



Archive Activism: Vergangenheitsbewältigung!

Charles Francis and Pate Felts

“Self-admitted homosexual” was the bureaucratic pejorative for Thomas H. Tattersall, certified insane, federal employee, resident of St. Elizabeth’s federal psychiatric hospital during the 1950s in Washington, DC. A destination for the criminally insane, St. Elizabeth’s remains one of the most haunting government complexes in the nation. It was home for thirty-five years to Ronald Reagan’s would-be assassin John Hinckley. Today, it is a shell of its former self, soon to become the Department of Homeland Security. In 1953, it was to become home to Tattersall, fired from his job at the Department of Commerce for the crime of homosexuality. This was the year President Dwight David Eisenhower signed Executive Order 10450, declaring “sexual perversion” a cause for federal investigation and termination. Due to fears of potential blackmail and suspected treason, homosexuals could not serve in government. By declaring him insane, a homosexual like Tattersall could become a resident of St. Elizabeth’s.¹

Committed to St. Elizabeth’s from 1955 to 1960, Tattersall was administered repeated “insulin shock therapy” sessions, a barbaric series of massive injections of insulin to induce comas over weeks. This was seen as an intravenous lobotomy-like shock for a “self-admitted” homosexual who was considered insane. Worse, if that is possible, while he was conscious, Tattersall was serially interrogated between 1953 and 1962 by federal investigators who described him as “mentally deranged” and used him as their informant. We know this because documents

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produced by the U.S. Civil Service Commission (CSC) list the names of the various interrogators who would question Tattersall. It was all duly recorded in the best bureaucratic style.

CSC investigators led Tattersall to name the names of fellow homosexuals, even getting them on the phone to allow investigators to monitor their responses. Evidently, in between comas and in a kind of zombie state, Tattersall would sign affidavits presented to him, which accused individuals of homosexuality.² According to one CSC agent, Tattersall identified homosexuals working in twenty-two government agencies. One can only compare this kind of federal depravity to the “Tuskegee Study of Untreated Syphilis in the Negro Male” (1932–72) by the U.S. Public Health Service, or to the more contemporary torture and interrogation of suspected terrorists.

Tattersall is one uniquely horrific example of what befell tens of thousands of LGBTQ Americans who were declared sexual perverts by their government in 1953. This shadowy world of informants and gay double-lives ran through four decades of investigation, termination, and ruination for the morally and mentally “unsuitable” federal workers, foreign service professionals, and military personnel. Tattersall was an informer and a victim at the same time, in a system set in motion by politicians and administered by a professional bureaucracy of lawyers and “personnel” managers. The Mattachine Society of Washington, DC, is dedicated to uncovering the stories of the tens of thousands ruined, their wrecked careers, the texture of their lives—and the government lawyers who kept it running through six presidencies.

The original Mattachine Society of Washington, DC, was formed by Dr. Franklin E. Kameny in 1961 and became his platform for a lifetime of advocacy and leadership in the fight for full civil equality for gay and lesbian Americans. The Mattachine platform was all Dr. Kameny needed to become “the Rosa Parks, the Martin Luther King, Jr., and the Thurgood Marshall of the gay civil rights movement,” according to Professor William Eskridge, Jr., at Kameny’s memorial service in 2011.³ Eskridge said, “It is jaw-dropping that such a person played those roles for a number of years with virtually no social, financial or political support.” Eskridge described those roles as “the uppity homosexual who would not sit in the back of the bus” (Parks), “the greatest grassroots organizer, the strategist and wordsmith” (King), and “the legal genius who best translated the social movement’s norms and principles into Constitutional arguments” (Marshall). It was Kameny who almost single-handedly took on the CSC after being fired in 1957 from the U.S. Army Map Service. It was Kameny who rooted the gay and lesbian demand for full civil equality into the ideas of the Declaration of Independence and the Constitution itself—a uniquely militant idea in the day.

