



# **mattachine REVIEW**

7TH ANNUAL CONVENTION

AUGUST 1960 50¢

September 1-5, 1960

San Francisco, Calif.

Theme:

## **"Let's Change Our Outmoded Sex Laws"**

*(See Back Cover; Program Inside)*



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# PAGINATION IRREGULAR

"7th Annual Convention  
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On June 29th, England's House of Commons debated the recommendations of the Wolfenden Committee which concern male homosexual laws. It rejected removal of male homosexual acts between consenting adults in private by a vote of 99 to 213. Significant discussion from England arguing for the Wolfenden recommendations will be published in September *REVIEW*. Meanwhile, here is an outstanding editorial which appeared in the *Washington Post* on July 11, 1960:

## Where Light is Needed

Although Britain's House of Commons has rejected a proposal to relax some of the penalties against male homosexuality, the debate in the House suggests a growing enlightenment on the subject. Two or three years ago the issue was brought to public attention by the report of a Royal Commission headed by Sir John Wolfenden which recommended that homosexual behavior between consenting adults—where no element of coercion or deception was involved—should no longer be treated as a criminal offense. This is a view fully supported, by reason and by contemporary medical and psychiatric insights. However offensive it may be to the mores of the majority, homosexuality is a fact of life—a condition growing out of the congenital characteristics and emotional needs of certain individuals. It ought not to be considered a crime when it entails no injury to other individuals.

This view apparently does not yet have popular acceptance in England any more than in the United States. There is growing acceptance of it, however, as a consequence of the Wolfenden report and of endorsements of it which have come from leaders of the Anglican, Methodist and Roman Catholic Churches in England. London newspapers have indicated general agreement that change is needed in existing laws.

This kind of tolerance reflects significant progress. Ancient taboos can be overthrown only by patient persuasion. There is need in the United States for the kind of discussion that has taken place in England. The problem is a real and tragic one, far better dealt with by tolerance and understanding than by punishment and repression.



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## CONVENTION FEATURES IN THIS ISSUE:

Complete program for the 7th Annual Convention of the Mattachine Society, to be held in San Francisco Sept. 1-5, is inserted in the center of this issue. An advance report on the speakers who will make up the main day's program begins on the outside back cover and is continued on page 31.

SEPTEMBER ISSUE will carry a special report on previous Mattachine conventions. In October, the *REVIEW* will have a report on the forthcoming conference.

**ADVERTISEMENTS:** Accepted only from publishers and/or authors of books; magazines; periodicals and bookellers concerned with homosexual and other sexological subjects. Rates upon application.

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ROLLAND HOWARD of Denver felt that Dr. Harold Kenneth Fink's article in July REVIEW ("THE PSYCHODYNAMICS OF THE HOMO-SEXUAL") called for the comment which follows. Another letter about it appears in "Readers Write" in this issue. Dr. Fink himself is anxious to get reader reactions and will probably comment upon them in a future issue.

### WELL, MAYBE DR. FINK, BUT—

by Rolland Howard

Dr. Harold K. Fink, in an article entitled "The Psychodynamics of the Homosexual" in the July REVIEW, made quite a few rather definite observations about homosexuality and homosexuals. In asking me to make some comments on that article, my friends expected me to "rip it up." But even if I were to assume that I am qualified to do so, I think that would not be my intention.

Rather, I would seek to encourage Dr. Fink to broaden his view, keep a closer contact with the continuing work of his fellow psychiatrists, and make a greater effort to avoid hurling dogma in the manner of a fundamentalist preacher.

I would also have to agree with him in many of his observations, and certainly I would sympathize with him in some of the tribulations and frustrations he suffers in trying sincerely to deal, on the basis of reason, with patients who are largely afraid. Fear is not conducive to reason, and even the angels had always to seek to alleviate their listeners' fears before they could deliver a message—even from Heaven!

Dr. Fink's message seems to be, in essence, "Homosexuals, seek treatment, with a heterosexual adjustment as its purpose, for the sake of your own happiness." He implies that if the homosexual does not do so, he either is sick or is likely to become sick, and that if he does not want to change, he should want to.

Well, on the whole, I cannot simply deny all this. I would only offer a few further thoughts in the matter.

For example: It is doubtless true that one kind of "happiness" is the reward of conformity, of sameness with the majority, of mass approval; and that some individuals would be more "comfortable" with that reward than with whatever joy they find in their differentness. For the person who wants that, but feels inadequate to it, I would advise, with Dr. Fink, that he get help.

As for the admonition about "sickness," I would add the reminder that "paranoid tendencies," although a handy label for a certain group of relatively recognizable symptoms (feelings and reactions), is, like most other clinical terms, not a clearly-defined entity like "amputation," for example, or even "measles," and should not be used like a policeman's club in arguments about social expectations. It probably applies in some degree and at

some time or other, to all people. There might be other ways to combat such feelings than to seek to be like everyone else for conformity's own sake.

This observation might apply equally to the complaint that too many homosexuals do not "want" to change. Psychiatrists and other writers often voice this frustration as if to indicate that if the darn fools would simply decide to want something they don't want, they could have it. Frankly, I don't understand this. If such writers would simply decide not to "want" to change people, they could stop working so hard. Obviously, they want to work a change, when that is indicated, because they want something else—to help their patients to suffer less, or to earn their reputations, and/or some other equally commendable motives.

Similarly, most homosexuals do not decide to want their homosexual gratifications. They want them, not for this or that reason, but because of this or that *cause*, whether these be thought of as "needs," "motives," "drives," or whatever.

Many people could undoubtedly be heads of corporations if they "wanted" to be, enough to take the "treatments" necessary for corporation management. Many others could not be, no matter how much they wanted it. Still others simply do not want to head corporations. Is there something wrong with them? Are they simply perversely refusing to *want* corporation presidencies?

I think we might do better to seek impassionately to understand why some people want what they do and why others do not.

Dr. Fink, in line with most conformist thinking, seems to be saying that, since homosexuals find themselves persecuted and exploited by society, they should seek to be *like* that society. Should those of us who can do this then turn and join in the persecution and exploitation of those who were unable to make the big switch? How commendable! And if we start insisting that Negroes are simply being perverse in refusing to be white, that would only be the logical next step. Those Christians who speak of the "word of God," as Dr. Fink does, could not now do so if those earlier ones had succumbed to the pressures exerted on them to denounce their faith and be like the majority (which, incidentally, might have been a more comfortable choice for them, more conducive to "happiness," by some standards).

Society, says Dr. Fink, may have helped make the homosexual what he is, but certainly not knowing or on purpose. I could hardly disagree with this, but in the light of it, if it is proper to seek to "correct" the homosexual's psycho-sexual patterns, it would seem equally proper to try to find and correct the errors in the socio-cultural machinery which produces them.

The church-trained and religious homosexual, for example, may find Biblical prophecies of the "end of the world," with their cold-blooded detailings of "no place to hide" and "Woe unto the wife who is then with child," etc.,

far more anxiety-inspiring than Biblical or social admonitions against homosexuality, which after all does not give one dependents to try to protect. Nor can such influences be simply waved away as so much ancient mythology when the churches and newspapers and other public media keep pounding away at the same themes.

The sensitive homosexual with a social consciousness may see a brutal, hostile world for his children as far more frightening than any threat his homosexuality brings to him, and more important than any loneliness or missed opportunity for creativeness which his childlessness causes him to feel. Such feelings might be counteracted if his own country were an exception, but the treatment afforded him as a homosexual is proof that it is not. He has ample opportunity to look to such occurrences as the heartless execution of Caryl Chessman after 12 years, done in his name as an elector, as well as those of his neighbors, for still further evidence that the gain is not worth the risk. Instead of seeing such feelings as evidence of his own lack of courage and aggressiveness, he may see it as overwhelming evidence of his own helplessness.

Increasing pressures for keeping up with—not the Joneses—but the slick magazine and TV commercials, with their “gracious living” requirements, can give the uncertain prospective husband an overwhelming sense of inadequacy and hopelessness, and, when he falls short, send him hanging his head with feelings of unmanliness and failure.

These are social and cultural obstacles among countless others.

The subjective, psychological obstacles are more important, more numerous and influential, and more elusive.

The homosexual who simply lacks masculine identification after a childhood of overprotection, mother-domination, neglect, or something else, will find sex a kind of “knowing instrument”—an instrument for learning something he desperately needs to learn—the importance of which no amount of threat, admonition, or pointing to more “desirable” avenues can lessen, so long as that learning need is in him. His homosexual experiencing will be essential to his very psychological existence. For such a man, denying his need and taking a wife is likely to lead only to divorce, the last alternative to still worse tragedy.

This need for acceptance by, and identification with, other men should be remembered when we consider Dr. Fink's patient who “has a good chance to make a reasonably good marital adjustment since he has increasingly enjoyed the company of women.” I wish this young man the best luck in his endeavor, if that is what he wants. But I would remind Dr. Fink that Freud himself observed that some homosexuals prefer the company of women, but that sexual desire, for most of them, was totally absent, and the prospect of sexual contact downright frightening.

Another of Dr. Fink's patients, he says, telephoned from his honeymoon suite to exclaim, like a little boy with a new toy, “Gosh, I never knew what fun heterosexuality could be!” I dare say that successful heterosexual experience can indeed be fun, and again, I wish this boy the best. But my optimism would be tempered by the uncertainty of continued success. Will his new joy over this novelty be supplanted by deepening love with continuing gratification and fulfillment? Or will he feel the old need for male contact, still unsatisfied? Possibly his chances are better than average with a girl he loves and who makes every effort to encourage him. But not many homosexuals are this free of society's influence. How many prospective wives would accept such a challenge?

