

Wichita's Gay Rights Ordinance No. 35-242: Back in the Closet

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Throughout the 1970s, several jurisdictions in the United States outlawed discrimination on the basis of sexual orientation. At the same time, a major shift regarding policy in LGBT (Lesbian Bisexual Gay Transgender) issues occurred. On one side there were advocacy groups that sought to formalize the protection of homosexuals against discrimination in housing and employment.²⁸⁶ There were equally vocal

²⁸⁶ One such homosexual advocacy program was formed to alter Wichita's local ballot in July, 1977, when members of the Homophile Alliance of Sedgwick County (HASC) approached the Wichita City Commission to modify its civil rights ordinance.

arguments from those who opposed these anti-discriminatory laws, sometimes resulting in their repeal.

The most widely known example of this repeal movement was in Dade County Florida (Miami) in 1977. The repeal movement found a national spokesperson in Anita Bryant, a Miami Beach resident, popular entertainer, and former Miss America contestant who “was the embodiment of the traditional American wholesomeness and values... [who maintained that] the approval of the law would endanger her children by exposing them to homosexuality.”²⁸⁷ Not only was Bryant famous for her Florida Orange Juice® advertisements, she was also a pop culture icon easily identifiable at the time. Bryant was ultimately successful in helping facilitate the repeal of the Miami-Dade ordinance in 1977 which sought to eliminate discrimination against homosexuals seeking employment or housing.

The repeal of Miami’s gay ordinance prompted a response in other United States municipal courts that passed similar anti-discriminatory laws. This backlash did not remain isolated or local and Bryant’s anti-homosexual campaign in Miami served as a model for other cities to follow.

On May 9, 1978, a similar situation to that in Florida occurred with the repeal of Wichita’s gay rights ordinance. However, without “Bryant’s media-celebrity aura,” the developments within Wichita received a smaller amount of

The HASC was a small group of lesbian and gay activists in Wichita, Kansas, that organized this alliance with the hope to enact a local gay rights ordinance.

²⁸⁷Fred Fejes, *Gay Rights and the Moral Panic: The Origins of America’s Debate on Homosexuality* (New York: Palgrave Macmillan, 2010), 262.

national coverage. Both opposition and support groups of the Wichita Gay Rights Ordinance were very active during this period. This raises the question of how the actions in Wichita corresponded with national events going on at relatively the same time, and whether they were effective in facilitating the repeal of Wichita's gay rights ordinance. The opinions of these groups will be assessed and demonstrate the social, civil, and religious lenses used to rationalize the actions of those in opposition and support of Wichita's Ordinance No. 35-242.

The examination of the fight for homosexual civil rights in Wichita suggests that the increase of pro-homosexual sentiment that occurred during the 1960s and 1970s was in contrast with the presentation of the issue in Fred Fejes' work *Gay Rights and Moral Panic: The Origins of America's Debate on Homosexuality*.²⁸⁸ Wichita provides a case study for the repeal movement of the 1970s by demonstrating how the issue was complex. Even more significant is how the arguments used to scrutinize homosexuals in the post-World War II era, thought to be outdated depictions of homosexuality, were still present in Wichita throughout the 1970s.

The events in Wichita offer a focused view of a national issue. One of the first monographs to focus on gays and lesbians during the repeal stage of the gay rights ordinances was *The Rise of a Gay and Lesbian Movement* in 1987. Author Barry D. Adam devotes an entire chapter of his work to the reaction of the New Right, specifically within the Anita Bryant movement that occurred in Florida.²⁸⁹ Adam's book glosses over the situation that took place in Wichita at around the same

²⁸⁸Fejes, *Panic*, 30-31.

²⁸⁹Barry D. Adam, *The Rise of a Gay and Lesbian Movement* (Boston: Twayne Publishers, 1987).

time, and the only relevant information he posits overlooks the key opposition groups and activists in support of the ordinance. During the 1990s, an increase in the amount of secondary literature dealing with the gay and lesbian movement occurred, much of which continued to overlook the gay rights movement in the Midwest and smaller cities such as Wichita. For example, in the 1995 revised edition of Barry D. Adam's, *The Rise of a Gay and Lesbian Movement*, he concentrates on the ballot initiatives during the latter half of the 1970s.²⁹⁰ Like his 1987 monograph, Adam skims the issues that took place in Wichita resulting in a lacuna within the secondary literature.

Robert B. Marks's 1996 book *The Gay and Lesbian Movement: References and Resources* "provides an outline to unify scattered fragments of the social history of local gay and lesbian communities of the United States into a coherent whole."²⁹¹ Marks's work dedicates over one thousand pages to the regional gay and lesbian communities and their movements in New York City, Atlanta, Chicago, St. Louis, and San Francisco. Marks' attempts to provide a "coherent whole," but still ignores smaller communities like Wichita, therefore leaving a gap in the literature similar to previous works.