We were inspired by Kameny's understanding of the power of history and recall the day when we delivered to the Smithsonian Institution's National Museum of American History the original picket signs of the Mattachine Society, first carried in front of the White House in 1965—fully four years before the Stonewall Riots. Kameny wrote:

I am not often at a loss for words, but as today sinks in, I find myself approaching that. This afternoon, Charles Francis and I went to the Smithsonian Institution's American History Museum . . . to effect formal delivery of our 1960s picketing signs [donated in 2006 by The Kameny Papers Project to the Smithsonian National Museum of American History]. The signs are now part of a large collection of American historical relics that includes . . . the small portable desk which Thomas Jefferson used for writing the first drafts of the Declaration of Independence, the inkwell used by President Lincoln in the writing of the Emancipation Proclamation and memorabilia from Martin Luther King's 1963 March on Washington (I was there). We have arrived to an extent far beyond anything conceivable in our wildest dreams of back then. . . .

"We have arrived, irreversibly," he concluded.⁴ Kameny lived to see the wheel of history turning, connecting his life work to the holy relics of our American democracy.

It is this engagement with history, LGBTQ America's ties to Jefferson's portable desk and Lincoln's inkwell shared that day at the Smithsonian with Dr. Kameny, that animates the new Mattachine Society. Today, the Society is organized as a charitable organization, tax-exempt under Section 501(c)(3) of the U.S. Internal Revenue Code. Its focus is on conducting original archival research into the deleted political past, the "evidentiary history" of federal and state government persecution of LGBTQ Americans that Kameny fought his entire life. We excavate the deleted past by "rescuing" the individuals violated by what happened to them, and to us all.

This essay begins with the worldview of the new Mattachine Society, our motto "archive activism." The second section of the essay focuses on the discovery of lost or sealed LGBTQ-related documents and how we use them to effect social change. The final section of the essay lays out the Mattachine Society's demand for a "truth and reconciliation" approach to the persecution of LGBTQ Americans, with a proposal to build a national "archipelago" of archive activists.

))) Vergangenheitsbewältigung!

Leave it to the German language's ridiculously long compounds to provide a single word for the mission of the Mattachine Society of Washington:

“Vergangenheitsbewältigung.” The eight syllables mean “the struggle to come to terms with the past.” If you do not speak German, forget pronouncing it. Just know: history is no recitation of facts; it is a struggle with the past. It is that sense of *Vergangenheitsbewältigung* that the Mattachine Society brings to LGBTQ political history. We call it “archive activism” to uncover, struggle with, and leverage the terrible erasure of LGBTQ political history—to make social change.

We, along with our pro bono legal counsel the international law firm McDermott Will & Emery are aggressively using Freedom of Information Act (FOIA) requests and other research techniques to obtain more information on Tattersall and victims like him because we see this as an important piece of “evidentiary history” of federal persecution and animus toward LGBTQ Americans. Tattersall suffered at a crossroads of the federal ban on employment of “perverts”; the investigatory animus of a civil service bureaucracy; psychiatry run amok in a federal hospital; and the Cold War’s “Lavender Scare.”⁵ How else to conceive or reconstruct this without a German worldview of history—*Vergangenheitsbewältigung*?

))) The Subterranean Bookcases of the Bebel Platz

Vergangenheitsbewältigung motivates archive activists to better understand the historic destruction of LGBTQ archives and deletion of our history. The story begins in 1933 at the site of the Nazi book and papers bonfire in front of Humboldt University at the Bebel Platz in Berlin. Today, the site on Unter den Linden Boulevard is marked by a subterranean installation by Israeli artist Micha Ullman of empty bookcases, large enough to hold 20,000 volumes, bathed in eerie white light. The installation is entitled “The Library.” The archive and thousands of books from Magnus Hirschfeld’s Institute of Sexual Research dedicated to the study of homosexuality and transsexualism were burned here because these materials were about “degenerates.” No better image than these ghostly bookcases can possibly convey the anger and the passion of archive activism to stop this kind of destruction and erasure of LGBTQ political history. When it comes to understanding deleted LGBTQ political history, one can imagine a line from the empty bookcases of Berlin to the incineration of hundreds of thousands of LGBTQ files by the FBI, including J. Edgar Hoover’s personal files.⁶ Almost as final are gay-related American presidential library papers, never to be released in our lifetimes because of exemptions to the Presidential Papers Act, such as bogus claims of national security or privileged “deliberative advice to a President” that shut down requests without appeal. LGBTQ history, from Eisenhower’s sexual perversion “security” order (E.O. 10450) to the political contempt for the AIDS epidemic, is destroyed or remains locked away.