In a culture where women make much of belittling male sexuality except insofar as it provides material security; where ladies' clubs seek castration for “sex-offenders”; where women refer to the male sex-drive as the “antics of a goat”; where the religious authorities have made the body a thing of shame and its sex-function a matter hardly to be admitted of, and never referred to; where sex is avoided in art, condemned in literature and abhorred in education so that whole generations grow up not knowing how to regard the subject except to think it unthinkable on the one hand, or the most important pursuit in the world on the other; there are all too many for whom marriage is simply out of the question. Despite the successes mentioned by Dr. Fink, he admits at one point that such marriages are “often heterosexual in name only.” Seek a heterosexual adjustment if you will, say I, but move with utmost caution.

Dr. Fink, while making a fairly hopeful case for those who have some desire and some potential for heterosexual realignment, indulges in the popular sport of belittling those who have neither, and flinging great generalities about without defining his terms. Implicit in such rough treatment is the notion that those who must or will remain homosexual are of no account. If they suffer, they now have Dr. Fink's blows to add to the rest.

Homosexuality among the animals, he says, does not prove it “normal.” I can hardly agree or disagree with this since I have no way of knowing what he means by this ambiguous term. (I wonder if the monkeys have any idea that there is so much “abnormality” among them.)

“That which is prevalent and even perhaps helpful in some ways—such as the black market during the last World War—is not necessarily desirable and in the best interests of the majority,” continues Dr. Fink.

How homosexuality relates to black markets escapes me, but we'll let that pass. I do not, however, remember any homosexuals claiming that their inclinations are “desirable” or in the “best interests of the majority.” But then neither are color-blindness, left-handedness, or a thousand other natural conditions of chance circumstance. Nor are these conditions “nor-

mal," if by that term we mean the way most people are.

If, as Dr. Fink states, the homosexuality of the Classic Greeks does not prove its "normality," neither does it prove that homosexuality is *not* a "normal" component of people (whether expressed or not). Nor does the fact that modern Greece does not find homosexuality "acceptable" prove anything except that their majority views have changed. She doubtless *has* her homosexuals, acceptable or not. As for the old saw which blames the disintegration of Greek culture on her homosexuality, this has never been shown convincingly by anyone.

Another time-worn generality is that "there are few really happy homophiles." Again, we have not defined "happy." And whatever we mean by it, I doubt that there are too many heterosexuals who are really that, either. But supposing there are, where does that argument bear hardest—on a condition which, under present knowledge, at least, is not likely to be changed? Or on the social injustices which cause the greatest "unhappiness" to homophiles?

Dr. Fink's emphasis on turning the homophilic universe around may be due in part to the superficial causes he lists. Such things as seduction by an older person, etc., may account for some homosexuality, but I know of too many who, quite on their own and at very early ages, were quite homosexual in their masturbatory fantasies and desires and, often, in their pursuits, *without* any urgings from anyone else. Too little is understood as yet about these very early strivings to permit us to draw such easy and sweeping conclusions.

His ideas about childhood misidentification are, I think, much more significant, and here we get closer to the real problems of "changing." How to alter a man's lifelong unconscious identification is a much meatier project for research and an area with much greater potential for reformation than all the arguments about "desirability" and pleasing the majority.

It is precisely this search for identification with his own sex that keeps many a homosexual in the homosexual swim. Such a man will continue to swim there as if for dear life, until experience and success give him enough assurance to relax. He is more likely then to be able to set his course for whatever shore is consciously desirable to him.

An excellent illustration of the psychological processes which make the "treatment of" homosexuality more than a matter of "changing one's mind" was given in a recent "science-fiction" movie, "The Forbidden Planet." Those who saw it may remember the robot which had been created by the scientist isolated on the distant planet.

To demonstrate the robot's functioning to the visiting crew from Earth, the Doctor had one of the men hand his gun to the creature. He then ordered the robot to aim the gun at its owner and to fire. The robot aimed the gun, but

(Continued on Page 26)

# The Homosexual In Our Society

*This is the second part of a 2-hour radio broadcast prepared by KPFA-FM about two years ago and broadcast in San Francisco, Los Angeles and New York. In it, Mrs. Elsa Knight Thompson, moderator, discusses the role of Society in accepting its homosexuals.*

*Speakers in this part of the program are:*

*Karl M. Bowman, M.D., Professor Emeritus, Psychiatry, University of Calif., former director, Langley Porter Psychiatric Clinic, and past president, American Psychiatric Association.*

*Dr. Frank A. Beach, Jr., Professor of Psychology, University of California.*

*Dr. David H. Wilson, School of Criminology, University of California.*

*Morris Lowenthal, Attorney, San Francisco.*

**MODERATOR:** I think we'll address our first question to Dr. Bowman. Could you give us some of the historical background for the legal practices regarding homosexuality?

**DR. BOWMAN:** Our present laws in the United States with regard to sex behavior are largely traced back to the very ancient Hebrew laws, and particularly the laws about homosexuality. The Christian religion took over pretty much the Jewish code which was extremely restrictive regarding sex behavior. The English law was the basis of most of the laws in the United States and therefore, to a very considerable extent, our sex laws in the various states, with some exceptions, go back through the English code to the Christian code taken from the ancient Jewish law, and therefore my contention has been that if this is true, it is time to re-examine again what these laws are, and what, in the light of our present knowledge about all types of sex behavior, including homosexuality, which is I understand the special topic we are discussing here today, and whether we should or should not recommend modifications.

**MODERATOR:** I suppose it would be relevant to have some more detailed definition of what the law regards as homosexual activity. Perhaps, Dr. Beach, you could...



**DR. BEACH:** Yes, I was interested in listening to the previous panel, of course, but I was a little bit worried because nobody took time to define what was meant by the central term. This becomes rather important, it seems to me, when we get talking in terms of statistics as Mr. Call did. I recall that he mentioned a figure of 1 in 10 human beings as being homosexual. This doesn't really mean anything unless he tells us in addition what he means by homosexuality. The psychiatric concept of latent homosexuality might be mentioned here. This refers, as I understand it, to an individual, male or female, who has certain homosexual tendencies that never come to expression in overt behavior. Then we have the situation, stressed by Dr. Kinsey, of the individual who has one or two overt homosexual experiences in his, or her, entire life. Are we to call such a person homosexual or not? It is a question. We have also individuals who are both homo and heterosexually active and who derive satisfaction from either type of behavior. And, finally, and I suspect that this is the sort of individual that we are really talking about, we have the exclusively homosexual individual who engages in overt activity.

**MODERATOR:** I see. Well, where does the law stand regarding these definitions?

**DR. BEACH:** I think Dr. Bowman could answer that.

**DR. BOWMAN:** Well, theoretically, the law is only concerned with the behavior of the individual and therefore in any overt homosexual behavior that may be carried out. I would point out, however, that there has been the experience in the Armed Forces of considering a person with a diagnosis even of latent homosexuality, as unsuitable to remain in the Armed Forces, and perhaps receiving an undesirable type of discharge which deprives him of all the benefits of an honorable discharge and perhaps may interfere seriously with his securing a position. And here you would have this peculiar analogy, to me at least, or situation, of where an individual who has never violated the law and committed any overt homosexual act, who nevertheless is labelled a homosexual and discharged on that basis. Now, that diagnosis of homosexuality agrees with the actual dictionary term and one quoted by the Wolfenden report, of the British Committee on homosexual offenses and prostitution. According to the dictionary homosexuality is the sexual propensity for persons of one's own sex and so you get this question, then: are we even going to get into the area of thought control as far as one's sexual attitudes are concerned and not merely into overt behavior?

**MODERATOR:** Well, does not this particular legal definition which includes propensity, as well as activity, leave itself open to some pretty difficult situations from a legal standpoint? I believe that there is some sort of use of the law in this state, for example, where a person who is running a place of entertainment, or a bar, can come into conflict with the law simply because

that place is reputedly used as a place of gathering by people who are homosexual. Would you like to comment on that, Mr. Lowenthal?

**MR. LOWENTHAL:** Yes. Back in 1950 a court decision was tested and the decision was rendered by the California Supreme Court in 1951 which posed this question: can a bar, or restaurant, which caters to homosexuals, but where they did nothing but just meet and congregate there to eat and drink, have its license jeopardized simply because they permitted them to meet there? A hearing officer of the old Board of Equalization ruled that since homosexuals congregated and met, as a meeting place, in the Black Cat restaurant in San Francisco, the license could be revoked. The Supreme Court of California held, for the first time, that homosexuals, as any other type of citizen, had a civil right to congregate and to meet, for social purposes, for eating and drinking purposes, in any place of public amusement. That would include a bar, a theater, a restaurant, and the like. This was quite an advance in the sense that up until that time the question of civil rights of this type of sexual minority, if we can use that expression, had never been tested in the courts of this state, or for that matter, in the United States. However, in direct answer to your question, the issue that was posed there was this: that a bar tender, or restaurant owner cannot, at his own risk, determine that a person has homosexual tendencies.

