7-22-71

Arthur,

What do you think we should do? My inclination is to let the whole case drop. McCluskey obviously has no interest. And if, as he has indicated, the Texas legislature has amended the statute to exclude married couples, the case is moot as far as the Gibsons are concerned. So unless [redacted]

we want to rest everything on Strickland (with McCluskey still in the saddle!), there is nothing to be gained. As far as homosexuals' rights are concerned, the SIR case in S.F. seems a better vehicle for a favorable decision.

Walter

7-15-71

Dear Walter,

If there is a legitimate reason for continuing the Federal case in view of the Court of Criminal Appeals decision, please speak now or forever hold your peace.

Henry

Court Takes Action on Two Morals Cases

Austin Bureau of The News

AUSTIN — The Court of Criminal Appeals acted Wednesday on a Dallas man's appeal from sodomy convictions, upholding one and reversing the other. Both acts took place in public restrooms.

Alvin Leon Buchanan was sentenced in 1969 to two 5-year concurrent jail terms for the two offenses. One took place in a Dallas department store restroom, the other in the restrooms in a Dallas park.

Buchanan contended that the evidence on which he was convicted was obtained in violation of the 4th Amendment because he had a reasonable expectation of privacy in both places.

The court upheld one conviction because restroom stalls in the park had no doors. The other conviction was reversed and sent back to the lower court because the department store restroom doors had locks.

In an opinion written by Judge Leon Douglas, the court said Buchanan could expect privacy behind locked doors, but had "no reasonable expectation of privacy from viewers" in the park where stalls had no doors.

The court upheld Billy Joe Joshlin's conviction for theft by false pretense, even though Joshlin's attorneys argued that evidence was not sufficient to prove that Joshlin took a new car on approval from a Dallas auto agency and left as a trade-in a car stolen from a policeman.

Roger Wright, sentenced to four years for seling LSD, appealed his conviction because the Dallas court refused to grant a motion to quash his indictment on the grounds that the state's dangerous drug law is unconstitutional.

In other action, the Court of Criminal Appeals also:

● Uphed a motion to revoke James Steven Whiteside's probated 5-year sentence for unlawful possession of marijuana. The court said proof supports the allegation that Whiteside, while on parole, sold six LSD tablets to a Dallas undercover agent.

● Upheld Joe Herman Rodgers' 99-year sentence for the Nov. 11, 1968, robbery of a Dallas grocery store.

● Affirmed the judgment of the trial court in sentencing Betty Monk Hogan of Dallas to [illegible] days in jail for possession of amphetamines.

In the

Supreme Court of the United States

OCTOBER TERM, 1969

No. .....

ALVIN LEON BUCHANAN, TRAVIS LEE STRICKLAND,
Cross Appellants,

v.

HENRY WADE,
Cross Appellee.

Cross Appeal from the United States District Court for the Northern District of Texas, Dallas Division

---

STATEMENT AS TO JURISDICTION

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List of Authorities

Statutes Cited

In the

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Cross Appeal from the United States District Court for the Northern District of Texas, Dallas Division

---

STATEMENT AS TO JURISDICTION

The Cross Appellants, pursuant to United States Supreme Court Rules 13(2) and 15, file this their statement of the basis upon which it is contended that the Supreme Court of the United States has jurisdiction on a direct Cross Appeal to review the final decree of permanent injunction in question, and should exercise such jurisdiction in this case.

OPINION BELOW

The District Court delivered a written opinion and made certain findings of fact and conclusions of law in connection with the entry of the decree in question. The written

opinion and the Judgment which contains these findings of fact and conclusions of law are attached to the Jurisdictional statement filed by Appellant, Henry Wade, and may be found at 308 F. Supp 729 (1970).

JURISDICTION

The Cross Appeal herein is from a final decree made and entered by the United States District Court for the Northern District of Texas, Dallas Division, upon the application of Intervenors, Michael Craig Gibson, et ux, Janet S. Gibson for a permanent injunction to restrain Henry Wade, District Attorney for Dallas County, Texas, from enforcing the Texas Sodomy law, *Article 524* of the *Texas Penal Code*, and a declaration by the Court that it was void on its face for unconstitutional overbreadth.

The final decree appealed from was made and entered on January 21, 1970. An order, over-ruling Defendant Wade's motion for new trial and Defendant Wade's Motion to Amend Judgment was made and entered on February 19, 1970. Notice of Cross Appeal was filed in the United States District Court for the Northern District of Texas, Dallas Division, on the 20th day of April, 1970.

