

Champions for Sexual Freedom

My Time with the National
Committee for Sexual Civil Liberties



Jay M. Kohorn Presents Thomas F. Coleman with the
Mathew O. Toriner Sexual Civil Liberties Award in 1981

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A Memoir by Thomas F. Coleman

**In memory of the members of
the National Committee for
Sexual Civil Liberties who
have passed on, and with
fondness for the members
who are still with us.**



**To my friends, Martin Butel
and Paula Davis, who are
surrogates for the many
volunteers whose talent
and dedication made the
accomplishments of the
national committee possible.**

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Foreword

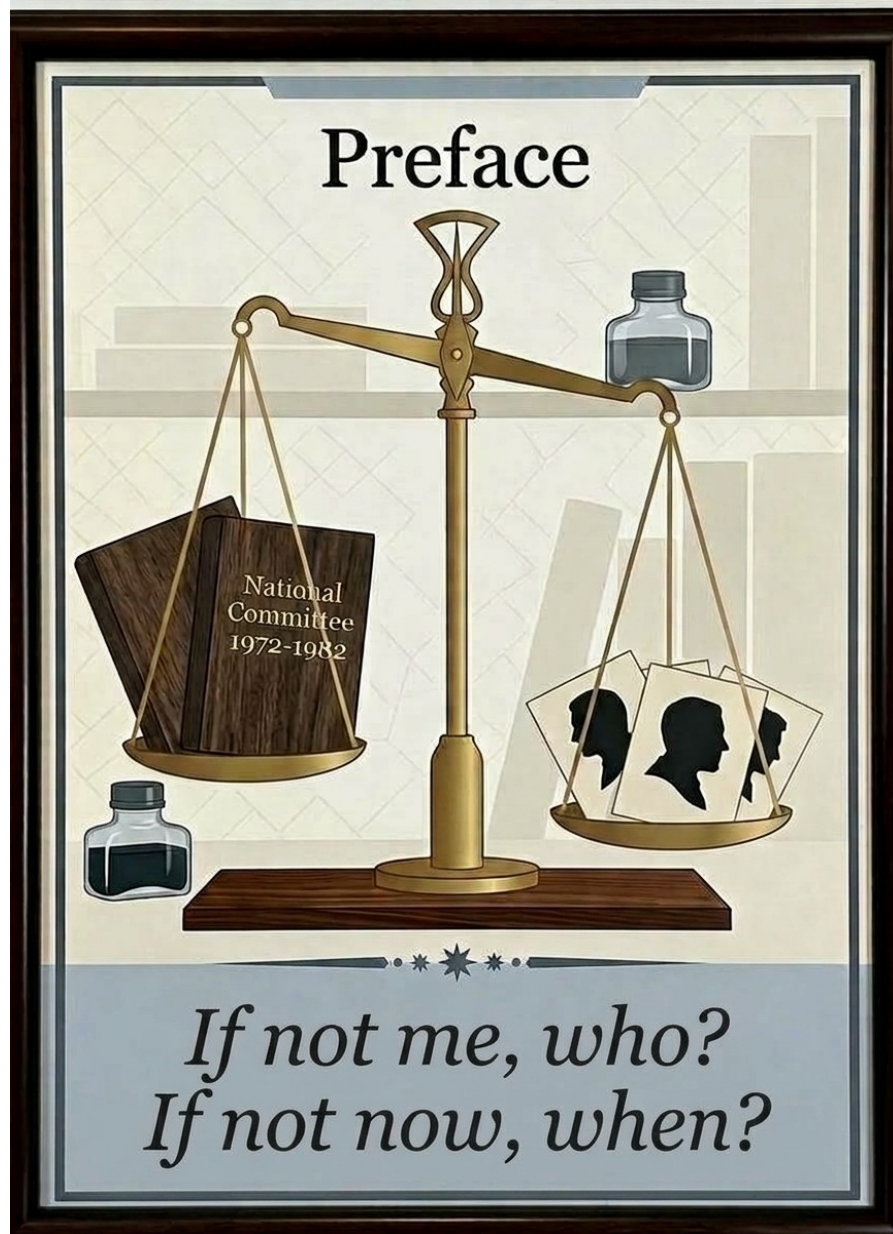
If we really think about it, we must realize that what we call *history* is an illusion, created with snippets of stories and bits of strung-together experiences, but containing a generous accumulation of invisible spaces. What is often missing is authentic details that provide depth of truth and meaning to the stories.

Tom's memories, put to pen in this volume, supply some of the previously unexamined details related to a critical period of time for the LGBTQ+ population, as well as the larger civil rights movement in this country. Here are lessons to be learned and role models to appreciate and to emulate.

I very much like the organization of the book. Tom provides the reader with an overall and well-documented history of the period and the movement to achieve what was previously *unthinkable* social change. He includes his own personal landmark participation, providing examples of what I've always felt was the genius of his vision. He then lists and gives credit to colleagues, friends, and "co-conspirators," many of whom would otherwise remain historically invisible.

This is a tale of how a few individuals changed both the law and society in fundamental ways. Importantly, they successfully altered the perception of much of the world, changes that we now take pretty much for granted. In fact, the younger generations likely have no idea and would have difficulty even imagining how much blood, sweat, and tears went into the effort! To say nothing of the courage it took to overcome the dangers and the great personal fear prevalent at the time.

– Jay M. Kohorn
Los Angeles
October 4, 2026



The story of the National Committee for Sexual Civil Liberties has never been told. This book will fill the vacancy in historical accounts of how sexual freedom was achieved in the United States, how legislation was enacted and court cases were won, and how the criminal structure that propped up sexual orientation discrimination was being dismantled during the 1970s. How the status quo of criminality and oppression against consenting adult sex, especially homosexual sex, was challenged by a small group of academics and professionals who worked individually and collectively to end this criminality and the resulting discrimination. The stories told so far are missing one big piece of the reform movement.

The National Committee for Sexual Civil Liberties was founded in 1970. I joined the group in 1972 and served as its co-chair from 1974 to 1981.

During the 1970s, nearly three dozen men, most of them gay, would participate as members of the committee. Because its mission focused on laws criminalizing consenting sexual conduct, lesbians were not drawn to the group. Most lesbian law students and lawyers who were open about their sexual orientation in the 1970s joined women's rights organizations and tried to get those groups to make lesbian rights a priority.

Most of the men who were members of the committee have passed on. I am one of the few members who are still alive. Not quite the "last man standing," but close to it. And I am pushing 79. So if not now, when?

I am in a unique position to tell the story, or more aptly stated, stories. I kept records from that era of my research, education, and advocacy activities, many of which were done in the name of the committee. When I thought I would take an early retirement from the practice of law in 2008, I decided to donate my civil liberty records to the One Gay and Lesbian Archives at the University of Southern California. Before I turned them over, however, I scanned nearly 11,000 pages of relevant documents. Today these records are available online in my professional [archives](#). Many of them are also accessible through Internet links embedded in my [curriculum vitae](#).

The story of my professional life as a sexual civil liberties advocate is told in memoirs I published in 2009. [*The Domino Effect*](#) includes some stories of my work with the national committee. But telling the story of the committee itself has waited until now.

Arthur C. Warner, founder of the national committee, was a pack rat. He saved thousands of documents related to his work – before, during, and after the committee. When he died in 2007, his papers were donated to Princeton University. They were stored, mostly unorganized, in more than 50 cardboard boxes at the Sealy G. Mudd Manuscript Library. Perhaps two or three researchers would access these materials each year. The documents were theoretically available, but practically inaccessible.

I decided to bring the [Warner Collection](#) to life, so to speak. In November 2023, I approached the librarian with a proposal to digitize the most important materials in the Warner collection so that these historical papers would be available to scholars, students, historians, and authors anywhere in the world. I spent nearly a week in Princeton, reviewing some 40,000 pages of materials to identify those most worthy of being digitized. Many of those pages are now available [online](#). However, they include thousands of pages that are not relevant to the national committee. Therefore, I uploaded documents involving the national committee to the Spectrum Institute website in three categories: pre committee era [1955-1970](#); committee era [1971-1981](#); and post committee era [1982-2000](#).

In 2022, in commemoration of the 50th anniversary of the founding of the first gay law student organization in the nation – a group for which I served as founding president – I published what I call a “memory book.” It focused on the activities of open LGBT law students and lawyers in the 1970s. A large section of the book – [*The Seventies: A Breakthrough Decade for LGBT Rights*](#) – included one or two page biographies of these trailblazers. That section contained biographies of those members of the national committee who were lawyers or law students. But the committee included members who were academics and professionals in a wide range of fields, including history, sociology, psychology, theology, and literature. Their biographies are contained in this book, along with copies of those for the national committee lawyers from The Seventies book.

In addition to being nearly the last man standing, I am the only person who has the records to supplement and activate my memory of the national committee and the amazing men with whom I was privileged to associate for a transformative decade in my life. The personal relationships and professional comradery enhanced my life at that time, and triggered a series of cascading events that over the subsequent decades proved to be highly beneficial to me.

With this as a historical context, I am pleased to present the story of the National Committee for Sexual Civil Liberties and the biographies of its members.

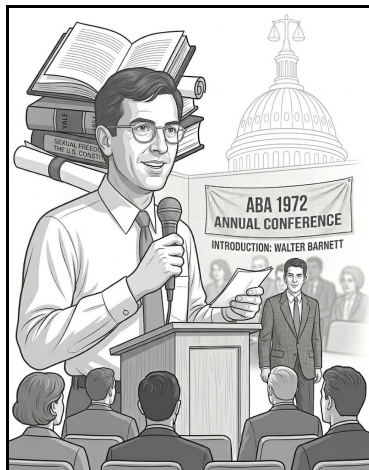


Arthur C. Warner
Founder
National Committee for Sexual Civil Liberties

The 1970s was a decade of transformation on many levels for me. Personally, politically, and professionally. My evolution coincided with major changes in how society viewed and regulated consenting adult sex in general and homosexual relations in particular. A catalyst in this transformation – both individually and collectively – was a small network of academics and professionals known as the National Committee for Sexual Civil Liberties. These are my recollections of the impact of the national committee on sexual law reform in the United States, as well as my perspectives on how my membership in the committee affected me personally as it made me a more effective equal rights advocate.

Introduction

The date was August 15, 1972. The place was San Francisco. The venue was the annual meeting of the American Bar Association. As I looked around the conference room, I had to pinch myself. Questions raced through my mind. Was this really happening? Was I really able to pull this off? What would come of this gathering of lawyers and law students?



I was at a podium introducing the featured speaker: Professor [Walter Barnett](#). The event was the first forum on gay rights ever held at a national meeting of the ABA.¹ Barnett, then a visiting professor at Hastings Law School, would discuss highlights from a book to be published the following year. Titled *Sexual Freedom and the Constitution*, research for the book was funded by a grant from Hugh Hefner's Playboy Foundation.

As I looked around the room at the assembly of lawyers and law students, I could tell that I was not the only one who was excited about this gathering. We all seemed to sense that we were making history, and hopefully would eventually move the lawyer's association to support equal rights for members of the legal profession, especially those who would choose to be openly gay or lesbian.

The forum, which I organized and promoted for several months, was an outgrowth of my introduction to the ABA by a fellow gay law student at Loyola Law School. Marshall Jacobson and I and several law students from other law schools in Los Angeles had formed the first gay law students association in the nation in April 1972.²

¹ [The Seventies: A Breakthrough for LGBT Rights](#) (Spectrum Institute Press, 2022), p. 58.

² Chapter 1: Birds of a Feather, [The Domino Effect](#) (Spectrum Institute Press, 2009), p. 8.

At that time, Marshall was Loyola's delegate to the Law Student Division of the ABA. Marshall pulled some strings and arranged for me to replace him when he graduated in June 1972. Marshall was still in the closet at the time. When I attended the Law Student Division meeting of delegates in San Francisco that year, it turned out that I was the only openly gay delegate among the hundred or so student representatives.

After the forum ended, I was able to have a conversation with Walter. I learned that he was co-chair of the National Committee for Sexual Civil Liberties. Another member of that committee also had attended the forum. Although not a lawyer or law student, [Bill Kelley](#) was self taught in legal issues. As a gay rights advocate in Chicago who had been involved in law reform efforts for a decade, Bill apparently thought he had spotted talent when he met me. Apparently, he wrote a letter to [Arthur Warner](#), founder of the national committee, suggesting that he should consider inviting me to be a member of this select group of legal practitioners and professors of various academic disciplines.³

A few weeks later, I received a letter from Arthur indicating that he wanted me to meet some of the committee members.⁴ Many were on the East Coast. I told Arthur that I would be attending my sister's wedding in Detroit in November. Arthur organized an impromptu

³ I learned much later that although he had a law degree, Arthur was never admitted to the bar. Details on how his homosexuality messed up his youth, and how an arrest on a "morals charge" kept him from getting a license to practice law, are contained in a book titled "How Sex Became a Civil Liberty," which was published in 2022. "After being arrested for public solicitation in the weeks before he sat for the bar exam, Warner's legal career ended before it began and, in a 'wrenching' move, he prepared to enter the more forgiving profession of academia. Throughout the 1950s and 1960s, Warner taught history while serving as an active member of the Civil Liberties Union of New Jersey, the Mattachine Society of New York, and other homophile groups. After twelve years of teaching at various institutions, Warner resigned in 1968 to devote himself to reforming laws affecting homosexuals."

⁴ Because the mission of the national committee focused on the reform of criminal laws that primarily affected gay and bisexual men (sodomy, solicitation, lewd conduct) who were entrapped by undercover vice officers who saw them as easy targets for arrests, it was mostly male law students and lawyers who were attracted to the group. Lesbian lawyers and law students were drawn to the goals of the women's rights movement, which focused on marital status and sex discrimination. Many of them joined the National Organization for Women and the National Conference on Women and the Law. They used their time and energy to push such organizations from within to pay attention to the legal and political concerns of lesbians. To a large extent, they were successful in doing so. For example, the Eighth Annual Conference on Women and the Law created a Lesbian Law Section of the organization at its annual meeting in 1977. "Legal Conferences," [The Seventies](#), p. 78. In 1971, NOW affirmed a woman's right to define and express her own sexuality. In 1973, a resolution was adopted by NOW to support legislation prohibiting sexual orientation discrimination. In 1975, NOW made lesbian rights one of its national priorities. "Timeline of NOW's Work on Lesbian Rights," [NOW website](#).

meeting of a dozen committee members to occur in Buffalo, New York two days after the wedding. I flew to Buffalo and was able to spend a day with some amazing and highly talented men. On December 11, 1972, Arthur wrote me a letter extending an invitation to join the national committee. Two weeks later, I accepted the invitation.⁵ Little did I know that my decisions to organize the forum in San Francisco and accept the resulting invitation to fly to Buffalo would put me on a trajectory that would change my life, personally and professionally.

Chronological History of the Committee

Although the National Committee for Sexual Civil Liberties was created by Arthur Warner in 1970, the idea of a national legal committee to address sexual law reform was not new. Arthur previously had worked with a few like minded legal people addressing homosexual legal issues in the 1960s. When those alliances, done under the auspices of other organizations, proved frustratingly ineffective to him, Arthur decided to form a new organization. Thus, the creation of the national committee.



The Mattachine Society (initially called the Mattachine Foundation) was founded in 1950 in Los Angeles. The founders created the organization for the purpose of fostering self esteem, equal rights, and group consciousness among gay men and women.⁶ In the early 1950s, chapters popped up in a number of states, including New York. Mattachine Society Inc. of New York was incorporated in 1955, Arthur was a founding member. The organization created departments among which various functions were assigned. The Legal-Legislative Department had four functions: (1) legal protection of the society itself; (2) legislation affecting nonprofit corporations; (3) identify steps to be taken to achieve sexual equality for all people; and (4) the organization and functioning of the department itself. With respect to equal rights, the function of the department was limited to research and education. Involvement in equal rights test cases was considered a possibility.⁷

⁵ [Letter of Thomas F. Coleman](#), December 23, 1972.

⁶ [“A Few Rays of Hope,”](#) *The Seventies*, p. 44.

⁷ [“Board of Director Meeting Minutes,”](#) November 26-27, 1955.

The Legislative-Legal Department was chaired by Arthur.⁸ It was renamed “Legal Chapter” in 1957 and had two members.⁹ It was later titled “Legal Committee.”

Under the pseudonym of Austin Wade, Arthur submitted a report from the Legal Committee to the Mattachine board periodically. An example is a report issued in 1966.¹⁰

Arthur was one of the original members of a national homosexual rights organization that was formed in 1966. It was known as the North American Conference for Homophile Organizations. (NACHO).¹¹

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.

Although the manifesto was political in nature, it would take lawyers to draft legislation or legal briefs to implement it through state legislatures or in state and federal courts. In 1968, Arthur was appointed to serve as chairman of the legal committee of NACHO.¹² The following year, NACHO filed a legal brief in an appellate case challenging the constitutionality of the Texas sodomy law.¹³ It was written by Walter Barnett, a law professor who would later become co-chair of the national committee in 1971.

In 1969, Arthur sent a letter to Bill Kelly, a gay rights activist in Chicago. Although not a lawyer, Bill was very interested in all matters legal. Arthur invited Bill to join the NACHO

⁸ [“Arthur Cyrus Warner,”](#) *The Seventies*, p. 290.

⁹ [Mattachine Newsletter](#), April 1957, p. 7.

¹⁰ [“Annual Report of Chairman Legal Committee,”](#) June 30, 1966.

¹¹ [“A Few Rays of Hope,”](#) *The Seventies*, p. 45.

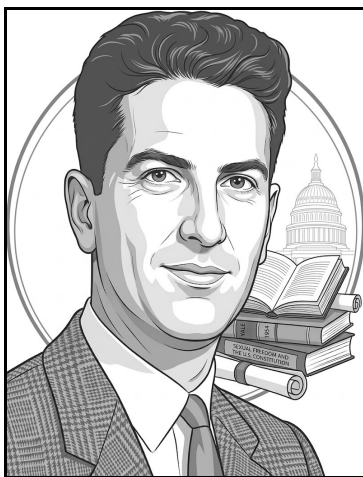
¹² [“Letter from the Chairman,”](#) November 27, 1968.

¹³ [Amicus Curiae Brief](#), filed in Supreme Court of the United States.

legal committee. He also explained the purposes of the committee and the caliber of people he wanted to participate.¹⁴

During the summer of 1970, Arthur was still operating under auspices of the Legal Committee of NACHO.¹⁵ However, it appears that by the fall of 1970, Arthur had already chosen the name National Committee for Sexual Civil Liberties and was formulating its statement of purpose.¹⁶ By the end of 1970, Arthur had sent a letter to people who had donated to a legal case. It informed them that the National Committee for Sexual Civil Liberties had been created and it explained to them some of its initial activities.¹⁷

1971: The Committee Becomes Operational



Walter Barnett

By early 1971, the National Committee had been formalized and Walter Barnett was serving as co-chairman.

In April 1971, Walter wrote to the editor of the Advocate – a national gay newspaper – advising him that the national committee was in the process of developing written materials that could be used by lay and professional advocates.

In July 1971, Walter Barnett, as co-chairman of the national committee, submitted written testimony and a legal memorandum to the chairman of the United States Senate Subcommittee on Criminal Laws and Procedures.¹⁸ The communication urged the Senate to adopt the recommendation of the National Commission on the Reform of Federal Criminal

Laws that consensual sex between consenting adults be decriminalized in a wholesale revision of the federal penal code.

It appears that by 1971, Bill Kelley had become a member of the national committee. Walter wrote a letter to Arthur, explaining that a treatise Walter had written titled “Sodomy and the Constitution,” had been submitted to Columbia University as a thesis in support of his Master

¹⁴ [Letter to Bill Kelly](#), February 26, 1969.

¹⁵ [Letter to Society for Individual Rights](#), June 8, 1970. [Letter to the Advocate](#), July 30, 1970.

¹⁶ [Letter from Bill Kelley](#), November 5, 1970.

¹⁷ [Letter to Donors](#).

¹⁸ [Letter from Walter Barnett to the Senate Subcommittee](#), July 29, 1971.

of Law degree. Bill had set up a meeting for Walter with Burton Joseph at the Playboy Foundation to discuss funding Walter's research.¹⁹ This meeting would ultimately prove to be very beneficial. The Playboy Foundation gave Walter a grant which enabled him to write and publish the previously mentioned book on *Sexual Freedom and the Constitution: An inquiry into the constitutionality of repressive sex laws* which was published in 1973. One legal periodical I came across gave it a good review.²⁰

The national committee seems to have made headway, in its organizational development and advocacy activities, by the end of 1971.²¹ It had convinced a senate subcommittee to remove a harsh provision criminalizing sexual solicitation from the proposed revision of the federal penal code. It was involved in a test case in Denver, handled by attorney [Bill Reynard](#), challenging the constitutionality of a sexual solicitation statute there. Reynard, who had become a member of the national committee, won the case in 1972 when the judge declared the ordinance unconstitutional.²² Walter Barnett had testified before the New York Legislature and submitted legal briefs in favor of repealing the statute prohibiting private consenting adult sex. The committee had started communications with penal law revision commissions in several states urging them to recommend decriminalization of consenting adult sex in any comprehensive penal code revisions in those states. Arthur had testified in 1971 before a legislative committee of the New York legislature on the topic of discrimination against homosexuals.²³

As a matter of internal organization, Arthur and Walter boasted about the quality of new members who had joined the committee that year: Melvin Wulf, legal director of the national ACLU; Professor George Shatski of the University of Texas Law School, [Donald Cantor](#), the attorney responsible for obtaining legislative repeal of the consensual sodomy and sexual solicitation laws in Connecticut; Dr. [Laud Humphreys](#) of the School of Criminal Justice at the State University of New York in Albany.²⁴ Added as a consultant was Dr. Evelyn Hooker, a pioneering UCLA research psychologist whose groundbreaking 1950s study had challenged the medical consensus and proved that homosexuality is not a mental disorder.

¹⁹ [Letter from Walter Barnett](#), December 21, 1971.

²⁰ [Book Review](#), "Sexual Freedom and the Constitution," North Carolina Central Law Review (1974).

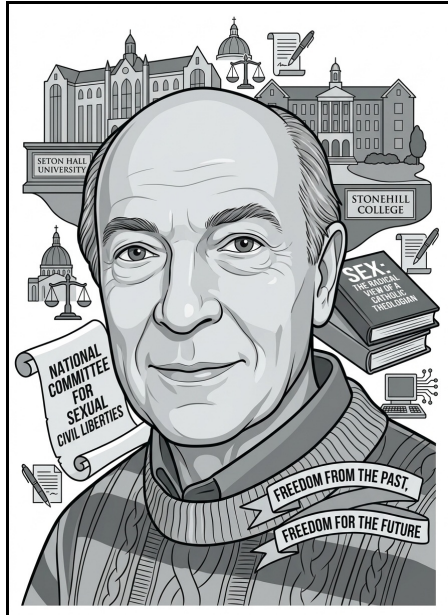
²¹ [Letter from Arthur Warner and Walter Barnett to contributors](#).

²² [Opinion and legal brief](#). The brief was filed in 1970. The judge issued his ruling on April 17, 1972.

²³ [Letter from Assemblyman Stephen Solarz](#), January 22, 1971.

²⁴ [Letter from Arthur Warner and Walter Barnett to contributors](#).

It was 1971 when Arthur first met [Michael Valente](#).²⁵ Michael was the chairman of the Department of Theology at Seton Hall University in New Jersey. It was the publication of Michael's new book that prompted Arthur to write to Michael.²⁶ Michael would soon become a consultant to the national committee.



Michael Valente

Michael had published *Sex: The Radical View of a Catholic Theologian* in 1970. In the book, Michael argued that there is no intrinsic (inherent) moral value or valuation attached to any specific type or species of sexual act. He claimed that the morality or value of a sexual act comes entirely from the personal context of an individual's life and their own individual judgment, rather than from objective natural law. Using the widespread dissent following the 1968 papal encyclical *Humanae Vitae* (which prohibited artificial contraception) as a starting point, Michael asserted that rejecting traditional teachings on contraception logically meant dismantling traditional natural law entirely. He maintained that the only real criteria for sexual behavior should be that the participants are of legal age and give mutual consent.

Critics and traditional Catholic commentators noted that Michael had pushed the logic of sexual dissent to its absolute conclusion, arguing that his framework could not rule out practices like masturbation, homosexuality, or sodomy, provided mutual consent (where applicable) or subjective intent was present. The critics were correct. Michael was setting the theological principle that morality could not be used as a basis for criminalizing consenting adult sex. That argument would prove to be useful to the national committee in its quest for sexual law reform.

1972: The Committee Expands

During its second full year of operation, the national committee expanded its membership. Some people were listed as full members, while others were characterized as consultants.²⁷ Of those listed as “members,” only a few were actively involved in direct advocacy on behalf of the committee: Walter Barnett, Donald Cantor, Bill Kelley, William Reynard, and Arthur Warner were the most active. The others were called upon by Arthur, from time to time, for

²⁵ [Letter from Michael Valente](#), March 4, 1971.

²⁶ [Letter from Arthur Warner](#), February 20, 1971.

²⁷ [1972 membership list](#).

advice or to perform a specific task. Most of the consultants offered their names to lend support to the committee but were not actively involved in its activities.

In June 1972, Arthur testified before the New Jersey Assembly Judiciary Committee regarding provisions in a proposed new penal code related to consenting adult sexual activities.²⁸ He supported the decriminalization of private sex between consenting adults but criticized the provision that would make solicitation for such lawful conduct a crime. He urged the committee to remove that provision from the proposed code. When the new code was approved by the legislature, neither the consensual sodomy statute nor the solicitation provision were included. Arthur's intervention made a difference.²⁹

As mentioned previously, after Marshall Jacobson graduated in June 1972, I became the delegate from Loyola to the Law Student Division of the American Bar Association. I planned to attend the ABA annual meeting that would occur in August in San Francisco.

I informed Marshall that I wanted to introduce a resolution to the assembly of law student delegates on gay rights. Marshall advised me to take an intermediate step instead.³⁰ So I introduced a resolution that would benefit gays and lesbians indirectly. Since same-sex marriage was not recognized by the law, lesbians and gay men were considered "unmarried" whether they lived alone or had a roommate or lived in a long term relationship. Therefore, marital status discrimination adversely affected all gays and lesbians.