**MODERATOR:** I was just going to ask you that question. How is the proprietor supposed to establish this?

**MR. LOWENTHAL:** That is exactly the point that we argued (I happened to be the attorney for the licensee there) to the Supreme Court, that you couldn't determine,—the bar tender could not. The Attorney General, in that case, took the opposite position and there have been some court decisions which have assumed otherwise; that homosexuals have certain bodily or physical characteristics or tone of voice, and the like, that make them easily identifiable. And it might interest you to know that we used, extensively, quotations from Kinsey's reports in our brief to the Supreme Court. Although the Supreme Court doesn't mention that fact in its decision, I am sure that it was a great help in arriving at the result. We pointed out that Kinsey's studies revealed and reflected that there are no physical identifying characteristics of such common significance that persons can say that this person, or that person, does or does not, have homosexual tendencies. However, since that decision of the California Supreme Court in 1950 was won, the whole issue has been reopened by a statute passed by our own California legislature in 1955, under the guise of a law which permits licenses of bars to be revoked if the place is found to be a (I quote) "resort for sexual perverts." This language is very vague and there have been attempts by the Attorney General of California to interpret that law so that if any place is a meeting place



for homosexuals, that is sufficient to revoke the license. They are trying to overturn the decision of the California Supreme Court of 1951 and we have the issue again before us. (See footnote.)

**MODERATOR:** Well, it seems to me that that raises two questions which I think should be handled. Perhaps we could take the biological one first and then I would like to go on to the question: if you are going to ban homosexuals or not, what is to stop you from banning anybody else that you think is anything else that somebody might not like. Perhaps, Dr. Beach, you could take the biological question.

**DR. BEACH:** Yes. Well, Dr. Baker, in the preceding panel, mentioned the fact that there have been theories of human homosexuality which referred to this type of behavior as some sort of glandular disorder. In my opinion this is highly doubtful. Nevertheless, the fact that biological factors are involved, it seems to me, is beyond dispute. I hope that I'll have a chance to develop that because I don't want to leave the impression that I'm saying that homosexuality per se is inherited. Nevertheless, Dr. Franz Kallmann, who has done a number of genetic studies on human homosexuals, has cited some evidence to indicate that hereditary factors may be involved. For example, the incidence of homosexuality, as I recall the literature, is higher in identical twins than it is in the population in general. Mr. Call pointed out that so far as we know homosexuality has been present throughout human history and this would suggest some very pervasive source of influence. Certainly we might pose the question as to whether or not homosexuality is part of man's heredity, part of the human species' heredity. The evolutionary evidence, that is the evidence based upon observation of other mammals suggests that this may be the case. Certainly homosexual activities are seen in a wide variety of mammals and I don't mean just domesticated or captive animals. It occurs also in the state of nature. However, so far as I am aware, exclusive overt homosexuality does not occur in any species except man. I believe that this is probably due to the fact that human sexual behavior, like all other kinds of human behavior, is very heavily influenced by individual experience in learning, much more so than the behavior of any other species that we know anything about. This can be documented for example, by reference to cases where the biological sex of the human child has been incorrectly identified at time of birth. Some individuals, as you probably know, are born with the genital anatomy of the opposite sex, or at least with genital anatomy which is not clearly identifiable as masculine or feminine. In some instances children of this sort have been identified as boys or girls and later on it has been discovered, usually as a result of surgery or as a result of chromosome identification, that the sex has been incorrectly identified. Now the interesting thing is that if this is found out early enough the sex can be reversed: that

is, the child can be sex-typed, can be convinced that he, or she, is of this or that sex. But if the child has already sex-typed himself, if in his, or her, mind, he or she, is a boy or girl, then it raises great psychological difficulty to reverse the sex. So the child identifies himself as one sex or the other and starts to adopt the sex attitudes involved and these are very hard to reverse, —much harder to reverse than the biological sex.

**MODERATOR:** I think that is an extremely interesting comment. Dr. Bowman, what opinion have you on the heredity versus environmental factors in the creation of homosexuality?

**DR. BOWMAN:** Well, I think Professor Beach gave essentially the ideas that I also hold and I would not have much to add. I would say that it seems to me, as we see homosexuality in human beings, there may be and frequently are, multiple causes and that as he suggested heredity is often a factor. And there is no question that the psychological conditioning experiences likewise may play an important role, and that one can only wonder what would happen to any person brought up in a society which had a very different attitude as to what was proper and improper sex behavior than what we have in our own country, and how likely it would be that any of us, confronted with this other culture, would have fitted into it without too much trouble.

**MODERATOR:** Well, that is certainly true on the heterosexual level. There have been as many things that were right and as many things that were wrong as the possible combinations allow, practically, in human history. In some of the more ancient cultures homosexuality, I believe, has been pretty widely accepted and the public attitude has been fairly permissive in that regard. Is that not true?

**DR. BOWMAN:** You don't have to limit it to the ancient cultures, I think. It is more or less accepted in many cultures at the present time.

**MODERATOR:** Dr. Wilson, we haven't heard from you yet, and I believe that you function on two levels in this discussion: as an attorney and also as a psychiatrist. Have you something to add?

**DR. WILSON:** Yes, I felt left out of the discussion because I couldn't take sides either way here. (laughter) But I think I can add something to this that hasn't been brought out. I think it is implicit that to me the real crux of the matter is that we are speaking of laws about homosexuality and it must be understood that a law passed making something a crime has to have two factors: the individual behavior, and the prohibition by society,—it takes both. You cannot have a crime and act to consider it a crime in a vacuum. Unless society passes a law making it so, it is not a crime even though it may be abnormal and destructive. As a result there really are no universal crimes, even such things as we think as obviously as murder or robbery are not necessarily crimes in all cultures. Certain cultures handle this on an in-

dividual basis.—let the victim take care of it —society takes no part in it. So it is not universal, even something we consider as a natural crime as such. In the matter of sex laws it is the same thing. Society passes these laws because they feel threatened, they feel that the homosexual act is a threat to the society and they pass a law to try to curb this threat. From my standpoint the obvious result is that it doesn't work. Passing a law in no way affects the amount of homosexuality or the amount of homosexual behavior. Furthermore, it doesn't affect the actual amount of homosexuality as such, over and above the act. Remember that the law is passed against the act, not against the existence of homosexuality, with the exceptions as Dr. Bowman mentioned, in the military service, and as Mr. Lowenthal mentioned, in certain acts of association where mere homosexuality itself can be punished. Now, if the law doesn't work, then we should carefully reappraise the situation and see what to do about it. Passing more stringent laws doesn't seem to affect it, taking the laws off seems to make no difference. There certainly is a basic bio-psychological factor involved that makes homosexuals, with or without laws. The laws aren't going to change this and consequently, my feeling is that the law should be re-evaluated and the situation handled in a logical way based on the realities of the situation. For example, there is no question in my mind, nor I think in anyone's mind, that heredity, or constitution, plays a part. In fact, there must be the potential there. If you have a person with one arm he cannot be left or right-handed because he doesn't have the other arm,—he is just one-handed. Unless you have this potential of bisexuality you could not be homosexual, so there is no question that propensity is there, and I think there is no question that it varies in the individual. At the same time, since you have both potentials, people end up as adults either heterosexual, homosexual, or both, to varying degrees. And this can be explained again only on the experiences, the development, the interaction of the person with his culture. So, since both factors are involved and since you cannot change the basic individual factors,—if you are going to pass a law you are going to have to pass it to change this development. Now, to do that you are going to have to know exactly why people become homosexual, and *we don't*. If we did we might well pass a law which could literally curb homosexuality. We can't. Now, the next thing that I think is the real crux of the matter: do we have the obligation, or duty, socially, to pass such laws if we could.

**MODERATOR:** May I interrupt just a moment to ask: has anyone any ideas on the subject as to why society feels threatened? You used the phrase that the laws were based on the fact that society felt threatened by the existence of homosexuality. Now, what credence, what basis in fact is there for that feeling of fear and threat?

**DR. WILSON:** In my opinion, and it is only an opinion although it is shared by others, society passes these laws because the individual members feel threatened by the concept of homosexuality. Why they do this is, of course, another matter, and you can theorize further. At the present I think the most logical theory is that there is some unconscious, unknown fear of homosexuality in everyone, and this fear is transmitted to the social group, and as a result they pass a law on it on the basis of their individual fear of it. This is not a logical fear because homosexuality itself is not dangerous nor destructive, and other than the social attitude it is really in no way derogatory. So there is no real, logical basis for the attitude, but it is certainly a general, almost universal, attitude.

**MODERATOR:** Would anyone else like to speak to that point?

**MR. LOWENTHAL:** Is there anything to the story that I have heard that the original ban against homosexuality, which goes back to the Judaic tradition, has its origin in the fact that at one time after the Jews left Egypt they felt that it was necessary for their survival that they discourage any acts that did not lead to procreation and more children and increase in population, that as a small group they couldn't survive, as a larger group they could? Whereas in the time of the Greeks, for example, they had a situation of overpopulation and therefore they encouraged homosexuality for the opposite reason, to discourage an increase in population? Now, that has been advanced as one of the original explanations for the difference in attitude which may have persisted simply without understanding the original, practical purpose.

**DR. WILSON:** I've heard this, too, and it is well accepted that this was the reason offered for this original Judaic law and the variation elsewhere. I personally think that is a very naive way to approach it. The naivete is this: the law was not passed saying that due to underpopulation we must curb its present activity. The law passed: this is an abomination against nature and God. It was done with a tremendous emotional impact,—the feeling of disgust and horror at the act was implicit. Furthermore, practically speaking, a very small percentage of sexual intercourse is homosexual, a relatively small percentage certainly, and if this were merely a matter of part of the time, of the wastefulness of the productivity, there would still be plenty of time left to produce the race. The people that are primarily, or entirely, homosexual are not going to produce anyone, anyway, and there is no possible purpose in passing the law because people that have this propensity to the exclusion of heterosexual activities are not going to be productive members...

**DR. BOWMAN:** We know that today.

**DR. WILSON:** ... and as a matter of fact, if they went on this assumption, it was a naive one and not scientifically sound. The other thing that convinces me that it is not so, is the fact that it has lasted so long. There must be



some additional factor which I believe is the unconscious fear, disgust, hatred, or threat of homosexuality to make it last this long. It takes more than mere repetition. There must be something to reinforce the repetition of the law and I think it is evident at the present time that this other factor is this individual fear that is manifested by society.

