

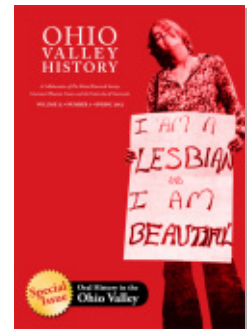


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It Could Be Dangerous! Gay Liberation and Gay Marriage in Louisville, Kentucky, 1970

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Ohio Valley History, Volume 12, Number 1, Spring 2012, pp. 45-64 (Article)



Published by The Filson Historical Society and Cincinnati Museum
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“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. The purpose of marriage was “procreation,” according to a statement by James Hallahan, the county clerk who denied the young women’s request three days later. *Jones v. Hallahan*, the lawsuit the lesbian couple filed in protest—if taken seriously—could, according to Hallahan’s trial testimony, “be dangerous,” causing “breakdowns” in government and retarding “the continuity of the human race.” In a courtroom climate that ranged from raucous to quizzical to aggressively hostile, the women summarily lost their case and a subsequent appeal. What appears to have been only the second legal challenge for same-sex marriage in U.S. history faded quickly from local headlines and made few if any national ripples.¹

To most casual observers, gay marriage is a contemporary social controversy rather than a historical one. More than forty years after what a local newspaper pronounced “one of the most unusual trials in Kentucky history,” the significance of the nation’s first lesbian-marriage case has still never been fully examined. Although law-school textbooks routinely cite the case, relatively few people even in Louisville’s sizeable lesbian-gay-bisexual-transgender-queer (LGBTQ) community have heard of it. Oral history allows us to recover this neglected story and contextualize it as a key component of the 1970s gay liberation movement that followed on the heels of and was inspired by other 1960s-era liberation movements. Yet the difficulty of finding the lesbian and gay protagonists meant that only a few could be located to interview. While this challenge necessitated reliance on other kinds of sources, the resulting narratives underscore the depth



WHO AM I?

I lived many thousands of years ago, and I am still alive today. I will die when mankind fails. I am a woman. I am a man. Sometimes I change from one to another. I am an atheist. I believe in God. I come from every race, every nation, every little town across the face of the earth. I am always with you. I may be your sister, your brother, your son, your daughter, your mother, your father, your bedfellow. I may be you. I am an artist, a farmer, a senator, a bricklayer, even a cop. Sometimes you recognize me; usually you don't. I used to be silent, but I'm not any more. Look around. Can you see me?

I AM A HOMOSEXUAL.

If you believe in human rights for all, call the Louisville Gay Liberation Front, 637-6030

“Who Am I?” The Louisville Gay Liberation Front calls for “human rights for all,” *Free Press of Louisville*, vol. 1, no. 15 (1970).

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of the challenge Jones and Knight posed to the social and sexual order of the era. Only the oral histories reveal, for instance, that the two women used pseudonyms to ensure their safety in a cultural climate “so rough, so hostile” to homosexuality that, as Jones vividly explains, “you were afraid to go out sometimes.”²

Although the case appeared as little more than a curiosity in 1970 newspaper coverage, the protagonists recognized the significance of the women’s pursuit of marriage rights. In the four months between Jones and Knight’s visit to the county clerk to request a marriage license and the subsequent trial to determine their right to have one, their quest inspired the city’s first open expression of gay-rights activism, the early phase of a social movement that has persisted for more than two generations. That was their intention, as Jones hesitantly explained forty-two years later: “We did it to help get a gay liberation movement started,” to “make people begin to realize that we’re human beings the same as [they] are.” Several of the two dozen or so young gays and lesbians who congregated in the clerk’s office and later in the courtroom to support Knight and Jones recall the experience as a galvanizing one, and the county attorney on the case remembered it decades later as “the first important trial” of his tenure.³

Louisville’s early gay-marriage case offers insight into the evolution of today’s debates on gay marriage as well as the emergence of the broader U.S. gay rights movement. The fear expressed in that courtroom in 1970—that gay marriage would rock the social order—simmered at a low boil in Kentucky and nationwide until it motivated enough opponents to launch an anti-gay counter-movement at the end of the 1970s that became increasingly vocal in the late twentieth century. Into the twenty-first century, gay rights opponents led periodic regional and national campaigns and promoted more restrictive laws. They fought for a narrower, more gendered definition of marriage. In Kentucky, these campaigns coalesced most forcefully in a 2004 referendum that pitted two visions of citizenship against one another and enshrined heterosexual marriage into the state’s constitution, one of thirteen states that year to codify marriage as “one man and one woman.”⁴

Struggles over the place of homosexuality in American culture continue today, but the cultural and political context in which they take place has shifted drastically in the last half a century, largely because of the movement for gay rights that burst into public consciousness with the Stonewall riots in New York City in mid-1969, the year before Louisville’s *Jones v. Hallahan* trial. The visibility and social acceptance of same-sex loving people is vastly greater than it was in 1970. Although thriving gay subcultures existed in most U.S. cities before the late 1960s—including Ohio Valley communities such as Louisville, Cincinnati, and Lexington—they remained largely “closeted,” living and loving among themselves in bars and more informal social gatherings, but keeping a low profile to remain largely hidden from the general public.⁵

With the founding of the mostly male Mattachine Society in Los Angeles as the nation's first-ever pro-gay organization in 1951—and a corresponding lesbian organization, Daughters of Bilitis, in 1955—gays and lesbians had their first national “homophile” advocacy groups. Yet amid widespread cultural hostility, these groups focused on the most basic forms of social and cultural acceptance, such as permission to mail their materials or curbing rampant anti-gay violence. Alfred Kinsey's benchmark 1950s studies of human sexual behavior found that gays and lesbians constituted between 5 and 10 percent of all

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"GOOD and GAY":
An Open Letter to My Heterosexual Sisters and Brothers.

D.C. TWELVE FREED: GAYS VS. GOVERNMENT
by Tom Isha

WASHINGTON, D.C. (LNS)-- When I walked into the Zephyr restaurant last November in Washington, D.C., with three other gay men during the Revolutionary People's Constitutional Convention, I had no way of knowing what effect that action would have.

I had felt my oppression as a gay for years, especially since I became out front about my gayness. I had only half a year before realized any political implications of my homosexuality. My gay feelings were something I had kept in a closet since adolescence. Not only was it something I had to hide and cover up, but I did so with incredible pain and guilt.

So it was not the novelty of being called a scummy faggot and being thrown out of that restaurant that made the night stand out. Instead, it was the last time I was ever going to let it happen. We were not going to cover and run away in shame; we were not going to put up with that shit.

Fifty gay men, a few hours later, returned to the restaurant. The police started a brawl, the place was smashed, some people were injured, and twelve gay men were arrested. We were charged with assault with a deadly weapon, illegal entry, and destruction of property.

We stayed in D.C. over three months fighting court delays and financial hassles together. Collectivity was as new to me as it was to the other eleven. Gay life had been individualistic, and competitive and I wasn't very experienced working/loving/sharing closely with other gay men in a non-sexist atmosphere. We didn't even know each other before the action.

When charges were dropped against eight of us, the remaining four felt more vulnerable. We were easier targets for the twenty-eight witnesses who testified against us during the three weeks of preliminary motions. The Puerto Rican man who I was with when we were thrown out of the restaurant was especially vulnerable.

The D.C. gay community was always in the courtroom supporting us, and gay groups in other cities sent what money they could. But when you're on trial and facing sentencing to a D.C. jail you feel alone despite whatever support you get.

We had seven lawyers, including a GLF lawyer from Chicago. She had won, through hard work and argument, a motion to present a voir dire. That meant that the prospective jurors were to be questioned on the extent of their homosexual bias. This courtroom technique has been used for some black defendants and will be used in future cases involving gays.

We put up lengthy testimony in our defense against the government witnesses, eight of whom were D.C. policemen. Our testimony was completely opposite to theirs and it became clear that the judge believed them when "liars" became a common courtroom word, along with "queer, faggot and cocksucker."

Our charges were finally dropped when the Assistant U.S. Attorney revealed that several of the police witnesses were given a sneak preview of us in jail before we went out on the line-up so there would be no mistake in our identification.

The Attorney has promised a full investigation into the matter, but I doubt that anything will happen to those witnesses.

GAY PRIDE!

