

## Publisher's Note

*Defining Documents in American History* series, produced by Salem Press, offers a closer look at important historical documents by pairing primary source documents on a broad range of subjects with essays written especially for the series by a diverse range of writers. This established series includes twenty-six titles that present documents selected to illuminate specific eras in American history—*Colonial America* through the 1970s, for example—or to explore significant themes and developments in American society—*Nationalism & Populism; Dissent & Protest; Environment & Conservation; and Native Americans*.

This set, *Defining Documents in American History: LGBTQ+ (1923–2017)*, offers in-depth analysis of thirty-five primary source documents drawn from the ongoing movement to achieve recognition and equality for members of the LGBTQ+ community, beginning with Emma Goldman's "On the Unjust Treatment of Homosexuals," written in 1923, through Danica Roem's speech in 2017, celebrating her election as the first openly transgender elected official in United States history.

The material is organized under three historical groupings:

- Early Developments, marking a time when the first homophile organizations began to encourage gays and lesbians to come out in the open.
- Coming Out, an era that included such significant events as the Stonewall Riots and "The Hope Speech," by Harvey Milk, the first openly gay elected city official in the nation.

- Growing Ever Stronger, including Larry Kramer's passionate activism on the frontlines of the AIDS epidemic, the decision in *United States v. Windsor* that declared DOMA unconstitutional, and a presidential proclamation in 2009 declaring June as LGBTQ Pride Month.

These documents provide a compelling view of many important aspects of LGBTQ+ history, including the American Psychological Association's 1973 statement that homosexuality is not a mental disorder, changes to the Boys Scouts of America membership policy, and excerpts from *Obergefell v. Hodges*, the Supreme Court decision guaranteeing the right to marry to same-sex couples under both the Due Process Clause and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

Designed for high school and college students, the aim of the series is to advance historical document studies as an important activity in learning about history.

### Essay Format

*LGBTQ+* contains thirty-five documents that span ten decades and chronicle both high and low moments drawn from the ongoing story of LGBTQ+ community in American society. The set begins at the start of the twentieth century when Henry Gerber began what is thought to be the first homophile organization in the United States. The Society for Human Rights collapsed following the arrests of Gerber and several Society members. The story continues on to today's efforts to assure inclusiveness and equal treatment under the law

for lesbian, gay, bisexual, transgender, queer, intersex, and asexual individuals in their homes, communities, schools, the military, and government.

Each document is supported by a critical essay, written by historians and teachers, that includes a Summary Overview, Defining Moment, Author Biography, Document Analysis, and Essential Themes. Readers will appreciate the diversity of the issues addressed throughout these documents. An important feature of each essay is a close reading of the primary source that develops broader themes, such as the author's rhetorical purpose, social or class position, point of view, and other relevant issues. In addition, essays are organized by sections, listed above, highlighting major issues of the movement from marriage rights to hate crimes. Supplemental historical documents add additional context and richness to important topics throughout the set.

Each section begins with a brief introduction that defines questions and problems underlying the subjects addressed in the historical documents. Each essay also includes a Bibliography and Additional Reading section for further research.

## Appendixes

- **Glossary** of important terms related to LGBTQ+ issues.
- **Chronology** of important events from LGBTQ+ history both in the United States and around the world.
- **Further Reading**, a comprehensive list of resources organized by categories
- **Web Resources** is an annotated list of websites that offer valuable supplemental resources.

## Contributors

Salem Press would like to extend its appreciation to all involved in the development and production of this work. The essays have been written and signed by scholars of history, humanities, and other disciplines related to the essays' topics. Without these expert contributions, a project of this nature would not be possible. A full list of contributor's names and affiliations appears in the front matter of this volume.

