

historical facts, **Pat Lyn McConnell**, 16 January 2014



the power of love
MICHAEL MCCONNELL

photo by Melissa Davidson, 2013

JACK BAKER, ESQ.

Who defined the gay agenda?

Thomas Kraemer, a retired professor at Oregon State University (OSU) argues that “the seeds for gay marriage equality were planted by a homophile movement founder, W. Dorr Legg”,^[1] who published “Homosexual Marriage” as *ONE* magazine’s cover story in 1953.

As he sees it, the gay-marriage-equality debate in the U.S. began with the 1953 *ONE* piece, which was a “thought experiment”^[2] to question the consequences of gay men and women asking for equal rights. Its publisher was a professor at OSU who followed “Dr. Magus Hirschfeld’s discussions of gay marriage [in Germany], nearly a century ago”. Much of Hirschfeld’s work “was dismissed by early gay activists [in the U.S.] probably due to poor translations and the fact much of it was burned by the Nazis.”

Who discussed same-sex bonding across the millennia, who blessed such unions, who debated gay marriage equality are all, in my opinion, historical trivia.

The fact that same-sex marriage became the **gay agenda** for the next 35 years [1970-2005] proves that we introduced a new variable into the human equation. . . . We awoke gay youth world-wide to a new sense of self. As the floodgates opened, slowly at first, a steady drumbeat of lovers emerged from the shadows united in their determination to reclaim a birthright. Together, we changed the world!^[3]

Founded 19 May 1969,^[4] FIGHT REPRESSION OF EROTIC EXPRESSION^[5] became “the first student gay organization to gain recognition in the upper mid-west,”^[6] the news release from the UNIVERSITY OF MINNESOTA’s newest student organization proclaimed. “Its leaders believe it to be the first such organization on a Big Ten campus.”^[7] Moving openly and aggressively, members of *FREE* slowly transformed Minneapolis into a “mecca for gays”.^[8]

“Gay activists in the early 1970s roundly rejected Jack Baker’s theory that the legal and political acceptance of gay marriage would be proof that gay people were being treated equally under the law as required by the U.S. Constitution.”^[9]

Michael McConnell, an experienced librarian, agreed to marry the Student Body President. A job offered by the University Librarian was ejected by the regents after he applied for the license allowed by statute.^[10] Some mocked him openly^[11] and refused to apologize. The board insisted that the husband of the Student Body President would not be allowed to “foist tacit approval of [his] socially repugnant concept” on students at a place that called itself a university. A federal Court of Appeals agreed that hate was justified and blamed the victim.

Jack Nichols was editing one of the first gay newspapers in NYC and the country. While I was helping him and his biographer, he very objectively acknowledged the common East Coast bias

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1. For details, expand the index of bookmarks: Thomas Kraemer, research, 20 Nov 13, page 16
 2. For details, expand the index of bookmarks: Thomas Kraemer, research, 24 Nov 13, page 17
 3. letter, from Jack Baker to law professor/author William N. Eskridge (Yale Law School), 23 February 2005; Q and A, page 5 of 6
 4. Michael McConnell’s 27th birthday
 5. For details, expand the index of bookmarks: Cover, *FREE*, recognized, page 8
 6. Its primary goal was to establish a course on homosexuality, now offered by the **Tretter Collection**.
http://en.wikipedia.org/wiki/Jack_Baker_%28activist%29#Student_activism
 7. Anon., “News from”, *Fight Repression of Erotic Expression*, 1 November 1969
 8. Lily Hansen, “F.R.E.E. At Last”, *GAY*, 11 May 1970, 13
 9. Thomas Kraemer, “Jack Baker gay marriage theory was right”, *My blog*, posted 8 April 2009
<http://thomaskraemer.blogspot.com/2009/04/jack-baker-gay-marriage-theory-was.html>
 10. http://en.wikipedia.org/wiki/Jack_Baker_%28activist%29#Employment_discrimination
His memoirs appear in a book to be published soon.
 11. For details, expand the index of bookmarks: Cover, hate, insults, page 11

of ignoring anything “those farmers in Minnesota” did, such as gay marriage, because everything at that time was centered on the New York City news media.^[12]

Michael McConnell knew nothing about *ONE* magazine.^[13] A marriage license refused by the clerk in Hennepin County [MN] was later issued to him in Blue Earth County [MN]. Nothing would stop him from demanding equality^[14] from the civil government.^[15]

The County Attorney in both Blue Earth County and Hennepin County attempted to invalidate the marriage license issued in Blue Earth County. The former proclaimed that he had invalidated the public document by defacing it, while the latter asked the Grand Jury to indict the minister who consummated it.^[16]

Without question, gay students at the U of M ignited the contentious political debate that defined the **gay agenda** worldwide for 44+ years [1970-2014]. Proof is in the pudding. By invitation of the RAMSEY COUNTY BAR ASSOCIATION [MN] I explained why I was “confident same-sex marriage will be legalized in the United States.”^[17]

“We now have equal marriage in Manitoba [Canada, 2004] and our efforts here were a direct result of your leadership in Minnesota.”^[18]

Even the national office of the *American Civil Liberties Union* [New York City] had unclean hands. Its board showed “little or no enthusiasm”^[19] in the marriage issue raised by *FREE*. The **Minnesota** Civil Liberties Union went to the U.S. Supreme Court ALONE, unashamed, at its own expense.

“In Sept. 1971, Jack Baker and Michael McConnell were the first same-sex couple in history to be legally married. They married under the State of Minnesota marriage laws that did not specify gender at the time and despite [two] challenges to [invalidate] their marriage, no court has ever ordered the annulment of their legally performed marriage . . .”^{[20][21]}

The New York Times [1973] explained why a license issued in Blue Earth County remained in effect^[22] after the Hennepin County grand jury refused to indict the minister who officiated. *The Family Law Reporter* [1974] reviewed the facts and concluded that the lawful marriage contract solemnized by the Rev. Roger Lynn was “the first legally undisputed marriage between persons of the same gender”.^[23]

12. e-mail, from Thomas Kraemer to Jack Baker, 7 April 2013

13. For details, expand the index of bookmarks: Cover, A childhood dream, page 4

14. For details, expand the index of bookmarks: Cover, *FREE*, marriage, page 10

15. Fact is, few if any lesbians agreed to support the agenda of marriage equality sponsored by *FREE*. Many argued that marriage served men as an institution that oppressed women. A coalition calling itself “GLBT” was founded early in the 1980s, partly to persuade gay men and women who opposed same-sex marriage to accept *FREE*’s agenda of full equality.

16. e-mail, from Jack Baker to Thomas Kraemer, 13 Dec 2013

17. Bob Protzman, “Gay Marriage OK Predicted”, *St. Paul Pioneer Press*, 22 October 1971
<http://box8661.blogspot.com/2013/06/marriage-equality-was-inevitable.html>

18. Mia Robson, “Couple helped make history”, *Winnipeg Free Press*, 17 September 2004, A4
 see letter, from Rich North to Jack Baker, 20 September 2004
<http://box8661.blogspot.com/2012/04/letter-from-canada-2.html>

19. See, letter from Norman Dorsen (General Counsel for *ACLU* in 1970), published by Jason Smith, “Gay Pride Block Party Case”, *Friends of the Bill of Rights Foundation*, January 2012, page 52.
<http://www.humanistsofminn.org/attachments/article/117/Gay-Pride-E-book-Version1.pdf>

20. For details, expand the index of bookmarks: Kraemer - 16 Dec 2013, page 36

21. Thomas Kraemer, “Gay marriage discussion in 1953 vs. 1963 and today”, *Tom’s OSU*, posted 17 December 2013
<http://tomsosu.blogspot.com/2013/12/gay-marriage-discussion-in-1953-vs-1963.html>

22. Anon., “Homosexual Wins Fight to Take Bar Examination in Minnesota”, *New York Times*, 7 January 1973, 55.

23. Anon., “Gay married couple frustrated in adoption bid”, *The Family Law Reporter*, published by The Bureau of National Affairs, 10 December 1974, vol. 1, 2103.

For details, expand the index of bookmarks: Cover, *New York Times*, page 12

"I firmly believe Baker and McConnell's gay activism was a work of genius. They were called lunatics because few people grasped the long-range significance of gay marriage. This has only recently [2004] proven to be the flashpoint in the war for full equality."^[24]

After 41 years:^[25] "U of M President Eric Kaler has called McConnell's treatment reprehensible, regrets that it occurred and says the university's action at that time were not consistent with the practices enforced today at the university." Thank you. Nevertheless, as a graduate, I remain saddened by its unwillingness to proclaim the proven success of its gay students^[26] and law school.^[27]

Jack Baker, Esq.
Student Body President,
University of Minnesota
[elected 1971, re-elected 1972]

FYI: There was indeed a riot at "Stonewall" in 1969 (**preceded** by another at Maud's in San Francisco), but it had nothing to do with marriage equality. According to Thomas Kraemer, activists on the east coast were completely opposed to marriage. Worse, they mocked us – **those farmers in Minnesota**. We who lived in Minnesota in the 1970s must not, need not, allow the self-pride ignited by U of M students to be dishonored by those who consistently claim credit for what they did not do.

24. Thomas Kraemer, "Lunatics or Geniuses?" *GayToday.com*, posted 21 June 2004

<http://www.gaytoday.com/people/062104pe.asp>

25. For details, expand the index of bookmarks: Cover, Regret - 2012, page 13

26. An honor was offered but not delivered:

<http://box8661.blogspot.com/2013/10/recognition-by-u-of-m-law-school.html>

27. As a licensed engineer who was then a second-year law student, I learned why equal treatment under law must be guaranteed to all citizens. The Dean, a published scholar on constitutional law, disagreed. I was surprised to hear him admit that he terminated all assistance previously approved by his Legal Aid Clinic.

Marriage – my childhood dream comes true

by Michael McConnell
November 2013

- **1954 and 1958:** As a teen (age 14-16), on days I was getting my hair cut, I helped out as a cashier in my father's barber shop. It was located just off the campus of the UNIVERSITY OF OKLAHOMA. His business was in a collection of shops (known as Campus Corner) just across the street from the School of Engineering. Young college men came to his shop weekly for a hair cut, especially engineering and ROTC students. Seeing these guys made me aware that I really **wanted to get married** some day to one of them, especially an engineering student.
- **1950s-1960:** I was completely unaware of anyone else who felt like I did. I never expected to see other Gay people in Norman, OK, or, for that matter, anywhere else. I knew I was "different" at a very early age (elementary school 2nd grade), and it actually become VERY clear about what exactly "different" meant by the time I was in 7th grade (first year of Jr High). My exposure to the subject had been limited to "queer jokes" and sermons about "Sodom and Gomorrah" at the local Baptist church, which I abandoned by age 14. I told myself that "these people would murder me if they knew who I really am."

When I graduated from High school in 1960, I was still naïve and unaware that more people like me existed. I just hoped that one day I would fall in love with one of those engineers from the University, we would leave Oklahoma, find our own place to live and be **married**.

- **1961+:** It was an uneventful though busy year for me. At the UNIVERSITY OF OKLAHOMA, I tried to make friends with guys I thought were interesting and 'cute'. Though I hadn't yet met any engineers, I was making friends with guys who were attending Pharmacy School (my course of study as well), Architecture School (my best friend from high school was studying this discipline and introduced me to many of his friends), as well as a number of guys in several science courses I was taking (physics, chemistry, organic chemistry, botany, etc). Though my circle was expanding, I still had not encountered anyone who appeared to have the same feelings I did.

During my sophomore year, everything changed. My life was literally transformed in an instant. While hanging out in the OU student union lounge, Bob Gaylor caught my eye. I could see immediately there was something in his eyes that I'd never experienced before. That was the beginning of a nearly 4-year relationship that introduced me not only to the hidden world of Gay people in my home town but to the broader world beyond.

Bob and I never talked about actual **marriage**, though we did get matching gold bands which we wore on our 'pinky' fingers after about a year together. We were seen as a couple by our circle of friends – now large – in Kansas, Oklahoma and a few other states. We also knew other couples who had been together for several years. One couple for 15-20 years, which was rare but not unique. I believed and hoped that Bob and I would achieve the same. Though Bob had been collecting Gay materials (magazines, books) during most of the time we were together, most focused on the sexual side of issues. The biggest discussions involved how to get the police to stop raiding bars and meeting areas. We never discussed anything beyond just living together when it came to a relationship. Ours was a pretty closeted/semi-closeted view of the world: just leave us alone!

Eventually, Bob and I moved from Lawrence, KS to Detroit. We both came to understand that our relationship would not endure. For me, this was devastating. My return to Oklahoma, to continue my education and complete my degrees, started a period of depression that left me drained and unfocused. I went to classes and returned home but avoided social engagements. My mother could feel the pain. Eventually, she told me I had to stop this behavior, get out with friends and do things. Her words jolted me into action.

