

THE "DALLAS WAY" IN THE GAYBORHOOD: THE CREATION OF A LESBIAN,  
GAY, BISEXUAL, AND TRANSGENDER COMMUNITY  
IN DALLAS, TEXAS, 1965-1986

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This thesis describes the creation of the gay and lesbian community in Dallas, the fourth largest metropolitan area in the United States. Employing more than seventy-five sources, this work chronicles the important contributions the gay men and lesbians of Dallas have made in the struggle for gay civil rights. This thesis adds to the studies of gay and lesbian history by focusing on a region of the United States that has been underrepresented, the South. In addition, this work addresses the conflicts that arise within the community between men and women.

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## CHAPTER I

### AN INTRODUCTION

The naming of community institutions exclusively in honor of male civic leaders is familiar to all citizens of Dallas, who on any given day may drive on the Stemmons Freeway, the R. L. Thornton Freeway, the John Carpenter Freeway or Woodall Rodgers Freeway. Likewise, a perusal of the gay newspaper, *Dallas Voice*, finds references to the Resource Center Dallas, which consists of the John Thomas Gay and Lesbian Community Center, the Phil Johnson Historic Archives and Research Library, and the Nelson-Tebedo Community Clinic, named for Bill Nelson and his partner Terry Tebedo. On the third Sunday in September, the Dallas lesbian, gay, bisexual and transgender (LGBT) community celebrates Pride with the Alan Ross Texas Freedom Parade. In fact, the best-known woman's name in the gayborhood, the area in the city historically containing the majority of gay bars and businesses, is Sue Ellen, a fictional character whose main claim to fame was being the unfaithful, alcoholic wife to J.R. Ewing in the 1970s soap opera, *Dallas*.

Today, lesbians routinely hold positions of leadership in the Dallas LGBT community as evidenced in 2010 when Cece Cox was named the executive director of Resource Center Dallas. At the same time, Patti Fink was the president of the Dallas Gay and Lesbian Alliance and Erin Moore was the president of the Stonewall Democrats of Dallas. However, the lack of women's names attached to community features could call to question their contributions to Dallas LGBT history. Unquestionably, lesbians were vital to the formation of an LGBT community in Dallas. Although they struggled early on to find their role in the fledgling LGBT community, battling against sexism within the community and, to some extent, their invisibility to the outside world,

Dallas lesbians ably stepped forward to lead the community through the HIV/AIDS crisis and beyond.

The study of gay and lesbian history in the United States is a relatively new field, with the first scholarly publications less than forty years old.<sup>1</sup> Since the beginning, the scholarship in this area tended to focus on the large and active gay community visible in the major urban areas of the North and the West, particularly New York City, Los Angeles and San Francisco. Much of the early work also tended to concentrate on gay men with lesbians as only peripheral characters, if mentioned at all. These types of studies implied that homosexuals existed only in urban areas in the more liberal parts of the country with any rural or southern lesbians or gay men being isolated anomalies.

One of the most important works in the study of gay history in the United States was George Chauncey's book, *Gay New York: Gender, Urban Culture, and the Makings of the Gay Male World, 1890-1940*.<sup>2</sup> Chauncey focused on the queer underground in New York City from the turn of the twentieth century until World War II, noting the changes in the acceptability and visibility of such caused mostly by the enactment and subsequent repeal of Prohibition. The period of the late nineteenth and early twentieth century examined in this book was really the perfect starting point for a history of the gay community. To be sure, people with same-sex attraction existed prior to this time, but their lives were necessarily isolated as were the lives of most people living in those times dominated by agriculture. As the population of the United States shifted from primarily rural to primarily urban as the market economy and industrial revolution created jobs in the city, women gained the right to vote and a bit more access to

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<sup>1</sup> Marc Stein, "Theoretical Politics, Local Communities: The Making of U.S. LGBT Historiography," *GLQ: A Journal of Lesbian and Gay Studies* 11, no. 4 (2005):606. John D'Emilio published *Sexual Politics, Sexual Communities*, the first scholarly monograph on U.S. gay history in 1982.

<sup>2</sup> George Chauncey, *Gay New York: Gender, Urban Culture, and the Making of the Gay Male World, 1890-1940* (New York: Basic Books, 1994).



education and employment. Not coincidentally, advances made by homosexuals into mainstream society tended to occur concurrently with feminist movements. The redefining of a culture's gender roles most greatly affects the positions of those without power: women and those outside gender norms, gays. The combination of more people congregating in the cities and the redefinition of gender roles made a fertile environment for the creation of a gay community.

Prior to World War I, the concepts of "homosexuality" and "heterosexuality" had not yet reached the mainstream United States. People were labeled based upon whether their outward appearance and behaviors conformed to accepted gender norms, not their sexual object preference. Instead of homosexuals, then, there were "inverts," "fairies," or "third-sexers" who were either mannish women or feminized men. Fairy men walked with a "swish," spoke in falsetto whispery voices, and some even wore makeup and women's clothing. Fairies were easily identifiable on sight and, thus, became the face of the fledgling gay community and dealt with the majority of the persecution and discrimination. Other members often looked and acted like "normal" men, but preferred to have sexual relations with men. Some of these men called themselves "queer" in an effort to distance themselves from the fairies but still identify as a part of the community. Still others adopted some of the less conspicuous behaviors of the fairy to make themselves visible to other gay men but not stand out too much. Thus, the fairy was the early central figure as both a model and a pariah.<sup>3</sup>

Chauncey's book chronicled the establishment of a gay culture in the newly urbanized America decades before most credited it existing. Special attention was given to the locations, which shifted over time, where gay men could congregate for sexual encounters, socialization, or just daily living in relative safety. It also tracked the timeline of the manifestations of the gay

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<sup>3</sup> Ibid, 12-14, 99-103.

male archetypes. Chauncey's work formed an important foundation of gay history, but the scope of his research was limited primarily to the gay male population of New York City. Chauncey believed that the worlds of gay men and lesbians during the time range of his book were so different that to attempt to cover both would render both parts subpar. Thus, he concentrated on a thorough accounting of the gay men and left the lesbian side for other historians.<sup>4</sup>

One tremendous difficulty in researching gay and lesbian history in the United States has been the dearth of written sources available even from relatively recent times. Homosexuality was not removed from the list of psychiatric disorders until 1973 and homosexual conduct was not nationally decriminalized until 2003, so an absence of documentation was understandable.<sup>5</sup> As a result, the history of what is commonly known as the lesbian, gay, bisexual, and transgender (LGBT) community has relied heavily on oral histories to fill in the blanks. Still, the desire of homosexuals to remain invisible in society due to legal discrimination and the threat of physical violence made reliance on even that type of source problematic. Only as recently as the Stonewall riots in New York City in June of 1969, a symbolic beginning of the gay rights movement, have gay men and lesbians begun to be more open about their identity and their struggles to form communities and to gain equal rights.

If studying LGBT history in general was a new field that suffered from the lack of printed data, the study of lesbians and their contributions to the fledgling movement was even more challenging. On top of the problems inherent to LGBT research, lesbian studies incorporated the problems of researching women's history as well. Prior to the second-wave of feminism, the United States was a (white) man's world and women were perceived as only bit players in it.

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<sup>4</sup> Ibid, 27.

<sup>5</sup> Charles Kaiser, *The Gay Metropolis: The Landmark History of Gay Life in America* (New York: Grove Press, 1997), 235-240; Allen Pusey, "New day for gay Americans'-Ruling paves way for equal treatment and benefits-Supreme Court overturns Texas sodomy law," *Dallas Morning News*, June 27, 2003.

The same could be said within the LGBT community, at least until the AIDS epidemic hit. There were organizations that catered strictly to women and books written about those groups, but the overwhelming majority of LGBT history to date has focused on gay men.

One of the earliest works that focused on lesbian community histories was *Boots of Leather, Slippers of Gold: The History of a Lesbian Community* by Elizabeth Lapovsky Kennedy and Madeline D. Davis.<sup>6</sup> Relying heavily on extensive oral history interviews, this book described the development of the lesbian bar community of working class Buffalo, New York, in the 1940s and 1950s. World War II was instrumental in forming this community because of the need for more women in the workforce and the resulting increase in mobility and independence jobs outside the home afforded them. This did not mean that gathering in public was easy for the lesbians during that time; they still had to contend with the dangers inherent with being a woman as well as additional harassment because of their sexuality. However, countless lesbians braved the persecution to find relationships, fellowship and community.

Kennedy and Davis concentrated their research on working class lesbians due to the fact that middle class lesbians were less likely to foray into the bar scene. Lesbians with professional-class jobs, such as in the teaching profession, could lose their livelihood at the slightest hint of a scandal. Therefore, they did not generally confront the ever-present risk of police raids to socialize with other lesbians in public. On the other hand, working class lesbians had less to lose financially and could afford to be braver.<sup>7</sup>

Many of the lesbians who patronized the bars in the 1940s and 1950s embraced the butch-fem roles. Butch women were more masculine in dress and manner and, like the fairies in Chauncey's book, were the most visible and readily identifiable lesbians. This increased

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<sup>6</sup> Elizabeth Lapovsky Kennedy and Madeline D. Davis, *Boots of Leather, Slippers of Gold: The History of a Lesbian Community* (New York: Penguin Books, 1993).

<sup>7</sup> Ibid, 2-3.

visibility made butch lesbians more susceptible to harassment and violence, but it also allowed other lesbians to find them and was vital to the post-World War II era bar scene and the beginnings of a lesbian community. By contrast, fem women were better able to pass as heterosexual and, using outward conformity to gender norms as the criteria, the outside world often did not consider them lesbians at all. Generally, butch women paired with fem women to form family units. Kennedy and Davis thoroughly examined the dichotomy and attempted to dispel the popular myth that those involved in butch-fem relationships were merely play-acting to conform to the heterosexual model of masculine-feminine relationships.<sup>8</sup>

Although this book did not delve into the wider community composed of both lesbians and gay men, Kennedy and Davis did examine the divisions within the Buffalo lesbian community, mostly caused by race and social class. For the most part, however, they focused on the relationships between the women, particularly how lesbian relationships differed from heterosexual relationships in more ways than just the genders of the parties involved. In short, Kennedy and Davis illustrated how working class lesbians were able to find and support one another in a hostile environment and created and passed on a culture of their own.<sup>9</sup>

*Different Daughters: A History of the Daughters of Bilitis and the Rise of the Lesbian Rights Movement* by Marcia M. Gallo was the first history of a homophile organization that concentrated on the lesbian side. Gallo recounted the story of the first lesbian organization in the United States.<sup>10</sup> The Daughters of Bilitis (DOB) began with a gathering of four lesbian couples in San Francisco, California, on September 21, 1955. DOB took their name from a series of French love poems written by Pierre Louys, which described the seduction of Sappho by an

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<sup>8</sup> Ibid, 151-214.

<sup>9</sup> Ibid, 29-150.

<sup>10</sup> Marcia M. Gallo, *Different Daughters: A History of the Daughters of Bilitis and the Rise of the Lesbian Rights Movement* (New York: Carroll and Graf, 2006).

imaginary character, Bilitis. The name was purposely obscure to offer members a measure of safety.

Initially, the eight women simply wished to provide socializing opportunities for lesbians outside of the bar scene, which at that time still involved considerable risk, and had no intention of becoming politically involved. Eventually, the group expanded to include educational opportunities and a newsletter, *The Ladder*, which had subscribers from all across the nation. Although the original members provided remarkable diversity with one Filipina and one Chicana, problems arose when membership broadened and a few butch women attended a meeting dressed in men's clothing.<sup>11</sup> DOB ruled that in order to remain a non-threatening group and avoid police harassment, conservative attire and behavior was required. The restriction was bothersome in that it singled out those lesbians who were most targeted by the mainstream society, but the mission of the group was to win acceptance by showing that lesbians were just like heterosexual women.

Once again, the author relied heavily on oral histories but expanded the scope from a single community to lesbians as a whole. Gallo recounted the attempts of Del Martin and Phyllis Lyons, two of the founders of the Daughters of Bilitis, to connect with the predominantly male homophile organization, the Mattachine Society. For the most parts, efforts to merge together to promote common interests were rebuffed by both sides.<sup>12</sup> Strife within the DOB eventually led to its demise, but the principle players in the organization remained prominent leaders of the gay rights movement for their entire lives.

In *Gay L.A.: A History of Sexual Outlaws, Power Politics, and Lipstick Lesbians*, Lillian

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<sup>11</sup> Ibid, 6-7.

<sup>12</sup> Shirley Willer, "What Concrete Steps Can Be Taken to Further the Homophile Movement?" in *We Are Everywhere: A Historical Sourcebook of Gay and Lesbian Politics*, eds. Mark Blasius and Shane Phelan (New York and London: Routledge, 1997), 343-345.

Faderman and Stuart Timmons examined, literally, the entire history of homosexuality in the Los Angeles area.<sup>13</sup> The book began with the first Native American inhabitants, who thought nothing of the idea that some individuals were attracted to members of their same sex, and continued through all of the struggles of gay Euro-American inhabitants to regain that level of acceptance. For the most part, however, the focus was the twentieth century and beyond.

Faderman and Timmons followed the evolution of the laws against homosexual conduct, which never mentioned “homosexuality” but referred instead to “the infamous crime against nature.” The terminology led to one very notable difference between those arrested in Los Angeles and those in New York, according to Chauncey. In Los Angeles, the active or ‘giving’ partner was arrested for “committing a crime against nature” whether the other partner was willing or not.<sup>14</sup> In New York City during the same time period, the passive or ‘receiving’ partner was always arrested because they were the one seen as behaving against the gender norms.<sup>15</sup> The L.A. way reflected the “Catholic” view of the issue, expected from a region that was under the control of missions for so long.

The nightlife described by Faderman and Timmons was necessarily unique to Los Angeles as well. Both the presence of the Hollywood celebrities and the warm climate made L.A.’s bars and clubs different from those described in earlier monographs about New York City. The dangers were the same, however. Police raids were regular occurrences and the vice squad entrapments went on just like in other cities. Faderman and Timmons, however, describe incidents of entrapment going on in lesbian bars, where Chauncey and others did not.

The co-writers of this book separated the research so that both the lesbian and the gay

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<sup>13</sup> Lillian Faderman and Stuart Timmons, *Gay L.A.: A History of Sexual Outlaws, Power Politics, and Lipstick Lesbians* (New York: Basic Books, 2006).

<sup>14</sup> *Ibid*, 28-30.

<sup>15</sup> George Chauncey, *Gay New York: Gender, Urban Culture, and the Making of the Gay Male World, 1890-1940* (New York: Basic Books, 1994), 185-186.

male perspective were covered. Because of this methodology, this book offered a more complete picture of the gender divisions of the movement and the conflicts that sometimes arose between their goals. Faderman and Timmons combined to illustrate that lesbians were a vital part of the gay rights movement, both in inclusive organizations comprised of both men and women and separately.

One of the rare books to undertake LGBT history in the South, *Men Like That: A Southern Queer History* by John Howard, focused on gay men in Mississippi from 1945 to 1985.<sup>16</sup> Mississippi had the reputation of being the most backwards of all the Deep South states and least likely to tolerate homosexuality in its population; however, Howard uncovered a myriad of examples of “men-desiring-men.” His task was complicated by the fact that, particularly in the rural settings, many of those who engaged in homosexual conduct did not embrace the “gay” identity, seeing it as anathema to their religious beliefs. Although Howard’s focus was narrow, including only men in Mississippi, he did address the race and religion qualities that often make southern LGBT history different from the mainstream.

Currently, *Finding Our Voice: The Dallas Gay and Lesbian Community*, a documentary film produced by Rick Thompson and Kay Vinson in 2000 for KERA, the local Public Broadcasting Station channel, is the closest thing to a history of the Dallas LGBT community that exists.<sup>17</sup> The film utilized interviews with community leaders to document the struggle to decriminalize homosexual conduct and gain equal rights. In addition, the movie revealed the devastation to the community caused by the AIDS epidemic. The film was thorough, but brief and provided a blueprint for researching the history of the Dallas LGBT community.

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<sup>16</sup> John Howard, *Men Like That: A Southern Queer History* (Chicago and London: The University of Chicago Press, 1999).

<sup>17</sup> Rick Thompson and Kay Vinson, producers, *Finding Our Voice: The Dallas Gay and Lesbian Community* (Dallas: KERA, 2000).

The relatively new discipline of LGBT history has continued to grow rapidly with each passing year. The relatively easy access to research material has ensured that the concentration of scholarship remains focused on the men in the large urban areas located on both coasts. Dallas, as the seventh largest metropolitan area in terms of gay, lesbian and bisexual residents in the United States, is noticeably absent from the annals of LGBT history, except for occasional mentions of the *Baker v. Wade* case that briefly overturned the Texas sodomy law.<sup>18</sup> Dallas's LGBT community has been extremely active in the gay rights movement for decades, fighting valiantly against the many injustices that came with living in a conservative southern city, and those activists deserve to be remembered.

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<sup>18</sup> Gary J. Gates, *Same-sex Couples and the Gay, Lesbian, Bisexual Population: New Estimates from the American Community Survey* (Los Angeles: The Williams Institute on Sexual Orientation Law and Public Policy, 2006): 6-7.



## CHAPTER II

### NATIONAL LGBT HISTORY

Viennese sexologist Richard Krafft-Ebing was widely credited for introducing the terms “homosexuality” and “heterosexuality” in his book *Psychopathia Sexualis*, which was published in 1886.<sup>1</sup> Initially, the definition of homosexuals included physical traits and behaviors of the opposite sex as well as sexual desire of the same sex. Unfortunately, Krafft-Ebing utilized the term in labeling it a mental disorder, a classification that remained until 1973. The heterosexual/homosexual dichotomy did not reach the mainstream United States until the turn of the twentieth century.

