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University of North Carolina at Asheville

From Classrooms to Courtrooms: An Analytical View of the Struggles of Homosexual Teachers  
in America, 1950-1977

A Senior Thesis

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When a teacher from Montgomery County, Maryland, named Joe Acanfora came out as gay in 1972 he received a letter from an anonymous citizen who told him that “You and your type should be put on a six foot raft and set in the middle of the Atlantic Ocean . . . You are not fit to mingle with decent human beings.” On the following workday, Maryland school officials recommended that Acanfora "be considered for removal from his teaching position as soon as possible."<sup>1</sup> Acanfora was transferred from his classroom teaching position to a temporary alternate position in the headquarters building that would ensure no contact with students whatsoever, and ultimately fired. Extensive local controversy among students, teachers and parents, and national media attention resulted and continued during the following years as Acanfora fought in the courts and the media to be returned to the classroom.

Looking back at the United States, particularly after World War II, there was much pressure from the public to keep homosexuals distant from the general population. As the public was becoming aware of the growing prevalence of homosexuals, people became concerned about how this would affect their children. The public was even more worried about the influence of gays within their school districts because of their access they had with impressionable children. Since teachers are held at such a high standard, it was no wonder that some schools keep a close eye on them for any suspicious behavior. This became even more of a danger after Joseph McCarthy began a mission to cleanse America of possible Communist threats, which included homosexuals. He went as far as targeting those who worked as teachers because of the danger they imposed on the impressionable minds of students where they taught. In response to this perceived threat investigations were held all across the country by special groups designed to identify gay teachers, and remove them from the schools they taught. Educators who were

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<sup>1</sup> Anonymous letter to Acanfora, Joseph, Feb. 29, 1972, “A Gay Teacher’s Battle to Teach,” Accessed October 11, 2014. <http://www.joeacanfora.com/quotes.html>.

thought to be gay faced grueling interrogations that lasted for hours, and had their private lives brought out into the open. The risk of being exposed as gay threatened homosexual teachers because it not only put their jobs on the line, but there was also the possibility of becoming a social pariah. The public perception of homosexuality was negative from various aspects with medicine labeling it as a sickness that needed to be cured. Legislation also frowned upon same-sex relations to the point where engaging in gay sex was considered a crime, with varying charges based on the state. The risks were so overwhelming that many of these teachers desperately tried to keep their sexual identities secret. Unfortunately, not all of these instructors were able to keep their private lives secret.

The main focus of this research is to look at one particular aspect of gay rights history that deals with the struggles of homosexual teachers in post-WWII America. After World War II, during the era of rampant McCarthyism, gay and lesbian teachers were harshly discriminated against because of a public perception that homosexual behavior was a deviance. The public had this idea, dating back long before this period, that homosexuals had a negative influence on children and would corrupt them. In the years leading up to the end of the twentieth century gay educators felt empowered to take a stand, backed up by LGBT activism, legal recourse, and changing public opinion. The case of *Neal vs. Bryant* exemplifies this issue of discrimination within schools when three gay instructors were facing the threat of job removal. Following this trial were four other court cases involving Marc Morrison, Joe Acanfora, James Gaylord, and John Gish who all dealt with the public's belief that their homosexual behavior was putting their children in danger. All of these cases illustrate the importance of not only the dangers of homophobia in school districts, but also the great lengths gay educators went to stand up for

themselves. Looking at the struggles of gay teachers between the 1950's and 1970's highlights a particular aspect of the gay rights era that some people might not be as familiar with.

Gay rights history has been catalogued and researched in a wide array of sources, but those related to homosexuals in teaching come in a smaller quantity. Some secondary sources proved to be more useful than others, especially when it came to finding what cases were fought over during this time. The major sources used were mostly helpful in detailing the struggles that John Gish, Joe Acanfora, James Gaylord, and Marc Morrison faced. They also brought to light one case in particular, *Neal v. Bryant*, which is not widely known but proves to be essential nonetheless. However, what distinguishes some of these cases from each other are the particular themes of homophobia. Some of the major factors in the growing conflict against gay and lesbian teachers include the ideals of McCarthyism and the formation of the bigoted groups like the John's Committee. Karen Grave's *And They Were Wonderful Teachers*, depicts how teachers in the U.S. were targeted, interrogated, and stripped of their professional credentials between the late 1950s and the early 1960's. All of this was done in the pursuit of Communists, which at the time many considered our nation's biggest threat. This was one of few books where *Neal v. Bryant* is referenced, but in very brief details.<sup>2</sup> This case's significance is examined further since it was one of the few times gay educators were able to keep their jobs. More information on the time period and the role of McCarthyism is highlighted by other scholars like Stacy Braukman who looks at John McCarthy's ideas and influence in her book, *Communists and Perverts under the Palms*.<sup>3</sup> Braukman brings excellent insight to the idea that communism increased the fear of homosexuals, especially those working around impressionable children. Further exploration the

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<sup>2</sup> Karen Graves, *And They Were Wonderful Teachers*, (Chicago: University of Illinois Press, 2009).

<sup>3</sup> Stacy Braukman, *Communists and Perverts under the Palms*, (Gainesville: University Press of Florida, 2012).

public's opinion of gay people during the McCarthy period is looked at by authors like Fred Fejes, whose papers highlights the preconceived notions that homosexuality was damaging to society. His article, "Murder, Perversion, and Moral Panic: The 1954 Media campaign against Miami's Homosexuals and the Discourse of Civic Betterment," examines how the media and other factors made homosexuals in Florida into social pariahs. It shows how media propaganda influenced negative stereotypes like how gay men are more like pedophiles, and how this led to more fear of homosexuals being persecuted even further. His research provides more details on the time period, and the public perception of homosexuality.<sup>4</sup>

Jackie Blount's *Fit to teach: Same-sex desire, gender, and school work in the twentieth century*, and Harbeck's *Gay and Lesbian Educators: Personal Freedoms, Public Constraints* provide detailed histories on LGBT issues in education.<sup>56</sup> Harbeck wrote about this subject in other pieces as well like her article in the *Journal of Homosexuality*, "Gay and Lesbian Educators: Past History/Future Prospects."<sup>7</sup> Here she makes a deeper analysis at the impact or significance of a few particular gay teachers, like Joe Acanfora. Both authors illustrate how schools became a zone of great vulnerability for homosexual instructors in which they had no support from their principals and fellow faculty. These authors also profile some of the remarkable people who openly challenged the prejudicial laws that threatened their careers.

Despite the fact that all of these sources delve into the same subject matter they each describe the various struggles gay teachers dealt with over forty years ago. Instead of just

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<sup>4</sup>Fred Fejes, 2000, "Murder, Perversion, and Moral Panic: The 1954 Media Campaign Against Miami's Homosexuals and the Discourse of Civic Betterment," *Journal of the History of Sexuality* 9, no. 3: 305.

<sup>5</sup>Jackie Blount, *Fit to teach Same-sex desire, gender, and school work in the twentieth century*, (Albany: State University of New York Press, 2005).

<sup>6</sup> Karen Harbeck, *Gay and Lesbian Educators: Personal Freedoms, Public Constraints*. (Malden: Amethyst Press & Productions, 1997),

<sup>7</sup> Karen Harbeck. 1992. "Gay and Lesbian Educators: Past History/Future Prospects." *Journal of Homosexuality*, 22:3-4.

focusing on a particular aspect of homophobia, this research will bring multiple angles to emphasize the dangers gay teachers faced. Influences of McCarthyism as well as the prejudices found in law, medicine, and psychiatry shaped biased views on homosexuality. Most of all, there is much more emphasis on *Neal v. Bryant*, and the significance of the court's decision. That trial, along with the four other cases, will blend together to clearly show that gay educators faced a tremendous problem with discrimination because of a common idea that homosexuals were deviants. The concern of having gay influences in schools resulted in further discrimination against many homosexual teachers in different ways. Some people (William James Neal, James Gaylord, and Joe Acanfora) were discriminated against for only identifying as homosexuals, despite not having evidence of them committing acts of same-sex behavior. Marc Morrison, however, was an opposite case in which he was caught engaging in homosexual acts with another. Homophobia was so influential that even those who simply supported gay rights causes were treated unfairly. John Gish worked in such groups, but neither identified or behaved as a homosexual. Unfortunately, that did not stop the school board from taking his chance to teach. All of these cases were brought up in several books and articles, but this research brings all those sources together to illustrate the profound issues of discrimination against homosexual educators.