**MODERATOR:** Dr. Beach?

**DR. BEACH:** I would agree whole-heartedly with what Dr. Wilson said and add these points. This is supposed to be a response to your question. In the first place I would reject this explanation out of hand because human beings don't behave this rationally. And secondly, prohibitions against homosexuality occur in many, many societies that bear no relationship to the ancient Judaic peoples.

**MR. LOWENTHAL:** Well, let me finish what I was saying, a point which I want to throw out for discussion which I think is even more controversial than the others. Assuming that we had the scientific information on which we could pass a law to curb homosexuality, I wonder, from the standpoint of a purely civil rights question whether we have the right to do so.

**DR. WILSON:** We have the right to curb activity that threatens society. We don't, under the present constitution, have the right to curb activity we happen to disagree with. If there is no real threat to our society by homosexuality what basis do we have to pass a law anyway, curbing it? We can pass a law as far as crimes of violence, as far as taking advantage of children, and this can be done under our present law. But do we have the moral or, at least, legal right to pass laws against behavior that happens to go against what we consider the proper sort of normal behavior? And with this, let's hear some comments.

**MODERATOR:** Dr. Bowman?

**DR. BOWMAN:** Well, I'd like to say just a word, going back to this other question about the basis for establishing laws against homosexuality. My understanding is that this Jewish code was promulgated after the return of the Jews from captivity. At that time they established a whole series of highly restrictive laws designed to make the Jews stand out as different from others, and the implication "do not do this because the Hittites do this," or, "don't do this because somebody else does that." And so they set up a very, very restrictive set of laws governing not only sex behavior but other behavior. And that was one point. Secondly, it seems to me this idea about controlling population is just something that has sprung up as more or less a rationalization, or somebody looking for an explanation for it decides on that. I believe, however, it has been pointed out many times that the cultures that allow homosexuality freely, in many cases, not all, but in many cases, have a higher increase in population than countries that do not allow it. So

7

th Annual Convention

PROGRAM

**Mattachine Society, Inc.**

SEPTEMBER 1 - 5, 1960

SAN FRANCISCO • CALIFORNIA

BELLEVUE HOTEL  
Geary and Taylor Streets  
and  
WILLIAMS BUILDING  
693 Mission Street

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693 Mission Street



# Convention Program

## THURSDAY, SEPTEMBER 1

9:00 A.M.—3:00 P.M.

*Rooms 304-304A, WILLIAMS BUILDING*

MATTACHINE REVIEW WORKSHOP, with production demonstration

3:00 P.M.—4:00 P.M.

*Room 312*

MATTACHINE REVIEW EDITORIAL BOARD MEETING

## FRIDAY, SEPTEMBER 2

9:00 A.M.—3:00 P.M.

*Rooms 308-309, WILLIAMS BUILDING*

NATIONAL HEADQUARTERS WORKSHOP DAY

3:00 P.M.—5:00 P.M.

*Room 312*

SEMI-ANNUAL MEETING, BOARD OF DIRECTORS

7:00 P.M.—8:30 P.M.

*Room 312*

PANEL CONFERENCE, ONE INSTITUTE OF HOMOPHILE STUDIES

W. DORR LEGG, JAMES KEPNER, JR., DON SLATER  
(\$2 admission unless previously registered for this series)

8:30 P.M.—12 Midnight

*3rd Floor*

RECEPTION FOR MEMBERS & GUESTS  
(Refreshments; donation basis)

## SATURDAY, SEPTEMBER 3

9:00 A.M.—10:30 A.M.

*CAPRI ROOM, HOTEL BELLEVUE*  
REGISTRATION

10:30 A.M.—12 Noon

*CAPRI ROOM*

INVOCATION

REV. O. M. BAILEY, Ph.D., B.D. (ret.)

ADDRESS OF WELCOME

12 Noon—1:30 P.M.

*RIVIERA ROOM*

LUNCHEON

"THE SEVEN SEXES OF MAN"

HARRY BENJAMIN, M.D., New York and San Francisco  
Sexologist, Gerontologist, Endocrinologist

2:00 P.M.—5:00 P.M.

*CAPRI ROOM*

PANEL FORUM: "LET'S CHANGE OUR OUTMODED SEX LAWS"

Moderator: MRS. MOLLY MINUDRI, San Francisco, Attorney

SAN FRANCISCO'S

# **BELLEVUE** **HOTEL**

Geary & Taylor





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No wonder that both business visitors and vacationists consider the Bellevue the most inviting hotel in San Francisco! In a city world-famous for hospitality, the warmth and friendliness of its service is widely recognized.

Just as San Francisco is also noted for fine food, so, too, will you find notable food at the Bellevue. The chefs even work before your eyes in the unique and gleaming "exhibition" kitchen in the Pam-Pam.

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**PAM-PAM COFFEE SHOP RESTAURANT**  
... *A colorful room featuring excellent food with "full exhibition"*





**SPACIOUS ROOMS AND SUITES . . .** *newly decorated in modern or French Provincial decor. Each has large tiled bath with tub and shower, and complimentary TV.*



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"Cuisine"

**THE BELLEVUE IS  
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The Bellevue Hotel, at Geary and Taylor Streets, is just a half block from the Downtown Airlines Bus-Terminal—close to theatres, shops, famous restaurants and Union Square. Few cities offer as wide a range of diversions as San Francisco. Enjoy visiting Coit Tower on Telegraph Hill, Fisherman's Wharf, Chinatown, the Embarcadero, Golden Gate Park, The Bay and Golden Gate Bridges and many other interesting spots—Gray Line sightseeing tours are available from the hotel.

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**BELLEVUE HOTEL**

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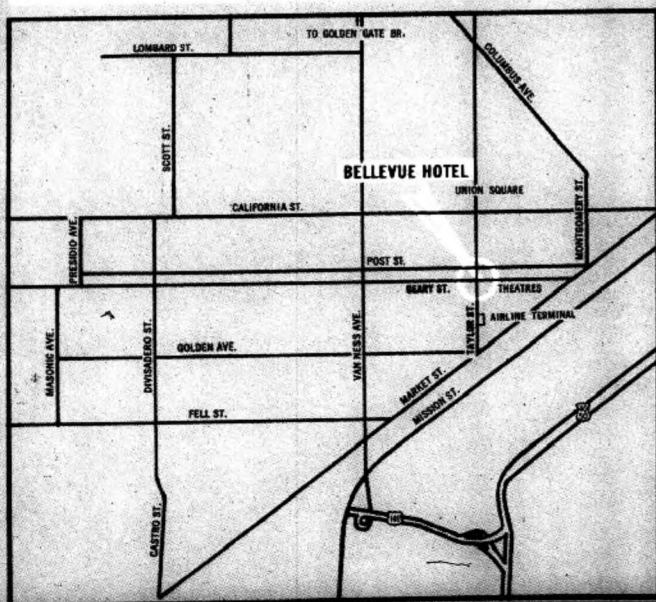
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SAN FRANCISCO'S

# BELLEVUE HOTEL

Geary & Taylor

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Bellevue Hotel

Panelists: JOSEPH ANDRIOLA, Ph.D., San Francisco,  
Psychoanalyst

A. PHILLIP BURTON, San Francisco, Attorney and  
Member, California State Assembly

DAVID W. ALLEN, M.D., San Francisco, Professor of  
Psychiatry, University of California School of  
Medicine

JOHN O'CONNELL, San Francisco, Attorney and  
Member, California State Assembly

MRS. BERNICE ENGLE, San Francisco, Research  
Assistant, Langley Porter Psychiatric Clinic,  
University of California School of Medicine

(15-minute intermission at approximately 3:30 P.M.)

6:00 P.M.—7:30 P.M.

CAPRI ROOM

COCKTAILS

(Bar setup by Bellevue Hotel)

7:30 P.M.—10:00 P.M.

RIVIERA ROOM

SEVENTH ANNUAL AWARDS BANQUET

Introduction of Guests

Presentation of Awards

Featured Address: MRS. MOLLY MINUDRI

## SUNDAY, SEPTEMBER 4

9:00 A.M.—3:00 P.M.

HOTEL BELLEVUE, CAPRI ROOM

REPORT FROM SECRETARY-GENERAL

REPORT FROM AREA COUNCILS

REPORT FROM DEPARTMENTAL DIRECTORS

REPORT OF TREASURER-GENERAL

ANNUAL BUSINESS MEETING

(1-hour luncheon interval at noon)

3:00 P.M.

CAPRI ROOM

ADJOURNMENT OF CONVENTION

SEMI-ANNUAL MEETING, BOARD OF DIRECTORS

8:00 P.M.—12 Midnight

CONVENTION SOCIAL WITH ENTERTAINMENT PROGRAM

HOSTS: San Francisco Area Council

Refreshments (donation basis)

## MONDAY, SEPTEMBER 5

9:00 A.M.—3:00 P.M.

3rd Floor, WILLIAMS BUILDING

AREA COUNCIL DAY

For Officers, Area Council Representatives and  
Interested Members, Continuation of workshop  
procedures not completed on September 2.



## ART EXHIBIT

In connection with the convention, a special one-artist gallery of oil paintings, water colors and sketches in various media will be on display in room 312, Williams Building. These works by C. C. Hazard, San Francisco artist, are for sale to anyone. Half of the proceeds are a contribution from the artist to the Mattachine Society. A list of titles and prices for the display is available.

