

**Submission
No 1**

**INQUIRY INTO GAY AND TRANSGENDER HATE CRIMES
BETWEEN 1970 AND 2010**

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‘We All Thought They Were Poofers’:



Anti-Homosexual Murder and Violence in Australia, 1970-1980

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Abstract

Little is known about the 1970s gay movement and gay media's response to anti-homosexual violence and murder. This thesis addresses the gap in the historiography by arguing that the gay movement and gay media identified the problem of violence and produced a discourse that condemned and resisted its effects. The thesis shows that the gay media created statistics and formulated a language to draw public attention towards violence directed at homosexuals. A close examination of a 1979 Supreme Court of New South Wales murder trial is also conducted to investigate how the psychiatric notion of latent homosexuality was used by the defence to exculpate the accused of murder. The thesis finishes by suggesting that the topic of anti-homosexual murder is one deserving more historical attention.

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A Note On Sources

This thesis uses, among other sources, three Supreme Court of New South Wales case files. The case files are not open to the public and the Supreme Court must grant approval before the files can be accessed. The files can only be viewed at the Court. The files generally contain a transcript of the committal, trial and sentencing hearings as well as copies of police interviews with parties involved in the crime, psychiatric reports and other miscellaneous papers related to the trial. They also contain the exhibits used in the trials but I was not granted permission to view them. Case files provide a wealth of information to the historian. When I footnote evidence from a file I first indicate name of the court, the case file number, the name of the trial, and the title of the document I obtained the evidence from and if possible the page number, for example, Supreme Court of New South Wales, case file no. 23/1976, *R v Bell* (1976), Record of Interview between Detective Sergeant Donald Worsley and John Bell, p. 3.

Introduction: Saturday Night Murder

On 5 March 1976 the badly decomposed body of twenty-year old Phillip Norman Jones was found naked, washed up on Curl Curl Beach, on Sydney's Northern Beaches.¹ All that remained on the body was a pair of tattered pants. Jones had been missing for five months, last seen by his friend "Liam Peterson" on the night of 18 October 1975.² That night, Jones and Peterson had been drinking at a pub in Manly Vale, listening to live music, shouting each other glasses of beer and enjoying their Saturday together.³ Over the course of the evening a group of five young men at the adjacent table, sailors in the Australian Navy, started a conversation with Peterson and Jones. The two groups of friends chatted casually, talking about work and life in the navy. With the band coming on stage the conversation quickly turned to the topic of potential dance partners and women. One of the five sailors, Gordon McIntyre, described to police what happened next:

The music started again and most of the people got onto the dance floor but we tried to get partners but we didn't succeed. We then started making eyes at all the girls and we then started pinpointing the good ones out from the bad and then one of the blokes [Jones or Peterson] says he wasn't interested in women and like [sic] blokes. We all thought they were poofers.⁴

¹ *Manly Daily*, 'Beach Body Identified', 6 March, 1976, p. 1.

² Supreme Court of New South Wales, case file no. 17/1976, *R v. Barr, Thomas, McIntyre, Brown, McPherson* (1976). Unless otherwise indicated all information about Jones' killing comes from the police interviews with the accused in the case file; I have changed Jones' friends named to protect his identity.

³ Manly Vale is a suburb on Sydney's Northern Beaches, a short drive from Curl Curl Beach.

⁴ Supreme Court of New South Wales, case file no. 17/1976, Record of Interview between Detective Sergeant Hodgkinson and Gordon McIntyre, p. 2.

The five friends quickly devised a plan, ‘When they [Jones and Peterson] were in the toilet we said that we would take them down to the beach because we don’t like poofters’. There Jones and Peterson would be bashed and robbed. At midnight the pub closed and the two groups left. To get them to the beach the five sailors invited Jones and Peterson to a “party” nearby, but instead drove them to Curl Curl. Having arrived at the beach one of the five friends suggested a “toilet break” by the water. The suggestion worked and Jones and Peterson got out of the car and started towards the ocean. The beach was deserted, pitch-black except for a few rays of moonlight. A few metres short of the water the five young men carried out their fatal plan. Raymond Thomas described the events to police:

We started walking down the beach, walked down to the water. Then we got down there and just started talking and I said to one of them, it was Peterson, I said ‘Your [sic] both poofters aren’t you.’ He just shrugged then I hit him.⁵

Peterson fell instantly and was kicked multiple times in the face and ribs and his wallet was stolen. Jones tried to run away but was rounded up by two of the men. Beaten multiple times in the face, he collapsed. The group took turns stomping on his head and kicking his chest. The money in his wallet was stolen. One of the sailors recalled Jones begging his attackers to stop. Both men were beaten unconscious. After the attackers left and he regained consciousness, Peterson crawled up the beach to a nearby house. He woke up its occupants and instructed them to call the police and ambulance. The police arrived just after one a.m. and performed an immediate search of the beach, but Jones’s body could not be found. More searches were conducted

⁵ Supreme Court of New South Wales, case file no. 17/1976, Record of Interview between Detective Sergeant Ryder and Raymond Thomas, p. 2.

over the following week. It is not clear whether Jones died from the attack itself or from drowning.⁶ Peterson was hospitalised with a broken cheekbone and fractured jaw. Following the killing, the five men walked to their car, drove to a nearby take-away restaurant and used the thirty dollars stolen from Jones and Peterson to purchase and consume a roast chicken.

Jones was killed because a group of men thought he was homosexual. This thesis investigates such murders and anti-homosexual violence in Australia between 1970 and 1980.⁷ Specifically, I consider how the 1970s gay media and gay movement responded to violence and murder. *Violence* is a concept with numerous definitions, but I use it to denote what the criminologist Gail Mason calls ‘inter-personal violence’ and defines as ‘the exercise of physical force by one person/s upon the body of another’ without consent.⁸ I follow Mason’s call and distinguish inter-personal violence from symbolic and state sanctioned violence. The thesis specifically investigates inter-personal physical violence against male homosexuals and not the symbolic or state sanctioned varieties.⁹

⁶ Another theory was that Jones’s body became buried in the sand as a result of the incoming tide, see *Manly Daily*, ‘Beach Body Identified’, 6 March, 1976, p. 1.

⁷ I employ the criminologist Stephen Tomsen’s definition of anti-homosexual murder ‘as homicides in which the sexuality of the victim can be reasonably judged as having a likely significant relation to the fatal incident’, see Tomsen, *Hatred, Murder, and Male Honour: Anti-Homosexual Homicides in New South Wales, 1980-2000* (Canberra: Australian Institute of Criminology, 2002), p. 12; By extension, anti-homosexual violence is violence in which the sexuality of the victim can be reasonably judged as having a likely significant relation to the violence.

⁸ Gail Mason, *The Spectacle of Violence: Homophobia, Gender and Knowledge* (London: Routledge, 2002), p. 5.

⁹ For historical accounts of violence against same-sex attracted women, see Lucy Chesser, “‘What They Were Doing With Their Clothes Off I Don’t Know’: Homophobia, Lesbian History and Responses to “Lesbian-Like” Relationships, 1860s-1890s’, in Shirleene Robinson, ed., *Homophobia: An Australian History* (Sydney: The Federation Press, 2008), pp. 39-62; Ruth Ford, “‘Filthy, Obscene and Mad’: Engendering “Homophobia””, in Robinson, ed., *Homophobia*, pp. 86-112; For a contemporary criminological account of anti-lesbian violence, see Mason, *The Spectacle of Violence*

By examining violence in the 1970s, this thesis expands existing historical and criminological understanding of anti-homosexual murder in Australia. The criminologist Stephen Tomsen found that there were seventy-four anti-homosexual homicides in New South Wales (NSW) between 1980 and 2000.¹⁰ He contends that two general scenarios of anti-homosexual killing can be discerned in relation to the seventy-four homicides.¹¹ The first, a fatal attack carried out in public on a man who is homosexual or presumed to be by a gang of young men. Most of the gang attacks occurred at a “beat” or in areas near bars, nightclubs and restaurants frequented by gay men.¹² The second scenario involved a fatal dispute between two men, often in private, following an alleged sexual advance. Typically, the perpetrator claimed the deceased made verbal and or physical homosexual propositions causing him to respond with lethal violence. The killings examined in this thesis generally match the two fatal scenarios identified by Tomsen.

Journalist Greg Callaghan has documented the gay hate murders that occurred along the Bondi-Tamarama cliff-top walkway in Sydney during the late 1980s and early 1990s.¹³ At the time of the deaths, the NSW Police dismissed all but one of the four murders as suicides or misadventures. Following a Coronial Inquest in 2005, however, the Deputy State Coroner ruled that Ross Warren’s 1989 disappearance and John Russell’s 1989 death were, in fact, murders and a strong possibility existed that Gilles Mattaini’s 1985 disappearance was also a killing. The Deputy State Coroner condemned police for not investigating the three deaths. She pointed out that the

¹⁰ Stephen Tomsen, *Violence, Prejudice and Sexuality* (New York: Routledge, 2009), p. 61.

¹¹ Tomsen, *Hatred, Murder and Male Honour*, pp. 26-7.

¹² “Beat” is a slang Australian term that is used to refer to public places where men meet other men for sex. Later in the introduction I discuss beats in more detail.

¹³ Greg Callaghan, *Bondi Badlands: The Definitive Story of Sydney’s Gay Hate Murders* (Sydney: Allen and Unwin, 2007). My account of the Bondi murders comes from Callaghan.

deceased were all gay men and killed in a short space of time at a cliff-top walkway that was a gay beat with a known history of violence. In 1991 Kritchikom Rattanjurathaporn, a gay man from Thailand, was murdered by a gang of young men who attacked him with a claw hammer and threw or chased him off the cliff. Despite launching an investigation into Rattanjurathaporn's murder and the fact police knew gangs of young men roamed the walkway at night looking to assault gay men and throw them from the cliffs, none of the three other deaths were investigated by police. After the 2005 inquest, investigations into the three deaths were launched, sixteen years since the three gay men were killed.¹⁴

As recently as 2012 the Coroner overturned another suicide finding in relation to a gay man's death.¹⁵ In 1988 twenty-seven-year Scott Johnson's naked body was found at the base of a fifty-metre cliff near Blue Fish Point, Manly. Like the Bondi murders, police ruled that Johnson had committed suicide. They also told the Coroner during Johnson's 1989 inquest that the area where he died was not a gay beat. During the new 2012 inquest, evidence was presented that strongly disputed the initial finding. Johnson was not suicidal at the time of his death; he had just finished his mathematics PhD and was looking forward to meeting his newborn niece. But most importantly, the area where Johnson died was indeed a gay beat and one with a history of violence. Two years before Johnson died a gay man was stabbed at the same beat. The Coroner also observed that his death fitted the same pattern as the Bondi murders. Following the 2012 inquest, the suicide finding was revoked and an open finding was delivered

¹⁴ For a discourse analysis of media representations of the Bondi murders see Kristen Davis, 'The Gay Gang Murders: Illegitimate Victims, Disposable Bodies', unpublished PhD Thesis, Australian National University, 2009; For a non-academic account of the Bondi murders see I.J. Fenn, *The Beat: A True Account of the Bondi Gay Murders* (Rowville: Five Mile Press, 2006);

¹⁵ *Australian Story*, 'On the Precipice', 2 May 2013, <<http://www.abc.net.au/austory/specials/ontheprecipice/default.htm>>, viewed 1 October 2014. My account of Johnson's death comes from 'On the Precipice'.

into Johnson's death, meaning he may have been murdered. In response the NSW Police Unsolved Homicide Team launched a fresh investigation into Johnson's killing.¹⁶

Despite the criminological scholarship on anti-homosexual murder Australian historians have devoted little attention to the topic. In her book about homophobia, the historian Shirleene Robinson writes that the early gay press published articles about violence and encouraged gay men and lesbians to report incidents of violence to police.¹⁷ Her discussion, however, examines the 1980s gay press and only lasts two paragraphs since her focus turns to outlining the gay media's fight against HIV prejudice. Robinson's book, *Homophobia: An Australian History*, contains no discussion of anti-homosexual homicide. In his political history of the gay movement in Australia, Graham Willett suggests 'gay murders were not exactly commonplace' in the 1970s.¹⁸ Written in the context of discussing Dr George Duncan's 1972 death in Adelaide, Willett does not explain his assertion nor further examine the response of the 1970s gay movement to violence.¹⁹ Apart from Willett and Robinson's brief

¹⁶ A \$100,000 reward for information was also offered by NSW Police. In June 2014 the Unsolved Homicide Team submitted a four hundred and forty-five report to the Coroner in relation to their investigation into Johnson's death. At the time of writing, the report had not been made public, see Rick Feneley, 'A gay beat, a fatal cliff fall, and one family's 26-year battle with police for answers to Scott Johnson's death', *Sydney Morning Herald*, 21 September 2014, < <http://www.smh.com.au/nsw/a-gay-beat-a-fatal-cliff-fall-and-one-familys-26-year-battle-with-police-for-answers-to-scott-johnsons-death-20140911-108wij.html>>, viewed 1 October 2014.

¹⁷ Shirleene Robinson, 'On the Frontline: The Queer Press and the Fight Against Homophobia', in Robinson, ed., *Homophobia*, p. 203.

¹⁸ Graham Willett, *Living Out Loud: A History of Gay and Lesbian Activism in Australia* (Sydney: Allen and Unwin, 2000), p. 87.

¹⁹ Dr George Duncan was a University of Adelaide law lecturer who was murdered after assailants threw him into the Torrens River in Adelaide, a popular inner-city beat. Because of his high profile, Duncan's murder captured the imagination of the gay movement and wider society. Three police officers were at the Torrens River the night Duncan was killed but they refused to cooperate with the police investigation into the death. The South Australian government called in Scotland Yard to investigate. Scotland Yard submitted a report to the government but it has never been made public. In 1988, two of the police officers that were at the river the night Duncan died were charged, but were acquitted after refusing to testify. Duncan's murder has received a large amount of historical attention, but the attention has always centred on the question of the relationship between Duncan's murder and homosexual law reform in South Australia, never on the topic of anti-homosexual murder per se, see

remarks, no other historians have broached the topic of anti-homosexual violence in Australia.

