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"... a mystic bond of brotherhood makes all men one."

—Carlyle

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HOMOSEXUALS ARE NOT PEOPLE



Reports from the West Coast tell us that there is now a foundation devoted to research in homosexuality. Two of its stated purposes are to press for social rights for members of this much harried minority and, conversely, to formulate an "ethic" by which homosexuals may live. The first is, of course, extremely heartening but the second sounds less reasonable. The Foundation seems unaware of the possibility that attainment of civil rights for deviates might make the ethic unnecessary if not antagonistic to their integration into society. The idea almost appears to be in agreement with society's conviction that homosexuals are wholly different. It might be an answering of the common accusation, "You're queer," with the weak euphemism, "No, I'm special."

Apparently it is not trite to point out that homosexuals are to be found in all strata of society. Degree of intelligence, race, religion, ability and physical condition appear to have little to do with it. Deviates are found in all vocations from ballet dancers to rugged athletes, from the brawniest laborer to the tenderest invalid, from the subnormal to the genius. He (we will assume the "she") certainly has not monopoly on the arts, nor does refinement of nature indicate his sexual bent. Unfortunately for the "pervertophobe," the homosexual is everywhere.

But this is the same oversimplification that leads alleged heterosexuals into thinking, as those who make our laws do, that a "normal" person would not make a mental or physical sexual gesture toward one of his own gender even once. Society and most homosexuals seem to think that the individual either is or isn't. Actually the highly abstract term "homosexual" can apply to a vast range which runs from the person who merely feels a vague attraction to his own sex without a wish for physical contact to the infrequent person who seeks such contact exclusively.

It is here that the vastly neglected bisexual enters into the picture and, from one point of view, proves to be the keystone of the situation. Research tells us that a large percentage of the population enjoys intercourse with whatever partner circumstance, opportunity and preference provide—regardless of gender. This does not indicate that these persons are bestially indiscriminate taking whatever comes along in a merry promiscuity. The sexual impulse is far from utterly tyrannical as we are taught to believe from earliest childhood. It is only if we believe it is. Conditioned choice rules coital selection almost to the

exclusion of sheer lust which is itself more often an excuse than a cause. The prevalence of bisexuality points to the possibility that *it* is the norm with exclusive heterosexuality and exclusive homosexuality the abnormal extremes. Considering the infinite variation and subtlety of homosexual impulses and experience, those who deny the omnipresence of bisexuality are victims of either despotic shame or poor memories.

It must be noted that the actual mechanics of the sex act in all its myriad forms defy categorization. Were our culture mature enough to discuss them openly without revulsion or ribaldry, we would see that most "normal" couples perform acts as a matter of course which are supposed to be exclusively homosexual. This general need for variation effectively challenges the popular idea that deviates must settle for a pathetic substitute and cannot enjoy the "real thing". It can be safely stated that here is no typically homosexual form of intercourse. The sexual act and all its variations belongs to everyone.

As to the extremes on either side of bisexuality, we should consider the suggestion that any exclusiveness implies fixity. This itself indicates an end of the natural state of flux that is growth and the characteristic of growth behavior which is experimentation. Any extreme in selection is abnormal. This is not to say that those exclusively homo- or heterosexual belong in straitjackets, but that neither category is fulfilling a perhaps rewarding natural capacity. When the former claim that everyone is potentially homosexual, they forget that the reverse is also true: everyone is certainly potentially heterosexual, too. Of course, the limitation of one's own experience must be left to the individual's own conditioned choice — but only until it impinges upon living efficiency with emotional disturbance and upon the comfort of those about us. To threaten both of these extreme types with the horrors of repression is foolishness. However the fact remains that much imbalance develops in those of narrowly limited outlet, and, in the heterosexual especially, expresses itself finally in crimes of violence when the contradiction of two "opposed" desires becomes too great. It should be noted that such crimes seldom occur in those exclusively homosexual; their ultimate despair more often turns in upon themselves to result in self-destruction.

The hypothesis that bisexuality is the norm might indicate that we are wrestling mightily with a problem that doesn't exist while a far greater one, cultural hypocrisy, stands by unseen, smirking at our mutual destruction. For if more people have some homosexual experience than there are those who have exclusively homosexual experience, where is the minority? Are those who drink coffee a minority? If we do not ask how much coffee, once a day or once a life, we are forced to admit that the coffee-drinkers are a majority of the population and as such cannot constitute a "problem". We cannot seek to ferret out all who

have enjoyed or have been tormented by desires for their own sex. To set them aside in ever-changing categories of frequency (those who once did, now don't; those who didn't, now do), would require a nonsensically gigantic research which would never end. The actual problem is to eradicate the view that those of such impulses and experience are actually different, are few and to be segregated in any way.

Homosexuals are not merely certain people. Homosexuality, in one degree or another, is common to all. It calls for neither fear nor pride, and will require attention only so long as there is legal and religious prejudice against it. Homosexuality is today's great irrelevancy.