## FEES

Fees cover Saturday sessions, luncheon and banquet only. Attendance at Friday Reception, Saturday Cocktails and Sunday Convention Social is optional and extra. Registration fees for Saturday, September 3:

Entire Day.....	\$15.00
Morning & Afternoon Sessions Only.....	\$5.00
Luncheon Only.....	\$5.50
Banquet Only.....	\$7.50

## TELEPHONES

National Headquarters.....	EXbrook 7-0773
Hotel Bellevue.....	GRaystone 4-3600

## HOTEL BELLEVUE RATES

Single rooms, 7.50-10.00; Double Bedded Rooms, 10.00-12.00; Twin Bedded Rooms, 11.00-14.00; Suites, 18.00-25.00. All rooms have tub, shower, television. Hotel located 1 block from downtown air terminal.

that, practically, it does not seem to have had this great threatening effect upon the population of a country which some hold to be the case. And I agree with Dr. Beach that there is nothing to indicate that this was thought out beforehand as a very intellectual judgment on something, to accomplish what was best for the country. It seems to be purely on an emotional basis and a part of that general repressive attitude towards all sexual behavior. Many who feel that it is better for a person not to have any sort of sex expression in his life, that that's a higher type of life, and we find that in our own culture, held by many persons. And if they put that idea across then obviously homosexuality is one of the things they would like to do away with.

**MODERATOR:** And they will not, of course, confine themselves to homosexuality. The rules and regulations wherever sex has come into the picture, on any level. It seems to me that we're dealing here with the very roots of the most sensitive area in all of human expression, which is irretrievably mixed up with our emotional, religious and physical attitudes, and therefore it's certainly a question of how much enlightenment we can get in trying to deal with our most really profound problem in relation to life itself. And where the law comes in to that is something which is not at all clear to me. If it is a job for anyone to help the homosexual it does seem to me to be the job of a physician or a psychiatrist or analyst rather than a judge. Would all of you find yourselves in agreement with that?

**ALL:** Yes.

**DR. WILSON:** There's one thing I wonder if you happen to pick up. Mr. Call, representing the Mattachine, in his first comment said something about homosexualism, rather than homosexuality, which I think is a good social way to look at it. It is an ism,—it's a way of life, and as far as the law is concerned, at least criminal law or society, they treat it as an ism, a way of life which they feel threatening to them.

**MR. LOWENTHAL:** Actually if you look at any of the criminal laws,—there has been great emphasis on the criminal law here, although I'm trying to suggest that in the civil law now, there is a development through these license revocation cases that may be even more significant than the criminal laws, many of which are not enforced, as you know. But if you look at the criminal laws you won't find any reference to homosexuals or homosexuality in the law itself. Homosexuality is not made a crime in this country. There is no reference to homosexuals in any of the statutes. They are prosecuted, if they are, under laws that are generally vague and ambiguous, terminology which would apply not just to homosexuals but to heterosexuals, or any individuals. As a practical matter many times they are utilized against what we describe as homosexuals and they are abused in that respect. They subject homosexuals to blackmail frequently. But you raised a question which interests me and

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that is what constitutional basis is there for passing discriminatory laws against individuals with homosexual tendencies and that is one of the questions we are presently raising in several court cases in civil matters.

**MODERATOR:** Just from the standpoint of factual enlightenment for the audience, when you say there are no laws against homosexuality, do you mean that what the law specifies is a given act?

**DR. BOWMAN:** No, I would say that the point is that it doesn't specify a given act. For example, if you take the California law, it states that anybody and I quote, "guilty of the infamous crime against nature committed with mankind or with any animal." Now this is left somewhat to your imagination as to what they are talking about and the use of such wording or very similar wording in many states has led to long controversies as to just what sort of sex behavior is to be included in a definition of that sort. And the courts have even held at times, that you don't have to specify with the same degree of exactness, acts of this sort, that you would if you were discussing some other kind.

**MODERATOR:** Like the gruesome details of a murder?

**DR. BOWMAN:** Yes, and they have even said that, as the term sometimes used, "the unspeakable crime against nature," that it is properly so defined and you don't have to say anything more about it.

**MODERATOR:** Well, then in other words, the law itself is stated in such a way that it has been responsive to an almost superstitious and unenlightened view of this matter. In other crimes under the law, I believe, the situation is quite explicit and goes into considerable detail. But here you have something which reads like it should have come out of a religious document.

**DR. BOWMAN:** That's where it *did* come from, and you can go back and get the actual quotation in the ancient Christian religion where it calls it "that abominable sin not fit to be named among Christians,"—that's the translation of it from the Latin. And I'd like to point out that, as far as I know, the law nowhere takes this sort of an attitude toward any other sort of behavior. This stands out unique and therefore of special interest, I think, to all students of human nature and human behavior.

**MODERATOR:** Well, it's perceptible in terms of the fact that in things like detective stories and movies even, the most grim things can be discussed in detail regarding murder, for example, but anything which touches on sex in any of its forms must be hedged round. In other words, sex, which is presumably under the proper circumstances not a crime is treated with infinitely greater mystification and vagueness than murder which is presumably a crime. Which, I think, all points to the same thing, as I understand it, all of you have been driving at, that the law is vague and open to loose interpretation and therefore capable of injustice against the individual where it is invoked

against him as well as bearing no fruit from a social standpoint. And I think perhaps now we are ready to go over into what you people feel would be a sane and constructive attitude for society to take, legally and socially also, in the matter.

**DR. WILSON:** I'll jump in the breach here. I think to start with, if the assumption we have made is valid, namely, that we don't have a scientific answer as to the cause of this, and secondly, we are not even sure we have the moral or legal right to pass such laws, the answer would be a code of law based what we do know and what we can do. Namely, we can prevent crimes of violence, we can prevent any act in which one of the parties is not a willing participant. Secondly, we can, and should, prevent acts in which one of the participants is not of legal age or legal capacity to participate willingly. In other words, we could pass laws in which the sexual aspect would not even be a major portion of the law. It would be based on the other portion,—the matter of violence and consent and the sexual part the same as any other act, any other unprivileged act, whether it be a matter of an aggression or an untoward sexual act. Such a law, I think, would satisfy my requirements for a fair and sensible approach, leaving the homosexual part as a medical and social problem, which it is.

**MODERATOR:** And I think that Mr. Lowenthal, you would probably have something to say about the dangers which you feel are inherent in this loose application of the law, in relation to the very type of case you were discussing earlier on.

**MR. LOWENTHAL:** Well, what's happened is this: that although the criminal law is not enforced there has been a move in recent years, in this state particularly, to indirectly deprive people with homosexual tendencies of what we would normally say is their freedom of association, freedom to act as other individuals. Now, in civil matters,—I am speaking now of the right to patronize a bar or restaurant or place of amusement, or even a social club,—the attack is made indirectly by saying to people who have licenses from the state of California: although you are forced by law to serve these people, you are forced by law not to discriminate, and although you can't identify them even if you wanted to, still your license could be revoked if it turns out that a large group of them patronize your place, or you cater to them. Now, this is being challenged in the courts and I think we'll be successful in establishing that the licenses cannot be revoked under those circumstances. But, there has to be re-assertion by the courts of this right of freedom of association, and perhaps a little further,—the freedom of sexual choice, at least that is what we are arguing. And maybe through the civil cases we can eventually influence the criminal law. The criminal law, incidentally, is being examined, and as Dr. Bowman undoubtedly will refer to later, the Ameri-



can Law Institute in their model penal code has recommended that the penal laws of the United States be changed along the lines mentioned earlier here, so that where there is consent by adults, and children are not involved, and force is not involved, society should not make a crime of any of this sort of sexual behavior, in private. Where it involves public acts that is another story. In other words, acts of indecency have always been forbidden,—that is true of any type of individual no matter what his sexual tendencies. We feel, those of us who have looked into it from the legal aspect of the subject, that we find a strange situation where court decisions have held, and recently, that homosexuals are no menace to society, that it isn't true that they have any propensity to commit sex crimes and the like. That was established within the past two years by California Appellate Court. And yet, on the level of the police officer, the district attorney, the chief of police and on the level of certain legislators, they feel that this is a menace, that they should reach it, however, by indirect means rather than direct, and there is an attempt to whittle away the civil rights of these individuals by vague laws, by indirect procedures such as is now going on in this state to revoke licenses. There have been 10 licenses revoked in this very Bay Area, of bars and restaurants, simply on the grounds that a large number of homosexuals allegedly congregate in those places.

**MODERATOR:** Have they any idea how they are going to remove the civil rights of one element in the population without removing everyone else's civil rights? What is to stop the police force, or anybody else who is operating along those lines, from deciding that a place where Democrats congregate, or Methodists congregate, or anybody else congregates, is undesirable?

**MR. LOWENTHAL:** Believe it or not, that was what bothered the Supreme Court in 1951 in the original decision of *Stoumen vs Reilly* (37 Cal. (2d) 713). They thought that if they didn't come out and directly express the civil rights of people of homosexual tendencies that then the next step would be to go after people whom others did not like because of the color of their hair, or for any other reasons. They reaffirmed that right, but then the legislature, as I said, took a different attitude on this decision and by statute tried to over-rule or over-turn it. However, I feel that the courts ultimately will revert to re-establishing the principle which you mentioned, primarily because of that very point,—that if their civil rights and liberties can be whittled away, so can others.

**MODERATOR:** Dr. Bowman, perhaps you could tell us something about what you *did* recommend in the report which has been referred to several times, as being what you felt would be constructive legislation in this matter.

