983. Board directors Ohio Women Indiana, 1980-1982, treasurer, 1981-1982. Board directors Franklin County Legal Aid Society, Columbus, 1983-1985. Member American Bar Association (advisory board section individual rights and responsibilities 1979-1980), American Civil Liberties Union, National Academy Arbitrators (labor arbitrator since 1990), National Organization of Women (Legal Achievement award Legal Defense and Education fund 1986, Uppity Woman of Year Ann Arbor chapter 1975), American Association of University Professors, American Association Law Schools (chairman women in legal education section 1979-1980, section executive committee 1980-1982, chairman gay and lesbian legal issues section 1982-1983), Society of America Law Teachers (executive committee of board governors 1979-1981, board governors 1978-1995, president 1984-1986), National Lawyers Guild, Ohio Human Rights Bar Association (founder 1988, president 1989-1991, board trustees 1991-1995), New Mexico Bar Association (elder law section since 2007), Gay and Lesbian Lawyers of New Mexico, Women Lawyers New Mexico, Equally New Mexico.

In addition to being an inspiration to the faculty and students at Ohio State University in the 1970s, Rhonda exhibited her excellent scholarship when she published an article in Hastings Law Journal in 1979 titled "Our Straight-Laced Judges: The Legal Position of Homosexual Persons in the United States." In the opening page, Rhonda described the broad scope and lofty purpose of the article.

"The purpose of this Article is to provide a comprehensive picture of the legal position of homosexual persons in the United States today. It is hoped that this survey approach will provide, for the legal scholar, the practicing attorney, and the interested layperson, an understanding of the multiplicity of situations in which a person's sexual orientation interfaces with the law. Secondly, it is hoped that this Article will provide a solid basis from which to begin an in-depth analysis of any legal problem faced by homosexual persons. This survey will examine the judicial response to homosexual issues, primarily focusing on civil matters rather than criminal ones."

Over the years, Rhonda published eight other law review articles on various aspects of the law pertaining to sexual orientation and gender. She was a prime mover in the formation of the Section on Gay and Lesbian Legal Issues of the American Association of Law Schools.

Rhonda received an award from the Society of American Law Teachers in 1989, an organization of which she had been president (1984-86). In conferring the award, the society's newsletter stated: "What makes Rhonda special to us is her extraordinary service to the gay and lesbian community within the legal academy. In fact, she is primarily responsible for the creation of that community." It added:

"What many of us don't know about Rhonda is that she is an Episcopalian and a deeply religious person. She founded Integrity Central Ohio in 1983. She considered the seminary during a recent sabbatical because, since the age of twelve, she has wanted to be a priest. What she came to understand, however, is that she already has a ministry as an 'open. gay. Christian law teacher.'

"What she came to realize is that she already serves an incredibly important function by being a role model and counselor for her gay and lesbian law students. She even came to realize that she has ministered to her colleagues by giving them the opportunity to see her together with Margaret at any law school function attended by spouses."

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## **Rick Stokes**



Rick Stokes was an attorney, politician, and civil rights activist who championed the rights of the LGBT community and is best known for running against Harvey Milk for San Francisco Supervisor in 1977.

Born in Oklahoma in 1935, Stokes came from humble roots. He described his upbringing as one of poverty. He was the first in his family to graduate high school. In the 1950s, Stokes lived in Kansas with his wife. The couple remained together for almost five years and even had children. Until one day, the truth of his sexuality was revealed, and his

family had him committed to a mental institution where his treating doctor threatened to castrate him if other treatments did not work. Stokes was a victim of what today we would call "Gay Conversion Therapy." As part of his "treatment," Stokes would undergo therapy to "excise the homosexual element from his character" and was subjected to painful and frightening electroshock therapy. Of course, none of this achieved its intended goal and Stokes ended his marriage and moved to Sacramento.

Upon arriving in Sacramento, Stokes would meet his lifelong partner David Clayton. Stokes along with Clayton founded the Association for Responsible Citizenship, an organization dedicated to the defense of members of the LGBT community. Stokes worked for some time as a teacher before eventually moving to San Francisco where he attended and graduated from the University of California Hastings School of Law. He was admitted to the bar in California in 1965.

Now part of the San Francisco gay community, Stokes worked in a private law firm along side Clayton who was also his law partner. The firm did general civil lawsuits. Stokes later was appointed by the mayor to serve on the Board of Permit Appeals. He ran a campaign for the Community College Board in 1972. All of this as an openly gay man.

In 1970, Stokes, Clayton, B.J. Beckwith, and one other attorney filed a class-action lawsuit in federal court seeking to have California's criminal laws against consenting adult sex in private declared unconstitutional. This was one of the first such lawsuits in the nation. When it was filed, Stokes told the press: "The timing of this lawsuit is a manifestation of growing minority militancy." In other words, the gay community was no longer willing to accept the status quo of government oppression. It was time to fight back, this time in federal court.

In 1974, Stokes became the founding president of the Golden Gate Business Association.

GGBA was established by fifty-four lesbians and gay men who were small business owners and commercial property owners. They believed their issues as gay and lesbian business and property owners were not being addressed by local government officials. Their mission statement read: "We, a group of business people, join together in an association for mutual aid, communication and working together to promote business and to establish relationships with other business people and associations."

Stokes was also one of the founding members of the Society for Individual Rights, a political action organization located in San Francisco with a heavy focus on securing gay rights through legislation. Its efforts helped secure the passage of the consenting adults act in 1975 which decriminalized private sexual conduct between consenting adults.

In 1977, Stokes ran against the late Harvey Milk in the San Francisco Board of Supervisors election. In comparison to Milk's extroverted personally, Stokes described himself as "more cautious, careful. I get input from all the people — I'm not a bar person. I'm a professional man who happens to be gay." Despite being a top contender for the position, Stokes lost out to Milk. In 2008, actor Stephen Spinella portrayed Stokes in the film *Milk*. In 2015, Stokes was honored by California Senator Scott Wiener for being one of the first openly gay men to run for political office.

Stokes was committed to normalizing his sexuality among the non-gay community. In 1976, <u>Stokes</u> appeared in a groundbreaking documentary titled "1976 Bay Gays." Stokes stated that he wanted to shed light on what a gay relationship was like; he wanted to combat the notion that gay men could not maintain healthy and successful relationships.

Today, Stokes lives a semi-retired life, managing the now iconic Steamworks Bathhouse chain, which he, along with his late partner, founded in 1971 in Berkeley, California.

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# George A. Terzian



George Terzian served in the United States Army for two years in the mid-1950s. He then enrolled in Wayne State University where he received his undergraduate degree in 1958. George later attended the School of Law at Wayne State, graduating in 1961. (1) He was admitted to the Michigan bar in 1962.

George once recalled his days working as an associate in a traditional lawfirm. He and his gay colleagues would have furtive and coded conversations, fearing that any mention of homosexuality would be overheard by an eavesdropping office mate. (2)

George eventually found his way to New York where he was admitted to the bar in January 1976. He practiced law, to be sure, but George made his mark for gay rights by helping organize the Greater Gotham Business Council in 1976. The council was an association for gay and lesbian professionals and business people in New York City. (4) In its formative years, George served as president of the organization which had a roster of 275 members by 1979. (2) Education was one of the functions of the Business Council periodically sponsored seminars at its monthly meetings on entrepreneurial topics such as how to start and expand a business or on personal matters such as estate planning. The Business Council continued until 1991 when it disbanded.

In his own private law practice, George found himself a niche in estate planning. "We discovered a lot of gay people never made wills because they felt uncomfortable," he told Newsday. "They did not want to go to a nongay lawyer and discuss these kinds of relationships." (1) "I'm getting to be quite an expert at drawing up gay wills," he told the New York Times in 1977. (3) "It's like any minority group," he said. "There's a tremendous bond. Psychologically, it's more important than the law part. They don't understand when they first get here how much legal I help I can give them. But they feel they can be much more open about themselves." (3)

George spoke on a panel in 1979 at a national conference held at New York University School of Law titled "Law and the Fight for Gay Rights." The conference was sponsored by the Gay Law Students Association at NYU and Lambda Legal Defense and Education Fund. The panel was titled: "Providing Legal Services to the Gay Community." The other presenters on this panel were William Thom, a founder of Lambda Legal Defense, and Judith Holmes, a partner with the Feminist Law Collective.

The following are excerpts from the presentation made by George who was referenced in the program as "Legal Counselor, Gay and Lesbian Community Services Legal Clinic."

"The Gay and Lesbian Community Services ("GLCS") Legal Clinic was founded one and a half years ago and was an offshoot of the Mattachine Society's legal clinic which had ceased functioning about half a year before. The GLCS legal clinic was established because there were no free legal walk-in services available to the gay and lesbian community.

"In February of 1978 the I.R.S. granted the clinic tax-exempt status, making it the first nonreligious tax-exempt organization with the word "gay" in its name. Contributions to the clinic are tax-deductible and are its sole source of funding.

"Clients are charged nothing for the services and the attorneys attempt to handle all legal problems on the spot. The attorneys operate mostly on the level of crisis intervention, referring those who need ongoing representation to outside attorneys who are gay or sympathetic to gay issues and who are competent yet inexpensive. If some of the client's difficulties relate to psychological or employment problems, the attorneys can recommend the psychological counseling or job counseling clinics that GLCS also offers. The clinic attorneys do not accept any of te clients for ongoing representation and do not receive referral fees.

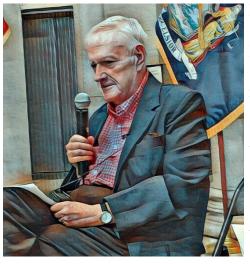
"The attorneys strive for a casual, nonintimidating atmosphere that allows clients to feel as though they are talking with peers. The clinic is open one night a week and averages eight to ten clients each time. Many clients use the clinic more than once."

George passed away in 2005 at the age of 70.

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#### William J. Thom



Born in 1941, William Thom is a retired a civil rights attorney, judge, and founder of the Lambda Legal Defense and Education Fund – the nations first legal services corporation dedicated to advancing LGBT rights.

Thom did his undergraduate studies at Princeton University, served two-years in the military, and then obtained a law degree from Yale Law School. While at Yale, he joined a right-wing political organization, an affiliation influenced by his conservative upbringing as a youth in Connecticut. He switched allegiance to the Democratic Party in 1970.

Thom moved to New York where he practiced law. Thom said that when he "arrived in New York in the 1960s, being gay was officially a mental illness, in 49 of 50 states we were criminals, in the City of New York gay bars were illegal and only able to exist through the corruption of the police department." He recalled "mass arrests and sweeps of gay people, lawyers jacking up fees to defend them, and sharing lists of their clients with police to shake them down some more. Our political clout was less than zero. Elected officials wouldn't let us in the door to discuss our issues."

During the first couple years of the 1970s, Thom had been offering legal assistance to an organization called the Gay Activists Alliance. Their political work involved lobbying politicians to support gay rights and engaging in more direct actions, like sit-ins.

It was during this period that the idea of a legal organization devoted to the cause of gay rights was first conceived. Specifically, in 1972 Thom had been reading a magazine when he came across an ad which sought the services of a gay lawyer. Thom responded and was dismayed to learn he was the only person willing to come forward. It was in this moment that Thom realized that the LGBT community needed legal representation. Thom assembled a group of attorneys sympathetic to the gay rights movement and filed papers in 1972 to create the Lambda Legal Defense and Education Fund.

However, Thom's new organization faced immediate hurdles. It submitted an application to an intermediate appellate court for permission to operate as a legal services corporation. The application was denied on the ground that Lambda had not demonstrated that the organization was "benevolent or charitable." Not to be deterred, Thom appealed the decision to the highest court in New York. He argued that failure to

approve the organization's application infringed impermissibly on the speech and association rights of gay and lesbian people and raised serious equal protection issues. Ultimately, the New York Court of Appeals sided with Thom and the Lambda Legal Defense and Education Fund finally became operational on October 18, 1973.

Although Thom served as Lambda's president from 1973 to 1978, his work with Lambda was not exclusive. He also had a law partnership with attorneys E. Carrington Boggan and Craig W. Patton, two other trailblazers from the 1970s.

Some of Thom's most well-known cases as a practicing lawyer include *People v. West 12 Tenants Corp.*, which established that under disability laws it is illegal to discriminate against people afflicted with HIV/AIDs and *Gay Student Organization v. Bonner* which removed the ban against a gay student group at the University of New Hampshire.

The work of Lambda Legal has been pivotal in many LGBT rights cases including the Supreme Court's 2003 decision in *Lawrence v. Texas*, which invalidated sodomy laws in the United States. Most famously, Lambda spearheaded the litigation in *Obergefell v. Hodges*, in which same sex marriage was legalized across the United States in 2015.

