

Gays Fight Discrimination, Uncertain Laws

'My God... What's Going to Happen to the Rest of My Life?'

"Show me a happy homosexual and I'll show you a gay corpse."

—"The Boys in the Band"

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THE PEOPLE VS. NEWMAN

Terry Newman used to be a junior high school reading teacher and for some time had felt vaguely depressed, dissatisfied. The other teachers seemed to him an uptight, conservative lot, politically and professionally. Uptight together, they shut him out, he felt.

But they were just a small part of it, he thinks now. Projecting, it's called: looking for a scapegoat. There was something more personal, something that kept him ill-at-ease about the whole direction his life was taking. Or not taking.

He had just ducked a couple of friends, preferring to be alone. That was what he had said, anyway. He wouldn't be precisely alone for long, but then, in the way of such encounters, the anonymity was almost the same thing.

Funny, how you could satisfy the most intense personal hunger and retain almost total privacy, both at once. Give a false name, make up a few biographical details to ration out if the guy absolutely had to have some meaningful conversation, then never see him again.

And so — increasingly — he was back on Selma Ave., cruising, looking for a score among Hollywood's finest. There were many others, looking or waiting, walking nonchalantly, faces impassive, eyes like wounds—some sharp, some soft, but wounds.

Always the eyes. Takes one to know one, he had heard years ago; well, that was how—the eyes.

And there they were. That guy in the parked car looked interested. And interesting. So Terry got in on the passenger side, offhandedly (he hoped) remarking that it was chilly outside.

There were a few minutes of drop-the-hanky—the conversational ritual where each waits for the other to drop the seventh veil, tip his hand, unmask.

Then, cutting the preamble, the guy was asking, "What have you got in mind?"

"Well!" thought Terry. "This one IS direct."

So he told him, straight out.

Instantly he was yanked out the passenger door and told, "You're under arrest." Terry hadn't even seen the man approach; at first he was angry and thought, what a hell of a cute trick to play here on Selma, of all places; and then a swift needle of fear lanced him and he realized it was no joke.

Just as a nauseating void opened beneath his chest, his first thought winged far ahead, far away from the unreal scene.

"My God," he thought. "I'm going to lose my job. What's going to happen to the rest of my life?"

THE PEOPLE VS. TAYLOR

It had been a dull hearing and had droned on for most of the day in the small, windowless hearing room in the State Office Building.

But now, former Dep. Atty. Gen. Glenn Taylor is on the stand at his own dismissal hearing, and a silent rhythm begins to pulse through the room—the soft, insistent drumbeat of blood and adrenaline, the sound of waiting.

Taylor looks impassively, he hopes not warily, at the small collection of former coworkers, former superiors, friends, strangers. He is pretty sure they are all thinking the same thought beneath the everyday expressions:

This is kind of morbid, but fascinating. And it'll never happen to me. (I mean, how could it?) If Glenn is clever, he might save his job and just live with the lie. But who doesn't live with some kind of lie? That's just privacy. Or if he owns up to it, then he could lose everything. Except maybe self-respect. Wonder what he'll do . . .

The questioning is routine, polite, so occupied with innocuous details that one begins to wonder if the cross-examiner, himself a deputy attorney general, wants to drag a former associate through the embarrassment of the thing at all.

And then it comes, so that the question, laid quietly into an open space in the conversation, has the effect of a grenade going off in an echo chamber.

"Are you a homosexual, Mr. Taylor?"

There is a hot feeling in the ears, a kind of dull roaring sound inside the skull, and a sudden release of adrenaline that at once dizzies Taylor but also enables him to sit tight, clutch inwardly at his composure and not give way to the trembling that is trying to race along his nerves and muscles.

It goes so fast—the question, the abrupt silence while Taylor steels himself for this new direction the hearing has taken, his quick glance at all those curious eyes, and then his answer in that silent room, the words like stones falling into a chasm: "I am."

Laws governing sexual behavior seem clear enough in written form, but in practice charges covering misbehavior dip into gray areas subject to a variety of interpretations.

It was on Aug. 20, 1972, a Sunday, that Glenn Taylor went to the party that diverted—or perhaps finally channeled—the current of his life.

It was a private fund-raiser for HELP, Inc., the Homophile Effort for Legal Protection. It was held in West Los Angeles at a gay bar called the Black Pipe.

Taylor got there around 5:40 p.m. and, noting that the bar was closed to the general public and given over entirely to the HELP benefit, paid the \$2 admission charge.

He wandered around the rear patio for about five minutes and then entered the bar itself. Two friends soon arrived, and he and one friend moved to the bar to talk. They were unaware of being watched by a balding, blond man of about 40 in a blue shirt and trousers and denim jacket.