In the context of the United States (US), however, the criminologist Valerie Jenness and sociologist Ryken Grattet argue that one of the American gay movement's central concerns in the 1970s was campaigning against anti-homosexual violence.²⁰ In their analysis of contemporary hate crime law in the US, Jenness and Grattet acknowledge that the gay movement's main priority was repealing sodomy laws and establishing homosexuality as an equal public alternative to heterosexuality, but contend that naming and countering anti-gay violence in the US was also an integral component of the movement's agenda. The criminologist and sociologist do not argue that anti-gay violence began in the 1970s, but rather, the 1970s was the decade when the American gay movement started to identify violence as a problem and work to draw public attention to it. Indeed, Jenness and Grattet remark that without the work of the American gay movement there would have been no pressure on state and federal law makers in the mid-1980s to formulate specific legislation penalising hate motivated crime.²¹

This thesis takes Jenness and Grattet's observation about the American gay movement as its starting point, and examines the response of the 1970s Australia gay movement to anti-homosexual violence and murder. Tomsen notes that the movement organised protests over Duncan's 1972 murder but the criminologist does not elaborate about the protests or make further comment about the response of the movement to violence

Dino Hodge, *Don Dunstan: Intimacy and Liberty* (Kent Town, South Australia: Wakefield Press, 2014), p. 78.

²⁰ Valerie Jenness and Ryken Grattet, *Making Hate A Crime: From Social Movement to Law Enforcement* (New York: Russell Sage Foundation, 2001), pp. 1-42.

²¹ Jenness and Grattet, *Making Hate A Crime*, pp. 1-16.

and murder.²² This thesis argues the 1970s Australian gay movement and gay media played a critical role in naming anti-homosexual violence and producing a discourse on it. Willett has documented how the gay movement challenged the criminalisation of male homosexual acts, aversion therapy, religious persecution, job discrimination and social stigmatisation.²³ I contend that challenging anti-homosexual violence was another important component of the gay movement's political agenda. My argument is based on a close reading of three 1970s gay newspapers: *Camp Ink*, *Stallion* and *Campaign*. All three newspapers were highly political and 'intrinsically' linked to the gay movement, thus, they provide an insight into the movement's ideas and beliefs.²⁴

By examining the gay media's response to violence in the 1970s, this thesis contextualises Tomsen's argument that 1985 was the 'critical turning point' in the gay community's response to violence.²⁵ In that year, a new form of gay community-police consultation emerged and anti-homosexual violence became an important issue for NSW Police. Prior to 1985, the NSW Police Service was 'complacent' about anti-gay violence and possessed no strategy designed to combat it.²⁶ In 1985 this changed and the Police Service began to recognise the prevalence of violence and started to work with the gay community to reduce its pervasive effects. This is not the place to describe in detail the new police strategies to counter anti-gay violence.²⁷ One example, though, underscores the Police Service's approach. In 1985 the service appointed its first Gay Community Relations Coordinator. The Coordinator was a civilian position within the Police Service and its role was to engage the gay

²² Tomsen, *Violence, Prejudice and Sexuality*, p. 58.

²³ Willett, *Living Out Loud*.

²⁴ Robinson, 'On the Frontline', p. 196.

²⁵ Tomsen, *Violence, Prejudice and Sexuality*, p. 58.

²⁶ Sue Thompson, 'Hate Crimes Against Gays and Lesbians: The NSW Police Response', in Gail Mason and Stephen Tomsen, eds., *Homophobic Violence* (Sydney: Hawkins Press, 1997), p. 133.

²⁷ Thompson, 'Hate Crimes Against Gays and Lesbians', pp. 132-146.

community to ensure police policy promoted the well-being and safety of gay men and lesbians. Before the creation of the Coordinator there was no formalised gay community-police consultation. After the Coordinator was established, police started to listen to gay community needs and respond to the problem of violence. As a result of the Coordinators input, police commenced to gather anti-homosexual violence statistics to better formulate strategies designed to counter the problem.

Three factors coalesced to engender the new police approach to anti-gay violence.²⁸ Firstly, the NSW *Anti-Discrimination Act* was amended in 1982 to outlaw discrimination on the basis of homosexuality and in 1984 homosexual acts were decriminalised.²⁹ These changes provided a legislative basis for protecting gay men and lesbians. Thirdly, and most importantly, in 1984 John Avery became NSW Police Commissioner. Avery restructured the 'NSW Police Force' into the 'NSW Police Service' and implemented a 'community policing' approach.³⁰ As part of his new community policing strategy, Avery instructed local police to work with the public and all minority groups. Whereas before Avery, the Police Force was a 'reactive' organisation that provided assistance, solved crime and re-established order after anti-social activity, under Avery's leadership the Police Service become a community based organisation that engaged the public and worked with the community to ensure its wellbeing.³¹ An example of the Police Service's new community policing approach, for example, was to create a Community Relations Branch.³² The branch

²⁸ Thompson, 'Hate Crimes Against Gays and Lesbians', p. 132.

²⁹ For a brief discussion of the paradox that anti-gay discrimination law preceded the decriminalisation of homosexual acts, see Garry Wotherspoon, *City of the Plain: History of a Gay Sub-Culture* (Sydney: Hale and Iremonger, 1991), p. 14.

³⁰ John Avery, *Police: Force or Service?* (Sydney: Butterworths, 1981).

³¹ Rick Sarre, 'The State of Community Based Policing in Australia: Some Emerging Themes', in Duncan Chappell and Paul Wilson, eds., *Australian Policing: Contemporary Issues* (Sydney: Butterworths, 1996), p. 30.

³² Thompson, 'Crimes Against Gays and Lesbians', p. 133.

had Aboriginal, Ethnic, Youth and Gay positions each with its own coordinator whose job was to ensure effective communication between police and minority groups to ensure the interests of each was reflected in policy.

Although 1985 was the critical turning point in relations between police and the gay community in terms of combating violence, this turning point needs to be seen within the broader context of the restructuring of the NSW Police Service. Indeed, through an investigation of anti-homosexual violence in the 1970s this thesis places Tomsen's argument about the importance of 1985 into historical context by showing how the 1970s gay media first identified the problem of anti-gay violence and condemned its pervasive effects.

The first chapter begins by describing the development of the gay movement in Australia and discusses the political aims of the movement. It outlines the growth of new gay social cultures in Australia's capital cities over the 1970s, showing that gay men had a range of commercial venues where they could satisfy their most intimate sexual and social desires. The chapter also introduces the three gay newspapers that constitute the majority of the analysis in the first two chapters. After laying the necessary contextual groundwork, I examine how violence was named by the gay media and movement. The chapter illustrates that the media produced a discourse that condemned the prevalence of violence and warned homosexuals about the danger of "the beat".

In Australia, the word "beat" is a slang term used to describe a public space where men meet other men for sex. The Bondi gay hate murders occurred at a beat and Scott

Johnson was killed at a cliff-top beat. Beat violence was a major concern for the gay media in the 1970s and beats feature prominently in the first chapter's discussion. Beat sex is quick, anonymous and 'illicit' and mostly occurs in places such as parks, beaches and public toilets, essentially any space that provides men an amount of privacy favourable for a sexual encounter.³³ Sometimes anal penetration occurs during beat sex, but the main type of sex had there is oral and mutual masturbation.³⁴

Beats have operated in Australia since the nineteenth century and continue to operate today. For example, before the turn of the twentieth century, Sydney's Hyde Park was a popular haunt for many homosexually inclined men.³⁵ Historically, beats attracted men for two main reasons.³⁶ Firstly, because there were limited places where same-sex attracted men could meet, beats provided a place where homoerotic pleasures could be fulfilled. Especially for homosexual men in suburban and rural areas, beats were often the only opportunity many had to indulge their desires. In the days before the invention of the internet, beats were vital in fostering homosexual contact and allowing men to pursue intimate sexual encounters. Secondly, the legal scholar Derek Dalton argues that beats attracted men because the sex there was illicit.³⁷ Employing a Lacanian model of desire, Dalton contends that the illicit status of the beat attracted men who found the idea of breaking the law sexually thrilling and therefore appealing. It was the frisson of breaking the law, the excitement of perhaps being

³³ Despite homosexual acts no longer being criminal, public gay (and heterosexual) sex is illegal and thus illicit, see Paul Johnson, 'The Enforcers of Morality?', in Paul Johnson and Derek Dalton, eds., *Policing Sex* (London: Routledge, 2012), pp. 23-37.

³⁴ Mark Swivel, 'Public Convenience, Public Nuisance: Criminological Perspectives on "The Beat"', *Current Issues In Criminal Justice* 3, issue 2 (1991), p. 240.

³⁵ Clive Moore, 'Poofs in the Park: Documenting Gay "Beats" in Queensland, Australia', *GLQ* 2, issue 3 (1995), p. 321.

³⁶ Because this is a history paper I discuss beats in the past tense. It should be noted that beats still operate today and the reasons for their continued use generally remain the same as they did in the past.

³⁷ Derek Dalton, 'Policing Outlawed Desire: "Homocriminality" in Beat Spaces in Australia', *Law Critique* 18, issue 3 (2007), pp. 375-405.

caught by the police, which made the beat alluring. Dalton points out the paradox that law's criminalisation of public gay sex constituted the thrill that encouraged beat sex. If beat sex was not illegal, then it would not have been illicit, thrilling and thus appealing to many.³⁸

Beats, as the Bondi gay murders and Scott Johnson death underscore, are places of fatal violence. In chapter two I consider how the 1970s gay media represented and understood fatal anti-homosexual violence as well as analyse two strategies they offered for its resistance. The chapter shows how the media created a language to describe the killing of gay men, produced murder statistics and condemned what was perceived as the inability of the justice system to represent the homosexual murder victim. As part of the analysis, an examination of two murders is conducted based upon a close reading of the Supreme Court of NSW case files for each murder. I draw on Tomsen's understanding of mainstream constructions of male identity to explain why men kill perceived homosexuals.

In chapter three the focus of the thesis shifts. Rather than studying the content of the gay media, I perform a close reading of the transcript of *R v Lovegrove* (1979), a murder trial held in the NSW Supreme Court.³⁹ The trial provides a compelling insight into the intersection of legal and psychiatric discourses. Eighteen-year-old James Lovegrove was charged with the murder of fifty-year old Herbert Pittman in the rural NSW town of Merriwa. Lovegrove admitted that he killed Pittman, shooting him once through the head then mutilating his anus, but claimed he was provoked because Pittman raped him. Lovegrove's legal team argued he experienced an episode

³⁸ Dalton, 'Policing Outlawed Desire', p. 383.

³⁹ State Records NSW: Attorney General Court Reporting Branch; NRS 2713, Transcripts of Evidence; Criminal 1979 R v. Lovegrove [10/30844A].

of “homosexual panic” based on the mental “abnormality” of latent homosexuality, thus he claimed the defence of diminished responsibility. The third chapter examines how the discourse of latent homosexuality was used by the defence to exonerate Lovegrove of murder.

Chapter One: Naming Violence

The Australian gay movement began in July 1970 when the nation's first national homosexual rights organisation was created.⁴⁰ Inspired by the civil rights and gay movements in the United States and the women's liberation movement in Australia, Christabel Poll and John Ware decided to form the Campaign Against Moral Persecution (CAMP). Poll, a Commonwealth public servant and Ware, a graduate student in the Department of Psychology at Sydney University, were both in their early thirties and 'eager to stimulate debate on homosexuality which was led by homosexuals themselves'.⁴¹ CAMP's first branch was set up in Sydney and by the end of 1971 branches were established in all capital cities and major universities. In 1972 the gay movement expanded as gay liberation cells appeared in capital cities and universities. Gay liberationists advocated a politics of complete social transformation, for them nothing less than a total restructuring of society could eliminate gay oppression. In contrast, CAMP espoused a politics of human rights and civil liberties. Rather than radical social reconstruction, CAMP activists sought homosexual citizenship through the promotion of greater social acceptance of homosexuality.

The primary aim of the gay movement was to challenge and eliminate the homophobia in Australian society.⁴² At the time the movement begun, society was rife with anti-homosexual sentiment. Male homosexual acts were illegal, punishable by fourteen years jail and the dominant social understanding construed homosexuals

⁴⁰ Willett, *Living Out Loud*, pp. 33-52.

⁴¹ Robert Reynolds, *From Camp to Queer: Re-Making the Australian Homosexual* (Melbourne: Melbourne University Press, 2002), p. 31.

⁴² Willett, *Living Out Loud*.

sinful, immoral and ill.⁴³ Homosexuality was a topic generally avoided by the media, though, if it had to be broached the homosexual was represented as a pervert, child molester and paedophile.⁴⁴ The authoritative psychiatric text, the Diagnostic and Statistical Manual of Mental Disorders (DSM), listed homosexuality as a mental illness. As a result, aversion therapy was common, a psychiatric practise that involved a male homosexual being seated in a darkened room and being given an electric shock upon exposure to images of male pornography.⁴⁵ The intention was to eliminate homosexual feelings but in reality aversion therapy pushed many to suicide, their bodies and minds permanently damaged from tortuous electric shocks.⁴⁶ Afforded no legal protection, homosexuals were routinely sacked by employers when they discovered their sexuality. In the words of Willett, society saw the homosexual as a 'shadowy, dangerous, repulsive figure'.⁴⁷

In its struggle against homophobic discrimination the gay movement possessed numerous goals. Its core goal, though, was to establish homosexuality as a non-stigmatised public alternative to heterosexuality. The movement sought social equality and to disrupt the stereotype that homosexuality was an illness or sin. Specifically, the movement campaigned for homosexual law reform, an end to aversion therapy and the establishment of legal protections for homosexuals. It viewed the criminalisation of male homosexual acts and aversion therapy as flagrant

⁴³ Garry Wotherspoon, *City of the Plain: History of a Gay Sub-Culture* (Sydney: Hale and Iremonger, 1991), p. 177.

⁴⁴ Wotherspoon, *City of the Plain*, pp. 174-5.

⁴⁵ Emily Wilson, "'Someone Who is Sick and in Need of Help': Medical Attitudes to Homosexuality in Australia, 1960-1979", in Robinson, ed., *Homophobia*, pp. 149-171.

⁴⁶ For examples of the tragic consequences of aversion therapy (and social discrimination of homosexuals generally), see Lex Watson, 'The Anti-Gay Laws, Irrationality, and Public Policy Making', in *Seminar on Victimless Crime* (Sydney: NSW Department of Attorney General and Justice, 1977), pp. 101-122.

⁴⁷ Willett, *Living Out Loud*, p. 22.

violations of human rights, as the state and psychiatry's unjustified interference in what was a personal sexual choice and victimless crime.

