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SOCIAL, SCIENTIFIC, LITIGIOUS: THE BIRTH OF A QUEER AMERICANISM

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## SOCIAL, SCIENTIFIC, LITIGIOUS: THE BIRTH OF A QUEER AMERICANISM<sup>1</sup>

The idea that there is some fundamental moral correctness which time affords to the universe is untrue. The notion that time is the road to liberation is only true in the sense that time is the fundamental capital needed to start a movement; any other notion of “the changing times” is a drastic oversimplification. The history of queer America is one which often falls victim to such fables. Queer acceptance is often viewed as the collateral benefit of other movements related to race and gender liberation.<sup>2</sup> In reality, the true story of the reason for the slow progression of queer rights is more a product of ineffective movements than it is a lack of desire for specified change in life and law. Although the first organized, scientific queer movements in the United States took place in the 1920s, myth overshadows truth, suggesting that events like the Stonewall Riots were the beginning of a queer Americanism.<sup>3</sup> To understand the long road to a political

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<sup>1</sup> Throughout this paper, the umbrella term “queer” will be used in reference to individuals identifying as a part of the LGBTQ+ community. This term, in some circles, is not used with sensitivity, and as such has connotations of an unfriendly nature. The usage of this term as in this paper is not intended to have such connotations. As a queer-identifying individual, I intend to only use this term with respect for the community and its experiences.

<sup>2</sup> Steve Hogan and Lee Hudson, *Completely Queer: The Gay and Lesbian Encyclopedia* (New York: Henry Holt and Company, 1998), i-iv.

<sup>3</sup> *Ibid*, i-iv.

movement that allowed for liberation on a wider stage, we must start in the 1920s, examining the failed transplant of a purely scientific German movement to America by Bavarian-immigrant Henry Gerber. In understanding this failed experiment, we can better comprehend what truly jump-started the course of a queer America: the social, scientific, and litigious movement formed by the Daughters of Bilitis (DoB) in the 1950s. Queer America was not developed by a general progression of more-just times; queer America as known today was developed by the Daughters of Bilitis, a movement which combatted the greater sociological picture of oppression, filling in gaps where its organizational ancestors had failed.

The reason it is pivotal to understand Henry Gerber's movement is as a contrast to the DoB, not as an example of the correct path toward liberation. It was, in many ways, the antithesis of what means would eventually take an apolitical movement to a more comprehensive, politicized construction in the 1950s. The use of examining a foil provides for a more generalized argument of the structure of holistic offense against systemic prejudice, as opposed to targeted nuances. Fundamentally, Gerber's movement was an overall failure because of its basis as a transplanted, broken structure from Weimar Germany.<sup>4</sup> In Germany, the Scientific Humanitarian Committee, under Dr. Magnus Hirschfeld, was born in direct resistance to Paragraph 175, a German law "punishing male sodomy."<sup>5</sup> This law wrote off so-called sexual deviance because it was unnatural, and criticized the act on the basis of government-conducted science.<sup>6</sup> The nature of

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<sup>4</sup> See John Lauritsen and David Thorstad, *The Early Homosexual Rights Movement (1864-1935)* (Times Change Press, 1974), 9-11.

<sup>5</sup> Hogan and Hudson, 281-282.

<sup>6</sup> Craig Kaczorowski, *Paragraph 175*, [book on-line] glbtq, Inc., 2015, accessed 11 January 2020; available from [http://glbtqarchive.com/ssh/paragraph\\_175\\_S.pdf](http://glbtqarchive.com/ssh/paragraph_175_S.pdf); Internet.

this law led Hirschfeld to believe that science was the basis of German homophobia, as per the written code.<sup>7</sup> A sole focus on the letter of the law ignored the fact that homophobia itself was a fundamentally sociological matter, a flaw that copied itself into Gerber's work.<sup>8</sup>