Homosexuals have faced scrutiny long before the World War II, but it was not until afterwards that the issue of homosexuality became a much more pressing matter. It is important to examine the social challenges that gays and lesbians faced after World War II came to an end. A new awareness of homosexuality began to bloom, and sparked vigorous public discussions that were once censored or considered unspeakable. This knowledge of homosexual behavior also encouraged more conservative opponents to transform that awareness into fear. One of the first post-WWII institutions to hunt down homosexuals was the military. Army officials became

more alert for any opportunity to thin out the ranks of unwanted individuals, namely gay people. The officials began several initiatives to identify gay individuals through interrogations focused on the person's private life. Any signs of homosexual, or deviant, behavior from those men resulted in automatic expulsion from the military. Between 1943 and 1944, the army discreetly discharged more than a dozen homosexuals. The discharge that these individuals faced was neither honorable nor dishonorable. However, in 1947, the military and navy decided to do more screenings for homosexuals and quicker discharges. The number of discharged soldiers rapidly soared from a few dozen to a few thousand. This process involved officials carefully searching for hints of effeminacy among men, and masculinity among the women. The military personnel listened very carefully for any use of supposedly homosexual slang words. Sometimes the officials had soldiers submit to hormone tests to determine the levels of androgen and estrogen.<sup>8</sup> The military made it hard for homosexuals to do their job without being scrutinized, and it was not long until their persecution entered other occupations.

Discrimination in the workplace soon transitioned from the military to everyday jobs as the fear of gay behavior increased even more. Following the publication of Alfred Kinsey's landmark study on human sexuality, *Sexual Behavior in the Human Male*, people became more conscious of same-sex desire. On one hand many people welcomed the idea that same sex attraction among people was a normal occurrence, while others became increasingly alarmed at the idea that homosexuality would grow like a cancer and damage America's youth. At this time psychiatrists and psychologists, deemed homosexuality as a mental illness and labeled gay people as deviants. This supposed mental instability prompted President Eisenhower to enact an executive order in 1952 that made gay people ineligible for federal employment. However,

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<sup>8</sup>Barbara Stephens, 1959, "Homosexuals in Uniform," *The Ladder*, Vol. 3 Issue 9. 17-20.

despite this there is evidence that a more positive change was occurring. The American Law Institute made a recommendation in the 1955 Model Penal Code for supporting the legalization of all forms of sexual activity between consenting adults.<sup>9</sup> They were unsuccessful, but this demonstrated the possibility of change.

Homosexual educators faced many problems in not just the public eye but in the eyes of the law. To most people, gays and lesbians were referred to as “sex perverts” or “undesirables.” The idea that homosexuals were nothing more than sexual predators sparked one of the greatest controversies during the 1950’s. A nationwide sex crime panic occurred as a result of heightened public attention of crimes of a sexual nature that involved young children. The focus on this issue grew larger not because of an actual increase in sex crimes, but rather as a result of small number of high profile cases of child molestation, kidnapping and murder. Media and law enforcement agencies on the state and local levels worked diligently to educate the public on the threat of the growing number of homosexuals. These agencies demanded that legislature to control these so-called sexual psychopaths, as they called them, and the legislatures took up the call. Between 1950 and 1955 twenty-one states, including the District of Columbia, enacted new laws dealing with homosexuals. While these laws did not name specific criminal acts, they did target a type of personality or identity that can be found by psychiatrists<sup>10</sup>. These laws resulted in confinement in mental institutions for anyone accused of a sex crime until it was determined that the accused deviant was cured.

For gay people, these laws represented a huge threat because not only could they be labeled as sexual psychopaths but they could also be locked up for it. More importantly, this

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<sup>9</sup>Blount, *Fit to teach*, 2005, 108-111.

<sup>10</sup>Judith Poucher. *State of Defiance*. (Gainesville: University Press of Florida, 2014), 22-30.

panic supported the idea that homosexuals were similar to sexual deviants especially pedophiles.<sup>11</sup> Another theory that one newspaper article in particular published compared homosexuality with addictions like alcoholism. Jack Roberts, the author, wrote that being gay was a disease worse than alcohol but can be dealt with the same way as alcoholics. The author describes that people are not born homosexual but are coerced into that lifestyle by gay communities. Roberts writes that, like alcoholics, the best way to approach this problem is to rehabilitate gay men and women so they could revert back to their natural lifestyle.<sup>12</sup> In various legal and psychiatric books terms like “pervert,” “psychopath,” “sex criminal,” “pedophile,” and homosexual frequently were used interchangeably which made it even harder for gay teachers to be open about their sexuality.<sup>13</sup>

Another factor that caused trouble for homosexual educators was the growing fear of communism, and the age of McCarthyism. This concern stemmed from the idea that there was a link between homosexuals and communism. This claim, surprisingly, was not entirely unfounded. One of the first organizations that encouraged political awareness among gay people in the 1950’s was the Mattachine Society. The group was formed in 1951 in Southern California by men who had developed political skills while working for the Communist Party, who were sympathetic towards homosexuals. The Communist Party gave this new group a structural model of organization that kept the identity of its members safe from exposure. Many people argued that since homosexuals were not able to reproduce naturally, they would “recruit” younger boys

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<sup>11</sup> Fejes, "Murder, Perversion, and Moral Panic," 2000, 8-15.

<sup>12</sup> Jack Roberts, "A Disease 'Worse than Alcohol'," *Miami Daily News*, August 13, 1954.

<sup>13</sup> Fejes, "Murder, Perversion, and Moral Panic," 2000, 15.

to increase their numbers.<sup>14</sup> This idea was emphasized even further by Senator Joseph McCarthy who publicized congressional hearings on homosexual Communists in government. McCarthy asserted that gay Communists influenced impressionable adolescents into accepting ideas like same-sex relations. After making these points, state and local government officials agreed and started investigating schools to identify homosexual educators. Thus began a modern day witch-hunt for gay men and women in school systems all across the United States. Congressional investigators justified their actions with reasons like gays were emotionally unstable that could have a negative effect on students, and that gay people were more likely to be blackmailed by Communists making them bigger security risks. Not much is known about the how every state ran their investigations, with the exception of Florida because it was there that a special group was formed to “out” gay teachers and start a “teacher purge.”<sup>15</sup>

One state where homosexuality was most disliked was Florida, and from this disdain came a team that was formed to eliminate Communist threats in the school systems. In 1956 the Florida Legislature established an investigating committee tasked with identifying threats to students. However, it originally did not deal with homosexual teachers but rather legal infractions from the National Association for the Advancement of Colored People (NAACP) in response to the desegregation rulings made after *Brown v. Board of Education*. Many members of the state legislature wished to keep schools segregated but with the case’s ruling that was becoming an issue. In response to this Senators Charley Johns, Dewey Johnson, and John Rawls introduced Senate Bill 38 to create the Florida Legislative Investigation Committee. They also referred to it as the John’s Committee, which became its more popular title. This committee was

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<sup>14</sup> John D’Emilio, *Sexual politics, sexual communities: the making of a homosexual minority in the United States, 1940-1970*. (Chicago: University of Chicago Press), 1983, 57-58.