For the most part in the U.S. prior to World War I, there were normal men and fairies. In the working class neighborhoods, the men having sex with fairies were not necessarily considered homosexual. Generally, if police happened upon these couplings, they would arrest only the fairy as the one flouting the natural order of things. The men in middle class neighborhoods, however, were much more likely to harass the more feminized gay men in an effort to defend their manliness, which was threatened by their move away from physical labor into more bureaucratic positions due to the increased industrialization of the country. Therefore, in the period before World War I, the meeting places for gay men in New York City were primarily bars located in the Bowery and other working class neighborhoods.<sup>2</sup>

Although some neighborhoods were more tolerant of the presence of gays, being homosexual was still illegal and dangerous in the early twentieth century. The bars in which they gathered were subject to frequent police raids and violence from the surrounding

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<sup>1</sup> Leila J. Rupp, *A Desired Past: A Short History of Same-Sex Love in America* (Chicago and London: The University of Chicago Press, 1999), 79.

<sup>2</sup> George Chauncey, *Gay New York: Gender, Urban Culture, and the Making of the Gay Male World, 1890-1940* (New York: Basic Books, 1994), 66-69, 105-106, 35-37.

heterosexual community. Those arrested in a raid faced the potential loss of their jobs, their homes and their families upon being outed as an “invert.” To somewhat lessen the risk, many gay men of this period avoided the fixed locations in which they could be trapped and beaten or arrested and instead took to the streets to look for others. Rather than clubs, bars and other structures that defined the racial neighborhoods, male cruising took place in well known, but generalized, outdoor areas where it would not be unusual to find large numbers of men walking about anyway. Secret and virtually unnoticeable signals developed to help gay men identify each other in the crowd, such as eye contact made and held for a few extra seconds or an almost imperceptible nod of the head. Although it lacked the ambience and stability of a physical neighborhood, the gay community was present in the cruising zones and, in fact, cruising areas continued to be an important part of gay communities in large urban areas throughout the twentieth century.<sup>3</sup>

World War I brought scores of men into the city from all across the nation. Because of the influx of sailors and soldiers on leave, authorities felt that it was important to crack down on the vices that could easily lead these young men astray, especially prostitution. Increased vigilance against public immorality pressured homosexuals of this time to find other, less open, spaces. Ironically, the very places that gay men turned for a more private space were the very all-male residences created to protect impressionable young men from the depravity of the city, such as those built by the Young Men’s Christian Association (YMCA). The public baths were another spot for gay men to find each other. Over time, gay men across the nation added these locations to the cruising spots in their locales. After the war, many young gay men from rural areas chose to remain in the city because of the opportunities there to meet and socialize among

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<sup>3</sup> Ibid, 198, 188-190.

groups of other gay men where they felt more comfortable and less vulnerable.<sup>4</sup>

The passage of the 18<sup>th</sup> Amendment to the Constitution in 1919 brought Prohibition to the nation and a new prominence for gay people in New York City. Although it was certainly not the intention of the temperance societies who campaigned for it, Prohibition afforded gays a certain amount of security by blurring the line between respectability and tawdry. In this atmosphere, gays became big in the amusement districts. Drag balls in Harlem drew enormous wealthy crowds who were fascinated by the flamboyant drag queens, and gay entertainers took to the stage all over the city as gays thrived in an environment intended to promote morality.<sup>5</sup> The Roaring Twenties represented a period of liberalism and increased tolerance towards gay men and lesbians across the nation.

In 1924, Henry Gerber founded the first gay organization in the United States, the Society for Human Rights in Chicago. The police discovered the group after they recruited only a handful of members and arrested them all, thus, ending the first attempt at organizing homosexuals.<sup>6</sup> The failure of the group to last even a year in times as open as the 1920s discouraged gay men and women so that no attempts were made to organize again until the 1950s.

By the time Prohibition was repealed by the 21<sup>st</sup> Amendment in 1933, the visibility of gays and lesbians in the entertainment culture of the city made them easy targets for the moral backlash that followed. Almost overnight, police harassment of clubs with gay entertainment stepped up drastically, bars that catered to a homosexual crowd found it more difficult to obtain a liquor license and the drag balls were raided and temporarily shut down. Moreover, censorship

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<sup>4</sup> Ibid, 142-143, 155-158, 207.

<sup>5</sup> Ibid, 301-304, 257-263.

<sup>6</sup> Leila J. Rupp, *A Desired Past: A Short History of Same-Sex Love in America* (Chicago and London: The University of Chicago Press, 1999), 160-161.

laws made it illegal to put on plays or other performances depicting gays or lesbian themes and to hire performers who were or pretended to be gay. In Hollywood, the implementation of the Hays Production Code, based largely on Catholic religious ideology, forbade the depiction of positive homosexual stories. Thus, after a period of lawlessness in which homosexuals had flourished, a backlash followed with the redefining of acceptability, which shoved gays back into the closet.<sup>7</sup>

In the 1930s and 1940s, the New Deal response to the Great Depression expanded federal bureaucracy and created hundreds of clerical jobs, especially in Washington, D.C. Atypically, most of these positions were filled based on Civil Service exam scores, rather than connections, which allowed women more equal opportunity for employment. The more 'feminine' environment that resulted allowed gays and lesbians to thrive as well and they soon created their own spaces in the city. However, as in the other major cities across the United States, this time of relative tolerance towards gay and lesbians proved to be short lived.<sup>8</sup>

World War II proved to be halcyon days for lesbians and gay men. Most people were much too involved in the war to pay them much attention and, the war effort itself afforded them with more opportunities to find each other. The military of the United States drafted thousands of men from across the nation, which included innumerable young gay men in spite of the fact that World War II was the first time the military disqualified homosexuals from service. The situation offered a prime opportunity to meet others with the same feelings and desires. The women who joined the work force during the war experienced many of those same opportunities

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<sup>7</sup> George Chauncey, *Gay New York: Gender, Urban Culture, and the Making of the Gay Male World, 1890-1940* (New York: Basic Books, 1994), 333-335, 337-342, 352-353.

<sup>8</sup> David K. Johnson, *The Lavender Scare: The Cold War Persecution of Gays and Lesbians in the Federal Government* (Chicago and London: The University of Chicago Press, 2004), 43-46.

when they escaped the constant supervision of family to work in factories filled with women and to live nearby in all-female housing.<sup>9</sup>

The end of World War II brought with it a sense of declining morals, exemplified by such ‘horrors’ as women in the workplace, premarital sex and homosexual relations seeming to have become almost commonplace. While those things might be ignored at a time of war, their continuance in the peace was a source of consternation. The 1948 release of Dr. Alfred Kinsey’s *Sexual Behavior in the Human Male*, in which he revealed that thirty-seven percent of the men surveyed had admitted to having at least one homosexual experience to the point of orgasm since their adolescence, only furthered this panic.<sup>10</sup>

In February 1950, Wisconsin Senator Joseph McCarthy gave a speech to the Republican Women’s Club of Wheeling, West Virginia, in which he claimed to have the names of more than 200 known Communists who worked in the State Department. Although McCarthy changed his statement on several occasions, downgrading the charge finally to “bad risks,” Congress pressed the State Department for a response. During the subsequent hearing, Deputy Undersecretary for Administration John Peurifoy revealed that the State Department had dismissed ninety-one homosexuals as “security risks” in the past three years.<sup>11</sup>

The excuse given for labeling homosexuals as “bad security risks” was that, ironically, the sodomy laws that criminalized homosexuals made them more susceptible to blackmail.<sup>12</sup> In fact, although no one was courageous enough to say so, the members of the Hoey Committee investigating homosexuals in the government had a difficult time finding an excuse to purge gays

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<sup>9</sup> John D’Emilio, “Gay Politics and Community in San Francisco Since World War II,” in *Hidden From History: Reclaiming the Gay and Lesbian Past*, eds. Martin Bauml Duberman, Martha Vicinus, and George Chauncey, Jr. [New York: New American Library Books, 1989], 458-459.

<sup>10</sup> David K. Johnson, *The Lavender Scare: The Cold War Persecution of Gays and Lesbians in the Federal Government* (Chicago and London: The University of Chicago Press, 2004), 53-54.

<sup>11</sup> *Ibid*, 15-18.

<sup>12</sup> *Ibid*, 6-10.

from federal jobs. They found zero cases of a gay employee being blackmailed. One former counterespionage and security officer working as the White House liaison to the Hoey Committee commented that he considered heterosexual men with a known weakness for women to be a much bigger threat to national security. Unfortunately, the Committee had determined before beginning the investigation that gays and lesbians were not fit for employment in the United States government in any capacity.<sup>13</sup>

The Civil Service Commission made changes in response to concerns that homosexual employees dismissed from the State Department could find jobs with other agencies to ensure that did not happen.<sup>14</sup> Shortly after Eisenhower took office, he signed Executive Order 10450, which spread the homosexual purge to all governmental departments and agencies.<sup>15</sup> Finally, even private sector companies were required to investigate and dismiss homosexuals from their payrolls in order to qualify for government contracts.<sup>16</sup> Gays and lesbians, with extremely constrained employment opportunities, began to fight back all across the nation.

While the whole nation was fixated on the public proceedings of the House Un-American Activities Committee, scores of gay men and lesbians were quietly labeled security risks and squeezed out of their jobs. The proof required in these cases was almost nonexistent; a single charge of loitering near a “known cruising area” was treated as evidence of homosexuality. Investigators expected suspected homosexuals to inform on their friends. Only the very strong resisted the scare tactics and remained silent. In this way, the government identified even those gays who had never been caught in the cruising area patrols. Under such intense questioning, no one could be trusted or burdened with the knowledge of someone else’s homosexuality, not even

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<sup>13</sup> Ibid, 107-108.

<sup>14</sup> Ibid, 137-140.

<sup>15</sup> Ibid, 123-124.

<sup>16</sup> Ibid, 137.

close friends.<sup>17</sup> Only when they felt like they had nothing left to lose did the need for action overcome the fear well enough for the gays and lesbians to begin to join groups to resist this treatment. In that light, the so-called “Lavender Scare” was the beginning of the gay rights movement.

In the 1950, partly in response to the Lavender Scare, homosexuals tried again to organize themselves. The groups called themselves the homophile movement in an effort to minimize the sexual part of their identities in the sexually repressed 1950s.<sup>18</sup> The first lasting organization of the homophile movement was the Mattachine Society founded in 1950 by Harry Hay and his lover, Rudi Gernreich in Los Angeles, California. The name Mattachine came from the medieval folk jesters who wore masks when they performed. Likewise, the group was very conscious of anonymity; many of the members used pseudonyms and a few even brought a female with them to pose as their date in case the police raided the meeting. Under Hay’s leadership, Mattachine’s goals included educating society about homosexuals but also a more radical agenda of uniting gays and leading them in a fight against the unjust laws directed towards homosexuality.<sup>19</sup>

The growth of the organization can be attributed to a legal victory that garnered a great deal of attention. In 1952, Los Angeles Vice Squad arrested one of Mattachine’s central members was arrested in a “sting operation.” This time, instead of denying being a homosexual in an effort to have the charge dismissed, Dale Jennings openly admitted being a homosexual, but claimed the arrest was invalid because of entrapment. The Mattachine Society provided

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<sup>17</sup> Ibid, 145-156.

<sup>18</sup> Mark Blasius and Shane Phelan, eds., *We Are Everywhere: A Historical Sourcebook of Gay and Lesbian Politics* (New York and London: Routledge, 1997), 239.

<sup>19</sup> Ibid, 283-284.

Jennings a lawyer and he won an acquittal. Immediately, chapters began to appear all across California and the nation.<sup>20</sup>

However, some members were concerned with the more radical agenda that Hay wanted to pursue and a more conservative group within the organization began to gain power. In 1953, they finally succeeded in forcing Hay and many of the other original members out of the Mattachine Society. Under the leadership of the new board of directors, chaired by Ken Burns, the group turned from political activity and, instead, sought acceptance from society through accommodation. They began publishing a newsletter, *The Mattachine Review*, in 1955 with articles on a number of topics, including medical, legal and religious perspectives on homosexuality.<sup>21</sup>

When the conservatives began the takeover of the Mattachine Society, some of the disillusioned radical members formed ONE, Incorporated in October 1952. ONE, Inc.'s methodology was diametrically opposite of the new Mattachine's. Assimilation was not an option for the members of ONE. They even allowed and encouraged lesbians to become members. In 1953, the group began to publish *ONE Magazine*, soon adding *The Homosexual Magazine* to the cover. In October 1954, the Los Angeles postmaster declared the magazine obscene and, based on the Comstock Act of 1873, which forbade the mailing of obscene material, refused to deliver it. ONE, Inc. sued and in 1958 won when the Supreme Court of the United States ruled that mere homosexual content was not sufficient to consider something obscene.<sup>22</sup>

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<sup>20</sup> Lillian Faderman and Stuart Timmons, *Gay L.A.: A History of Sexual Outlaws, Power Politics, and Lipstick Lesbians* (New York: Basic Books, 2006), 112-113.

<sup>21</sup> Mark Blasius and Shane Phelan, eds., *We Are Everywhere: A Historical Sourcebook of Gay and Lesbian Politics* (New York and London: Routledge, 1997), 284-285.

<sup>22</sup> Lillian Faderman and Stuart Timmons, *Gay L.A.: A History of Sexual Outlaws, Power Politics, and Lipstick Lesbians* (New York: Basic Books, 2006), 116-120.





Figure 1. Frank Kameny Way in Washington, D.C. named in honor of the longtime gay rights activist. Photograph by Rafael McDonnell.

The homophile movement, which started in Los Angeles with the Mattachine Society and ONE, Inc. spread to Northern California where Daughters of Bilitis formed and then across the United States with chapters of the various organizations cropping up in cities on the East Coast. In Washington, D.C., a man named Frank Kameny started the Mattachine Society of Washington in 1961. Kameny had a Ph.D. in Astronomy from Harvard University but was fired from his job with the U.S. Army Map Service because he was a homosexual. Unable to find work elsewhere, Kameny became one of the fiercest gay rights advocates in the country.<sup>23</sup> Washington Mattachine sent copies of their mission statement to nearly every government official, including the president and J. Edgar Hoover.<sup>24</sup>

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<sup>23</sup> Eric Marcus, *Making Gay History: The Half-Century Fight for Lesbian and Gay Equal Rights* (New York: Perennial, 2002), 80-84.

<sup>24</sup> *Ibid*, 90-93.

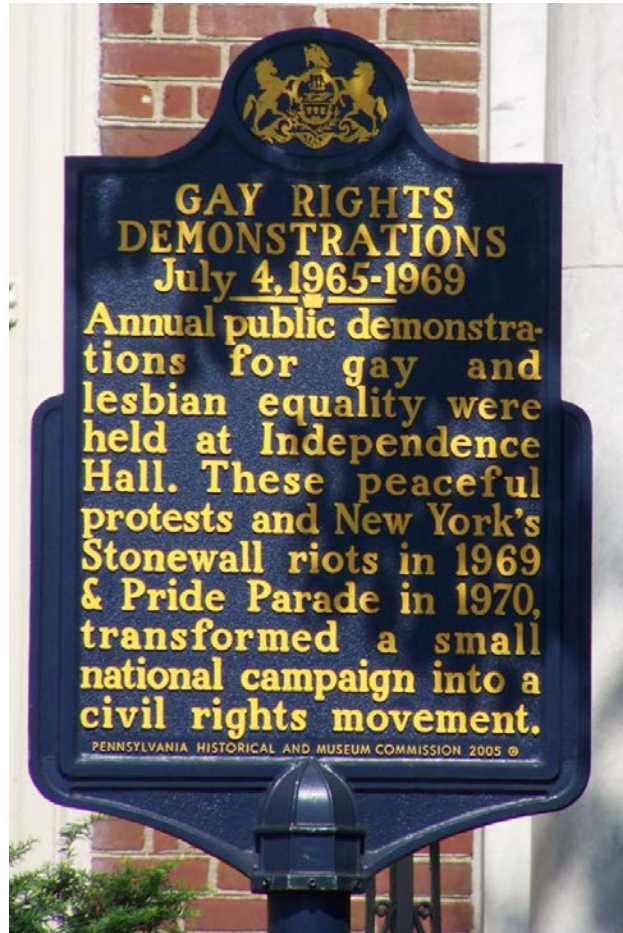


Figure 2. Historical marker located across the street from Independence Hall in Philadelphia, PA, commemorating the annual picketing from 1965 to 1969. Photograph by Karen Wisely.

Eventually, homophile organizations began gather for conferences such as the East Coast Homophile Organizations (ECHO) where the leaders of the various met with each other to offer support and plan events together. In 1965, a handful of members of the Washington Mattachine led by Frank Kameny and the New York Daughters of Bilitis chapter led by Barbara Gittings and Kay Lahusen began organize public demonstrations. The first of these took place on July 4, 1965, outside of Independence Hall in Philadelphia, Pennsylvania. The leaders were very careful to ensure that they broke no laws, even requiring a dress code for picketers. Compared to the anti-war protests taking place during the same time period, these demonstrations were tame, but

the lesbians and gay men who took part in them felt positive that they were at least doing something.<sup>25</sup>

The homophile organizations succeeded in drawing attention from the mainstream media to the plight of lesbians and gay men in the United States but resisted the efforts by some of their members to become more involved in politics, protests and demonstrations. The counterculture of the 1960, with the Civil Rights Movement, the Free Speech Movement, the Anti-Vietnam War Movement, the Second-wave Feminist Movement and the Chicano Movement, created an environment of protest and political activism in which many lesbians and gay men no longer wanted just to blend in to mainstream society. The homophile movement was a vital step in the creation of a gay rights movement, but ultimately the conservative nature of the groups, which was necessary in the 1950s when they formed, proved to bring about their demise.

