

“We  
have the  
right to sit  
here!”



**DRAFT**

# The History UnErased Academic Inquiry Series

- teaches students about the vital role LGBTQ people and social movements have played in the development of our nation and the world;
- aligns with national, state, and Common Core standards;
- provides research-based content, pedagogy, and outcomes;
- offers suggestions for technology integration.

Designed by classroom teachers, the History UnErased Inquiry EduSystem™ offers a new scope and sequence model applicable to any content area:

- Inquiry methods based on never seen or heard primary and secondary sources
- Encouragement of student questioning, reflection, and rich, contextual understanding
- Teacher-facilitated activities, discussion questions, and sequencing that recognize teacher expertise and the fluidity of the teacher's role throughout the inquiry process
- Scaffolded skill activities for English language learners
- Development of empathy and agency through critical analysis
- Intersections with past events and connections to today's world
- Options for assessments based on citing evidence, analysis, synthesis, and creativity
- Games, plays, audio recordings, and videos to promote student engagement



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The History UnErased Academic Inquiry Series is made possible through a collaboration with the *Making Gay History* podcast ([makinggayhistory.com](http://makinggayhistory.com)).

**Title:** "We Have the Right to Sit Here!"  
CIVIC Inquiry Kit: Teacher Edition

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Archival audio oral histories from the Give Voice to History Project and bibliographic references, as well as a digital version of this CIVIC Inquiry Kit, are located at UnErased.org/NYC8.

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*Zandra Rolón (left)  
and Deborah Johnson,  
Los Angeles Magazine,  
January 1984.*

# About "We Have the Right to Sit Here!"

## Introduction

This "We Have the Right to Sit Here!" CIVIC (Connecting Individual Voices to Intersecting Concepts) Inquiry Kit explores the use and effectiveness of nonviolent and nonverbal protest through analysis of a 1983 LGBT rights incident and subsequent court case involving Deborah Johnson and Zandra Rolón. Their story, which frames discriminatory policies and practices related to sexual orientation and gender within the broader Civil Rights Movement, is brought to life through archival audio oral history testimony from the Give Voice to History Project, produced in partnership with the *Making Gay History* podcast.

Through kinesthetic learning activities, scaffolded close listening exercises, classroom discussion, collaborative reflection, self-directed research, instructional games that include role-play, and primary and secondary source analysis, this CIVIC Inquiry Kit facilitates the development of transferable skills, such as research skills, the ability to make connections between past events and current issues, collaborative work, and listening skills. It offers technology integration options in the form of projected images and audio extractions/podcasts.

*Note: The language introduced in this CIVIC Inquiry Kit mirrors language in the primary and secondary source materials. Using historically accurate language is necessary to understand the social, political, and cultural perceptions of those we label and understand today as LGBTQ+ (including, but not limited to, lesbian, gay, bisexual, trans, and queer).*

## Learning Outcomes

By using this CIVIC Inquiry Kit, students will be able to

- explore times, places, and ways in which different groups have struggled for equality;
- analyze nonverbal protests during struggles for equality and evaluate their effectiveness;
- examine laws and practices related to sexual orientation and gender;
- identify the progression of a court case using close listening activities.

## NYS Education Department Alignment

This CIVIC Inquiry Kit aligns with the New York State Education Department Grade 8 Social Studies Scope and Sequence.

**Grade 8 Social Studies:** United States and New York State History

**UNIT 6:** From World War II to the Present: The Changing Nature of the American People

**Essential Question:** Has the United States of America lived up to the promise and potential of its history and status?

**8.9 DOMESTIC POLITICS AND REFORM:** The Civil Rights Movement and the Great Society were attempts by people and the government to address major social, legal, economic, and environmental problems. Subsequent economic recession called for a new economic program. (Standards 1, 4, 5)

**Internal Division and Unrest 8.9a, 8.9b**

**Civil Rights Movement:**

- Segregation and longstanding inequalities
- Nonviolent movement
- Key groups (African Americans, women, Native Americans, individuals with disabilities, farmworkers, LGBT community)
- Key leaders (Martin Luther King, Jr., Thurgood Marshall, Malcolm X, Rosa Parks, Lyndon Johnson)

**Historical thinking skills** connected to this CIVIC Inquiry Kit:

- Getting information from a variety of primary and secondary sources
- Interpreting information
- Analyzing and evaluating information
- Synthesizing information from historical sources
- Contextualizing information
- Synthesizing, corroborating, and applying information
- Communicating and defending a position clearly
- Citing sources
- Evaluating online resources
- Participating in group discussions

## Task and Target Skill Connections

TASK	TARGET SKILL
Respond to the Activating Prior Knowledge photo in writing, whole class discussion, or small group discussion.	Analyzing evidence in terms of historical and/or social context, content, authorship, point of view, purpose, and format (SSP.A.3).
Respond to the Activating Prior Knowledge quote from Rabbi Abraham Joshua Heschel.	
Review and interpret Grade 8, Unit 6, Essential Question, “Has the United States of America lived up to the promise and potential of its history and status?”	Literacy: Determining the meaning of words and phrases as they are used in a text, including vocabulary specific to domains related to history/social studies (CC.ELA. Literacy 8.1).
Interpret and present scenarios using nonverbal communication (Kinesthetic Activity) within collaborative groups.	Social emotional learning: Collaborative teamwork, awareness, and interpretation of nonverbal communication; role-playing, engaging all learners (SEDL, State Board of Regents, 2011).
Listen to Deborah Johnson and Zandra Rolón Part I from the Give Voice to History Project audio series. Discuss in collaborative groups using the Inquiry Organizer.	Listening: Using primary source oral interview for content knowledge re: civil rights for LGBT community (K-8 Scope and Sequence, Unit 6, 8.9a).
Research other forms of nonviolent and/or nonverbal protest using the Methods of Nonviolent and/or Nonverbal Protest Organizer. Begin to think about final assessment.	Identifying, describing, and evaluating evidence about events from diverse sources (SSP.A.2).
Listen to Deborah Johnson and Zandra Rolón Part II from the Give Voice to History Project audio series. Complete close listening activities (Comprehension Practice and Language Practice).	Back mapping: Developing foundational ELL skills to enable full participation in grade-level coursework (CC.ELL.Center for Applied Linguistics).
	Listening: Using primary source oral interview for content knowledge re: court systems.
Assessment option: In collaborative groups, choose one person or group of people found in the Methods of Nonviolent and/or Nonverbal Protest Organizer for further research. Engage with the Create a Tableau and Follow-Up Panel Discussion Assessment about the research topic.	Identifying, describing, and contrasting the role of the individual in opportunities for social and political participation as an agent of historical change in different societies and communities, as well as at different times in the United States (SSP.A.F.4).
	Expressing history through a dramatic tableau.

# Inquiry EduSystem

The History UnErased (HUE) Inquiry EduSystem™ is designed as a flexible and fluid support for teachers and students. By providing background information, connections, intersections, skill-based activities, assessments, and opportunities for exploration and discussion, the HUE Inquiry EduSystem leads to successful outcomes for all students.