<sup>15</sup> Braukman, *Communists and Perverts*, 2012, 50-64.

charged with investigating organizations, persons, or groups whose activities violated Florida laws. However, with the Civil Rights Movement in full swing, the John's Committee had little success in making a dent in the NAACP progress. The committee took members of the NAACP to court when they protested, and tried to have their demonstrations shut down through legal channels. Fortunately for the NAACP, the committee was repeatedly defeated in court. In an effort to increase their success rate the John's Committee decided to switch its focus from racial to sexual minorities, thus allowing them to maintain their goal of identifying social deviants in various school districts.<sup>16</sup>

By 1961, the John's Committee focused their energy on tracking down gay instructors. Investigators put suspects through grueling interrogations that lasted for hours until they confessed. They focused their investigations particularly at state colleges like the University of Florida, Florida State University, and the University of South Florida. Since they had the power to subpoena witnesses, take sworn testimony, and employ secret informants, the committee spread terror among the closeted lesbian and gay population in state colleges.<sup>17</sup> Sometimes they had uniformed policemen bring students and professors out of classes for questioning. Under Florida law all homosexual acts were considered criminal acts and by admitting that they were gay, professors were found guilty of committing moral turpitude. This gave the school districts the legal pretext they needed to have these teachers fired. They managed to remove many gay teachers from their positions, with the exception of three individuals whose legal case against the John's Committee proved to be successful.<sup>18</sup>

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<sup>16</sup> Graves, *Teachers*, 2009, 2-10.

<sup>17</sup> Harbeck, *Gay and Lesbian Educators*, 1997, 52-73

<sup>18</sup> Graves, *Teachers*, 2009, 23-24.

The case of Neal v. Bryant (1962) is easily overlooked by most historians and scholars, but was one of the major turning points for gay teachers. The incident began in October, 1959, in Pinellas County, Florida, where three teachers were questioned separately by R.J. Strickland, chief investigator for the John's Committee.<sup>19</sup> Strickland interrogated each suspect including William James Neal, Mary Frances Bradshaw, and Anne Louise Poston about whether or not they were homosexual. Despite having been told that they did not have to make a formal statement, these three teachers confessed to prior acts of homosexuality. The committee finished the results of the investigation, and handed them to the State Superintendent of Public Instruction.<sup>20</sup> In January, 1961, it was determined that there was sufficient probable cause to revoke the teaching credentials of all three instructors. The Department of Public Education mailed letters to each petitioner, notifying them of a hearing that would determine their future as educators.<sup>21</sup> In each hearing the only evidence the board had of them committing acts of homosexuality was the testimony that Strickland made, and the teachers' confessions during the investigation. The hearing officer, who was assigned to oversee the investigations, maintained that the interrogation was handled carefully and that under Section 229.08(16) of the Florida Statutes, the evidence gained was sufficient enough to revoke their teaching licenses.<sup>22</sup>

All three teachers had lost their license to teach, and as a result they lost their job. However, this was not the end of the matter. In March, 1961, the State Board of Education met again to review the petition made by the State Superintendent for revoking the defendants'

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<sup>19</sup> Graves, *Teachers*, 2009, 55.

<sup>20</sup> William James Neal, Petitioner, v. Farris Bryant, Governor of Florida; Tom Adams, Secretary of State; Richard W. Ervin, Attorney General; J. Edwin Larson, State Treasurer; Thomas D. Bailey, State Superintendent of Public Instruction; as and constituting the State Board of Education of Florida, Respondents. 149 So. 2d 529 (U.S. 1962).

<sup>21</sup> State Superintendent Bailey to William James Neal, Mary Frances Bradshaw, and Anne Louise Poston, January 28, 1961, Series 1127, Carton 13, 60, Thomas Bailey Subject Files, (Archives, St. Archives of Florida, Tallahassee, Florida).

<sup>22</sup> Neal v. Farris Bryant, 1962. 5.

teaching credentials. No testimony was heard, and instead the board chose to review the transcript of the defendants' testimonies taken by the hearing officer before making a determination. After reviewing the transcripts, the board came to a unanimous decision to take away the three petitioner's teaching credentials. However, the teachers raised various points of concern to the judge regarding the validity of the investigation. In fact, they asserted that the interrogation was flawed and that their right to due process was violated.<sup>23</sup> In 1962, all three teachers decided to sue the State Board of Education in order to prove that there were procedural errors in the investigation.<sup>24</sup> During the trial the teachers' attorneys argued that while the state might have the power to search for gay teachers they needed to comply with established statutory procedures for their dismissal. Defense attorneys found that one of the mandates under Section 229.08 of the Florida Statutes required the board to appoint an investigating committee of three people to handle different tasks of the interrogations. These duties included things like questioning, or gathering background information. However, Strickland was the only one who conducted the investigation despite the fact that he had not been authorized by law to act on behalf of the Department of Education. The teachers' attorneys also argued that none of their confessions should be admitted because they were coerced by Strickland who knowingly lied about the extent of the Committee's subpoena power. Legal counsel for the State Board of Education argued that the due process procedures in the Code were guidelines that could be altered at will. They continued by stating that even the procedures needed change for extreme emergency circumstances since gay teachers could have a negative influence on their impressionable students.<sup>25</sup>

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<sup>23</sup> "Five Teacher Certificates are Revoked." *Sarasota Journal*. April 6, 1961.

<sup>24</sup> Graves, *Teachers*, 2009, 96.

<sup>25</sup> Neal v. Farris Bryant, 1962. 5-6.

Though it seemed that these gay teachers would lose, the decision made in this case proved to be a surprising turnaround. The Florida State Supreme Court deliberated over this matter, and in 1963 they ruled that the due process procedures demanded mandatory compliance under any circumstances. Basically, the Court ruled in favor of the three defendants and ordered the State Board of Education to reinstate their teaching certificates.<sup>26</sup> The ruling brought victory to Neal and the other two teachers, even though it was only due to a technicality. No news coverage was made on the three teachers after the trial, and it was unclear if they returned to working in the school systems. The fact that the decision was made only based on a legal technicality, and not from a change of heart, shows that public perception of homosexuality had not changed at all.<sup>27</sup> The John's Committee continued to harass gay and lesbian teachers until 1965, when the group disbanded for unknown reasons. Although the John's Committee came to an end, it did not stop further challenges for gay teachers.

From the late 1960's to the 1970's other homosexual educators faced discrimination and the revocation of their credentials. Among these incidents were four court cases that dealt with gay teachers like the case of Neal v. Bryant. In contrast to Neal v. Bryant, these four other cases were publicized more. The men, whose cases went to court, included Marc Morrison, Joe Acanfora, James Gaylord, and John Gish. All of these men used legal recourse to fight back, despite the risk going public with their sexual identity, in order to keep their jobs.

Similar to how Neal v. Bryant exposed the legal flaws of R.J. Strickland's investigation, Marc S. Morrison's case challenged the extent of power school boards had to remove gay teachers. Before 1964, Morrison worked as an instructor in the Lowell Joint School District in

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<sup>26</sup>"Certificates of Three Pinellas Teachers Restored by Board." *Ocala Star Banner*. March 19, 1963.

<sup>27</sup>"3 Teachers' Certificates are Restored." *St. Petersburg Times*. March 20, 1963.

California and had received no complaints about his performance as a teacher. Moreover, with the exception of one incident that occurred later on, no one suggested that his conduct outside school was anything but above reproach. Morrison, however, became involved in an event that was scandalous and put his job at risk. During the spring of 1963 Morrison began a friendship with Mr. and Mrs. Fred Schneringer. Fred worked as an educator as well, and faced marital difficulties with his wife. Morrison offered counseling and advice to the couple on various occasions. During this time, Schneringer made several visits to Morrison's apartment to discuss his issues. For a one-week period in April, when Schneringer and Morrison were facing extreme emotional stress, the men engaged in four homosexual encounters that were physical and consensual. The relationship quickly ended, but one year later, for reasons unknown, Fred Schneringer reported these incidents to the Superintendent of the Lowell Joint School District. Immediately after it became known, Morrison chose to resign from his teaching job on May 4, 1964.<sup>28</sup>

About two years later after the relationship between Morrison and Schneringer became known to the superintendent, the State Board of Education decided to take action. Despite the fact that Morrison had resigned, the board wanted to take his credentials away completely so that he would not be able to teach at other schools. The Board held a formal meeting to discuss the issue, and they even had Morrison come to explain his side of the story.<sup>29</sup> Morrison stated that he had some issues with his sexual identity since he was thirteen years old, and that with the exception of this one incident he had not engaged in homosexual behavior. Even a private investigator for the board, Mr. Cavalier, testified that Morrison's encounter with Schneringer

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<sup>28</sup> Marc S. Morrison, Plaintiff and Appellant, v. State Board of Education, Defendant and Respondent. 1 Cal. 3d 214 (U.S. 1969), 1-5.

