

“We’re Here, We’re Queer,
We’re in the Public Record!”:
LGBTQ Life and Culture as Seen
Through Government Information

A photograph of the White House at night, illuminated with rainbow-colored lights. The central portico is lit with yellow and green, while the wings are lit with blue and purple. The sky is dark, and the overall scene is festive and celebratory.

Jesse Silva
UC Berkeley

Kelly L. Smith
UC San Diego

Brief Outline

- Methodology for surfacing documents
- Audience participation
- Selected Docs from 1789-WWII
- Impact of WWII
- Selected Docs from Post-WWII
- Selected Docs from 2017-2018



Methodology

- Books and articles on LGBT history
- Full-text searching of PQ Congressional, LN Academic, American Presidency Project, HathiTrust, etc
 - Pre-WWII: buggery, sodomy, pederasty, sexual perversion/inversion, hermaphrodite, homosexual, (homosexual coined in 1860's), sapphic, lesbian
 - WWII-present: homosexual, homophile, gay, lesbian, bisexual, GLB/LGBT/LGBTQ/LGBTQx, sexual orientation, sexual/affectional preference, cross-dresser, transvestite, transsexual, transgender, CIS, etc
 - Problem terms: hermaphrodite, gay, queer, lesbian (at times)



When did these terms first appear in the major U.S. documents?

- Terms
 - Homosexual
 - Lesbian
 - Bisexual
 - Transgender
- Major Documents from the Three Branches
 - Congressional Record
 - Public Papers of the President
 - Supreme Court Opinions



Homosexual

- Congressional Record
 - Jan 19, 1927. Homosexual mentioned by Rep Kindred (NY) in reference to studies done on “sexual rejuvenation”
- Public Papers of the President
 - June 19, 1975. Ford gave a Special Message to Congress on Crime. He references “homosexual rape” happening in prisons
- Supreme Court Opinions
 - 1952. Sweeney v. Woodall.
“He offered to prove that on entrance to the prison he was forced to serve as a ‘gal-boy’ or female for the homosexuals among the prisoners. Lurid details are offered in support of these main charges.”

Lesbian

- Congressional Record
 - Feb 8, 1927 Lesbian mentioned by Rep Wilson (MS), in reference to a list of “dirty” plays in New York City.
- Public Papers of the President
 - June 6, 1991. GHWB asked about the Episcopal church ordaining a lesbian. GHWB is Episcopalian
- Supreme Court Opinions
 - 1964. *A Quantity of Copies of Books et al v. Kansas*. State attorney general obtained a court order under state law to seize and burn obscene books, including the title *Lesbian Love*. Supreme Court found the seizure was unconstitutional.

Bisexual

- Congressional Record
 - Feb 20, 1945. Extension of Remarks (Appendix) by Joseph Clark Baldwin (NY) in reference to Caligula and the downfall of Rome.
- Public Papers of the President
 - June 1, 2009--Obama proclaims June 2009 as Lesbian, Gay, Bisexual and Transgender Pride Month
- Supreme Court Opinions
 - 1967. Boutilier v. INS. Boutilier was deported for being “constitutionally psychopathic.” Bisexual is used in reference to reviewing expert opinions on psychology.

Transgender

- Congressional Record
 - July 25, 1994 Sen. Helms (NC) complains about NEH funding an LGBT Film Festival in Minneapolis, MN
- Public Papers of the President
 - June 1, 2009--Obama proclaims June 2009 as Lesbian, Gay, Bisexual and Transgender Pride Month
- Supreme Court Opinions
 - 2012. Minneci, et al., v. Pollard.
Appears in reference to courts ruling special populations like transgender inmate must be kept from foreseeable harm by other inmates

Pre-WWII Documents



1873 Comstock Law

- "Suppression of Trade in, and Circulation of, Obscene Literature and Articles of Immoral Use"
- Prohibited the possession of and use of the Post Office to send:
 - Erotica
 - Contraceptives
 - Abortifacient
 - Personal letters containing sexually explicit information
- Long lasting negative effects on many issues dealing with sexuality and reproduction



Sodomy and Chinese Exclusion

- *Report of the Joint Special Committee to Investigate Chinese Immigration.* (1877)
 - Testimony of Rep. Piper (CA):

Q. You spoke of their practice of sodomy on the voyage over?—

A. Yes, sir.

Q. Have you in your mind a single case, or is it a habit?—A. It is a habit. I would say that I have had sometimes thirty or forty Chinese boys leaving Hong-Kong apparently in good health, and on the voyage over, before arriving here, a voyage of two months, I have found them afflicted about the *anus* with venereal diseases. I have examined them and compelled the Chinese doctors to disclose what it was, and they admitted that it was a common practice among them. I have seen them in pollution quite frequently on ships, and often on shore in China, where it is a common practice, a common habit; I have seen it.