I began to reconnect with a few of the Gay friends Bob and I had known while we were still in Oklahoma. Some were still around. I also reconnected with friends in Kansas City and other

places. That opened a whole new and large Gay social group to me. I don't recall any discussion or knowledge about Gay **marriage** in any of my renewed circle of friends. It simply was not on anybody's radar as a possibility for discussion. Also, I was not reading any of the Gay publications around at that time. They were not easily available in Oklahoma. Class assignments took most of my "reading time".

- **Late 1965/early 1966 (back at OU):** At about this time, I was maintaining contact with Terry Vanderplas, my friend when Bob and I lived in Lawrence, KS. By the time I emerged from my shell, Terry and I were corresponding and in touch again. Now living in western Massachusetts, he invited me to visit for a week, during winter break. That proved to be a real eye-opener for me. It made me realize that it might actually be possible to find someone after my relationship with Bob ended. Neither Terry nor I were ready to even talk about a committed relationship, but we both clearly had something special and magical. This relationship would grow from a distance or fade, since I had to return to school. If it happened at all, it would take time to build. I was willing to wait till I had finished my degrees and had a job before seriously pursuing it. I wanted some independence and maturity in my next try for something long term. Though we corresponded and talked by phone over the next several months, **marriage** – even a committed relationship – never came up for discussion.

While I was in touch with Terry, I dated other guys at the University. A 'permanent' relationship was not seriously considered. Still dealing with the experience I'd had with Bob, I was too unsure of myself. The guys I was seeing were really smart and very nice to be with, but I just didn't have the same 'sparks' with them that I needed to move me to something bigger. The feelings I had for Terry were much stronger than I was feeling for these boyfriends. Too, I really wasn't in a hurry to jump into those deep waters again. After graduation, when a job was secure, I'd get serious.

- **Summer 1966:** Terry invited me to return to Massachusetts for another week or so in August. For me, this was a major turning point. I would get to spend additional time with Terry and see where these feelings for him might go. It was, again, a magical time. By the end of this trip I had such strong feelings that this might be a man I'd want to get serious about that I found it very hard to say goodbye. However, I felt he was not ready for that, and it had become more clear in my mind than ever, that I would not pursue or commit to any long term relationship till I had my degrees and a job. I needed that because I felt I had been too vulnerable in my time with Bob without them. I did not feel a true equal with him. That was a major problem for me. Still no talk of **marriage** or its equivalent was discussed. That was simply not on the radar.
- **Fall 1966, Jack Baker:** A big part of the social scene in Norman, OK, at that time revolved around my friend, Cruz Sanchez. I was definitely in a bit of a muddle with regard to relationships. I was developing strong feelings for Terry, actively dating a couple of other really cool guys and participating in an active social scene. It was through Cruz, that I was eventually introduced to Jack in October 1966. This came only a couple of months after my trip to see Terry. I was very suspicious of Jack when Cruz first introduced us. He was a VERY different man than any I'd encountered in my current Gay circles. After a series of dates (plays, movies, parties), my initial perception of him was changing. As I began to fall in love with Jack, I began to focus more clearly on what I wanted in my next commitment. I wanted exactly what everyone else wanted when they fell in love.
- **March 10, 1967:** Jack asked me to be his lover. I was now ready to state what I wanted in a commitment: live openly and not repeat the mistakes of my previous relationships. I was in it for the long haul, whatever that took. I wanted **marriage** – not with 'secret' rings recognized by a circle of mostly closeted friends. Jack agreed to make it happen.
- **June 1967:** Soon after we committed, Jack and I moved to an apartment in Norman (a duplex on Drake Circle, next door to a Gay friend). We supported our degrees with full/part-time jobs.

- **June 1968:** Jack and I completed our masters degrees and took jobs near the Kansas City metroplex. We decided to live in Lawrence, KS, which was half-way between our two jobs; mine in Kansas City, MO; his just outside Topeka, KS.
- **1968-70:** Jack was determined to find a way to **marry legally**. We occasionally discussed the possibility of a **formal marriage**, but didn't really begin to take action until we had worked in our jobs for about a year. Then Jack began planning to attend Law School. We investigated several law schools. The UNIVERSITY OF MINNESOTA emerged as the best option. Jack then prepared to move to Minneapolis and I prepared to move to Kansas City, MO. My contract with Park College would keep me in the area for the year 1969/70. When my contract was up for renewal (June 1970), I would hopefully have found a job in Minnesota, let the contract expire, and move to Minneapolis to join Jack.
- **Winter 1969 thru spring 1970:** After his legal research course ended, Jack tested his skills. He looked for a plan to make **marriage** happen. By early spring, he had the answer. Jack studied Minnesota's marriage statutes, discovered that they did not specify the gender of applicants, and concluded that two people of the same gender were not barred from obtaining a license to **marry**. Or, as Jack liked to say, "Equal treatment under law was intuitively obvious to a second-year law student."
- **May 1970:** We immediately made plans for me to come to Minnesota in May. On the day before my birthday we would proclaim our bonded love by applying for a license in Minneapolis. Obviously, we discussed **marriage** (*Gay marriage*) often (winter 1969 thru spring 1970), but we were both unaware of anyone who had ever dared to make it happen. Though Jack had done extensive legal research, we had not done historical, sociological or literary searches. That kind of research would come, in our minds, when briefs were prepared for law suits that were sure to follow.
- **1970s:** We soon became national figures in the public discussion of **same-sex marriage**. Our application for a license to marry was soon rejected by the Clerk of the Hennepin County District Court. Historical evidence of same-sex "**marriages**" surfaced when we began to do research for the law suits our application generated. What we found related to native peoples of North America and a few scattered examples from ancient history (the Roman emperor Nero, etc). We did not find much from past histories about "the love that dare not speak its name."
- **August 1971:** The Hennepin County District Court approved my request to adopt Jack. The Court decree changed Jack's name to Pat Lyn McConnell. I then applied for a marriage license in Blue Earth County, which was granted. *The Family Law Reporter* (1974) reviewed all facts and concluded that the marriage contract solemnized by the Rev. Roger Lynn, a United Methodist minister, on September 3 is "the first legally undisputed **marriage** between persons of the same gender".

Ours was not a civil union, or a ceremony of commitment to be witnessed by friends and/or family. Nor was it an unlicensed 'church blessing' used by religious couples to affirm their love and commitment.

The crucial difference between our **marriage** and those from previous decades/centuries is that we obtained a **valid license** from the civil government, in accordance with laws in force at the time. The **marriage** contract was then solemnized, as required by Minnesota's statutes.

- **Fast-forward to November 2013:** While preparing my fourth donation to the *Tretter Collection*, – items collected over the past 40+ years – I noticed a **1963 ONE** magazine that contained an article on *Homophile Marriage*.

An e-mail exchange referred to a 1953 *ONE* magazine and its lead article on *Homosexual Marriage*. Fact is, *ONE* magazine was completely unknown to me until recently. I can't see how either article had an impact on my early thinking about being **married legally**. Jack and I agreed to pursue an agenda of full equality, tolerating no exceptions, no excuses – I from my earlier relationship with Bob; Jack from efforts in Law School to decide how best to satisfy our wish to be married. Those in power were not amused, and we both suffered their wrath.

The 1963 *ONE* magazine and several others, plus issues of *Physique Pictorial*, *Drum*, etc, were among books and magazines left behind by a Gay man I knew from our activist days. He was moving to California (mid-1970s) and could not move “stuff” to the west coast. He asked me to accept them. I agreed, then added everything to the stack of materials I'd been collecting. It looked like an assortment of magazines, histories, social commentaries, arguments for homosexual rights and mental health. Also, some gay novels. I ignored all of it for the next 40 years.

Who debated same-sex bonding across the millennia, who blessed those unions, who planted seeds for gay marriage equality are all a distraction. What matters is who dared to demand equal treatment from the civil government. Without question, that belongs to gay students at the U of M [FREE, recognized].^[1] In the 1970s, Jack led them with an unbending will. Together, they used the power of ideas to ignite a dream of lawful marriage [FREE, marriage].^[2] That dream spread quickly around the world.

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1. Its primary goal was to establish a course on homosexuality, now offered by the *Tretter Collection*.
 2. Fact is, few if any lesbians agreed to support the agenda of marriage sponsored by *FREE*. Many argued that marriage served men as their institution to oppress women. Not until the 1980s, when a GLBT coalition was founded, did a consensus on same-sex marriage emerge.

News from: Fight Repression of Erotic Expression (FREE)

Address: P. O. Box 1084, Minneapolis, Minn. 55440

Contact: Jack Baker

1139 15th Ave. S.E.

Minneapolis, Minn.

378-1095

11/1/69 f or immediate release

The Twin Cities Assembly Committee on Student Affairs of the University of Minnesota has approved for campus membership the newest minority group organization on the Minneapolis campus. Fight Repression of Erotic Expression (FREE) was approved unanimously by the committee at an October 24 meeting. FREE is composed of homosexuals and sympathizers wishing to secure equal rights with the heterosexuals in society.

The sixty member gay organization has four main purposes. The members plan to educate the university community about homosexuality and its place in society. The members will try to secure for homosexuals those rights now enjoyed by heterosexuals. They also plan to protest legislation of sexual morality. Finally, FREE will establish and coordinate meetings and social events for the homosexual student community, for intellectual and social gain.

One of the primary immediate goals of FREE is lobbying for the offering of a course on homosexuality. The course would be taught on the professional level for teachers, and later to the student body.

(MORE)

1 of 2

(FREE gets University approval, add 1)

FREE is the first student gay organization to gain recognition in the upper mid-west. Its leaders believe it to be the first such organization on a Big Ten campus.

The gays hold weekly meetings on the campus. Sensitivity group meetings are also held weekly to help the members better understand themselves. Members of FREE are available for lectures to civic groups. Social functions are also held periodically.

According to leaders of the organization, acceptance by the university community has been excellent. There has been no harassment, and approval by the committee guarantees the organization the same rights and privileges that other university clubs enjoy.

FREE was organized early in September and looks for increased membership and more involvement in university life.

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News from: FREE (Fight Repression of Erotic Expression)

Address: B-67, Coffman Memorial Union, University of Minnesota, Minneapolis, Minnesota, 55455

Contact: James W. Chesebro
127 West 15th Street
Minneapolis, Minnesota
338-1805

5/17/70 for immediate release

FREE ("Fight Repression of Erotic Expression"), a University of Minnesota student organization, announced today that two FREE members will apply for a Minnesota marriage licence. The application will be made on Monday, May 18 at 3:00 pm in the Minneapolis Hennepin County Court House.

The two FREE members, Jack Baker and Jim McConnell (both over 21), have been together for three years, and now hope to have their relationship recognized as an enduring and honest love unit.

Minnesota statutes do not prohibit marriages between members of the same sex (MSA, Chapter 517). Moreover, FREE will seek to have the U.S. Supreme Court affirm the legality of this relationship, if necessary.

FREE expects the licence to be granted because several major principles are involved:

- 1) Procreation cannot be the only standard used to legally recognize a significant love relationship.
- 2) Any relationship that promotes honesty, self-respect, mutual growth and understanding for two people and which harms no other person should be accepted by the law.
- 3) Sexual preference is not a reason to deny a couple inheritance rights, property privileges, or tax benefits.
- 4) Homosexuals are entitled to the same rights enjoyed by heterosexuals.
- 5) The desire of two human beings to be joined in a permanent love relationship out to be recognized with full legal dignity.

Background Information:

The language choices used to describe heterosexuals do not apply to homosexuals. The terms husband, wife, spouse, mate or team imply procreation. However, the terms lovers or partners best describe a homosexual couple because they emphasize rotating social roles and are standard words in the Gay community.

Regent: FREE member case 'matter of public relations'

By RANDY TIGUE
Copyright, 1970

While most members of the Board of Regents remain tight-lipped about the rejection of the job application of homosexual Jim McConnell, Regent Daniel Galtney attributes the rejection to McConnell's application for a license to marry Law School student Jack Baker.



Galtney

McConnell's application for the position for head of the cataloging division of the St. Paul Campus Library was rejected by the Regents at last Friday's meeting. McConnell and representatives of the Minnesota Civil Liberties Union have announced they will challenge the rejection in Federal Court.

In an interview Friday, Galtney said McConnell's application for the marriage license made it obvious that McConnell didn't "look like a prudent employee."

"My first reaction was, 'This guy's a damn fool,'" Galtney said.

Galtney spoke of the need to maintain "credibility with the people of the state," adding, "this is a public relations matter. Hiring this man would enrage 90 per cent of the people in the state."