The picture of the Scientific Humanitarian Committee that Gerber saw was not so plainly flawed, mostly based on the time during which he interacted with it. When Henry Gerber—a Bavarian-American stationed in Germany after WWI—visited Berlin, it was in the midst of the legal debate over the penal code.<sup>9</sup> Gerber saw the climate in Weimar Berlin and confused rhetoric and conversation with true progress.<sup>10</sup> What he saw in Berlin, the result of Hirschfeld's committee and rhetoric,<sup>11</sup> coupled with his hospitalization for sodomy in the US, made science key in Gerber's understanding of what made anti-homosexuality tick.<sup>12</sup> Insofar as he could, Gerber built

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<sup>7</sup>Hogan and Hudson, 281-282. In his eyes, if he could prove the scientific validity of the homosexual, he could generate a case for legal repeal. Hirschfeld published an annual in line with this ideology, titled *Jahrbuch für Sexuelle Zwischenstufen*, or "Yearbook for Sexual Intermediate Types," intended to provide a validating scientific narrative. The German front of queer liberation was generally centered on a belief in queerness as an "inborn biological factor," meaning that most of the rhetoric produced by the Committee implied that queer deviance was biological, as opposed to voluntary deviation from a heterosexual norm.

<sup>8</sup> Laurie Marhoefer, "Degeneration, Sexual Freedom, and the Politics of the Weimar Republic," *German Studies Review*, 34:3 (October 2011), 538. Marhoefer further explains dissonance within Hirschfeld's own organizations. Kurt Hiller, a senior official in Hirschfeld's Scientific Humanitarian Committee, went so far as to call the abolition of the law the mere *illusion* of progress, stating that, "The decriminalization of sex between men is a necessity for a free society, but a law like this is useless."

<sup>9</sup> Vern L. Bullough, ed., *Before Stonewall: Activists for Gay and Lesbian Rights in Historical Context* (San Francisco: Harrington Park Press, 2002), 24.

<sup>10</sup>Marhoefer, 539.

<sup>11</sup> Bullough, 24.

<sup>12</sup> *Ibid*, 25.

connections with Hirschfeld's publications, and wrote multiple articles for them.<sup>13</sup> When Gerber returned to the United States in the 1920s, inspired by the German landscape, he chartered the Society for Human Rights in Chicago, based on the moral clarity he had seen in Germany regarding homosexuals.<sup>14</sup> The charter for the organization showed similar scientific parallels, explaining an intent to "combat the public prejudices against [homosexuals] by the dissemination of scientific information."<sup>15</sup> Gerber was unable to see the eventual shortcomings of Hirschfeld's movement before he began his own; he missed the demise of the German movement, as he had left Berlin before Hirschfeld's progress dissipated.<sup>16</sup>

What Gerber missed in the United States was that the greater problem of homophobia came with anxieties stirred up by war, making the the U.S. stringently determined to "eliminate all signs of 'disorder;'" Homosexuality was about as disorderly as the government could fathom.<sup>17</sup> The virility of war meant that homosexuality was an overt weakness.<sup>18</sup> In this way, the conflation of virility with order meant that there was no space in that particular time which was comfortable

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<sup>13</sup> *Ibid*, 24.

<sup>14</sup> *Ibid*, 25.

<sup>15</sup> Jonathan Ned Katz, ed., *Gay/Lesbian Almanac* (Harper & Row Publishers, 1983), 419.

<sup>16</sup> Marhoefer, 539.

<sup>17</sup> Barry D. Adam, *The Rise of a Gay and Lesbian Movement* (Connecticut: Twayne Publishers, 1987), 46.

<sup>18</sup> Katz, 419.

for the homosexual, particularly under structures like censorship.<sup>19</sup> Gerber was doomed, then, by the same principles as Hirschfeld: homophobia was sociology, not science.

The demise of the Society for Human Rights came with a *Chicago Examiner* article referenced in Gerber's journal entitled "Strange sex cult exposed."<sup>20</sup> Gerber lamented, after his failure, that, "[he and his organization] were up against a solid wall of ignorance, hypocrisy, meanness, and corruption."<sup>21</sup> This "solid wall" was precisely the problem: Gerber did not succeed because of the unbearable weight of *socially* anti-queer rhetoric, as opposed to *scientifically* anti-queer rhetoric.