We are encouraged, as all archive activists must be, that Congress passed the Freedom of Information Improvement Act, which puts further pressure upon the U.S. presidential libraries to do what they are supposed to do: release presidential papers as the law intends, now with a twenty-five-year limit on the use of the deliberative process exemption. These papers do not belong to the ex-presidents or their protective, political “kitchen cabinets.” Nor should their papers be sealed in rows of subterranean bookcases paid for by taxpayers to the tune of almost \$80 million per year. The papers belong to the American people.⁷

))) Archive Activism: “Evidentiary History” Built on the Work of Community Historians

“Archive activism” is our expression, but it is built upon the work of pioneering LGBTQ community historians like Allan Bérubé, Jonathan Ned Katz, and others.⁸ The concept can apply to any group of citizens who know how to take the imaginative leap into a deleted past. Our innovation as archive activists is the coupling of our work with the legal expertise of our counsel to convert newly discovered materials into *evidentiary history* which possesses educational value to courts, legislators, the legal community, and the media. The new Mattachine Society’s research ranges from the National Archives to the Library of Congress, Freedom of Information Act requests, presidential archives, family foundations, university libraries, and people’s attics. We have successfully requested that the National Archives declassify long-sealed loyalty investigations of suspected homosexuals, gay “fellow travelers,” and Communists.⁹ We helped convince the LBJ Presidential Library to finally open the personal papers of Lyndon Johnson’s Civil Service chairman, John W. Macy, sealed for fifty years because of Macy’s “gift agreement” with the LBJ Library.¹⁰ Macy wrote eloquently about the “revulsion” of federal employees who might have to work alongside “known” or “self-avowed” homosexuals.¹¹

We have filed a lawsuit in the U.S. District Court for the District of Columbia under FOIA, *Mattachine Society of Washington v. Department of Justice*, for the release of hundreds of documents regarding President Eisenhower’s executive order identifying “sexual perversion” as a reason to investigate and terminate homosexual federal employees.¹² Eisenhower’s order was enforced by then Assistant Attorney General Warren Burger. Archive activism requires a willingness, and capacity, to litigate. Too often, LGBTQ documents are withheld in the name of “privacy,” “national security,” or plain refusal to accept the political controversy that comes with release of the shameful past.

))) Archive Activism and the Courts

The legal community and the courts are brimming with brilliant learners steeped in history and precedent. “Law is the most historically oriented, or if you like, the most backward looking, the most ‘past dependent’ of the professions,” wrote Richard Posner.¹³ It is a profession uniquely attuned to history, precedent, events, and civil society. Justice Oliver Wendell Holmes famously wrote, “On this point, a page of history is well worth a volume of logic.”¹⁴ Archive activism does not merely “stipulate” that there were “bad old days.” Those of us committed to this mission help educate courts, the legal community, and the media through documents, evidentiary history, and legal briefs on the toxic animus at the core of so much anti-LGBTQ law.

With the election of Donald Trump and Mike Pence, documentary evidence of law and regulation steeped in animus will be of critical importance to courts as they examine governmental discrimination against LGBTQ Americans. These claims will likely be wrapped in religious liberty arguments at both the state and federal levels. Following the Supreme Court’s decision affirming same-sex marriage in the 2015 case *Obergefell v. Hodges*, many issues remain to be clearly determined including the proper level of judicial scrutiny applied to sexual orientation classifications. We document the essential ingredients for higher levels of judicial classification rooted not only in LGBTQ identity but in the powerlessness of a suspect class historically targeted for discrimination due to longstanding animus. Archive activism, and the evidentiary history we uncover, is of particular importance to judges as they review the history of discrimination in any particular case—for example with so-called “religious liberty” bills in states that once identified homosexuals as “perverts” and “outside agitators” who were fighting alongside African Americans to register voters in the 1960s.¹⁵

