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THE GAY RIGHTS MOVEMENT: A REACTION TO THE LAVENDER SCARE

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THE GAY RIGHTS MOVEMENT: A REACTION TO THE LAVENDER SCARE

Thousands of individuals unemployed due to their sexuality seems improbable, but this very incident did happen, and not that long ago. America, in the 1950s, saw a witch hunt invade the government and create nationwide panic. This was a time when the federal government began to spread fear that communism infiltrated American society and the employees in the government. However, the story does not end with the fear of communism. At the same time, investigations were led to root out gay people¹ from the government because it was said they were targets for manipulation. It furthered the communist frenzy. Senator Joe McCarthy (R-Wisconsin) furthered his own “witch hunt” by calling gays perverts with “mental twists.” Historian David K. Johnson dubbed this “The Lavender Scare.”

Despite the Lavender Scare coming to its heights at the same time as the Second Red Scare, homophobia within the US government was not new. Under President Eisenhower, “sexual perversion” and implicit labelling of gay people was considered a security risk to the State Department. These two federal limitations already narrowed their career options, but made

¹While laws in this time used derogatory terms that have no association with sexual orientation, the most common term directly acknowledging sexual orientation was “homosexual.” For this paper I will not use that term for its negative connotations, and instead will be using the term “gay” in referencing both males and females, unless I am directly referencing females in which case the word “lesbian” will be used.

people fear what could happen if they were allowed in these positions. The typical image of the nuclear family, with housewife at home, living in a suburban community contrasted with a more visible gay culture, which caused a widespread fear of the unknown. This fear lingered for decades and caused the story of the Lavender Scare to be neglected. The gay rights movement often refers to the Stonewall riots as the beginning, but the Lavender Scare suggests that their fight began more than a decade prior.

In order to look at this time accurately, it is important to understand the scene in Washington D.C.. Washington's gay culture became more recognized during the 1930s and 1940s because of the results of urbanization after President Roosevelt's New Deal. People in the area felt "that the war had loosened America's moral conduct."² The Civil Service and the culture of the area attracted gays who wanted jobs with neutral examination processes that did not require them to fit a mold jobs in other areas might have. It attracted both men and women who wanted a space to express themselves with jobs and a culture that allowed for it.

However, legislation in Washington tied homosexuality with being a pervert as well as sex crimes. The U.S. Park Police created the "Pervert Elimination Campaign" and harrassed wide varieties of people in parks, like Washington's Lafayette Park, on the assumption that they might be a pervert. This campaign was tied together with Sex Pervert bills, like the one Senator Arthur Miller (R-Nebraska) sponsored in 1950. In April 1950, he said to the Speaker of the House that the bill was created "for the purpose of [eradicating] sex orgies, where they worship at the cesspool and flesh pots of iniquity" in public spaces.³

²David 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). 54.

³Homosexuals in government, 1950, *Congressional Record*, volume 96, part 4, 81st Congress 2nd Session, (March 29 -- April 24, 1950), 4527-4528.

While this targeting was especially prevalent in Washington, the systematic targeting of gays and lesbians was not isolated to the area. Throughout the 1940s and 1950s, the California legislature doubled the length of the sentence for sodomy and created “facilities for housing and treating ‘sexual psychopaths.’”⁴ Additionally, in 1947, California adopted a motion that urged the Los Angeles Police Department (LAPD) “to use ‘every latitude in its power’ to close gay bars and even threatened to criminalize ‘a normal act of shaking the hand of a friend ... in order to reach these homosexuals.’”⁵ Obscenity laws in California reinforced the idea that being gay was innately perverted. In these metropolitan areas, sexuality was justification for persecution, whether that meant unemployment from a Civil Service job in Washington or arrest for visiting a gay bar in California. It was standard practice for the legislature to claim they created standards for employees, while simultaneously rooting out anything that was perceived as a threat. Obviously, this persecution was not isolated to these cities. Nearly every state had vague statutes that targeted individuals on a range of accusations: from “sodomy” and “buggery” to liquor licenses needing “to demonstrate ‘good character’ and not serve ‘disreputable persons,’ both of which were used to discriminate against LGBTQ people.”⁶

Despite the fact that Washington was a hub for gay people at one point, the tables quickly turned as severe measures were taken to reverse the thriving culture. This occurred before McCarthy’s infamous list became mainstream news, so it is important to realize that this movement was not the sole product of McCarthy as it is often referred to in high school history.