After the failure of the Society for Human Rights, the American scene of queer rights went into a state of dormancy.<sup>22</sup> Frustrations with the structure of queer life, of course, remained, but the idea of a organized system for liberation was largely ignored. Besides the continued analysis of the queer condition in academia, through researchers such as Alfred Kinsey,<sup>23</sup> little was done to produce substantial results for the queer community until the 1950s, with the advent of the Daughters of Bilitis. In order to understand why the DoB was so critical in politicizing the queer landscape and creating a path for liberation, there are certain key examinations which must take place. Firstly, we must understand their impetus, this being the post-WWII climate of the

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<sup>19</sup> Patricia A. Cain, "Litigating for Lesbian and Gay Rights," *Virginia Law Review*, 79:7 (October 1993), 1557.

<sup>20</sup> Bullough, 25.

<sup>21</sup> Adam, 46.

<sup>22</sup> Descriptions of the intermediate movement are exhaustively discussed in Katz, pp. 400-450.

<sup>23</sup> *Ibid.*

Cold War. After understanding this, we can move into the dissemination of three essential questions: Who were the founders of the DoB, how did they come together, and how did the organization grow from its infancy. Following these questions, it becomes prudent to examine the three directives of the DoB that serve as the title of this paper: the social, the scientific, and the litigious, in order to clarify why exactly the organization was so effective.

The DoB revitalized a movement which had lost its parabolic steam following Gerber's failure because of the role of Cold War sentiment.<sup>24</sup> What is most critical to understand about the Cold War is the specific fear of otherness that it generated. Otherness, to a Cold War American, was poisonous, indicative of an individual disgustingly permeated by U.S.S.R. influence and, in that right, incredibly dangerous. Nationalism, and a sense of purity in Americanism was quintessential. Presidents Truman and Eisenhower, were obsessed with "purity" in their cabinets and leadership, claiming that any deviance in government either weakened the U.S. as a body, or worse, be a sign of the dreaded Soviets entering U.S. discourse and policies.<sup>25</sup> Although the Cold War was primarily rooted in a fear of communism, that fear ran so deep that differentiation and deviance began to be feared on a broader spectrum. The queer community was one of the first to face this. A federal trickle-down of fearful sentiments created directives to infiltrate queer communities in prior meccas of queer life, such as San Francisco.<sup>26</sup> The community was a unique

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<sup>24</sup> Claire Fennell, "Queer Fear: The Nature of 1950s Homophile Organizations as a Product of Lavender Scare Policies," is dedicated to explaining the role of the Cold War in politicizing the queer movement in full. For a deeper analysis of this section of my paper, please consult that prior work.

<sup>25</sup> Naoko Shibusawa, "The Lavender Scare and Empire: Rethinking Cold War Antigay Politics," *Diplomatic History*, 36:4 (September 2012), 727.

<sup>26</sup> Nan Alamilla-Boyd, *Wide Open Town: a History of Queer San Francisco to 1965* (California: University of California Press, 2003), 163. From "Queer Fear": It was a projection of



threat in the eyes of federal and local governments, which perceived the clusters of ostracized sexual identities as incubators for insurgence against the government, a danger that took the form of “fetid, stinking flesh ... [on] this skeleton of homosexuality.”<sup>27</sup> The role that government played at the time was through the process of payola (dubbed “Gayola” in light of targetting), where police chiefs (at higher direction by the FBI) bribed their officers to take part in the arrests and apprehensions of queer individuals.<sup>28</sup> This threatened the subversive communities aforementioned, which quietly existed in private bars and clubs. The other nature of oppression was through policing alcohol as a mechanism for subversively destabilizing the queer environment.<sup>29</sup> In this way, queer protection was clearly and critically lost, showing a lack of respect for the community which existed.