Tentatively agreeing that those of homosexual experience do not comprise a minority, this search-for-an-ethic takes on a different light. We ask: Who is doing the searching? Surely not the big quarterback who has a young wife and child. His homosexual experience is not a harrowing vocation. To him it is more of an unimportant, accidental pleasure which happens now and then—like a bender—and is sort of remembered and sort of forgotten. He feels absolutely nothing in common with "fairies", does not consider himself one and physically resents those who do. Nor is the search conducted by the bisexual who urgently wants things to remain just as they are, prejudices and all, that he may separate his two sex lives as clearly as possible. Our society's contradictions are his shield and refuge, his greatest ally. And naturally it is not the exclusively heterosexual; he is often convinced that liquidation not ethic is the solution to "perversion". This leaves the exclusively homosexual who is not only abnormal but in a distinctly small minority. Were such a publication as this for him alone, its circulation would be small indeed and its life short. But he wants an ethic, is being heard and must be considered, for in our treatment of him lies one of society's greatest flaws.

An ethic is the folkway of a people, its particular rules for dealing with their particular problems. Ethics vary in time and space, change constantly: An ethic is not manufactured, not imposed, not does it imply social good and bad except to those who practice it. Such mores are the over-all behavior of a particular group regardless of what an observer might criticize or applaud. Seeking to form an ethic is to say, "Let's think up a custom." For a minority to formulate one is to dream of changing the many to suit the few or, worse, to demand a cultural isolation. And right at the start the exclusively homosexual can lay claim to no particular cultural heritage or trait. How many vocations, arts or professions are exclusively homosexual other than one form of male prostitution and female impersonation? A book or painting cannot purport to spring from homosexuality merely because it deals with the subject. Can you tell the sexual inclinations of

a photographer, a bank clerk or a lumberjack unless they intrude the information into their work? They merely take pictures, cash some checks and fell trees; it's a job and that's that. Craftsmanship may be influenced by sexual predilection but it doesn't necessarily reveal it. If it did there would not be the futile, age-long debates on whether many historical figures were or weren't. There is no evidence of a homosexual culture.

If we consider the term "ethic" to mean "ethical" we have something entirely different. Here such a search is a worthy project that demands acclaim and active aid. In spite of the fact that the exclusively homosexual has every reason to be anti-social, wholly irresponsible and lyrically dishonest, the indication that he is dissatisfied with not only his persecution but himself claims the alertest of attention.

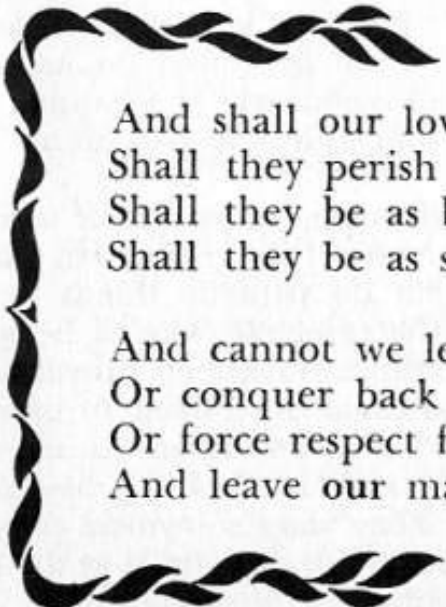
We may smile at his insistence upon some sort of marriage pattern as inept and incongruous. But in doing so, we find ourselves obliged to laugh at the heterosexual marriage pattern as callow coercion. It may well be that ideas of Romance and Living-Happily-Ever-After are only social insurance for maintaining the family unit. As such, any similar pattern would not be consistent with the exclusively homosexual: there is no family unit, as we know it, to maintain. If children from birth had real social security, marriage and divorce laws as well as ideas of promiscuity would relax noticeably. Nor would this necessarily mean degeneration. There would come into being a concept of love and affection as an art. The desire for affection with love, for respect with passion, is common to all except the bitterly conditioned. Only the frustrated do not know that promiscuity is the very essence of futility. The exclusively homosexual, often with promiscuity of the basest kind forced upon him, knows its despair and now vigorously protests against it.

And why does he want to ape the often inadequate convention of marriage when it basically does not apply to him? *Because he wants to belong.* His earnest, almost frantic attempts to belong may make him do pathetic things but the wish is there. In our often inconsistent society, the principle way of belonging is to have a family or a person in a lasting relationship. Having no substitute nor alternative for these ideas, the exclusively homosexual are forced to aspire to these same domestic situations. Such an aspiration is analagous to an urban dweller passionately wanting a horse. Bisexuals look for nothing binding or poetically romantic in their homosexual contacts. They want enjoyment only and perhaps they are wise in this particular society. But when they smile at the sentimental homosexual, they forget that he has no outlet for affection which is the daily pleasure of every "normal" person with a wife, husband or child. Mere sex does not provide this; in fact, sex and affection are often antipodal emotions

with the human animal requiring vastly more of the latter than the former. Denied the right to binding personal relationships and to any show of spontaneous affection, it is a tribute to the homosexual that he is not wholly licentious and viciously anti-social. On the contrary, he is much less so than the heterosexual who claims normality to be his alone.

The exclusively homosexual are hounded by law, haunted by prejudice and isolated more than any other single minority. If by this search-of-an-ethic he means that he wants, not sovereign rights as a separate state, but full admission into this, his own society, no reform can be too great for his deserving. He can be as valuable a citizen as anyone, as productive and perhaps a bit more sacrificing than most, because *his* family is the whole human family. In return for this he asks only the human rights due all people and the simple recognition that he is a person: just plain people like anyone else. If this is his earnest knock on the door, it must be flung wide and grateful welcome accorded him. No waste is more criminal than that of human beings. The question of recognition of homosexuality might be looked upon as a choice between social growth or primitive retrogression.

