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ARTICLES

GAY ANN ARBOR PURGES

by Daniel Tsang

In any history of Gay Americans Ann Arbor deserves a position. Not for passing, in 1972, what was at that time the most comprehensive gay rights bill (at least on paper). No, for something more infamous than that. Ann Arbor will become remembered as one place where town and gown conspired to conduct a ferocious witchhunt against homosexuals, not just once, but a number of times.

Much of what happened to homosexuals here remains to be told, but documentation is surfacing now for the witchhunts that occurred in the late 1950's and early 1960's.

During that period Ann Arbor police apparently conducted biennial raids on campus restrooms at the University of Michigan, accompanied by covert surveillance. Police officers were stationed in men's johns on central campus to spy on unsuspecting men. As a result dozens of homosexuals were arrested, and subsequently convicted, either of "gross indecency" or "attempted indecency", both felonies under state law.

The story is a tragic one. One man committed suicide after his conviction but prior to his sentencing. UM students were suspended and could not re-register unless they obtained psychiatric approval. UM professors were forced to resign, and many left town.

The cast of characters includes many well-known names, some still active in academia and city government. These include: Walter Krasny, Roger Heyns, Tom Hayden. On the following pages I will attempt to present a brief summary of what I have discovered thus far, as well as including some reprints of articles in newspapers at the time.

1959... The Prelude:

The UM actively collaborated with police in the campus raids that occurred in December 1959. Dean of Men Walter B. Rea is quoted in the Ann Arbor News of December 22, 1959, as saying, "the University's policy has always been clear. It does not tolerate activity of this kind. We offered to co-operate with appropriate authorities when the possibility of an investigation was discussed a year ago."

Those

The University even went so far as to remove the doors from some restroom stalls upon police request, as a "deterrent measure", it was said (Michigan Daily, 5 January 1960). In 1976 a source told me that the stall doors had been removed at the recommendation of the University psychiatrist. A more insidious reason for the removal of the doors is suggested by the report of the Florida Legislative Investigation Committee on the "infiltration of practicing homosexuals" in state-supported agencies. In the captioned description of a photograph taken by a surveillance camera in a restroom, the report notes that the doors were removed "to facilitate photography" (see Government versus Homosexuals (Arno Press reprint edition, 1975).

The surveillance:

Three plainclothes "rookie" police officers were assigned to linger "in campus restrooms, making verbal and written agreements with various individuals. The individuals were later arrested" (Michigan Daily, 5 January 1960; see also Chicago Daily Tribune, 23 December 1959).

One exchange between a defense attorney and the arresting officer (printed in Mattachine Review 6/3 March 1960) gives an idea of the elaborate character of the surveillance:

"What time was the arrest made?"

"10:30."

"What time did you enter the restroom?"

"8:45."

"That's a hell of a way to make a living, isn't it?"

The Mattachine Review quotes a reporter (who knew two of those arrested) as saying it was the police officer in those two instances who started the conversation and made the advances.

Despite this, the cases were not thrown out for entrapment, although the defense attorneys tried to argue the point. While one student was reportedly released after the court ruled he had been entrapped (Michigan Daily, 16 March 1960), the paper later reported no case had been dismissed because of entrapment (Michigan Daily, 18 March 1960).

Rea claimed that "our first knowledge the investigation was actually underway this fall came when the initial arrests were recorded," according to the same News report. However, William F. Delray, assistant county prosecutor, declared at a press conference to announce the arrests that "the university authorities cooperated fully in the investigation," (Chicago Daily Tribune, 23 December 1959). (see next page) 14

Those arrested: The following headlines give some idea of the number of people arrested: -- "26 Arrested for Homosexuality, All Picked Up in Campus Restrooms," Ann Arbor News (22 December 1959); "25 Seized at Michigan U. as Homosexuals," Chicago Daily Tribune (23 December 1959); "Nab 29: Authorities Apprehend Offenders," Michigan Daily (5 January 1960); and by January 9, 1960, the Daily was reporting that 34 men had been arrested. Court records must be checked to get the accurate count, but the magnitude of the witchhunt is confirmed by Police Department statistics, which indicate there were 26 arrests for gross indecency in 1959, as opposed to five the previous year (Ann Arbor, Mi. Police Department. Annual Report. 1960 (p.13) and 1959 (p.11)). The discrepancy in the numbers between the news reports and police statistics may be due to the probability that some of the men were eventually arrested under misdemeanor charges, or that arrests continued into January 1960.