To attain social equality, the gay movement publically presented homosexuality in a new and positive light. It believed that the only way equality would be realised was if members of society accepted homosexuality as a normal and valid alternative to heterosexuality, no longer an illness or sin.⁴⁸ The movement's logic was that homosexual law reform and the eradication of social discriminations would only happen once members of the public recognised homosexuality as a legitimate public identity. The most effective tool the movement possessed in its efforts to represent homosexuality in an affirmative and normal light was the gay media. Indeed, pioneering gay rights activist and academic Dennis Altman writes, 'gay movements often saw as one of their first priorities the creation of a gay magazine or paper'.⁴⁹ Establishing a gay media was vital because it gave the movement a public voice to counter the endemic homophobia of mainstream society. One of CAMP's first decisions was to publish a monthly journal, *Camp Ink*, and to distribute it to CAMP members, politicians and opinion-makers.

It is important not to underestimate just how significant the creation of the gay media was in Australia. Prior to its establishment, homophobic discrimination in society and the mainstream media passed unchallenged. However, with the launch of the gay media, homophobic discrimination was identified and condemned. But more than this, for the first time homosexuality was publically represented as a good and normal way of being. Consequently, the gay media had a transformative effect on individual

⁴⁸ Willett, *Living Out Loud*, p. 45.

⁴⁹ Dennis Altman, *The Americanisation of the Homosexual* (New York: St Martin's Press, 1982), p. 164.

homosexual lives.⁵⁰ Discovering a discourse where their identity and desires were construed normal and healthy, rather than sick and deviant, was a liberating experience for lesbians and gay men. By legitimising homosexuality, the gay media enabled individual lesbians and gay men to re-work their identity. Previously, homosexual identity remained hidden, unable to express itself in a society where it was severely stigmatised. But upon exposure to the gay media, gay men and women started to re-fashion their identity so that it could be expressed positively and publically.

In addition to its effects on identity, the gay media served two other important functions. Firstly, it validated the very *act* of male homosexual sex.⁵¹ Many published images of male pornography and erotica that imagined gay sex as an intimate and tender experience. The effect of the pornography was not only to satisfy gay male desire, but also to show men that gay sex could be sensual and passionate rather than depraved and dirty. Secondly, the media served the pragmatic function of providing a way for homosexuals to contact other homosexuals. Many papers, including *Camp Ink*, contained classifieds for readers to advertise their personal details. Some classifieds were socially focused, advertising friendship and companionship while others were more sexually explicit, hoping to attract sexual and romantic partners. The classifieds enabled many men, especially those in suburban and rural locations, to overcome loneliness and isolation by making sexual and social contact, often for the first time, with other gay men and women.

⁵⁰ Bill Calder, 'The Origins of Gay Media in Australia, 1969-78', Monash University Post-Graduate Diploma Thesis, 2011, p. 7, <<http://gaymediahistory.wordpress.com/origins/origins-a-introduction/>>, viewed 4 October 2014.

⁵¹ Calder, 'The Origins of Gay Media in Australia, 1969-78', p. 8.

Over the course of the 1970s new gay social cultures developed in Australia's capital cities. Sydney, Melbourne and Brisbane all witnessed a rapid expansion in the number of commercial venues catering for homosexual men.⁵² In Darlinghurst and Kings Cross, two inner-city suburbs in Sydney, an identifiable "gay space" emerged, clustered around Oxford Street. A 'veritable flood' of gay venues appeared in the area; clubs and discos serving alcohol and music all night long and cafes and restaurants providing a casual and relaxed atmosphere.⁵³ Following the gay bars and clubs in the early 1970s, numerous sex on premise venues, such as saunas, were also established near Oxford Street, giving men a safe environment where they could relax, socialise and have sex. In response to the large amount of gay men moving through the area, Darlinghurst bookshops started selling gay books. A number of sex shops also appeared, playing porn videos and selling toys and accessories and most of the 1970s gay newspapers established offices along Oxford or the surrounding streets. Over the duration of a few years, there was now a 'definite area' where gay men could 'feel at home' in Sydney. They had a range of options to indulge their social, sexual and romantic needs, all within a clearly defined area 'stamped' in their own image.⁵⁴ And for those with political leanings, CAMP and gay liberation supplied a space where contact could be made with the gay movement, ideological arguments had and homophobia fought and challenged.

The 1970s was a time of homophobia and transformation. The gay movement began and homosexuals started to reject their inferior social position. They challenged the

⁵² Wotherspoon, *City of the Plain*, pp. 173-210; Willett, Graham, 'The New Camp Scene of the 1970s', in Graham Willett, Wayne Murdoch and Daniel Marshall, eds., *Secret Histories of Queer Melbourne* (Melbourne: Australian Lesbian and Gay Archives, 2011), pp. 102-105; Clive Moore, *Sunshine and Rainbows: The Development of Gay and Lesbian Culture in Queensland* (Brisbane: University of Queensland Press, 2001), pp. 142-146.

⁵³ Wotherspoon, *City of the Plain*, p. 189.

⁵⁴ Wotherspoon, *City of the Plain*, p. 193.

notion that they were sick and disordered, instead insisting on the normality and legitimacy of their identity. The gay media was created and started to produce positive and affirmative interpretations of same sex desire, liberating many homosexuals. Finally, Oxford Street was becoming an identifiable gay space with bars, discos and saunas providing a sanctuary for many gay men from a hostile society.

The Newspapers

Camp Ink was first published in November 1970 and was discontinued in March 1977 after forty issues. Published by CAMP NSW, *Camp Ink* was a monthly publication typically between sixteen and twenty-six A4 pages in length. Although it was produced in Sydney, the magazine was mailed to all CAMP members in Australia. Some bookshops around the country also stocked the magazine and some issues were sold on the street 'as a political coming out action' but the majority of *Camp Ink's* consumers received the magazine through their CAMP membership.⁵⁵ The first issue of *Camp Ink* had a circulation of five hundred copies, but by November 1971 circulation had increased to five thousand.⁵⁶

Camp Ink was a black and white magazine with pictures and photographs appearing throughout. Each issue had an image on its cover, for example, the one on the cover of the first issue suggested that aversion therapy was equivalent to castrating a man. Most articles were written by CAMP members although occasionally articles from America were reprinted. Because it was CAMP's mouthpiece it reflected CAMP's politicised goals. Over its seven year existence homosexual law reform was the

⁵⁵ Calder, 'The Origins of Gay Media in Australia, 1969-78', p. 16.

⁵⁶ *Camp Ink*, vol. 2, no. 1, 1971, p. 2.

subject most frequently discussed by the journal. Aversion therapy also had a large number of articles written about it. Other topics frequently debated in pages of the magazine included religion and homosexuality, prostitution, transvestites and beat sex.

The second 1970s gay newspaper that I examine is *Stallion*. *Stallion* was published in Sydney between April 1973 and September 1974 by Herd Publishing, part of a larger business that owned a group of Sydney sex shops.⁵⁷ Initially, *Stallion* was published as a twelve-page monthly tabloid, but at the start of 1974 it changed format to an A4 magazine style format. Its first issue sold out, although the magazine did not provide circulation figures. The magazine was sold in newsagents in all of Australia's states and New Zealand for thirty cents. In Victoria, however, the government placed a restricted publication classification upon *Stallion* meaning that it was illegal for newsagents in that state to sell the magazine. In response to the difficulties Victorian readers had in accessing *Stallion*, readers could also subscribe to the magazine.

⁵⁷ Calder, 'The Origins of Gay Media in Australia, 1969-78', p. 39.



Stallion, no. 3, 1973

Stallion differed from *Camp Ink* in that it offered readers male pornography in addition to political news. The name itself, of course, conjures images of eroticised masculinity. Published in black and white, each issue of *Stallion* contained photographs of naked men juxtaposed with articles about law reform, politics and gay rights. Articles were written by a core of local journalists although articles by readers were encouraged and many were published. While *Camp Ink* was purely political,

Stallion mixed politics and pornography, satisfying the gay male gaze and the political needs of readers.

The final 1970s gay newspaper examined by this thesis is *Campaign*. The newspaper was first published in Sydney in 1975 and ceased publication twenty-five later in the year 2000. I consider *Campaign*'s first five years of publication, from 1975 to 1980. Over this period the newspaper was sold for one dollar from newsagents in NSW but it could not find a distributor in Queensland, Western Australia or Tasmania.⁵⁸ Because of its lack of public distribution, *Campaign* relied heavily on subscriptions.⁵⁹ Five thousand copies of the first issue were printed and by 1978 circulation had reached eleven thousand.⁶⁰ The newspaper appeared monthly in a black and white tabloid format. Initially it was sixteen pages in length, but grew until it was over fifty pages long by 1979.

Like *Camp Ink* and *Stallion*, *Campaign* supported the gay movement and carried political articles. It published articles about law reform, job discrimination and religious persecution. But unlike the other publications, *Campaign* was a venue based publication.⁶¹ It attached itself to Sydney's homosexual commercial sub-culture by publishing articles about and advertisements for Sydney's gay venues.⁶² A reciprocal relationship existed between *Campaign* and the commercial sub-culture; *Campaign* relied on the commercial scene for advertising revenue and the scene relied on *Campaign* for publicity and customers. Reliant on the commercial gay scene,

⁵⁸ Calder, 'The Origins of Gay Media in Australia, 1969-78', p. 50.

⁵⁹ Calder, 'The Origins of Gay Media in Australia, 1969-78', p. 50.

⁶⁰ Calder, 'The Origins of Gay Media in Australia, 1969-78', p. 50.

⁶¹ Calder, 'The Origins of Gay Media in Australia, 1969-78', p. 45.

⁶² Calder, 'The Origins of Gay Media in Australia, 1969-78', p. 8.

Campaign provided venue listings, pages of celebrity gossip and entertainment reviews.

The three gay newspapers that this thesis examines were all highly political. They each sought to fight homophobia, encourage law reform and present homosexuality in a positive light. Differences, nevertheless, did mark the publications. CAMP's mouthpiece *Camp Ink* most strongly reflected the aims of the gay movement in terms of fighting homosexual oppression and discrimination. *Stallion*, on the other hand, offered politics and sex to its readers, while *Campaign* published political articles with a large dose of commercial, celebrity and entertainment news. Yet as I argue next, despite the differences between the three newspapers, they were united by a concern about anti-homosexual violence and murder.

Pofter Bashing as a 'National Sport'

It is, to say the least, unnerving to walk into a toilet block and find the floor and walls splattered with blood. You wonder who the unlucky queen was, and whether the bashers are still about.⁶³

In May 1972 the editors of *Camp Ink* and CAMP's founders, Christabel Poll and John Ware, deplored the high level of violence inflicted upon male homosexuals.⁶⁴ 'The majority of homosexuals, if they have not been victims themselves, have heard accounts from other homosexuals of entrapment, harassment and extortion at the hands of the police and of blackmail, robbery and violence at the hands of thugs'.

⁶³ *Stallion*, 'Queens are an Easy Mark', no. 2, 1973, p. 2.

⁶⁴ *Camp Ink*, vol 2, no. 7, May 1972, p. 2.

Stories of robbery and violence were ‘so common’ and ‘well substantiated’ that ‘no homosexual doubts their factual basis’.⁶⁵ These observations marked the first time anti-homosexual violence featured as a *Camp Ink* editorial topic. Previously, editorials had denounced the other forms of discrimination existent in Australian society: the legal system, aversion therapy and religion, while also demystifying the topics of female homosexuality and transexuality. But in May 1972 the editorial named and condemned another type of discrimination encountered by the majority of homosexuals – violence at the hands of thugs. Unlike heterosexuals who could report incidents of violence to police, Poll and Ware pointed out in their editorial that because homosexual acts were illegal many gay men refused to report violence to police, fearful that they would be charged for their sexual behaviour, or if police did charge the attackers and a trial ensued, then gay men feared exposure by the press reporting the trial. Thus, Poll and Ware concluded, homosexuals found themselves in an impossible situation: constant victimisation but unable to access the most effective means of redress.

The May 1972 editorial, however, was not the first time the topic of anti-homosexual violence featured within *Camp Ink*'s pages. In November 1971, the journal published a three-page article summarising the findings of a survey by the Humanist Society of Queensland.⁶⁶ Entitled *100 Homosexuals*, *CAMP Ink* claimed the survey was Australia's first to inquire into the social lives of homosexuals. The survey sought to create a profile of the average male and female homosexual in Brisbane in the early 1970s. The questions were distributed through CAMP's Brisbane branch and seventy-eight men and twenty-two women responded. The survey inquired into numerous

⁶⁵ *Camp Ink*, vol 2, no. 7, May 1972, p. 2.

⁶⁶ *Camp Ink*, ‘100 Homosexuals’, vol. 2, no. 1, November 1971, pp. 5-7.

topics: family, medical history, religious beliefs, gay and straight sexual experiences, work and the law. Within the legal section of the survey respondents were asked about encounters with violence. A total of six men, or eight percent of male homosexuals, indicated they had experienced violence. *Camp Ink's* article did not provide a definition of violence; therefore, the precise type of violence that eight percent of male respondents indicated they had experienced is unclear.

In 2003 the NSW Attorney General's Department published a survey into homophobia in NSW. The survey did not provide a precise statistic in relation to gay men's encounters with violence but found that fifty-six percent of lesbians and gay men had experienced one or more forms of homophobic abuse, harassment or violence in the twelve months preceding the survey's completion.⁶⁷ Although the 2003 survey homogenised female and male experience and verbal abuse, harassment and violence into a single statistic, its finding of fifty-six percent is substantially larger than the 1971 finding that eight percent of male homosexuals had encountered violence. This suggests that perhaps the 1971 finding was an underestimation. Indeed, the survey did have a small sample size, only seventy-eight male homosexuals, thus its finding should not be considered representative of homosexual life in early 1970s Brisbane. No other surveys were completed on the topic of anti-homosexual violence in the 1970s and NSW Police did not begin recording gay violence statistics until the mid 1980s, thus it is impossible to compare the 1971 finding with other statistics to judge its veracity. Nevertheless, the veracity of the eight percent is less important than the fact that violence was perceived by the survey as a topic central to average

⁶⁷ No author, *'You shouldn't have to hide to be safe': A Report on Homophobic Hostilities and Violence Against Gay Men and Lesbians in New South Wales* (Sydney: NSW Attorney General's Department, 2003), p. 2.

homosexual experience in Brisbane. Similarly, that *Camp Ink* published an article summarising the findings of the survey, including its question about violence, shows that the journal had identified violence as a problem for male homosexuals in the early 1970s.