Monographs during the latter part of the 1990s continued to follow the trends of earlier works. Two works published the following year *Gay Rights: Current Controversies* and *Anti-Gay Rights: Assessing Voter Initiatives*, both edited compilations of articles, again concentrated on other regions of the country and excluded Wichita. *Gay Rights: Current*

²⁹⁰Ibid.

²⁹¹Robert B. Marks, *The Gay and Lesbian Movement: References and Resources* (New York: G. K. Hall & Co., 1996), xi.

Controversies explored the question of whether anti-discrimination laws were indeed a necessity.²⁹² While providing both the opposition's views and those opposed to laws protecting homosexuals, this edition only discusses these arguments surrounding the gay amendment in Colorado, yet another narrow focus. *Anti-Gay Rights: Assessing Voter Initiatives* takes a broader geographical approach addressing the anti-homosexual programs in Oregon, Idaho, Missouri, and Colorado. Yet again the situation in Wichita as well as in a large percentage of the other gay communities throughout the United States that were experiencing the same backlash as the aforementioned areas was ignored.²⁹³ Carl F. Stychin's book *A Nation by Rights: National Cultures, Sexual Identity Politics, and the Discourse of Rights* separates from the gay and lesbian counter-revolutionary movement all together.²⁹⁴

More recent scholarship like that of Raymond A. Smith and Donald P. Haider-Markel's 2002 reference handbook *Gay and Lesbian Americans and Political Participation* provides an understanding of gay and lesbian participation in protest politics, social movements, and electoral politics but disregards a majority of the communities that were expressive in protest politics. After all, New York and San Francisco are just two

²⁹²Bruno Leone, Scott Barbour, Brenda Stalcup, and Tamara L. Roleff, eds., *Gay Rights: Current Controversies* (San Diego: Greenhaven Press, 1997).

²⁹³Stephanie L. Witt and Suzanne McCorkle, eds., *Anti-Gay Rights: Assessing Voter Initiatives* (Westport: Praeger Publishers, 1997).

²⁹⁴Carl F. Stychin, *A Nation by Rights: National Cultures, Sexual Identity Politics, and the Discourse of Rights* (Philadelphia: Temple University Press, 1998).

homosexual communities among many.²⁹⁵ The following year, a documentary history entitled *Gay and Lesbian Rights in the United States* remained partial to the areas which received the most national attention during the American debate on homosexuality.²⁹⁶ Like the bulk of the literature from the previous decade, the early 2000s were unsatisfactory in delineating the gay and lesbian movement that occurred during the late twentieth century, especially the smaller communities that experienced similar backlash.

Vicki L. Eaklor's 2008 book *Queer America: A GLBT History of the 20th Century* neglects the smaller communities and instead describes the backlash that took place in areas that received the most national observance.²⁹⁷ However, the same year Fred Fejes monograph *Gay Rights and Moral Panic: The Origins of America's Debate on Homosexuality* devotes an entire section to the ballot initiative against the gay ordinance in Wichita.²⁹⁸ Although Fejes provides an adequate analysis of the gay rights movement in America, he allots a large portion of his work to the repeal of the Miami ordinance which leaves the analysis lopsided. One of the most recent books published on this topic by Benjamin Shepard, *Queer Political Performance*

²⁹⁵Raymond A. Smith and Donald P. Haider, *Gay and Lesbian Americans and Political Participation: A Reference Handbook* (Denver: ABC-CLIO, Inc., 2002).

²⁹⁶Walter L. Williams and Yolanda Retter, eds., *Gay and Lesbian Rights in the United States: A Documentary History* (Westport: Greenwood Press, 2003).

²⁹⁷Vicki L. Eaklor, *Queer America: A GLBT History of the 20th Century* (Westport: Greenwood Press, 2008).

²⁹⁸Fejes, *Panic*.

and Protest,²⁹⁹ omits the gay rights movements that were representative of the smaller cities across the country neglecting the situation in Wichita and following the trend of the past literature.

Therefore, an omission remains within the secondary sources especially in the smaller gay communities across the United States. Although several of the works provide a better understanding of how politics and society worked against the prospects of the homosexual community, they are geographically limited to the largely populated gay communities across the country like San Francisco, New York City, and Miami. The purpose of this analysis is to help fill the gap that exists in the secondary literature about Wichita. In order to expand on the overall understanding of the gay rights repeal movement of the late 1970s, this work investigates the opposition and activist groups that supported and combated the repeal of lesbian and gay ballot initiatives.

