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by Daniel Tsang

In the last issue, this writer presented documentation on police raids against homosexuals at the University of Michigan's Ann Arbor campus in 1959-60. The raids continued; part 2 focuses on events in 1962.

On May 18, 1962, the *Ann Arbor News* ran the following headline on page 19: 16 ARRESTED AS HOMOSEXUALS: *'Plainclothes Ann Arbor police officers on special assignment on the University campus have in the past month arrested 16 persons on homosexual charges. All the arrests were made in various men's restrooms in University buildings. The cases against the 16 defendants are being processed through Municipal and Circuit Court. Six of the suspects appeared in Circuit Court today. All have given statements to police admitting the charges against them, Police Chief Roland J. Gainsley said.'*

'The chief said most of the men arrested are University students although there are several professional men and two faculty members. All are charged with attempting to procure an act of gross indecency between males. The latest arrests are a continuation of local prosecution of homosexuals which has included 31 arrests in 1959 in University restrooms. In 1957 officers arrested more than 25 persons on homosexual charges in a West Park restroom.'

Over a month later, the campus *Michigan Daily* ran front-page stories on two consecutive days reporting the anti-homosexual crackdown. The stories were made known to homosexuals nationwide in the September 1962 issue of *Mattachine Review*. They are reprinted here: [they originally appeared in the *Michigan Daily* June 28 and 29, 1962]

POLICE, 'U' CRACK DOWN ON HOMOSEXUAL ACTIVITIES

'U' Administrators Discuss Legal, Moral Responsibility

(EDITOR'S NOTE — This is the first of a two-part series on homosexuality.)

By DENISE WACKER and PHILIP SUTIN

Two years ago the Ann Arbor police maintained a four-week surveillance of University facilities in an effort to curb reported homosexual activities.

Their work resulted in more than 30 arrests and convictions, of which slightly more than half were men connected with the University.

After the Angell Hall raid there was no continual surveillance in men's lavatories, although complaints of homosexual activities did not die down entirely.

Conduct 'Special Surveillance'

Last month it was learned that the police were again conducting a "special surveillance" of men's rooms in Angell and Mason Halls, the Michigan Union, Alumni Memorial Hall and other campus buildings in a new attempt to suppress homosexual acts said to have occurred in the Ann Arbor community.

This "special surveillance" netted more than 30 arrests on charges of "gross indecency" or "attempting to procure gross indecency."

The men were not arrested specifically for homosexuality, but for attempting to entice others into homosexual acts or else were arrested during the process of such acts, Washtenaw County Prosecuting Attorney William Ager said.

Off-Campus Areas

"While many arrests have occurred in University buildings, our men were also checking playground areas and public gathering spots where it was felt homosexuals might meet," Capt. Walter Krasny of the police department said. Krasny has charge of the surveillance which sent two officers through University and other facilities.

Krasny said he didn't consider the current "special surveillance" anything unusual. "This isn't a campaign. It's merely a normal routine of investigating complaints, a continuing investigation," he said.

Usually, alleged homosexuals are arrested after police witness an attempt to solicit a partner, or an actual homosexual act, he said.

However, he added, the officer need not necessarily witness such an incident, and, as in other felony cases, he may arrest an alleged violator on the basis of a complaint.

The law sets no particular criterion for a violation, he said. Once an alleged offender is arrested, it is up to the prosecutor's office to determine the extent of the violation and the criminal proceedings used in his case.

There are two general sets of charges that may be filed against a suspected homosexual. One is a felony—the "gross indecency" or "procuring" charges—levied against most offenders. There are also lesser misdemeanor charges of obscene conduct and accosting. These, Ager said, are less frequently made.

Insufficient Evidence

The misdemeanor charge is pressed when there isn't enough evidence to warrant the procuring charge, he explained.

A suspected offender is given a preliminary examination in which the court determines whether there is sufficient evidence to hold a trial. From that stage, the case is brought to circuit court for arraignment.

In the majority of Washtenaw County cases, the defendant pleads guilty and an investigation is held before a sentence is pronounced, Ager added.

Occasionally, the accused pleads innocent, and a jury trial is held.