The Mattachine Society submitted an *amicus* brief in the *Obergefell v. Hodges* case, which was dubbed the “Animus Amicus.”¹⁶ The brief drew upon hundreds of documents uncovered by our archive activism at the National Archives and elsewhere. The brief was written by our team of attorneys at McDermott Will & Emery, now numbering sixteen associates and partners, gay and straight allies, who understand archive activism from a legal historical and strategic perspective.¹⁷ Paul Thompson, a partner at McDermott Will & Emery, said, “It is time to show these documents to the Justices so they can understand the pervasiveness of the discriminatory treatment and how this historical animus set the stage for the marriage bans pending before the Court.”¹⁸ McDermott partner Lisa Linsky, co-author of our brief, stated, “It is against this historical backdrop that a culture of animus developed and permeated every institution in American

life. . . . It was the basis, the context and the foundation of the marriage bans before the Supreme Court.”¹⁹

))) Truth and Reconciliation: The General Counsels’ Massive Resistance

After two years of FOIA requests to the Office of Personnel Management (OPM), Mattachine Society and our legal team finally obtained in 2015 the Office of General Counsel (OGC) files, “Homosexuality and Suitability, Legal Advisory Files” of the CSC and the OPM.²⁰ During President Obama’s second term, neither the National Archives nor OPM had responded adequately to our inquiries. They said we had “exhausted” our administrative remedies.²¹ We were stonewalled—though not “exhausted”—and would have been stymied were it not for one helpful archivist. So often it is that one sympathetic archivist who will show us the way. Stonewalling of our efforts to obtain historic documents is rampant, and effective archive activism requires staying power and persistence to break through the bureaucracy and resistance to uncover the past. In this case, however, our persistence was rewarded. The “Homosexual”/“Suitability” files of the OGC consist of more than 400 pages of memos, correspondence, reports, and meeting minutes. They cover more than twenty years of legal maneuvering to maintain and strengthen the federal ban on the employment of “immoral, notorious and scandalous” homosexuals. And we got them.²²

The OGC files confirm that sophisticated government lawyers were the LGBTQ community’s worst enemy throughout the Eisenhower, Kennedy, Johnson, Nixon, Ford, and Reagan administrations. We often blame the politicians, but it was the permanent caste of embedded career government attorneys who maintained the culture of animus.²³ The document trail can only be described as “massive legal resistance” to reform that was not ordered by a federal court. A shame to their profession, not one of the lawyers’ 400 pages mentions a concern for emerging notions of gay and lesbian civil equality. LGBTQ federal employees and job applicants had become the victims of an unrelenting in-house legal culture. The OGC files document successive Commission chairman, general counsels, and their staffs aggressively resisting and evading by every legal means at their command successive U.S. District Court orders to protect the rights of individual gays and lesbians. No wonder we had been so stonewalled by the OPM.

The nomenclature of the file categories reflects a total deletion of the words “homosexual” or “perversion.” The files were organized with a succession of coded, bureaucratic jargon such as “issuances,” “suitability,” or “efficiency of the

service.” The nomenclature paces the changes in justification for the ban: “security” to “suitability” to “efficiency.” On our last visit to the Eisenhower Presidential Museum in Abilene, Kansas, there was a text board on Executive Order 10450. The text referred to intrusive investigations into peoples’ “personal lives,” without a word about “homosexuality” or “perversion.” LGBTQ Americans were, once again, erased from history.

Documents reveal that well into the 1980s, the OPM was concerned with managing homosexual “suitability” investigations so that change could be forestalled. General Counsel Marjorie Waxman writes, “the courts have shown a clear tendency to be offended by the removal of low grade employees on the ground of homosexuality. . . . I can see no benefit to be gained by a petition for certiorari in this case.”²⁴ That low-level employee was a messenger. General Counsel Anthony Mondello briefed the CSC chairman that “terminated employees ask what has my private sex life got to do with working in the Post Office? . . . the suit appears indefensible and could, if pursued, provide a vehicle for issuance of legal decisions we could not live with.”²⁵ In 1971, the lawyers could not have cared less about the people whose lives were being ruined by intrusive investigations and terminations. The lawyers’ only concern was not to aggravate a federal judge into shutting down their anti-gay assault with an order they could “not live with.”

