



A Breakthrough Year for LGBTQ Law Student Activism

A webinar produced by Spectrum Institute and hosted by OutLaw LLS - March 30, 2022



Research, education, advocacy, and community service activities by gay law students occurred in 1972 in Los Angeles, San Francisco, Minneapolis, Madison, Buffalo, and New York City while significant legal events happened that year in Ohio, Colorado and Kentucky.



Did you know
that the true
genesis of the
Gay Law Student
Association lies
in bathroom
graffiti?



“After a liberating experience as an openly gay undergraduate student at UCLA, I get to Loyola Law School where I feel stifled in a repressive atmosphere. You genuinely feel that confiding your sexual orientation to anyone would spell death to your future legal career. One night studying in the law school library, I feel especially frustrated. I find myself sitting in an end stall in the bathroom adjacent to the library. I take out a pen and carefully scrawl this accusatory slur directed at gay law students in the grouting between the wall tiles. I don't remember the exact words, but it was something to the effect that gay law students are a bunch of repressed closet cases. Remarkably, some days later someone responds to my graffiti. It's another law student refuting my accusations and coming to the defense of his gay brethren. Soon there's this dialogue being conducted between the tiles of the bathroom wall, all culminating in our first rendezvous at that tacky gay bar called “Dude City” on Highland Avenue. Think about it-- the first Gay Law Students Association in the United States, at a Catholic University no less, can trace its origins to an exchange of words on a bathroom wall.” – **Source: *Email to Tom Coleman from an unnamed alumnus in 2012.***

50 Years Ago

The First Gay Law Students Association was formed in March 1972. It consisted of students from Loyola, UCLA, Southwestern, and USC. Meetings soon moved from a gay bar to the Gay Community Services Center.



**“I knew it would
change my life.”**

- Hon. Steve Lachs



Rand Schrader and Steve Lachs - 1979

**[Watch](#) a short video
about Steve Lachs
becoming a mentor to
gay law students in 1972**



Steve Lachs - Recently

**Hastings
(San Francisco)**

**While the first instance of
organized gay law student
activism occurred in Los
Angeles, similar groups
began to appear at other
law schools in the nation.**

**SUNY
(Buffalo)**

**Golden Gate
(San Francisco)**

**University of
Wisconsin
(Madison)**

**Fordham
(New York)**

Professor [Walter Barnett](#) is [writing](#) *Sexual Freedom and the Constitution*

HASTINGS (San Francisco)

Hastings Law News publishes an [article](#) on sexual law reform



Dick Gayer (2nd from left) receives award from HTG officers - (from left) Don Nelson, Phil Boyer, Chris Clarke, Steve Weirauch & Lynn Yaeger.

Dick Gayer Receives Richard P. Rudy Community Service Award

[Letter](#) from [Dick Gayer](#), student at Hastings, to Tom Coleman, student at Loyola:

“The Gay Students at Hastings (GSH) is a [registered](#) campus organization since September 11, 1972. We have eight participants, plus the assistance of Walter Barnett as informal advisor. Reaction from the student government, the students in general, and the low-level administration has been positive. However, response from the gays has been less than exciting. Even those who do participate, in general, do so with hesitancy and with aspects of paranoia.”

Golden Gate

(San Francisco)

THE ADVOCATE

SEPTEMBER 13, 1972

Tim Stearns, president of the student bar association at Golden Gate Law School here, explained a work-study program currently under way in cooperation with the Society for Individual Rights and the California Committee for Sexual Law Reform.

The project, supported by the committee's Whitman-Radclyffe Foundation, will eventually provide every attorney handling gay cases with a battery of research material on past court decisions.



University of Wisconsin (Madison)

[Jim Yeadon](#) was a cofounder of Madison, Wisconsin's, Alliance for Homosexual Equality (MAHE), the first gay rights organization in the state, formed in the fall of 1969 after Stonewall, and the University of Wisconsin-Madison Gay Law School Students Association around 1972.

Gay law student [Bob Roth](#) published an article in the [April 6, 1972 edition](#) of *The Advocate* – the student newspaper at Fordham Law School.