<sup>29</sup> Blount, *Fit to Teach*, 2005, 116.

was the only time he took part in a homosexual act with anyone. Throughout the hearing there was no evidence which proved that Morrison committed an act of misconduct while he worked as a teacher. After much deliberating, the board decided that revoking Morrison's teaching certificates was the appropriate course of action. According to the board, they based their finding that the sexual involvement with Schneringer constituted unprofessional conduct and moral depravity. This gave them the grounds for revocation of Morrison's teaching credentials under Section 13202 of the California Education Code. This section allowed removal of teaching credentials for "immoral or unprofessional conduct," and "acts of ethical turpitude." Morrison tried to petition the court for a writ of mandamus to review the revocation, but was denied. He then appealed that decision to the California Court of Appeals, and after a couple of years it was finally heard in early 1969.<sup>30</sup>

Since Morrison's actions were not criminal in California, the Court of Appeals had to determine whether or not his actions were immoral. They found precedent in a previous case from a few years prior, *Sarac v. State Board of Education* (1967). This case dealt with a man who was arrested after approaching an undercover officer for sex and touching his genitals in a public restroom in Long Beach. Although he plead guilty to a lesser charge after making a deal, his teaching credentials were removed. The court in that case determined that homosexual behavior was clearly immoral based on Education Code section 13202, and that it constituted evident unfitness to teach. Even though there was no evidence that Morrison's sexual orientation affected his ability to teach, the Court of Appeals favored precedent. They determined that Morrison's act was immoral, and upheld the decision of the State Board of Education's decision

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<sup>30</sup> Morrison v. State Board of Education, 1969, 6-11.

to remove his teaching certificates. Morrison appealed the decision to the Supreme Court of California.<sup>31</sup>

Morrison made several arguments before the Supreme Court that resulted in an unsuspected twist in the outcome of his case. He testified that the homosexual incident was merely a short encounter in the overall context of his thirty-nine years of living. He maintained that the behavior between him and Schneringer was not criminal and was private, consensual, and in no way affected his teaching. Morrison furthered his arguments by stating that the Education Code Section 13202 was vague because of the imprecise interpretations of terms like “moral turpitude,” “immoral,” and “unprofessional.” He argued that the Court based their opinion on unsubstantial prejudices of homosexual educators as negative influences to their students, and by doing that they were applying an unfair classification that took away his right to due process of law.<sup>32</sup> The State Supreme Court voted in favor of Morrison and determined that simply labeling conduct as immoral was no longer an appropriate cause for a teacher’s dismissal. The court rejected Morrison’s arguments that the investigation was an invasion of privacy due to the nature of his occupation as a teacher. The court agreed that the board had the right to delve into aspects of Morrison’s private life outside of his teaching duties in order to determine if there was anything that could interfere with his job. However, the high court also agreed that Morrison’s teaching credentials should not have been removed because the school board had no evidence that proved whether or not his sexuality affected his students. The chief justices in the case determined that if there is no evidence of proof that Morrison’s homosexuality affected his students then his “private acts are his own business.” The justices immediately reassured the court, however, that they “do not, of course, hold that homosexuals must be permitted to teach in

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<sup>31</sup> Morrison v. State Board of Education, 1969, 14-19.

<sup>32</sup> Morrison v. State Board of Education, 1969, 21-22.

schools.” Despite Morrison’s victory, the people’s overall opinion of gay people not being allowed to teach remained. On the other hand there were signs of change in how much power school boards had over firing gay teachers.<sup>33</sup>

This particular case is significant because the balance of power had tipped in regards to the school boards. Their broad power was starting to be limited since the board could no longer remove a teacher because they are gay. The Education Codes now held the board on a tight leash because in order to remove a teacher the board needed to prove that the instructor’s sexuality affected students. It required a much more thorough investigation to take place. Even though the school district’s rules allowed them to remove Morrison, the State Supreme Court affirmed that he was not a danger to his students. Justice Raymond Cullivan acknowledged this when he gave the following statement to local newspapers, “I cannot say there is a rational connection between the petitioner’s homosexual acts and his fitness to teach.”<sup>34</sup> Another important factor about the Morrison opinion is that the social issue that had been present but suppressed became more visible as the controversy over employment of gay and lesbian educators increased to an active level. The case became widely known through newspapers which gave gay rights a chance in the spotlight. It also heightened the fears and concerns of not only administrators but parents as well. They became concerned that the school board’s power was being limited, and also this newfound sensitivity to a previously stigmatized minority. As a result, a growing trend had risen further as more homosexual teachers began taking legal action to keep their job and take control away from prejudicial school boards. Although there were still future cases of discrimination against gay educators, there were growing signs of change that brought hope to homosexuals.

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<sup>33</sup> “State Court Rules for Homosexual,” *Independent*, November 21, 1969, Accessed September 15, 2014. <http://www.newspapers.com/image/23346646>.

<sup>34</sup> “Homosexual Teacher wins Court Test,” *Santa Cruz Sentinel*, November 21, 1969, Accessed September 15, 2014. <http://www.newspapers.com/image/59835601>.

In a case that took place eastward, *Joseph Acanfora v. Board of Education of Montgomery County, Maryland*, is well known for increasing political advocacy of the gay and lesbian community. Growing up in New Jersey, Acanfora graduated high school and went to Penn State University in the autumn of 1968. Originally pursuing studies in meteorology, he decided to become an education major instead. During his time at Penn State Acanfora joined a local homophile group on campus that was dedicated to stopping discrimination by properly educating people on homosexuality. Acanfora spoke publicly about his homosexual orientation during a press interview in the spring of 1971 regarding his organization's work. Once he finished with his coursework in education, Acanfora was ready to move on to student teaching. However, instead of moving forward with his plan Acanfora was suspended from student teaching by the Dean of the College of Education because he made his sexual orientation public. Acanfora stated that he did not discuss his sexual identity with students or colleagues inside or outside the classroom. Thus, there was no indication that Acanfora's sexuality would affect his students. Luckily for him a state court swiftly ruled in favor for Acanfora and got him reinstated which allowed him to complete student teaching. After he graduated Acanfora went on to apply for his teaching certificate for Pennsylvania. Since he identified as a homosexual the State Board of Education felt that a panel was needed to determine whether or not he could get a license. A special team of six people listened to Acanfora describe his belief that homosexuals should have full legal rights and be free from society's mistreatment. The panel was unable to reach a decision due to a split vote, which meant that the matter was turned over to the State Secretary of Education, John Pittenger.<sup>35</sup>

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<sup>35</sup> *Joseph Acanfora, III v. Board of Education of Montgomery County et al.* 359 F. Supp. 843 (U.S. 1973), 1-5.

While that matter was being deliberated Acanfora was granted a Maryland teaching certificate, and managed to get hired by the Montgomery County Board of Education. Acanfora was assigned position as a junior high school science teacher for the 1972-1973 school year.<sup>36</sup> Neither the board nor the school had knowledge of his political stance on gay rights. More good news came to Acanfora on September 22, 1972, when Secretary Pittenger held a news conference in Harrisburg to confirm that Acanfora would be certified in Pennsylvania.<sup>37</sup> However, as soon as that announcement was made the Deputy Superintendent of Montgomery County schools, Dr. Donald Miedema, removed Acanfora from his teaching position. He was then transferred to an administrative job where he had no contact with students. It became quite clear to Acanfora that the essential reason for the transfer was that he was an open homosexual. Acanfora requested to be reinstated, but was harshly denied.<sup>38</sup>

Acanfora chose to take matters into his own hands by bringing the Montgomery County Board of Education to court in order to win his job back. His case was heard on a District Court level, and was funded by the Washington Gay Activist Alliance. Even before the trial commenced it was clear that Acanfora's homosexuality led to him being transferred. One piece of evidence came from Dr. Miedema himself who stated that the Board of Education would not knowingly hire a homosexual. As the trial began there were several aspects that made the case significant.<sup>39</sup> First of all, medical and psychological experts gave testimonies on possible impact gay teachers might have on students. By allowing this kind of testimony to be heard the issue of role modeling was open for debate instead of presumed on the basis of traditional beliefs. Some

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<sup>36</sup> Letter from Edward Andrews to Joseph Acanfora, July 7, 1972, "A Gay Teacher's Battle to Teach," Accessed October 10, 2014. <http://www.joeacanfora.com/subpages/mcps/MCPS%20Job%20Offer.gif>.