In 1984, Thom was appointed to the New York bench as a civil court judge – this was a milestone moment – Thom was the first openly gay person to serve on the state's judiciary. Regarding his appointment, Thom proclaimed that it was "a victory for human rights" that "extends the hand of political fellowship to the unrepresented" from this point on "lesbians and gay men know that the process is open to them."

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## John Henry Vaisey



A former Army captain himself, John Vaisey was one of the leading advocates for the rights of gay members of the military during the 1970s and 80s. He obtained his law degree from UCLA and was admitted to the bar in California in 1969. Vaisey lived in San Francisco in the 1970s and 1980s.

Vaisey was on the board of directors of the Pride Foundation in San Francisco, a gay rights organization in the 70s and 80s. He was involved in a project of the Pride

Foundation called Coalition to Defend Gays in the Military. In May 1976, Vaisey spoke at a coalition-sponsored forum on the rights of LGBT individuals in the military.

Vaisey was involved in many high-profile legal cases involving LGBT military members. In 1975, he represented Commander Hess of the U.S. Naval Reserve who faced the prospect of dishonorable discharge due to public comments he made regarding his bisexuality. Vaisey argued that the Navy's actions violated the commander's First Amendment right and sought an injunction to prevent the Navy from holding a hearing on the issue. Ultimately, the Court ruled against Vaisey and allowed the Navy to proceed. Fortunately for Commander Hess, a three-person Navy fitness panel recommended Hess be honorably discharged. Thus, Hess became the first person in Navy history to be honorably discharged for being gay - foreshadowing the possibility of acceptance of LGBT people within the military.

In 1978, Vaisey represented Ignacio Martinez, a U.S. Naval officer who was unilaterally discharged after being labeled a "homosexual" by Navy officials – he was given no hearing on the issue. Martinez denied the allegations, and with the help of Vaisey he vowed to fight the accusations. Vaisey filed for an injunction barring the Navy from discharging him with less than an honorable discharge and demanded a full evidentiary hearing on the merits of the case. Ultimately, when Vaisey and Martinez prevailed in the matter, a U.S. District Court judge wrote:

"We conclude that such mandatory exclusion from military service of persons on the basis of homosexual propensity or conduct is irrational and capricious, and violates the due process rights secured to plaintiff by the Fifth Amendment.

. .

"We hold that the Government must provide a procedure for evaluating the question of fitness to serve in light of all relevant factors instead of treating the matter as subject to mandatory exclusion.

. . .

"Homosexuality may be a legitimate factor to be considered in deciding whether to discharge or deny reenlistment to this plaintiff, but it is only one factor, not the only determinant."

However, this tremendous win was overshadowed shortly thereafter in 1980 in the case of *Beller v. Middendorf*. In this case, Vaisey represented James Lee Miller an openly gay Naval service member, and a Federal Appeals Court held that the Navy had a right to, "[dismiss homosexuals to] protect the fabric of military life . . . A substantial number of naval personnel have feelings regarding homosexuality . . . which would create tensions and hostilities." Vaisey called the decision disappointing and said it highlighted the "hypocrisy of the military." Not to be deterred, Vaisey appealed the decision and ultimately prevailing in 1983 in the 9th Circuit Court of Appeals in *Miller v. Lehman*, where the Court held that the Navy could not discharge Miller due to his sexuality alone.



UCLA Law Magazine noted the passing of John H. Vaisey (68) in 2015. An <u>obituary</u> on legacy.com explained that he died on May 16, 2015 in Oregon at the age of 88. He was survived by a sister and many nieces and nephews. (Photo: headstone at Oakwood Cemetery in Syracuse, New York)

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#### John Eshelman Wahl



John Eshelman Wahl, was a civil rights activist, gay rights advocate, and best known for serving as the attorney for Harvey Milk.

Born in Red Bluff, California in 1933, Wahl was a lifelong resident of California. Wahl received his undergraduate education from UC Berkeley. Upon graduation ,Wahl enlisted into the United States Navy, where he would serve for twelve years conducting radar recognizance missions. Upon his departure from the Navy, Wahl entered law school and received his Juris Doctorate from San Francisco's UC Hastings School of Law.

Wahl was admitted to the bar in California in 1966. As an attorney, he came into prominence through his representation of San Francisco Board of Supervisor Harvey Milk in the 1970s. Wahl served an important role influencing Milk's public political persona – pushing him to venture outside the gay community and make connections with the broader public. After Milk's assassination, Wahl represented Milk's partner in a bid to secure death benefits and was able to reach a settlement on his behalf.

However, Wahl's activities as an attorney were broader than his work with Milk. Wahl was known for taking on cases that dealt with human rights issues, which he often took on a pro bono basis. Wahl often represented clients who were indigent and could pay little if at all. For example, in 1971, Wahl obtained a major victory for the incarcerated, in a landmark ruling from the United States Supreme Court, requiring prisons to provide prisoners with legal research materials for use in habeas corpus petitions and appeals. In 1975, Wahl represented a man who was outed by various newspapers after they published private details regarding his sexual orientation.

Wahl believed strongly in achieving justice and maintained a strong sense community consciousness – this drove him to focus his time and skill into nonprofits and the faith community. For example, Wahl served on the *Council on Religion and the Homosexual*, a San Francisco-based organization founded in 1964 for the purpose of joining LGBT activists and religious leaders. Wahl also served as the president of the *San Francisco Night Ministry of the San Francisco Council of Churches*, an organization focused on providing assistance to the homeless.

Wahl also served a lead counsel for several faith organizations. He was the primary counsel for the *Universal Fellowship of Metropolitan Community Churches*, winning a

landmark case which established a federal constitutional right for prisoners to have access to clergy of their choice, even when the correctional authority disapproved of the message of the church at issue. Additionally, he was the lead counsel for the partnership of the *California Council of Churches*, the *Northern California Association of Rabbis*, and the *Archdiocese of the Roman Catholic Church in San Francisco*.

Wahl received certificates of honor and recognition from the California State Assembly, the California State Senate, the City and County of San Francisco, and then-Mayor Dianne Feinstein for his extensive pro-bono work.

Wahl died at his home in Palm Springs in 2010 at the age of 76. His obituary in the Bay Area Reporter, emphasized how respected Wahl was in San Francisco.

"Bay Area Reporter publisher Thomas E. Horn knew Mr. Wahl when he lived in the city. 'I met John when I first came to San Francisco in 1976,' Horn told the paper. 'Harvey was gearing up to run for supervisor, and John was trying to keep him straight, so to speak. He was well known and respected in San Francisco's legal community, and all the young lawyers looked to John for guidance.' Horn added that Mr. Wahl 'played an important role in the early days of the gay rights movement in San Francisco and will be sorely missed.""

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## Leroy S. Walker



Leroy S. Walker was a gay rights activist and attorney who helped lead a movement during the late 1970s and 1980s to protect the rights of gay men, lesbians, and people with AIDS in the workplace.

Born in Washington D.C. in 1941, Walker graduated from the University of Pennsylvania in 1962 and the New York School of Law in 1966.

Walker was very active in the gay community. He was founder and coordinator of the Gay and Lesbian Events Phone Line in Los Angeles and was a member of other human rights groups. Walker worked in various administrative positions in the State Department of Fair Employment and Housing.

In 1979, he was instrumental in convincing then Governor Jerry Brown to issue an executive order which protected gay state employees. In 1980, Walker was hired to enforce that executive order which barred the state government from job discrimination "against any individual based solely upon the individual's sexual preference."

In 1983, Walker left civil service and went into private practice – forming the largest all gay law firm in Los Angeles at that time. In this role, Walker successfully brought lawsuits advocating for the rights of gays and lesbians. In one case, he represented three gay students who alleged that Disneyland had violated their civil rights when a security guard told them that "touch dancing was reserved for heterosexual couples only." The men dropped their lawsuit in 1989 after Disneyland officials pledged not to discriminate against same-sex couples.

He also was the lead attorney in a famous case which affirmed that employers could not discriminate against workers with AIDS. The case, filed on behalf of a Santa Barbara man, John E. Chadbourne, whose employer barred him from returning to work because they feared he would infect other employees with AIDS, was one of the first in the nation to address the workplace rights of people with AIDS.

Walker was a founding member of the California Employment Lawyers Association and the Los Angeles-area Legal Eagles, a forum for lawyers specializing in employment-related litigation. He also worked with attorney Thomas F. Coleman to help organize the Gay and Lesbian State Employees Association after Governor Brown issued the

executive order in 1979.

In 1993, Walker received the Stephen Kelber Courageous Advocate award from the Gay Rights Project of the American Civil Liberties Union of Southern California.

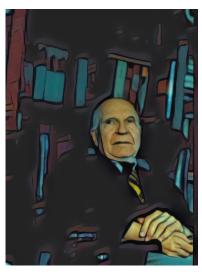
Leroy Walker passed away in 2004 in Los Angeles at the age of 63.

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## **Arthur Cyrus Warner**



Arthur Cyrus Warner was a gay rights activist and law school graduate who played a prominent role in overturning anti-sodomy laws and other anti-gay and lesbian laws.

Born in 1918 in Newark, New Jersey, Warner grew up in a well-to-do family. He received his AB degree from Princeton in 1938, and shortly thereafter entered Harvard Law School. However, his legal education was interrupted by World War II, when he served in the Navy, attaining the rank of lieutenant. Yet, he was dishonorably discharged after soliciting another gay man. Eventually, he returned to Harvard and obtained his law degree in 1946, but the military discharge barred him from ever practicing law, even after he managed to get his discharge changed to honorable.

After law school, Warner entered Harvard Graduate School to study English history. He received a masters degree is history in 1950 and his doctorate in 1960. Throughout the 1950s and 1960s, Warner taught history. After twelve years of teaching at various universities Warner resigned in 1968 to devote his life to reforming laws adversely affecting homosexuals.

Warner was one of the first history scholars to raise the issue of homosexuals in history at an annual meeting of the American Historical Association. In March 1972, an article in the <a href="New York Times">New York Times</a> stated:

"Gay Liberation, while as yet unrepresented on a panel, repeatedly made its case from the floor. Arthur Warner, a historian who is co chairman of the National Committee for Sexual Civil Liberties, noted that historians often ignore the homosexuality of major figures, such as Edward II and James I of England. 'There is a pervasive puritanism in our profession which prevents us from dealing frankly with matters of sex and history,' he declared."

Warner lived most of his life in Princeton at the home of his parents which he inherited when they died.

In the late 1940s, Warner began attending meetings of the New York City homosexual rights group known as "The League." From 1954 on he was active in Mattachine New York, serving as chairman of the legal committee. He founded the <u>National Committee</u>

for Sexual Civil Liberties in 1970. The committee (later renamed the American Association for Personal Privacy) consisted of a small group of elite attorneys and scholars dedicated to homosexual law reform. In addition to cofounders Warner and law professor Walter Barnett, the group included ACLU legal director Melvin Wulf, William Reynard of the ACLU's Colorado affiliate, and two young, openly gay law school graduates Thomas Coleman from California and Craig Patton from Ohio. Prominent social scientists also joined the committee, namely Evelyn Hooker, whose work helped to persuade the American Psychiatric Association to remove homosexuality from its list of disorders, and Laud Humphreys, whose book *Tearoom Trade: Impersonal Sex in Public Places* documented the participation of apparently heterosexual as well as homosexual men in public restroom sex. Another member of the committee was Dr. Michael Valente, chair of the Department of Theology at Seaton Hall University, author of Sex: The Radical View of a Catholic Theologian.

Warner's described the National Committee for Sexual Civil Liberties as,

"directed toward the dismantling of the entire structure of criminality which surround private sexual conduct between consenting adults. It is equally concerned with the pattern of economic and social discrimination in such areas as employment and housing which results from the perdurance of these laws on the statute books."

Warner from the very beginning focused on legal reform, particularly with repealing sodomy statutes across the United States. He testified before the Judiciary Committees of both houses of the Ohio legislature during a hearing which in 1972 led to the decriminalization of private homosexual conduct between consenting persons above the age of sexual consent.

National Committee members also lobbied the American Bar Association (ABA) and by 1973, the committee – with the help of lawyers with the ACLU lawyers and the newly formed Lambda Legal Defense and Education Fund – convinced the ABA to call for the repeal of laws against private sexual conduct between consenting adults.

From 1976 to 1978 Warner worked with the New Jersey State assembly to remove the sexual solicitation provision from the New Jersey Penal Code. Similarly, he helped to remove the solicitation provision from the Nebraska criminal code.

In 1979, Warner assisted attorney Thomas F. Coleman to win *Pryor v. Municipal Court*, a case in which the California Supreme Court acknowledged the discriminatory enforcement and conflicting interpretations of the state's statute against sexual solicitation and lewd conduct, deemed it unconstitutionally vague, and judicially rewrote the statute.

