

98 Olden Lane
Princeton, New Jersey
26 February 1969

Dear Bill,

I have been wanting to write you for some time, but the pressure of work here has prevented me from doing so. I am not sure how much information you have received about developments in N.A.C.H.O., but I assume that you have not had much. Last month the Board of Directors of Mattachine, New York unanimously voted to apply for formal accreditation to N.A.C.H.O. And, by separate resolution, they appointed me official representative of N.E.N.Y. in all business having to do with N.A.C.H.O. throughout the year except during conventions.

Prior to this, in November, Marc Jeffers appointed me chairman of N.A.C.H.O.'s legal committee. Since then I have been engaged in organizing a national committee, and it is primarily in that connexion that I am writing you now. To begin with, I should like very much to have you on the committee, and I hope you will accept this as my invitation to membership. Needless to say, I have been giving a great deal of consideration to the kind of committee which should be formed, and, more specifically, to the persons who are to be appointed. One of the questions which had first to be decided was whether the committee's membership was to be drawn from those within the homophile movement or from competent and talented persons from outside who are willing to give of their time and efforts to the cause. My view has always been that the committee should be composed of both of these elements, but that it should be more heavily weighted in favour of the latter group. In my opinion, much of the committee's ultimate success will turn on the extent to which it is able to enlist outside talent and use it for the benefit of the movement. I feel, too, that those who are selected -- particularly those from the outside -- should either themselves be lawyers or persons familiar with, or having some practical experience in, law or kindred matters, such as government or politics. Of course it would be neither practicable nor desirable to insist upon such a background for every committee member drawn from within the homophile movement itself, but where such a person does have experience in those areas, he is likely, in my opinion, to be more valuable.

In your own case, you will not only make a valuable addition to the committee as a long-standing and dedicated member of Mattachine, Midwest, but I feel that you will bring to the committee experience in areas directly germane to its work. I refer, of course, to your role in enlisting the support of the A.O.L.U. for homosexual cases arising in your area, as well as to the fact that you work in the law offices of Miss Ralle Klepak. You will be one of the few committee members from within the movement with qualifications that can vie with those selected from the outside.

This brings me to the next matter. Mr. William Brackett is one of those who should be on the committee. I should like either you, or you and others from Mattachine Midwest, to approach him for this purpose. Very likely Mr. Brackett is going to protest that he is too busy. The answer to this should be -- and this will be substantially true, certainly for some time -- that, as a member of the legal committee of N.A.C.H.O. he will be doing nothing more nor less than he does now, nor will he be doing anything different from what he is doing at present, except that what he does will be done under the aegis of N.A.C.H.O. rather than solely for Mattachine, Midwest. The invitation to Mr. Brackett can be put in such a way that he will not reject it. Only in the event of a persistent and categorical refusal should you consider an alternative, and the person I have in mind in such a contingency is Miss Pearl Hert.

Let me now give you the names of those who have already accepted

membership on the committee, as well as those who have yet to be asked to join. First, the law firm of Ellis, Stringfellow and Patton of New York City have been appointed official counsel to the committee, Mr. Frank Patton of that firm being their representative on the committee. In addition, Messrs. Henry DiSuvero and John Van Pelt Lasso, both of New York, have accepted membership. And, of course, Marc Jeffers is a member ex officio. Mr. DiSuvero, a former director of the Civil Liberties Union of New Jersey, is now director of the National Emergency Civil Liberties Committee in New York City. A well-known attorney, he gained national prominence during the riots in Newark during the summer of 1967. He has strongly identified himself with the cause of homosexual law reform in countless ways. Mr. Lasso is chairman of the department of Christian Social Relations of the Episcopal Diocese of New York. He is not a minister, and his formal title obscures the fact that, de facto, he often acts in the role of legislative agent for his church. It was in this capacity that he paved the way for the introduction into the New York legislature of two bills encompassing repeal of the New York sodomy laws and an amelioration of that state's solicitation statute. He has been of great assistance to M.S.N.Y. on many occasions.

In addition to the above, the following will be requested to join:

Mr. Donald J. Cantor, Hartford, Connecticut attorney, whose article advocating repeal of the sodomy laws, which appeared in the December 1961 issue of the Journal of Criminal Law, Criminology, and Political Science was an extremely well-reasoned piece of legal advocacy. Cantor has spear-headed the movement for homosexual law reform in his state, and has been described by Foster Gunnison, a good friend of his, as an "aggressive, sharp, shrewd, dedicated, civil-rights lawyer."

Mr. Thomas Parker, professor of history at the University of Arizona, Tucson, and author of "The Challenge and Progress of Homosexual Law Reform", which, as you probably know, appeared as essay #2 in Essays on Homosexuality, published by S.I.R. and several of the other west-coast groups. He is a most able and personable individual, very knowledgeable in a host of different subjects. His credentials for committee membership should be obvious. As a member of S.I.R., whose support for N.A.C.H.O. has always tended to flag -- at the moment, you know, the society has declared that it will not attend the Houston convention -- Parker's presence on the committee might serve to strengthen S.I.R. support for N.A.C.H.O.