In 1973 *Stallion* published an account of violence by “Andy”.⁶⁸ Written in the first-person and published on the newspaper’s main news page, Andy’s article powerfully evoked the experience of surviving anti-homosexual violence. Set in an unnamed ‘Australian provincial city’, Andy’s story described how he was bashed by a gang of young men during a visit to a night time beat. Upon setting foot inside a public toilet a group of ‘rough looking young blokes’ attacked. He ran for his car but could not open it in time and was punched in the ribs. To escape, Andy headed for the surrounding park, ‘There were at least half a dozen of them after me, and I knew that if they managed to grab me, I wouldn’t have a chance of getting away from them. So the park seemed the only option’. For the next few hours Andy hid in the dark, waiting for his attackers to leave. It was midnight when Andy ventured back to his car. All four tyres had been deflated, ‘still, you could say I was lucky. I got out of it with bruised ribs and four flat tyres. I was still alive’.⁶⁹

In contrast to Andy’s first-person account of beat violence, in April 1976 *Campaign* reported that John McKindrick had been assaulted in Fitzroy Gardens Melbourne, a popular inner-city beat.⁷⁰ *Campaign* informed readers that Larry Owens had been successfully convicted of McKindrick’s assault and sentenced to two months jail. The article recounted that McKindrick was walking through the gardens the previous year

⁶⁸ *Stallion*, ‘A Meeting With The Bashers’, no. 7, 1973, p. 2.

⁶⁹ *Stallion*, ‘A Meeting With The Bashers’, no. 7, 1973, p. 2.

⁷⁰ *Campaign*, ‘Fitzroy Gardens in the News Again’, no. 8, April 1976, p. 3.

when he was confronted by two young men, one of whom punched him in the stomach. McKindrick was chased by the men, but fortunately, a police officer patrolling the gardens came to McKindrick's aid and arrested one of the attackers.⁷¹ According to *Campaign* the arresting officer told the court that Owens, the man arrested, had confessed 'me and me mate went to bash some poofers. He was going to rob them. He had a gun in his bag, but I wasn't going to do anything, just watch'.

From a historical perspective the significant feature of *Campaign's* report is that there was no suggestion McKindrick was homosexual or using Fitzroy Gardens as a beat. Yet, despite not portraying the survivor as homosexual, *Campaign* reported the violence. This suggests that the newspaper construed the assault as an example of anti-homosexual violence because *Campaign*, by its very nature as a gay news source, only reported events and news relevant to the gay public. If the violence was not homosexually related then *Campaign* would not have reported it. This suggests the newspaper's understanding of anti-gay violence was such that the victim's sexuality was irrelevant. What mattered was that the attack was motivated by homosexual prejudice. In the case of the Fitzroy Gardens assault, *Campaign* showed the attack was motivated by bias since the assailants went to Fitzroy Gardens with the intention to bash and rob "poofers".

Following *Campaign's* report about violence in Fitzroy Gardens, its entire next issue was, in fact, a special one-off violence themed edition.⁷² Editor Peter Langford wrote that each year *Campaign* planned to devote an entire issue to publicising and

⁷¹ It is interesting to speculate about why the police officer was patrolling Fitzroy Gardens. It is highly likely he was in the Gardens to stop men from using it as a beat.

⁷² *Campaign*, no. 9, May 1976.

condemning an ‘injustice’ that gay people endured in Australia.⁷³ The purpose of the yearly injustice issue was to bring attention to a problem that was being ignored by society and the mainstream media and in 1976 in its first ever injustice issue, *Campaign* decided to identify violence as one of the most significant problems facing homosexuals. The topic of violence ‘is getting even more political and serious’, Langford asserted, asking readers to see ‘the violence that surrounds us, that is an everyday part of our lives’.⁷⁴ Anti-gay violence is construed as ubiquitous by Langford, as something that constitutes everyday homosexual experience. Just because many think homosexuality is immoral, Langford asked, ‘does that mean we have to accept being beaten or murdered as an everyday possibility?’ In language strikingly similar to that employed by Poll and Ware four years earlier, the editor of *Campaign* claimed ‘almost all of you know someone who has been beaten for being a homosexual’. Even with a four year difference, both sets of editors maintained that the majority of gay men withstood violence in their lives. Indeed, that the editors, despite a four year difference, named and denounced violence shows that anti-gay violence was an important and consistent component of the gay media’s political agenda.

⁷³ *Campaign*, no. 9, May 1976, p. 13.

⁷⁴ *Campaign*, no. 9, May 1976, p. 13.



Campaign, no. 9, May 1976

The confronting image of a knifed attacker graced the front cover of *Campaign's* violence themed issue. To emphasise the gravity of the topic, the word violence is plastered twice across the image. Both the newspaper title and *violence* are in a red font, generating a clear allusion to blood. The vibrant red font, and its bloody symbolisation, is highlighted by its juxtaposition against a white background. The viewer's sense of discomfort is heightened by the flashing appearance of the word violence. Its individual letters are split-in-half producing the effect of a blazing neon warning sign. The image itself, though, is somewhat odd. The knifed attacker appears stereotypically gay – long hair, necklace, flared pants and leaf patterned shirt.

Conversely, the “victim” does not match the gay stereotype of feminine appearance and weakness; in fact, he appears strong and muscular with short hair and a martial arts stance and dress. The victim is not playing the part. Calm and posed, he is inflicting pain upon his attacker, striking the attacker's face and successfully stymieing the thrust of the knife. The attacker appears in pain and anguish, his attack has failed and the victim is fighting back. I read the image as simultaneously warning and empowering gay men. It disturbs, with its connotations of blood, but empowers with its refusal to conform to stereotypical representations of homosexuality. The image imbues the “victim” with agency and power, reminding gay men that they have the ability to resist victimisation.

Conclusion

This chapter has considered the response of the 1970s gay media and movement to anti-homosexual violence, examining how the media named violence and created a discourse around it. It began by briefly sketching the Australian gay movement, showing that the movement was concerned with repealing discriminatory laws and establishing homosexuality as a public alternative to heterosexuality. The gay media was inherently political, linked to the gay movement it sought to challenge homophobia and present homosexuality in a positive light. Yet, an awareness of violence also underpinned the gay media's political agenda. The media construed beats as places of violence, where gangs of men assaulted and robbed gay victims. *Campaign's* editor, Peter Langford, condemned the ubiquity of violence, its ‘everyday’ prevalence and asked whether homosexuals had to accept murder as a

normal and frequent possibility. The next chapter answers Langford's question and shows that murdered was indeed a reality for many.

Chapter 2: Naming Murder

Only last week a young man was jailed for THREE years for murdering a homosexual – that kind of justice we don't need! It could, conceivably, have been YOU?⁷⁵

By 1972, *Camp Ink* had formulated a statistic that represented the rate of murder. 'A homosexual is murdered in Australia about once every eighteen months, simply because he, and it is a peculiarly male thing, is camp'.⁷⁶ This, the opening sentence of an article by Lex Watson about law reform, was the first reference to murder made by the gay press in the 1970s. At the time, Watson was co-president of CAMP and would go on to lecture and teach in the Government Department at the University of Sydney.⁷⁷ In his article, Watson did not substantiate his murder statistic, thus its reliability must be treated with caution. Nevertheless, that Watson had created a statistic suggests he had knowledge of a substantial number of homicides such that he was able to convert the number into a statistic. Watson's remark is also intriguing because it points towards a gendered understanding of homicide. Male homosexuals, not lesbians, were being killed because of their sexuality. Although Watson provided no explanation for this *peculiar* feature of murder, this is less significant than the fact that Watson and *Camp Ink* possessed an interpretation that recognised the intricate gendered pattern of homicide.

⁷⁵ Peter Langford, 'Comment', *Campaign*, no. 9, May 1976, p. 13.

⁷⁶ Lex Watson, 'Policemen on the Beat', *Camp Ink*, vol. 2, nos. 8/9, June/July 1972, p. 6.

⁷⁷ Willett, *Living Out Loud*, p. 46; Lex Watson died in May this year aged 71, see Robert French, 'Lex Watson: Leading gay rights activist and trailblazer', *Sydney Morning Herald*, 28 May 2014, <<http://www.smh.com.au/comment/obituaries/lex-watson-leading-gay-rights-activist-and-trailblazer-20140528-zrqes.html>>, viewed 4 October 2014.

Four years later, *Campaign* published another article by Watson about murder. Entitled, ‘Poofter Bashing’, it occupied the first page of *Campaign*’s violence themed edition.⁷⁸ The article provided a historic overview of the murder of gay men from the time of the Old Testament, to the Nazi Genocide and Pinochet’s Chile. Watson also examined violence in Australia:

In 1975 there are known to have been at least five gay murders. Already in 1976 there are five suspected gay murders in Australia. Since 1970 I know of at least another dozen such cases and there can be no doubt that there have been many more. The problem of detecting them is great – we are often reliant on a chance press report of some particular statement made in evidence, or some suspicion due to the area where the murder took place.⁷⁹

By 1976 the gay media had created a language to describe the murder of male homosexuals. While it might have only been a single expression, *gay murder*, I suggest the creation of this phrase is highly significant. Through a simple paring of words – “gay” and “murder” - the media produced a new discursive category which made the killing of homosexuals an identifiable problem. The phrase gay murder did not only have rhetorical significance, it crystallised the murder of homosexual men into a tangible and unique phenomenon within the (homosexual) public’s imagination. With an identifiable category the emphasis was placed on the perpetrator’s anti-gay motive and ensured the killing could not be subsumed within the generic category of homicide, indifferent to perpetrator motive.

⁷⁸ Lex Watson, ‘Poofter Bashing’, *Campaign*, no. 9, May 1976, p. 2.

⁷⁹ Lex Watson, ‘Poofter Bashing’, *Campaign*, no. 9, May 1976, p. 2

Watson did not substantiate the gay murder figures in his 'Poofter Bashing' article. Although he stated that five gay murders had occurred in 1975 and five thus far in 1976, and another dozen since 1970, apart from a reference to Duncan's 1972 killing in Adelaide, his figures remain unverified.⁸⁰ This is not to say Watson's statistics should not be trusted; rather, it suggests that they be treated cautiously. Similarly, Watson did not provide a definition of gay murder and what constituted a gay murder is thus unclear. He did not state whether only homosexuals were included in his gay murder figures or whether heterosexual men who were murdered because of perceived homosexuality were also included.

Watson's *Campaign* article also produced a theory about the aetiology of killing. Watson argued that gay murders 'upheld' the 'central cultural values of this "Christian" society of ours'.⁸¹ Here, an account of murder that recognised the cultural and social basis of anti-gay violence was formulated. According to Watson gay murders were caused by society endorsing masculine violence and 'the belief that it is proper to smash someone if you don't like them'. Because homosexuals occupied an inferior social position and society encouraged masculine aggression, fatal violence against gays was the result. In other words, since society stigmatised homosexuality and masculine violence was culturally condoned, gay men were considered ready targets for male aggression. 'Gay murders should be seen as monuments to a whole machismo culture', Watson wrote, underscoring the relationship between lethal anti-gay violence and aggressive masculinity. For Watson and *Campaign*, gay murder was the manifestation of a society that validated male violence and systematically vilified homosexuals.

⁸⁰ As I discuss shortly, Watson did, in fact, make reference to a murder in NSW.

⁸¹ Lex Watson, 'Poofter Bashing', *Campaign*, no. 9, May 1976, p. 2

That murdering gay men was the product of social values, Watson suggested, ‘is best typified by a quote from a NSW murder inquest earlier this year when the defendant is alleged to have said of the victim “He said I didn’t have the guts to leap into the cot with him, so I smashed him in the face with a bottle”’.⁸² Watson’s interpretation of the defendant’s actions was that the killer had acted out violent masculine values after coming into contact with homosexuality. Because of homosexuality’s deviant social position, the defendant upheld machismo culture by fatally eliminating a homosexual body. Watson’s point was that the defendant’s fatal actions stemmed from society normalising and justifying male violence against a stigmatised minority group.

In Watson’s ‘Poofter Bashing’ article the defendant accused of the killing is unnamed. A few pages later, however, *Campaign* published another Watson article that named the defendant and described his killing.⁸³ The article outlined the circumstances of the death: John Bell, a twenty-year-old labourer, was drinking with Richard Robinson and two other men in a park. Robinson asked Bell to sleep with him and in response Bell fatally struck Robinson on the head with an empty wine flagon. Bell pleaded guilty to Robinson’s manslaughter and was sentenced to three years jail by Justice Yeldham. The purpose of Watson’s article was, in fact, not to describe the killing but to condemn Justice Yeldham’s sentence. Watson launched a facetious critique of the judge’s verdict:

Yeldham apparently did not point out that Robinson had been drinking with Bell and two others in the park for some time, he did not say that in the future

⁸² Lex Watson, ‘Poofter Bashing’, *Campaign*, no. 9, May 1976, p. 4.

⁸³ Lex Watson, ‘Three Years Jail For Manslaughter’, *Campaign*, no. 9, May 1976, p. 13.

if you want to kill a poofter make sure you are drunk first, he did not say (at least in so many words) that giving a poofter a fatal blow on the head with an empty wine flagon was a reasonable or justifiable action if he asked you to go to bed with him, and he is not reported as having said any words of sympathy for the victim.

Thanks friend.⁸⁴

Through sarcasm, Watson argued that the criminal justice system had failed to represent the homosexual victim. Bell received only a three year sentence, entirely insufficient and unjust in Watson's eyes. The court expressed no sympathy to the deceased, Robinson, but more than this the leniency justified the killing of homosexuals. If homosexuals were considered legitimate victims by the legal system, then Watson intimated that the sentence would have been substantially greater. But because of the sentence's length, Watson maintained that the court construed fatal anti-homosexual violence valid. By examining the *R v Bell* Supreme Court of NSW case file I will now offer my own interpretation of the case, expanding and contrasting my understanding with Watson's.

'He talked to me as if I was a woman'

The following account of Robinson's killing was provided to the Supreme Court of NSW by Detective Sergeant Donald Worsley during Bell's sentencing hearing.⁸⁵

Because Bell was charged with and pleaded guilty to manslaughter, proceedings

⁸⁴ Lex Watson, 'Three Years Jail For Manslaughter', *Campaign*, no. 9, May 1976, p. 13.

