

Zeitschrift: Der Kreis : eine Monatsschrift = Le Cercle : revue mensuelle
Band: 30 (1962)
Heft: 4

Artikel: What's new in Sodom?
Autor: Bishop, Donald
DOI: <https://doi.org/10.5169/seals-568107>

Nutzungsbedingungen

Die ETH-Bibliothek ist die Anbieterin der digitalisierten Zeitschriften. Sie besitzt keine Urheberrechte an den Zeitschriften und ist nicht verantwortlich für deren Inhalte. Die Rechte liegen in der Regel bei den Herausgebern beziehungsweise den externen Rechteinhabern. [Siehe Rechtliche Hinweise.](#)

Conditions d'utilisation

L'ETH Library est le fournisseur des revues numérisées. Elle ne détient aucun droit d'auteur sur les revues et n'est pas responsable de leur contenu. En règle générale, les droits sont détenus par les éditeurs ou les détenteurs de droits externes. [Voir Informations légales.](#)

Terms of use

The ETH Library is the provider of the digitised journals. It does not own any copyrights to the journals and is not responsible for their content. The rights usually lie with the publishers or the external rights holders. [See Legal notice.](#)

Download PDF: 29.03.2025

ETH-Bibliothek Zürich, E-Periodica, <https://www.e-periodica.ch>

He had asked the man to stay longer, but he seemed to be in a hurry. «Work day tomorrow. You know how it is,» he said as he filled a pipe with tobacco.

The man had put on his hat and opened the door when the boy said, «My name is Kenneth. What is yours?»

«Bob,» the man replied, and the two shook hands.

«See you again, Ken,» he said as he went out the door.

The rickety streetcar was clanging down the boulevard. The boy was standing, waiting for it to near, when the man came out of the bar. He stood for a minute on the corner, and even through the fog the boy was sure he saw him glance in the direction of the car stop. But he turned around and walked down the boulevard, in the opposite direction. The boy watched him move away through the clouds of fog. He was taller, thinner, and more dashing. But there was the pipe, the white buckskins. And he knew that if he looked into his face there would be those large, deep brown knowing eyes.

The rattletrap streetcar stopped for the boy. He boarded and hastily deposited his fare, and ran to the window and peered out. He saw the man getting into a green Nash Rambler. The boy parked Nash Rammers almost every day in the parking lot—green, tan, and blue ones. But he had never been inside of one until a month ago, when he hitch-hiked home from the beach. That Rambler was green, and he had remarked to the driver that it was a nice color.

The streetcar ambled down the boulevard in a straight line. The Nash Rambler turned a corner. The strangers were going in different directions, and the fog was moving farther into the city.

WHAT'S NEW IN SODOM?

You could have been in almost any of the half-dozen gay bars in Chicago on last New Year's Eve, and noticed no difference at all in the attitudes of the clientele. There was the usual amount of drunkenness, an occasional popping of a champagne bottle (domestic), a few sentimental renderings of 'Auld Lang Syne', and then the New Year came in much the same as always.

In one of the places, however, a tall lanky guy turned to a fluttery little companion as midnight struck, and grinned and said, «Well, we're legal now.»

«What d'yuh mean?»

The tall one shifted on the stool. «I mean,» he said, «that homosexuality is no longer a crime in Illinois, provided you're both over 18, and not forced into it, and do it in private—between consenting adults, in other words.»

«Oh, honestogod?» shrieked the fluttery one, and leaning over, kissed the tall one on the lips and groped him, thereby achieving the questionable distinction of being the first one to break the new relaxed Illinois code, which among other things says: «Thou shalt not lewdly fondle nor caress the body of another person of the same sex in public.»