Post World War Two Background

World War II had a social impact that greatly altered American society's beliefs on homosexuality. Following the war, American culture referred back to the more traditional family ideals regarding sex and gender and is often regarded as a time when heterosexual norms and roles went unchallenged. One method used to undermine homosexuals was to label them "perverts" or to suggest their sexual orientation was a result of poor parenting or individual maladjustment. Homosexuality was therefore not innate and one *became* a homosexual. The post-war portrayal of

²⁹⁹ Benjamin Shepard, *Queer Political Performance and Protest* (New York: Routledge, Taylor & Francis Group, 2009).

homosexuality was synonymous with a sickness that was immoral as well as threatening to society.³⁰⁰

During the 1950s, homosexuality was often linked with crime, described as a disease, and played homosexuals out to be predators. However, this frame of homosexuality as a sickness and a crime began to lose power and credibility as the decade progressed. With the emergence of homosexual publications in the following decade, and the shift in politics for homosexual rights, coming out became a political act. Gay activists during the 1960s saw themselves as relatable to the student-dominated anti-war movement going on at the time.

In the 1970s, governments took reformist outlooks and portrayals of homosexuality as a crime, sickness, and perversion began to wane. But while the media of the 1970s suggested a relatively tolerant attitude towards homosexuality, public opinion did not. By the end of the decade, the future of homosexuality in America gained a tenuous position. This position would soon be put to the test.³⁰¹

The Wichita Fight

Professional homosexuality advocacy programs worked to achieve whatever limited goals they could. One such homosexual advocacy program was formed to alter Wichita's Ordinance No. 35-242. The fight began in July, 1977, when members of the Homophile Alliance of Sedgwick County (HASC) approached the Wichita City Commission to modify its civil right ordinance.³⁰² The HASC was a small group of lesbian and gay activists in Wichita that organized an alliance with the

³⁰⁰Fejes, *Panic*, 13.

³⁰¹Fejes, *Panic*, 30-1.

³⁰²Julie Charlip, "Battle Began Last Summer with Change in Ordinance," *Wichita Eagle-Beacon*, May 10, 1978, 1F.

hopes of enacting a local gay rights ordinance.³⁰³ During Wichita city elections in April, 1977, the HASC endorsed two candidates who “promised to support a local gay rights law and worked for their election.”³⁰⁴ After distributing thousands of pieces of campaign literature, the campaigning paid off and two liberal candidates were elected.

In July, representatives from the HASC sought to amend Wichita’s Civil Rights Ordinance. Specifically, the members of the alliance no longer wanted employers, landlords, or proprietors of public accommodations to use marital status and sexual or affectional preference as a means of discrimination against homosexuals.³⁰⁵ Similar to most of Kansas’s city ordinances, ambiguity of what a “No” and “Yes” vote resulted in was cause for confusion at the polls. If one voted “Yes” it was for the repeal of the ordinance and a withdrawal of one’s civil rights. A “No” vote meant the opposite. By accepting the proposed amendments from the HASC, voters supported the ordinance and therefore supported granting civil rights for homosexuals.

The effort was not without its challenges. Protests from groups like the Concerned Citizens for Community Standards—whose president was Rev. Ron Adrian—believed homosexuality conflicted with the Bible, and city commissioners themselves believed the ordinance might conflict with state sodomy law. Attorney General Curt Schneider ruled the amendment would

³⁰³Fejes, *Panic*, 161.

³⁰⁴*Ibid.*

³⁰⁵The term “sexual or affectual” refers to the manifestation of an emotional or physical attachment to another willing person(s) or demonstrating a partiality towards the aforementioned behaviors.

not violate state law. Ordinance No. 35-242 passed by a 3-2 vote.³⁰⁶ The swing vote came from city commissioner Jack Shanahan who stunned both sides with his decision; Shanahan gave an impassioned speech noting that his Christian beliefs recognized that homosexuals were people, who have rights.³⁰⁷

One factor that remained unchanged was the use of religion as a means to undermine the ordinance. Opposition groups wasted no time in their efforts to repeal the recently passed amendment and used religion as the basis for their contention. However, not all religious arguments sought to repeal the civil rights amendment and will be noted accordingly against the backdrop of those that were in favor of reversing the ordinance. More importantly, those who used religion in favor of the ordinance demonstrated the complexity of the situation that occurred in Wichita. Wichita was not a monolithic city of "Bible thumpers" that only used religion to attack homosexuality. Many in the religious communities used their religious beliefs to support the concept of individual homosexual rights, and the value of all humans.

A majority of those who wanted a repeal of Wichita's gay rights ordinance described homosexuality as sinful; justifying homosexuality as an illness rather than a choice was seen as inane. One such individual, Dr. Paul Ackerman, a psychology professor at Wichita State University and a member of the Concerned Citizens for Community Standards, maintained that homosexuality was an illness, and a freely chosen sin that

³⁰⁶Charlip, "Battle Began," 1F.