They only talked, and only briefly. Taylor insists today, but the blond man, a Los Angeles Police Department vice officer, later testified that Taylor and his friend kissed and fondled each other, in violation of the California Penal Code.

About 10 minutes after Taylor and his friend separated, the blond officer and three other plainclothesmen circulating through the party were augmented by five more plainclothesmen and 10 uniformed officers, and the arrests began.

Taylor later testified that as the arrested men were handcuffed and led to a police van parked at the rear, he heard one officer call, "We've got room for two more." Another man, and then Taylor, were taken along, making a total of 21.

His first reaction, he recalls, was to say, "You're kidding." But being a lawyer, he quickly realized they were not. "I was in a gay bar, and since it was, I was pretty sure what the charge was going to be."

He guessed right.

Section 647 (a) of the Penal Code outlaws "lewd behavior"—by any gender—in public. That seems clear enough.

In practice, however, the charge does take some thinking about, in these liberated days, and the four-square language of California's 1872 Penal Code goes gray and slips through the fingers like smoke.

Sexual "behavior" covers a broad range, all the way from good, clean coeducational fun to outright fornication on the city hall steps. The point at which it becomes misbehavior depends in part on:

—The eye of the beholder, or majority of beholders, and the tolerance points they occupy on their own sliding scales of moral values—very few of which, if any, are quite alike.

—Who you are. At both private and public social functions, kissing between men and women and between women threatens to replace the handshake as a form of greeting. Nobody says "My stars!" Nobody thinks the women are lesbians. Nobody calls the vice squad. But if two men should greet each other that way, it had better be on both cheeks and they had better be Frenchmen.

—Where you are. You may carry on as you please in your own bedroom, so long as the shades are drawn. Some sex acts are forbidden, even between husband and wife, by other sections of the Penal Code. But by tacit agreement, law enforcement turns a permissive eye toward all bedrooms, even homosexual ones.

Which turns the question to the public character of other places.

Technically, a mixed bar, gay bar, porno theater, massage parlor or bathhouse is no more or less public (unless it's a private membership club) than the House of Pies or the Sports Arena. Different things do happen in them, of course, but the law draws no distinction; they are equally public.

And yet . . . some would appear to be more equal than others. At a concert, for instance, if you were so transported by Beethoven's Sonata Op. 57 (The "Appassionata") that you surreptitiously groped your companion's thigh—male or female—it is unlikely that any vice officer would be present to observe. Or if so, to care.

But the Black Pipe—now out of business—is another story.

Raids on gay bars invariably bring cries of "selective enforcement" from the gay community and denials from police, who point out that the law is there to be enforced, wherever and whenever it is broken. And it is only common sense for them to patrol most heavily the location where experience or tips indicate the law is most likely to be broken.

Yeah, say the gays, and isn't that selective enforcement?

And so it goes.

Enter Al Gordon, an attorney, whose mission is to make the world safe for gays.

Gordon, 57, cites a 1973 study by two law students—Barry Copilow of USC and Thomas Coleman of Loyola—of all Section 647 (a) arrests by the LAPD from June through September, 1972.

Of a total of 781 such arrests, Copilow and Coleman compiled data on 663—118 reports were unavailable and the Black Pipe's 21 were excluded.

Of those 663 "lewd conduct" arrests, only 17 were women, 12 of them prostitutes. Of the 663, only five arrests were based on civilian complaints, two by the same man, a department store security officer. Fifteen arrests were made by uniformed police and 642 by plainclothesmen or vice officers.

Copilow and Coleman also cited an interview with a police spokesman who, describing vice squad functions, referred to such areas as gambling, prostitution, lewd conduct and homosexuality.

(But, the authors noted, homosexuality itself is not outlawed by the Penal Code.)

The same spokesman, the authors reported, said that the "fruit details" usually worked at night.

Copilow and Coleman also noted that in statewide hearings in 1972 on a revised Penal Code, the LAPD adopted an advocacy position only on the issue of homosexuality, one officer testifying:

"Historical evidence has shown that homosexuals are prone to violence and other forms of criminal conduct, most notably public lewd-

ness and the seduction and molestation of adolescents and children."

He also testified:

"Considering the stable, often criminally compulsive nature of many homosexuals, it is not unreasonable to suppose that, given the sanction of legality and the aura of respectability, the magnitude of the homosexual problem would proliferate beyond anything now visualized."

LAPD Chief Edward M. Davis has also made his position clear on the matter, most notably in a 1971 letter to Councilman Arthur Snyder, in which Davis wrote:

"I, naturally, feel sorry for anyone afflicted with such a faulty development of his personality and sense of values when he finds himself to be a homosexual. It's one thing to be a leper and it's another thing to be spreading the disease."