At least 14 of those arrested were UM students. Others included an associate professor, a former Ypsilanti schoolteacher, townspeople and UM staff members (Ann Arbor News, December 22, 1959). One was a radio station disc jockey, and 8 were said to be businessmen (Chicago Daily Tribune, 23 December 1959). The Daily reported that one person was a juvenile (January 5, 1960).

The trials: The men were charged under the gross indecency statutes, with defense attorneys arguing, to no avail, that the statutes were unconstitutionally vague, and that their clients had been entrapped (see, for instance, Ann Arbor News 12 February 1960; and Michigan Daily 21 February 1960).

Facing Sentence  
As Homosexual,  
Takes Own Life

Headline in Ann Arbor News  
March 15, 1960

The first person to be convicted was found guilty of "attempted gross indecency" by a circuit court jury of 10 women and two men, who deliberated for 20 minutes. The defendant's lawyer immediately indicated he would appeal the decision (Ann Arbor News 8 March 1960). Tragically, the man, a native of Detroit who was released on bail pending sentencing, took off to St. Louis, Mo. where he killed himself (Ann Arbor News, March 15 and 25, 1960; Michigan Daily, March 25, 1960; Mattachine Review 6/5 May 1960, p.10).

Not all the defendants asked for jury trials. In a report entitled "Michigan Campus Purge Felt with Added Fury," the Mattachine Review (6/5 May 1960, p.10) noted that "human compassion and understanding seemed to fly out of the window" in Ann Arbor. The journal reported (see next page) 15

that when defense attorneys requested jury trials, the Judge (James R. Breakey, Jr.), was said to have responded that it would waste his "valuable time", and warned of a sentence of six months in Southern Michigan Prison at Jackson if the defendants were found guilty. He also threatened to levy increased fines. "But if the defendants changed their pleas to guilty and throw themselves on the mercy of the court, they will receive Judge Breakey's '30 days, \$250 fine plus costs and 5 years probation' package, so long as it is a first offense."

Commented the gay journal: "A mighty rough penalty to pay because of old religious taboos, and in a set of instances where there seemed to be good evidence of entrapment ... and where, at worst, no one was really harmed or forced into anything."

Most of the defendants apparently took Breakey's package deal. For example, four UM students were sentenced to ten days in jail, charged \$275 each in fines and costs, and placed on 5 years probation when they were found guilty of attempting to procure an act of gross indecency between males. The UM professor was given the same sentence (Michigan Daily, 25 March 1960; 10 May 1960).

The UM takes action: The students involved were later suspended or prohibited from registering after the current semester. They were advised to seek private psychiatric care, and will be eligible for readmission to the UM "when they are again considered good social risks," Assistant Dean of Men John Bingley was quoted as saying (Michigan Daily, 10 May 1960).

In addition, the professor was relieved of his duties (Michigan Daily, 10 May 1960) and eventually resigned. Last year I talked with the current Chairperson of his department, who conceded that the man probably was unable to obtain a job equivalent in status and pay to what he had gotten at Michigan.

Community reaction: In contrast to what happened at Boise in 1955, the reaction in Ann Arbor was muted. The Ann Arbor News announced that "in line with its policy in cases of this kind, the News is withholding the name of the person convicted until the final disposition of the case." (8 March 1960, p.13).