⁸⁵ Supreme Court of NSW, case file no. 23/1976, *R v Bell* (1976), transcript of sentencing hearing, 3 May 1976.

moved immediately to a sentencing hearing. Worsley's evidence was not disputed by the prosecution or defence and was accepted by Justice Yeldham.

At about 5 o'clock on the evening of 16 December 1975, John Bell met his two cousins at the Erskineville Hotel. It was a Tuesday and Bell had travelled from the western suburbs to spend the evening with them. Joining the three men that night was Richard Robinson, a thirty-nine-year old friend of one of the cousins. At the Erskineville Hotel the men consumed a large quantity of beer but the mood was jovial and relaxed. Bell and Robinson had not previously met, yet they were getting on well and enjoying the evening. After a few hours the friends felt like a change so they walked across the road to the Imperial Hotel. There the men continued drinking. The Imperial closed at ten p.m. but eager to prolong their evening the men walked the short distance down the road to the Kurrajong Hotel. A game of pool was quickly organised by the two cousins leaving Bell and Robinson alone at the bar. At the bar, Robinson made a number of homosexual advances to Bell, all of which were rejected.⁸⁶ The cousins rejoined the group and upon the pub closing at eleven p.m. the men purchased eleven cans of beer and a flagon of port wine and headed to a small park opposite Erskineville Oval. While they were drinking in the park Robinson made a homosexual proposition to Bell and tried to place his arm around Bell's shoulder. The proposition was ignored, but a few minutes later Robinson again asked Bell if he would like to sleep with him. Following this second request Bell became violent. He hit Robinson in the face and stood over his body, punching and kicking him in the face. One of the cousins tried to intervene but was pushed away. Bell picked up the empty wine flagon and struck Robinson in the face. The two cousins left the park

⁸⁶ The 'homosexual advances' were, in fact, verbal comments, Robinson stating that he would 'love to get Bell in the cot [bed]'.

leaving Bell alone with the bleeding Robinson. The accused hit Robinson again in the face with the broken glass bottle. Following this second blow, Robinson started to make a gurgling sound as his body lay motionless on the grass. Bell quickly left the scene and walked to his sister's nearby house where he told her he might have killed a man.

Although Worsley's account was accepted by the Court, it was based solely upon police interviews with Bell and his two cousins. Robinson's version of events could not be presented to the police or the Court because he was no longer alive. Despite there being no witnesses, the Court accepted Bell's allegation that Robinson made numerous verbal homosexual suggestions to him at the Kurrajong while the cousins played pool. The Court also accepted Bell and his cousins' claim that at the park Robinson asked Bell twice to sleep with him and tried to place his arm around the shoulder of the accused. Based on Bell and his cousin's statements to police it is impossible to recover the "truth" of Robinson's death. Whether Robinson "really" did ask Bell to sleep with him the only person who knows the truth of that claim is dead. Less important for my purpose is the "truth" of the killing. Rather, my purpose is to examine the Supreme Court's interpretation of Bell's account of the fatal night.

Justice Yeldham found the accused guilty of manslaughter and sentenced him to three years jail, twelve months non-parole.⁸⁷ Manslaughter is a legal charge applied when an accused kills a person but did not intend to do so. The charge of murder applies when the accused intend to kill the deceased. Because Bell was convicted of manslaughter, the Court did not accept that he intended to kill Robinson. In his

⁸⁷ Supreme Court of NSW, case file no. 23/1976, transcript of sentence, 5 May 1976.

sentencing, Justice Yeldham outlined two factors relevant to the conviction of manslaughter. Firstly, that Bell had consumed a considerable amount of alcohol, and secondly, that he had been *provoked* by Robinson's unnatural advances. According to the judge, these two factors negated Bell's capacity to control his behaviour and form a specific murderous intention.

Justice Yeldham's ruling that Bell had been provoked by Robinson's "unnatural advances" provides an insight into social assumptions about homosexuality in mid-1970s Australia. Provocation is a formal legal defence in NSW that reduces the charge of murder to manslaughter. It is a defence used where the defendant claims the provocative conduct of the deceased deprived the defendant of her or his *self-control*, such that the defendant was moved to kill. Because the provocative acts caused the defendant to lose her or his *reason*, the defendant's fatal actions cannot be said to have been intentional since he or she possessed no self-control.

The legal defence of provocation has three elements.⁸⁸ Firstly, the deceased must have expressed provocative conduct in the presence of the killer. Secondly, 'there must be an element of suddenness', that is, the lethal action must have followed in direct response to the provocative conduct. Thirdly, the behaviour of the deceased must have been sufficient to deprive the accused of his or her *self-control*. To determine if the deceased's actions were sufficient to deprive the killer of self-control, the court applies the Ordinary Person Test. The test involves the jury and judge considering whether an "ordinary person" in the situation of the accused would have lost their self-control in response to the provocative conduct of the deceased and been moved to

⁸⁸ Ann Genovese, 'The Battered Body: A Feminist Legal History', unpublished PhD Thesis, University of Technology Sydney, 1998, pp. 60-1.

kill.⁸⁹ As the law of provocation exists today, the Ordinary Person Test involves the court taking all the personal characteristics of the accused into account when establishing if the provocative conduct was sufficient to cause the accused to lose self-control. In the 1970s, however, the test did not involve the court considering the subjective characteristics of the accused.⁹⁰ Instead, the jury and judge invoked the “ordinary person”, that is, a white middle-class male, and considered if the provocative conduct would have caused him to lose self-control and kill.

That Justice Yeldham ruled Bell had been provoked by Robinson’s “unnatural advances” meant that he believed an ordinary man would have also lost his self-control in response to the actions of the deceased. Yeldham did not believe that Bell’s loss of self-control stemmed from his intoxicated state. The defence of provocation is denied to an accused if the loss of control was caused by intoxication.⁹¹ The judge recognised Bell was drunk and this in its own right negated his capacity to form the specific intent to kill. But Yeldham’s ruling implied even if *not* drunk, Bell and the ordinary man would have lost self-control and killed in response to Robinson’s sexual advances. Although Yeldham’s sentence is hardly surprising given homosexuality’s deviant social position in the 1970s, the sentence underscored that the NSW justice system believed the reasonable person would twice strike the face of a man who made a verbal homosexual proposition with a glass bottle causing him to die from drowning in his own blood.⁹²

⁸⁹ Because Bell pleaded guilty to the charge of manslaughter and proceedings move immediately to sentencing there was no jury in *R v Bell*.

⁹⁰ Genovese, ‘The Battered Body’, p. 61.

⁹¹ Allen George, ‘Homosexual Provocation: The Courtroom as an Arena of Gender Conflict in Australia’, unpublished Honours Thesis, University of Newcastle, 1995, p. 39.

⁹² In 1996, Justice Yeldham committed suicide after it was publically revealed he was a homosexual who, since 1956, frequented railway station toilets in central Sydney looking for sex. Following constant allegations at the *Royal Commission into the NSW Police Service* (1995-1997) about NSW Police corruptly protecting paedophiles, Franca Arena, a member of the NSW Legislative Council,

In the previous section I discussed Lex Watson's interpretation of Robinson's death. Watson argued that the death was the product of Bell enacting violent masculine values after coming into contact with homosexuality. Drawing on Tomsen's interpretation of mainstream constructions of masculinity, I offer a different interpretation of the factors that prompted Bell's lethal violence.⁹³ Tomsen contends that fatal disputes between men over an alleged sexual advance are best explained in terms of the challenge that a homosexual suggestion brings to the perpetrator's sense of masculinity.⁹⁴ Whereas Watson located the cause of Bell's deadly violence within an inherently violent masculinity, I suggest the killing stemmed more from Bell's desire to *protect* his sense of masculinity. Mainstream masculine identity is built around heterosexuality and the repudiation of femininity. At the same time homosexuality occupies a devalued social position and is generally understood as a form of failed masculinity because of the feminine implications of bodily penetration. Because it seeks to refute the feminine, 'masculine heterosexual identity is built around ensuring the sanctity of the body, with rigid limits imposed on the circumstances of socially admitted forms of male physical contact'. The heterosexual masculine body, by definition, must remain impenetrable; otherwise, it would have become feminised. Homosexual advances raise the prospect of feminisation through the spectre of corporeal penetration. When a perpetrator responds with lethal violence to a homosexual suggestion, this is generally because his masculine identity has been

used Parliamentary Privilege to name Justice Yeldham as a possible paedophile. The judge was called before the Royal Commission to answer questions and it quickly emerged that since his young days as a barrister he frequented beats in the city looking for homosexual sex. The afternoon following his appearance at the Royal Commission, where he secret sex life was publically and sensationally exposed, Justice Yeldham killed himself in his car at home, see Wotherspoon, 'And the Beats Go On...', *Pride History Group*, 2012, <<http://www.camp.org.au/explore/8-exhibition/290-and-the-beats-go-on>>, viewed 20 September 2014.

⁹³ Tomsen, *Hatred, Murder and Male Honour*, pp. 68-78.

⁹⁴ Tomsen, *Hatred, Murder and Male Honour*, pp. 68-9.

breached. He feels as though the homosexual advances have feminised his body and that to protect his masculinity he must respond with violence to the source of his feminisation. Bell's police interview underscores the sense of anger he experienced because of what he perceived as Robinson's affront to his masculinity.

Police: You have told me that whilst you were at the Kurrajong Hotel, Richard Robinson made passes at you. Can you tell me what he did?

Bell: He just talked to me as if I was a woman and he said I would like to kiss you and love to drag me in bed, he didn't use those words he said I'd love to get you in the cot.

Police also asked Bell to describe the events in the park leading up to the fatal incident:

Bell: I sat down and was drinking a can of beer and they [the cousins and Robinson] started drinking wine and then they asked me to drink wine and I said no then they said I wasn't sociable and they were rambling on that that for a while and I was still drinking my can and then I said alright and I had a bit out of the glass, that's when he [Robinson] started mauling me again. I told him to get lost, then he started talking to me as if I was a woman I just pushed him away from me and got up and moved away, when he said I'll fuck you to death I threw punches and they kept hitting him in the face all the time, I picked the flagon bottle up and I hit him with it then I staggered backwards and I

threw it at him then he fell to the ground. There was blood everywhere and he was making a gurgling sound ... I tried to pick him up and drag him along the ground but he was too heavy. I went home and told them I might have killed a man at the park.⁹⁵

Bell's statement underscores the sense of emasculation he experienced in response to Robinson's suggestions. He recounts, twice, that Robinson treated him, in his mind, *as a woman*. Bell admits that Robinson did not literally address him with female pronouns or call him a woman, but Robinson's homosexual suggestions in the pub and the park made him feel as though he was being treated like a woman. Simply because Robinson, allegedly, commented that he would love to sleep with Bell, the perpetrator felt as though he was being dealt with like a woman. Describing the events in the park Bell states that Robinson started *mauling* him. The word *mauling* has feminised sexual implications; a man roughly handling and penetrating a woman's body for his sexual gratification. Bell also alleges that it was specifically in response to Robinson's claim that he will *fuck* Bell *to death* that he started punching the deceased in the face. Robinson's statement makes it clear that he killed Robinson because the deceased, allegedly, treated him like a woman and wanted to *maul, fuck* and penetrate his male body. Assuming Bell's allegations about Robinson's advances are correct, Bell killed Robinson for no other reason than to protect his masculinity because the deceased was treating him as a woman.

Curl Curl Killing

⁹⁵ Supreme Court of NSW, case file no. 23/1976, Record of Interview between Detective Sergeant Donald Worsley and John Bell, pp. 33-5.

This thesis began by describing the killing of Phillip Jones in 1975 at Curl Curl Beach. Two months before Jones' body was found, in February 1976 *Campaign* published a Lex Watson article about the killing.⁹⁶ Watson outlined the facts of the death: five sailors struck up a conversation with Jones and his friend at the Manly Vale Hotel, came to the conclusion that they were homosexuals, took them down to the beach and fatally assaulted the men. Watson's article ends by acknowledging that the Manly Vale Hotel did not have a gay reputation, nor were the victims homosexual.⁹⁷ The significance of the killing, according to Watson, was that the motive for it was anti-homosexual.⁹⁸ Thus Watson's article about Jones' killing shows that his concept of gay murder encompassed victims who were not homosexual. The important factor was that the death was motivated because the assailants thought the victims were homosexual.

Watson did not attempt to provide an explanation for the lethal behaviour of the five assailants at Curl Curl. Again, I employ Tomsen's understanding of mainstream masculinity to offer an interpretation of the Curl Curl killing.⁹⁹ However, unlike the interpretation offered in relation to Bell's killing, where I suggested he was motivated by a desire to *protect* a masculine identity, I suggest the Curl Curl killing stemmed from the assailants desire to *create* a masculine heterosexual identity.

⁹⁶ Lex Watson, 'Australian Gays Murdered in 1975', *Campaign*, no. 6, February 1976, p. 3.

⁹⁷ When I introduced Jones' killing in the introduction to the thesis, I provided quotes from two of the perpetrators stating that Jones and Peterson had admitted their homosexuality. However simply because two of the perpetrators claimed that Jones and Peterson were homosexual does not mean, of course, the two men actually were. Jones was the only person who could confirm his own sexuality and he was dead. When examined during committal proceedings, Peterson referred to Jones simply as 'my friend', implying that their relationship was platonic. Although, if their relationship was sexual it is not surprising that he wanted to keep this hidden from the court and public arena.

⁹⁸ Lex Watson, 'Australian Gays Murdered in 1975', *Campaign*, no. 6, February 1976, p. 3.

⁹⁹ Tomsen, *Hatred, Murder and Male Honour*, pp. 69-78.