He reported that on February 7, law students, lawyers, and legal workers held the first meeting of the *Gay Legal Caucus* of the Gay Activists Alliance in New York. This was the first gay legal association in the nation.

Fordham
(New York City)

From the article: “The Gay Legal Caucus is a first step in breaking the cycle of fear and oppression that keeps most homosexual lawyers underground, ‘in their closets,’ and forces them to lie constantly about their personal feelings, relationships and life plans . . . An important question for Gay law students, which the Caucus is seeking to answer, is whether they must keep their homosexuality secret in order to gain admission to the Bar . . . Within a few months there should be a definite answer for all of the Gay law students who presently live in fear in the shadow of this question.”

[ABA](#) holds its first
forum on gay rights
at an annual
meeting
(**San Francisco**)

[Tracy Knight and
Marjorie Jones](#) file an
appeal in a lesbian
marriage case
(**Kentucky**)

[Jack Baker and Jim
McConnell](#) file an
appeal in gay
marriage case
(**Minneapolis**)

[Craig Patton](#) is
admitted to the
Ohio bar by a
narrow vote
(**Columbus**)

Other Major Developments in 1972

[Incorporation
papers](#) are filed for
Lambda Legal
Defense
(**New York**)

[Gay Coalition of
Denver](#) is formed by
openly gay lawyers
and activists
(**Denver**)

[First city laws](#)
protecting gay
employees passed
(**San Francisco &
East Lansing**)

The lesbian marriage case of Tracy Knight and Marjorie Jones was pending on appeal in 1972
(Kentucky)

“It Could Be Dangerous!”

*Gay Liberation and Gay Marriage in
Louisville, Kentucky, 1970*

Catherine Fosl

When two women known as Tracy Knight and Marjorie Jones applied for a license to marry in Louisville, Kentucky, on July 8, 1970, their request “amused” the county attorney who investigated its legality.

Court of Appeals of Kentucky

Jones v. Hallahan

501 S.W.2d 588 (Ky. Ct. App. 1973)

Decided Nov 9, 1973

In substance, the relationship proposed by the appellants does not authorize the issuance of a marriage license because what they propose is not a marriage.

Jack Baker and Jim
McConnell file an
appeal in their gay
marriage case
(**Minneapolis**)



R. Bertrand Heine. Jack Baker (born Richard John Baker) and James Michael McConnell apply for a marriage license in Minneapolis. Minneapolis Star Tribune News Negative Collection. Minnesota Historical Society, Saint Paul, MN.

Supreme Court of the United States

No. 71-1027 ~~October Term, 1971~~

Richard John Baker, et al.,
Appellants,

v.

