

June 1971



QQ MAGAZINE

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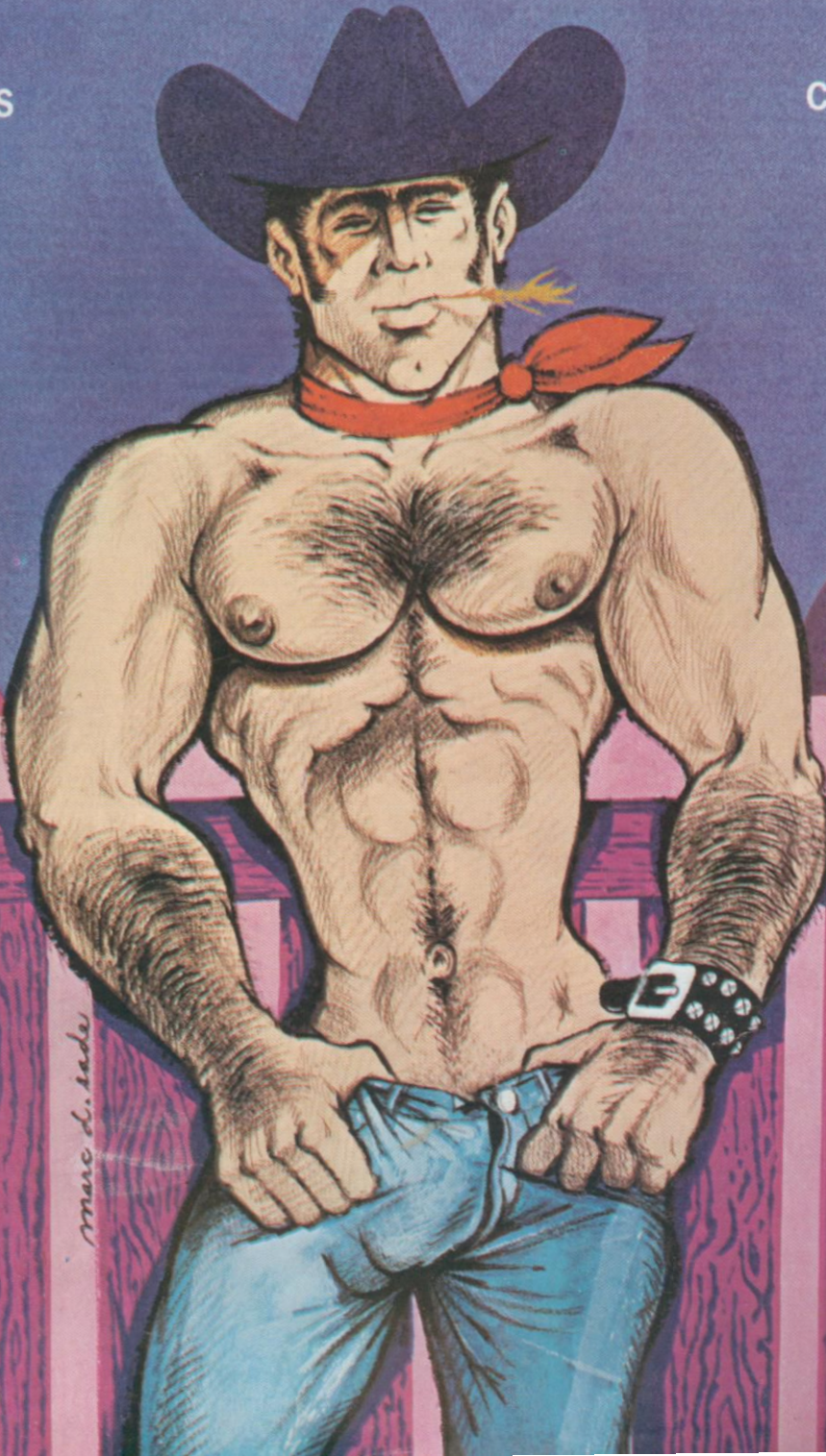
THE HOMOSEXUAL AND THE LAW