With this framework in place, we can begin to understand why a politicized version of a previously benign subculture began to emerge in a very critical way. Where the scene had calmed enough that queer communities could generally operate in the absence of police intervention the

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federal attitudes that secured the challenge of the 1950s homosexual on a local level. Federal attitudes were critically dangerous locally as “the state enforced a policy that projected an image of homosexuality and threatening to foreign and domestic security (conflating communism with homosexuality).”

<sup>27</sup> Shibusawa, 730.

<sup>28</sup> Christopher Agee, “Gayola: Police Professionalization and the Politics of San Francisco's Gay Bars, 1950-1968,” *Journal of the History of Sexuality*, 15:3 (September 2006), 466. For example, police payola in the Cable Car Village in San Francisco was seen as a mechanism for “[locating] the city’s gay men when [the police] needed to solve violent, gay related crime.” This targeting resulted in a loss of a queer subculture at the hands of this police extraction.

<sup>29</sup> For more information on the role of alcohol in queer destabilization, please refer to my prior paper, “Queer Fear.” Additional information can be found in Agee, pp. 1-53.

Cold War era stepped in. In this climate of heightened tensions, a new attempt at an organizationally queer America could be born, following a social, scientific, and litigious framework which was far more effective than Gerber's. It was a lesbian organization, The Daughters of Bilitis, which entered into the scene of revolution in response to these fears.<sup>30</sup> The Cold War climate enabled them to see that it was not science alone which plagued the homosexual, but rather a specific and targeted attack on the abstract concept of "deviance."<sup>31</sup> Because deviance cast a broader net than previous, more scientifically explicit forms of homophobia, the DoB needed a new campaign beyond what Gerber or Hirschfeld had constructed. The DoB understood, in the climate of broad, social Cold War fear, that fear of the homosexual could not be resolved through a mere scientific dissemination; The social component was far more plain to queer communities at the time.

The infancy of the DoB is the first basis for the structure by which it grew from an inkling in the minds of an oppressed group to a body that was so comprehensive and effective in the face of Cold War oppression. It was two lesbians that played the role of Henry Gerber in this context, ordinary, working class individuals who sought to bind together in the face of the oppression they observed. Del Martin and Phyllis Lyon were the founders of the Daughters of Bilitis.<sup>32</sup> Del Martin worked at a factory which produced construction trade journals, where she later met Phyllis Lyon,

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<sup>30</sup> David K. Johnson, *The Lavender Scare: The Cold War Persecution of Gays and Lesbians in the Federal Government* (Chicago: University of Chicago Press, 2006), 47.

<sup>31</sup> Agee, 469.

<sup>32</sup> "Del Martin, Lesbian Activist, Dies at 87," *New York Times*, (Aug. 28, 2008), sec. III, 10.

an employee at the same firm.<sup>33</sup> The women quickly found a sense of connection, entering a permanent, romantic relationship in 1953, and, later in their lives, becoming partners in one of the first queer marriages in California in the mid 2000s.<sup>34</sup> Martin and Lyon's unique potential comes from their status as common, relatively mainstream, working class citizens. They were not doctors, as was Hirschfeld, or previously institutionalized, as was Gerber. In this way, they were able to both be present within the crisis of the homophile condition—due to their lesbian identities—while also viewing it from an outsider perspective—unbiased by research-preference or specific personal trauma. Speaking in broad terms, the working class uprising is one of the key pillars of any revolution. Martin and Lyon fit that bill. It was this particular understanding of the homosexual condition which proved so advantageous in the coming years of revolution.

In 1955 the couple moved to San Francisco, in the midst of the hostile Cold War climate, where aforementioned processes like payola and bar raids were exceptionally present.<sup>35</sup> This was where Lyon and Martin found their unique call to action to begin their organization. In September of that same year, the couple was invited to a meeting of three other lesbian couples with the main goal of fashioning “a social club for ‘gay girls.’”<sup>36</sup> The initial pretense of Bilitis was simply to create a club where women could feel inundated in a safe space without being subjected to the

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<sup>33</sup> *Ibid.*

<sup>34</sup> *Ibid.*

<sup>35</sup> The challenge faced in San Francisco is discussed at length both in the paper “Queer Fear,” as well as Agee, pp. 1-53.