⁴Kevin Allen Leonard, “Containing ‘Perversion’: African Americans and Same-Sex Desire in Cold War Los Angeles,” *Journal of the History of Sexuality*, 20:3 (September 2011), 547, 548.

⁵Whitney Strub, “The Clearly Obscene and the Queerly Obscene: Heteronormativity and Obscenity in Cold War Los Angeles,” *American Quarterly*, 60:2 (June 2008), 375.

⁶Marc Stein, *LGBTQ America: A Theme Study of Lesbian, Gay, Bisexual, Transgender, and Queer History* (Washington D.C.: National Park Foundation, 2016), 19-6, 19-7.

In a speech before Congress, McCarthy encouraged the American people to recognize the war that prevailed beyond World World II: that of Christianity's fight against communism. He said that "The time is now . . . this is the time for the showdown between the democratic Christian world and the communist atheistic world."⁷ Along with the 57 cases of communists and communist sympathizers, he mentioned in the State Department, he detailed how the outcomes of the Yalta Conference can be blamed by communist sympathizers who attended and swayed Roosevelt's decision making, leading to "a surrender to Stalin."⁸ By building on a blundered history, McCarthy was able to substantiate an otherwise non-defensible claim. Here, he used no identifiable rhetoric to point out the fear of "sexual perverts". But, the fight for Christianity he mentioned was enough to tie already established homophobia to the fear of communism. Alone, the acts like the Sexual Pervert Elimination Campaign and the various bills did not gain momentum as a national issue, but being tied to communism brought them to a new light. And, merely two weeks later, McCarthy elaborated to Congress on some of the cases he brought up in his first speech. Two of them, case 14 and case 62, regarded gay "security risks" and tied them to communism. This could be the result of a telegram the Undersecretary of State John Peurifoy sent to McCarthy on February 11 where he encouraged McCarthy to elaborate because "as a loyal American you owe it to your country to inform the officials responsible for any such characters existing in the government."⁹ The more substantiated McCarthy could make his claim,

⁷*Congressional Record*, 81st, 2nd, pt 2, 1954-56 / U.S. Senate, State Department Loyalty Investigation Committee on Foreign Relations, 81st Congress. Available online via *History Matters* (<http://historymatters.gmu.edu/d/6456>).

⁸Joseph McCarthy, "Enemies from Within," Wheeling, West Virginia (February 9, 1950). Accessed at Digital History Project, University of Houston, https://liberalarts.utexas.edu/coretexts/_files/resources/texts/1950%20McCarthy%20Enemies.pdf

⁹Senator Peurifoy to Senator McCarthy, telegram, February 11, 1950, (Washington: Government Printing Office, 1950), 1380.

the better light he would be put in. These claims turned into telephone gossip, but in the hands of people the American public trusted. In the words of Hal Witt, a member of the National Capital Area Civil Liberties Union:

It's hard to over-estimate the entrenchment in the government of hostility toward homosexuals. The government is a leader in the field of lack of understanding. If its position could be moved, that move would have an effect on the rest of society. Rather than risk decisions unfavorable to its policy of blanket exclusion of homosexuals, the government avoids litigating cases if it can. It even avoids reasonable discussions such as this one. Minorities are interdependent. You are now suffering from much "bad law" deriving from the McCarthy era.¹⁰

As McCarthy ramped up the communist accusations, Peurifoy said that they found 91 gay people within the government and thus 91 security risks. With the now-fear of not identifying communists, this identification told the American public that the government would take care of their fears. A meeting of the Executive Secretariat of the State Department concluded that McCarthy's claims were outlandish so the Secretariat should take an "aggressive attitude in denying these charges since they have no basis in fact."¹¹ Peurifoy was a member of this meeting however, so with his presence and speech outing 91 individuals, McCarthy's claims were seen as legitimate.