Jeff Winters



And shall our loves have no memorial
Shall they perish as though they had never been
Shall they be as books kept locked through the ages
Shall they be as songs held mute by the world?

And cannot we leave our messages in laws
Or conquer back our birthright to be free
Or force respect for love that's honest loving
And leave our mark, also, upon eternity!

Geraldine Jackson



NEWS

Very soon the connection between homosexuals and items such as "POLICEMAN JAILED FOR ANNOYING EX-WIFE" will become more clearly apparent. There are elections coming up in the Spring. In those cities and states where such political upheavals are in the offing, there will be spectacular "cleanups" for the benefit of voters by incumbents and shocking exposés by would-be's. There will be mass arrests and sweeping charges made; politically, it doesn't matter if these charges stick or not. The victims however, even when found wholly innocent, will be permanently branded. Then when we read of irregularities in any police department on any score, we may be certain that homosexuals are also being victimized for the deviant is the safest prey known to Authority.

The officer mentioned above was also suspended after his ex-wife claimed he boasted of planting narcotics evidence on prisoners (*L. A. Herald-Express* 13 Jan. 53). But while found guilty by the Police Board on five counts and termed a disgrace to the Force, his suspension was set at only ten days. (*L.A. Times* 22 Jan 53.) Another officer admitted loans to prostitutes (*L.A. Daily News* 5

Jan. 53) and a third cop was suspended for aping a deaf mute in court and writing a critical letter to a Superior Court judge (*L.A. Daily News* 14 Jan. 53). In the same vicinity four policemen and one probationary cop were jailed for a series of burglaries (*L.A. Mirror* 10 Feb. 53) and another went on trial for traffic manslaughter of a 10 year old girl (*L.A. Times* 6 March 53). Two court clerks were found guilty of pocketing fines (*L.A. Mirror* 28 Jan. 53) and a former vice squadder was held for bookmaking (*L.A. Times* 4 Feb 53). A Korea vet sued the force for injuries during an "unwarranted" arrest and asked \$50,000 and a civilian sued same for \$20,000 for same (*L.A. Daily News* 17 Feb 53). This was in addition to the previously filed suit against Chief Parker and the Force for \$1,000,000 by another allegedly beaten citizen (*L.A. Daily News* 19 Jan 53) and a \$25,000 suit by a woman for false arrest (*L.A. Daily News* 2 Jan. 53). Then a young man ran over a girl four times and later stated, "I want to get on the Police Force and I hope this won't louse me up." (*L.A. Mirror* 5 Mar 53).

The manner in which the above concerns the deviate is illustrated in the case of the alleged homosexual who was murdered last December and promptly forgotten. The police apparently haven't the faintest shred of a lead on the case. The prejudice against deviation is further limned by a headline "FOULMOUTHS, PERVERTS ABUSE L. A. FOLK IN PHONE TIRADES" (*L.A.*

Herald-Express 19 Feb 53) although no indication is made in the item of what type of "perversion" is meant; the public is induced to lump all together unusual behavior. Then it comes as a surprise when an admitted transvestite is awarded custody of his son after a court spat with his ex-wife (*L.A. Herald-Express* 5 March 53).

With Christine not yet editorially wrung dry, a rash of articles have appeared "explaining" deviation. The *L. A. Mirror*, in a series, implies that the cause is biological and "freakish" (12-13-14 Jan 53). The *L.A. News* stresses the importance of adjustment to environment regardless of gender (26 Dec 52) and a Doctor in the *Times* (9 Feb 53) begins well with ". . . we have on our statute books cruel laws against these people, laws that surely would never have been placed there if legislators had had any knowledge about the subject," then gets off into white mice with mixed sexes and ends saying, "They have been so cruelly gypped by a freak development in the mother's womb that many have to go through life lonely and terribly unhappy." He suggests deviates are no more responsible for this situation than "the mouse or the fruit fly with a similar defect." His well-meaning sympathy contains no awareness that mice, fruit flies and homosexuals need more than pity as they writhe in traps, DDT and jail.

The State Department was reported to have dismissed "some" homosexuals in a security move by the new administra-

tion. (*L. A. Herald-Express* 13 March 53) One report put the number at eight. A resolution concerning the Los Angeles area was adopted by the Presbyterian Church. It provided that when the dissolution of a marriage involved a case of homosexuality, the "innocent" party is not disqualified from remarriage by a Presbyterian minister. (*L.A. Mirror* 11 March 53). In Stockholm, a blackmailer of the late King Gustav V of Sweden was favored with a reduction by two years of his sentence. His defense had been that he believed his intimacy with the King entitled him to demand aid from him, however the details of this intimacy will not be made public for 30 years. He got over \$17,000 then later eight years. (*L.A. Herald-Express* 14 March 53). And the Los Angeles Police Department, in presenting its annual budget requirements, asked for \$32 million dollars. Last year it was only 24.