Coleman wrote the brief for the defendant while Warner and attorney Jay M. Kohorn wrote an amicus curiae brief for the National Committee for Sexual Civil Liberties.

In 1980, Warner helped jumpstart the Pennsylvania lawsuit of *Commonwealth v. Bonadio*, which decriminalized the state's sodomy and solicitation statutes. Warner also consulted the lead attorneys in the <u>People v. Onofre</u> (1980) case and <u>Uplinger</u> (1983) case, which went on to strike down the New York sodomy and solicitation laws respectively. It was these legal wins that would pave the path for the eventual success in *Lawrence v. Texas* (2003), where the United States Supreme Court ruled that sanctions of criminal punishment for consenting adult homosexual conduct is unconstitutional.

Arthur Cyrus Warner died in Princeton, New Jersey on 22 July 2007 at the age of 89. His will directed that his estate be used to establish the Sentience Foundation, headquartered in Freehold, New Jersey.

Warner's voluminous papers document his involvement in law reform and other issues involving homosexual civil rights for decades. Most of his papers consist of legislative and court documents about sexual civil liberties, and related memoranda, correspondence, and writings. The papers, mainly covering the period from 1946 to 2000, are preserved in the Mudd Manuscript Library at Princeton University.

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#### R. Michael Wetherbee



Michael Wetherbee was an attorney known for his efforts spearheading the fight to legalize gay marriage. Wetherbee was the first openly gay attorney to be hired in any of the American Civil Liberties Union affiliates. He received his undergraduate degree from the University of Wisconsin and graduated in 1970 from the University of Minnesota School of Law.

When a local church voted to give a grant in January 1971 to support the endeavor, a group of gay and lesbian activists decided to open the first gay community center in the Twin Cities. Wetherbee offered to provide legal counseling to those in need.

After he was hired by the Minnesota Civil Liberties Union in 1971, Wetherbee assumed the representation of Jack Baker and Michael McConnell, the first gay couple in the nation to apply for a marriage license. In January 1971, the license had been denied and the couple had appealed to the Minnesota Supreme Court. When Wetherbee rose to argue in favor of the marriage during oral argument, one of the judges turned his chair and refused to look at him – not a single question was asked. In October 1971, the court denied their request, stating, "The institution of marriage as a union of man and woman ... is as old as the book of Genesis," the marriage statute "does not authorize marriage between persons of the same sex and that such marriages are accordingly prohibited."

Wetherbee appealed the case to the United States Supreme Court. However, in October of 1972, the Court slapped them down hard – dismissing the appeal for want of a substantial federal question. This order haunted the LGBTQ community for decades.

Wetherbee's tenacity and willingness to undertake this difficult legal challenge started a process that would ultimately become the 2015 success of *Obergefell v. Hodges*.

Wetherbee handled other gay rights and civil liberties cases before leaving the Minnesota Civil Liberties Union and moving to Los Angeles in 1975. Among them was the employment discrimination case of Michael McConnell, one of the gay marriage plaintiffs. McConnell, a librarian at Park College in Missouri. He accepted a job offer from the University of Minnesota library before he and Baker applied for a marriage license. When news of the marriage case reached university officials, they withdrew the offer. Wetherbee represented McConnell in a federal lawsuit challenging the recision as unconstitutional. The case wound its way through the federal judiciary all the way to the

Supreme Court which in April 1972 refused to grant a hearing. Only Justice William O. Douglas voted to take the case.

On December 22, 1972, Wetherbee appeared with Jack Baker at a hearing called by the Minnesota Board of Bar Examiners. Baker, who was notorious at this point, was called to testify about the circumstances of the marriage applications (plural) that he and McConnell had filed – first, the unsuccessful one in Minneapolis and second, the successful one in Mankato, Minnesota. The couple were granted the license in Mankato and in September 1971 were married by a United Methodist minister. The hearing called by the bar examiners committee focused on whether Baker had committed fraud about being a resident of Mankato. No fraud was found. Although the committee knew that Baker was an openly gay applicant, it voted to recommend him for admission to the bar.

In 1973, Wetherbee filed a lawsuit in federal court challenging a Minneapolis ordinance requiring "adult bookstores" to receive a special permit from the city in order to operate. There was no such requirement for stores selling books without "adult" content.

In 1974, Wetherbee lobbied the Minneapolis City Council to pass an ordinance prohibiting employers in the city from discriminating on the basis of "affectional or sexual preference." The ordinance was unanimously approved by the council.

Wetherbee resigned as an ACLU staff attorney in August 1974 and moved to Los Angeles the following year. He was admitted to the bar in California in 1978. During the mid-1970s, Wetherbee worked with attorney Thomas F. Coleman who was publisher of the Sexual Law Reporter. Wetherbee served as an editor for the all-volunteer project.

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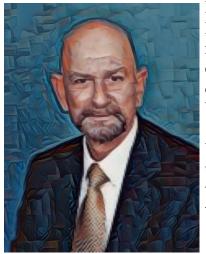
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#### G. Keith Wisot



Keith Wisot was appointed to the Superior Court in February 1981, making him the third openly gay judge in the nation. Although he was gay, Wisot was married and had children. He was a longtime supporter of many LGBT organizations and causes and was named "Trial Judge of the Year" by the Consumer Attorneys of Los Angeles.

Wisot was born in Long Beach in 1942. He obtained his undergraduate education from Pomona College in 1963, went on to attend UCLA Law School, and was admitted to the bar in 1967.

After graduating, Wisot, worked as a Deputy Public Defender and appellate attorney. By 1977, Wisot had become a member of the California Attorneys for Criminal Justice and filed many amicus curiae briefs for the organization in key criminal law cases. He also served as President of the Los Angeles County Public Defenders Association.

After his appointment to the bench in 1981, Wisot presided over many civil and criminal trials. During this time he remained active in the legal community, always pushing for the fair administration of justice. Notably, in 1996, Wisot served on the Judicial Council Advisory Committee on Access and Fairness, to help draft a report with the goal of "Achieving Equal Justice for Woman and Men in the California Courts."

Wisot was a founding member of the International Association of LGBTQ+ Judges, and the organization's first treasurer. He served on and chaired numerous committees of the California Judges Association, American Bar Association, California State Bar, Los Angeles County Bar Association, Lawyers for Human Rights, and the Association of Business Trial Lawyers; he also was Chair of the Ethics Committee of the California Judges Association for three separate terms.

Wisot was not afraid to criticize his judicial peers and said that many judges were prejudiced against members of the LGBT community, stating:

"I know the mental attitudes of too many of my colleagues . . . and although I can respect differences, I do not respect ignorance and discrimination . . . It is too often the result of not being well informed."

He along with Judge Stephen Lachs, advocated for an amendment to the California Code of Judicial Conduct which would have prohibited judges from joining groups that discriminated against members of the LGBT community. Most of the 1992 California judiciary objected to this rule, and the issue came to ahead when Judge John Farrell refused to break ties with the Boy Scouts of America, an organization which at the time prohibited LGBT individuals from joining. Farrell claimed this was an issue of privacy and their freedom to associate. Of this issue, Wisot said:

"No one would dare suggest that if the Boy Scouts discriminated on the basis of race that it would be a freedom-of-association issue . . . Instead, people fall back on their religious teachings and the stereotypes and bigotry they have learned from movies and dirty jokes."

For the short term, Farrell won the debate, and the rule was not adopted. However, in 2015, Wisot's advocacy became a reality when the California Supreme Court banned state court judges from belonging to the Boy Scouts. This decision ultimately prompted the Boy Scouts of American to amend its policies to remove its LGBT prohibitions.

After retiring from the bench, Wisot continued to practice law as a mediator and judge in alternative dispute resolution cases for JAMS until his death in 2012.

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## **Today and Tomorrow**

by Thomas F. Coleman

Many of the law students and lawyers of the 1970s continued their advocacy for LGBT rights into the 1980s, 1990s, and beyond. Some did so as solo practitioners while others did so as part of small lawfirms. Still others were hired by large firms that allowed them to take occasional pro bono cases. Some chose the path of teaching law to new generations of law students who themselves would become advocates for LGBT rights.

This ongoing legal advocacy was occurring in the midst of an ever-growing network of LGBT organizations – national, state, and local – that engaged in general research, education, advocacy, and services to enhance the lives of LGBT individuals, couples, and families and to improve their position in society.

The researchers, educators, advocates, and service providers of more recent decades built on the work of the legal trailblazers of the 1970s, just as those pioneers had built on the work of the activists who came before them.

There have been victories and setbacks during the last four decades of LGBT activism, but the passing of each decade resulted in the attainment of more rights for more people in more parts of the nation. On a national scale, there was the repeal of the Defense of Marriage Act and the elimination of "Don't Ask, Don't Tell" for the military. The Supreme Court declared unconstitutional state laws criminalizing private sex between consenting adults. It also ruled that states could not prohibit same-sex marriage. More recently, the high court declared that prohibitions against sex discrimination in federal law include sexual orientation and gender identity. There was also the appointment of an openly gay man to a position in the President's cabinet.

#### **Legal Protections**

LGBT individuals enjoy more legal protections today than ever before in American history.

In addition to the federal protections mentioned above, there are state and federal laws that protect LGBT rights. Some 25 states prohibit discrimination on the basis of sexual orientation and gender identity in employment, while 23 states prohibit such discrimination in housing. (1) The federal Department of Housing and Urban Development (HUD) currently interprets the Fair Housing Act's prohibition of sex-based discrimination to include sexual orientation and gender identity. (2) Some 33 states have hate crime laws that punish violence motivated by the victim's sexual orientation. (3)

The federal government has also issued guidance to states regarding their obligation not to discriminate against LGBT youth who are involved in child welfare proceedings. (5) The memo states: "Supporting and affirming LGBTQI+ children and youth in foster care is an overarching equity issue for each title IV-B and IV-E agency and for the Children's

Bureau, and we encourage each agency to approach serving these children and youth through both a programmatic and an equity lens."

#### **Public Opinion**

Public opinion on LGBT rights has dramatically shifted over the past few decades, with more acceptance, respect, or tolerance of sexual minorities by the American public than ever before. (5) The attitudes of individuals can have real-life effects. For example, people who are more accepting of LGBT rights are less likely to discriminate.

When asked if consenting gay sex should be legal or illegal, in 1986 the responses were 32% legal and 57% illegal. Compare 2021 where 79% said it should be legal and 19% said illegal. From another perspective, in 2001 some 53% said same-sex relations were morally wrong with 40% saying they were morally acceptable. In 2021 the result was 30% morally wrong and 69% morally acceptable.

In 1977, a slight majority (53%) of the public felt gays and lesbians should have equal rights. In 2019, 93% of the public expressed that opinion.

In 1977, the public was evenly divided on whether gays and lesbians should have equal job opportunities, with 43% on both sides of the issue. In 2019, 83% of respondents said yes to job rights and 15% said no.

On the issue of adoption of children by gays and lesbians, in 1977 some 77% of respondents said they should not be allowed to do so. In 2019, it was the reverse, with 75% saying they should.

#### **Legal Profession**

In 1970, gay law student associations did not exist. The first few gay law student associations were formed in 1972. Today, the vast majority of law schools have an LGBT student association. The Law Student Division of the American Bar Association recently has shown its support for LGBT rights by sponsoring the *Birds of a Feather* project.

Prior to 1972, the American Bar Association did not formally address sexual orientation issues, nor did it have committees or forums that focused on gay and lesbian lawyers. In that era, many gay and lesbian law students and lawyers feared reprisals if they disclosed their sexual orientation publicly. Today, the ABA has a Commission on Sexual Orientation and Gender Identity. Created in 2007, the commission "seeks to secure equal treatment in the American Bar Association, the legal profession, and the justice system without regard to sexual orientation or gender identity." (6)

Prior to 1972, associations for gay and lesbian lawyers did not exist. Today, there is a national LGBT Bar Association. (7) It holds annual conferences, called Lavender Law, to address issues of concern to lawyers, law students, and the LGBT population. (8) There are also more than 35 state and local LGBT bar associations. (9)

In some states such as California, Canons of Judicial Ethics prohibit judges from discriminating on the basis of sexual orientation or gender identity, both in administrative practices as well as adjudicative functions. (10) California attorneys are prohibited from discriminating on the basis of sexual orientation and gender identity. (11) They are also required to take trainings on the elimination of bias, including implicit bias, on the basis of sexual orientation and gender identify. (12)

#### The Future

While much progress has been made in LGBT rights since the 1970s, we should not take these rights for granted. Republicans in Congress are generally hostile to LGBT rights. A recent Republican President issued an order to exclude transgender individuals from the military. Some Republican governors and state legislatures are passing laws targeting LGBT youth and their families in a negative way. Additionally, the FBI recorded 440 hate crimes against LGBT people as group in 2020, a 16% uptick from 2019. (13)

We should all remember that what the government giveth, the government can taketh away. The reversal of *Roe v. Wade* is an example. Therefore, the last line in this Memory Book will be a phrase used by abolitionist Wendell Phillips when he spoke to the Massachusetts Anti-Slavery Society in 1852:

# "Eternal vigilance is the price of liberty."

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## **Post Script**

by María Reyes Olmedo\*

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## THE EMERGENCE OF NON-BINARY, TRANSGENDER, AND STUDENTS OF COLOR AS LGBTQIA+ ACTIVISTS

# **Preface** by Thomas F. Coleman

The 1970s did not witness LGBT rights advocacy by lawyers of color. With few exceptions, the same was true for law students. Those exceptions are noted in the biographies of Latinx law students George Raya, Jose Gomez, and John Sanchez and Black law students Ron Grayson and Claudio Frias.