Mr. Evander Smith, prominent San Francisco attorney, whose most recent efforts in the area of our concern involve his authorship of a brief on behalf of a sailor discharged by the Navy -- but not dishonourably -- ostensibly for giving false information at the time of his Naval enlistment, but, in actual fact, because of his admitted homosexuality. What makes the case most unusual is the fact that the sailor had previously served four years in the Marine Corps, from which he received an honourable discharge.

The fourth candidate on the list of potential recruits is Mr. Brackett, which should underscore the importance of this communication. I trust that you will give this matter your earnest attention, and that you will keep me informed of any developments. and I must ask that you act promptly. When making your representations to Mr. Brackett, you may wish to remind him of the several conferences in his office which I attended with Pattachine Midwest members. In this way he will know that he will not be a stranger to the committee chairman. You will find enclosed a copy of my brief urging repeal of the state solicitation statutes, which, as you probably know, was submitted last year to Professor Louis B. Schwartz of the University of Pennsylvania Law School, who requested it in his capacity as rapporteur of the committee of the American Law Institute which draughted those sections of the Model Penal Code having to do with sexual offences. I would suggest that you give this

to Mr. Brackett at the time you see him.

A few words about the committee's work. By definition, much of the committee's efforts will involve creating means for coordinating and making more effective the legal work which is already being done. At first glance, this may appear relatively unimportant. In truth, it is central to everything else. At present little or nothing is being done to insure that work which has proved successful in one place is put to use elsewhere. This is a problem, not only in the field of homosexual law reform, but in the whole area of civil rights generally. I have discussed it at length with Mr. DiSaverio. It was to meet this problem that the Emergency Civil Liberties Committee created its national panel of lawyers. The purpose was not to create an impressive array of legal talent, but to provide a method whereby the legal research which had been done and the court record which had been built up in one jurisdiction could be made available to every other section of the country, thus saving all the time, effort, and expense which would be required to duplicate this work elsewhere. If this system were in effect on the homophile front, one can see many areas where the results could be little short of dramatic.

Take, for example, the problem of the arbitrary closing of "gay" bars and the arrest of their patrons on trumped-up charges. This form of police harassment is common to almost every jurisdiction. If the legal research, the subsequent briefs, and the ultimate court record in the so-called "Val's Bar Case" in New Jersey -- which led to a complete legal victory on these issues in this state -- were made available to every jurisdiction where such cases arise, attorneys in those other areas would be much more willing to undertake test cases, since much of the legal work would already have been done for them. Equally important will be the legal committee's duty to see that time and money are concentrated in legal areas which are essential. In the past, valuable time and money have been wasted on cases which should have been recognized as likely to prove unproductive, or which were fundamentally unrelated to the basic objectives of the homophile movement. Not every case involving a homosexual or homosexuality is a fit one to test, even though the defendant may be willing to appeal. The immigration case which was appealed a few years ago at the expense of the movement -- I believe it was the Boutilier Case -- is a clear-cut example of a case which should never have been taken on, since the outcome was a foregone conclusion. (It involved a federal immigration statute which the courts had absolutely no choice but to interpret in the manner in which they did. Even in the unlikely event that the appeal had been successful, it would have been a Pyrrhic victory, since it would have left the status of the homosexual vis-a-vis the federal government untouched.) Yet a great deal of time and money was wasted on this case, and Clark Polak of Philadelphia went so far as to underwrite the cost of printing the appeal brief. Eventually, of course, it is to be hoped that the lawyers on the legal committee will try cases on their own.

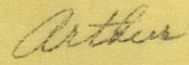
So much, then, for the legal committee and its work. Before concluding, I should like to speak about another matter, which, I am sure, must be as much a source of satisfaction to you and the other members of Mattachine Midwest as it is to me. I refer to the vast improvement and real accomplishment in the work of your organization. I don't mind telling you that I think that your last two newsletters -- the ones for January and February 1969 -- reveal an organization which has not only discovered its goals, but which has developed many of the techniques and the means to accomplish them. The activities you are now engaged in bespeak a sophistication and determination which was absent before. Worthy of special commendation is your conference with Mr. Neurauter of the Chicago Police Department and your meeting with Mr. McCollum of SERD. The fact that the discussions with Neurauter did not result in anything immediately tangible should cause no discouragement. Many knocks on the door will be necessary before it is opened, but there is no gainsaying the cumulative effect of persistent representations to those in authority, such as those you made to the police. When

these are diligently repeated over a period of time -- not only by Mattachine Midwest, but by others acting on your behalf -- changes will eventually be made. Also deserving mention are your growing contacts with colleges and universities. I know that I need not point out that college groups provide not only an excellent vehicle for the dissemination of our ideas to an increasingly wider audience, but that the strong civil-rights bias within collegiate circles makes for audiences which are very sympathetic to our cause. Furthermore, contacts with student groups can result in the recruitment of student members, who will continue in the movement after graduation, and who often prove to be the most dedicated and willing of members. I could continue further, but time and space forbid.

You may wish to show this letter to Jim Bradford and Ira Jones -- I am sending a copy of it to Jim's home address, but am not certain it will reach him -- if only to convey to them my sentiments regarding a job well done. In the meantime, I shall be grateful to hear from you without undue delay regarding the legal committee.

All good wishes, and kind personal regards.

As ever,



Arthur

- copy: Mr. James Bradford
- Mr. Foster Gunnison, Jr.
- Mr. Marc Jeffers