<sup>37</sup> Acanfora v. Board of Education of Montgomery County, 1973, 8-13.

<sup>38</sup> Letter from Donald Miedema to Joseph Acanfora, September 26, 1972, "A Gay Teacher's Battle to Teach," Accessed October 10, 2014. <http://www.joeacanfora.com/subpages/mcps/MCPS%20transfer%20letter.gif>.

<sup>39</sup> Acanfora v. Board of Education of Montgomery County, 1973, 15.

of the expert witnesses brought by the Montgomery School Board included Dr. Reginald S. Lourie, a child psychiatrist, and Dr. Felix P. Heald, a pediatrician. Both doctors argued that preadolescence is a stage in which kids with bisexual tendencies, at least three percent of the population in their opinion, chose their sexual identity. Therefore, a gay role model might influence a child to be a homosexual. Due to the strong societal belief that homosexuality was a deviant behavior, the experts felt that taking gay teachers out of the classroom was like giving a student a vaccine for a virus. During cross-examination, both doctors were asked if they knew incidents where gay teachers had an abnormal effect on a student to which they both responded no.<sup>40</sup>

As the case continued, both the plaintiff and the respondent summoned various witnesses to testify. Every expert that was brought to attest agreed that they did not know for sure the causes of homosexuality. Expert witnesses for Acanfora introduced data that had been collected to determine what kind of impact, whether it was negative or positive, gay teachers had on children. The findings from this study showed to be very small in regards to the negative result of having gay people in the classroom. The study had also been compared to other studies where it looked at the influence of parents and the home environment on children. It was concluded that the partial amount of data showing the negative or positive impact of gay teachers on children is minuscule compared to the influence that parents and the home environment have. A professor in pediatrics, Dr. Stanford B. Friedman, testified that having a gay role model would actually be a

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<sup>40</sup> Court Testimony of Lourie, Reginald. "A Gay Teacher's Battle to Teach," Accessed September 18, 2014. [http://www.joeacanfora.com/subpages/legalcases/testimony\\_lourie.html](http://www.joeacanfora.com/subpages/legalcases/testimony_lourie.html); and Court Testimony of Felix Heald, "A Gay Teacher's Battle to Teach," Accessed September 18, 2014. [http://www.joeacanfora.com/subpages/legalcases/testimony\\_heald.html](http://www.joeacanfora.com/subpages/legalcases/testimony_heald.html).

benefit to children who might be gay or bisexual themselves.<sup>41</sup> Other witnesses for Acanfora had a similar idea that a child's sexual orientation is predisposed by the time they reach age five. All of this expert testimony gave a closer look at differing psychiatric views on homosexuals as teachers and their impact in a child's development. District Court Judge Young reviewed the facts and testimonies presented at the trial, and came to several conclusions. First of all, the judge felt that Acanfora had been denied procedural due process when he was removed from his classroom without warning. The judge also determined that teachers had a right to privacy, but at the same time they have a duty of privacy to keep their personal lives out of the school environment. Ultimately, the judge ruled in favor of the Board of Education and determined that Acanfora was entitled to no relief for any constitutional violation. One of the main reasons that the judge made this decision was because Acanfora made several appearances on TV and radio voicing his opinions that far exceeded Acanfora's right to defend himself in the face of prejudice. Acanfora even discussed his case on "60 Minutes," resulting in his case getting even more coverage. Judge Young stated in his court opinion that while a gay teacher should not have to lie about themselves, there still needed to be a sense of self-restraint and discretion. The judge argued that Acanfora should not have made televised speeches on the case because this added more public controversy which undermined the educational process. In other words, the judge feared that Acanfora's public outbursts might keep parents from sending their kids to school, or keep other faculty members from working in a school that would even consider tolerating homosexual teachers.<sup>42</sup> He expressed this concern in his court opinion:

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<sup>41</sup> Court Testimony of Stanford Friedman, "A Gay Teacher's Battle to Teach," Accessed September 19, 2014. [http://www.joeacanfora.com/subpages/legalcases/testimony\\_friedman.html](http://www.joeacanfora.com/subpages/legalcases/testimony_friedman.html).

<sup>42</sup> Acanfora v. Board of Education of Montgomery County, 1973, 15-18.

“The point is that to some extent every teacher has to go out of his way to hide his private life, and that a homosexual teacher is not at liberty to ignore or hold in contempt the sensitivity of the subject of the school community.”<sup>43</sup>

While the judge asserted that knowledge of a teacher’s homosexuality was not enough to warrant a transfer of position, Acanfora hurt his case when he tried to gain public support via television. This case does show signs of growing support for gay teachers since the judge did affirm that Acanfora’s transfer was unjust. At the same time, however, the failed outcome proves the main point of how public discrimination prevented gay instructors from keeping their jobs. The judge’s decision was based on the assumption that people’s negative attitude towards homosexuals, combined with Acanfora’s public statements on his case, would somehow prevent schools from functioning properly. Public opinion once again proved to be a major factor in the unsuccessful attempt in a gay individual keeping their teaching job.<sup>44</sup>

In 1972, around the same time that Acanfora lost his job, another high school teacher was removed from his position because of his homosexual identity. Throughout the twelve years of service as a teacher James Gaylord earned positive evaluations from both his colleagues and students. He worked in the school district of Tacoma, Washington, when he was accused of being homosexual by a student. Kim Balcom, who had been struggling with her sexual orientation, was advised by another instructor to talk with Mr. Gaylord. Gaylord’s sexuality was not known by both his colleagues and students at this time. Though the reason for the complaint was never made clear, the student wrote a letter to the principal accusing Gaylord of being a homosexual. In response, Gaylord confessed to the vice-principal and the school board that he

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<sup>43</sup> Acanfora v. Board of Education of Montgomery County, 1973, 18.

<sup>44</sup> Harbeck, “Past/Future Prospects,” 1992. 127.

was indeed gay. Even though his teaching record displayed excellence, the Tacoma School Board dismissed Gaylord from his teaching job. They determined that his identity as a homosexual alone was enough to remove him, despite the fact there was no evidence of him committing homosexual acts. Once his sexual identity was made public the school board felt that it would result in fear and outrage from parents, resulting in Gaylord being unable to perform effectively in the classroom. A few years later, Gaylord chose to appeal the board's decision.<sup>45</sup>

Three years after he was fired, Gaylord's appeal made it into the Washington State Supreme Court. School administrators testified that they felt a great concern that Gaylord's homosexuality would cause students, teachers, and parents to object to him being in the classroom. They argued that this would indeed result in an impairment of his ability to teach. The vice-principal felt that homosexuality was out of place in the school environment, and that teachers were very influential in a student's mental development. He went on by saying that a gay teacher, whether they did it on purpose or not, can "impair the optimum learning atmosphere in the classroom."<sup>46</sup> When the Assistant Superintendent of Personnel testified, he bluntly stated that homosexuality was not a lifestyle that he could tolerate. Like the vice-principal, he hypothesized that students tend to mimic adult behavior. He felt that if a homosexual was to teach, that students would admire and even participate in same-sex relations.<sup>47</sup>

To defend against this negative testimony, Gaylord's defense attorney brought in two child psychiatrists. In contrast to the school administrators, the psychiatrists testified that this effect would not occur. Dr. S. Harvard Kauffman and Dr. Jerman Rose asserted that Gaylord's

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<sup>45</sup> James M. Gaylord, Appellant, v. Tacoma School District No. 10 et al, Respondents. 85 Wn. 2d 348 (U.S. 1975), 1-5.