"Homosexuality is a hot subject," he said. "There are a lot of religious people in Minnesota, and a lot of people think homosexuality is about the worst thing there is." Galtney was asked whether he would have made the same kind of decision if he were a Regent in a state in which the majority of the people hated blacks and a qualified black applicant applied for a job.

Galtney said he would probably hire the black applicant in that situation.

Asked to explain the difference between the two situations, Galtney said, "Well, that's one of those things you can't always spell out exactly. There are deeper philosophical considerations as far as a homo is concerned."

He later added that a black person "just can't help being black. This is not a matter of moral turpitude," Galtney maintained. "He's just a fool."

"We have more awareness than ever before, but that doesn't mean you hire every Tom, Dick and Harry who doesn't have any regard for his employer," Galtney said.

He added that McConnell "could bring possible discredit to the University." likening him to a brewer's employee who would start a temperance union in his brewery.

When Galtney was asked if he had a set of criteria for regulating the private lives of University employees, he answered, "This isn't private life. This is public life, when he gets his name slapped all over the newspapers."

"Why didn't he just take his job, do his work and shut up?" Galtney asked.

Galtney concluded the interview by saying, "I'm really sorry for anyone who has troubles. You try your best not to hurt anybody, but sometimes you have to hurt somebody. This man invited it."

The only other Regent to comment on the McConnell decision was Albert Hartl. "The Board of Regents is charged to use its best judgment to select people to operate the University," he said. "In the exercise of that judgment, we said 'no' to McConnell."

Asked what the reason for that judgment was, Hartl said, "We do

Regent

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Regents . . .

from page one

not have to state reasons." He said the matter was in the mind of each individual Regent, but denied that homosexuality was the reason.

"We consider the whole man," he said, agreeing that the "whole man" included personality factors and that homosexuality would be considered a "personality factor."

"McConnell is a bad man," Hartl said. "The public and the press are imputing these other reasons to the Regents' turning him down."

Hartl dismissed the idea of a court test, saying, "Threatening the Regents with a court case is like threatening a farmer with a bumper crop. Will we win? Yes, we'll win."

"The Regents are the body appointed by the law to run the University. We exercised our authority in our best judgment and no court in the land will rule against us," he predicted.

MINN DAILY
July 16, 70
P. 1+

THE NEW YORK TIMES, SUNDAY, JANUARY 7, 1973

Homosexual Wins Fight to Take Bar Examination in Minnesota

Special to The New York Times
MINNEAPOLIS, Minn.—Jack Baker, an outspoken leader of the Gay Liberation Movement, has been ruled eligible for the Minnesota bar examination by examiners who found that he did not fraudulently obtain the license with which he entered into a homosexual marriage.

Mr. Baker was graduated from the University of Minnesota Law School in December, while serving his second term as student president.

After he applied for the bar examination the State Board of Law Examiners invited him to a hearing to answer questions about his 1971 application for a marriage license in Mankato, Minn.

At issue was a state law that

requires candidates for the bar and for other professions, to be of "good moral character."

A question had been raised, not about Mr. Baker's avowed homosexuality, but about his responses in applying for the marriage license.

Suit Backed by A.C.L.U.

In early 1970, Mr. Baker and James Michael McConnell, both now 30 years old applied for a license in Minneapolis but were refused, supported by the Minnesota civil liberties union, they carried an appeal to the United States Supreme Court, which dismissed the case last October "for want of a substantial Federal question."

During the appeal period, Mr. Baker and Mr. McConnell pursued other avenues toward

union. On Aug. 3, 1972, Mr. McConnell legally adopted Mr. Baker in Minneapolis, with the goal of securing tax and inheritance advantages.

At that time, Mr. Baker legally assumed the name Pat Lynn McConnell, while continuing to use the name Baker in his daily affairs. Shortly after the adoption, Mr. Baker

signed his new name to a marriage license application in Mankato, a college city 80 miles southwest of Minneapolis. On Aug. 16, 1971, Blue Earth County issued the license, and on Sept. 3, Mr. Baker and Mr. McConnell were married in a private ceremony in Minneapolis by the Rev. Roger Lynn of the United Methodist Church.

Shortly after the ceremony John Corbey, the Blue Earth County attorney, said that the

license was defective and the marriage null and void because the address listed on the application "was not that of the bride." Minnesota law required that marriage licenses be issued in the county of the bride's residence, and the address listed by Mr. Baker was that of a vacationing professor.

Marriage Stays in Effect

Subsequently, the Hennepin County grand jury studied the legality of the marriage but found the question not worth pursuing. Thus the marriage remained in effect.

After the bar examiners studied the same issue last month, William J. Lloyd, the director of bar admissions in Minnesota, wrote to Mr. Baker, saying that the board "will make no objection to your ap-

plication, which will be processed in due course."

Mr. Baker plans to take the bar examination in February. But, he said, "as far as I'm concerned, the last hurdle hasn't been met." If he passes the bar, he still must be sworn in by the Minnesota Supreme Court.

Next April, Mr. Baker and Mr. McConnell plan to test the same-sex marriage issue again by filing a joint income tax return.

Need for School Ends

ARAI, Japan (UPI)—Kamigo Middle School closed two years ago because all families with school-age children had left Arai, a small community in central Japan. The classrooms are now used as cattle sheds.

P. 55

Marking the 40th anniversary of Twin Cities Pride, University ...

http://www1.umn.edu/news/news-releases/2012/UR_CONTE...

News



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UNIVERSITY NEWS SERVICE • phone: 612-624-5551 • fax: 612-626-9388 • unews@umn.edu • www.umn.edu/news

Marking the 40th anniversary of Twin Cities Pride, University of Minnesota reflects on its GLBT history

Media Note: The University of Minnesota Gay, Lesbian, Bisexual, Transgender, Ally Programs Office and other U of M offices and organizations will be staffing a booth in the School Zone section of Loring Park during Twin Cities Pride Festival (Saturday and Sunday, 10 a.m. to 6 p.m.).

Contacts: [Chuck Tombarge](#), University News Service, (612) 624-5551

MINNEAPOLIS / ST. PAUL (06/22/2012) —On the eve of the 40th anniversary celebration of Twin Cities Pride, the University of Minnesota is taking stock of its own history with the GLBT community. And as is often the case with history, the story is mixed. As the university begins preparations for the 20th anniversary of its Gay, Lesbian, Bisexual, Transgender, Ally (GLBTA) Programs Office, it recognizes that the path to the creation of the office was not always a source of pride.

The path started with actions taken by a new Minnesotan. Michael McConnell, a prospective employee, in April 1970 was offered the position as head of the cataloging division in the university's St. Paul campus library. The following month, he applied for a license to marry the adult of his choice. Though the license was denied, the story was spread by local and national media, and has been characterized by many as not only the beginning of the struggle for full equality for gays and lesbians in Minnesota but also a demand for inclusion that had national and international impact.

As important and impactful as this action was, it was not without costs, to him and to the university. In the midst of the public conversation about his attempt to marry, the university deemed McConnell's conduct, as represented in the public and university news media, not consistent with the best interests of the university and did not approve his hire as a librarian. The struggle that ensued about the university's right to take such action was long and painful, for everyone.

U of M President Eric Kaler has called McConnell's treatment reprehensible, regrets that it occurred and says the university's actions at that time were not consistent with the practices enforced today at the university. The U of M is dedicated to the fair and ethical treatment of all and its current policies prohibit discrimination on the basis of sexual orientation, as well as gender identity and gender expression.

The university's participation in the upcoming 40th anniversary of Twin Cities Pride and its celebration of the 20th anniversary of its GLBTA Programs Office demonstrate not only its commitment to equity, diversity and inclusion, but are also the result of important actions by members of the U community and external stakeholders such as McConnell.

About the GLBTA Programs Office

The Gay, Lesbian, Bisexual, Transgender, Ally (GLBTA) Programs Office at the University of Minnesota is dedicated to improving campus climate for all university faculty, staff, students and visitors by developing and supporting more inclusive understanding of gender and sexuality. The office, founded in 1993, has forged a new era of awareness, education, safety and voice for GLBTA individuals across campus. Selected as the lead story topic for Lavender Magazine's "School's Out" edition, the GLBTA Programs Office is finalizing plans for tabling at this weekend's Twin Cities Pride Festival and is



The FAMILY LAW REPORTER

*Court Opinions
Reports and Proposals
U. S. Supreme Court Proceedings*

December 10, 1974

THE BUREAU OF NATIONAL AFFAIRS, INC.

Volume 1, No. 5

REPORTS AND PROPOSALS

GAY MARRIED COUPLE FRUSTRATED IN ADOPTION BID

Homosexual spouses also find Veteran's Administration and Internal Revenue Service un-receptive to their licensed and solemnized marriage.

Jack Baker, also known as Pat Lynn McConnell, is a gay activist lawyer who is stirring up lots of activity in the area of gay liberation and seems determined to change things. Recently, the Minneapolis attorney filed a complaint with the St. Paul Human Rights Department alleging discrimination by the Children's Home Society of Minnesota, an adoption agency, against himself and his male spouse, Mike McConnell, in their attempt to adopt a child. Discrimination based on "affectional or sexual preference" has been outlawed by an August, 1974, St. Paul ordinance. The homosexual couple seek to prevent further funding of the agency by the United Way because of the alleged discrimination.

The situation is unique in that Jack Baker and Mike McConnell may have the first legally undisputed marriage between persons of the same gender. The couple were married in September, 1971 by a United Methodist minister in Minneapolis, Minnesota, after securing a marriage license from the district court clerk of Blue Earth County, Minnesota. All of this was consistent with Minnesota law. Subsequent to their marriage however, the Minnesota Supreme Court in *Baker v. Nelson*, 291 Minn. 310, 191 NW2d 185 (1971) held that Minnesota law "does not authorize marriage between persons of the same sex and that such marriages are accordingly prohibited." However, the "federal constitution prohibition against ex post facto laws, U.S. Constitution Article I, Section 9(3), forbids the imposition of punishment for past conduct lawful at the time it was engaged", and hence the Minnesota high court's decision does not reach back to Baker and McConnell since the two were married "a full six weeks" before that decision.

Much to their chagrin, however, the gay couple have yet to find affirmation of their legal status by government agencies. The Internal Revenue Service after an investigation disallowed the couple's joint tax return for 1972 and 1973 by taking the position that the Internal Revenue Code's specific reference to husband and wife reflects a clear congressional intent "that any benefit which could accrue under the law to married couples can only accrue through opposite gender couples."

The Veteran's Administration has disallowed Baker's

claim for an increase training allowance by reason of a dependent spouse. The allowance is one given any veteran who states in writing that he or she is married. However, Chief Benefits Director of the Veteran's Administration has issued an opinion which interprets the U.S. Code for Veteran's Administration benefit purposes as recognizing "only marriages involving members of the opposite sex." Additionally, VA Director Vaughn challenges the validity of the Baker-McConnell marriage by referring to the Minnesota Supreme Court decision holding same sex marriages to be prohibited under state law.

Baker feels that it may be best for gays like himself to sue VA and IRS in the U.S. District Court for the District of Columbia. He observes that Washington, D.C. may be a more favorable forum and the federal government "has been consistently losing in the area of gay rights."

HEW FUNDS PROGRAM TO DEVELOP COORDINATED ATTACK ON CHILD ABUSE

Why child abuse occurs and how to treat and prevent it, HEW's concern under the Child Abuse Act.

"Despite increasing attention in recent years, very little is known today about the factors within the family and outside that cause parents to abuse their children," says the Secretary of Health, Education and Welfare, Caspar Weinberger, before the National Committee for Prevention of Child Abuse in Chicago last month. Recognizing that abuse of children (child beating) is a problem that "crosses social, economic, and ethnic lines", the Secretary seeks to "encourage coordination" of the many separate services for troubled families at the federal, state and local level. The responsibility for such services is presently "shared by private, voluntary and governmental agencies," through a maze of complex hierarchies created over the years in response to federal aid programs.

In response to the need for "services that work together", says Mr. Weinberger, HEW is currently "funding demonstration projects which encourage coordination" in St. Petersburg, Florida; St. Louis, Missouri and a few Arkansas counties. These experimental programs are developing interdisciplinary coordinated services "to improve handling and treatment by family intervention, community education, and follow-up of abused children." However, the Secretary states that the

best
statement
for claim
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first
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married
gay
couple

12-10-74

1 FLR 2103

JACK BAKER

ATTORNEY

April 7, 2012

Thomas Kraemer
3847 NW Boxwood Drive
Corvallis, OR 97330

Tom,

This letter will confirm that the blog is mine. I decided it was time to edit the Wikipedia article, instilling historical accuracy while leaving the author's thrust intact. The author (I know not who) tried to explain the adoption of one adult by another but could not figure out how it fit into an overall plan. I couldn't clarify the text without disclosing that the plan was, in fact, a "weapon" until after the IRS persuaded Congress to remove the tax deduction that we enjoyed for 30 years. One point led to another.

