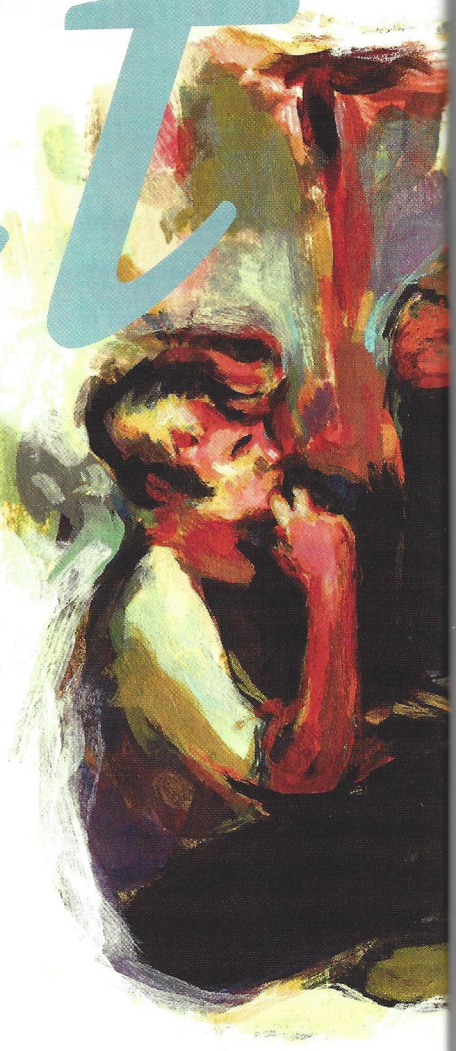
Out front



When UNH's first gay student group fought for its rights, it paved the way for the rest of the country.

By Jane Harrigan

No one had asked, but Wayne April '74 was about to tell. On a spring day in 1973, he sat nervously in the office of *The New Hampshire*, waiting to make the editor an offer: If you run an honest story about being gay on campus, you can quote me by name.

Until then, gay life at UNH had existed in the shadows, and April was sick of hiding. He wanted to live openly—or did he? As he waited, he began to imagine eyes staring, voices whispering harsh judgments. His hands shook. He wanted to bolt.

But April stayed put, and his actions that day set off a two-year conflict. Before it was over, the members of UNH's Gay Students Organization would be called perverts in the press and mentally ill in court. The governor would repeatedly threaten to cut off all university funding if they didn't disband. As they fought for their rights, they stepped to the front of a movement to change the way all gay citizens in this country are treated and perceived. And in the end, their simple desire to be recognized would create a legal precedent that still holds today.

APRIL HAD TAKEN a year off from school, and when he returned, he found he'd lost patience with the status quo. "I was really dissatisfied with the state of gay life on campus—or the fact that there wasn't any, and what there was, was kind of clandestine," he says now.

After meeting with *New Hampshire* editor Ed Penhale '73, April gathered 10 friends at his rented house in Barrington. Four spoke on the record for Penhale's story, "UNH Homosexuals Looking Out the Closet Door." April followed with a column explaining why he was going public. "I am not abnormal, sick or perverted," he wrote, "and henceforth my life is going

ILLUSTRATIONS BY JUSTIN DEGARMO

to be lived in the open, as it should be, with a healthy consciousness and an open state of mind."

Shortly afterward, the Student Organizing Committee recognized the Gay Students Organization as an official student group. Its mission statement listed four goals: to promote recognition of gay people on campus, organize social functions at which straight and gay people could learn from each other, sponsor programs to educate the public, and give gay members of the campus community a way to communicate.

To April today, those goals look "really vanilla." To Meldrim Thomson, then governor of New Hampshire, they looked like a call to revolution. "It is unfortunate that a 'gay club' made up of socially sick students has been organized and officially recognized on the university campus," Thomson wrote to his fellow university system trustees. "The university is not a hospital for the disturbed."

Thomson had already solicited an opinion from Attorney General Warren Rudman, and—when Rudman said UNH had no grounds to object as long as the group followed university rules—decided to ignore him. Other trustees took note, however, and in May 1973, all but one voted to recognize the group. Though the vote carried no authority, it infuriated the governor and his ally, William Loeb, publisher of the *Manchester Union Leader.* Thomson vowed to replace the offending trustees, and the paper began publishing a steady stream of stories with headlines like "Perverts Will Flock to UNH." An editorial calling the trustees' vote "repugnant, asinine and spineless" and "a disgusting affront to common decency" ran on the front page with a headline many alums can still recite from memory: "Boot Out the Pansies."