³⁰⁷Charlip, "Shanahan Surprised Both Sides With Vote," *Wichita Eagle-Beacon*, May 10, 1978, 6F.

should be viewed as immoral.³⁰⁸ Ackerman also upheld the beliefs of Dr. Karl Menninger's book *Whatever Became of Sin?*, confuting homosexuality for sin in general.

The University did not ignore the fight for Wichita's gay rights ordinance. A local newspaper, the *Eagle-Beacon*, reported on the religious arguments on the ordinance at one of Wichita State University's weekly "Saturday Forums." Two of the gay panelists present at the Forum considered themselves to be practicing Christians, confirming that "they found no conflicts between their homosexual lifestyles and their religious/Christian beliefs."³⁰⁹ Two confessions were insufficient to generalize that all homosexuals balanced their homosexual lifestyle with their religious beliefs as well as the panelists did, but it revealed a recurring theme concerning the gay rights: the private sphere, i.e., one's personal relationship with God, is applied to something that has no bearing on civil rights. Dr. Judith Plaskow, a Wichita State University religion professor, affirmed this: "In using these texts...they elevate minor biblical references above the core of actual New Testament morality."³¹⁰ In other words, those who apply biblical references to fight homosexuality use them to the detriment of larger biblical teachings and principles that resonate throughout the Bible and often applying them to the personal lives of others when they have no justification to do so.

Some advertisements that were in the *Eagle-Beacon* around the same time publicized a similar religious message:

³⁰⁸Betty Schountz, "Scope: Gay Rights Ordinance: Two Viewpoints, *Wichita Eagle-Beacon*," May 7, 1978, 1F.

³⁰⁹"Homosexuality Topic Of WSU Discussion," *Wichita Eagle-Beacon*, May 10, 1978, 2B, Col. 3.

³¹⁰"WSU Discussion," *Wichita Eagle-Beacon*, 2B.

“Homosexuality? Some Call It Human Rights; God Said It Was A Sin.”³¹¹ This advert and others provided a toll-free number to call that connected the caller with a five-minute Bible message that correlated homosexuality with iniquity. However, not every religious advertisement aimed at the sinful nature of homosexuals. Instead, some groups like The Religious Caucus for Human Rights (RCHR) urged a “No” vote against the repeal of the gay ordinance. Their argument was that individual rights are fundamental to our system of democracy and that citizens are entitled to have these rights insured.³¹² The ad contained over 250 signatures from representatives of the Wichita Citizens who support human rights and Ordinance No. 35-242 as well as other organizations that called for a “No” vote. There were also paid political announcements funded by such groups as the Concerned Citizens for Community Standards that used the recent exposure that Miami and St. Paul had given to gay rights; with both of their recent gay ordinance repeals the advertisement read “For Three In A Row! Miami, St. Paul, Wichita.”³¹³ Applying the voices of opposition from Miami and St. Paul to America as a whole, which the advertisement purported, is inconsiderable to the remainder of the American population who might have believed otherwise.

The message conveyed by The Religious Caucus for Human Rights’ advertisement drew support from several other religious groups as well: Metropolitan Community Church,

³¹¹“Homosexuality? Some Call It Human Rights; God Said It Was A Sin,” *Wichita Eagle-Beacon*, May 10, 1978, 6B.

³¹²“Because we know that individual human rights are basic to our system of democracy...,” *Wichita Eagle-Beacon*, May 8, 1978, 4D.

³¹³“For Three In A Row!” *Wichita Eagle-Beacon*, May 7, 1978, 6F.

Catholic Workers of Wichita, Concord United Church of Christ, Evangelical Outreach Ministries, and United Methodist Urban Ministry. Moreover, these religious activist organizations against the repeal of the gay ordinance helped demonstrate that a religious argument could be effectively maintained by those who supported the amendment. Reverend William Reece, Chairman for the caucus and pastor of Pine Valley Christian Church, reaffirmed this when he referred to the Concerned Citizens for Community Standards' religious stand: "There has been the indication that there is only one religious view, ... [which] simply was not the case."³¹⁴ When asked about biblical passages that denounce homosexuality, the reverend further expounded that biblical scriptures can be interpreted in diverse ways.³¹⁵

Although the aforementioned groups were beneficial to the public's acceptance of the gay rights ordinance, there were also nuns, priests, and laypersons that were active in working against the law's repeal. Pro-gay rights activists from all over the country and Canada including cities like Los Angeles, Boston, Baltimore, Kansas City, San Diego, Montreal, and Ottawa, joined the effort as well. Mary Harren, member of a local Catholic Workers chapter, distributed pro-gay rights information pamphlets along with the visiting activists outside Wichita Catholic Churches. Their purpose was to spread the message that Catholics in Wichita and throughout the country

³¹⁴Julie Charlip, "Religious Caucus Backs Gay Rights," May 6, 1978, *Wichita Eagle-Beacon*, 1C.