On the night of June 28, 1969, a “routine” police raid on a gay bar in Greenwich Village in New York City, the Stonewall Inn, erupted into five days of rioting and protests by the gay and lesbian patrons. After having submitted meekly to similar raids for decades, the New York gays and lesbians, led by the drag queens and butch lesbians who had taken the brunt of such police harassment all those years, fought back. Some credited the counterculture atmosphere that existed due to all the different protests that were occurring, others attribute the instability of the crowd to the funeral of gay icon, Judy Garland, which took place earlier in the day.<sup>26</sup> Whatever the cause, the Stonewall riots were not the first time that gays had resisted oppression, but this time became the beginning, at least symbolically, of the national gay rights movement. From that point on, lesbians and gay men across the country and around the world would

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<sup>25</sup> Ibid, 105-108.

<sup>26</sup> David Carter, *Stonewall: The Riots That Sparked the Gay Revolution* (New York: St. Martin’s Press, 2004), 150-181.

commemorate the anniversary of the Stonewall riots with parades and festivities celebrating gay pride.

The gay liberation movement that took shape following the riots was considerably more radical than the homophile organizations had been. While some of the more conservative groups continued to work within the system to gain rights, the youth who had led the way during the riots demanded action. The new weapon of choice, created by the Gay Activists Alliance (GAA), was the zap. A zap was an organized disruption of a government official's daily appearances. For example, if the mayor refused to meet with the GAA, they would follow him around as he conducted his business at ribbon cuttings or press conferences and cause a disturbance. Oftentimes, this tactic worked and the two sides would meet.<sup>27</sup>

The movement was fighting, as Del Martin put it "the church, the couch and the courts" meaning that homosexuals at that time were generally viewed as unrepentant sinners by most organized religions, mentally ill by the psychiatric community, and criminals by the legal system.<sup>28</sup> Frank Kameny led the drive to remove homosexuality from the *Diagnostic and Statistical Manual of Mental Disorders*. That campaign was finally successful in December of 1973 when the American Psychiatry Association's Board of Trustees voted unanimously to remove homosexuality from the list of mental disorders.<sup>29</sup> The next important goal was legal protection and civil rights. In 1967, Illinois was the only state in the United States that did not have a law prohibiting homosexual conduct.<sup>30</sup> That battle continued, in Texas and several other states, until 2003.

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<sup>27</sup> Ibid, 241-247.

<sup>28</sup> Marcia M. Gallo, *Different Daughters: A History of the Daughters of Bilitis and the Rise of the Lesbian Rights Movement* (New York: Carroll & Graf Publishers, 2006), 178.

<sup>29</sup> Charles Kaiser, *The Gay Metropolis: The Landmark History of Gay Life in America* (New York: Grove Press, 1997), 238.

<sup>30</sup> Ibid, 164.

## CHAPTER III

### A BRIEF DALLAS HISTORY

In 1936, the city of Dallas won the right to host the Texas Centennial Exposition, an impressive feat for a city that did not exist in 1836 when Texas won its independence from Mexico. Dallas's opponents in the competition claimed links to significant pieces of Texas history, and did not hesitate to draw attention to Dallas's lack of historicalness. In response, Robert L. Thornton, President of the Mercantile National Bank and longtime civic booster, claimed, "The people in general weren't looking for history – they could find it in books and museums. What they wanted was progress. I pointed out that while we didn't have any history in Dallas, we had all the other ingredients of 100 years of progress."<sup>1</sup> Thornton's statement obviously was wrong although that myth persists today. In truth, Dallas has nearly 170 years of history, but not all of it is praiseworthy.

In 1841, John Neely Bryan founded Dallas at the site where the Trinity River narrowed, providing a natural point of crossing. He managed to convince a number of other families to join him there and incorporated the town. By 1846, Dallas County organized and the city of Dallas won the election as county seat in 1852, likely ensuring its continued existence. The city's name had an uncertain origin. Some claimed it was named for George Mifflin Dallas who was James Polk's Vice President and advocated for the annexation of Texas to the United States but he was elected after the city became Dallas. Others contend Alexander J. Dallas, a naval hero of the War of 1812, was the namesake. A more likely, but less romantic, explanation was that Bryan named the settlement after his old friend, Joseph Dallas, who lived nearby.<sup>2</sup>

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<sup>1</sup> Darwin Payne, *Dallas Citizens Council: An Obligation of Leadership* (Dallas: Dallas Citizens Council, 2008), 11.

<sup>2</sup> Patricia Evridge Hill, *Dallas: The Making of a Modern City* (Austin: University of Texas Press, 1996), xviii.

Dallas, like the rest of Texas, was slave territory and, like the rest of the state, the elite whites who owned the majority of the slaves held the most political power. Even with all that economic and political might, the slaveholders were a paranoid group. Texas passed legislation to prohibit free blacks from living in the county for fear of them starting a slave rebellion. Dallas County residents even feared new white arrivals from free soil states, such as Iowa. By 1860 with abolitionist fervor sweeping across the North and the population of Dallas County reaching 8665 with over a thousand black slaves, a sense of trepidation settled over the white citizens.<sup>3</sup>

On July 8, 1860, a massive fire demolished most of downtown Dallas, which in the minds of many white citizens confirmed their deepest fears. Although the area was suffering through a drought with temperatures well into the hundred-degree range and a hot breeze helped to spread the flames from building to building, their racist paranoia caused a panic and immediately they formed a Committee of Vigilance to investigate the fire. The probe allegedly uncovered evidence of a conspiracy led by white abolitionists and carried out by slaves. Testimony gathered at the end of a lash implicated all but three Dallas County slaves in the planned revolt. Finally, the committee settled on three ringleaders, who were hanged immediately, and ordered every other slave in the county whipped, one by one.<sup>4</sup>

The Civil War and Reconstruction did nothing to improve the racial tensions in Dallas; in fact as was the case in the rest of the South, the freeing of the slaves and incorporating them with citizenship only served to intensify the animosity white southerners felt towards blacks. Furthermore, the new rights granted to the former slaves threatened the status of poor whites and added more volatility to the situation. As the North and the South reconciled, the freedmen

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<sup>3</sup> Michael Phillips, *White Metropolis: Race Ethnicity, and Religion in Dallas, 1841-2001* (Austin: University of Texas Press, 2006), 25-27.

<sup>4</sup> Ibid, 28-31.

became the common enemy for all whites, which to oppression, violence and segregation.<sup>5</sup>

The city of Dallas flourished after the Civil War, primarily due to the acquisition of two railroads. First, in July 1872, the Houston and Texas Central railroad passed through going north-south and six month later in February 1873, the Texas and Pacific railroad passed through going east-west.<sup>6</sup> The railroads turned Dallas into a transportation and distribution hub for the North Texas region and the population exploded as the commercial and manufacturing opportunities increased.

However, as Dallas grew from a city to a metropolis, the old city government with a ward-based council of aldermen was not able to handle the problems that accompanied such rapid growth. In 1906, the citizens of Dallas voted to change to a commission government, which consisted of a mayor and four city commissioners elected by the entire city. Each commissioner had a specific area of responsibility, such as city finances, street department, water and sewage or fire and police departments. For the city's elite, the at-large city elections had the added bonus of diluting the voting power of minorities and special interests who generally could not afford to launch an effective citywide campaign.<sup>7</sup>

As the population of Dallas continued to grow, the challenges that accompanied the great influx of humanity, such as poverty, crime and unsanitary conditions, offered opportunities for the women in the city to become involved in community service. Dallas women founded charitable organizations that helped to house and feed orphans, widows and the poor. They raised money for schools, libraries and hospitals and supported the arts. They pressured city and state governments for improvements to the water and sewage systems and for laws against child

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<sup>5</sup> Ibid., 44-47.

<sup>6</sup> Elizabeth York Enstam, *Women and the Creation of Urban Life: Dallas, Texas, 1843-1920* (College Station: Texas A & M University Press, 1998), 34.

<sup>7</sup> Patricia Evridge Hill, *Dallas: The Making of a Modern City* (Austin: University of Texas Press, 1996), 8-9.

labor. By the time woman's suffrage passed in 1920, Dallas women already wielded considerable political power.<sup>8</sup>

Along with woman's suffrage, the 1920s brought the return of the Ku Klux Klan to Dallas. The new KKK billed itself as a defender of the working class white man. Since about 75 percent of the city's workforce were wage earners and not professionals, the Klan found a very welcoming environment and enjoyed a great deal of political success before declining again in the late 1920s. As before, the KKK's main tool in racial demagoguery was lynching. The main reason offered for lynching a black man was to protect the purity of a white woman, but many white women saw lynching as a method to control them as well as to terrorize the blacks.<sup>9</sup>

For the Dallas elite, the constant violent turbulence caused by the racial tensions, the labor strife and the KKK created an environment that threatened their efforts to promote Dallas as a cosmopolitan city and attract new businesses and investors. To combat some of the infighting, the business community recommended changing the city government to a city manager form, which would run the city like a corporation. A Citizen's Charter Association (CCA) formed to promote the idea, and in 1930, the measure passed easily. The CCA saw the move as a positive one because "Dallas should be run by its businessmen because 'the biggest business in Dallas is Dallas itself.'"<sup>10</sup>

The change to the city manager form of government proved to be just the first step in the process of streamlining the decision-making process for the city of Dallas. When Thornton led the effort to bring the Centennial Exposition to Dallas, he often felt frustrated when the people at

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<sup>8</sup> Elizabeth York Enstam, *Women and the Creation of Urban Life: Dallas, Texas, 1843-1920* (College Station: Texas A & M University Press, 1998), 96-135.

<sup>9</sup> Michael Phillips, *White Metropolis: Race Ethnicity, and Religion in Dallas, 1841-2001* (Austin: University of Texas Press, 2006), 78-101.

<sup>10</sup> Harvey J. Graff, *The Dallas Myth: The Making and Unmaking of an American City* (Minneapolis and London: University of Minnesota Press, 2008), 141-142.



the meetings could not give a definitive response without first checking with someone else. He determined that Dallas needed an organization filled with “men who could give you the boss talk” and in late 1937, the Dallas Citizens Council (DCC) was formed.<sup>11</sup>

The DCC was the most exclusive group in Dallas, welcoming only one member per corporation: the one who held the final authority. The enrollment consisted of no doctors, lawyers, journalists, labor leaders or government officials. Those types of people may have been civic leaders, but they did not oversee a large employee pool nor did they possess the level of wealth expected from members. Because of these strict guidelines, the DCC also had no women and no minority members until much later.<sup>12</sup>

From the time of its inception until the mid-1970s, the DCC ran Dallas from behind the scenes. Patricia Evridge Hill referred to the system as a “single-option government.”<sup>13</sup> The members met privately, out of the sight of the press, and never aired their disagreements. Once they presented their decision to the public, the entire group supported it and they possessed enough political and economic influence to ensure that their agenda was put into action. This process worked even for elections. The DCC co-opted the Citizen’s Charter Association to act as their political arm. Through the CCA, the DCC would decide which candidate best served their purposes and financed their election. With the support of the business community, including the local media, some CCA candidates won without giving a single campaign speech.<sup>14</sup>

The reign of the DCC/CCA was best described by the term “The Dallas Way,” which was more than a *modus operandi*; “The Dallas Way” was almost a religion to the executives who held the power of the DCC. The tenets were simple: identify the needs of the city that would

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<sup>11</sup> Darwin Payne, *Dallas Citizens Council: An Obligation of Leadership* (Dallas: Dallas Citizens Council, 2008), 9-11.

<sup>12</sup> *Ibid*, 15.

<sup>13</sup> Patricia Evridge Hill, 109-116.

<sup>14</sup> *Ibid*, 123-125.

also create opportunities for the business community to profit, work behind the scenes to see that through, silence opposition and maintain the appearance of tranquility. To be sure, the DCC accomplished good things for Dallas, but they also hid a great deal of the race, gender, and class conflict that was visible in other cities across the Sunbelt and existed in Dallas, as well.<sup>15</sup>

One prime example of “The Dallas Way” was the response to the series of bombings that began in February 1950 in South Dallas. Almost since their first meeting, the DCC discussed the lack of housing available for blacks in Dallas. As the black population expanded without any increase in housing in their segregated parts of the city, tensions rose. Finally, out of options, some families began to live on the edges of the white neighborhoods and then the bombings started. By June 1951, explosions rocked eleven homes and the city teetered on brink of insurrection. The DCC requested that District Attorney Henry Wade appoint a grand jury to investigate, at least seven of which were DCC members. No one was ever convicted for the bombings, but they did stop and the story was buried with the rest of Dallas’ unsavory history.<sup>16</sup>

Another example of “The Dallas Way” was the desegregation of Dallas schools. The *Brown v. Board of Education* ruling in 1954 that mandated integrating public schools saw countless incidents across the South where the white establishment tried to stop the process. Best known was the desegregation of Central High School in Little Rock, Arkansas. The men of the DCC watched the chaos unfold in Little Rock when President Eisenhower sent the 101<sup>st</sup> Airborne Division to protect the nine black youths who were trying to attend class. The DCC did not want a repeat of that situation in Dallas and began a dialogue with the NAACP in Dallas to find a solution that would not involve the National Guard or a public embarrassment. Finally, in

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<sup>15</sup> Graff Harvey J. Graff, *The Dallas Myth: The Making and Unmaking of an American City* (Minneapolis and London: University of Minnesota Press, 2008), 125-159.

<sup>16</sup> Patricia Evridge Hill, *Dallas: The Making of a Modern City* (Austin: University of Texas Press, 1996), 168-169; Darwin Payne, *Dallas Citizens Council: An Obligation of Leadership* (Dallas: Dallas Citizens Council, 2008), 40.

1961, with the courts breathing down their necks, the Dallas School Board began “stair step” desegregation where one grade integrated each year from first to twelfth. The plan worked without a single incident, but ignored the fact that housing was still segregated and would remain so.<sup>17</sup>

The image of Dallas as a city without dissension that the DCC worked so hard to maintain shattered on November 22, 1963 when President John F. Kennedy was assassinated in a motorcade through the city. Immediately, the national press inundated the city and uncovered the group of very wealthy white men who secretly ran the city from behind the scenes, the DCC. Of course, none of this information was news, but under the light cast by the assassination of the president and, two days later, the assassination of the president’s assassin, the influence wielded by richest men in Dallas looked especially sinister. The unquestioned authority of the DCC never recovered.<sup>18</sup>

Harvey J. Graff identified 1994 as the end of the “political dominance of the Dallas Citizens Council and Citizens Charter Association,” but the DCC exists today and even has women and minority members<sup>19</sup>. Its power is diminished but the mark left on the history of Dallas from 1937 to now is indelible. One lasting legacy of the DCC and “The Dallas Way” that is especially important to the history of the Dallas LGBT community is the disdain for public demonstrations of dissension. Unfortunately, others are the lack of recognition for the contributions of women and the attempts to hide from history the incidents that may not be praiseworthy.

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<sup>17</sup> Graff Harvey J. Graff, *The Dallas Myth: The Making and Unmaking of an American City* (Minneapolis and London: University of Minnesota Press, 2008), 176-179.

<sup>18</sup> Darwin Payne, *Dallas Citizens Council: An Obligation of Leadership* (Dallas: Dallas Citizens Council, 2008), 58-61.

<sup>19</sup> Graff Harvey J. Graff, *The Dallas Myth: The Making and Unmaking of an American City* (Minneapolis and London: University of Minnesota Press, 2008), 298; Darwin Payne, *Dallas Citizens Council: An Obligation of Leadership* (Dallas: Dallas Citizens Council, 2008), 93-101.

## CHAPTER IV

### THE NASCENT DALLAS LGBT COMMUNITY

In Dallas, where no written history of the LGBT community exists, Phil Johnson remains the foremost authority on Dallas's gay past. Johnson, the unofficial historian of the Dallas LGBT community, was born in 1925 and was key in creating a community in Dallas in the first place. What he did not live through himself, he asked others about until he compiled a remarkably complete background of gay men and lesbians in the city. Calling himself a dancer, not a writer, Johnson donated all his material to the Phil Johnson Gay and Lesbian Archives and Library.<sup>1</sup>

According to Johnson, the earliest gay scene in Dallas was a cruising area in the downtown area. The gay men of Dallas found each other at "Maggie's Corner," on the corner of Commerce and Akard Streets, in front of the Magnolia Petroleum Building with the giant red Pegasus on the top. Across the street, the Adolphus Bar had a table in the back where gay men could get a drink, but there were no gay bars, yet, in Dallas.<sup>2</sup>

The big attraction in the city was the Texas Centennial Exposition in 1936, followed quickly by the Greater Texas and Pan-American Exposition in 1937. The two fairs drew a combined nine million visitors plus a large contingency of performers.<sup>3</sup> Johnson recalled meeting a man who had worked at the Centennial, playing an Indian in one of the exhibits. He claimed that a large portion of the performers were gay and socialized together while the job lasted.<sup>4</sup> Even without bars, gay men in Dallas in the 1930s managed to discover one another.

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<sup>1</sup>Tammye Nash, "For Johnson, Turning 80 Just Means More Stories to Tell," *Dallas Voice*, June 10, 2005.