As with the House Un-American Activities Committee, the Subcommittee on Investigations investigated the presence of gay people employed in government. There were two primary investigations into it: the Wherry-Hill investigation and the Hoey investigation. In the Wherry-Hill investigations, Federal Bureau of Investigation (FBI) agents, those in the military, police officers in Washington D.C., and federal agents were all asked to testify. Led by

¹⁰Daughters of Bilitis, "The Ladder: A Lesbian Review," 56:4 (January, 1965), 18.

¹¹William J. McWilliams, "Summary of Daily Meeting With the Secretary" (memorandum of conversation, Washington: Government Printing Office, 1950), 175.

Senator Kenneth Wherry (R-Nebraska), the goal was to get additional police officers hired in order to hunt the “perverts.” Senator J. Lister Hill (D-Alabama) feared gay peoples in all parts of Washington D.C. and thus “proposed that one of the subjects of the investigation be that of medical treatment and rehabilitation.”¹² Roy Early Blick, a lieutenant in the D.C. police department who worked with Wherry on the investigation, essentially created a list of 5,000 people in the D.C. area to appease Wherry. However, this list was not proven and did not have an effect on the witch hunt. What did affect the witch hunt was the “proof” one of Blick’s officers found of “sexual perverts” organizing and attending Communist meetings.¹³ President Truman did not take any action with this information at the time because the Korean War was the larger focus compared to this. But, just a few years later when Eisenhower was in office, he signed Executive Order 10450, bringing the moral hysteria into the Oval Office.

The Hoey report, called intelligence agencies together in order to “determine the extent of the employment of homosexuals and other sex perverts in Government; to consider reasons why their employment by the Government is undesirable; and to examine the efficacy of the methods used in dealing with the problem.”¹⁴ Essentially, they needed to make sure that they used legitimate methods and had presentable reasons for removing gay people from government. They did not attempt to substantiate if “their employment by the Government is undesirable,” but

¹²William S. White, “‘Inquiry by Senate on Perverts Asked: Hill and Wherry Study Hears There Are 3,500 Deviates in Government Agencies A Quick Guess,’ He Says 12 ‘Whereases’ Struck Out Finds Deviates Everywhere,” *New York Times* (May 20, 1950), 8.

¹³Randolph W Baxter, “‘Homo-Hunting’ in the Early Cold War: Senator Kenneth Wherry and the Homophobic Side of McCarthyism,” *Nebraska History*, 84 (2003): 119-128.

¹⁴U.S. Senate Committee on Expenditures in the Executive Departments. "Hearings pursuant to S. Res. 280, 81st Congress, 2d session, July 14-Sept. 15, 1950: R.G. 46, National Archives; idem, "Employment of Homosexuals and Other Sex Perverts in Government: Interim Report, Doc. 241 (Washington: U.S. GPO., Dec. 15, 1950), 1.

rather assumed that it was undesirable and needed to come up with reasons justifying that assumption. This unethical conclusion the committee jumped to was a part of, and fueled, the larger problem. What came of it was the ““complete agreement that sex perverts in the Government constitute security risks.””¹⁵

This report was used for years as the reason for exclusion of gay peoples. It was a part of the Senate's Committee on Expenditures in the Executive Departments and had a wider scope than that of the Wherry-Hill report. The committee examined agencies in the federal government as well as judicial officials and those in the medical community. Hearings from this Committee gave “classic example[s] of why a homosexual, who was in this case the victim of blackmail and fear of exposure, is a dangerous security risk to his own government” and how they are “extremely vulnerable to seduction by another pervert employed for that purpose by a foreign power.”¹⁶ It goes on to describe them not only as a security risk to the country, but a moral risk that needed to be rooted out in general.