## Editor's Introduction

The movement to protect gay and lesbian civil rights emerged, for the most part, after World War II. Prior to that time—as far back as the late nineteenth century—a demimonde of gay life existed in New York City and, to a lesser extent, a number of other major urban centers. That little world was, however, a rather limited affair and took place largely undercover. In selected saloons, eateries, and apartments, gay people found a life to live in some of the city's neighborhoods. Interactions took place at waterfront hideaways, Bowery taverns, off-Broadway entertainment houses, Harlem cabarets, and Greenwich Village speakeasies. In the 1920s and early 1930s, gay and gay-friendly variety-show producers organized drag balls that drew hundreds of gay performers and straight spectators. Writers, actors, and musicians developed a unique style of literature and performance. While the creative community was the first social arena in which gays and lesbians could express themselves publicly, eventually the impetus behind gay subculture spread to other arenas and to other locales in the city.

In the 1930s, in the midst of the Depression, a backlash against gay people and gay culture set in. Laws were enacted in New York, for example, that prohibited homosexuals from gathering in state-licensed public places. Bars, restaurants, and entertainment venues were threatened with the loss of their liquor licenses or ticketing operations if they employed homosexuals or allowed them to gather on the premises. This state of affairs, in fact, continued for decades afterward.

Indeed, anti-gay policing throughout the country increased in the 1940s and, especially, the 1950s, when Senator Joseph McCarthy proclaimed that homosexuals were rife in the U.S. State Department, thereby threatening national security. It was thought that gays were subject to recruitment and manipulation by Soviet spies because of the secret life that they led. Hundreds, perhaps thousands, of gay or presumed gay Federal employees were dismissed; those in the military were discharged. Additionally, newspapers and police departments around the country began to denounce homosexuals as social deviants, child molesters, and victims of mental illness.

In the 1950s, a small assortment of brave men and women organized the first gay rights, or “homophile,” groups, including the Mattachine Society and the Daughters of Bilitis. Although membership in these organizations was largely secret, with few if any members speaking out openly, the groups wrote extensively

about the persecution of gays and lesbians, the fears that they faced on a daily basis, and the idea that any assimilation into society—which these groups generally supported—would require greater openness on the part of the population at large. Protests in 1959 by gays and transgender people in Los Angeles proved a harbinger of things to come. Meanwhile, most homophile organizations encouraged LGBTQ+ people to conform to societal norms and worked with experts to convince their fellow citizens that homosexuals were not a threat. In one noted case (*One, Inc. v. Olesen*, 1958), plaintiffs even successfully appealed to the U.S. Supreme Court for the right to mail a gay-oriented periodical—which initially had been ruled “obscene.”

Yet, fears of being subjected to harassment, losing their jobs, being separated from their families, and even arrested meant that most ordinary LGB people hid their participation in gay life from their straight associates. To communicate among themselves, they relied on a system of codes involving dress, speech, gesture, and popular interests that allowed them to recognize like souls and share, covertly, in one another's company. The term *gay* was itself a codeword until the 1960s, when its meaning began to be widely understood by the non-LGBTQ+ populace.

During the 1960s, gays and lesbians became somewhat more vocal, holding small protests in front of the White House and Philadelphia's Independence Hall against the dismissal of LGB federal employees. Such actions portended more aggressive forms of activism to come. Most notably, in June 1969, at New York's Stonewall Inn, patrons fought back against a police raid and engaged in street rioting. Although groups in Los Angeles and San Francisco were already growing at a fast pace by then, Stonewall served as a nationwide rallying call. Activists now spoke out publicly against the expectations of “normal” society and the need for LGB people to express themselves freely in whatever manner they chose. Gay liberation marches began to be held, and activists around the country began disrupting city council meetings, sitting in at political campaign headquarters and media company offices, and recruiting widely. It was, they demanded, time for all homosexuals to “come out of the closet” and present themselves to families, friends, and colleagues.

By the 1970s, the onetime consensus regarding homosexuality as aberrant had begun to collapse under

the pressure of gay-liberation and gay-power challenges, and of societal changes generally. The “sexual revolution” had redefined the idea of “natural” and expanded the idea of “normal” or “acceptable.” In the mid-1970s a number of major professional organizations such as the American Psychiatric Association, the American Psychological Association, and the American Medical Association determined that homosexuality was not a “condition” to be treated but rather was part of normal human behavior. The U.S. Civil Service lifted the ban on homosexual employment in government, and soon state and local governments began to add “sexual orientation” to their lists of protected statuses (comparable to race, religion, or, later, gender).