³¹⁵Charlip, "Religious Caucus," 1C.

could still be considered faithful while at the same time demonstrating their support for the gay rights ordinance.³¹⁶

The dioceses were anything but receptive of these activities. According to Sister Jeannine Gramick from Baltimore, Maryland, Catholics were “slightly cold,” often lowered their eyes, and continued to walk past without acknowledgement; one clergyman at St. Mary’s Cathedral refused to shake hands with individuals.³¹⁷ Other visitors described more onerous behavior from Wichita lay persons: one claimed they were threatened at a Catholic church in the northeast area of the city, and one recalled being kicked by another. However, many of the visitors were greeted with friendly receptions, like those visiting Blessed Sacrament Catholic Church, who were invited in for food.³¹⁸ The dichotomy that existed between the visiting and local priests, nuns, and laypersons exacerbated the division in the Catholic ranks. Visiting Rev. Paul Shanley of Boston claimed this division had to do with local Wichita Catholic Bishop Maloney, who was at odds with the rest of the Catholic Church. Shanley and the majority of the national board members disagreed with Maloney’s teachings, claiming that his messages were “gibberish.”³¹⁹

The majority of religious arguments resulting from the passing of Wichita’s gay rights ordinance related directly to the repeal of the amendment, either for or against. Protestant churches tended to act as if the debate would go away. Others

³¹⁶David Harris, “Priests, Nuns, Work Against Law’s Repeal,” *Wichita Eagle-Beacon*, May 8, 1978, 1D.

³¹⁷*Ibid.*

³¹⁸David Harris, “Gay Rights Issue Opens Split in Catholic Ranks,” *Wichita Eagle-Beacon*, May 8, 1978, 3D.

³¹⁹*Ibid.*

claimed to have taken no position on the matter; Dr. Roger Fredrikson of the First Baptist Church had decided to opt out of the controversy because he wanted to let the people decide for themselves.³²⁰ Similar arguments made by the Rev. John Kenneth of St. James Episcopal Church upheld that the issue was a matter of conscience; as did Rev. Edward Trost who said, "We are not telling...people how to vote, but to vote as the Lord compels their conscience."³²¹ Likewise, Rev. Everett Mitchell of East Heights United Methodist Church left the decision up to individuals, because such a personal decision represented the democratic system.³²² Other congregations remained undecided like Rev. Donald Schroeder of the First United Presbyterian Church. Members of the United Presbyterian Church agreed with the leader of The Religious Caucus for Human Rights, Rev. William Reece, who affirmed that homosexuals have equal claim with all human beings, and equally deserve the love, acceptance, concern, and pastoral care of the church.³²³

Those who spoke in favor of or against the repealing of Wichita's gay rights Ordinance No. 35-242 often used their religious beliefs as justification; a majority of the opposition correlated the acts of lesbians and gays as sinful in order to undermine homosexuality. Those individuals who were against the repeal of the ordinance spoke of the Bible's ambiguous

³²⁰ "Some Churches Have Taken No Position," *Wichita Eagle-Beacon*, May 8, 1978, 3D.

³²¹ Ibid.

³²² Bob Latta, "Appeals to Emotion 'Not Helpful:' Many Churches Leave Gay Issue Up to Individual Conscience," *Wichita Eagle-Beacon*, May 8, 1978, 1D.

³²³ "Presbyterian Stand On Gays Undefined," *Wichita Eagle-Beacon* May 8, 1978, 6F.

anti-homosexual passages. In a decision to keep silent on the matter, some organizations and churches remained inaudible. Others left the decision to his or her conscience. One of the overwhelming contradictions of using religion as the foundation for one's argument was that it challenged the basis for legal discrimination defined in the United States Constitution. The use of the Bible to convey one's argument against and in support of homosexuality was erroneous: "While many people and religions may regard homosexuality as a sin, that belief cannot be the basis for legal discrimination."³²⁴ Ignoring the religious arguments would leave the overall understanding of homosexuality at the time skewed because religion then, as it does today, played an integral role in the minds of the public, especially when it came to their own opinions on whether to vote "No" in opposition of the ordinance's repeal, or "Yes" in favor of it.

Some reverted to the previous notions about homosexuals that were consistent during the post-war era of the 1950s: that was a sickness, crime, and a perversion. In a sense, the progress made by the gay rights movement until 1978 was immediately overturned or was not as strong as assumed. In the three decades ('50s, '60s, and '70s) that work was done to remove these medical, legal, and moral stigmas, Wichita's outlook was unchanged. By linking homosexuals to pedophiles, child molesters, and corruptors of youth, those in favor of the ordinance's repeal found it strategic to demoralize homosexuality on these grounds alone often as a generalization for the entire homosexual community.