Lesbian Murderer

- *Transactions of the first Pan-American Medical Congress, held in the City of Washington, D. C., U. S. A., September 5, 6, 7, and 8, A. D. 1893.*

data of alienism for sometimes even an uncertain decision. Dr. Shrady says: "

The young woman was afflicted with an affection which Science, with a big S, calls psychopathia sexualis, and pronounces the subject a victim of a perverted sexual instinct. The pervert in this case attached herself to a Sapphic friend, whom she killed one day in a fit of jealous fury. On trial, the defense of insanity was made. The medical experts were, we believe, unanimous in pronouncing the case one of a primary degenerative insanity, and the jury brought in a verdict of insanity.

We do not wish to contradict the combined testimony of so many alienists with reputations evidently very high in Memphis. Technically, perhaps, the girl was best considered insane; but we can not avoid believing that if this alleged lunatic had been treated for worms, leucorrhoea, constipation, or some other of the frequent mechanical excitants of unhealthy sexual desire, or if she had been taken in hand early by those in authority and received a course of bread and water and, perhaps, some strong corporeal applications, she would not have become a Lesbian lover or a murderess. (Possibly, but this girl did become so and she was insane.)

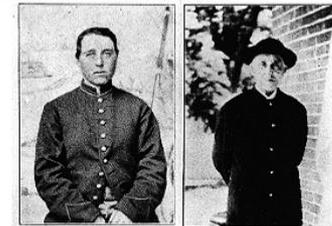


Albert Cashier (aka Jennie Hodges)

- Civil War soldier
- Discovered to have been born a woman in 1911, not the only one.
- Soldiers he fought with wrote letters in support of Cashier receiving his military pension
- Confined to a mental institution and forced to wear a dress after discovered to be a woman.



Only By Accident...



ALBERT D. J. CASHIER ALBERT D. J. CASHIER

(Photo Courtesy of the Illinois State Historical Library.)

What Was the Best Kept Secret of the Civil War?

Worthy of serious consideration would be a highly successful deception accomplished by an obscure soldier that fought at Vicksburg and throughout the Civil War. The perpetrator of this ingenious bluff was carried on the roll of Company G, 95th Illinois Regiment as Pvt. Albert D.J. Cashire, according to the official report of the Adjutant General of the State of Illinois. The same name appears on a roster plate mounted on the interior wall of the Illinois Memorial in Vicksburg National Military Park. Other sources spell the surname *Cashier*. This spelling applies to this veteran's tombstone erected in 1915 by the War Department.



Immigration Act of 1917

- *Immigration laws: Act of February 5, 1917 : rules of May 1, 1917.*
 - Sec. 3 prohibited “persons of constitutional psychopathic inferiority”
 - According to Chin and Vilazor (2015):

Prevailing pseudoscience at the time held that homosexuality was a psychological ailment, and thus the Immigration and Naturalization Service (hereinafter INS) held that homosexuality was evidence of “constitutional psychopathic inferiority” and grounds for exclusion.¹⁴ Keeping in mind that homosexuality would not become listed as a “sociopathic personality disturbance” until Volume 1 of the Diagnostic and Statistical Manual of Mental Disorders (hereinafter DSM-1) in 1952, it is interesting that the 1917 Act never actually mentions homosexuality.¹⁵ At a time in history when the moral depravity of homosexuality was not even publicly debatable, it is additionally strange that Congress chose to include homosexuality among the medical exclusions rather than the “moral exclusions,” such as prostitution.