I am a Homosexual. I am a young woman; I am a young man, or I may be an older man or woman. I am unhappy. I am unhappy because I am not free, because I am told that I am sick. But I don't feel sick. I am a person who is emotionally involved with another person of my own sex. Heterosexuals believe that we are sick because we deviate from the pattern they, the majority, have set. But now I am a Homosexual say, "I'm Gay, and I'm proud."

I also understand that heterosexuals cannot understand my love for a person of my own sex.

Therefore my task is to educate these people. I must tell them who I am, why I exist, and what makes me a human being. Maybe you're not a Homosexual. But I'm willing to bet that if you are male, you have at some time in your life loved another male and that if you are female, you have at some other time in your life loved another female. Hold it! Do these words say something? It's a human emotion to love, and sexuality is simply the expression of that love. OK, you're tired of this rap. But if I'm saying anything, I'm saying that there are millions of others like me and that we're going to fight for our freedom.

by Wesley Barbee, Black Gay Brother, Louisville, KY
Louisville Gay Liberation Front
P.O. Box 175
Louisville, Kentucky 40201
(502) 637-6030

Gay Liberation
Call 637-6030 for info.



“Good and Gay”: Explaining the goals of the Louisville Gay Liberation Front, *Free Press of Louisville*, vol. 2, no. 2 (no year).

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Americans. But gay life for much of the twentieth century was marked by frequent shame, scorn, and harsh discrimination. A 1969 Harris poll reported in *Time* magazine found, for example, that 63 percent of Americans considered homosexuals “harmful to American life” and regarded them with “a mixture of revulsion and apprehension.” The central themes of twentieth century gay and lesbian accounts of public life in the United States through the late 1960s remain, according to historian John D’Emilio, “silence, invisibility, and isolation.”⁶

In response, a central element of the modern gay movement has been the simple act of “coming out of the closet,” which is what Knight and Jones did—and prompted others to do—by fighting publicly for their right to marry in 1970. Even county attorney J. Bruce Miller, who was not a supporter of gay rights at the time, later characterized the plaintiffs and their supporters as “pretty brave” through their willingness to appear publicly as gay in a court of law. Same-sex marriage was a minor thrust of the more revolutionary, idealistic, counter-cultural currents of much of the 1970s gay liberation movement. Yet when Jones and Knight requested a license to marry from the county clerk’s office in Louisville, their bold move called new attention locally to the question of homosexuality. Denial of their license became the catalyst for the formation of what appears to have been the first openly gay-rights organization in Kentucky—the Louisville Gay Liberation Front, or LGLF.⁷

What historian Martin Duberman describes as the “emblematic event in modern lesbian and gay history,” marking the

Come Out !

By Lynn Pful

The position of the homosexual in contemporary American culture is uniquely ambiguous. He is a teacher, a student, a construction worker, a secretary, a hairdresser. The degree of his political awareness varies from that of full fledged radicalism to practically nil. Differentiated from the dominant culture only by the fact of his differing sexual orientation, he perceives his situation, its causes and ramifications, largely from the point of view of the dominant culture, either blatantly as that culture offers blatant condemnation, or more subtly as that culture foists a parody of itself upon homosexual culture. Only too tragically seldom does the fact of his homosexuality lead the homosexual, male or female, to a revolutionary critique of the culture which condemns him. The reaction of the homosexual to his oppression is an index of the severity of that repression, both in his own and in heterosexual culture, as it runs rampantly through these cultures and as it manifests itself in the life of the individual homosexual.

He may, as did some of the Jews in Hitler's concentration camps, internalize the image of himself held by his oppressor and believe that he is, if not a moral perversion, at least a psychiatric one. He will spend thousands of dollars and thousands of hours of his life patronizing psychiatrists, at \$50.00 an hour. The homosexual is seldom refused. He will deprive himself of the private joys of loving and being loved or, involved with a partner, will use him as a voodoo doll upon whom he'll vent his self-hatred. Spending precious psychic energy to obtain only time and self-consuming guilt, he will risk his reputation and his life picking up the hustlers who prey upon him. He may commit suicide.

Or he may conceive of his situation as insular, seeking the warmth of the herd in the dark smoke-filled bar which is the physical reality of the gay ghetto, a ghetto whose other walls, though invisible, are high and topped with barbed wire. As he is a resident of the ghetto, he will receive the fortification of functioning in at least one environment in which he need not hide his true identity, and he will have the company of his fellows with whom he may join in private liaisons. The cost of life in the ghetto, however, outweighs its satisfactions. Intelligence is manifest at its lowest common denominator, and the culture which nourished Lesbos and Athens becomes the obnoxious and overtly heterosexual anti-song on the clanging jukebox. Even more stridently than in the dominant culture are the aged rejected and despised. And all in a social institution run, often by heterosexuals, for the continuous financial exploitation of the patrons and lucrative financial gain of the owners.

Or he may progress outside the bar to a ghetto whose dimensions are at once more spacious and more confining, more alluring and ultimately more destructive. Seduced by the dominant culture, he may mistakenly believe the promises made by that culture to other sub-cultures, but never kept, will be fulfilled, in his case, by some fluke of benign chance or choice. Denied the right to legal marriage, he will believe that the law affords equal protection. Excluded from the armed forces, he will believe that American forces in Southeast Asia and the world are fighting for freedom. Unwelcome as a federal employee, as a supposed "security risk," he will believe that the government exists to protect human rights and includes him in its definition of human. As these disparities become facts in the individual homosexual's private life, he perceives them not as evidence of anti-human repression, and not as the logical extension of the ever expanding American neo-Fascism, but as minor errors of the democratic process which may be rectified by the proper functioning of that process. Thus the Mattachine Mentality. Appeals are made to conscience and to court, and each vies with the other as to which effort is more heartbreakingly futile. Meetings become mutual masturbation sessions in which private lives and petty gossip are dissected with an ill-becoming zest. Appeals are made to the Supreme Court while police repression of acts performed by consenting adults, and raids on those gay bars which have failed to make the payoff, remain routine. Thus, the just and vital demands by homosexuals of both sexes for equal treatment under and equal protection by the law remain demands which, by their very nature cannot be fulfilled; not because the pigs derive immature sexual satisfaction from harrassing homosexuals (they do), not because the Christian Ethic condemns any action not immediately identifiable as drudgery as sinful (it does), and not because individuals and institutions which exploit the homosexual community stand to loose money if homosexuals no longer crowd into dark beer soaked closets (they do), but because reproduction, once a viable value among people whose sheer physical survival depended upon numbers, has become at once a value deeply embedded in the American war profit economy, and at the same time a value ironically destructive, to the point of oblivion, of those who perpetuate it.

When the homosexual, male or female, realizes that Capitalism, as it's manifested in the American economy of over-produce, over-stuff, and over-kill, is his implacable and implacateable enemy, he will realize also that to attempt to attain full human identity within that economy is to request it from the very forces which render that identity impossible. And with this realization, the homosexual, male or female, becomes a revolutionary, a revolutionary in a revolution which has already begun.

“Come Out!” by Lynn Pful, *Free Press of Louisville*, vol. 1, no. 12 (no year).

