

Cal Poly Students Struggle for Gay Rights

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Abstract:

This paper follows the gay rights movement at Cal Poly and San Luis Obispo through the 1970s. Cal Poly's Gay Students Union (GSU) was first proposed in 1972, but had to undergo a series of legal battles before Cal Poly administration finally granted the organization official school recognition four years later. University President Robert E. Kennedy only signed the Union's bylaws under the direct advisory of the State Attorney General. Kennedy claimed his opposition to the club was only for legal reasons, but this claim did not hold up against previous statements made by the administration.

Further discrimination was faced by gay students at an off-campus discotheque owned by Cal Poly professor Norman Jackson. Jackson forbade same-sex couples from buying couples tickets or dancing together, and fired his student business partners for inviting the GSU.

Student-run newspaper *Mustang Daily* followed GSU controversies and published a four part series that allowed gay people at Cal Poly a platform to counter the stereotypes and stigmas against them, as well as share their stories.

Historiography:

There are currently no existing papers that follow the story of the Cal Poly GSU and the gay rights movement in San Luis Obispo during the 1970s to the depth and informational detail produced here. There is a compilation of GSU-related events into a timeline, which can be found

on the Cal Poly Cross Cultural Center website.¹ However, this timeline does not explain the socio-political climate of the campus, or offer analysis as to the motives behind the events. There is also a student paper written by Tessa St. Clair, which discusses the AIDS epidemic at Cal Poly during the 1980s. St. Clair's paper reflects upon how AIDS affected all students, regardless of sexual orientation, although she does address how the social stigma impacted students who experienced same-sex attraction.²

Introduction

The Stonewall Riot of 1969 has been widely regarded as the first major victory of the Gay Liberation Front in the United States. The iconic riot against police brutality targeting the community of lesbian, gay, bisexual, transgender, queer, and other non- cisgender/heterosexual identifying (LGBTQ+) people lasted for six days, but still holds a legacy for inspiring others to rise up in a national grassroots crusade for equality.³ This movement found its way to San Luis Obispo's California Polytechnic State University in 1972, when students urged administration to recognize the Gay Student Union as an official organization on campus. Students and allies of the LGBTQ+ community were not simply granted the necessary resources now available, but have had to actively campaign for the establishment of the Gay Students Union, an end to discrimination from administration and faculty, and better education of the public about homosexuality as a lifestyle, rather than acts of sexual deviance.

¹ "Cal Poly LGBT History and Significant Campus Events," Pride Faculty Staff Association, California Polytechnic State University (2020), <https://pridefsa.calpoly.edu/history-0>.

² Tessa St. Clair, "Cal Poly's Response to the AIDS Crisis of the 1980s," 2016. <https://digitalcommons.calpoly.edu/cgi/viewcontent.cgi?article=1128&context=forum>

³ "Stonewall National Monument (U.S. National Park Service)," National Parks Service, U.S. Department of the Interior (August 9, 2018), <https://www.nps.gov/places/stonewall-national-monument.htm>.

The Legal Battles

Cal Poly students first had to undergo a massive struggle simply to have the Gay Students Union be recognized. While the school's website now contains the rosy wording that in 1972 "students beg[a]n the process of applying for a Gay Student Union,"⁴ the reality was that students had to legally battle the administration for three and a half years before the organization received university recognition. The bylaws for the organization were first proposed in March of 1972, and quickly passed through the Associated Students Incorporated (ASI).⁵ But on June 1 of that same year, Dean of Students Everett M. Chandler wrote in his memorandum to ASI Secretary Debbie Meadows that "[i]f the University provides an approved organization [...] individuals may be led in the direction of homosexuality. [...] It does not appear to be sound educational practice to provide an organization which will encourage those borderline persons to make decisions that they will later regret." In case this statement was not patronizing enough, Chandler further explained, "the University cannot accept an organization which attracts people, on- or off-campus, who may well have the potential of child molestation."⁶ With this quote, Chandler invoked the commonly held fallacy that homosexuality was linked to pedophilia as actual evidence for why the Gay Student Union was unworthy of University recognition.