<sup>36</sup> Marcia M. Gallo, “Different Daughters,” *OAH Magazine of History*, 20:2 (March 2006), 27.

harsh realities of bars under payola.<sup>37</sup> While the other members of the 1955 meeting slowly filtered out, fueled more by temporary frustrations than long term goals, Martin and Lyon remained steady in their commitment to create a place where women who experienced homophile attraction could find a home safe from public scrutiny. Even the name of the organization came as a mirror of such intentions; its nomenclature granted privacy, allowing the club to be “anonymous if you were asked about it– you could say it was an organization interested in Greek poetry.”<sup>38</sup> The DoB came to be as “a sort of secret social club and a means of getting together without going to the bars which were frequently raided,”<sup>39</sup> according to one of its founders, Del Martin.

The revolutionary spirit of its creators, though, was not to be lost to any sort of small social group dynamic. The development of the Daughters of Bilitis into a matriculated organization was the result of organizational control and passion exerted by Martin and Lyon, growing an infant club into a sustainable movement. The first step was establishing the credibility to garner membership.<sup>40</sup> Despite the taboos of actually circulating such materials, the DoB printed letterheads, membership cards, and other “symbols of corporate credibility” almost immediately.<sup>41</sup> They knew that they had to establish their validity through seemingly trivial mechanisms quickly in order to create a sense of reputation. Starting small, with the grape-vine established by their

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<sup>37</sup> *Ibid.*

<sup>38</sup> Del Martin and Phyllis Lyon, *Video Interview (May 9, 1987)* Tape 1 found at <http://herstories.prattinfoschool.nyc>.

<sup>39</sup> *Ibid.*

<sup>40</sup> Gallo, 29.

<sup>41</sup> *Ibid.*, 29.

first meeting in 1955, they published their magazine, *The Ladder*; which served as the call to action for other San Francisco lesbians to join the organization.<sup>42</sup> The first members were invited to the home of Martin and Lyon for what they affectionately called “Gab ‘n’ Javas,” where women in the group would share their concerns amongst each other.<sup>43</sup> These coffee chats created the framework for a later DoB, an organization that was predicated on the concerns of many, not the experience of the few, as were the organizations of Hirschfeld and Gerber. By 1957, their membership had ballooned to 200 strong, enough to justify expansion into an office, where the business of *The Ladder* as well as the organization’s regular meetings took place.<sup>44</sup> The growth of the organization was structured for efficacy, with the degree of their activities ballooning in line with membership, ensuring a directive which was always correctly sized for the organization of that moment.

The activities of the post-growth DoB can be best understood through looking at a mechanism of three directions of action: the social, the scientific, and the litigious as they are framed by the DoB’s charter. After the organization exited its infancy, it was able to move in the direction of tackling the broader issues exposed by the living room “Gab ‘n’ Javas.”<sup>45</sup> Lyon and Martin organized the thoughts which they had heard in those early conversations into a manifesto for the organization. The manifesto was not merely a document, but a clear call for action, as the measures taken by the group can be organized under the corresponding portions of the charter.

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<sup>42</sup> *Ibid.*

<sup>43</sup> *Ibid*, 27, 29.

<sup>44</sup> *Ibid*, 30.