The Supreme Court of the United States has jurisdiction to review by direct appeal the judgment and decree complained of by the provisions of 28 U.S. Sec. 1253.

The following decisions are believed to sustain the jurisdiction of the Supreme Court to review the judgment on direct Cross Appeal in this case. *Stainbach v. Mo Hock Ke*

Lok Po, 69 S. Ct. 606, 93 L. Ed. 741, 336 U.S. 368 (1948); *Zemel v. Rusk*, 85 S. Ct. 1271, 14 L. Ed. 2d 179, 381 U.S. 1, (rehearing denied 86 S. Ct. 17, 15 L. Ed. 2d 114, 382 U.S. 873 (1965)).

The Statute of the State of Texas that is involved is the Texas Sodomy law, *Article 524* of the *Texas Penal Code, (Found in Volume 1 of Vernon's Annotated Penal Code of the State of Texas at Page 619)*, which provides as follows:

> Whoever has carnal copulation with a beast, or in an opening of the body, except sexual parts, with another human being, or whoever shall use his mouth on the sexual parts of another human being for the purpose of having carnal copulation, or who shall voluntarily permit the use of his own sexual parts in a lewd or lascivious manner by any minor, shall be guilty of sodomy, and upon conviction thereof shall be confined in the penitentiary not less than two (2) nor more than fifteen (15) years.

The District Court held that the Statute is unconstitutional due to its over-breadth because it attempts to proscribe the private acts of consenting married couples in violation of the First Amendment to the Constitution, made applicable to the States through the Fourteenth Amendment.

QUESTIONS PRESENTED

The principal questions presented are:

1. Whether the above Statute is unconstitutional because it is an attempt to proscribe the private sex acts of consenting adults, irrespective of their marriage status.

2. Whether the Cross Appellant, Alvin Leon Buchanan, would have standing to raise this issue respecting the regulation of private sexual conduct.

STATEMENT OF THE CASE

Plaintiff, Alvin Leon Buchanan, a confessed homosexual, had twice been arrested and charged under Article 524 of the *Texas Penal Code* for acts of sodomy with another male in public rest-rooms in Dallas, Texas. He filed suit on May 26, 1969, in the Federal District Court for the Northern District of Texas, Dallas Division, requesting: (1) That a three-judge federal court be designated to declare judgment on the constitutionality of *Article 524*, (2) For preliminary and permanent injunction against prosecution of the two cases in which he had been charged and against harassment by the police. (3) Other equitable relief.

At a pretrial conference, that part of Plaintiff's complaint relating to prosecutions pending in Dallas County, Texas, was dismissed. The portion alleging police harassment was severed and retained for consideration by a single judge of that court, and later, it too was dismissed as moot by reason of the action of the three-judge court.

After the suit was filed, Michael Craig Gibson, et ux Janet S. Gibson, were granted leave to intervene. They alleged that Buchanan did not fairly and adequately protect the interest of married persons who fear future prosecution for the commission of private acts of sodomy. Likewise, Travis Lee Strickland was granted leave to intervene. He claimed that Buchanan did not protect the interest of homosexuals who do not commit acts of sodomy in public places but fear future prosecution because of acts of sodomy committed in private. All three intervenors adopted the allegations of Buchanan as were applicable and sued for them-

selves and others similiarly situated. In a pre-trial conference held on January 12, 1970, all parties agreed that the case would be decided on briefs. The Court made the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. There is no prospect of the immediate availability of a state forum where the questions here could be litigated.

2. There exists in *Article 524* of the *Texas Penal Code* no question of statutory interpretation which the Courts of the State would be of assistance in resolving.

3. *Article 524* makes no distinction between acts committed in public or in private; acts committed homosexually or hetrosexually; and acts committed by married or unmarried persons.

4. The Statute operates directly on an intimate relation of Michael Gibson and Janet Gibson, husband and wife, and the class they represent.

5. The Gibsons have reason to fear prosecution.

6. The acts of which Plaintiff Buchanan, and Intervenor Strickland complain do not involve private acts of the marriage relation.