Stunned by the blatant bigotry, ASI attorney Richard Carsel filed a lawsuit against the Cal Poly administration. The San Luis Obispo Superior Court took the case the same month the offensive memorandum was written. Carsel argued that the First Amendment of the Constitution grants students the rights to freedom of speech and assembly. The Gay Students Union was not promoting anything illegal, and thus there should be no reason against its creation. Cal Poly

⁴ "Cal Poly LGBT History and Significant Campus Events," Pride Faculty Staff Association, California Polytechnic State University (2020), <https://pridefsa.calpoly.edu/history-0>.

⁵ Richard McMillen, "State High Court to Rule on GSU," *Summer Mustang*, August 1, 1974.

⁶ Everett M. Chandler, "Gay Student Union," *State of California Memorandum, Cal Poly*. June 1, 1972.

administration's attorney Balasco "sought to prove that being an admitted homosexual meant engaging in homosexual acts such as oral and anal copulation which are unlawful in California,"⁷ a statement which effectively reduced homosexuality to acts of sexual intercourse, rather than a loving relationship between two people, or an inherent characteristic targeted for abuse by the heterosexual majority. The following March brought a ruling in favor of the administration on the grounds that the Gay Students Union would be discriminatory against heterosexual people, which, the judge argued, goes against legislature forbidding discrimination on the basis of sex. Bear in mind that it was still legal for faculty and the admissions office to discriminate against people who were homosexual. The judge presiding over the case, Richard Harris, additionally commented that the homosexual community presents "a serious enough threat to society to justify denial of recognition."⁸

In the midst of the legal battle, the topic of homosexuality was receiving a lot of attention from students, not all of which was positive. While outright hatred for the gay community was rampant, many "sympathetic" opinions were still condescending. The latter is well exemplified in the article "They need aid not pity," which was featured in the student-run newspaper *Mustang Daily*. While the *Mustang Daily*'s regular contributors were rather progressive and supportive of the gay community, the inclusion of this patronizing letter to the editor allows readers a better look at the commonly held fallacies of the time. The article states,

Homosexuals should not receive our ridicule or pity, but instead our help. One way to look at homosexuals is that they are ordinary people who are caught up in a web of sin. Usually this web is spun by a possessive mother, an unconcerned father or an unsatisfying sexual experience, due to either wrong indoctrination about sex, or isolation from the opposite sex. There is no evidence as yet to support the fact that homosexuality is an inherited tendency.⁹

⁷ Dewitt Russel, "Court decision awaited," *Mustang Daily*, October 2, 1972.

⁸ Roger Vincent, "Gay students foiled again," *Mustang Daily*, March 28, 1973.

⁹ Alan Harber, "They need aid not pity," *Mustang Daily*, November 3, 1972.

There actually was research showing the biological nature of homosexuality, but this research was far less known than psychologist Sigmund Freud's biased and scientifically flawed assertions on the topic. However, letters to the editor are often founded more in opinions than fact.

Despite the strong legal and social discrimination, ASI continued to advocate for the Gay Students Union by filing an appeal to the District Court of Appeals of Los Angeles. ASI attorney Richard Carsel explained that his angle for this case is questioning the legitimacy of administration's authority over student organizations. He claimed that he will treat the social significance of the club as a "total irrelevancy," instead making the battle about the "boundary of power between ASI and the administration." Obviously the battle was for civil liberties of what would now be called the LGBTQ+ community. However, Carsel knew that between popular homophobic sentiments and lack of legislature pertaining to the rights and protections of gay people, he would not have enough material to build a legal case on that premise. Additionally, he admitted that "having a GSU on campus would [not] be a first— half the state universities and colleges in California currently support gay organizations." Carsel would rather do something more groundbreaking: assert ASI's power and independence from administration.¹⁰ This goal represented a larger theme in American universities during the 1970s: a distaste for authority, creative idealism, and a desire for freedom and power to the people.