## How Is the Inquiry EduSystem Different?

**1. The role of the teacher is fluid:** In preparing to present the inquiry, the teacher considers what materials need scaffolding. Initially, the teacher acts as content curator, providing explicit instruction as needed. Next, they become facilitator as students explore. Then it's time to be the challenger, looking carefully at students' assumptions, asking incisive questions, and insisting that they support their ideas with evidence/data/research. Finally, the teacher becomes facilitator again as students demonstrate learning through action or authentic assessment. The teacher's role is critical to the success of the inquiry process throughout.

**2. The roles of the students are also fluid:** Students' roles change throughout the inquiry process as students examine evidence, work collaboratively, explore independently, discover intersections with concurrent events, and make relevant connections to the present.

**3. Includes materials for a diversity of learners:** Scaffolded, skill-based activities benefit the exceptional learner, the ELL student, and the gifted student. The activities give students options for interaction.

**4. Includes student collaboration and independent study:** Students have multiple opportunities for small and large group collaboration, processing, individualized work, and reflection. For students who work well on their own, there are ample materials to meet those needs.

**5. Each topic is addressed in a framework of concurrent events:** Intersections between the main topic and other concurrent events create context for the learning activity. By placing the topic in a larger framework, students can avoid presentism<sup>1</sup> and snap judgments based on their own experience.



**6. The material helps students connect the topic to the present:** Suggested connections to the present are included in every inquiry. Students are encouraged to dig deeper within and outside of the topic. This creates dynamic interaction, real-world relevance, and individualized/personalized learning opportunities.

**7. Includes authentic summative assessments:** Summative assessments are authentic and have consequences beyond a grade. By offering ideas for structuring these assessments, final projects, and action activities, the teacher ensures that students feel empowered to demonstrate what they have learned.

<sup>1</sup> "Uncritical adherence to present-day attitudes, especially the tendency to interpret past events in terms of modern values and concepts." (Oxford Dictionaries, s.v. "presentism," accessed August 4, 2018, <https://en.oxforddictionaries.com/definition/presentism>.)

## Process Overview

Throughout the Inquiry EduSystem process, the roles of teachers and students are fluid, as are the inquiry components.

### **Input Phase (Teacher-Directed)**

The teacher

- introduces learning outcomes;
- reviews guiding questions;
- activates prior knowledge;
- presents curated content;
- provides background information.

### **Interact Phase (Student-Centered)**

In collaborative groups, students

- discuss, record observations, and ask additional questions for further exploration;
- complete extension activities to support all learners (e.g., vocabulary or skill-based exercises);
- analyze content using content maps, cognitive organizers, or other analysis tools (can be completed in either the Interact Phase or Dig Deeper Phase).

### **Dig Deeper Phase (Student-Directed)**

In collaborative groups or independently, students

- research questions and areas of interest discovered during the Interact Phase;
- analyze content using content maps, cognitive organizers, or other analysis tools (can be completed in either the Interact Phase or Dig Deeper Phase).

### **Output Phase (Assessment)**

Students

- participate in whole group discussion;
- find intersections with similar concurrent events or thematic events;
- make connections to the present via discussion or assessment;
- engage with traditional assessments;
- engage with authentic assessments.

# Lesson Plan 1 (Input)

## Activating Prior Knowledge through Visual Analysis

Many different groups have sought equal rights or protested government policy through many different methods. In this lesson, students will examine nonviolent protest that involves a physical stance.

**Duration:** 1 class period

**Materials:** Photo on the right, shown as projected image (preferable) or accessed on page 6 of the Student Guide

**Guiding Question:** How have individuals or groups used nonviolent physical actions as a method of protest?

### Learning Outcomes:

Students will be able to

- identify physical stance as a form of nonviolent protest;
- apply what they already know about the Civil Rights Movement to an analysis of an iconic photo.

**Step 1:** Introduce the Guiding Question and Learning Outcomes.

### Step 2:

- Project the photo or refer students to the photo on page 6 of the Student Guide.
- Provide background information: This photo is from the third attempt to march from Selma, Alabama, to Montgomery, Alabama, that began on March 21, 1965, to protest voting discrimination against African Americans. The first attempt was met with violent attacks from state police and local volunteer police. The second attempt was largely symbolic. President Lyndon Johnson sent the almost 2,000 members of the Alabama National Guard to protect marchers on their third and successful attempt. Marchers walked about 12 miles a day and slept in fields. By the time the protesters reached Montgomery, they were 25,000 strong. For more information go to <https://www.nps.gov/articles/selmatomontgomerymarch.htm>.
- Suggested visual analysis introduction and questions: Many activists, protesters, and change agents have used their physical stance as a method of protest. Looking at this iconic photo, what do you observe? How are the

people in this photo using their physical stance as an act of protest?

- Possible responses: They've interlocked arms. They are moving forward. They look determined.
- Students use the Photo Analysis Sheet on page 7 of the Student Guide.

A worksheet titled "Photo Analysis Sheet" designed for students to analyze a photograph. It includes sections for identifying the type of photo (Portrait, Landscape, Documentary, Still Life, Abstract), listing people, objects, and activities, and asking questions about the scene. There are also sections for identifying the subject, asking what happened at the time the photo was taken, and reflecting on the historical context and personal understanding of the photo.

### Step 3:

- Introduce this quote from Rabbi Heschel: "For many of us the march from Selma to Montgomery was about protest and prayer. Legs are not lips and walking is not kneeling. And yet our legs uttered songs. Even without words, our march was worship. I felt my legs were praying."
- Ask students to relate the quote to the photo; note that almost all of the marchers are clergy.
- Possible responses: The marchers saw this protest as their duty. They knew their physical action was more important than speaking or writing. There were many religious people of different faiths marching.

### Step 4:

- Introduce the Essential Question for the CIVIC Inquiry Kit: "Has the United States of America lived up to the promise and potential of its history and status?"
- Ask students what criteria they would use to answer this question.
- Possible responses: Poverty levels, safety, equitable treatment, criminal justice system, economic opportunity, freedom.
- Ask students to define "equality" and "justice."
- Introduce the Papa Choux restaurant incident and resulting court case: In this unit, we are going to examine ways in which American people have strived for equality, with a special focus on two women who strived for LGBT equality in 1983.



*From far left, John Lewis, unidentified nun, Rev. Ralph Abernathy, Rev. Martin Luther King, Jr., Ralph Bunche, Rabbi Abraham Joshua Heschel, and Rev. Fred Shuttlesworth. Photo courtesy of Susannah Heschel.*

# Lesson Plan 2 (Interact)

## Developing Understanding of Nonverbal Communication through a Kinesthetic Activity

*Students should be in collaborative groups for this lesson.*

**Duration:** 1 to 2 class periods

**Materials:** Kinesthetic Activity Scenario Cards (make a copy of the scenarios on the right and cut into cards)

**Guiding Question:** How do our physical actions communicate thoughts, feelings, and ideas?

**Learning Outcome:** Through use of a kinesthetic activity, students will demonstrate the power of nonverbal communication and interpret nonverbal communication.

**Step 1:** Divide students into collaborative groups of 3 or 4.

**Step 2:** Students pick a scenario card.

**Step 3:** Explain the rules:

- Each group has 5 minutes to plan how they will act out the scenario.
- When acting out the scenario, there is no speaking (*optional: no touching*).
- Students can't show their scenario card to other classmates.

**Step 4:** After students “perform” the scenario, use one or more of the following questions as prompts to help students become aware of their nonverbal communication:

- What did the body language of the performers tell you about this scene?
- What else did you observe in this scene?
- How did the performers use their bodies, facial expressions, or gestures to convey meaning?
- What was the scenario?