Psychiatric Consultation

During the pre-sentence investigation, the court consults court psychiatrists who have dealt with the offender. Or, the court permits him to submit a report from a psychiatrist of his choosing.

The court may also contact the offender's employer. Often this notification may be the first knowledge the University has of the arrest of faculty or staff member or of a student.

Offenders are fined \$250 and court costs by Circuit Court Judge James Breakey, and placed on five-year's probation.

Repeaters quite often are sent to prison. A man arrested two years ago was apprehended in the May surveillance, while on probation, and found guilty again. Breakey sentenced him to two to five years in prison.

ANN ARBOR GAY PURGES...

As in the case of any felony, the policy notify the dean of men's office when a student is arrested. The University then insures that the student has bail and defense counsel.

If he is convicted, the University suspends him until he presents Health Service a psychiatrist's letter saying that he is a good social risk. Such a letter may be sufficient for the University to allow a student to be readmitted, though at times other factors may be involved.

"The University has to take the position that homosexuality is a crime," Vice-President for Student Affairs James A. Lewis declared, summing up the University's attitude toward convicted homosexuals.

Stringent Faculty Enforcement

The University views the case of faculty and staff members convicted of homosexual crimes in a different light than students similarly convicted.

This is because the University realizes that a certain amount of sexual experimentation is frequent during adolescence, and homosexual practices among college students, while not common, lack the serious implications which homosexuality among responsible adults entails, Vice-President for Academic Affairs Roger W. Heyns explained.

"While the University is interested in the climate students create for each other, they are not

employed to make a wholesome intellectual atmosphere; faculty members are employed for that explicit reason, and it is up to the University to insure that they fulfill this image," Heyns said.

No Happy Home

"I don't want the University to become known as a happy home for these people," Executive Vice-President Marvin L. Niehuss said.

When the University hears of a faculty member's arrest on these charges, Niehuss said, the dean of his school or college talks to him, but no action is taken until the trial is completed and guilt has been established.

Resignation to the Situation

There have been no known cases of dismissals; usually the faculty member resigns, Niehuss said.

"Each case is handled individually. There is no hard and fast rule, but the University feels it must be rather careful."

Prior to the police investigation, the University had attempted to curb homosexual incidents in its buildings.

An investigation by the administration resulted in the closing, after 5 p.m., of several men's lavatories in Angell, Mason, and Haven Halls and in the restrooms of the Undergraduate Library.

The University is continuing to study the problem, Lewis said.

No solution has been found as of yet.

COMMENT DIFFERS ON PROBLEMS OF HOMOSEXUALITY

(EDITOR'S NOTE—This is the second of a two-part series on homosexuality and the University.)

By DENISE WACKER and PHILIP SUTIN

There is little indication that the police are planning to stop their biennial investigations of campus homosexual activity.

In 1958, 1960, and again this year, two or more officers were assigned to oversee activities in men's rooms throughout the central campus area.

Each time a crack-down has occurred, there has been a notable and understandable reaction on the part of University officials, students and private citizens interested not only in the medical problem of homosexuality, but in the legal and moral questions which are necessarily raised by mass arrests and convictions.

Varied Opinions

When homosexual behavior—a psychological problem rather than a willful or violent crime—is regarded as a felony punishable by a prison term, there inevitably will be strong and often contradictory opinions as to how convicted homosexuals should be treated.

For the police or others involved in law enforcement, there is little admitted conflict about how to handle homosexuals and homosexual activities.

"It's a sex crime spelled out precisely by the law. When we get repeated complaints of offenses being committed in men's rooms, we have no choice and must move in an attempt to curb violations," Police Capt. Walter Krasny, who headed the 1962 investigation, said. His attitude appears to be typical of policemen dealing with the problem.

The Need for the Law

William Ager, Washtenaw County prosecuting attorney, explained the rationale of the statute making homosexuality a crime.

"It—and the investigations as well—are designed to protect both the public and the offenders. Especially in a university community where there are a lot of young men, most of whom are unmarried, the homosexuals have to be stopped.

"We hear of cases all the time where some boy was 'lured' into homosexuality by an older man. Sometimes, it's just an experiment at first, but it doesn't always end with experimentation," Ager explained.