<sup>45</sup> *Ibid.*

The first portion of the document, dealing with the *social* status of the homosexual, made the goal of internal, personal reform clear. The lesbian had to understand herself in order to expect society to be accepting. The idea that this pillar of the organization was vital is traceable to the coffee chats which defined the DoB's beginning; The group was able to get a clear sense of the challenges which existed within the self-esteem of the homosexual.<sup>46</sup> The self-esteem was undeniably fragile, a phenomenon which can be examined through accounts of women who spoke at "Gab 'n' Javas" about being unwilling to write membership checks to the DoB themselves, as was the plight of one member, a graduate student at the University of Chicago.<sup>47</sup> The need for a social directive was clear in these types of incidents, and begged for the DoB to create some mechanism for addressing that internal disquiet. Resulting from this, the first portion of the statement explained the role of the organization in,

Education of the [lesbian], with particular emphasis on the psychological and sociological aspects, to enable her to understand herself and make her adjustment to society in all of its social, civic and economic implications- this to be accomplished by establishing and maintaining as complete a library as possible of both fiction and non-fiction literature on the sex deviant theme; by sponsoring public discussions on pertinent subjects to be conducted by leading members of the legal, psychiatric, religious and other professions; by advocating a mode of behavior and dress acceptable to society.<sup>48</sup>

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<sup>46</sup> *Ibid.*

<sup>47</sup> Lauren Jay Gutterman, "Lesbian Desire, Marriage, and the Household," *Journal of Social History*, 46:1 (Fall 2012), 4.

<sup>48</sup> Helen Sanders, "Purpose of the Daughters of Bilitis," *The Ladder*, 12:10 (August 1968), 2.

In order to create the movement necessary for a lesbian community which was polarized toward working for specific political change, the Daughters of Bilitis saw it as vital to ensure that the lesbian community understood its place in overall society. The critical difference between the DoB and the movements of Gerber was that Bilitis did not seek the near-impossible task of breaking through ignorance solely by educating the general American public. Instead, Bilitis sought to educate the queer community on its *own* stature, ensuring a united front which could lend itself to later, more political mechanisms of combatting oppression. This showed a complex structure of sociology that was not clear through other mechanisms. The DoB critically built a sense of self and overall place in society, actualizing the homosexual before seeking to act on the outside, homophobic world. The need of a personalized education created a movement which had institutional stability, as opposed to in-bred insecurities putting cracks in their very foundations.

The actions of Bilitis on the social front were not merely a matter of their charter. The internal social goal of validating the lesbian to herself on account of her stature rung true in many of their activities. This was specifically because of the social climate for women during the Cold War. In the post-WWII era, women were expected to be nurturing paragons of motherhood, which made the ideal of being with another woman particularly deviant.<sup>49</sup> The damages to homosexual self-esteem in light of this was particularly challenging, which created direction in the socially legitimizing activities of Bilitis. Virginia Armon published her 1959 study, "Some Personality Variables in Overt Female Homosexuality," in *The Ladder*, validating the lack of sociological

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<sup>49</sup> Kristen Esterberg, "From Illness to Action: Conceptions of Homosexuality," *Feminist Perspectives on Sexuality*, 27:1 (February 1990), 67.

differences between the lesbian and the heterosexual.<sup>50</sup> *The Ladder* had a regular section titled “Readers Respond,” geared towards giving a platform to the voices of all in the community, not just those who held power. This worked critically in generating a validating climate, as the lesbian was able to believe that one did not have to be a researcher or sociologist to have an opinion on their condition.<sup>51</sup> Their campaign to grant personal comfort also grew further than the internal organization; Vickie Martin, the daughter of one of the original founders, campaigned for mainstream radio broadcasting validating the homosexual, ensuring that there were dissident voices in main media channels.<sup>52</sup> On a broadcast in 1959 on “heterosexual marriage as a cure for homosexuality,” Martin expressed that “[she did not] believe there [was] such thing as a cure for homosexuality, because it is not a disease.”<sup>53</sup> The goal of such social action was not to change public perception of the homosexual, but rather to work from within, granting confidence to lesbians vital to establishing a will to fight against a critically invalidating climate. This was the social aspect of the DoB’s mission, and resulting actions.