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emergence of a gay rights movement, had taken place the summer before in New York City. In June 1969, hundreds of the city's gays, lesbians, and transsexuals took to the streets to protest the routinely brutal harassment of gay bar patrons at the Stonewall Inn. In Louisville, however, daily newspapers barely took note of the street rioting at Stonewall. Local readers had to look to the city's more radical, youth-oriented weekly, *Free Press of Louisville*, to learn of the upsurge of "Gay Liberation!" triggered by the Stonewall protests. Among them, a small group of local gay and lesbian youth who had been involved in or influenced by earlier social movements of the 1960s began identifying with gay liberation. Some had gained valuable political experience in local movements such as the African American freedom struggle, the anti-Vietnam movement, or the women's liberation upsurges that had swept the city as the 1960s unfolded. Others—such as Marge Jones—were new to activism, drawn by the notion of wider public acceptance of their sexuality.⁸

On July 9, the day after the county clerk denied Knight and Jones a marriage license, the couple joined a group of thirteen women and seven men who met for the first time in an apartment on Belgravia Court in Old Louisville and announced the establishment of a Louisville Gay Liberation Front (LGLF). Various social movements of the 1960s and the rise of a hippie counterculture, both nationally and locally, had produced a climate of experimentation and social change that inspired young gays to address their own plight. Lynn Pfuhl, one of two youthful co-leaders and a primary instigator of the Louisville Gay Liberation Front, remembers how gay Louisville rallied as the 1970s dawned: "There was a change in the bar [The Downtowner, Louisville's main gay bar at that time] every night. At closing time, we would gather in a circle and sing together this song.... I forget the lyrics but you may remember, 'United we stand / divided we fall / [and] if our backs should ever be against the wall / well be together.'" That song—which Pfuhl might have recognized as an old trade union tune—would become a gay anthem later in the decade.⁹

The currents of social dissent for the generation known today as the "baby boomers" had begun with African American youth-led protests against racial segregation in 1960. They broadened as the 1960s unfolded to address other injustices, creating fertile ground for the emergence of "Gay Liberation" far beyond the major metropolitan coastal cities more popularly associated with gay subcultures. Louisville's GLF was one of many initiatives by that name that sprang up all around the nation after young veterans of earlier social movements—galvanized by the happenings at Stonewall—first formed a Gay Liberation Front group in New York in late 1969. Jim Fouratt, a countercultural figure with a background in the "New Left" and a co-founder of New York's GLF, traveled across the South and Midwest soon afterward to encourage "gay lib" activism. Fouratt may have come through Louisville on that trip, and the New York GLF, receiving coverage in Louisville's alternative press, almost certainly inspired Pfuhl and others to act.

But LGLF founders recall no encounter with Fouratt, insisting instead that the group was a purely local initiative that took its name from the many “liberation fronts” that animated 1960s radical protests. As Lynn Pfuhl explains:

This was entirely homegrown. I got all the political papers and we read about what was going on. The gay community was coming out of its shell.... Then we started to organize. There were meetings. “What do we call ourselves?” We were certainly leftist-identified, with everything that was going on in Vietnam—gay, this liberation front, that liberation front, so we [became] the Louisville Gay Liberation Front.¹⁰

In its initial statement to the press, the group outlined concerns that would animate the gay rights movement for a long while: “We are human beings. We are a legitimate segment of society and we want the same opportunity for happiness enjoyed by everyone else.” A spokesperson for the new LGLF attributed its formation to the scornful dismissal of the license request the previous day by the Jefferson County attorney. Bruce Miller had told reporters that he found “nothing of value” in Jones and Knight’s request to marry, pronouncing it “simply the pure pursuit of hedonistic and sexual pleasure” by the women. Marjorie Jones spoke at the founding LGLF meeting to emphasize that “we can no longer allow ourselves to be characterized as sordid, perverted freaks.” Several in attendance responded by decrying the stigma that surrounded every aspect of their lives. The day after the LGLF convened, thirty-nine-year old Jones and twenty-five-year-old Knight challenged that stigma more blatantly by filing a lawsuit to marry.¹¹

When she penned the founding documents of the LGLF, Pfuhl was a twenty-five-year-old militant idealist whose odyssey into gay and lesbian liberation in the late 1960s illustrates the way more than a few young activists became key players in social movements of the era. She was schooled in direct action as a high school student, one of only two whites to sit in and endure arrest with African American youth picketing Louisville’s segregated downtown department stores in 1961. Pfuhl came to activism early in life; she was what historians call a “red diaper baby,” her parents longtime members of the Communist Party (or “Old Left”) in Dayton, Ohio, before they relocated to Louisville during her childhood. By the time she reached adulthood, Pfuhl—never a member of the Communist Party herself—favored the “New Left” over the Old. During the 1960s, she became active in various social causes that she saw as interlocking. She also came to terms with her lesbianism and joined the Daughters of Bilitis at some point prior to 1970. At the time she helped start the LGLF, Pfuhl had a Master’s degree in English from the University of Louisville, worked independently as a prostitute, and shared an apartment with Mike Randall, a gay hairdresser and cross-dressing performer who became co-leader of the group.¹²

A bold personality and a talented writer, Pfuhl played an instrumental role in organizing the LGLF and was among its most radical adherents. Micky Nelson, a lesbian and self-described “hippie child” who came into the group as a teen a few months into its existence, respected Pfuhl enormously, but also recalls how she tended to intimidate more mainstream members. Nelson concluded that “it takes that kind of person to lead whatever movement: the person who’s on the edge, who’s on the fringe.” Throughout its existence, the LGLF faced an identity crisis that mirrored the dilemma of the gay movement more broadly: reconciling an appeal for mass social acceptance with lifestyles, views, and practices decidedly at odds with mainstream American culture—some socially conscripted, others by choice.¹³

Particularly in the context of 1960s countercultural challenges to sexism, racism, and traditional mores, the new gay liberation movement brought younger gays who viewed sex, gender, and social relations in more fluid terms into contact with an older gay culture that was unconventional but in ways that nonetheless relied on traditional gender and sexual conventions that some younger lesbians and gays found strange. Nelson typifies that interaction, as her memory of her first LGLF meeting suggests:


I expected since I’d seen the ad in the *Free Press* that these would all be young hippie-dippie types, kind of androgynous and jeans and unisex haircuts. When I got there it was different. There was some of that variety, but there were also a lot of role-playing butch-femme folks, and that was my first exposure to that. It was kind of interesting to me to see that there was a woman there who had on a flannel shirt and she had her breasts bound underneath it. She was wearing men’s trousers with a firm crease down the front; she had some sort of Florsheim wing-tips [shoes] and men’s socks.... I was kind of wowed by the whole experience. I thought, well, these are my people, we are all kinds of different ways but we have something in common, and let’s see what it’s about.

By all accounts, the LGLF, though it attracted a disproportionate number of young radicals, had relaxed attitudes toward sexual preferences and a diverse membership when it came to gender expression. The group consisted mostly of white members, and although they generally opposed racism, sexism, and the Vietnam War, many were not immune to social prejudices beyond sexuality. The one consistent African American member, a young railroad worker who once faced the threat of racist violence from another member’s parents, could not be located to interview.¹⁴

Besides supporting Jones and Knight’s marriage campaign, the LGLF launched drives that sought to increase gay visibility. The group attracted members largely by features and ads in the *Free Press*; for a time Jim Thompson, brother of “gonzo” journalist Hunter S. Thompson, authored an advice column for gays in the paper. The LGLF also relied on word of mouth, spread at gay bars and in public spaces

like the University of Louisville or Guthrie Green, a small downtown park where countercultural youth often convened to play music and socialize. Gay bars like the Queen Bee and the Downtowner offered the first sites at which to organize. The bars did a "bumper crop of business," according to one patron, yet the group's attempts to promote collective action there often met a cold reception. Bar owners initially barred the LGLF from leafletting their establishments, and they banned the group altogether after its members attempted to organize a boycott to demand lower prices and more democratic governance. Owners at the Downtowner, according to several interviewees, hosed down an LGLF group that tried to leaflet in front of the entrance. Targeting gay bars was probably not a good idea, Pfuhl surmised years later, "sort of like biting the hand that fed us." Gay bar owners were ambivalent about the idea of a movement for gay liberation. Nelson recalls a Downtowner employee telling her that "if it were okay to be gay and be publicly affectionate with your partner or just to sit with a group of [gay] friends and have drinks, that somehow there wouldn't be as much business for the gay bars." The owners had some basis for their fears, judging from the diminishing gay bar scene in Louisville in recent years.¹⁵

The LGLF dispatched small delegations of members to regional universities and other entities willing to host them. As Micky Nelson explains, "It was our intention to demystify [our] sexuality and let them see that we're the people next door, we're the people in the market, we're the people at the laundromat. We would go in there and spend the first fifteen minutes introducing ourselves, doing a little history of Stonewall, talking about how we fit in." In conjunction with these efforts, the LGLF established the first local telephone "hot line" for those struggling with questions of their sexuality. By the fall of 1970 and after some controversy, the LGLF



in louisville

By Rita Crabtree

On Saturday, July 25th, a group of interested persons began a boycott against the Queen Bee, one of two gay bars in Louisville, for the following reasons: JNEW

**YOU
ARE BEING
EXPLOITED**

By Whom?	Doris Caton, owner and manager of the Queen Bee.
How?	<ol style="list-style-type: none"> 1. You pay big prices for small drinks. 2. You pay big prices for entertainment. 3. You are a member of the Queen Bee but when did you ever get a chance to vote on anything about the club? Doris Caton makes your decisions for you. 4. Your representatives, Louisville Gay Liberation Front, are not welcome in the bar. This means that Doris Caton does not want you to live as a full human being.