Phillip Jones was killed because five young men thought he was homosexual. They met him at a pub, decided he was a “poofter”, deceived him, drove him to the beach and fatally assaulted him. On the one hand, Jones’ killing could be read as a hate crime, that is, the result of the perpetrator’s sheer contempt and hatred of homosexuals. The problem with the “hate crime” model is that it individualises anti-homosexual killing and fails to recognise the systematic foundation of violence against gay men.¹⁰⁰ The hate model locates the cause of the violence within the hateful sentiment of a few psychologically disturbed young men. Yet psychological research shows that perpetrators of anti-gay violence are not, indeed, psychologically disturbed.¹⁰¹

Tomsen argues that gang attacks on men perceived to be homosexual are related to the social construction of masculinity and homosexuality’s devalued social position.¹⁰² The criminologist contends that violence is considered ‘a ready means of establishing a respected male identity’ and because homosexuals occupy a deviant social position, they are considered valid targets for male violence. Gang attacks on perceived homosexuals simultaneously enable perpetrators to constitute themselves as masculine through a performance of violence and heterosexual through a literal violent repudiation of homosexuality. Group anti-gay violence serves the *instrumental* purpose of allowing perpetrators to create and strengthen their identity in their own mind and the minds of the other assailants. When Raymond Thomas, Mark McPherson, Peter Barr, Gordon McIntyre and Peter Brown attacked and killed Phillip Jones this was not the result of a mere irrational hatred of homosexuality. Jones’ life was ended because five sailors used his perceived deviant homosexual body to

¹⁰⁰ Tomsen, *Hatred, Murder and Male Honour*, p. 34.

¹⁰¹ Tomsen, *Hatred, Murder and Male Honour*, p. 32.

¹⁰² Tomsen, *Hatred, Murder and Male Honour*, p. 69.

reinforce their masculine identity and carry their society's anti-gay attitude to its logical and deadly conclusion.¹⁰³

Resisting Violence

Gail Mason observes that within western academic circles there has been reluctance to engage the topic of violence for fear that it will promote a “victim mentality” or “victim politics”.¹⁰⁴ To avoid the production of a victim status academics have largely focused on research that emphasises the agency and power of subjugated groups. Yet, the problem with this logic, Mason points out, is that it ignores the practises that do, in fact, inflict harm, injury and violence. By simply avoiding research into harmful and violent practises does not mean ‘we can imagine that they do not exist’.¹⁰⁵ Thus far the thesis has examined ways in which male homosexuals were harmed, sometimes fatally. My intention was not to engender a victim mentality, but to investigate the practises that inflicted violence upon gay men and study how the gay media responded to the violent practises. Now the attention of the thesis turns. I consider how gay men resisted violence and enacted practises that made their lives safer.

¹⁰³ The five men who killed Jones pleaded guilty to manslaughter therefore there was no trial and criminal proceedings moved immediately to sentencing. Unfortunately, the case file does not contain a transcript of their sentencing hearing or the judge's sentence. Fortunately the mainstream media reported their sentences. Raymond Thomas received twelve years jail, Mark McPherson received eleven years, Peter Barr received nine years, Gordon MacIntyre received nine years and Peter Brown received three years, see ‘Five men jailed for “cowardly” beach attack’, *Daily Telegraph*, 6 April 1976, p. 15; interestingly the mainstream media did not mention the anti-homosexual motivation for the killing.

¹⁰⁴ Mason, *The Spectacle of Violence*, p. 4.

¹⁰⁵ Mason, *The Spectacle of Violence*, p. 4.

“Ralph” was assaulted at a Melbourne beat in August 1975.¹⁰⁶ He lay on the ground through a Melbourne winter’s night for seven hours before he was found. He was hospitalised and received permanent brain damage as a result of his assault. Recounted by *Campaign* editor Peter Langford in his February 1976 editorial, Ralph’s experience was used to highlight ‘just one example of the spate of bashings, violence, gang rapes and murders that are associated with toilets or cruising areas in public places’. Unfortunately, neither Langford nor other *Campaign* articles provided further details about Ralph’s assault. At the end of his editorial, though, Langford made a fascinating remark:

We sympathise with, but cannot condone, the formation of the ‘vigilante groups’ (heavy gay guys who patrol beats waiting to take vengeance on ‘poofter bashers’) in some capital cities. This is almost certain to lead to an increase of violence by the friends of the ‘bashers’, confrontation with the Police and the possibility of murder.¹⁰⁷

Langford’s comment is intriguing because it shows that anti-gay violence vigilante groups had formed in the mid-1970s. Regrettably, no other *Campaign* articles or the other gay newspapers discussed the vigilante groups. This suggests that few people knew about the groups, perhaps because they were short-lived or secretive. Yet despite the lack of gay media attention, it is significant to note that gay vigilante groups functioned in the 1970s for two reasons. Firstly, until now, gay community commentators have taken the late 1980s and early 1990s as marking the years when gay men and lesbians first organised patrols of public space to protect

¹⁰⁶ *Campaign*, no. 6, February 1976, p. 5.

¹⁰⁷ *Campaign*, no. 6, February 1976, p. 5.

homosexuals.¹⁰⁸ In those years, as part of the new post-1985 gay community-police response to violence, lesbians and gay men organised street patrols in gay and lesbian areas at night to make public space safer for homosexuals.¹⁰⁹ However, Langford's editorial suggests that gay men started patrolling public space in the mid-1970s to protect homosexuals and beat users. While Langford's article stated that the groups consisted only of gay men patrolling beats and the post-1985 street patrols consisting of gay men *and* lesbians safeguarding streets rather than beats, both initiatives possessed the same principal: to protect homosexuals in public spaces.

The second reason the existence of gay vigilante groups in the mid-1970s is significant is because it underscores the evolution of the gay movement's public action. Graham Willett argues that starting in 1974 and lasting until 1978 the Australian gay movement underwent a transformation in structure.¹¹⁰ Until the end of 1973, the movement was made up of formal and legally constituted CAMP branches around the nation and gay liberation groups in universities and the major cities. In 1974, however, the movement's structure changed, largely due to a de-radicalisation in the political environment caused by the success of the Whitlam government's progressive reforms. In place of large organisations such as CAMP and gay liberation, 'small-scale single-issue action groups emerged as the key form of organisation within the movement'.¹¹¹ The anti-violence gay vigilante groups can be read as one of the many small-scale single-issue action groups that emerged within the movement in the mid-1970s. Other examples of single-issue groups include the gay teachers,

¹⁰⁸ Garry Cox, *The Count and Counter Report: A Study Into Hate Related Violence Against Lesbians and Gay Men* (Sydney: Lesbian and Gay Anti-Violence Project, 1994), p. 67.

¹⁰⁹ Gail Mason, *Violence Against Lesbians and Gay Men* (Canberra: Australian Institute of Criminology, 1993), p. 8.

¹¹⁰ Willett, *Living Out Loud*, p. 72.

¹¹¹ Willett, *Living Out Loud*, p. 72.

lesbian feminists, gay radio, counselling and law reform groups. During the mid 1970s these groups continued the early gay movement's work of challenging homophobia and demanding social change. Willett notes that hundreds of these single-issue groups came into being, most of them so small they left nothing more than a name.¹¹² The anti-violence vigilante groups did precisely this. Yet, the single trace that remains of the vigilante groups speaks not only to the determination of gay men in the 1970s to resist violence, but also to evolution in the structure of the gay movement.

In *Campaign's* violence themed issue an article, 'Breaking the Stereo Image', was published that encouraged gay men to undertake self-defence lessons.¹¹³ It turns out the "victim" in the image on the front cover, the man fighting back against his attacker, was a martial arts expert named Roy Wilkins. Wilkins identified as "transsexual" and is described as one of the best martial arts instructors in the country. The article noted the problem of beat violence and suggested gay men undertake self-defence lessons to protect themselves. 'Martial arts is good for camp people to learn', Wilkins informed readers, 'I'd advise them to go to a school and take it up'.¹¹⁴ The article encouraged readers to contact *Campaign* so that the newspaper could organise classes with Wilkins.

¹¹² Willett, *Living Out Loud*, p. 114.

¹¹³ *Campaign*, 'Breaking the Stereo Image', no. 9, May 1976, p 21.

¹¹⁴ *Campaign*, 'Breaking the Stereo Image', no. 9, May 1976, p 21.



Campaign, 'Breaking the Stereo Image', no. 9, May 1976, p. 21.

Campaign's report about self-defence lessons for homosexuals is significant because, like the vigilante groups, it shows that the notion of martial arts lessons for gay men was not new in the early 1990s.¹¹⁵ The newspaper's call for homosexuals to undertake self-defence classes can be interpreted not only as a form of resistance to violence, but also as a reflection of one of the gay movement's central goals: to disturb stereotypical understandings of homosexuality and gender.¹¹⁶ Because of the inextricable relationship between sexuality and gender the movement sought to challenge dominant conceptions of masculinity and femininity in order to break the notion that one must be attracted to the opposite gender. Of the most visible ways members of the gay movement rejected gendered stereotypes was through radical drag. This involved gay men occupying public space in mixed gendered attire, for example, work boots with a dress, or beards with makeup.¹¹⁷ *Campaign's* promotion

¹¹⁵ For an example of a gay media report that described self-defence lessons as new in the 1990s, see Peter Mitchell, 'Crime Wave', *Campaign*, no. 214, January 1994, pp. 27-9.

¹¹⁶ Willett, *Living Out Loud*, p. 78.

¹¹⁷ Willett, *Living Out Loud*, p. 78.

of self-defence classes can be understood, like radical drag, as a direct challenge to social stereotypes. The name of the article, *Breaking the Stereo Image*, itself captures the newspaper's desire to destabilise the notion that all gay men were feminine. By publicising gay martial arts lessons, a stereotypically masculine pursuit, the newspaper attempted to cultivate a gay masculinity in direct opposition to the stereotype of effeminacy. *Campaign's* message was that homosexuals can be camp and strong, gay and masculine.

Conclusion

This chapter showed how the 1970s gay media named anti-homosexual violence and produced a discourse on it. The media created a language, *gay murder*, to describe the killing of homosexual men and formulated statistical representations of homicide. An examination of two murders reported by *Campaign* was also conducted. I used Tomsen's interpretation of mainstream masculinity to show how violent gang attacks on perceived homosexuals served the instrumental purpose of allowing young men to constitute themselves masculine and heterosexual. The chapter ended with a discussion of practises of resistance employed by homosexuals to reduce the injurious effects of violence. I suggested the anti-violence vigilante groups and self-defence lessons can be read as reflections of the gay movement's broader structure and goals. The focus of the thesis shifts next chapter. A close reading of the transcript of a 1979 murder trial will be undertaken analysing the ways discourses of homosexuality, in particular latent homosexuality, entered the trial and was used by the defence and prosecution.

Chapter 3: “Homosexual Panic”

In May this year, the State Parliament of NSW amended the law so that a non-violent sexual advance can no longer constitute provocation, nullifying the homosexual provocation defence.¹¹⁸ The homosexual provocation defence, used by John Bell in the previous chapter, was employed by defendants to reduce a charge of murder to manslaughter based on the claim the deceased’s alleged homosexual advances provoked the defendant to kill. Within the mainstream media and gay and lesbian press, the homosexual provocation defence is often mistakenly called the “gay panic defence”.¹¹⁹ Gay panic is generally interpreted by the media as a legal defence that holds ‘a person was suddenly “panicked” into committing a crime motivated by the victim’s sexual orientation’.¹²⁰ This interpretation of the defence, that the defendant was ‘panicked’ into killing a gay man, is incorrect, since the homosexual provocation defence actually states that the homosexual advances of the deceased caused the accused to lose his reason and kill and because of his lack of self-control his fatal actions were not intentional.

This chapter examines how the psychiatric concept of gay panic evolved into the legal defence of gay panic, used in the US during the 1960s and 1970s. As a legal defence gay panic was, in fact, a defence of insanity based on the mental illness of latent

¹¹⁸ No author, ‘NSW “Gay Panic” Defence Laws Officially Abolished’, *Star Observer*, 14 May 2014, <<http://www.starobserver.com.au/news/local-news/new-south-wales-news/nsw-gay-panic-defence-laws-officially-repealed/122721>>, viewed 6 October 2014.

¹¹⁹ See for example, Amy Remeikis, ‘Queensland To Keep “Gay Panic” Defence’, *Sunshine Coast Daily*, 22 August 2014, <<http://www.sunshinecoastdaily.com.au/news/queensland-keep-gay-panic-defence/2360359/>>, viewed 6 October 2014.

¹²⁰ Elias Jahshan, ‘LGBTI Law Reforms in California as US Supreme Court Considers Gay Marriage Cases’, *Star Observer*, 2 October 2014, <http://www.starobserver.com.au/news/international-news-news/lgbti-law-reforms-in-california-as-us-supreme-court-considers-gay-marriage-cases/128501>>, viewed 6 October 2014.

homosexuality.¹²¹ The theory of the defence was that the deceased's homosexual suggestions triggered the latent homosexuality in the accused, causing him to be overcome by temporary insanity and enter a lethal psychotic state. Australian studies have found that homosexual panic as a defence of insanity was not used in this country's legal system.¹²² By examining *R v Lovegrove* (1979), Supreme Court of NSW, this chapter reveals that the mental abnormality of latent homosexuality has, in fact, been used as a legal defence to murder in Australia.¹²³ The chapter begins by outlining the creation of homosexual panic as a psychiatric disorder and how the psychiatric concept evolved into a legal defence of insanity in the US. I then examine *R v Lovegrove* to show how the mental abnormality of latent homosexuality was used to defend the accused of murder.

Homosexual Panic as a Psychiatric Disorder

The psychiatric disorder of homosexual panic was posited by the American psychiatrist Edward J. Kempf in his 1920 book *Psychopathology*.¹²⁴ Kempf's definition of homosexual panic differed significantly to the legal defence of the 1960s and 1970s. Heavily influenced by Freud's understanding of innate bisexuality, Kempf believed all people possessed latent homosexuality. Kempf argued that latent homosexuality could be activated if a man spent a prolonged amount of time in a

¹²¹ Christina Pei-Lin Chen, 'Provocation's Privileged Desire: The Provocation Doctrine, "Homosexual Advance", and the Non-Violent Unwanted Sexual Advance Defence', *Cornell Journal of Law and Public Policy* 10, issue 1 (2000), p. 201.

¹²² Allen George, 'Homosexual Provocation: The Courtroom as an Arena of Gender Conflict in Australia', unpublished Honours Thesis, University of Newcastle, 1995, p. 7; NSW Attorney General, 'Letter to Paul O'Grady, MLC', 18 May 1994, reference from, George, 'Homosexual Provocation', p. 7.

¹²³ State Records NSW: Attorney General Court Reporting Branch; NRS 2713, Transcripts of Evidence; Criminal 1979 R v. Lovegrove [10/30844A]; The Supreme Court of NSW case file for *R v Lovegrove* has been lost therefore I used the publically accessible transcript held at the State Records.

