

Panic A Killer Defense Part One

Gay Panic Defense - Episode One - Part One

Welcome to the debut of a deep dive into this and that I'm Reggie.

For this first episode, I wanted to look at the origins of the homosexual or gay panic defense, the climate that created it, and one of the first trials that put it on the legal map. Thanks for joining me for Panic: A Killer Defense.

Bed (under the crime section) Have you ever driven down a road so dark that if you turned off your headlights you wouldn't be able to see your hand in front of your face?

That must have been like that late Friday night in Springfield Illinois.

It was April 12th at 10:45 tow truck driver on the way to his last call of the night was flagged down by a man who appeared out of the dark. He had dragged himself out of the dark cornfields that lined the road.

The man told the tow truck driver that he had been shot and needed to go to a hospital. The scene that Patrol Officer Boone observed must have been haunting as well. The description I read said that Patrol arrived he recognized the man now lying in the middle of the road as Robert Chip Jackson owner of Chetson Motors in downtown Springfield. Officer Boone asked Mr. Jackson who had shot him and where was his car was, Jackson, answered I don't know to both questions. At the hospital, Jackson was able to give a few more details. He said that he left a scout meeting around 8:30 that evening and while walking to his car he was approached by a young man who engaged him in conversation and then asked him for a ride. Jackson said he and the young man drove around Springfield Lake but did not park.

Around this time in Springfield Illinois, there was a law in place that prohibited hanging out at Springfield Lake after dark. The ordinance was aimed at preventing the area from being used as a lover's lane.

Mr. Jackson said he remembered a gun being pulled on him and gunshots, but he couldn't remember any of the other details.

When the police went through Jackson's possessions, they found a money clip containing \$210, a watch, and a Masonic ring with a large stone that appeared to be a diamond.

Jackson was taken into surgery and an all-points bulletin was issued for his car. At 5:35 a.m. an officer on patrol found Mr. Jackson's car pulled into a parking lot and John Stephan Parisie, age 19 asleep behind the wheel.

Mr. Parisie was placed under arrest and searched at the scene, the officer found Jackson's wallet, gas credit card and cigarette lighter in Parisie's pocket.

When the officer searched the car, he found blood on the driver's seat and Jackson's suit jacket neatly folded on the back seat. Inside the suit jacket pocket, the officer found Mr. Jackson's wedding ring. Outside the car, there was blood on the left-back bumper.

At the scene and in police custody Mr. Parisie readily admitted that he had shot Jackson, though he said many of the details were fuzzy.

In his account, Parisie said that he had met Jackson a few days before when he had gone into Chetson Motors to look at used sports cars. Parisie told police he had given Jackson his phone number so he could be contacted when new sports cars became available. A few days later while walking downtown Jackson drove up alongside him and offered Parisie a ride which he says he accepted.

Parisie said he thought that they would drive around Springfield Lake, but Jackson drove down a dark secluded street instead. Parisie said Jackson stopped the car, pushed the driver's seat back placing his hand on Parisie's crotch saying, "John I'd like to give you a blowjob" Parisie says he declined the offer. Smiling Jackson told him, "If you don't let me "do it" you'll have to walk back to town."

Parisie told police that the threat of being stranded in the middle of nowhere made him, "blow-up and lose it." Parisie said he remembered some sort of struggle and gunshots, but all the other details were fuzzy.

At 10:20 am April 13th, 1968 after several hours of surgery Robert Jackson died from his injuries. He was 36 years old, married and the father of three children, the eldest of whom was 10 years old.

The murder of Robert Jackson and the trial that followed helped to define how the homosexual panic defense would be used in courts across the United States.

So, it might surprise you to learn that homosexual panic didn't start anywhere near a courtroom it was actually part of a wide-ranging study called Psychopathologies by Dr. Edward Kemp. In 1920 working as a clinical psychiatrist at Saint Elizabeth Mental Hospital in Washington D.C. Kempf noted that a number of his patients who identified themselves as heterosexual were latent homosexuals.

As Kempf observed it, the tension between erotic desires for same-sex partners and revulsion at the idea of being a homosexual created in some patients a range of debilitating psychological disorders which Kempf identified as homosexual panic.

Some patients certain that they were not responsible for these sexual desires experienced fears that their food was being tampered with, something being slipped into their drink that brought on the sexual fantasies. Some of his patients also reported hearing sexually enticing messages and seeing pornographic images of their same-sex desire. Fainting spells and brief losses of consciousness were also associated with homosexual panic.

After treating hundreds of patients Kempf created nine case studies of the most severe examples of homosexual panic which were included in his published study Psychopathologies.

The nine case studies of eight men and one woman are heartbreaking to read and deserve their own podcast but here's the most important thing to keep in mind as it related to the homosexual panic defense, Kempf found his patients to be non-violent to others, mostly a danger to themselves.

To turn homosexual panic into a legal remedy it would take a social climate that only the 1950s could provide.

<https://www.youtube.com/watch?v=ltDZWQKNrCA> (Detective John Sorenson – Dade County Florida Morals and Juvenile Division)

The 1950s with its post-war dynamism and its self-proclaimed squeaky-clean living brought with it a level of economic security many Americans had never known. It also had a bit of a stink in the tail. If you didn't conform to community norms and standards your life could be quite difficult.