Gerald R. Nelson

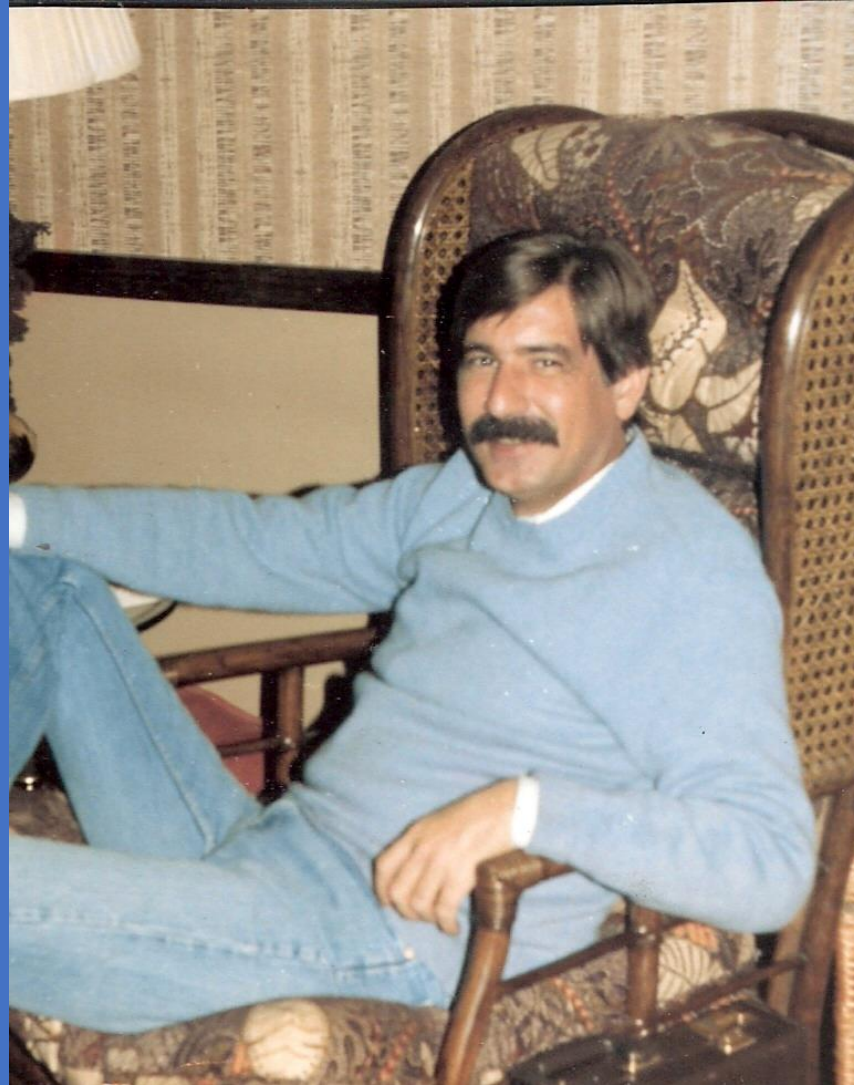
APPEAL from the Supreme Court of the State of
Minnesota.

THIS CAUSE having been submitted on the statement of
jurisdiction and motion to dismiss,

ON CONSIDERATION WHEREOF, it is ordered by this Court
that the appeal herein be, and it is hereby, dismissed for
the want of a substantial federal question.

October 10, 1972

Craig Patton is
admitted to the
Ohio bar by a
narrow vote of the
Character & Fitness
Committee
(**Columbus**)



The sodomy law was repealed in 1972 in Ohio,
the same year Craig was admitted to the bar.

Incorporation
papers are filed for
Lambda Legal
Defense
(New York)



Bill Thom (from Lambda's website)

Appellate Division of the Supreme Court of
New York, First Department

In re William J. Thom - Lambda
Legal Defense & Education Fund, Inc.

40 A.D.2d 787 (N.Y. App. Div. 1972)
Decided Nov 9, 1972

It does not appear that discrimination against homosexuals, which undoubtedly exists, operates to deprive them of legal representation. . . . we should not put our imprimatur upon any corporation which seeks approval to practice law for no more reason than that it claims to represent a minority.

Application for approval as a legal assistance corporation . . . denied and petition dismissed.

ABA ducks gay rights issue...for now

THE ADVOCATE SEPTEMBER 13, 1972

ABA holds its first forum on gay rights at an annual meeting, while the Law Student Division adopts a resolution to repeal criminal laws against consenting adult sex
(San Francisco)

Law Students

The law reform resolution adopted by the House of Delegates of the Law Student Division, meeting in conjunction with the parent body, was adopted by the division's Ninth Circuit in San Diego early this year.

The Ninth Circuit covers 44 law schools in California, Arizona, and Utah, and is among the most influential in the division.

Its resolution, which the delegates here approved, calls for the repeal of all statutes dealing with adult consensual sex acts in private, lewd conduct, prostitution, private possession and use of marijuana, and private possession, use, or sale of erotic materials defined as "obscene."