Executive Order 10450 signed by President Eisenhower was a turning point. This outlined the requirements to work in the government: “any civilian officer or employee within the department or agency is clearly consistent with the interests of the national security,” and that they “shall be made subject to investigation.”¹⁷ With this, as soon as the employer suspected that the interests were not aligned with this executive order, they could be fired before they were tried. In trials, immoral conduct and mental illness as determined by the jury were conditions that

¹⁵Johnson, 114.

¹⁶U.S. Senate. Committee on Expenditures in Executive Departments. 4/18/1921-3/2/1952 (Most Recent) Series: Committee Papers, 1947 - 1952 Record Group 46: Records of the U.S. Senate, 1789 - 2015

¹⁷U.S. President Executive Order 10450, “Security Requirements for Government Employment”, National Archives, (April 27, 1953).

were essentially synonymous with being gay. This acted as a federal precedent and spread to state governments. Under President Truman, there were committees and hearings, but Eisenhower expedited the process by removing gay men and women from the government at a rate of forty people per month.¹⁸

While it is important to look at the laws, the majority of the public got their understanding of the laws and occurrences from the media. The number of families with TV sets were increasing and movies were a center of mass culture, but restrictions in Hollywood limited what could be discussed. The Motion Picture Production Code, also known as the Hays Code, was infamous for censoring what audiences could see. One of the restrictions placed on films was sex perversion, which as the laws signalled, led to the exclusion of gay acknowledgement in film. If gay existence was to be addressed, it was done so in ways that evaded the code. Alfred Hitchcock's films are famous for "gay coding", which played off people's own homophobia in order to highlight the terror in the films. In *Psycho*, for example, the bisexual actor Norman Bates played the films' antagonist: a man who exhibits a frightening Freudian psychopathy. He is a soft-spoken man with feminine qualities, which audiences might have associated with being gay. It is no surprise then that he turns out to be this film's antagonist.¹⁹

¹⁸John D'Emilio, *Sexual Politics, Sexual Communities: The Making of a Homosexual Minority in the United States 1940-1970* (Chicago and London: University of Chicago Press, 1983), 44. Also, see K. A. Cuordileone, "'Politics in an Age of Anxiety': Cold War Political Culture and the Crisis in American Masculinity, 1949-1960," *The Journal of American History*, 87:2 (September 2000) for more information on the political landscape during the Cold War. Presidents Truman and Eisenhower differed in their approaches because of political beliefs, and understanding this can broaden one's understanding of their policies in the Lavender Scare.

¹⁹Gay coding in Alfred Hitchcock's film has been increasingly commented on as structures like Hays Code slip into the past. Most notable for its gay coding is his 1948 film *Rope*. For a more thorough look at this, see John Billheimer, *Hitchcock and His Censors* (Kentucky: University Press of Kentucky, 2019), 141-148.

Like film, newspapers built off the public's fear of a lack of national security. The *New York Times* covered the stories in the Senate from Hiss to McCarthy to the outing of government employees. In the competitive journalistic world, The *New York Times* knew that "Even though the newspapers feared that their readers would be offended to see the word 'homosexuals' in print, the competitive nature of American journalism left the publications no choice. Each paper knew that if it opted not to quote the statement, it ran the risk of giving the other papers a scoop."²⁰ These stories were circulated without regard to the people behind them and those reading them. American journalism and Hollywood were two fights gay individuals had to fight simultaneously.

Newspapers in Washington were another tool used to oppress gay culture. For example, the *Evening Star* reported on police findings that there were "5,000 homosexuals here." It goes on to say that with regards to "the effects of sexual deviates on children, Dr. Karpman said he though [sic.] '75 per cent of sex psychopathy could be eliminated' by adequate sex education programs for children."²¹ A 1952 *Evening Star* article clarified their definition of a security risk: "security risks have little or nothing to do with Communism . . . a homosexual, a type who would be susceptible to blackmail."²² This derogatory rhetoric and fierce persecution of gay peoples shows a history devoid of fight. It neglects the stories of individuals who resisted.