° *Editor's Note: The readers of ONE are interested in the treatment of deviates as reflected in your local paper. Please send the entire page including date and paper's name.*



challenge and response

The Mattachine Foundation sent out questionnaires to various candidates for potential office in Los Angeles. ONE takes this opportunity of cooperating with the Foundation by reprinting the questions and those answers received up to publication time. ONE does not make any political suggestions but publishes those answers for the general interest involved.

1. *Would you support the inclusion of a non-partisan psycho-medical presentation of homosexuality in the required Hygiene Courses of Los Angeles's Senior High Schools?*

2. *Would you favor a parent-teacher, and/or minister-teacher consultation program for the purpose of emotional health and social guidance of those young people who begin to manifest subconscious aspects of social variance?*

3. *Would you favor that the Board of Education require that applicant for Senior High School Counselling positions be adequately trained to advise and guide young people manifesting such problems, using the most current techniques and knowledge?*

Responses:

Mr. Leo Gallagher, Candidate Office

No. 4, Board of Education:

1. Yes. The findings of science should, of course, be used, wherever practical.

2. Yes. Same answer as No. 1.

3. Yes. Persons, holding themselves out as consellers to High School students should have adequate training to effectively discharge their duties.

Mr. Matthias W. Merrill, Candidate Office No. 2 Board of Education:

1. Yes. No problem can be successfully solved unless we understand it. I personally feel that it should be studied earlier than the Senior High School. Ground work in the Junior High School could be laid by the Physical Education Department if handled correctly.

2. Yes. All groups such as doctors, ministers, parents, teachers, administrators, psychologists, etc. should combine their knowledge and know-how to study and solve this unfortunate situation. Something MUST be done immediately.

3. YES. Every conceivable course of study in psychology, social mal-adjustment, human physiology, anatomy, etc. should be studied. It would be well to get men with doctor's degrees in Psychology to head up these Depts. if possible. In my opinion this is a MUST in our Los Angeles School Program. If elected I shall push this program to the best of my ability.

Mr. David Ravin, Candidate Office No. 2, Board of Education:

1. Yes.

2. Yes.

3. Yes.

I am thoroughly sympathetic with your

approach. Mr. Donald Webster Cory had already written to me about your organization.

There was only one answer to the following questionnaire also mailed to candidates. He was Roy E. West; his reactions are printed in italics:

1. Do you favor the continuance of the quota assignments currently issued to members of the Vice Squad Detail?

No.

(give reason). No comment.

2. Do you favor the continuance of the practices of planting decoys for the purposes of entrapment? *Yes.*

(give reason). In this respect there must be a distinction made between homosexuals and the mentally perverted.

3. Do you favor the confiscation of address books and telephone memos in such cases? *Yes and No.*

(give reason). This is ambiguous, it depends on the circumstances.

4. Do you favor arrest of this nature without issuance of duly certified warrants? *Yes and No.*

(give reason). Again, it depends on circumstances.

5. Do you favor Police Court arraignments wherein, in disregard of the procedures detailed in the California State Law, persons are commanded to plead to charges which are neither read, nor prepared by the City Attorney's office, nor attested to by representatives of the Community? *Yes and No.*

(give reason). No comment.

6. If elected, what policies might you be expected to propose in regard to

these matters?

I would have to consult with competent doctors and psychiatrists in order to set a policy.

7. If you are unfamiliar with any of the items indicated above, upon being elected what might you be expected to do in these matters?

See Item 6.

On Thursday, March 12, 1953, Paul V. Coates wrote a column in the Los Angeles Mirror on the Mattachine Foundation. He mentions the fact that the Foundation has sent questionnaires (described elsewhere in this issue) to all candidates in the coming Los Angeles elections and his own experience in checking up on same. He found that "There is no record of a Mattachine Corporation" and that one of the legal owners was "vague" over the phone in answering his questions. He also "uncovered" the fact that the articles of incorporation were drawn up by an attorney who chose to be an unfriendly witness at the Un-American Activities Committee hearings. On the basis of this he states, "A well-trained subversive could move in and forge that power (the immense homosexual minority) into a dangerous political weapon." But most notable is his summation: "To damn this organization, before its aims and directions are more clearly established, would be vicious and irresponsible. Maybe the people who founded it are sincere. It will be interesting to see." On the following page is the answer of the Mattachine Foundation.

March 15, 1953

Mr. Paul V. Coates
THE MIRROR
145 S. Spring,
Los Angeles, Calif.

Dear Mr. Coates:

We should like to take this opportunity to thank you for your article of Thursday, March 12th, concerning the Mattachine Foundation. The questions you asked deserve answers, and we hope we can give them satisfactorily here.

Miss Romaine Cox is on indefinite leave from the Foundation because of other demands on her time. She has tendered her resignation, but the trustees of the Foundation have not, as yet, had chance to act upon this and choose her successor. In the absence of Miss Cox any qualified person who would like to examine the accounts of the corporation could do so by arrangement with our attorney.

Since you also question our corporate status, this could have been resolved by a telephone call to Mr. Snider; in the absence of this telephone call may we mention that under California law any corporation meeting the requirements may function as a corporation from the date of having its papers filed at Sacramento. Our papers were filed about eight months ago, but there will be a further lapse of time (it is usually about a year) before we have the corporate seal.