The second and third planks of the DoB’s Statement of Purpose were scientific, dealing with the “Education of the public at large through acceptance first of the individual, leading to an eventual breakdown of erroneous taboos and prejudices; through public discussion meetings;

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<sup>50</sup> Virginia Armon, “Some Personality Variables in Overt Female Homosexuality,” *Journal of Projective Techniques*, 24:3 (1960), 292-309.

<sup>51</sup>Kristen Esterberg, “From Illness to Action: Conceptions of Homosexuality,” *Feminist Perspectives on Sexuality*, 27:1 (February 1990), 71.

<sup>52</sup> *Ibid*, 69.

<sup>53</sup> Esterberg, 67.



through dissemination of educational literature [regarding the homosexual].”<sup>54</sup> as well as “Participation in research projects by duly authorized and responsible psychologists, sociologists and other such experts directed towards further knowledge of the homosexual.”<sup>55</sup> The drive for scientific intention was likely born from their inclusion of perspectives which had been challenged by science, a group of women which had consistently been told that their attraction was fundamentally unacceptable.

This is perhaps the segment of the DoB’s charter most similar to the intentions of Hirschfeld and Gerber. The DoB published literature that did not independently address the experience of the homosexual, but, rather, served as refutation to specific pieces of ignorance, in a scientific form. Issues of *The Ladder* addressed policy and opinion that was critical of the queer way of life.<sup>56</sup> It did not simply tell all of the queer experience, but rather refuted specific misconceptions in mainstream publications.<sup>57</sup> One other key means by which the DoB turned their scientific mechanisms into action was through lectures hosted by the organization. These lectures sought to dispell the myth which was prevalent at the time: that homosexuality was a gateway to criminal action and a mental illness.<sup>58</sup> Researchers for anti-homophile organizations pushed

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<sup>54</sup> Sanders, 2.

<sup>55</sup> *Ibid.*

<sup>56</sup> Del Martin and Phyllis Lyon, *Video Interview (May 9, 1987)* Tape 1 found at <http://herstories.prattinfoschool.nyc>. This multimedia collection is developed by Pratt Info School in New York City, and is a division of the Lesbian Herstories archive in Brooklyn, New York. The collection seeks to digitize primary sources of the lesbian rights movement to make the information more accessible.

<sup>57</sup> *Ibid.*

<sup>58</sup> Esterberg, 67.

pseudo-science which claimed that “the sexual energy [of deviant homosexuals] overflows into all sorts of channels creating social disorganization and psychopathology.”<sup>59</sup> Seeing this science, the DoB organized lectures of their own, with scientists such as Alice LeVere, who explained that there was no basis in the anti-homosexual claims, saying that “the Lesbian suffers more from being unwanted and shunned than from any illness.”<sup>60</sup> The scientific conference format gave validity to the reality of the homosexual, and effectively created a forum which challenged the science of anti-queer organizations. In this way, the DoB created a successful scientific construction of both literature and conference, building a reputable place for the homosexual in previously purely unfriendly scientific discourse.

The final angle of the DoB was the litigious side of their campaigns. The DoB was able to understand this difficulty because of the San Franciscan perspective explained before. They had seen their way of life transformed from a comfortable subculture to a threatened marginalization, and were thus driven to rewrite the law in a way which would also rewrite their quality of life. Thus, the fourth aspect of their charter shows similar signs of political drive, as the Daughters of Bilitis stated an aim to partake in “Investigation of the penal code as it pertains to the homosexual, proposal of changes to provide an equitable handling of cases involving minority group, and promotion of these changes through due process of law in state legislatures.”<sup>61</sup> These attitudes show a specific goal of resistance to policy, which linked Cold War policy as a causal aspect of the founding of the Daughters of Bilitis. The actions they took in the form of litigation

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<sup>59</sup> *Ibid.*

<sup>60</sup> *Ibid.*

<sup>61</sup> Sanders, 2.