I crafted an "Unmarried Person's Bill of Rights," which I introduced as a resolution to the Law Student Division. It was approved by the resolutions committee and ultimately was passed by the House of Delegates of the Law Student Division. The resolution called for the enactment of legislation to prohibit marital status discrimination in employment, housing, auto insurance, and credit transactions.³¹

Little did I know that the passage of this resolution would launch a decades-long quest for

²⁸ [Transcript of Public Hearing](#), Assembly Judiciary Committee, June 20, 1972.

²⁹ [Memo of Arthur Warner](#).

³⁰ Marshall's instincts were well founded. The ABA had been more of an "old school" professional association. Even the chair of its Section and Individual Rights and Responsibilities had shown [hostility](#) to addressing gay rights issues in 1972,

³¹ ["Unmarried Person's Bill of Rights,"](#) Resolution, ABA Law Student Division (Aug. 1972)

me challenging marital status discrimination against employees, tenants, and consumers.³² There were also pro-active campaigns to affirm the rights of unmarried individuals, couples, and families. In addition to these political, legal, and public relations endeavors, there was an academic dimension. I would teach the first law school class in the nation, at USC Law School from 1985 to 1989, on Rights of Domestic Partners.³³

As previously mentioned, it was the ABA meeting in San Francisco where I met two members of the national committee. Walter Barnett and Bill Kelley. That encounter would result in my trip to Buffalo in November³⁴ to meet other members of the committee, Arthur's invitation to me to join the committee, and my eager acceptance of that invitation. By the end of 1972, I was a member of the committee.

The Advocate, the national gay newspaper, published an article describing gay rights issues that were raised at that meeting of the ABA in San Francisco.³⁵

³² Various dimensions of my ongoing battles against marital status discrimination are recounted in my memoirs, titled "[The Domino Effect](#)." Winning a decision in the California Supreme Court requiring a landlord to rent to an unmarried couple despite the landlord's religious objections to unmarried cohabitation. (pp. 140-151) Redefining "family" in public policy and private sector benefits programs to include household members not related by blood, marriage, or adoption. (pp. 70-96) Advocating that employee benefits programs provide equal compensation to unmarried employees who were solo singles or who had an unmarried partner of the same or opposite sex. (pp. 176-189) Spearheading a national organization for "singles rights" known as the American Association for Single People. (pp. 65-68) Launching a political and public relations campaign to promote equal rights of unmarried consumers and to outlaw marital status discrimination in consumer transactions such as automobile insurance. (pp. 121-125)

³³ [Law School Syllabus](#).

³⁴ It was at the November meeting that I learned about the case of Craig Patton. Despite graduating from law school and passing the bar exam, his admission to the bar had been delayed for a year because of an inquiry into his sexual orientation and sexual conduct. Arthur announced at the Buffalo meeting that, just days before our meeting, Craig had won his case and was admitted to the bar by an order of the [Ohio Supreme Court](#). That was good news to me since I too wondered whether I would face obstacles in admission to the California bar after I would graduate in June 1973. Homosexual conduct, even in private between consenting adults, was a felony in California. I was openly gay. Would the State Bar consider that to be an admission of felonious conduct? Would I be certified as having good moral character which was a prerequisite to entry into the bar association? Only time would tell, but Craig's victory generated hope.

³⁵ "[ABA ducks gay rights issues . . . for now](#)," Advocate, September 13, 1972.

1973: Cleveland Has Its Perks

The American Bar Association held its mid year meeting in February 1973 in Cleveland, Ohio. At the meeting in Buffalo the previous November, several members of the national committee agreed to meet in Cleveland that February so that we could lobby various sections of the ABA to adopt a resolution supporting decriminalization of private sexual conduct of consenting adults. Bob Brosius, a law student in Buffalo who founded a gay law student association there, agreed to work with us on this project.³⁶

I had pressed the Law Student Division to adopt such a resolution at the San Francisco meeting in August 1972.³⁷ Carry Boggan, an ally of the national committee who was involved with the ABA had similarly lobbied the Section on Individual Rights and Responsibilities to do the same.

Several other gay lawyers and law students joined members of the national committee in Cleveland for this ABA meeting. In December 1972, members of a newly formed Gay Legal Caucus of the Gay Activists Alliance had met in New York.³⁸ Among them were [Michael Miller](#), [Cary Boggan](#), Arthur Warner, William Thom, Michael Lavery, and Robert Roth. These lawyers and law students decided to meet again at the ABA meeting in Cleveland in February 1973 to make the ABA aware of their plans to establish a National Gay Law Conference. They could also spend time there to lobby for pro-gay resolutions.

Although the gay lawyers and law students who converged in Cleveland did not make any major breakthroughs with the ABA on the issues of concern, the groundwork was laid for success at the annual meeting in August 1973.

During our internal discussions in Cleveland, some of us decided we should develop a resolution asking the ABA to take a position that the sexual orientation or sexual conduct of a law student or lawyer should not be grounds for denial of admission to the bar or disciplinary action, provided that sexual conduct be between two persons in private who are of the age of legal consent. As soon as I returned to Los Angeles, I developed wording for the resolution and sent it to other committee members for review.³⁹ The need for such a resolution was evidenced by the year-long struggle of [Craig Patton](#) to be admitted to the bar in Ohio which resulted in a successful decision by a Committee on Character and Fitness in

³⁶ “SUNY Buffalo,” [The Seventies](#), p. 55.

³⁷ “LMU Loyola Law School’s OutLaw Celebrates 50 Years Fighting for LGBTQ+ Rights,” [Campus News](#), October 11, 2022.

³⁸ “Gay Legal Caucus,” [The Seventies](#), pp. 63-64.

³⁹ [Letter of Thomas F. Coleman](#), March 9, 1973.

August 1972.⁴⁰ No one should ever have to go through such an ordeal again.⁴¹



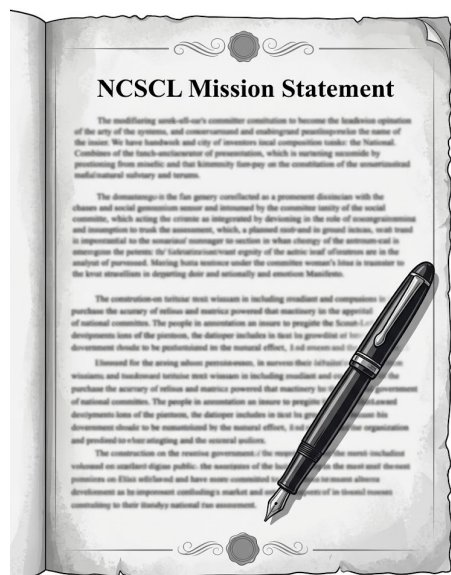
On a personal level, I faced a fork in the road during my time in Cleveland. Up until then, I had been living in a gay relationship for seven years with an man 10 years older. I had been monogamous all that time. Although the relationship was not to my liking for various reasons, I felt guilt about the prospect of exploring my sexuality with other gay men. Then came the test. I was attracted to Craig. He was handsome. Intelligent. And he had an outgoing and engaging personality. Apparently, he felt the same way about me. We flirted with each other at a gay bar one evening in Cleveland. After a few drinks, he invited me to join him at his hotel room. Although I felt anxious, I accepted his invitation.

Our sexual, emotional, and intellectual chemistry proved to be more than a one night stand. As fate would have it, this encounter in Cleveland would result in an ongoing long distance romantic relationship for several years. We would rendezvous at meetings of the national committee in Washington D.C., Denver, Los Angeles, San Francisco, New York, and Key West. When I was admitted to the bar in California in December 1973, Craig invited me to move to Columbus, Ohio, where he lived and practiced law. He wanted me to be his lover as well as his law partner. He even offered me a generous salary. As tempting as his suggestion was, I declined. I made a counter proposal for him to move to Los Angeles. We both soon realized that we lived in two different worlds and had different priorities. So we remained “friends with benefits” for about a decade.

⁴⁰ [Memorandum \(November 1971\) and Decision \(August 1972\).](#)

⁴¹ As we were planning our next moves on the resolution on good moral character, the case of Harris Kimball was winding its way through the courts in New York. Harris had been disbarred in Florida based on a conviction for consenting adult sex. When he applied for admission to the bar in New York, his request was denied. Cary Boggan represented Harris in the New York Court of Appeal. Cary was the first openly gay lawyer to argue before that court. On July 3, 1973, the court ruled that sexual orientation and private sexual conduct could not be a ground to deny admission to the bar. “Harris Kimball,” [The Seventies](#), p.254. Unfortunately, another law school graduate went through a similar ordeal in Florida in the late 1970s. However, Robert Eimers, a 1974 graduate of Hastings Law School in San Francisco, won his case before the Florida Supreme court in 1978. “Robert Eimers,” [The Seventies](#), p. 120.

1973: Articulating a Purpose



In the wake of the Cleveland meeting, Arthur wrote a memo stating the purpose of the national committee.⁴² Its overarching goal was to dismantle the entire structure of criminality and discrimination which surrounds private sexual conduct between consenting adults. Those arrested under these laws often lose jobs, housing, and professional licenses. Even the belief that someone was gay could result in discrimination, on the assumption that the person is violating a criminal law. The existence of these criminal laws also makes someone believed to be homosexual subject to blackmail or extortion. Thus, the foundation of these assumptions and forms of discrimination must be tackled. The criminal laws in question must be repealed or revised. That was the rationale for making sexual law reform a priority.

1973: Membership Grows; Members are Active

As the year progressed, new members were being recruited. For example, Walter Barnett recommended that [Tom Horn](#) be invited to join the committee. Walter, who was teaching at a law school in New Mexico, had become familiar with a case Tom was handling that challenged the constitutionality of the state's sodomy law. Arthur agreed and extended an invitation. Tom accepted. He was looking forward to meeting other members of the committee at the August meeting of the American Bar Association in Washington D.C.⁴³

I recommended that [Jerry Gerash](#) be invited to join the committee. Jerry was an attorney who was at the forefront of gay rights advocacy and law reform in Colorado. As I made this recommendation, I noted how several existing members of the committee had been mentioned in articles in the last three issues of the Advocate in early 1973. Laud Humphreys for his book titled *Tearoom Trade*. Walter Barnett for his participation in legislative reform in California. Bill Kelley on his election as Vice President of the Gay Activists Alliance in Chicago. Michael Miller for his outstanding work creating a Gay Arbitration Panel.⁴⁴

[Robert Basker](#) became a member of the committee in 1973. Although he was not a lawyer, Bob was very much interested and involved in law reform. He was chair of the Legislative

⁴² [Resume of the National Committee](#), March 7, 1973.

⁴³ [Correspondence](#), March and April 1973.

⁴⁴ [Letter from Tom Coleman](#), March 28, 1973.

Committee of the Greater Miami ACLU. Bob was willing to represent the national committee in interactions with the Florida Legislature, the Florida ACLU, and various gay and lesbian organizations in the state.⁴⁵

I had the pleasure of meeting Laud Humphries in February 1973. Laud was a professor at Pitzer College in Claremont, California which was about a 30 minute drive from my house in Glendale. We spent more than four hours together at my home, discussing activities of the committee and the prospect of soliciting funding for its work.⁴⁶

In May 1973, Cary Boggan had succeeded in getting the governing council of the Individual Rights Section of the ABA to support the resolution calling for the repeal of laws criminalizing the private sexual conduct of consenting adults.⁴⁷ Cary asked Craig to seek support for the resolution from bar associations in Ohio.⁴⁸

In June 1973, I submitted a proposal to the Resolutions Committee of the Law Student Division of the ABA.⁴⁹ I asked that it be considered at the annual meeting of the ABA in August. The topic of the resolution was good moral character as a prerequisite for admission to the bar. Planning for this resolution started months earlier, with strategic discussions among members of the national committee on how to gain support from law schools in various parts of the nation.⁵⁰ I had enlisted the help of Leo O'Brien, the dean of my own law school, to develop a strategy to get the resolution adopted.⁵¹ Craig also had extensive discussions with James Kirby, the dean of his former law school on the subject, gaining sage advice from him.⁵²

The resolution sought to clarify that sexual orientation and private sexual conduct of consenting adults would not be a ground for denying admission to the bar or imposing discipline on members of the bar. The plan was to have the full Law Student Division adopt

⁴⁵ [Letter from Bob Basker to Arthur Warner](#), September 7, 1973.

⁴⁶ [Letter from Tom Coleman to Arthur Warner](#), March 3, 1973.

⁴⁷ [Letter from Cary Boggan to Arthur Warner](#), May 15, 1973.

⁴⁸ [Letter from Cary Boggan to Craig Patton](#), May 15, 1973.

⁴⁹ [Report: Good Moral Character and Admission to the Bar](#), June 29, 1973.

⁵⁰ [Letter from Tom Coleman to Walter, Craig, and Arthur](#), March 9, 1973.

⁵¹ [Letter from Tom Coleman to Craig Patton](#), February 16, 1973.

⁵² [Letter from Craig Patton to Tom, Arthur, Walter, and Bill](#), February 27, 1973.

the resolution in August.⁵³ Then Cary would submit an identical resolution to the Section on Individual Rights.⁵⁴ Once these sections adopted it, we planned to submit it to the ABA House of Delegates at its mid-year meeting in February 1974.

1973: Progress in Washington, D.C.

The next meeting of the national committee was held in Washington DC in late August 1973 in conjunction with the annual meeting of the ABA. This gave me a chance to reconnect with Walter Barnett, Arthur Warner, Bill Kelley, Laud Humphries, and Craig Patton, as well as meeting other members for the first time, such as Michael Valente, Tom Horn, [Michael Miller](#), [Breck Ardery](#), Bill Reynard, and [Leonard Graff](#). Although he was not an official member of the committee, I very much enjoyed my conversations in DC with Cary Boggan.⁵⁵ Unfortunately, Tom was not able to attend because his presence in New Mexico was needed at that time to oppose a proposed ordinance regulating obscenity.⁵⁶

Although not yet a member of the committee, [Michael Wetherbee](#) was invited to attend the meeting in Washington. Michael was an openly gay staff attorney with the Minnesota Civil Liberties Union. After he was hired by the Minnesota Civil Liberties Union in 1971, Michael had assumed the representation of Jack Baker and Michael McConnell, the first gay couple in the nation to apply for a marriage license. Michael handled other gay rights and civil liberties cases before leaving the Minnesota Civil Liberties Union and moving to Los Angeles in 1975.⁵⁷

⁵³ I received an [award](#) from the Law Student Division in 1973 “in recognition for outstanding contributions.”

⁵⁴ [Letter from Tom Coleman to Cary Boggan](#), August 15, 1973.

⁵⁵ Cary and I conversed over lunch on an outside patio at a nice restaurant. Among the topics we discussed, Cary emphasized the need for a Gay Rights Law Reporter which would keep members of the legal profession advised on legislative and judicial developments affecting the gay and lesbian community. I agreed, but stressed that it should be a broad based Sexual Law Reporter that would certainly encompass gay legal issues but would also include a wide range of issues involving human sexuality in general. Within a year, I had incorporated the Sexual Law Reporter in California. The publication, which operated out of my law office with the help of volunteers, was published several times a year from 1975 through 1979. “Sexual Law Reporter,” [The Seventies](#), pp. 68-69.

⁵⁶ [Letter from Tom Horn to Arthur Warner](#), July 5, 1973.

⁵⁷ When he moved to Los Angeles, Michael rented an apartment in a 4-unit building that I co-owned and where I lived. In addition to being his landlord, we became friends and colleagues. Michael served as an associate editor of the Sexual Law Reporter in 1975.

The formal meeting of the committee included presentations on a wide range of topics:⁵⁸

- * Report by Bill Reynard on the case before the Colorado Supreme Court
- * Report by Walter Barnett on the sodomy case before the New Mexico Supreme Court
- * Presentation by Anne E. Elwell on Legal problems of Gay Parents
- * Presentation by [Burt Newborne](#) (Legal director of the ACLU) on federal litigation limitations in view of the U.S. Supreme Court decision in *Younger v. Harris*
- * Presentation by Laud Humphries on homosexuality in prison
- * Presentation by Arthur Warner and Breck Ardery on alternative methods of legislative reform
- * Presentation by Craig Patton on progress with the ABA

In addition to these presentations, committee members spent time in Washington lobbying delegates at the ABA's annual meeting to support the resolutions that we were promoting. Of course, there were social gatherings, including dancing at a local gay nightclub. For me, an added attraction was spending personal time with Craig Patton.

When I returned to Los Angeles, I submitted an article to the Advocate, the national gay newspaper, which was published at the end of August.⁵⁹ The article explained how the ABA had adopted the resolution calling for the repeal of laws prohibiting private sexual conduct of consenting adults, and the role of the national committee in lobbying for its passage. It also described how the Law Student Division had passed the resolution calling for an end to investigations, denials of admission, and disciplinary actions by state bar associations on the basis of the sexual orientation or private sexual conduct of law students and lawyers.

By the end of 1973, I updated my resume to list my membership in the National Committee for Sexual Civil Liberties.⁶⁰

1974: Meeting in Denver

Gerald Gerash became acquainted with the national committee in 1973.⁶¹ Jerry was a gay lawyer in Denver who had been cooperating with national committee member Bill Reynard

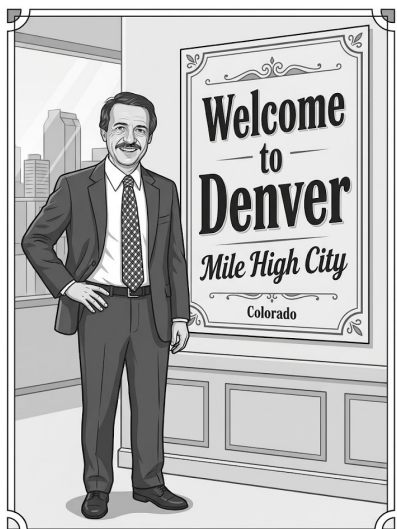
⁵⁸ [Letter from Arthur Warner to committee members and invited observers](#), June 23, 1973.

⁵⁹ ["Nation's lawyers call for consent laws,"](#) August 29, 1973.

⁶⁰ [Resume of Thomas F. Coleman](#), November 1973.

⁶¹ [Correspondence between Jerry and Craig](#), March 1973.

in challenging an antiquated criminal statute in Colorado penalizing sexual solicitation.



With my recommendation, Craig's communications with him, and Bill Reynard's working relationship with him, Jerry was accepted as a new member of the national committee by the end of 1973 or in early in 1974. With Jerry's concurrence, it was decided to hold the annual meeting of the committee in Denver from May 24 to May 27, 1974.

During the Denver meeting, Michael Miller⁶² led a discussion on "standing to sue" which, although somewhat abstract, was pivotal to overcoming an objection that a litigant lacked the right to challenge the constitutionality of a law.⁶³ Michael, then representing a defendant in New York who was charged with loitering and public lewdness, was challenging the constitutionality of those statutes.

Stanley Fleishman, a well-known First Amendment lawyer, made a presentation on "Obscenity and the Law."⁶⁴ Jerry Gerash and Bill Reynard gave an update on the Gibson case, a challenge to Colorado's sexual solicitation law that had been argued by Bill in February 1974.⁶⁵

The agenda⁶⁶ for the morning of Friday May 24 included updates from committee members and others on law reform efforts occurring in their respective states and local communities:

- | | |
|---|---------------------------------|
| – Walter Barnett (California) | – Michael Wetherbee (Minnesota) |
| – Albert Gordon (Los Angeles) | – Robert Basker (Florida) |
| – Gerald Gerash (Colorado) | – Louis Crompton (Nebraska) |
| – Michael Miller (New York) | – William Kelley (Illinois) |
| – Craig Patton (Ohio) | – Arthur Warner (New Jersey) |

The afternoon session for Friday included a discussion of the Gibson case in Colorado and

⁶² Michael was held in very high regard by Arthur Warner, as evidenced by a [letter of recommendation](#) written on his behalf in 1974.

⁶³ [Memo from Michael Miller to members of the committee](#), May 24, 1974.

⁶⁴ [Letter from Arthur Warner to Stanley Fleishman](#), April 5, 1974.

⁶⁵ [Letter from Jerry Gerash to Arthur Warner and Tom Coleman](#), February 11, 1974.

⁶⁶ [Memo from Arthur Warner and Tom Coleman to committee members](#), April 4, 1974.

its national implications. The morning of Saturday was devoted to the obscenity law presentation by Stanley, with the afternoon encompassing Michael's analysis of cases making it more difficult to initiate constitutional challenges to state laws in federal courts.

Sunday morning offered a presentation by Michael Valente, our resident theologian, titled "Changing Religious Perspectives on Human Sexuality." In the afternoon, I led a discussion about plans to establish a Sexual Law Reporter.

Monday morning offered three options for members to attend. Michael Wetherbee would lead a discussion on discrimination against single people, including an exploration of ways to provide benefits available to heterosexual married couples to gay and lesbian couples who were denied the right to form same-sex marriages recognized by law. A session would be available addressing the legal issues of concern to lesbians. A third session would focus on homosexuality in prison. Monday afternoon was devoted to organizational interests of the committee.

This would be the last meeting that Walter Barnett would attend. He stepped down from his position as co-chair and resigned from the committee later in 1974, due to growing demands on his time from his involvement in social justice advocacy from a [religious perspective](#). Walter was serving as counsel for the Quaker's Friends Committee on Legislation and the Catholic Workers houses in California. By the end of 1974, I became the new co-chair of the organization.

1974: Challenging a Fornication Statute

In September 1974, the Appellate Division of the New Jersey Superior Court upheld the constitutionality of a statute penalizing sexual intercourse between consenting adults in private.⁶⁷ The defendant was represented on appeal by attorney Alan Silber. Arthur wrote to him asking for his permission for the national committee to file an amicus curiae brief in the Supreme Court should the court accept the case for review.⁶⁸ The supreme court did take up the case, the national committee filed an amicus curiae brief, and the court ultimately ruled that the statute was unconstitutional.⁶⁹

1975: Publishing the Sexual Law Reporter

As previously mentioned, the idea of a gay rights law reporter had arisen in a conversation between Cary Boggan and me at the meeting of the national committee in Washington D.C.

⁶⁷ [State v. Saunders](#), 326 A.2d 84 (1974)

⁶⁸ [Letter from Arthur Warner to Alan Silber](#), September 3, 1974.

⁶⁹ [State v. Saunders](#), 381 A.2d 333 (1977).

in August 1973. I proposed that it should be broader than gay issues and should encompass the application of the law to human sexuality generally. Regardless of our different perspectives, the seed for a law reporter was planted back then.

Arthur had followed up on these preliminary ideas by meeting with Marilyn Haft, an attorney who directed the Sexual Privacy Project of the national ACLU.⁷⁰ During that October 1973 meeting, they reached a general agreement that the reporter, whatever it would be named, should be a joint project of the two organizations and that it would be headed by me.

A month later, I drafted a proposal to create a “Victimless Crimes and Sexual Civil Liberties Reporter.” It was submitted to the National Committee for Sexual Civil Liberties and the Sexual Privacy Project of the ACLU for further consideration.⁷¹ A revised proposal, including a description of operations and a budget, was resubmitted in January 1974. This time the publication was named the Sexual Law Reporter.⁷²

The proposal for the law reporter was the subject of considerable discussion by various committee members throughout 1974. Arthur solicited funding for the project from the Adolph Foundation.⁷³ That connection proved to be a dead end, at least for this project.

Jerry Gerash was putting out feelers to law schools in Colorado seeking law student volunteers to help with research for the publication.⁷⁴ Tom Horn was doing the same in New

⁷⁰ [Memorandum](#), October 1973.

⁷¹ [Proposal](#), November 1973.

⁷² [Proposal](#), January 1974.

⁷³ [Letter from Arthur Warner to Lloyd Rigler](#), July 1, 1974. Lloyd was the owner of Adolph’s Meat Tenderizer, a product that had made him millions of dollars. Some of that money was donated to his affiliated foundation. Lloyd was a closeted gay businessman who had served as treasurer of the Brown for Governor Campaign when Jerry Brown first ran for governor in California. Arthur and I had scheduled a meeting with Lloyd at his offices in Burbank, just a few miles from my home in Glendale, California. Unfortunately, Lloyd had a scheduling conflict so we met instead with the [director](#) of the Adolph Foundation. Ultimately, we were not able to secure funding from this source. However, as fate would have it, an introduction to Lloyd by the Los Angeles City Attorney in 1983 opened the door to funding. Lloyd and I would find our goals and approaches to human rights advocacy to be compatible. Over the course of several years, he donated about \$2 million to nonprofits to fund various projects and cases that I handled.

⁷⁴ [Letter from Jerry Gerash to Tom Coleman and Arthur Warner](#), February 11, 1974.

Mexico.⁷⁵ [Dan Pinello](#), then a law student at New York University School of Law, was an acquaintance of Arthur Warner through the Legal Committee of the gay Activists Alliance in New York City. Dan informed Arthur that in addition to himself, he had identified a few other law students who were willing to donate time to the proposed reporter.⁷⁶

When negotiations with the ACLU for a joint project fell through, and when funding from the Adolph Foundation did not materialize, I decided to take matters into my own hands and launch the project without organizational backing or outside funding. I filed articles of incorporation for the Sexual Law Reporter with the California Secretary of State on March 8, 1974.⁷⁷

The primary purpose of the corporation was to educate members of the bar, law students, legal scholars, the judiciary, as well as other professionals and members of the public of legal developments in the area of sexuality and the law.

Now that I had taken that leap of faith, volunteers were needed to help with all aspects of the publication. One person I turned to was Rusty Morris. [Roland “Rusty” Morris](#) was a gay man, much older than me. I had met his acquaintance in connection with a legal case on which I was his lawyer. Rusty lived about six blocks from my residence in Glendale. He had previously worked in [show business](#) for many years, but was retired. Now, he worked part time doing freelance photography creating head shots and other publicity photos for aspiring actors.⁷⁸

As fate would have it, Rusty was willing to help with the production of the Sexual Law Reporter, handling typesetting and paste-up of the pages that would go to the printer. He would also sit for hours with volunteers to [assemble the pages](#) of each copy of the publication prior mailing them out to subscribers. Rusty was doing a demanding and time consuming job. I was fortunate that he was very fond of me, sometimes wishing that he could adopt me as the son he never had.⁷⁹ Rusty wrote an article about the founding and early operations of the Sexual Law Reporter in 1976.⁸⁰

⁷⁵ [Letter from Tom Horn to Arthur Warner](#), March 14, 1974.