Unfortunately, the Los Angeles Court of Appeals upheld the ruling of San Luis Obispo's Superior Court. This devastating decision was made in July of 1974.¹¹ Carsel filed yet another appeal to the Supreme Court of California, but the case was dismissed due to a technical error in filing. Most appeals can be filed within thirty days of the previous ruling, but due to the private,

¹⁰ Richard McMillen, "State High Court to Rule on GSU," *Summer Mustang*, August 1, 1974.

¹¹ *Ibid.*

civil nature of this case, the appeals period was only ten days. Carsel was deeply troubled by the ramifications of his mistake, but the fight was not over yet. He determined the next step was to rewrite the bylaws for the Gay Students Union, using the information he gleaned from the court hearings to ensure the document provided a persuasive, sound legal argument for the organization's recognition.¹² Cal Poly's Director of Activities Planning Center, John D. Lawson, wrote a memorandum to Everett M. Chandler exploring the possible responses to the Gay Students Union, as well as the pros and cons for each option. While repeatedly referring to the GSU as "troublesome" and "undesirable," Lawson clearly acknowledged that ASI would continue to pursue legal action against the administration unless the Gay Students Union was granted formal recognition as a Cal Poly organization.¹³ Despite this, university President Robert E. Kennedy remained adamant that the GSU was not welcomed on campus. He stated in an interview that if they were granted recognition, "Must we have no choice in denying recognition to the Ku Klux Klan, the American Nazi Party?" He further asserted that the GSU's goal of "studying the phenomenon" of homosexuality was akin to studying white supremacy.¹⁴

Despite this very strongly expressed sentiment against gay students, the stance of the administration took a sharp turn less than two months after the publication of Kennedy's interview. On January 13, 1976, news spread across campus that the Gay Students Union had been granted university recognition. This change was prompted by a somewhat mysterious visit from the State Attorney General. What he said to President Kennedy on Friday, January 9th's meeting remains confidential, but the State Attorney General's point was apparently pungent enough to bring an end to four years of legal battles. It was that same Friday that the Gay

¹² Fred Vulla. "Gay group out on attorney error-- Kennedy wins." *Mustang Daily*, October 3, 1974.

¹³ John D. Lawson. State of California Memorandum, Cal Poly. August 14, 1975.

¹⁴ Pete King. "The Kennedy Interview II," *Mustang Daily*, October 21, 1975.

Students Union bylaws were approved, finally allowing the students access to financial benefits and services through ASI, the ability to use Cal Poly equipment and facilities, participate in Poly Royal events as an official organization, and post fliers and table alongside other Cal Poly clubs.¹⁵

Kennedy claimed that his opposition to the Gay Students Union had always been for “legal, and not moral” reasons. He attempted to support this claim by generically stating that anti-gay laws and business policies existed, and he worried the students, while representing Cal Poly, might unknowingly violate one of these rules.¹⁶ Kennedy also stated he had viewed the GSU as “an attempt to secure constitutional protection for a restricted membership organization,” which he felt would be discriminatory against heterosexual students.¹⁷ However, the so-called “legal argument” previously made by Kennedy’s lawyer that being gay meant committing illegal sexual actions,¹⁸ and Dean of Students Everett M. Chandler’s view that the club would draw in child molesters,¹⁹ were not so easily overlooked. Kennedy’s own statements comparing the Gay Students Union to the Ku Klux Klan, or his reference to his Christian values surely remained in the minds of the student populace.²⁰ Even with eventual approval of the organization, he stated, ““The legal opinion [of the State Attorney General] makes it quite clear that as a result of recent changes in state law, as well as changes made in the bylaws subsequent to the Superior Court case in March, 1973, and the Appellate Court in June, 1974, I no longer have any legally sustainable basis for nonrecognition.”²¹ Kennedy’s diction within that quote

¹⁵ “Gay Student Union Recognized,” *Cal Poly Report*, January 13, 1976.

¹⁶ “GSU Gains University Recognition,” *Mustang Daily*, January 13, 1976.

¹⁷ Pete King. “The Kennedy Interview II,” *Mustang Daily*, October 21, 1975.

¹⁸ Dewitt Russel. “Court decision awaited,” *Mustang Daily*, October 2, 1972.

