

XXI. LAW ENFORCEMENT

A. POLICE

Police surveillance of homosexuals--attested apparently for the first time in 18th-century France (see III.G)--has served to fuel animosity between police and gay people, aggravated in some instances by bigoted attitudes on the part of officers who believed that they had a moral obligation to punish "deviates" because society was failing to penalize them. Particular problems have been the aggressive activities of vice squads, and, especially in North America, police harassment of bars, ostensibly to enforce liquor laws (see XIV.D). Under these circumstances corruption was rife. In recent decades this confrontational relationship has begun to change thanks to better educated, more tolerant officers, the gradual dismantling of legal sanctions, and the admission of openly gay and lesbian officers to the force.

4412. AANDEWIEL, JAN, THEO VAN SOERLAND, and PETER VAN WEERT. **Politie en Homoseksualiteit**. Utrecht: Homostudies, 1985. 99 pp.

Studies by three Dutch police officers of gay-police relations and of gays and lesbians who are police officers in the Netherlands.

4413. AVERILL, BRETT, and LENNY GITECK. "On the Beat with Gay Cops," **Advocate**, no. 317 (May 14, 1981), 15-17.

Reports from New York City and San Francisco. See also Gitecks's earlier story: "Recruiting Gay Rookies," **Advocate**, no. 276 (September 20, 1979), 20-23; as well as Thom Willenbecher and Scott Anderson, "Police-Gay Relations," **Advocate**, no. 291 (May 1, 1980), 13-15.

4414. BASKETT, EDWARD EUGENE. **Entrapped: An Accused Homosexual Looks at American Justice**. Westport, CT: Lawrence Hill, 1976. 151 pp.

Personal record of an uphill struggle against discriminatory law enforcement in Long Beach, CA. See also Roy McCoy, **Entrapment** (Los Angeles: Argyle Books, 1965; 160 pp.).

4415. BERNSTEIN, HAL. "When a Cop Comes Out," **Mandate** (July 1981), 48-52.

On Steve Horn of Mesa, AZ, who was dismissed, appealing the case without success to the U.S. Supreme Court.

4416. BUSH, LARRY. "Has the FBI Been in Your Closet?" **Advocate**, no. 346 (July 8, 1982), 16-20, 24.

The functioning at least since 1954 of a concerted nationwide surveillance and investigation program by the FBI into the lives of wealthy, prominent closeted homosexuals, as well as gay civil rights groups, was confirmed by senior FBI officials and substantiated by FBI documents acquired under the Freedom of Information Act.

4417. "Clandestine Police Surveillance of Public Toilet Booth Held to Be Unreasonable Search," **Columbia Law Review**, 63 (1963), 955-61.

Clandestine surveillance of an enclosed public john booth--a common police practice during the period--was ruled unreasonable search if there is not probable cause to believe that a particular illegal act is being committed at the time. See also: Clare W. Kyler, "Camera Surveillance of Sex Deviates," **Law and Order**, 11 (1963), 16-18, 20; and William F. McKee, "Camera Surveillance of Sex Deviates: Evidentiary Problems," *ibid.*, 12 (1964), 72-74.

4418. ELLIOTT, RICHARD H. "Enforcement of Laws Directed at Homosexuals: A Typical Metropolitan Approach," **Drum**, no. 26 (September 1967), 10-13, 26-28.

Documents a pattern of solicitation arrests by the Philadelphia Police Morals Squad. For a detailed picture of another city during this period, see John J. Gallo et al., "The Consenting Adult Homosexual and the Law: An Empirical Study of Enforcement and Administration in Los Angeles County," **UCLA Law Review**, 13 (1966), 643-832.

4419. FARRELL, RONALD A. "Class Linkages of Legal Treatment of Homosexuals," **Criminology**, 9 (May 1971), 49-68.

Analysis of court case records of 108 homosexual offenders shows that men from the lower class are disproportionately involved in such offenses, receiving harsher penalties as well.

4420. FIAUX, LOUIS. **La police des moeurs en France et dans les principaux pays de l'Europe**. Paris: E. Dentu, 1888. 1010 pp.

In this massive study of the operation of police vice squads throughout Europe, see pp. 15, 26, 135-50, 919-23, which discuss arrests of homosexuals (including false arrests).

4421. FREIBERG, PETER. "Gays and Police: Old Problems, New Hope," **Advocate**, no. 422 (June 11, 1985), 10-11, 19.

Surveys gay-police relations, esp. gay people as police, in a number of cities.

4422. FREIBERG, PETER. "Policing Rest-Stop Sex," **Advocate**, no. 449 (June 24, 1986), 10-11, 22-23.

On the the arrests of 41 Michigan men at their homes, after allegedly engaging in rest-stop sex.