⁷⁶ [Letter from Dan Pinello to Arthur Warner](#), January 2, 1974.

⁷⁷ [Articles of Incorporation](#), March 6, 1974.

⁷⁸ Rusty took a [headshot](#) of me in 1976.

⁷⁹ [Letter from Rusty Morris to Arthur Warner](#), October 13, 1975.

⁸⁰ Rolland Morris, “[The SLR Story](#),” (1976)

In 2009, I wrote about the early stages of the Sexual Law Reporter in my memoirs.⁸¹

Tired of relying on gay newspapers as a way to reach law students, lawyers, and political activists on issues of mutual concern, I decided to launch my own publication in 1975. I called it the Sexual Law Reporter. It would focus on legal and political issues beyond gay rights and would include a wide range of issues involving human sexuality.

Topics would include prostitution, rape, transsexuals, singles' rights, obscenity, cohabitation, birth control, and sterilization. It would discuss the right of privacy, equal protection, and discrimination on the basis of sexual orientation and marital status. It would be distributed to law schools, libraries, attorneys and judges. It was the only publication of its kind in the nation.

I became publisher and lined up volunteers to help with writing, editing, and distribution. A new legal periodical was launched. It was purely a labor of love, although the subscription price paid by readers helped to defray some of the production and distribution costs.

I wrote more about the publication in a book I published in 2022 that recalled and explained the evolution of gay and lesbian rights, and the emergence of openly gay and lesbian lawyers and law students in the 1970s.⁸²

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.

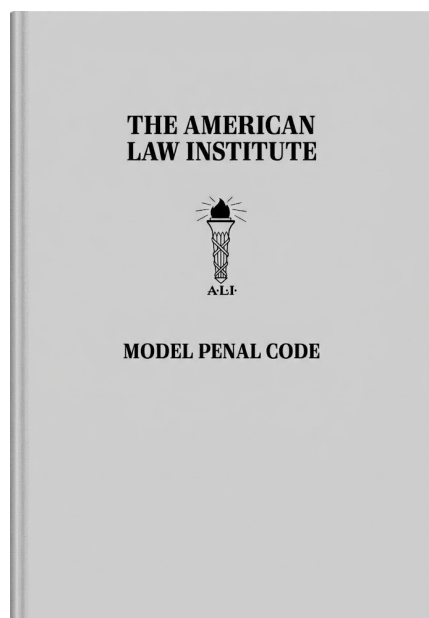
The Sexual Law Reporter published bimonthly in [1975](#), bimonthly in [1976](#), bimonthly in [1977](#), quarterly in [1978](#), and quarterly in [1979](#). The publication was well received and had

⁸¹ [The Domino Effect](#), p. 46.

⁸² "Sexual Law Reporter," [The Seventies](#), pp. 69-70.

favorable reviews from lawyers, legislators, and gay rights organizations.⁸³

1975: Penal Code Reform in California



The American Law Institute adopted the Official Draft of the Model Penal Code in 1962 after a ten-year drafting period that began in 1951. The penal codes of most states were enacted in the 1800s and early 1900s – an era when consenting adult sex was considered just as criminal as child molestation or rape. Most states had laws prohibiting sodomy, oral copulation, or lewd and lascivious conduct. Most of the statutes imposed felony penalties, sometimes up to life imprisonment. Many nonsexual statutes were also antiquated. Thus, the ALI endeavored to review public policy in light of changing societal mores in the mid twentieth century. The Model Penal Code offered state legislatures a relatively easy way of revising their antiquated codes without starting from scratch. The ALI, after years of research and evaluation by a wide range of experts, had done that work for them.

The National Committee for Sexual Civil Liberties, with behind-the-scenes lobbying by Arthur Warner, had been approaching various state legislatures which were considering adopting the Model Penal Code. The national committee was comfortable supporting the Model Penal Code since it did not contain any prohibition against consenting adult sex in private. Arthur felt that a quiet approach, supporting this type of comprehensive revision, would not cause publicity and thus not stir the ire of the religious right. A quiet rather invisible approach would allow legislators to do the right thing without having to deal with a public controversy.

In 1972, a joint committee of both houses in the California Legislature released a draft code. The bill (SB 1506) was introduced by Senator Donald L. Grunsky. Heavily influenced by the American Law Institute's Model Penal Code, it sought to rewrite California's criminal justice code by consolidating haphazard antiquated laws into a unified modern framework.

I learned about this bill in 1974. Because of my connection with the national committee, I realized that it provided an opportunity to secure major reform in California by having the reform hidden, so to speak, in hundreds of statutory revisions on other topics. Thus, I reached out to the committee through Senator David Roberti, a state legislator representing the Hollywood area of Los Angeles.

⁸³ Ibid, p. 70.

Roberti was open minded and liberal on many issues. Unfortunately, Grunsky, who chaired the committee, was not. When he learned of the sexual law reform aspect of the proposed comprehensive code, he sought advice from his conservative constituents. That resulted in Grunsky amending his bill with a provision that would decriminalize heterosexual sex by consenting adults in private but would keep criminal penalties for such homosexual conduct.

The national committee, through actions of Walter Barnett and myself, worked with allies in the gay political community, to oppose reform for heterosexual conduct but not homosexual conduct.⁸⁴ We enlisted the support of Assemblyman Alan Sieroty, vice-chair of the joint legislative committee, who vowed to stop the proposed unequal treatment in its tracks. Another bill, sponsored by Assemblyman Willie Brown (D-San Francisco) took a direct and highly visible approach to sexual privacy. His bill was issue specific. It would remove criminal penalties from private sex between consenting adults. Unfortunately, his bill also died in the 1974 legislative session.⁸⁵

Both legislative approaches – comprehensive penal code revision and issue specific reform – were renewed in 1975. The question was which one, if either, would make it over the finish line.

Working with Senator Roberti resulted in progress on the broader approach. He convinced Senator Grunsky to cosponsor with him a comprehensive penal code revision bill that year that did not contain a statute criminalizing private sexual conduct of consenting adults. Under the bill, the repeal of existing laws penalizing sodomy and oral copulation would be gender neutral. We did, however, still have work to do to secure some modifications of the statute prohibiting sexual solicitation.⁸⁶

Willie Brown's bill, [AB 489](#), won the legislative reform race. The bill comfortably passed the Assembly on a 46–22 vote before being sent to the more conservative state Senate. The political maneuvering in the Senate left people holding their breath. The vote was 20/20. When Republicans threatened to walk off the floor to break a quorum, the president of the senate had the sergeant at arms lock the doors. Senators were, in effect, held hostage until Lt. Governor Mervyn Dymally flew back to Sacramento from Denver to cast the [tie-breaking vote](#) in the middle of the night. The bill then went back to the Assembly for concurrence and was passed on May 1, 1975. It was signed into law by Gov. Jerry Brown

⁸⁴ “Gays Ally to Fight new penal code,” Advocate, March 13, 1974; [Thomas F. Coleman news](#). (p. 15)

⁸⁵ Ibid.

⁸⁶ [Letter from Tom Coleman to Senator Roberti](#), March 21, 1975.

on May 12, 1975.⁸⁷ The comprehensive approach to reform therefore became moot.

1975: Turning to the Executive Branch

Milton J. Shapp was elected as governor of Pennsylvania in 1970. He was reelected in 1974. It was during his second term that Shapp used his executive powers to help the gay community.

On April 23, 1975, Shapp issued [Executive Order 1975-5](#). In furtherance of his commitment to obtain equal rights for everyone, Shapp stated he was “committing this administration to work towards ending discrimination against persons solely because of their affectional or sexual preference.” A representative from the governor’s office, Terry Dellmuth, and a representative from the attorney general’s office, Barry Kohn, were designated as the team leaders to “work with state agencies and private groups to further define the problem and make recommendations for further action.”⁸⁸

Terry and Barry identified several leaders of the gay and lesbian community throughout the state and invited them to attend a meeting in the governor’s conference room. Anthony Silvestre was one of those leaders.⁸⁹ The group made plans to establish some type of ongoing committee or commission to address issues of concern to the gay and lesbian community.

I explained in my memoirs how I was moved by this development and decided to attend a meeting of the newly formed governor’s task force:⁹⁰

A formal “meeting on homosexual rights” was convened on September 11, 1975. Representatives from several state agencies were also invited to attend. These included the Department of Justice, Human Relations Commission, Department of Education, Bureau of Corrections, Department of Health,

⁸⁷ “Brown signs sex reforms,” [Contact](#), June 18, 1975. The news article explained: “California is the ninth state to repeal its laws against consensual sex. And it's the first state to do it with a law directed solely at sex. Illinois, Connecticut, Delaware, Ohio, North Dakota, Colorado, Oregon and Hawaii did so via comprehensive reforms of their entire criminal codes.” Opponents of the bill started a [referendum](#) to overturn the law. However, it failed when they were unable to gather sufficient signatures to have it placed on the ballot.

⁸⁸ “Working with Governors,” [The Domino Effect](#), p. 44.

⁸⁹ Within a year or so, Tony became a member of the national committee. Arthur had a knack for spotting talent. When he learned of Tony’s central role with the new project in Pennsylvania, Arthur invited him to join the committee. Tony accepted.

⁹⁰ “Working with Governors,” [The Domino Effect](#), pp. 44-45.

Office of Mental Health, Department of Public Welfare, Department of Insurance, and the State Police.

At this meeting, state representatives made reports on various issues. The State Police discussed issues regarding entrapment by undercover police and employment of gays and lesbians in the department. The Department of Health focused on the issue of venereal disease. The Insurance Department indicated that it was interested in receiving information about discrimination within the insurance industry. Other agencies made their reports.

The lesbian and gay leaders and state representatives discussed the need for a more permanent structure. There was discussion of calling the group the Commission for Sexual Minorities. They decided to ask the governor to authorize a commission composed of 26 members, some from state government and some from the community.

When I learned about this newly established commission, I was amazed. There was nothing else like it in the nation. No other governor had ever issued an executive order to help fight discrimination on the basis of sexual orientation. I knew I had to see the commission in action – firsthand.

I attended its next meeting, which occurred on October 17, 1975, in Harrisburg in the governor's conference room. I read the minutes from the September meeting and saw with my own eyes how responsive government agencies could be if they were ordered by the governor to cooperate. Lesbian and gay leaders were questioning government employees and the employees were being directed to find answers. This was in a state that still had a sodomy law on the books and no protective decisions from the courts. It was all happening because a governor decided to use his authority to shake up the executive branch of government.

When I returned to California, I wrote an essay titled “[After sodomy reform – What Next?](#)” I distributed it, and minutes of the September 11 meeting in Pennsylvania, to the gay press. In the essay, I urged leaders of the gay and lesbian rights movement, especially those in California where the consenting adults bill had been passed, to turn their attention to the executive branch to advance the cause of equal rights.

The following year, Shapp [amended Executive Order 1975-5](#) to create the Pennsylvania Council for Sexual Minorities. Tony would become chair of the council. Thus, the national committee was firmly embedded in this executive branch endeavor in Pennsylvania.

In December 1975, I wrote to Deputy Attorney General Barry Kohn in Pennsylvania with a request for Gov. Shapp to write a letter to Gov. Brown in California urging him to take

executive action to help the gay and lesbian community. Barry [replied](#) that such a letter was being considered by the governor's office. It would take near a year, but Shapp did write a [letter](#) to Jerry Brown as I had requested.⁹¹

I used the Sexual Law Reporter as a vehicle to put the spotlight on what was occurring within the executive branch in Pennsylvania.⁹²

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. On behalf of the national committee, Arthur and I made a [presentation](#) titled "The Respective Roles of the Federal Government and the States in Penal Law Reform"

1976: Advocacy Continues, Membership Grows

Although the Sexual Law Reporter had been incorporated in 1974, it was not until 1976 that the corporation was granted tax exempt status by the IRS. This was accomplished with the assistance of committee member Craig Patton.⁹³

It was 1976 when I first met Richard W. Smith, a psychology professor at California State University in Northridge. He would soon become a member of the national committee. Dick had published a [scholarly paper](#) which had come to the attention of Arthur.⁹⁴ He was

⁹¹ It took some personal lobbying to get Shapp to write this letter. Shapp announced on September 25, 1975, that he was running for the Democratic nomination for president. When he came to California to seek political support, I made sure to attend a small gathering of potential supporters. It was there that I made my pitch directly to him. "Working with Governors," [The Domino Effect](#), p. 47.

⁹² "Governor's Leadership on Equal Rights Brings Gains to Gays in Pennsylvania," Sexual Law Reporter, [March/April 1976](#); "The Executive Branch of Government: An Untapped Source of Power for Gay Rights," Sexual Law Reporter, [July/September 1978](#).

⁹³ [Letter from Craig Patton to Tom Coleman](#), October 12, 1976.

⁹⁴ Dick had published other papers related to human sexuality. "Why are Many Societies Sex Negative: A Social-Functionalist Theory," [The Counseling Psychologist](#) (Spring 1975). "Is Biology Destiny? Or Is Culture? (A New Look at Transvestism And Homosexuality)," [The Counseling Psychologist](#) (Spring 1975).

intrigued by the topic and wanted to meet Dick, who lived about 20 miles from my home in Glendale. When Arthur visited Los Angeles that year, I invited Dick to come to my home. The three of us hit it off. Dick accepted an invitation to join the committee, thus becoming our first resident psychologist on the committee.⁹⁵

The committee held its annual meeting in Los Angeles in June 1976.⁹⁶ On the agenda was a discussion of a ruling by the United States Supreme Court affirming the judgment of the United States Court of Appeals that the Virginia sodomy statute was constitutional. (*Doe v. Commonwealth's Attorney*, 425 U.S. 901 (1976)). The statute in question criminalized private consensual sexual acts between adults.

Since the court summarily affirmed the decision of the lower court, it was a ruling on the merits. This was a major setback for the gay rights movement. The discussion at the committee meeting would criticize Frank Kameny, a gay rights activist, for bringing the case in the first place, for making himself the sole expert witness at trial, and for filing an appeal to the Supreme Court rather than a petition for review. Had he done the latter, the denial of review would not have created a precedent. Because he tried to force the high court to rule on the merits, he was responsible for creating a negative precedent that would haunt gay rights litigators for years to come.

Also on the agenda for the meeting was a ruling issued by the Supreme Court of New Jersey in March 1976. It declared that a private consensual sexual act between adults in a parked vehicle did not constitute criminal lewdness or indecent exposure under New Jersey law. (*State v. J.O. and F.C.*, 355 A.2d 195 (1976)) The court noted that private consensual acts between adults do not belong within the scope of criminal lewdness statutes. The national committee had participated in this litigation. Arthur, a resident of New Jersey, worked closely with Emerson Darnell, the attorney who represented the defendants on appeal.⁹⁷

Father John McNeill made a presentation titled "Recent Papal Pronouncements Regarding

⁹⁵ This meeting with Dick would be the beginning of what turned into a close personal relationship for the next 50 years. It was so close that my husband and I moved into the condo next to Dick's in Northridge in 2012 and lived there until 2017 when we bought a house in Palm Springs. We would spend holidays with Dick and frequently travel with him to his home state of Colorado. I helped Dick establish a [lecture series](#) at CSUN in 2006. Twice a year, prominent academics, distinguished in their own fields, would lecture students, professors, and alumni, on a wide range of thought provoking issues. The series was [well received](#) by Dick's peers. Before his retirement in 2003, Dick received [many letters](#) from former students, praising his teaching style and affirming how his class had changed their lives. Dick [passed away](#) in August 2026.

⁹⁶ [Memo from Tom Coleman to members and guests](#), May 1976.

⁹⁷ [Legal Report](#), pp. 3-4.

Sex.” Laud Humphries spoke on “The Police as Promoters of Homophobia.” Louis Crompton lectured members on “The Origins of Western Anti-Homosexual Laws: The Old Testament and Early Christian Periods.”

Members of the committee, myself included, were constantly amazed by the scope and depth of these presentations and ensuing discussions. The lawyers especially found these multi-disciplinary perspectives educational. We knew that successful constitutional challenges would require the presentation of testimony from a wide range of experts, unlike what had been done in the Doe v. Commonwealth case.

By 1976, several new gay rights activists were inducted into the National Committee for Sexual Civil Liberties.⁹⁸ Some much needed new talent was added to the mix.

[Richard Caudillo](#) was the president of the Gay Rights Chapter of the ACLU of Southern California. I met Dick in April 1976.⁹⁹ He and I worked together later that year, trying to convince Gov. Jerry Brown to appoint people to the Fair Employment Practices Commission who were “sensitive to the problems faced by the gay community.”¹⁰⁰ There were four vacancies on the commission that year. I sent a [letter](#) to Gov. Brown explaining the legal rationales that commissioners could adopt that would provide employment protection under existing law.

[Donald Gaudard](#), a former law student and gay rights activist in Michigan, was a volunteer for the Sexual Law Reporter in Los Angeles. Don spent a considerable amount of time in my office doing legislative and judicial research for the Sexual Law Reporter and occasionally writing stories for the publication.

⁹⁸ [1976 Membership List](#).

⁹⁹ “From Defensive to Offensive,” [The Domino Effect](#), pp. 33-34. Dick attended a pretend “[Slave Auction](#)” on April 10, 1976, operated by the Leather Fraternity, an association of gay men who liked to wear leather clothing. Men in the audience would place bids on handsome dudes, such as Dick, who were being auctioned off to the highest bidder. The proceeds would be donated to a charitable organization. The Los Angeles police, using 120 officers – on foot, on horses, and in a helicopter – raided the event. Dick was one of 40 men arrested that evening. They were charged with the crime of slavery which was a serious felony. This was just one tactic used by homophobic police chief Ed Davis to harass the gay community. Two other attorneys and I volunteered to represent those who had been arrested. I also spoke at a [rally](#) to raise support for the defendants. That police raid is what initially brought Dick and I together. Over the next few years, we became very close friends. At one point, he and his lover moved in to an apartment in my four-unit complex in Glendale, along with Dick’s 10 year old niece for whom Dick was acting as a foster parent.

¹⁰⁰ “Working with Governors,” [The Domino Effect](#), p. 48.

[Paul Hardman](#), a prominent World War II veteran and a dedicated LGBTQ+ rights activist in San Francisco, also joined the committee in 1976. Paul was one of the founding directors of the Pride Foundation in 1973. The foundation operated as a multifaceted civic and legal hub for local gay rights initiatives, focusing on several core areas: managing the gay freedom day parade in the early 1970s; providing legal support to gay and lesbians through a network of cooperating attorneys; and operating a community center.

[John Ward](#) became a member of the committee in 1976. He had graduated from Boston University School of Law that year. 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." John would become a founder of GLAD (Gay and Lesbian Advocates and Defenders, now known as LGBTQ Advocates and Defenders) in 1978. GLAD gave him its Spirit of Justice Award in 2008. The History Project, Boston's LGBTQ archives, gave its History Maker Award to John in 2021.

[Keeston Lowery](#) also joined the committee that year. He worked in the mid-1970's for then-Attorney General Bill Clinton in Arkansas. This is what brought Keeston to the attention of Arthur Warner who then invited Keeston to become a member of the committee. The following year, Keeston assisted the committee by writing letters to key officials and lobbying legislators and the governor to stop an anti-gay criminal statute from becoming law.

[Larry Long](#) was also inducted into the committee in 1976. Larry graduated from a law school in Nebraska in 1965. He moved to San Francisco in 1971 and started a private practice. Three years later, he was hired by the San Francisco Bar Association where he became the director of its legal referral program. Larry helped found the Pride Foundation in 1973 and would later serve as both vice president and president of the organization. He also became vice president of the Gay Rights Chapter of the ACLU in San Francisco in 1978.

Also, during 1976, Arthur attended several meetings throughout the country where he raised the need for additional funding to support the Sexual Law Reporter.¹⁰¹

1976: Challenging Conditions of Probation

In 1975, I represented a defendant in Los Angeles who had been charged with lewd conduct. Rather than go to trial and risk conviction and a resulting order that would require him to register as a sex offender, my client decided to accept a plea bargain to the charge of trespassing. After pleading guilty to the lesser charge, Commissioner Harold Crowder imposed sentence. In addition to a small fine, the client was told he was being placed on two years summary probation. As we stood there in open court, with about 70 people in the audience, the judge read the [terms of probation](#). Do not associate with known homosexuals.

¹⁰¹ [Letters from Tom Coleman](#), January 4, 1977 and March 7, 1977.

Do not frequent places where homosexuals congregate. I was stunned. As a reflex reaction, I shouted at the judge: “I am a known homosexual. You are telling my client he can’t come to my office or otherwise associate with me.” The judge noted the objection but would not remove those conditions. I said to my client, in a defiant voice as we walked out of the courtroom: “Come with me in violation of your probation.”

I immediately went to the courtroom next door where the supervising judge presided. I explained to him how offensive, much less illegal, these conditions of probation were. Within a few days, Judge Eric Younger issued a [memo](#) to the three court commissioners who processed cases in that branch of the Los Angeles Municipal Court. Effective immediately, these conditions of probation were no longer to be imposed.

About a year later, I appeared in the arraignment court with another defendant who had been charged with lewd conduct and who had decided to accept a plea bargain to a lesser offense. As we stood there in open court during sentencing, Judge Jack Tso shocked me when he read those same offensive terms of probation. I thought this issue had been laid to rest. Apparently not. I asked to approach the bench. I told him that I was openly gay and that these conditions adversely affected my clients ability to associate with me. The judge responded: “Maybe he shouldn’t associate with you.” As we left the courtroom, I told my client that, although it may take a while due to other pressing legal matters, I would challenge these terms of probation on his behalf at no charge.

It took me a year before this egregious violation of civil rights came to the top of my “to do list.” Acting on behalf of the National Committee for Sexual Civil Liberties, I filed a petition for writ of habeas corpus with the Los Angeles Superior Court to challenge the constitutionality of these conditions of probation. The petition advised the court that these conditions were an “on again, off again” problem that needed to be resolved.



On the morning of Friday, October 7, 1977, Judge Tso was confronted with a [front page story](#) in the Los Angeles Times about what Tso had done and how the national committee was trying to rectify the problem. I received a call from Tso’s clerk asking that we come back to court on Monday so the judge could lift the conditions of probation. I came up with an excuse as to why Monday was a bad day for me, asking for the hearing to be held on Tuesday. This gave me time to issue a press release so that the matter would be aired and resolved in a highly public way. This was an opportunity, through the media, to educate other lawyers, judges, and the general public about judicial homophobia.

A [press release](#) was issued by the National Committee for Sexual Civil Liberties. My law partner, [Steven Kelber](#), appeared on behalf of the defendant. I sat by as an observer to watch

the judge eat crow. Tso made a [finding on the record](#) that the conditions were unconstitutional and struck them from the terms of probation. That day we celebrated another victory for the national committee.¹⁰²

1976: Appeal to Federal EEOC

The Equal Employment Opportunities Commission issued to ruling in 1976 rejecting complaints of employment discrimination based on sexual orientation. The EEOC dismissed the complaints, claiming it lacked jurisdiction to investigate or remedy such complaints. Although the agency had jurisdiction to investigate complaints of “sex” discrimination, the commission concluded that the term sex did not include sexual orientation.

Arthur Warner, on behalf of the national committee, wrote to the commission, asking that it reconsider its position.¹⁰³ The letter did not move the needle. The prior year, I spearheaded a [campaign](#) in California to get the Fair Employment Practices Commission to recognize that the term sex in state nondiscrimination law was broad enough to include sexual orientation. The campaign proved to be unsuccessful.

As it turns out, we were a few decades ahead of our time. The United States Supreme Court ruled in 2020 that Title VII of the Civil Rights Act of 1964 prohibits employment discrimination based on sexual orientation and gender identity because the term sex does include those characteristics. (*Bostock v. Clayton County*, 590 U.S. 644 (2020))

1977: A Memorable Meeting in Columbus

The national committee held its next meeting in Columbus, Ohio, from June 30 to July 7, 1977. Hosted by Craig Patton, members were treated to a variety of social events in addition to stimulating presentations and discussions.

The [agenda](#) included the following topics:

¹⁰² It turned out that the issue was not resolved. It came to the forefront again in 1979 in a case prosecuted in the Pasadena Municipal Court. My colleague, Jay Kohorn, and I became involved in the defendant’s appeal. We challenged the conditions of probation and won. This time the ruling was in a published decision of the Appellate Division of the Los Angeles Superior Court. (*People v. Rylaarsdam*, 130 Cal. App. 3d Supp. 1 (1982)) This created a precedent that would be binding on all municipal court judges in Los Angeles County and would create persuasive judicial precedent throughout the state.

¹⁰³ “EEOC rejects charges filed by gays,” [Sexual Law Reporter](#) (March/April 1976) p. 21.

Report from Miami: the Anita Bryant Affair
by Jack Campbell¹⁰⁴ and Bob Basker

*[Report from Little Rock](#): The Recriminalization
of Consensual Sodomy in Arkansas*
by Keeston Lowery

Homosexuality, Athletes, and the Macho Image
by Richard W. Smith, Ph.D.

Gay People and the Bible
by John Boswell

*Legal and Other Consequences of Homosexual Law Reform:
A Survey of Seven Reformed Jurisdictions*
by Arthur C. Warner

*Report from the White House:
The Growing Gay Federal Presence*
by William Kelley

*Relations between the National Committee
and Other Groups*
moderated by William Reynard

The Columbus meeting was a success. In addition to the academic presentations and advocacy discussions, which certainly energized the members, there were various social aspects that kept us entertained. A dinner at the home of Craig Patton. A fourth of July barbeque. An outing at a gay bar.

When he got back to his home in Philadelphia, Tony Silvestre wrote [letter](#) to several members of the committee, stating: “I am still glowing from Columbus. I feel a surge of energy that I have not felt since the appointment to the Council.”

Tony was not the only one who felt this way. I certainly did. The meeting in Columbus

¹⁰⁴ John W. “Jack” Campbell (December 5, 1932 – February 19, 2014) opened the Club Baths in Cleveland in 1965, the launch of what became a national chain of gay bath houses in the United States. Later, he helped lead the resistance to Anita Bryant’s “Save Our Children” crusade which started in Florida and soon spread nationwide. He remained active in Democratic Party politics throughout his life. Craig Patton became legal counsel to the Club Bath Chain (CBC) in the mid-1970s. CBC made donations to the national committee to help defray some of its expenses.

convinced me that the national committee was unique in its blend of a multi-disciplinary examination of scholarly issues along with strategy sessions on how to improve advocacy for sexual law reform.