What do you get? NOTHING!!!!!!!!!!!!

Doris Caton wants your money. Don't give it to her.

BOYCOT THE QUEEN BEE!!!!!!!!!!!!

While we were handing out the above leaflets, Doris Caton came out of her club and asked, "What's going on here?" "I believe this explains it." one of the boycotters said as she handed her a leaflet. Doris said that she was going to call the police.

When the police arrived, they saw me and asked "What's the Free Press doing now?" "Nothing, sir, I'm just reporting." said I. They asked Doris what was going on and she showed them the leaflet.

The police asked us to leave or be arrested.. "Yes sir, but we will be back later."

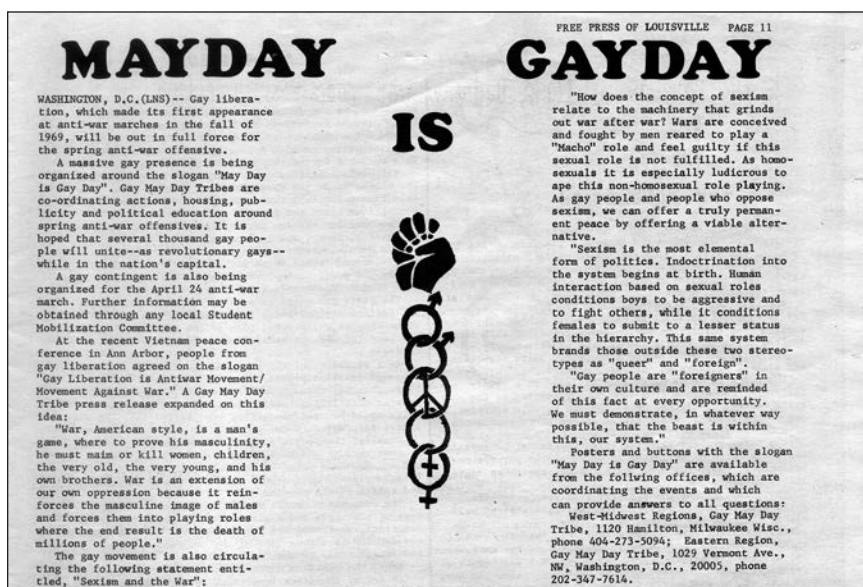
We went back the next night and proceeded to hand out leaflets again. Again Doris asked us not to pass out the leaflets and again the police were called. We were privileged this time; we had a paddy wagon and two police cars here. The police said they couldn't do anything about us as long as we were not obstructing the sidewalk.

If you are interested in legalizing the act of homosexuality or a gay club ran by its members or in generally helping out, come to our meetings at the Free Press on Sunday afternoons at 3:00.

Organizing a boycott of the Queen Bee,
Free Press of Louisville, vol. 1, no. 6 (1970).

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also established a “gay studies” class through the University of Louisville’s “Free University.” The program offered noncredit evening courses open to all local residents, featuring a wide array of topics not available in the university’s student curriculum. The university administration defied a legislative inquiry to allow the program, maintaining a distinction between its educational curriculum and offerings through the Free University. But in order to continue, the class needed a full-time faculty member as sponsor, and Dr. Edwin Segal, a young anthropologist relatively new to town, agreed to assist. Pfuhl described the class as having an informal, drop-in format that featured different gay speakers willing to be “out.” It drew between twelve and thirty attendees depending on the discussion topic, consisting mostly of “curiosity-seekers” who wished to, as she put it, “meet and greet a queer.”¹⁶



“May Day is Gay Day,” *Free Press of Louisville*, vol. 2, no. 3 (no year).

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The LGLF approach to local organizing depended—just as earlier New Left social movements had—on “consciousness-raising.” This tactic, developed in the southern civil rights movement and popularized by women’s liberationists, used one-on-one dialogue and personal narrative to get people to understand one another’s experiences. Consciousness-raising was integral to the LGLF and, according to Segal, was part of the “tenor of the times”:

What people were interested in [was] “you understanding where I come from” rather than “give me my formal rights.” There’s a real difference there.... I think the feeling was that legislation would be easy if people just understood. If people understood, things would just flow nicely. Of course, we know a very different kind of world today in that regard.

Such efforts, Segal recalls, created moments in the cultural climate that could feel freer and more open-minded than contemporary American culture, even in the wake of four decades of gay social movement organizing and greatly increased visibility.¹⁷

Coming together at the tail end of considerable social movement activism, the LGLF worked closely with other progressive, left-leaning organizations working locally for women’s rights, black liberation, and against the Vietnam War. Although Pfuhl still feels that “the left wasn’t all that prepared” for gay liberation, young radicals of that era often welcomed gay activists who could add numbers to rallies for other social justice causes. Pfuhl’s reflections on the period evoke a sense of unity among activists that, if highly sentimentalized, remains positive:

One of the beautiful things about it then: like flowers we all sprang up in the same garden and entwined with each other, making each other stronger. If one group had a demonstration, everybody was there. If the welfare mothers needed support against a cut, the gays and lesbians were there. If it was a civil rights demonstration, the anti-war [trails off]...everybody worked together.

Nonetheless, LGLF members believed they should establish their participation *as* gay and lesbian people. They did so by their appearances and by their slogans, with mixed results. At a local picket protesting a visit by Vice President Spiro Agnew in the fall of 1970, for example, a visibly gay LGLF contingent responded to cries from fellow protesters that “Agnew is a fag” by chanting, “Gay is Good, Agnew’s not.” Micky Nelson remembers her sense of satisfaction when the whole crowd—mostly heterosexuals—joined in with “Gay is good!” while others in the LGLF made a poster that read “Freaking Fag Revolutionaries Against Agnew.”¹⁸

Such political theatre appealed to many young militants, and the LGLF enlarged its ranks. In the four months between the filing of Jones and Knight’s lawsuit and their day in court, the LGLF had given new visibility to the plight of gay and lesbian Louisvillians, especially among the “baby boom” generation. Yet that early 1970s sense of possibility met much greater resistance when it confronted state power directly.¹⁹

Various interviews and news accounts reveal that the LGLF coalesced only in the aftermath of Jones and Knight’s initial visit to the county clerk for a marriage license, but the two women had been in close contact with the handful of gay



Organizing a protest against Spiro Agnew’s Sept. 1970 visit to Louisville, *Free Press of Louisville*, Sept. 3-10, 1970.

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liberationists who founded the LGLF. What Jones described later as their desire to step forward and seek marriage as a way of movement building appears to have been the brainchild of criminal attorney David Kaplan, a brash figure who usually sported a cigar in his mouth and had represented Jones on several previous occasions. According to other LGLF recollections, Kaplan—whom local attorneys nicknamed “Santa Anna” for his pugnacious tenacity—and his law partner, Stuart Lyon, may have solicited the women as a marriage “test case” not so much to advance gay rights as to make a name for themselves, at a time when “Gay Liberation” was garnering headlines across the nation.²⁰

Although the couple’s primary motivation for wishing to marry seems to have been political, a witness for the defense in the *Jones v. Hallahan* trial remembered later that they “seemed sincere” in their love for each other, and their trial testimony included direct statements of their devotion, as in Jones’s comment that she wished to marry Knight “because I’m a lesbian and I’m very much in love with Tracy.” “Margo” Jones, fourteen years older than Knight, had twice been married to men and had three children, one of whom, a fifteen-year-old son, was a minor at the time of the trial. Jones co-owned the LAM Reducing Salon on Jefferson Street, which boasted the slogan, “If your figure isn’t becoming to you, you should be coming to us.” Formerly Margo’s Wig Boutique, the salon appears to have offered services that ranged from diet advice to hairstyling to massage to escorts. Tracy Knight (her stage name) allegedly earned her living as a “go-go dancer” in a heterosexual night club on weeknights, then performed as a male impersonator in gay bars on weekends. Jones recalls that she had first seen Knight onstage at a local gay bar: “She could go either way...she could go as a woman, or she could go as a man. She was a beautiful girl and she was really an entertainer.” (Fortunately for the pair the cross-dressing did not come out at trial.) Knight had already challenged the law on behalf of gay rights once before. In late-1960s Houston, Texas, she and more than twenty other lesbians arrested in a gay bar had been represented by well-known Texas criminal attorney Percy Foreman in setting aside an ordinance preventing women from wearing front-zippered pants.²¹

