

Stonewall Plus Forty

By Hendrik Hertzberg
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The most improbable of America's mass movements for civil rights—improbable at the time, inevitable in retrospect—got its start at a most improbable hour in a most improbable place. The hour: two in the morning, forty years ago. The place: the sidewalk in front of the Stonewall Inn, a questionable bar (as it might then have been called by persons of delicate sensibilities) on Christopher Street, in the heart of Greenwich Village. Like most such establishments, the Stonewall was more or less openly run by the Mafia; it served prodigious quantities of watered-down booze, though it had no liquor license; it dealt in cash and seldom paid taxes, unless you counted the envelopes regularly provided to representatives of the local police precinct. But none of these was the ultimate reason that the N.Y.P.D. vice squad raided the Stonewall that night. The reason was that its customers were homosexuals.

This was, so to speak, normal: such raids were a routine hazard of gay nightlife. Normally, patrons who weren't quick enough to escape unnoticed would submit meekly to arrest or humiliation. This time, they resisted. No one can say for sure why Saturday, June 28, 1969, was different, but the botched bust at the Stonewall touched off not only four nights of raucous, riotous demonstrations but also, in short order, a sustained burst of political activity aimed at making minority sexual orientation, like left-handedness or dark skin, a legally, morally, and socially neutral condition, not an impediment to full membership in the human family.

Even in the legendarily liberated nineteen-sixties, mainstream attitudes toward homosexuality were benighted to a degree that is difficult to exaggerate. "Sodomy" between consenting adults was against the law almost everywhere. "Perversion" was a firing offense throughout the federal government, not just in the military. The American Psychiatric Association classified homosexuality as a "sociopathic" mental disorder. In the Daily News, gays were "homos." In 1966, three years before Stonewall, Time, then the voice of middlebrow, middle-class respectability, published a long essay on "The Homosexual in America." The magazine, while acknowledging that "homosexuals are present in every walk of life," concluded that homosexuality

"is a pathetic little second-rate substitute for reality, a pitiable flight from life. As such it deserves fairness, compassion, understanding and, when possible, treatment. But it deserves no encouragement, no glamorization, no rationalization, no fake status as minority martyrdom, no sophistry about simple differences in taste—and, above all, no pretense that it is anything but a pernicious sickness."

At the time of the Stonewall uprising, Barack Obama was a seven-year-old grade-schooler in Jakarta, Indonesia. This week, as President of the United States, he will welcome an assemblage of prominent gay citizens, along with their partners and, in some cases, their spouses, to the East Room of the White House for a commemoration of the movement the uprising sparked. From the perspective of forty years ago, that is remarkable enough. But just as remarkable is the fact that many of these same citizens believe that this still new President has done too little to advance their cause. They have a point.

As a candidate, Barack Obama presented himself as a strong proponent of "full equality" for "LGBT people"—the current term of art, awkward but inclusive, for lesbians, gays, bisexuals, and transgendered people. He promised unequivocally to end the Pentagon's misbegotten "Don't Ask, Don't Tell" policy, under which some thirteen thousand soldiers and sailors have been cashiered for nothing more than acknowledging their sexual orientation, and to fight for the repeal of the so-called Defense of Marriage Act, which forbids federal recognition of same-sex

marriages and allows states to ignore such marriages if contracted elsewhere. Although most organized gay support had gone to Hillary Clinton during the primary season, Obama took the overwhelming majority of gays' votes in November.

The President has said all the right things. But there have been signs, before the election and after, that where gays are concerned his fine-tuned ear for the emotional resonance of his actions has an alloy of tin. Choosing the conservative evangelical pastor Rick Warren to give the Inaugural invocation could be defended as a mutual gesture of civic comity. More disturbing, if less widely publicized, was the Obama campaign's use of an anti-gay gospel singer who claimed to have been "delivered" from homosexuality to entertain rallies aimed at Southern blacks. And, in the five months of the Obama Presidency, the hyperactivity that has marked the Administration's approach to the economic crisis, the health-care mess, and the Middle East has been missing on the issue of what, during the campaign, the candidate stirringly called "real equality for all Americans, gay and straight alike."

Doma and D.A.D.T.—the Defense of Marriage Act and "Don't Ask, Don't Tell"—remain as fully in force as they were on Election Day. But what has provoked some of the President's gay supporters to speak of "betrayal" and prompted others to boycott a gay Democratic fund-raising dinner last week was a June 11th legal brief from the Justice Department defending the constitutionality of doma and, some charged, likening same-sex marriage to incest. With rare exceptions, and this is not one of them, Justice Department lawyers must defend existing statutes in court, even those the Administration wants to repeal. Anyway, the brief does not really suggest any moral equivalence between gay marriage and incest, a word it does not mention. (It notes, as part of a technical argument, that marriages between first cousins are legally valid in some states and invalid in others.) But nothing required Justice to build a bridge over this particular River Kwai. The brief praises doma as "a cautiously limited response to society's still evolving understanding of the institution of marriage" that reflects "a cautious policy of federal neutrality towards a new form of marriage." Unlimited, incautious, and hostile is more like it.

"I don't blame you for your impatience," Vice-President Biden said at the boycotted (but still lucrative) fund-raiser, adding, "I hope you don't doubt the President's commitment." A fair test of that commitment would be a quick end to the dithering over D.A.D.T. A permanent solution will require an act of Congress, and the Administration is understandably reluctant to seek one at a moment when Congress's plate is already piled to the ceiling. But the President doesn't have to wait. The Palm Center, a public-policy institute at the University of California, Santa Barbara, has made a persuasive case that he can order an immediate halt to involuntary discharges of gay servicemen and servicewomen under the same "stop-loss" law that his predecessor used, less admirably, to force soldiers to extend their enlistments. Last Wednesday, the Center for American Progress, a think tank that has provided many Obama appointees, proposed a plan whereby a stop-loss executive order would be followed by a Presidential panel on implementing repeal and, ultimately, by repeal itself. On Thursday, Robert Gibbs, the White House press secretary, seemed to dismiss the idea ("The Administration believes that this requires a durable legislative solution"), but he also seemed to leave the door ever so slightly ajar ("There could be differences on strategy"). The President should kick that door open, and if he doesn't his gay supporters and their allies should do a little kicking of their own. The community organizer on Pennsylvania Avenue will get the message.