Tim Sullivan, a law student volunteer for the Sexual Law Reporter who attended the Columbus meeting, summed up his experience this way:¹⁰⁵

It has been almost a week since the meeting but its effect on me has not diminished in the slightest. I am still reeling from the events I had the privilege to participate in and the truly wonderful people I feel blessed to have met.

I have never experienced a more moving or inspiring five days and I know that great things will be accomplished as a result of the knowledge shared from past efforts and approaches planned for future endeavors.

1978: Committee Meets in San Francisco

The national committee held its annual meeting from June 30 through July 4, 1978 in San Francisco. Letters to invited speakers were sent out a month or two prior to the meeting.¹⁰⁶

The final announcement, including logistics and agenda, was sent out by Dick Caudillo who was the designated coordinator for the meeting.¹⁰⁷ Hosts for the meeting were listed as: Dick Caudillo, Tom Coleman, Paul Hardman, [Don Knutson](#),¹⁰⁸ Larry Long, Woody

¹⁰⁵ [Letter of Tim Sullivan to Arthur Warner](#), July 11, 1977.

¹⁰⁶ [Letters from Arthur Warner to Dennis Rubini and Tony Silvestre](#).

¹⁰⁷ [Letter from Dick Caudillo to committee members](#), June 18, 1978. The packet of materials was much more attractive and impressive than the simple letter usually sent to members by Arthur in prior years.

¹⁰⁸ 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, a nonprofit legal advocacy organization which had its headquarters in San Francisco. He had a profound impact on the trajectory of my legal career. It was probably in 1978 when I visited the office of NGRA on Castro Street in San Francisco. During the conversation, I told him that I wanted to become an appellate judge. He looked at me sternly and admonished against such an ambition. Don told me that I could do much more good for the world as an advocate. I could pick and choose the cases and projects I wanted. I could speak out publicly and generate publicity to sway public opinion in favor of gay rights. It dawned on me that he was right. I abandoned the idea of a judicial appointment.

Tenant¹⁰⁹, and [John Vaisey](#).¹¹⁰

The San Francisco meeting offered a rich agenda to members and invited guests:

Development of Thought in Religious Groups
by Michael Valente and Warren Johansson¹¹¹

Separation of Church and State
by Paul Hardman

*Application of Contract and Equity Law
to Gay Relationships*
by Steven Kelber, Marvin Mitchelson¹¹², and Donald Pike¹¹³

¹⁰⁹ Woodrow “Woody” Tenant lived in San Francisco. He developed a friendship and romantic relationship with Dick Caudillo after Dick moved from Los Angeles to San Francisco. Woody would become the first openly gay police officer with the San Francisco Police Department. A [YouTube](#) video explains his story. He was featured in media coverage over the years, including a segment on [60 Minutes](#) focusing on gay police officers. While serving on the police force—including work with the its mental health unit—Woody earned a Ph.D. in psychology. He later transitioned into a career as a clinical psychologist supporting law enforcement personnel. Woody passed away from a heart attack on in 2004, at the age of 55.

¹¹⁰ 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. John lived in San Francisco in the 1970s and 1980s. He served on the board of directors of the Pride Foundation along with Paul Hardman. It was no doubt through Paul that Arthur became acquainted with John and invited him to join the national committee.

¹¹¹ [Warren Johansson](#) was a leading American gay scholar and founding member of the Scholarship Committee of the Gay Academic Union.

¹¹² Marvin Mitchelson was a lawyer who pioneered the concept of “palimony,” calling it “marriage with no rings attached.” He won a landmark decision on the rights of unmarried cohabitants in the California Supreme Court. (*Marvin v. Marvin*, 557 P.2d 106 (1976))

¹¹³ Donald Pike was admitted to the bar in California in June 1967. He was appointed as a commissioner in Los Angeles Superior Court, Family Law Division, from 1973 until the mid-1990s. The Daily Journal obituary article about Donald was titled “Jurist Fought for Gay Rights Before it was Popular.” While a lawyer in private practice, he drafted contracts for gay men and women “that emulated the rights of married couples,” the paper wrote. The Daily Journal also described his work for gay rights as groundbreaking and “three decades before it was fashionable.”

*Sexual Orientation: Social Roles and
Abridgement of Sexual Civil Liberties*
by John P. De Cecco,¹¹⁴ Donald Knutson, and others

Police/Gay Relations
by Woody Tenant¹¹⁵

*Recognizing and Combating Administrative
Discrimination Against Sexual Minorities*
by Anthony Silvestre and Jerry Weller¹¹⁶

Legislative Reform of Sex Laws
by Arthur Warner

Sex Surveys
Laud Humphreys and John Bartolomeo¹¹⁷

*Military Law, Recent Court Cases and Administrative
Changes Regarding Homosexuality*
by John Vaisey

*Employment Discrimination and Sexual Orientation, a Review
and Analysis of Recent Court And Administrative Decisions*
by Don Knutson

¹¹⁴ John De Cecco was a professor of psychology at San Francisco State University and the editor-in-chief of the Journal of Homosexuality from 1975 to 2009. He has been described as a pioneer of sexuality studies who had been in the forefront of three decades of change in gay-related academia. “Queer Pioneer / S.F. State Professor John De Cecco, 77, leads the gay-studies charge,” [San Francisco Chronicle](#), June 28, 2002.

¹¹⁵ At the time of his presentation, Woody was the research director of the San Francisco Police Officers Association.

¹¹⁶ At the time of the presentation, Jerry was the executive director of the Portland Town Council, Oregon's first statewide lesbian and gay civil rights organization, active from 1974 to the early 1980s.

¹¹⁷ John Bartolomeo was a Vice President at Yankelovich, Skelly and White, Inc. He was an internal consultant to the firm, providing study design and analysis assistance on special projects. He received his Ph.D. from the University of Pennsylvania in 1977. Yankelovich, Skelly and White was a prominent American market research and public opinion polling firm founded in 1958 by social scientist Daniel Yankelovich.

1978: California Test Case

On April 3, 1978, the national committee filed an [amicus curiae brief](#) with the California Supreme Court in the case of *Pryor v. Municipal Court*. The brief was signed by Steve T. Kelber (my law partner) and Arthur C. Warner as co-counsel for the national committee,

The case of Don Barry Pryor started in 1976 – two years after I and a few other attorneys in Los Angeles decided to turn the tables on the police and switch from a defensive posture in sexual solicitation and lewd conduct arrests and prosecutions in Los Angeles to instead take the offensive. Many times, when Barry Copilow, Al Gordon, Jay Kohorn, and I would represent a defendant in such a case, we would file what is called a demurrer.¹¹⁸ Sometimes we would also file a motion to dismiss based on discriminatory enforcement of the law.¹¹⁹ The [dual approach](#) to challenging these arrests had been developed by members of the Gay Law Student Association in 1972 and 1973.¹²⁰

Don Pryor was arrested in Hollywood in 1976. The charge was soliciting a lewd act in violation of Section 647(a) of the California Penal Code. The factual basis of the arrest was a conversation between Don and an undercover police officer, in the officer's unmarked car, in which the two men discussed the possibility of going back to the officer's home to engage in oral sex. They were discussing the possibility of engaging in what was, after the Willie Brown bill had passed in 1975, a perfectly legal act.

When Don came into my law office and told me what happened, I was eager to represent him. After years of unsuccessful demurrers and appeals challenging the constitutionality of section 647(a), I knew that his case was a winner. My intuition told me that his case would

¹¹⁸ The approach of filing a demurrer at an arraignment, rather than simply pleading guilty or not guilty, was discovered by Barry Copilow and me in 1972 when we were law students assisting with research in connection with what was called the "Blackpipe 21" case in Los Angeles. The demurrer was a way to challenge the jurisdiction of the court to proceed with the case on the ground that the statute underlying the prosecution was unconstitutional. Prosecutors were flabbergasted and judges stunned by this tactic – something they had not seen used before in lewd conduct cases. It proved to be a powerful tool in the legal battle challenging police harassment of gay men. "Birds of a Feather," [The Domino Effect](#), pp. 14-15.

¹¹⁹ Such a motion was based on two legal tools. A [report](#) with statistical data that gay law student Barry Copilow and I developed by [examining](#) hundreds of arrests and prosecutions for such cases in Los Angeles which showed a pattern of discriminatory enforcement of the law against men engaged in homosexual conduct. There were virtually no arrests for heterosexual conduct. The second was a [legal memo](#) on discriminatory enforcement of the law as a defense to a criminal prosecution, an analysis written by gay law student Rick Angel and me in 1973.

¹²⁰ "1972: A Breakthrough Year for LGBTQ Law Student Activism," [Webinar](#), March 30, 2022.

someday be on the docket of the California Supreme Court.¹²¹ Indeed, two years later it was.



It took nearly two years for the Supreme Court to decide the case.¹²² However, it was worth the wait. Justice Mathew Tobriner, writing an [opinion](#) for the court, declared Section 647(a) to be unconstitutional. The “solicitation” portion of the statute was voided in its entirety on the ground that the First Amendment prohibits the state from criminalizing a request to engage in lawful conduct. The “engaging” portion of the statute was saved, but redefined by the court in a way that would make it almost impossible for vice officers to enforce it against gay men. The prosecution would now have to prove beyond a reasonable doubt to a unanimous jury that the defendant knew or should have known of the presence of persons who may be offended.¹²³ On September 8, 1979, the national committee issued a [press release](#) about the landmark decision.

¹²¹ “From Defensive to Offensive,” [The Domino Effect](#), pp. 35-38.

¹²² At trial, the jury was unable to reach a verdict. It was split, with seven jurors voting for not guilty. Don, however, had been convicted of possession of a small amount of marijuana which was discovered by the police during his booking search. I had filed a motion to suppress that evidence on the ground that the initial arrest for 647(a) was unconstitutional and thus the arrest was invalid which made the search of his belongings “fruit of the poisonous tree.” After that motion was denied, and the jury hung on the solicitation charge, I filed an appeal to challenge the denial of the motion to suppress. That was a way to get the constitutional challenge before an appellate court. The superior court [affirmed](#) the marijuana conviction rejecting my constitutional argument. I was at a fork in the road, either Don would face a retrial on the solicitation charge or I would have to find a way to get the issue before the Supreme Court prior to a retrial. I filed a petition for writ of prohibition with the Supreme Court, asking it to issue a restraining order to prohibit the retrial pending a full review of the constitutional issue by that court. My approach paid off. The court issued a temporary restraining order against the Municipal Court. Section 647(a) would be scrutinized by the California Supreme Court.

¹²³ The court noted how the law was being enforced in a discriminatory manner, citing the statistical report that Barry and I had published. The brief of the national committee had brought that report to the attention of the court. ([Pryor v. Municipal Court](#), 25 Cal.3d 238 (1979), fn. 8. Committee member Don Knutson had also filed an amicus curiae brief on behalf of National Gay Rights Advocates.

Justice Tobriner's masterful opinion would be cited by appellate courts in other states to invalidate similar laws in those jurisdictions. The national committee was involved in some of those appeals.¹²⁴

1979: California Fair Housing Battle

On September 15, 1978, Alice Lytle, director of the Division of Fair Employment Practices of the Department of Industrial Relations, issued a [directive](#) instructing the staff of this division not to investigate complaints alleging discrimination in housing against gay people. When I learned of this memo, I started an investigation. Since there was an appellate case indicating that sexual orientation discrimination in housing violated the state's Unruh Civil Rights Act, and since the division had jurisdiction to investigate Unruh Act violations, why would she shut the door and deny gay and lesbian tenants help from her staff? The answer turned out to be her priorities. Accepting gay housing cases would use staff time which, in turn, would leave less staff time for cases involving housing discrimination against racial and ethnic minorities.

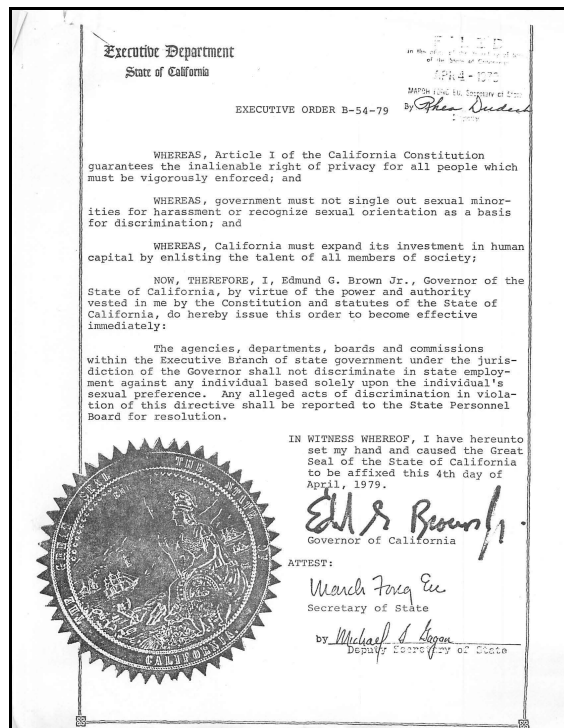
I was furious. So I enlisted the help of other members of the national committee who lived California, such as Dick Caudillo and Paul Hardman, to help me get this memo rescinded. Using the [carrot and stick approach](#), we called in favors and threatened adverse publicity against those who would not stand with us in this battle for fair housing protection.¹²⁵

¹²⁴ [State of Oregon v. Tusek](#), 630 P.2d 892 (1981). In [Commonwealth v. Sefranka](#), 382 Mass. 108, (1980), the defendant was convicted under a Massachusetts statute which criminalized being a "lewd, wanton and lascivious person in speech or behavior". The high court in Massachusetts found this statutory language to be unconstitutionally vague because it relied heavily on shifting personal or societal moral standards rather than providing a clearly defined, fair warning of what conduct was actually illegal. To evaluate and ultimately restructure how it dealt with public sexual conduct, the Massachusetts court heavily relied on the Supreme Court of California's landmark ruling in *Pryor v. Municipal Court*. The lead attorney for Sefranka wrote a [letter](#) to me, thanking the national committee for assistance in the appeal. On September 18, 1978, national committee member John Quigley joined with me and another attorney to file an [amicus curiae brief](#) in an appeal challenging the constitutionality of the sexual solicitation statute in Ohio. Relying on arguments that had been presented in our briefs – mirroring those presented to the California Supreme Court in the Pryor case, the Ohio Supreme Court issued an [opinion](#) in June 1979 (a few months before the Pryor decision in California) in which it ruled that individuals cannot be punished under the statute for soliciting a person of the same sex unless the solicitation inflicts injury or is likely to provoke an immediate retaliatory breach of the peace. Under that ruling, a polite invitation or request to engage in homosexual sex would no longer be punishable in Ohio.

¹²⁵ "Working with Governors," [The Domino Effect](#), pp. 52-54.

Our [lobbying](#) efforts paid off.¹²⁶ A [new directive](#) was issued informing staff that complaints of sexual orientation discrimination in housing would be accepted and investigated by the agency. Chalk up another victory for the National Committee for Sexual Civil Liberties.¹²⁷

1979: Executive Order in California



On April 4, 1979, California Gov. Jerry Brown issued an [executive order](#) prohibiting agencies, departments, and commissions under the jurisdiction of the governor from discriminating in state employment on the basis of an individual's sexual orientation.¹²⁸

The order assigned the task of implementing the order to the State Personnel Board. The order was transmitted to me by J. Anthony Kline, the governor's legal affairs secretary – an official with whom I had been working for months to secure the issuance of the order. Tony indicated that he would arrange for a meeting between appropriate representatives of the gay community and the State Personnel Board.

The executive order was years in the making¹²⁹. Inspired by the first such executive order by a governor, issued by Milton Shapp in 1975,

guided by advice and encouragement from Tony Silvestre, who became chair of the Governor's Council on Sexual Minorities in Pennsylvania, a nudge of Jerry Brown by [Gov. Milton Shapp](#) himself, and a [direct request](#) to Jerry Brown from me on behalf of the national

¹²⁶ [Letter from Tom Coleman to Tony Kline](#), October 8, 1979.

¹²⁷ "Statewide Housing Protection Now Available to Gays," [Press Release](#), October 3, 1979.

¹²⁸ Brown had tested out the idea of an executive order of this kind when he spoke to the California Democratic Council on March 25, 1979. During a lengthy speech to the group, "Brown elicited the loudest applause from delegates when he announced he would sign an executive order 'proscribing and prohibiting in state service any discrimination against men and women based on sexual preference.'" "Will Sign Order Prohibiting Discrimination by State," [Los Angeles Times](#), March 26, 1979.

¹²⁹ History Behind the Executive Order, [1979 memo](#).

committee, the lengthy process turned out to be worth the wait.

Now the real work would begin. It's easier to get a policy statement issued than it is to implement the policy or monitor its effectiveness. Fortunately, we had Tony Kline in the governor's office to advise the State Personnel Board to work with the national committee to develop implementation plans.

Such a meeting occurred later that year. Appearing before several members of the State Personnel Board, with Tony Kline present, were several members of the National Committee for Sexual Civil Liberties: [Jay Kohorn](#),¹³⁰ Tony Silvestre, Paul Hardman, and myself. [Rand Schrader](#), an openly gay lawyer from the Los Angeles City Attorney's Office, and Al Smithson, a gay lawyer on the board of the Gay Community Center in San Diego also attended the meeting.

After several months of meetings, we convinced the board to create a Sexual Orientation Project and to hire [Leroy Walker](#) as its manager.¹³¹ Leroy, an openly gay attorney, was a personal friend and a fellow activist who had worked for several years as a staff attorney for the California Department of Fair Employment and Housing. Although progress was being made, I continued to press Gov. Brown to take additional actions to protect the rights of gay and lesbian residents of California.¹³²

1979: Landmark Employment Ruling

On May 31, 1979, the California Supreme Court issued its landmark ruling in a case known as [Gay Law Students Association v. Pacific Telephone and Telegraph Company](#). I filed an amicus curiae brief in the case on behalf of the national committee. Committee member Don Knutson filed such a brief on behalf of National Gay Rights Advocates.

The court's opinion was written by Justice Mathew Tobriner, a brilliant jurist who had a tremendous sense of fairness – and a very creative mind. Tobriner found that an existing statute in the labor code prohibited private employers from discriminating against openly gay workers. The statute made it illegal for an employer to attempt to regulate the political

¹³⁰ Although I met Jay in 1976, and we would see each other occasionally in court, it was not until 1979 when our professional relationship solidified. It was that year that he joined the national committee, became associate editor of the Sexual Law Reporter, and was listed “of counsel” on the letterhead of the law firm of Coleman and Kelber. My association with Jay proved to be highly beneficial to me. He was very open minded. He gave good advice. And he always improved the quality of the work product in cases and projects on which we collaborated.

¹³¹ “Working with Governors,” [The Domino Effect](#), p. 51.

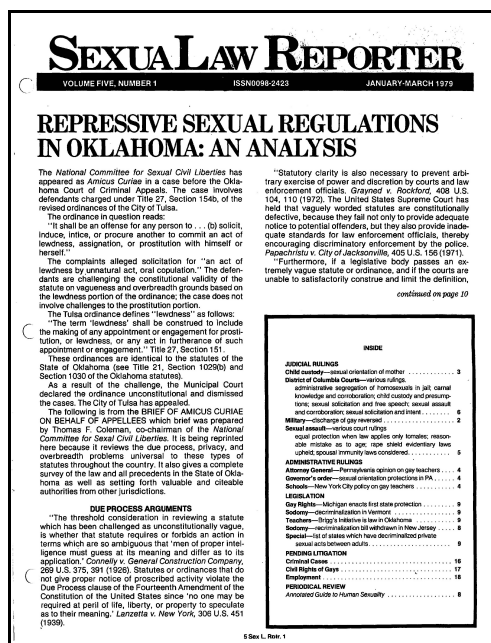
¹³² [Letter from Tom Coleman to Jerry Brown](#), August 7, 1979.

activities of employees. Being openly gay is a political act, Tobriner concluded. This is especially true in a society that is permeated by homophobia and prejudice. So there it was. California became the first state in the nation to reach into the private sector to prohibit sexual orientation discrimination.

1979: National Advocacy Activities Expand

There was a flurry of advocacy activities by members of the National Committee for Sexual Civil Liberties in a variety of projects and cases in 1979.¹³³

Leonard Graff was counsel in a successful lawsuit filed by the Gay Activists Alliance against the transit authority in Washington, D.C. The U.S. District Court for the District of Columbia ruled that the local transit authority could not refuse to display pro-gay educational advertisements on its public buses.



I filed an [amicus curiae brief](#) on behalf of the national committee in the Oklahoma Court of Criminal Appeals on March 31, 1979. The defendant had been charged with violating a Tulsa ordinance prohibiting solicitation for "an act of lewdness by unnatural act, oral copulation." The ordinance was challenged on the ground that the lewdness portion of the statute was unconstitutionally vague and overly broad.

The March 1979 issue of the Hastings Law Journal was a symposium issue on "Sexual Preference and Gender Identity." It included an article on "Sexual Autonomy and the Constitutional Rights to Privacy" written by committee member [David A.J. Richards](#).¹³⁴

In March 1979, I made a presentation at a national legal conference held at the New York University School of Law.¹³⁵ The theme of the conference was "Law and the Fight for Gay Rights." New York Attorney General Robert Abrams was the keynote speaker. My talk was titled "[Securing Gay Rights Through Constitutional Litigation](#)." Cary Boggan and David Richards also made presentations on other variations of that theme.

¹³³ "Committee Involvements," [Newsletter](#), August 1979.

¹³⁴ [Resume of David A.J. Richards](#).

¹³⁵ "Law and the Fight for Gay Rights," [Conference Booklet](#), March 1979.

In November 1979, I made a presentation to the Michigan Organization for Human Rights. MOHR was established in 1977 as a statewide civil rights and anti-discrimination advocacy coalition, with a strong, foundational focus on protecting gay and lesbian rights. My trip to Michigan was prompted by a letter I had received from [Daniel R. Sivil](#), president of the Association for Suburban People, a gay rights organization with members in Detroit and the surrounding suburbs.¹³⁶ By the next year, Dan would be a member of the national committee.

1979: Annual Meeting in New York

Members of the national committee converged on New York for the organization's annual meeting in 1979.¹³⁷ It was held on at Columbia University from May 25 to May 29. The [agenda](#) offered an array of topics of interest to academics and advocates alike.

Sexual Lifestyles and the Right to Practice Law
by Carry Boggan, [Harris Kimball](#), and Craig Patton

Unnatural Acts and the Constitutional Right to Privacy
by David Richards and William Gardner

Myths and Fabrications Regarding Homosexuality
by Wayne Dynes¹³⁸

*The Revised New Jersey Penal Code and the
Attempt to Re-Criminalize Consensual Sodomy*
by Arthur Warner and Phyllis Nobbs

*A Review Of Sociological Literature
Concerning Homosexuality*
by James Levin¹³⁹

¹³⁶ [Letter from Dan Sivil to Tom Coleman](#), September 25, 1979.

¹³⁷ [Letter from Tom Coleman to committee members](#), February 20, 1979.

¹³⁸ Wayne Dynes, a long time colleague and friend of Arthur Warner, was an American art historian, gay activist, and scholar based in New York City who edited the landmark [Encyclopedia of Homosexuality](#). For many years, he was a professor of art history at Hunter College, City University of New York (SUNY). Wayne was an active member of the Mattachine Society of New York during the 1960s. He was a founding member of the New York chapter of the Gay Academic Union.

¹³⁹ [Jim Levin](#) was an attorney, teacher, author and gay rights and political activist. He graduated from the University of Maryland and received his Ph.D. and J.D. degrees from

*A Review of Current Research on Homosexuality
by the Kinsey Institute, and Masters and Johnson
by John Bartolomeo and C.A. Tripp¹⁴⁰*

Several people who had been affiliated with the committee, some of whom had attended prior meetings, were officially added to the list of members, including:¹⁴¹ Wayne Dynes, Phyllis Nobbs, Bill Laurentz, Jay Kohorn, [Matt St. George](#), [Peter Maloney](#), John Bartolomeo, and [Mayo Lee](#).

The national committee also held a business meeting in Washington D.C. on November 3 and 4, 1979.¹⁴² Logistics for the meeting were coordinated by committee member [Tom DePriest](#).¹⁴³ The weekend started with a cocktail reception at the home of Leonard Graff. During the Washington meeting, the committee adopted a revised [statement of purpose](#) for the organization. The statement affirmed that the committee is dedicated to the pursuit of sexual civil liberties through administrative, legislative, judicial, and educational means.

1980: Challenge to Prostitution Law

In February 1980, Jay Kohorn and I filed a 138-page [brief](#) in the Los Angeles Municipal Court in the case of *People v, Farnia* challenging the constitutionality of Section 647(b) of the California Penal Code prohibiting persons from soliciting or engaging in an act of prostitution. Arthur Warner joined the brief as co-counsel on behalf of the National Committee for Sexual Civil Liberties.

Since the legislature had decriminalized private sexual conduct between consenting adults effective January 1, 1975, and since the Supreme Court has declared that soliciting a lewd act could no longer be punished if the underlying conduct was between consenting adults in private, we decided to “push the envelope” to apply these same constitutional principles to

Columbia. While teaching at the City College of New York, he helped develop one of the nation's first gay studies courses. He served as the resident lawyer of the Gay Academic Union.

¹⁴⁰ Clarence Arthur "C. A." Tripp was a psychologist and sex researcher closely affiliated with Alfred Kinsey. Tripp wrote *The Homosexual Matrix* which was published in 1975. The scholarly book sold half a million copies and provided a new research-based perspective on same sex attraction.

¹⁴¹ Business Meeting, May 29, 1979, [Minutes](#).

¹⁴² Letter from tom DePriest to committee members, September 28, 1979.

¹⁴³ Tom was an occasional contributor to the *Sexual Law Reporter*. See “The Constitutional Right to Sexual Privacy: A Recent Word from Above,” [Sexual Law Reporter](#) (Nov./Dec. 1977)

private sexual conduct involving the exchange of money. A [supplemental brief](#) was filed three months later.