My research was not able to identify any open nonbinary law students or lawyers who were involved in LGBT rights advocacy in the 1970s. Phyllis Frye was the only open transgender law student LGBT rights activist in the historical record for that decade. Attorney Pauli Murray was alive in the 1970s, but their activism was focused on Black civil rights. Although Murray was known after their death to have been a transgender lawyer, they were not open about their gender identity when they were alive.

The 1980s saw more BIPOC and transgender law students and lawyers being open about their identities and becoming involved in LGBT rights advocacy. One is Kendall Thomas, who became the first openly gay professor at Columbia Law School in 1983. Another is Victoria Kolakowski who graduated from law school Louisiana in 1989. She began transitioning during her last semester of law school. Kolakowski had gender affirmation surgery in 1992. In 2010, Victoria became the first open transgender person in the nation to be elected as a judge of a court of general jurisdiction.

What follows is a historical narrative that provides some explanation for the lack of law students of color as LGBT activists in the 1970s and biographies of a new generation of law students and lawyers who are propelling the LGBT rights movement forward.

In addition to the biography of Professor Thomas, the following pages tell stories of several nonbinary students who are currently enrolled in law school, a nonbinary lawyer in big law, and a nonbinary appellate law clerk. Many thanks to Maria Reyes Olmedo for connecting the present with the past in an informative and compelling manner.

### Historical and Biographical Narratives by Maria Reyes Olmedo

As a result of the Civil Rights Movement of the 1960's, law schools felt pressured to adopt affirmative action programs to become somewhat more inclusive. Law schools were hesitant to follow this model, fearing that the elite status of legal institutions would be tarnished if the student body ceased to be homogenous and overwhelmingly white, middle and upper class, cisgender, straight, and able-bodied. In 1965, as law schools across the United States slowly began admitting more minority students, there were less than 700 Black students among the 65,000 students studying law across the U.S; and among those 700 Black students, 300 were enrolled at the historically-Black Howard Law School. Although there are no available statistics for the enrollment of Latinx, Asian and Pacific Islander, Native Americans, and other students of color during that period, it is estimated that they were enrolled at even lower numbers.

Activism is largely driven by lived experience. As evidence: UCLA Professor Leon Letwin. Letwin was one of the main supporters of adopting "a program designed to increase law school enrollment of persons disadvantaged by reason of poverty and ethnic discrimination." Letwin's parents were forced to flee Ukraine during the Russian Revolution of 1917 to escape the anti-Semitic Progrom. Based on their lived experience, Letwin's parents stressed the importance of compassion and social justice during his upbringing in a predominantly-African American neighborhood in Milwaukee's West Side during the Great Depression.

<sup>&</sup>lt;sup>1</sup> Race, Class, and UCLA School of Law Admissions, 1967-1994, Albert Y. Muratsuchi, 91 (1995), (link).

<sup>&</sup>lt;sup>2</sup> Race, Class, and UCLA School of Law Admissions, 1967-1994, Albert Y. Muratsuchi, 91 (1995), (link).

<sup>&</sup>lt;sup>3</sup> Memorandum from the Admissions and Standards Committee to the Faculty app. A at 1 (Oct. 18, 1966); Leon Letwin, Some Perspectives on Minority Access to Legal Education, 2 Experiment and Innovation (1969).

<sup>&</sup>lt;sup>4</sup> Progrom, (link).

<sup>&</sup>lt;sup>5</sup> In Memoriam, Leon Letwin, UCLA, (<u>link</u>).

In California, the 1965 Watts Uprising forced Los Angeles to confront racism, social inequity, and (in)access to legal justice. Two years later, UCLA School of Law was the only law school in California, and one of the few law schools in the country, that had implemented an affirmative action program to make legal education more accessible to low-income students of color - largely due to Letwin's fierce support.

At a national level, diversity increased after affinity and minority law student organizations rallied to demand a more holistic admissions application process,<sup>8</sup> forcing law schools to accept institutional responsibility for diversifying the student body<sup>9</sup> and acknowledging that the presence of minority students improves the quality of education by allowing for the exchange of different perspectives.<sup>10</sup>

As seen in "Before the Seventies," the impact of one's gender identity and sexual preferences being legally criminalized and socially shunned has all-encompassing ramifications. How media, academia (including psychiatry), religion, and the law (through federal and state government regulations) portrayed queer individuals forced folks in the legal field to "pass." The year 1972 was a pivotal moment for queer individuals in the legal field - with queer law student and lawyer organizations emerging throughout the nation. This increased unity and visibility - evidenced by the Sexual Law Reporter and legal conferences - invigorated its members to push for faster progress.

Nevertheless, acceptance and visibility remain highly regional, and there is generally more pressure to "pass" in smaller cities. In 2021, 51.5% of queer lawyers were concentrated in 4 major cities: Los Angeles, San Francisco, New York City, and

<sup>&</sup>lt;sup>6</sup> Race, Class, and UCLA School of Law Admissions, 1967-1994, Albert Y. Muratsuchi, 91 (1995), (link).

<sup>&</sup>lt;sup>7</sup> Race, Class, and UCLA School of Law Admissions, 1967-1994, Albert Y. Muratsuchi, 90 (1995), (<u>link</u>).

<sup>&</sup>lt;sup>8</sup> Race, Class, and UCLA School of Law Admissions, 1967-1994, Albert Y. Muratsuchi, 118 (1995), (link).

<sup>&</sup>lt;sup>9</sup> Race, Class, and UCLA School of Law Admissions, 1967-1994, Albert Y. Muratsuchi, 92 (1995), (link).

<sup>&</sup>lt;sup>10</sup> Race, Class, and UCLA School of Law Admissions, 1967-1994, Albert Y. Muratsuchi, 92 (1995), (link).

Washington D.C.<sup>11</sup> However, there is a general lack of data regarding the number of LGBTQIA+ law students, since more than half of ABA-accredited U.S. law schools do not track the number of LGBTQIA+ students and employees.<sup>12</sup> While law schools defend their decision by pointing to the voluntary nature of self-identification and privacy concerns,<sup>13</sup> the lack of official data makes research regarding trans, non-binary, and queer law students, faculty, and staff extremely difficult.

However, lack of visibility results in progress stagnation. For example, obstacles that continue to almost exclusively burden trans law students include pressure to "pass" as cisgender and a disproportionate likelihood to be homeless as a result of family rejection and job hiring discrimination. <sup>14</sup> Furthermore, some states' moral character and fitness applications have a mental health inquiry component which dissuades students from seeking mental health treatment to avoid a red flag in their application. <sup>15</sup> Alejandra Caraballo - a trans Latina clinical instructor at Harvard Law - described this process as being "essentially forced to out yourself to a bar committee." Similarly, various state bars only allow for binary honorifics. <sup>17</sup>

Despite trans legal professionals being more visible than ever before, the legal field is hesitant to embrace trans folks more than necessary. For example, while Harvard Law School has hired four publicly trans clinical instructors – Alejandra Caraballo, Alexander

<sup>&</sup>lt;sup>11</sup> 2021 Report on Diversity in U.S. Law Firms, National Association for Law Placement, Inc., 11 (Jan. 2022), (<u>link</u>).

<sup>&</sup>lt;sup>12</sup> (link).

<sup>&</sup>lt;sup>13</sup> (link).

<sup>&</sup>lt;sup>14</sup> Why There's a Homelessness Crisis Among Transgender Teens, Bloomberg, (Aug. 2019), (<u>link</u>).

<sup>&</sup>lt;sup>15</sup> Law Students Say They Don't Get Mental Health Treatment For Fear It Will Keep Them From Becoming Lawyers. Some States Are Trying to Change That, Madeline Holcombe, (Feb. 29, 2020), (link).

<sup>&</sup>lt;sup>16</sup> Orion Rummier, Meet the First Trans Women of Color to Teach at Harvard Law, The 19th (Aug. 24. 2021), (<u>link</u>).

<sup>&</sup>lt;sup>17</sup> Orion Rummier, Meet the First Trans Women of Color to Teach at Harvard Law, The 19th (Aug. 24. 2021), (link).

Chen, Anya Marino, and Kendra Albert –<sup>18</sup> their title shows that "the institution is not necessarily going out of its way to hire or promote folks into traditional faculty positions." Frustrated, Albert notes they are not comfortable claiming the title of "first trans" because "In order for trans people to be constantly discovered, we must be always and immediately cast off, forgotten." Additionally, Marino asserts "As a trans woman, I can tell you throughout my life, and especially throughout my time in law school, and also in practice, there were certainly times when I had others dismiss my intellect or my skill, simply because I'm trans and because I'm Brown." Thus, apart from the general rigor of law school and the legal profession, LGBTQIA+ folks feel pressured to serve as a positive representative for the community, as well as making space for the next generation.

#### **Biographies**

#### **Kendall Thomas** (he/him)



Kendall Thomas is an activist, scholar, professor, and artist. Apart from being a professional jazz vocalist, he is also the first out gay professor at Columbia Law School and the second African American member of the faculty.<sup>22</sup> Thomas is a comparative constitutional law and human rights scholar who teaches and researches through a lens of critical race theory, legal philosophy, and feminist legal theory.<sup>23</sup>

<sup>&</sup>lt;sup>18</sup> Orion Rummier, Meet the First Trans Women of Color to Teach at Harvard Law, The 19th (Aug. 24. 2021), (link).

<sup>&</sup>lt;sup>19</sup> Orion Rummier, Meet the First Trans Women of Color to Teach at Harvard Law, The 19th (Aug. 24. 2021), (link).

<sup>&</sup>lt;sup>20</sup> Orion Rummier, Meet the First Trans Women of Color to Teach at Harvard Law, The 19th (Aug. 24. 2021), (<u>link</u>).

<sup>&</sup>lt;sup>21</sup> Orion Rummier, Meet the First Trans Women of Color to Teach at Harvard Law, The 19th (Aug. 24. 2021), (<u>link</u>).

<sup>&</sup>lt;sup>22</sup> Kendall Thomas Takes Pride in Being an Outlier and OutLaw, Columbia Law School, (June 29, 2020), (link).

<sup>&</sup>lt;sup>23</sup> Kendall Thomas, Columbia Law School, (link).

Thomas arrived at Columbia in 1983 as an associate in law, and has been teaching there since 1986.<sup>24</sup> "When [he] arrived at Columbia, the central and shaping reality of American legal culture for those of us in my generation who were gay or lesbian - whatever our race, ethnicity, or nationality - was the knowledge that we were entering the profession at a time when it was still a felony punishable with imprisonment in many places of the country to engage in consensual sexual intimacy with someone of the same sex."<sup>25</sup> Thus, he began his teaching career conscious of the fact that he was breaking the law through his existence and by forming part of the "public gay sexual culture."<sup>26</sup> Thomas notes that it is because of this historical context that queer students in various law schools in the nation call their affinity group OUTLaws: because the existence of queer individuals was legally criminalized and their existence was, in and of itself, a form of resistance.

Thomas asserts that his lived experience taught him that the law was a necessary albeit insufficient tool to challenge the hierarchical social and political structures that privilege white and heterosexual folks. His experiential perspective thus informs the intersectional lens through which he exercises his profession as a legal critic.<sup>27</sup>

As the co-founder and director of the Center for the Study of Law and Culture at Columbia Law School, Thomas leads interdisciplinary projects and programs. His intersectional activism also includes founding "Amend the 13th" – a movement fighting to amend the U.S. Constitution to end forced prison labor –<sup>28</sup> as well AIDS activism. Since the 1980's, Thomas has written and spoken widely on the impact of AIDS, and serves on the board of the NYC AIDS Memorial.<sup>29</sup>

<sup>&</sup>lt;sup>24</sup> Kendall Thomas, Columbia Law School, (<u>link</u>).

<sup>&</sup>lt;sup>25</sup> Kendall Thomas Takes Pride in Being an Outlier and OutLaw, Columbia Law School, (June 29, 2020), (link).