<sup>2</sup> Phil Johnson, interview by Gerald D. Saxon, December 17, 1980 and January 1-2, 1981, transcript, Dallas Public Library, Dallas, Texas [hereinafter cited as DPL].

<sup>3</sup> Darwin Payne, *Dallas Citizens Council: An Obligation of Leadership* (Dallas: Dallas Citizens Council, 2008), 11-12.

<sup>4</sup> Phil Johnson, interview by Gerald D. Saxon, December 17, 1980 and January 1-2, 1981, transcript, DPL.

In 1947, Dallas boasted the first gay bar in all of Texas. Located on the corner of South Ervay and Wood Streets, Club Reno changed to a gay bar that year. A woman brought the bar to Johnson's attention one evening as he was having a milkshake at Skillern's Drug Store and recommended that he visit there because it was "just your type." Johnson did not understand what she meant by that until he walked into the place. Club Reno did not last long, but more gay bars replaced it throughout the 1940s and 1950s.<sup>5</sup>

Johnson admitted that he did not frequent the bar scene very often, but believed that the Dallas Police Department was blissfully unaware of the burgeoning gay nightlife during the 1940s and did not raid the bars. However, he recalled a raid on a huge private Halloween party in the 1950s. The officers just lined everyone up and made them wait their turn to be taken in and booked. Johnson's friend, who told him about the raid, and a few others managed to hide in crawl space to avoid being arrested but most were not so lucky. The incident took place in Grand Prairie, between Dallas and Fort Worth and neither city's newspaper printed even a carefully worded story about it.<sup>6</sup>

Johnson's own brush with being outed as a homosexual occurred when he worked at St. Paul's Hospital as a respiratory therapist. When a theft occurred, the nuns who ran the hospital insisted on administering polygraph tests to all incoming employees and one of the questions asked was "Are you homosexual?" Johnson was terrified that he would be fired immediately if he had to take the test and answer that question. He approached his boss, who knew that he was gay and warned him that the hospital stood to lose a significant number of employees if they started to fire all the lesbians and gay men. In the end, no gay people were dismissed.<sup>7</sup>

In 1965, Johnson invited four friends over for dinner and this small group of gay friends

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<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

formed the first gay organization in Dallas, the Circle of Friends. The gatherings were primarily social with the purpose being to give gay men a place to meet other than at the bars. Johnson wanted to register the group and get a charter from the state, but a gay lawyer friend warned against it. He told Johnson that the police would harass him out of the city if he did that.<sup>8</sup> A year later when some progressive ministers joined the group, one of the ministers asked hypothetically of Dallas County District Attorney Henry Wade what he would do if he discovered a group of homosexuals meeting together. Wade responded that he would arrest them all and find some charge to justify it.<sup>9</sup>

Adding to the overall sense of persecution were events such as the “no-holds-barred public meeting” held in Richardson by Dallas police Lieutenant Tony Ingargiola in May 1967. Ingargiola estimated that Dallas was home to thousands of “sexual perverts” and lamented that, of that number, Dallas police had arrested only 396 in the past year. However, he assured the attendees that his unit was monitoring eighteen known gay bars in the city.<sup>10</sup>

The actions of officials such as Wade contributed to the *de facto* criminalization of all homosexual persons living in Dallas in the 1960s, even though the law only prohibited the act of sodomy and did not criminalize gay men as a category. Texas has had some form of anti-sodomy statute in its penal code since 1860. Early on, such measures did not target homosexuals, but prohibited any kind of non-procreative or extra-marital type of sexual intimacy. Texas’ first versions of this law were vague, condemning any “crime against nature” while offering no further definition.<sup>11</sup> In 1943, the Texas legislature revised the sodomy statute in the penal code adding specificity to outlaw anal and oral sex between a man and a woman or

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<sup>8</sup> Ibid.

<sup>9</sup> Tammye Nash, “For Johnson, turning 80 just means more stories to tell,” *Dallas Voice*, June 10, 2005.

<sup>10</sup> “Policeman cites city’s sex pervert problem,” *Dallas Morning News*, May 13, 1967.

<sup>11</sup> Dale Carpenter, “The Unknown Past of *Lawrence v. Texas*,” *Michigan Law Review* 102, no. 7 (2004): 1468.

between two men, but failing to address lesbian intimacy at all.<sup>12</sup>

On May 26, 1969, Alvin Leon Buchanan filed a lawsuit in the United States District Court for the Northern District of Texas, Dallas Division against the Dallas police vice unit for alleged harassment in men's restrooms, including concealing themselves "in the attics, ventilator shafts and woodwork of the restrooms." Buchanan, who had two sodomy charges pending, claimed that such action violated his constitutional rights and sought to have the sodomy law expunged and to receive an injunction for the two charges. Since Buchanan filed the suit as a civil case, the court could do nothing about the charges he faced and dismissed that portion of the suit.<sup>13</sup>

Buchanan's plea to the court for abstention of enforcement of Article 524 of the Texas Penal Code required that a three-judge panel handle the case. Circuit Judge Irving Goldberg, District Judge Sarah T. Hughes and District Judge William M. Taylor, Junior, made up the panel.<sup>14</sup> Before the panel heard the case, Buchanan's attorney brought in a married couple and a homosexual man never arrested for public sodomy as co-plaintiffs in order to represent every potential class of person covered by the statute.<sup>15</sup> By the time the panel heard the case on November 14, 1969, the criminal court found Buchanan guilty of one of the charges and sentenced him to five years in prison.<sup>16</sup>

On January 21, 1970, the panel declared Article 524 of the Texas Penal Code unconstitutional because it sought to regulate private, consensual sex acts between married couples, which, in *Griswold v. Connecticut* had been deemed a violation of the First Amendment of the United States Constitution. The judges put an injunction on any further enforcement of

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<sup>12</sup> Texas Constitution and Statutes, title 10, chapter 7, article 524 (1943).

<sup>13</sup> *Buchanan v. Batchelor*, 308 F. Supp. 729, (N.D. Tex. 1970).

<sup>14</sup> "Panel to Rule on Legality of Homosexual Law," *Dallas Morning News*, June 14, 1969.

<sup>15</sup> *Buchanan v. Batchelor*, 308 F. Supp. 729, (N.D. Tex. 1970).

<sup>16</sup> "U.S. Court Hears Plea To Change Sodomy Law," *Dallas Morning News*, November 15, 1969.

the statute.<sup>17</sup> Thus, the federal court overturned the Texas anti-sodomy statute, albeit on the grounds that it violated the constitutional right to privacy accorded to married heterosexual couples while offering no opinion on whether a similar right existed for homosexuals. In addition, the judges failed to rule on Buchanan's charge of police harassment because his act took place in public, not private.<sup>18</sup>

Texas officials moved quickly to minimize the effect of the judges' decision. Less than one week after the panel voided the statewide anti-sodomy measure, the city of Dallas passed an ordinance against sodomy in public places.<sup>19</sup> Meanwhile, when Buchanan appeared before the state court, armed with the panel's judgment, requesting to have his two previous sodomy convictions redacted, District Judge Ed Gossett attacked the decision and refused to release Buchanan. Gossett continued, voicing his views that sodomy and homosexuality were either crimes or diseases and that, whichever it was, the government should isolate those who engage in either. Gossett expressed fear that the injunction against prosecuting homosexuals for sodomy would release a "flood of perverts" upon the state.<sup>20</sup>

District Attorney Wade asked the panel to grant a retrial, claiming that the married couple on which the ruling was based changed the suit so dramatically that a new hearing was necessary. The panel refused to reconsider their ruling, stating that they gave Wade the opportunity to have a new hearing, but he had declined. Wade stated that he would file an appeal directly to the Supreme Court. The attorney for the married couple, Henry J. McCluskey, Jr. referred to Gossett's rant against practitioners of either sodomy or homosexuality in refuting Wade's contention that they had no basis for fear of prosecution since there existed no recorded

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<sup>17</sup> *Buchanan v. Batchelor*, 308 F. Supp. 729, (N.D. Tex. 1970).

<sup>18</sup> "Sodomy Law Ruled Void by 3-Judge Court," *Dallas Morning News*, January 22, 1970.

<sup>19</sup> "Council enacts law against public sodomy," *Dallas Morning News*, January 27, 1970.

<sup>20</sup> John Geddie, "Gossett blisters judges for sodomy law ruling," *Dallas Morning News*, February 6, 1970.



instances of private acts between married couples being prosecuted under the sodomy law.

McCluskey remarked that Gossett's harangue only reaffirmed the couple's concerns.<sup>21</sup>

In March 1971, the U.S. Supreme Court instructed the lower court to reconsider its verdict in *Buchanan v. Batchelor*, in effect overturning that decision. The basis for this response was an interpretation of when federal courts had jurisdiction over state laws. In short, because Buchanan had not exhausted the possibility of redress on the state level before filing suit in a federal court, the Supreme Court remanded the verdict back to the district court. In May, the Texas State Legislature took measures to amend the sodomy law, making it harder to overturn by removing the potential for a consenting married couple to be punished for the act, while the two to five year prison term remained for homosexuals.<sup>22</sup> With the removal of the injunction against sodomy prosecutions, Dallas District Attorney Wade made quick work of filing charges in more than twenty cases.<sup>23</sup>

The *Buchanan v. Batchelor* episode in the drive to overturn the anti-sodomy laws in Texas served to illustrate several points. First, Buchanan filed the suits on his own without any assistance from the fledgling Dallas gay community. At such an early stage in the gay rights movement, no structure existed yet in Dallas to assist homosexuals targeted by the anti-sodomy statute or other forms of harassment. Moreover, Buchanan's record of arrests for public sex made him less attractive as a poster boy around whom the movement could rally. In addition, with the eight concurring justices of the Supreme Court of the United States referring to the fact that sodomy, as a practice, was not widely accepted in the U.S. in the majority opinion, the ruling cast doubt on the assumption that the legal system was immune to pressure from public opinion and morals. This fact refuted the notion that going through the court system was necessarily

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<sup>21</sup> "Federal Panel Stands Pat On Sodomy Law Voidance," *Dallas Morning News*, February 21, 1970.

<sup>22</sup> "Sodomy Bill Sent to House for Vote," *Dallas Morning News*, May 2, 1971.

<sup>23</sup> "Sodomy prosecutions have been renewed," *Dallas Morning News*, July 12, 1971.

easier than working to change the attitudes of the public towards homosexuals in each individual state, which would be vital to changing the law legislatively.<sup>24</sup> Furthermore, the presence of similar views at every level of government involved in this case along with inflammatory comments from judges and other officials illustrated that most saw anti-sodomy laws as a proscription against homosexuals, not just a specific kind of sex act.

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<sup>24</sup> Melinda D. Kane, "Timing Matters: Shifts in the Causal Determinants of Sodomy Law Decriminalization, 1961-1998," *Social Problems* 54, no. 2 (2007): 213.

## CHAPTER V

### SECTION 21.06 OF THE TEXAS STATE PENAL CODE

To the casual observer, the gay community's preoccupation with anti-sodomy laws probably seemed extreme. After all, they were rarely enforced except in instances of underage, forced, or public sex. For lesbians, the risk of running afoul of these laws was practically non-existent, because they did not have public cruising areas, yet they too placed the repeal of the sodomy statutes high on their priority lists. To the gay and lesbian community, anti-sodomy laws represented part of the foundation upon which society justified acts of discrimination against homosexuals. The assumption was that all gay men and lesbians engaged in some type of deviant sexual practice, whether they had been caught or not, which made all of them criminals. Therefore, employers could refuse to hire homosexuals, property owners could refuse to rent to homosexuals, and courts could deny homosexuals child custody.

Sodomy laws did nothing to advance society as a whole, either. In fact, the American Law Institute (ALI) recommended in 1955 that states eliminate statutes that criminalized sexual behavior between consenting adults in private.<sup>1</sup> The ALI released a Model Penal Code, which did just that. They defended the move by observing the victimless nature of such "crimes" and the difficulty of enforcing the measures. With many cities and states facing budgetary limitations, the ALI contended that the criminal justice system better served the public by concentrating their resources on things like murder, rape, robbery or theft. Beginning with Illinois in 1961, states began to integrate portions of the Model Penal Code into their laws and began to decriminalize sodomy with minimal effort by the gay and lesbian community.<sup>2</sup>

In 1973, the Texas legislature, partly in response to *Buchanan v. Batchelor*, completely

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<sup>1</sup> Mary Bernstein, "Nothing Ventured, Nothing Gained? Conceptualizing Social Movement 'Success' in the Lesbian and Gay Movement," *Sociological Perspectives* 46, no. 3 (2003): 360.

<sup>2</sup> William B. Rubenstein, ed., *Lesbians, Gay Men, and the Law* (New York: The New Press, 1993), 88-92.

revised the Texas Penal Code. Rather than follow the ALI's model and remove the victimless crime of sodomy from the books, Texas went the other route, changed the name, and adjusted the target. Nan D. Hunter identified a trend in the early 1970s, following the adoption of the Model Penal Code by several states, of using specification instead of repeal. States amended their laws to single out homosexuals, specifically, engaging in sodomy.<sup>3</sup>

Section 21.06 of the new Texas Penal Code covered "Homosexual Conduct" and prohibited "deviate sexual intercourse with another individual of the same sex." "Deviate sexual intercourse" was defined in Section 21.01 as "any contact between any part of the genitals of one person and the mouth or anus of another person" or "the penetration of the genitals or the anus of another person with an object."<sup>4</sup> The revision outlawed lesbian sex for the first time. In addition, in an effort to prevent its being overturned by the courts or to reflect the changing society, the statute did not prohibit married (or unmarried) heterosexual couples from engaging in these types of sex.

On the positive side, the crime was reduced to a misdemeanor with a maximum penalty of two hundred dollars; however, the real punishment under the anti-sodomy law was never the time spent in jail but the social stigma that accompanied the arrest. Lawmakers seemed determined to preserve that stigma while easing some of the burden on the prison system. A continued examination of chapter 21 of the Penal Code, which covered sexual offenses, found new measures against "Public Lewdness," defined as any sexual contact in a public place, and "Indecent Exposure."<sup>5</sup> The addition of these statutes provided further evidence that the "Homosexual Conduct" clause served no other purpose than to outlaw private consensual sexual

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<sup>3</sup> Nan D. Hunter, "Life After Hardwick," *Harvard Civil Rights-Civil Liberties Law Review* 27 (1992), 538-539.

<sup>4</sup> Texas Constitution and Statutes, title 5, chapter 21, section 21.01-21.06 (1973).

<sup>5</sup> Texas Constitution and Statutes, title 5, chapter 21, sections 21.07-21.08 (1973).

acts between adults of the same sex, because if the intent was to prosecute homosexuals only for public, underage, or forced sexual acts, laws existed in the code already to cover those instances. Section 21.06 of the Texas Penal Code existed only to offer legal sanction for the continued harassment and persecution of homosexuals for no other reason than for what they were.

Whereas the overhaul of the Texas Penal Code appeared to be a step backwards for gays and lesbians in their struggle for equal rights, the early 1970s were actually a time of massive growth for the movement. Beginning with the 1969 Stonewall riots, a new militancy swept through the community and organizations began to expand exponentially. Nationwide, the gay liberation movement began to pile up victories. As mentioned previously, in 1973, the American Psychiatric Association voted to remove homosexuality from its *Diagnostic and Statistical Manual*, thereby declaring that being gay was not a mental illness.<sup>6</sup> In 1975, the Civil Service Commission changed its policy towards hiring homosexuals for government jobs. Merely being gay was no longer adequate reason for not hiring or for firing an individual; federal agencies were required to prove that an individual's sexual conduct interfered with his or her work.<sup>7</sup>

Meanwhile in Dallas, the Circle of Friends struggled to attract more than six or eight gay men of the thousands of homosexuals estimated to live in Dallas at that time to meet together in someone's home or at a church for fellowship. However, the group was able by June 1972 to stage the first ever Gay Pride Parade in Texas to commemorate the Stonewall riots. The parade started small with only forty to forty-five people, but boasted more than a hundred marchers by the time it reached its end. Groups such as the Dallas Gay Political Caucus (DGPC)<sup>8</sup> and the

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<sup>6</sup> Charles Kaiser, *The Gay Metropolis: The Landmark History of Gay Life in America* (New York: Grove Press, 2007), 235-240.

<sup>7</sup> Hollye Cappleman, "After court ruling: Homosexuals find more job freedom," *Dallas Morning News*, Sept. 2, 1975.

<sup>8</sup> Philosophy of the Dallas Gay Political Caucus, 1976, box 4, Texas Gay Task Force Papers, Texas Woman's University Library, Woman's Collection (hereinafter cited as TGTF Papers), Denton, TX.

Texas Gay Task Force (TGTF)<sup>9</sup> formed in the mid-1970s to lobby the legislature for more favorable treatment. By the early 1980s, groups such as Gay Academic Union/North Texas (GAUNT)<sup>10</sup>, Gay and Lesbian Association of Denton (GLAD)<sup>11</sup>, the Texas Human Rights Foundation (THRF) and the Cathedral of Hope joined the efforts to offer support to lesbians and gay men, educate the public about homosexuality and end discrimination. The DGPC listed as its number one goal, “Repeal statute 21.06 of the Texas Penal Code.”