4423. GROEN, K. **Kamer 13: Hallo hier de zedenpolitie.**
The Hague: Daamen, 1951. 223 pp.
Memoirs of the chief of the Amsterdam vice squad. See also his: **Misdaad in de hoofdstad** (The Hague: Daamen, 1955; 192 pp.).
4424. GUYOT, YVES. **La prostitution.** Paris: Charpentier, 1882. 577 pp.
See pp. 60, 68, 107-08, 110 and 113-14 for police surveillance of homosexuals. See also the English version: **Prostitution under the Regulation System, French and English** (London: Redway, 1884; 348 pp.).
4425. HONGISTO, RICHARD. "Why Are There No Gay Choir Boys? Ask Your Friendly Chief of Police," **Perspectives**, 12 (1980), 39-42.
San Francisco official explores police-management homophobia. See also: Pam David, and Lois Helmbold, "San Francisco: Courts and Cops vs. Gays," **Radical America**, 12 (1979), 27-32; and Randy Shilts, "Police Come to Terms with the Gay Community," **Police Magazine**, 3 (January 1980), 218-31, 34-36.
4426. JACOBS, HAROLD. "Decoy Enforcement of Homosexual Laws," **University of Pennsylvania Law Review**, 112 (1963), 259-84.
While the writer supports continuation of the practice, he concedes that it poses legal problems.
4427. KEARFUL, JAMES F. "The New Nazism," **ONE Magazine**, 11:5 (May 1963), 5-11.
Homophile writer's analysis of the links between street crime, police repression, and the homosexual as scapegoat.
4428. KEPNER, JIM (ed.). **Quotations from Chief Ed.** Los Angeles: Gay Radio Collective, 1976. 31 pp.
Collection of anti-gay comments by Chief Ed Davis of Los Angeles, together with Kepner's commentary on police activity during the period. Since retiring from the force Davis has entered the State Assembly, where he has emerged as a friend of gay people.
4429. KIRKWOOD, JAMES, JR. **American Grotesque.** New York: Simon and Schuster, 1970. 669 pp.
Revealing exposure of New Orleans District Attorney's self-serving gay-baiting in his futile attempt to prove that Clay Shaw led a conspiracy to kill President Kennedy.
4430. MASSA, ROBERT. "One of New York's Finest," **Village Voice** (November 25, 1981), 15, 106.
On the coming out of Sgt. Charles Cochrane, who says: "I love being a cop and I love being gay and I'm not ashamed of either." Subsequently, Cochrane and some associates formed the Gay Officers' Action League (GOAL).
4431. PROTHERO, BARRY. "Police," **Gay News** (London),

- no. 204 (November-December 1980), 12-13.
Shows continuing harassment and oppression of gay people by the British police.
4432. ROSEN, STEVEN A. "Police Harassment of Homosexual Women and Men in New York City, 1960-1980," **Columbia Human Rights Law Review**, 12:2 (1980-81), 159-90.
Useful retrospective study, particularly for the crackdown in the 1960s under Mayor Robert Wagner, Jr.
4433. SHERMAN, LAWRENCE W. **Police Corruption**. Garden City, NY: Anchor Books, 1974. 346 pp.
In this overview of a perennial problem, see pp. 8, 179-80, 313-14.
4434. TRESCKOW, HANS VON. **Von Fürsten und anderen Sterblichen**. Berlin: Fontane, 1922. 240 pp.
Recollections of a Berlin police official concerning the Krupp and Eulenburg scandals, and the situation of the homosexual subculture in the Wilhelmine capital.
4435. WILSON, GEORGE P., et al. "State Intervention and Victimless Crimes: A Study of Police Attitudes," **Journal of Police Science and Administration**, 13 (1985), 22-29.
Questionnaires completed by 88 officers show that the majority did not consider vice a serious problem, saw no public mandate to increase current surveillance procedures, and tended to believe that it is futile to attempt to control victimless crimes.

B. PRISONS: MALE

Sodomy laws, primarily directed against male homosexuals, have caused the incarceration of homosexuals as such. Yet by far the greatest number of homosexual acts in prison are committed by those who have led predominately heterosexual lives "outside" and who generally revert to this behavior pattern on release. The male prison subculture has preserved a premodern form in which the role of the active partner (who usually continues to think of himself as "straight") is sharply distinguished from that of the passive one, who bears the full stigma attached to the effeminate homosexual.

4436. ABBOTT, JACK HENRY. **In the Belly of the Beast**. New York: Random House, 1981. 166 pp.
Reflections of a "Marxist-Leninist" convict who, in a well-publicized case, having obtained his release in part through the intervention of his admirer Norman Mailer, then committed murder in New York.