<sup>&</sup>lt;sup>26</sup> Kendall Thomas Takes Pride in Being an Outlier and OutLaw, Columbia Law School, (June 29, 2020), (link).

<sup>&</sup>lt;sup>27</sup> Kendall Thomas Takes Pride in Being an Outlier and OutLaw, Columbia Law School, (June 29, 2020), (link).

<sup>&</sup>lt;sup>28</sup> Amend the 13th (link).

<sup>&</sup>lt;sup>29</sup> Kendall Thomas, Columbia Law School, (link)

Since 2017, Thomas has performed as a jazz vocalist at Joe's Pub - a renowned music venue in Greenwich Village. His multi-modal activism deliberately serves as both a political and personal statement. Following the theme of queer individuals in the legal profession refusing to separate the professional from the personal, Thomas acknowledges that embracing his artistic side has been empowering. "Living an integrated life is more important than it's ever been because the challenges that lawyers face are as great as they've ever been...At a time when the rule of law is under great stress, if we're going to be up to the task of defending the idea of the rule of law, we have to lean into those parts of our shared lives that affirm our humanity."<sup>30</sup>

#### Rafael M. Langer-Osuna (they/them)



Rafael M. Langer-Osuna is the first out nonbinary lawyer in big law - although there are certainly others. <sup>31</sup> Born in Bolivia and raised in Pennsylvania, their upbringing was very culturally distinct. Being born in Bolivia impacted their journey towards coming out publicly. An upbringing that spans two different continents and cultures led them to have an identity that felt somewhat apart. In the U.S., Langer-Osuna was frequently deemed different – especially when people knew

they were born in Bolivia. Yet in Bolivia, given their accent, they were a foreigner. Consequently, the experience of not quite forming part of either culture made coming out more comfortable.

Langer-Osuna was not raised to see stark distinctions in gendered roles. Their feminine role models – their mom and grandmother, a businesswoman and a professor, respectively – further complicated their understanding of gender. While their view gender equality made their life easier in some respects, given the absence of language about transness, it slowed and complicated their identity journey.

<sup>&</sup>lt;sup>30</sup> Kendall Thomas Takes Pride in Being an Outlier and OutLaw, Columbia Law School, (June 29, 2020), (link).

<sup>&</sup>lt;sup>31</sup> Biglaw's "Only" Openly Nonbinary Partner Speaks Out (April 30, 2021), (link).

Prior to attending law school, Langer-Osuna was pursuing a PhD in moral development. Langer-Osuna first obtained a Bachelor's in Human Nature from Carnegie Mellon University in 2002, and then a Master's in Cognition and Development in 2006 from the University of California, Berkeley. They became enamored with the subject after meeting their then-advisor, Elliot Turiel, and reading his work. Turiel argued that we all – regardless of culture – develop our moral thinking across multiple different but related domains: morality, social convention, and pragmatic thinking. The conclusions we draw in each of these domains influence each other, but analytically, the moral domain tends to focus on life lessons we learn very early that turn on mostly immutable characteristics of being a little human in the world (e.g., when we are injured, it hurts). Those experiences lead us to develop our internal sense of fairness and concern about harm to ourselves and others. The social convention domain develops separately – and includes thoughts about hierarchy, ritual, taboo, and practices we take for granted. However, those practices are sometimes in tension with fundamental fairness – and we have the capacity to see that, if the issue is framed appropriately, because morality and our understanding of our social roles develop independently. Langer-Osuna believes this compelling and thought-out way of understanding how humans think about moral dilemmas and how we interact with one another is more relevant than ever. Fascinated by the subject, they attempted to understand how cultural lenses affect how people think about moral questions and dilemmas.

Subsequently, Langer-Osuna attended Duke University School of law from 2006 to 2009. They were not out while at Duke. They were in a marriage to a woman and presented as a cisgender and heterosexual person assigned male at birth. Langer-Osuna considers that their occasional attraction to masculinity coming from their bi or pan sexuality "did not seem to be anyone's business" given their monogamous marriage with a woman.

Although they knew they did not quite fit into the categories they were living in, they did not have the internal language to understand or articulate themselves. However, they acknowledge that in retrospect, their mental health was detrimentally affected from hiding part of their identity.

Their law school experience was focused on balancing their home life and surviving law school. Along with their spouse, who was finishing her PhD, they had one child going into law school and had a second child while in law school. Thus, Langer-Osuna did not engage deeply in Duke's social life nor its LGBTQIA+ community.

Furthermore, the LGBTQIA+ community did not seem particularly welcoming to Langer-Osuna's identity, since they were not out as "gay" or "trans." With respect to their gender, they did not see the local LGBTQIA+ community as a good fit. Their understanding of what it meant to be part of the LGBTQIA+ community was heavily marred by their childhood exposure to trans representation. Langer-Osuna did not know transmasculinity existed, and at that point, transfemininity was associated with negative stereotypes. And to further complicate their law school experience, one of the few events they participated in was a debate in which the very existence of non-binary people was debated – this event was among the first times Langer-Osuna ever heard the term "non-binary."

Langer-Osuna did not have contact with models of trans people while living their daily life as an apparently straight parent. As a result, they did not have room in their mind, nor the language to capture, being a genderfluid transfeminine person who has largely been in relationships with feminine people. However, Langer-Osuna is clear to state that given their identity confusion, prior experiences, and other focuses during law school, they did not actively seek to engage with the Duke LGBTQIA+ community. Thus, they are not a good source for how welcoming that institution is or is not to various sexualities and identities. Nevertheless, they assert that many former classmates reached out to show their support when Langer-Osuna came out.

Langer-Osuna acknowledges it is crucial for lawyers to connect with peers outside of work to build connections and relationships, as well as to receive promotion opportunities.<sup>32</sup> Although they came out at work in 2019,<sup>33</sup> if they could give their past self advice when they were going into Big Law on how to deal with implicit biases of the

<sup>&</sup>lt;sup>32</sup> (link).

<sup>&</sup>lt;sup>33</sup> A Nonbinary Attorney's Journey: 'I Wanted to be Who I am, Fully, With People I Work With,' (June 26, 2020), (link).

cultural standards in the workplace, Langer-Osuna asserts: First, be safe. And safety can include protecting your ability to earn income – especially if you have dependents. Beyond that, find mentors and allies. If your organization has none, find a new place of employment. While the LGBTQIA+ employee resource group at Squire Patton Boggs LLP provided enormous support, throughout their years as a practicing lawyer, Langer-Osuna has had complex conversations with colleagues and opposing counsel regarding their honorifics and pronouns.

As a lawyer focusing on international law and admitted to practice law in various jurisdictions (including Florida since 2011,<sup>34</sup> and California since 2014),<sup>35</sup> Langer-Osuna's perspective is informed by their knowledgeable of international cultures and foreign legal systems. They assert that change is hard, and cultures do not simply change "for the better," or in a positive linear way. Furthermore, there are different ways of thinking about similar issues. For example, although Spanish is a highly gendered language, many of the Spanish-speaking people Langer-Osuna interacts with come from cultures that are somewhat ahead of the U.S. in constitutionally and legally protecting trans rights. However, Langer-Osuna acknowledges that transitioning transgender bar applicants in the U.S. could face additional hurdles, including worrying about name changes, being outed, and explaining different gender markers at different times.

Langer-Osuna insightfully points out that "all professional dress is really a form of drag," while acknowledging that not every space is safe and welcoming to legal professionals who do not conform to the common notion of "professional" attire. However, they believe several jurisdictions are changing for the better. In those places, Langer-Osuna encourages individuals to find their power suit and wear it proudly. "Let it give you confidence, and that confidence will show through." In other jurisdictions, especially as laws are passed against the LGBTQIA+ community, Langer-Osuna plays it safe. They try to pass unless they know the judge's stance on queerness. Even in more conservative jurisdictions, the LGBTQIA+ community has representatives among the judiciary, and Langer-Osuna encourages queer individuals to follow those representatives' lead as best as possible.

<sup>&</sup>lt;sup>34</sup> (link).

<sup>&</sup>lt;sup>35</sup> (<u>link</u>).

<sup>&</sup>lt;sup>36</sup> (<u>link</u>).

Regarding the currently accepted terminology – such as reclaiming the term "queer" – Langer-Osuna makes it a point to see where the community is on such terms. For example, before speaking publicly or publishing an article, they check in on the latest conversations, as the preferred terminology evolves with time. In their personal life, with the current degrees of freedom they experience, Langer-Osuna admits that they sometimes enjoy aspects of their masculinity, thus, they still sometimes present as masculine.

Regarding activism, they serve on the board of the National Trans Bar Association,<sup>37</sup> and maintains an active pro bono practice assisting the Transgender Law Center's asylum efforts, working for environmental groups, winning cases for local charitable organizations, and helping improve gender equality. Additionally, they serve as: co-chair for BALIF's Community Activism and Social Action Committee, as a non-binary support group facilitator, director of the Western Cave Conservancy, chairperson of San Francisco Bay Chapter of the National Speleological Society, and as an advisory board member for the Squire Patton Boggs Foundation.<sup>38</sup> While Langer-Osuna understands that activism-oriented trans folks oftentimes feel the need to focus their efforts on helping trans people survive and repel the consistent attacks on the trans community, apart from being a zealous LGBTQIA+ rights activist, Langer-Osuna is also a passionate environmental activist. They point out that both causes are concerned with ensuring that everyone lives in a safe and hospitable world. Their intersectional activism is inspired in part by parenting two teenagers and Langer-Osuna's desire to preserve a hospitable environment and accepting society for their offspring - especially because one of their kids is on their own gender journey.

Langer-Osuna acknowledges they are "standing on a lot of shoulders" of activists who have done important work improving acceptance and normalizing inclusive vocabulary.<sup>39</sup> To the trailblazers of the 70's who pioneered legal activism for equal rights and

<sup>&</sup>lt;sup>37</sup> National Trans Bar Association Board of Directions, (link).

<sup>&</sup>lt;sup>38</sup> Rafael Langer-Osuna, (<u>link</u>).

<sup>&</sup>lt;sup>39</sup> (link).

protection under the law regardless of sexual orientation and gender identity, Langer-Osuna says "Thank you. Thank you very much."

#### <u>**Hayden DePorter**</u> (they/them)



Hayden DePorter is a non-binary transgender appellate law clerk at the Colorado Court of Appeals.

From 2014 to 2018, they attended University of Wisconsin - Madison. There, DePorter felt stuck – changing their majors close to a dozen times because they could not find their passion. They decided to pursue a law degree

because they were very involved in environmental justice throughout their college years and a biology degree had very few job prospects.

DePorter had an affirming and validating law school experience while attending University of Denver, Sturm College of Law from 2018 to 2021. Although there were some professors who "just didn't really understand," overall, everybody celebrated DePorter's identity and supported them completely. They became bonded with several professors who mentored DePorter and encouraged them be a whole-hearted person. Four of their law school professors even attended DePorter's wedding after their graduation. While DePorter is aware that having such close connections with professors is unusual for law students, DePorter enjoys those strong interpersonal relationships with their former professors because they made an effort to foment lasting bonds.

And while their law school experience was overwhelmingly positive, DePorter recalls occasional microaggressions. The most memorable microaggression being when a professor asked them if they could "self-impregnate" because they were on testosterone. Besides replying "No," DePorter laughed it off because they did not know how to respond in the moment. However, that experience will stick with them forever as one of the most outrageous things anybody has said to them related to their identity. Nevertheless, they felt more empowered to open up about their identity while in law school than prior to it.

Passionate about LGBTQIA+ activism, during 2019, they interned at One Colorado – an LGBTQIA+ policy non-profit – during their 1L summer. DePorter also joyfully shares that their OUTLaws chapter – which they served as president for – was led by a different non-binary person three years in a row. As a huge advocate for using the "single they" in

legal writing, from 2020 to 2021, they assisted Professor Robert Anderson in writing an article on why the "singular they" should be used in legal writing instead of "his or her." DePorter felt empowered by this opportunity and is proud of the widely impactful article that resulted. DePorter was also part of the Colorado LGBT Bar Association in law school and is currently a part of the Board. This association was a way for them to find community when they moved to Denver and has provided invaluable support since.

When applying to sit for the Colorado Bar, DePorter had to explain why they changed their legal name. They were uncomfortable by this inquiry, to which they replied they were "trans" and had to provide documentation of their name change. Nevertheless, DePorter has always been extremely open about their identity, such that when they introduce themselves to someone they do not know or are in a group setting, DePorter always introduces themselves with their name and pronouns.

Mentorship was incredibly important to DePorter while in law school, and they are grateful to now pay it forward. Social media has allowed them to connect with people who do not have a physical community they can connect with. In general, social media has been incredibly important to DePorter throughout their transition and gender journey, as it has allowed for the LGBTQIA+ community to have increased visibility and show up as their most authentic selves.