Mondello was blunt about “liberal critics.” They (the critics) “loathe the mere existence in our files of the kind of unevaluated personal data assembled by our investigators in their reports, and they worry about our use of such data.”²⁶ Critics were right to be concerned. CSC Director of Personnel Investigations Robert J. Drummond wrote a memorandum about the “aims and efforts of ‘radical caucuses’ to infiltrate and control professional groups [the American Bar Association, the ACLU and the American Psychological Association] . . . [and by] ‘the Gay Task Force’s influence’ with the American Psychological Association.” Drummond railed against the “homosexual organizations consistently scornful of our proposals.”²⁷

))) Disposing of Kameny and “his kind”

With the legacy of Dr. Franklin E. Kameny’s original Mattachine Society of Washington, DC, we were particularly interested in finding what the CSC lawyers said among themselves about this obscure outsider (Dr. Kameny) who dared to appeal his dismissal in 1961 before the U.S. Supreme Court.²⁸ Frank Kameny had been fired from his job in the U.S. Army Map Service in 1957 after he was discovered to be homosexual. The OGC documents reveal (unfortunately four

years after Kameny's passing) that the general counsel of the CSC, L. V. Meloy, had been paying close attention to Kameny's filing to the Supreme Court. Meloy wrote, in a dismissive memorandum to Chairman John Macy, that Kameny's brief "was a constitutional argument to persuade the Court that he and *his kind* constituted a 'minority group' and entitled to Constitutional protection" (emphasis added).²⁹ Meloy concluded, "I think we can dispose of the Constitutional question rather quickly." Indeed, Frank Kameny "and his kind" would be powerless for decades in the face of the animus of the general counsels in the CSC and the OPM.

Discovering a document like Meloy's memorandum is one of our greatest accomplishments as archive activists. Archive activists earn no royalties on what they discover. They have no tenure. They do have the satisfaction of delivering evidentiary history for the education of the legal community and the American people. If not we archive activists, then who?

))) The Inadequacy of Apology: "Do you want to remember or forget?"

In 2009, then OPM director John Berry officially apologized to Frank Kameny on behalf of the U.S. government.³⁰ It was a touching, personal expression of regret directed solely to Dr. Kameny. And that remains the problem. There was not a single reference to the untold thousands of LGBTQ employees over decades branded "immoral and unsuitable" for federal employment. The apology was all about Frank Kameny, by then recast as a celebrity activist whose picket signs had gone into the Smithsonian Institution. This is a significant and important omission given the new evidence in the papers of the CSC and OPM general counsels. How difficult would it have been to add a phrase, clause, or subordinate mention of the thousands upon thousands terminated like Kameny, thus acknowledging so many LGBTQ Americans whose lives and livelihoods were ruined by government simply because they were gay, or were suspected of being so? Another aspect of archive activism is to follow-up with meetings and interviews to respectfully challenge people for more information. This is our "struggle" with history. In this vein, the Mattachine Society of Washington and our counsel were granted a meeting in 2015 with the general counsel of OPM and her team to brief them on the startling revelations in the OGC papers.³¹

We thoroughly prepared for this presentation as we were acutely aware that the original Mattachine Society had to picket the CSC in 1965 to obtain their first (and only) meeting inside with Meloy. Our presentation was entitled "The

Culture of Animus: Historical Treatment of LGBTQ Americans by OPM.” Our legal counsel began the meeting by reading aloud from a CSC memorandum we discovered in 2014 under the rhetorically absurd filing category “Issuances.” The blatant revulsion for gay Americans was apparent from the document: “Our tendency to ‘lean over backwards’ to rule against a homosexual is simply a manifestation of the revulsion which homosexuality inspires in the normal person. What it boils down to is that most men look upon homosexuality as something uniquely nasty, not just a form of immorality.”³² This “Issuance” was about investigating and firing for “any criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct.” Of course, homosexuality could fit into any of these categories. The OGC documents demonstrate that to be gay or lesbian in those days was to exist in a state of “disgrace.”³³

Shocked and moved by what they read and heard, the OPM team was sympathetic. We indicated that we were not suggesting a Kameny-like public “apology” by the OPM. After all, how can the U.S. government effectively apologize to tens of thousands of its own citizens whose careers were destroyed and whose lives were shattered? How does a government make amends for exploiting a “deranged” informer like Tattersall or maintaining a legal culture that would use him for years, while scoffing at the claims Kameny and “*his kind*” made for the same Constitutional protection afforded all other citizens?³⁴ Indeed, how does Tattersall presage decades of “treatment,” “cures,” and the medicalization of homosexuality that today are still fiercely debated as so-called “conversion” therapy?³⁵ In her authoritative book on nonjudicial truth seeking, *Unspeakable Truths*, Priscilla Hayner asks leaders of countries who have suffered the worst state-sponsored crimes, “Do you want to remember or forget?”³⁶ This fundamental question is the essence of “truth and reconciliation” theory and practice, so that history may be recognized and society can move on. Archive activism is all about remembering and holding those responsible for such misconduct accountable. We endorse the idea of an American “Statement of Recognition” that would present the facts with a timeline of what happened to the tens of thousands of employees and applicants, along with a commitment to helping families and other researchers work with government archivists who understand the enormity of what happened.