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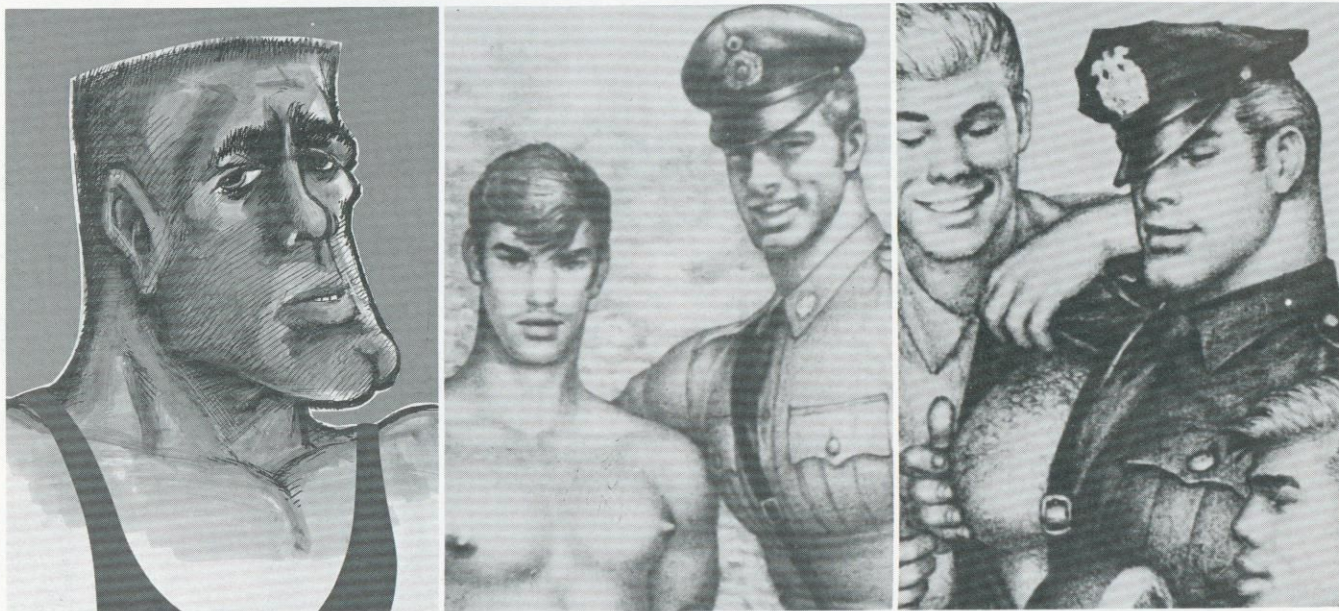
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JOHNNY COP WANTS YOU!



Art: Left, Marc de Sade; center/right, Tom of Finland

THE HOMOSEXUAL AND THE LAW

BY CRAIG RODWELL

THE law as it applies to homosexuals has been the subject of numerous articles and books in recent years.

Most of them have dealt with law reform; that is, removing from the statute books the laws which attempt to proscribe what consenting adults of the same sex may do with each other sexually. While it is quite true that we have advanced somewhat concerning law reform (an example being Illinois, where homosexuals have experienced greater legal rights for years), the fact remains that interpretation of the law has remained virtually unchanged.

The laws in this country—and in most other places—function according to heterosexual dictate, and within a straight framework. Wherever the term “consenting adults” is used there is great room for individual interpretation, because the concept is subject to prevailing social mores and cannot be enforced. There are so many loopholes that an extremely hostile law enforcement agent can interpret the law to suit himself and legally wreak havoc on homosexuals.

For example, Riis Park—a bathing beach which is located about an hour from mid-Manhattan, by public transportation—has an entirely gay section which is packed on weekends. On the busiest Sundays of the summer—the Memorial Day and Labor Day weekends—plainclothes lawmen station themselves on the boardwalk outside the bath house and give tickets for violation of park regulations which specify that the “legal” limit for men’s bathing suits is mid-way between the knee and thigh, and covering the navel. This is only one of countless laws regulating “decency” which have remained on the books for decades, and which have little general application today. Straights would not stand for enforcement of such a silly law, and would react swiftly and even violently if the matter were pressed, but the average gay guy who is ticketed for violation of this law usually does not object and simply pays the fine. The police have a “quota” of tickets to give out on these particular weekends. Naturally, gay guys—who are always “up” on the

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they dislike the dirt but prefer roaches to "butterflies." Consensus has it that the old places are on the upswing—because the social set avoids them like the plague and also because they are drawing a groovier crowd . . . young gays and bi-sexual hippies who cannot afford the high prices charged at "steam palaces"—prices necessitated by the costs of providing entertainment and free food . . . which no one really wants in the first place.

If the new baths owners would only remember that a guy's appetite for food and sex come at different times . . . if they would eliminate the extraneous frills . . . if they would still maintain cleanliness . . . if they would use the money spent on food and singers for softer towels and more mattresses . . . if they would reduce their expenses by cutting out "freebees" and pass the savings on to the customers—they would succeed in replacing the old baths by providing an attractive yet sensual atmosphere without getting away from sex. Silence is most definitely erotic—and that's what steam baths are really all about.

Editor's note: *Silence can be controlled at the baths. There seems to be a lot of unnecessary talking in gay johns lately—by the same "socializers" discussed above . . . a new kind of gay born of the Sexual Revolution. It is up to all of us to request silence and shut up ourselves—or get out. We would appreciate hearing from our readers on this subject.*

JOHNNY COP WANTS YOU!

(Continued from page 25)

latest swimsuits—are easy marks.