In 1974, the TGTF held the first of what became an annual conference, the Texas Gay Conference in Fort Worth. Organizers met preemptively with the Fort Worth police chief who promised not to harass the attendees. Instead, the police came to the First Unitarian Church, where the conference was held, and wrote down the license plate numbers of all the cars in the parking lot. Later, the officers made the names and addresses of those who attended the conference available to the Fort Worth *Star Telegram* for publication. The paper declined to do so. Still, Ken Cyr, conference organizer, sued Fort Worth Police Chief T. S. Walls for harassment and won, but the penalty was minimal.<sup>12</sup>

In the mid-1970s, shortly after the Texas Penal Code revision, the Dallas Police Department launched a vigorous attack on gay spaces across the city. Bars, bathhouses, parks, and even restrooms were raided as the police implemented a policy of harassment and entrapment. During one raid, officers examined a copy of a gay newspaper and discovered, to their dismay, listings for twenty-five gay bars in the city. Police Chief D.L. Burgess threatened to close every one of them.<sup>13</sup>

Nearly 500 people gathered at the Metropolitan Community Church for a rally against the

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<sup>9</sup> Texas Gay Conference 7 Press Release, 1980, TGTF Papers.

<sup>10</sup> Gay Academic Union - North Texas By-Laws, 1979, TGTF Papers.

<sup>11</sup> Gay/Lesbian Association of Denton By-Laws, 1980, TGTF Papers.

<sup>12</sup> Phil Johnson, “The Gay Century,” *This Week in Texas*, January 7-13, 2000.

<sup>13</sup> Phil Johnson, “The Gay Century,” *This Week in Texas*, January 14-20, 2000.

vice squad's increased harassment of gay establishments. The gay community made clear that they were not suggesting that the police stop enforcing the law. Instead, they called for an end to "selective enforcement" and demanded equal treatment. They also criticized the director of the vice squad, D.L. Burgess, for making inflammatory statements and increasing the vice squad's presence in gay bars.<sup>14</sup>

In response to the actions of the vice squad, the Dallas Gay Political Caucus bursted onto the scene. The Dallas Gay Political Caucus (DGPC) was something of a misnomer for the organization because they were involved in so much more than just politics. In the beginning in fact, all efforts centered on attracting the largest membership possible and acquiring a good-sized treasury. To that end, the organization tried to meet all the needs of the community. They sponsored softball teams and bowling teams and started clubs for nearly every interest. The most political thing that they did was to go out to the gay bars and register voters. In addition, the DGPC sponsored a speaker's bureau that, upon request, would send speakers out to colleges, churches, and social groups who wanted to learn about gay people. They also published a monthly newsletter, called *Dialog*.<sup>15</sup>

The DGPC tried valiantly to negotiate some sort of agreement between the police and the gay community. They held press conferences, wrote letters to the editors of the local newspapers, and tried to get a police liaison assigned to the community. The latter effort was to no avail; because homosexuals were not allowed to be police officers, no one was willing to step into the role for fear of being labeled gay and potentially losing their job.<sup>16</sup>

For gays and lesbians, the brief period of growing acceptance and advancement of gay rights in cities across the nation came to an abrupt halt with the emergence of an unexpected

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<sup>14</sup> Joe Pouncy, "Gays Protest Police Enforcement," *Dallas Morning News*, November 7, 1976.

<sup>15</sup> Phil Johnson, interview by Gerald D. Saxon, December 17, 1980 and January 1-2, 1981, DPL.

<sup>16</sup> "DGA meets with police," *Dallas Gay News*, November 5, 1982.

leader for the opposition, Anita Bryant. Bryant was a former Miss Oklahoma and the second runner-up in the 1959 Miss America beauty pageant. She became a recording artist and in 1969 became the spokesperson for the Florida Citrus Commission. In 1977 after Dade County (Florida) passed an ordinance banning discrimination based on sexual orientation, Bryant found a new calling.<sup>17</sup>

With a group called “Save Our Children” behind her, Bryant undertook a campaign for the repeal of the Dade County non-discrimination ordinance. Her crusade portrayed homosexuals as child molesters with the catch phrase, “Homosexuals can’t reproduce, so they have to recruit.”<sup>18</sup> The campaign quickly became a national issue and prompted responses from members of Congress and even Jane Fonda, a controversial figure in her own right. Jack Wyrzten, president of the World of Life International, claimed in a bit of hyperbole, “If this bill passes in Dade County in favor of the gay crowd...it could be the end of the United States of America.”<sup>19</sup>

To the relief of Wyrzten and his ilk, Bryant was victorious as seventy percent of Dade County voters sided with the Save Our Children campaign. There followed in rapid succession a series of losses in campaigns in Eugene, Oregon, St. Paul, Minnesota and Wichita, Kansas, but all was not lost for the gay community. In fact, Bryant’s virulent efforts against homosexuals spawned an equally passionate response from the gay community. 1977 ended with Harvey Milk becoming the first openly gay man elected to the San Francisco Board of Supervisors as lesbians and gay men fought back, once again.<sup>20</sup>

Days after the Dade County election on June 16, 1977, the State Bar of Texas held their

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<sup>17</sup> Louise Montgomery, “The Orange Juice Queen Puts Squeeze on the Gays,” *Dallas Morning News*, June 5, 1977.

<sup>18</sup> Phil Johnson, “The Gay Century,” *This Week in Texas*, January 14-20, 2000.

<sup>19</sup> “Fevered Pitch Marks Florida Fight on Gays,” *Dallas Morning News*, May 29, 1977.

<sup>20</sup> Phil Johnson, “The Gay Century,” *This Week in Texas*, January 21-27, 2000.



annual convention at the Hyatt Regency Hotel in downtown Houston with Anita Bryant scheduled as entertainment.<sup>21</sup> The leaders of the Houston gay community organized a protest and asked Dallas leaders to join them. The Dallas Gay Political Caucus chartered a bus to transport as many supporters to Houston as it could hold and others joined them on their own. The result was a crowd of at least three thousand people who joined a candlelight march to city hall on the sidewalks because they had no parade permit.<sup>22</sup> The gathering was so loud that gay lawyers who remained inside stated the chants were audible inside the auditorium.<sup>23</sup>

Weeks later when Brownwood, Texas, a small town about a hundred and fifty miles southwest of Dallas, hosted Bryant for their Fourth of July picnic, the DGPC declined to protest the event, fearing small-town violence and bad publicity. Instead, in a textbook example of “The Dallas Way” of working within the system to affect change, the DGPC leadership put on their suits and drove to Brownwood to purchase a full-page ad in the local paper. The ad contrasted two ladies: one, Bryant, who stood for taking rights away from certain citizens and the other, the Statue of Liberty, with her promise of freedom for all.<sup>24</sup>

In the fall of 1977, the superintendent of Dallas Independent School District (DISD), Nolan Estes, took the most aggressive stance towards potential homosexual employees possible. Estes asserted, “Any Dallas school teacher identified as a homosexual will be asked to resign immediately.” He continued, “We’re not going to have our young people exposed to that.” Dallas School Board President, Bill Hunter, supported Estes by questioning the ability of gay teachers to serve as role models to their students.<sup>25</sup> This set off a flurry of articles in the *Dallas*

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<sup>21</sup> “3,000 Gays Protest Appearance of Anita,” *Dallas Morning News*, June 17, 1977.

<sup>22</sup> Phil Johnson, “The Gay Century,” *This Week in Texas*, January 21-27, 2000.

<sup>23</sup> Vivienne Armstrong and Louise Young, interview by Karen Wisely, February 4, 2010, transcript, University of North Texas Oral History Collection, University of North Texas Library, Denton, Texas [hereinafter cited as UNT-OHC].

<sup>24</sup> *Ibid.*

<sup>25</sup> Eric Miller, “DISD ban on gays told,” *Dallas Morning News*, October 7, 1977.

*Morning News* that debated whether gays and lesbians could be good teachers in light of their private lives.

The *Morning News* editorial writers supported the school officials' point of view along with the school officials from most of the major cities in Texas. Houston Independent School District was the exception with the representative reporting that if the teacher was good, his or her private life would remain private. Many of the other districts mentioned that they would require proof of homosexuality in order to fire a teacher, but that would be reason enough for termination.<sup>26</sup> On the other side of the issue, the Classroom Teachers of Dallas (CTD), the teachers' union in Dallas, believed that gay teachers were entitled to a private life and should not be fired for their sexual preferences unless it interfered with their teaching.<sup>27</sup>

The next week, Superintendent Estes backed down a bit from his hardline stance against homosexual teachers. After thinking about it for nearly a week, Estes modified his comments, saying that proven misconduct in the school or in the classroom was necessary to terminate a teacher.<sup>28</sup> One possible reason for such a shift was an article that appeared in the October 9, 1977, *Dallas Morning News*. In an article titled, "Gay estimates 10% of city teachers are homosexual," a gay male teacher using the pseudonym "John" related that he knew of several teachers like himself who had taught for years with no problems. He further estimated that there were likely around 700 gay teachers on staff in DISD. Faced with the prospect of replacing one-tenth of his employees, including some who had been very successful for quite a few years, Estes's softened stance was certainly understandable.

On October 23, 1979, Dallas police vice squad raided the Village Station, a popular gay

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<sup>26</sup> Associated Press, "Policy unwritten: Most officials oppose Texas gay teachers," *Dallas Morning News*, October 9, 1977.

<sup>27</sup> Eric Miller, "Officials defend gay teachers," *Dallas Morning News*, October 8, 1977.

<sup>28</sup> Julie Anne Booty, "Estes softens gay stance: 'Misconduct' cited as basis for teacher resignations," *Dallas Morning News*, October 11, 1977.

dance club, and arrested multiple gay men, ten of which would be charged with lewd conduct. The DGPC sprang into action encouraging the men to fight the charges.<sup>29</sup> In December 1979, three more raids resulted in sixteen more arrests in gay establishments. One place, Club Dallas, a health club catering to gay men, filed a suit against city and county officials accusing them of harassment and trying to enforce a law that does not apply. Club Dallas was a private club and therefore not subject to a public lewdness statute.<sup>30</sup>

Meanwhile the Village Station incident sparked a movement in the DGPC to gather information about police harassment of the gay community. Unfortunately, many gay men arrested in bars for public lewdness chose not to endure the embarrassment of a trial. The plea of guilty often carried with it a fine of up to \$750 for the first offense and probation. If the man could avoid arrest a second time for a year, the charge was expunged from his record. Still, when attorney's fees were added, a public lewdness charge was often very expensive for a gay man.<sup>31</sup>

Beginning in January 1980, the DGPC published a series of reports in its newsletter, *Dialog: Newsletter of the Dallas Gay Alliance*, documenting the case of police harassment of the gay community. In the first, the DGPC discussed the veracity of the belief of many gay persons that the police willfully targeted gays for mistreatment. The report quoted Vice Control Division Captain as saying that his unit regularly patrolled gay bars because "I don't think the average person in the community wants that going on," which was the same attitude held by the judges in the *Buchanan* case.<sup>32</sup>

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<sup>29</sup> Phil Johnson, "The Gay Century," *This Week in Texas*, February 4-10, 2000.

<sup>30</sup> Norma Adams Wade, "Homosexual Club Charges Police with Harassment," *Dallas Morning News*, December 14, 1979.

<sup>31</sup> "It Happened in Dallas: Public Lewdness Cases Prove Costly for Gays," *Dialog: Newsletter of the Dallas Gay Alliance*, September 1979.

<sup>32</sup> "Police Harassment: Is It Real?" *Dialog: Newsletter of the Dallas Gay Alliance*, January 1980.

The second article of the series revealed some disturbing numbers. The DGPC thoroughly investigated eighteen arrests for lewd acts made by the Dallas police department in 1979 by interviewing the person charged, his attorney and any witnesses to the incident. Of the eighteen, fourteen alleged false arrest and six claimed police brutality. Furthermore, the article told of an incident January 18/19, 1980, where police officers arrested two men at a bar on Fitzhugh Street who were standing at the bar, talking to each other. The two were charged with public lewdness.<sup>33</sup>

On January 3, 1980, DGPC representatives met with Dallas Police Chief Glenn King and Assistant Chief Billy Prince to discuss concerns of the gay community regarding alleged police harassment. The meeting influenced no immediately changes in police operations, as evidenced by the arrests in the Fitzhugh bar, but the DGPC deemed it a success. Police Chief King claimed that there was no increase in enforcement against homosexuals but recommended that anyone with complaints contact the Internal Affairs Division of the DPD.<sup>34</sup>

In February 1980, the Village Station cases began to come to trial. Two of the ten men charged with public lewdness pled guilty. Dallas County Criminal Court #7 Judge Chuck Miller found the next two men not guilty. A short time later, Assistant District Attorney Winfield Scott dismissed the charges on the six remaining cases, only to re-file them in a different court where they had a better chance of winning in accordance with District Attorney Henry Wade's wishes. "Forum shopping," the term for such legal maneuvering was not illegal but unethical, leading

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<sup>33</sup> Campbell Read, "An Epidemic of False Arrests?" *Dialog: Newsletter of the Dallas Gay Alliance*, February 1980.

<sup>34</sup> Campbell Read, "DGPC Confers with Officials," *Dialog: Newsletter of the Dallas Gay Alliance*, February 1980.

DGPC Director of Social Justice to file a grievance against Wade with the Texas Bar Association.<sup>35</sup>

On August 29, 1980, the *Dallas Morning News* ran a headline on page one that read, “Bible-toters Watch ‘Parade of Perverts.’” The story told of the trial of another of public lewdness cases from the October 1979 raid of the Village Station. In this trial before Dallas County Criminal Court Judge John Orvis, the defense called as witnesses a man and a woman who demonstrated the dancing that the defendant, Richard Schwiderski, was doing when arrested. The judge found Schwiderski guilty.<sup>36</sup>

Schwiderski’s trial was on the heels of the trial that found another of the Village Station defendants, Jim Howell, guilty in a court specifically targeted by the prosecution. In Howell’s trial, Assistant District Attorney Winfield Scott stated in closing arguments that the defendants in these cases were “nothing more than perverts engaged in repulsive, disgusting, outrageous obscene behavior in public.”<sup>37</sup> Shortly after Howell’s conviction, he lost his job at a men’s store due to publicity from his trial.<sup>38</sup>

The Dallas Gay Political Caucus, which became the Dallas Gay Alliance (DGA) in March 1981, continued their efforts to broker a peace between the Dallas gay community and the Dallas Police Department. The task was not easy due to the anti-gay bias present in some of the officials.<sup>39</sup> However, arrests in bars and restrooms were not the only ways that Section 21.06 of the Texas State Penal Code worked against the Dallas gay community.

For lesbians, the chance of being arrested for public lewdness was practically non-existent. Rather for them, the criminalization of homosexuals due to Section 21.06 of the Texas

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<sup>35</sup> Stephanie Smith, “Prof Files Charges: ‘DA is Unethical,’” *SMU Campus*, April 1980.

<sup>36</sup> Christi Harlan, “Bible-toters Watch ‘Parade of Perverts,’” *Dallas Morning News*, August 29, 1980.

<sup>37</sup> *Ibid.*

<sup>38</sup> Don Mixon, “A Perversion of Justice,” *Dialog: Newsletter of the Dallas Gay Alliance*, June 1981.

<sup>39</sup> “Evidence Reveals Anti-Gay Bias by Officials,” *Metro Times*, January 22, 1981.

State Penal Code meant risk of losing their jobs or custody of their children if they were discovered to be lesbians. In December 1975, one such custody case came before Domestic Relations Court #4 Judge Oswin Chrisman. Mary Jo Risher and Douglas Risher divorced in 1971 with Mary Jo receiving custody of their two children. The older son, James, moved out of his mother's home and in with his grandmother in August 1974 when, according to Mary Jo, she refused to buy him a car. In June 1975, James moved back in with his father.<sup>40</sup>

Douglas Risher filed for custody of James and Richard, then nine years old, in 1974 when he found out from James that Mary Jo was a lesbian and living with another woman.<sup>41</sup> James testified that he felt more at ease since leaving his mother's house and more able to be himself. Testimony revealed that Douglas had pled guilty to a driving while intoxicated, even though he claimed that he seldom drank. Further questioning uncovered an incident that same year where Douglas paid \$150 to a co-worker to have an abortion. He admitted it was his child. Unbelievably, Douglas asserted that his ex-wife damaged their kids with her actions, but not his.<sup>42</sup>

Two psychologists testified on behalf of Mary Jo, stating that she was an excellent mother who provided a stable environment for her son and that moving him at this stage may have detrimental effects.<sup>43</sup> In spite of this, the jury awarded custody to Douglas Risher by a vote of ten to two.<sup>44</sup> Mary Jo Risher's attorney, Frank Stenger, asserted that the jury ruled in favor of Douglas based solely on Mary Jo's sexual orientation.<sup>45</sup> No doubt, the fact that she was a lesbian

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<sup>40</sup> Don Mason, "Lesbian Involved in Custody Case," *Dallas Morning News*, December 18, 1975.

<sup>41</sup> Ibid.

<sup>42</sup> Don Mason, "'More at Ease,' Young Risher Says," *Dallas Morning News*, December 19, 1975.

<sup>43</sup> "2 Experts Say Risher Boy Stable with Lesbian Mother," *Dallas Morning News*, December 20, 1975.

<sup>44</sup> Don Mason, "Jury Awards Custody of 9-Year-Old to Father Rather Than Lesbian Mother," *Dallas Morning News*, December 24, 1975.

<sup>45</sup> Don Mason, "Lesbian Who Lost Custody Called Prejudice Victim," *Dallas Morning News*, December 3, 1976.

played an important part in that case, illustrating the urgency, for lesbians as well, of the drive to remove the Homosexual Conduct Statute from the law books.