CONCLUSIONS OF LAW

1. The abstention doctrine is inappropriate under the facts of this case.

3. The private acts of the Gibsons are protected by the First Amendment.

4. Article 524 sweeps unnecessarily broadly and invades the area of protected freedoms.

5. Fundamental liberties, such as the private acts of the Gibsons, may not be abridged.

6. Article 524 sweeps unnecessarily broadly and thereby invades the protected freedom of the Gibsons.

7. Where a Statute is on the books and is being enforced there is a threat of prosecution.

8. Article 524 is void on its face for unconstitutional overbreadth insofar as it reaches the private, consensual acts of married couples and the Gibsons and the class they represent are entitled to an injunction against future enforcement of the Act.

THE QUESTIONS PRESENTED ARE SUBSTANTIAL

A. *The Constitutional Question*

The District Court has held the Texas Sodomy Statute, Article 524, void because it attempts to proscribe the private sexual conduct of consenting married couples in violation of their rights under the First Amendment made applicable to the states through the Fourteenth Amendment. The Cross Appellants' position is not that the Court was incorrect in making such a determination, but that it was wrong in drawing a distinction between the private sexual conduct of married and unmarried couples. Nowhere in the Constitution does such a distinction exist. If married couples have a right of privacy which is protected by the

First Amendment through the Fourteenth, then it would appear equally evident that single persons also possess the same constitutionally protected right of privacy. We respectfully submit that a judgment which draws a line between married and unmarried sexual activity will allow infringement of a right of privacy which is secured to all persons; and if followed to its logical conclusion, will result in an attempt by the Texas Legislature to enact a Sodomy Statute which, in effect, tells people that they cannot sin. Such a statute would be unenforceable, unrespectable and a denial of substantive due process. It would make criminals out of tens of thousands of unmarried men and women who live in Texas and commit acts of sodomy in private, heterosexually and homosexually. The Cross Appellants are seeking an opinion from this Court that does not rely on the marriage status of the individuals participating in a private act of sodomy.

Basically, Cross Appellants contend that private consensual sex acts between adults are not affected with sufficient public interest to be a legitimate subject matter for the exercise of the police power of the state. The point is not so much that Cross Appellants have a constitutional right to engage freely in sexual activities, but that the public simply has no legitimate interest in the private consensual sexual activities of adults and, therefore, such activities cannot constitutionally be made criminal. For the state to use its power to regulate the manner in which intimate adults communicate with one another in private infringes upon fundamental personal liberties protected by the Con-

stitution. For in so doing, the identity of the individual is invaded. This offends the concept fundamental to a free society that an individual must be free to express his personality in his actions as well as his words, in a way that does not harm others.

Cross Appellants believe that the fundamental liberties here involved are most appropriately included within the protective scope of the First Amendment. Recent federal decisions clearly establish that the scope of the protection afforded by the First Amendment is not limited to those rights expressly mentioned in the amendment itself. For instance, the association of people is not specifically mentioned in the Bill of Rights, yet in *NAACP v. Alabama*, 357 U.S. 449, 462 L. Ed. 2d 1488, 1499, 78 S. Ct. 1163 (1958), this court held that the First Amendment protects the freedom to associate as well as privacy in one's associations.

It is well-settled that when a statute infringes upon First Amendment rights, the regulation to be valid must further a substantial overriding public interest. Cross Appellants readily admit that the public has certain legitimate interests in this area, but believes that these interests are limited to acts involving minors (or other incompetents) or unwilling participants and acts taking place in public. These legitimate public interests can be fully served by a statute more precisely drawn, which does not unnecessarily restrict individual freedom. Cross Appellants cannot point to any authorities precisely in point; but believe that *Stanley v. Georgia*, 394 U.S. 557, 22 L. Ed. 2d 542, 89 S. Ct. 1243 (1969) generally supports their position.

Additionally, Cross Appellants contend that *Article 524* is unconstitutional in that it violates the Establishment Clause of the First Amendment. It is their position that Article 524 reflects an essentially religious view, i.e. that sex which is not directed at procreation is sinful. The punishment of sin *per se* is a religious function and not a permissible concern of the State under the Establishment Clause of the First Amendment. Clearly, Article 524 can be traced to religious origins. This fact alone, admittedly, will not render Article 524 unconstitutional if the religious origin has been discarded and the statute now reflects a proper secular interest of the public. As discussed above, it is the Cross Appellant's position that Article 524 does not reflect a permissible public interest insofar as private adult consensual sex acts are concerned. This position can best be summed up by reference to the following from the comment to the *Model Penal Code:*

> No harm to the secular interests of the community is involved in a typical sex practice in private between consenting adult partners. This area of private morals is the distinctive concern of spiritual authorities * * * there is the fundamental question of the protection to which every individual is entitled in his personal affairs when he is not hurting others.