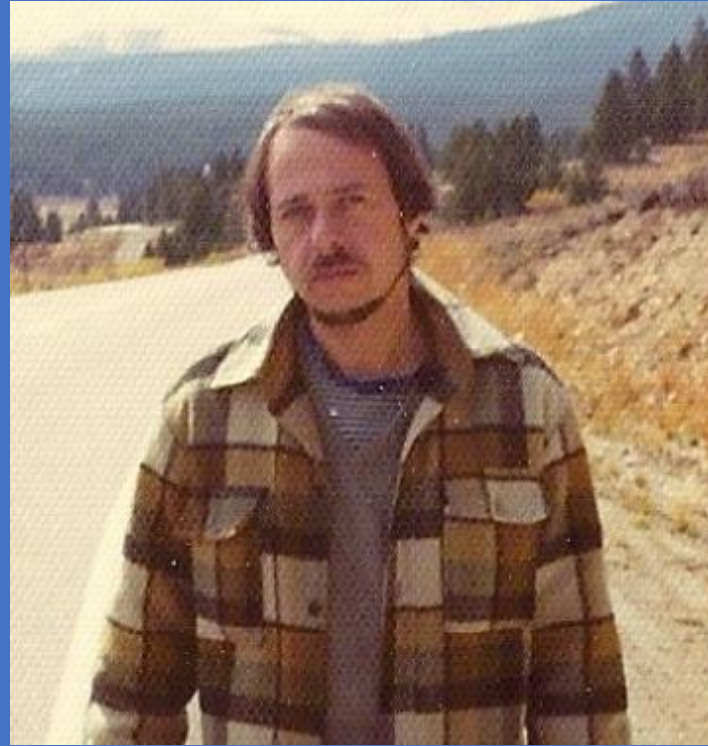
Barnett Talk

The Gay Law Students Association also sponsored a workshop which discussed a number of projects on homosexuals and the law. Keynote speaker was Walter Barnett, now visiting professor at Hastings College Law School of the University of California.


Working under a grant from the Playboy Foundation, Barnett is writing a book on sodomy laws in the United States. At the workshop, he discussed ways in which such statutes can be challenged.

Tim Stearns, president of the student bar association at Golden Gate Law School here, explained a work-study program currently under way in cooperation with the Society for Individual Rights and the California Committee for Sexual Law Reform.

Gay Coalition of
Denver is formed by
openly gay lawyers
and activists
(Denver)



In the fall of 1972, openly gay attorney Jerry Gerash (photo) along with several gay and lesbian activists, formed the Gay Coalition of Denver. That was the same year that consenting adult sex in private was no longer criminal in Colorado. The coalition successfully fought against police harassment and gained the repeal of several anti-gay ordinances.



Meanwhile . . .
back in
Los Angeles

Tom Coleman and Barry Copilow gather data to prove discriminatory enforcement of the lewd conduct law

David Rosenbaum and Tom Coleman slow dance at the ABA Law Student Division reception at the Hilton

STAR-NEWS

PASADENA, CALIFORNIA, SUNDAY, SEPTEMBER 10, 1972

Gay Law Students Offer Legal Help For Homosexuals, Other Minorities

By LUCIE LOWERY
Staff Writer

At last the gay people of the world have legal spokesmen — the Gay Law Students Association.

Loyola Law student Thomas F. Coleman, president of the group which was formed in June in Southern California, said the objects of the association are to work toward the solution of legal problems indigenous to the homosexual as a minority, as a member of society, and of the legal profession.

Coleman said there are areas of the law which need to be changed in order to effect equal protection of the law to all gay people.

Specifically, he said the association would like to see the repeal of all statutes dealing with consensual sexual services, the sale of sexual services, private possession and-or use of marijuana by adults, and private possession for use and-or sale of literature defined in case law as "obscene."

The association is working for the repeal of all portions of the Internal Revenue Code or state codes which impose higher taxes on single people than on married people.

It would like to have legislation enacted to prohibit automobile insurance companies from considering the insured marital status as an underwrit-

Barry Copilow and Tom Coleman write a constitutional challenge to the lewd conduct law in the "Black Pipe 21" case

Rick Angel and Tom Coleman operate an *Arraignment Intervention Project* to help defendants gain release from custody

Papachristou v. City of Jacksonville



Supreme Court of the United States

**Argued December 8, 1971
Decided February 24, 1972**

Holding

The court held that a Jacksonville vagrancy ordinance was unconstitutionally vague because it did not provide fair notice of forbidden behavior and it encouraged arbitrary arrests and convictions.