## Rationale for Kinesthetic Activity

Susan Griss, author of *Minds in Motion: A Kinesthetic Approach to Teaching Elementary Curriculum*, offers the following rationale for the use of kinesthetic activities in the classroom:

By teaching through the universal language of movement, we can offer a chance for real success to children who may be caught in a spiral of academic failure. At the very least, kinesthetic teaching throws a lifeline to kinesthetic learners, who often can't sit still and are seen as disruptive or learning disabled. Allowing these students to become leaders can strengthen the learning community of the whole class.

By working together creatively—constructing a tableau (a group body sculpture) or a piece of choreography, for example—students acquire many skills they will need to be successful adults. They learn about communication and teamwork, giving and taking, leading and following, taking risks, being accountable, and giving and receiving affirmation. They learn about their individual responsibility for a successful group effort, and the role the group must play in supporting the needs of individuals. This also helps build a genuine learning community, as students become invested in the process and the product. In short, people who create and perform together simply feel a stronger bond than individuals who sit in separate seats facing a teacher.<sup>2</sup>

<sup>2</sup> Susan Griss, "The Power of Movement in Teaching and Learning," *Education Week*, March 20, 2013, [https://www.edweek.org/tm/articles/2013/03/19/fp\\_griss.html](https://www.edweek.org/tm/articles/2013/03/19/fp_griss.html). Used with permission from the author.

## Kinesthetic Activity Scenario Cards

A child has run into the street.	Someone you do not respect is marching by in a group. Everyone stands up.	There is a large maple tree in the park. It is diseased and is going to be taken down.	A very elderly person gets on the subway. All of the seats are taken.
You have a small garden. The city wants to pave over it to make a parking space.	You are upset by a law that was passed in your city.	There is a large maple tree in the park. The park board has decided to remove the tree to put in an additional basketball court.	You are an ally of a group that does not have full rights.
You've been asked to move from your seat in the front of the classroom because a student with low vision needs to sit in that seat.	You are part of a group that is upset by a recent event. You feel like no one outside the group will listen to you.	As a famous athlete, you want to use your celebrity as a form of protest.	A friend needs help, but you also know that if you help your friend, your friend will be embarrassed.
You are seated. Someone thinks you shouldn't be sitting there.	You are upset because people do not respect the flag.	Veterans are not getting the medical care they need.	You witness someone being bullied.

## Lesson Plan 3 (Interact)

## Using Archival Audio Oral History to Explore LGBT Civil Rights

*Students should be in collaborative groups for this lesson.*

**Duration:** 1 to 2 class periods

**Materials:** Give Voice to History Project Introduction; Deborah Johnson and Zandra Rolón Part I archival audio oral history (both audio files are located at UnErased.org/NYC8; see the Addenda for the transcripts)

## **Guiding Questions:**

- What were Johnson and Rolón's motivations for protesting the incident at Papa Choux restaurant?
  - Is nonviolent protest effective?

## **Learning Outcomes:**

**Learning Outcome:**  
Students will be able to

- explore times, places, and ways in which different groups have struggled for equality;
  - analyze the use of nonverbal protests during struggles for equality and evaluate their effectiveness.

**Step 1:** Students listen to the Give Voice to History Project Introduction audio recording.

**Step 2:** Introduce Deborah Johnson and Zandra Rolón Part I archival audio oral history (for background information, see page 15).

**Step 3:** Students listen to the audio recording.

**Step 4:** In collaborative groups, students discuss the Guiding Questions and complete the Inquiry Organizer (page 9 of the Student Guide).

**Step 5:** (optional) Students engage in a whole class discussion about the Guiding Questions and additional questions and observations.

**Step 6:** Students conduct research and work collaboratively to complete the Methods of Nonviolent and/or Nonverbal Protest Organizer (page 10 of the Student Guide).

Methods of Nonviolent and/or Nonviolent Peasant Organizing					
Type of nonviolent or nonviolent peasant organizing	Example or type of organization	Year	Purpose	Effectiveness of method	Method validity and/or nonviolent peasant organizing
Self-help	New York Gobblers (agricultural self-help group)	1980	Promoting self-sufficiency and independence from outside.	Not as active as it once was. Still exists but not as active as it once was.	Methodology (M) valid; nonviolent peasant organizing valid
Raising one's fist					
Refusing to work					
Fighting in force					
Striking or boycotting					
Die-in					
Marches					
Boycott					
Refusing to move					

*Recommended: Students find at least two additional examples of nonviolent protests and understand that this initial research will be part of their final assessment.*

## Background for Deborah Johnson and Zandra Rolón Part I: The Incident

### PAPA CHOUX EDICT

When we built Papa Choux's Restaurant 12 years ago we set aside a small area for very special romantic dining, only 6 booths with sheer drapes for semi-privacy. Call buttons for waiters to insure uninterrupted dining, musicians to play your requests—all this for mixed couples, married or unmarried RSVP. 12 years later Ms. Gloria Allred says we cannot do this anymore. We must also seat 2 women or 2 men in these booths.

Papa Choux's will never allow this charade. It would certainly make a mockery of true romantic dining. Our policy at Papa Choux for that area only has been, is now, and will be in the future for mixed couples only.

Very respectfully yours,



Walter Kulwitzky—Seymour Jacoby  
(Managing Director) Owner  
advertisement

On January 13, 1983, Deborah Johnson and Zandra Rolón, two LGBT civil rights activists, went to Papa Choux, a restaurant in Los Angeles, for a romantic dinner. Little did they know that their desire to dine in one of Papa Choux's six booths would lead to a landmark civil rights case. After being seated at the table they had reserved, they were told that they needed to move from the semi-private booth because they were a lesbian couple. Johnson and Rolón initially refused to give up their seats. When forced to leave, they took the names of everyone involved, and soon contacted attorney Gloria Allred. Allred, a well-known civil rights attorney, researched the merits of the case and agreed to sign on. The case was front-page news in Los Angeles for several weeks and became a media spectacle.

Attorney Gloria Allred described the case in this way: "The first case that I can remember that I did was that Papa Choux case. Papa Choux was a fine dining restaurant in Los Angeles.

My clients were an African American woman and her Latina partner. They were both businesswomen; made a reservation to celebrate Martin Luther King's birthday. And, in the Papa Choux restaurant, they had a special section for romantic dining. Patrons would walk up a few steps into a special section, which was a semicircle of booths with sheer curtains. Violinists would come by and play the violins; you could close the curtains and, you know, dine in semi-privacy and kiss or have your wine. They made a reservation for the booths and were seated there at first, but then told by the manager that they could sit anywhere in the restaurant but there. And they were told one of the reasons was because it was for couples only. And they said, 'Well, what are we?' We're not chopped liver; we're a couple. Then they said that it was a house policy that no one could sit in that section unless they were a couple."<sup>3</sup>

Papa Choux newspaper ad, June 24, 1983.



<sup>3</sup> Thomsen, "All Out Politics: Exclusive Interview with Gloria Allred (Part One)," *FourTwoNine*, August 8, 2013, [fourtwonine.com/2013/08/08/2804-all-out-politics-exclusive-interview-with-gloria-allred-part-one/](http://fourtwonine.com/2013/08/08/2804-all-out-politics-exclusive-interview-with-gloria-allred-part-one/).



