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Arthur Cyrus Warner (1918-)

John Lauritsen



Photo by John Lauritsen

More than with other leaders of the homophile movement, there is a disparity between the public fame of Arthur Cyrus Warner and the magnitude of his accomplishments. An important intellectual force in the movement for half a century, he has evaded the glare of publicity so successfully that his name is unknown to the great mass of gay people and indeed to many of the newer "gay leaders."

With an AB degree (*magna cum laude*) from Princeton, an LLB degree from Harvard Law School, and a PhD degree from Harvard University (American and British history), Arthur Warner was well equipped for the roles he would play: mentor, theoretician, and strategist. His most important

contributions have been in the legal sphere, where he and his colleagues intervened in state after state to overthrow sodomy, solicitation, and public lewdness laws.

Warner holds strong opinions and is not hesitant in expressing them. However, he does not mind hearing ideas that are different from his own. On the contrary, he is sometimes delighted; after the speaker has finished, he will pounce, like a cat on a negligent mouse. His speaking style on these occasions is inimitable. Enunciating with vigor, *tempo adagio*, he analyzes the offending argument. Factual errors are exposed, faulty arguments are carried to conclusions of manifest absurdity, and underlying philosophical premises are dissected. The experience is not easily forgotten, and some younger academics have emerged from it shaken and resentful. The present writer has received this treatment on more than one occasion and can say that—even if I still considered Warner to be wrong—I was grateful for the criticism, which at least constituted a safeguard against intellectual sloppiness.

Arthur Cyrus Warner was born in Newark, New Jersey, on February 14, 1918. His father's family had been in Newark for several generations and were in the wholesale grocery business. His mother was born in Paynesville, a small town in Minnesota; her family moved to St. Paul when she was about three.

It was not easy for Warner to come to grips with homosexuality, and his first experiences were informed by shame and horror. To understand this, it is necessary to describe his upbringing in terms of sex.

His mother came from a background which, although educated, reflected the Victorian ethos in matters of sex. As a child, Warner was not told myths about where babies came from, and he was allowed to see biology books showing the birth of animals, and so on, up to the point of fornication. However, when he was put to bed, his hands always had to be on top of the blanket, even on the coldest nights. Because the windows were always open for health reasons, his shoulders also would be cold.

Nevertheless, as with virtually all boys, he discovered the pleasures of masturbation, and at the age of seven or eight he did this several times a day, although without ejaculation. On one such occasion he was apprehended by his governess, who felt dutifully obliged to tell his parents.

Early the next morning the case was presented to his parents, who had just returned from a trip. His mother, "who wore the pants," took charge. She was in a frenzy and told him that if he ever did this again he would be taken to the state prison at Rahway, "where the bad boys go." He was also told that if he continued to do this, he would certainly become crazy. He was shaken by these warnings and for a year remained "good and pure."

However, his prepubescent sexuality reasserted itself. He was again caught, and this time he was told to pack his little bag, because he was going to the "home for bad boys." His parents put him in the back seat of the car, and they drove the twelve miles to Rahway State Prison, at which point he was almost hysterical. When the prison was reached, he was ordered out of the car, with his little bag. For about twenty minutes he stood outside the car and screamed for forgiveness, and finally was given "one more chance" and readmitted to the car. Arthur was then nine years old, and he began to realize the real problems of life.

This experience sufficed for about another year and a half of celibacy, after which he succumbed again. By now, however, he had learned the most important lesson: don't get caught. Because he performed the forbidden act so frequently, he believed that he had little time left before going completely insane—and since his future was hopeless and he was destined for the insane asylum anyway, he might as well enjoy himself during the short period of sanity remaining.

In prep school Warner was drawn to older boys with good bodies and became aware of the nature of his desires; yet he felt he was the only one in the world with such feelings.

He was rudely disabused of this notion in the summer of 1934, when he was a teenager due to enter Princeton in the fall. He and his parents were sitting in the living room, as his father read from the *Newark Evening News* about the liquidation of Ernst Röhm. The head of the Schutz-Abteilung [SA] of the Nazi Party during its rise to power, Röhm, together with dozens of loyal SA officers, was murdered during the "Night of Long Knives" of June 30-July 1, 1934. Hitler used Röhm's homosexuality as a pretext, claiming the murders were necessary to protect German youth from corruption. Young Warner was wide-eyed at the news, and realized that there were other people with propensities similar to his own—and that he was cursed, because only low, dirty people, such as Nazis, would have such proclivities. This exacerbated his self-loathing, and he realized he would have to suppress his sexual desires even more.