³²⁴"Pro: Ordinance Protects Rights; Con: Homosexuals Live in Freely Chosen Sin," *Wichita Eagle-Beacon*, May 10, 1978, 6F.

An overwhelming generalization was that homosexuals were child molesters and a danger to the youth.³²⁵ A member of the Mulvane community, C.M. Elliot reaffirmed this: "We must either stand up...or stand back and watch the freedom of immorality destroy our children."³²⁶ Similarly, a Eureka resident, R. O. Samuells believed homosexuals were a danger to young people.³²⁷

Those who believed that homosexuals were corruptors of the youth, mainly through their pedophilic nature, did not go unchallenged. This is similar to the earlier arguments that used religion to undermine homosexuality. Wichita citizen L. Mark, who was against the repealing of Ordinance No. 35-242, applied statistical evidence to disclaim those who maintained homosexuals were child molesters and harmful to children; it is an immoral tactic to apply this to civil rights for homosexuals because ninety percent of child molestation cases were against heterosexual men on young girls.³²⁸ A task force initiated by the Governor of Oregon Robert Straub, found that "ninety percent of cases of child molestation were perpetrated by fathers, stepfathers, foster fathers, grandfathers, brothers, uncles and mothers' boyfriends—not by homosexuals."³²⁹ The task force also identified child molesting as a pedophilia that

³²⁵ "Freely Chosen Sin," *Wichita Eagle-Beacon*, 6F.

³²⁶ "Community Will Be Affected by the Way You Vote on Tuesday," *Wichita Eagle-Beacon*, May 7, 1978, 2F.

³²⁷ "Gay Rights Ordinance Vote on May 9 Is Debated," *Wichita Eagle-Beacon*, May 4, 1978, 3D.

³²⁸ "Vote No: Civil Rights Are for All," *Wichita Eagle-Beacon*, May 4, 1978, 3D.

³²⁹ "Vote No for Fairplay, Justice," *Wichita Eagle-Beacon*, May 7, 1978, 2F.

was a neurosis or mild psychiatric disorder characterized by anxiety, depression, or hypochondria and quite separate from sexual orientation or preference.³³⁰

The argument that homosexuals were danger to children and have the effect of turning them into homosexuals by “recruiting” them was also debated. Experts including Dr. John Money of John Hopkins University argued that it was impossible to change one’s sexual orientation once it was established.³³¹ Homosexuality was not a choice and if heterosexuals claimed the opposite, then heterosexuality was innate as well. Therefore, justifying that one’s sexual orientation could be subject to conversion is ineffective. Charlene Novick of Wichita and some of those who supported the gay rights ordinance were in accord with Dr. John Money and upheld that homophile behavior-patterns in children were set and “recruiting” was, as a result, impossible.³³² Even if children could be “recruited” by homosexuals, repealing the ordinance would not prevent homosexuality. Theoretically, if “recruiting” could occur before the ordinance’s repeal, it could after as well.

One of the overwhelming arguments presented by the opposition was that gay rights for homosexuals were not a civil right, but instead should be treated as a moral issue. A Wichita resident at the time, R. Langton, confirmed this: “This is a moral issue, not a civil rights, issue.”³³³ Jacqueline R. Newman, another Wichita resident, said that classifying gay rights as

³³⁰“Fairplay,” *Wichita Eagle-Beacon*, 2F.

³³¹ “Freely Chosen Sin,” *Wichita Eagle-Beacon*, 6F.

³³² “Community Will Be Affected by the Way You Vote on Tuesday,” *Wichita Eagle-Beacon*, May 7, 1978, 2F.

³³³ “Vote Yes: Morality Is at Stake,” *Wichita Eagle-Beacon*, May 4, 1978, 3D.

such lost its holding when these rights became a license to carry out homosexual and lesbian actions.³³⁴ Richard E. Bird, also from Wichita, believed that morality was at stake too, and if one chooses to shun these “unnatural” behaviors they should be allowed to.³³⁵ Yet another member of the Wichita community attributed the ordinance to an infringement of one’s morality: “Societies have crumbled in the past because of the decay of their moral fiber.”³³⁶ Although these residents did not have any expertise on the distinction between civil rights and moral issues, their testimonies were important because they demonstrated that gay rights were not going to be earned through the gateway of the legal system but also through society and moral arguments.