were some of the outstanding parts of the DoB's legacy in a modern context. The founders of the DoB were not lawyers, and thus the association did not take the form of any sort of queer-specific proto-ACLU. The goal, rather, was to form two functions: a forum for discussion of the law, as well as legal partners which provided a launching point and background for those discussions. *The Ladder* ran multiple articles discussing cases of interest to the queer community, such as the targeting queer liquor consumption in cases like *Stoumen*.<sup>62</sup> They also made a vested effort to get lawyers "on their side" for forums and discussions, allowing for the homosexual to have a clearer understanding of their rights in a legal context.<sup>63</sup> The understanding of their legal context emboldened them to protest, creating a confidence that allowed for civil disobedience. For example, Del Martin, a founder, states that "in 1966 [the DOB] had [its] first national demonstration around the armed services issue, which is rather prominent now. And [they] demonstrated out in front of the Federal Building."<sup>64</sup> The DoB sought to understand policy in its social context, not just refute policy as it stood in the letter of the law, as Hirschfeld, and thus Gerber, did. The DoB understood that there were deeper, political inclinations behind any piece of written policy, and that a focus on the word alone would never result in an actual, marked change. The DoB fought to create alliances with church leaders to gain more political capital in their fight, and eventually aided in establishing one of the first police brutality monitoring networks in the

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<sup>62</sup> *Stoumen* was a case regarding the right of queer individuals to gather as per the first amendment, a challenge levied after police forces began targeting queer liquor consumption and bars in San Francisco. Patricia A. Cain, "Litigating for Lesbian and Gay Rights," *Virginia Law Review*, 79:7 (October 1993), 1557.

<sup>63</sup> Marcia M. Gallo, *Different Daughters* (New York: Seal Press, 2007), 232.

<sup>64</sup> Del Martin and Phyllis Lyon, *Video Interview (May 9, 1987)* Tape 1 found at <http://herstories.prattinfoschool.nyc>.

United States.<sup>65</sup> Their action to combat the law directly through protest and policy alliances resulted in more specific change than Hirschfeld or Gerber because it was not a mere matter of expectation. Where the earlier men believed that simply educating others would have a ripple effect of policy change, the DoB understood that change was a far more complex process, which would require their own hands meddling in established structure, not the mere hope of the aid of others.

Founder Del Martin explained in a later interview that the structure of the DoB, at a fundamental level, placed a focus upon “the whole atmosphere of fear and how to deal with it.”<sup>66</sup> This idea of a “whole atmosphere” was precisely what made up the three pronged structure: the social, the scientific, and the litigious. The DoB understood that they were fighting a climate, not one dimension, and crafted not only organizational policy, but also concrete action, in accordance with their statements.

To understand the end of this story, it is critical that one returns to the beginning. It is more than fair to view Hirschfeld as the father of all of this, the initial domino in a long tumbling chain of events. His mechanism was incredibly influential in the German theater, creating rhetoric that combatted the explicit, anti-queer German law, Paragraph 175. This, thus, inspired Henry Gerber, who would create the mechanism for the first U.S. queer rights organization, echoic of what he saw created by Gerber across the Atlantic. It was the Daughters of Bilitis, though, under Phyllis Lyon and Del Martin, that were able to create a persistent queer movement in the United States.

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<sup>65</sup> Gallo, 29.

<sup>66</sup> Del Martin and Phyllis Lyon, *Video Interview (May 9, 1987)* Tape 1 found at <http://herstories.prattinfoschool.nyc>.

They recognized that a shoe sized solely to the scientific condition of the homosexual did not fit the size of the problem. In this way, they sized up, basing their movement on a hybrid of the social, the scientific and the litigious. This was the movement that stuck, persisting into the infamous Stonewall Riots on Christopher Street and, years later, giving queer people the freedom of expression demonstrated in ways even as comical as Netflix's *Queer Eye*.

It is a privilege entirely afforded by the actions and voices of Del Martin and Phyllis Lyon that this paper can even be written. History has not granted the same comfort, and queer America has not always been kind to the voices which created space for it. However, through these pioneers, society has gleaned a sense of how to successfully construct a reality which allows for the queer individual to flourish.

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