))) “Research = Activism”: An Archipelago of Archive Activists

Notwithstanding a successful meeting with the General Counsel and her team at OPM, nothing came from the discussion. Other crises and a new legal team at OPM derailed our 2015 conversation. Just weeks before the inauguration of

President Donald Trump, Secretary of State John Kerry issued an official government apology for the so-called “Lavender Scare” investigations and firings of accused homosexual employees at the Department of State during the 1950s. This was a historic, though small, first step toward the Statement of Recognition which we proposed to the OPM in 2015. Alas, it seems further progress will have to wait for another presidency and a new wave of archive activists.³⁷ The election of President Donald Trump, who will appoint his own team at OPM, increases the uncertainty of renewed dialogue. Still, we are encouraged by yet another aspect of archive activism—as long as we can document our history, we and generations of LGBTQ Americans to come will relentlessly pursue a queer settlement with history. Those familiar with our work will support our view that a Statement of Recognition should be issued by the OPM. Moreover, the “passion for history” expressed by Allan Bérubé and so many others is now sweeping the country, from historic preservation to searches through family papers, no longer a source of shame or stigma for revealing family “secrets.” Public and private funders are supporting community historians everywhere who want to reclaim what was once destroyed, deleted, or sealed.

Most exciting to the new Mattachine Society, the ONE Institute of the University of Southern California Libraries has emerged even stronger after becoming a part of the University of Southern California. It is the oldest, largest LGBTQ archive in the country, originally established in the 1950s by Mattachine members and now home to the papers of the original Mattachine Society formed by Harry Hay. The Library of Congress was given the papers of Frank Kameny (some 70,000 items).³⁸ The Library also acquired the papers and two iconic documentary films produced by lesbian pioneer activist and psychologist Dr. Lilli Vincenz of the Mattachine Society.³⁹ The National Archives (NARA) has launched “Stonewall: An LGBTQ Affinity Group.” The NARA Archivist David Ferriero emphasized at a recent Mattachine event in Washington, DC, his personal commitment to encouraging U.S. presidential libraries to identify and make the LGBTQ-related papers in their vaults available to all community archivists. Serious LGBT museums and archives are thriving with the support of visionary philanthropists like James Hormel and David Bohnett.⁴⁰ The June Mazer Lesbian Collection at UCLA was an important resource for Lillian Faderman’s epic history, “The Gay Revolution.”⁴¹ Lesbian civil rights pioneers and life-partners Barbara Gittings (1932–2007) and Kay Tobin Lahusen donated their 79 linear feet of LGBT history papers and photographs to The New York Public Library. The GLBT History Museum of San Francisco recently presented an exhibition of collected archival materials entitled “Through Knowledge to Justice: The Sexual World of Dr. Magnus Hirschfeld” co-sponsored by the German

and French Consulates in San Francisco, soon to become a Google Cultural Institute digital exhibition!

Far from our Berlin nightmares of isolation and destruction, we can envision an “archipelago” of LGBTQ archive activists who will collect and share more evidentiary history of now-unconstitutional animus toward LGBTQ Americans. Such an “archipelago” could build a digital repository of thousands of original documents, funded by sponsors and donors, who would see the sharing as activism for our time. The memoranda, transcripts, correspondence, and briefs will be available to the legal community, LGBTQ rights organizations, scholars, and researchers. The power of an original document on the frontier of historical research, where papers are often sealed or incinerated by governments or family estates, can begin a movement. At the College of William and Mary, where we participated in the Mattachine LGBTQ Virginia Research Project, undergraduate students wrote on a teaching whiteboard: “Research = Activism.”⁴² We are inspired by this frontier and will continue our archive activism anywhere documents may surface to fuel the LGBTQ struggle with American history, our community’s *Vergangenheitsbewältigung*.