**DR. BOWMAN:** I've made a number of recommendations and reports at various times and I'm not sure exactly the specific one that is referred to, but I think

I can perhaps best give you my own opinion at the present time, as to what I recommended in the recent talk, which was kept off the radio, I may say. I agree with Dr. Wilson that sex crimes of violence and sex crimes against children are proper subjects for law. I do think, however, that the law has no right to step in and stipulate what shall be the sex practices of a married couple. I think it is no business of the law and they are going outside their own sphere and rights when they attempt to do so, as they do at the present time. I could give you some quite interesting cases of that sort if I am allowed. Secondly, when the law steps in and tells a doctor that he cannot give birth control information to a married woman where he thinks that her becoming pregnant might cause her death, I think that the law is then taking an unwarranted step, first preventing the proper practice of medicine, and an interference in the rights of married persons. The particular thing that we are discussing here, however, is this problem of homosexuality, and I would like to point to other groups who have come out with very strong opinions on this subject and the public at large should recognize this. The concept that homosexual acts, carried out in private by two willing adults, no force used, no physical harm carried out, should not be a crime. The British Medical Association has come out in favor of such a law. A report of the Council of the Church of England, drawn up several years ago, has stated that although it considers homosexual acts a sin in the eyes of the Church, they are not necessarily crimes punishable by the state, and goes on to bring out reasons for this. We have, as has been mentioned before, the American Law Institute in May, 1955 voting 35 to 24 to recommend that sodomy between consenting adults "be removed from the list of crimes against the peace and dignity of the state," and in this final debate the argument was essentially this: Judge John J. Parker opposed any change of the present law on the grounds that many things are "denounced by the criminal code in order that society may know that the state disapproves;" and then Judge Learned Hand, who I think is one of the most respected figures in American law at the present time, spoke for the revision. He said that criminal law which is not enforced is worse than no law at all, and he said that after having previously voted the other way he now had decided that sodomy is "a matter of morals,—a matter very largely of taste," and not something for which a person should be put in prison. I mention all this because I think many persons listening might assume that this was some new and original and sort of crack-pot idea of the discussants here, that had not received much consideration elsewhere. Therefore to back up the views which I hold I am quoting authorities of this sort, and indicating that for a number of years these views have been advocated by groups such as this.

**MODERATOR:** Dr. Wilson, would you like to comment on your ideas somewhat more extensively, and also, I think something which might be of interest to the audience,—what abuses from the legal standpoint do you feel the present structure encourages?

**DR. WILSON:** The abuses, to me, are ones that you might not see. A law is a law, after all, and theoretically it should be administered as any other law without any particular danger to the individual as protected by our Supreme Court and Appellate courts, which protect individual rights. Unfortunately this isn't true because the mere existence of a law itself can be a tremendous threat to the person who is involved in it. Granted this is going to the Supreme Court and may be overturned, but in the meantime you may well have ruined a person's life by the mere existence of the law, or the threat of the law, or perhaps the enforcement of the law at a lower level. If we can assume that the law is not practical, not validly based, not perhaps morally on the books, its mere existence is a threat and the law should be changed, not the manner of enforcement. The manner of enforcement may, in the long run, keep a person out of prison if we have an active and intelligent Appellate Court. It won't protect his status in society. So merely arguing that we should enforce a law on a liberal and sensible basis is no answer. The law itself, as long as it exists, is a threat. The other thing I might mention is that the problem is more than one of merely voicing our views here and suggesting changes. There is this tremendous backlog of prejudice, of feeling, unconscious and conscious feeling, about this problem. A legislature is not going to change the law overnight, until they themselves begin to understand the problems involved. It isn't going to happen overnight. There is going to be difficulty. We still have a tremendous amount of prejudice and feeling about heterosexual activity under the wrong circumstances and that is relatively a minor threat to society as compared with this one. It is going to take time,—it is going to take education. This is a start, the mere fact that this can be aired publicly is a start in the right direction. But, as a matter of fact, this is so controversial, as Dr. Bowman mentioned, another attempt at airing his views was turned down by many radio stations as being too much of a controversial issue, too much of a threat to the people. If that is the case, you can imagine how far it will be when you have a legislature that is very sensitive to the feelings of its constituents, the real feelings or imagined feelings. We can certainly be over-ambitious on this. The matter of miscegenation,—to us now it is a clearly constitutional principle that a person has a right to marry anyone he chooses, and yet on our books in California the law still is there prohibiting this, even though the Supreme Court has declared it unconstitutional.

**MODERATOR:** Inter-racial marriage, in other words.

**DR. WILSON:** Right. The legislature has not seen fit to take it off the books,—it is still there. This is something now that is to most people a very clear issue and yet there is still some feeling about this. When you get into a thing as loaded, emotionally, as homosexuality, it is going to be a harder fight.

**MODERATOR:** In other words, I think that all of you present would feel that whatever adjustment of the homosexual to his society and to himself is wise and helpful, it is something which is not a matter of law, but something which will have to be studied and worked with by professional people, not only on an individual level, but at the level of the attitudes of society regarding it.

**MR. LOWENTHAL:** I'd like to add this point, that although we are all agreed that you can't legislate morality and that although the statutes are on the books it isn't going to make a change as to the number of homosexuals or homosexual activities. The fact is that the existence of the statutes results in side abuses that are not generally known to the public, and that is the question you were raising. In other words, out of the six million so-called homosexual acts that are supposed to occur annually in this country very few prosecutions take place. But a great number of instances develop of blackmail that may be going on without our knowing it, but others do come into public light. We have examples of extortion, blackmail situations right here in this area. Then we have this situation: suppose the chief of police, as has happened in San Francisco, gets orders that they want to close the bars that cater to these people, what happens is that immediately all patrons of a bar, at two o'clock as they are leaving, are put in the Black Maria, or police car, taken to jail and held over night as vagrants. They are released in the morning. This goes on daily for a few weeks and these people are discouraged from going to bars. Now this actually happened last year in cases of a number of these restaurants. Then many others are arrested as vagrants because somebody has an enmity against them and reports them as homosexuals. They don't fight the matter because they don't want exposure. They are released in most cases, some cases not; in some cases they plead guilty because they don't know their civil rights or don't have either the money or the inclination to fight it. Then they must, in some situations, register as a sex offender under these registration laws. There are a lot of these abuses. Oh, I could mention entrapment that takes place by police officers, violating constitutional rights but not challenged because the individual doesn't want to challenge it in view of the public feeling about this sort of thing. Now it seems to me that if these abuses are made more public, if the public is aware that even though the statutes are not enforced, there are these subsidiary consequences which violate people's individual rights, it might offend the sense of decency of a great number of people and widespread publication of these facts might eventually lead to a change in attitude. That is one possible hope although it is a thing



that will take a long, long period of education. We have organizations which perhaps should be mentioned that are interested in this subject, but they are generally organizations of the people who personally have been involved. It is to be hoped they will eventually make headway in their educational program to acquaint the general public with the facts, some of which have been mentioned on this program.

**MODERATOR:** As in all minority situations, the education of the majority is really what is at issue. When a group of people gather together to try to educate because they are the concerned minority,—they are always at somewhat of a disadvantage. It is when the outside group begins to educate itself that that we begin to get somewhere, it seems to me. That is what we are attempting to do on these discussions. Dr. Wilson, did you have something you wanted to say?

**DR. WILSON:** I just had a note from one of our small audience here that you can't entirely stop blackmail by taking the law off the books. In other words, since homosexuality is, and probably for a long, long time will be a moral issue, even without the law there can be some blackmail. However, the degree of this will be much less, because if people are adjusted to their homosexual problem and there is no law against it, it will be much more difficult to blackmail them than it would be if the threat of the policeman were there. We aren't going to change, certainly overnight, or even in many, many generations, the total social and moral attitude about homosexuality. We're merely suggesting that it be considered the same as any other minority group in the sphere of their own choice of behavior.

**MODERATOR:** Dr. Beach.

**DR. BEACH:** In connection with the problems involved in educating the public, and I agree that this is the way and perhaps the only way to eventually solve this whole mess, one of the lessons that I think we ought to try to get across comes from the wording of the law that Dr. Bowman mentioned, namely, "crime against nature." Now, the man who made up that wording didn't know much about nature. One of the points we might get across, if possible, is that the capacity for this kind of activity is inherent in man's biological constitution, and there is nothing "unnatural" about homosexual activity.

**MODERATOR:** And from an anthropological, biological, historical,—all these standpoints,—that has been amply proved from the standpoint of scientists?

**DR. BEACH:** That is correct.

**MODERATOR:** Dr. Bowman, have you anything further to say, in the time that remains to us?

**DR. BOWMAN:** No, I don't think I have anything more to add. I've said about all I have to say.

**MODERATOR:** Well, I think the panel has been in pretty complete agreement at many levels. First, that this is not a question of crime, and secondly, that if society is going to deal constructively with the problems presented by it, it must not be at the level of crime and superstition and fear that it is dealt with, but with enlightenment and understanding and with a scientific approach as far as the individual is concerned. Thank you very much.

#### FOOTNOTE

Mentioned in the text was the legal effort to have declared unconstitutional that part of the Alcoholic Beverage Control act in California which made it possible to revoke the license of a bar which is proven to be a "resort for sexual perverts."

That effort was successful. On December 23, 1959, the Supreme Court of the State of California, in Court Decision 20285, reversed lower court judgments which had ordered revocation of the license of "Mary's First and Last Chance Bar" in Oakland, Calif. This decision, setting aside the order of revocation, essentially declared for the second time that mere congregation of homosexuals in a bar did not constitute grounds for revoking the bar's license.

This court decision was handed down in the matter of Albert Vallerger and Mary Azar, *Petitioners and Appellants*, vs. Department of Alcoholic Beverage Control and Russell S. Munro, Director of Alcoholic Beverage Control, *Defendants and Respondents*, S.F. 20285. Morris Lowenthal, Juliet Lowenthal and Karl D. Lyon, attorneys, were *Amici Curiae* on behalf of Appellants.