Defense attorney Henry T. Conlin pleaded with the court not to release the names of those sentenced to the press. "What we are trying to do is to fit these individuals back into society," he said. "Publicizing their names will have the opposite effect -- that of driving them out of society that much more," he argued (Michigan Daily, 25 March 1960). Conlin's words appear to have had the desired effect, for the names did not appear to have been publicized (except for the name of the person who committed suicide). (see next page) 16

An excellent clue to the type of attitudes prevalent at the time can be gleaned from an editorial written by reporter Tom Hayden (later of SDS fame) in the Michigan Daily on January 9, 1960. The essay was disseminated among homosexuals through a reprint in the Mattachine Review (6/3 March 1960):

### HOMOSEXUAL CRACKDOWN OF DUBIOUS VALUE

The Ann Arbor homosexual crackdown, which has resulted in some 34 arrests so far, is seriously questionable with regard to methods, motives, legality and moral implications.

The methods, although police have been reticent to explain them in detail, boil generally down to this: three special officers were selected about two months ago to linger day after day in restrooms around the city, waiting to make contact with homosexuals, then arrest them.

More critically stated, they have been paid with public funds to aggravate the psychological problem of the homosexual, first by enticement, then by arrest, arraignment, trial, and perhaps a prison sentence. This is neither a logical way to spend public funds nor a sensitive way to handle a public problem.

THE UNIVERSITY'S part in this seems negligible, although police insist it is cooperating very well. True, the University has been inane enough to remove the doors from stalls in one Angell Hall restroom, and has not yet replaced them. But other than that, it hasn't helped the police significantly.

The University cannot refuse the police admittance to its restrooms, of course, and what the officers do there is their own business. But for the University to cooperate any further would be unfortunate. When an individual is arrested, tried, and found guilty, then it is the University's place to talk with him and make the final decision on his future here.

A natural question arising from the above is what motives the police might have for the sudden crackdown. No maj-

or incident—such as an attack on a child—triggered it. The police themselves admit no organized ring exists. Since the state law against indecent conduct between males has been on the books for many years, the suddenly renewed enforcement for no specific reason seems curious. It leaves one to guess that an irrational force in Ann Arbor is overly interested in keeping the city “a decent place to live” and that the police are hypersensitive with regard to the public image.

City prosecutors claim that each arrest was properly made and will hold in court, which remains to be seen. Since the officers involved have apparently undergone special training in the apprehension of homosexuals, they are aware of the conditions of “entrapment”, which invalidates an arrest if the officer lures an individual into a crime. Whether the police were successful in apprehending the individuals without “entrapment” them, which seems unlikely, is a question to be answered in the courts. Certainly some of the individuals arrested will argue that the police violated the rules of arrest.

The moral implications involved are most far reaching.

The situation once more illustrates the cultural lag which puts the homosexual under the heading of “criminal” when he is most often an individual with serious psychological difficulties. In one sense, the police are right: they are bound to uphold the laws of the state. And in doing so, they have rendered at least one service, that of being the break-up of certain well-known

“contact centers.” But this result hardly overrides the most disastrous effects.

What must be questioned most basically is the state statute itself. It simply is not consistent with advances in modern psychiatry. It is based on an absurd conception of homosexuality as the immoral behavior of stable rational individuals. It makes little attempt to understand such individuals as anything other than criminals, and most frightening of all, it sentences them to state prisons where their environment is hardly conducive for cure.

In relation to this problem, the police methods and motives are dwarfed. They are only the obnoxious repercussions of a problem which must ultimately be faced by the states and the citizenry.

TOM HAYDEN

(see next page)

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While the Mattachine Review praised the editorial for being "understanding" and "sensible", today's readers may have a quite different reaction. Possibly even Hayden himself, one would hope, has changed, so that he no longer sees homosexuals as being afflicted with psychological problems that should be "cured".

The Mattachine Review could not resist including the following item of humor:

CAMPUS WAG STRIKES  
HUMOROUS NOTE

Tragic as the results of such actions as reported here are to the individuals involved, the situation at the University of Michigan was not without a touch of humor.

On January 5, this advertisement appeared in the classified ads under "Personal:" "PERCY: Stay out of the johns in A. H. They're on to us."