¹⁹ Everett M. Chandler, “Gay Student Union,” *State of California Memorandum, Cal Poly*, June 1, 1972.

²⁰ Pete King. “The Kennedy Interview II,” *Mustang Daily*, October 21, 1975.

²¹ “Gay Student Union Recognized,” *Cal Poly Report*, January 13, 1976.

alone was very telling of his true attitude. He did not say that the changes made to the state laws relieved his concern about students unwittingly violating anti-gay regulations while representing Cal Poly. He did not say the changes to the Gay Students Union bylaws eased his suspicion about the organization showing favoritism towards gay people, or exclusion of heterosexuals. He instead stated that these changes dissolved his *legal justification* for denying recognition of the organization to which he openly admitted his opposition.

Many other people also cited their religious beliefs as grounds for opposing the Gay Students Union. In the same issue of the *Mustang Daily* where the club's recognition was published, the homophobic opinion of Cal Poly Professor Robert J. Rodis was also publicized. Professor Rodis wrote that in the Christian Bible's book of Leviticus,

adultery (sexual relations with another man's wife), incest (sexual relations with a man's daughter or mother), sodomy (sexual relations with other animals), and homosexuality were all put into the same category, and all had the same punishment— death by stoning. Because the gay students and their crowd have developed a public relations program to seek public approval, will we also be forced to approve clubs for incest, sodomy, adultery, and other forms of immorality? God forbid!²²

This article did pose a complicated issue about university professors in relation to the First Amendment of the Constitution. The First Amendment did grant the right to free speech, but it also established the separation of church and state. Given that Cal Poly is a state university, it would be logical to expect that its administration, faculty, and staff would refrain from imposing their personal religious beliefs upon students or university affairs. However, the rampant homophobia expressed by Cal Poly faculty and staff instead went largely unprimanded.

Discrimination At The Disco

²² Robert J. Rodis, "Prof cites Bible in homosexual group condemnation," *Mustang Daily*. January 13, 1976.

Another example of homophobia amongst faculty was the discrimination that occurred at Sophisticated Lady Disco. Cal Poly English professor Norman Jackson had partnered with two Cal Poly students, surnamed Crooks and Van Atta, to renovate a building he owned into a discotheque. The idea had come from the students, who recognized the opportunity to capitalize on disco as the latest social trend. Local newspaper *Telegraph Tribune* reports that Jackson “gave Crooks and Van Atta a \$500 budget for decorations, provided half the labor and agreed on an even split of the profits from the discotheque.”²³ Crooks and Van Atta invited their friends from the Gay Students Union to attend opening night of Sophisticated Lady Disco. By most accounts, there was no issue at first. Those in attendance happily danced the night away. However, by Jackson’s account, sixteen calls were made to complain about gay couples dancing together. The following night, twenty gay students were told that they would not be permitted to buy couples tickets unless they were with someone of the opposite sex. They could purchase single tickets at a higher overall rate, but even then, same sex couples would not be permitted to dance together.²⁴

Behind the scenes, Jackson was furious at his business partners, claiming that they had been “conspiring” all along to turn his business into a homosexual hotspot. He immediately terminated his business agreement with them, and told the public that he had no knowledge that they were gay. Crooks and Van Atta, equally furious at Jackson, planned a lawsuit against him, though records do not show what became of that intention. GSU President Michael Perlman also filed a complaint to the American Civil Liberties Union, though he told the press the GSU had no intention of taking the issue to a court of law. Perlman states, “Technically, the Jacksons have a

²³ Mike Harris, “Dance Flap SLO gays claim discrimination,” *Telegraph Tribune*.

²⁴ J.N. Sbranti, “GSU accuses disco of gay discrimination in policy on couples,” *Mustang Daily*, January 26, 1977.

right to discriminate.”²⁵ Owners of small, private businesses were typically granted legal liberty to refuse service to anyone, for any reason. A lawsuit against the Jacksons on grounds of discrimination likely would not have won in court, especially considering the years of legal battles that were necessary for the GSU to exist at all.