Nevertheless, these achievements unfolded against a backdrop of resistance by traditionalists. In 1977, the former beauty queen and advertising persona Anita Bryant led a successful campaign in Florida—“Save Our Children”—to overturn Dade County’s new gay-rights legislation, and other cities followed. In 1978, Harvey Milk, a gay city supervisor in San Francisco, was assassinated (after having called Bryant to account, among other things), and California voters discussed proposals to deny homosexuals employment as public school teachers. These reactionary activities had the effect of drawing some conservative supporters to the gay-rights cause, and states such as California managed to overcome the backlash through conventional political means. In that state, and elsewhere, lobbying groups established a gay presence in government, worked to elect openly gay politicians, and combined their cause with others to advance a generally progressive agenda.

A set-back of a different kind occurred in the 1980s, as the AIDS (acquired immunodeficiency syndrome) epidemic broke out. In response to a long period of silence and inaction by the federal government, the gap was filled at first by non-profit and/or community organizations such as the Gay Men’s Health Crisis and ACT UP. By the time there was some degree of progress at the federal level, there were already hundreds of thousands of victims. The end of the decade witnessed gay men and women, including a new breed of ardent “queer” activists, once more taking to the streets to demand equality and fairness in all areas of life.

In 1986 a Supreme Court decision, *Bowers v. Hardwick*, had held that homosexuality was identified with sodomy and that sodomy was not a “natural act.” States sought to prosecute homosexual sodomy but without a great deal of success. Then, in 1996, a different Court

revisited the issue (or rather the broader issue of sexual-minority rights) in *Romer v. Evans*. The majority determined that states may not withhold legal protections solely on the basis of sexual orientation. Further historic developments in that decade include the 1993 “Don’t Ask, Don’t Tell” policy in the military to allow gays to serve (silently); and, in the opposite direction, the 1996 Defense of Marriage Act designed to limit marriage to partners of the opposite sex. Also, with the arrival of anti-retroviral drugs in 1995, the prospect of facing a virtual death sentence upon receiving a diagnosis of AIDS was significantly reduced, replaced by the knowledge that those infected with HIV (human immunodeficiency virus) could lead long lives provided they followed a strict (and often costly) pharmaceutical regime. By the end of the twentieth century, gay characters were being portrayed widely in the movies and television, and eleven states and hundreds of cities had antidiscrimination statutes.

The LGBTQ+ rights movement continued to make gains in the early twenty-first century, though not in a controversy-free way. A Supreme Court decision in 2003, *Lawrence v. Texas*, struck down a Texas law barring consensual sexual relations between adults of the same sex. The following year, the Massachusetts Supreme Judicial Court ruled that no law in Massachusetts forbade same-sex couples from marrying (and that relying on “civil unions” for gays was discriminatory). Also in 2004, San Francisco mayor Gavin Newsom, a supporter of gay rights, ordered the city clerk to issue marriage licenses to gay couples. Thousands applied and city officials performed many marriages. Both events started a process that culminated in the 2015 decision by the U.S. Supreme Court, *Obergefell v. Hodges*, upholding same-sex marriage across the nation. Similarly, a 2009 law, the Matthew Shepard and James Byrd Jr. Hate Crimes Act, made it a federal matter whenever a crime is committed against someone based on their sexual orientation, race, gender, or religion.

Change continues to impact the lives of LGBTQ+ individuals in the United States. In a Pew Research Center survey of LGBTQ+ Americans in 2013, 92 percent of LGBTQ+ adults reported that they thought American society had grown more accepting of them in recent years, and that they expected that trend to continue in the near future. At the same time, discrimination continued to be a problem, with 58 percent reporting having been the butt of jokes or slurs, 39 percent saying they faced rejection by their families or friends,

30 percent reporting physical attacks, and 21 percent indicating mistreatment by employers. The current Trump administration, unlike the preceding Obama administration, has not signaled that it is particularly sensitive to LGBTQ+ issues, seeking among other things to ban transgender people from the military (without fully following through on the threat). Disparagement of gay, lesbian, bisexual, transgender, queer, and other individuals has often resulted from broader anxieties in American culture, not just from fears about homosexuality itself. Recent decades have shown that attitudes toward gay people can be changed—or can sometimes change of their own accord.