Since fall 2021, DePorter has worked as an appellate law clerk at the Colorado Court of Appeals. They acknowledge they are incredibly lucky to be in a supportive work environment that makes it easy for them to be themselves. For example, on International Non-Binary People's Day, their coworkers surprised them by taking them out to ice cream and celebrating them and their identity. DePorter wishes that kind of support upon everybody in the LGBTQIA+ community - in their law schools, LGBTQIA+ student organizations, and work environment.

#### Kai (they/them)

Kai<sup>40</sup> is a non-binary BIPOC law student attending their third year at Loyola Law School and expects to graduate in Spring 2023.

In college, Kai co-founded the Middlebury Gender Council, a body of students, staff, and faculty that advocated for more affirmative policies and infrastructure for LGBTQIA+ people on campus. One specific win was in 2011, when Middlebury Gender Council was able to get all-gender bathrooms in public buildings on campus. After college, Kai was a legal intern and then a collective member of the Transformative Justice Law Project of Illinois – an organization that provides free, zealous legal assistance to trans people in Chicago. Subsequently, Kai worked as a core leadership member of i2i: Asian Pacific Islander Pride of Chicago. During their tenure in Chicago, Kai was active in immigrant and racial justice work that was often led by queer and trans BIPOC. LGBTQIA+ identities, histories, and advocacy were often central to this work, and many of the organizing and activist spaces Kai was in were queer and trans affirming.

During the law school application process, a recommender from college asked what pronouns she should use for Kai – considering law schools can be conservative and using "they/them" pronouns could negatively impact their chances of admission. That was a hard but honest question from a mentor, and a difficult possibility to consider.

Nevertheless, Kai asked the recommender to refer to them using "they/them" pronouns – and proceeded to register with those pronouns as well.

Kai started law school in 2020; thus, their first year of legal education was completely virtual. They joined OUTLaw as a 1L and felt grateful for this warm space that met regularly over Zoom. OUTLaw has been affirming and a positive contribution to their law school experience by providing a space where they are surrounded by other queer law students who are "looking out" for each other. As a rising 3L, Kai is especially excited about the buildout of the Legal Name and Gender Marker Clinic – founded with the purpose of filling the gap in access to legal services available for trans and non-binary individuals in Los Angeles.<sup>41</sup>

<sup>&</sup>lt;sup>40</sup> Kai asked for a pseudonym to be used instead of their name. This evidences that even in 2022, certain individuals cannot, or choose not to, be public about their LGBTQIA+ identity.

<sup>&</sup>lt;sup>41</sup> The Legal Name & Gender Marker Project, (link).

While Kai cherishes their OUTLaw membership, they have yet to find a space in law school where they feel affirmed in their gender identity. OUTLaw has very few out transgender and non-binary law students, and there is room for growth in regard to members making assumptions about gender identity and pronouns. Although Loyola Law School diverges from the more gender affirming spaces they occupied prior to law school, they have created affirming spaces by working in clinics, developing strong relationships with certain faculty and staff, stepping into leadership roles in student organizations, and building a strong and mighty friend community. They have built community with other queer BIPOC and allies within law school by paying attention to students' in-class statements and following up with them individually outside of class to get to know them better.

Mentorship has been an extremely important part of their law school experience. Their faculty mentor dispelled any doubts about whether law school was the right decision for them, and has encouraged Kai's activism, advocated for them every step of the way, and has reminded them they belong in law school. And while their close friends are better about their pronouns than their professors, Kai remembers that a professor they had their first year was particularly good about their pronouns – and he just happened to be the professor they differed from the most politically. This was simultaneously affirming and confusing.

Although it is increasingly common for introductions to include pronoun sharing, it can be hard to share one's pronouns in law school spaces — especially because non-binary pronouns are rarely respected. Thus, knowing their "they/them" pronouns likely will not be honored, Kai has pivoted to saying they prefer their nickname over pronouns. Because the fidelity of respecting pronouns is often lacking, pronouns and pronoun sharing end up benefitting cis people more than the trans and non-binary community. Kai asserts it can be hard to experience that anxiety of pronoun sharing, deciding to disclose their pronouns, and ultimately people failing to correctly refer to you repeatedly. Although their gender identity and sexual orientation were a big part of their life and communities

prior to law school, the invalidating environment in law school has forced them to minimize those parts of their identity.

For Kai, one of the most challenging parts of law school has been having their identity repeatedly invalidated and dismissed. For many years, they presented their gender differently: they had short hair, wore a chest binder daily, and chose clothes that minimized their hips and chest area. Now, as a law student, they present much more femme: they have long hair and do not bind. However, they stopped binding because of disability and chronic pain, not by choice. Kai asserts they are regularly misgendered and their identity is routinely invalidated, as people seem to "forget" because they can no longer "see" the gender variance on Kai's body and in their presentation. Nevertheless, Kai stresses that our identities should be validated irrespective of our gender presentation.

In academia, it seems like anti-discrimination policies within institutions bring about change primarily when the policy has a parallel program that affirmatively advances social justice and equity. Thus, Kai is hopeful that the ideas the Loyola Anti-Racism Center and student organizations are sharing with Loyola Law School can build an infrastructure that is not only responsive, but proactive. And although Kai predicts they will feel pressured to minimize their identity and activism once they start practicing law, they are actively seeking out queer and trans affirming organizations for post-graduation employment.

For Kai, the term "queer" has been incredibly affirming for their personal and political identity. After finding a political home in queer organizing, activism, and theory, they feel some sensitivity to "queer" being used as an identity absent political and historical considerations — although they also believe in gender and sexual self-determination. Similarly, many older generations identify proudly and publicly as lesbian, butch, gay, dyke, etc., and use those words knowing they are personally and politically charged. Kai has immense respect for those who came before them — those who resisted through their activism and existence, and who continue to resist — and asserts it is vital to know the history of our movements. Thankful to the previous generations of LGBTQIA+ activists, Kai is particularly thankful to their biggest queer role model: Urvashi Vaid — an incredible activist and lawyer who recently passed away.

#### Sophia Suarez (they/them)



Sophia Suarez is a Latinx non-binary second year law student attending Loyola Law School who expects to graduate in Spring 2024.

One of the most fulfilling projects Sophia has participated in was during their semester abroad in Costa Rica while in undergrad, where they co-created a university-wide art show focusing on LGBTQIA+ artists in the community. However,

frustrated with white cis-heteronormative academia, they knew a law degree would allow them to better help communities and enact meaningful change.

During their first year at Loyola Law School, they joined OUTLaw. Feeling the need to be around other LGBTQIA+ students, Sophia found a community within OUTLaw. During their second year, they will act as Alumni Chair for OUTLaw, and will also serve as the Volunteer Coordinator for the Legal Name and Gender Marker Change Project.

Sophia states they currently find the school campus to be a very impersonal environment - which does not lend itself to the celebration of diversity - and would like to see LGBTQIA+ groups, as well as other affinity groups, have a greater presence on campus. Furthermore, some professors and staff are not informed about LGBTQIA+ issues and experiences, and harm students through their lack of knowledge. For example, during a class, a guest speaker misgendered a transgender individual several times. Sophia spoke privately with the speaker and told her that behavior was unacceptable and conveyed a lack of care for the LGBTQIA+ community. The speaker stated it was unfair for Sophia to accuse her of not caring about the transgender community because she both works with, and is part of, the LGBTQIA+ community. While the conversation stopped there, Sophia was taken aback that an LGBTQIA+ person would use her work and identity as a shield from criticism. Additionally, one of their professors had a transphobic exam in their exam bank. Concerned for the student body, Sophia emailed the professor, who responded he was sorry they were offended but he would not take the exam down. Although Sophia notified the school's administration, nothing substantial was done and the exam remained up through the end of the year.

Echoing the sentiments of other queer law students, Sophia asserts that while academic institutions strive to appear welcoming to diverse students, they can fail to meaningfully

address issues when they arise. For example, the administration encourages placing pronouns in Zoom and email signatures but does not act to prevent transphobia in academic settings. Similarly, restrooms have signs that read "Please use the restrooms that fit your gender expression," yet the restrooms are still labeled for males or females. And while some students and faculty know students are LGBTQIA+, and are aware of others' pronouns, they continue to misgender individuals and use gendered language across interactions.

Through their involvement in organizations, Sophia wants to encourage a more welcoming environment for new students and continue to develop a community that LGBTQIA+ students can rely on. Furthermore, since language reflects society's everdeveloping changes and advancements, they appreciate the shifting language regarding gender and sexual orientation – including the reclaiming of the term "queer" and normalization of non-binary pronouns. Also, Sophia asserts social media has given a voice to many members of the LGBTQIA+ community that would otherwise not have a platform and has helped record LGBTQIA+ history and made it more accessible to the masses.

Although they strive to be honest and vocal about their opinions, Sophia acknowledges there is always a worry that a secret agent from the State Bar is watching over their social media accounts, and that could result in problems when submitting their Moral Character Application to sit for the Bar. The ever-present vigilance of cis-heteronormative legal institutions also translates into the dread of having to sensor their activism and identity once they start practicing law.

Sophia asserts the best gratitude this generation of LGBTQIA+ activists can give the trailblazers from the 1970's is to continue their work in fighting for our rights and the rights of other oppressed groups.

#### Mia (she/her/ella)

Mia<sup>42</sup> is a bisexual Latinx third-year law student attending Loyola Law School and expects to graduate in Spring 2023.

<sup>&</sup>lt;sup>42</sup> Mia asked for a pseudonym to be used instead of their name. This evidences that even in 2022, certain individuals cannot, or choose not to, be public about their LGBTQIA+ identity.

Mia values the work the LGBTQIA+ community has done to reclaime the term "queer," and chooses to refer herself as such – as well as bisexual. To her, "queer" means things beyond sexual orientation – including existing beyond binaries – such that she is comfortable owning the term because it is true to her identity and the lens with which she sees the world. Nevertheless, she acknowledges that her privilege as a cisgender and straight-passing woman of color has shielded her from sexual orientation or gender identity discrimination. Similarly, her pronouns match the heteronormative perception of her hyper femme gender expression, such that she feels comfortable asking others to refer to her using "she/her/ella" pronouns.

For Mia, law school has been both invalidating and reaffirming. It has been reaffirming in that she has sought out queer advocacy groups designed to build community among queer students. Those spaces have been helpful to her own journey of feeling like she can be present in professional spaces as her true and authentic self. However, she has witnessed how law school structures invalidate the experience of her non-binary peers and fail to create an environment where non-binary students are encouraged to, or comfortable in, showing up as themselves.

When asked whether she has taken a class where gender identity and sexual orientation were addressed in a particularly positive or negative way, Mia shares that in her Constitutional Law class, Professor Kimberly West-Faulcon made an effort to champion the LGBTQIA+ movement and bridge its history to the material in the course in a way that was positive and demanding of justice for the way transgender individuals are targeted across the United States today. Similarly, Race and the Law with Professor Priscilla Oen was a space where intersectional discussions led to the unpacking of the duality of the law - as both a vehicle for justice, as well as injustice. Mia contrasts her experience with professors and students in these classes – who are open minded and supportive of various perspectives on a range of topics affecting QTBIPOC and their interactions with the law – against those in other doctrinal classes, where students often voice disdain during intersectional conversations.

During her remaining time as a law student, Mia's primary goal as an activist is to improve access to gender affirming spaces for her LGBTQIA+ peers and future students. As someone with institutional privilege – even if on a small scale – she seeks to uplift

LGBTQIA+ public interest law students, and funnel resources and opportunities for them to be prepared to take on public service advocacy post-graduation. Mia further asserts that social media is a powerful tool for LGBTQIA+ advocacy, as well as to connect people to resources. As part of her public interest advocacy, she has engaged in LGBTQIA+ activism and she has sought to support others' work via social media.

On occasion, Mia has felt compelled to disclose her queer identity so that her presence in queer-only spaces is not questioned. As a result of her straight-passing hyper femme gender expression and her partner being a straight cisgender man, she has been told implicitly she is not "queer enough." Because her queerness often feels invisible in both queer and straight spaces, she constantly reminds herself that her partner's gender does not make her any less bisexual – and she wishes this was more widely understood in the LGBTQIA+ community.

Mia has endless love and gratitude for the trailblazers of the 1970's who pioneered legal equality – particularly for the QTBIPOC elders. She believes the law is strengthened by those doing grassroots work, and those most directly impacted by inequity. By uplifting LGBTQIA+ stories, we get closer to creating a future of intersectional sustainable change. Leaders like Marsha P. Johnson, Miss Major Griffin-Gracy, and Sylvia Rivera set the foundation for young people to continue the fight for queer liberation, such that today, attorneys are well positioned to show up as movement lawyers and lend their expertise to the LGBTQIA+ movement.