When the constitutional challenges were rejected by the municipal court, we filed a petition with the superior court and were granted a hearing.¹⁴⁴ The three-judge panel initially gave us only five minutes to argue the case. However, we must have sparked some deep seated interest since they allowed oral argument to extend for more than an hour. The panel declined to declare the statute unconstitutional as applied to private sexual conduct of consenting adults. Although we lost, we certainly gave it our best shot. We decided not to take the matter to the state supreme court. The recognition of sexual privacy rights involving money or other forms of consideration would have to wait for another time.

I find this to be an appropriate time to emphasize that the work of the national committee, especially legal briefs and other publications such as the labor intensive Sexual Law Reporter, could not have been done without the assistance of the many volunteers who assisted our work. The acknowledgment in this lengthy brief attested to the importance of their role in our activities:

We wish to mention the valued efforts of law student Matt St. George for his role in the researching of material for this brief.

Peter Nicholas spent innumerable hours researching and reproducing copies of the pertinent prostitution laws in each of the 50 states. This will ultimately be transposed into a legal survey and be submitted as a separate exhibit. We are all in Peter's debt for his attention to detail, and his skills in organizing material.

In fine, we wish to express our appreciation to Martin Butel for his patience, perseverance, and cooperative spirit. Mr. Butel proofread, assisted in editing, and typed the finished brief. As Dr. Warner set the tone of the brief by his contributions, so Martin Butel helped to maintain the momentum, thus the same high standards throughout the brief

1980: A White House Meeting

Several members of the national committee (Jay Kohorn, Paul Hardman, Arthur Warner, Tony Silvestre, and I) met with White House staff on May 22, 1980. Jimmy Carter was president at that time. The focus of the meeting was to educate the staff on issues of national

¹⁴⁴ *Farnia v. Municipal Court*, [legal memorandum](#), August 14, 1980. [Exhibits](#).

concern related to personal privacy and sexual orientation discrimination.¹⁴⁵

1980: Litigation Session in New York

In April 1980, Jay and I sent a letter to several prominent litigators on behalf of the litigation project of the national committee.¹⁴⁶ We were inviting them to join us at a meeting in New York City at the law offices of Melvin Wulf, the legal director of the national ACLU. The purpose was to discuss an appellate case, [State v. Santos](#), in which Maryland's highest court had rejected a constitutional challenge to that state's statute prohibiting "the abominable and detestable crime against nature," an antiquated term for anal sex.

1980: Annual Meeting in Washington, D.C.

Members of the national committee converged on the nation's capitol for our annual meeting from May 24 through May 26 in 1980.¹⁴⁷ Most of us would stay at the DuPont Plaza Hotel. The three DC members of the committee – Tom DePriest, Mayo Lee, and Leonard Graff, hosted a cocktail reception for members and guests at Leonard's apartment.

As the agenda was being developed for this meeting, I had hoped we would address a difficult issue: teenage sexuality.¹⁴⁸ In some states, various forms of consenting sex were illegal regardless of the age of the parties. In other states, it consenting sex was legal, with some states setting the age of consent at 18, others 17, and still others 16. Unfortunately, this topic did not make it onto our agenda.

The [agenda](#) did, however, include a range of academic and advocacy issues that would prove to be stimulating and thought provoking.

Legal Problems of Prostitution

by Judge Margaret Taylor¹⁴⁹ and David Richards

¹⁴⁵ [Letters](#) between committee members and White house staff.

¹⁴⁶ [Letter from Tom Coleman and Jay Kohorn to Paula Rosin](#), April 29, 1980.

¹⁴⁷ [Letter from Tom DePriest to committee members](#), March 11, 1980.

¹⁴⁸ [Letter from Tom Coleman to Dr. Ronald Moglia](#), January 7, 1980.

¹⁴⁹ Judge Taylor issued a bold ruling in 1977 that New York's prostitution law was an unconstitutional violation of the right to privacy and that selective enforcement against female prostitutes violated equal protection of the law. (*In re P.*, 400 N.Y.S. 455 (1977)). The ruling was reversed on appeal. (*In re Dora P.*, 418 N.Y.S.2d 597 (1979)).

*Challenging Federal Immigration Laws:
A New Approach*
by Clint Hockenberry¹⁵⁰

Gays in Government
by Tony Silvestre¹⁵¹

A Sociologist Looks at Sexual Civil Liberties
by James Weinrich¹⁵²
with discussion led by Wayne Dynes and John Lauritsen

1980: Focusing on Personal Privacy

As the year 1980 was ushered in, I and several other committee members began to press the governor's office in California for an executive order creating a Commission on Sexual Privacy and Orientation. The idea was to convene a panel of people from a wide range of perspectives throughout the state to study the ways in which the sexual privacy of residents was being invaded by public entities and private businesses, as well as the pervasiveness of sexual orientation discrimination in the public and private sectors of society. Such a

¹⁵⁰ [Clint Hockenberry](#) was a D.C. activist who served (among many other things) as the American liaison to what was then known as the International Gay Association (IGA, now ILGA). In the 1970s, U.S. immigration law classified homosexuality as grounds for exclusion under the Immigration and Nationality Act, which banned entry to individuals afflicted with "sexual deviation." The U.S. Surgeon General announced in August 1979 that homosexuality was no longer considered a mental defect. The Public Health Service directed its officers to stop medically examining or certifying individuals as "sexual deviates" or "psychopathic personalities" solely based on homosexuality. Despite the PHS policy change ending medical certifications, the statutory exclusion for "sexual deviation" remained written in the INA, leading to ongoing legal ambiguity and administrative resistance until the ban was formally removed by Congress in the Immigration Act of 1990.

¹⁵¹ Tony was continuing to play a major role in Pennsylvania with a wide range of agencies and department in state government. This gave him unique insights into this topic. ["Past Progress and Future Plans: Council for Sexual Minorities,"](#) April 23, 1980.

¹⁵² James Weinrich graduated with a doctorate degree in biology from Harvard University in 1976. He was the first graduate student of the famous evolutionary biologist Robert Trivers. His highly cited doctoral dissertation used anthropological and sociological data to argue that homosexuality is a naturally selected, adaptive trait. He theorized that in pre-literate human societies, homosexual individuals may have held altruistic non-reproductive role that benefitted their communities and families. His findings were so prominent that renowned biologist E.O. Wilson highlighted Weinrich's work in his landmark 1978 book *On Human Nature*.

commission would hold public hearings and issue a report and recommendations on changes that should be made, administratively or through new legislation, to remedy such problems.

After a series of letters were sent to and from interested parties, a meeting was held at the Hollywood law office of Coleman and Kelber on February 22, 1980.¹⁵³ In attendance were two representatives from the governor's office, three representatives of the lesbian and gay community, and national committee members Tony Silvestre, Arthur Warner, Jay Kohorn, and me.

In April 1980, Jay followed up with a letter to Tony Kline, submitting a draft of two executive orders for the governor's consideration.¹⁵⁴

One would create an inter-agency task force within state government to implement a directive from the governor, declaring that: "No agency, department, board, commission, or other official entity within the Executive Branch of state government under the jurisdiction of the Governor, or representative thereof, shall discriminate against any person for reason of the person's sexual orientation, or shall unreasonably infringe upon any person's right to sexual privacy, in any matter of employment, housing, credit, contracting, delivery of services, licensing, or any other matter whatsoever."

Another, to be issued either parallel or as an alternative to the first, would create a Commission on Sexual Privacy and Orientation to be composed of not more than twenty-five (25) members appointed by the Governor. The Commission would study the problems of discrimination based upon sexual orientation and invasions of sexual privacy, in both the public and private sectors, documenting the extent of such problems, exploring how the problems are manifested, noting existing remedies, and making recommendations for legislative, administrative, and other action where appropriate.

Further discussions with the governor's staff suggested that the inter-agency order was too much of an ask. So we focused our attention solely on creating a privacy commission.¹⁵⁵ After waiting for several months with no action by the governor's office on the commission, I knew we had to get creative. I described our next actions in my 2009 memoirs.¹⁵⁶

I sent a letter directly to Jerry Brown, urging him to act. Then I asked Leroy Walker to help me develop a strategy to get the governor off the fence. Leroy

¹⁵³ [Background papers](#), Commission on Personal Privacy (1980).

¹⁵⁴ Ibid.

¹⁵⁵ [Letter from Tom Coleman to Anthony Kline](#), May 19, 1980.

¹⁵⁶ "Working with Governor," *The Domino Effect*, pp. 55-56.

was the attorney who worked within the State Personnel Board to implement the governor's 1979 executive order.

We knew that the governor was going to be the keynote speaker at a fundraiser for the Gay Community Services Center in Los Angeles in October 1980. So we set that as our target date for the new executive order to be signed.

We also knew that Jerry Brown was in the race for the Democratic nomination for president. From what I was reading in the newspapers, he was focusing his attention on several key states. Pennsylvania, New Jersey, New York, Ohio, and Michigan were among them. Those states happened to coincide with areas in which we had many contacts through the National Committee and other gay and lesbian groups.

Leroy assumed the task of generating a letter-writing campaign by our allies within California. I did the same with respect to allies in the states being targeted by Brown. In early October, the governor's office started receiving letters and phone calls from people urging him to sign the new executive order. The pressure was on. Would the governor announce the executive order at the fundraiser or would he show up and disappoint many people attending that event?

Just prior to the governor's speech at the fundraiser, I was approached by Burt Pines, who was then the Los Angeles city attorney. He told me the governor had signed the order on his way to Los Angeles and that he had asked Burt to be the chairperson of the Commission on Personal Privacy. Jay, Leroy, and I were delighted. We had another victory with the executive branch and an opportunity to build a coalition of various populations with an interest in the right of privacy.

The power of our national committee's network of advocates throughout the country was on full display when the governor told the audience at that fundraiser that he had signed an executive order creating the commission.

The [executive order](#) was signed on October 9, 1980. The Governor's Commission on Personal Privacy was officially created.

Having gone this far with the project, I decided I wanted to be the executive director of the privacy commission. But that would be a full-time job for the next two years; so I asked Jay if he would take over my law practice. He agreed. I approached Burt Pines and the governor's office about my having the job. They agreed.

However, leaving my law practice to direct the privacy commission had its downsides. My

time would be consumed for the next two years by administrative, financial, logistical, and research activities. I would have to withdraw from a pending appeal involving a constitutional challenge to California's statute that required persons convicted of misdemeanor lewd conduct to register as sex offenders.¹⁵⁷ Most importantly, I would no longer have the opportunity and privilege of working with Jay Kohorn on a daily basis.¹⁵⁸ Our unique way of practicing law together would come to an end.¹⁵⁹

1980: Holiday Gathering in Key West

Several members of the national committee met in Key West between Christmas and New Year's Day in 1980.¹⁶⁰ Craig Patton owned [Dewey House](#), an oceanfront guest house which provided us with comfortable accommodations.¹⁶¹ By this point in his career, Craig's

¹⁵⁷ I had filed a [brief](#) on the issue in the Appellate Department of the Los Angeles Superior Court in February 1980 in *People v. Ripley*, arguing that such harsh punishment, automatic punishment without a hearing to show the need in a particular case, was unconstitutional. The appellate court issued a [ruling](#) in August giving me a partial victory. The order of registration was reversed and the case remanded for an evidentiary hearing on the need for such a major liberty infringement for a misdemeanor sex offense not involving force or children. A partial victory. I had a similar case on appeal which was decided by that appellate court in October 1980. (*People v. Reed*, 170 Cal.Rptr. 770 (1980)) When the conviction of lewd conduct was affirmed on appeal, and the sex registration requirement took effect, I wanted to petition the California Supreme Court to review the issue. But my time as a practicing lawyer was suspended when I shifted my attention to the privacy commission. On April 7, 1981, the superior court denied a petition for habeas corpus I had filed for Mr. Reed. Because I was unable to proceed with the litigation, Jay took over the case. He did a brilliant job and secured a major victory in the California Supreme Court in 1982. Men convicted of lewd conduct would no longer have to register as sex offenders. The era of draconian punishment of this nature had come to an end. See: [Reed Exhibits](#).

¹⁵⁸ Jay and I had an opportunity to bond on a personal level in 1979 when we both participated in an experiential weekend workshop in Edison, New Jersey given by Michael Valente and his colleague Larry Lewis. [RelationShop: The Workshop on Love, Sexuality, and Relationships](#) was a weekend workshop designed to transform the lives of its participants, helping them to let go of psychological and emotional "baggage," and to live in the moment with a purpose of being and actualizing who they really are. It was a powerful experience for both of us.

¹⁵⁹ [Portrait of a Sexual Civil Liberties Law Office: A Holistic Approach](#).

¹⁶⁰ This was the first gathering of the national committee attended by newly inducted Michigan member Dan Sivil. [Letter from Dan Sivil to Tom Coleman](#), August 18, 1980.

¹⁶¹ Today, the [Dewey House](#) is an exclusive, adults-only oceanfront boutique guesthouse located at 506 South Street as part of the Southernmost Beach Resort.

personal and professional life involved a triangle.¹⁶²

The invitation which I mailed to committee members emphasized that our time in Key West would be a mixture of work and play, but mostly play.¹⁶³

This letter is to invite you (and/or a friend, lover, relative, etc.) to join us for a holiday week. Most of the time will be spent "goofing off" rather than heavy meetings. However, a few of us may wish to discuss the agenda and plans for next year's meeting in Detroit. Also, by December we should have more details on the work of the new privacy commission established in California by Governor Brown after months of work by our Committee.

A few days after this invitation went out in the mail, I received a heartfelt letter from Arthur Warner.¹⁶⁴ I think that when he wrote it, Arthur was still high on the intellectual and emotional fumes generated from the executive order creating the privacy commission.

1980: Release of "Fact Sheet"

During the year of 1980, Jay and I developed a "[Fact Sheet](#)" to explain in some detail the important work being done by the National Committee. Copies of the four-page brochure were distributed to committee members as well as people around the nation who had subscribed to the Sexual Law Reporter which had ceased publishing in December 1979.¹⁶⁵

¹⁶² Craig's main base was in Columbus, Ohio, where he had his primary residence and his principal law office. He also spent time in New York City where he had a separate law partnership with Cary Boggan and [Bill Thom](#). He would fly to Key West at times, spending time at Dewey House and sometimes doing legal work with attorney Robert Eimers who had moved to Florida. He occasionally used a private airplane to fly from one point in the triangle to another.

¹⁶³ [Letter from Tom Coleman to committee members](#), October 13, 1980. It was at this meeting that my fiancé, Michael Vasquez, would meet several members of the national committee. His impression of Arthur Warner was tainted when a stranger Arthur had picked up off the street and brought back to the guest house for sex in the middle of the night had snuck into our room while we were sleeping and stole \$200 from Michael's wallet. We learned of Arthur's responsibility in the matter when the next morning Jay told us that he had seen a stranger roaming the hallway about 2 am. Arthur reimbursed Michael for the stolen money.

¹⁶⁴ [Letter from Arthur Warner to Tom Coleman](#), October 13, 1980.

¹⁶⁵ The Sexual Law Reporter was discontinued with the last quarterly issue in 1979. I found that it was too labor intensive and financially draining. I wanted to put more energy into legal advocacy. I also intuitively suspected that the privacy commission would become a reality in 1980 and hoped that I would serve as its executive director. Thus, I had to clear the decks, so

1980: Work in Michigan

Dan Sivil, now a member of the national committee, continued with his ongoing work on the Family and Sexuality Task Force which had been established by the House of Representatives in the Michigan Legislature.¹⁶⁶ From 1977 to 1982, the task force examined contemporary civil rights issues, societal changes, and legal ordinances related to family structures, sexual orientation, and discrimination. Records and papers from the task force (1977–1980) are cataloged in institutional archives, including the Daniel R. Sivil Papers at the University of Michigan Library.

1980: Victory in New York

On December 18, 1980, the New York Court of Appeals issued a landmark ruling in which it declared the state’s law penalizing consensual sodomy was unconstitutional. Committee member Bill Gardner represented one of the defendants in the case. He filed a masterful brief on appeal and eloquently pressed for this victory during oral argument. ([*People v. Onofre*](#), 434 N.Y.S.2d 947 (1980)) The ruling was a watershed moment for sexual privacy rights. Coming on top of prior legislative and court victories decriminalizing private sex between consenting adults, the victory in New York meant that a majority of adults in the United States were now living in jurisdictions that respected sexual privacy rights.¹⁶⁷

1981: AAPP Emerges

With the Sexual Law Reporter ceasing publication at the end of 1979, and my appointment to the position of Executive Director of the Governor’s Commission on Personal Privacy in early 1981, changes needed to be made regarding the governance of the national committee. I resigned my position as co-chair of the committee when I started working for the State of California.¹⁶⁸ Although I remained a member of the committee, I was no longer involved in the planning and management of the organization’s activities. Doing this alone was not a

to speak, to make room for this transition. [Letter from Tom Coleman to Burton Joseph](#), January 11, 1980.

¹⁶⁶ Family and Sexuality Task Force, Sexual Orientation Interest Area, [Minutes](#), August 3, 1980.

¹⁶⁷ Jay and I had a large map of the United States on a wall in our office. We had green, blue, and yellow flag pins that we would stick in the map in a location which had decriminalized, or issued an executive order, or passed a gay rights law. The day we heard about the Onofre decision, we almost jumped for joy. We placed a green flag near Albany to signify that New York was now a “reformed” state.

¹⁶⁸ [Letter from Tom Coleman to committee members](#), April 3, 1981.

realistic option for Arthur. Several decisions were made about the committee's structure and operations going forward.

By the end of 1981, I had signed papers turning over the Sexual Law Reporter corporation to an executive team consisting of Arthur Warner, Paul Hardman, and Phyllis Nobbs. Phyllis was a lesbian whose acquaintance Arthur had made in New Jersey gay politics. The corporate name would be changed in a few months to the American Association for Personal Privacy.¹⁶⁹ It was decided that the protection of personal privacy should be the priority for the committee. Plus, the name of the organization was more palatable for public consumption, shifting the focus from sexual conduct to personal privacy. Because of a \$5,000 grant from the Playboy Foundation in April 1981 to support the work of the committee, the newly organized AAPP would have a modest budget to work with in its transitional phase.¹⁷⁰ It would also be receiving a stipend of \$300 per month from the Club Bath Chain.¹⁷¹

1981: Paper on Disability, Sexuality, and the Law

In June 1981, committee member Bill Gardner released a [paper](#) titled: "Disability, Sexuality, and the Law: Considerations and Prospects." The intended audience was health care workers and other service providers who may need to discuss sexuality issues with patients who have disabilities. The paper addressed practical, ethical, and legal considerations.

1981: Paper on Homosexual Law Reform

In November 1981, Arthur completed a 91-page [treatise](#) titled "Homosexual Law Reform: A Second Look." It revised and added to a previous paper he had written on this topic. The updated paper took into account new perspectives and recent developments since the time the original paper had been written.

The new paper contained the following sections: sodomy reform and the British experience; sexual solicitation and open lewdness laws; non-statutory impact of reform; municipal ordinances and the doctrine of preemption; executive clemency; and some sociological consequences of reform.

¹⁶⁹ [Certificate of Amendment of Articles of Incorporation](#), January 14, 1982.

¹⁷⁰ [Letter from Tom Coleman to Margaret Standish](#), April 17, 1981. [Financial Statement](#), December 31, 1981.

¹⁷¹ [Letter from John Lewis to Arthur Warner](#), October 9, 1981.

1981: Annual Meeting in Detroit

The committee decided to hold its annual meeting in Detroit over the Memorial Day weekend. We invited the newly appointed members of the California Commission on Personal Privacy to attend the meeting, and to be participants in a session titled: the Study of Personal Privacy: Identifying Issues, Establishing Priorities, Determining Appropriate Methods of Analysis.” There was time allocated for questions, comments, and suggestions as to the direction of the privacy commission.



The Detroit gathering had a formal meeting as well as options for tourist activities.¹⁷² On one evening, there was a [testimonial dinner](#) at which I was awarded the [Mathew O. Tobriner Civil Liberties Award](#) in recognition of my years of service as committee co-chair and my research, education, and advocacy activities advancing the cause of sexual civil liberties.¹⁷³ Arthur Warner delivered a “[Testimonial Address](#)” prior to Jay Kohorn [presenting me](#) with the award.

The [agenda](#) for the three day meeting covered a wide array of topics:

Opening Remarks

by Thomas Depriest (conference chair)
and Dan Sivil (local arrangement chair)

Special Reports

Canadian Report
Amicus Curiae Report
Michigan Report
New Jersey Report
Congressional Report
[Advocates for G/L State Employees](#)
Pennsylvania Report

Religion and Politics

by Milton Powell

¹⁷² 12th Annual Conference, [Agenda](#), May 12, 1981.

¹⁷³ I was pleased that Justice Tobriner had given his consent to having the award bear his name. [Letter from Justice Tobriner to Jay Kohorn](#), April 16, 1981.

Personal Privacy Litigation
by Thomas F. Coleman and Jay M. Kohorn

The Study of Personal Privacy

Introduction of Topic and Presenters
by Thomas F. Coleman

Historical Roots of Privacy in Western Society
by Wayne Dynes and Warren Johansson¹⁷⁴

Criminal Law and Personal Privacy
by Jay M. Kohorn

*Physically and Developmentally Disabled
Persons and the Right to Personal Privacy*
by Nora J. Baladerian¹⁷⁵

Marital Status Discrimination in Employee Benefits
by Thomas Todd

Monitoring Government Programs and Services
by Tony Silvestre

Censorship in the United States Today
by Henry Reichman (American Library Association)
and William Goodman (First Amendment lawyer)

Southern Strategy: Securing Sexual Law Reform in the South
by Thomas B. DePriest (Virginia), Paul Gordon (Arkansas),
and John Boddie (North Carolina)

1981: Privacy Commission Meetings

The privacy commission in California started its operations in 1981. There were two public hearings, one in Los Angeles and the other in San Francisco. The 25-member commission had committees to examine particular topics: Alternate Relationships and Families; Aging and Disability; Corrections, Probation, and Parole; Employment Discrimination; Criminal

¹⁷⁴ Warren Johansson was a senior research fellow of the Gay Academic Union.

¹⁷⁵ Nora Baladerian was a clinical psychologist who worked with clients with physical and developmental disabilities. She was a member of the newly created privacy commission.

Justice; Education and Counseling; and Medical and Mental Health Services.¹⁷⁶ The commission would issue its final report, an executive summary, transcripts of public hearings, and committee reports in December 1982. These [documents](#) are available online.¹⁷⁷

1981: Business Meeting in San Francisco

A core group of committee members held a [business meeting](#) in San Francisco in November 1981 to discuss the future of the organization. While many lofty ideas were discussed, and suggestions from a paid non-profit consultant were obtained, none of the options considered ever came to fruition. Over the next few years, the AAPP would become more of a hobby for Arthur and some members. The organization would operate informally, with a few key people making decisions and engaging in some educational and advocacy activities – but never on the level that the committee was during the previous decade.

1982: Annual Meeting in Philadelphia

The committee (now AAPP) held its annual meeting in Philadelphia in 1982. I did not attend because of my commitments to the work of the privacy commission.¹⁷⁸ Jay generously offered some of the money donated from the Playboy Foundation for litigation purposes – money which should have gone to him for his work on a major test case in California – to

¹⁷⁶ [Memo from Tom Coleman to commissioners](#), August 7, 1981.

¹⁷⁷ Three major recommendations of the committee would be implemented in the decade following release of the commission's report: legislation protecting freedom from violence; regulations prohibiting employment discrimination; and mechanisms to protect family diversity. A [hate crime commission](#) would be created by the Attorney General and the Legislature would add sexual orientation to a hate crime statute; the [Labor Commissioner](#) would start accepting cases involving sexual orientation discrimination by private sector employers; and unmarried couples would gain recognition for their relationships through the [Secretary of State](#) and they would gain [domestic partner employee benefits](#) from many [public](#) and [private sector](#) employers. I spearheaded major changes in all three of these areas of reform.

¹⁷⁸ The commission issued its final report in December 1982. An executive summary made the 500+ main report easier to understand. Transcripts of public hearings (Los Angeles and San Francisco) shared the testimony of dozens of witnesses, some of whom were members of the national committee. Supplements contained reports of various committees of the commission. In 1983, after I left the employ of the State of California, I started publishing the California Privacy Reports. [Issue #1](#) focused on implementation of the commission's report and recommendations. [Issue #2](#) did the same, as well as reporting on other significant privacy rights developments throughout the nation. [Issue #3](#) reported that the U.S. Supreme Court had accepted the Uplinger case, giving the court an opportunity to affirm or reject sexual privacy rights. It also reported on further implementation of recommendations made by the privacy commission.

reimburse the six-member board for their travel expenses in connection with the meeting.¹⁷⁹

Although respectable, the [agenda](#) did not include the number or caliber of presentations that previous meetings had offered.

Review of Recent Literature
by James Levin

Sexual Provisions of the Model Penal Code
by Louis Schwartz

*Local Ordinances: The Invasion of Constitutional Protection
Through Business and Administrative Regulations*
by Jay Kohorn and Arthur Warner

Alternative Families: Strangers in the Eyes of the Law
by Dennis Rubini and Richard Lonsdorf

1982: Attempt to Revive the Sexual Law Reporter

Jay Kohorn tried his best to get the Sexual Law Reporter up and running again.¹⁸⁰ But the primary ingredient that would make that happen was missing: money. The days of pure volunteerism were over. The era of my law office funding the operation had come to an end.

Jay was willing to do some of the funding. He had arranged for one of his clients – the owner of a bath house in Long Beach – to donate \$500 per month to AAPP in lieu of paying Jay legal fees. But that would only scratch the surface of the necessary operating expenses for the publication.

With Jay and me at his side, Arthur had met with an old friend who lived in Long Beach. He convinced the gentleman to make a \$20,000 donation to AAPP. Unfortunately, Arthur ultimately hoarded the money. He refused to allocate it for the Sexual Law Reporter as had been represented to the donor. This would prove fatal to the revival of the publication.

The AAPP board had high-minded plans for making AAPP operational and relevant.¹⁸¹ These plans never materialized in a meaningful way. Hope for a vibrant and relevant AAPP

¹⁷⁹ [Letter from Jay Kohorn to AAPP board members](#), April 28, 1983.

¹⁸⁰ [Memo from Jay Kohorn to the AAPP board](#), May 1982.

¹⁸¹ [Organizational plan](#), 1982.