Confronted by the hostile climate in Louisville at that time, the couple understandably felt uncomfortable revealing their real names and details of their lives. After the county clerk denied their initial license request, county attorney Bruce Miller, upon learning about Jones’s underage son, railed to the press that he intended to investigate her for “contributing to the delinquency of a minor.” In 2011, Miller still vividly recalled that “my attitude about that was they can do whatever they want to do, but to drag...kids into it is outrageous. I mean, I could accept the fact that they were doing what they were doing, [but] they ought to not involve children.... I remember that really blew my gasket.” He never followed through with his threat, but he made it again at trial, by which time he

had frightened the couple sufficiently to prompt Jones to send her son to live elsewhere while they pursued the lawsuit. At one point in the days leading up to the trial, Knight even phoned the county attorney at home to implore him not to disrupt Jones's family. Such was the cost of “coming out” in 1970, although Miller's threats also seemed to prompt a small upsurge of support for Jones's parental rights from a few heterosexual mothers who wrote in to the newspapers.²²

The militant, sometimes outrageously radical gay liberation movement that coalesced at the end of the 1960s did not make gay marriage a central part of its agenda, but neither were Jones and Knight the only gay couple of their era to pursue marriage equality. A few couples had tried to get legally married in the 1950s, but amid widespread hostility to homosexuality such appeals had little impact in an era known for its “domestic containment,” according to one historian of marriage. By the 1960s, however, amid movements for civil, women's, and gay rights, “containment” was under siege on many fronts. Sixties-era women's liberation icons like Kate Millett, for example, excoriated marriage as an inherently oppressive instrument of patriarchy. As articles from the *Free Press* attest, many women, along with plenty of adolescent dissenters, fled the nuclear family, sometimes at great personal cost (as Marjorie Jones appears to have done), and some condemned monogamy as outmoded.²³

But for Jones, Knight, and others like them, the critiques of traditional marriage also made gay marriage seem within the realm of possibility. Only a few weeks before the Louisville couple went to the county clerk, two gay men sought a marriage license in Minneapolis, and that summer several male couples did the same in California. Jones recalls that incident as having inspired her and Knight, noting wryly that “the boys had just applied, and we couldn't let the boys get ahead of us.” Over the next two years, a handful of same-sex pairs—white and black, wealthy and working-class—applied for marriage licenses in cities from Tampa to Hartford to Milwaukee to Los Angeles. Many other gay and lesbian couples performed their own wedding ceremonies extralegally. Jones and Knight did so too in the months between their license appeal and their trial. In the company of friends and Jones's young-adult daughter, they were married in a highly theatrical but formal “gay liberation ceremony” in a gay bar in Lexington. But only the Minneapolis and Louisville couples, followed by a third pair in Washington a couple of years later, took the next step of filing lawsuits. Many states, including Kentucky, had legal definitions of marriage that did not explicitly bar same-sex unions. The notion of marriage as a heterosexual institution was so deeply assumed that lawmakers perceived no need to designate it as such. That opening in Kentucky law—bolstered by a new climate of possibility—enabled the suit that became *Jones v. Hallahan*.²⁴

On November 11, 1970, what the plaintiffs' attorneys acknowledged was a “case of first impression in Kentucky” finally came to trial. It began inauspiciously, reflecting the “revulsion and apprehension” toward gays that a majority

gay lib

By Rita Crabtree

The Gay Liberation Front of Louisville Kentucky is an organization which believes that all citizens have the right to life, liberty and the pursuit of happiness including the homosexual community.

Part of being happy is being happily married to whoever one wishes. The Gay Liberation Front of Louisville extends its support to the members of the Homosexual Community who wish to enjoy marital bliss with a member of the same sex.

It is not illegal to be a homosexual in Kentucky; however it is illegal to practice homosexuality even among consenting adults. The homosexuals of Kentucky do not want their private lives to be illegal, they wish only to have the same legal status as a heterosexual

Anyone interested in supporting the Gay Liberation Front please call 637-6030. We can use all the support and help any person (gay or straight) can give us,

"Gay Lib": The Louisville Gay Liberation Front argues for gay marriage,
Free Press of Louisville, July 22-August 4, 1970.

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of Americans had reported in a Harris poll the year before. Most of the audience for the trial, in contrast, consisted of gay liberation supporters, about two dozen in all. But presiding Judge Lyndon Schmid, a longtime jurist probably in his seventies, was "obviously revolted" by the case, according to the recollections of County Attorney Miller. Schmid set the tone for the trial when he allegedly began the proceedings by calling the lawyers and their clients to the bench and inquiring of the plaintiffs, "Which one of you is the he-she?" His comment referred to women who dressed and behaved as men, and he used a term that had gained currency beyond gay and transsexual subcultures in the wake of the highly sensationalized male-to-female sex-change operation of ex-soldier Christine Jorgensen in 1952. The judge's comment garnered a chuckle from county attorney Miller, to which LGLF supporters responded by booing and hissing. Schmid then allegedly instructed the court reporter not to report his query, saying "I don't want this on the record." Turning to Knight—who acknowledged having applied for the license as the "husband"—Schmid noted that he found her beige pantsuit "offensive." "She is a woman," he proclaimed, and insisted that she wear a skirt in his courtroom. The trial adjourned briefly while Knight returned home and exchanged her pantsuit for a lime-green mini-dress. Thereafter, in spite of a few instances when Schmid silenced booing from LGLF onlookers, the proceedings unfolded with an air of solemnity. Yet Miller reflected years later that the judge's opening comments and his own laughter had tainted the atmosphere.²⁵

Both sides offered their arguments in a hearing that lasted for more than two hours. Four decades later, a scholar of sexual orientation law observed that even the pretense of hearing the full case was “amazing” in an era when most gay marriage cases tended to go directly to summary judgments without benefit of a trial. The public’s view of the case as “bizarre” or “a curiosity” may have actually encouraged its being heard. Nor did the couple face a backlash in response to their quest, even though the county attorney always maintained that the climate surrounding homosexuality “in 1970, in Louisville, Kentucky...was repulsive, it was simply not going to be accepted.” Cross-examination began with the county clerk, James Hallahan, who restated his tale of denying the license. University of Louisville anthropologist Ed Segal then testified for the plaintiffs, offering research from other cultures that permitted same-sex unions. Miller, in defense of the state, objected to Segal’s testimony, and Judge Schmid allowed the evidence only as an “avowal,” ruling that the court was “only concerned about this culture.” A psychologist, Sandor Klein, also testified for the plaintiffs, stating that he had examined the women and pronounced them mentally sound and able to relate socially to men but not “able to...have what we call a normal heterosexual relationship.”²⁶

In representing the plaintiffs, Lyon and Kaplan advocated for a strict construction of Kentucky’s marriage statute to permit the couple to wed because the law did not stipulate a male and a female partner, nor did the marriage license ask for the sex of applicants. The county attorney countered this argument fairly handily, focusing on the widely stigmatized status of homosexuality. He even used the plaintiffs’ own statements under oath about the discrimination they faced—offered to explain why they wished to marry—as fodder for his contention that same-sex love lay so far outside “the ethics of public policy...the social fabric, nature and everything else in this country” that the framers of the statute had not considered or intended any alternative to heterosexual marriage. In response, the plaintiffs’ attorneys called on the First, Eighth, Ninth, and Fourteenth Amendments to the U.S. Constitution, outlining a range of injuries suffered by their clients connected to the right to privacy, the right to free association, cruel and unusual punishment, equal protection, freedom of religion, and due process. Although Kaplan and Lyon made virtually no headway with these constitutional arguments, they outlined the “threads” that would become standard constitutional doctrine in gay marriage advocacy by the 1990s. Reflecting on the case record, legal scholar Sam Marcosson notes, “any modern constitutional scholar would look at that trial transcript and see that all of the pieces were there waiting.”²⁷