One final example of the hardships that criminalization placed on homosexual individuals was the Richard Longstaff immigration case. Longstaff, a homosexual, was an Englishman who applied to immigrate to the United States in 1965. One of the questions on the application asked, “Are you now or have you ever been afflicted with psychopathic personality, epilepsy, mental defect, fits, fainting spells, convulsions or a nervous breakdown?” Longstaff answered no with no qualms and was admitted in November 1965. He settled down in Dallas and opened a clothing store, Union Jack, on Cedar Springs Road, the heart of the gayborhood.<sup>46</sup>

In 1975, Longstaff applied for citizenship. In his interview with Immigration and Naturalization Service (INS) the examiner repeatedly asked Longstaff if he was a homosexual. He replied that he had had some homosexual experiences, but it was his private life and did not feel he should be questioned about it. Two months later, INS called him in for another interview where the question of his sexuality came up again with Longstaff again questioning the relevance of such questions. INS denied his application.<sup>47</sup>

In 1978 after a long battle to get the case reopened, INS recommended citizenship in spite of the fact that “homosexual activity offends most of us.” On March 9, 1979, the matter came before Judge Joe Ewing Estes. Longstaff arrived, expecting to be sworn in as a new citizen. Instead, Judge Estes verbally attacked him. Judge Estes denied Longstaff’s citizenship because, as an admitted homosexual, he was a criminal according to Texas’s Homosexual Conduct Statute and therefore did not have the good character required for United States citizenship.<sup>48</sup>

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<sup>46</sup> Joyce Murdoch and Deb Price, *Courting Justice: Gay Men and Lesbians v. the Supreme Court* (New York: Basic Books, 2001), 232.

<sup>47</sup> *Ibid*, 232.

<sup>48</sup> *Ibid*, 232-236.

Discrimination against gay men and lesbians in police enforcement, employment, immigration and child custody cases were all based on the criminalization of the homosexual individual codified in Section 21.06 of the Texas State Penal Code. The repeal of that statute was vital to the future of the gay community in Dallas. Until 21.06 went away, no lesbian or gay man could rest easy.



CHAPTER VI  
GOING FOR “THE JUGULAR OF GAY POLITICS”

In 1978, the Texas Human Rights Foundation announced its intention to mount a legal challenge to the constitutionality of Section 21.06 of the Texas Penal Code. The suit would contend that Section 21.06 of the Texas Penal Code was unconstitutional for two reasons. First, it denied homosexuals equal protection because acts performed with a same-sex partner were criminalized but those same acts were legal for opposite-sex couples, and second, it denied homosexuals the right to privacy.<sup>1</sup> The group searched for someone representing the most non-threatening image of homosexuality possible to serve as the plaintiff in the suit. Initially, they planned to use a gay couple, but no suitable pair volunteered.<sup>2</sup> Instead, THRF approached Donald F. Baker, the president of the Dallas Gay and Lesbian Alliance and the anonymous “John” of the aforementioned *Dallas Morning News* article about gay teachers in the DISD, for the job.<sup>3</sup> Baker agreed and *Baker v. Wade* was filed in 1979.

Baker was born on April 24, 1947, in Dallas and raised in a very religious family. He attended college at East Texas State University and University of Texas at Austin before quitting to join the Navy. After serving for four years, he received an honorable discharge and finished his schooling at the State University of New York at Cortland. He graduated *cum laude* with a bachelor’s degree in elementary and secondary school education in 1975. Baker had known for years that he was “different” but because of his religious beliefs had struggled against the feelings he had for other men. After living in self-imposed solitude for a number of years, he

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<sup>1</sup> *Baker v. Wade*, 553 F. Supp. 1121, (N.D. Tex. 1982).

<sup>2</sup> Scott P. Anderson, “Making Gay Legal,” *The Advocate*, August 20, 1981.

<sup>3</sup> *Finding Our Voice: The Dallas Gay and Lesbian Community*, VHS, directed by Ginny Martin, KERA, Dallas/Fort Worth, 2000, interview with Donald Baker.

finally determined in his mind that he could be both gay and a devout Christian and began to meet other gay men.

In 1975, with degree in hand, Baker moved back to Dallas and came out to his family, though he was very discreet about sharing his homosexuality with others.<sup>4</sup> Also in 1975, Baker got a job teaching in DISD. He taught language arts and social studies in fourth through sixth grades. DISD rated him as an excellent teacher. In 1979, Baker quit teaching to return to school at Southern Methodist University for a master's degree. At that time, DISD even recommended him for a teaching fellow position, which he received. His master's thesis was on the attitudes towards homosexuality among secondary school teachers in training.<sup>5</sup>

At no time had Baker ever been cited for homosexual conduct or public lewdness or any other violation. He served honorably in the military; he graduated from college with honors and went on to receive a master's degree. He remained very religious and attended church services regularly. His employer, a known homophobic organization, had only good evaluations of his work. Baker was also neat, trim, clean-cut, soft-spoken, articulate and polite. In short, Baker was the ideal person to mount a challenge to Section 21.06 of the Texas Penal Code. He truly was the "perfect plaintiff" that the Texas Human Rights Foundation had been looking for.<sup>6</sup>

The suit went to trial in June of 1981 in front of Judge Jerry Buchmeyer of the United States District Court for the Northern District of Texas, Dallas Division. The trial went very well for the plaintiffs, with the defense failing to present a single credible witness to testify as to why sexual conduct between consenting adults in private should be illegal. Their whole case revolved around the argument that the statute "furthered the state's interests in protecting morality, decency, health, welfare, safety and procreation." However, neither District Attorney

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<sup>4</sup> *Baker v. Wade*, 553 F. Supp. 1121, (N.D. Tex. 1982).

<sup>5</sup> *Ibid.*

<sup>6</sup> Phil Johnson, "The Gay Century," *This Week in Texas*, February 4-10, 2000.

Wade nor Dallas City Attorney Lee Holt was able to provide any explanation as to how the statute accomplished that.<sup>7</sup> Baker commented, “To say the trial went well would be an understatement. We’re optimistic. But, whatever the outcome, it’s been worth it to focus attention on 21.06. It’s the jugular of gay politics in Texas.”<sup>8</sup>

On August 17, 1982, Judge Buchmeyer announced his decision that Section 21.06 of the Texas Penal Code was unconstitutional. He reasoned that the presence in the Penal Code of laws prohibiting sexual conduct in public, with a minor, or when forced already protected the state’s interests. In addition, because the defense admitted that the statute was not enforced and the penalty was so minimal, the only purpose of Section 21.06 of the Texas Penal Code seemed to be to criminalize homosexuals. Judge Buchmeyer wrote, “. . .this statute, 21.06, makes criminals out of more than 700,000 individuals in Texas who are homosexual, although they do not choose to be, and who engage in private sexual conduct with other consenting adults.”<sup>9</sup>

THRF held simultaneous victory rallies/press conferences in Houston and Dallas to announce the decision, which had been expected to come much earlier. Even late, gays and lesbians across the state rejoiced in celebrating the ruling. One reveler exclaimed, “We are no longer law breakers. We can now be policemen, firemen, schoolteachers, or just everyday law abiding, respectable citizens.”<sup>10</sup>

Meanwhile, the homosexual community in Dallas began counting down the thirty days post-Buchmeyer-decision during which the state could file an appeal or an extension. The day arrived with much fanfare and no appeals filed; unfortunately, they had started counting on the wrong date. The party had begun too soon. Buchmeyer announced his decision on August 17,

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<sup>7</sup> *Baker v. Wade*, 553 F. Supp. 1121, (N.D. Tex. 1982).

<sup>8</sup> Scott P. Anderson, “Making Gay Legal,” *The Advocate*, August 20, 1981.

<sup>9</sup> *Baker v. Wade*, 553 F. Supp. 1121, (N.D. Tex. 1982).

<sup>10</sup> “700,000 gay Texans declared legal: 21.06 defeated,” *This Week in Texas News*, August 20-26, 1982.

1982, but he did not file the judgment until September 30, 1982. With an extension, the defendants could wait until after the election on November 2 to file an appeal. Just to make things more interesting, the Democratic candidate for Governor in that election had been courting the gay vote. He was State Attorney General Mark White, the man responsible for filing the appeal.<sup>11</sup>

The appeals, two of them, came at the last moment. Potter County District Attorney Danny E. Hill, who was not even named in the suit, filed the first. Just before the election, White filed for the state. In the end, the move did not adversely affect White's gubernatorial campaign. He won. Later, as governor, he ordered the state's appeal be withdrawn, leaving only Hill's.<sup>12</sup>

The gay community seemed undaunted by this turn of events. Baker was confident that the merits of the case were such that the decision could withstand any challenge. The Dallas Gay Alliance scheduled the Texas Freedom Festival to take place Labor Day weekend to commemorate the anniversary of the *Buchmeyer* decision. The celebration did not include a parade the first year, but scheduled events such as lectures and roundtables, and culminated in a rally at Reverchon Park. The planners expected the event to become an annual celebration of the newly won freedom for Texas gay men and lesbians. In 1984, the Dallas Pride Parade moved permanently to the September date to celebrate Dallas' own version of Stonewall and became the Texas Freedom Parade and Festival.<sup>13</sup>

The heterosexual response was as ambiguous as the gay response was celebratory. In February 1983, although the spokesperson for the Houston Police Officer's Association contended that hiring gay and lesbian police officers would cause "chaos, controversy, and conflict," the Houston Police Department changed its policies regarding hiring homosexual

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<sup>11</sup> Tom Denney, "Freedom not yet won," *Pink Triangle News*, October 15, 1982.

<sup>12</sup> Tom Denney, "21.06 Pro-gay ruling appeal," *Pink Triangle News*, November 5, 1982.

<sup>13</sup> Phil Johnson, "A gay century," *This Week in Texas*, February 25-March 2, 2000.

police officers. In the past, gays had been excluded because homosexual activity was against the law and, thus, anyone who practiced such conduct was breaking the law that police officers swore to uphold. The decriminalization of homosexual conduct by Judge Buchmeyer rendered that argument null and void.<sup>14</sup>

Disappointingly, on March 11, 1983, Republican State Representative Bill Ceverha of Richardson introduced House Bill 2138 to the Texas House Committee on Criminal Jurisprudence. HB 2138 sought to recriminalize private sexual contact between same-sex partners, to broaden the definition of sexual contact, and to increase the penalties. Ceverha's proposed legislation defined sexual contact to include "the touching by one person of any part of the body of another person with the intent or purpose of arousing or gratifying the sexual desire of any person." This prohibition could potentially include such innocuous public displays of affection as holding hands, kissing or putting one's arm around another. The maximum suggested penalties included two to ten years in prison and a \$5000 fine for the first offense with two to twenty years and a \$10,000 fine for repeat offenders.<sup>15</sup>

In addition, Ceverha included a clause that called for the bill to take effect immediately upon passage because of the emergency public health concerns over the rapidly growing Acquired Immune Deficiency Syndrome (AIDS) epidemic. This echoed the view of the Dallas Doctors Against AIDS, a group of city professionals who filed a petition for permission to join the appeal of Judge Buchmeyer's decision and helped draft HB 2138. These doctors, dentists, and lawyers believed that legalizing sodomy would lead to the contamination of the nation's blood supply with AIDS. However, they did not explain how reinstating a law that officials

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<sup>14</sup> "Houston police can hire gays," *This Week in Texas News*, March 4-10, 1983.

<sup>15</sup> "Information concerning House Bill 2138, introduced by Bill Ceverha," *This Week in Texas News*, April 1-7, 1983.

admitted was not enforced would keep AIDS from spreading and endangering all blood transfusions.<sup>16</sup>

The bill had little chance to pass, but Ceverha was applying some strong-arm measures on freshmen representatives and could have forced a vote on the floor. Texas gay and lesbian organizations took the threat seriously and arranged letter-writing campaigns and lobbied sympathetic legislators. Meanwhile, Ceverha, not content with merely replacing the judicially overturned anti-sodomy statute with a much broader and more severe version, introduced another piece of homophobic panic legislation later in the session. This measure proposed to bar homosexuals from jobs in teaching, health care, or any other fields requiring state licensing. Fortunately, cooler heads prevailed and both measures were defeated.<sup>17</sup>

Meanwhile, *Baker v. Wade* made its way through the appeals process. Early on, the hearings revolved around the question of whether Potter County District Attorney Danny Hill had the necessary jurisdiction to appeal the case. When the first motion to set aside Buchmeyer's verdict and rehear the case was made, the lawyer filing on behalf of Hill was a member of the Dallas Doctors Against AIDS. Judge Buchmeyer offered a supplemental opinion to deny this motion and to voice concerns that the DDAA was hiding behind Hill's appeal. The group introduced "new evidence," which was the same used in the attempt to pass HB 2138. Consisting mostly of magazine articles about AIDS and affidavits from the physician members of DDAA, this evidence supposedly proved that Section 21.06 of the Penal Code must be upheld in order to stop the spread of AIDS. In response, Buchmeyer expressed incredulity that these educated men honestly believed that "exacting \$200 fines from persons who engage in private

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<sup>16</sup> "Dallas doctors push 21.06 appeal," *This Week in TexasNews*, March 4-10, 1983.

<sup>17</sup> *Baker v. Wade*, 106 F.R.D. 526 (U.S. Dist., 1985).

consensual homosexual conduct” would keep the citizens of Texas safe.<sup>18</sup>

The next step was the United States Court of Appeals for the Fifth Circuit. The first hearing in front of the usual three-judge panel returned a dismissal of Hill’s appeal. The panel determined on September 21, 1984 that Hill did not have the right to appeal the original verdict in light of the fact that the State of Texas had declined the opportunity. The judges feared the chaos that would ensue should all district, county, or city attorneys be allowed to appeal any rulings where they disagreed with the State’s position.<sup>19</sup>

From there, Hill petitioned for and was granted a rehearing *en banc*, in front of all sixteen justices of the court. In this hearing, the court ruled that Hill’s position as a county official gave him standing to represent the state in this matter. The result was that in a 9-7 decision, the United States Court of Appeals for the Fifth Circuit reversed Judge Buchmeyer’s ruling and reinstated Section 21.06 of the Texas Penal Code. The nine judge majority helped by the presence of six Ronald Reagan appointees. The majority opinion held that, in light of a decision upholding the anti-sodomy law in Virginia in the case *Doe v. Commonwealth’s Attorney*, the right of privacy did not cover the right to engage in homosexual conduct. In addition, the ruling stated that homosexuals did not constitute a protected class of citizens, which would require a harsher look at the state’s interest in having such a law. As it was, the “strong objection to homosexual conduct, which has prevailed in Western culture for the past seven centuries” was reason enough for the state to wish to regulate private, sexual conduct between consenting adults of the same sex.<sup>20</sup>

The reversal of Buchmeyer’s decision occurred on August 26, 1985, almost three years to the day of the original ruling. The gay community of Dallas was quick to react, holding a

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<sup>18</sup> Ibid.

<sup>19</sup> *Baker v. Wade*, 743 F.2d 236 (U.S. App, 1984).

<sup>20</sup> *Baker v. Wade*, 769 F.2d 289 (U.S. App., 1985)

candlelight demonstration in front of Dallas City Hall on September 2, 1985. Some 800 people attended the rally where leaders from gay organizations and their heterosexual allies vowed to continue the fight.<sup>21</sup> Nearly three weeks later, the third annual Texas Freedom Festival took place as scheduled. For the second year, the festival included Dallas' version of a Gay Pride Parade. This particular year, the mood was much more somber, though, as marchers treated it more like a protest parade than a pride celebration.<sup>22</sup>

Baker vowed to pursue his case all the way to the Supreme Court of the United States and that was exactly what he did. However in 1986 while *Baker v. Wade* was waiting for a writ of *certiorari* (a vote of at least four Supreme Court Justices that would call for the Supreme Court to review a lower court's decision), the Court ruled to uphold Georgia's anti-sodomy law in *Bowers v. Hardwick*. The ruling stated that the right to privacy did not extend to same-sex private sexual activities between consenting adults. The judgment rendered Baker's case moot and the Court subsequently denied *certiorari*.<sup>23</sup>

Donald Baker retired from activism shortly after the Supreme Court declined to rehear his case. He had lived in the glare of the spotlight for six long years and he was tired. Eventually, he moved to Connecticut where he died of cancer in 2000 at the age of fifty-three.<sup>24</sup> His legacy lives on, however, with the Don Baker Memorial Education Fund, which provides scholarships through the Dallas Gay and Lesbian Alliance.

The overall response of the Dallas homosexual community to the end of the appeal process was disappointment, but not devastation. In the eight years since *Baker v. Wade* was first

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<sup>21</sup> Ed Housewright, "Demonstrators protest Texas sodomy law," *Dallas Morning News*, September 3, 1985.

<sup>22</sup> "Gay protest parade," *Dallas Morning News*, September 23, 1985.

<sup>23</sup> Melinda D. Kane, "Timing Matters: Shifts in the Causal Determinants of Sodomy Law Decriminalization, 1961-1998," *Social Problems* 54, no. 2 (2007): 215.

<sup>24</sup> Bob Paynter, "Fight wearies gay rights advocate: man who challenged sodomy law to retire from limelight," *Dallas Morning News*, July 8, 1986; Obituary, *Boston Globe*, December 3, 2000.



filed, the gay rights movement had developed greatly in Dallas. For three years, lesbians and gay men and women felt the freedom to be more open about their sexuality without fear of reprisal. They formed a myriad of different organizations, opened bars that frankly catered to a homosexual clientele, marched in parades and demonstrations and were even appointed to decision-making boards of the City of Dallas. The ruling, though it could affect those in the political arena, was not going to force these individuals back into the closet.<sup>25</sup>

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<sup>25</sup> George Rodrigue, "Ruling may force some gay city panelists to quit," *Dallas Morning News*, October 10, 1985.