<sup>46</sup> "Homosexual teacher can't be fired," *Tri-City Herald*, May 15, 1975. Accessed September 15, 2014. <http://www.newspapers.com/image/57312086>.

<sup>47</sup> Gaylord v. Tacoma School District, 1975, 6-7.

presence, regardless of the public's knowledge of his homosexuality, did not pose a threat to students. While they did feel that some parents and students might object to Gaylord, they believed that homosexuality is acquired and not inherited. They continued by saying that sexual identity is acquired prior to high school, and that it is still that person's choice. Dr. Kauffman did express that homosexuality was a form of deviancy, and said that Gaylord would be better off if he changed his orientation through psychiatric intervention. However, Gaylord testified that he had been gay for twenty years, and saw that it was never a problem that he wished to change. Another medical expert, Dr. Stephen Sulzbacher, testified that he consulted with all school districts in the state and had more than enough information on the effectiveness of homosexual school teachers in Washington. As an educational psychologist, Dr. Sulzbacher believed that despite being gay Gaylord would be able to effectively teach in the classroom.<sup>48</sup>

After hearing all the arguments, the trial judge took his time considering all the evidence from the various testimonies before coming to his decision. Unfortunately for Gaylord, the judge eventually ruled in favor of the school's decision to fire him and did not deem their actions unconstitutional. However, his was later overturned by the Washington Supreme Court, and returned the case to the lower court. The High Court held that the burden of proof for the argument of disruption should rest with the school administrators, instead of allowing reliance on their professional opinions concerning the effects of possible disruption. The case was reviewed in lower court, particularly the definition of immoral conduct. After bringing in research from various medical articles and scholarly sources, especially the New Catholic Encyclopedia, the lower court remained in favor of the school's decision and deemed Gaylord's homosexuality as immoral. The High Court later used these findings when Gaylord appealed again in 1977. They

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<sup>48</sup> Gaylord v. Tacoma School District, 1975, 8.

affirmed the lower court's finding that Gaylord was properly fired because his sexual identity would impair his mental fitness and his ability to teach. The Court highlighted how Gaylord was reluctant to reveal his homosexuality, knowing he would lose his job.<sup>49</sup>

The trial also brought back the discussion of homosexuality as an immoral act. Experts were brought before the court who considered homosexuality as a historically frightening idea. These experts debated that homosexuals have been met with negativity, and widely condemned as immoral for a long time, dating back to biblical periods. To support this notion the Court referred to the *New Catholic Encyclopedia* which further supports the claim that gay behavior was immoral. The Court concluded that being gay was indeed immoral, and that it homosexuals had a choice not to act on their impulses. The court refused to hear Gaylord's opinion, and allowed the lower court's decision to stand.<sup>50</sup>

Gaylord came out defeated, which brought about more fear from proponents of rights for gay and lesbian teachers. Homosexuals became concerned that since Gaylord was denied his job back, the case would give precedent that would allow uninhibited permission for school boards to remove suspected gay teachers. This fear was strengthened by the notion that schools would no longer need proof of homosexual behavior, and that gay teachers could be removed simply for identifying as such. Further analysis of the Gaylord decision shows how the Courts attempted to use traditional beliefs on homosexuality and morality as a major factor in the case. To achieve this the Court's majority turned to historical legal doctrines, and ignored contemporary legal trends in the process. By doing this the Courts were placed in a position of going against Washington state legislature since sex between consenting adults was decriminalized since 1973.

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<sup>49</sup> "Court's upholds firing of gay teacher," *Tri-City Herald*, January 20, 1977, Accessed September 15, 2014. <http://www.newspapers.com/image/57295203>.

<sup>50</sup> Harbeck, *Gay and Lesbian Educators*, 1997. 260-261.

Thus, Gaylord was unable to get his job back due to the harmful perception of gay people as immoral criminals.<sup>51</sup>

Another court case in particular exemplifies a different reasoning for taking a teacher's credentials, in which someone was questioned for only supporting gay rights. Most of the time gay educators were scrutinized for either identifying as or engaging in homosexual acts, but John Gish faced discrimination for a different reason. Gish faced scrutiny within the school district of Paramus, New Jersey, when his right to free speech was weighed against a community's wish to keep students safe from controversial ideals. Gish neither identified himself as a homosexual nor did he participate in same-sex behavior.<sup>52</sup> In spite of this, his credentials as a teacher were brought into question. Between 1965 and 1975 Gish taught classes in English, acted as an advisor to the high school newspaper staff, and even assisted with school plays. He was a man that spent his hours working hard, especially after school hours. When he was not teaching Gish participated in other groups that supported gay rights. He frequently participated in activities led by the New Jersey Gay Activists Alliance, a successful grassroots political group that staged public events designed to bring public awareness of anti-gay discrimination.<sup>53</sup>

During this time Gish worked as the vice president for public relations of the NJGAA, and through public media he managed to address serious issues tackling the LGBT community. He then decided to work on getting more rights for lesbian and gay teachers by forming the Gay Teachers Caucus of the National Education Association. In an interview for *The Advocate*, Gish highlighted the way school districts only tolerated gay teachers if they chose to keep their sexual

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<sup>51</sup> Gaylord v. Tacoma School District, 1975, 16.

<sup>52</sup> Karen Graves, 2007, "Doing the Public's Business: Florida's Purge of Gay and Lesbian Teachers, 1959—1964." *Educational Studies* 41, no. 1: 7-32.

<sup>53</sup> John Gish, Petitioner-Appellant, v. The Board of Education of the Borough of Paramus, Bergen County, Respondent-Respondent. 145 N.J. Super. 96 (U.S. 1976), 1-3.

identities secret from their students and fellow faculty. He went on expressing his anger for the way this encouraged anti-gay humor. Gish proved to be a strong advocate for LGBT rights and equality, but this proved to be his downfall because his advocacy fell into conflict with the school board's homophobic policies.<sup>54</sup>

In the summer of 1972 the Paramus school board stressed that his work in gay rights groups posed a risk to students. They believed that his activism in this field would result in confusion and anxiety among his pupils, especially those with sexual identity issues. Following a meeting on July 10, the board decided to have Gish undergo a psychiatric evaluation to determine if he was a danger to his students. New Jersey state statute 18A:16-2 specifically stated that the board of education was required to have their employees work progress be examined once a year, but it also said that they could have additional individual testing for teachers who shows evidence of deviant behavior. Since Gish was working with gay rights groups, the School Board used this statute to require that Gish undergo a psychiatric examination to determine if he exhibited deviant behavior. The board gave Gish an ultimatum, either he submitted to the evaluation or he would lose his job. However, Gish adamantly refused to be examined. He asserted that his rights to free speech and due process were being violated in order for the school to maintain a better public image. In response to the board's demands, Gish enlisted the help of the American Civil Liberties Union in stopping the motion. He was eventually successful in getting an injunction to the board's demands for psychiatric evaluation. Gish garnered support not only from the ACLU but other members of his community. In fact, a

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<sup>54</sup> Douglas McGill, "Beleaguered Teacher May Get Job Back," *The Bergen Record*, June 28, 1981. 1-2

local newspaper of Paramus stated that the school board should have their heads examined instead of Gish.<sup>55</sup>

Though Gish was able to get the injunction, this did very little in helping him keep his job. Since he refused to be examined, the board removed Gish from his teaching duties, and instead transferred him to an administrative job far away from the school. He was even forbidden to walk in the school's hallways or eat in the cafeteria where he could come into contact with students. This was not only upsetting for Gish but for his students who had grown fond of him. Susan Bonhomme, a Paramus High senior, expressed her disappointment to *The Bergen Record* and went on to say that she liked Gish as a teacher because "His was the only class I really felt like a class."<sup>56</sup> Students affirmed that Gish was the kind of teacher who was able to get them to think, and learn more as a result. Gish continued to appeal the board's ruling until he was finally successful in getting his case heard in front of the Superior Court of New Jersey. Gish's legal counsel argued that the board's actions were in violation of his right to free speech and due process. The board made it clear that their intentions were not to question Mr. Gish's right to free speech but rather his actions. With the supportive corroboration of two trained psychiatrists, Gish's actions in gay rights groups displayed evidence of deviation from normal mental health. The board believed that this would affect his ability to teach and associate with his students without bringing his ideals into the classroom. They emphasized a point made from *Adler v. Board of Education of the City of New York* (1957) that school boards are tasked with the duty of determining the fitness of teachers, and that they are equipped to conduct a fair investigation whenever an issue comes into question. In 1976, the court decided that the board's decision was fair and that Gish's actions in support of gay rights displayed evidence of deviation from normal

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<sup>55</sup> Gish v. Board of Education, 1976, 2.