Lunch counter at the old Woolworth's five-and-dime in Greensboro, North Carolina, site of the famed 1960 sit-ins. Photo by Carol M. Highsmith courtesy of the Library of Congress.



AIDS quilt, Washington, D.C. Photo by Carol M. Highsmith courtesy of the Library of Congress.

# Papa Choux Serves Black Crepe at 'Wake for Romance'

By STEVE HARVEY, Times Staff Writer

Papa Choux restaurant had billed the closing of its Intimate Room as "A Wake for Romance," complete with funeral wreath and flowers Thursday night, so it was only natural that the eulogy be performed by Bob Malinow of Malinow & Silverman Mortuary.

The problem was, the service had been set for 6 p.m., and Malinow still hadn't shown up by 6:30.

"Maybe something happened to him," owner Seymour Jacoby said with a laugh.

It was a weak joke because Jacoby was in a somber mood as he prepared to rope off the Intimate Room's six curtained booths, the area where leabla Deborah Johnson and Zandra Rolon were denied dining privileges last December because they are of the same sex.

The women had filed suit for sex discrimi-

nation, and the case eventually reached the state Court of Appeal, which ruled against Papa Choux. When the downtown restaurant's petition for a hearing before the state Supreme Court was denied, Jacoby wrote in a newspaper ad that "true romantic dining died on this date."

It was last Friday—May 18, 1984—if you're the type that likes to memorize historic dates.

And so Jacoby was about to turn the Intimate Room into a museum piece, a

surprised his love at one of the booths by digging an engagement ring out of her ice cream. . . .

Meanwhile, the 100 or so spectators in the bar attempted to shore up their spirits by feasting on free hors d'oeuvres and free champagne while pianist Paul Douglas contributed soft, romantic music.

One absentee was Gloria Allred, the plaintiffs' attorney, who had turned down invitation to attend.

"This is not the death of romance," she said. "It is the death of discrimination."

The hors d'oeuvres-and-champagne consumers seemed mostly sympathetic toward the restaurant. (But then enemies of a departed soul rarely show up at the wake.)

"I'm going to stage a heterosexuals parade on St. Valentine's Day," said Seymour Kass, who passed out cards declaring he belonged to HAPPY (Heterosexuals

Please see 'WAKE', Page 5

Los Angeles Times article about a wake held by Papa Choux to mark the "death" of "true romantic dining," May 25, 1984.

When we built Papa Choux restaurant 12 years ago, we set aside a small area for very special romantic dining, only six booths with sheer curtains for privacy, call reservations for women to enter uninterfered dining room. I can assure you that all this for mixed couples—married or unmarried. R.S.V.P. Twelve years later, Ms. Gloria Allred says we cannot do this anymore. We must allow seat two women together in these booths. Papa Choux will never allow this charade. It would certainly make a mockery of true romantic dining. Our policy at Papa Choux, for that area only, has been, is now, and will be in the future, for mixed couples only.

Walter Kulwitzky, Director

Seymour Jacoby, Owner

Now, Papa Choux, which trumpets itself as a "restaurant exception," is in a handsome, one-story brick building on Olympic Boulevard near Alvarado. It is

We realize [stated Kulwitzky and Jacoby] the court may literally hang us by our thumbs, or

**"...It is not just a case in prejudice and bigotry, but one that concerns the right of a restaurant to control who sits where..."**

far from the culinary mainstream of your Bistros and Scandals. Even in the downtown area it does not have the *réclame* of the Tower, Bernard's, Rex and other haute cuisine centers. Yet Papa Choux is unique in all of California, if not the U.S. Its proprietor, Seymour Jacoby, is a fascinating and cantankerous entrepreneur, owner and builder of hotels, apartment buildings and condominiums, operator of the largest glass factory in Southern California, and believer in heterosexual romance at all costs.

It was Jacoby more than anybody else who dreamed of a restaurant where the lights are low and the lamps are pink and the walls are of dark oak and the strumming musicians play "Stardust," "I Can't Get Started With You," "Moonlight in Vermont" and other melodies from heartbreak hotel.

Romantic! Love! Flowers and *tendresse*. With a piano played by the Lord of "Soft light and sweet music," as one old lyric put it, or, "In some secluded rendezvous where we can softly bill and coo." And, of course, intimate, romantic booths where couples could close off the world. Mixed couples.

This crazy, romantic Jacoby also owned a nice, small hotel, located quite convenient to the Papa Choux center for kissing and cuisine, called the Olympian. So that, while sharing a Chateaubriand for two in your romantic booth, you felt the urge to bring the moment to its crisis, you could press a button behind you and a

may even send us to jail, but our position is crystal clear. We will never seat two women or two men in these six booths. Ms. Allred simply has gone too far in leading her own parade.

All the parties to this litigation, as well as Superior Court Judge Bruce J. Geernaert, agree that this may be one of the most important cases brought against a place of business under the Unruh Civil Rights Act, which entitles everyone in the state to equal accommodations, services and facilities in business establishments. Were or were not the civil rights of plaintiffs Zandra Rolon and Deborah Johnson violated when they were denied a table in one of the romantic booths in Papa Choux?

For Allred, a lawyer and militant defender of equality of the sexes and the rights of women, the case is a study in prejudice and bigotry; she compares it with the busses of Birmingham and her clients' rights—they will not ride in the back of the bus.

For Jacoby and Kulwitzky—and, in fact, the restaurant business in general—the case concerns the right of a restaurant to control its seating arrangements. As we all know, restaurants, and their captains and hostesses, and maître d's, can be quite sensitive about the subject of who sits where.

There are many reasons for this. Sometimes it is to divide the customers so that those waitresses and waiters who handle the best stations are not overworked. Sometimes it is in order to "dress a room"—

and all headwaiters know the importance of dressing a room, of seating those persons who have a certain look about them, who are well groomed or beautifully dressed, of placing such persons in prominent tables so that a whole room is given an elegant tone. Restaurateurs all over the U.S. have been calling Messrs. Kulwitzky and Jacoby to encourage them, and to keep in touch with the ensuing trial.

As a matter of fact, the Olympian used to advertise in the Los Angeles Times: "If You Are Going to Have an Affair, Why Not Have It at the Olympian?" The smaller type explained that the management was advertising weddings and honeymoons and that sort of "affair," but the Times ultimately barred this "suggestive" advertising.

Another of Papa Choux's announcements appeared in the Chandler paper on July 7: "Judgment Day for Papa Choux." It spread the news that a hearing was held in superior court to decide whether to grant two women an injunction against Papa Choux:

We realize [stated Kulwitzky and Jacoby] the court may literally hang us by our thumbs, or

count over a restaurant.

To most people, the words *monkey trial* suggest the Scopes case in Tennessee, Clarence Darrow vs. William Jennings Bryan, the right to teach evolution. But to animal lovers, like this writer, *monkey trial* connotes the case of Seymour Jacoby, doing business at the Chef's Table restaurant of the Olympian Hotel, vs. the Board of Health of the City of Los Angeles.

I suppose you could call it an animal rights case. Or maybe a case of a man who has a romantic vision who wants to march with his own drummer when all the rest of the world wants to do is hang him by the thumbs.