Barry Copilow and Tom Coleman write a constitutional challenge to the lewd conduct law in the "Black Pipe 21" case



Coleman and Copilow in 2009

**Criminal No. 71209-71
DISTRICT OF COLUMBIA
v.
HUBERT WALTERS**

District of Columbia Judge Charles Halleck wrote a 70-page decision in 1972 declaring the lewd conduct law void for vagueness. It was [affirmed](#) on appeal. Halleck's opinion inspired Coleman and Copilow to challenge the lewd conduct law in California.

Coleman and Copilow teach the defense attorneys how to challenge the constitutionality of the lewd conduct law by filing a [demurrer](#). They adapted two 1972 court decisions declaring [vagrancy](#) and lewd conduct laws unconstitutionally vague.

Yick Wo v. Hopkins
Wo Lee v. Hopkins



Supreme Court of the United States

Submitted April 14, 1886
Decided May 10, 1886

Holding

Racially discriminatory application of a racially neutral statute violates the Equal Protection Clause of the Fourteenth Amendment.

Tom Coleman and Barry Copilow gathered data to prove discriminatory enforcement of the lewd conduct law and prepared a motion to dismiss on equal protection grounds

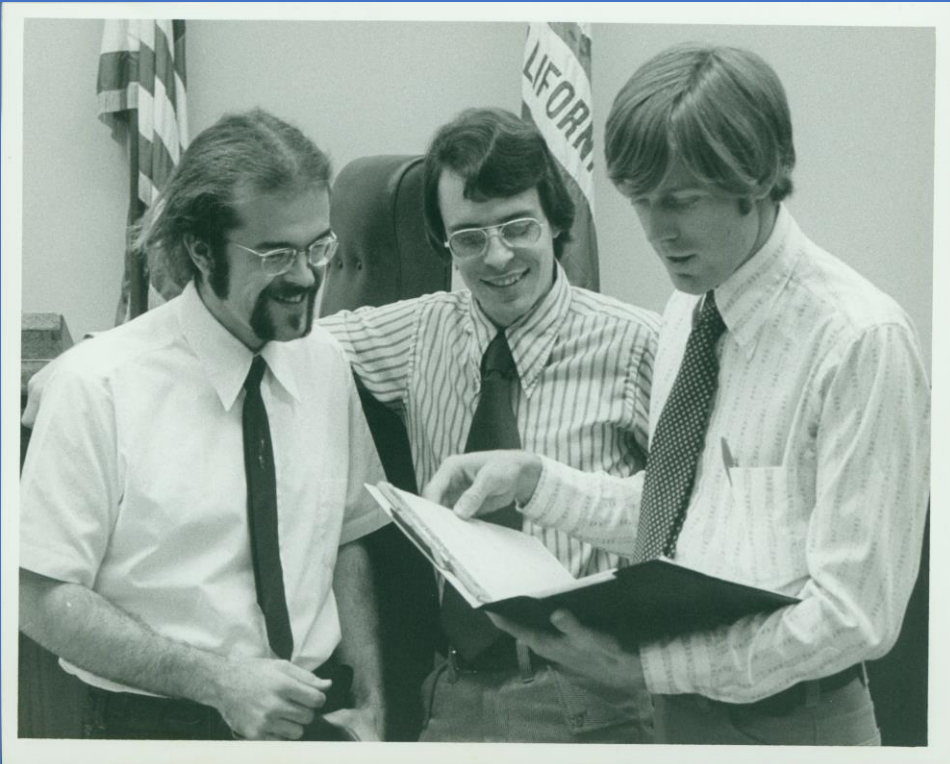
ENFORCEMENT OF SECTION 647(a) OF
THE CALIFORNIA PENAL CODE BY
THE LOS ANGELES POLICE DEPARTMENT

Barry Copilow, law student, U.S.C. Law School
and
Thomas Coleman, law student, Loyola Law School