You mentioned, also, that Mr. Snider was an unfriendly witness at the Un-American Activities Committee hearing. Possibly a non-political organization such as ours should have chosen more tactfully among the local attorneys. Our needs, however, seem to be more properly answered by an attorney who is not only an excellent corporation advisor, but one who, in the possible legal need of the possible sex-violator could be counted on not to suggest "copping a plea", but to honestly fight such a case where entrapment was an issue.

It is the purpose of the Foundation to turn as much light on the homosexual as possible. If his intentions are criminal (in the social sense of that word), let that be exposed; but if the possibility exists that society's treatment of him is criminal, let that be known also.

Very cordially yours,
THE MATTACHINE FOUNDATION, INC.

DRAMA

From July 30, 1952, until November 23rd of the same year, *Love in Our Time*, an outspoken and courageous drama, played to a capacity audience in a small theatre in Greenwich Village. Written by Anita Grannis and produced with practically no funds, the play was probably seen by about 10,000 people during its very successful run.

There is no question but that the contemporary drama is more poverty-stricken in dealing with homosexuality than are other forms of literary expression. The presentation of this subject upon a stage poses problems that appear only in a lesser form in the novel. Furthermore, the activity of the censor in deciding what may be seen is greater than his efforts to rule on what may be read, thus discouraging the writer or producer from tackling this highly tabooed subject. While it is not my purpose to go into a complete review of the dramas on this theme and the fate they have met, suffice it to say that their number is rather few, that several have been suppressed (as *The Captive*) and that the theme, when it has been discussed, has frequently been presented with unashamed antagonism (as in *Trio* and *The Green Bay Tree*).

Love in Our Time was therefore something of an unprecedented event, unanticipated even by the sophisticated audiences of Greenwich Village. For Miss Grannis approaches her theme with sympathy unbounded, with considerable understanding, and despite the tragedy in which she enmeshes her characters, she points the way to what might have been a solution to their problems. She sees the homosexuals as the products of an all too obviously faulty family situation; sees their problems as akin to those of other minority groups; and hints that their way of life might be worked out if they did not encounter the antagonism of society in general and their immediate social grouping (particularly the family) in the specific context of their activities. All of which made an exciting and remarkable evening in the theatre, and if the play fell short at times, as it did, of subtlety, finesse, and believable character situations, it was because Miss Grannis seemed frightened lest even one person in the audience might miss even one small section of her message.

The story of the play is rather simple. The drama opens with a boy-and-girl situation. Don Chisholm has just returned from Paris, and is about to marry Mimi Farren, a girl whom he has known for a number of years. It develops that he has been the roommate of Mimi's brother, Talley, who hears of the impending marriage and makes a hurried trip home to demand that it be cancelled. Unable to convince Don that his plans must change, Talley decides to confess to his

own family and to Don's that the young men had been not friends but lovers. The shock, abuse, and reaction that follow are not at all times convincing to that portion of the audience that had had little previous experience with the theme in their own lives, and many such people found unbelievable exaggeration running rampant. But to those able to make identification with the characters, and to substitute their own personal and family situations for those on the stage, the dialogues and the action, though melodramatic, were never unbelievable.

To a national audience that has had no opportunity to see this play and may never have such in the future, a conventional dramatic criticism would be out of place. Without in any way detracting from the skillful and almost pioneering approach of Miss Grannis, a few such critical remarks might be made. This writer found the third act (following Don's suicide) entirely anticlimactic. Once the protagonist was removed from the scene, the play had entirely lost its *raison d'être*. Furthermore, the play might have had a greater unity had there been no effort to bring forth any problem other than that of homosexuality; it particularly suffered because of the intrusion (and the word is used advisedly) of the Negro question, despite the effort of the author to aid herself in her desire to demonstrate the fact that the homosexuals are a minority group. The portraits of the two mothers and the one father certainly were those of three people who could and would bring forth disturbed children, but the three never rose higher than being caricatures. That such parents do exist, one must unfortunately confess. But on two hours of the stage, their lifetimes of errors toward each other and toward their children are brought forth without cease. It is as if the author is shouting, never whispering, to each listener, "These parents are the guilty ones! They made the children what they are!" And then, lest anyone not receive the message, it is reiterated at every opportunity.

Like any pioneering effort, *Love in Our Time* displays shortcomings, and these will become clearer in historical perspective. That the play could have been written and produced at all is a reflection of a slightly better social attitude, and this is in seemingly paradoxical contradiction to the observations made by the author. For Miss Grannis's heterosexual characters (except for a nurse) are shocked and outraged by the disclosure of sexual deviation in the family. While many families would and do react just as did these people, it cannot be denied that society as a whole has advanced some little bit forward, for otherwise even a small Greenwich Village house could never have shown this play for four months. Thus, the fact of its production is itself as important as anything that was said therein, and is an indication of a note of hope that was lacking in the script.

Many of those in the enthusiastic audiences expressed regret that *Love in Our Time* could not move uptown to Broadway. Had the play been produced on Broadway, certainly it would have received the benefit of many valuable suggestions, both dramatic or technical and psychological and sociological. But I strongly suspect that when such a play can be produced, without protest from the puritans and without action by the police, in a major Broadway theatre, it will be time to make some drastic changes in dialogue and action, for there is no doubt that such production will in and of itself be proof that much of the argument of *Love in Our Time* is no longer valid, much of its message no longer needed.