Those who based their discrimination of homosexuals on moral ground alone justified this with similar laws that victimized on a moral basis. For example, there were bigamists thrown in jail regularly and laws that prohibited the marriage of cousins, obscenity, prostitution, and massage parlors.³³⁷ Richard E. Bird applied a similar theory; instead he mentioned rape, sodomy, and even public drunkenness to demonstrate that actions perceived as going against “what the great majority of citizens feel [are] beyond the bounds of human freedom”³³⁸ were warranted. If these immoral acts were justification for discrimination, then homosexuality was liable to be as well.

³³⁴ “Gay Rights’ Not a Civil Right,” *Wichita Eagle-Beacon*, May, 4, 1978, 2D.

³³⁵ “Vote Yes,” *Wichita Eagle-Beacon*, 3D.

³³⁶ “Gay Rights Should Be Repealed,” *Wichita Eagle-Beacon*, May 6, 1978, 3C.

³³⁷ “Not a Civil Right,” 2D.

³³⁸ “Vote Yes,” *Wichita Eagle-Beacon*, 3D.

Others maintained that homosexuals who compared their current situation to the civil rights movement of African Americans just a decade earlier were wrong in doing so because homosexuality was a behavior that an individual engaged in, whereas “when you are black it sticks.”³³⁹ In other words, the behavior of homosexuals was immoral because it deceived the public into believing that gays should be allowed special rights to engage in what they thought of as morally unethical and a choice; civil rights were therefore inapplicable to homosexuals because their activities were preventable.

Remaining neutral on the debate was nearly impossible; one was either for or against the repeal of Ordinance No. 35–242. Those who maintained that homosexuality was immoral and used it against the enactment of the amendment did not make these claims without resistance. On the opposite end of the argument it was suggested that linking homosexuality with immorality was in itself immoral: “Maybe the voters should do unto themselves what they seem so eager to do unto others—repeal all civil liberties and rights.”³⁴⁰ To use immorality to undermine homosexuality was disputed, because those in favor of the amendment saw this as dissolute as well. To those in favor of the ordinance, it was the opposition that were infringing on their rights by using immoral tactics to inhibit its success.

Rather than use moral versus immoral characteristics as the basis for one’s argument, some claimed how homosexuals affected society. Richard R. F. Harris made the assertion that homosexuality affected no one but the homosexual; therefore,

³³⁹ “Not a Civil Right,” *Wichita Eagle-Beacon*, 2D.

³⁴⁰ “Any Discrimination Is Wrong,” *Wichita Eagle-Beacon*, May 4, 1978, 2D.

if it were a danger it was to the detriment of the individual committing the act.³⁴¹ Claiming that homosexuality was unnatural proved to be ineffective as well; man is not a natural creature—money, government, philosophy, art, and scientific research are “not natural.”³⁴² Ken Nickel believed that anti-homosexual laws were harmful to Wichitans as well as the rest of the country: “Wake up to what is happening here—the lies, the gutter-level campaign; wake up, Wichita...the whole nation...is watching.” Similar to the arguments expressed earlier by other ordinary citizens, these too were effective, in that they made the ordinance resonate in the thoughts of Wichitans. This helped facilitate the path of Wichita’s gay rights ordinance to the questioning of one’s morality.

The president of one Wichita organization, the League of Women Voters, Margalee Wright, also supported the civil rights ordinance prohibiting discrimination in housing, public accommodations, and employment. A “No” vote would ensure the civil liberties for all. This was reminiscent of the League’s goal; to promote social justice, equal rights, and the elimination of discrimination. The League of Women Voters made the argument that keeping the ordinance did not require the endorsement of the lifestyle, beliefs, or actions of homosexuals.³⁴³ This statement provides one of the most effective counter-arguments against the ordinance’s repeal. Thus, using “gutter-level” tactics to undermine homosexuality was effective for persuading the public into characterizing

³⁴¹ “Discrimination Affects All of Us,” *Wichita Eagle-Beacon*, May 6, 1978, 3C.

³⁴² *Ibid.*

³⁴³ “LMV Urges ‘No’ Vote on May 9,” *Wichita Eagle-Beacon*, May 4, 1978, 2D.

homosexuality as sinful, unnatural, immoral, etc., but did not mean they in turn had to approve of such a lifestyle. The opposition's clever fabrication of the private nature of homosexuality into the public sphere was instrumental in its disapproval. Statements like those from the League of Women Voters demonstrate that one's personal beliefs or sexual preference can be set aside when basic human rights are being restricted from any individual person or group.³⁴⁴

Although a majority of the voters who participated in the May 9, 1978, elections were lost in the referendum, citizens like Robert Lewis, co-chairman of the Homophile Alliance of Sedgwick County, were not completely pessimistic about their situation: "I think our involvement in the city is only going to grow...we obviously have a lot of educating to do."³⁴⁵ The future was less optimistic for other locals according to one gay rights activist who wept outside the Bus Station Club, a local gay bar, as passing motorists yelled obscenities. However, another gay rights supporter at the Bus Station Club was still optimistic; despite an overwhelming number of votes in favor of the ordinance's repeal, the progress of gay rights activists during the campaigning period had come a long way in a relatively short period.³⁴⁶ Those opposed to Ordinance No. 35-242 had a stronger influence that reflected public sentiment more; all of the wards that casted their votes during the May 9 elections were in favor of the repeal of Wichita's gay rights ordinance by a ratio of almost five to one.