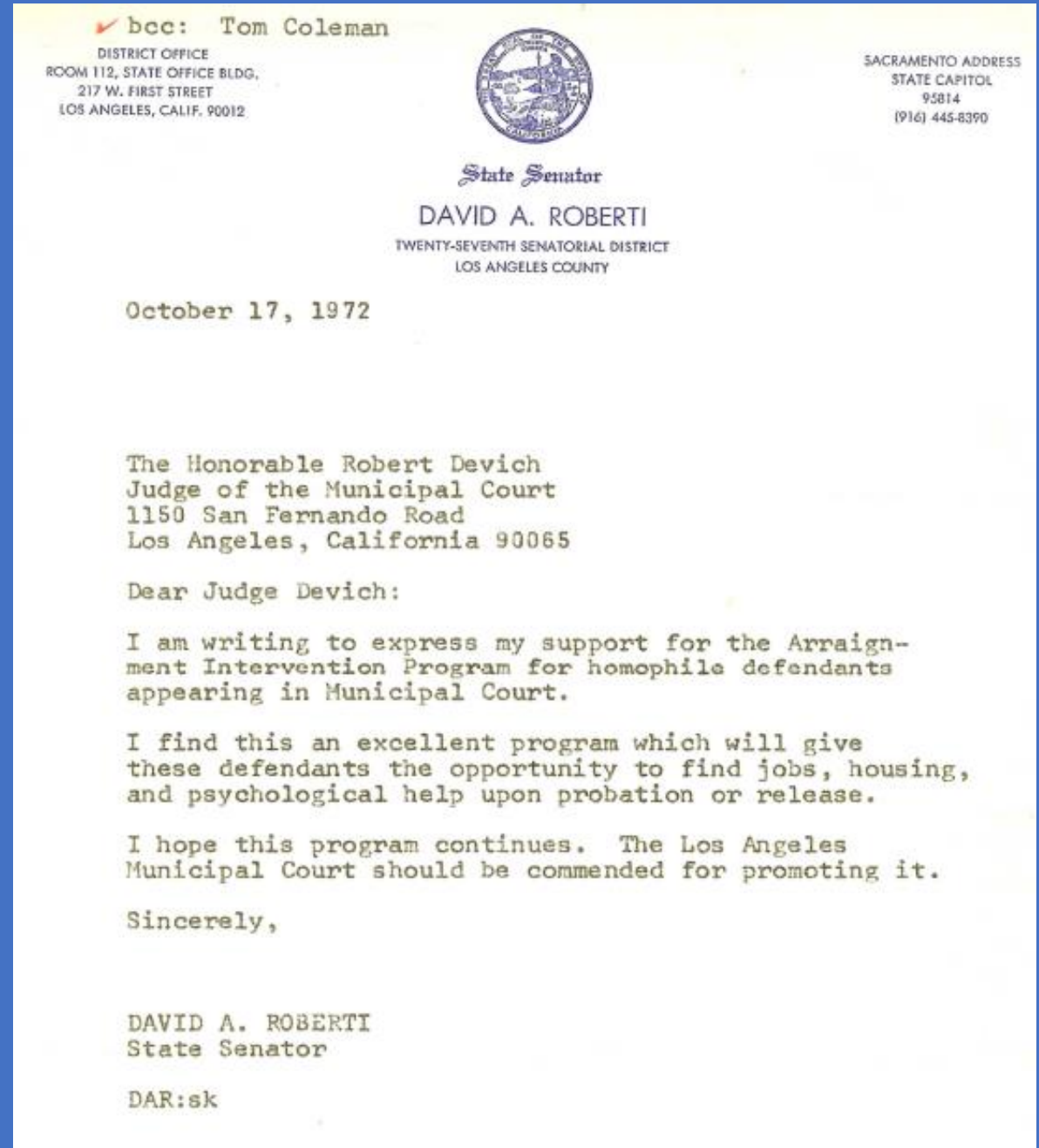
This report contends that Section 647(a) of the California Penal Code is discriminatorily, invidiously, and arbitrarily enforced, and purposefully so, by the Los Angeles Police Department against homosexuals (hereafter referred to as gay persons) individually and against homosexuals as a class of persons (hereafter referred to as the gay community). This manner of enforcement allows for the worst kind of police malpractice, including falsification of arrest reports, harassment, and usurpation of the legislative and judicial functions of legal interpretation. It further establishes the machinery for cruel and unusual treatment of gay persons in the State of California.