#### **Going Forward**

Coming to terms with one's own identity is an immense hurdle that is further complicated by intersectional factors including one's race, perceived or assigned gender, cultural upbringing, and profession. And pursuing a career in the legal field – which is notorious for homogeneity – does not simplify one's identity journey. Nevertheless, judges, lawyers, legal academics, and law students are increasingly unwilling to sever their identity from their careers and are demanding a profession that accepts individuals as their authentic selves.

Through the accounts of the current LGBTQIA+ law students, it is apparent that there is a vast room for improvement within legal academia, since institutions are more

concerned with the appearance of inclusivity than actually creating an environment that makes diverse students feel welcomed. Alejandra Caraballo asserts that early outreach is vital for queer BIPOC to succeed in the law.<sup>43</sup> Similarly, Alexander Chen stresses that LGBTQIA+ representation and advocates affect the work the legal field prioritizes; thus, to foment systemic change, the legal field must hire minority law school graduates who are qualified for the job even if they do not have prestigious credentials.<sup>44</sup>

And while change can be progress, it can also be a regression. In June 2022, the Supreme Court ruled that there is not a fundamental right to abortion.<sup>45</sup> In his concurring opinion, Justice Thomas asserted that the rationale applied in the holding could similarly be applied to other fundamental rights - including the freedom of choice to engage in consensual sexual acts between same-sex individuals and the right to same-sex marriage.

While much progress has been made since the 1970's, it is vital that the current and future generations of law students and legal professionals continue to actively advocate for equality and basic human rights for individuals regardless of a person's identity. Such advocacy is essential to prevent further retrogression in rights and liberties.

<sup>&</sup>lt;sup>43</sup> Orion Rummier, Meet the First Trans Women of Color to Teach at Harvard Law, The 19th (Aug. 24. 2021), (<u>link</u>).

<sup>&</sup>lt;sup>44</sup> Orion Rummier, Meet the First Trans Women of Color to Teach at Harvard Law, The 19th (Aug. 24. 2021), (<u>link</u>).

<sup>&</sup>lt;sup>45</sup> Dobbs v. Jackson's Women's Health Organization, 19-1392, 597 U.S. (2022).

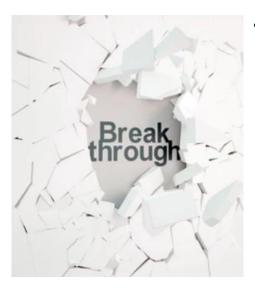


### Birds of a Feather

Project and Participants



# Birds of A Feather



• Birds of a Feather Flock Together\* and that is how and why organized LGBTQ law student activism began in 1972 – first in Los Angeles, then in San Francisco, Madison, and Buffalo. That was the same year the American Bar Association held its first forum on gay rights at an annual conference. The nation's first gay legal organization – the Gay Legal Caucus of the Gay Activists Alliance -- an association of New York lawyers, law students, and legal workers was also created in 1972.

To commemorate the 50<sup>th</sup> anniversary of these historic events, we are producing a series of short videos, a memory book, and a webinar. The project serves two purposes: to honor the LGBTQ law student trailblazers and lawyers of the 1970s; to educate the current generation of lawyers and law students about events that helped build the foundation of many of the LGBTQ rights we enjoy today. It took courage to openly advocate for lesbian and gay rights in an era when the full weight of society condemned homosexuality and those "afflicted" with it. We were labeled as criminals, diagnosed as mentally ill, damned to hell by most religions, unwanted by most employers, rejected by the military, and shunned by many families.

\*The phrase *Birds of a Feather* was inspired by chapter one of *The Domino Effect* book. https://dominoeffectbook.com/



# **Project Staffing**

























**Top Row:** Tom Coleman, Sheri Kellogg, John DiPietro, Maria Reyes Olmedo **Middle Row:** Joseph Reyes. Jenny Coleman, Mike Kiraly, David A. Reichard **Bottom Row:** Gurdeep Singh Raina, Kelly Blair. Richard Cox, Sarah Barlow



### **Staffing Details**

#### **Top Row:**

Tom Coleman is the director of the project. Sheri Kellogg is social media advisor for the project. John DiPietro is the associate director of the project. Maria Reyes Olmedo is writing a chapter in the Memory Book.

#### Middle Row:

Joseph Reyes is an attorney writing biographies of pioneering lawyers. Jenny Coleman is website designer and webmaster for the project. Mike Kiraly is a research advisor for the project. Prof. David A. Reichard is writing the preface of the Memory Book

#### **Bottom Row:**

Gurdeep Singh Raina is an outside strategic advisor for the project. Kelly Blair is a research associate with the project. Richard Cox is copy editing and proofreading biographies. Sarah Barlow is editing videos of interviews of webinar presenters.

Spectrum Institute 1717 E. Vista Chino A7-384 Palm Springs, CA 92262 (818) 230-5156 https://spectruminstitute.org/













## Who is involved? Sponsors



The Williams Institute is a major donor to the Birds of a Feather commemoration and will host the webinar. It is the leading research center on sexual orientation and gender identity law. It ensures that facts — not stereotypes — inform laws, policies, and judicial decisions that affect the LGBT community.



With representatives from nearly 200 ABA- approved law schools, the <u>Law Student Division</u> of the American Bar Association is sponsoring the project.



Founded in 1979 as Lawyers for Human Rights, the LGBTQ+ Lawyers Association of Los Angeles is a major donor to the project.



## **Sponsors**



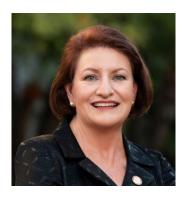
The David Bohnett Foundation is a major donor of the project in memory of Rand Schrader. Rand was the second openly gay judge in the nation, having been appointed by Governor Jerry Brown in 1980.



Dick Gayer (left) was a trailblazing law student and pioneering lawyer in the 1970s. He is a major donor to the project in memory of his life partner, Chuck Marquis, who passed away in May 2022.



The Tom Homann LGBT Law Association is a benefactor to the project.



California Senate President Pro Tem Toni Atkins (left) and Senator Christine Kehoe (ret) made a major donation to the project.





### **Sponsors**



California Legislative LGBT Foundation in partnership with the California Legislative LGBTQ Caucus are major donors to the project. Formed in 2002, the caucus provides a forum for legislators to discuss issues that affect LGBTQ Californians and to further the goal of equality and justice for everyone.









Assembly Members Alex Lee, Christopher Ward, Evan Low, Sabrina Cervantes











Senate President Pro Tem Toni Atkins and Senators John Laird, Scott Weiner, Susan Talamantes Eggman. Insurance Commissioner Ricardo Lara is an ex officio member.



## Sponsors



Mel Heifetz is a major donor to the commemoration. Based in Philadelphia, Mel is a real estate developer, philanthropist, and LGBT rights advocate. He is a nationwide supporter of gay rights causes in America. In 2018, he was given the Philadelphia Award.



The David B. and Edward C. Goodstein Foundation became a major donor to the commemoration in memory of David Goodstein (photo). David purchased The Advocate in 1975 and transformed it into the nation's premier LGBT news magazine.



The Sentience Foundation is a major donor in memory of Arthur C. Warner (photo). Arthur became a gay rights advocate in the 1950s. He founded the National Committee for Sexual Civil Liberties in 1970 and was a mentor to gay law students and lawyers in the 1970s.



The Bob Ross Foundation is a major donor in honor of trailblazer Tom Horn. Tom was general counsel to the *Bay Area Reporter* for several years and became its publisher after its founder, Bob Ross, died in 2003.





### Benefactors



Richard Carbonaro & John Adam DiPietro



Tom Coleman & Michael Vasquez



William Breto & Dr. Fred Brugal



Marilyn & Sharon Hedges-Hiller



**Gerald Gerash** 

### **Organizational Sponsors**



OutLaw is an association of lesbian, gay, bisexual, transgender, and queer (LGBTQ) students and their allies at Loyola Law School in Los Angeles, California.



Boston University School of Law is ranked among the top law schools in the nation. OutLaw is the school's student group for gay, lesbian, bisexual, transgender, questioning, and allied students.



### **Endorsements**

The following nonprofit organizations and student associations have endorsed the project.



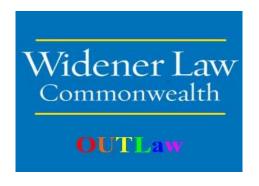
The Rainbow Roundtable of the ALA was the nation's first LGBT professional organization.



Then called the Gay Community Services Center, the Los Angeles LGBT Center was where the first gay law student association in the nation held its meetings in 1972.



With over 900,000 members, Equality California is the nation's largest statewide LGBTQ+ civil rights organization.



Widener Commonwealth Law School's OutLaw student organization provides a safe forum for self-expression and addresses social and legal issues affecting the LGBTQ+ community.



### **Endorsements**



SacLegal, Sacramento's LGBTQ+ Bar Association, is comprised of attorneys, professionals and legislative advocates affiliated with the County Bar Association.



The History Project documents the history of New England's LGBTQ communities and shares that history with LGBTQ individuals, allies, and organizations as well as the general public.



Founded in 1987, Lambda Archives of San Diego is an all-volunteer, nonprofit organization. Expanding its holdings over the years, it is now one of the best-maintained collections of LGBT history in the nation.



While its original focus was on the history of Cleveland and the Western Reserve, the Western Reserve Historical Society now concentrates on the history of Northeast Ohio.



## Individual Supporters

These are some of the individuals who made donations to the project.



Appointed to the bench by Gov. Jerry Brown in 1979, Stephen Lachs was the first openly gay judge in the nation. As a public defender in 1972, he was a mentor attorney to the first gay law student association.



Before retiring from the bench, Burt Pines was a judge in the Los Angeles County Superior Court. During his tenure as Los Angeles City Attorney in the 1970s, he hired the first openly gay and lesbian attorneys in that office.



Dan Pinello (1975 – NYU Law School) is a LGBT law student trailblazer from the 1970s. A CUNY professor for many years, he the is author of *Gay Rights and American Law* (2003) and *America's Struggle for Same-Sex Marriage* (2006).



Kinna Patel Crocker is the chair of the LGBTQI Law Section of the Sonoma County Bar Association. She was named one of the Best LGBT Lawyers Under 40, Class of 2013, by the National LGBT Bar Association.



## Individual Supporters

These are some of the individuals who made donations to the project.



Arthur Leonard (1977 – Harvard) was a founding member of the New York Law Group in 1977, which is known today as the Bar Association for Human Rights of Greater New York.



Lousene Hoppe is the current president of the National LGBTQ+ Bar Association. She is a litigator at Fredrikson & Byron, P.A. where she represents individuals and corporations in a variety of criminal cases.



Jay M. Kohorn (1974 – UCLA) was a law student in the 1970s who became a trailblazing attorney. In 1983 he won a landmark case in the California Supreme Court voiding mandatory sex registration for consenting adult sex.



Nick Russo (1971 – Case Western) was a founding director of Lambda Legal Defense and Education Fund.



## Individual Supporters

These are some of the individuals who made donations to the project.



John Ward (1976 – Boston University) was the founder of Gay and Lesbian Advocates and Defenders and an advocate for justice and equal rights for decades.



Leonard Graff (1975 – Cooley) is a LGBT law student trailblazer from the 1970s. He was the legal director for the National Gay Rights Advocates in the 1980s.



Gerald Gerash was a trailblazing attorney for gay rights in Colorado. He founded the Gay Coalition of Denver which was a potent political force during the 1970s.

Other donors include: Barry Greenberg in memory of David Rosenbaum; Lisa Knox in memory of Craig Patton; Mark Urbach in memory of Keith Urbach; and attorney Mark Danek.



### **Messages from Sponsors**

### Tom Homann



**Tom Homann** portrait by Julie Warren

Known by his friends as a champion of free speech and free liberties, Thomas F. Homann, or Tom, moved to California from the Midwest in 1952 as a child. He graduated from UC Santa Barbara and earned his law degree from Western State University in San Diego. He passed the bar exam in 1978, and made San Diego his home, defending First Amendment and constitutional rights, especially for those in the minority or shunned from society. Among his notable cases: a lawsuit preventing the City from shutting down adult bookstores or limiting the materials they sold; a suit against the San Diego County Sheriff's Department over discriminatory hiring policies when they refused to hire gay and lesbian deputies; and representing two sailors with AIDS who the Navy tried to discharge without medical benefits.

He went to the Supreme Court once in 1985, but lost his case. In *California v. Carney*, he argued that the warrantless search of a person's motor home was unlawful because it was a home. The court ruled that motor homes are motor vehicles and fall within a different set of standards

than a residence. In 1990, he was awarded the Ceil Podoloff Award from the American Civil Liberties Union Foundation of San Diego County, for exhibiting "an enduring and significant devotion to the cause of civil liberties." He died in 1991 from complications resulting from AIDS.