For African Americans, Jim Crow laws persisted through the 1950s, many women who had found work during world war two were encouraged by their community, churches, synagogues, mosques, and government to focus on becoming domestic goddesses whether they wanted to or not.

The 1950s was coined the age of anxiety by WH Auden to capture the mood of the USA after world war 2. The tranquilizer was widely introduced in the 1950s marketed as a relief from the anxiety, tension, and stress associated with anxiousness. Some of the most anxious folks in America had to be gay and lesbian people. Where before homosexuality was despised it was rarely spoken of publicly in the 1950s it was often discussed with alarm and dread.

Beware of Boys (<https://www.youtube.com/watch?v=HqPB9D9xIVI>)

Men who were caught in gay clubs or cruising areas were arrested and their names, addresses, and occupations were published in the morning newspaper.

A 1950 congressional committee report called "Employment of Homosexuals and other sex perverts in the government." concluded that homosexuals were unsuitable for employment in the Federal Government as they constituted a national security risk.

The tension between the United States and the Soviet Union, known as the Cold War, was the perfect opportunity for people like Senator Joseph McCarthy to push for a purge of gays and lesbians from the government. The hunt for communists was called the red scare and the hunt for homosexuals was called the lavender scare.

In 1953, President Eisenhower ordered the firing of every homosexual working for the government, as a result, thousands of women and men lost their jobs.

By the way, more gay and lesbian people lost their jobs in the U.S. government than suspected communists and there was never any evidence of any homosexual security risk. President Eisenhower's executive order banning gays and lesbians from the military wasn't rescinded completely until 2010 when President Obama's executive order finally allowed lesbians and gays to serve openly.

In 1952, the American Psychiatric Association included Dr. Kempf's homosexual panic theory in the first publication of the Diagnostic and Statistical Manual of Mental Disorders along with its definition that homosexuality was a sociopathic personality disturbance.

Antisocial personality disorder, definition: a person with a psychopathic personality whose behavior is antisocial, often criminal, and who lacks a sense of moral responsibility or social conscience.

It is hard to overstate the impact that this diagnosis had on the culture at large. It was used to buttress the idea that homosexuality was something that needed to be cured or eradicated. By the end of the 1950s, the table was nearly set for the use of the homosexual panic theory in murder trials across the United States but there was one last element missing and that was a good old fashion backlash and the social movements of the 1960s provided that. In the 1960s, inspired by the civil rights movement groups of gay, lesbian and trans men and women fed up with being treated like criminal outcasts began demanding equal treatment under the law and the country began to notice and take action.

I don't know if you know it or not, but the United States has a crazy history with Sodom. Sodomy was a crime punishable by death in the United Kingdom and the colonists brought adopted the same attitude in the new world.

In 1779, Thomas Jefferson wrote a law in Virginia which contained a punishment of castration for men who engaged in sodomy. Jefferson intended this to be a modifier of the sodomy laws in Virginia which held death as the maximum penalty for the crime of sodomy. His modification was rejected by the legislators.

The death penalty was finally dropped as a punishment sometime in the 19th century. In the 1960s from Texas to Kansas, lawmakers changed sodomy laws to specifically target gay and lesbian people. We know they did because they told us that's what they were doing. The definition of sodomy was expanded to include oral sex and mutual masturbation.

By redefining what constituted sodomy to include a wide range of sexual activities enjoyed by most consenting adults then narrowing the laws to only focus on gay and lesbian people, lawmakers sought to make homosexuality synonymous with sodomy.

It's pretty monstrous if you think about it. You dehumanize the actors by defining them only by their sexual activity.

Once on the books, these laws were used to deny parents' custody of their children in divorce proceedings by declaring the other parent participated in sodomy.

Lesbian and gay couples were not allowed to adopt or foster children and of course, it became a cause for losing your job.

Here's a glimpse of the circular logic that was used to defend this type of discrimination. In oral arguments before the supreme court in the case of Bowers vs Hardwick in 1986, The FBI was asked by the justices how it could defend using Georgia's sodomy statutes to bring charges against a homosexual when the same activity was not illegal for heterosexuals.

An attorney representing the FBI replied, "that it couldn't be illegal to discriminate against gay people because gay people are a class "defined" by conduct which could be made a crime." The conduct was sodomy. They won that case by the way. That supreme court ruling wasn't overturned until 2003. Even now states like Texas still have anti-sodomy statutes that single out gays and lesbians.

By the time Robert Jackson was killed in 1968 homosexuality was considered a crime in the eyes of the law, a mental illness, and a social making a defense that called upon the juries to find sympathy and common cause with those who had taken a blow against the corrupting force of homosexuality and the homosexual panic defense was born.

In episode two we will explore the murder trial of John Parisie and the trial's aftermath. We'll also take a look at the future of the gay and trans panic defense.

If you'd like a transcript of Panic a killer defense or if you'd like to take a look at some of the research bits and bobs I found along the way, you can find them all at the deep dive website at www.reggiedeepdive.com I'd like to thank Joshua Rich for his beautiful music composition Rain that you hear at the beginning and end of the podcast. He's an absurdly talented composer and musician and you can find a link to more of his music at the deep dive website.

Please be sure to subscribe to the podcast wherever you listen to your podcasts.

And be sure to check out episode two of Panic a killer defense.

Thanks again for joining me.

See ya next time.