## CHAPTER VII

### LESBIANS IN THE GAYBORHOOD

Cece Cox was named the executive director of Resource Center Dallas in July 2010 and has worked in the Dallas Lesbian, Gay, Bisexual and Transgender (LGBT) community, holding leadership positions in various organizations including the Turtle Creek Chorale, the regional office of Lambda Legal and the Dallas Gay and Lesbian Alliance (DGLA), since the mid-1980s. In an oral history interview in November 2009, she stated:

And people from this community in Dallas that travel a lot and work in other, in national organizations and so therefore have exposure in local communities say over and over and over and over again that Dallas men and women work together in a way that other communities just do not.<sup>1</sup>

While that assessment may be true today, that has not always been the case. Dallas lesbians struggled early on to find their role in the fledgling LGBT community, battling against sexism within the community and, to some extent, their invisibility to the outside world to step ably forward to lead the community through the HIV/AIDS crisis and beyond.

The United States prior to the Second Wave Feminist Movement and the Civil Rights Movement of the 1960s was a world where white men held all the power. When homosexual men first began to organize for civil rights in 1950, the homophile movement proved to be no exception to the rule. The first groups, The Mattachine Society and ONE, Inc., formed on the West Coast and consisted almost exclusively of gay men looking for a safe space to gather. In fact, many of the male members firmly believed that, comparatively, lesbians had it easy because they were not the targets of police sting operations or routinely arrested for cruising. The men felt that the women had no problems whatsoever and made no apologies for excluding them.<sup>2</sup>

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<sup>1</sup> Cece Cox, interview by Karen Wisely, Dallas, Texas, 6 November 2009, transcript, University of North Texas Oral History Collection, University of North Texas Library, Denton, Texas..

<sup>2</sup> Eric Marcus, *Making Gay History: The Half-Century Fight for Lesbian and Gay Equal Rights* (New

Independent from the predominantly male organizations, lesbians began forming separate groups of their own. The first lesbian organization in the United States, the Daughters of Bilitis (DOB), formed in San Francisco in 1955. When the founders of DOB discovered a chapter of the Mattachine Society in the city as well, they invited some of the men to a meeting to get to know each other. For many lesbians, that was their first opportunity to actually talk to a gay man and they did not hold back. Many of the DOB members resented the gay men for “creating such havoc with the police--the raids, the indiscriminate sex, their bathroom habits, and everything else.”<sup>3</sup> Although not comfortable for the men, the meeting did serve to open communication between the groups, and the Mattachine Society helped the DOB to publish their monthly newsletter, *The Ladder*.

The barriers between lesbians and gay men had begun to break down, but sexism still existed in the homophile movement. Early on, the men’s and women’s organizations shared a philosophy. Their goal was not to protest publicly for equal rights and an end to discrimination against gays but rather to participate in research and hold conferences to educate both the heterosexual public and the homosexual in order to make it easier to live peacefully together. To that end, the DOB would often work in concert with the other, mostly male, groups to advance this common cause and to earn some rights for homosexuals. In far too many of these efforts, however, the men made the women feel as though their contributions were not valued and they were useful only as “show-pieces” or to serve as “mediator between the male homosexual and society.”<sup>4</sup>

From the outside, the connection between the men and women in the homophile

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York: Perennial, 2002), 41.

<sup>3</sup> Ibid, 56-57.

<sup>4</sup> Shirley Willer, “What Concrete Steps Can Be Taken to Further the Homophile Movement?” in *We are Everywhere: A Historical Sourcebook of Gay and Lesbian Politics*, eds. Mark Blasius and Shane Phelan [New York and London: Routledge, 1997], 344-345.

movement appeared stronger because of the vocabulary used. Early on, women rarely thought of themselves as “lesbians” but rather identified as gay women or, simply, homosexuals. In fact, the formal statement of purpose for the Daughters of Bilitis did not use the word “lesbian” even once. In reality, the connection was always tenuous and based on a shared political agenda. Even the assumption of male-female solidarity began to erode in the mid-1960s with the rise of the second wave feminist movement.

Not surprisingly, editorials complaining about the rampant sexism in the homophile movement appeared regularly in *The Ladder* beginning in the second half of the 1960s and some even proposed that lesbians begin to align themselves more with the feminist movement instead of with the homophile movement.<sup>5</sup> In 1970, Del Martin, one of the founders of the Daughters of Bilitis and an early lesbian icon, wrote a scathing farewell to the “cooperative” homophile movement, excoriating the male dominated groups for their “open door” policies, which allowed women to join the organizations but then relegated them to housekeeping and secretarial duties. Martin and her partner, Phyllis Lyons migrated more to the feminist organizations after that where they continued to work for lesbian rights within the feminist movement.<sup>6</sup> The conflict within the DOB about whether to align more with the feminists or the homophiles proved the breaking point and the DOB disbanded shortly thereafter.

After Stonewall, a new militancy swept through the community and organizations began to expand exponentially, but the problems of sexism remained. When the gay movement began to gather more openly at parties, rallies and dances, the majority male crowds were very cliquish and often made the few females present feel uncomfortable and unwelcome by refusing to

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<sup>5</sup> Marcia M. Gallo. *Different Daughters: A History of the Daughters of Bilitis and the Rise of the Lesbian Rights Movement* [New York: Carroll & Graf Publishers, 2006], 134-135.

<sup>6</sup> Del Martin, “If That’s All There Is,” in *We are Everywhere: A Historical Sourcebook of Gay and Lesbian Politics*, eds. Mark Blasius and Shane Phelan [New York and London: Routledge, 1997], 352-355.

mingle with them.<sup>7</sup> Gay men vastly outnumbered lesbians in virtually every new gay liberation organization that sprang into existence after Stonewall, and inevitably, some women stopped attending meetings and quit the groups because of that.<sup>8</sup>

In Los Angeles, a huge rift developed between gay men and lesbians when in 1972 Mina Meyer, administrator of the Gay Community Services Center there, demanded a women's health clinic to match the men's health clinic already provided. The men balked at the idea because they insisted that women did not get venereal diseases, and that was the only reason they could imagine that the women would need a lesbian specific health clinic. Both assumptions showed a lack of understanding that was at the root of the problems between homosexual males and females. Meyer persisted and eventually procured a lesbian physician to serve all the health needs for the women of the community and not just sexually transmitted diseases, which remained open through 1989.<sup>9</sup>

Ultimately, lesbians felt that working for gay rights was only half of their battle. For example, even if they successfully won employment rights and no longer had to fear being fired because of their sexuality, the jobs they had fought to keep, because they were women, were still mostly low paying with no possibility of advancement. Although gay men were often marginalized by society for flaunting the gender norms, they were still men and many held the same sexist views as heterosexual men.<sup>10</sup> They viewed themselves as naturally more qualified than women for positions of leadership in the gay rights movement and, in some cases, made conscious efforts to keep women out. Due to the lack of women in leadership, the men's agenda

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<sup>7</sup> Martin Duberman. *Stonewall* [New York: Plume, 1994], 249-251.

<sup>8</sup> Linda Garber, "Where in the World Are the Lesbians?" *Journal of the History of Sexuality* 14 [January-April 2005]: 28-50.

<sup>9</sup> Lillian Faderman and Stuart Timmons. *Gay L.A.: A History of Sexual Outlaws, Power Politics, and Lipstick Lesbians* [New York: Basic Books, 2006], 201-202.

<sup>10</sup> Mark Blasius and Shane Phelan, eds., *We Are Everywhere: A Historical Sourcebook of Gay and Lesbian Politics* (New York and London: Routledge, 1997), 378-379.

took over the movement and the women were silenced further.

Lesbians who left the gay liberation movement for the feminist movement often were disappointed to find it just as unwelcoming. Some, like Rita Mae Brown, decided that changing the feminist movement to make room for the lesbians would be considerably easier than budging the gay men. On May 1, 1970, four hundred women gathered in a school auditorium in New York City waiting for a weekend of discussions about the Equal Rights Amendment and abortion rights at the Second Congress to Unite Women. Instead, the lights went out and, when they came back on, seventeen lesbians wearing lavender t-shirts stenciled with the words “LAVENDER MENACE,” the phrase National Organization for Women founder used to describe what she considered a threat to the women’s movement, stood on the stage.<sup>11</sup>

The protesters turned the weekend into a lesbian workshop with discussions and consciousness-raising exercises. In the end, the congress adopted resolutions drafted by the “Lavender Menace.” Their document, “The Woman-Identified-Woman,” argued that lesbians were vital to the feminist movement and should be celebrated, not denigrated. It called on women to break away from men and bond with their lesbian sisters, politically, socially and sexually. It also urged women to get over their fear of being called “dyke” or “lesbian.” The authors contended that men used those labels as a way of controlling women by dividing the movement.<sup>12</sup>

Dallas’s first gay organization, the Circle of Friends, which formed in Phil Johnson’s living room in 1965, fifteen years after the first homophile organizations began included a woman from the very beginning. They never attracted a huge crowd, but there was always at

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<sup>11</sup> Dudley Clendinen and Adam Nagourney, *Out for Good: The Struggle to Build a Gay Rights Movement in America* (New York: Touchstone, 1999), 89-91.

<sup>12</sup> Radicalesbians, “The Woman-Identified-Woman,” in *We Are Everywhere: A Historical Sourcebook of Gay and Lesbian Politics*, eds. Mark Blasius and Shane Phelan (New York and London: Routledge, 1997), 396-399.

least one lesbian involved in the group. In 1975 in an effort to seem less exclusive and attract more people, the group changed its name to Gay Organization of Dallas. In 1976, a few members wanted to shift the focus away from socializing and towards activism and the group morphed into the Dallas Gay Political Caucus (DGPC).<sup>13</sup>

In October 1976, Vivienne Armstrong and Louise Young moved to Dallas from Boulder, Colorado where Young had earned her doctorate from the University of Colorado. Both had been very active in the Gay Liberation Front (GLF) in Boulder. Immediately, they found the local National Organization for Women (NOW) chapter and got involved with the lesbian group associated with that. Then in February 1977, they attended their first meeting of the Dallas Gay Political Caucus. One month later in March 1977, Young became secretary of the organization and Armstrong was a member of the board of directors by June of that same year.<sup>14</sup>

Although Armstrong and Young moved quickly and seamlessly from being brand new members to being in leadership positions in the group, their experience did not mean that Dallas's gay community was free of sexism. Rather, the DGPC that they joined in February 1977 was a relatively new organization and not yet completely stable. Phil Johnson, elected to the board of directors in June 1976, was the first person to serve two full terms.<sup>15</sup> The man elected president during the first meeting Armstrong and Young attended resigned his position in less than a year.<sup>16</sup> The membership was informal in the beginning; one need only show up for a meeting. If the same person showed up two meetings in a row, that was a regular member and could be named an officer.

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<sup>13</sup> Phil Johnson, interview by Gerald D. Saxon, December 17, 1980 and January 1-2, 1981, transcript, Dallas Public Library, Dallas, Texas [hereinafter cited as DPL].

<sup>14</sup> Vivienne Armstrong and Louise Young, interview by Karen Wisely, February 4, 2010, transcript, University of North Texas Oral History Collection, University of North Texas Library, Denton, Texas [hereinafter cited as UNT-OHC].

<sup>15</sup> Ibid.

<sup>16</sup> Vivienne Armstrong and Louise Young, interview by Karen Wisely, February 4, 2010, UNT-OHC.

The DGPC membership was always predominantly men, but there were a handful of lesbians active in the group, including Armstrong and Young. There did exist other, separate organizations for women. Armstrong and Young attended women's events with the other groups, but returned to DGPC because of their passion for political activism. Both had grown up in families that were extremely active in the Democratic party, Armstrong in northern California and Young in Oklahoma. They saw politics and creating political alliances as the key to progress and were willing to endure anything to further that work.<sup>17</sup>

In an oral history interview given on January 28, 1981, Phil Johnson opined, "I think gay men are bending over backwards to be more sensitive to the special needs of gay women."<sup>18</sup> He believed that women had more to lose by coming out of the closet, especially in terms of child custody, than the men did. Therefore, the gay men needed to be mindful of the women's point of view even though the gay organizations' membership lists did not reflect their presence. Johnson also believed that the men were successful in this effort and that the rift between gay men and lesbians in Dallas was closing. Armstrong and Young saw things much differently.

Part of the reason that so few lesbians appeared on the membership rolls of the DGPC was because of the rampant sexism that existed in the organizations. Simple things like being called a "girl" by the men in the group sent many women packing in the time of the second-wave feminism. Armstrong and Young persevered only because they kept their eye on the big picture: the increasing political involvement of the group. They ignored the insults and condescension because they were working towards a goal. For other women who attended periodically, the remarks were hard to accept. Plus, some came only for the opportunity to meet people at the social activities sponsored by the group and found themselves in a giant room filled with men

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<sup>17</sup> Ibid.

<sup>18</sup> Phil Johnson, interview by Gerald D. Saxon, December 17, 1980 and January 1-2, 1981, DPL.



where, as Young put it, “You can’t find a date that well.”<sup>19</sup>

The problems between the gay men and lesbians of the DGPC came to a head in 1981 when the group decided to change its name. Some of the members believed that the word “political” was keeping some perspective members away, so they wanted a name that would cover all the different facets of the organization and allow Internal Revenue Service approval for tax-exempt status. The Board of Directors proposed changing to the Dallas Gay Alliance (DGA) in the belief that “gay” would cover both the men and the women and everyone would be happy.<sup>20</sup> Again, Armstrong and Young did not share that opinion

Even nearly thirty years after the meeting where the Dallas Gay Political Caucus became the Dallas Gay Alliance, the hurt and the rage were almost palpable in the room when the subject came up in an interview with Armstrong and Young. The newsletter article recounting the night of the vote alluded to a lengthy debate in response to “various calls of opposition to the new name which included pleas to include the word ‘lesbian’ in the title.”<sup>21</sup> However, Armstrong and Young remembered the night as “a knockdown, drag out meeting.” At the time, the two were the longest running women members and among the longest of either male or female members. Young had even served as president. The two women had groomed many of the men who voted against them. The whole experience seemed to pain Young more as evidenced by her comment, “These were the same men who were in the closet voting for Richard Nixon while I was speaking to Rotary Clubs about gay issues.”<sup>22</sup>

Shortly after the name change, Armstrong and Young, along with some of the other women members, surveyed women in lesbian bars, on the streets and anywhere else they

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<sup>19</sup> Vivienne Armstrong and Louise Young, interview by Karen Wisely, February 4, 2010, UNT-OHC.

<sup>20</sup> “DGPC Becomes DGA,” *Dialog: Newsletter of the Dallas Gay Alliance*, April 1981.

<sup>21</sup> *Ibid.*

<sup>22</sup> Vivienne Armstrong and Louise Young, interview by Karen Wisely, February 4, 2010, UNT-OHC.

congregated about what they preferred to be called. The results showed that women who were involved politically with the gay rights movement or the women's movement were much more likely to identify as "lesbian." Women who were not involved and just went out socially thought of themselves as "gay women" or just plain "gay."<sup>23</sup> The survey also confirmed that while most women had heard of the DGA, few were members. Most claimed to be too busy to join, but a significant portion believed that the DGA was an organization for men only.<sup>24</sup> In spite of the survey results, the name remained Dallas Gay Alliance until the 1990s.

In the interim, meetings became very contentious. Every issue became steeped in controversy with no one willing to back down. For Armstrong and Young, the final straw was when the DGA decided to forbid the usage of the word "lesbian" in their newsletter. That, on top of the difficulties they had confronted obtaining funds for their political work, pushed them out the door. Armstrong and Young lasted until 1986. Right before the elections, Armstrong and Young, along with a few other politically savvy DGA members, split away from the group and formed the Dallas Lesbian/Gay Political Coalition. The new organization had not only included "lesbian" in the name, they put it first!<sup>25</sup>

Although, like Armstrong and Young, women often endured demeaning sexism from within the organizations of the gay rights movement, gay men and lesbians worked together to further their shared goals of decriminalizing homosexual acts and earning equal rights and equal protection for all homosexuals. The bond between the disparate groups was, often, a tenuous one, but working to vanquish a common adversary served to strengthen their connection. However, outside the gay rights movement where solidarity was not necessary for promoting a common

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<sup>23</sup> Ibid.

<sup>24</sup> Dave Lewis, "Feminist Perspective: 300 Dallas Women Speak," *Dialog: Newsletter of the Dallas Gay Alliance*, March 1982.

<sup>25</sup> Vivienne Armstrong and Louise Young, interview by Karen Wisely, February 4, 2010, UNT-OHC.

agenda, lesbians and gay men tended to self-segregate.

Gay bars, traditionally, were the center of the gay community as a place where LGBT individuals could gather together away from the discrimination of the outside world.<sup>26</sup> While activist-type organizations, such as the DGA, tended to attract an older group of people, in their thirties and forties, the bar scene dominated the entire gay community, particularly in the major urban centers around the world. Well before the first homophile organizations appeared, lesbians and gay men found each other at the bars. Even when not in the actual building, the names of such gay friendly establishments became code for men and women trying to determine the sexual proclivity of another. Not surprisingly, as the men and women had no romantic or social interest in each other, these watering holes generally segregated by gender with the men's bars outnumbering the women's.<sup>27</sup>

In Dallas, which is today the seventh largest metropolitan area in terms of gay, lesbian and bisexual residents in the United States, lesbians and gay men have gathered in bars at least since the end of World War II.<sup>28</sup> At first, gay people congregated at a table in the back of the Adolphus Bar, which was located on the cruise route. Later in the 1940s, The Jungle Hut began to serve the community, followed by The Bluebonnet Room, Zila's Band Box and the Villa Fontana among others. In the summer of 1961, Dallas' first gay dance bar, Pig Alley, opened.<sup>29</sup>

While bars that catered to primarily homosexual patrons were able to exist in Dallas at that time, one should not assume that such a practice was widely accepted. Police raids occurred regularly in the Dallas bars, just like in other cities, and the bars dealt with the inevitability of

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<sup>26</sup> "Cancer Eating at Gay Community," *Dialog: Newsletter of the Dallas Gay Alliance*, April 1979.