His first sexual experience occurred during his sophomore year at Princeton, when he was seventeen years old. On a cold, dark night in Trenton, New Jersey, while waiting for a trolley to take him back to Princeton, he was followed and then approached by a black man, who asked for a light. Although terrified, he allowed himself to be taken to what appeared to be an abandoned school yard, and there, through mutual masturbation, he experienced his first orgasm with a partner. The moment he came he was "overwhelmed with the most deep-seated sense of shame and disgust at myself that I've ever had, before or since," and he rebuttoned his trousers and ran the quarter mile back to the bus station. Inside the bus, he looked out the window and saw that the man had followed him. He realized that his life would end in total disaster, that he would be ruined and expelled from Princeton in disgrace.

Later that year or the next year, a classmate of his at Princeton was burned to death in his dormitory room, presumably from a fire caused by a cigarette. A story ran the rounds in his class that the student was homosexual, and this was said with great loathing, as though he had deserved to die. Believing that this was the attitude of his peers, Warner lived through his four years at Princeton convinced that no one in his class would ever be so degenerate as to have sex with another male.

After graduation from Princeton, and prior to entering Harvard Law School, Arthur Warner worked for a year in New York City, as a messenger for an advertising firm. There, in the summer of 1938, occurred an incident that removed a layer of his sexual apprehension. As he was sitting in the middle of a mostly empty auditorium in a Forty-Second Street movie house, a man took the seat next to him, placed his leg next to his, and then placed

his hand on his knee. Arthur turned his head and was flabbergasted by what he saw: the person was a gentleman, wearing a suit and tie! So homosexuals were not all degenerates and low people. Suddenly he understood a number of things, including the reason so many men were congregating in the lavatory.

He now began going to the Forty-Second Street movies often and before long was going back to people's apartments. Within a month, and he still remembers the date, September 21, 1938, or rather two days after that, he noticed a burning in his urethra. When it got worse the next day, he told his mother, who sent him to the family doctor in Newark, who diagnosed gonorrhea. He was referred to a venereal disease specialist, Dr. Menck, who accepted Arthur's story that he had gotten it from a girl, told him that if he had simply washed his genitals and urinated afterwards, the chances were 95 percent he would never have contracted this. Dr. Menck said he was very careless for not having done this.

Those were the days before penicillin, and treatment for gonorrhea involved a six-week treatment, three times a day. A sulfanilamide compound was painfully injected into the urethra and then the penis was bandaged up for several hours. After eight weeks, the treatment appeared to be unsuccessful and Arthur had lost his job, as he couldn't do the walking that was required of a mail messenger. Finally, after nearly four months of treatment, he was cured. But the psychological trauma would last for the rest of his life. In reaction to Dr. Menck's rebuke, he developed a washing syndrome—pollution phobias and compulsive purification rituals—which greatly impaired his enjoyment in life and his ability to get things done.

At this point, in light of such painful experiences, Arthur Cyrus Warner would seem an unlikely candidate to become a homophile leader. But self-acceptance came gradually, and the Fates had a few tricks up their sleeves.

The following year he entered Harvard Law School. His studies there were interrupted by World War II, and he served a stint in the Navy (1942-1945), attaining the rank of lieutenant. Harvard Law School was completed after he returned from the service, and he received his LLB degree in 1946. Then for two years he worked for the American Association for the United Nations, as a field representative in Minnesota and North Dakota. In 1948 he returned to the East and was admitted to Harvard Graduate School, with the intention of working toward a doctorate.

Historians sometimes try to imagine what initially motivates individuals to dedicate their lives to social change. It doesn't always work that way. In 1951 a trick, a one-night stand, told him, out of the blue, that there was a gay group that met in a loft, not for purposes of sex but for discussion. For Warner this seemed oxymoronic, like talking about dry water. Nevertheless,

his curiosity was aroused. He wanted to see what kind of people they were, and so he went to his first meeting of a group known only as The League.

Founded in 1948, The League appears to be the first American homosexual group (although it was predated by Henry Gerber's short-lived Society for Human Rights in Chicago, and by the still earlier homosexual rights organizations in Europe and the United Kingdom during the nineteenth and early twentieth centuries). At his first meeting Warner could hardly believe what he saw: the men in attendance were wearing suits and ties. They looked thoroughly presentable, like bankers or lawyers.

Warner was hooked, and attended as many meetings of The League as he could, although he was then a graduate student at Harvard. As he remembers it, The League met in a rented space, a large loft, and there were generally about fifty to sixty persons at each meeting. The meetings were dominated by fear; entrance was scrupulously denied to anyone unable to prove he was at least twenty-one. A typical subject of conversation: "What is likely to be our fate if the authorities, either through the information given by the landlord or through some other means, discover what we are talking about?" Although they merely discussed the possibility of ameliorating the laws, not even abolishing them, they still shared an overall fear that they would end up in jail.