As the school year ended, April was feeling proud but overwhelmed. By stepping forward as spokesman, he'd become the contact person for what felt like every Granite Stater unsure of his or her sexuality. "I received so many calls from people who were struggling with their sexual identity, including older people who had nobody to talk to," he recalls. "At one point I thought, 'I can't help another middle-aged man.' I was so exhausted trying to be everything to everybody."

WHILE THE STUDENTS were away for the summer, the controversy quieted somewhat, and in the fall the Gay Students Organization decided to hold a dance. "We were kids," says Ann Philbin '76. "We just wanted a normal college life." Roma Baran '74G remembers the organization as "this little group of ordinary, nice, pleasant, well-meaning people. We didn't picket or shout or sit in. Our level of activism was pretty benign." So were campus attitudes. In October 1973, *The New Hampshire* published the oh-so-'70s results of an unscientific survey: Of 485 students who responded, "not only did over half smoke marijuana regularly and a whopping 70 percent engage in frequent sexual activity, but an overwhelming 90 percent had no objection to having a gay organization on campus."

The day after the dance, a committee of trustees said that while UNH looked into its legality, the Gay Students Organization could hold no more social events.

Out bid

A skirmish over a pancake breakfast launches a long-running campus tradition

When New Hampshire Public Television held its first fundraising auction, in the spring of 1974, one of the items up for bid was a pancake breakfast with Gov. Meldrim Thomson at the governor's mansion, featuring maple syrup made on his Orford farm.

At that point, Thomson had spent more than a year denouncing gay students as deviants. To get a chance to talk with him—and also to have some fun—gay UNH students started raising money to bid on the breakfast. The day before the auction, newspapers reported that someone from the governor's office had offered money to a UNH graduate student so he could outbid the group. Both Thomson and the student denied that report. But on the night of May 12, the Gay Students Organization's $1,025 bid was the highest bid on the pancake breakfast shown on television. The auction moved on to other items, and then the auctioneer suddenly announced that bidding on the breakfast was closed—at $1,075, without the usual last-chance call for higher bids.

The winner was a store owner from Hampton, N.H., who was working at the auction and said he'd simply made a last-minute decision to bid. Both he and the station's managers denied that politics had played any role. But later, a student who worked at the auction wrote in *The New Hampshire* that from where he sat, things looked just as they did to TV viewers: The gay students had made the high bid and weren't given a chance to counter the subsequent one.

It was the only fight the Gay Students Organization lost in that contentious year—and since 1992 it's been transformed into a victory in the form of the annual GLBT Pancake Breakfast. Each spring several hundred people gather to honor the contributions of the gay, lesbian, bisexual and transgendered community on campus. And on every table stands a rainbow brochure hailing "the pioneers who founded UNH's first gay student organization." —*J.H.*

Then things began to happen fast. The university asked the state superior court whether it had the authority to revoke the group's recognition and limit its activities to lectures and discussions. Eight days later, the American Civil Liberties Union sued in federal court, alleging that the ban on social functions violated group members' rights under the first and 14th amendments.

A play called "Coming Out" had already been scheduled for December. The new rules meant the gay students could sponsor the play but not the social event they'd planned afterward. When the students offered Thomson free tickets to the play, he responded with a note saying that he wanted both the play and the group's members barred from campus.

Though the play involved some same-sex kissing, all might have gone smoothly if not for a few nonstudents who distributed copies of an explicit magazine called *Fag Rag* outside the auditorium. Several UNH administrators quickly told reporters that the Gay Students Organization was not responsible; nevertheless, the incident provided new ammunition for opponents. The *Union Leader* quoted salacious passages from the magazine, warning parents to beware of gay students' "predatory pursuit" of their children. It also published dozens of readers' letters reviling gay people—including one noting that a farmer finding his bulls engaged in homosexual acts "would slaughter them all."

A week after the play, Thomson raised the stakes. "Either you take firm, fair and positive action to rid your campus of socially abhorrent activities," he wrote the trustees, "or I as governor will stand solidly against the expenditure of one more cent of taxpayers' money for your institutions." A *Union Leader* editorial writer called this threat the perfect incentive to reverse UNH's "pansy-pampering actions."

MEANWHILE, members of the Gay Students Organization were facing their own ultimatum: Come out to your families before the publicity does it for you. While April and secretary-treasurer Lou Kelly '74 were still doing much of the talking for the group, others had also begun speaking out, at trustees meetings and other public functions. It was only a matter of time before people noticed, as Bob Kruger '73 discovered when a high school classmate approached him at a trustees meeting and thanked him for standing against the gays. Kruger had to tell him that actually he was there supporting his fellow members of the Gay Students Organization.