—Michael Shally-Jensen, PhD

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## ■ Excerpts from *The Drag*

**Author:** Mae West

**Date:** 1927

**Genre:** Play

### Summary Overview

In the 1920s Mae West, today known as a pop culture icon, wanted to make the move from Vaudeville to Broadway. To do so she penned a series of plays to facilitate that transition. One of those plays, *The Drag*, focused on a group of gay people and portrayed them in a stereotypical and over-the-top fashion. While *The Drag* never made it to Broadway, it did garner the type of attention Mae West was known for owing to its focus on topics that were taboo at the time, such as drag culture and the gay community. West constantly faced scrutiny for her preferred style of performance, which included campy one-liners and sexual innuendo. The response to *The Drag* was no different than that to the other artistic endeavors pursued by West.

### Defining Moment

In the late 1920s the gay community in America was living primarily underground. To be gay was not widely accepted in a society that was still very much steeped in Victorian-era values. As such, gay men and women were not often depicted in books, plays, or films. If a gay man or woman was portrayed in mainstream entertainment, it was not typically a favorable depiction. Most of the portrayals were based on cruel and unfounded stereotypes of the gay community. However, portrayals of gay men and women were common on the Vaudeville stage. One Vaudeville performer; Mae West, challenged traditional gender roles in her acts and was known for occasionally presenting herself as a male performer. West did not shy away from material that some of her era considered distasteful, and in fact most of the entire body of West's artistic endeavors highlights female sexuality in a way that caused many to view her as a forerunner of feminism in this country (and others to view her as lacking a moral compass). Focusing on the negative attitudes toward the gay community, Mae West wanted to convey a more sympathetic view of gay men and women and their gender roles in society. She attempted to bring what she thought was a more honest

image of gay people to the Broadway stage with a play titled *The Drag*.

According to West herself, *The Drag* was an effort to combat the social injustices that the gay community faced, such as discrimination and systematic oppression in everyday life. The play was meant to be dramatic and tragic, while also being comedic. Those with a more cynical take on the play believe it was West's attempt to draw a crowd through shock value—something West had a reputation for. Her own personal performance style was overtly sexual and bawdy, and many thought that *The Drag* was simply another way for West to communicate her particular style of performance. No stranger to censorship, West had to have known this work would be challenged based on its content. Sure enough, the New York City policy thwarted a West production that preceded *The Drag*, with the intention of preventing *The Drag* from ever making it to Broadway. Those attempts were successful, and *The Drag* in its original form never moved beyond its off-Broadway venue.

### Author Biography

Mae West was born in 1893 and lived in the industrial district of Brooklyn with her immigrant parents. Despite her humble beginnings, West went on to have an illustrious career as an actress, playwright, and sex symbol that spanned over seven decades. She began working on the Vaudeville stage around age 7 before ultimately finding a successful career on the silver screen in Hollywood. Very little is known about West's private life, as she did not leave behind much in the way of letters or diaries, and was not prone to disclosing that type of information in interviews. What is known is that West presented herself as a sexually uninhibited woman who spouted saucy quips and pushed boundaries. For some, West was a symbol of immorality while for others she was a fantasy and an icon. West died in 1980, but her sex-bomb image is immortalized in her films, recordings, writings, and photographs.



1928 news photo showing cast members of a Mae West show being arrested.

## ARREST AFTER "THE DRAG."

Special to The New York Times.

*New York Times (1857-Current file); Feb 2, 1927;*

pg. 16

# February 2, 1927

## ARREST AFTER "THE DRAG."

Director Elsner and Miss West's  
Sister Arrested in Hotel Room.