<sup>56</sup> McGill, "Beleaguered Teacher," 1981. 4.

mental health. With the state court's decision made, the United States Supreme Court chose not to hear his appeal as well.<sup>57</sup>

The outcome of Gish's case was unsuccessful, which took a toll on him financially and spiritually. Having no recourse left or the money to afford legal support, Gish announced in the fall of 1977 that he would take a psychiatric test. He still was not able to get his job back as the psychiatrist that examined felt that his angry, paranoid thinking would prevent him from functioning properly in the classroom. A new development occurred in 1981 when New Jersey's State Board of Education decided that teachers could not be fired for participating in groups that supported controversial causes outside the school. Though Gish felt vindicated by this, he faced further disappointment when he was still denied his teaching job because of a 1975 arrest for drug possession during his original litigation. Gish was arrested after police raided his apartment and discovered drugs, which Gish stated that it belonged to his roommate. In the end, Gish was not able to resume his teaching career despite the fact that his case furthered the cause of gay and lesbian teachers.<sup>58</sup>

The challenges that homosexual educators faced highlights an important aspect of gay history in America that people might not be completely aware of. The right to teach for gays and lesbians was brought into question because of a public mindset that homosexuals were prone to deviant behavior. Psychiatry offered little support, except in some of the court cases where expert testimonies determined that having a gay teacher does not have a negative effect on their students. Despite these instances, the law and justice system was still discriminatory towards gay people which made it nearly impossible for homosexuals to work in such a bigoted economy.

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<sup>57</sup> Gish v. Board of Education, 1976, 3-5.

<sup>58</sup> Gish v. Board of Education, 1976, 5-6.

However, it was fortunate that many homosexuals chose not to just stand idly by and instead took matters into their own hands. Though the battles were few, and not very successful, legal recourse became a primary tool for gay educators to voice their opinions and stand up for their rights. Neal v. Bryant was one success story, even though the end result was due to a technicality, but was still one of the few times that homosexuals came out victorious. Despite many losses in other cases, change started to occur in the hearts of other gay individuals as well as the public at large. As more trials came into light, the more willing gay men were to take action as well with more support from people who are not persuaded by the belief that homosexuals are dangerous. Present day America is currently dealing with tremendous change in gay rights. However, these new developments could not have been brought up in the first place had it not been for the men and women that demanded change in a time where equality was near to impossible.

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"3 Teachers' Certificates are Restored." *St. Petersburg Times*. March 20, 1963.

**Annotation:** The fourth article in a series of brief newspaper articles I found that chronicle the Neal v. Bryant case, and the events that occurred. Here is where they have proven the Committee's illegal tactics in their interrogations, and thus they are granted back their certificates of teaching.

"A Gay Teacher's Battle to Teach." December 12, 2006. <http://www.joeacanfora.com/> (accessed September 15, 2014).

**Annotation:** The website delightfully titled, "A Gay Teacher's Battle to Teach," is dedicated to one of the men whose court case is examined, Joseph Acanfora. The site offers its viewer a diverse range of information regarding his court case in Montgomery County, and in other places. It contains valuable primary sources including testimonies from expert witnesses, letters, transcripts, quotes, and so much more. This website gives more than enough information to provide a more detailed look at Joe Acanfora's case, and the reactions that came once he came out as an openly gay man.

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- Court Testimony of Friedman, Stanford. "A Gay Teacher's Battle to Teach." Accessed September 19, 2014. [http://www.joeacanfora.com/subpages/legalcases/testimony\\_friedman.html](http://www.joeacanfora.com/subpages/legalcases/testimony_friedman.html).
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"Certificates of Three Pinellas Teachers Restored by Board." *Ocala Star Banner*. March 19, 1963.

**Annotation:** The third piece in a series of brief newspaper articles I found that chronicle the Neal v. Bryant case, and the events that occurred. It follows up on the Supreme Court's decision in denying the John's Committee request for revocation of three gay teachers, and specifically what went wrong during the interrogation process.

"Five Teacher Certificates are Revoked." *Sarasota Journal*. April 6, 1961.

**Annotation:** The first in a series of brief newspaper articles I found that chronicle the Neal v. Bryant case, and the events that occurred. This first article details the action that the John's Committee took when they came upon the discovery that five teachers around the Tallahassee area. Three of these teachers would later take action in court.

James M. Gaylord, Appellant, v. Tacoma School District No. 10 et al, Respondents. 85 Wn. 2d 348 (U.S. 1975).

**Annotation:** A court opinion obtained through an online legal database known as LexisNexis Academic, in which the Justice and/or other legal representative residing over the case describes the proceedings during the case. Headnotes are also made whenever he or she references a specific law or statute. In this case, Gaylord wanted review of a judgment made by the Superior Court in Pierce County, Washington, which upheld the respondent school district's action in dismissing him when the district learned he was gay.

John Gish, Petitioner-Appellant, v. The Board of Education of the Borough of Paramus, Bergen County, Respondent-Respondent. 145 N.J. Super. 96 (U.S. 1976).

**Annotation:** A court opinion obtained through an online legal database known as LexisNexis Academic, in which the Justice and/or other legal representative residing over the case describes the proceedings during the case. Headnotes are also made whenever he or she references a specific law or statute. In this case, Gish wanted review of a determination of the Paramus Board of Education, which required that he submit to psychiatric evaluation after his superiors learned of his involvement with gay rights groups.

Joseph Acanfora, III v. Board of Education of Montgomery County et al. 359 F. Supp. 843 (U.S. 1973).

**Annotation:** A court opinion obtained through an online legal database known as LexisNexis Academic, in which the Justice and/or other legal representative residing over the case describes the proceedings during the case. Headnotes are also made whenever he or she references a specific law or statute. In this case, Acanfora felt that his constitutional rights were being violated after he was transferred from a teaching job to a non-teaching position when his homosexuality was discovered. In response to this, he sought relief for this injustice.

Marc S. Morrison, Plaintiff and Appellant, v. State Board of Education, Defendant and

Respondent. 1 Cal. 3d 214 (U.S. 1969).

**Annotation:** A court opinion obtained through an online legal database known as LexisNexis Academic, in which the Justice and/or other legal representative residing over the case describes the proceedings during the case. Headnotes are also made whenever he or she references a specific law or statute. In this case, Morrison challenged the decision of the Superior Court of Los Angeles County, California, that denied his request for a writ of mandate to compel the State Board of Education to set aside its decision and bring back his teaching certification.

McGill, Douglas. "Beleaguered Teacher May Get Job Back." *The Bergen Record*, June 28, 1981.

**Annotation:** A minor newspaper article that was published just a few years after the case of John Gish, who fought to keep his job after he was caught supporting gay rights groups. It gives the reader a look back at Gish, who neither identified as a homosexual nor engaged in gay behavior. He was still brought into question by the school district for his activities with gay rights organizations. Unlike the court opinion this article also delves into the personal backlash that came from faculty and students who fully supported Gish's decision to refuse psychological treatment. A special quote from a fellow student gives the reader more insight into how people even at that time period may not have been completed against gay-related teachers like John Gish.