Donald Webster Cory

THE LAW

THE COMMON LAW NOTIONS OF DECENCY IN CALIFORNIA

The notion of common law decency is found in a welter of cases touching on many phases of the law. It has a chameleon-like quality which wavers with the changing temper of society. It also manifests an artificial character, a creature of the law, which is more permanent and has its origin in the immemorial institutions of the race. Actions involving a nuisance often have to do with the notion of decency. But in my opinion those actions which a famous authority describes as crimes against God show it most clearly. Indeed, some offenses may be classed either as nuisances or as crimes against God. On the first blush, a reading of all such cases gives one the impression that the archetype of the modern common law notion of decency is very unlike its offspring. We see how this artificial creature of the law somehow goes back to a social groundswell, an enthousiasmos in which things become more intimate and more akin. These are veritable crimes against God. Certainly we find nothing in the common law of the subject which has to do with polite feelings. The primitive notion relates rather to propriety than to feeling. And the point cannot be too strongly brought home that this primitive notion is still in force in the common law of California. Our authority tells us that there are principally three crimes against God, heresy, witchcraft, sodomy. The legal conceptions in all of these offenses are still to be found in the law of California, but in two of the cases the milieu has changed and they are assimilated to other branches of law. It was not the offenses themselves, however, which courts were so much concerned with, but they were jealous of the proprieties of the realm, and avenged any violation of propriety no matter what the act might be. In most cases evidently they did not regard heresy, witchcraft, or sodomy as a crime. Statutes were required to cover

these cases. In the nature of things, no act is indecent per se, and every act must be given the consideration of disimpassioned understanding to determine whether or not it involves the legal notion of decency. Obviously, decisions on sodomy in California is otherwise with indecent exposures. The mere fact that an act is very disgusting to most people does not make it legally indecent. There can be no excuse for a prosecution such as *People v. Rola Singh*, 93 Cal. App. 32. However, it would be naive to think that this case was based on questions of passion or disgust. It is clear that the artificial creature of legal decency precedes such emotions, and it may be that it has much to do with informing them. The gist of sodomy at the common law was that it was an uncouth act violating the propriety of God. There is no doubt that sodomy or any other act may have such an effect, and there is no doubt that it did not have that effect on *People v. Rola Singh*, 93 Cal. App. 32. The case is a parochialism. It is right in law, but wrong in the fact of the law. The penal definitions of so-called homosexual acts are vestiges of heresy, witchcraft, and the like: *Sodomie est crime de majestie vers le roy celestre. Corone*, 12 Coke 36; 77 Eng. Reports 1318; *Le Roy v. Sr. Charles Sedley*, 1 Sid. 168. Greater flexibility is needed for all phases of the law of decency in modern life, and this flexibility is made possible by the very simplicity of the common law, whose genius is indeed one of the most wonderful creations of man. It is my opinion that the cases noted below establish the common law notion of decency in California.

Elwin Volk, LL.B.

MARGINALIA

- People v. John Erwin*, 4 Cal. App. 394. "Every person of ordinary intelligence understands what the crime against nature with a human being is."
- People v. Rola Singh*, 93 Cal. App. 32. The pathic was an accomplice near the age of majority. Naturally, the act was not done openly.
- People v. Robbins*, 171 Cal. 466. This case was a prosecution for sodomy, where the pathic was a sixteen-year-old accomplice and the defendant a middle-aged man. It illustrates the familiar principle that consent is not a defense in sodomy, although the decision of the court turned on corroboration. It is analogous to the case of *People v. Singh*.
- In *re Correa* for a Writ of Habeas Corpus. 36 Cal. App. 512. Prosecution for lewd exposure of person. The complaint charged that the defendant did wilfully and unlawfully expose his persons" etc. The court held that the complaint failed to charge an offense, adding, "It was not alleged that the acts described were done 'lewdly'."
- Ex parte *Hutchings*. 2 Cal. Unrep. 822. The defendant was convicted of the offense of inducing a female to lewdly expose herself.