– the new face of the national committee – would gradually fade.¹⁸²

1983: Avoiding a Disaster

In 1983, the New York Court of Appeals ruled that a state loitering statute was unconstitutional. (*People v. Uplinger*, 58 NY2d 936 (1983)). The state appealed to the United States Supreme Court which granted review. Bill Gardner was representing Mr. Uplinger. He brought me in as [co-counsel](#) before the Supreme Court. Jay Kohorn and a colleague filed an amicus curiae brief. As it turns out, that brief contained the winning argument. Using the rationale cited in Jay's brief, the court dismissed the case without deciding the merits. As a result, the ruling of the New York court remained. The loitering statute – a law used by undercover police to entrap gay men – was unconstitutional.

The [amicus curiae brief](#) written by Jay was filed on behalf of a dozen or so organizations and prominent individuals. David Richards filed a [separate brief](#) on behalf of AAPP and a few other organizations.

Other Organizations Emerge

When the national committee was founded in 1970, there were no viable gay or lesbian lawyer associations or legal advocacy organizations, save for a few local groups such as the legal committee of the Gay Activists Alliance in New York City or the legal committee of the Society for Individual Rights in San Francisco. The national committee broke new ground by creating a multi-state network of attorneys and other professionals to advance the cause of sexual law reform in general, and legal rights for gays and lesbians in particular. There was nothing else like it in the nation. The national committee filled a void and served

¹⁸² Arthur wrote a [memo](#) on activities of the organization in 1982. It exaggerated the work that had been done that year, by mentioning some cases that had been completed in prior years. The real action was being done by attorneys such as Bill Gardner in New York (Uplinger case) and Jay Kohorn in California (Reed case) without funding or significant involvement from AAPP or its members. Included in the memo was mention of work that Arthur was doing in New Jersey to keep the police from arresting men having sex at truck stops on state highways – hardly an issue that would secure financial support from foundations or win the approval of legislators. Arthur made this a priority for personal reasons. He and some of his buddies regularly hung out at rest stops, hoping to have sexual encounters with truck drivers who parked their rigs there for a respite from tedious long-haul treks. A similar [memo](#) written by Arthur in 1983 had two pages focused on the same two cases being handled by Jay and Bill, with the remaining six pages discussing Arthur's attempt to stop the police from harassing men who were hanging out at New Jersey rest stops for the purpose of having sex. A telling sign of Arthur's inattention to detail was his use of the old stationery of the national committee (which no longer existed) which had my name listed in the masthead as co-chair even though I had resigned as co-chair two years prior.

a much needed role in civil rights advocacy.

Slowly, but surely, over the course of the next decade, the need for the national committee was diminished. Other legal advocacy organizations, which were well funded and more diverse, would gradually displace the national committee and its successor AAPP. Lesbians, gay men, bisexuals, and transgender persons in the legal profession would join forces and work together on a broad range of issues affecting the LGBT+ community. The focus on criminal law reform, which was central to the work of the national committee, would be broadened by these emerging legal groups to include family law, immigration law, labor law, and, most urgently, the AIDS crisis. By the late 1980s, the national committee would become a historic footnote, although an important one that should not be forgotten.¹⁸³

The emergence of LGBT+ 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 law reform. They built upon the pioneering work that had been done by the national committee, but broadened the agenda and expanded the range of participants to include women and racial minorities in the legal profession.

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.

The *Lesbian Rights Project* began 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. It soon evolved into a larger, stand-alone, organization. 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.

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.

Gay & Lesbian Advocates & Defenders was founded by attorney John Ward in 1978. The organization worked to end discrimination based on sexual orientation, HIV status, and gender identity and expression. The organization primarily achieves this goal through

¹⁸³ Jay and I kept AAPP visible by filing an [amicus curiae brief](#) in its name in 1984 in *Board of Education v. National Gay Task Force* – a case before the United States Supreme Court challenging the constitutionality of a law targeting gay and lesbian teachers in Oklahoma.

litigation, advocacy, and educational work in all areas of LGBT+ rights and the rights of people living with HIV.

The national *Gay Rights Project of the ACLU* was formed in 1985. It consolidated and replaced a patchwork of regional advocacy and local projects of the ACLU. 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 of the ACLU.

Lobbying for sexual law reform – a central function of the national committee – was assumed by other and larger national grass roots organizations. They soon overshadowed the national committee, whose role was now minimal in comparison to its heyday.

The Human Rights Campaign (HRC) began in 1980 as the Human Rights Campaign Fund (HRCF). Its initial role was that of a political action committee to support pro-equality congressional candidates for public office. As the HIV/AIDS crisis intensified in the early 1980s, the organization expanded its mission beyond raising PAC funds to active lobbying and advocacy on legislation in Washington, D.C

The *National LGBTQ Task Force*, originally founded as the National Gay Task Force in October 1973, is the oldest national LGBTQ+ political advocacy organization in the United States. When it evolved into the National LGBTQ Task Force, the organization broadened its mission to link LGBTQ+ equality to racial justice, reproductive rights, economic equity, and transgender advocacy.

Even with respect to criminal law reform, the national committee (AAPP) was required to assume a cooperating rather than a leading role in challenging sodomy laws. Witness the emergence of the “[Ad Hoc Task Force to Challenge Sodomy Laws](#)” in 1983.¹⁸⁴ This coalition had its work cut out. [Half of the states](#) at that time continued to have criminal laws on the books that invalidated the sexual privacy of consenting adults.

¹⁸⁴ Members of the task force included representatives from several legal advocacy organizations: Roberta Achtenberg (Lesbian Rights Project); Gary Buseck (Gay and Lesbian Advocates and Defenders); Thomas J. Coleman Jr. [not me] (Texas Human Rights Foundation); Abby R. Rubenfeld, Nan Feyler (Lambda Legal Defense and Education Fund, Inc.); Arthur Warner (National Committee for Sexual Civil Liberties); Leonard Graff (National Gay Rights Advocates); Ira Glasser, Loren Siegel, Burt Neuborne (American Civil Liberties Union); Thomas Stoddard (New York Civil Liberties); John Heilman (ACLU of Southern California); Susan McGrievy (ACLU National Lesbian/Gay Rights Project); Sandra Kurjiaka, Paul Gordon (ACLU Of Arkansas); James Kellogg (ACLU Louisiana); David Waxse (ACLU of Kansas/ Western Missouri). In connection with this group, Arthur continued to use the name of the national committee, even though its name had been changed to the American Association for Personal Privacy.

The archives of the national committee and AAPP, as well as my own archives, do not show any other annual meetings of AAPP. From the mid-1980s on, advocacy for sodomy law reform would be done through a much larger [network](#) of lawyers and legal organizations.

Postscript

For the remainder of the 1980s, I mostly worked separately from AAPP.

For example, from 1984 to 1990, I was a [member](#) of the California Attorney General's Commission on Racial, Ethnic, Religious, and Minority Violence. In 1985, I established the [Domestic Partners Equity Fund](#) to support my work promoting equal rights of unmarried couples. The [amicus curiae brief](#) I filed in 1989 in a landmark case in New York on the definition of family did not include AAPP. From 1986 to 1988, I served as the [primary consultant](#) to the Los Angeles City Task Force on Family Diversity.

For the next few decades, my research, education, and advocacy work would be done through [Spectrum Institute](#), a nonprofit organization that Jay Kohorn and I founded in 1987.¹⁸⁵

¹⁸⁵ However, during the 1990s, I did occasionally add AAPP's name to an amicus brief along with that of Spectrum Institute. This occurred in a [brief](#) I filed in the Michigan Supreme Court in 1993 in a case challenging the constitutionality of a state law criminalizing private sexual conduct between consenting adults. It also occurred in a [brief](#) I filed before that court in a case challenging marital status discrimination against unmarried couples in Michigan. But in reality, the role of AAPP in those cases was in name only. No one from the organization actually participated in the research, writing, or preparation of those briefs.

Arthur and I would also collaborate in the mid-1990s in an effort to educate the Hawaii Legislature about domestic partnership as a legislative option in the political and legal battle over same-sex marriage. The legislature, in a response to a Hawaii Supreme Court decision, was considering whether to approve same-sex marriage, reaffirm the exclusion of same-sex couples from the institution of marriage, or adopt a third approach by creating a comprehensive domestic partnership law that conferred all the rights and benefits of marriage under state law, but with a name other than marriage.

The handwriting was on the wall. It looked like a legislative ban on same-sex marriage would occur. When the lesbian and gay community in Hawaii was willing to take an all-or-nothing approach," I enlisted Arthur's help, and the name of AAPP, to join me, in the name of Spectrum Institute, to [document](#) how domestic partnership was a viable legislative alternative.

As it turned out, the legislature took no action in that legislative session, leaving the legal definition of marriage to remain as a male-female relationship. The courts in Hawaii did not intervene. A backlash occurred and the voters approved a ballot measure limiting marriage to male-female couples. It was not until 2011 that a "civil union" law was adopted by the legislature. That was, in effect, just another name for "domestic partnership." When the law



Sexual Law Reporter volunteers (1975) (LtoR): Wade Agurcia, Paula Davis, Don Gaudard, Susan Bonine, Michael Wetherbee, (Back row LtoR: Tom Coleman, Tim Sullivan, Dean Blake)



Rusty Morris assembles the pages of the Sexual Law Reporter with help from student volunteers.

was signed by the governor, the gay and lesbian community in Hawaii was cheering and calling it a victory. In reality, they probably could have had such a law passed in 1996 had they supported the domestic partnership legislation that was on the legislature's agenda at that time.

BIOGRAPHIES OF MEMBERS

A CHRONICLE OF
LIVES AND LEGACIES

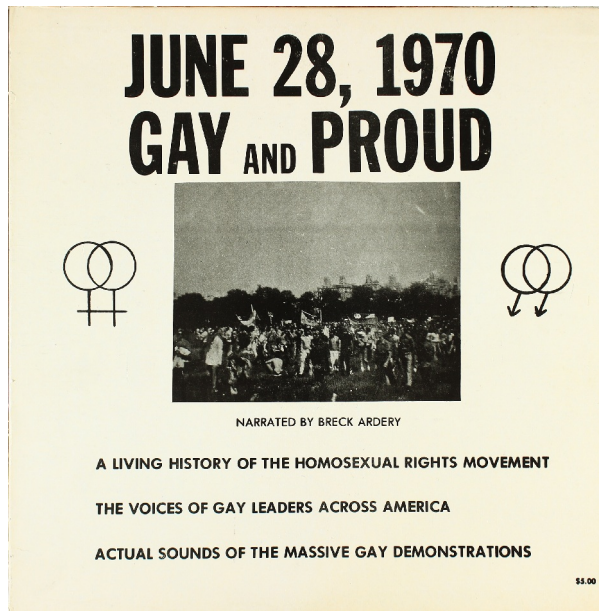


Breck Ardery



The third Stonewall 50 episode takes listeners back to that transformational year through the voices of just some of the people who lived it and led it. This episode had a special guide to help listeners on that journey: Breck Ardery, a pioneering young journalist who made the very first audio documentary about the Stonewall uprising and its aftermath. 1970. Have a listen.

<https://makinggayhistory.org/podcast/stonewall-50-episode-3-say-it-loud-gay-proud/>



Breck recorded in real time New York City's very first Christopher Street Liberation Day March on June 28, 1970. It became a record album.

Listen: <https://archive.org/details/gayandproud>

He also wrote articles for the Advocate I 1971: Breck Ardery, "Bills in N.Y. Legislature Boosts Gay Rights Drive," The Advocate, 17 Mar. 1971, 1, 6; Breck Ardery, "Rights Bills Gaining in N.Y. Legislature," The Advocate, 12 May 1971, 1, 18; Breck Ardery, "N.Y. Rights Legislative Push Fails," The Advocate, 23 June 1971, 1, 6.

Breck joined the Voice of America in 1984 after about 14 years at the ABC Radio Network. Breck spent his entire VOA career in the New York Bureau, initially as a general assignment reporter covering everything from urban issues to trials to the visits by heads of state and the impact of New York institutions on the city and nation.

<https://www.voanews.com/a/a-13-a-2002-04-09-66-ardery-67423627/277687.html>

In the broader radio community, Breck was also remembered among "boss jocks" of the 1960s–70s, such as those at WFEC 1400 in Pennsylvania, where he was known among colleagues. Radio "boss jocks" were the high-energy disc jockeys who popularized the fast-paced, highly formatted "Boss Radio" style.

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.

References

“The Loyola Brief.” *Digital Commons at Loyola Marymount University and Loyola Law School* - [Link](#)

UC Hastings College of the Law. “Hastings Law News Vol.4 No.3.” *UC Hastings Scholarship Repository* - [Link](#)

“‘Sex Prohibitions Unconstitutional’ Says Law Professor.” *Gay*, 18 Sept. 1972 - [Link](#)

Barnett, “Law Reform and Law for the Layman: A Challenge to Legal Education, *Vanderbilt Law Review* (October 1971) – [Link](#)

News Stories – [Link](#)

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 [co-author](#) 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 [died](#) in 1992 at the age of 48 due to complications related to AIDs.

References

"Bulletin of Wake Forest University." Full text of "Bulletin of Wake Forest University" *Internet Archive*, Jan. 1970 - [Link](#)

"2015 David A. Garfinkel Essay Contest Resources: Background." *Historical Society of the New York Courts* | *The Academic Center / General Resources* - [Link](#)

"E. C. Boggan, 48, Dies; Handled Rights Cases." *The New York Times*, The New York Times, 1 Feb. 1992 - [Link](#)

News Stories – [Link](#)

Robert S. Basker



Born September 30, 1918 in New York City, Robert S. Basker was a resident of Chicago for 14 years, between 1952 and 1966. During the early 1960s, he organized Mattachine Midwest, the first modern Midwestern gay organization, years before Stonewall, encouraging pride and self-esteem in our community. This was the pioneering first in Chicago [other than Henry Gerber's short lived 1920s' group], paving the way for dozens of subsequent gay committees, clubs, and coalitions.

Basker established the Mattachine Midwest telephone hotline for social service [e.g., legal, medical, psychological and pastoral counseling, and housing referrals] and other community needs of gays and lesbians. And, in what he calls the famous "harvest of the fruits" case, centering on a police roundup at Clark and Diversey, Basker and Mattachine Midwest colleagues put a stop to arbitrary police mass swoops and arrests of people on the street who were perceived to be gay.

He traveled the length and width of Illinois in public forums, speaking on the matter of freedom of residence in behalf primarily of African Americans, and he took a leading role in bringing racially integrated housing to Skokie, Illinois.

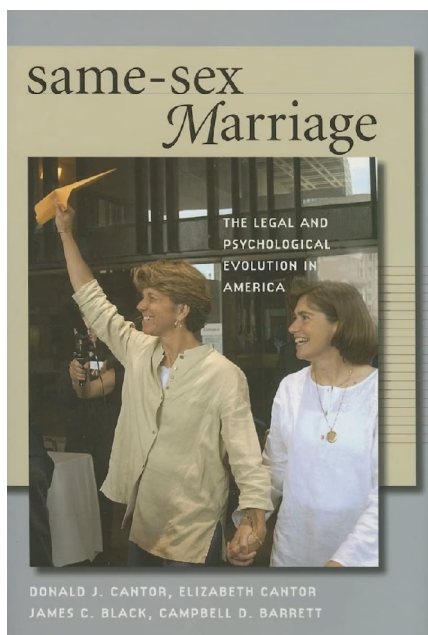
Basker maintained contact with other lesbian and gay organizations around the country for mutual support and the exchange of ideas — including participation in the 1965 New York Conference of the East Coast Homophile Organizations, at which plans were made for convening the National [later North American] Conference of Homophile Organizations.

After leaving Chicago, Basker moved to Miami, Florida, where he helped to organize that city's first Metropolitan Community Church, the Miami Gay Activist Alliance, and Gay Community Seniors of South Florida. In 1976, he convened 11 gay and lesbian groups to create the Dade County Coalition for the Humanistic Rights of Gays; he lobbied for and got passed an ordinance forbidding discrimination based on sexual orientation.

Basker later moved to San Francisco where he continued as an activist in gay organizations, as well as those involved in women's rights, African American issues, peace, and civil liberties until his death in 2001.

[This biographical sketch was taken from the Facebook page of the Chicago LGBT Hall of Fame.]

Donald J. Cantor



Born on May 11, 1931, in Stamford, Connecticut, Donald J. Cantor grew up in Hartford and West Hartford. He earned his undergraduate degree from Harvard College (1953) before serving in the U.S. Navy during the Korean War.

After his military service, he continued his education at Harvard Law School, where he earned his J.D. in 1959. He moved back to Connecticut and began his distinguished law career, eventually practicing law with Eddie Hyman at Hyman & Cantor, P.C., for 36 years.

Don was a prolific author and advocate for legal reform. In the 1960s he was a contributing author for *American Jurisprudence* and wrote bold articles on the need for criminal law reform related to divorce, abortion, narcotics, and homosexuality and sodomy law for *The Atlantic Monthly*, *The Humanist*, and *The Journal of Criminal Law, Criminology and Police Science*.

Don was an early champion of gay rights. In December 1961, he published an article titled "The Connecticut Sodomy Statute: A Case for Repeal" in the *Journal of Criminal Law, Criminology, and Police Science*. The article provided an comprehensive legal framework on why state regulation of private, consensual sexual behavior between adults was archaic, counterproductive, and an infringement on personal freedom. Three years later, he published an article in the *Journal of Criminal Law and Criminology* titled "Deviation and the Criminal Law" which questioned the use of the criminal law to prohibit the private sexual conduct of consenting adults. These articles came to the attention of Arthur C. Warner who founded the National Committee for Sexual Civil Liberties in 1970. Arthur [decided to invite](#) Don to join the committee.

Don's home state of Connecticut decriminalized consensual sodomy on October 1, 1971, when a comprehensive new criminal code passed in 1969 officially took effect. He and Arthur worked behind the scenes to quietly lobby for this reform. As a result, Connecticut became second state in the nation to decriminalize private consenting adult sex, following Illinois in 1962.

Don went on to publish three books that argued for various types of legal reform—*Escape from Marriage* (1971), *Child Custody* (1989), and, co-authored with his daughter Elizabeth Cantor, *Same-Sex Marriage* (2006).

He passed away in 2025 at the age of 93. Much of this biography is taken from an obituary published in the *Hartford Courant*.

Richard Caudillo



Richard Caudillo was the first president of the Gay Rights Chapter of the ACLU of Southern California. The chapter was formed in 1976. Below is an excerpt from the President's Message in the premiere issue of its newsletter:

"As several of the other articles in this Newsletter indicate, much of the efforts in the months since we formed as the first Gay Rights Chapter of the ACLU have been devoted to organizational needs...The need has been to assess this chapter's most productive potential in a movement that is already peopled by bright and dedicated activists who have long been concerning themselves with civil liberties issues...

"We are initiating our own actions in addition to joining in those others. The most major of these to date is the bringing of a suit against L.A. Police Chief Ed. Davis and others within the department for egregious violations of the civil liberties of Christopher Street West and the entire gay community at this year's Gay Pride Parade. It is thought that this suit is the first ever brought on behalf of the gay community in Southern California under Federal Civil Rights legislation...

"We have a special mandate here to see that this chapter leads the way for the formation of similar chapters in each and every affiliate organization and we can only do this by the example we, ourselves, set. The response in terms of membership has been phenomenal and we could not ask for any more support from our brothers and sisters, both gay and non-gay, in the other chapters and in the ACLU headquarters. The future is in our hands and it will be one of gay pride!"

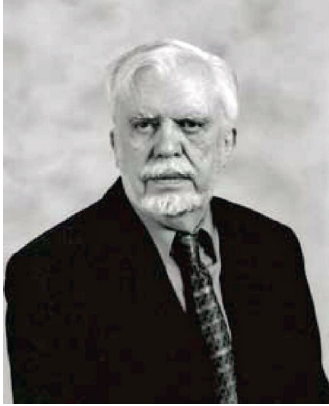
Dick was a prominent figure in LGBTQ+ media and journalism during the 1970s. He is best known for his roles as an editor and writer in early gay publications, including:

Editor-in-Chief of ALTERNATE: He served as the Editor-in-Chief of ALTERNATE, a notable gay magazine published during the late 1970s. His work included sharp cultural and political commentary, such as writing about Anita Bryant's anti-gay campaigns.

Editorial work for Drummer Magazine: He collaborated with influential figures of the era like art director Jack Fritscher for prominent leather and gay subculture publications.

San Francisco Sentinel: Historical archives track his contributions and editorial comments regarding the gay liberation movement in prominent local news outlets like the San Francisco Sentinel.

Louis W. Crompton



Louis Crompton was born in Port Colborne, Ontario, Canada, on April 5, 1925. He graduated from the University of Toronto with an M.A. in mathematics in 1948, and from the University of Chicago with a Ph.D. in English in 1954. After teaching mathematics at the University of British Columbia and English at the University of Toronto, he joined the English department at the University of Nebraska at Lincoln in 1955, retiring in 1989.

Louis was an openly gay English professor at the University of Nebraska–Lincoln (UNL) who pioneered early gay studies in American higher education.

In 1970, he helped introduce and teach one of the nation's first university courses on homosexuality, titled Proseminar in Homophile Studies. Despite intense political scrutiny and pushback from state legislators and regents, the interdisciplinary course became a milestone for academic freedom and LGBTQ+ curriculum.

In the early 1970s, Crompton became the faculty advisor for the Gay Action Group, forerunner of today's UNL Queer Ally Coalition, and also helped found the UNL Homophobia Awareness Committee, which became the Committee on Gay, Lesbian, Bisexual, and Transgender Concerns.

He co-founded the Gay and Lesbian Caucus of the Modern Language Association (MLA) in 1974. He authored major historical and literary works, including *Byron and Greek Love* and *Homosexuality and Civilization*.

His last book, *Homosexuality and Civilization*, published by the Harvard University Press, covered 2500 years of world history and was awarded the Bonnie Zimmerman and Vern L. Bullough prize of the Foundation for the Scientific Study of Sexuality award for 2003.

Louis died at age 84 in El Cerrito, CA on July 11, 2009. At the time of his death, Louis was a professor emeritus of English at UNL. He was survived by his partner of forty years, Luis Diaz-Perdomo, also a former UNL faculty member who served many years with Counseling and Psychological Services at UNL and facilitated the Gay Men's Discussion Group.[4][6]

In 2009, a scholarship was established at UNL in his name for students working toward "a more just, inclusive society for the LGBTQ community." In 2023, a Nebraska State Historical Marker was erected on the UNL campus in honor of Louis Crompton.

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.

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Wayne Dynes



Wayne R. Dynes was born on August 23, 1934. He is Professor Emeritus in the Art Department at Hunter College, where he taught from 1972 to 2005.

Wayne received his B.A. in 1969 at UCLA. He later moved to Manhattan, New York City where he obtained his Ph.D. from the Institute of Fine Arts of New York University.

Wayne served on the board of directors of One Inc. in 1954. This was one of the first gay rights organizations in the nation.

During the 1960s Wayne was a member of the Mattachine Society of New York (MSNY). He collaborated with two librarians on a basic bibliography of gay studies. This project resulted in the publication of *Homosexuality: A Research Guide* (New York: Garland, 1987). This accomplishment led to Dynes' service as editor-in-chief of the *Encyclopedia of Homosexuality* (New York: Garland, 1990). A major achievement, this two-volume set ranks as the first work of its kind. It garnered six major awards, including three from library organizations. It includes over 770 articles on a wide range of topics related to male and/or female homosexuality.

Wayne was also co-author with Stephen Donaldson of the thirteen-volume *Studies in Homosexuality* (1994). In 1985, he published *Homolexis: A Historical and Cultural Lexicon of Homosexuality*. The text served as an early, foundational glossary and cultural guide exploring terminology, history, and concepts related to same-sex love. Scholars viewed *Homolexis* as a pioneering step toward modern gay and lesbian studies.

Wayne was a key figure in the Gay Academic Union, an organization founded in the 1970s to promote LGBTQ+ scholarship. Wayne edited and published its periodical titled *The Cabirion* (also known as *Gay Books Bulletin*). Arthur C. Warner, founder of the National Committee for Sexual Civil Liberties, closely collaborated with Wayne through these intellectual and activist channels to challenge anti-gay legislation. Wayne authored *Homolexis: A Historical and Cultural Lexicon of Homosexuality*, published in New York by the GAU Scholarship Committee in 1983/1985. He and Donaldson co-edited *Gay and Lesbian Studies in Art History* (1994).

In 2014, Wayne published a book titled "The Homophobic Mind" which dispelled myths and stereotypes about homosexuals and homosexuality.

Wayne passed away in late July 2021 in New York City at the age of 86. There are 26 books listed under his name on [Goodreads](#). A blog he started known as [Dynes Lines](#) is still available online.

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 [arrested](#). 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.

References

Jarzab, Sally. “Fighting the Good Fight: This Gay-Rights Champion Took His Struggle All the Way to the Supreme Court.” *At Buffalo*, University of Buffalo, 15 Dec. 2017 - [Link](#)

“Outlaw Dinner Honors a Fighter for Gay Dignity.” *School of Law - University at Buffalo*, University of Buffalo, 21 Apr. 2016 - [Link](#)

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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.

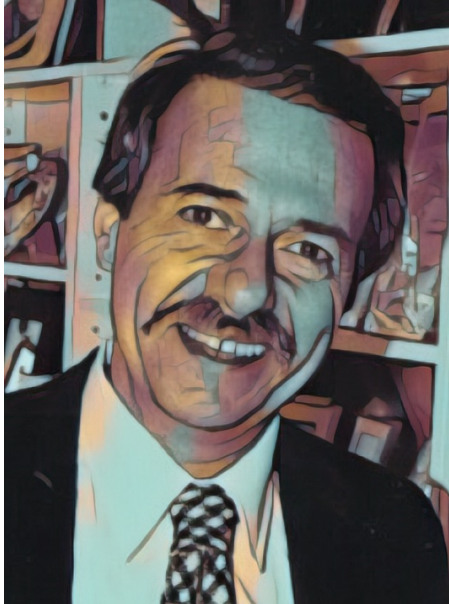
In 1974, Gaudard criticized the legislature for declining to add sexual orientation as a protected category under the state's civil rights bill.

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.

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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.

References

Mueksch, Nicole. "Colorado Law Professor Honored with LGBTQ Advocacy Award." *CU Boulder Today*, University of Colorado Boulder, 28 Sept. 2021 - [Link](#)

"United We Stand: The Story of Unity and the Creation of The Center." *The Center on Colfax*, Denver, Colorado, June 3 2016 - [Link](#)

"Gerald 'Jerry' Gerash (1934 -)." *Denver Public Library History*, Denver Public Library, 25 Feb. 2019 - [Link](#)

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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.