The controversy at the disco did gain a significant amount of attention from the students at Cal Poly, as well as from faculty. The *Mustang Daily* published several pieces from both sides of the divide. Student Annelizabeth Throop wrote to the editor countering Norman Jackson’s stance that he was only acting out of concern for the success of his fledgling business. Throop wrote, “to quote Norman Jackson, ‘homosexuals and heterosexuals will not mix.’ If this were true, what were those three hundred people doing on the dance floor?”²⁶

On the opposing side of the argument, student Dennis A. Ice wrote to the editor,

Permitting the gays to associate in public places will only contribute to the psychological destruction of our younger generations[...] Homosexuality is a sickness, much as mass murder or sadism are sicknesses.[...] If permitted to evolve, our children and our grandchildren will curse us and our evil days forever. If you see this problem as I do, [...] write letters, send petitions to administrators, elected officials, and anyone else who has the power to crush this evil epidemic before it spreads.²⁷

Although Dennis A. Ice had the most dramatic wording in his opposition, he was not alone in his sentiments against the Gay Students Union on this issue. Mechanical Engineering Professor Roger A. Keech wrote to the *Mustang Daily* editor, “All relationships are reduced by the gays to an adolescent mutual self-satisfaction orgy. [...] If you really want to overcome bigotry, Michael Perlman— date a girl.”²⁸ The first part of this comment yet again showed the

²⁵ Mike Harris, “Dance Flap SLO gays claim discrimination,” *Telegraph Tribune*.

²⁶ Annelizabeth Throop, “Mixed disco,” *Mustang Daily*, January 28, 1977.

²⁷ Dennis A. Ice, “Letter to the Editor,” *Mustang Daily*, February 9, 1977.

²⁸ Roger A. Keech, “Namecalling,” *Mustang Daily*, February 9, 1977.

common social stigma of reducing gayness to “deviant” sexual actions, rather than a loving relationship between two people. The second part was addressing GSU President Michael Perlman’s reaction to the disco discrimination, which was actually rather optimistic.

Perlman wrote in his own letter to the editor that “[the Jacksons’] debasement of homosexuals is a benighted and nonsensical attempt to feel superior in a society moving closer and closer to human rights on all levels, and further away from the kind of ignorance that breeds nothing but injustice and rancor.”²⁹ Perlman noted that although the discrimination stung, the Gay Students Union was well received by the other patrons on the disco’s opening night, and had gotten so much support in the aftermath of Jackson’s decision. Those things were testament to how much progress had been made since the organization’s proposal five years previously.

Media Outreach

The *Mustang Daily* actively continued to promote a better understanding of gay lifestyle by launching a four-part series to dismiss common misconceptions, as well as share heartfelt personal narratives. The first part of the series was published May 11, 1977, entitled “The struggle for gay acceptance.” In this, Dr. Norman Murphy informed the readers that homosexuality was an inherent characteristic determined by the hormone balance one received while in the womb. Once this characteristic was determined, “no treatment, be it medical or psychological, is universally or even marginally effective in reversing the course of sexual preference.” Perlman added that “most people think of homosexuality strictly in terms of [...] sexual relations, but they don’t realize that gay people actually fall in love with each other.” The paper informed readers of how ignorance about homosexuality led to hatred and violence,

²⁹ Michael Perlman, “Letter to the Editor,” N.D. *Records of the Pride Center and Gay Student Union, Box 1.*

stating, “Twice within the last year, [...] unidentified explosives blew up in GSU meetings [...] and no suspects were apprehended.” But the article also listed the two safe havens for gay students in San Luis Obispo: the Gay Students Union, and Metropolitan Community Church (MCC). Although most churches in the area preached that homosexuality was a despicable sin, MCC was founded on the principles of love and acceptance for everyone, regardless of sexual orientation. MCC was a church chain with residency in multiple areas, but this local branch was headed by a lesbian minister. Many gay people congregated here, thankful that they were no longer expected to choose between their love and their faith.³⁰

