



**TEXAS
HUMAN RIGHTS
FOUNDATION**

ANNUAL REPORT 1981

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Future planning

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Up-date

Purpose

TEXAS HUMAN RIGHTS FOUNDATION

3225 Lemmon Avenue West, Suite 333
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THRF BOARD INCLUDES:

Charles Hott	Dallas
Keith McGee	Houston
Patti O'Kane	Houston
Willie Rives	Dallas
Mort Schwab	Houston
Steve Shiflett	Houston
Betty Wheeler	Amarillo

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THE TEXAS HUMAN RIGHTS FOUNDATION IS A NON-PROFIT, TAX-EXEMPT, PUBLIC LITIGATING CORPORATION CHARTERED BY THE STATE OF TEXAS. CONTRIBUTIONS TO THIS 501 (c)(3) ORGANIZATION ARE TAX DEDUCTIBLE UNDER SECTION 170 OF THE IRS CODE.

THE FOUNDATION'S CHARTERED PURPOSE IS TO FIGHT DISCRIMINATION ON THE BASIS OF SEX, RACE, CREED, NATIONAL ORIGIN, AGE, HANDICAP STATUS, AND SEXUAL OR AFFECTIONAL PREFERENCE.

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BAKER VS. WADE HAS BEEN ARGUED IN FEDERAL COURT IN DALLAS. THIS CHALLENGE TO TEXAS PENAL CODE SECTION 21.06 WHICH PROSCRIBES CONSENSUAL ACTS BETWEEN ADULTS OF THE SAME SEX IN PRIVATE IS THE ONLY STATE STATUTE CRIMINALING PRIVATE CONSENSUAL SEXUAL CONDUCT OF ADULTS. THE CASE WAS ARGUED ON JUNE 15TH AND A DECISION IS EXPECTED IN THE FALL. WHILE THRF REMAINS GUARDEDLY OPTOMISTIC ABOUT THE OUTCOME, AN ADVERSE DECISION WILL BE APPEALED TO THE FIFTH CIRCUIT COURT OF APPEALS. THRF WILL CONTINUE TO DIRECT STRATEGY AND BEAR FULL COSTS OF THIS ACTION.

IN_RE: LONGSTAFF IS A NATURALIZATION CASE WHERE IN THE PETITIONER WAS DENIED NATURALIZATION BASED ON HIS SEXUALITY DESPITE A RECOMMENDATION TO THE CONTRARY BY THE IMMIGRATION AND NATURALIZATION SERVICE. THE FIFTH CIRCUIT COURT OF APPEALS HAS ORDERED A REMAND TO DETERMINE IF THE PETITIONER VIOLATED TEXAS' HOMOSEXUAL CONDUCT STATUTE (P.C. 21.06). THRF WILL FILE A BRIEF IN THIS ACTION DIRECTED TOWARD CHALLENGING THE CONSTITUTIONALITY OF P.C. 21.06, AND, ARGUENDO, THE CONTENTION THAT VIOLATION OF THAT STATUTE IS NOT A CRIME OF MORAL TURPITUDE WITHIN THE MEANING OF THE NATURALIZATION STATUTE. IN_RE: NEMETZ RECENTLY DECIDED IN THE 4TH CIRCUIT OFFERS A STRONG PRECEDENT FOR LONGSTAFF. THRF WILL ALSO DIRECT THE LITIGATION AND BEAR A LARGE SHARE OF ITS COSTS.

PUBLIC RELATIONS. STATEWIDE PUBLICITY CONCERNING THESE CASES AND OTHER ACTIVITIES OF THRF HAS RESULTED IN AT LEAST SIXTY INTERVIEWS WITH MEDIA, SIX KEY AUDIENCE MAILERS, A MASS MAILER AND A NUMBER OF INFORMATIONAL PACKETS. THIS HAS BEEN UNDERTAKEN IN A HIGHLY PROFESSIONAL MANNER AND IS AN ONGOING PROCESS.

THE TEXAS HUMAN RIGHTS FOUNDATION REMAINS ACTIVE IN THE IMMIGRATION AREA AND WILL CONTINUE TO MAKE KNOWN ITS INTEREST IN THIS AREA TO THOSE KEY INDIVIDUALS WHO WOULD HAVE THE GREATEST ACCESS TO POTENTIAL LITIGANTS. DETENTION OF A GAY PERSON AT EITHER OF THE MAJOR AIRPORTS IN HOUSTON OR DALLAS UNDER THE IMMIGRATION RULES AS NOW ENFORCED, WOULD LIKELY RESULT IN THRF ACTION.

COMMITTEES OF THRF IN BOTH DALLAS AND HOUSTON CONTINUE TO MONITOR POLICE ACTIVITIES. BRUTALITY AGAINST GAY PERSONS AND SELECTIVE LAW ENFORCEMENT ACTIVITIES ARE UNDER SCRUITINY. THRF STANDS READY TO SEEK EXTRAORDINARY RELIEF IN THESE AREAS IF NECESSARY.