Comment, Section 207.5 *Model Penal Code,* at 278-279 *(Tent. Draft No. 4,* 1955).

B. *The District Court had jurisdiction to review the constitutionality of the Texas Sodomy Statute without the intervention of Strickland or the Gibsons,* i.e. that Alvin Leon Buchanan had standing to maintain this constitutional attack

irrespective of the fact that he was arrested and charged with an act of sodomy which occurred in public.

It is the contention of the Cross Appellant, Alvin Leon Buchanan, the original complainant in this case, that where a Penal Statute, given its normal meaning, is so broad that its sanctions may apply to conduct which is protected by the constitution, that the Federal Courts will pass on the validity of the statute without considering the nature of the actor's conduct, but will look solely to the words of the statute. See *Thornhill v. Alabama*, 310 U.S. 88, 97-98, 84 L. Ed. 1093, 60 S. Ct. 736, (1940).

Cross Appellant Buchanan contends that although the state may validly make criminal acts of sodomy in public places, it may not impose a penalty for such acts which are completely out of proportion to the penalty imposed for heterosexual intercourse in public places. The state authorities in Texas prosecute the former as a felony under *Article 524*, with a maximum penalty of fifteen years in prison, while the latter cannot be prosecuted under a State Law, but only as the violation of a city ordinance which carries a maximum penalty of a $100.00 fine. The disparity in penalties, with the resultant disparity in the seriousness of the consequences of a conviction upon an individual's life, is unconstitutional for many of the same reasons already discussed.

Cross Appellant Buchanan further contends that if *Article 524* would be constitutional as applied to activities in public places, the method by which it was enforced in his case

makes its application to him unconstitutional. The enforcement officers detected the act in question by means of spying on the interior of a public restroom from a concealed position. Such a method of detection, which involves their continuous observation of all persons using the restroom and engaging in the very private act of relieving themselves, violates a fundamental right of privacy and should be held unconstitutional. It is Cross Appellant Buchanan's contention that *Katz v. United States*, 389 U.S. 347, 19 L. Ed. 2d 576, 88 S. Ct. 507 (1967), supports this position.

CONCLUSION

WHEREFORE, it is respectfully submitted that this Court has jurisdiction of this appeal under 28 U.S.C. Section 1253.

Respectfully submitted,

HENRY J. MCCLUSKEY, JR.,
Suite 808, 1025 Elm Street,
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(214) 748-3003
Attorney for Cross Appellants.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing statement as to jurisdiction was served this ..... day of ....., 1970, by depositing a copy of the same in the United States mail with sufficient postage pre-paid to Charles R. Parrett, Assistant Attorney General, Box R, Capitol Station, Austin, Texas, and Mr. John B. Tolle, Assistant District Attorney, Dallas County Courthouse, Dallas, Texas.

Henry J. McCluskey, Jr.

western union

Telegram

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K WILLIAM KELLEY.

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SF-1201 (R5-69)

IN THE

Supreme Court of the United States

October Term, 1969

No. 1722

ALVIN LEON BUCHANAN,
TRAVIS LEE STRICKLAND,

Cross Appellants,

vs.

HENRY WADE, District Attorney of Dallas County, Texas,

Cross Appellee.

MOTION OF NORTH AMERICAN CONFERENCE OF HOMOPHILE ORGANIZATIONS FOR LEAVE TO FILE BRIEF AS AMICUS CURIAE AND BRIEF AMICUS CURIAE

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Attorney for the North American Conference of Homophile Organizations

WALTER E. BARNETT
of Counsel

IN THE

Supreme Court of the United States

October Term, 1969

No.

ALVIN LEON BUCHANAN,
TRAVIS LEE STRICKLAND,

Cross Appellants,

vs.

HENRY WADE, District Attorney of Dallas County, Texas,

Cross Appellee.

MOTION OF NORTH AMERICAN CONFERENCE OF HOMOPHILE ORGANIZATIONS FOR LEAVE TO FILE BRIEF AS AMICUS CURIAE AND BRIEF AMICUS CURIAE

The North American Conference of Homophile Organizations (hereinafter denoted as NACHO) moves for leave to file a brief amicus curiae in this case in support of the cross appellants' jurisdictional statement.

Counsel for cross appellants has consented to the filing of such brief, but counsel for cross appellee, Henry Wade, has refused his consent.