The changes in the completely rewritten Illinois criminal code were known by a few persons as far back as September, 1961, but the information was perhaps the best-guarded secret of all time in Illinois. Those who through their lawyer friends or from other sources learned of the new code's omission of penalties for 'deviate' sexual conduct simply kept quiet about the whole affair. It

was a tacit agreement, arising spontaneously and often with no control behind it except the innate common-sense of the one who learned. Homosexuals *en masse* are scarcely noted for their control, their common-sense, or their ability to keep a secret. But nothing at all of the far-reaching changes was gossiped about, and nothing appeared in print until the Chicago *Sun-Times*, on December 21, 1961, printed a story concerning the disappearance of penalties for homosexual contact between consenting adults. Even so, that was hardly disturbing to those in the know, because there were not many days between December 21 and January 1, 1962—when the new code took effect; there was small chance for the pressure groups to organize themselves and demand repeal of the new statute before it even went into effect.

Perhaps no ordinary layman will ever know the full story behind the re-writing and the enactment of the new legislation. It is a seven-year complexity of events and facts involving far-sighted individuals and groups—recommendations of the American Bar Association, the work of the late Dr. Alfred Kinsey with the Legislative Committee assigned to the revision of the sections on crimes against the person, trips of members of that Committee to the Institute for Sex Research at the University of Indiana, the intelligent maneuvering of the late Judge Learned Hand, and the co-operation of a half-dozen committees and innumerable workers in both social welfare and politics. It was early realized that there would be no possibility of correcting or revising certain sections of a criminal code, for thereby too much public attention would be called to the specific items. The only way to accomplish reform was to create a whole new body of law, and put it into effect. As witness to the truth of this realization, consider the failure of the Wolfenden Committee in England after many years of fruitlessly attempting a revision of *only* the laws relating to homosexuality.

The new code, of course, treated all aspects of crime; but its basic purpose was admirable in its simplicity: to separate law from the clutter-up of morality, and to leave the instilling of moral conduct and precepts to the church, home, family, and the individual himself. Such a noble end was incompletely realized; incest, for example, is still heavily penalized. But at one bound, Illinois leaped from its backward position to the forefront of the most liberal and progressive social thinking.

The situation for the homosexual in Illinois, prior to the enactment of the new code, had reached scandalous proportions. Entrapment was the order of the day—'private enterprise' by corrupt policemen engaging in shakedowns. A large proportion of the cases of homosexual arrest never reached the courts. Instead, such affairs were 'settled' between the arresting officer and the accused, often for very large sums of money, reaching in one case \$4,000. The full story of this sordid but not unusual American situation will be told by the Kinsey Institute in its long-awaited volume on sexual crimes and sex criminals. Here is an example of the *modus operandi* of the Chicago police:

A handsome young police officer entrapped a citizen with leading questions and loose talk; and then—taking him to a co-operating police sergeant at the station—did not book him, but demanded money under threat of a trial and exposure. A 'pay-off' date was set. The victim, not having the money, later communicated with an acquaintance who was a member of the underworld syndicate in Chicago; a little money changed hands between the syndicate man and a police lieutenant who owed him a favor. Result: the lieutenant descended on the offending sergeant and the entrapper, threat-

ening demotion and exposure. Conclusion: the victim escaped. Ironic aftermath: the victim was caught in a raid on a bar the following week, recognized by his police entrapper, and beaten half to death in an alley.

There is hardly any comment necessary on this incident, save that it is a wry situation for a citizen to be compelled to turn to the criminal syndicate of Chicago for protection against the Chicago police.

There is also one small corollary change in the new law which affects most homosexuals. You can now dig out of their hiding places those pictures of your boy-friend taken *au naturel*, as well as the stories about *Angelo*, *Master Carlton*, and *Seven in a Barn*. It is no longer illegal in Illinois to possess 'obscene' photos or books, provided you do not show them to persons under 18, but only to your 'close associates'; and provided further that you do not sell them, nor have more than 3 copies of any single story or photo in your possession, nor plates to reproduce such items. This is a tremendous advance over the old restrictions, where mere possession of such material would cost you up to \$1000 for each offense.