In those pre-Internet days, out-of-state students could gamble that their parents wouldn't see the coverage. Others could gamble that their families simply preferred to avoid the issue. "I brought all my friends home, and my parents were very nice and welcoming, but I never actually said, 'I'm gay,' " says Richard Maxfield '74. "I never felt pressure about girlfriends or getting married, so I think they must have known. But in a New England French Canadian Catholic family, some things were best left unsaid."

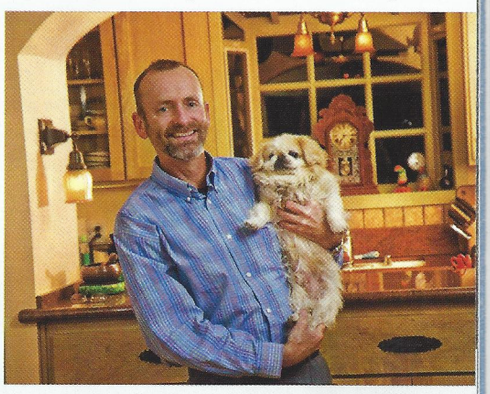
April didn't have the luxury of silence; he was being quoted so often that he knew his mother would notice. He'd heard her make negative comments about gays, so he drove home to Nashua one weekend wondering, "How do you tell your mother you're something she despises?" When he arrived, he tried to put it off and then finally just blurted out the words. "It was the hardest thing I've ever said," he recalls. "I thought she was going to have a heart attack." Over time, though, the idea began to seem less alien. When he brought a group of friends to help his mother move, she said, "Are all those boys gay? They're very nice." April felt lucky; he had friends whose parents cut them off from both family contact and tuition payments.

"We were pushed out in front in a way that was beyond our years," says Cris Arguedas '75, who had to come out to her parents when she was about to be quoted in *The New York Times*. On campus, the group's members found unwavering support in one another, and once the ACLU got involved, they didn't have to pay much attention to the legal cases. Still, Arguedas and Philbin remember feeling nervous. J. Bonnie Newman '07H, who was dean of students at the time, says that she and Richard Stevens, vice provost for student affairs, privately made it clear to the students that the university was going to court not to shut down

DON MILICI PHOTOGRAPHY

'I could have been one of those people'

Wayne April '74 graduated both energized and exhausted from the gay rights fight and the "mind-boggling celebrity status" it had temporarily thrust upon him. After living in Alaska, where he helped start a gay community center in Anchorage, he moved to San Francisco just when people were starting to notice an ominous, unnamed disease.



As the AIDS epidemic unfolded, "it was like living in a medieval plague city as people sickened and died while the band still played disco," April says. "Whole neighborhoods were emptied. I feel very, very lucky to have survived." He coped by volunteering, training volunteers and eventually running a residence for people living with AIDS. Today April is a social worker living happily in Pasadena with a long-term partner and three dogs.

Though his name will forever stand opposite the university's in the lawbooks—the state case is called "University of New Hampshire v. Wayne April and Gay Students Organization"—April holds no grudges; in fact, he donates to the university.

April's campus memories focus on specific moments, like the day a professor, a married man with children, stopped him on campus. If he had life to do over, the professor said, he'd choose a path more like April's. "That's why I'm glad that I did what I did," April says. "I could have been one of those people who live a kind of false life, who never live genuinely. We opened up something that was waiting to be opened up for a long time, and people jumped at the opportunity to express themselves." —*J.H.*

'The biggest lesson was to question authority'

As director of the Hammer Museum in Los Angeles, **Ann Philbin** '76 works at the intersection of culture and celebrity. Yet her best friends remain her fellow activists from UNH. "That time set the tone for my consciousness about the world," Philbin says. "The biggest lesson for me coming out of UNH was to question authority."

In the '70s, authority said artists went to New York. Philbin did, but quickly realized she was more passionate about organizing exhibitions than making her own art. She rose through the gallery ranks to head the Drawing Center, mixing art with activism through her work with the AIDS activist group Act Up. Then, in 1998, she shocked both the art world and herself by moving to Los Angeles.

At the time, the Hammer was a sleepy museum seen as billionaire Armand Hammer's vanity. Under Philbin's direction it has positioned itself not just at the leading edge of contemporary art but as a cultural center with a wildly varied program of talks, readings and films. *The Los Angeles Times* says Philbin's "energy, personal magnetism and art world connections create a perpetual buzz," and last year *Art Review* put her at number 28 on its international list of the 100 most powerful people in art.