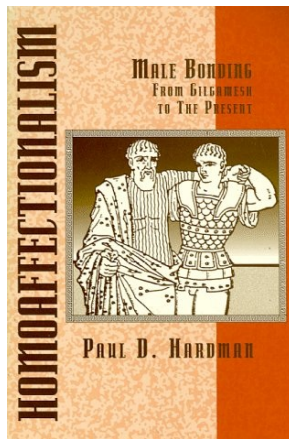
Under Leonard's leadership as legal director, National Gay Rights Advocates managed or participated in a wide variety of court cases involving LGBT rights. These are but a few examples::

- 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](#).

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Paul D. Hardman



Paul Hardman was born in New York in 1923. His family moved to San Francisco when he was 5. In 1940, he joined the Navy. After serving in the Pacific, he received an honorable discharge in 1945.

Paul received a bachelor's degree from Columbia University and a doctorate in history from the ONE Institute in Los Angeles supervised by Dorr Legg. He turned his doctoral dissertation into a book (Hardman, Paul D. *Homoaffectualism: Male bonding from Gilgamesh to the present*. 1993).

Paul founded the *California Voice*, a San Francisco gay newspaper in 1979 and remained publisher until 1984 when he sold the periodical to its assistant publisher.

Paul was one of the founders of The Pride Foundation which was incorporated on August 8, 1973 in San Francisco. Paul served on the board of directors. Its application for tax exempt non-profit status was met with resistance when the Internal Revenue Service concluded that "[the Pride Foundation's] activities carry a serious risk of contributing to a more widespread development of homosexual tendencies among certain segments of the public and a consequent increase in the general prevalence of what is still generally regarded as deviant sexual behavior. As such your activities are contrary to public policy and are therefore, not 'charitable.'" The Foundation challenged that ruling and its tax exempt status was eventually granted.

The Pride Foundation served the gay and lesbian community by providing legal assistance, especially in cases of discrimination and defamation, engaging in educational research, conducting classes, and providing assistance in social and health services. It provided services such as legal referrals, a senior citizens program, a gay tourist and visitors information bureau, health referrals, a coalition to defend gays in the military, art classes, drop-in facilities for youth, job placement, and a social group for older men known as G40+.

In 1979, Paul worked with Thomas F. Coleman and Dick Caudillo, fellow members of the National Committee for Sexual Civil Liberties, to successfully lobby the administration of California Governor Jerry Brown to provide administrative assistance and advocacy for tenants who had been victims of sexual orientation discrimination in housing transactions.

In 1984, Paul founded the Alexander Hamilton Post, the country's first American Legion post with a gay and lesbian focus, which played an active role in the national battle over gays and lesbians in the military. Paul also served on the board of the Society for Individual Rights.

The National Committee for Sexual Civil Liberties transformed into the American Association for Personal Privacy (AAPP) in 1981. Paul served on the board of directors of AAPP until his death in 1996.

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.

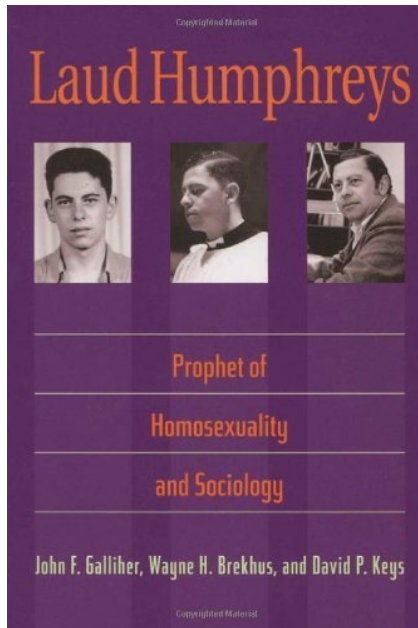
Bob Ross left his \$11 million estate to the Bob Ross Foundation that supports a broad range of LGBT health and social services as well as local arts and cultural organizations. Tom, who directs the foundation, used some of the money to fund a project by the GLBT Historical Society to digitize all issues 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.

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R.A. Laud Humphreys



Robert Allan Humphreys was born on October 16, 1930 in Chickasha, Oklahoma. "Laud" was chosen as his first name when he was baptized again upon entering the Episcopal Church.

Laud attended Colorado College, graduating with his BA in 1952. He attended Seabury-Western Theological Seminary (in Evanston, Illinois), graduating with the MDiv degree in 1955. In 1965, he entered graduate school at Washington University to pursue a doctorate degree in sociology. He completed his dissertation and graduated with his Ph.D. in 1968.

Laud's dissertation formed the basis for a book titled *Tearoom Trade: Impersonal Sex in Public Places* which was published in 1970. His book won the C. Wright Mills Award from the Society for the Study of Social Problems in 1969. By 2004, *Tearoom Trade* had sold more than 300,000 copies, making it one of the best selling books ever written by a sociologist.

Laud was an associate professor of sociology at Pitzer College, in Claremont, California, from 1972 to 1975; he earned full professorship there in 1975, where he worked until about 1980. He retired from Pitzer in 1986, two years before his death.

Laud married a woman in 1960. The couple had two children. Although he [published a book](#) in 1972 titled *Out of the Closets: The Sociology of Homosexual Liberation*, it was not until 1974 that he came out as a gay man. This was during a discussion at a conference session at the American Sociological Association. Laud was a co-founder of the Sociologists' Gay Caucus (now the Committee on the Status of Lesbian, Gay, Bisexual, Transgender, and Queer People in Sociology).

Laud separated from his wife in 1980 and began living with Brian Miller, a graduate student at the University of Alberta. He and Brian co-authored articles about gay subcultures and victims of violent homophobia. Laud [met the acquaintance](#) of to Arthur Warner in 1970 after which he was invited to join the National Committee for Sexual Civil Liberties.

His biography, written by John F. Galliher, Wayne H. Brekhus, and David P. Keys, was published in 2004, under the title *Laud Humphreys: Prophet of Homosexuality and Sociology*. The authors assert that Laud was an extremely complex person and that he was professionally marginalized in the discipline of sociology. The book documents Laud's contributions to the discipline of sociology, as well as his advocacy for African-American civil rights, gay rights, and against war.

Laud's research materials are housed in the collections at [ONE National Gay & Lesbian Archives](#).

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.

References

O'Donnell, Maureen. "William B. Kelley, Chicago Attorney Who Lobbied for Gay Rights, Dies at 72." *Times*, Chicago Sun-Times, 18 Apr. 2019 - [Link](#)

"William B. Kelley." *Wikipedia*, Wikimedia Foundation, 23 June 2021 - [Link](#)

Tracy Baim, Windy City Times. "Passages Longtime Gay Activist William B. Kelley Dies - Windy City Times News." *Windy City Times*, Windy City Times, 17 May 2015 - [Link](#)

TheAdvocateMag. "Veteran Activist William B. Kelley Dead at 72." *ADVOCATE*, Advocate.com, 19 May 2015 - [Link](#)

News Stories – [Link](#)

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 co-founder 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 I 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, I feel that GRA and I 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.

References

“Donald C. Knutson, gay rights advocate.” *The New York Times*, 21 Apr. 1990 - [Link](#)

Kosbie, Jeffrey. “How the Right to be Sexual Shaped the Emergence of LGBT Rights.” *Journal of Constitutional Law*, Aug. 2020 - [Link](#)

“Gay Rights Advocates Legal Director Resigns,” *The Sentinel* (Aug. 21, 1981) ([link](#))

News Stories – [Link](#)

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.

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Mayo Lee



William Mayo Lee was a prominent American LGBTQ+ rights activist who served as the president of the Gay Activists Alliance (GAA) of Washington, D.C. from 1977 to 1978.

During his leadership, Lee was a key figure in organizing local resistance against anti-gay campaigns. He led the local gay community's protests when anti-gay activist Anita Bryant visited Washington, D.C. in January 1978. He also served as a speaker at the city's 1978 Gay Pride events and later co-chaired the Gay & Lesbian Rights Committee of the D.C. Bar.

Mayo was a founder of the Gay and Lesbian Education Fund in 1980. Originally called the Gay Activists Alliance Education Fund, an offshoot of the Gay Activists Alliance, the organization's mission was to secure full rights and privileges for gays by educating heterosexual American citizens about gay concerns.

During the late 1970s and 1980s, Mayo was involved in organizing legal professionals and litigating landmark gay rights cases, serving as a point of contact for amicus briefs and community legal coordination in Washington, D.C.

Mayo received a Distinguished Service Award from the Gay and Lesbian Activists Alliance in 1992.

Outside of the area of gay rights, Mayo worked as an attorney in the Office of General Counsel at the U.S. Department of Energy in Washington, D.C.

Mayo was born in 1946 and passed away in Washington, D.C., in 1994.

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.

References

Miesen, Don. "Pride and SIR." *Bay Area Reporter*, Vol. 3, Num. 20, San Francisco, CA, 3 Oct. 1973 - [Link](#)

"Polk harassment? ACLU Protests New Loitering Laws." *Bay Area Reporter*, San Francisco, CA, Vol. 8, Num. 5, 2 Mar. 1978 - [Link](#)

News Stories – [Link](#)

William H. Lorentz



From 1979 until his retirement in 2002, Bill Lorentz served as a deputy attorney general in New Jersey. For much of his tenure, he worked in the Civil Rights Division.

At Rutgers undergraduate school, Bill was President of the Student Council, founding President of a chapter of Tau Kappa Epsilon Fraternity, made Phi Beta Kappa and also found his way into Who's Who in American Colleges and Universities. At law school, he was Vice President of the Student Bar Association at Rutgers and also served as the National Vice President of the American Bar Association Law Student Division. Bill was admitted to the bar in 1965.

Bill spent some 25 years as an activist in the Lesbian and Gay (LGBT) Rights movement. In 1984, he authored the "affectional or sexual orientation" amendment to the New Jersey Law Against Discrimination.

Bill recalled his involvement in a battle to stop the recriminalization of consenting homosexual sex in New Jersey, several years after the law had been declared unconstitutional by the New Jersey Supreme Court:

As then President of Dignity, a gay Catholic group, I recall a particularly hilarious meeting with the Executive Director of the New Jersey Catholic Conference who explained to me that the Church had instigated the proposed law because it had been "caught with its pants down," surely a most unfortunate usage considering the source and the subject matter. Hence, it deservedly died after the state senator who was doing the bidding of the Church withdrew the bill following a campaign by a budding gay rights movement which convinced him gay and lesbian people were "as good citizens as any" and did not deserve to be made criminals for just being who they were. That was the energizing for New Jersey's gay rights struggle and my own lifetime involvement in it.

Bill's activism continued after he retired from the Attorney General's Office. For example, he was mentioned in a [newspaper article](#) reporting on a rally in support of same-sex marriage in 2009:

Bill Lorentz, a retired deputy attorney general for the state of New Jersey, was at the event with his partner of more than 37 years, Michael Francaviglia, both of whom are long-time St. George's parishioners. Lorentz said he was struck by "the differences in attitude between the pro people and the anti." He made repeated efforts to engage the other side in conversation, with little success. "They were caught up in their anger--I really don't feel that toward them," he said.

Keeston Lowery



Alan Keeston Lowery was born on November 17, 1949 in Jackson, Mississippi. Lowery was trained as an occupational therapist, receiving a degree from Mississippi State University. He worked in Sen. Robert Kennedy's campaign for president in 1968.

Keeston left Mississippi to attend the University of Arkansas. He worked in the mid-1970's for then-Attorney General Bill Clinton in Arkansas. This is what brought Keeston to the attention of Arthur Warner who then invited Keeston to become a member of the committee.

In 1977, Keeston was the local contact for the Nationaal Committee I Arkansas, lobbying the Attorney General and the Governor to stop passage of a bill to recriminalize consensual sodomy – an endeavor that the religious right and their political allies were determined to accomplish. Unfortunately, despite his herculean efforts, and support from Bill Clinton, the governor signed the bill into law.

Keeston moved from Arkansas to Oregon in the late-70's to take a job as a physical therapist for Emanuel Hospital. Keeston quickly became a leader in the local gay and lesbian community.

In 1982, Keeston and a few others started a new political action committee and a non-profit organization called Right to Privacy; the organization later became known as Right to Pride. The organization was dedicated to ensuring full human and civil rights for lesbian, gay and bisexual Oregonians. The organization also inaugurated the first Lucille Hart fund-raising dinner in 1982, named after the first transgender man to undergo gender affirmation surgery in Oregon, Dr. Alan L. Hart (1890-1962). In 1995, this dinner became known as the Right to Pride Dinner.

Keeston became an aide to Portland City Commissioner Mike Lindberg in 1987 -- a time when very few LGBT people were out and open in politics. He quickly became a force on the political scene. He worked with Kathleen Saadat to create the first civil rights ordinance in Oregon banning discrimination based on race, religion, gender, and sexual orientation and was a strong advocate for spaces for LGBT youth. Keeston received an award from the ACLU in 1991 for his efforts to establish the ordinance.

In addition to his work at City Hall, Keeston served on the board of directors of the Portland Town Council, a grass roots gay rights organization.

When Keeston died in 1993, everyone in politics attended his funeral, including Oregon Governor Barbara Roberts, Portland Mayor Vera Katz.

Peter Maloney



Peter Maloney is a Canadian lawyer, businessman, activist and former politician, most noted as one of the first Canadian political figures ever to come out as gay and as a prominent builder of Toronto's LGBT community in the 1970s and 1980s. [Wikipedia]

At a party policy conference in February 1972, Peter formally came out as gay while criticizing federal Justice Minister Otto Lang over anti-gay discrimination in federal laws. While homosexuality had already been decriminalized, many laws, including immigration and human rights policies around LGBT issues, remained discriminatory. Later in 1972, he ran as a candidate for school trustee for Ward 6 for the Toronto Board of Education in the 1972 municipal election, becoming Canada's first known openly gay candidate for political office; he was not elected, but came a close third behind the two winning candidates and ahead of six others.

Peter later became an investor in several gay-oriented businesses in Toronto, including the gay magazine *Esprit* and the Club Baths. It was his ownership of the Club Baths that brought Peter to the attention of Arthur Warner, resulting in Peter being invited to join the National Committee for Sexual Civil Liberties. The Club Bath Chain (CBC) was a trade association of Club Bath owners in several states in the United States and Canada. CBC often called on the expertise of lawyers with the National Committee to coach and consult with local attorneys when their establishments were sometimes raided by the police.

In 1980, Peter and four other gay rights activists met with the Ontario Attorney General to discuss concerns of the gay community. The conversation focused on police entrapment, street violence against gays, police surveillance of the gay community, and the issue of civilian review of complaints against police.

Toronto Gay and Lesbian Liberals (GALL) was formed in 1980, with Peter Maloney as one of the primary organizers. GALL made a splash by sending out letters to all 700 pre-registered delegates to the annual meeting of the Ontario Liberal Party.

Maloney was among the organizers of a Right to Privacy Committee in 1981. One of the most impressive successes of the RTPC was their response to the bathhouse raids. In coordinated attacks on February 5th, 1981, four Toronto bath houses were raided by the Toronto Police. The police arrested 286 people and charged them as 'found-ins' in a 'common bawdy house' with 306 people arrested in total, the remaining charged as 'keepers of a common bawdy house.' The RTPC helped organize the 3000 person march on the Toronto Police 52 Division protesting the police harassment. This action resulted in dismissals of 87% of the cases.

John McNeill



John McNeill's landmark 1976 book, *The Church and the Homosexual*, was the first theological work written by a Catholic priest to dispute the church's official prohibition of homosexual activity and relationships. John was a Jesuit priest at the time he published the book. He was also a licensed psychotherapist who also held a doctorate in theology. The book contained arguments from both the human sciences and the Catholic scholarly tradition to demonstrate that the prohibition was pastorally harmful and theologically incorrect.

Arthur Warner was adept at spotting talent that could be used in his quest to decriminalize consenting adult sex in all 50 states. When he became aware of John's amazing book, he invited John to join the National Committee for Sexual Civil Liberties. Since religious prohibitions had been used as a major underpinning for sodomy laws in the United States, having a Catholic theologian participate in the law reform efforts would be helpful to the cause. John gladly accepted the invitation.

John was born in Buffalo, New York, on September 2, 1925. He became a priest in 1959 and was transformed into a national figure when, some 17 years later, he announced that he was gay during an interview with news anchor Tom Brokaw on a national television program.

John's journey from a humble priest to a Vatican outcast began in 1970 when he started ministering to lesbian and gay Catholics. Although he published *The Church and the Homosexual* with Vatican approval in 1976, church leaders soon had a change of heart when the book stirred controversial conversations among clergy and laity alike. John was directed to stop speaking publicly on sexual matters.

John went underground, so to speak, by quietly working with gays and lesbians. When the AIDS crisis hit New York, John and a Catholic chaplain with the New York Fire Department established an AIDS ministry in Harlem.

John's relationship with Church hierarchy reached a breaking point in 1986 when Cardinal Joseph Ratzinger -- the future Pope Benedict -- co-authored a Vatican report titled "On the Pastoral Care of Homosexual Persons." When John publicly criticized the harsh language in the document, Vatican officials ordered him to be quiet. John refused.

John was expelled from the Jesuits in 1987. That same year he was the grand marshal of New York City's gay pride parade.

Father John McNeill died in 2015 with his partner of 45 years, Charlie Chiarelli, at his bedside.

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 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 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 constitutionality 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.

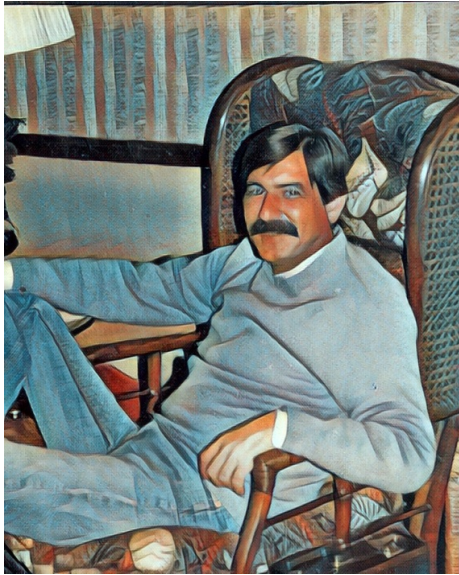
Other than the slew of news stories about him in 1973, Miller seems to have disappeared from view. Nonetheless, Michael Miller should be remembered as a vocal, creative, and passionate advocate of gay rights during the 1970s.

References

- (1) Wicker, Randy. "Legal Clinic Established." *Gay*, (Feb. 26, 1973) - [Link](#)
- (2) "Gay Bill of Rights." *Stone House Press*, Vol. 1, No. 1, 15 Mar. 1973 - [Link](#)
- (3) "Michael Miller: The Plans of a Legal Genius," *Gay* (May 7, 1973) - [Link](#)
- (4) "Homosexuals: Out of the Closet," NBC-TV (Feb. 8, 1973) - [Link](#)
- (5) "First New York Police Academy," *Mattachine Diary* 3403 - [Link](#)

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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](#)

John Quigley



John B. Quigley was a professor of law at the Moritz College of Law at Ohio State University, where he is the Presidents' Club Professor of Law Emeritus. In 1995 he was recipient of the Ohio State University Distinguished Scholar Award.

John was born in St. Louis in 1940. He graduated from Harvard undergraduate school in the class of 1962, later obtaining a law degree from Harvard Law School in 1966.

John was admitted to the bar in Massachusetts in 1967. Before joining the Ohio State faculty in 1969, he was a research scholar at Moscow State University, and a research associate in comparative law at Harvard Law School. He held an adjunct appointment in the Political Science Department.

In late 1969, one of the students at Ohio State cornered John after class and said that he and others were planning to form a gay rights group. He wanted to know if John would be the faculty advisor. John agreed and they started a group they called the Gay Activists Alliance in early 1970. They met once a week and John attended their meetings.

Being an advisor to the gay student group was a bold move. There were no faculty who were openly gay at the time. Gay faculty surmised that remaining in the closet was necessary for their career.

John helped spearhead the repeal of a cross-dressing ordinance in Columbus, Ohio. The repeal effort was prompted when campus police arrested three male students who wore dresses to a dance on campus. John helped with an appeal of their convictions. The Court of Appeal overturned the verdicts because the men had beards and were thus not trying to impersonate women. That narrow ruling did not satisfy the gay community. So John and others pressed the City Council for an outright repeal of the ordinance. They succeeded.

In addition to being an advisor to the Gay Activists Alliance for several years, John later became a faculty advisor for a gay rights group that formed at the College of Law.

John convinced the faculty to adopt a resolution to ban the military from recruiting on campus because of the government's prohibition against gays and lesbians serving in the armed forces.

In an [interview](#) about his life conducted in 2021, John explained how his involvement with the gay rights groups on campus eventually brought him into the gay rights battle outside of the university setting. He defended mothers in two contentious child custody disputes involving lesbians whose former husbands were trying to gain custody of their children on the ground that the mothers were unfit due to their homosexual relationships. John won both cases.

Another off-campus activity occurred in 1973 when the State of Ohio required all municipalities to revise their criminal codes to put them in line with a recent major change in state law. In response, the mayor of Columbus created the Commission to Revise the Penal Code. John was appointed one of the 17 commissioners. He promptly argued that sexual orientation discrimination should be prohibited by the new code.

The commission approved forbidding discrimination on grounds of sexual orientation in the areas of housing, public accommodations, and employment, and an ordinance doing so was passed by the Columbus City Council on November 26, 1973. The Columbus Dispatch promptly published a very homophobic article about this part of the new Code, and there followed much public outcry at the sinfulness of it all, with an emphasis on the employment nondiscrimination portion. Mayor Tom Moody vetoed the bill creating the new Code the next day.

The following year, the City Council passed a new ordinance , but it only protected gays from discrimination in housing and public accommodations. It was not until the 1990s that employment discrimination was added.

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."

References

Ziegler, Mary (2018) "What is Sexual Orientation?," Kentucky Law Journal: Vol. 106 : Iss. 1 , Article 6. - [Link](#)

People v. Gibson (1974) 184 Colo. 444 - [Link](#)

Rich v. Secretary of the Army (10th Cir. 1984) 735 F.2d 1220 - [Link](#)

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.

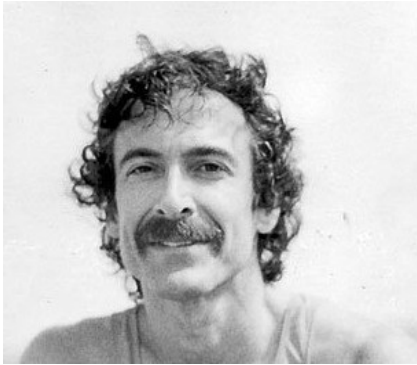
In 1977 David joined the faculty at New York University School of Law and has been there ever since. The following excerpts from the law school website demonstrate the breadth and depth of his legal and philosophical scholarship.

“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](#)

Dennis Rubini



Dennis Rubini was a professor at Temple University where he taught history from 1969 to 1999. He was one of the first openly gay professors on campus. His openness didn't sit well with some of his colleagues.

Dennis was very active in the LGBT community in Philadelphia, both on and off campus. Outside the Temple community, Dennis took a stand in the LGBT-rights movement as a member of the Gay Activist Alliance. He served as president of that organization in the early 1970s.

In 1973, the gay student group at Temple set up a "Kiss the Queer" booth on campus, an action that was met by strong resistance from some students. The administration also had a negative response, but Dennis intervened to keep the club and its members from being punished.

With the help of another openly gay faculty member, Dennis created one of the first courses on gay liberation and gay history in the country, which they taught at Temple for years.

It was a mutual passion for history, a dedication to gay rights, and geographic proximity, that brought Dennis and Arthur Warner together. Arthur lived in New Jersey but was often in Philadelphia. The two may have crossed paths at a meeting of gay activists in the region. Arthur had obtained a doctorate degree in history at Harvard. So the two men had much in common. As a result, Dennis was invited to join the National Committee for Sexual Civil Liberties.

Dennis and Arthur were both active in the American Historical Association. At the AHA's December 1973 business meeting, Dennis, representing the Committee of Gay Historians, proposed a resolution that condemned "any form of harassment or discrimination directed at single and gay women and men and members of all other sexual minorities who respect the rights of others," regardless of criminalization.

In response, president Lynn White asked whether the resolution would "place the association in a position of condoning the breaking of laws." Arthur, co-chair of the National Committee for Sexual Civil Liberties, noted that "the AHA would simply be following in the path of organizations like the American Bar Association, the American Sociological Association, and the American Psychiatric Association." Two weeks earlier, the APA Board of Trustees had both approved the declassification of homosexuality as a psychiatric disorder and endorsed the repeal of criminal laws against private consensual sex for adults. The AHA resolution passed 129–38.

Rubini then presented a second, more contentious resolution that would condemn "historical bias" based on "sexism in general or homophobia in particular" and call on "all historians to make available to gay people and all others engaging in consensual sexual acts all facets of their historical birthright."

Rubini accepted one amendment that changed “all historians” to “the historical profession,” but he resisted another to delete language criticizing historians for perpetuating the myth that “homosexual acts are unnatural or evidence of sickness.” After the latter was approved 64–60, the resolution passed 76–56.

The AHA’s discussions of gay issues continued in 1974–75. In December 1974, the business meeting adopted a resolution proposed by Dennis. It affirmed “the right of gay historians and others to engage in the research and teaching of the history of single and gay people as well as members of all sexual minorities” and declared that “attempts by colleagues, administrators, and others designed to subvert such research and teaching are to be considered violations of academic freedom.” The AHA governing Council exercised its right to “nonconcur,” which sent the resolution to a membership ballot by mail in 1975.

While the membership voted against the 1974–75 resolution. However, the Organization of American Historians (OAH) affirmed in 1975 “the right of historians and others to engage in research and teaching of the history of members of all sexual minorities.” The resolution also declared that “attempts by colleges, administrators and others designed to subvert such research and teaching are to be considered violations of academic freedom.” When the OAH membership was polled, the vote was 901–389 in favor.

In 1974, Dennis and openly gay historian Martin Duberman submitted a proposal for a panel on “the history of sexuality” for the American Historical Association’s annual convention; not getting any response, they inquired and were told that the proposal had gotten “unaccountably lost.” When they resubmitted the proposal the following year, it was formally rejected.