INTEREST OF THE CONFERENCE

NACHO is an unincorporated association of organizations established in various cities of the United States to protect and promote the welfare of American citizens who are homo-

sexual. The Conference meets annually, usually in August; it exists to coordinate information and efforts on the national scale to improve American society's understanding of homosexuality and to better the lot of America's homosexual community.

The issue in this case, whether the State of Texas may constitutionally make a crime of sexual conduct which is not procreative, is of concern not only to individual homosexuals, such as the cross appellants, and to married couples, such as the appellees in this case (Mr. and Mrs. Gibson), but also to all persons everywhere in this country who feel a need and a desire to express their love or attraction for another human being in other than normal ways. All states of the union and the District of Columbia, except Illinois, have criminal laws similar to that of Texas which is here in controversy. Thus, the threat of criminal prosecution for abnormal sex acts is a matter of deep concern to all homosexuals and to those who are interested in their welfare, including the organizations that belong to NACHO and their individual members. A list of the organizations accredited to the 1969 conference is appended to this brief.

REASON FOR FILING A BRIEF AMICUS CURIAE

The cross appellants contend that the State of Texas may not constitutionally make a crime of sexual conduct that occurs in private between consenting, competent adults, whether or not it is procreative in nature, and that the State of Texas, although it may validly regulate such conduct occurring in public places, may not in doing so discriminate against homosexuals or impair general rights of privacy. NACHO asks leave to supplement their arguments by emphasizing the crucial importance of a determination of these issues to the lives of all homosexuals in America.

THE NATIONAL IMPORTANCE OF THE QUESTIONS PRESENTED

The most thorough investigation of human sexuality yet made in the United States, Kinsey *et al., Sexual Behavior in the Human Male* (1948) and *Sexual Behavior in the Human Female* (1953), demonstrates that human sexuality is not a unitary phenomenon. The same point is made by the group of

experts who submitted to the National Institute of Mental Health in October, 1969, the *Final Report of the Task Force on Homosexuality* (the so-called Hooker Report). The figure published in the Kinsey studies of the percentage of white American males who are exclusively homosexual throughout their lives is 4%; the figure for those who are exclusively homosexual for at least a three-year period during their lives is 8%; and for those who have had homosexual physical contact to the point of orgasm at any time during their lives, 37%. The approximate comparable figures for females are 1-3%, 3-5%, and 13%. Although later studies are not as complete, they tend to confirm the Kinsey estimates of the number of persons involved. If there were added to these figures the percentage of persons who engage in oral-genital or anal-genital contact only with persons of the opposite sex, the total percent of the American populace who have at one time or another in their lives violated felony statutes like that of Texas could well exceed 50%.

Although all the people represented by these large figures have cause to fear prosecution so long as such statutes remain on the books, it is the homosexuals preeminently, and male homosexuals in particular, who have reason to be afraid. It is common knowledge that such statutes are almost never enforced against married couples or female homosexuals (lesbians), and are rarely enforced against non-married heterosexual conduct. The statutes exist primarily to punish, harass and otherwise denigrate the male homosexual, to make him feel inferior, unworthy, and an outlaw of society. That these statutes, together with other, non-legal, forces, generally succeed in accomplishing this objective is the testimony of psychologists, psychiatrists and psychotherapists around the country, and of the Hooker Report in particular. There is much evidence that the neurotic maladjustment which many homosexuals exhibit is not so much traceable to the condition of homosexuality itself, but to these repressive laws and attitudes of society. It is true that such laws are not often enforced even against male homosexuals except when minors, the use of force or threats, or a public place is involved, but this is the result not so much of a conscious policy of law enforcement authorities as of the difficulty of obtaining sufficient evidence to convict, or even a complaint, in other cases. That the majority of homosexuals avoid situations involving such factors is

borne out by the studies that have been made. The great majority of homosexuals wish to be respectable and law-abiding citizens, and recognize that society has a legitimate interest in proscribing sexual conduct involving the three factors just mentioned. Yet even the most scrupulous avoidance of such situations does not diminish the fear and apprehension that every homosexual carries always with him—of being caught, branded publicly as a "pervert", imprisoned, and saddled with a disabling criminal record for the rest of his life.