Humans need culture, Philbin says—not just art but the whole network of experiences that link us to one another and push us beyond our boundaries. Connecting people with culture and unsettling their thinking is the form her activism takes today. As more of the art world has moved west, she has come to love Los Angeles. It feels less established than East Coast cities, with more space for individuals to make a difference. "I love the idea that I can build something here," she says. "Maybe that's the artist in me." —*J.H.*

the Gay Students Organization but rather to settle the question of authority and thus silence the critics. The students, however, still felt as if a judge might at any minute sanction kicking them out of school. "The potential downside was pretty grave," says Arguedas, "and we didn't have any way to know if we'd win or lose."

As the *Union Leader* continued its attacks, most of the other papers in New Hampshire, plus occasionally the *Boston Globe*, ran editorials and columns supporting the students and blasting Loeb and Thomson for using homosexuality as an excuse to undermine state funding for public education. *Foster's Daily Democrat* in Dover editorialized, "The furor initiated by the Manchester press and echoed by its puppet in the governor's office is taking place in order to sabotage efforts to adequately fund the university."

Then, in January 1974, Judge Hugh Bownes of U.S. District Court in Concord issued a resounding victory for the Gay Students Organization, ruling that every recognized student group has the same rights. The university "may not restrict speech or association simply because it finds the views expressed by any group to be abhorrent," Bownes wrote. "Minority groups as well as majority groups must be given an opportunity to express themselves, for only in this way can our system of peaceful social change be maintained."

The New Hampshire Civil Liberties Union called it the nation's first broad decision on gay students' rights. The *Portsmouth Herald* said Bownes had "struck a mighty blow for the right of people to be themselves." Thomson said the judge had enforced sexual perversion. The *Union Leader* editorialized, in all caps, "WHAT IS THE USE OF POURING MILLIONS ON MILLIONS INTO AN INSTITUTION WHOSE MORAL FOUNDATION IS ROTTEN AT THE CORE?"

Bownes' ruling attracted enough attention that *Newsweek* and other national publications ran stories. The ACLU tried to get the state case dismissed, saying the federal ruling had settled the question. Two weeks later, UNH amended its state petition to ask if it was within its rights to regulate the group's social activities because homosexuality is a "communicable mental illness." The American Psychiatric Association had taken homosexuality off its list of mental disorders the previous year, but the American Psychological Association had not yet followed suit.

Baran, Arguedas and Philbin clearly remember the disbelief they felt, sitting in the N.H. Supreme Court as a lawyer for their university argued that they were mentally ill. "These men in suits who didn't know us … they were talking about *us*—me and Wayne and Crissie and Annie," Baran says.

Today, Baran and Arguedas are both lawyers. Back then, they thought like students. Arguedas recalls that they were sitting behind the lawyer as he made the case that homosexuals had a communicable mental illness — "so if we had one, he was very likely to catch it!" Baran remembers that they sat horrified in the courtroom, then went into the hall and cracked up. The contrast between their responsible, good-student selves and the dangerous sick people described in court was just too absurd. "When you think about it," says Philbin, "we must have been pretty self-confident, to not let that get to us. I never remember wondering, 'Oh, my God, *do* I have a communicable disease?' I just remember thinking, 'These people are jerks.'"

Though the Gay Students Organization remained small, the first court victory boosted its clout (and its "cool factor," Philbin says), and members began to capitalize on the change. They would announce a social event—for instance, speaking on WUNH one day, Arguedas cooked up the idea that a softball game for gay students from around New England would take place that weekend—and magically, it would happen.

They also began taking the group's educational mission seriously, forming a speakers bureau to demystify homosexuality.

PERRY SMITH/UNH PHOTOGRAPHIC SERVICES

GENEVIEVE SHIFFRAR

Small and blond, with hair down to her waist, Arguedas would stand in front of a room of hooting and hollering fraternity brothers and explain, "This is who I am, this is who I was growing up, and then one day I fell in love with someone who to my surprise turned out to be a girl." By the end of the night, audience members would be raising their hands and asking serious questions. "It was so moving," Philbin says, "and incredibly courageous of Crissie." On the campus as a whole, the *Union Leader's* continued demonization of gay students ended up backfiring by making people more supportive. Kruger says of those years, "I don't remember any overt anti-gay incidents on campus, but the only gay-*affirming* incidents were the ones we created."

WHEN CLASSES resumed that fall, the Gay Students Organization seemed an established part of the campus scene. Then, on Dec. 30, 1974, the U.S. Court of Appeals in Boston upheld Bownes' ruling, establishing once and for all that the Gay Students Organization had a constitutional right to exist and hold social functions, just like every other student group on campus. The *Union Leader* ran more editorials, with headlines like "The Feds OK Sodomy," and Thomson made noise about appealing to the U.S. Supreme Court. But the trustees had had enough. "I don't think anybody is making any fuss about this thing except the governor and William Loeb," said trustee Charles Spanos '57.