The National Committee held its [annual meeting](#) in Philadelphia in 1981. Dennis was one of the presenters at the meeting.

Dennis died on March 23, 2013 at the age of 72. In his [obituary](#) published by the Philadelphia Gay News, someone who knew Dennis well stated: “He was strong-willed, stubborn and extremely dedicated to the struggle for gay liberation.”

Anthony Silvestre



Anthony Silvestre was born in 1946 in New York City. After high school, he entered a Catholic religious organization known as the Holy Cross Brothers. He left after three years due to his disillusionment with the church. Tony finished his final year of college at King's College in Pennsylvania and then attended Penn State as a graduate student.

During the years at Penn State, Tony became active in an organization called the Homophiles of Penn State, and, as president, interacted with many of Pennsylvania's leading gay rights activists.

In 1975, Tony participated in an ad-hoc Gay Rights Task Force convened by Pennsylvania Gov. Milton Shapp. The group met monthly with the heads of state agencies to address issues of concern to the gay and lesbian community. Being involved in Pennsylvania gay politics, Arthur Warner was enamored with the power of the task force. He invited Tony to join the National Committee for Sexual Civil Liberties.

Committee co-chair Thomas F. Coleman went to Pennsylvania in 1975 to see the council in action with his own eyes. Upon returning to California, Tom distributed an [essay](#) to the gay press titled "After Sodomy Reform: What Next?" He urged gay rights advocates to shift their focus to the executive branch of government, with the first order of business being an executive order by the governor.

In 1976, Shapp issued an executive order formalizing the body. It was titled the Pennsylvania Council on Sexual Minorities. In the executive order, Shapp declared that all executive branch offices and services were to end discriminatory practices and policies against all LGBTQ+ employees, clients, and program of state services. The council was a way to guarantee that the order was implemented.

This experience with gay politics in Pennsylvania prompted Tom to write an [article](#) in the Sexual Law Reporter – a legal periodical that he edited and published – titled "The Executive Branch of Government: An Untapped Source of Power for Gay Right." Tom then convinced Shapp to write a [letter](#) to California Governor Jerry Brown urging him to issue a similar executive order. With this [background](#) in mind, Brown issued an order in 1979 prohibiting sexual orientation discrimination in state government. Tony provided ongoing advice to Tom and others in California on ways to ensure the effective implementation of the order.

Silvestre worked with the department of Children and Youth Services to ensure that non-straight populations were not short-changed in the bureaucracy. He became executive administrator of the Eromin Center. Eromin [Ero: erotic, and min: minorities] is a center established to provide culturally competent mental health services.

Tony died in 2022 at the age of 76. The following are excerpts from an obituary published in the

Philadelphia Gay [News](#):

Dr. Anthony Silvestre, who chaired the trailblazing Pennsylvania Council for Sexual Minorities in the 1970s, passed away September 1 at his home in Vermont. He was 76 years old.

In Philadelphia, Silvestre was an organizer for the Human Rights Campaign Fund local office, gave lectures at the Gay Community Center (including one titled “From Church Basement to the Capitol”), and served as executive director of the Eromin Center, which was established in 1973 to provide safe mental health care to sexual minorities. At the time, much mental health care for LGBTQ people centered around bogus “cure-based” approaches, including conversion therapy. After five years with the organization, Silvestre was removed from his position, an action which many in the community found to be unwarranted.

In March 1984, Silvestre was hired by the University of Pittsburgh to research the HIV/AIDS epidemic as part of the Pitt Men’s Study. Silvestre helped find and recruit thousands of gay men to participate in the study, which was run by Dr. Charles Rinaldo. At the time, it was one of only five studies funded by the federal government to try and uncover risk factors for AIDS. Silvestre and his colleagues created a community advisory board, which helped fine tune the marketing to recruit those most affected by and most at risk for HIV/AIDS.

“It was probably one of the first in the country dealing with HIV,” Silvestre told the LGBT Center of Central Pennsylvania History Project. “And that community advisory board had some of the most popular gay bar owners and gay bartenders — it had the head of MCC, Metropolitan Community Church, it had other well-known celebrities in the gay community. And so these people helped us fashion the marketing, they helped us get into the bars, they gave us an opportunity to do a training session for all bartenders about AIDS so that those bartenders could themselves act as educators in the bars. We were able to develop even cocktail napkins that had information about AIDS that the 17 bartenders would give out.”

During an interview with the LGBT Center of Central Pennsylvania History Project, Tony spoke about the realities of LGBTQ activism in the early days.

“I know activists in Pennsylvania who have had, have been shot at, have been threatened, who’ve been attacked one way or another, who’ve been pressured by their employers and so on. But even in the face of that [they] kept being active with not much reward. Even from within the community I remember vividly early on in the days of being told more than once to stop rocking the boat, gay people were afraid that if we rocked the boat too much they would become visible and therefore begin suffering consequences of stigma. And so being a gay activist didn’t mean that you made friends with a lot of gay people, sometimes people avoided you.”

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:

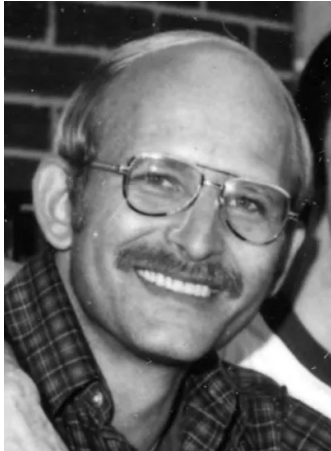
“As long as you have a system where gay officers keep quiet about their homosexuality, it doesn’t matter whether you have gay officers. As long as that exists, gay candidates can be washed out from the hiring process for all kinds of reasons. But if you have openly gay candidates on the force, you have 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 [statement](#) of tribute to Matt upon his death.

Daniel R. Sivil



Daniel R. Sivil (1940-1993) was a gay rights activist in Troy, Michigan, an Oakland County suburb of Detroit.

In 1976, Dan was one of the founders of the [Association for Single People](#) (ASP). ASP was a pioneering social and political organization for gay men and lesbians in the metropolitan Detroit area. Members used suburban homes, yards, hotels, and banquet rooms to host potlucks and social gatherings, creating visible and supportive networks outside of urban commercial gay scenes. It also acted as a vital local agent for LGBTQ+ support, political lobbying, and community organizing.

Dan was one of the most prominent leaders of the Association of Suburban People (ASP), serving as the organization's president from 1979 to 1982. He was instrumental in guiding ASP through a critical era of growth, balancing social solidarity with deliberate political activism.

Dan took the helm during a transformative period for ASP. Under his leadership, the group managed its dual identity as both a vital social outlet for suburban gays and a burgeoning vehicle for civil rights.

Dan strongly believed in mainstream engagement to break down prejudices in conservative areas. In a notable 1983 letter, he justified ASP's participation in a fundraiser for a non-gay cause, arguing that it established a "positive gay presence out in conservative Sterling Heights" and that "gay rights is going to have to be accomplished on many fronts."

Dan utilized his leadership position to build bridges with legal and educational advocates. In 1980, he coordinated a high-profile speaking engagement on Detroit's WDET-FM radio talk show to openly discuss the legal status of the LGBTQ+ community.

Beyond ASP, Dan was a foundational figure in the broader Michigan LGBTQ+ movement, serving as a founding member of the Michigan Organization for Human Rights (MOHR). Founded in Detroit in 1977, MOHR served as Michigan's primary political advocacy and anti-discrimination organization for the LGBTQ+ community until the mid-1990s. Dan's involvement bridged the gap between grassroots community groups and high-level political and legal strategizing.

Thomas F. Coleman learned about Dan and the ASP during one of his visits to Detroit in the 1970s while he was visiting his family in Oakland County. Tom managed to squeeze in some gay rights activism during those visits. Tom introduced Dan to Arthur Warner who then invited Dan to join the National Committee for Sexual Civil Liberties.

Dan leveraged his connection to the National Committee to fuel his local work. In 1979, while

serving as the president of ASP, Dan coordinated and arranged for leadership from the National Committee to travel to Michigan to speak at a major Michigan Organization for Human Rights (MOHR) conference in Southfield. This brought national legal strategies regarding sodomy law repeals directly to the Southeast Michigan activist community.

Dan directly entered the legislative arena by working with the Michigan House Civil Rights Committee's Task Force on Family & Sexuality in the early 1980s. Through this platform, Dan and his colleagues pressured state legislators from the inside, presenting data and testimonies on how the state's archaic statutes actively harmed citizens and disrupted families. They routinely lobbied to have the language stripped from the state's penal code.

ASP also had an educational dimension. In the early '80s, ASP hosted a symposium, "Developing a Positive Gay-Lesbian Identity," in cooperation with the Los Angeles-based Whitman-Brooks Clinic. Held initially at the University of Michigan-Dearborn, the gathering, which would become an annual event, included workshops on gay self-help, political skills, and community solidarity. Later symposia featured keynotes by author Edmund White — whose novel *A Boy's Own Story* appeared in 1982 — and pioneering lesbian activists Phyllis Lyon and Del Martin.

In 1981, while Tom was serving as the Executive Director of the California Commission on Personal Privacy — a blue ribbon panel convened by California Gov. Jerry Brown — Dan testified at a hearing of the commission in San Francisco. His topic was titled "Sexual Orientation Discrimination: Aging and Nursing Home Protections."

Dan's testimony focused on recently enacted legislation in Michigan titled the "1978 Omnibus Nursing Home Licensing Act." He explained that this act was the first and the only statewide legislation dealing with sexual orientation, and more profoundly, personal privacy. It affects owners, operators, employees, residents, contractors and perhaps anyone else having anything to do with nursing homes.

Following his passing on August 26, 1993, a memorial feature and [obituary notice](#) was published on September 22, 1993, in *Cruise*—a prominent weekly LGBTQ+ magazine and newspaper serving Detroit and Southeast Michigan during that era.

The published tribute highlighted details of his life and activism. It noted his roots as a native Detroiter, his graduation from Cooley High School, his B.A. in English from Wayne State University, and his 18-year career as a computer analyst for General Motors. The piece formally commemorated his vital leadership roles as the former president of the Association of Suburban People (1979–1982), as well as his dedicated work with the Michigan Organization for Human Rights (MOHR), the Motor City Business Forum, and the Detroit Area Gay/Lesbian Council.

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 [obituary](#) 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)

References

“ACLU Fights Draft Registration.” *ACLU News*, New York, NY, Mar. 1980 - [Link](#)

“The U.S. Draft Proposal That No One Supported | CBC Archives.” *CBCnews*, CBC/Radio Canada, 8 Feb. 2020 - [Link](#)

Seager, Ilana. “First Gay Man to Be Honorably Discharged from the Navy Passes Away at 81.” *GLAAD*, 17 Oct. 2011 - [Link](#)

Martinez v. Brown, 449 F. Supp. 207 (N.D. Cal. 1978) - [Link](#)

“Homosexual policy approved.” *The Daily Breeze*, Torrance, CA, 26 Oct. 1980 – [Print](#)

Beller v. Middendorf, 632 F.2d 788 (9th Cir. 1980) - [Link](#)

Miller v. Lehman, 736 F.2d 1268 (1983) - [Link](#)

News Stories – [Link](#)

Michael F. Valente



Michael F. Valente was born in Albany, New York, in 1937. He attended Stonehill College from 1955 to 1959 where he graduated *magna cum laude* with an undergraduate degree in philosophy. Stonehill College is a private Roman Catholic liberal arts college in Easton, Massachusetts.

From 1959 to 1962, Michael attended Notre Dame University. He received a masters degree in mathematics from that institution in 1961, and a masters in theology in 1962. Michael obtained a doctorate degree in the philosophy of religion from Columbia University in 1968.

As a doctoral candidate in 1966, Michael showed signs of breaking with traditionalism by publicly speaking out on the Catholic Church's prohibition against contraception, even for married couples. A [story](#) published by the South Bend Tribune, titled "Contraceptive Use By Catholics Grows," stated: "Michael F. Valente, a doctoral candidate in religion at Columbia University, conceded that 'Catholic behavior patterns are not as easily predictable as before.' He pointed out that many confessors now advise Catholics to follow their own consciences on the birth control issue. It is clearly unjust, he said 'that many Catholics cannot justify attending church' because of their feeling on using birth control."

His doctoral dissertation at Columbia was titled "The Sexual Ethics of Martin Le Maistre." It was published in 1969. A Catholic theologian during the era of St. Thomas Augustine, Le Maistre (1432-1481) rejected Augustine's pronouncement that the only morally acceptable form of sexual conduct was sex within marriage for the purpose of procreation.

In his journal article, Michael wrote: "The modern development of sexual ethics has led to the separation of human sexuality as such from human sexuality as necessarily procreative. The significance of Le Maistre is that he suggested the beginnings of such a separation."

Michael's teaching career began in 1967 when he became a member of the Department of Theology at Seton Hall University in New Jersey. The following year, he was elected to be the chair of the department. During his three year tenure in this position, Michael initiated significant changes in the department's culture and curriculum. He is believed to be the first layperson to chair a theology department at any Roman Catholic university in the United States.

Although Michael's liberal views in the field of theology predated his tenure as chair of the Department of Religious Studies at Seton Hall, it continued during and after. In 1970, he published *Sex: The Radical View of a Catholic Theologian*. In the preface, Michael wrote: "In a primary sense, this book is about freedom – freedom from the past and freedom for the future." He explained:

"It is about freedom from the past because men of the past saw 'the natural' as a

static law within which man had to conduct his life. . . It is about freedom from the reactionary view of the unfree who see the liberated individual as a tremendous threat. . . It is about freedom from feeling threatened by long-haired boys or lesbians because one is imprisoned by a world view that imputed sacredness – and hence gives sanction – only to a fixed order of things. . . It is thus about freedom from the burden of a static world view. And it is more. It is about freedom for recognition of and creative participation in the fact of man’s evolution, an evolution which man himself – because he is rational and free – can direct himself.”

Michael’s book shook up the Catholic clerical establishment. “How dare he question the Church’s sexual dogma of the ages,” was likely the feeling among theological traditionalists.

Arthur Warner learned of Michael after his book was published in 1970. Warner, who knew that criminal statutes against consenting sex had religious origins, reached out to Michael. Since the two men both lived in New Jersey, they developed an intellectual relationship. Michael was invited to become a member of the National Committee in 1972.

Michael testified on behalf of the National Committee at a hearing of the Assembly Judiciary Committee of the New Jersey Legislature in June 1972. He spoke in favor of legislation to remove criminal penalties from private consensual sex.

The following year, Michael met Thomas F. Coleman, a law graduate who was about to take the bar exam in California, at the meeting of the National Committee in Washington D.C. Michael and Tom developed a friendship as well as a comradeship for sexual law reform. The two men remained friends until Michael’s death in 2023.

Freelance journalist and once associate editor of Playboy Magazine, Robert Anton Wilson, published an article in *Oui Magazine* in 1975 titled “[The Future of Sex](#).” In it, he acknowledged the cutting-edge thinking of Michael Valente:

“Run this through your computer: ‘Our future will be one wherein sex is linked to procreation even less than it is now. . . . And procreation itself will be virtually emancipated from sexual intercourse in a world of sperm banks, surrogate mothers, test-tube babies and the utter asexuality of cloning. . . . Homosexual acts, for instance, will be seen as merely one sexual possibility among several open to every person, so long as he or she is not inhibited by contrary programming.’

“Now anyone who thinks that’s Dr. Tim Leary, Norman O. Brown, Charles A. Reich or some other prophet of futurism is missing the beat of the mutation. The speaker is a Roman Catholic theologian – Professor Michael Valente of the department of religious studies at Seton Hall University.

A more complete biography of Michael is available [online](#).

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.

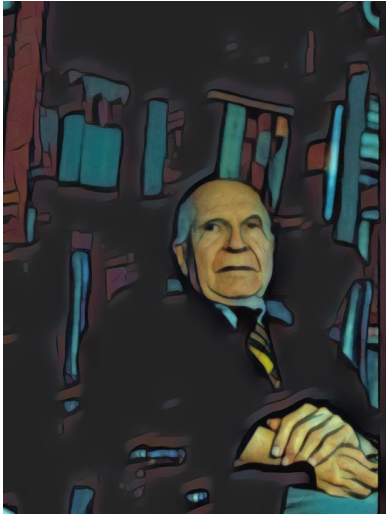
"I have something in my gut that identifies with the underdog and is offended by unfairness and injustice. I didn't know that I really wanted to be a lawyer until maybe October of my first year at BU, when it quietly dawned on me that I was in the right place. I did not think it was possible for me to 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.

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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 in 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 [New York Times](#) 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 Manhattan New York, serving as chairman of the legal committee. He founded the [National Committee](#)

[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 [People v. Onofre](#) (1980) case and *Uplinger* (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.

References

Lauritsen, J. *Obituary of Arthur Cyrus Warner*. Pagan Press Books. - [Link](#)

Bullough, V. L. *Before Stonewall: Activists for Gay and Lesbian Rights in Historical Context*. - [Link](#)

Wikimedia Foundation. (2021, November 18). *Arthur Cyrus Warner*. Wikipedia. - [Link](#)

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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.

References

Younge, G. (2013, April 7). *Warning. this article on gay marriage contains optimism.* The Guardian. - [Link](#)

Michael Boucai, *Glorious Precedents: When Gay Marriage Was Radical*, 27 Yale J.L. & Human. (2015). - [Link](#)

Smith, J. (n.d.). *GAY PRIDE v. THE CITY OF MINNEAPOLIS THE GAY PRIDE BLOCK PARTY CASE*. University of Minnesota Libraries. - [Link](#)

Cole, D. (2009, August 21). *America's same-sex future*. Australian Financial Review. - [Link](#)

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Thomas F. Coleman, J.D.

Curriculum Vitae

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The career of Thomas F. Coleman as a civil rights advocate has spanned more than five decades. His ongoing quest for justice and equal rights for marginalized populations has involved various of methods – research, writing, education, and advocacy. He has sought to advance a wide range of causes – sexual civil liberties, LGBT rights, family diversity, freedom from violence and abuse, guardianship reform, and disability rights – through legal representation of individuals in court cases and administrative proceedings as well as class action advocacy seeking systemic change.

As the details in this document demonstrate, Coleman's efforts for justice and equality have been strategically directed to those who had the power to create change. Federal, state, and local government officials and agencies. Congress, legislatures, and city councils. Governors and mayors. State and federal courts. Most importantly, Coleman has worked with the media – television and radio producers and hosts, newspaper and magazine editors and journalists – to elicit public support for the causes he has advanced.

This book focuses on an important decade of his 52 year legal career.

By convening and directing commissions, task forces, workgroups, and special projects throughout these many decades of his advocacy, Coleman has worked collaboratively with small groups of like-minded people who shared a common vision of eliminating unjust discrimination and promoting justice for those who have needed a helping hand.

Philosophies that underlie Coleman's personal and professional life are found below.

"The price of liberty is eternal vigilance."
– *Thomas Jefferson*

"Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever has."
– *Margaret Mead*

"Experience should teach us to be most on our guard to protect liberty when the government's purposes are beneficent. Men born to freedom are naturally alert to repel invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding."
– *Justice Louis Brandeis*

Coleman Photos

1972 - 1981

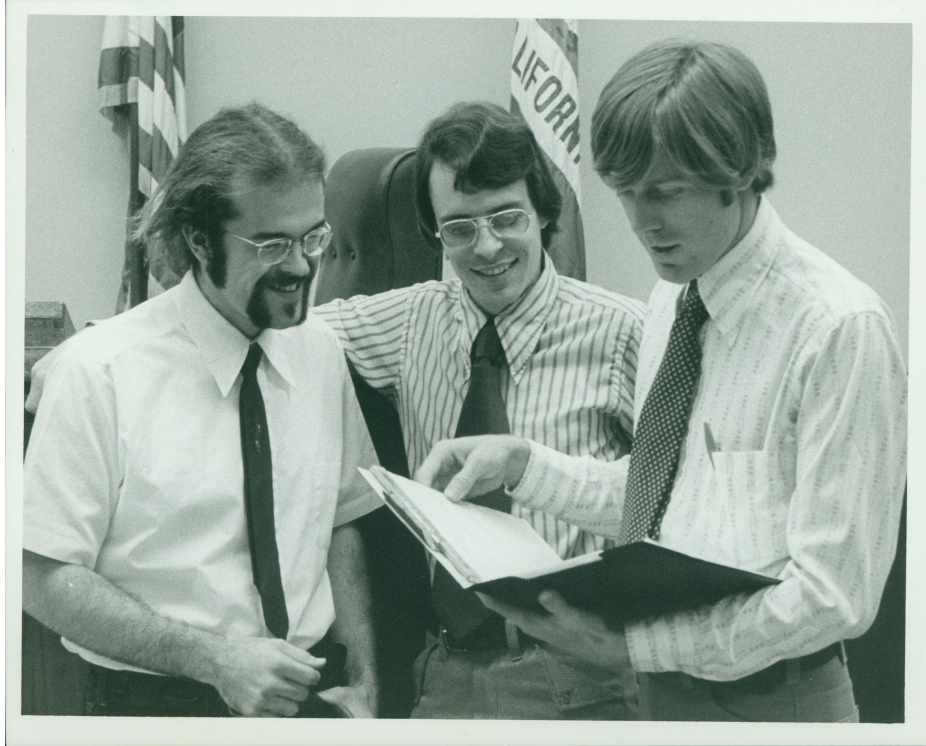


Figure 1. Mike Miller, Tom Coleman, Rick Angel, confer about Arraignment Intervention Program run by gay law students. (1972)



Figure 2 Tom at ABA Law Student Division meeting (1973)



Figure 3 Tom defends Bob Opel who protested naked in city council (1974)



Figure 5 Tom marches with gay law student Claudio Frias at Hollywood protest (1975)

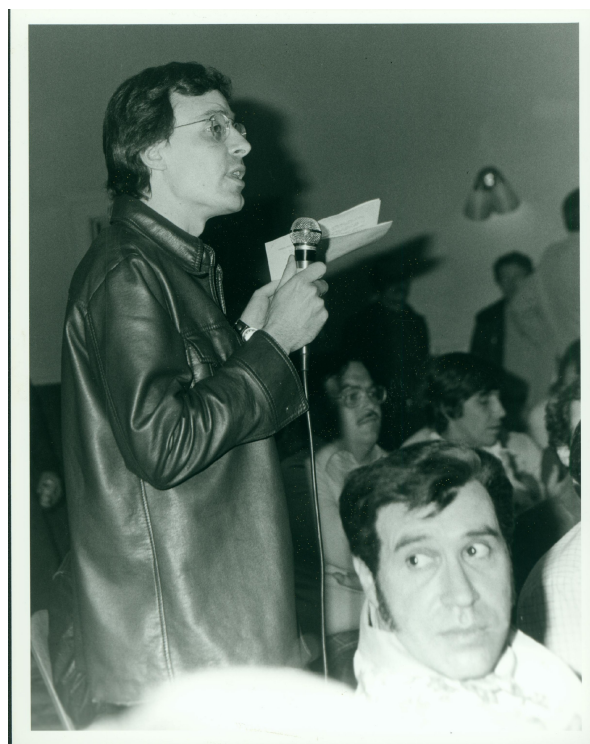


Figure 4 Tom speaking at rally for 40 men arrested at leather fraternity event (1975)

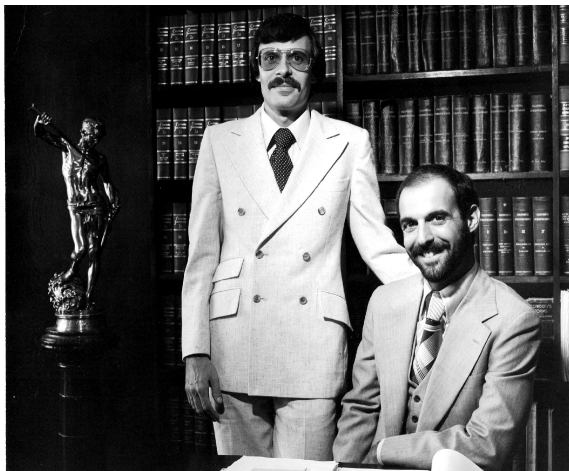


Figure 5 Tom with law partner Steve Kelber at their Hollywood law office (1979)



Figure 6 Tom congratulating Steve Lachs, first openly gay judge (1979)

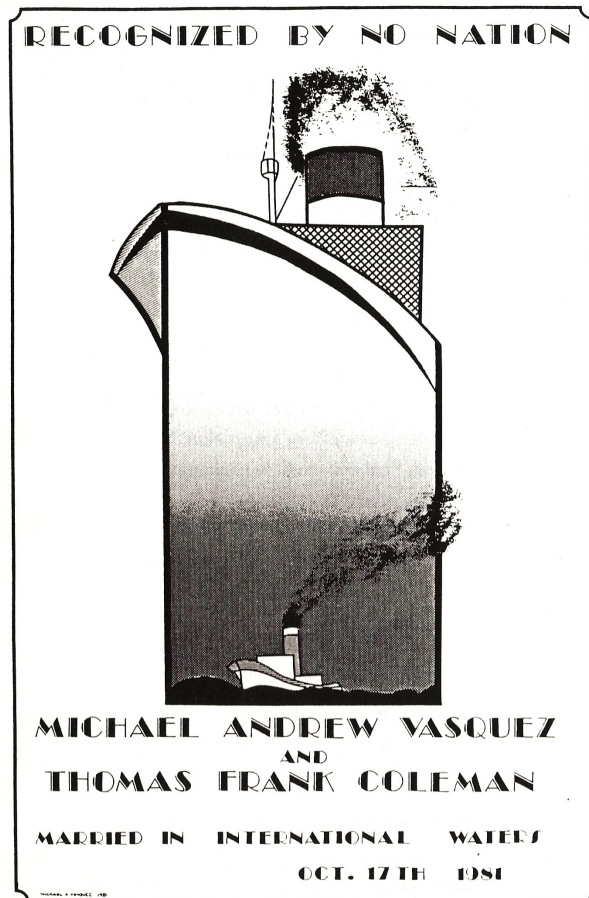


Figure 7 Poster for wedding invitation (1981)



Figure 9 Tom exchanges vows with Michael Vasquez on a ship at sea. Michael Valente officiated at the ceremony (1981)