Well, that story begins in the windy city of Chicago in the Depression years, the '30s, when young Seymour Jacoby's parents operated a school-supplies-and-han-cheetoo setup near Crane Technical High School. Young Seymour helped out in the store after school; it was one of those simple but popular teenage hangouts of the period with round metal tables, many of them covered with maps for the VIP students. In big shots, there were two booths—not the kind with red leather banquets and adorned with bronze statues of kissing lovers and pink lights as in the Papa Choux "intimate booths," but just wooden booths with wooden seats. Still, they were something special.

More important, although there were no juke boxes in those days, there was a large radio on the premises, and you could get out bands of era playing from places like Edgewood Beach Hotel. Already Seymour, the future romantic restaurateur, was coming to see the link between music and *l'amour* and a rare roast-beef sandwich on white with mustard and mayo and a single large Coke in which the dating teenagers sucked the same liquid out of two different straws. What an aphrodisiac that was in 1935, when little Seymour was looking to the future.

So he was in love himself, and he loved her more and more, and he went to Crane High School himself, and he started out as the Bay Cities Glass Company, operating out of a small storefront on 3rd Street, selling glass to stores and then dealing with building putting up tract houses. Then, when the building boom began, Seymour Jacoby and the Bay Cities Glass Company boomed with it. He remained in this business until 1962, though by now he was beginning to get into construction himself, building homes and purchasing old apartment buildings. His first big construction was



"If you're going to have an affair," read the ads for Jacoby's hotel, "why not have it at the Olympian?"

Rolon (left) and Johnson: All they wanted was to celebrate a birthday.

courted Florence with poetry and later with flowers and gifts of simple costume jewelry. No doubt about it, this man believed in romance.

At the University of Illinois he majored in food chemistry; he was already interested in food and food preparation, figuring out interesting ways to garnish a sandwich plate with a touch of watercress, a gherkin or an olive. And he thought of perhaps going from the University of Illinois to the Cornell School of Hotel Management, but then came World War II and chemists were in demand. So he joined the Army. So he found himself working on high explosives at the Du Pont munitions plant in Kankakee, Illinois. There he tested the RDX explosive—which went into what were called "blockbuster bombs"—and it was hazardous work because a little mistake could ruin more than his career.

He worked for Du Pont for three years and then returned to Chicago, a married man, to become a research chemist and test for synthetic rubber compounds for the Illinois Rubber Company. Then he went into the glass business—the business of his wife's family. Then he decided to seek his fortunes out west. In 1947 he and his family moved to Santa Monica. He had exactly \$500 to his name, and on this flimsy foundation he built a fortune in property, assets and cash of \$20 million.

He started out as the Bay Cities Glass

Company, operating out of a small storefront on 3rd Street, selling glass to stores and then dealing with building putting up tract houses. Then, when the building boom began, Seymour Jacoby and the Bay Cities Glass Company boomed with it. He remained in this business until 1962, though by now he was beginning to get into construction himself, building homes and purchasing old apartment buildings. His first big construction was

the charming little Del Capri Hotel on Wilshire Boulevard in Westwood, built in 1953.

In 1960, Jacoby built the Olympian Hotel on Olympic near Alvarado. At the time, that area was a distressed neighborhood and his friends in the real-estate and glass business thought he was quite daffy. But Jacoby saw a future in downtown. He told me the only hotels then available to

continued on page 206

Los Angeles Magazine article, January 1984.

# Lesson Plan 4 (Dig Deeper)

## Examining a Court Case

Students can work independently or in collaborative groups for this lesson.

**Duration:** 1 class period or homework assignment

**Materials:** Deborah Johnson and Zandra Rolón Part II archival audio oral history (the audio file is located at UnErased.org/NYC8; see the Addenda for the transcripts)

**Guiding Question:** How did the 1984 court case of *Rolón v. Kulwitzky* clarify anti-discrimination laws?

### Learning Outcomes:

Students will be able to

- examine specific discriminatory policies and practices related to sexual orientation and gender;
- identify the process of a court case through the Comprehension Practice worksheet;
- contextualize academic language connected to the court system;
- demonstrate understanding of idiomatic expressions, contextual references, and metaphors.

**Step 1:** Introduce Deborah Johnson and Zandra Rolón Part II archival audio oral history (for background information, see page 19).

**Step 2:** Students listen to the audio recording.

**Step 3:** Students complete the Language Practice worksheet (page 13 of the Student Guide; Answer Key on page 21).

**Step 4:** Students complete the Comprehension Practice worksheet (page 15 of the Student Guide; Answer Key on page 23).

*Language Practice is designed to provide scaffolding for English Language Learners or other learners who need language and vocabulary support.*

*Comprehension Practice is designed to help contextualize the Civil Rights Movement as it relates to the processes of the court system, positioning of arguments and their rationale, and the social and cultural perceptions connected to arguments and their rationale.*

<p><b>Language Practice</b></p> <p>Directions: After listening to the second Johnson and Rolón Oral History Project archival audio and listening to the questions below, for a transcript of the interview see the Addenda.</p> <p>1. Listen to the following line from the interview. Answer the questions below. a. In the sentence "I'm not" what is the meaning? _____ b. What does "it" mean in the sentence "It's a work or a road"? _____ c. What are other meanings of the word "like"? _____</p> <p>2. What is an ordinance? a. Give me an example of a current example of a city ordinance. _____</p> <p>3. Listen to what are two other ways to say "Meh, Meh, Meh, Meh, Meh"? _____</p> <p>4. What is an ordinance? a. Listen to what was basically asking him to jump the gun to... What is the meaning of the idiom "Jump the gun"? _____</p> <p>5. Listen to the following line from the interview. Listen to it again. a. In which does "but" refer? b. In which does "You" refer? c. In which does "You" refer?</p> <p>6. Listen to what is another place to comment. Listen to it again. a. What is the meaning of the idiom "Not much something with a few feet pole"? _____ b. Is there any "but" _____</p> <p>10. On line 67, what does "widener" mean? Is it the kind of widow you look out of?</p> <p><small>Copyright © 2013 by Teachers' Curriculum Institute. All rights reserved. Teachers' Curriculum Institute is a registered trademark of Teachers' Curriculum Institute, Inc. Teachers' Curriculum Institute, Inc. is a non-profit organization. TCI and its logo are trademarks of Teachers' Curriculum Institute, Inc.</small></p>	<p><b>Comprehension Practice</b></p> <p>Directions: After listening to the second Johnson and Rolón Oral History Project archival audio and listening to the questions below, for a transcript of the interview see the Addenda.</p> <p>1. What does it mean to "file" a case? _____</p> <p>2. What two laws did Rolón sue when filing the case? _____</p> <p>3. What was the purpose of the amendment? _____</p> <p>4. What reason does the first judge give for not ordering an injunction? _____</p> <p>5. Listen to what the double standard that Johnson refers to when speaking about the lawsuit. _____</p> <p>6. The case was on the front page of several newspapers. Why do you think this was front page news in 1989? _____</p> <p>7. What did the appellate court decide? _____</p> <p>8. What impact did the California Supreme Court's decision have on the appellate court ruling? _____</p> <p>9. The Dope House residents closed the facility and held a public rally for the deaths of someone during. What do you think their motivations were for doing this? _____</p> <p>10. Johnson compares their case to incidents in the segregated South. In what incident might she be referring? Is this a fair comparison? Why or why not? _____</p>
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## **Background for Deborah Johnson and Zandra Rolón Part II: The Court Case**

The *Rolón v. Kulwitzky* lawsuit was based on the Papa Choux restaurant's violation of California's 1959 Unruh Civil Rights Act, although the provision for sexual orientation was not specifically added until 2005.