*Special to The New York Times.*

BRIDGEPORT, Conn., Feb. 1.—Edwin Elsner of 873 West Forty-sixth Street, New York, stage director of "The Drag," which opened here last night, and Miss Bevelry West of 50 Jericho Turnpike, Floral Park, N. Y., sister of Mae West, author of the play, were arrested at 5:30 o'clock this morning in Miss West's room at the Arcade Hotel and will be arraigned in the City Court on Wednesday on technical charges of breach of the peace. The police allege misconduct, but both

Newspaper clipping regarding the arrest of Mae West's sister and the director of *The Drag*.





Symbol of the New York Society for the Suppression of Vice

## HISTORICAL DOCUMENT

(1927) [As a planned grand ball approaches, four male friends of Rolly Kingsbury—Clem, Roscoe, Winnie, and “the Duchess” talk about their clothes and conquests.]

DUCHESS: Oh, my goodness, I’ve got the most gorgeous new drag. Black satin, very tight, with a long train of rhinestones.

CLEM: Wait until you see the creation I’m wearing, dearie. Virginal white, no back, with oceans of this and oceans of that, trimmed with excitement in front. You know, I’m more the flapper type, not so much like a canal boat.

DUCHESS: Creation—ha! That old thing. I knew that three years ago...

CLEM (very angry): For Chris’ sake. Sit. This big bitch thinks nobody has anything or looks like anything but her.

DUCHESS: Oh, shut up.

ROLLY: Say, how about a little drink?

CLEM: Yes! How about a little drink?

DUCHESS: I don’t mind a little drink once in a while.

CLEM: Why, you big Swede. You’d take it through the funnel if anybody would give it to you.

WINNIE: Funnel? That’s nothing. I take it through a hose. Whoops!

[Later, at the party]

WINNIE [to Kate]: My, but you’re getting thin.

KATE: I can at least cling to a man without wearing him out. You’re terribly fat.

WINNIE: Fat! I should say not. I’m the type that men prefer. I can at least go through the Navy Yard without having the flags drop to half mast.

KATE: Listen, dearies— pull in your aerial, you’re full of static. I’m just the type that men crave. The type that burns ‘em up. Why, when I walk up Tenth Avenue, you can smell the meat sizzling in Hell’s Kitchen. ...

[A police raid ensues]

## GLOSSARY

**drag:** a type of dress; typically in a gender style contrary to the actual gender of the wearer

**Hell’s Kitchen:** a neighborhood on the west side of midtown Manhattan in New York City

## Document Analysis

If West was attempting to portray gay men and women in a sympathetic way, she does not do much to craft that type of image in this scene. The characters’ dialogue in this particular excerpt is over-the-top and consists of stereotypical language associated with how gay men of the era were thought to speak. The focus of the scene is on surface-level concerns like physical appearance, and does not dive into any type of deeper conversation that would show these people as having concerns other than what they look like. What West has written here seems to fit in with the pre-conceived notions that people held of gay men and women at that time. There

is no dialogue connecting the characters to one another in any meaningful way, nor does the scene do much to illustrate the trials and tribulations that gay people faced in the 1920s.

Further complicating the idea that West was seeking to portray gay people in a more or less favorable light, contrary to the stereotypical image of what it was to be gay, accounts exist of West encouraging the actors to play up stereotypes in their performances. Actors in the show were played by drag queens recruited by West from gay establishments in Greenwich Village. West encouraged her cast members to play up the stereotypical aspects of gay life—for example by having male

actors behave in an extremely feminine manner. This exploitation of “gay” behaviors did nothing to add depth to the characters or to the play, and was an utter exploitation of the gay community to play into the fascination some had with gay men and women.

In support of the notion that West had been writing purely to attract a crowd, the language and the actions of the characters seems to be written for pure shock value. The characters discuss excessive drinking and attracting the attention of men in a way that many people, at that particular time in history, would deem objectionable. Were West really attempting to garner sympathy for the gay community, it perhaps would have been more reasonable for her to focus on relatable characters and more compelling scenes. Even if alcohol use and/or abuse was an issue common in the gay community, surely there was a way for West to write about that problem in such a manner as to avoid causing offense or eliciting shock.