YOUR RIGHTS IN CASE OF ARREST

1. If an officer tries to arrest you, he should have a warrant unless a misdemeanor (minor violations) or a felony (serious offense) has been committed in his presence, or he has reasonable grounds to believe the person being arrested is guilty.
2. If he has no warrant, ask what the basis of arrest is. If it is not explained in No. 1 above, go along but under protest made before a witness if possible. **DO NOT RESIST PHYSICALLY.**
3. **GIVE NO INFORMATION.** You may, but do not have to, give your name and address. Do **NOT** talk to any policeman.
 - Q: "Why did you commit this crime?"
 - A: "I'm not guilty and I'd like to speak to my attorney, please."
 - Q: "How long have you been a lewd vagrant?"
 - A: "I'm not guilty and I'd like to see my lawyer before making a statement."
 - Q: "Have you been arrested for this before?"
 - A: "I'm not guilty and my attorney would rather I speak thru him."
 - Q: "Nice day, isn't it?"
 - A: "I'm sorry but I'd like a lawyer's advice before making a statement."
4. Deny all accusatory statements by arresting officers with, "I am not guilty and I'd like to contact a lawyer." Otherwise your silence before witnesses can be construed in court as assent.
5. If an officer insists on taking you to jail, ask when you are booked (registered) what the charges are.
6. Insist on using a telephone to contact your lawyer or family.
7. **DO NOT SIGN ANYTHING.** Take numbers of arresting officers.
8. You have a right to be released on bail for most offenses. Have your attorney make the arrangements. Or you can ask for a bail bond broker. For a fee, he will post (deposit with police) amount needed for your release.
9. Under no circumstances have the police a right to manhandle, beat or terrorize you. **REPORT ALL SUCH INCIDENTS.**
10. If you do not have an attorney by the time you are required to plead guilty or not guilty, remember this:
 - a. You are entitled to a copy of the charges made against you.
 - b. You are entitled to have a lawyer. Ask for a postponement until you get legal representation.
11. **PLEAD NOT GUILTY.**
12. Ask for a trial by jury unless your lawyer advises otherwise.
13. You are not required to testify against yourself in any trial or hearing.
14. If you are questioned by a member of the FBI, you are not required to answer. Immediately consult an attorney so that your rights may be adequately protected.



If some of the above advice, formulated by competent counsel, comes as a surprise, we are again reminded of our own inadequate knowledge of the law. ONE suggests study of these points; you might even carry this page in your wallet.

BOOKS

END AS A MAN, Calder Willingham, Avon, thirty-five cents.

History will note our time for its inability to distinguish between the word "objectivity" and a wildly unrelated one, "indifference." It is not in vogue to have an opinion and it is in very poor taste indeed to have a strong one. Every conversation is decorated with the expression, "Objectively speaking—" and we strive mightily to see "both or all sides of a question." When this dubiously laudable end is attained among the assiduously intellectual, we find a cruel indifference regarding the problems of others, exquisitely rationalized inactivity, and books such as "END AS A MAN".

By now we expect the covers of pocket reprints to misrepresent the contents to the point of picturing Jane Austen heroines sprawled on beds smoking long cigarettes at a glowering officer stripped to the waist. But in the case of Mr. Willingham, even the blurb on the cover inside goes berserk in describing the author as writing a thundering protest: "Iron discipline (in a Southern military academy) denies the youths all normal emotional outlets and forces them into unnatural practices that make the very core of their being vicious and corrupt. Lying, cheating, brutality and perversion become the accepted ways of life among the cadets." As one who takes strong exception to lumping the last (and using that word) with the rest, I suggest that Mr. Willingham is protesting against nothing. In fact, he seems to enjoy the whole sordid functioning of his academy and even takes his title from the superbly drawn but ghastly figure of an old general addressing his uniformed charges.

Because all of his other characters are written with weakness as their only laudable characteristic, we assume that the writer agrees with the old general's final speech and did not select the title in irony. Far from protest, this is promotion.

The speech reads in part: "No youth can pass through four years of the Academy and not end as a man. We expel the failure; I present our diploma only to a man. Think of that word; listen to it. *Man*. A simple monosyllable, but it has great force. Nothing is stronger than this word, for without the qualities it signifies, the life of the race, and your own, is rendered utterly futile. Let adversity fall upon you. Fools insult you. Illness strike. Your head will be unbowed and your courage as sure as the turning of the globe — if you are a man."

The general's classic subjectivity, which Mr. Willingham has avoided like the plague in his "objective" novel, relegates women to the status of the useless damned for breeding only, and proudly implies that no pansy like Da Vinci, Michelangelo, Socrates, Walt Whitman, etc. could graduate from *his* academy, by God. Now, if the author were trying to picture the military mind in all its pompous bestiality through this man, he has to explain why the general is the only really stable person in the book, the only intelligent one and the most honorable. Everyone else seems to have been borrowed from Charles Addams cartoons. And if the author disagrees with this speech which contains his title, he must explain his scenes which describe the supposed opposite of manliness. His two homosexuals are possibly the most revolting figures ever rendered in print. Their ideas, mannerisms and anatomies are pictured in words of utter revulsion. One of them is apparently so inept at seduction and wholly unaware of the availability of the young male in a female-less atmosphere that he goes so far as to attempt blackmailing a handsome cadet into his bed.

The statistics of homosexual practices in male institutions are ignored and the reader is hereby instructed that such is a universal habit of "perverts" who can only gain their ends by criminal or at least unethical means.

This book is required reading for every complacent homosexual who feels that prejudice against him is really on the wane. Its ferocity and positive conviction are enough to strike terror in the deviant who wants nothing more than an ordinary, tranquil life, respect and an opportunity to work. Mr. Willingham would seem to have him erased from the face of the earth.

As an added inducement to investing several hours and thirty-five cents in *END AS A MAN*, there is the charmingly inconsistent fact that every four letter word in the language is printed here except the most commonly used, hence less forceful, one. It is indicated by a dash between its first and last letters. Perhaps this restraint was legal but it still brings an angry smile. The book itself brings only anger.

Elizabeth Lalo



Sirs:

LETTERS

It came,
I read,
Was conquered!

Because I am vitally interested in ONE and feel that it is most excellent, I may write from time to time saying what I do or do not like, but anything I say will be for the good of ONE.