²⁰Rodger Streitmatter, *From Perverts to Fab Five : The Media's Changing Depiction of Gay Men and Lesbians* (United Kingdom: Taylor & Francis Group, 2008), 6.

²¹"Sex Offenders Lack Proper Care, Doctors Told," *Evening Star*, 98:155, (June 4, 1950), 4.

²²"Loyalty and Security -- The Government Faces Up to the Problem of Coordinating Its Dismissal Programs While Guarding Workers' Rights," *Evening Star*, 100:230, (August 17, 1952), 23.

The Chicago Society for Human Rights was founded by Henry Gerber in 1924, it was a movement ahead of its time which struggled to gain momentum. *The Blazing Star*, a lesbian newspaper reported that the society had “problems from the beginning. Most homosexuals asked to join refused because of fear of exposure. There were never more than 15 members” and “despite his efforts, Gerber could not get the support from authorities, especially doctors and psychologists, that he felt was necessary.”²³ Despite the lack of support, groups like Gerber’s took matters into their own hands. They conducted their own psychological research studies and showed “that homosexuals vary widely in personality structure, and do not constitute a distinct group.”²⁴ This challenged the rhetoric that acquainted the words “pervert”, “predator”, and “drunk” with being gay.

Periodicals headed by gay individuals were produced before the 1950s, but many in their early years were banned. For example, for a few weeks in 1953 the U.S. Post Office banned the periodical *ONE* for its “obscene” promotion of a gay lifestyle in Los Angeles.²⁵ *ONE* was created by One Inc., an organization dedicated to gay individuals and their rights. *ONE* was published in Los Angeles from 1953 to 1967 in an attempt to bring gay men together as “one” through a newspaper. Initially, the FBI targeted One Inc. and their publication because of their

²³“Gay and Lesbian History: A Proud Tradition of Resistance,” *Blazing Star*, 4:4 (June 1, 1978), 13.

²⁴Will Hansen, “The Cold War and the Homophile, 1953–1963,” *Australasian Journal of American Studies*, 38:1 (July 2019), 85.

²⁵By 1958, *ONE*’s case against the Post Office was brought to the Supreme Court. Prior to this, the Ninth Circuit court of appeals had deemed the material obscene and thus it was not protected by the First Amendment. Publishers and distributors of this material could be punished under state or federal law. The Supreme Court reversed this decision in *One, Inc. v. Olesen*.

security risks, but were unable to prove anything from it.²⁶ The first circulated lesbian newspaper, *The Ladder*, was created by the Daughters of the Billitis. They were a San Francisco based group created in opposition to laws that persecuted gay individuals. Their publication began in 1956, three years after Executive Order 10450. Because of laws banning gay publications initially, the ability to compare mainstream accounts to accounts headed by individuals affected is difficult. Publications like *The Ladder* and *ONE* cannot be used as a parallel to the mainstream newspapers of the time as most of them were banned during the height of the Lavender Scare, but instead can be used as a tool to measure the reactions of gay individuals.

In the first issue of *The Ladder*, the authors wrote that their mission was to “encourage the women to take an ever-increasing part in the steadily-growing fight for understanding of the homophile minority. . .if the ‘let Georgia do it’ attitude is replaced by the realization of individual responsibility in thwarting the evils of ignorance, superstition, prejudice, and bigotry.”²⁷ This publication tasked itself with proving to the readers that they were no harm to society. In an article published in 1956 interviewing Dr. Norman Reider, the chief of psychiatry at Mt. Zion Hospital in San Francisco, the conclusion was clear: “The very great majority of homosexual acts do nothing to destroy the social structure or to disrupt the family.”²⁸ Police raids of gay bars were prominent in San Francisco, so other articles dealt with what to do in the case of arrests, as well as how to combat the anti-gay culture, and how to understand their rights in order

²⁶Douglas M. Charles, “From Subversion to Obscenity: The FBI's Investigations of the Early Homophile Movement in the United States, 1953-1958,” *Journal of the History of Sexuality*, 19:2 (May 2010), 262-263.