My goal with the blog is not to have the final word on truth but to ensure that history is not rewritten to comply with the current grupthink. We returned to a very private life in 1980. Since then there is little for which we can claim credit. We rejoin the debate^[1] but only as referee: we know what we did, and we know why we did it.

I predict that the U.S. Supreme Court will affirm the *Prop 8* decision **after** the election, proving that we were right on Day One for the right reasons. I want history to record that it was Mike's mother who encouraged her younger son to demand equality and that, together, **Minnesotan's** used the power of ideas to **spread a dream** that continues to transform an entire world.

I've noticed the blog problem and assumed that the blog would mature in due course.^[2] Having started at point zero, though, and progressing to where it is now, the blog is something of an achievement. I'm open to suggestions.

Our next step is to post a dozen or so of the most telling letters^[3] received after we applied for a license to marry. Our plan is to add comments, and to encourage others to draw conclusions from the original sources. The blog, to us, is not a memoir. Instead it is a construct for history. For that reason, I include links that Mike runs across to which I add comments that correct misstatements of fact. Your help would be welcome.

Respectfully,

Jack Baker, Esq.
Box8661@visi.com

-
1. We support *Minnesotans United For All Families*, the group leading the drive to defeat the proposed constitutional amendment to limit marriage to one man and one woman. I'm betting on defeat.
 2. I'll be enrolled in a program for *Web and Interactive Media* later this summer.
 3. Nearly 6,000 letters from around the world will eventually rest at the Minnesota Historical Society.
-

Subject: Re: Kerry Eleveld opinion on Hawaii marriage case

From: Jack Baker

Date: 2013-11-20 14:54

To: Thomas Kraemer

Attached Files

• 1963_June.pdf (231 KB)

Thomas Kraemer, Founder
Oregon State University Foundation
Magnus Hirschfeld Fund

I appreciate your challenge to news outlets who persist in claiming that national organizations [themselves] are responsible for the successes ignited by "sympiotic" gay activists.

I thought you might be interested in another *sympiotic gay activist*. The article on "homophile marriage" appeared in ONE magazine [June 1963, attached]. Michael pulled it from his files and showed it to me only recently. We were both 21 at the time and had not yet met.

When I was discharged from the U.S. Air Force in March 1966 and returned to Oklahoma City, I noticed that the term "Gay Marriage" was used with a regularity that surprised me. Since I was new to that gay scene, I gave it no thought.

A year later, on my 25th birthday, I asked Michael to be my lover. Without hesitation, he said yes, but only if we "married, legally". Not wanting to loose him, I agreed to make it happen.

I am certain that the article had no bearing on my decision to apply for a license to marry Michael. Perhaps the reverse is not true.

--

Jack Baker, Esq.
Minneapolis, Minnesota, USA

On Mon, 18 Nov 2013 11:31:22 -0800
Corvallis Oregon <tevaboy@gmail.com> wrote:

> Mailing Address: Out Magazine, OUT-Letters@out.com 372 Court Street, #1 Brooklyn, NY 11231

>

> Kerry Eleveld's opinion piece (Jan. 2014) credited the "individuals in Hawaii who planted the seeds for the same-sex marriage movement as we know it today," without also crediting the first U.S. Supreme Court decision on gay marriage in 1972, "Baker v. Nelson," even though it supports her thesis that contrarian gay activists are sometimes "sympiotic" to the success of national organizations worried about taking action prematurely.

>

> In 1971, many were inspired to support the gay marriage activism of Jack Baker and Rev. Troy Perry after they were featured in national news-magazines often read by school children.

>

> Oprah Winfrey recently showed home movies of the 1970 marriage of Jack Baker and Michael McConnell, which the U.S. Supreme Court decided was a state matter of no Federal interest. Although this was not a "win," they are still happily married today -- Minnesota law did not specify gender at the time and no court has ever ordered their legally performed marriage annulled.

>

> At the time, I was unaware that the seeds for gay marriage equality were also planted by a homophile movement founder, W. Dorr Legg, who published a cover story on "homosexual marriage" in 1953 and by the gay German Dr. Magnus Hirschfeld, whose books discussed gay marriage nearly a century ago, but were literally burned by Nazis in 1933.

>

> Thomas Kraemer

>

> RE: Kerry Eleveld, "Finding Our Inner Champions," *The Advocate*, p. 22 of insert to subscribers' print edition of "Out Magazine," Jan. 2014

attached

Subject: re: Thanks for PDF of ONE's 'thought experiment' on gay marriage being an absurd idea

From: Corvallis Oregon

Date: 2013-11-24 14:10

To: Jack Baker

Cc: Tim Campbell

Jack Baker,

Thanks for the PDF of ONE on gay marriage -- Jack Nichols had sent me a photocopy nearly a decade ago after the gay historian James T. Sears noted how the 1953 ONE article on "homosexual marriage" was written as a "thought experiment" to question the consequences of homophiles asking for generic equal rights -- the argument was that asking for equal rights would lead to the absurd, at the time, conclusion of gay marriage. (NOTE: the scanned PDF you sent me was lacking the embedded OCR text and the main pages were not readable by me even at the largest magnification -- I don't know if this is due to my poor vision or due to a defective scan. Also, the file name says 1963 instead of 1953 -- was is this a reprint? I have been unable to reread my photocopy lately, but can still see the cover date.)

As you probably figured out, I felt free not to mention these details in my OUT Magazine letter because it is not an academic publication and I had limited space to provide some historical perspective on gay marriage, something that was important to W. Dorr Legg's conservative belief system, which was widely rejected by Stonewall era gay liberation activists. (As an aside, I often bike by the house Legg lived in as a Professor here at OSU -- the same house that FBI Agents spied on during the anti-gay McCarthy era witch-hunt.)

I find most young college students don't have the historical perspective to understand how both conservative and liberal approaches to gay activism have been necessary over time. Also, these same college students often mistakenly think conservative equals Republicans and liberal equals Democrats.

Today, I often hear young college students take for granted gay marriage, as a done deal, and they dismiss it as being "irrelevant ancient history." However, they often change their tune after they learn more about gay history and how it relates to them in the present day. Hopefully, my letter to OUT will motivate a few more editors and readers to learn more about gay history.

Another thing I intentionally omitted from my letter was that Dr. Magus Hirschfeld's discussions of gay marriage, nearly a century ago, followed a similar logic to the later 1953 and 1963 ONE article. Much of Hirschfeld's work was dismissed by early gay activists probably due to poor translations and the fact much of it was burned by the Nazis. Only recently have good English translations become available.

FYI, OSU recently hired a new gay Professor of German and culture, who I plan to ask if he has been able to gain any insights, from his extensive knowledge of German culture, after reading the original German texts of Hirschfeld. I learned firsthand, from doing business internationally, that Americans are often viewed as being arrogantly ignorant of life outside the U.S. I am just as guilty of this and I have to force myself to think internationally.

Sincerely,
Thomas Kraemer

Subject: Re: ONE's 'thought experiment' on gay marriage

From: Jack Baker

Date: 2013-11-25 16:03

To: Thomas Kraemer

Attached Files

• 1963_June-2.pdf (741 KB)

Thomas Kraemer, Founder
Oregon State University Foundation
Magnus Hirschfeld Fund

As you suggested, I reviewed the ONE magazine article, *Let's Push Homophile Marriage* (June 1963). It offers no indication that the article was/is a "thought experiment" or a reprint of something originally published in 1953. Attached is an enlarged PDF copy of the article and responses.

Gay marriage was seen then as an "absurd conclusion"???

Michael McConnell grew up as a skinny teen-age boy in Norman, OK. This is how he responded to the ONE article after her matured:

--
Neither Jack [Baker] nor I were aware of [Gay marriage] being discussed in Gay circles of that time (1960s). My dream of marriage evolved after a relationship ended. Not wanting to repeat those mistakes, I vowed to seek a new model for the next time I agreed to commit to another (Jack). Finding the ONE article and letters to the editor years later was an eye opener. It confirmed my own gut feeling. Knowing that my dream was more widely shared than I had realized is what gave me the courage to push forward.

--
Jack Baker, Esq.
Minneapolis, Minnesota, USA

On Sun, 24 Nov 2013 12:10:38 -0800
Corvallis Oregon <tevaboy@gmail.com> wrote:

> Jack Baker,
>
> Thanks for the PDF of ONE on gay marriage -- Jack Nichols had sent me a photocopy nearly a decade ago after the gay historian James T. Sears noted how the 1953 ONE article on "homosexual marriage" was written as a "thought experiment" to question the consequences of homophiles asking for generic equal rights -- the argument was that asking for equal rights would lead to the absurd, at the time, conclusion of gay marriage. (NOTE: . . . the file name says 1963 instead of 1953 -- was/is this a reprint? I have been unable to reread my photocopy lately, but can still see the cover date.)
>
> . . .
> Sincerely,
> Thomas Kraemer

**Subject: ONE Aug. 1953 vs. Jun. 1963 issues on homophile marriage cover stories
- some links to read**

From: Corvallis Oregon

Date: 2013-11-28 16:17

To: Jack Baker, Michael McConnell

Cc: Tim Campbell

Dear Jack Baker and Michael McConnell,

Thank you for letting me know you were inspired by the Jun. 1963 cover story of ONE on "Let's Push homophile Marriage," by "Randy Lloyd" instead of the Aug. 1953 cover story of ONE, "Homosexual Marriage?" (Note: according to James T. Sears, who interviewed some of the principles of ONE before they died, virtually all of the articles in ONE were written under pseudonyms, in order to avoid legal harassment by various officials, and therefore I assume "Randy Lloyd" was a sexually suggestive and campy pseudonym.)

I have lost too much mobility and vision to personally confirm if these two issues of ONE are virtually identical, except for maybe minor edits, but I bet at least the letters in response that you referred to were newly written ten years apart. To confirm my conjectures as facts, I am hoping to enlist a graduate student at OSU who lives in L.A (we have many California students here at Oregon State University) and who could examine the original documents when they drive back home during a school break.)

As I recall, the conservative and former Oregon State University Professor W. Dorr Legg was one of the main editors of ONE during both the years 1953 and 1963 and therefore it would make sense if he had taken some shortcuts by reprinting editorial matter. (You are old enough to recall how hard it was to write and publish in the days of manual typewriters and letterpress printing, without having the advantages of today's online electronic publishing of photos and written material created using computer word processors with automatic spelling and grammar checkers!)

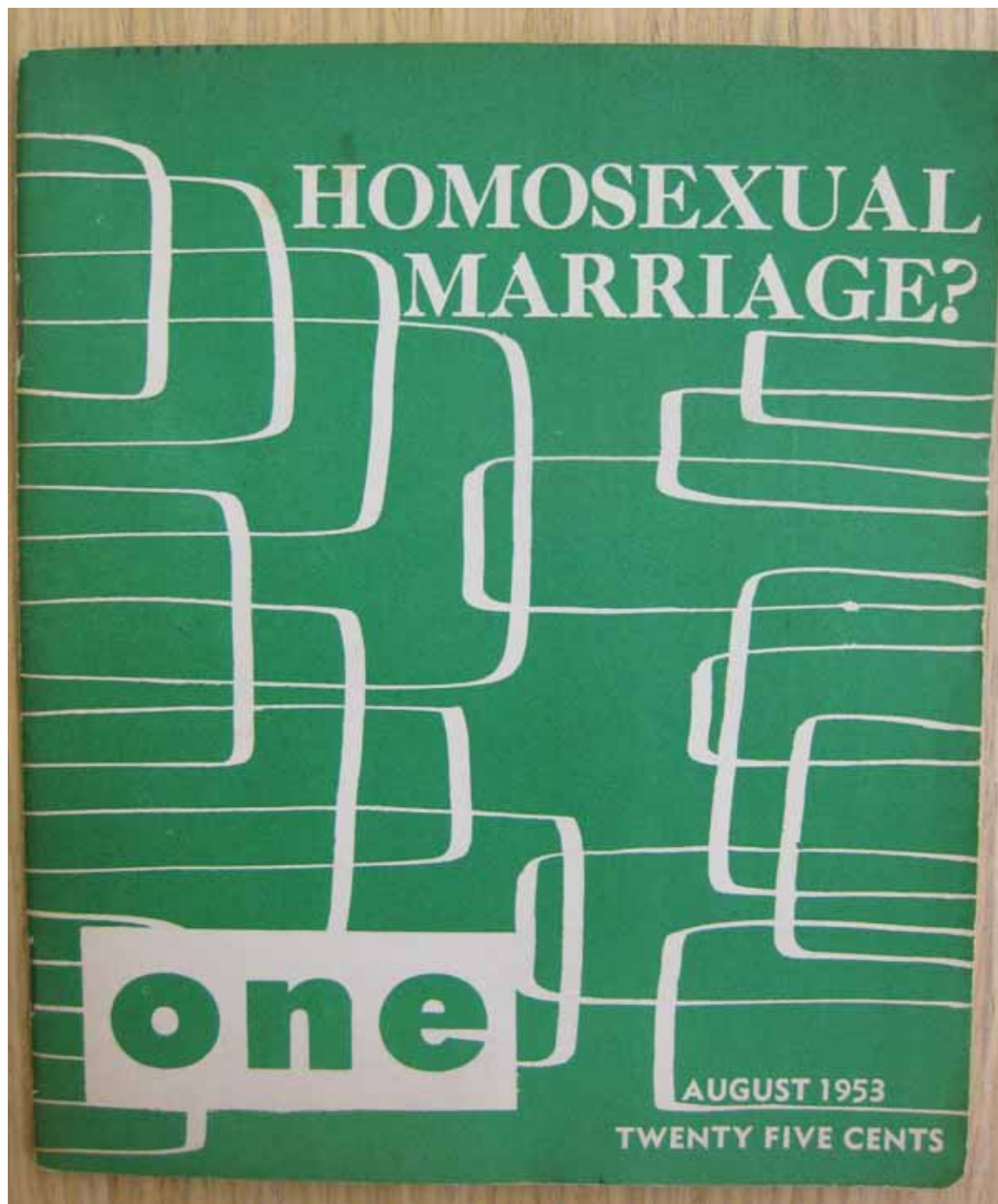
For your information, here are some still easy to access online reading:

James T. Sears, PhD, "1953: When ONE Magazine Headlined 'Homosexual Marriage'," gaytoday.com posted Aug. 11, 2003 (Edited by the late gay pioneer Jack Nichols and which at the time of posting he asked me to review before publication -- note that the date of this posting is encoded in the URL as 081103 because Jack wanted to keep his site fresh looking and not dated.)
<http://gaytoday.com/reviews/081103re.asp>

Thomas Kraemer, "FBI files on gay OSU professor 1956," thomaskraemer.blogspot.com posted Jul. 7, 2010
<http://thomaskraemer.blogspot.com/2010/07/fbi-files-on-gay-osu-professor-1956.html>

Thomas Kraemer, "W. Dorr Legg OSU archives records 1935-1942," thomaskraemer.blogspot.com posted Jul. 31, 2010
<http://thomaskraemer.blogspot.com/2010/07/w-dorr-legg-osu-archives-records-1935.html>

Sincerely, Thomas Kraemer (541)752-8460
Founder, Oregon State University Foundation Magnus Hirschfeld Fund for research concerning humans or animals with a minority sexual orientation or gender identity





REFORMER'S CHOICE: Marriage License or Just License?

The following paper is, in the opinion of the editorial board, one of the most important which ONE has published. Its implications are staggering. The author(ess?) was little short of staggering, too, in the mild letter which accompanied this historic essay: "I hope the enclosed will not seem an impertinence." But on second thought, Writer Saunders, it is impertinent and exactly the type of impertinence all thinking persons and this magazine vitally need!

There is something terribly wrong in the reasoning behind the organization which calls itself the Mattachine Society. This applies also to the magazine ONE. It is true that in both the reader sees commendable unification, excellent anger and astonishing enthusiasm—yet a person comes away from them feeling uneasy. Can it really be as simple as all this? Does the answer lie in merely "all of us getting together"? A person wants to withdraw a bit from all this bouncing energy and mull over what he or she has heard. You review the prospectus of the Society and go through the back issues of the magazine and this uneasiness increases. Then you sit back and try to visualize our society as these well-meaning enthusiasts would have it. And suddenly you realize that their plans are impossible! They have missed one of their most essential points and committed a basic and staggering error.

It has to do with acceptance. The Society desires to win from society acceptance for the deviate. On the surface, this aim is certainly fine. Yet look at the tremendous change it implies! Nor is this reference to the change in the general prejudice. That is simple compared to the huge problem which acceptance for the deviate proposes.

Imagine that the year were 2053 and homosexuality were accepted to the point of being of no importance. Now, is the deviate allowed to continue his pursuit of physical happiness without restraint as he attempts to do today? Or is he, in this Utopia, subject to marriage laws? It is a pertinent question. For why should he be permitted promiscuity when those heterosexuals who people the earth must be married to enjoy sexual intercourse? The answer does not lie in the fact that the deviate cannot reproduce; this is irrelevant to

one

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the effect upon society of his acceptance as a valuable citizen.

This effect would be one of immense consternation for it would be a legalizing of promiscuity for a special section of the population—which, incidentally, now begs for its rights on the very grounds that it desires the respectability and dignity of all other citizens. It is not likely that either of these would be attained by a lifting of legal sex restraints for this group alone. Actually such a change would loosen heterosexual marriage ties, too, and make even shallower the meaning of marriage as we know it. It cannot be seriously claimed that this would be a good thing. The problem of marriage versus promiscuity is an old one, still moot and fondly dwelt upon by the dissatisfied. Yet for heterosexuals, at least, there yet has not been found a better arrangement on which to base the family unit. Heterosexual marriage must be protected. The acceptance of homosexuality without homosexual marriage ties would be an attack upon it.

Then let us look at homosexual marriage. Here indeed is a dubious proposition. Available statistics do not indicate that most or even a large percentage of deviates want a binding and legal marriage. Undoubtedly if it were possible there would be more who attempted it and many who might make it work. Yet today, even among the most stable and respectable of homosexuals, there are very few who have lived together an appreciable time. It is true that social pressure makes success in

such marriages highly unlikely. Yet one would think that in a movement demanding acceptance for this group, legalized marriage would be one of its primary issues. What a logical and convincing means of assuring society that they are sincere in wanting respect and dignity! But nowhere do we see this idea prominently displayed in either Society publications or the magazine ONE. It is dealt with in passing and dismissed as all-right-for-those-who-want-it. But it is not incorporated as a keystone in Society aims—which it must be before such a movement can hope for any success.

Yet even were homosexuals generally eager for legalized marriage there would appear many, many very human problems which only generations of living would effectively resolve. For instance, should the Mr. and Mrs. idea be retained? If so, what legal developments would come of the objection by the "Mr." that "Mrs." doesn't contribute equally? In heterosexual marriage, the wife has the general drop on the husband in that she bears children hence needn't punch a timeclock as nature apparently decrees he must. Will there be a new law forbidding one person to be "kept" by another then? And what of adoptions? Must the State be forced to give over a child to a pair of Lesbians merely because they are a legally married couple and have identical rights to childless heterosexual couples? What effect would a home with both parents of the same sex have upon masses of children? Or would the time

come when homosexuals would be forced to care for children as part of their social duties? How many homosexuals would actually want to bring up a child?

But perhaps most important is the fact that the concept of homosexual marriage cannot come into being without a companion idea: homosexual adultery. To those living adulterous lives since discovering themselves to be deviates, this comes as a ludicrous suggestion. Yet to heterosexuals it is of great moment and quite to the point. Equal rights mean equal responsibilities: equal freedoms mean equal limitations.

Then this acceptance will cause as great a change in homosexual thinking as in heterosexual—perhaps greater. No more sexual abandon: imagine! Me, married? Yes, a great change in the deviate himself, yet nothing in the literature of the Mattachine Society and little of ONE is devoted to initiating and exploring this idea of necessary homosexual monogamy. The idea seems stuffy and hide-bound. We simply don't

join movements to limit ourselves! Rebels such as we, demand freedom! But actually we have a greater freedom now (sub rosa as it may be) than do heterosexuals and any change will be to lose some of it in return for respectability. Are we willing to make the trade? From the silence of the Society on the subject, perhaps not.

It is unfortunate that enthusiasm demands more action than thought, and that necessity often makes us run wildly before we've decided exactly where we're running (although we may be quite sure of what we're running from). Commendable as the Society is, it appears that there is yet to be conceived in its prospectus a concrete plan for the homosexual's place in society. Until we know exactly where we're going, and the stuffy and hide-bound—who can help us exceedingly—might not be willing to run along just for the exercise. When one digs, it must be to make a ditch, a well, a trench: something! Otherwise all of this energetic work merely produces a hole. Any bomb can do that.

E. B. Saunders

➤ *ONE, by its very nature often discusses illegal sexual practices as well as the legal rights of those who commit them. Being mutually connotative, it is nigh impossible to separate the two. This, however, is not to be construed as an implicit approval of criminal acts, nor as an incitement of others to such behavior. If ONE had such an anti-social attitude, it would not devote most of its pages to demands for legal reform. It is true that precise definition of terms like "criminal sex act" are debatable not only over coffee but in the highest courts in the world. Yet, until the nature of a sex crime is so defined as to most benefit society, ONE wishes to clearly state that its aims do not include converting any man, woman or child to ways alien to their natures nor does it condone any behavior which is actually "against nature" and not to the best interests of society.*

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THE HOMOSEXUAL VIEWPOINT

JUNE 1963

FIFTY CENTS



**LET'S PUSH
HOMOPHILE MARRIAGE**



LET'S PUSH HOMOPHILE MARRIAGE

by Randy Lloyd

There are many homophiles who, like me, find the homophile married life so much more preferable, ethically superior, enjoyable, exciting, less-responsibility-ridden (contrary to a lot of propaganda from the single set), and just plain more fun—well, there's no sense beating around the bush—the truth is, many of us married homophiles regard our way of life as much, much superior and as a consequence, mainly stick to ourselves and look down our noses at the trouble-causing, time-wasting, money-scattering, frantically promiscuous, bar-cruising, tearoom-peeping, street crotch-watching, bathhouse - towel-twitching, and moviehouse-nervous-knee single set.

Now, before you scream "Snob!" I want to say that there are plenty of the single set who just as strongly and volubly look down on us. And it seems to me that lately in the pages of *ONE* their viewpoint has been way out of line in preponderance. And, frankly, I'm sick of it.

Not only in *ONE* is the homophile married set getting the short end. In the recent (March 1963) article in *Harpers* (and with that big circulation, the article is going to get around) called "New York's Middle-Class Homosexuals," all that is discussed to any extent are the bar-cruising singles. There is a mention that a certain area is famous for "young marrieds," leaving the flippant impression that homophile marriage is only a state, like pimples, that some of the very young go through. (Incidentally, that author never mentions who he thinks the *upper*-class homosexuals are—and my candidates, of course, would be us old and middle-aged long-marrieds!)

I realize that much of the lack of publicity on the homophile married set, and the extent of it, is our own fault, or, if you prefer (depending on your point of view), the fault of circumstances. Marriage, it has been

said, is a private affair. A homophile marriage is a *very* private affair.

In the first place, usually we've got more to lose—a house, two good jobs (often in the professions), and a happy personal relationship that has been tempered by the years. To find a married couple so endowed that would take their chances on, for instance, appearing as such in a TV show would be tremendously difficult. Not only jobs and material things are at stake but also personal relations with one's relatives and in-laws. Instead of just one set of heterosexual parents and relatives, in a homophile marriage there are two sets. I have only siblings, all of whom accept my circumstances. But my lover has three aunts, very religious, who raised him through sacrifices, and he would not dream of causing them embarrassment and grief. It would be a very rare homophile marriage that did not have on one side or the other some good reason for shunning publicity.

Also, we married couples simply aren't as "good copy." It is not, I know, the fault of the editors of ONE that more is not printed on us. It is far more difficult to write well and interestingly on a situation that has less conflict.

This lack of publicity regarding homophile marriages runs back all through history. I have no doubt but that they have quietly existed in all periods, but references to them are scarce as hens' teeth.

One might think (and some homophiles naively do) that in that fantastically homosexual period, the Golden Age of Greece, there would be some such references. But in all their literature there is none. The Greeks had the concept of the *transient* homosexual relationship between two young warriors of about the same ages, and they also had the concept of the *transient* homosexual relationship between an older man and a youth. But if they recognized (let alone permit-

ted!) two homosexuals living together with the obvious intent of a life-long relationship, they certainly never extolled it. Theirs was the practice of bisexuality. The person who was completely homosexual held absolutely no status of honor with them. That fact is totally foreign to our modern homophile movement.

This lack of historical material regarding the idea of homophile marriage works to the detriment of that point of view, of course. Homophile writers have many past ideals, myths, and famed love affairs to make reference to and elaborate on—but not a one pertains to homophile marriage. Gide and Cory, for instance, (both bisexual and married to women), can evoke their Greek forerunners and draw from that fabulous mine of literature. We have nothing comparable.

The concept of homophile marriage is new, a modern concept, a product of our great current homophile movement that commenced in Germany in the 1800's. I suspect that if anyone could be tagged as the first to intellectually push homophile marriage (though cautiously and embryonically), it would be the Englishman, Edward Carpenter. There are indications that he was homosexually married, and his writings are remarkably free from being circled around the Greek idea of the transient homosexual love affair.