Coleman and Copilow developed a motion to dismiss, adapting the rationale of [*Yick Wo v. Hopkins*](#) to discriminatory enforcement based on sexual orientation bias by the police. They search through hundreds of arrests reports to prove selective enforcement and they add the police chief's public [homophobic comments](#) to show ill intent. Their research eventually went to good use when the California Supreme Court declared the lewd conduct law unconstitutionally vague seven years later, citing the [Coleman & Copilow Report](#) in *Pryor v. Municipal Court* (1979) [25 Cal.3d 238](#), fn. 8. Dismissals based on discriminatory enforcement of the lewd conduct law were later successful in [Santa Clara](#) and [Long Beach](#).

Rick Angel and Tom Coleman
and Michael Miller operate
an Arraignment Intervention
Project to help defendants
gain release from custody



Michael Miller, Tom Coleman, Rick Angel



David Rosenbaum and Tom Coleman slow dance at the ABA Law Student Division reception in the Hilton Hotel – in violation of Police Commission rules



David Rosenbaum in 1981

BOARD RULES GOVERNING PUBLIC DANCES

In Addition to City Ordinances

RULE No. 1—Permittee shall be held responsible for the conduct of band members and patrons in and around the Dance Hall premises and for the correct age of persons who are not permitted by law to attend or participate in dancing.

RULE No. 2—Conduct offensive to public decency or morals or any conduct or activity which disturb the peace and quiet of the surrounding neighbors shall be prevented and controlled.

RULE No. 3—The parking areas shall remain well lighted and supervised by management or their agents.

RULE No. 4—Patrons shall not be permitted to dance in a lewd, suggestive or sensual manner, and no lewd or disorderly person shall be permitted to enter or remain on such premises.

RULE No. 5—In and out passes shall not be given to any patron unless authorized by the Board.

RULE No. 6—The management shall not permit any person to dance with another person of the same sex while attending and participating in a public dance.

RULE No. 7—No person shall be permitted to smoke while dancing.

RULE No. 8—Employees shall not be permitted to solicit drinks from patrons.

RULE No. 9—These rules shall be posted in a conspicuous place on the premises of every location operating under permit granted by the Board of Police Commissioners.

A violation of the foregoing rules is grounds for suspension or revocation of the permits.

ADOPTED BY THE BOARD OF POLICE COMMISSIONERS, JULY 2, 1958.
ORDINANCE 111,348, SECTION 103.106.



[Patricia Cain](#), who became a [professor](#) and noted scholar of feminism and LGBT rights, was attending law school at the University of Georgia.



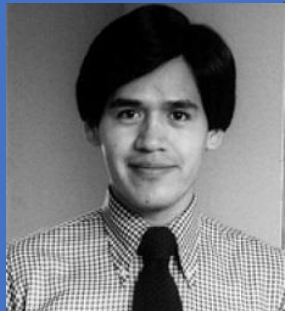
[Nancy Polikoff](#), who became a scholar and advocate for legally unrecognized families, including LGBT families, was attending Georgetown Law School.



[Nan Hunter](#), who became a LGBT rights litigator for the national ACLU and later a professor at Brooklyn Law School, was attending Georgetown Law School.



[Pauli Murray](#), a nonbinary civil rights [trailblazer](#) who graduated from Howard Law School in 1944, was a professor at Brandeis University.

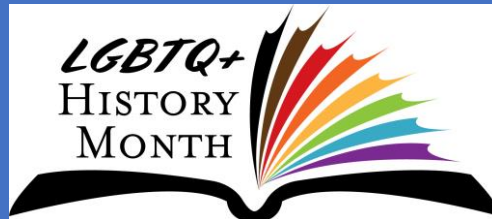


[George Raya](#), who became California's first full-time gay rights lobbyist in Sacramento, was attending his first year at Boalt Hall in Berkeley.