The *Jones* case also stands as part of the larger social and legal movements associated with the 1960s and 1970s (or what scholars sometimes call the “long 1960s”) that questioned the naturalness of social categories such as race and sex in the law. Just as grassroots movements of the era owed a debt to the powerful example provided by the African American civil rights movement, legal

challenges such as Lyon and Kaplan offered in Louisville owed a debt to the U.S. Supreme Court's 1967 ruling in *Loving v. Virginia*, which had struck down laws barring interracial marriage. By the time of the *Jones* trial, the Kentucky legislature had still not amended the state's marriage statute to allow interracial marriage, a discrepancy the plaintiffs' attorneys unsuccessfully attempted to use to bolster their case.²⁸

More significant than the legal aspects of the trial, perhaps, were its social and educational features, particularly for those gathered in the courtroom. Both women testified at length on their own behalf. Although she faced the humiliation of the judge sitting in front of her as she testified, Knight offered an eloquent corrective to the stereotyped and patronizing treatment she received from courtroom officials. Marriage, Knight argued, would provide "security and companionship," but she also hoped it would "help the cause of other homosexuals." She added the poignant prediction that "maybe in twenty years...society will try to understand and accept the homosexuals." Anticipating arguments that would receive a wider airing in the future, Knight explained in detail the greater economic security marriage would allow the couple, citing the savings on tax and insurance. In answer to Miller's query about lesbian sex roles, Knight—in what might be seen as an extended rejoinder to the judge's opening query—elaborated: "It seems as though what really the public knows about homosexuality has been learned from dirty books.... We're both women and we do not take a man's stand either in our social or sexual affairs.... The public is confused. The only real identity that a woman plays in a lesbian role is a woman who loves a woman." She calmly countered the stereotype of lesbians as "man-hating" and offered clarification of then-unfamiliar and sensationalized terms, including at one point defining the difference between "lesbian" and "transvestite" for the judge.²⁹ Knight was a product of the same gay liberation that propelled in-your-face protests around the U.S., but both she and Jones skillfully combined openly rebellious transgressiveness with the good manners expected of women in a Kentucky courtroom.

Knight and Jones maintained their aplomb while discussing their sexual preferences and beliefs, but their confidence floundered when the county attorney began inquiring about Jones's children. Although sodomy was illegal at the time in Kentucky (and remained so until 1992), Miller did not threaten either woman with sodomy charges, though he could easily have pursued them. He inquired only briefly about their sex acts, mentioning sodomy only once during the trial, and only then in the context of whether such behavior had taken place under the same roof as Jones's minor son. Although Miller remembered years later how he and his colleagues in the courtroom had joked privately about needing to wash their hands after the trial, it appears that he opted to preserve some sense of decorum in what could have become a more highly sensationalized event.³⁰

The city’s most public lesbian couple had their day in court, and they received enthusiastic support from fellow LGLF members in and out of the courtroom. But the women’s quest for legal marriage died a quick death at the hands of Kentucky’s legal system. At the trial’s conclusion, few expected the plaintiffs’ request for a mandatory injunction to win approval. Schmid gave the attorneys additional time to prepare their brief after the trial concluded. He issued his ruling on February 19, 1971, declaring that the statute had never been intended to allow homosexual marriage. The judge’s five-page denial of the women’s request noted that “there is no reason why we should condone and abet a spirit of what is accepted as perverted lust,” but his pejorative remarks did not even prompt an LGLF rally in response. Nationally and locally, social acceptance of gays and gay marriage remained low. Even the gay liberation movement beyond Kentucky placed little value in gay marriage. While the *Jones* case was pending, a New York paper, *Gay Power*, editorialized that “The Gay Lib movement does not need these kinds of tactics.” In November 1973, the Supreme Court of Kentucky summarily rejected Lyon and Kaplan’s appeal. Although the attorneys insisted that the case would go on to the U.S. Supreme Court, they did not pursue it beyond the state, in part perhaps because Jones was deeply shaken by the threat to her parental rights. The case that had lifted up the idea of same-sex marriage so boldly died with little fanfare. Jones and Knight, intimidated by the prospect of further threats to their family, receded from public activism in Louisville.³¹

The extraordinary courage of early activists who “came out” amid widespread social censure previewed in surprisingly prescient ways the expansion of gay-rights activism across the Ohio Valley and the nation over the next twenty years, much as Knight had predicted it would. Knight and Jones’s challenge to heterosexual marriage also anticipated the legal arguments that would develop and widen in the late twentieth century and reignite in earnest in the twenty-first. In the short run, the legal lesson activists learned from the Jones case and the handful of similar 1970s gay-marriage lawsuits was to avoid such “unwinnable” situations until more grassroots organizing made victory more likely. Although their lawsuit did not provoke any serious threat to the status quo, early litigants like Knight and Jones were “pioneers,” according to constitutional scholar Sam Marcossan, and it would take the movement a while to catch up.³²

Undeterred by the verdict, LGLF activists continued to organize at the community level throughout 1971 and into 1972 to counter the widespread fear and ignorance of homosexuality. Outrageous, radical, and outspoken like its instigator Lynn Pfuhl, the Louisville GLF had a brief heyday of two years. The sense of unity she recalls—though consistent with many other young activists’ memories across the nation—was short-lived. The group never fully recovered after some of them established a “Gay Lib” house on Bonnycastle Avenue in Louisville’s

Highlands neighborhood. Both minors and marijuana passed through the house, and police raided it in late 1971, resulting in more than two dozen arrests and the departure or retreat of many of the gay liberation movement's leaders.³³

Gay activism did not stop in Louisville, but it took a quieter turn for the next few years, with the emphasis on internal community building even as more gays and lesbians "came out." As a result, little if any overlap exists in biographies between the handful of New Left youth who founded the Louisville GLF and the new group of activists who in 1991 established Louisville's Fairness Campaign, an organization dedicated to achieving gay rights within a wider social justice framework of coalition-building with other causes. The two movements were separated by the discovery and spread of AIDS, the rise of the Religious Right, currents of separatism that made it hard to organize beyond single-identity politics, and regional and national momentum both for and against the expansion of liberties for same-sex-loving people. Yet these two generations of Louisville's gay movement share some common ground. Both, for example, were distinctively lesbian-led, in contrast to many similarly situated local campaigns. Appropriately, perhaps, the issue of gay marriage also unites both eras of Louisville's gay movement, as the 2004 battle waged by Fairness Campaign supporters to defeat the Kentucky constitutional amendment on marriage attests. Ironically, two of the five LGLF veterans who offered their memories for this essay became among the early same-sex couples to wed legally in the twenty-first century—though they had to travel to other states to do so.³⁴

The 1970s LGBTQ pioneers faced profound costs for their activism, and here oral history can uncover what some early sexuality scholars argue has been "hidden from history," revealing complexities that written sources cannot. It took years to find Marjorie Jones because she had used a pseudonym. Yet her bittersweet memories of both the bravado of coming out and the fear prompted by the county attorney's threats against her family remain pointed even after more than four decades. "I just wanted to get the movement going," she explains, "that was all, and I used to get out there and march with them in the parades. But I just never thought that they would try to take my kids away from me." The women's relationship outlasted what Jones remembers as the "strains of the trial." But a few years later, Knight—whom Jones remembers as "a fighter" for the cause—left Louisville, changed her name, lost touch with Jones and other LGLF friends, and cut all ties to that part of her past. Of the few who could be located, virtually every Louisville gay liberationist who offered memories for this essay revealed a fierce pride blended with vivid recollections of losses and even a few regrets in recalling that period of their lives.³⁵

The saga of the Louisville Gay Liberation Front and *Jones v. Hallahan* remains a small part of the history of lesbian-gay-bisexual-transgender-queer people in the Ohio Valley. In the burgeoning scholarship on modern U.S. gay and lesbian history, the LGLF and the *Jones* case represent scarcely more than footnotes. Most of the published histories document movements in major metropolitan cities on the

east and west coasts. The cutting-edge struggles of people like Marjorie Jones, Tracy Knight, Lynn Pfuhl, and their comrades in the LGLF argue for more attention to gay history in the Ohio Valley. The challenges of and circuitous route for locating the protagonists suggests a different regional trajectory for the LGBTQ movement that those urban coastal histories, important though they may be, do not fully address.