In January 1952 Warner was home for the Christmas recess and attended the first organizational meeting of what subsequently became the Mattachine Society of New York. The meeting was organized by Thomas Morford, a professor of psychology, who came as a representative of the Mattachine Society of California, which had been formed in 1950. It took place in a Times Square hotel shortly after New Year's. Most of those present were members or former members of The League, which passed out of existence shortly after the formation of Mattachine.

Although the new Mattachine retained the same phobias and comprised many of the same faces, there were some crucial differences. It was no longer furtive. Whereas meetings of The League had been held clandestinely, the Mattachine meetings were held in rented halls, open to the public and announced publicly, much like meetings of any other group.

After completing his doctoral course work at Harvard, Warner returned to the New York area, and from 1954 on he was continuously active in Mattachine. For all but two of its sixteen years of existence he was chairman of the legal department.

During the 1950s and 1960s he held various positions: research assistant, London School of Economics (1954-1956); assistant professor of history, Rider College, Lawrenceville, New Jersey (1956-1960); lecturer at Fairleigh Dickinson University, Rutherford, New Jersey (1960-1962); and associate professor, University of Texas (1962-1968).

In 1971 he founded the National Committee for Sexual Civil Liberties (NCSCL)—later renamed the American Association for Personal Privacy (AAPP)—of which he was and continues to be the director. This association is a high-level think tank, comprising lawyers, historians, theologians, and other professionals. Its paramount concern is legal reform.

One cannot record all of Arthur Warner's accomplishments in the legal arena, as his influence has often been indirect, as counselor and inspirer to other lawyers. His salient achievements include the following:

From 1976 to 1978 he worked with the Judiciary Committee of the New Jersey State Assembly and was largely responsible for having the sexual solicitation provision excised from the New Jersey Penal Code.

In collaboration with Thomas F. Coleman, Esquire (then cochairman of the AAPP), he won the case of *Pryor v. Municipal Court* (1979), in which the California Supreme Court judicially rewrote the sexual solicitation provision of the state's penal code (which had been the prime vehicle for arrests of gay men in California). Coleman wrote the brief for the defendant, and Warner wrote the one for the AAPP as *amicus curiae*.

He persuaded Professor Welsh White of the University of Pittsburgh Law School to accept the *Bonadio* case (1980), which resulted in the Pennsylvania Supreme Court invalidating both the sodomy statute and its companion homosexual solicitation provision.

He wrote the brief which induced the Criminal Law Revision Commission of Nebraska to delete the homosexual solicitation provision from that state's criminal code.

He initiated and directed the legal strategy in the *Albi* and *Gibson* cases in Colorado, which resulted in the invalidation of that state's homosexual solicitation statute by the Colorado Supreme Court (1974).

During the time when sodomy was still a felony in Ohio, he was called to testify before a special commission established by the Ohio Supreme Court to decide whether an acknowledged and practicing homosexual should be admitted to the state's bar. The commission's decision to admit was the first of its kind and set a precedent for other states. He later testified before the Judiciary Committees of both houses of the Ohio legislature during a hearing which in 1972 led to the decriminalization of private homosexual conduct between consenting persons above the age of sexual consent.

He acted as consultant to William H. Gardner, Esquire, of Buffalo, a fellow member of the AAPP and attorney in the *Onofre* case (1980), in which the highest New York court struck down that state's sodomy statute. Later he collaborated in writing the brief in the *Uplinger* case (1983), in which the same New York court invalidated the New York homosexual solicitation law.

He drafted the sexual solicitation provision of the proposed, but never enacted, Federal Criminal Code recommended by the National Commission on Reform of Federal Criminal Laws.

Along with Warner's activism for the homophile cause came a lessening of his sexual inhibitions. Some of his escapades, and his predilection for virile black males, are the stuff of legend, although this is not the place to recount them. Suffice it to say that he has described sexually himself as a "Dr. Jekyll and Mr. Hyde," and that he possesses two Eagle automobiles, made by AMC, whose relevant features are that the seats recline fully and the windows have blinds on them.

Arthur Warner has his own way of doing things. As he explained his approach in an interview for the present chapter, he prefers, as much as possible, to work with the establishment behind the scenes. He believes patriotism and good citizenship are principles that people working for social reform should embrace.

Since the members of Warner's group, the AAPP, tend to be prominent lawyers and academics, he was asked whether he would accept the terms *expert* and *elitist* as descriptive of his approach. His response: "Both! I'll accept both of them. If I want a doctor, I'll go to the elitist or the expert any time. You can go to the mediocres, the ones that are no different from anybody else. Three cheers for elitism!"