¹²⁴ Warren Johansson, 'Panic, Homosexual', in Wayne Dynes, ed., *Encyclopedia of Homosexuality* (New York: Garland, 1990), pp. 941-943.

single sex environment, such as the armed forces, or if he became separated from a man to whom he had become emotionally attached.¹²⁵ Kempf did not believe the activation of latent homosexuality led directly to panic. According to Kempf, once the latent homosexuality was triggered, the panic ensued from the conflict between the afflicted man's homosexual desires and his social fear of homosexuality. In other words, panic was caused by the conflict a man experienced between his homoerotic feelings and his desire that society continue to view him as heterosexual not homosexual.

Kempf formulated his theory just after the First World War and it reflected the American public's fear about large number's of male soldiers spending a prolonged period of time together.¹²⁶ Most of the men Kempf diagnosed as suffering from homosexual panic were soldiers from the war. Following Kempf's formulation of the condition, the disorder became widely recognised in the American psychiatric profession. By the 1960s the term had evolved within psychiatric circles. Although the reasons for the precise evolution are not expressly clear, homosexual panic was now defined psychiatrically as:

As a state of sudden feverish panic or agitated furore, amounting sometimes to temporary manic insanity, which breaks out when a repressed homosexual finds himself in a situation in which he can no longer pretend to be unaware of the threat of homosexual temptations. The unfortunate person who has,

¹²⁵ Warren Johansson, 'Panic, Homosexual', in Wayne Dynes, ed., *Encyclopedia of Homosexuality* (New York: Garland, 1990), pp. 941-943.

¹²⁶ Johansson, 'Panic, Homosexual', p. 942.

perhaps unwittingly, aroused the unwanted sexual feelings is likely to receive the brunt of the outburst.¹²⁷

Homosexual panic had become an episode of violent psychosis caused by the activation of latent homosexuality. Three differences marked this definition and Kempf's.¹²⁸ Kempf did not suggest that the panic state was violent, he did not posit that the panic was directly caused by the latent homosexuality per se and he did not contend a homosexual advance triggered the latent homosexuality. Despite its clear misinterpretation of Kempf's original diagnosis, this definition became popular within the field of psychiatry in America in the 1960s and 1970s.¹²⁹ Perhaps the main reason why homosexual panic evolved from a condition of depressive sexual delusions to a violent psychotic episode was because by the 1960s homosexuality was considered by psychiatrists a mental illness. When Kempf defined the term latent homosexuality per se was not a mental illness, however, in the 1960s, since homosexuality was considered a mental illness it followed that latent homosexuality was also a mental defect. Thus, when a latent homosexual had his homosexuality activated, psychiatry considered him to be experiencing a bout of temporary insanity. It is not clear, to me at least, why fatal violence necessarily followed from the activation of the latent homosexuality. Nevertheless, psychiatrists believed violence was the typical response.

Taking its cue from psychiatric discourse, the defence of homosexual panic first emerged as an insanity defence to homicide prosecutions in the US in the late

¹²⁷ Robert Bagnall, Patrick Gallagher and Joni Goldstein, 'Burdens on Gay Litigants and Bias in the Court System: Homosexual Panic, Child Custody, and Anonymous Parties', *Harvard Civil Rights-Civil Liberties Law Review* 19, issue 2 (1984), p. 499.

¹²⁸ Garry Comstock, 'Dismantling the Homosexual Panic Defense', *Law and Sexuality* 2 (1992), pp. 87-9.

¹²⁹ Comstock, 'Dismantling the Homosexual Panic Defence', p. 83.

1960s.¹³⁰ The sociologist Garry Comstock suggests the disorder became a legal defence because it provided defence attorneys with a ready and psychiatrically justified explanation for why men murder homosexuals.¹³¹ The legal defence of gay panic contended that the ‘victim triggered a violent psychotic reaction in a latently gay defendant. The triggering action may have been merely a non-violent verbal or gestural solicitation by the victim.’ Thus, because the defendant was temporarily insane he lost the ability to distinguish right from wrong and as all defendants who raise the defence of insanity he is exonerated of criminal responsibility. The first reported legal use of homosexual panic in the US was in a 1967 homicide trial.¹³² The defendant alleged that while he was urinating in an alley the deceased grabbed him from behind and that his fatal violence emerged from “acute homosexual panic brought on him by the fear that the victim was molesting him sexually”. The jury rejected the defendant’s insanity defence and convicted him of second degree murder. In the US no appellate level trials involving the homosexual panic defence have resulted in the defendant’s acquittal as a result of insanity.¹³³

In Australia studies found that gay panic as a defence of insanity was not used in Australia.¹³⁴ These studies, however, only examined trials in the 1990s. *R v Lovegrove*, however, shows that the psychiatric notion of latent homosexuality as a mental abnormality was used in an Australian court as a defence of diminished responsibility. It is important to recognise the differences between the two defence of

¹³⁰ Garry, ‘Developments in the Law: Sexual Orientation and the Law’, *Harvard Law Review* 102, issue 7 (1989), pp. 1543-1545.

¹³¹ Comstock, *Dismantling the Homosexual Panic Defense*, p. 89.

¹³² Bagnall, Gallagher and Goldstein, ‘Burdens on Gay Litigants and Bias in the Court System’, p. 499.

¹³³ Bagnall, Gallagher and Goldstein, ‘Burdens on Gay Litigants and Bias in the Court System’, p. 501.

¹³⁴ Allen George, ‘Homosexual Provocation: The Courtroom as an Arena of Gender Conflict in Australia’, unpublished Honours Thesis, University of Newcastle, 1995, p. 7; NSW Attorney General, ‘Letter to Paul O’Grady, MLC’, 18 May 1994, reference from, George, ‘Homosexual Provocation’, p. 7.

diminished responsibility and insanity. The defence of diminished responsibility (today the defence is known as abnormality of the mind defence) was a *partial* defence to murder that reduced the charge to manslaughter based on the fact the accused suffered an *abnormality* of the mind that momentarily robbed the accused of her or his ability to form rational judgment. The defence of insanity is a *complete* defence based on the fact the accused suffered a *disease* of the mind and therefore is absolved of legal responsibility. Latent homosexuality as a defence of insanity was not used in *R v Lovegrove*. Although it is important not to extrapolate beyond the limits of a single case, *R v Lovegrove* is significant because it shows that the notion of latent homosexuality being a mental abnormality was used a defence to murder in Australia.

The Trial: R v Lovegrove

On the morning of 17 November 1978, the naked body of fifty-year-old Keith Pittman was found by his sister and brother-in-law in the backyard toilet of his Merriwa home, a small country town in the Hunter Region of NSW.¹³⁵ Pittman had failed to report for work, so his sister and her husband drove to his house to check on his whereabouts. The front door was unlocked, so they entered Pittman's home and noticed a pair of bloodstained underpants lying in the lounge room. They also observed that the carpet in the lounge room and kitchen was soaked in blood. The brother-in-law proceeded to the backyard toilet where he saw Pittman's bloodied body lying curled on the concrete floor. Police were immediately called and a crime scene established. The post-mortem determined that Pittman died from a single gun shot to his head. The

¹³⁵ SRNSW: Attorney General Court Reporting Branch; NRS 2713, Transcripts of Evidence; Criminal 1979 R v. Lovegrove [10/30844A], my account of the death and subsequent police investigation comes from, pp. 1-42.

bullet entered slightly above his left ear shattered immediately upon entering his brain. The examination also noted that Pittman's perineum, the region of the body located between the penis and the anus, had been mutilated. A stab wound, seven centimetres wide and multiple centimetres deep had been cut across his perineum. Under examination the forensic pathologist posited that the mutilation was probably caused by multiple stabbing movements of a serrated bread knife.

Eighteen-year-old Jeffrey Lovegrove was arrested by police and charged with Pittman's murder. The prosecution claimed that on the night of 16 November 1978 Lovegrove shot and killed Pittman following a dispute over the deceased's alleged verbal homosexual suggestions in the home of the deceased. The prosecution claimed that after shooting him, Lovegrove then mutilated Pittman's perineum and dumped his body in the backyard toilet.

Lovegrove lived in Merriwa and worked on the same shearing team as Pittman. During the trial, witnesses described the men as 'best of mates'.¹³⁶ They were said to have possessed no 'harsh or hard feelings' for each other and multiple witnesses commented that Lovegrove would often spend the evening at Pittman's home after work.¹³⁷ On the day of the killing Lovegrove was absent from work. Instead, he spent his day drinking at the pub. Unlike the accused, Pittman did attend work on the day of his killing. He finished at four in the afternoon and headed to the local pub where he stayed until just before seven o'clock. Lovegrove was not at the pub when Pittman arrived. A friend told the court that when he dropped the deceased home from the

¹³⁶ SRNSW: Attorney General Court Reporting Branch; NRS 2713, Transcripts of Evidence; Criminal 1979 R v. Lovegrove [10/30844A], p. 4.

¹³⁷ SRNSW: Attorney General Court Reporting Branch; NRS 2713, Transcripts of Evidence; Criminal 1979 R v. Lovegrove [10/30844A], p. 4, p. 73.

pub, the deceased did not appear intoxicated. Sometime after seven o'clock Lovegrove walked the two hundred metres from his home to Pittman's. It is not clear whether the meeting between the two men was arranged. Pittman let Lovegrove into his home and the two men sat in the lounge room watching television and drinking beer. Sometime later in the evening the prosecution alleged an argument developed between the men over Pittman's verbal homosexual suggestions. In response, Lovegrove walked home, prepared his brother's rifle, walked back to Pittman's and at approximately ten forty p.m. shot the deceased from the front veranda as he watched television. The prosecution claimed that ten minutes passed between the time of the homosexual suggestions and the killing.

This was the summary of the killing provided to the Court by the prosecution.¹³⁸ It was based on Lovegrove's confession to police.¹³⁹ By the time of the trial, however, Lovegrove's account of the night had changed. Likely as a result of discussions with his lawyer, Lovegrove now claimed instead of verbal homosexual suggestions Pittman sexually assaulted him. Lovegrove's legal team argued that manslaughter not murder was the appropriate charge and they raised two defences: diminished responsibility and provocation. The defence of diminished responsibility was based on two psychiatric abnormalities: mental retardation and latent homosexuality. The defence of provocation was based on Pittman's alleged act of sexual assault. The defence claimed that as a result of the sexual assault, Lovegrove lost his self-control and killed Pittman. In a short unsworn statement from the dock Lovegrove claimed:

¹³⁸ SRNSW: Attorney General Court Reporting Branch; NRS 2713, Transcripts of Evidence; Criminal 1979 R v. Lovegrove [10/30844A], pp. 1-42

¹³⁹ Lovegrove confessed to police a few days after Pittman's body was found.

Because that I was so drunk (sic) Keith was able to get me on my back and to force his penis into my backside and this hurt me a lot. I felt very distressed and it made me feel dirty. I seemed to lose (sic) my control and I ran out of the house and got my brother's rifle and I came back and shot him. I want you please to believe that I only did this because of what he did to me and because of the way it upset me. Please believe me and find me not guilty.¹⁴⁰

Lovegrove's unsworn statement attempted to meet the relevant criteria of the defence of provocation: loss of self-control and immediate fatal action. He claimed that Pittman's sexual assault distressed and enraged him causing him to *lose* (sic) *my control*. The accused also included the description that he *ran* home to get the gun, thus emphasising the suddenness of the killing.¹⁴¹

To raise the defence of diminished responsibility Lovegrove's defence lawyer called four psychiatrists. Three of the psychiatrists argued that Lovegrove was mentally retarded. They claimed he had the intelligence of a young child, could not spell correctly and had social interaction problems. The other psychiatrist, Dr James Nicholas, argued that the accused also possessed the abnormal condition of latent homosexuality.

Under examination, Lovegrove's lawyer asked Dr Nicholas about his initial psychiatric assessment of Lovegrove:

¹⁴⁰ SRNSW: Attorney General Court Reporting Branch; NRS 2713, Transcripts of Evidence; Criminal 1979 R v. Lovegrove [10/30844A], p. 78; an unsworn statement allowed the accused to make a statement to the court without swearing to tell the truth or without being cross-examined. Unsworn statements were abolished in 1994 with the passing of *The Crimes Legislation (Unsworn Evidence) Amendment Act 1994*.

¹⁴¹ The defence claimed it only took him a couple of minutes to return with the gun

Lawyer: Did you form some opinion in relation to these acts [the mutilation of Pittman's perineum] and the history that you had obtained at that stage?

Nicholas: The nature of the alleged act [mutilation] and the history as given up to that point was strongly suggestive to me that Mr Lovegrove may have had certain strong feelings that he was not completely aware of concerning homosexuality.

Lawyer: You describe those as latent?

Nicholas: They are described as latent, latent being defined that the patient is not aware of them or not completely aware that they are there.

Lawyer: The effect of those, Doctor?

Nicholas: Speaking more generally, where those feelings are present, you tend to get an intense type of response to homosexual acts, generally speaking.

Lawyer: That is more than would occur in people who were overt homosexuals?

Nicholas: You may have the overt homosexual who may practise homosexuality. The latent homosexual may have homosexual feelings and be strongly resentful of them. The resentment is quite often along the lines that the person resents homosexuality, considering it being an affront to a heterosexual. That is they feel that they have strong feelings that a man expresses his feelings towards a male instead of a female. They often relate

that back to their mother. They feel it is an insult to their mother and female generally. Mr Lovegrove did not say that. That is just generally speaking.

Lawyer: People who have this latent homosexual experience, are they more likely to react to a homosexual act more vigorously than someone who was more overtly homosexual?

Nicholas: Yes. The risk that the overt homosexual runs is that if he solicits someone that is a latent homosexual, that he will get a violent response from him and they do represent a threat to anyone making a homosexual advance, that they may get an exaggerated or even violent response from the particular male.¹⁴²

The defence lawyer then asked Dr Nicholas about Lovegrove's childhood. A few questions later the focus was again latent homosexuality:

Lawyer: You said that he had these latent homosexual feelings, in your opinion?

Nicholas: That is so, yes.

Lawyer: Would that create a state of mind which ordinary people would regard as being abnormal?

Nicholas: It could intensify to that point, yes.¹⁴³

¹⁴² SRNSW: Attorney General Court Reporting Branch; NRS 2713, Transcripts of Evidence; Criminal 1979 R v. Lovegrove [10/30844A], pp. 89-90.