The author wishes to thank Louisville writer and history collector David Williams for invaluable assistance in providing source materials, inspiration, and ideas for this essay. Special thanks also to Professor Sam Marcossan for contextualizing the case law in the essay.

- 1 Marjorie Jones [pseudonym], interview by author, Louisville, Ky., Jan. 16, 2012 (transcript in author's possession, as are all subsequent interviews unless otherwise noted). The names used in the marriage license application and the subsequent trial were not the women's legal names, a fact never revealed by newspaper coverage, trial testimony, or even early lesbian-gay-bisexual-transgender (LGBT) historiography. Jones agreed to the interview on the condition of using her name as it appears on the case records. *Jones v. Hallahan*, 501 S.W. 2d 588 (Ky. Ct. App. 1973). On the county attorney as amused, see Edward Segal, unrecorded interview by author, Louisville, Ky., Sept. 26, 2005 (notes in author's possession); and J. Bruce Miller (former county attorney), interview by author, Louisville, Ky., Dec. 27, 2011. See also *Louisville Times*, July 9, 1970. For Clerk James P. Hallahan's quotes (in text and title), see (Louisville) *Courier-Journal*, July 11, Nov. 12, 1970. On the courtroom atmosphere, see Miller interview. Mike McConnell and Jack Baker were the first modern gay couple to file a marriage lawsuit; they applied for their license to wed in Minneapolis, less than two months before Knight and Jones. The *Jones v. Hallahan* case record suggests that the Louisville attorneys and plaintiffs conferred with the Minneapolis couple and/or their attorneys, but the collaboration cannot be verified. The Minnesota case received more national publicity, including a profile in *Look Magazine* in 1971. See George Chauncey, *Why Marriage? The History Shaping Today's Debate over Gay Equality* (New York: Basic, 2004), 89-90, chap. 4.
- 2 *Courier-Journal*, Nov. 12, 1970; Jones interview. Instead of using the acronym LGBTQ, this essay employs "gay" as a term for same-sex-loving people. "Gay" was deployed at a certain historical moment (c. 1965-2000), but on occasion is still used as an umbrella term that includes LGBTQ identities. Sam Marcossan, University of Louisville law professor, notes the use of the case in law school classes; see Marcossan, conversation with author, Louisville, Ky., Jan. 3, 2012 (recording in author's possession). Anecdotal evidence—namely, conversations with several local LGBTQ leaders and activists—reveals the relatively unknown nature of the case.
- 3 *Courier-Journal*, July 11, Nov. 12, 1970; Jones interview; Lynn Pfuhl, interview by author, Louisville, Ky., Sept. 21, 2005; Micky Nelson, interview by author, Louisville, Ky., Jan. 24, 2006; Miller interview.
- 4 On the anti-gay movement, see Tina Fetner, *How the Religious Right Shaped Lesbian and Gay Activism* (Minneapolis: University of Minnesota Press, 2008). For more on Kentucky's same-sex marriage ban, see *USA Today Online*, Nov. 2, 2004, at www.usatoday.com/news/politics/elections/vote2004/2004-11-02-ky-initiative-gay-marriage_x.htm (accessed Mar. 1, 2012). On the gay-marriage referenda that swept thirteen states in 2004, see Sue O'Connell, *The Money Behind the 2004 Marriage Amendments* (Helena, Mt.: Institute on Money in State Politics, 2006), at <http://news.google.com/newspapers?nid=1697&dat=20041001&id=0kIqAAAAIABJ&sjid=OkGEAAAAIABJ&pg=6967,11686> (accessed Mar. 1, 2012).
- 5 For a lively account of life in Louisville's 1950s gay subculture, see Jack Kersey, interview by author, Fort Lauderdale, Fl., Jan. 15, 2006. Kersey describes parties in which gay men and "lipstick lesbians" posed as heterosexual dates in case their gatherings were raided.
- 6 For a study of the early activism of Mattachine and other gay organizations prior to 1969, see John D'Emilio, *Sexual Politics, Sexual Communities: The Making of a Homosexual Minority in the United States, 1940-1970* (1983; Chicago: University of Chicago Press, 1998), xvii (quote). D'Emilio identifies these barriers, but he devotes his study to unearthing the pre-Stonewall activism that countered them. For a more current and lesbian-focused account of pre-Stonewall activism, see Marcia M. Gallo, *Different Daughters: A History of the Daughters of Bilitis and the Rise of the Lesbian Rights Movement* (New York: Carroll and Graf, 2006). On Kinsey, see John D. Skrentny, *The Minority Rights Revolution* (Cambridge, Ma.: Harvard University Press, 2002), 322, 323 (quote).
- 7 Miller interview; Terence Kissack, "Freaking Fag Revolutionaries: New York's Gay Liberation Front, 1969-71," *Radical History Review* 62 (Spring 1995), 104-34; Marc Stein, "Birthplace of the Nation: Imagining Lesbian and Gay Communities in Philadelphia," in *Creating a Place for Ourselves: Lesbian, Gay, Bisexual, and Community Histories*, Brett Beemyn, ed. (New York: Routledge, 1997), 266-75.

- 8 Martin Duberman, *Stonewall* (New York: Plume, 1993), xvii. A full search of the daily Louisville newspapers turned up no coverage until an Associated Press article a few days after the protests; see *Louisville Times*, June 30, 1969. On the *Free Press of Louisville* and its reporting of gay liberation between 1969 and 1971, see Pfuhl and Nelson interviews; *Free Press of Louisville*, 12, no. 1 (1969), and extant copies of the newspaper in the University Archives and Records Center, University of Louisville (hereafter UARC-UL). The Filson also holds copies of the *Free Press*. Jones interview. People known as “transsexuals” in 1969 would today more likely consider themselves part of a larger umbrella group of diverse, fluid gender and sexual identities known as “transgender,” but that word was not widely used in the period under discussion.
- 9 *Louisville Times*, July 10, 1970; Pfuhl interview. For national social movements in the 1960s, see Todd Gitlin, *The Sixties: Years of Hope, Days of Rage* (New York: Bantam, 1987), though Kissack, “Freaking Fag Revolutionaries,” soundly criticizes Gitlin for failing to include gay liberation in his study. On local social movements in the 1960s, see Tracy E. K’Meyer, *Civil Rights in the Gateway to the South: Louisville, Kentucky, 1945-1980* (Lexington: University Press of Kentucky, 2009); and *Ohio Valley History* 7 (Fall 2007): “Twentieth Century Social Justice Movements in the Ohio Valley.” Pfuhl (interview) quotes the song “United We Stand,” recorded in 1970 by the British rock group “The Brotherhood of Man.” The song has remained a popular anthem of the gay rights movement, according to an interview with one of the band members; see www.metro.co.uk/showbiz/interviews/325-lee-sheriden (accessed Jan. 2, 2012).
- 10 See various issues of the *Free Press of Louisville*, 1969-70, UARC-UL. The New York GLF and the LGLF adopted a common slogan—“Freaking Fag Revolutionary Against Agnew”—in their protests against Vice President Spiro Agnew; see Pfuhl and Nelson interviews; and Kissack, “Freaking Fag Revolutionaries.” According to Duberman, *Stonewall*, 239, Jim Fouratt traveled south from New York City on behalf of the GLF sometime in late 1969 or early-to-mid 1970. Other sources suggest he may have stopped in Louisville, but this cannot be verified. When Louisville gay activist David Williams contacted Fouratt sometime later, Fouratt told him that he stopped in Louisville during a 1969 trip, but Williams notes that Fouratt’s “memory wasn’t sharp”; see David Williams, interview by author, Louisville, Ky., Sept. 19, 2005; and David Williams to Jim Sears, email correspondence, Jan. 14, 1999, in Louisville General History File 3 of Williams-Nichols LGBT Archive, Special Collections, UL. Pfuhl has no recollection of meeting Fouratt and she argues the Louisville group maintained absolute independence; see Pfuhl interview.
- 11 Pfuhl interview. The press release is no longer extant, but see *Louisville Times*, July 10, 1970; and Michael Randall, telephone interview by author, Dec. 30, 2011 (notes in author’s possession).
- 12 Pfuhl and Randall interviews. On “red diaper babies” and their leadership of 1960s social movements, see Judy Kaplan and Linn Shapiro, *Red Diapers: Growing Up in the Communist Left* (Urbana: University of Illinois Press, 1998). A Louisville chapter of Daughters of Bilitis appears never to have existed, only members or subscribers at large.
- 13 Nelson interview.
- 14 Nelson and Pfuhl interviews. Nelson describes an incident in which her father came to the Gay Lib house with a gun in search of her black colleague, whom he sought to keep away from his daughter even though he knew her sexual orientation.
- 15 *Free Press of Louisville* 1, no. 6 (1970), and 2, no. 4 (1971), UARC-UL; Pfuhl and Nelson interviews. On the relationship between gay bar success or failure and the evolution of gay acceptance in Louisville in 2011, see *Louisville Eccentric Observer LEO Weekly*, Dec. 14, 2011.
- 16 Nelson, Pfuhl, and Randall interviews; *The Advocate*, Oct. 14-27, 1970. The number of attendees varies across sources.
- 17 Edward Segal, interview by author, Louisville, Ky., Nov. 21, 2011.
- 18 Pfuhl and Nelson interviews. On the sense of collaboration, see James T. Sears, *Rebels, Rubyfruit, and Rhinestones: Queering Space in the Stonewall South* (New Brunswick, N.J.: Rutgers University Press, 2001), esp. chap. 7. Sears gets many details wrong on the rise and fall of the LGLF, but his characterization of the spirit of the times is consistent with the interviews completed for this project and the wider scholarship. For more on the Agnew rally, see *The Advocate*, Oct. 28-Nov. 10, 1970.
- 19 Nelson interview; *Free Press of Louisville*, UARC-UL, extant issues between 1969 and 1971.
- 20 The exact genesis of the case and its protagonists varies across interviews. Jones explains that Kaplan had previously represented her and approached her and Knight with the idea that they marry; see Jones interview. Pfuhl recalls that Kaplan knew Jones and had some influence over her; see Pfuhl interview. Randall remembers that Lyon contacted Pfuhl and himself to identify possible plaintiffs and that Jones and Knight volunteered; see Randall interview. The description of Kaplan is from Miller interview.
- 21 Segal interview (2011); Marjorie Jones trial testimony, and Tracy Knight trial testimony, in *Marjorie Jones et al. v. James Hallahan* (transcript), Clerk of the Jefferson County Circuit Court, C140, 279, pp. 35, 47; Nelson and Jones interviews. Nelson and others believed the salon was indeed a house of prostitution, but the case