Homophile marriage would always have been, and would be today, much more prevalent were it not for that major problem that has, very rightly, been the subject of serious discussions at classes at ONE INSTITUTE—the problem of how to meet.

Nowhere is discrimination against us more telling than on this point. Heterosexual society screams against the sexual promiscuity of homosexuals, but by their laws and anathema regarding homosexuals they drive us underground and force us to live 95% of our lives "passing" as heteros

with so little time left to socialize with other homosexuals that an eat-and-run sexual fling is about all that can be managed. To find a marriage partner, one must meet many prospects, and on a social basis, not on a furtive and desperate wham-bam-thank-you-ma'am basis.

Imagine what it would have been like if in your schooldays the majority of the classmates of your sex had been not heterosexuals but homosexuals. Imagine the same situation regarding the people you meet through your job. What a number of prospective marriage partners to choose from!

Imagine being able, as a heterosexual brother is able, to any night of the week pick from any number of respectable places to socialize, such as dance halls, bridge clubs, church socials, rockhound clubs, or what-have-you!

The "Pen Pal" ruckus in the pages of ONE, and the continued interest in it, is an outgrowth of this problem of meeting prospective marriage partners. Oddly, while a homophile organization cannot push pen pal clubs, it can with complete safety and legal impunity, and with total indifference from heterosexual society, do something that is even better—hold actual gatherings where homophiles can meet face to face, such as the Sunday afternoon lectures, the night classes, or the large MIDWINTER INSTITUTE held by ONE. These are, along with meeting people in a social gathering at a homophile home, probably the best situations for meeting a likely prospect for a homophile marriage.

To find The Right One, a person whether heterosexual or homosexual has got to meet a lot of prospects. The wonder is not why under their circumstances so many homosexuals are promiscuous. It is how so many homophile marriages manage to occur. With the handicap we are under, perhaps luck has most to do with it.

In my own case, I certainly would

not deny having had luck—but I sure did all I could to help it along! God helps those who help themselves, and I must admit I'm sick to death of these homosexuals who want to get married, but instead of doing anything intelligent about it and working at it, have just plain given up the fight in a great big tizzy of petulance and despair and flown off into either a fit of cynical celibacy with frequent hot flashes, or into a fit of cynical promiscuity—the highlights of such a life consisting of running off at the mouth about "tricks," running off at the other end from VD, living in mortal terror that one's friends, employer, and relatives will find out about that "lewd vag" one pleaded guilty to, and ending up so jaded that one can't get one's interest up unless it's through an orange gloryhole.

Is it not ridiculous that the most joy-giving and beautiful instinct man has should lead a human being up one or the other of these dead-end streets?

Now, I know there are plenty of single homophiles around both suited and eager for homophile marriage, and since nobody else seems to be writing anything pushing homophile marriage, I've been questioning my married friends and getting tips and jotting things down and have come up with some do's and don'ts, sort of a gay "How To Succeed In Getting Married By Trying". Here they are:

—Remain optimistic. Just because you've had the door slammed in your face by desirable partners for marriage, don't give up and slam the door on marriage. Homophiles are under a *disadvantage* in meeting prospective marriage partners. But so what? So just face the fact as you've faced other facts and go on from there. Ten years isn't too long to keep looking. And don't buy that propaganda that all homophiles have a mania for youth.

—Meet a *lot* of new homophiles,

and this means socially. And *talk*, don't just stand there and make goo-goo eyes and try to look sexy. I've always suspected Freud's theory on homosexuals being fixated at an immature stage came from walking through a gay park and seeing their frantically cruising one another not by talking but by animal-like eyeing one another.

—Cultivate the homophile married set. Like attracts like. And if you see something good that's already married—well, as a doctor friend whose own homophile marriage busted up says, "You've got to keep in touch, you never know." Homophile marriages have divorces, too.

—Don't fritter away your sexual energy while you shop around. A play gets its notices, reviews, reputation, and advance sale from opening night.

—If you don't cook, look for somebody who can. Into old age, you'll be needing food three times a day. Even the wildest ratings in Kinsey don't have sex that much.

—If you hanker for a house, don't "wait for marriage" to buy one. The type that likes marriage likes nothing more. However, don't get overly attached to it. If a prospective partner shows desire for another house, move. There are plenty of fine real estate agents (a breed, by the way, that is very remarkably free from prejudice). But there are no agents for finding homophile marriage partners.

—Don't expect to be continually amused and unbored every hour of the day you spend with a prospective marriage partner. If you're the gay type that tries to be continually amused, you're not only unsuited for marriage, you just haven't grown up.

—Don't worry in advance about what your heterosexual mother, father, sisters, brothers, or neighbors "will say" about your homophile marriage. You'll be surprised at how heterosexuals' attitudes change to re-

spect when faced with what they've been told is impossible from homosexuals—a show of guts. The chances are they will never "say" anything. And *you* will probably be so happy that *you* will be the one who wants to speak up. But keep your big mouth shut.

—Expect to adjust. If your partner likes things you think are "weird", like birdwatching, grunion running, or sex in the mornings, well, at least give it a fling. Keep in mind that the partner will always have a bitch list at least as long as the one you'll be keeping.

—Don't be afraid of going into communal debt with a marriage partner—and a big one, such as a car or, better yet, a house and furniture. Let's face it—spats and blow-ups are inherent in any marriage, and heteros have divorce laws and children as aids to cooling off, but we don't. Don't think you're going to get married and have an agreement that you'll each keep ownership separate for everything "in case it doesn't work out"—because with that attitude it won't. A divorce under the other system may be one hell of a mess, but at least you had a chance—and a messy division of property will probably beat some sense into your head and make you work harder to avoid one the next time—it did me!

—Go to a private M.D., tell him you want a Wassermann cause you had a few too many one night a month ago and in a hotel bar you picked up this girl, of whom all you know is that she said she was passing through town and her first name was Phoebe. There is nothing wrong in having VD, but there is in keeping it.

—Keep the gut down. If you feel frustrated and think you've got to sublimate, pick on anything but food. It is not (what is?) a good substitute for an enjoyable sex life.

—Keep clean. All over.

Now, while I claim the right to rant and rave in favor of homophile marriage and the right to rant and rave against the trouble-causing promiscuous single set, I sure am not claiming that all homophiles should be married. Not everybody is suited for marriage, including plenty of heterosexuals. I think the two viewpoints are put well and wittily by Shaw's saying that "Marriage is the most promiscuous institution ever invented—that is the secret of its success", and Wilde's saying that "Marriage affords the maximum opportunities for sex—but with the minimum of temptation."

One viewpoint finds marriage enhancing sexual enjoyment; the other, not. It is, simply, a matter of taste.

One thing is for sure about homophile marriages—the number taking place can only increase in the future. With the continued lessening of discrimination, such as the change in the legal code of Illinois, it is going to dawn on more and more homophiles that they can quit sneaking into bars, urinals, bathhouses, etc. — the very places where they get arrested (and no law change is going to alter that!) — but that they can with complete safety consort with one another in large or small gatherings of other homophiles, whether it be at a gathering sponsored by a homophile organization, or in homes, or both. And with that increased social communication among homophiles, the mathematical chances of homophile marriages soar.

It seems to me that when society finally accepts homophiles as a valid minority with minority rights, it is going first of all to accept the married homophiles. We are, after all, the closest to their ideals. Now, I have always been rather vehemently "gay," and before my marriage I really never had much truck socially with heterosexuals. I was accused, and admitted, of having a prejudice and a chip on my shoulder where heteros were con-

cerned. And when I saw that my marriage partner had quite a few heterosexual friends, I cringed, and before each social get-together I was all bristly and quivering to be very sensitive at each slighting remark. If heteros didn't like homosexuality they could lump it, was my attitude. I knew they would "know," because almost only an idiot can miss the significance of two men in a big house, especially ours with that statuary, those books in full view, and those paintings.

In short, I was flabbergasted to find (I don't think any social fact ever surprised me more) our homosexual marriage — well, "accepted" may be misleading. We have never discussed homosexuality with them, and I would think that only after a frank discussion with each heterosexual you meet could you then say a heterosexual "accepts" you. "A degree of acceptance" may be the right term. "Toleration" is too negative a term to cover the situation I found, though I feel there is some "toleration" involved.

But, anyway, this degree of acceptance I was so amazed to discover has existed over many years from many different heterosexuals, both married and single. And my real eye-opener occurred when these heteros, with a cool nonchalance that made me feel woefully unsophisticated, started calmly pulling out from their social backgrounds, and introducing us to, other homophile married couples!

As they say in the comic strip *Peanuts*, I felt like something akin to a fool. I had been taken in by prejudice and preconceived judgments, which I learned are not solely the properties of heterosexuals. It was quite an experience for me. So you can see that when I say it seems to me that society will first of all accept the married homophiles, I am not merely theorizing. I still have that chip on my shoulder — but it sure has been whittled down!

There are many homosexuals, who neither desire nor are suited for homophile marriage, that ridicule what they call the "heterosexual" institution of marriage. This is only a clever twisting. Marriage is no more a strictly heterosexual social custom than are the social customs of birthday celebrations, funerals, house-warmings, or, for that matter, sleeping, eating, and the like. I participate in those, not because they are heterosexual or homosexual things, but because I am a human being. Being homosexual does not put one out of the human race. I am a human being, male and married to another male; not because I am aping heterosexuals, but because I have discovered that that is by far the most enjoyable way of life to me. And I think that's also the reason heterosexual men and woman marry, though some people twist things around to make it appear they are merely following convention.

After all, there must be something to marriage, else what is the reason for its great popularity? Marriage is not anybody's "convention". It is a way of living and is equally good for homosexuals and heterosexuals.

I think it is high time the modern homophile movement started paying more attention to homophile marriage. We are not living in the days of ancient Greece, our movement does not stem from those days, and it is not based on the homosexual ethics of those days.

Homophile marriage is not only a strictly modern idea that proves our movement today is something new in history, it is the most stable, sensible, and ethical way to live for homophiles. Our homophile movement is going to have to face, sooner or later, the problem of adopting a standard of ethics. We have got to start laying the groundwork. I can't think of a better way to begin than by pushing homophile marriage.

one

NOW OUT QUARTERLY NO. 15



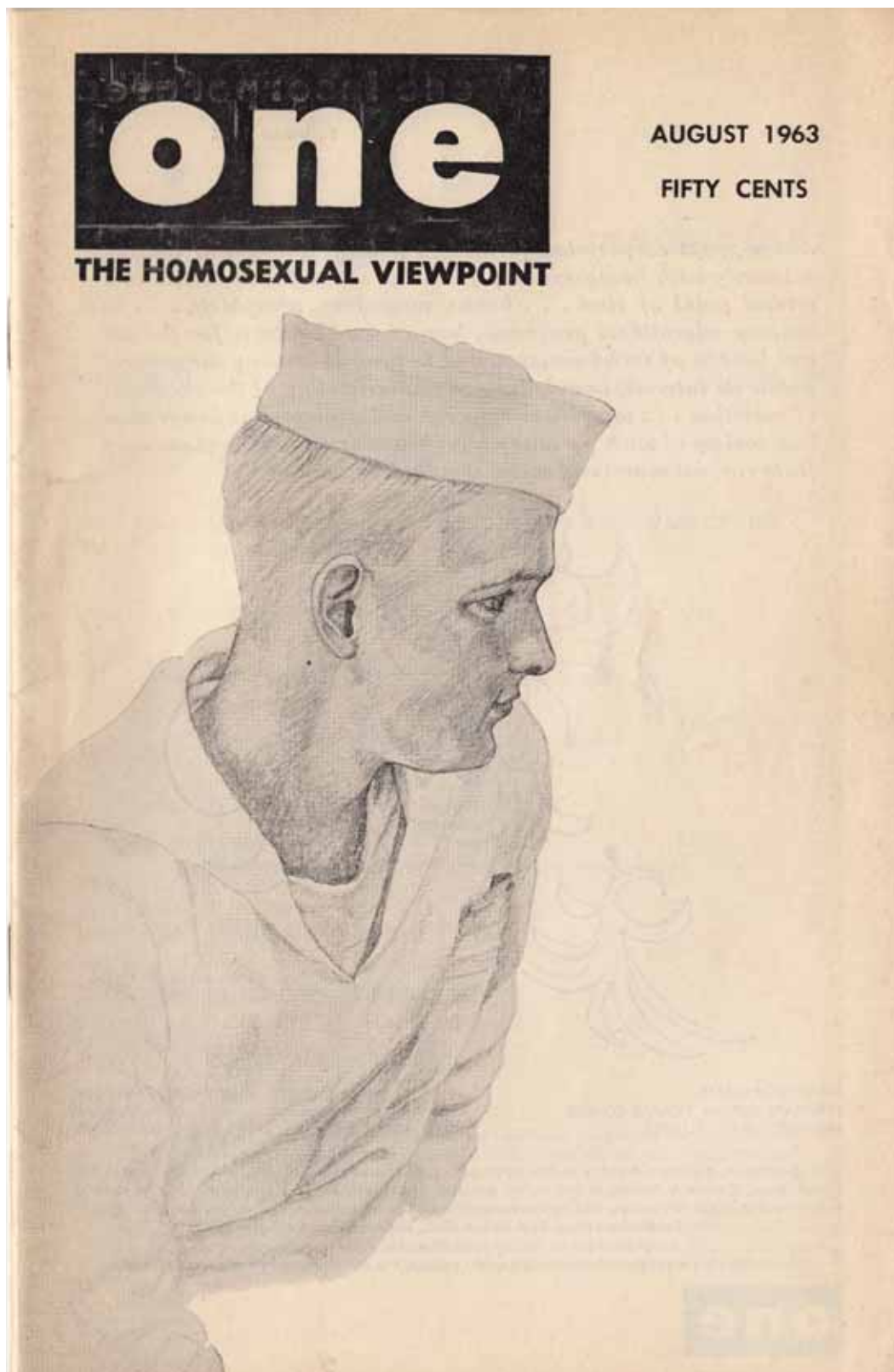
Editorial on the scholarly and research importance of ONE's Library, by Leslie Colfax, Librarian. "Biological Factors in Sexual Behavior," by Dr. Ray Evans, clinical psychologist, an important paper in this or any other journal. Dr. Evans says, "The very fact that throughout the mammalian scale a great many more males than females engage in homosexual behavior is in itself suggestive of a constitutional factor."