Therefore another legal battle in California has resulted in an important decision in that state's highest court. But the situation is by no means solved elsewhere. New York City and Miami were two cities where in the first half of 1960 sweeping measures were taken by police authorities to close "gay bars," and on several occasions to conduct mass arrests of all patrons in such places at the time of a raid. Thus mere congregation of homosexuals in a bar in those places is still justification for police action.

Of value to attorneys and others interested in this subject is a new volume from One, Inc., Los Angeles (Issue No. 8, *One Institute Quarterly: Homophile Studies*), entitled, "The Right of Association." Reproduced in 134 pages are all the briefs, court decisions and a petition for modification of opinion without change in judgment in the Vallerger case cited above.

(Price, \$4 plus tax and postage; available from One, Inc., and from the specialized book services)

*The complete transcript of the KPFA radio program, of which the preceding is the second and concluding part, has been published in booklet form under the title, "THE HOMOSEXUAL IN OUR SOCIETY" and is available at \$1 per copy from the radio station (Berkeley 4, Calif.) or from the established specialized book services.*

## WELL, MAYBE, DR. FINK, BUT—

(Continued from Page 8)

did not fire. Instead, a buzzing and clanking came from his "head" and wisps of smoke arose from overheated wires.

"Cancel the last order!" said the Doctor, and the robot returned to normal.

"He did not obey my command to fire," explained the Doctor, "because he has in him a previous, standing order never to harm a human being."

The earlier order made the order to fire impossible, in other words, and the robot had been on the verge of blowing some fuses and slipping some gaskets.

Just so have many homosexuals been given some kind of prior order ruling out certain avenues of sex-expression. This will never be "corrected" by feeding them new and conflicting orders. If it is to be changed at all, it will be through a slow and effortful re-circuiting. It is no sure thing that this can even be done, even granting it desirable. Feeding in conflicting orders, or recklessly yanking wires is likely merely to wreck the mechanism and immobilize the individual. Look into the hospitals and divorce-courts, the bars and the Forest Lawns for the evidence.

Still in the area of overused generalities, Dr. Fink seems to make a special bid for a lingering ear by pointing up the coincidence of homosexuality with superior estheticism, sensitivity and, often, intellect. If these are indeed found among homosexuals, no one knows better, nevertheless, than do homosexuals that their ranks also include a plentiful supply of dolts, ignoramuses, near-imbeciles and general ne'er-do-wells. They take it for granted that their group, like any other large segment of society, includes all kinds, from the top to the bottom of any scale.

Still other references by Dr. Fink, made as if applicable to all homosexuals (even assuming that we could lump so many kinds of people together under this title), are most likely the result of dealing with a clinical clientele with large emotional problems.

He speaks of the "intense jealousy" in homosexual "marriages" as if this were a universal problem. Most homosexuals do not seek the equivalent of marriage in their homosexual relationships, and, even when relatively permanent arrangements are made, they do not expect of them what would be expected of marriage. I dare say there are as few, if not many fewer, jealousy-rage shootings among homosexuals as there are among heterosexual lovers.

"Even though it has its light moments," says Dr. Fink, "the homophile's life is obviously never an easy one." Seems a good bet. But again, does heterosexual marriage and child-rearing in this day and age make life "easier"?

Passing on to still another stereotype, Dr. Fink finds "most" of the life of the homophile in the "realm of fantasy," in a "pathetic attempt to reach some sort of quasi-heterosexual reality, as in the 'drag' dance." Obviously,

Dr. Fink is reading great psychological significance into some of those "lighter moments." For those homophiles who involve themselves in "drag" affairs, they are likely to be only a very small part of their lives and considered pure "horsing around," while most homophiles have nothing whatever to do with such affairs, and show little or no interest in them.

An "allness" statement to top them all is Dr. Fink's remark that "the homosexual's dreams have the wishful nature of a child's, ending always in emptiness and disillusionment." Is it really only homosexuals whose dreams have a "wishful" quality? Are all dreams of all homosexuals purely wishful? Do all the dreams of heterosexuals always end in fulfillment and gratification? Well, of course, Dr. Fink, as a psychotherapist, we *know* you know better than that!

Alas! The dreams of whole nations are often childishly wishful. Was the vision of Nazi Germany—her leaders *and* her people—mature and wise and non-wishful and conducive to the social good? Is there not something childish, if not idiotic, in Mao Tse Tung's willingness to sacrifice millions of Chinese lives in a war of megatons? Is it not wishful on his part to assume that enough organization would be left to further the ends of Communism?

If homophiles dream wishfully, at least this is a preoccupation not limited to them.

I have to agree with Dr. Fink that the homophile who endlessly pursues an ideal, "using" one contact after another only as instruments for sexual release, is likely to feel frustration and disgust with himself. Even that, however, will serve a useful purpose if, through it, such a man is brought ever closer to the harsher realities of life, learning eventually to accept people for the imperfect—and quite "other"—individuals which all people are, including the apparently "ideal" ones. But this is not universally the great problems. Most *do* learn from such questing the advisability of bringing their horizons within more reachable distances. The search for an "ideal"—really, I think, an ideal *self*—gives way in most homophiles to a very realistic striving for ways to be of real help to real people, of every persuasion.

Until that happens, men's "use" of one another, somewhat as "things," may, in the case of homosexual liaisons, be somewhat overemphasized and undervalued. People universally use one another in some degree and for some purpose. There is the use of one person by another even in genuine love relationships (assuming that homosexual relationships do not include love, which I think is an incorrect assumption). And people are nowhere regarded more as "things" than by social institutions (prisons, mental hospitals, execution chambers), and by national governments.

This impersonal "use" factor as opposed to respect and love is probably most readily to be found among persons who have little respect or love for *themselves*. From family and cultural influences early in life, where they are



taught to despise their very physical being, to the social ostracism later in life for having nevertheless accepted some small part of physical existence, such individuals can hardly have learned the self-respect and esteem and sense of worthiness which would enable them to regard others in the same good light.

One final point. The Mattachine purpose is not, as Dr. Fink misunderstood it, to urge homosexuals to become "adjusted as best they can" to homosexual life. Rather, the Mattachine Society's prime interest is research and education. It is a typically democratic, typically American group, believing in the freedom, the rights, and the dignity of the human individual, and in the free search for, and dissemination of, new information, or confirmation of old information. Certainly we believe in freedom of choice, and will help in any way we can, any "homosexual" who sincerely sets out to have his mind changed.

We do not ask people to be homosexual. We ask only that people who are homosexual be accorded the decent treatment that any responsible, civilized human being gives to, and expects from, his fellows.

We believe, not necessarily in "adjustment," but in *acceptance*, at least as a first step. Many of us have been through the routine of running from our homosexuality, of denying it, of trying to talk it out of ourselves. Some of us have been married in an attempt to deny it, and divorced, and hated ourselves—sometimes to, or near, the point of illness or suicide—because of the damage we have done the wives we loved and the children we loved, when there were any.

No less a personage than Bishop Fulton J. Sheen has preached that one does not change himself by frantic efforts to throw out, or run from, or ignore any of those things which are a part of him. If he would grow, mature, gain in self-knowledge and self-control and self-direction, he must first *accept* all that he is. Then, and only then, can he lay hands on these things, integrate them, sort them out, and evaluate them properly.

Homosexuality, despite the casual comparison by Dr. Fink, is not an "addiction," like alcoholism, and something therefore to be "cured." One does not "cure" people of their sex-drive; it is a perfectly natural part of being human, and alive. One does not "cure" people of their need to eat, although he might, for reasons of his own, urge them to lay off the cake and eat more vegetables. Only the direction of sex-expression in homosexuals is different from the majority. Unlike alcoholism, homosexuality can be given expression or not, but the sexual stimulus and object of desire remains a member of the same sex.

It may be said fairly, I think, that there is a little of Dr. Fink's "Robin Hood" impulse to defend one's actions, even in Dr. Fink. If he is heterosexual, it is only natural, according to his own formulations, that he, like the

rest of the heterosexual majority, would seek to defend the "rightness" and "normality" of his own chosen identity and role.

But I think psychiatry would do better to try to bring its patients more control of their fears, inadequacies, dependencies, and hostilities, first. If they are also homosexual, that quality will then fall into its proper perspective for the individual patient.

In the meantime, though preachers seek converts all their lives, and even get a few, let's get some humane acceptance for the agnostics and other non-believers. No one is so right as to qualify to wield the headsman's axe.

## READERS *write*

*Letters from readers are solicited for publication in this regular monthly department. They should be short and all must be signed by the writer. Only initials of the writer and the state or country of residence will be published. Opinion expressed in published letters need not necessarily reflect that of the REVIEW or the Mattachine Society. No names of individuals will be exchanged for correspondence purposes.*

### FAN MAIL

REVIEW EDITOR: Thanks for your letter and the material therewith enclosed. I read every bit of it. The new folder, "What Does Mattachine Do?" anticipates and answers my questions. Your six departments appear to cover every important aspect of the problem.—Mr. R. B., Washington

EDITOR'S NOTE: This new folder, now available in quantity at \$1.50 per 100, does seem to answer the questions—all except one: How to raise money to keep going.

REVIEW EDITOR: Your Society has my complete sympathy for the work it is doing. To attempt the aims you have is a commendable and enormous undertaking in itself.—Mr. J. S., M.D., Connecticut

REVIEW EDITOR: Your publication was called to my attention last month while attending a course at a University. The professor who recommended it thought it would be very helpful as an aid in parish confessional and counselling.—Fr. L., Mo.