### Robert Lynn



**Robert Lynn** portrait by Julie Warren

Robert Lynn, or Bob, was a distinguished lawyer and LGBTQ activist in San Diego. Born in Oklahoma in 1938, Bob received a degree in Journalism from the University of Kansas. That was followed by seven years of service in the United States Navy as a First Lieutenant, serving during the Vietnam War. After his honorable discharge, he received his Juris Doctor from California Western School of Law and was admitted to the State Bar in 1972. He worked pro bono for the San Diego Chapter of the American Civil Liberties Union (ACLU), and was part of a legal team of lawyers who won a case before the U.S. Supreme Court in 1982. In *Kolender v. Lawson*, they challenged the ability of police to demand identification and information from people in open spaces.

He specialized in real estate law, taught advanced legal writing as an adjunct professor at the Thomas Jefferson School of Law and served as a Judge Pro Tem with the Superior Court of San Diego County. Bob was instrumental in empowering the LGBTQ community, founding the San

Diego Democratic Club (now San Diego Democrats for Equality) to empower LGBTQ people in politics, and the Greater San Diego Business Association (now San Diego Equality Business Association) to support LGBTQ businesses. He passed away on September 14, 2021, at the age of 82, and leaves behind his spouse Kleon Howe.

## The Sentience Foundation Salutes the National Committee for Sexual Civil Liberties

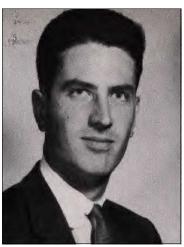
Formed in 1970, the National Committee for Sexual Civil Liberties was among the first professional organizations in the nation for gay attorneys. Arthur C. Warner, a graduate of Harvard Law School, was the founder and co-chair of the National Committee. Professor Walter E. Barnett and attorney Thomas F. Coleman also served as co-chairs.



Arthur C. Warner Photo - 1981



Thomas F. Coleman Photo - 1979



Walter E. Barnett Photo - 1957

As a major donor to the *Birds of a Feather* Project, the Sentience Foundation salutes the founder, co-chairs, and the following members of the National Committee who were trailblazing law students and pioneering lawyers for LGBT rights during the 1970s.

Don Knutson, USC law professor and founder of Gay Rights Advocates; Craig W. Patton, attorney in Columbus, Ohio William B. Kelley, Chicago legal activist, lawyer, and administrative law judge Jay Kohorn Los Angeles litigator and appellate attorney; Jerry Gerash, attorney and founder of the Gay Coalition of Denver; David A.J. Richards, professor at New York University School of Law; William Reynard, Denver attorney who served on the board of the national ACLU; Thomas DePriest, attorney and founding president of the Virginia Gay Alliance; Leonard Graff, legal director of National Gay Rights Advocates in San Francisco; Thomas Horn, San Francisco lawyer and political consultant; Larry Long, staff attorney with the San Francisco Bar Association; Matthew St. George, Los Angeles law student and lawyer; John Vaisey, San Francisco gay rights litigator; and William Gardner, Buffalo litigator and appellate attorney.

The Sentience Foundation, created by Arthur C. Warner and funded by his estate, is a non-profit corporation sponsoring research and programs exploring the expansion of the brain's capacities, its maintenance, and its optimal health.

### In Memory of David B. Goodstein

#### By Edward Goodstein



David B. Goodstein

One incident that sticks out in my mind was the trip David and I took to Europe a few months after our mother died. I was 13; the trip was a bar mitzvah present. At the time, I wasn't in very good shape emotionally. I was devastated about our mother's dying, I missed home, everything seemed strange, and I didn't like the food or the weather or traipsing around museums. And I was whining constantly and being an all-around pain in the ass.

David put up with this for about a week, until we found ourselves on a beach in Venice. When I started my whining routine again, he ordered me to sit down, in a very loud voice. I sat down. And he proceeded to inform me that there are two basic approaches to life. One, he said, is to stand around complaining all the time, and the other is to really live life as it is. He pointed out that the only problem with being a perpetual complainer is that you never notice all the beauty around you.

He said that not only were we on a beautiful beach, but that we were on one of the most beautiful beaches in the world. And that if I didn't at least make an effort to see the beauty around me, I was perfectly free to leave Europe and go home.

That incident said a lot about his outlook on life. I think it was the vision he held for gay people - that gay life should be . . . gay. That there was an important contribution gays could make to the celebration of life, and that to make their contribution, gays needed not to get stuck in the problems and prejudices they encountered.

To me, one of the most inspiring things about David was his courage in the face of human limitation- including his own. David was very human. He was overweight. He had a temper. He was impatient. Sometimes his pride got in his way. But he never tried to disguise any of his humanness, his imperfections. He was willing to go ahead and try to make a positive contribution to the world even though he knew he was far from perfect. I think his willingness to take risks was very courageous, and it's what I respected and admired most about him.

Originally published in "Goodstein Remembered," *The Advocate* (October 1, 1985). The David B. & Edward C. Goodstein Foundation is a major donor to the Birds of a Feather Project.



### A Salute to Los Angeles Law Students and Lawyers Who Advocated for LGBT Rights During the 1970s

The LGBTQ+ Lawyers Association of Los Angeles is pleased to recognize the trailblazing law students and pioneering lawyers who advocated for LGBT rights during the breakthrough decade of the 1970s. Among them are the following individuals who attended law schools or practiced law in Los Angeles and vicinity and whose biographies appear in the Memory Book published by the *Birds of a Feather* Project, to which our association is proud to be a major donor.

Sheldon Andelson

Rick Angel

Robert Blaustein

Thomas F. Coleman\*

**Barry Copilow\*** 

Ron Grayson

Ray Hatler\*

Thomas E. Horn

Marshall Jacobson

Steven Kelber\*

Barry Kohn

Jay Kohorn\*

Jerold Krieger\*

Stephen Lachs

Step May

Susan McGrievy\*

Terrence O'Brien

John O'Loughlin

David Rosenbaum

Rand Schrader\*

Matt St. George

Leroy Walker

G. Keith Wisot

<sup>\*</sup> Founding members of LGBTQ+ Lawyers Association of Los Angeles, known in 1979 as Los Angeles Lawyers for Human Rights.



## Tribute to **Dick Gayer**



Dick Gayer

### **Champion of Employment Rights**

"Dick Gayer was a strong and persistent advocate for equal employment rights for gays and lesbians in the 1970s and 1980s.

"He advanced the theory that the term 'sex' in existing nondiscrimination laws prohibited 'sexual orientation' discrimination. He pressed this issue before the California Fair Employment Practices Commission and the United States Equal Employment Opportunity Commission. He pursued this argument in federal litigation. His advocacy presaged the decision of the United States Supreme Court which embraced this theory in a landmark decision in 2020.

"Dick relentlessly pursued Pacific Telephone and Telegraph Company from 1973 to 1979, challenging its homophobic employment practices in administrative and judicial proceedings. He advocated this cause before the San Francisco Human Rights Commission, the California Public Utilities Commission, the California Superior Court, the California Court of Appeal, and ultimately secured a victory in the California Supreme Court in 1979.

"He also challenged the denial of security clearances to gays and lesbians by the federal government – denials that often resulted in the loss of employment. He sued the Department of Defense and the Central Intelligence Agency in a "David vs. Goliath" manner. The power and resources of the federal government were a challenge but did not stop his pursuit of justice.

"I am proud of Dick for these and many other gay rights accomplishments."

- Thomas F. Coleman

Dick Gayer is a major donor to Birds of a Feather in memory of his life partner Chuck Marquis.





### Memories of Gerald Gerash

The Stonewall uprising and its revolutionary call for gay liberation inspired me in 1972 to cofound Denver's gay liberation organization. Denver soon became a leading gay civil rights city. For us, it was not only fighting oppression, but also of liberating ourselves and creating a powerful community.

300 gay men over a three-month period were rounded up by undercover vice with the use of a bus, "The Johnny Cash Special." We protested at Denver City Council, overflowing its chambers. The lawsuit I previously filed revealed that 98% of everyone arrested during that time, under the "lewd offer" law, were gay men. At the hearing on Oct. 23, 1973, city council agreed that this was discriminatory enforcement, and repealed four anti-gay laws. The lawsuit resulted in prohibiting arrests of gays or lesbians for any act they wouldn't arrest straights for. Between the lawsuit and the action by the city council, real progress was made.

After 50 years of more activism, I am proud that I was part of the long struggle for gay liberation. May our history be a lesson of the need to stand strong against the present ominous threat to our freedoms.



Looking through the pages of this Memory Book: we Remember, we Learn, we Honor, we Hope, and we Boldly Move Forward! A project well done!

John Adam Di Pietro & Richard Carbonaro



Each of us experienced the 1970s in different ways. Tom as a lawyer. Michael as a mental health professional. Society was starting to open up for us. What an amazing decade!

Thomas F. Coleman & Michael A. Vasquez

## These benefactors are proud of the law students and lawyers who courageously advocated for LGBT rights during the 1970s.



As we remember the trailblazers who are deceased, we also thank those who are living for their contributions to LGBT rights as law students and lawyers in the 1970s.

Marilyn and Sharon Hedges-Hiller



We are pleased to support *Birds of a Feather* as our way of celebrating LGBT History Month. Our appreciation is extended to all the legal pioneers of the 1970s.

William Breto & Dr. Fred Brugal



### **Congratulations to the Spectrum Institute!**

The Williams Institute is proud to be part of the legacy created by UCLA Law alumni and others in the 1970s to make law schools, the legal profession, and the broader world more open and accepting for LGBTQ people.

### In special recognition of:

John Vaisey, UCLA Law '69
Thomas E. Horn, UCLA Law '71
John O'Loughlin, UCLA Law '72
Rand Schrader, UCLA Law '73
Jay Kohorn, UCLA Law '74
Steven Kelber, UCLA Law '76

https://williamsinstitute.law.ucla.edu

## The Bob Ross Foundation congratulates



## **THOMAS E. HORN**

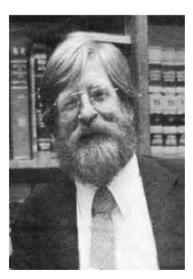
The Bob Ross Foundation is proud that its Trustee has been recognized by the Spectrum Institute as one of many lawyers and law students from the 70's who were in the trenches of the Gay Rights movement. Notable civic contributions include:

- Legal director, New Mexico Chapter of the ACLU, 1972-1976
- Founding board member, Kaposi's Sarcoma Education and Research Foundation, 1982-1983
- Publisher Emeritus, Bay Area Reporter
- President, San Francisco War Memorial and Performing Arts Center
- President, San Francisco Performing Arts Center Foundation
- Honorary Consul of Monaco in San Francisco
- · Chair, San Francisco Paris Sister City Committee



Bob Ross was a co-founder and publisher of the Bay Area Reporter that chronicled the gay rights movement from 1971 forward. Following his death in 2003, the foundation that bears his name continues his philanthropy supporting a broad range of LGBT organizations as well as many arts and cultural entities.





The Tom Homann LGBTQ+ Law Association honors the pioneering lawyer after which it is named, Tom Homann. Tom Homann's trailblazing advocacy secured personal freedoms for all people and has inspired generations of LGBTQ+ legal professionals in the San Diego community. THLA proudly carries on Tom's great legacy.

### **CAPACITY TO LOVE**

A Campaign of Spectrum Institute



Capacity to Love is a campaign to protect the social and sexual rights of adults with mental or developmental disabilities regardless of sexual orientation or gender identity. This includes adults living alone or with a roommate, spouse or family members; those living under an order of conservatorship or guardianship; and those living in licensed settings such as nursing homes or group residences.

Love has many dimensions. Everyone, including adults with disabilities, has a capacity to love — whether through a family relationship, friendship, romance, sexual relationship, marriage, or having children. The right to express love through social or sexual interactions is protected by constitutional and statutory provisions of law. Restrictions on such rights, if supported by compelling circumstances, should be narrowly tailored.

Capacity to Love promotes the education of adults with mental or developmental disabilities about their social and sexual rights and responsibilities. It also promotes the education of guardians, conservators, and service providers of their legal duty to respect these rights – appropriately considering freedom of choice and freedom from abuse.

Tens of thousands of adults of all ages – from young adults with developmental disabilities to seniors with cognitive disabilities – will benefit from the *Capacity to Love* campaign.

We are seeking financial support for *Capacity to Love* from individuals, businesses, foundations, bar associations, and a social service organizations throughout the nation.

We are more powerful working together as a coalition: people who advocate for conservatorship and guardianship reform, people who advocate for disability rights, people who advocate for LGBT rights, and people who advocate for reproductive rights. Let's keep in mind: *We're all in this together*.



https://spectruminstitute.org/ - tomcoleman@spectruminstitute.org



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