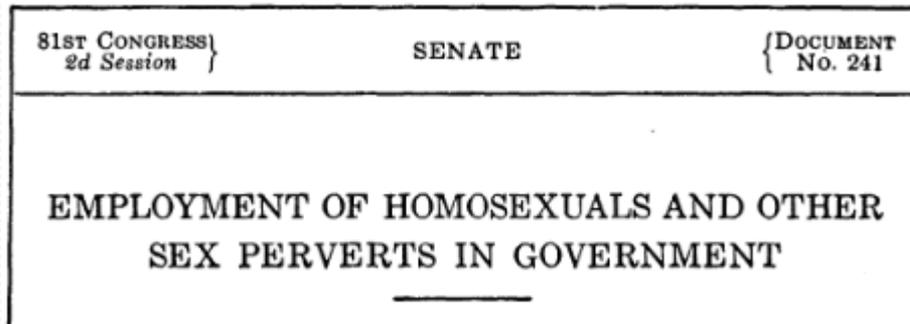
World War II

- Major social upheaval in the U.S.
 - Massive migration of men and women across the country and around the world
- End of war, many people stayed in the major port cities
 - Better social and economic opportunities
 - Did not have to go back to their hometown
 - Major port cities include NYC, LA, SF
- Homophile organizations begin in LA, SF and NYC



1950's "Lavender Panic"

- Numerous hearings and reports about the employment of homosexuals in the federal government
 - Homosexuals seen as a security risk, could be blackmailed



EMPLOYMENT OF MORAL PERVERTS BY GOVERNMENT AGENCIES

MAY 25 (legislative day, MARCH 29), 1950.—Ordered to be printed

Mr. McCLELLAN, from the Committee on Expenditures in the Executive Departments, submitted the following

Senator Hoey. This is a continuation of the hearings we had before in which we are investigating the homosexuals and what effect they have upon the Government as a security risk and the general subject like that.

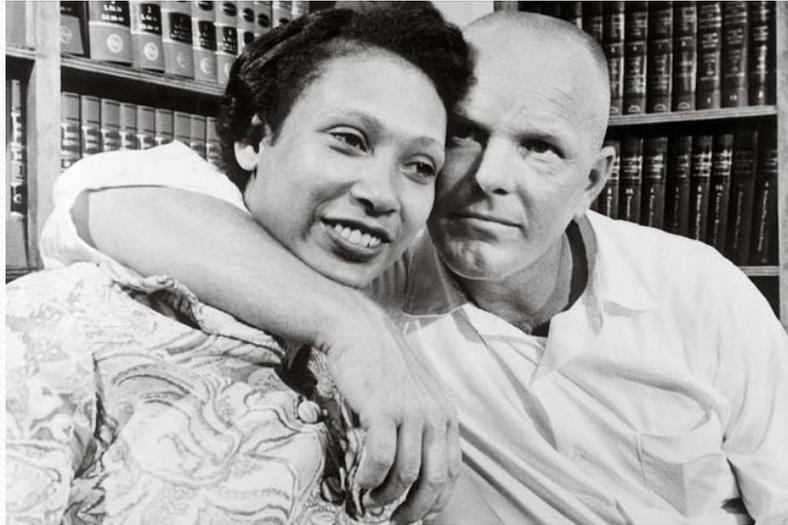


1958—Supreme Court Offers a Glimmer of Hope

- One, Inc v. Olesen
 - First SCOTUS case dealing with homosexuality.
 - Post Office declared ONE magazine obscene under Comstock laws and therefore unmailable.
- The entire opinion:
 - 241 F.2d 772, reversed. Eric Julber for petitioner. Solicitor General Rankin, Acting Assistant Attorney General Leonard and Samuel D. Slade for respondent. PER CURIAM. The petition for writ of certiorari is granted and the judgment of the United States Court of Appeals for the Ninth Circuit is reversed. Roth v. United States, 354 U.S. 476.



1967: Loving v. Virginia



“Marriage is one of the “basic civil rights of man,” fundamental to our very existence and survival.... To deny this fundamental freedom on so unsupportable a basis as the racial classifications embodied in these statutes, classifications so directly subversive of the principle of equality at the heart of the Fourteenth Amendment, is surely to deprive all the State's citizens of liberty without due process of law.”