Again last year, Davis reiterated his view in a dispute with City Atty. Burt Pines. Davis opposed AB-992, a proposal by Assemblyman Willie Brown (D-San Francisco) to abolish criminal penalties for private sex acts between consenting adults.

Davis expressed no opinion on heterosexual activity forbidden by existing law, but concerned himself solely with homosexual behavior, citing at least one study that, he said, "has indicated that a adult homosexuals attempt to seduce young boys," and suggesting that lifting sanctions against homosexuality would be tantamount to an endorsement of it.

"That doesn't even make sense," insists Newman. "That's just the old idea that homosexuals are so rabid they'll go to bed with men or boys or even goldfish. Homosexuals are just as conservative as anyone else in staying with what they like."

"Me, I like men, not boys. And suggesting that there's a natural tendency to go from men to little kids is like saying that any normal heterosexual man who likes women has a dangerous tendency to graduate to little girls."

While the communicability of homosexuality is a matter of doubt in some quarters, the American Psychiatric Assn. late last year adopted the position that homosexuality, by itself, would no longer be treated as a crime, a disease, or aberration, but simply as an alternative way of being—just another color on the sexual palette, albeit one that can trigger other maladjustments and societal dislocations.

Whatever its true nature, authors Copilow and Coleman concluded from their statistical breakdown of arrests, and from interviews in which discussion of "647 (a) arrests" invariably slid to the word "homosexuality," that homosexuality itself was an LAPD preoccupation in lewd conduct arrests.

Whether it is or not, and whether Section 647 (a) is enforced selectively or not, will be disputed for years to come. But Taylor will always wonder: why did that vice officer have to be at the Black Pipe that August night instead of somewhere else? And Newman: what was that vice officer waiting for on Selma Ave.?

But then, maybe things really do work out for the best, after all

It is difficult for Terry Newman to recreate today the state of mind he was in for the first months, even years, after his arrest.

Now he seems well pulled together and getting better.

But it took a long time—years on an emotional roller-coaster that whipped him past two suicide attempts, three psychiatrists and a frightening dependence on pills to cheer him up, to slow him down, to sleep, to wake and somehow keep the body's chemistry in an unstable truce with itself.

Newman, 36, was arrested in June, 1966, and passed the rest of that summer in mortal shame.

"I'd always regarded homosexuality as an illness and just accepted society's judgment on people like me. I just felt numb and helpless and waited for my

fate to be handed to me, like it or not.

"State law requires that arrests for morals charges be reported immediately if you have a job with any kind of state license. So I was immediately suspended from the classroom—so I wouldn't 'contaminate' all those little kids that I wasn't the faintest bit turned on by—and then sent up for a hearing before the school board.

"Meanwhile, I was transferred to the administrative end and worked up a reading and history program for the city's junior high schools. My hearing was supposed to have been in June of 1968—I lived with this thing all that time—but I finally just let my credential lapse. I didn't resign, I wasn't fired. I just let it die."

Newman gradually worked his way into the custodial industry and now makes enough of a living to support his law studies and his ongoing psychotherapy.

"That," he says, "has been a real trip. The first shrink I went to, back in the late 1960s, treated my homosexuality as an illness in itself and gave me all this cultural garbage about my inadequacy and 'Is it possible for a fairy to be happy?' and what could we do to make me go straight . . . It was just bad therapy."

By 1971, Newman was in real trouble, overdosed twice on pills, changed psychiatrists and "was just generally flipping."

"But around this time I started to be aware of the gay activist movement, and the fact that THEY weren't going around apologizing for just being alive, and then I got tipped onto my present psychologist, Newton Dieter, who is gay himself and doesn't treat homosexuality like a disease. He gets you over that and on into the real problems—the neuroses that you naturally develop from growing up gay in a straight world.

"Gradually I stopped wandering around through life, and by 1972 I was getting enough motivation back into my own life that I decided to go back to law school. And

I'm still in treatment, but I'm getting more and more to like myself better.

"It's sort of a personal liberation movement. I'm a nice guy, I think, and basically sort of establishment and conservative, and I don't want to hurt a living soul."

Taylor, arrested more recently, is not as far along as Newman is in warding off the hurt. Becoming accustomed to thinking of himself as homosexual, once and for all, is not easy.

"Until I was arrested," he says, "I was in the closet, and somehow I never was forced to come to terms with homosexuality. I really thought I could keep my options open and just decide to go straight someday."

His manner as he talks— one day after the dismissal hearing—reminds one somehow of a man convalescing from surgery. There is a distinct impression that he still feels that in some way the "normal" part of his life has been amputated and he is left to construct a life out of miscellaneous, leftover parts which he had until now considered defective.