- record offers no indication of such. Knight mentioned the Houston challenge in her testimony; for more on that incident, see Sears, *Rebels, Rubyfruit*, 52-53; and Richard Connelly, “Houston 101: The Lesbian Bar that Shut Up HPD,” *Houston Press Blogs*, Sept. 3, 2009, at http://blogs.houstonpress.com/hairballs/2009/09/lesbian_bar_roaring_sixties.php (accessed Jan. 1, 2012).
- 22 *Louisville Times*, July 10, 1970; Miller and Randall interviews; Knight trial testimony, *Jones v. Hallahan*, p. 61.
- 23 Elaine Tyler May, quoted in Peggy Pascoe, “Sex, Gender and Same-Sex Marriage,” in *Is Academic Feminism Dead? Theory in Practice*, University of Minnesota, Social Justice Group, ed. (New York: New York University Press, 2000), 86-130 (quote 91); Kate Millett, *Sexual Politics* (London: Granada Publishing, 1969); *Free Press of Louisville*, 12, no. 1 (1969), UARC-UL (other issues between 1969 and 1971 also make such references).
- 24 Pascoe, “Sex, Gender, and Same-Sex Marriage,” 86-87, 92-93; Jones interview; Knight trial testimony, *Jones v. Hallahan*, p. 36; Chauncey, *Why Marriage?* 89-92.
- 25 *Jones v. Hallahan*, Court of Appeals of KY, W-232-71, Nov. 9, 1973, Plaintiff appeal brief, p. 4 (quote); Skrentny, *Minority Rights Revolution*, 323 (quote); *Louisville Times*, July 9, 1970. The judge’s query and reactions to it are from Miller interview. Forty-one years later, Miller expressed remorse over that laugh, pronouncing it “inappropriate.” For more on the continuum between butch lesbians and the people known as transsexuals, circa 1970, see Leslie Feinberg’s semi-autobiographical novel, *Stone Butch Blues* (Ithaca, N.Y.: Firebrand Books, 1993). The more commonly used contemporary term for those once referred to informally as “he-she” would be “trans” or “gender-queer.” For Christine Jorgensen’s story and a history of transsexuality, see Joanne J. Meyerowitz, *How Sex Changed: A History of Transsexuality in the United States* (Cambridge, Ma.: Harvard University Press, 2002).
- 26 Marcossion conversation; Pascoe, “Sex, Gender, and Same-Sex Marriage,” 89; Miller interview; James Hallahan, Edward Segal, J. Bruce Miller, Lydon Schmid, and Sandor Klein, trial testimony, *Jones v. Hallahan*, pp. 12-13, 19. Marcossion qualified his reaction by noting that Kentucky procedures tend to discourage summary judgments.
- 27 *Jones v. Hallahan*, Brief for the Plaintiff, Jefferson Circuit Court Chancery Branch, 3rd Division, No. 140279, n.d., no pagination (copy in author’s possession); Miller comments, *Jones v. Hallahan* trial transcript, p. 67; Marcossion conversation.
- 28 The phrase “long 1960s” is used, for example, by the journal *The Sixties: A Journal of History, Politics, and Culture*. For the analogy to *Loving v. Virginia*, 388 U.S. 1, 87 S.Ct. 1817, 18L. Ed. 2d 1010, 1967 U.S., see Pascoe, “Sex, Gender, and Same-Sex Marriage,” 89-91. For a history of the *Loving* case and its significance, see Peter Wallenstein, *Tell the Court I Love My Wife: Race, Marriage, and Law—An American History* (New York: Palgrave Macmillan, 2002). *Jones v. Hallahan*, Brief for the Plaintiffs, pp. 12, 13, 31-32. In a battle that presaged the public conflicts that would rage in coming decades over the kinship or distinctions between racial civil rights and gay civil rights, the brief submitted by each side tried to lay claim to *Loving*, with Miller arguing that while the case established “national public policy that any law discriminating and distinguishing between the races is virtually unconstitutional per se,” no such national public policy existed on homosexuality.
- 29 Jones interview. Jones believed the judge sat in front of Knight because he found her alluring, despite his “he-she” comment. *Courier-Journal*, Nov. 12, 1970; Knight, trial testimony, *Jones v. Hallahan*, pp. 35-37.
- 30 In response to questions about Jones’s children and Knight’s interaction with them, the couple gave confusing and multiple answers; see Jones and Knight, trial testimony, *Jones v. Hallahan*, 47-53. Miller interview.
- 31 *Courier-Journal*, Feb. 20, 1971; Sears, *Rebels, Rubyfruit*, 62 (*Gay Power* quote); Jones interview.
- 32 Marcossion conversation.
- 33 See Duberman, *Stonewall*, and Stein, “Birthplace of the Nation,” for discussions of GLF unity (along with plenty of internal disputes). *The Advocate*, Jan. 5, 1972.
- 34 See “The Day Anita Bryant Came to Town,” *The Letter* (May 1991), 6. *Courier-Journal*, Oct. 10, 1991. For more on coalition building and the lesbian leadership of the more recent wave of movement, see Williams interview; and Mandy Carter, interview by author, Louisville, Ky., Apr. 5, 2006. On marriage, see Randall and Nelson interviews. Randall no longer lives in Kentucky, but he and his partner could not marry in North Carolina, where they currently reside.
- 35 For a collection that explores previously unexamined aspects of LGBTQ histories and experiences, see Martin Duberman, Martha Vicinus, and George Chauncey, eds., *Hidden from History: Reclaiming the Gay and Lesbian Past* (New York: Plume, 1990). Jones and Nelson interviews. Micky Nelson, the youngest of the narrators, provides the most positive descriptions of her LGLF experience. She recalls her experience with the organization in largely glowing terms, but her memories of life generally as a lesbian teen are considerably more mixed.