June 28, 1969 Stonewall Riot

4 POLICEMEN HURT IN 'VILLAGE' RAID: Melee N
New York Times (1923-Current file); Jun 29, 1969;
ProQuest Historical Newspapers: The New York Times with Index
pg. 33

4 POLICEMEN HURT IN 'VILLAGE' RAID

Melee Near Sheridan Square
Follows Action at Bar

Hundreds of young men went on a rampage in Greenwich Village shortly after 3 A.M. yesterday after a force of plain-clothes men raided a bar that the police said was wellknown for its homosexual clientele. Thirteen persons were arrested and four policemen injured.

The young men threw bricks, bottles, garbage, pennies and a parking meter at the policemen, who had a search warrant authorizing them in investigate

N.Y. Homosexuals Protest Raids

The Washington Post, Times Herald (1959-1973); Jul 1, 1969;
ProQuest Historical Newspapers: The Washington Post
pg. E2

N.Y. Homosexuals Protest Raids

NEW YORK, June 30 (AP) — Police cleared the streets in the Sheridan Square area of Greenwich Village early Sunday as crowds of young men complained of police harassment of homosexuals. Three persons were arrested.

The Stonewall Inn has been the focal point of the disturbances since a police raid early Saturday and an ensuing melee resulted in 13 arrests and injuries to four policemen.



1970's

- *Equality Act of 1974*
 - “Prohibit discrimination on the basis of sex, marital status, and sexual orientation”
- *Pro and Cons of Legalizing Victimless Crimes*
 - 1975 CRS Report
- *Civil Rights Amendments of 1975*
 - To prohibit discrimination on the basis of *affectional or sexual preference*, and for other purposes.

93RD CONGRESS
2^D SESSION

H. R. 14752

IN THE HOUSE OF REPRESENTATIVES

MAY 14, 1974

Ms. ABZUG introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To prohibit discrimination on the basis of sex, marital status, and sexual orientation, and for other purposes.



Equal Rights Amendment

- *Equal Rights Amendment to the US Constitution*
 - “Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex”
 - Failed to gather enough states for passage
 - Carter: “The main obstacle to the ratification of the ERA in Illinois and in Georgia and in the other States that have not yet made this decision is the allegation that it is only supported by radical kinds of people. And the question of homosexuality and the question of abortion and religious beliefs and the sharing of restrooms and the destruction of families—these artificial arguments are put forward, and they can best be knocked down by a person who's known to be sound and committed and balanced and patriotic, with a stable family and a good job. Those are the kinds of people who must speak out.” (1980)



1980-Present: Many Documents



Federal Response to HIV/AIDS

- Vast topic to cover—many books, documents and articles.
- See aids.gov timeline: <https://www.hiv.gov/hiv-basics/overview/history/hiv-and-aids-timeline>
- Reagan did not say AIDS in public until 1987
- AIDS prompted the U.S. to talk about sexuality and health.



1980's Continued

- Congress
 - NEH/NEA Funding War (1980s-1990s)
- Supreme Court
 - Bowers v. Hardwick (1986)



1990's Lowlights

- *1990 Decennial Census*
 - For those who reported as same-sex married couples or unmarried partners, one partner was changed to the opposite sex.
- Continued fights over NEH, NEA, HIV/AIDS funding.
 - Some really nasty public comments by Helms (NC), Dornan (CA) and others
- *1993 Don't Ask, Don't Tell*
- *1996 DOMA*



1990's Highlights

- *Immigration Act of 1990*
 - Removed homosexuality as grounds for exclusion
- 1990 *ADA*
 - Transvestism does not constitute a mental disability
- 1994 *ENDA*
 - First time this kind of bill gets a hearing
- 1996 *Romer v. Evans*
 - Discrimination that singles out LGB people is a violation of the 14th Amendment
- 1999 First Presidential Proclamation of Gay Pride Month



2000-2016 Lowlights

- 2000 *Boy Scouts v. Dale*
 - Boy Scouts have a constitutional right to ban LGBT because of its 1st Amendment protected right to expressive association
- Various amendments proposed to the U.S. Constitution against same-sex marriage, including support from President GW Bush.
- No recognition of Gay Pride Month during the Bush presidency.
- Many people removed from military service during a time of war under DADT
 - 2001 Army comic book
- Congressional Scandals