Homosexuals Beaten

He added that sometimes four or five high school boys will attempt to "pick up" a homosexual. One of the boys enters a men's lavatory and, if approached, agrees to engage in homosexual activities.

However, before any such activity can take place the other three or four boys attack the procurer.

"There have been cases where a man's money and valuables, or where his car will be stolen, and in almost all cases he's too embarrassed to come in and report the crime. Often, too, the boys beat these people very badly and can still get away with it because no one wants to report it.

Prevent Initial Contacts

"And we really have to protect the homosexuals from these attacks. There seems to be no other way than by preventing them from contacting the youths in the first place," Ager said.

Both Ager and Krasny denied that in the arrests "entrapment" was used. Entrapment is an illegal means said to be used sometimes by police, in which the officer either attempts to procure a male partner or else responds if another man makes it clear that he wishes homosexual activity.

For University administrators, who have often met and dealt with accused or convicted homosexuals on an entirely different level than the police, the problem and the conflicts are not quite so readily resolved. It is difficult for them to sever personal relationships and feelings and view faculty and students merely as felons or social misfits.

Homosexuals Disqualified

"There is a fairly clear policy that the University has about these people; it's always been regarded as disqualification, although each case is handled individually," Executive Vice-President Marvin L. Niehuss said.

"Every arrest and conviction is a serious matter. And every felony is a very serious matter.

"Let's have no mistake that it's a sickness like appendicitis—no, it isn't like that. There aren't very many cured, and people have incipient tendencies.

"It just is not appropriate for the University to have on staff such encouragers," Niehuss admitted.

Handled by Deans

Niehuss added that the dean of the school or college where the convicted homosexual works, handles the case. The dean speaks to the man after his conviction and decides what he wants done.

In all cases to date, those convicted have resigned from the University. If they had not, and the dean wished action taken, then names would have been sent to the tenure committee of the University Senate, which would further investigate the situation.

"What the University is concerned with is the possibility that normal boys might be pulled into homosexual behavior. Niehuss concluded.

Vice-President for Academic Affairs Roger W. Heyns, however, stressed the concern for the individual convicted for "gross indecency."

"It's a real tragedy when this sort of thing occurs and there cannot be a standing rule about the treatment we give a convicted homosexual," Heyns said.

"Whether or not he's asked to leave depends upon the case and upon the circumstances. There is no automatic dismissal.

Like Any Felony

"Every felony, not just 'gross indecency' is handled this way. But some felonies are more serious than others and homosexuality is considered to be very serious indeed," he added.

Heyns also indicated that the nature of homosexuality, not the nature of the law making it a felony, is the reason for dismissal action. "Certainly these people need all the help they can get, but we have to think about protecting people with incipient tendencies as best we can, and often this entails dismissal.

"However, we don't just throw faculty members into the street; rather we seek to get them positions elsewhere," Heyns said. Most of these "positions" are outside education.

Less Severe Treatment

Generally students convicted of homosexuality are given much less severe treatment than faculty members. The students are suspended until such time as they present verification (a note from a psychiatrist) vouching that they are good social risks.

Administrators explained that this is because a certain amount of experimentation is quite normal, but that homosexuality in adults is more serious and more advanced and thus requires stronger controlling measures.

The opinions of individuals less involved with the University or who dealt with homosexuals are generally much more tolerant of them than those expressed by University administrators, or by the police.

Psychiatrist's Opinion

A psychiatrist, many of whose patients have been homosexuals, and who has worked with several of the men arrested and later found guilty of "gross indecency," views the problem in terms of long-range good and evil.

"The real focus of the question is whether or not this police maneuver will do any good for the community. And I rather tend to think not.

"Moreover, these arrests and the public trials have been absolutely devastating to some of these men. They've been ruined forever by the police work and publicity," he said.

Vague Question

He also cited the medical question of homosexuality, a rather vague question, he said, since the problem differs greatly from individual to individual.

"There are many kinds of people caught by the police. Some had never practiced it before, from what we can tell. Others, of course, have been active homosexuals for quite a while.

"In none of these cases will their activity be modified or curtailed by legal punishment."