The Unruh Civil Rights Act, California Civil Code sections 51 through 52, provides protection from discrimination by all business establishments in California, including housing and public accommodations:

All persons within the jurisdiction of this state are free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, or sexual orientation are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever.<sup>4</sup>

For more information on the California court system, visit  
<http://www.courts.ca.gov/2113.htm>.

For more information on the New York State court system, visit  
<https://www.nycourts.gov/courts/structure.shtml>.

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<sup>4</sup> "Unruh Civil Rights Act," California Department of Fair Employment and Housing, accessed July 14, 2018, [https://www.dfeh.ca.gov/wpcontent/uploads/sites/32/2017/06/DFEH\\_UnruhFactSheet.pdf](https://www.dfeh.ca.gov/wpcontent/uploads/sites/32/2017/06/DFEH_UnruhFactSheet.pdf).



## Language Practice Answer Key

1. Line 17: “When we filed, we filed under two laws.”
  - a. To whom does “we” refer in this sentence? **Gloria Allred, Deborah Johnson, and Zandra Rolón.**
  - b. What does “file” mean in this sentence? **Submit or enter a document so it will be recorded correctly and with the proper authority.** Is it a verb or a noun? **A verb.**
  - c. What are other meanings of the word “file”? **Folder, a line of people or things, a tool for shaping.**
2. What is a city ordinance? **A law in a city.**
3. Can you think of a current example of a city ordinance? **There are many kinds of city ordinances.**  
**There are ordinances for parking, trash collection, housing, and transportation.**
4. Line 28: What are two other ways to say “blah, blah, blah, blah, blah”? **On and on; so on and so forth; yada, yada, yada; etc.**
5. What is an injunction? **A court order requiring a person to do or stop doing a specific action.**
6. Line 50: “We were basically asking him to jump the gun to...” What is the meaning of the idiom “jump the gun”? **Act quickly and often before the proper time—in this case, Allred was asking the judge to stop the Papa Choux restaurant from discriminating against same-sex couples before the case went to court.**
7. On lines 57–60:
  - a. To whom does “he” refer? **The judge.**
  - b. To whom does “I’m” refer? **The judge.**
  - c. To whom does “You” refer? **Johnson and Rolón.**
8. Line 64: What is another phrase that means “in lieu of”? **Instead of.**
9. Line 67: “He didn’t want to touch it with a ten-foot pole.”
  - a. What is the meaning of the idiom “not touch something with a ten-foot pole”? **Stay away from, not go near.**
  - b. To whom does “he” refer? **The judge.**
10. On line 87, what does “window” mean? Is it the kind of window you look out of?  
**A period of time.**

*Immigration reform activists with raised fists protest at the White House in Washington, D.C., May 1, 2010. Photo by Shutterstock.com.*



*Students from D.C. area high schools sit with their backs to the White House during the National School Walkout to protest the government's inaction on gun control, Washington, D.C., March 14, 2018. Photo by Shutterstock.com.*

## Comprehension Practice Answer Key

1. What does it mean to “file” a case? **Submit or enter a document so it will be recorded correctly and with the proper authority.**
2. What two laws did Allred use when filing the case? **A city ordinance that prohibited discrimination on the basis of sexual orientation, specifically in housing, employment, and public accommodations, and the Unruh Civil Rights Act.**
3. What was the purpose of the injunction? **The purpose of the injunction was to stop the Papa Choux restaurant from discriminating against same-sex couples.**
4. What reason does the first judge give for not ordering an injunction? **The judge believed the case was too important and should be heard by a higher court.**
5. Line 44: What is the double standard that Johnson refers to when speaking about the lower court? **The judge suggested there might be a different way of applying the law to lesbians.**
6. The case was on the front page of several newspapers. Why do you think this was front-page news in 1983? **There are several possible answers to this question. One might be that gay rights were just coming to the forefront of people's consciousness. Another might be that both Allred and the Papa Choux restaurant publicized the case. Another might be that it was the first time the laws were tested.**
7. What did the appellate court decide? **The appellate court ruled that the Papa Choux restaurant could not discriminate against same-sex couples. Rolón and Johnson won their case.**
8. What impact did the California Supreme Court’s decision have on the appellate court’s ruling? **Because the California Supreme Court refused to hear the case, the decision of the appellate court was the final decision.**
9. The Papa Choux restaurant closed the booths and held a public wake for the death of romantic dining. What do you think their motivations were for doing this? **There are several possible answers. They believed that romantic dining should be reserved for couples that consisted of one man and one woman. They garnered publicity by closing the booths.**
10. Johnson compares their case to incidents in the segregated South. To what incidents might she be referring? Is this a fair comparison? Why or why not? **Students should use examples from topics studied in class, including Rosa Parks refusing to sit at the back of the bus or segregated dining facilities.**

# Assessment (Output)

## Create a Tableau and Follow-Up Panel Discussion

From ArtMuseumTeaching.com, “Tableaux vivant[s]: History and Practice”:

[Creating] *Tableaux vivant[s]* is often referred to as a playful pastime, but it has also provided a great amount of purpose in the cultural history of the United States. Translated from French, *tableaux vivant[s]* means ‘living pictures.’ The genre peaked in popularity between 1830 and 1920. During a performance of *tableaux vivant[s]*, a cast of characters represented scenes from literature, art, history, or everyday life on a stage. After the curtain went up, the models remained silent and frozen for roughly thirty seconds. Particular emphasis was placed on staging, pose, costume, make-up, lighting, and the facial expression of the models. Sometimes a poem or music accompanied the scene, and often a large wooden frame outlined the perimeter of the stage, so as to reference the frame of a painted canvas.<sup>5</sup>

### Create a Tableau Directions

1. In collaborative groups, students choose one example of nonviolent and nonverbal protest from their Methods of Nonviolent and/or Nonverbal Protest Organizer.
2. In class or outside of class, students research this protest.
3. Show students examples of tableaus and give them background on their use and purpose. Examples can be found at <http://sites.psu.edu/morethan selfie/tableau-vivant/>.
4. Students design a tableau based on their research. They can replicate a photograph or create a tableau from their own imagination. They can ask other classmates to participate in the tableau if they need more characters.

### Follow-Up Panel Discussion Directions

1. Students should be in collaborative groups of 4 to 5 people.
2. Give students all questions in advance.
3. Within their collaborative groups, students work to prepare answers to all questions and then practice answering the questions.
4. Acting as facilitator, ask each student two questions. Students will not know in advance which questions they will be asked.

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<sup>5</sup> Shannon Murphy, “Tableaux Vivant: History and Practice,” *Art Museum Teaching*, December 6, 2012, <https://artmuseumteaching.com/2012/12/06/tableaux-vivant-history-and-practice/>.