Part II, the concluding section of "A Study of Homosexuality in France during the Reigns of Louis XIII & Louis XIV," by Marc Daniel, translated here from the French for the first time.

The Indexes for Volumes I, II & III; Letters; Abstracts.

EDUCATION DIVISION

ONE Incorporated
2256 Venice Blvd.



Letters



The views expressed here are those of the writers. ONE's readers cover a wide range of geographical, economic, age, and educational status. This department aims to express this diversity.

MARRIAGE ! ! ! ?

Dear Editor:

Randy Lloyd's article "Let's Push Homophile Marriage" (June, 1963) just stinks! What does this so-called writer Randy Lloyd want? To copy heterosexual life? His humdrum thinking is more than narrowminded and makes me feel sick. It is very bad that you accepted an article like this, Mr. Slater.

R. H. Stuart
Los Angeles, California

Dear Editor:

Randy Lloyd should be given credit for outright, open-minded thought. I feel he is really a genius. God bless him. Also I am very happy for George Francis' "As for Me" (June, 1963). I support him 100%. He is a wonderful writer, right to the point.

Mr. C.
Wheeling, West Virginia

Dear ONE:

Your June issue is the best yet. Mark Haldane's cover is a masterpiece.

Mr. F.
Atlanta, Georgia

Gentlemen:

I agree with Randy Lloyd's article, but he states that there are a lot of homosexuals wanting to get married. If this be true I would like to inquire where? Especially here in San Francisco. I went to a certain Gay Bar this week and there were between two and three hundred packed inside. Most seem to just want to be seen, or to drink. Here so many are "stand-offish." You send over a drink to someone and nine times out of ten he won't even acknowledge it. At another bar most of the customers are out for money and that can't be a basis for a good relationship.

I've put a lot of hard work into my business and made a success of it, but it is rather meaningless without someone to share it or to do for. My main question is just how and where do you meet married couples or someone that doesn't want to "have his

cake and eat it too", so to speak? I get so discouraged with these one-night stands, am thirty-four, average looks, with a lot of bottled-up loving to give someone.

Mr. A.
San Francisco, California

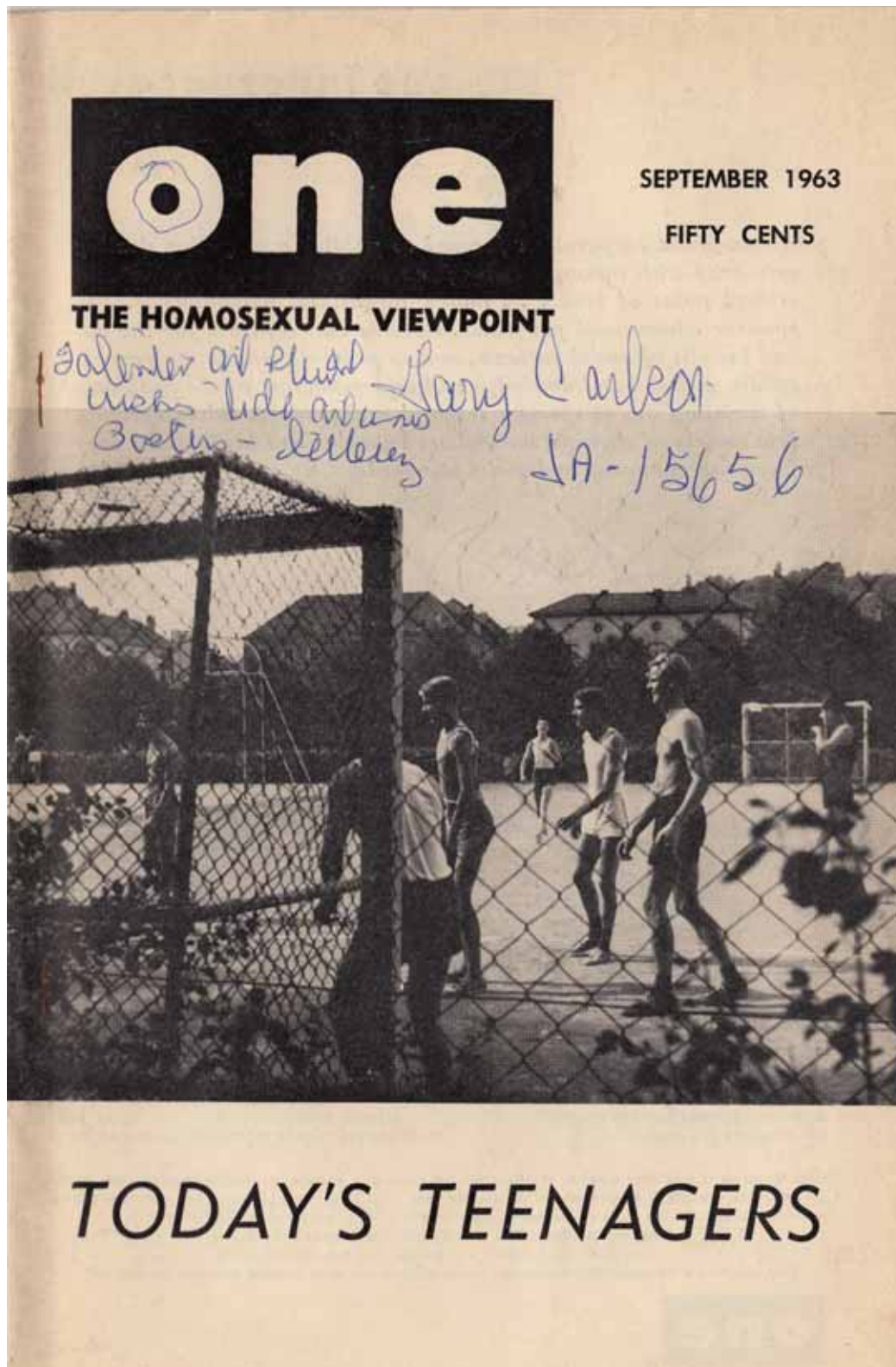
Dear sir:

I have been reading the Magazine regularly and have found the articles, poems and stories to be of an excellent quality, matching the art work, which I think is both lively and appropriate and in no way below the artistic standards of the best work in other journals.

I mention these things not so much to flatter you but because these qualities of excellence have been of utmost value to me in another sense. The world of homosexuality is fairly terrifying to the outsider; and by outsider I very much mean to include those homosexuals like myself who for many years were quite isolated, until at last we discovered that there actually are places for the homophile—groups, and that a magazine, a real magazine with editorials, articles, and all the rest, is published by homophiles for the enjoyment and guidance of homophiles. Somehow the Magazine makes the whole thing seem real in a way that bars, coffee houses, baths, parties and the rest never do seem real.

I know of no other publication that gives the homosexual credit for being fully human, a person with his own qualities and a right to be treated with respect. It seemed to me that you were terribly daring, almost indecent to do so; and I found my hair rising at times, particularly when you tore into one of those smug heterosexual assumptions about "queers" that I, with the humility of the undefended, had long ago absorbed into my own estimate of myself.

When my sense of reality was threatening to go under again, I would cling to the fact that here it was in actual print—with every quality present that we depend upon to reassure ourselves as to the solidity and



Letters



The views expressed here are those of the writers. ONE's readers cover a wide range of geographical, economic, age, and educational status. This department aims to express this diversity.

MORE ON MARRIAGE

Dear sir:

"Let's Push Homophile Marriage" was a fine article which I am definitely in accord with. I have tried to preach this all my life to little avail. Since I have lost my great love to the "Grim Reaper" I have been a lonesome person, but twelve years was marvelous in its entirety. For this I am grateful.

Mr. L.
Philadelphia, Pennsylvania

Dear Randy Lloyd:

Bully for you! Your article was excellently written and I agree wholeheartedly with you. You might enjoy hearing of my venture into marriage — for laughs, if nothing else.

In '44 while I was in the Army I was introduced to another soldier. He was, I still think, about the handsomest man you could hope to meet. He had been going with the friend who introduced him to me but they broke off and our marriage was consummated.

After Army we teamed up and being identical in build passed ourselves off as brothers. He took my family name and it was, for a while, an idyll. But I was the naive one. I thought it was for real, but he had a roving eye. Due to my work hours he had plenty of time for extra-curricular activity without my even suspecting!

Finally, the bubble burst and he moved to New York where he finally married a society physician with lots of money. They live lavishly on the East Side. I visited them there several years ago. So the sad end. I'm still moving around. The beaches here are full of tempting morsels . . .

Mr. J.
Sarasota, Florida

Dear ONE:

When someone begins to stress Homophile Marriage I sort of shudder because it is simply removing one type of regulation that fits a certain percentage and replacing it by another.

I feel that ONE's basic purpose should be to develop better understanding of the homophile's problems. To simply furnish a "club" that could provide contacts and encourage further clannishness seems to me to defeat the basic purpose. We must realize, as the Negroes are beginning to see, that our world is so complex that no one phase can reach its ultimate or dominate the whole without being checked by other factors.

Mr. W.
Alhambra, California

Dear sir:

As a brother homophile organization, we feel we must protest the June cover, both the illustration and the "Let's Push Homophile Marriage." What are you trying to do to the homophile movement? Though intended, no doubt, to be satire, the cover illustration of the prancing, nelly faggots is beyond the pale.

If Dave Heyler had published such an illustration to illustrate his perverted idea of a homophile it might be understandable, but to have one of the oldest and most respected homophile organizations do so is beyond our understanding. Your Magazine is sold on newsstands throughout the country and such a cover can only make us seem ridiculous.

Can't you hear our enemies saying, as they read it, "For God's sake, the queers want to marry each other"? We did not find fault with the article itself; in fact there were many good points in it, but marriage to most people is a sacred rite performed by a clergyman or authorized civil authority and not something that we could be accused of making a mockery of by the heterosexual world.

DIONYSUS
Tony Foster, Secretary
Fullerton, California

Dear ONE:

Speaking as a reader I must tell that the cover of the June issue is more than I think admissible in bad taste. The appalling caricatures of homosexuals (which the chances

Tom's OSU

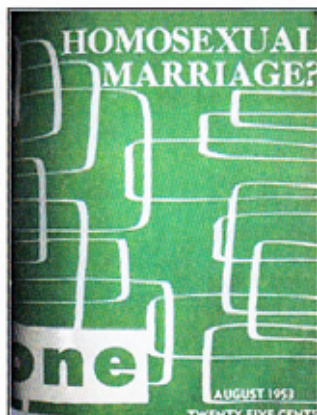
My personal notes on interesting things I've read

Search

Monday, December 16, 2013

Gay marriage discussion in 1953 vs. 1963 and today

PHOTO: ONE Magazine was ahead of its time when it mentioned the idea of "homosexual marriage" in 1953 long before "same-sex marriage" or "gay marriage" became a cause of some gay liberationists in the 1960s. The first article was by E. B. Saunders (pseudonym),



"Reformer's Choice: Marriage License or Just license?" ONE, Aug. 1953, cover, p. 10-12. It was edited by the former Oregon State University Professor W. Dorr Legg and warned that if homosexuals obtained equal rights and acceptance of society, then they would be expected to follow the existing social conventions of marriage, including complying with the then common state laws forbidding cohabitation (living together without being legally married) and laws against adultery and extramarital (having sex outside your own marriage) or premarital sex, including sodomy, which under Oregon law forbid all oral and anal sex even for heterosexual married couples. Ten years later, the same ONE publication, also edited by Legg, featured an essay by Randy Lloyd (pseudonym), "Let's Push Homophile Marriage," Jun. 1963, cover, p. 5-10. It advocated a more proactive agenda to promote the advantages of "homophile marriage" to "gain the acceptance of society" and it described the author's personal experiences and advice on how to meet another "homophile" to marry, other than by using the "Pen Pal" classified advertising section of ONE magazine that was often used by men to solicit sex partners

About Me



Thomas Kraemer

As I've gone blind over the last few years, I have been doing ethnographic research concerning people with a minority sexual orientation or gender identity.