2000 to 2016 Highlights

- Census
 - 2000: Sex is not changed in same-sex couples reporting as married, but relationship is changed to unmarried partners
 - Data on same-sex married couples available from 2010-present
- 2011 Dept of Ed hosts first LGBTQ Youth Summit
- 2014 EEOC files lawsuits on behalf of two transgendered people
- 2016 DOJ issues letter on transgendered students
- Since 2009, many agencies issue rules and guidelines on LGBT issues



2000 to 2016 Highlights: Congress

- 2009 *Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act*
 - Expanded federal hate crimes protections to sexual orientation and gender
- 2010 Repeal of DADT



2000 to 2016 Highlights: SCOTUS

- 2003 Lawrence v. Texas
 - Same-sex sodomy laws are unconstitutional
- 2013 United States v. Windsor
 - DOMA is unconstitutional
- 2015 Obergefell v. Hodges
 - 14th Amendment requires states to issue marriage licenses to same-sex couples



2000-2016 Highlights: President

- 2009-2016 Obama declares June LGBT Pride Month
- 2009 Obama issues memorandum to extend benefits to same-sex partners to federal employees
- 2011 U.S. presses for LGBT human rights around the world
- 2015 White House lit up in rainbow colors for Obergefell decision
- 2016 Stonewall Inn to become a National Monument



2017 - Trump Administration

- LGBT content removed from federal websites
 - White House, DOL, State Dept., HHS
- Data collection ignores LGBT community
 - NSOAAP, NCVS, Census 2020/CBAMS
- Census 2020 –identify “opposite sex” or “same sex” husband/wife/spouse/unmarried partner

2 How is this person related to Person 1? Mark (X) ONE box.

<input type="checkbox"/> Opposite-sex husband/wife/spouse	<input type="checkbox"/> Father or mother
<input type="checkbox"/> Opposite-sex unmarried partner	<input type="checkbox"/> Grandchild
<input type="checkbox"/> Same-sex husband/wife/spouse	<input type="checkbox"/> Parent-in-law
<input type="checkbox"/> Same-sex unmarried partner	<input type="checkbox"/> Son-in-law or daughter-in-law
<input type="checkbox"/> Biological son or daughter	<input type="checkbox"/> Other relative



2017 – Trump Admin, cont.

- Withdrawal of Title IX guidance on transgender students/restrooms
- Proposed military ban on transgender personnel
- Masterpiece Cakeshop, LTD v. Colorado Civil Rights Commission



Want to read all these and more?

Check out the Libguide:

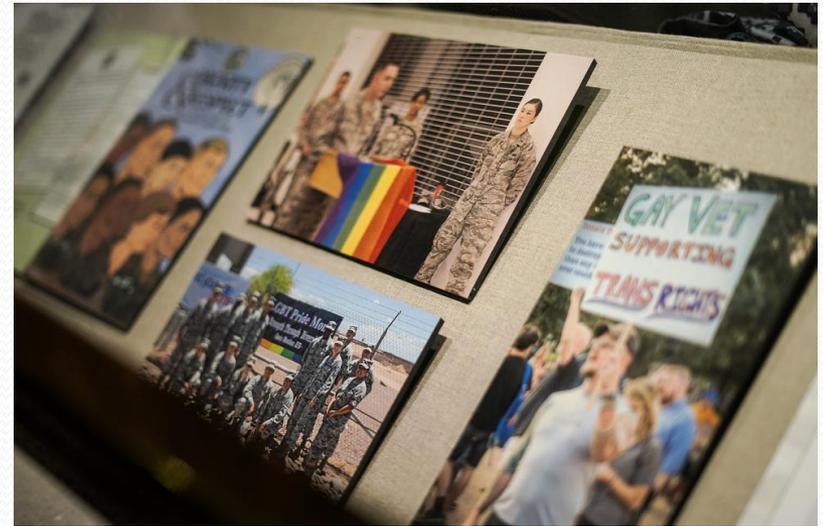
<http://ucsd.libguides.com/lgbtdocs>

or:

<http://bit.ly/2fUQoXn>



If you are in Berkeley this summer...



Questions and Thank You!

Jesse Silva
UC Berkeley
jsilva@library.berkeley.edu

Kelly L. Smith
UC San Diego
k5smith@ucsd.edu