¹⁴³ SRNSW: Attorney General Court Reporting Branch; NRS 2713, Transcripts of Evidence; Criminal 1979 R v. Lovegrove [10/30844A], p. 91.

Dr Nicholas' testimony contained three key propositions. Firstly, that Lovegrove was a latent homosexual, secondly, that latent homosexuality was a mental abnormality and thirdly, that latent homosexuals respond with violence after coming into contact with homosexuality. While Lovegrove's lawyer and Dr Nicholas did not explicitly use the phrase "homosexual panic", the argument Dr Nicholas presented to the Court that Lovegrove was a latent homosexual who responded with violence following the activation of his abnormal mental condition was for all intents and purposes that Lovegrove had experienced an episode of homosexual panic.

In response to Lovegrove's attempt to raise the defence of diminished responsibility, the prosecution challenged the suggestion that Lovegrove was mentally abnormal. However, the prosecution chose to reject the assertion that Lovegrove was mentally retarded rather than challenge the claim he was a latent homosexual or that latent homosexuality was abnormal. The prosecution pointed out Lovegrove had a job, caused his parents no trouble and had numerous friends. Only once did the prosecutor raise the topic of homosexuality when cross-examining Dr Nicholas:

Lawyer: You are not suggesting, are you, that these homosexual tendencies that you refer to are in any way a disease of the mind? No.

(objected to)

Nicholas: No. It is not a disease of the mind, homosexual tendencies, no. Could I qualify that?

Judge: If you wish.

Nicholas: There has been a lot of debate in the last few years on that and it is generally accepted that homosexuality is not a disease of the mind unless the person is disturbed by it, that is if they have a lot of agitation and disturbances from the homosexual feelings. That then can be a disease of the mind, but the homosexuality per se is not.¹⁴⁴

Apart from this single question, no other attempt to counter the defence's claim about Lovegrove's latent homosexuality was made by the prosecution. That the prosecution chose to dispute Lovegrove's mental retardation but not his latent homosexuality or the idea that latent homosexuality was a mental abnormality is significant. It clearly suggests the prosecution believed they had a better chance of nullifying the claim that Lovegrove was mentally retarded rather than a latent homosexual. The reason for this was because at the time of Lovegrove's trial the notion of homosexual panic possessed psychiatric legitimacy. For example, in 1977 the esteemed British psychiatrist D.J. West wrote in his influential text:

Homosexual panic, or something near to it, probably accounts for some curious crimes of violence in which a powerful young man, after allowing himself to be solicited or perhaps seduced by an older male, suddenly turns upon the homosexual in a blind rage and batters him to death. The unnecessary fury of those attacks, the absence of material gain, and the reckless disregard of consequences, reflect the assailants' disturbed state of mind at the time Motives of robbery scarcely account for the many tragic cases known to the police in which the putrefying, naked body of an ageing homosexual is

¹⁴⁴ SRNSW: Attorney General Court Reporting Branch; NRS 2713, Transcripts of Evidence; Criminal 1979 R v. Lovegrove [10/30844A], pp. 94-5.

discovered, lying alone, stabbed or bludgeoned to death by the young man he had invited home.¹⁴⁵

West's account of homosexual panic was published only two years before Lovegrove's trial. Its description of the paradigmatic case of homosexual panic was very similar to the circumstances in which Lovegrove killed Pittman. The fact that influential psychiatrists, such as West, argued that homosexual panic provided a ready explanation for why young men murdered older homosexuals underscores how homosexual panic was a relevant and psychiatrically justified concept around the time of *R v Lovegrove*.¹⁴⁶

Lovegrove's defence was successful as he was found guilty of manslaughter not murder. It is impossible, of course, to know on what grounds the jury reached its verdict. Lovegrove employed two defences: provocation and diminished responsibility, but as Justice Slattery pointed out in his sentence, 'the basis of the jury's verdict can only be a matter of speculation'. However he observed that it was unlikely Lovegrove was found guilty based on provocation given the amount of time between the alleged act and the killing. The judge opined that the verdict was more acceptable on the basis of diminished responsibility but he did not suggest whether that was based on the notion of Lovegrove's mental retardation or latent homosexuality. Lovegrove was sentenced to twelve years jail with a non-parole period of five years for killing Pittman.

¹⁴⁵ D.J. West, *Homosexuality: Re-Examined* (London: Duckworth, 1977), p. 203.

¹⁴⁶ In 1977, *The Concise Encyclopedia of Psychiatry* defined homosexual panic as 'an abnormal psychogenic reaction of intense anxiety occurring in males whose repressed homosexual tendencies are suddenly inadvertently activated by another male', see Denis Leigh, C. Pare, and John Marks *The Concise Encyclopedia of Psychiatry A Concise Encyclopaedia of Psychiatry*, (Lancaster: MTP Press, 1977), p. 184.

Conclusion

Based on the transcript of *R v Lovegrove* it is impossible to capture the “truth” of what really happened between the accused and the deceased the night of the killing. Lovegrove’s claim that Pittman raped him seems implausible considering the fact that he was physically stronger than the deceased. Even if intoxicated, it would not have been difficult for Lovegrove to have physically quelled Pittman’s attempts to seduce him. Although it is unlikely that Lovegrove was subject to anal intercourse without consent, his mutilation of Pittman’s perineum does appear to convey symbolic meaning. Without resort to any crudely psychological or Freudian model, the mutilation seems to imply that Lovegrove sought to penetrate and thus feminise Pittman’s body. But it is not entirely clear why Lovegrove wanted this. Perhaps the men had an argument and in response Lovegrove decided to kill the older man and disfigure his body. Or perhaps their relationship was never entirely platonic. Witnesses during the trial commented that Lovegrove would often spend the evening at Pittman’s home and that the men appeared to be best of friends. Maybe the killing was the result of a deadly dispute between lovers.

Conclusion

In the early 1990s, gay and lesbian communities around the nation claimed that Australia was experiencing a dramatic increase in levels of anti-homosexual violence.¹⁴⁷ Anxiety about the perceived increase in fatal and non-fatal assaults was so great that violence became the primary concern of the community. Many gay activists speculated about the causal link between anti-gay violence and the moral panic regarding the spread of HIV/AIDS.¹⁴⁸ As a result of community concern a range of initiatives were implemented to counter the problem of violence.¹⁴⁹ Large scale protests were held in Sydney in 1990 in an attempt to draw mainstream media interest to the issue. The following year activists threw red paint onto churches, courts and media buildings in Sydney in response to what considered the indifference of these powerful institutions. Community based surveys were launched in Sydney and Melbourne to statistically document the violence and produce evidence that was used to publicise the issue and silence those who denied the severity of the problem. In NSW the Gay and Lesbian Rights Lobby established its Anti-Violence Project in 1994 to organise public forums, create community education campaigns and lobby the government in relation to violence. The Anti-Violence Project oversaw the creation of self-defence classes for gay men and lesbians while members of the community also organised volunteer street patrols in gay and lesbian identified areas in Sydney.

¹⁴⁷ Tomsen, *Hatred, Murder and Male Honour*, p. 6; Willett, *Living Out Loud*, p. 244.

¹⁴⁸ For a discussion of the link between anti-gay violence and HIV/AIDS, see Rick Sarre and Stephen Tomsen, 'Violence and HIV/AIDS: Exploring the link between homophobic violence and HIV/AIDS as a 'gay disease'', in Gail Mason and Stephen Tomsen, eds., *Homophobic Violence*, pp. 77-90.

¹⁴⁹ Tomsen, 'The Political Contradictions of Policing and Countering Anti-Gay Violence In New South Wales', *Current Issues In Criminal Justice* 5, issue 2 (1993), pp. 210-11

Tomsen points out, nevertheless, that it remains unclear whether this community concern about violence was based on a marked increase in actual levels of violence or on increased reporting of violence. The criminologist suggests the latter, observing that gay community concern about violence was likely the product of activists and the gay media drawing the community's attention to the issue leading more people to report incidents of violence, rather than an actually empirical increase in assaults and deaths.¹⁵⁰

This thesis argued that naming and challenging anti-homosexual violence was an important component of the 1970s gay media and gay movement's political agenda. Having examined how the 1970s gay media identified and responded to violence, the thesis supports Tomsen's claim that the level of anti-homosexual violence in the early 1990s was a continuation of the historical pattern of homicide and violence. As well as publishing articles condemning incidents of anti-homosexual violence the 1970s gay press also published gay murder statistics. In 1976 *Campaign* argued that there had been five gay murders in 1975 and 1976 and at least a dozen since 1970. Articles were also published about specific fatal incidents, such as the killings of Phillip Jones, Richard Robinson and Herbert Pittman.¹⁵¹ In addition to these articles the media made numerous passing references to other gay murders in Australia. These passing references, however, provide little more than a murder location with little or no elaboration. For example, in 1972 *Camp Ink* published an article by the journalist and director Phillip Adams condemning discrimination against homosexuals. The article noted that two Melbourne homosexuals had been murdered by a male sex worker but

¹⁵⁰ Tomsen, *Hatred, Murder and Male Honour*, p. 6.

¹⁵¹ For *Campaign's* article about Pittman's killing see, 'NSW Police Allege Gay Murder', no. 42, April 1979, p. 7.

did not provide further information about the two deaths.¹⁵² Similarly in the opening sentences to his 1976 article about Jones' killing, Watson remarked that there had been a gay murder in Western Australia the previous year, yet no elaboration was provided.¹⁵³ Likewise, in one of his articles about Robinson's death, Watson stated 'Rushcutters Bay Park has long had a history of vicious bashings. There was (sic) several murders there some years ago'.¹⁵⁴ Disappointingly, Watson did not give any information about the several murders that occurred at Rushcutters Bay.

Yet, the most intriguing passing reference to murder was made by *Stallion* in 1973. In that year it published an article warning readers about anti-homosexual violence in Bondi, specifically the Bondi Heads and Notts Avenue toilets.¹⁵⁵ The article reported that a man had been recently found unconscious and badly beaten in the ladies section of the Notts Avenue toilet block, a popular beat in the area. The unnamed author of the article stated that he had, in fact, seen the two 'bashers' in the evening before the assault. The author also claimed that one death had been reported in the Bondi area 'over the last couple of years' but no details about the Bondi murder were given. Because of the 'wave of violence' in the area *Stallion* instructed readers to 'KEEP CLEAR – YOU HAVE BEEN WARNED'. Accompanying its warning about Bondi was a small photo of what appears to be Marks Park looking north with Bondi in the background.

¹⁵² *Camp Ink*, vol. 2, no. 6, April 1972, p. 9.

¹⁵³ *Campaign*, no. 6, February 1976, p. 3.

¹⁵⁴¹⁵⁴ *Campaign*, no. 7, February 1976, p. 3.

¹⁵⁵ *Stallion*, 'Bondi Beat Warning', no. 7, 1973, p. 2.



Stallion, 'Bondi Beat Warning', no. 7, 1973, p. 2.

The photo is fascinating because Marks Park was, in the 1980s and early 1990s, the scene of the Bondi gay hate murders discussed in the introduction to the thesis. The existence of this 1973 photo and *Stallion's* article is significant because it suggests a history of fatal anti-gay violence at Marks Park that far precedes the late 1980s. However, while the photo says much about the violent history of Marks Park, it also says very little: no dates, no names, no details. The photo is frustrating and tantalising, disappointing and alluring, revealing and obscure. It is a single trace almost demanding further historical attention. The photo tells the historian much about Marks Park and its history of anti-gay violence, yet ultimately it leaves the historian disappointed, raising more questions than it does answers. Who was the man killed there in the early 1970s? What, if any, connection exists between violence in Marks Park in the early 1970s and the Bondi murders?

The many passing references to murder, Watson's gay murder statistics and the Marks Park photo indicate that there is potential for further research into the topic of anti-homosexual murder in the 1970s. But as Watson astutely pointed out uncovering anti-

homosexual murders in that decade is difficult because the researcher is often reliant on a chance newspaper report or a suspicion about where the murdered occurred.¹⁵⁶

On the afternoon of 11 September 1970 the bullet riddled body of Ronald Douglas Fennell was found by police thirty metres off the shore of Shelley Beach, Manly.¹⁵⁷ He was fully clothed except for shoes and socks and had been shot three times in the head and eight times in the abdomen. Based on Watson's suggestion that the location of a homicide can provide the researcher a clue in terms of uncovering gay murders, I was intrigued by Fennell's death because it occurred at a beach only a few hundred metres from the gay beat where Scot Johnson's body was found in 1988.¹⁵⁸ My intrigue was strengthened after reading the *Manly Daily* article that reported the killing. The article provides the following quote from a police officer, 'Fennell was well-known to "regulars" at the beach ... He was a "loner" who kept to himself and did not appear to have any friends'.¹⁵⁹ I was immediately struck by two peculiar features of this quote: the use of the words *regulars* and *loner* and the inverted commas around them. Why was Fennell described in such pejorative language and what did the inverted commas signify? Inverted commas generally allude to something that cannot be spoken, in the case of Fennell's death, what did inverted commas denote? Following my first reading of the *Manly Daily* article I suspected that homosexuality might have been involved in the murder.

Three months after the homicide Ian Walker faced court charged with Fennell's murder. The *Manly Daily* published a small article describing the trial and the

¹⁵⁶ Lex Watson, 'Poofter Bashing', *Campaign*, no. 9, May 1972, p. 2.

¹⁵⁷ *Manly Daily*, 15 September 1970, p. 3.

¹⁵⁸ Scott Johnson's death was discussed at the beginning of the thesis.

¹⁵⁹ *Manly Daily*, 15 September 1970, p. 3.

prosecution case. According to the article the prosecution alleged that Walker shot Fennell because the deceased 'made homosexual approaches'.¹⁶⁰ Thus my initial suspicion about homosexuality appeared correct, Fennell's death was indeed homosexually related, although further research into the murder would be needed to confirm the anti-homosexual basis of the killing. Nevertheless the murder confirms Watson's suggestion that a suspicion about the homicide location can provide the historian a clue in attempts to uncover anti-homosexual killings. Fennell's murder, *Stallion's* 1973 Marks Park photo and the numerous passing references to murder made by the 1970s gay press, suggest that the topic of anti-homosexual murder deserves further historical attention and concern.

¹⁶⁰ *Manly Daily*, 4 February 1971, p. 1.

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