The second episode of this written series was “Working his way out,” a personal narrative about a young male student at Cal Poly coming out as gay. This student, Michael Courtwright, started by coming out to his roommates, whom he viewed as friends. They immediately filed a complaint to University Housing, and Courtwright soon received a notice from a student manager that he was an “unfavorable tenant.” Courtwright relocated in the middle of the quarter, and had to deal with the broken housing contract. Around the same time, Courtwright also came out to his parents. They forbade him from having any male lovers, gay roommates, participation in the Gay Students Union, and additionally made him return home once a month to attend a mental health clinic. These demands were made under threat of cutting off all financial support. While Michael Courtwright’s coming out was not at all what he had hoped, he did state a sense of relief that he no longer had to live a lie. He was happy with the person he was, and would not want to change his sexuality even if he could— only the stigma with which others viewed it.³¹

³⁰ J. N. Sbranti, “The struggle for gay acceptance,” *Mustang Daily*, May 11, 1977.

³¹ J.N. Sbranti, “Working his way out,” *Mustang Daily*, May 12, 1977.

The third part of the series was entitled “Lesbianism under wraps in San Luis.” This article addressed how when most people thought of the gay community, they thought of the stereotype of a feminine, flamboyantly dressed man. Rarely did people consider lesbians. Even within the Gay Student Union, Vice President Debbie [last name redacted for employment reasons] was the only female member. Lesbianism definitely existed as much as male homosexuality, but women often found it more difficult to realize their identity due to the fact that close relationships and physical affection were common amongst heterosexual women. Two lesbians in the article stated that during high school, they had attributed their lack of interest in boys to their focus on school and personal growth. It was not until later that they realized their affection for other women was not always platonic. They appreciated the perspective lesbianism gave them on the world and themselves, and also stated that they were happy to be gay.³²

The final part of the series came a few days later, but it was a much longer piece entitled “Two faculty members enjoy gay life.” The *Mustang Daily* assured the professors of anonymity as a condition to publishing this article, and although no last names were given, the listing of first names and the amount of personal details given about each man raised concern as to how safe their identities remained after the article was published. Nonetheless, the article was well-intended and very persuasive in showing the humanity and normality of these two gay men, as well as garnering sympathy for them against the stigma that kept them closeted. Randy feared that the people whose feelings he had come to respect so highly would look at him differently if they knew, whereas John feared he would be fired, as he did not yet have tenure. The paper elaborated on John’s suspicion that “if the administration wanted to fire an instructor because of homosexuality, it would not be openly admitted. Instead [...] another reason would be contrived

³² J. N. Sbranti, “Lesbianism under wraps in San Luis,” *Mustang Daily*. May 13, 1977.

to justify the act.” Further, on the offensive misconception that gay people were more likely to be rapists or child molesters, John countered that “studies have shown that the number of homosexual instructors, percentage-wise, who have affairs with their students is less than the number of heterosexual instructors who do.”

When asked if they were happy living as gay men, John and Randy shared a similar opinion that although the stigma and secrecy were painful, they felt like it made them more introspective of themselves and their goals. Heterosexual people had socially created models to follow on how a man or a woman was supposed to act, what qualities should be looked for in a partner, and the expectation of marriage, a career, a house, and a child. Being gay entirely broke that model, which was both liberating and terrifying. Gay people had to build their identities and life paths entirely from scratch; Randy and John were both happy with how theirs turned out.³³

Conclusion

Through a great amount of effort in legal battles, confronting business discrimination, and working to educate the general population, the LGBTQ+ community slowly but surely made progress towards equal rights and a more accepting society. What started as riot in 1969 on the other side of the country became a heartfelt, grassroots campaign for equality that is still ongoing to this day. While modern media will show how much controversy still surrounds the LGBTQ+ community today, so much progress has been made on the fronts of legal equity and social acceptance. This is all thanks to the activists who were brave enough to stand up against injustice, and the media which allowed their voices to be heard. This is all thanks to the gays people who dared to pursue their happiness.

³³ J.N. Sbranti, “Two faculty members enjoy gay life,” *Mustang Daily*. May 17, 1977.

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