

John Singer & Paul Barwick's Selfless Pursuit of Marriage Equality

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Throughout many eras of great social, cultural, and political unrest, Washington State has consistently stood amongst the most progressive states in the U.S. In the early twentieth century, as women and like-minded men fought for women's suffrage, Washington was the fifth state in the union to guarantee women the right to vote (Washington). In the late 1960s, as the Civil Rights Movement swelled, Seattle was home to nine chapters of the Black Panther Party (BPP). This disproportionately large representation of a relatively small African-American population was well received by Washington residents, immediately gaining media attention and support from Asian-Americans and liberal Caucasians throughout the state (Mapping). In February of 2012, Washington became the seventh state to legalize same-sex marriage (State). Washington's progressive tendencies are not only apparent in matters of political policy, but are also reflected in its people; with nearly 13% of its population identifying as lesbian, gay, bisexual, transgender, or queer, Seattle is currently home to the second largest LGBTQ community in the country (Turnbull).

While Washington is an undeniably progressive state, social and cultural change has not come easily. Rather, many individuals throughout Washington State's history have inspired change through admirable dedication to their cause, often making immense sacrifices and taking incredible risks to do so. As the first same-sex couple to request a marriage license in Washington State, John F. Singer and Paul Barwick were courageous, selfless, and noble individuals that inspired positive change in Washington.

The year was 1971. Velour pants suits, faux fur sport coats, and flared corduroy pants were "in." Being gay, lesbian, transgender, queer, or anything other than heterosexual, was not.

In fact, homosexual acts of any kind, even in the privacy of one's own home, were illegal in 49 states. The remaining state, Illinois, did not have laws explicitly addressing homosexuality, but criminalized sodomy, thereby making non-procreative sexual activity between homosexuals illegal. In addition, a small, fragmented homophile movement offered the only opposition to a wealth of existing anti-gay organizations. In the early 1970s, homosexuals did not have the same visibility, support, or understanding as they do in much of the country today; the first same-sex couple was not featured on television until late 1972, homosexuality was categorized by the American Psychiatric Association as a psychiatric disorder until December of 1973, and homosexuality was not publicly supported by an American politician until 1986 (Rosen). The lack of public understanding of homosexuality did not deter John Singer and Paul Barwick. Instead, it inspired the young men.

The two activists crossed paths on the University of Washington campus; both were attending a weekly meeting of the Gay Liberation Front. Barwick, a 24 year-old Army veteran returning from Vietnam, was in the midst of coming out of the closet. Singer, 26, was also an Army veteran. Known for his dog tags that read "Ethical Culture" in place of a religious specification, Singer was very politically active. Upon meeting, the two took an immediate liking to one another. Fast friends and occasional lovers, they were quickly engaged to be married (Sanders). However, neither believed in the institution of marriage, each asserting that the monogamy of marriage was "an oppressive situation." Their motivation to marry was political in nature. They each recognized the injustice of the status quo, noting that not allowing same-sex partners to legally wed was unjust and put same-sex couples at a financial disadvantage because they were unable to file joint income tax returns ('Non-believers'). Consequently, Singer and Barwick viewed their engagement as a business agreement, rather than a romantic endeavor. The

business: gay liberation. The partners sought to bring visibility to the misunderstood issue of homosexuality and same-sex marriage (Sanders).

On September 20, 1971, Singer and Barwick set out for the King County Administration building to request a marriage license. Upon arrival, they were pleased to find a slew of TV and newspaper reporters, whom they had intentionally tipped off ahead of time, waiting eagerly at the corner of 4th and James Street, just outside the marriage office. Both men had unkempt brown hair and mustaches. Singer wore a pin-striped suit and tie; Barwick, a fitted white T-shirt with the word “GAY” emblazoned across the front. Holding hands, they approached the front desk proudly and requested a marriage license (Barlet). As they anticipated, their request was swiftly denied. In fact, the office manager, Neal Pearson, would not even accept their application. Singer briefly contested that the 1969 revision of Washington State marriage laws, which lowered the minimum age required for individuals to marry, legalized same-sex marriage by not explicitly specifying the required sex of either party: “The state law says, ‘marriage is a civil contract which may be entered into by persons of 18 years [or over],’” Singer noted. “We are persons of that age.” Pearson did not waiver, noting that county auditor, Lloyd Hara, had advised him that issuing a marriage license to individuals of the same sex was illegal (‘Non-believers’).

