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OP-ED CONTRIBUTOR

America's Toe-Tapping Menace

By LAURA M. Mac DONALD

WHAT is shocking about Senator Larry Craig's bathroom arrest is not what he may have been doing tapping his shoe in that stall, but that Minnesotans are still paying policemen to tap back. For almost 40 years most police departments have been aware of something that still escapes the general public: men who troll for sex in public places, gay or "not gay," are, for the most part, upstanding citizens. Arresting them costs a lot and accomplishes little.

In 1970, Laud Humphreys published the groundbreaking dissertation he wrote as a doctoral candidate at Washington University called "Tearoom Trade: Impersonal Sex in Public Places." Because of his unorthodox methods — he did not get his subjects' consent, he tracked down names and addresses through license plate numbers, he interviewed the men in their homes in disguise and under false pretenses — "Tearoom Trade" is now taught as a primary example of unethical social research.

That said, what results! In minute, choreographic detail, Mr. Humphreys (who died in 1988) illustrated that various signals — the foot tapping, the hand waving and the body positioning — are all parts of a delicate ritual of call and answer, an elaborate series of codes that require the proper response for the initiator to continue. Put simply, a straight man would be left alone after that first tap or cough or look went unanswered.

Why? The initiator does not want to be beaten up or arrested or chased by teenagers, so he engages in safeguards to ensure that any physical advance will be reciprocated. As Mr. Humphreys put it, "because of cautions built into the strategies of these encounters, no man need fear being molested in such facilities."

Mr. Humphreys's aim was not just academic: he was trying to illustrate to the public and the police that straight men would not be harassed in these bathrooms. His findings would seem to suggest the implausibility not only of Senator Craig's denial — that it was all a misunderstanding — but also of the policeman's assertion that he was a passive participant. If the code was being followed, it is likely that both men would have to have been acting consciously for the signals to continue.

Mr. Humphreys broke down these transactions into phases, which are remarkably similar to the description of Senator Craig's behavior given by the police. First is the approach: Mr. Craig allegedly peeks into the stall. Then comes positioning: he takes the stall next to the policeman. Signaling: Senator Craig allegedly taps his foot and touches it to the officer's shoe, which was positioned close to the divider, then slides his hand along the bottom of the stall. There are more phases in Mr. Humphreys's full lexicon — maneuvering, contracting, foreplay and payoff — but Mr. Craig was arrested after the officer presumed he had "signaled."

Clearly, whatever Mr. Craig's intentions, the police entrapped him. If the police officer hadn't met his stare,

answered that tap or done something overt, there would be no news story. On this point, Mr. Humphreys was adamant and explicit: "On the basis of extensive and systematic observation, I doubt the veracity of any person (detective or otherwise) who claims to have been 'molested' in such a setting without first having 'given his consent.' "

As for those who feel that a family man and a conservative senator would be unlikely to engage in such acts, Mr. Humphreys's research says otherwise. As a former Episcopal priest and closeted gay man himself, he was surprised when he interviewed his subjects to learn that most of them were married; their houses were just a little bit nicer than most, their yards better kept. They were well educated, worked longer hours, tended to be active in the church and the community but, unexpectedly, were usually politically and socially conservative, and quite vocal about it.

In other words, not only did these men have nice families, they had nice families who seemed to believe what the fathers loudly preached about the sanctity of marriage. Mr. Humphreys called this paradox "the breastplate of righteousness." The more a man had to lose by having a secret life, the more he acquired the trappings of respectability: "His armor has a particularly shiny quality, a refulgence, which tends to blind the audience to certain of his practices. To others in his everyday world, he is not only normal but righteous — an exemplar of good behavior and right thinking."

Mr. Humphreys even anticipated the vehement denials of men who are outed: "The secret offender may well believe he is more righteous than the next man, hence his shock and outrage, his disbelieving indignation, when he is discovered and discredited."

This last sentence brings to mind the hollow refutations of figures at the center of many recent public sex scandals, heterosexual and homosexual, notably Representative Mark Foley, the Rev. Ted Haggard, Senator David Vitter and now Senator Craig. The difference is that Larry Craig was arrested.

Public sex is certainly a public nuisance, but criminalizing consensual acts does not help. "The only harmful effects of these encounters, either direct or indirect, result from police activity," Mr. Humphreys wrote. "Blackmail, payoffs, the destruction of reputations and families, all result from police intervention in the tearoom scene." What community can afford to lose good citizens?

And for our part, let's stop being so surprised when we discover that our public figures have their own complex sex lives, and start being more suspicious when they self-righteously denounce the sex lives of others.

Laura M. Mac Donald is the author of "The Curse of the Narrows: The Story of the 1917 Halifax Explosion."

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