The only part of the scene that might have the potential to shed light on the injustices gay people faced is the police raid that takes place at the end of the scene. Police raids on gay establishments were commonplace at the time, and it was no secret some members of the New York City police force were actively working to make life hard for gay people. However, because the dialogue is so extreme and lacking in depth or poignancy, the police raid directly following that scene may not have had as much impact as it would have if the characters were discussing something serious or important.

### Essential Themes

Of course, *The Drag* was mainly intended to be humorous—in a Vaudevillian way. Ribaldry, sly verbal reference, exaggerated speech and movements, were all part of the genre. In that sense, *The Drag* is but another expression of Vaudevillian-style art, albeit with a rather unusual subject. One can question how successful West was in treating that subject with such over-the-top scenes and dialogue.

*The Drag* closed out of town before ever making it to Broadway. Even though it did not see commercial success, *The Drag* was passed through gay communities for years and gained something of a cult following. West’s status as a sexual icon within the gay community is undeniable. While *The Drag* did not do much in the way of garnering sympathy for the plight of gay individuals, it did contribute to the overall persona of Mae West that resonates with people even today.

—Amber Dickinson, PhD

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## SUPPLEMENTAL HISTORICAL DOCUMENT

### **The Plot of *The Drag***

Act One opens in the library of Dr. James Richmond's New York mansion. Dr. Richmond believes in the effectiveness of conversion therapy to "cure" homosexuals, and explains his theory to his close friend and brother-in-law Judge Robert Kingsbury, Richmond's close friend and brother-in-law. Judge Kingsbury believes that homosexuals are deviants who should be controlled by the law. Kingsbury's son, Roland "Rolly," is married to Richmond's daughter, Clair.

Two gay men, Clem Hathaway and David Caldwell, then request an appointment with Dr. Richmond after office hours. Clem Hathaway has brought his friend, David Caldwell, because he is pathologically depressed. During their session, David admits that a lover recently left him, allegedly forsaking him for another man. Dr. Richmond sedates him and leaves him in his office to rest.

We then see Clair, casually telling her father that she wants to make a European trip without her husband, Rolly. She later confides to her Aunt Barbara that Rolly has no interest in a sexual relationship with her. Rolly readily agrees to his wife's European holiday. While away, Clair is seen at a social event with Allen Greyson, an architect and another of Rolly's business associates.

When David groggily stumbles in from the office, he and Rolly instantly recognize each other as ex-lovers. The doctor reenters to find them struggling and assumes his drugged patient has become violent. Afterwards, Richmond tells Rolly, "Thank God you're not what he is."

Act Two opens in the drawing room of Kingsbury residence, later that afternoon. Parsons, the family butler, admits three obviously effeminate men who have come to plan a weekend party with Rolly.

When Allen Greyson arrives, the architect we last saw with Rolly's wife, Clair, Rolly asks his friends to behave themselves. Allen has come to talk about an industrial building he is designing for the Kingsbury works.

After the other men have left, Rolly explains to Allen that he his marriage to Clair provided a convenient cloak for his homosexuality. Rolly tells Allen that he is in love with him, but Allen is appalled since he has fallen in love with Clair. He threatens to quit, but Rolly persuades him to reconsider. Allen, no longer feeling an obligation to respect Rolly's marriage, proclaims his love to Clair, who is not displeased.

Act Three, Scene one takes place in the drawing room of the Richmond mansion, now converted into a small ballroom. A drag ball is in full swing, with wildly attired transvestites and an onstage jazz band. Accompanying the solo songs and dances is a great deal of suggestive banter.

When the party gets too rowdy, Rolly sends the partygoers home and goes upstairs. A shot is heard off stage. Parsons the butler enters, clearly shaken. He phones Judge Kingsbury, telling him that Rolly has been shot.

A police detective and Judge Kingsbury come to the mansion the next day. Parsons tells them of the argument Rolly had with Allen, and of his later seeing Clair in the arms of Allen. Allen becomes the prime suspect.

David then arrives with Dr. Richmond, who confesses to Kingsbury that he killed Rolly, and that they were once lovers. The doctor pleads with the judge to be compassionate. The judge, wanting to avoid the scandal of his son and the two families being linked to the homosexual world in a murder investigation, tells the inspector to report the shooting as a suicide.