³⁴⁴"Urges No," *Wichita Eagle-Beacon*, 2D.

³⁴⁵ John Achterkirchen and L. David Harris, "Most Losers in Referendum Battle Expect to Win War," *Wichita Eagle-Beacon*, May, 10 1978, 10A.

³⁴⁶Achterkirchen, "Most Losers," 10A.

By 1978, Wichita had become the third locale in the country in which a gay rights ordinance was repealed.³⁴⁷ The communities' decision to repeal Ordinance No. 35-242 represented a recent trend that began with the repeal of ordinances in Dade County, (Miami) Florida, followed by St. Paul, Minnesota, and now Wichita, Kansas. This public outcry against homosexuality that started with Anita Bryant in opposition to Miami's gay rights ordinance the previous year had made its way to Wichita and provided further evidence of a backlash against the gay rights laws passed by several other U.S. communities.³⁴⁸ The Concerned Citizens for Community Standards got their "three in a row" which had been part of their campaign strategy that ran in the *Eagle-Beacon* leading up to the May 9 vote.

It seems that the campaigning strategies made by those in opposition to Wichita's gay rights ordinance helped produce the drastic results in favor of the amendment's repeal on May 9, 1978. The efforts during the previous three decades that had worked to remove the labeling of homosexuality as a sickness, perversion, and crime were set back by the 1970s. The overwhelming majority who voted against the ordinance revealed that these labels were still largely central to Wichita's perception of homosexuals. Therefore, the oppositions' tactics which aimed at undermining support for homosexual civil rights through the appeal to one's religious beliefs, morality,

³⁴⁷"Wichita Repeal 3rd in Year: 38 American Cities Have Gay Ordinances," *Wichita Eagle-Beacon*, May 10, 1978, 10A.

³⁴⁸"Nation: Voting Against Gay Rights," *Time Magazine U.S.*, May 22, 1978.

<http://www.time.com/time/magazine/article/0,9171,919647,00.html>, November 20, 2011.

and conscience or by comparing it to pedophilia and child “recruiting” had a large impact on the way voters cast their ballot on May 9. As previously stated, these appeals were inconsistent with one’s sexual orientation and masked the progress of the ordinance itself: “It seemed more likely that Wichita voters were less interested in restricting the rights of gays than blocking a community-wide endorsement of a practice they abhor.”³⁴⁹

Another factor that worked to the detriment of pro-gay rights activists was the ambiguous nature of homosexuality; the public was denied a clear, unmistakable definition of homosexuality. Whether or not the arguments for or against homosexuality made sense or were grounded in evidence like the pedophile argument, these arguments were more potent for some individuals than others. These arguments reveal that claims purported by historian Fred Fejes—that labeling homosexuals as sick, perverted, and criminal had disappeared by the 1970s³⁵⁰—were not the case in Wichita. Wichitans often reverted to these labels. Wichita was not a city progressive in its outlook on homosexuals. Instead, unlike the majority of the country, Wichitans were still using the anti-homosexual ideologies that were formed immediately following the Second World War.³⁵¹

Although it looked as if the rest of the nation had become less anti-homosexual in sentiment, Wichita was reactionary. As for the way Wichitans voted at the polls on May 9, their decision to repeal Wichita’s Gay Rights Ordinance was not surprising considering the recent repeals in St. Paul and

³⁴⁹ “Voting Against,” *Time Magazine U.S.*

³⁵⁰ Fejes, *Panic*, 30–31.

³⁵¹ Fejes, *Panic*, 13.

Miami. Although the city of Wichita was in accordance to the national wave of things in terms of repeal, the context in which their argument was grounded was not. The situation in Wichita reveals that until the public is ready to set aside their pre-conceived notions about sexuality based on either one's religious beliefs, moral stance, or conscience, they will often apply these opinions to circumstances that have no bearing on the situation, i.e., civil rights. In doing so, they made the public believe they should vote "Yes" to repeal the ordinance by suggesting that if it were passed this would give license for homosexuals to live their immoral and unnatural lifestyles openly and freely without consequence. The public was willing to vote in favor of the ordinance's repeal not because they thought homosexuals were undeserving of fair employment and housing accommodations, but rather because they correlated a "No" vote with the approval of homosexuality.