It is slow, but he is trying, and he says it gets easier as he moves farther into the gay world and learns that not all of its members are effeminate screechers, that it is still possible to be quiet and dignified and private.

Taylor is in private law practice now, getting along OK, and appealing his conviction in the scant hope of forcing the attorney general's office to reinstate him.

Taylor's conviction was in itself a legal curiosity.

As is more and more the case with such arrests, the city attorney's office was willing to plea-bargain the charge down to a lesser offense—in Taylor's case, disturbing the peace. Taylor then entered a plea of no contest, legally equivalent to a guilty plea.

Ironically, Taylor's accused coparticipant in the case pleaded not guilty, got a hung jury and saw the case dismissed.

Taylor today is rueful that he followed his ear-

lier attorney's advice rather than fighting the charge. He has been unsuccessful in his efforts to withdraw the plea.

Meanwhile, he is on two years' probation, with the condition that he not mingle with any known homosexuals and that he keep out of public parks.

The conditions for a time devastated Taylor's own concept of himself.

"There I was, a deputy attorney general specializing in health care plans and the public good. I certainly never considered myself a dangerous person or a menace to children. It's so humiliating to be forbidden to do something that it never, ever occurred to me to do."

Taylor's problem is illustrative of the not-quite-opposed, not-quite-matched views of two men who are openly sympathetic to the situation of gay people: City Atty. Pines and private attorney Gordon.

Pines, 33, takes pride in the claim that he is the first head of any state prosecution agency to support AB-992, Brown's consenting adults bill.

"I have no compassion or sympathy in any case involving the use of force or involving children," Pines told The Times recently.

"But I am sympathetic to the problems of the gay majority, who are just as law-abiding as anybody else and deserve treatment as first-class citizens. And I would include gay bars as falling under the definition of private activity under the provisions of AB-992."

Pines said his office, for the first time in city history, has established regular communications with the gay community, and that his office got a court ruling on city personnel practices, in that homosexuality itself is no longer a valid reason to disqualify any employe or job applicant on a medical basis.

And Pines confirmed that his office increasingly favors plea-bargaining as a means of disposing of 647 (a) arrests.

Any man convicted of lewd conduct of any sort must register as a sex offender for the rest of his life, wherever he moves. In most cases of conviction, Pines said, the man is unfairly stigmatized.

"But lately," he said, "we have been seeing more cases dismissed, and we have the discretion to grant plea bargains to much lesser offenses, such as trespassing or disturbing the peace, in which the man receives a much shorter probation or sometimes none at all. And then he doesn't have that awful conviction on his record."

Reenter Al Gordon, who points out, "OK, so the conviction itself is for something that sounds relatively innocuous—as it should. But there's always that arrest report. And by law, that report follows you around for the rest of your life, carefully being reported to everyone to whom you apply for a job. So in the end, you don't just pay for your offense once and then go on living. You pay over and over and over. No other misdemeanor arrest carries all the penalties of a 647 (a) arrest."

Pines agrees that for such a situation to be eliminated, records of misdemeanor convictions and the arrest reports on which they were obtained would have to be sealed—and perhaps should be.

Gordon comes by his interest in homosexuality honestly—he is happily married, the father of grown twin sons, one of whom was arrested for soliciting a vice officer several years ago, when Gordon still assumed there

were men and there were women and that was that.

"My whole world just fell apart," Gordon said. "I'd always had the normal stereotype of a homosexual as a child-molester or somebody effeminate. When my own son was arrested, I just couldn't believe it was true, because he was neither of those things."

"You can't imagine the horror we went through. Emotionally it was the most traumatic experience of our lives. I had so much guilt, and wondered if it was something I had done, or something I could have done differently. The guilt went through our whole family."

Gordon and his homosexual son were on cool terms for several years after the arrest. For a time Gordon and his wife separated.

Ultimately, after the outcast son had sent several gay friends with legal problems to his father, Gordon began to thaw. And one night he finally unloaded the question on his son: "Are you gay?"

"Yes," he answered, and Gordon said, "OK, that clears it up for me. It just took me a long time to believe it." Then, Gordon goes on, his eyes a little blurry, "I asked him if he would pardon me for what

I had done in the past to him. He did, and we both cried. He is a good son. He's my son—mine and Lorraine's."

Gordon muses a while—not the legal warrior, fighting on behalf of a much-unloved minority, but the stunned father, thinking what it was like, back then, that day he looked at his own son and saw a stranger, and the day the stranger became his son again.

"I was the one who changed," he says softly. "So much pain, for all of us. But it was worst for him. Why should anybody have to go through all that . . .?"