THE TEXAS HUMAN RIGHTS FOUNDATION IS MONITORING STATE REGULATIONS AS THEY APPLY TO EMPLOYMENT RIGHTS OF GAY PERSONS. A SURVEY OF ALL LICENSING BOARDS AND SCHOOL BOARDS IN MAJOR CITIES IS UNDER WAY. IF A PATTERN OF DISCRIMINATION IS FOUND TO EXIST IN STATE EMPLOYMENT OR IN LICENSING, ACTION WILL LIKELY BE TAKEN BY THE FOUNDATION.

OVER THE NEXT SEVERAL YEARS, GREATER EMPHASIS WILL BE PLACED ON THE USE OF VOLUNTEER ATTORNEYS WHO WILL EVALUATE AND ACCEPT CASES OF INTEREST TO THEM UNDER THE DIRECTION OF THRF. SUCH WORK WILL BE ON A PRO BONO BASIS.

THE DALLAS LOCAL LEGAL COMMITTEE HAS FOCUSED ITS ACTIVITIES IN SUPPORT OF THREE CRIMINAL CASES IN WHICH THERE HAD BEEN BLATANT DISCRIMINATION AGAINST GAYS ON THE PART OF LAW ENFORCEMENT OFFICIALS. SUPPORT OF THESE CASES HAS INCLUDED COUNSELING AND PAYMENT OF VARIOUS EXPENSES RELATED TO THESE DEFENSES INCLUDING TRANSCRIPTS, INVESTIGATORY COSTS AND THE LIKE. THE HOUSTON LOCAL LEGAL COMMITTEE CONTINUES TO EVALUATE POTENTIAL LITIGATION EFFORTS AND MAINTAINS CLOSE LIASON WITH OTHER GROUPS IN THE HOUSTON AREA WHICH ARE ENGAGED IN PUBLIC INTEREST LITIGATION.

THE PRIMARY GOAL OF THRF IN THE NEAR FUTURE WILL BE TO CONTINUE THE CONSTITUTIONAL CHALLENGE TO PENAL CODE SECTION 21.06. SHOULD THE OUTCOME IN BAKER VS. WADE NOT BE SUCCESSFUL, ANOTHER CHALLENGE TO THE STATUTE WILL BE UNDERTAKEN IN THE NEAR FUTURE. IF THE OUTCOME IN THAT CASE IS FAVORABLE, THEN IT IS ANTICIPATED THAT FURTHER ACTION WILL BE REQUIRED TO ASSURE THAT VARIOUS GOVERNMENTAL UNITS BRING THEIR POLICIES INTO CONFORMANCE WITH AN INVALIDATION OF THE STATUTE.



TEXAS HUMAN RIGHTS FOUNDATION

3128 LEMMON AVE. EAST, SUITE 304 • DALLAS, TEXAS 75204
(214) 522-5991

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(713) 526-9139

August 31, 1981

Dear Friends:

1981 saw continued growth in the organizational structure of the Texas Human Rights Foundation and its legal activities. The local legal committees in Dallas and Houston developed significant visibility in their communities and increased liason with other civil rights organizations. New members joined the Board of Trustees in furtherance of our goal of geographic and membership expansion. Volunteer attorneys have been recruited and utilized for research and case evaluation. A successful program of publicity within both the gay and non-gay communities concerning the activities of the Texas Human Rights Foundation was carried out.

Trial in Federal District Court in Baker vs. Wade, Texas Human Rights Foundation's challenge to Texas Penal Code, Sec. 21.06, the Homosexual Conduct Statute, was completed. The case was skillfully argued by James Barber of Dallas, who was retained to represent Don Baker. The expert testimony of Judd Marmor, past President of the American Psychiatric Association and William Simon, Prof. of Sociology, University of Houston, formerly of the Kinsey Institute, was of a calibre not usually encountered in a trial setting. We are optimistic about prevailing on the merits of the action.

We remain actively involved in the immigration and naturalization area both in litigation and counseling. We anticipate that this will continue to be an area of focus for future legal action.

I wish to take this opportunity of thanking the community for its generous support in the past. Your continued assistance will assure that Texas has a viable public litigating group dedicated to advancing equal rights for all persons regardless of sexual orientation.

Sincerely

A handwritten signature in dark ink that reads "M. Robert Schwab".

M. ROBERT SCHWAB
President

MRS/am

TEXAS HUMAN RIGHTS FOUNDATION, INC.Statement of Receipts and Expenditures and Fund Balance
For The Year Ended August 31, 1981

Receipts:	
Contributions	\$ 25,387
Dallas Special Projects	4,331
Interest income	<u>202</u>
Total receipts	\$ 29,920
Expenditures:	
Legal fees	\$ 8,479
Court costs and expert witnesses	5,309
Program and fund raising expenses	4,975
Public relations consultants	2,194
Travel expenses	1,253
Postage	1,103
Telephone and answering service	1,450
Stationery and office expense	580
Miscellaneous	<u>35</u>
Total expenditures	<u>25,378</u>
Excess of receipts over expenditures	\$ 4,542
Fund balance:	
Beginning of year	<u>4,182</u>
End of year	<u>\$ 8,724</u>