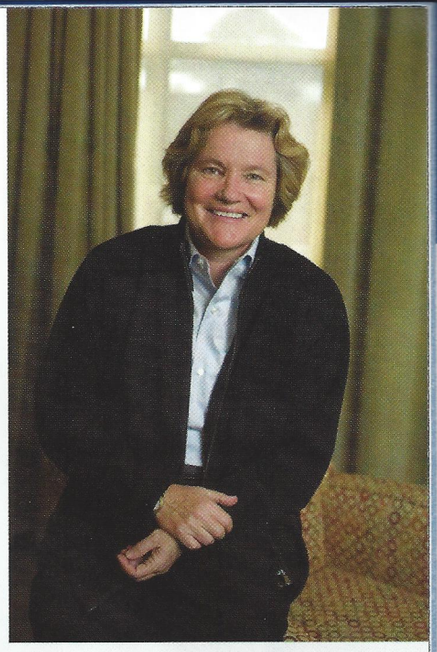
It took 10 more months for the state Supreme Court to decide the separate state case, and that last legal pronouncement proved an anticlimax. In October 1975, the court had a simple message for the university: If you wanted to say that homosexuality was a mental disorder, you should have said it in federal court. Too late now. Case closed.

By then, most of the group's early members had graduated. Twenty years apart, Arguedas and Baran went to law school and encountered a shock: They learned that their experiences had become an important legal precedent. Baran remembers staring at the name of the federal case—"Gay Students Organization of the University of New Hampshire v. [UNH President Thomas] Bonner"—on a course syllabus and shouting to herself, "That's *us!*" The case has been cited in at least 50 subsequent cases and mentioned in hundreds of books and articles, and Lambda Legal's website lists it as one of the 40 most important cases affecting the rights of gay, lesbian, bisexual and transgendered people.

In the years since UNH, most of the gay student pioneers have been active in the fight against AIDS, and all have embraced other causes. Kruger, a software engineer, helped start an independent Catholic church in Virginia that welcomes diversity. Baran focuses her New York law practice on defending poor people charged with crimes. All have thriving careers and stable lives with long-term partners. Though they don't dwell on the '70s, the memories remain a source of pride. "It was a very liberating time, literally and emotionally and culturally," Maxfield says. "We educated a lot of people." Newman, the former dean of students, puts it more forcefully: "These kids were very brave to do what they did. They were pioneers of the civil rights movement."

Among the group's early members, Philbin stayed angry at UNH the longest, but over time she has mellowed. Last spring she agreed to host a UNH alumni event at the Hammer Museum in Los Angeles, where she is director. She'd said no several times before, but this time she said yes on one condition: She wanted to stand up at the gathering and tell the story of her group of friends in Durham and all the crazy and important things that happened, way back in the early days of the Gay Students Organization. ~

Jane Harrigan was a journalism professor at UNH for 23 years and is now a book editor. A longer version of this story is online at http://unhmagazine.unh.edu/sp11/gay_student_history.html. Or scan the QR code at right with your smartphone.



One tough lawyer, and proud of it

When the Gay Students Organization went to court, **Cris Arguedas** '75 was a student watching from the spectators' seats. Today she's one of the country's top defense lawyers. Think of a big case in recent years—from Patty Hearst and the Jonestown massacre, to corporate scandals involving Enron and Apple—and Arguedas has played a role. O.J. Simpson's defense lawyers hired her to subject him to a mock cross-examination in her famously tough style, after which they decided he wouldn't testify in court.

Arguedas has been steadily amassing awards since *Time* magazine named her one of the nation's five most promising women lawyers when she was 29. Though she makes few public statements about her clients and even fewer about herself, the honors and the high-profile client list at her Berkeley, Calif., firm keep her in the news. When she helped defend Barry Bonds in his perjury trial this spring, her four-hour cross-examination of Bonds' ex-girlfriend caused an ESPN commentator to call Arguedas "the pitbull with a law degree."

While she loves the intellectual challenge of the law, the rough and tumble world of the courtroom is where she feels most at home. Some names on her client list might seem unexpected for a liberal who grew up debating the Vietnam War around the family dinner table. But to Arguedas, her choices make perfect sense.

She firmly believes that criminal defense lawyers are freedom's last champions. "I defend people who are accused by the government of having done something wrong," she says. "It's my job to make sure the power of the government isn't used to imprison an individual until and unless they have proven their case beyond a reasonable doubt." —*J.H.*