REVIEW EDITOR: Please enter me as a sustaining member... only this year have I read your REVIEW for a number of months. I believe that your aims are mostly those which should be supported by all persons interested in the subject and the constitutional guarantees thereof.—Mr. V. D., Ill.

REVIEW EDITOR: Been trying to dope out some scheme to squeeze out a contribution and think I've finally hit on one: I'll send you a buck every payday. Will it help?—Mr. P. H., California

EDITOR'S NOTE: Yes, it will. Now if 199 more friends will do the same, the \$400 per month increase in income will bridge the gap between income and expenses. And to make it easier, we'll supply business reply envelopes, already addressed and postpaid, for such purposes. May we hear from you—and you?

REVIEW EDITOR: I sincerely believe you would have more members if you reduced your subscribing membership rate to \$10. Fifteen dollars does not have a very good sound to it, has no sales appeal. Why give you \$15 when you can belong to other organizations for less? How about your veterans organizations, just to mention one? Yes, I know it costs money to educate people. I realize that many spend that amount in a bar...—Mr. O. H., Oregon

EDITOR'S NOTE: Your suggestion has been voiced before; it has merit. So veteran's organizations cost less. But how many of them aggressively aid their own in (a) finding jobs for those with less-than-honorable discharges, and (b) seriously attempt to aid the individual so discharged in getting it upgraded? We hear that few if any veterans groups do so. Mattachine

works on both these problems, although little has been accomplished on the latter as yet.

#### THE OTHER SIDE

REVIEW EDITOR: To quote the "Sign" magazine: "The purpose of Sex is propagation of the race. And as such this purpose is served properly only in the married state." Homosexuality is contrary to nature, a perversion. It must be controlled by strong acts of the will.—Mr. C. B., Mass.

#### QUERIES

REVIEW EDITOR: For some time I have been aware of the fact that those of us in Social Welfare have a great need for a better understanding of the problems of the homosexual. (It seems) the *Mattachine REVIEW* would be useful to our case workers in broadening their understanding of the problems of some of their clients as well as enabling them to establish a helpful relationship with such clients... Will you tell us more about your work?—Mr. C. T., ——— County Department of Social Welfare, Iowa

REVIEW EDITOR: I understand you have very worthwhile material on the subject of homosexuality....—Rev. K., Wisconsin

REVIEW EDITOR: Saw an announcement about your magazine in *Realife Guide*...—Mr. G. R., Tennessee

REVIEW EDITOR: I heard from one of my roommates that he had seen your magazine I got your address from one of the boys...—Mr. N. G., New York

REVIEW EDITOR: A good friend of mine showed me some issues of your magazine—I'm extremely interested in subscribing—it seems to contain everything I am looking for....—Mr. P. C., California

REVIEW EDITOR: In the current issue of *Physique Pictorial* it is suggested that you are a source of worthwhile material on the subject of homosexuality....—Mr. J. W. K., New Jersey

REVIEW EDITOR: Please find enclosed self-addressed envelope. I would like to find out if you could give me the names and addresses of clubs, organizations or social groups where a person can go to meet homosexual people....—Mr. H. C., California

EDITOR'S NOTE: How many times have we published inquiries like this? We cannot say. But the answer is consistent: Sorry, such information is not available. Persons interested in homophile problems

and scientific and academic aspects of the subject meet regularly under the auspices of Mattachine Society and its area councils, and under the auspices of One, Inc., and (primarily for women) with Daughters of Bilitis, Inc., in their various chapter locations. These are lectures, discussion forums, and panel programs open to the public.

#### TO DR. FINK

REVIEW EDITOR: Dr. Kenneth Fink's article on the "Psychodynamics of the Homosexual" in the July *REVIEW* raises many questions: First, how does Dr. Fink know that "most homosexuals, at least secretly would like to achieve normal heterosexual lives?" Second, it may be granted that Kinsey didn't prove homosexuality to be desirable (I avoid the ambiguous word "normal") in showing that it is prevalent. But what is Dr. Fink's ground for implying it is undesirable or harmful? In an age of rapid population growth, what possible harm to society can result from the mutual affection of two consenting homosexual adults? Next, the tendency of minority groups (and others!) to rationalize their behavior does not give any sanction for throwing their arguments out of court merely on this ground. If that were true, no arguments on any subject could be listened to. Arguments must be examined on content, and upheld or defeated there, rather than in terms of the motivations of their makers. What role homosexuality may have played in the disintegration of Greek and Roman society I believe a debatable subject. Anthropologists know of other societies, past and present, where institutionalized homosexuality has existed, not only without harm to, but as an integral part of the society. To return to the modern world—if the homosexual may be unhappy because (as Dr. Fink suggests) his position does not enjoy legal, social, or religious sanctions—does this not suggest that a modified legal, social, and even religious point of view might help matters? The advice given to the homosexual to try to "combat his problem" before he "gives in to it" suggests an evil which is to be fought. Wherein is the evil? Matters such as these must be threshed out before there can be a meeting of minds on this subject. It is not enough to imply that the homosexual "ought" to want to change, for no obvious reason. If he does not want to, then he may attain greater self-respect by adjusting to his own condition, than by contorting himself in an effort to conform to what others have designated as more desirable for him.—Miss F. C., California

(Continued from Outside Back Cover)

versity of Southern California. For many years he has been associated with the College of the Pacific Philosophy Institute.

Harry Benjamin, M.D., sexologist, gerontologist and endocrinologist, will address the luncheon on the subject, "The Seven Sexes of Man." Dr. Benjamin is a member of the Board of Medical and Sexological Consultants of *SEXOLOGY* magazine. He is also a member of the boards of directors for the Association for the Advancement of Psychotherapy and the Society for the Scientific Study of Sex. Dr. Benjamin was formerly consulting endocrinologist for the College of the City of New York. His medical practice is divided between San Francisco and New York. He was a speaker at Mattachine Society's 4th Annual Convention in San Francisco in 1957.

Evening program begins with cocktails, then a banquet in Bellevue Hotel's Riviera Room. At this event, Awards of Merit will be presented in accordance with annual custom for the past seven years.

An address by Mrs. Minudri has been scheduled to follow the banquet. She will offer her views on the convention theme and comment on the panel discussion of the afternoon which she will moderate.

Complete program for the convention appears as an insert in this issue. Listed also are the fees (covering the main day's events): All day, \$15; Banquet only, \$7.50; morning and afternoon sessions only, \$5, and luncheon only, \$5.50. Advance reservations are due to be sent now to the headquarters of the Mattachine Society, 693 Mission St., San Francisco 5 (Tel. EXbrook 7-0773). All adults are cordially invited to attend this public program on a significant social problem which is moving into the light of serious attention after having been held hidden for so many centuries.



PUT YOUR SUPPORT BEHIND  
MATTACHINE SOCIETY GOALS  
—BECOME A SUBSCRIBING  
MEMBER... HERE'S HOW:

—Open to all persons over 21 years of age seriously interested in aiding solution of human sex behavior problems. Participation in activities of established Mattachine Area Councils not required. Principal purpose of subscribing membership is to provide the organization and its publications with vital financial support. Included are subscription to *Mattachine Review* (monthly) and *Interim* (quarterly). Fee, \$15.00 per year. Please make check or money order payable to Mattachine Society, Inc., San Francisco 5, Calif. Subscribing members may attend meetings of the Society and its Area Councils, but may not vote unless qualified to active membership by payment of local dues and accepted by Area Council concerned in accordance with local rules for active membership.

COVER PHOTO: San Francisco's Telegraph Hill with Coit Tower, as seen from Nob Hill. Moulin Studios photo, courtesy of San Francisco Convention and Tourist Bureau.



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## **"Let's Change Our Outmoded Sex Laws"**

Eminent experts from fields of law, medicine and psychology will sit with two prominent and liberal members of the California Assembly at the afternoon panel discussion program on September 3 in San Francisco to tackle the topic, "Let's Change Our Outmoded Sex Laws."

The occasion will be the Mattachine Society's 7th Annual Convention at the Hotel Bellevue. The program is open to the public. The event is a part of the main day of the conference, with other speakers scheduled for morning, luncheon and evening sessions.

Mrs. Molly Minudri, San Francisco attorney will be moderator. She has long been active in Bay Area political, legal and civic affairs. Only last year she was named as chairman of the San Francisco Citizens' Committee for Decent Literature. Appearing as discussion leaders are the following:

1. A. Phillip Burton, attorney and member of the California Assembly where he is chairman of the Social Welfare Committee, and a member of Committees on Judiciary, Criminal Procedure, Finance and Insurance and Election and Reapportionment.

2. John O'Connell, attorney and member of the California Legislature. He is chairman of the Judiciary and Criminal Procedure Committees.

3. Joseph Andriola, Ph.D., of the psychological staff of Atascadero State Hospital, and at present a psychoanalyst conducting a private practice in San Francisco.

4. David W. Allen, M.D., Assistant Professor of Clinical Psychiatry, University of California.

5. Mrs. Bernice Engle, research assistant for Karl M. Bowman, M.D., of the Langley Porter Psychiatric Clinic of the University of California School of Medicine, San Francisco. She has collaborated on important sex deviation research in California.

On the convention's morning program, registration will begin at 9. At 10:30 a.m., following the invocation and an address of welcome, Arturo B. Fallico, Ph.D., will speak on "Sex Morals and the Civil Law." Dr. Fallico is Professor of Philosophy at San Jose (Calif.) State College. He had his early education in Italy where he studied under the great Italian liberal, Benedetto Croce. He formerly taught at Northwestern University, Stanford and the Uni-

*(Continued on Inside Back Cover)*

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