NOTES

1. See David Johnson, *The Lavender Scare: The Cold War Persecution of Gays and Lesbians in the Federal Government* (Chicago: University of Chicago Press, 2004) Chapter 7, n23; U.S. Civil Service Commission Memorandum, United States Government Agents Who Utilized Thomas H. Tattersall as an informer in 1955. Affidavit of Thomas Henry Tattersall, taken on April 7, 1955 by John J. Lavery Investigator.
2. Ibid.
3. William Eskridge, Jr., “The River that Does Not Lose Its Name,” *Pride Source*, November 17, 2011, <http://www.pridesource.com/article.html?article=50299>. Eulogy for Dr. Franklin E. Kameny, 2011.
4. Michael G. Long, *Gay is Good, The Life and Letters of Gay Rights Pioneer Franklin Kameny* (Syracuse, NY: Syracuse University Press, 2014), 330–331.
5. Ibid.
6. Douglas M. Charles, *Hoover’s War on Gays Exposing the FBI’s ‘Sex Deviates’ Program* (Lawrence: University of Press Kansas, 2015); Michael Isikoff, “Uniquely Nasty: The U.S. Government’s War on Gays,” Yahoo News, 2015, accessed January 4, 2017, <https://www.yahoo.com/news/uniquely-nasty--the-u-s--governments-war-on-gays-191808993.html>.
7. Press Release, The White House Office of Press Secretary, June 30, 2016, Fact Sheet: New Steps Toward Ensuring Openness and Transparency in Government, establishes that “the deliberative process privilege shall not apply to records created 25 years or more before the date on which the records were requested.”

8. Allan Bérubé, *My Desire for History: Essays in Gay, Community, and Labor History* (Chapel Hill: University of North Carolina Press, 2011); Jonathan Ned Katz, *Gay American History: Lesbians and Gay Men in the U.S.A.* (New York: Crowell, 1976).
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12. Eric Tucker, "Suit Seeks Records Tied to Ike's Anti-Gay Order," *Associated Press*, April 27, 2016.
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14. Oliver Wendell Holmes, *New York Trust Co. v. Eisner*, 1921.
15. Charles Francis, "Mississippi 'Oddballs & Homos,'" *Huffington Post*, March 9, 2016, accessed January 4, 2017, http://www.huffingtonpost.com/charles-francis/mississippi-oddballs-homo_b_9373852.html.
16. Philip Kennicott, "In America's Past, a Culture of Animus against Federal Workers," *Washington Post*, April 27, 2015.
17. Supreme Court of the United States Blog, "Obergefell v. Hodges, Brief amicus curiae of the Mattachine Society of Washington, DC" filed VIDED, March 6, 2015, accessed January 4, 2017, <http://www.scotusblog.com/case-files/cases/obergefell-v-hodges>.
18. Personal quote to Charles Francis, Washington, DC, April 2015.
19. Philip Kennicott, "In America's Past, a Culture of Animus against Federal Workers," *Washington Post*, April 27, 2015, accessed January 27, 2017, <http://wapo.st/1ExLqoK>.
20. U.S. National Archives, The Legal Advisory Files of the U.S. Civil Service Commission and the U.S. Office of Personnel Management.
21. U.S. National Archives letter to Lisa A. Linsky, McDermott Will & Emery, re Freedom of Information Act Appeal, September 8, 2014.
22. Ibid.
23. Matt Apuzzo, "Uncovered Papers Show Past Government Efforts to Drive Gays from Jobs," *New York Times*, May 20, 2014.
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26. U.S. National Archives, U.S. Civil Service Commission General Counsel Anthony Mondello, Memorandum to Chairman Hampton, February 11, 1969.

27. U.S. National Archives, U.S. Civil Service Commission Robert J. Drummond, Memorandum to The Commission, June 20, 1974.
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29. Memorandum, General Counsel L.V. Meloy to CSC Chairman John W. Macy, September 21, 1962.
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31. Mattachine Society and McDermott Will & Emery meeting with Kamala Vasagam, General Counsel, U.S. Office of Personnel Management meeting, May 2015, Washington, DC.
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