<sup>27</sup> E.J. Graff, "Reflections: Not a Ladies' Auxiliary," *The Progressive* 57 (October 1993): 13-14.

<sup>28</sup> Gary J. Gates, *Same-sex Couples and the Gay, Lesbian, Bisexual Population: New Estimates from the American Community Survey* (Los Angeles: The Williams Institute on Sexual Orientation Law and Public Policy, 2006): 6-7.

<sup>29</sup> Phil Johnson, interview by Gerald D. Saxon, December 17, 1980 and January 1-2, 1981, transcript, DPL.

those events. For example, the door person for The Conference Room, a lesbian bar where businesswomen met after work, turned on a red light whenever she saw police or just someone who looked out of place near the bar. When that happened, the patrons inside would stop dancing, move away from each other and the underage crowd would sneak out a bathroom window. Another method of police harassment in gay bars was for the vice squad to conduct sting operations; however, those were much more common in the men's bars.<sup>30</sup>

The earliest gathering spots, by necessity, served both the men and the women in the community, although men were far more likely to go to bars and, thus, vastly outnumbered the women. By the middle 1970s, nearly all the bars catered either to lesbians or to gay men but not both. The segregation generally was not a clearly defined policy, but was de facto and maintained by custom. For the most part, the patrons knew which bar served their particular demographic and did not attempt to challenge the bar's composition. In the rare event of a lesbian who associated mainly with gay men and vice versa, a few mixed bars, primarily the larger dance clubs, existed that offered them a place to gather together.

When a bar decided that it wanted to focus on serving one particular gender (usually men), it most often issued a restrictive dress policy. In 1979, for example, several bars, including the Old Plantation, Throckmorton Mining Company and Magnolia's, prohibited admission to women wearing jeans. This policy was not only discriminatory against all women, but was obviously focused on lesbians - and butch lesbians in particular - who were much more likely than heterosexual women to go out attired in jeans.<sup>31</sup> Dress codes, when applied equally to all customers, were legal and perfectly reasonable; however, the same bars that refused jeans-

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<sup>30</sup> Kathy Jack, interview by Karen Wisely, October 26, 2009, transcript, UNT-OHC.

<sup>31</sup> Allan G. Calkin, "Dress Policy Questioned," *Dialog: Newsletter of the Dallas Gay Alliance*, April 1979.

wearing women allowed men clad in blue jeans with no difficulties whatsoever.<sup>32</sup> The Legal Affairs Committee of DGPC investigated the claims and recommended that any victims of such unequal enforcement of dress codes for entry to a public accommodation should file a complaint at Dallas City Hall.<sup>33</sup>

A much less overt method of denying unwanted potential customers entry to a bar or nightclub was to require two or three forms of identification from them. Management needed only to have a chat with their door persons to inform them of what “type” of people to require the extra proof of age. Generally, according to anonymous letters to the editors of gay newspapers and overheard instructions from employers to their employees, the additional demands were made of women, blacks, and Hispanics. Lest the practices seem too sexist and racist, the bar owners also frowned upon white male customers who appeared too feminine.<sup>34</sup> It seemed that every category of human being could find some gay bar in Dallas that discriminated against them.

Gay bar owners did not limit their anti-lesbian policies to just customers at their establishments. Kathy Jack, proprietor of Jack’s Backyard in Oak Cliff and for the first sixteen years of its existence the manager of Sue Ellen’s in Dallas, has worked in gay bars since the early 1980s. She managed a lesbian bar called The Unicorn, very successfully for four years. Yet, when the Unicorn closed and she needed a job, she encountered difficulties because she was female. Caven Enterprises, who owned four gay bars, the Old Plantation, Throckmorton Mining Company, J.R.’s and 4001, did not want to hire her. Finally, the general manager took a chance and hired her as a door person for the Old Plantation. Two months later, she was a manager there. Even then, she recalled that on her first day as manager, the staff, made up entirely of men

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<sup>32</sup> “Cancer Eating at Gay Community,” *Ibid.*, April 1979.

<sup>33</sup> “Discrimination in Bars Illegal,” *Ibid.*, September 1979.

<sup>34</sup> Bruce Monroe, “3 I.D.’s On Demand,” *Ibid.*, February 1987.

except for a single female bartender, called her “dyke” under their breath every time she walked past. She won them over eventually, but at first, the work environment was somewhat hostile.<sup>35</sup>

Caven Enterprises, Dallas’ largest owner of gay bars and clubs, formed in 1969 and has operated numerous nightclubs in the area since then, opened their first lesbian bar, Sue Ellen’s, only in January of 1989 after years of lobbying by Kathy Jack. In spite of the many lesbian-focused bars that have thrived over the years in Dallas, no one at Caven thought such a place could succeed. When the Old Plantation changed into the Village Station and began to stay open until four in the morning on weekends for afterhours dancing, a large contingency of lesbians showed up from other bars. Jack never gave up and continued to suggest a women’s bar to her bosses at every opportunity. Finally, they relented but delayed more than another whole year before Sue Ellen’s opened. Thanks in part to the work of Kathy Jack and others like her, Sue Ellen’s thrived and Caven Enterprises’ employment practices changed considerably.<sup>36</sup>

However, sexism was not exclusive to the ownership, management, and staff of the gay bars; customers and other ordinary community members discriminated as well. In fact, one man wrote a letter to the *Dallas Voice* lamenting the sexism in the community after he overheard a group of gay men at a bar insulting a lesbian who tried to order a drink.<sup>37</sup> In reality, the bars implemented the policies for exclusion of certain people in response to customer demand. Profitability was the only concern for these businesses, so they created exactly the environment that their patrons preferred.<sup>38</sup>

Sexism in the LGBT community moved in both directions. Lesbians sometimes treated the men badly and self-segregated. “Women only” spaces drew the ire of gay men who

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<sup>35</sup> Kathy Jack, interview by Karen Wisely, October 26, 2009, transcript, UNT-OHC.

<sup>36</sup> Ibid.

<sup>37</sup> “Man Laments Discrimination in Community,” *Dallas Voice*, June 12, 1987.

<sup>38</sup> “Cancer Eating at Gay Community,” *Dialog: Newsletter of the Dallas Gay Alliance*, April 1979.

considered themselves sympathetic to feminist ideas and resented their exclusion.<sup>39</sup> Lesbians defended the separation by noting that “Gay men dominate all [Gay] social/political structures in Dallas” which created the need for a space that women could consider their own.<sup>40</sup> Lesbians did patronize bars that catered primarily to women and sometimes the door persons for the women’s bars utilized the same procedures for limiting the number of undesirable customers as the staff of the men’s bars did. Occasionally, the door person merely charged a slightly higher cover for the men than for the women, which did not prohibit men from accessing the bar; it just exemplified the conflict between gay men and lesbians.<sup>41</sup>

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<sup>39</sup> “Lesbian Decision Evokes Conflict,” *Ibid.*, March 1979.

<sup>40</sup> Lisa Fenton, “A Space of Our Own,” *Ibid.*, May 1979.

<sup>41</sup> Jamie Shoemaker, “Sexism: Lesbians vs. Gay Men,” *Lesbian News*, August 1995.

## CHAPTER VIII

### AIDS AND RECONCILIATION

On January 18, 1983, barely finished with the New Year's celebration made sweeter by Judge Buchmeyer's decision on *Baker v. Wade* allowing lesbians and gay men to begin the new year decriminalized, about two hundred people gathered at the First Unitarian Church in Dallas for the second Dallas AIDS (Acquired Immune Deficiency Syndrome) Forum. The crowd listened to Dr. James Wheeler as he reported that three men had died of AIDS in Dallas and there were six more likely cases with many more showing the potential earliest signs of the disease.<sup>1</sup> The epidemic was newly arrived in Dallas at that time, but it would waste no time in wreaking its havoc on the community.

The disease that would come to be known as AIDS was first discovered between 1979 and 1981 when doctors diagnosed an extremely rare form of cancer, Kaposi's Sarcoma, in a relatively large number of young and otherwise healthy gay men in New York and San Francisco. Eight of the first forty-one first diagnosed died within twenty-four months.<sup>2</sup> Aside from Kaposi's Sarcoma, the disease made sufferers vulnerable to other rare diseases, such as *Pneumocystis carinii* pneumonia, which are normally found in people whose immune system was compromised by chemotherapy.<sup>3</sup>

All of the initial victims were gay men, which led doctors first to call the disease gay-related immune deficiency (GRID), but scientists and concerned political figures changed the name to keep the public from further stigmatizing the gay community. For the most part, health care workers were not yet positive how the disease passed from person-to-person, but in the

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<sup>1</sup> Don Ritz, "AIDS Forum Reveals Three Dallas Deaths," *Dallas Gay News*, January 21, 1983.

<sup>2</sup> Charles Kaiser, *The Gay Metropolis: The Landmark History of Gay Life in America* (New York: Grove Press, 1997), 278-279.

<sup>3</sup> Don Ritz, "AIDS Forum Reveals Three Dallas Deaths," *Dallas Gay News*, January 21, 1983.



beginning, there appeared to be no danger to women and non-homosexuals.<sup>4</sup> The mortality rate of those infected was astronomical; every single one of the cases originally reported in 1979 were dead by 1981. Essentially, an AIDS diagnosis was almost always a death sentence.<sup>5</sup>

In Dallas, the AIDS Action Project continued to hold forums every few months to disseminate information and attempt to dispel rumors. The April 1983 meeting reported no more deaths in Dallas, but six to eight confirmed diagnoses.<sup>6</sup> A month later, the community was stunned to find out that Robert Schwab, president of the Texas Human Rights Foundation and attorney for Don Baker in his lawsuit had AIDS.<sup>7</sup> He died months later.<sup>8</sup> By March 1984, the number of AIDS cases in Dallas County had reached forty-two with fourteen new cases in the first two months of 1984 and thirteen total deaths.<sup>9</sup>

Vivienne Armstrong, a nurse who served on the Dallas Health and Human Services Commission from 1986 to 1990, estimated that AIDS really hit Dallas in 1984 and those numbers confirm that.<sup>10</sup>

For Dallas, a large but diffuse gay community, the effects of the epidemic were devastating. Kathy Jack noted, “You couldn’t go a day without finding out you’ve lost another friend. We were having to go to four or five, six funerals a week.”<sup>11</sup> Because so much was still unknown about AIDS, fear decreased the amount of help available from outside the community, so very quickly, the community rallied together and formed a food bank and other organizations

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<sup>4</sup> Charles Kaiser, *The Gay Metropolis: The Landmark History of Gay Life in America* (New York: Grove Press, 1997), 280-281.

<sup>5</sup> Don Ritz, “Dallas AIDS Forum Gives Latest on the Epidemic,” *Dallas Gay News*, April 22, 1983.

<sup>6</sup> Ibid.

<sup>7</sup> William Mayberry and Hollie Hood, “Activist Attorney Robert Schwab is AIDS Victim,” *Dallas Gay News*, May 20, 1983.

<sup>8</sup> Hollie Hood, “‘We Have to Keep It Going,’ Tom Coleman Says of THRF,” *Dallas Gay News*, January 20, 1984.

<sup>9</sup> Don Ritz, “Recurring Horrors of AIDS unveiled at Recent Forum,” *Dallas Gay News*, March 2, 1984.

<sup>10</sup> Vivienne Armstrong and Louise Young, interview by Karen Wisely, February 4, 2010, transcript, UNT-OHC.

<sup>11</sup> Kathy Jack, interview by Karen Wisely, October 26, 2009, transcript, UNT-OHC.

to try to help. Some lesbians provided shelter to their afflicted friends who could be thrown out of their apartments because of their illness.

AIDS affected the entire community, not just those dying from the disease. In every interview, the narrators lamented the loss of so many of the most talented leaders in the movement to the epidemic. Anyone familiar with the institutions of the Dallas LGBT community recognizes the names of the whole generation of charismatic leaders lost to the AIDS crisis, such as Bill Nelson, Terry Tebedo, Alan Ross, and John Thomas. Since the disease victimized a large number of gay men while, conversely, lesbians had the lowest infection rate in the United States, the women necessarily began to take on a larger role.<sup>12</sup>

The AIDS crisis unified the LGBT community like nothing had been able to before, but individual incidents of sexism still occurred. The difference was the community's reaction to certain events. For example, in late 1985, the Round-Up Saloon, a gay country and western bar, posted a dress code, which prohibited admission to women wearing pants of any sort. Unlike previous dress code controversies, the Round-Up implementation merited a front-page story in the local gay newspaper. In addition, the article mentioned that two women who regularly visited that bar collected more than 600 signatures on a petition protesting the policy. The DGA president, then, presented the petition to the bar owner. No other single incident of such a discriminatory policy generated the response that the Round-Up dress code did. Kathy Jack stated, "I am a firm believer in 'United we stand, divided we fall,' especially now with AIDS and the 21.06 decision; we need each other."<sup>13</sup> The Round-Up changed its policy and the gay country western dance hall welcomes jean-clad dancers of any gender still today.

The AIDS epidemic devastated gay communities across the nation and Dallas felt the

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<sup>12</sup> E.J. Graff, "Not a Ladies' Auxiliary," *The Progressive* 57, no. 1. (1993): 13-14.

<sup>13</sup> Don Ritz, "Door Policy of Round-Up Creates Controversy," *Dallas Voice*, December 13, 1985

sting as well. Because the Dallas gay rights movement had only recently begun to come of age after the 1982-1985 *Baker v. Wade* lawsuit, perhaps the deaths affected the forward momentum of the very young political rights movement even more. As Erin Moore stated in an oral history interview, “This movement would be a lot further along if we hadn’t lost so many leaders.”<sup>14</sup> With the men dying and the women losing friends every day, the Dallas gay and lesbian community had to heal the rifts and reconcile with each other. Even as angry as Louise Young was about her male colleagues in the DGA ignoring her protests and defining her against her wishes when they voted in 1980 against adding the ‘L’ by changing the name of the group to the Dallas Gay and Lesbian Alliance, she reconciled with those men before they died.<sup>15</sup> Kathy Jack echoed the sentiments of Cece Cox when she said, “I think that’s one of the reasons why the Dallas gay community is so close now. Lesbians and gay men work so well together because we were losing all of our boy friends and the men were looking to the women for support.”<sup>16</sup>

Today, the DGA is finally the Dallas Gay and Lesbian Alliance (DGLA), and the president is Patti Fink. The Lesbian ‘L’ was added without fanfare in 1993. The Dallas Tavern Guild, a non-profit organization comprised of various LGBT bars and clubs in Dallas that puts on events to raise funds and support the Dallas LGBT community, consists of twenty-six bars and twenty-four of them serve a mixed clientele of lesbians, gay men, bisexuals and trans-men and -women. The Alan Ross Freedom Festival and Parade, the Dallas LGBT community’s version of Pride, has one male and one female Grand Marshal every year. Women are in the forefront of the gay rights movement today, partly because of the effects of the AIDS epidemic and partly because the goals of the movement have shifted to focus more on the right to marry

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<sup>14</sup> Patti Fink and Erin Moore, interview by Karen Wisely, April 25, 2010, transcript, University of North Texas-Oral History Collection, University of North Texas Library, Denton, Texas [hereinafter cited as UNT-OHC].

<sup>15</sup> Vivienne Armstrong and Louise Young, interview by Karen Wisely, February 4, 2010, transcript, UNT-OHC.

<sup>16</sup> Kathy Jack, interview by Karen Wisely, October 26, 2009, transcript, UNT-OHC

and the right to adopt. Sexism surely exists today, as it long has, but the lesbians and gay men of Dallas have moved beyond most of the differences to concentrate on their common long-term goals.

On June 26, 2003, the Supreme Court of the United States handed down a decision in the case *Lawrence v. Texas* that declared the Texas “homosexual conduct” law, and all similar laws regulating consensual private sexual acts between adults, unconstitutional. The ruling represented the culmination of more than fifty years of effort by gay and lesbian organizations to overturn the statute that, in effect, made homosexuals into criminals and offered justification for discrimination against them. Gay communities across the nation celebrated the victory with rallies, often held in conjunction with their annual Pride festivities in late June.

In Dallas, the DGLA held a rally to celebrate the day the judgment was announced in the parking lot of the Resource Center Dallas. The rally was well attended, but did not draw the massive crowds expected for a decision that could potentially change the lives of gay men and lesbians in Texas and the other states who still had sodomy laws on the books. Afterwards, Patti Fink and Erin Moore went to J.R.’s Bar and Grill Dallas in the gayborhood. They were shocked when numerous people asked them what they were celebrating and even more shocked when, after hearing the answer, many responded, “Oh, that hadn’t happened already?”<sup>17</sup> Although the lack of knowledge is appalling, the positive take away from the exchange was that the Dallas gay community had fought and won enough rights in the years since *Baker v. Wade* was overturned that the younger generation of gay men and lesbians did not even realize that their sexuality made them criminals. Still, the men and the women who battled so valiantly so that the LGBT youth of today can take their rights for granted deserve to be honored.

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<sup>17</sup> Patti Fink and Erin Moore, interview by Karen Wisely, April 25, 2010, UNT-OHC.

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