Finally, Warner's approach involves the element of time. He is in for the long haul and loathes undue haste. When speaking before a group a number of years ago, he contended that the homophile movement had accomplished more in a shorter time than any other reform movement. At that point, "a young gay whippersnapper got up and said: 'The hell with that, I want mine now!'" That particular philosophy is anathema to Warner, who stated in his interview: "At eighty-two years old, I still have not gotten mine, and I don't expect to get it all in my lifetime. We have a lot to learn—by this I mean gay people—from the patience that blacks and other disadvantaged people have demonstrated."

Arthur Warner's *modus operandi* is well illustrated by his interaction with editors of the *Oxford English Dictionary* (OED). He began in 1988 by writing to the head editor on the word *munitive*. He received a response from an assistant editor, Mrs. E. Bonner, with whom he became a correspondent. Having developed a rapport, he then broached the topic of the common slang words *blow* and its compound *blow job*. Although the OED supplements included such words as *fuck*, they did not give the oral intercourse/felatio meanings of *blow*. Warner's suggestions were accepted, and he received a letter from Mrs. Bonner, in which she wrote: "You will be pleased to know that *blow* should appear in the second edition of the O.E.D. due to be published in 1989." She enclosed galley reproductions of the entries, not

only for *blow* but also for *Princeton-First-Year* (“applied to a form of male homosexual activity in which partners achieve orgasm by intercrural friction”).

Warner is critical of many aspects of the post-Stonewall movement—appalled by what he sees as the new movement’s rashness and impatience, its irrationalism, its lack of patriotism and civility, its propensity to ally with left-wing causes, its “cult of victimhood.”

When the Gay Academic Union (GAU) was founded in the early 1970s, Warner had high hopes for it but was soon disillusioned. Although GAU produced four successful conferences, it accomplished little in the way of serious scholarship. Warner describes many GAU members as academic dropouts who were more interested in getting their heads together than in achieving anything. The group had a powerful undercurrent of irrationalism and a hostility to free speech and free inquiry.

In reaction to these shortcomings, a minority within the GAU, calling itself the New York Scholarship Committee, “carried the true banner of intellectual scholarship.” Meeting once a month in the New York City apartment of Wayne Dynes, professor of art history, the Scholarship Committee heard presentations in various areas of gay scholarship, followed by discussion. Warner drove up every month from Princeton to attend these meetings in which he was an enthusiastic participant.

When asked what he considered the greatest accomplishments of the homosexual movement, Warner began by paying tribute to W. Dorr Legg, “an intellectual, who first of all recognized the absolute necessity of the linkage between education and homosexual law reform.” In the legal arena, Don Slater and Dorr Legg won the only case before the Supreme Court that granted First Amendment rights to gay publications, so they were no longer banned from the mails as obscene.

In turn, New York *Mattachine* won—through three cases before the highest courts in New Jersey and New York—the right for gay people to go into a public establishment, such as a bar, without the bar’s being threatened with closure by the Alcoholic Beverage Commission for violating the law which criminalized facilities that offered opportunities for homosexuals to congregate.

Warner also acknowledged the achievement of Troy Perry, who established the Metropolitan Community Church, the first gay organization within the Abrahamic tradition and the first gay organization to really begin mixing heterosexuals and homosexuals. Warner regretted that those not religiously inclined, himself included, sometimes did injustice to the pioneer efforts of religious gays who chose to work within the church.

In much bigger terms, Warner sees the gay movement as a central element in breaking the implicit prohibition against the pursuit of bodily plea-

sure. In effect, the homophile movement is undertaking unfinished business of the Enlightenment, which had unconsciously continued to accept the Judeo-Christian ethic that the human body was evil and shameful. This theme is developed in a recent unpublished monograph by Warner, *The Secularization of Knowledge*.

When asked what the movement should do next, Warner replied: "The movement ought to be looking toward working itself out of existence." He believes we should look forward to a time when "gays can meld into the population and become unrecognizable, as soon as their legitimate grievances have been redressed."

He maintains that we should pursue our goals in connection with other people, to end the "ghetto mentality," the "suffocating atmosphere of an all-gay group." He concludes an earlier paper, "Is There a Homosexual Culture?", with the following words:

The way to political freedom is to recognize that the homosexual ghetto and its attendant deviant subculture are and should be temporary phenomena, direct products of anti-homosexual bigotry, and that they will disappear as soon as the bigotry itself disappears. Gay people will then be able to join the mainstream of American life with dignity and self-respect.

Although Warner's opinions are intensely held, they are not impervious to change. When the present writer first came to know him in the early 1970s, he was a Presbyterian, as were his parents. In recent years Warner has become a secular humanist who sees the gay cause as being, on one level, a struggle against superstition.

For almost all of the past half century, Arthur Warner has lived in Princeton, New Jersey, in the house built by his parents. Nothing in it has changed since they died about thirty years ago—except perhaps books and ideas.

REFERENCES

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