²⁷*The Ladder*, 1:1 (October 1956), (Alexandria, VA: Alexander Street Press, 2010), 3, 7.

²⁸“Psychiatrist Urges Medical, Legal Understanding of Homosexual,” *The Ladder*, 1:2 (November 1956), (Alexandria, VA: Alexander Street Press, 2010), 5.

to protect themselves from persecution. The fear in the Lavender Scare era should not be isolated to job security. While the laws and policies were rooting people out of government positions, gays were targeted as risks for their very existence.

As evidenced by voices in newspapers, all of these measures of suppression did not lead to gay voices being irreversibly damaged. In fact, in 1950, the same year as committee hearings, the Mattachine Society was founded. It was one of the first major gay organizations. Ironically, it *was* formed by a communist, Harry Hay. However, because of sexuality as a gay man, he was not allowed to be in the party. When the FBI investigated the group, “agents failed to substantiate the charge despite the fact that Mattachine was, indeed, founded by former Communists - a fact that seemed to have gone unnoticed and one that raises questions about the competence and motivations of FBI personnel.”²⁹ While the history of this society can be analyzed with a political angle, the three original goals of the group were simple: “to educate both homosexuals and heterosexuals because ‘the total of information available on the subject of homosexuality is woefully meagre and utterly inconclusive’; and ‘to lead forward into the realm of political action.’”³⁰ The Mattachine Society helped gay men involved in their own community fight against discrimination:

In the spring of 1952, Hay and other Mattachine members mobilized in support of friend Dale Jennings after he was arrested for lewd and dissolute behavior. The group helped get Jennings a lawyer and created a non-profit group called the Citizens’ Committee to Outlaw Entrapment to raise money and draw attention to the trial and similar police arrests. With Mattachine’s help, Jennings received

²⁹*Ibid*, 263.

³⁰Martin Meeler, “Behind the Mask of Respectability: Reconsidering the Mattachine Society and Male Homophile Practice, 1950s and 1960s,” *Journal of the History of Sexuality*, 10:1 (January 2001), 83.

national attention when a jury deadlocked and the case was dismissed. Jennings had admitted his homosexuality, but accused the police of lying and entrapment.³¹

Being a part of this group was no doubt scary. The members opened up about their sexuality while the state and federal government were planning how to exclude them from every possible situation.

A chapter of the Mattachine Society was established in Washington D.C. by Frank Kameny and Jack Nichols, early gay activists and pivotal figures of resistance.³² Their first effort was targeted towards “the clearly improper, discriminatory policies of the U.S. Civil Service Commission -- policies which are plainly unconstitutional, and which operate against the best interests of the country.”³³ As a part of their mission, the group organized demonstrations in Washington. They gave instructions on how to picket properly: encouraging those who joined to not express anti-conformist sentiments and not express grievances beyond the matter for which they gathered. In order for their message to be heard, they needed to bear “the symbols of acceptability, conventionality, and respectability.” Some rules regulated clothing to traditional,

³¹Jason M. Shepard, “The First Amendment and the Roots of LGBT Rights Law: Censorship in the Early Homophile Era, 1958-1962,” *William & Mary Journal of Race, Gender, and Social Justice*, 26:3 (April 2020), 615.