Although Singer and Barwick left the King County Administrative building empty-handed, they had accomplished their mission. Their request for and denial of a marriage license was immortalized by many clamoring reporters and, subsequently, their story made national headlines. In a time when homosexuality was largely misunderstood and neglected by the vast majority of the American population who found it to be an unsavory topic, the two visionaries had brought much-needed attention to the divisive issue.

Fully aware that no court was prepared to grant them a marriage license, Singer and Barwick continued their efforts to bring attention to the homophile movement. To do so, the couple filed a civil lawsuit against the county, asserting that denying same-sex couples a marriage license violated the Equal Rights Amendment to the Washington State Constitution as well as the Constitution of the United States. In 1974, the Washington State Court of Appeals ruled against Singer and Barwick, nearly laughing the two men out of the courthouse. The Washington State Supreme Court would deny review of the court's decision ('Non-believers').

Although *Singer v. Hara* was unable to alter legislation, Singer and Barwick's efforts had a profound impact on American society and the Seattle community. As the first same-sex couple in Washington and the second in U.S. history to request a marriage license, they acted as catalysts, igniting a fervent discussion about the injustices and inequalities faced by same-sex couples. Their actions also inspired likeminded couples to sue for the right to wed. Following their newsworthy efforts, the partners received letters from people within the Seattle community and across the country, many noting that Singer and Barwick were the first openly gay couple they had ever heard of. Undoubtedly, the remarkable efforts of the two men sparked an important conversation that remains relevant nearly fifty years later (McNerthney).

For over 30 years, *Singer v. Hara* was referenced in similar civil lawsuits; plaintiffs in favor of marriage equality cited the unprecedented case as an example of the injustice allowed by current legislation. Likewise, defendants looking to maintain the status quo argued that *Singer v. Hara* exemplified correct interpretation and execution of a righteous law. The case would remain the best known gay marriage case in Washington State until 2004, when two lawsuits, representing the combined interests of seventeen same-sex couples, were consolidated and reviewed by the Washington State Supreme Court. Citing the 1998 Defense of Marriage Act

(DOMA) as the driving force behind the court's legal obligation to deny marriage to same-sex couples, *Andersen v. King County*, as the case would come to be known, suffered the same fate as *Singer v. Hara* (Madsen).

While Singer and Barwick's valiant efforts to highlight the inequalities faced by homosexuals were quite successful, the two men took incredible risk and selflessly sacrificed to do so. Both men were fortunate enough to work in very progressive, accepting fields: Singer at the Equal Employment Opportunity office and Barwick at the Gay Community Center. Consequently, they both narrowly avoided otherwise certain persecution by employers. Nevertheless, after their very public request for a marriage license and their equally publicized challenge of King County's refusal to grant said license, both men became increasingly familiar with the many prejudices faced by homosexuals. Thrust into the public eye, Barwick was forced to rapidly transition from "in the closet" to "out," prompting his own father to immediately disown him. After two decades of not speaking, Barwick's father would eventually seek reconciliation. However, Barwick was not aware of these attempts to make amends until months after his father's passing (McNerthney).