Every homosexual knows, and the experts in human psychology know, that no homosexual ever chose to be or become such. It is something that just happened in the process of growing up, which most of them are unable consciously to recognize or acknowledge until it is too late to change. It is futile for society to demand that the true invert confine his conduct to married heterosexuality, just as futile as to demand that one who likes vanilla ice cream and is allergic to chocolate give up vanilla and confine himself to chocolate. Of course, it may be replied that society does not make that demand, but rather demands that he either confine himself to married heterosexuality or else remain continent. But remaining continent in one's sexual life is not the equivalent of abstaining from eating ice cream. The hunger drive, being a purely physical drive, can be satisfied by other means than ice cream. The sex drive, on the other hand, being primarily emotional and only secondarily physical, can only be satisfied with another human being; and if the only other human being to which a person feels emotional and physical attraction is a member of his own sex, then demanding that he confine his satisfactions to members of the opposite sex is equivalent to imposition of complete continence. The fact that some saintly figures in recorded history have managed to achieve complete continence is irrelevant. Such self-restraint cannot be demanded of the common run of mankind. If the proportions in our society were reversed, so that homosexuals were in a position to legislate against all heterosexual intercourse, the outrage to the human personality would be readily apparent.

Despite the numbers of persons who have, according to the figures above noted, violated the criminal law, the chances of legislative reform of these laws are very slim in most states. The pressures of religious opinion, and the fear of being thought to be a "queer", deter many people who would favor

reform from pressing for it. These factors also operate powerfully to keep legislators from proposing or voting for reform of these criminal laws; and it hardly takes an expert in political science to observe that the typical legislator will go to any length to avoid even the appearance of favoring "immorality" or "vice". Another important fact is that many people are simply unaware that such criminal laws, proscribing sex acts between consenting adults in private, exist. And too often, those most directly affected, the homosexuals, are too afraid of exposure to make their voices heard. Even if they were to do so, however, the issue has no appeal at the ballot box.

Even if the possibility of reform of the law by legislation were a viable one, the NACHO and its component organizations believe that that alternative need not be pursued, because the laws in question are unconstitutional. They establish a religious view of sexual morality in violation of the establishment clause of the First Amendment (made applicable to the states through the Fourteenth); they impose criminal penalties for the symptoms of an involuntary status (sexual inversion, or homosexuality), in violation of the Eighth Amendment's prohibition against cruel and unusual punishment (made applicable to the states through the Fourteenth); they violate the right of privacy, a right which is within the penumbra of the First Amendment and which is secured to the people by the Ninth Amendment; they constitute an unreasonable denial of individual liberty because they serve no reasonable purpose relative to public health or welfare, and therefore they deny to all affected persons substantive due process of law in violation of the Fourteenth Amendment; and finally, since they prohibit homosexuals from engaging in the only modes of sexual satisfaction open to the latter, they deny these people equal protection of the law in violation of the Fourteenth Amendment.

CONCLUSION

Since there has never been, to the knowledge of NACHO and its counsel on this brief, any full and complete consideration by the federal courts of these questions of the constitu-

tionality of the sodomy laws under the United States Constitution, and since the determination of such questions is vital to the chances of millions of Americans for a life that is reasonably happy and free from fear, the NACHO respectfully urges that this Court note probable jurisdiction of the cross appeals.

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Attorney for the North American Conference of Homophile Organizations

WALTER E. BARNETT
of Counsel

APPENDIX

List of Organizations Accredited to the 1969 North American Conference of Homophile Organizations

1. Cincinnati Mattachine Society, Cincinnati, Ohio
2. Circle of Friends, Dallas, Texas
3. Cleveland Mattachine Society, Cleveland, Ohio
4. Council on Equality for Homosexuals, New York, New York
5. Dayton Mattachine Society, Dayton, Ohio
6. Dorian Society of Seattle, Seattle, Washington
7. Homophile Action League, Philadelphia, Pennsylvania
8. Institute for Social Ethics, Hartford, Connecticut
9. Kalos Society, Hartford, Connecticut
10. Lincoln-Omaha Council on Religion and the Homosexual, Lincoln, Nebraska
11. Mattachine Midwest, Chicago, Illinois
12. Mattachine Society of New York, New York, New York
13. Mattachine Society of Washington, Washington, D.C.
14. One, Inc., Los Angeles, California
15. Phoenix Society for Individual Freedom, Kansas City, Missouri
16. Society for Individual Rights, San Francisco, California
17. Student Homophile League, New York, New York
18. Tangents Group, Los Angeles, California
19. Texas Educational Homophile Movement, Houston, Texas
20. West Side Discussion Group, New York, New York