*Newspapers.Com.* n.d. <http://www.newspapers.com> (accessed September 15, 2014).

**Annotation:** This website provides users with a wide array of newspaper sources, which allowed me to further the scope of this research in regards to the four specific court cases. This site offers newspaper articles about various topics, particularly the triumphs and downfalls of gay teachers trying to keep their jobs. The site offered a long list of articles regarding the four cases from multiple newspapers like the *Tri-City Herald* or the *Santa Cruz Sentinel*. It gives this thesis more primary sources to help strengthen the main idea of discrimination against gay educators.

- "Court's upholds firing of gay teacher." *Tri-City Herald*, January 20, 1977. Accessed September 15, 2014. <http://www.newspapers.com/image/57295203>.
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Roberts, Jack. "A Disease 'Worse than Alcohol'." *Miami Daily News*, August 13, 1954.

**Annotation:** This newspaper article printed in the *Miami Daily News* was aimed to inform the public about the so called “disease” of homosexuality. The newspaper reached out to Dr. Paul Kells, a “noted Miami psychiatrist,” to answer questions regarding this condition that was “worse than drug addiction or alcoholism.” This will be useful in giving the reader an idea of what the public mindset was on homosexuality, and how it might have led to the eventual attempts to dismiss gay teachers.

*Superintendent of Public Instruction Thomas D. Bailey subject files, 1949-1965.* Florida State

Archives. Tallahassee, Florida.

**Annotation:** A series that contains subject files of Superintendent of Public Instruction Thomas D. Bailey from 1949 to 1965. The file contains correspondence, memoranda, studies, reports, clippings, and other materials. Among the subjects covered are segregation, vocational education, civil defense, school finance, and teacher certification. In this collection there are specific letters and office memorandums that discuss and/or relate to the main case of my thesis, Neal v. Bryant.

William James Neal, Petitioner, v. Farris Bryant, Governor of Florida; Tom Adams, Secretary of

State; Richard W. Ervin, Attorney General; J. Edwin Larson, State Treasurer; Thomas D.

Bailey, State Superintendent of Public Instruction; as and constituting the State Board of

Education of Florida, Respondents. 149 So. 2d 529 (U.S. 1962).

**Annotation:** A court opinion obtained through an online legal database known as LexisNexis Academic, in which the Justice and/or other legal representative residing over the case describes the proceedings during the case. Headnotes are also made whenever he or she references a specific law or statute. In this case, the petitioners sought review of the State Board of Education of Florida’s decision in revoking their teaching certificates based upon their admissions of partaking in homosexual activities.

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Blount, Jackie. *Fit to teach Same-sex desire, gender, and school work in the twentieth century.*

Albany: State University of New York Press, 2005.

**Annotation:** This book details the largely untold story of how schools became a zone of great vulnerability for the LGBT movement. It also profiles some of the remarkable people who have risked their careers by organizing for LGBT rights, openly challenging prejudicial laws, and educating their communities about conditions for LGBT school workers and students alike.

Braukman, Stacy. *Communists and Perverts under the Palms.* Gainesville: University Press of

Florida, 2012.

**Annotation:** Braukman reveals the origin of the infamous John's Committee, also known as the Florida Legislative Investigation Committee, and how its creation was a logical and unsurprising result of historical societal anxieties about sexuality, liberalism, and obscenity. This is one of two novels that will help me provide background information on the making of the John's Committee and it's ideals during the McCarthy era.

D'Emilio, John. *Sexual politics, sexual communities: the making of a homosexual minority in*

*the United States, 1940-1970.* Chicago: University of Chicago Press, 1998.

**Annotation:** This book provides a definite analysis of the homophile movement in the United States from 1940 to 1970. It does describe the types of oppression that gays and lesbians suffered during this stretch of time, but it also highlights some heroes who assisted in bringing gay culture to light. Specifically this book examines homosexuality and how it became a major theme in the Cold War, which is also an important point in the thesis.

Fejes, Fred. 2000. "Murder, Perversion, and Moral Panic: The 1954 Media Campaign Against

Miami's Homosexuals and the Discourse of Civic Betterment." *Journal of the History*

*Of Sexuality* 9, no. 3: 305.

**Annotation:** The article discusses a case related to sexual harassment of children that was the first in the fifty-nine-year history of Miami involving the sexual molestation and murder of a child and occurred at a time when the city was undergoing a new awareness of Miami's homosexuals, awareness heightened four weeks later by the murder of a young male airline steward by two teenage hustlers. The intent that of using this article for this thesis is to show how a number of significant social and media discourses and practices about sexuality, criminality

and civic betterment converged. This chaos that brewed from this illustrates the increased fear of homosexuals, and some of the misconceptions that gave gay people a negative image.

Graves, Karen. *And They Were Wonderful Teachers*. Chicago: University of Illinois Press, 2009.

**Annotation:** Karen Graves wrote this book to describe how teachers were targeted, interrogated, and stripped of their professional credentials. She also looks at the lengths these educators went as they resisted the invasion of their personal lives. It highlights the importance of sexuality in America and education history, as well as argues that Florida's attempt to govern sexuality in schools implies that teachers are positioned to change ideology in American society.

-----, 2007. "Doing the Public's Business: Florida's Purge of Gay and Lesbian Teachers,

1959—1964." *Educational Studies* 41, no. 1: 7-32

**Annotation:** This historical analysis by Karen Graves traces the actions of the legislative committee, the State Department of Education, the Florida Education Association, and the Florida Supreme Court in pressing discrimination against gay and lesbian teachers into law as the locus of oppression shifted from a renegade legislative committee to a permanent state institution.

Harbeck, Karen. 1992. "Gay and Lesbian Educators: Past History/Future Prospects." *Journal of*

*Homosexuality*, 22:3-4.

**Annotation:** A small article that investigates the history of case law on gay and lesbian teacher dismissal and credential revocation. Details regarding a few of the men that took legal recourse to keep their jobs were used alongside another source by Harbeck that relate to the same topic. This article also brings to light some of the trends in employment rights and personal freedoms of gay and lesbian educators which in some situations were very little. Finally, it looks at the changes in social and legal attitudes towards homosexuality which serves an excellent purpose in analyzing the possible changes that occurred after the four cases.

-----, *Gay and Lesbian Educators: Personal Freedoms, Public Constraints*. Malden:

Amethyst Press & Productions, 1997.

**Annotation:** This Karen Harbeck book serves as an interdisciplinary examination of LGBT issues in American education. It includes topics such as at-risk gay and lesbian youth, and personal stories of LGBT individuals who asserted their freedoms in schools. It also examines a detailed history of teacher entitlements in education in which a teacher's personal life have been the subject to public scrutiny. Finally this book looks at legal framework for minority rights and

personal freedoms. This was where I found some of the other court cases I plan on including in my thesis, and have read about the personal details of the accused individuals for each of the cases I was particularly interested in.

Poucher, Judith. *State of Defiance*. Gainesville: University Press of Florida, 2014.

**Annotation:** Judith Poucher draws upon previously unpublished sources and newly sealed records to detail five individuals who stood up to the John's Committee, a.k.a. the Florida Legislative Investigation Committee. While some stories reflect the Committee's previous mission against racial integration, there are other stories which detail other accounts where they resisted the organization's attempt to find suspected homosexuals. This would be great for more background on the John's Committee, and possibly a personal account of people who have resisted or fell victim to their tactics.

Stephens, Barbara. 1959. "Homosexuals in Uniform." *The Ladder*, Vol. 3 Issue 9.

**Annotation:** This article written by Barbara Stephens focuses on the discrimination against homosexuals and entrenchment of Armed Forces known to be gay and lesbians in the United States during 1973. Discusses the system of psychological screening, including effeminate looks or behavior, recognition of key words from homosexual terminology, and an urigenary hormone-secretion test to show of higher degrees of estrogen. It helps in providing background knowledge on the treatment of homosexuals in the workplace before moving on to the mistreatment of gay people as teachers.