[View my complete profile](#)

Tom's OSU Featured Links

p>

- [OSU School of Language, Culture and Society](#)
- [OSU Foundation Magnus Hirschfeld Fund](#) for research concerning humans or animals with a minority sexual orientation or gender identity
- [Oregon State University gay history](#) hosted by [OutHistory.org](#) founded by Jonathan Ned Katz at [City University of New York CLAGS](#) now hosted by John D'Emilio of the [University of Illinois Chicago](#) (See [Oregon State University gay history background](#))
- A copy of Thomas Kraemer, "Corvallis, Oregon State University gay activism 1969-2004," printed to PDF from [OutHistory.org](#) in 2010 is permanently stored by the [OSU Scholars Archives@OSU](#)
- [Oregon State University Pride Center history](#)
- [Jack Nichols biography](#) - my cover blurb and [Gay Today](#) posts
- [U.S. Patent number 5,883,639](#)
- [HP inkjet printers history](#)
- [POLST for Thomas Kraemer](#)
- [Obituary for Thomas Kraemer](#)
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Blog Archive

▼ 2013 (56)

in their hometown (which was also the feature of "The Advocate" magazine's classified section that paid most of their bills to print this early gay rights magazine). Both of these articles are consistent with the conservative philosophy of its editor, W. Dorr Legg, who later founded the present-day Log Cabin Republicans, and therefore I suspect that Legg was very influential in the writing of both articles (if not actually writing them himself) and the articles probably represented Legg's own learning and evolution about the joys of being married during the ten years between the articles. (See James T. Sears, PhD, "1953: When ONE Magazine, Headlined 'Homosexual Marriage,'" *GayToday.com* posted Aug. 11, 2003 and my previous posts *OSU W. Dorr Legg homosexual marriage 1953 vs. CA Prop 8 2010* (8/22/10), *Gay free speech victory 50th anniversary* (1/18/08), *Jack Baker gay marriage theory was right* (4/8/09) and *Slippery slope argument against marriage equality is predictable* (6/22/12)

In Sept. 1971, Jack Baker and Michael McConnell were the first same-sex couple in history to be legally married. They married under the State of Minnesota marriage laws that did not specify gender at the time and despite court challenges to validate their marriage, no court has ever ordered the annulment of their legally performed marriage, including a 1972 decision by the U.S. Supreme Court that marriage laws are only a matter of state law with no Federal interest.

A few months ago, in an email communication, Jack Baker mentioned that he and Mike had been inspired by the 1963 ONE article advocating gay marriage. I only recalled reading the 1953 article, which today, in hindsight, was clearly written in a way that would satisfy both the conservative readers of ONE, who believed in marriage, and their readers who mostly used the magazine as a means of finding "pen-pals" nearby their hometown they could hookup with for sex.

I hadn't read both articles in many years and so I was pleased to be emailed a scanned PDF copy of the original articles, but I was quickly disappointed when I realized the PDF copies did not have the OCR text included that I require for reading with my low vision blindness. So it took me awhile to find a friendly grad student to read me the text. Included below are some of the thoughts that occurred to me upon reading both the 1953 and 1963 articles:

First, I think it is too simple to ask, "Who Owns the bragging rights?" to being the first to inspire gay marriage as we know it today. In fact, in W. Dorr Legg's 1963 article, on p. 6, he takes a long view of history and credits the "modern concept" of "homophile marriage" as "a product of our current homophile movement that commenced in Germany in the 1800's." Gay marriage was discussed in the German books of Dr. Magnus Hirschfeld, until he died in the 1930's after the Nazis burned much of his work. Also, Legg's

-- clearly this was probably part of their legal fight for their First Amendment freedom of speech rights, which was at the center of attempts by society to censor any discussion of even changing the laws against homosexual acts. This is why I started the timeline for my history of OSU gay groups with the 1964 free speech movement of the University of Berkeley students, which a Corvallis resident participated in before he became an early leader of gay rights activity in Corvallis, Oregon. He was arrested for just showing a public display of affection for another man, something heterosexuals were doing with impunity. (See "Featured links sidebar to my blog and Thomas Kraemer, "Corvallis, Oregon State University gay activism 1964-2002." printed to PDF from OutHistory.org in 2010 is permanently stored by the OSU Scholars Archives@OSU.)

In the June 1963 article on p. 6, Legg talks about why there is a "lack of history regarding homophile marriage through history." He asserts there are no references to gay marriage in ancient literature, but much of it might have been intentionally censored or destroyed. The only thing surviving he says is the notion of the homosexual love between adolescent Greek Warriors that is only transient, and the Greek concept of ephebophiles (older man loving the post-puberty adolescent boy, not pedophiles as often mistakenly claimed) instead of two adult men who are married.

Also on page 7 he discusses the problems of gay men meeting somebody for marriage that he says is proven by the popularity of the "Pen Pal" section of ONE where gay men seek somebody to write to and meet in their area of interest. I note that the need to meet another gay person also helped to pay the bills in the 1970's for "The Advocate" magazine with the paid classified advertisements from men seeking men and this same need similarly helped to start up emerging internet technologies, including the dial-up modem precursors to the internet, such as AOL (America Online) chat rooms and bulletin boards that were often used by gay men to meet each other a few decades ago.

On p. 8, in the list of the author's advice for how to meet other gay men for marriage, the article mentions the now archaic "Wassermann" test for "VD" (venereal disease) and how to get one from a private doctor by telling him you want one because you met a woman and had too much to drink. Tragically, he could not have foreseen how then common sexually transmitted diseases would later morph into AIDS in the future. However, the author's advice to "keep clean" remains good today.

The writing in these two articles provides a glimpse into how things were for gay people over a half-century ago, but it may be hard for younger people who were not alive then to understand the social meaning of the laws and restrictions on sexual behavior, even though few people were arrested

magazine cites the possible example of the "homosexually married" Englishman Edward Carpenter. (Note: between 1953 and 1963, Legg had adopted the editorial convention of using the term "homophile" instead of "homosexual" for two reasons. First was for the legal and political reason of trying to separate the discussion of being "gay" (a slang term he uses in the Jun. 1963 article on p. 8 while referring to a "gay park" used for those seeking illegal "promiscuous" gay sex) from the person's sexual orientation. Second, Legg was an intellectual purist and hated the etymological mash-up of Greek and Latin in the word "homosexual.")

The 1953 article made the assumption that for homosexuals to gain acceptance by society that they would have to follow the same restrictive sex laws and gender roles of men being the dominant bread-winners and women being the submissive stay at home mother concerned only with procreation, reproduction and raising a family. The article did not anticipate the sexual revolution of the 1960's and the contemporaneous women's liberation movement that helped the gay liberation movement. When I talk to college-aged students today, I can tell it seems like a fantasy tale to them that at one time in America a male college student could be put in jail for shacking up with his girlfriend, and that laws on adultery, sodomy and monogamy were enforced strictly by society, even if only rarely did anybody end up in jail or other legal trouble. (See ONE, Aug. 1953, p. 10)

Of course, unknown to the gay liberationists of the 1960's and 1970's was that the 1960's "free love" freedom to have sex with a large number of partners would cause the AIDS virus to surface, which led to the discovery of the HIV and the politics of AIDS. The politics of AIDS is sometimes credited with causing a shift toward gay marriage rights instead of the agenda of some gay activists for sexual freedom. However, be warned that the politics of this subject are still too heated for many, today, and I can only briefly mention them in this post.

On page 11 of the Aug. article, Legg uses the idea of "special rights" that later became popular for Republican groups in America to use when arguing against homosexual marriage. He says the tension between promiscuity and marriage is an old one and explains how societal pressures against the sexual promiscuity of homosexuals works against homosexual marriages being publically visible and known. He also raises the idea that "heterosexual marriage must be protected" and could be threatened by the "acceptance of homosexuality without homosexual marriage ties . . ."

On page 12 of the Aug. 1953 article is an interesting legal disclaimer at the end of the article, clearly it was written by an attorney, asserting that nothing in ONE should be construed as encouraging anybody to do criminal sex acts

or put in jail. These laws were used as an excuse to deny gay people all of the normal rights in society, such as to being employed, much less married.

I am too blind and too weak to write anymore, but I hope to say more on this subject in the future.

See my previous posts

- [Gay Oregon Professor 1935 \(12/16/06\)](#)
- [FBI files on gay OSU professor 1956 \(7/7/10\)](#)
- [Dorr Legg OSU archives records 1935-1942 \(7/31/10\)](#)

Subject: Re: My Blog post on Gay marriage discussion in 1953 vs. 1963 and today

From: Jack Baker

Date: 2013-12-18 16:47

To: Thomas Kraemer

Attached Files

- 1973_New_York_Times.pdf (240 KB)

Thomas Kraemer, Founder
Oregon State University Foundation
Magnus Hirschfeld Fund

I quoted the following comment on my blog, with corrections as noted:

"In Sept. 1971, Jack Baker and Michael McConnell were the first same-sex couple in history to be legally married. They married under the State of Minnesota marriage laws that did not specify gender at the time and despite [two] challenges to [invalidate] their marriage, no court has ever ordered the annulment of their legally performed marriage . . ."

For the record, the County Attorney in both Blue Earth County and Hennepin County attempted to invalidate the license issued in Blue Earth County. The former bragged that he had invalidated the public document by defacing it, while the latter asked the Grand Jury to indict the minister who consummated it. According to *The New York Times*, a refusal to act guaranteed that the "Marriage Stays in Effect" [attached].

The remainder of the sentence is a non-sequitur. Essentially, we asked the high court to order the court clerk in Hennepin County to comply with the marriage statute as written. Part of the problem was that there was no "case or controversy" after Minnesota issued a license in Blue Earth County. As I recall, that was essentially the argument in the brief that was written by a U of M law professor for the Hennepin County Attorney.

--

Jack Baker, Esq.
Minneapolis, Minnesota, USA

On Tue, 17 Dec 2013 09:32:54 -0800
Corvallis Oregon <tevaboy@gmail.com> wrote:

> . . .

>

> I decided to write up my newest observations, after not having been able to read these articles for over a decade, in my following blog post:

>

> Gay marriage discussion in 1953 vs. 1963 and today (12/16/13 updated 12/17/13)

> <http://tomsosu.blogspot.com/2013/12/gay-marriage-discussion-in-1953-vs-1963.html>

> . . .

> Thomas Kraemer

Subject: Re: My Blog post on Gay marriage discussion in 1953 vs. 1963 and today (2)
From: Jack Baker
Date: 2013-12-18 19:42
To: Thomas Kraemer
Cc: Michael McConnell

"I hope to add a link to your blog page in my post as soon as possible."

Here is the link to your comments, as corrected:

<http://box8661.blogspot.com/2012/03/related-articles.html>

- - -

The confusion stems from the stickums Michael attached to the 1963 ONE article he donated to the *Tretter Collection*. My comments to you were derived from those notes, but he angrily dismissed the accuracy of what I wrote. He insists that what appears in "Marriage - my childhood dream comes true" reflects the facts as he remembers them.

However, the fact that he/we possessed a copy of something we never read suggests that there were others in Minneapolis who did read ONE articles. I've always wondered why the local new outlets were so supportive of what gay students at the U of M were doing on the gay agenda. Perhaps it was they, not us, who were influenced by the 1953 and/or 1963 ONE articles.

--

[Jack Baker](#), Esq.
Minneapolis, Minnesota, USA

On Wed, 18 Dec 2013 15:12:41 -0800
Corvallis Oregon <teva-boy@gmail.com> wrote:

> Jack, thanks for the clarification/correction -- I hope to add a link to your blog page in my post as soon as possible.

>

> . . .

>

> My question for both of you, based on what writing you have sent me, my post was updated to state that both of you were NOT inspired by the 1953 or 1963 ONE articles on gay marriage and you only read them much later. Is this correct?

>

> Thomas Kraemer