He also said it was likely that many of the adolescents arrested last May are not confirmed homosexuals — that they probably wouldn't become confirmed homosexuals, and that, in all likelihood, they were engaging in "experimentation" quite normal at some stages of adolescence, and it was only through freak chance that they were caught.

No Medical Basis

"The law says that homosexuals at large can convert others—there is no psychological background for this; there is only legal background. Granted that some men are sucked in as a result of these activities, it's not just from one

experience in a Union 'John'; rather, it's from their childhood experiences."

He also said that everyone has engaged in some sort of homosexual activities, and that, to some extent, homosexual relationships are necessary to insure that normal heterosexual relationships be successful.

"Boys and girls in sorority and fraternity houses discuss their sexual experiences and excite each other—there's nothing abnormal about this. It is a part of the educational process."

Arrest Least Guilty

He asserted that the police often arrest those who deserve it least, since long-time practicing homosexuals are rarely apprehended.

"However, I think that most homosexuals could spot a police officer—unless the officer acted as a homosexual would. With this in mind, I feel that entrapment was very definitely used," he said.

He also felt that the residence hall system may quite definitely promote homosexual activity.

"In any culture which bars normal heterosexual relationships, except through marriage, as ours does, there's bound to be homosexuality. It's almost a physiological necessity. And where contacts are restricted, the incidence of homosexuality quite definitely goes up."

Women Uninvestigated

Although the police have never held surveillance on women's lavatories, because, Krasny said, of a lack of complaints, the psychiatrist asserted that it's likely that there is more homosexuality among women than men.

"The whole problem is that most people are so afraid of homosexuality, without knowing just what it is, that they'd rather have punitive measures than anything else," he said.

Another man deeply concerned about the homosexual problem, John W. Conlin, Jr., a defense attorney for some of the alleged homosexual offenders, also said that entrapment which occurs when a police officer attempts to initiate criminal action may occur.

Perhaps No Crime

"If entrapment exists, no crime was committed," he said.

Defending arrested homosexuals two years ago, Conlin and other members of his firm charged that police had used entrapment. However, Judge James Breakey threw that charge, as well as charges that the offenders made no overt attempt and that the statute was unconstitutional, out of court.

The trials for all of the 30 arrested last May have not yet been concluded. Over half the accused have already appeared in court—almost all pleaded guilty. In all probability they will be given a two to five year probationary term as well as charged court expenses and a fine in excess of \$250.

Everyone spoken to for this article agreed that it was a pity that so many lives had to be ruined to protect society as a whole. And everyone felt that a better way to handle the situation can be found. But there were no confident solutions offered and it will likely be only a matter of time before the next thirty men are arrested and charged with "gross indecency."

Police Chief Gainsley was later to become UM chief security officer (until 1975). Capt. Krasney, who sent his officers to spy on unsuspecting homosexuals in UM restrooms in 1962, is the current Police Chief in Ann Arbor. And Roger Heyns went on to become chancellor of the University of California system.

In June last year I talked by phone with one of the writers of the *Michigan Daily* series. Philip Sutin had gone on to become a reporter for the *St. Louis Post-Dispatch* after having gone through UM journalism school.

Sutin recalled the newspaper was alerted to the raids by a victim, who turned out to be a Teaching Fellow. Sutin commented: 'This was an unliberated age, pre-Vietnam,' with homosexuality then considered a disease or problem.

He said the targets were the student Grill and the restroom in the Michigan Union, and explained: 'The basic motivation was to clean up the town. These *homos* were attacking people who didn't want to have sex with them.' Sutin felt the pressure of finals had increased homosexual behavior, 'if indeed it (homosexuality) is a mental problem.'

Then a sophomore majoring in journalism, Sutin admitted he had not checked further into the victims' protests of police entrapment. Today, he would have done things differently, more 'professionally.'

Sutin believed the raids continued in two-year cycles, with the next one occurring in 1964. Indeed campus harassment of Gay people was to continue, even up till today. For details, see the next issue.

I would like to hear from individuals knowledgeable about, or involved in, the anti-homosexual purges at UM and surrounding areas. You can write me at MGAJ, 3405 Michigan Union, University of Michigan, Ann Arbor MI 48109, or call me at (313) 994-0473. Confidentiality promised.

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