³²Frank Kameny was a Harvard educated astronomer who worked for the federal government’s Army Map Service until 1957, when he was fired for being gay. He took it upon himself to file a case with the U.S. Civil Service Commission in 1960. A year later in 1961 is when Kameny founded the Mattachine Society in Washington D.C. After the courts denied his case, he became a leader for the gay rights movement. Years before the Stonewall Riots he led demonstrations that gave momentum for 1969. For more information about his story beyond the context of the Lavender Scare, as apart of the larger gay rights movement, read the biography of his life by historian Eric Cervini, titled *The Deviant’s War: The Homosexual vs. The United States of America*. For more information on the Mattachine Society, see Johnson’s *The Lavender Scare*, 179-208.

³³Frank Kameny, “News Release from the Mattachine Society of Washington DC,” *The Early LGBT Movement in Washington DC*, accessed January 18, 2021, <https://jsturge2.omeka.net/items/show/36>.

following norms. Women should wear dresses and men should be clean shaven.³⁴ Another focus of the Mattachine Society was to ensure that gay peoples would not be targeted for blackmail. In a questionnaire, they pushed back on the claims made about their susceptibility. The questions asked what jobs they had, if they had been employed and or refused employment from the Federal Government, what their history was with security clearances, and if their sexual orientation played a part in how they might react to being blackmailed.³⁵ They also produced documents that gave other gay individuals information on how to handle persecution. Because they recognized that the laws were not in their favor, they encouraged individuals to know their rights. One booklet, “The Pocket Lawyer,” told individuals how to react during arrest.³⁶

This organization took it upon themselves to collect their own data. They directly challenged the baseless assumptions made during the Lavender Scare in an attempt to prove that not only were they not security risks, but that they had a voice worth listening to. The same people filling out these questionnaires and taking part in picketing demonstrations were at the Stonewall Riots. It is without question that the organizing needed after the persecution of the Lavender Scare was the beginning of the gay rights movement. *The Ladder* was built of this idea, with their purpose being an “organization for the purpose of promoting the integration of the homosexual into society.”³⁷

³⁴Frank Kameny, “Picket Instructions,” *Ibid.*, accessed January 17, 2021, <https://jsturge2.omeka.net/items/show/7>.

³⁵Frank Kameny , “Questionnaire on Blackmail of Homosexuals,” *Ibid.*, accessed January 18, 2021, <https://jsturge2.omeka.net/items/show/35>.

³⁶Mattachine Society, “Mattachine Society: If you are arrested,” *Stonewall: Riot, Rebellion, Activism and Identity*, accessed January 20, 2021, <https://stonewallhistory.omeka.net/items/show/34>.

³⁷*The Ladder*, 1:4 (January 1957), (Alexandria, VA: Alexander Street Press, 2010), cover page.

At the same time that these organized voices made headway, other forces outside of the government added to the growing conversation about homosexuality. The American Psychological Association (APA) furthered the rhetoric that tied gayness to disease. As the *Diagnostic and Statistical Manual* noted:

For this nomenclature, a psychoneurotic reaction may be defined as one in which the personality, in its struggle for adjustment to internal and external stresses, utilizes the mechanisms listed above to handle the anxiety created. The qualifying phrase, .x2 with neurotic reaction, may be used to amplify the diagnosis when, in the presence of another psychiatric disturbance, a symptomatic clinical picture appears which might be diagnosed under Psychoneurotic Disorders in this nomenclature. A specific example may be seen in an episode of acute anxiety occurring in a homosexual.³⁸

This idea was spread by the APA for years even after other studies proved there was, in fact, no direct relationship between sexual orientation and mental illness.

Alfred Kinsey, a prominent biologist and sexologist, published a report in 1948, showing Americans that the number of gay men and women in the country was larger than presumed.³⁹ Evelyn Hooker, an American psychologist, conducted a study in which 30 gay men (some from the Mattachine Society) and 30 straight men were asked to complete various psychological tests, one of them being the Roscharch test. The results, as examined by various psychiatrists, showed no discernable psychological differences.⁴⁰ Kameny's Mattachine Society directly challenged the APA's classification with Hooker and Kinsey's findings. Decades after their first publication, the APA reversed their original claim. Still, the psychiatric claims along with the

³⁸American Psychological Association, *Diagnostic and Statistical Manual: Mental Disorders* (Washington D.C.: American Psychiatric Association, 1952), 13.