After three months, what of the situation now? There seems to be no great outward change, no marked difference. No fruits charge blatantly up and down the streets chanting the praises of their new freedom. There is no sign that a new Golden Age has descended upon us, nor is the air filled with soft scents and happy singing. The lion still does not lie down with the lamb; the bars still remain as discreet as the amounts of their weekly payoffs compel them to be. The ribbon clerks go quietly on their little ways. There is no great or noticeable influx of pansies from the West Coast, or leather-jerked lads from the East. Chicago has not become any more riotous a new Sodom than it ever was. There was one bad incident: a 17 year old hustler, schooled in his trade from the tender age of 14, tried his hand one night on selling his wares to a plain-clothesman; and when he was caught, he sang—involving quite a few of his foolish older clientele. This was extremely unfortunate, for there is no protection of the client when the solicitor is under 18. Yet even this case was not noisily treated in the newspapers. The young hustler skipped town; never ask from whence the money for his ticket came.

Whether there are jokers in the new law remains to be seen. There are a few points that have not been clarified. What, for instance, constitutes 'lewd fondling or caress of the body' of another person? Does a kiss count? Does holding hands constitute a breaking of the law? Can you run your finger along a man's eyebrow, or tickle his ear? Can you hold a handshake for thirty seconds? Or sixty? Again: how is a 'public place' defined? The simplified monosyllabic version of the code prepared for the Chicago cops says: « . . . a person standing nude before a lighted window of a private apartment at night, adjacent to a well-traveled public sidewalk, would be . . . in a 'public place.' By contrast, a couple in a parked car on a public but lonely country lane might not be in a 'public place,' depending upon the likelihood of others travelling down the particular road at such hours.» And then there is the enigmatic sentence under *Incest*: «But it was not intended that (this section) apply to sexual conduct between members of the same sex, whatever their family relationship.»

Finally, there is the matter of 'soliciting'—it is not quite clear just how openly an 'invitation' may be extended; probably several test cases will have to establish the severity or laxity of interpretation in this regard. One point, however, is made very clear: prostitution, whether of male or female, occurs

when money changes hands. Hustlers in Illinois will now have to be very careful. Should it be proved that they solicit or perform intercourse for money, they've had it, to the extent of a \$200 fine or a year in prison, or both; the one who patronizes a prostitute is subject to the same penalties. The new code, however, very coyly leaves a loophole; it is not intended, it says, to have this section apply to sexual acts of a purely private, *non-commercial* nature. Thus, a person who receives favors or presents of a *non-monetary* kind in return for occasional sexual acts will not be found guilty of prostitution. Johnny will hereafter have to take his pay in neckties, wallets, watches, trips to Acapulco, assorted yachts, and an occasional Mercedes-Benz; of course, if we know him, he'll sell them the next day to the highest bidder, or head for the pawn shop.

Perhaps the oddest thing about the entire situation is the fact that no one seems to be talking about the 'new freedom' at all. So far, there has been no hysterical hollerin' from the professional Puritan keepers of the public house; and—touching wood—even the church groups have been quiet about it all. No new Savonarola has arisen to thunder his curses in the market place, nor have there been predictions about a rain of fire and brimstone from heaven. For a new City of the Plains, Chicago seems quite decorous; there is no more than the usual daily quota of murders, rapes, and hi-jackings.

The best 'legal' opinion about the new law regarding homosexuals is that if it lasts six months without outcry for repeal, it will be permanent, because by that time a sufficiently large number of cases will have been thrown out of court, and enough prisoners released from jail for prior conviction under the old law to establish precedents. And once the law becomes re-inforced by enough precedents, it will remain in effect—curious point, that: a law has to *grow* by accretion of cases, which somehow establish its 'validity.'

Meanwhile, here in Chicago and Illinois most of us are treading very carefully, breathing gently and neither combing nor letting down our hair in public, doing without our favorite colognes, eschewing red and lavender neckties, and in general trying to remain mousey, nebbish, and unnoticed. It may be legal now, but no one can say how long it will last.

—Donald Bishop

MEA CULPA

«Homosexuals must work at least as hard as anyone else against selfishness in all its forms. With the best will in the world, society can scarcely be expected to put up with the vanity, hypersensitiveness, obstinacy, and inconsiderateness of others that I have sometimes encountered in my fellow homosexuals.»

Anonymous

(From: *The Mattachine Newsletter, New York*)