*mattachine* **REVIEW**

While some of the trials were still continuing, the Ann Arbor News reported (9 May 1960) that Ann Arbor had been selected as the pilot city in a four-day police school on sex crimes to be held in June that year. "The unique course in the detection and prosecution of sex offenders is sponsored and directed by agents of the Federal Bureau of Investigation," the Police Chief is quoted as saying. He added, "The course will include talks on the apprehension and detection of Peeping Toms, child molesters, obscene phone calls and letters and homosexuality."

A year later, the Mattachine Review reported on a meeting of the Washtenaw County Medical Society which recommended a change in the Michigan law on homosexuality. It reprinted an article that appeared in the Ann Arbor News (the piece appeared in the Review's May 1961 issue):

WHAT TO DO ABOUT HOMOSEXUALS?

Then in Ann Arbor, after a series of University of Michigan campus scandals in 1960 involving students, professors and business men in alleged homosexual situations, the Washtenaw County Medical Society took a serious look at the evils promoted by laws against homosexuality. Here is that story as reported by the Ann Arbor News:

(see next page)

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A panel of psychiatrists last night agreed that the Michigan law on homosexuality is "outmoded and archaic" and should be changed.

The psychiatrists spoke at a meeting of the Washtenaw County Medical Society. The panel included Dr. Stuart M. Gould, Dr. Joseph Jacobs, Dr. Leonard E. Himler and Dr. Andrew Watson. Dr. Stephen

C. Mason acted as moderator for the discussion.

"Because of the law, the public has long associated the homosexual with danger and crime," one of the panel members pointed out. "It is our belief that homosexual practices when taking place in private, and between adults who have given their consent is not dangerous."

The doctors said it is recognized that a homosexual with psychotic tendencies, one who preys on children or is aggressive must be handled through prevailing felony laws.

"However, the laws governing homosexuality have trailed far behind advances made in psychiatry and education," a panel member said.

In Rome and ancient Greece homosexual practice was a common and accepted happening, it was pointed out.

One panel member said police "blackmail and entrap" the homosexual.

"The normal, adult homosexual is not basically a social liability," the panel members agreed. Prisons are the worst possible place to send a homosexual because this practice flourishes and thrives in such

institutions, the doctors said.

The panel took note of recommendations by the mental health committee of the Washtenaw Medical Society on the homosexual problem.

The recommendations included a suggestion that state law be changed to read that all sexual practices not involving force, corruption of minors or public offense be excluded from criminal law.

"Any legal interference in the sexual activities between two adults, carried on by agreement, in privacy, is invasion of the basic rights of the individual," the recommendation said.

The mental health committee of the local Medical Society notes a group from the American Law Institute has previously recommended this and other changes in laws covering homosexuality.

The laws against homosexual acts are, of course, still in existence today.

When the first of the 1959 arrests were announced, Detective Lt. George Stauch, head of the police detective bureau, warned: "This announcement in no way means the investigation is completed or closed. We plan to continue to push this special investigation until there are absolutely no more such arrests to be made" (Ann Arbor News, 22 December, 1959). The crackdown did continue.

#### FURTHER CRACKDOWN

In 1962 there were more arrests. By then the Police Chief was Roland J. Gainsley, who was later hired to be UM Chief Security Officer (until 1975). The city's police chief today, Walter Krasny, was in 1962 a mere Captain -- but he headed the surveillance team which was sent into the men's restrooms on campus to spy on people. Roger Heyns, later to be head of the University of California, was then Vice President for Academic Affairs at the UM. All these individuals, and others, are portrayed in a series of two front-page articles on the anti-homosexual crackdown that appeared in the Michigan Daily on June 28 and 29, 1962.

(TO BE CONTINUED IN THE NEXT ISSUE)

The author would like to hear from individuals knowledgeable about, or involved in, the anti-homosexual purges at U-M and surrounding areas. Write him at GAU, 3405 Michigan Union, University of Michigan, Ann Arbor Mi 48109, or call (313) 994-0473. Confidentiality promised.



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