³⁹Alfred C. Kinsey, *Sexual Behavior in the Human Male* (Philadelphia: W. B. Saunders Co), 1948. Also, for his later publication on his findings as they pertain to women, see *Sexual Behavior in the Human Female*, written in 1953.

⁴⁰For more information on her findings, see Evelyn Hooker, "The Adjustment of the Male Overt Homosexual," *Journal of Projective Techniques*, 21:1 (October 1956), 18-31.

derogatory terms used in the Lavender Scare persisted in making Americans fear gay individuals. Though a medical claim can be reversed in words, propagated fear is not as easily altered. *The Ladder's* proposition to this was to reverse the focus of the studies: "A psychological explanation of these irrational fears, if it can be given, would be helpful, and this is a point at which scientific study can usefully contribute."⁴¹

While there have been many key cases in the gay rights movement that illustrate small and large victories, one landmark case occurred during the height of the Lavender Scare, simultaneous with people being removed from their place of employment. In *Stoumen v. Reilly*, the Black Cat Bar in California was targeted by the State Board of Equalization (BOE), which handled or regulated licenses that allowed the bars to serve liquor. This bar had a large gay scene so George Reilly, a member of the BOE, did not want to extend a license to them. Sol Stoumen, the owner of the Black Cat, took the case to the California Supreme Court in order to challenge the suspension of his license and won in 1951. It marked the first US case in which LGBTQ rights were upheld by the courts.⁴² However, this temporary victory was met by onslaughts against gay rights in other forms. *Stoumen v. Reilly* stipulated that "without proof of the commission of illegal or immoral acts on the premises, or resort thereto for such purposes, is not sufficient to show a violation of section."⁴³ This left leeway for bars in California like the Black Cat to continue to be persecuted because it existed in an area where homosexuality was considered the proof of "illegal or immoral" conduct.

⁴¹ "The Moral Decision about Homosexuality," *The Ladder*, 9:3, (December 1964), 20.

⁴²For more information about the gay scene in California, and San Francisco immediately, see Chris Carlsson, *Hidden San Francisco: A Guide to Lost Landscapes, Unsung Heroes and Radical Histories* (UK: Pluto Press, 2020), 175, 203-206.

⁴³*Stoumen v. Reilly*, 37 Cal.2d 713.

In the following decades, slow progress was made in the gay rights movement. In 1964, the Civil Rights Act was passed. Specifically, Title VII protects employment despite race, sex, or national origin. Not until 2020 was this act really brought to public attention for its relation to the LGBTQ community. The blanket term of “sex” was clarified by the Supreme Court to apply to sexual orientation as well. Nearly seventy years later, the Federal Government ensured that sexuality need not play a role in ensuring job security.

On July 3, 1975, the Civil Service Commission changed their position: gay men and women could not be fired on the basis of their sexual orientation. However, if there was evidence of their sexual orientation affecting their “job business,” there would be reason to dismiss them.⁴⁴ Given this still wavering stance it is clear why men and women like Kameny needed a movement in order to protect their job security, let alone their basic treatment as individuals. Though the LGBTQ movement has gained steam, it is represented in order to draw attention to these long standing issues. It is built on the groundwork of pioneers like Kameny and newspaper authors and editors who risked their career in order to challenge the standards. They debunked the associations that were born in the Lavender Scare. The moral panic associated with being gay was not justified, but in response came some of the most prominent voices. This is not to suggest that the gay rights movement would not have succeeded without the Lavender Scare. It is to suggest that the Lavender Scare is a backdrop for the odds these individuals faced. It is a part of the story that cannot be neglected.

⁴⁴“Homosexual Rehiring is Modified by the U.S.,” *New York Times*, 124:40,895 (July 4, 1975), 45.

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