I have just finished re-reading the article "The New Moral Menace" published in Coronet (Sept. 1950). Is there a possibility that ONE can answer such articles should they appear in the future?

S. T.
Southern California

P.S. Thank you for anonymity on any quotations from any letters.

Unless specifically requested, all letters will appear in these columns anonymously, of course. Criticism is always welcome.

We hope to answer any articles of the "Coronet" nature that may appear in the future within a reasonable time.



Gentlemen:

While at a party last night, my host slipped into my hands your January issue of ONE. I sat right down and read it cover to cover. I cannot tell you how deeply moved I was when I had finished. Mr. Cory was right when he said our number is legion, but it is very clear to me that only in organizing, as you have done, can we ever hope to progress out of these Dark Ages of injustice and ignorance. I want to commend you highly for your courage in publishing this magazine, and sincerely pledge all I can do to help you in this work. Enclosed please find . . .

One question: Would you welcome any new material for the magazine? For some time now I have wanted to write down my ideas on this subject, but, discouraged by the thought that there wasn't a publisher in the country who would handle it, I had abandoned the project. Your magazine, however, has given me the hope that perhaps my ideas are not so impossible after all.

K. R., Idaho

**ONE more than welcomes new material of any kind whatsoever: but while your fiction, opinion, poetry and satire (as well as art work) will be appreciatively considered, it is at present particularly eager for research articles presenting data on any scientific and historical aspect of our subject. Be sure to enclose a self-addressed, stamped envelope with your MS.*

Sirs:

It is with a deep feeling of regret that I embark on the writing of my first anonymous letter, and a faint feeling of shame. I have been employed in fairly "sensitive" positions, and may be so employed in the future. For this reason, I do not wish to have any traceable link with your publication. A hint of such activity in my FBI records would be sufficient to put me on the outside looking in, because of our supposed proneness to blackmail.

I enclose a small donation to be used for the purpose of keeping the Magazine going. I have already made arrangements with a friend who has less necessity for concealment to forward the copies of the subscription I entered in his name. Ridiculous, isn't it?

I was very well pleased with the first issue, and am looking forward to the others. There was only one suggestion I feel impelled to make. It is in regard to the editorial policy of the Magazine. Your point was of course well taken about the fantastic, near-psychotic actions of various law-enforcement agencies, when they wish to wipe out, destroy, incarcerate, etc. all persons who may practice any form of homosexuality. This works both ways, of course. The magazine aims to create a more friendly and tolerant attitude on the part of the great mass of "normals" toward homosexual individuals and groups. I should think that one of the most telling ways of doing this would be to try to create the impression of great sanity by keeping the tone of the magazine essentially quiet, reasonable, and calm. Part of the popular legend about us is that we are flighty, hysterical, and intensely neurotic. Of course, there are such people in our group, just the same as any other, but I fear that it would do the group a disservice to allow writings of this sort to creep in. I was favorably impressed by the tone of most of the articles, but there were a few which left me with an uncomfortable feeling of tension, due to the unrealistic ends proposed. Specifically, the idea of expecting any great change of attitude on the part of those officers who are charged with the enforcement of the discriminatory laws. Such people must usually be compelled to act as they do from deep subconscious levels; the error lies in expecting them to change, just as they in turn expect us to change. One is as unlikely as the other. The proper method of attack seems to me to be thru legal channels, thus divesting them of the protection of the law in their persecutions. Certainly it is the height of fantasy to expect exhortation to change their attitudes.

—S. A.

"Deep subconscious levels" implies the same insanity of which homosexuals themselves are accused—and that social education would be of no avail. ONE questions this—while thanking the writer for his/her evident interest.

one

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The salutation is difficult so I'll skip it. Until I received my first copy of ONE, I thought I had problems. After reading it, I don't know how to describe myself because that slim line, the norm, has disappeared. I must add, however, that I am married and have 4 children. I have never had any conscious biological inclinations toward sex deviation, but I have always held strong sympathies toward those who do. In trying to learn the facts behind it, I have found that people look upon you with distaste and suspicion for asking such nasty questions. I would still like to know if this is a psychological or biological problem. And if not . . . what? I was pleased to learn that these people have united to do something about it, but highly disturbed to gather that they would change the entire code of mores. This, to me, is as dangerous and disturbing as the problem itself. At any rate, best of luck to ONE . . . believe me, you have my sympathy and complete understanding.

Unerotically,
°Disturbed

**Erotically speaking, ONE does not recommend, advocate or champion any particular form of sexual behavior. Although the subject of sex immediately connotes the erotic, ONE's prime concern is with the civil rights, study and social conduct of this minority and has no interest in the intimate pursuits of any individual or group. Two among its reasons are the facts that it's no one's business what you do privately as long as no one else is injured and, secondly, all "unnatural" acts, as well as inciting them, are almost universally illegal. ONE is concerned with populations rather than pairs — but appreciates sympathy and understanding however disturbed.*

ONE is a non-profit California corporation formed, "to publish and disseminate a magazine dealing primarily with homosexuality from the scientific, historical and critical point of view, and to aid in the social integration and rehabilitation of the sexual variant." It is also "concerned with medical social, pathological, psychological and therapeutic research of every kind and description pertaining to socio-sexual behavior," and aims "to promote among the general public an interest, knowledge and understanding of the problems of such persons."

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