5. Set a time limit for answers; 1 to 2 minutes is enough time for a reasonable response.
6. Remind the students about the kinesthetic aspect of this panel. Are they sitting up? Do they look interested in what their team members are saying?
7. Suggestions for adding excitement to the panel discussion:
  - Place a table at the front of the classroom and ask the students to sit at the table. As panel moderator, face the students.
  - Have a timer visible for the students on the panel.
  - Invite guests, such as school staff, parents/family, or another class, into the classroom for the panel discussion.
  - Conduct the panel and tableau presentations in a different environment (e.g., a theater or large room).

### Suggested Discussion Questions

Note: If students have kept a log of questions during the inquiry process, these questions can also be used as panel discussion questions. You may choose to ask other additional questions as well.

1. Can you tell the class the topic your group researched and briefly describe the historical event your tableau depicted?
2. Can you explain the meaning of your tableau and how your group decided on the idea that you presented?
3. Tell us about one of the participants in this protest. What role did this person play? What was the person's motivation?
4. How did your group choose this particular topic to research? (Provide a clear explanation.)
5. What primary and secondary sources did you use when doing your research?
6. What was the immediate result of this protest?
7. What were some of the long-term results of this protest?
8. How would you evaluate the effectiveness of this protest?
9. Can you connect the protest you studied to a current protest? If the protest you studied is a current protest, can you connect it to a protest in the past?
10. The Essential Question for this unit in our history class is, "Has the United States of America lived up to the promise and potential of its history and status?" Based on the protest you studied, how would you answer this question?

## Assessment Rubric

Criteria	Level 1	Level 2	Level 3	Level 4
<b>Thinking; Use of Planning Skills</b>	Few elements of the tableau are purposefully organized.	Some elements of the tableau are purposefully organized.	Elements of the tableau are purposefully organized.	Elements of the tableau are purposefully, precisely organized.
<b>Collaborative Work</b>	Rarely or never participates in planning the tableau or contributing to the questions and responses. Doesn't act like part of the team, even when urged by teammates to contribute.	Sometimes participates in planning the tableau or contributing to the questions and responses. Effort is not consistent.	Almost always interacts with the group and actively participates.	Interacts with the group and actively participates; takes a leadership role or encourages whole group participation.
<b>Focus and Attitude</b>	Doesn't get into character or speaks; mocks classmates.	Holds pose for some of the time, not always in character.	Holds pose, gets into character quickly, shows appropriate facial and body pose.	Excellent focus, very expressive facial expression and body pose, expresses character's emotions and/or feelings.
<b>Panel Discussion</b>	Not prepared, very difficult to understand, or does not respond.	Answers are not well-prepared and demonstrate limited understanding of the topic.	Demonstrates preparation, able to speak clearly and with confidence.	Demonstrates preparation and thorough understanding of the topic. Speaks clearly and confidently.

*Adapted from the Council of Ontario Drama and Dance Educators.*

# Addenda

## Give Voice to History Project Introduction Transcript

**Eric Marcus:** Hi. I'm Eric Marcus from Making Gay History and this is the Give Voice to History Project. In the late 1980s, I recorded a hundred 5 interviews for a book I was writing about the LGBTQ civil rights movement, which we called the gay rights movement back then. After I finished the book, the cassette tapes sat in storage for almost 30 years... But then I dug them out, the New York Public Library digitized them, and I took a listen. Suddenly, I was back with all these 10 people again—at their dining room tables, in their living rooms, sitting across 15 from them and hearing about their lives... Now I get to share these amazing stories with you. Individual stories that connect to the bigger story of 20 American civil rights.

45

**Morty Manford:** What, maybe a thousand people sitting in the audience. And the mayor was up at the podium talking. It was just me. What was I going to do? I did what anyone else would do. I walked onto the stage and I took the podium away from John Lindsay.

45

**Perry Watkins:** Things are gonna have to change drastically in this country. People are gonna have to wake up and realize, wait a minute, I am an average American citizen. Whether I'm gay or lesbian or anything else, given that simple fact alone, there is no way in hell I should have gone through what I went through in the military.

50

55



**Sylvia Rivera:** Here, I'm out there being a revolutionist for everybody else. I said now it's time to do my thing for my own people.

60

**Zandra Rolón:** [He] kept giving us the, you know, the back of the bus type of thing, you know. "Well, you can sit over there. And you can sit over here and you'll have free drinks. But you will not, you cannot sit here. You will not be served here."

65

70

**Deborah Johnson:** And if there's anything that King had taught us, it was that we could sit anywhere in the 35 restaurant we wanted to sit.

75

**Ellen DeGeneres:** For me on the show to be able to say, "I'm gay," was like... I mean, I cried every take we did. Every time we did that. Even in rehearsal I'd 40 cry when I did it. Because it was such a release for me.

75

## Deborah Johnson and Zandra Rolón Part I Transcript

In this Give Voice to History Project archival audio oral history recorded in 1991, you will hear Deborah Johnson ("D" in the transcript), Zandra Rolón ("Z"), and the interviewer, Eric Marcus ("E").

E: I'm Eric Marcus from Making Gay History. Over the course of two decades beginning in 1988, I conducted a hundred interviews with trailblazers from 5 the LGBTQ civil rights movement.

Now, with the Give Voice to History Project, I'm bringing some of those trailblazers into your classrooms to help tell the story of this part of the 10 American Civil Rights Movement.

Meet Deborah Johnson and Zandra Rolón Amato. Deborah grew up in Los Angeles in what she described as a very "upper-middle-class bourgeois black 15 household – a very well-rooted, extremely well-connected family."

Deborah called Zandra's family "a Mexican commune." Zandra explained, jokingly, that she was related 20 to three quarters of the population in Brownsville, Texas.

Back in January 1983, they were a young couple on what was supposed to be a romantic date night. But when 25 they faced discrimination over their dinner reservation, they refused to back down.

Speaking to me in 1991, Zandra told me that she made the reservation for a 30 special occasion.



Z: At the time I was working on Saturdays. So this was the first weekend that we were gonna have a complete weekend together since we had gotten together. It was also the year right before 35 Martin Luther King's birthday was made into a holiday.

And a friend of mine told me about this restaurant that was really nice. And 40 the restaurant had these six booths on one side that were real romantic. And we got there and the, um, waiter kind of questioned us about, "Are you sure you want the booths?" And we told 45 him, yes. And it's the type of booths

where you have to move the table out so that you can get in—like a horse-shoe. And in the middle of the horse-shoe was like a fountain and there was a guy with a, a violinist who came around. And right in front of the table was a little white sheer curtain that closed. And candlelight. And it was just romantic.

E: Did it occur to you that this might 50 be a problem?

Z: Not at all. I mean, to me, discrimination never enters my mind first, ever. So they showed us to our table. We sit 55 down. And we're taking our jackets off and this tall humongous guy comes by and...

D: ... and yanked the table away and told us, you know, you know, "So sorry, but you can't sit here. It's against the law to serve two men or two women in these booths."

Z: We asked to see the manager.

D: We were not going to move.

Z: The guy that turned out to be the real maître d' kept giving us the, you know, the back of the bus type of thing. "Well, you can sit over there. And you can sit over here and you'll have free 70 drinks." The whole thing. "But you will not, you cannot sit here. You will not be served here." And kept insisting that it was against the law, it was against the law.