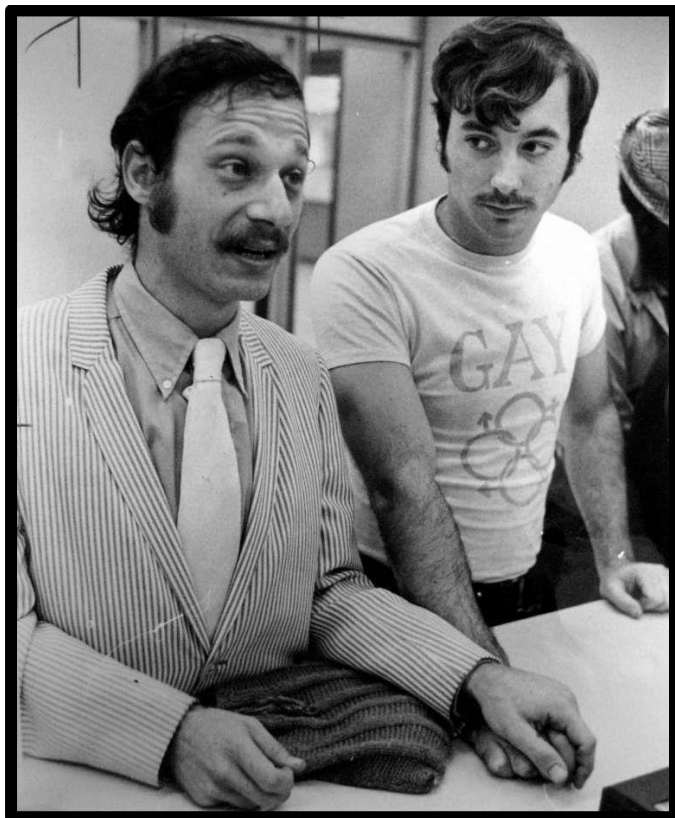
Both men endured resentment from other members of the homosexual community as well. The Dorian Society, the first gay rights organization in Seattle, did not support open displays of homosexuality. Therefore, highly agitated by Singer and Barwick's very public stunt, members of the Dorian Society refused to associate with the two men. Singer and Barwick's circle of homosexual friends, in whom they could confide and feel completely free with, was further reduced when homosexual women withdrew from their social circle. In the early 1970s, many gay women tried to distance themselves politically from gay men, wanting to make their cause distinct from their male counterparts. Consequently, when Singer and Barwick suddenly

found themselves at the center of a media frenzy and a growing political discussion, many lesbians within Singer and Barwick's inner circle pulled away, not wanting their ambitions to be confused with those of homosexual males (McNerthney).

Although discrimination was a difficult reality for Singer and Barwick, the two men did not retreat but, instead, remained steadfast in their commitment to enlighten those around them about homosexuality and the injustices faced by same-sex couples. Singer would even go so far as to legally change his name to Fagele benMiriam in 1973. The name Fagele, Yiddish for "faggot," was designed to perturb homophobic individuals. Meanwhile the surname, benMiriam, was simultaneously chosen to pay homage to Singer's mother, Miriam Singer (Sanders).

The effects of Singer and Barwick's activism cannot be overstated; the two men dedicated every aspect of their lives to furthering an important yet largely unpopular cause. Although neither Singer nor Barwick believed in the institution of marriage, they both risked professional success and acceptance in all areas of their lives to call attention to a largely neglected and poorly understood issue. Even when abandoned by family members and friends within the homosexual community, the very community that they were fighting for, Singer and Barwick were unflappable in their pursuit of equality and justice. Their efforts were selfless, and their impact was profound. At a time when same-sex marriage was unfathomable, the two men exposed an uninformed and closeminded American society to an issue that was otherwise ignored. The consequences of their courageous actions inspired many other same-sex couples to request marriage licenses and fight for marriage equality when they too were denied their Constitutional right to wed. The visionary work of Singer and Barwick is one of the many reasons gay marriage has made such profound progress over the course of only 45 years. Furthermore, their efforts have undoubtedly helped Washington State act in a progressive

manner on legislative matters pertaining to gay rights. The implications of John Singer and Paul Barwick's efforts will continue to shape the legislation and cultural awareness of Washington State for generations to come.



John Singer (left) & Paul Barwick (right) at the King County Marriage Office. Seattle, WA; September 20, 1971.

Barwick would visit the marriage office again in 2012 to watch the first same-sex couples in Washington State receive marriage licenses.

Photograph by Tom Barlet, SeattlePI.

"We would just as soon abolish marriage, but we can fight it from within also."

~ John Singer, 1971

"If you had asked me if I thought I'd ever see legal gay marriage in my life I would have said 'no, of course not.' And to be able to see those people getting married - it brought tears to my eyes."

~ Paul Barwick, 2012

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