[Mary Morgan](#), who became the first open lesbian judge in the nation when she was appointed to the bench in 1981, graduated in 1972 from NYU School of Law.

What
others were
doing in
1972



Participate
October 2022

WEBINAR
hosted by the
Williams Institute

MEMORY BOOK
produced by
Spectrum Institute

VIDEOS
of trailblazers
released each week

For more information about these activities, go to: <https://spectruminstitute.org/>

Preview



Maria Reyes Olmedo is developing a paper on the emergence of transgender, nonbinary, and students of color as activists for LGBTQ rights. They are giving us a preview today of the presentation they will make on this topic at the October webinar.

Maria attends Loyola Law School in Los Angeles. María was born in Guanajuato, Mexico, and they are a non-binary Mexican immigrant and first-generation higher education student.

Sponsors

Your name or your organization's name and logo could go here.
To become a sponsor, contact: tomcoleman@spectruminstitute.org



The [OutLaw](#) LGBT student group at Loyola Law School in Los Angeles is hosting this webinar and cosponsoring the project.



The [Law Student Division](#) of the American Bar Association is cosponsoring the project.



The California Legislative LGBT Foundation in partnership with the [California Legislative LGBTQ Caucus](#) are major donors to the project.



The [Williams Institute](#) at UCLA School of Law is a major donor and will be hosting the webinar in October.



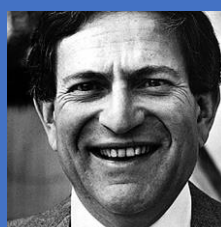
is a major donor in honor of Judge [Rand Schrader](#).



California Senate President Pro Tem [Toni Atkins](#) (left) and Senator [Christine Kehoe](#) (retired) are major donors.



[Mel Heifetz](#) is a major donor.



The Goodstein Foundation is a major donor in honor of [David B. Goodstein](#).



The Sentience Foundation is a major donor in honor of [Arthur C. Warner](#).

Benefactors

Richard Carbonaro & John Adam DiPietro * William Breto & Dr. Fred Brugal * Thomas F. Coleman & Michael A. Vasquez

Webinar is Hosted by OutLaw LLS

[OutLaw LLS](#) is an organization of lesbian, gay, bisexual, transgender, and queer (LGBTQ) students and their allies at Loyola Law School. OutLaw strives to provide Loyola students with current information regarding the legal and political issues facing the LGBTQ community, as well as offer academic and social peer support and professional guidance to its members. In cooperation with other LGBTQ organizations, including those at other Los Angeles-based law schools, OutLaw aims to create a community of lawyers and law students who believe in the advancement of LGBT rights as part of a broader social justice agenda. Founded in 1972, OutLaw is proud to be the first organization of its kind to be recognized by a law school in the United States.

Contact:
outlaw@lls.edu

Webinar is Part of *Birds of a Feather*



Birds of a Feather, produced by Spectrum Institute, commemorates the LGBT activism of law students and lawyers during the 1970s. While the March 30 webinar focuses solely on the year 1972, a memory book and webinar in October 2022 will explore what these trailblazers were doing during the entire decade. Proceeds above production costs will support the [Capacity to Love](#) Project.



[MORE INFORMATION](#)

Webinar is Narrated by Thomas F. Coleman

As a law student at Loyola in 1972, [Thomas F. Coleman](#) was the founding president of the first gay law student association in the nation. He secured official recognition and funding for the Loyola chapter from the dean's office. As the school's representative to the Law Student Division of the ABA, Coleman introduced resolutions which were approved by the delegates at the LSD Assembly urging the repeal of criminal laws against consenting adult sex and recommending an end to sexual orientation discrimination in the bar admission process. Coleman organized the first forum on gay rights ever held at an annual meeting of the ABA. Students and lawyers from all parts of the nation attended the forum which was held in San Francisco in 1972.

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tomcoleman@spectruminstitute.org

<https://spectruminstitute.org/outlaw-webinar.pdf>