D: And, you know, that, that really... Oh, it makes me crazy thinking about it. You know, it made me more mad. So you gotta remember, we were there 80 about Martin Luther King's birthday and that we were gonna take off the next day as this real show of solidarity

- and its importance and the whole bit. And if there's anything that King had taught us, it was that we could sit  
**90** anywhere in the restaurant we wanted to sit.
- And, I mean, he looked at us like, you know, You can rot and freeze your ass over in hell. You know, we will serve  
**95** you someplace else, but this section is for other kinds of people than you.
- Z:** We left fuming and taking everybody's name, just fuming.
- I have never, ever, ever been denied  
**100** blatantly anything because of who I was, ever. You know, I knew about, you know, the discrimination that went on. My grandfather... it was segregated and segregated meant white and others, you  
**105** know. So I had heard about the discrimination that my grandfather had to go through. But never did it happen to me. And I had never been told that I couldn't do something or have something or be somewhere or... because of who I was or the color of my skin. And I... How dare you! How dare you!
- E:** So you walk out of there and you want to do what?
- 115** **Z:** In the beginning when we left the restaurant we were both in agreement that we've got to do something.
- D:** But we decided that we were going to talk to Gloria Allred. Gloria Allred is  
**120** a very famous civil rights attorney. My intention, when I went to the attorney, was just to get the restaurant to stop doing it, that's all. Having a public case was not our intent. It was a price  
**125** that we had to pay.
- Z:** Gloria Allred finally did the research and told us that we did have a case, that there was a law, a city ordinance that  
**130** prohibited against discrimination on the basis of sex.
- D:** But it was untested. Sexual preference. But it had been untested. And it basically was her call. Where essentially what she said was that it's a very grey matter of the law here. She says, but essentially what's more is the public consciousness-raising and benefit that could be done with this case, which was raise the issues, which wound up happening, because it was an extremely public case.  
**135**
- Z:** They fought, they put ads in the paper saying basically...  
**D:** They kept taking ads out against us...  
**140**
- Z:** Saying, "We can go to jail, they can hang us by our thumbs, but we're not going to serve two men or two women."  
**D:** "This makes a mockery, a charade out of true romantic dining."  
**145**
- Z:** "Gloria Allred has gone too far in leading her own parade."  
**Z and D:** "We'll go to jail, we'll hang by our thumbs... but we will never serve two men or two women."  
**150**
- ~
- E:** This isn't the end of the story for Deborah Johnson and Zandra Rolón Amato. They never set out to test anti-discrimination laws or make history, but they did. And in part two you'll hear how.  
**160** So long! Until next time!

## Deborah Johnson and Zandra Rolón Part II Transcript

In this Give Voice to History Project archival audio oral history recorded in 1991, you will hear Deborah Johnson ("D" in the transcript), Zandra Rolón ("Z"), and the interviewer, Eric Marcus ("E").

E: I'm Eric Marcus from Making Gay History. Over the course of two decades beginning in 1988, I conducted a hundred interviews with trailblazers from

5 the LGBTQ civil rights movement.

Now, with the Give Voice to History Project, I'm bringing some of those trailblazers into your classrooms to help tell the story of this part of the

10 American Civil Rights Movement.

We're back with Deborah Johnson and Zandra Rolón Amato. for the second part of their story of how they challenged discrimination after a Los

15 Angeles restaurant refused to seat them in a romantic booth for two.



D: When we filed, we filed under two laws. One was a local ordinance, which was a city ordinance that prohibited

20 discrimination on the basis of sexual orientation, specifically in housing, employment, and public accommodations. We also filed under the state Unruh Civil Rights Act. Unruh is the

25 guy, Jesse Unruh, was the author of the bill. The Unruh Civil Rights Act prohibits discrimination on the basis of sex, creed, race, color, nationality, blah, blah, blah, blah, blah, but it doesn't

30 specifically say sexual orientation, so the courts have been interpreting that. So, we went to court, first time go-round, for an injunction. An injunction is basically to ask the restaurant not to

35 do it anymore. The lower court said, "No, we're not going to do that because we think it's an important issue and it should really go to trial. And if we issue that injunction the restaurant may be

40 hurt, and, furthermore, we're not so sure, basically, that you have any rights as lesbians." You know, because the lower court thought that there was a double standard in society. That's what

45 he said, and that is what went on the

paper—that behavior that was okay for straight people in public was not okay for gay people and that the public might be offended by us.

50 We were basically asking him to jump the gun to...

Z: ... and make a decision.

D: Yes, stop the practice. You don't know how long it's going to take to go to court. Issue an injunction. Stop the practice now so that nobody else gets hurt. And he's saying, "Well, I'm not willing to jump the gun, because I really don't know what's going to happen. You should go to court. You should have a trial."

55 We go to court, again, for what's called a motion of summary judgment, which is in lieu of a trial, which basically says, you know, here are all the facts. Nobody disputes the facts, give us a ruling. He didn't want to touch it with a ten-foot pole either. Then it makes it to the appellate court.

60 E: Every time there's a decision...

65 Z: Major, major. We're in magazines, we're in every single newspaper.

D: Los Angeles Magazine.

Z: Los Angeles Times, the Valley.

E: And every single time...

70 Z: And front page!

D: The appellate court basically overturned the lower court decisions. The lower courts rule against us and the appellate court rules for us, so they have a right to petition the Supreme Court, which they did. When the Supreme Court said they weren't going to hear it, then that meant that the next lowest

- 85** level, the appellate court's ruling, was going to stand. There's like a four- or five-day window in between the appellate court finding out that the Supreme Court is not going to hear and them **90** following through with what they started to do in the first place. In that window, they closed down and had all of these ads and had this public wake, and everything else. So, it's like rather **95** than serve us and comply with the law, they just closed the booths. "We're not going to do it at all." So they had a public wake, with the cameras from the 11 o'clock news and the whole bit. Free **100** drinks. "True romantic dining died on this day." Ads out.
- Z:** Yeah, it was terrible.
- D:** And they closed it.
- Z:** They, from the very beginning, put **105** the boxing gloves on. Their intent was, we're going to fight you to the very end, which is what we ended up doing.
- E:** So that was the end of the booths?
- Z:** That was the end of the booths, that **110** was the end of the booths.
- D:** Well, yeah, because we went back, and then they issued the injunction and they issued the motion of sum-**115** mary judgment. We won and they paid the attorney's fees and gave us our fine, 250 dollars a piece, which was the fine for the local (audience) ordinance.
- Z:** They had to pay the attorney's fees, which was almost...
- 120** **D:** Almost 30,000, almost 30,000 dollars. So they closed the booths. It's kind of like what they did in Mississippi and Alabama. You know. Instead of letting the black kids swim in the public pools, **125** they just closed the pool.
- E:** Right. Pull white kids out of the public school and start an academ... **130**
- D:** Yeah, that's what they did, they just closed it.
- E:** Was it worth it? **135**
- Z and D:** Oh, yeah. Oh, hell yeah.
- ∞
- E:** Even though the owner of the Papa Choux restaurant simply carted his romantic booths to the curb, Deborah and Zandra's case put teeth into the local gay rights ordinance. **140**
- While their case didn't actually change California's civil rights bill to add sexual orientation, the appellate court interpreted the law to include sexual orientation.
- Also, their high-profile court challenge made national news and showed the impact of prejudice on ordinary citizens who were simply trying to live **145** their lives.

**"We Have the Right to Sit Here!"**

**Nonfiction**

**Grades 8-12**