Nine years ago I was ticketed. I objected strenuously and accused the officer of "harassing gay people"—and he knew he was doing just that. But it wasn't as safe to speak up in those days as it is today, and I was grabbed by the scruff of my neck and hauled off to a private room in the bath house. There he called me a lot of names, such as "Faggot!" and "Queer!"—knocked me to the floor and pressed me for my name and address. I decided to remain silent. He picked me up and literally dragged me to the local precinct, where I was locked in a cell. Later that night I was taken to Night Court in lower Manhattan.

As I stood before the judge, bare-footed and in my swimsuit, I was asked why I refused to speak. I related my story. The judge took me aside and in a fatherly way apologized for the treatment I had received and informed me that I was free to go but that I would have to appear in court a couple of weeks later and pay a \$10 or \$15 fine." (It should be noted here that this judge was the only kind lawman I encountered during my ordeal.)

To make a long story short, when I appeared in court two weeks later the judge realized I was gay and immediately became hostile. He ordered me to pay \$25 or spend three days in jail. I tried to explain that I had only \$21 with me, because I was led to believe (by the first judge) that the fine would be \$15 or less. He yelled for the bailiff and ordered him to take me away.

I was fingerprinted and handcuffed and put in a van. When I arrived at the Brooklyn

House of Detention I heard one particularly big and menacing officer say to a guard, "This faggot refuses to speak." Word had gotten around. The guard smashed my head against the bars and knocked my wallet to the floor. "Pick it up, Faggot!" he yelled. I really couldn't believe it was happening to me—for "violation" of a silly law which in no way is applicable in the usual sense today—but it was. Then I was put in a "Queen's Tank," which every jail has—a separate cell for homosexuals. I didn't mind this (in fact, it probably protected me from being raped by aggressive straights—a common occurrence in all jails), but I did mind denial of certain "privileges" for the three days I remained imprisoned—commissary rights (for toilet paper, sugar, candy, etc.), movies, outdoor recreation. Moreover, my head was shaved—something which is not done to straight "prisoners."

My point in relating this incident is that regardless of what the law books say, we as homosexuals are discriminated against by individual law enforcement interpretation—and we are at the mercy of Johnny Cop. Old laws are being used to harass gay people. Just recently, a specific interpretation of a valid law, but a law which would not have been used if a heterosexual were involved, was applied to deny a homosexual a driver's license in Connecticut. The law, concerning the rights of ex-convicts (the man was imprisoned on a morals charge), would not have been used had the applicant been straight—as "society had been paid." But because the man was gay and had a "gay criminal record"—discrimination was based on his homosexuality.

As a child growing up in the Midwest I was taught to respect the police and the courts. But as a homosexual adult in New York City, I have learned that a gay person must always be on guard against the police and the courts. I have seen too many pay-offs to policemen by Mafia-types in gay bars; I have noted too many incidents of harassment of gay people—without justification; I have read about too many murder cases involving gay victims where the heterosexual killer got off light because he "resisted homosexual advances." To top things off, the International Association of Police Chiefs in convention recently voted unanimously to actively oppose political candidates who favor homosexual law reform.

It has become painfully clear to me that "laws" are made and enforced by and for heterosexual men. One of the goals of gay liberation is a just society in which laws are made and enforced by and for all people. Gay people have been historically patient and quiet, and meek—but the anger and frustration that is daily building in our community must be recognized and channeled. The Christopher Street Riots in 1969 put the nation on notice that we are not as patient and quiet and meek as they believed. Since then we have made some advancement, if only in increased concern and involvement in law reform among gay people who are protesting loudly. We *must* be heard . . . we *will* be heard.

In future issues of *QQ Magazine* I will discuss other aspects of the homosexual and the law which concern our community. And the law should concern all gay people—because we are equally vulnerable. There

are certain "basics" we should be aware of. For example, in the area of arrest, while it might serve a heterosexual to cooperate with the police by giving whatever information is asked for, the homosexual literally takes his life in his hands by telling too much. Any homosexual being arrested should be reasonably cooperative, but should not give any more information than his name and address until he sees his lawyer—lest that information be misinterpreted and used against him by the prejudiced. Moreover, homosexuals must always be on guard against certain ploys used by the police, an example being the "Beauty and the Beast Approach" used to interrogate homosexuals: Two officers will question you, one pretending to be especially hostile, the other trying to be your "friend." As soon as the hostile guy leaves, the homosexual—believing he has found a kind ear—tells *everything* . . . and finds himself in a lot of trouble.

Then there is the matter of finding a lawyer, which I will also discuss at length later on. Generally speaking, finding a good lawyer is like finding a good doctor—and you just can't do it by running to the Yellow Pages in an emergency. Ask around. At least one of your friends has probably had an experience with a lawyer. It's a good idea, when you're not in need, to visit that lawyer, in order to "size him up." Most lawyers are happy to meet prospective clients, and there is no charge. If you haven't done this, and if you are arrested, contact the nearest branch of the American Civil Liberties Union; they will assist you in finding someone who is experienced in your kind of cases. If you are indigent, seek help from the Legal Aid Society (note: similar organizations operate under various names in different cities). If, after being arrested, you have time to seek help from a local homophile organization, all the better. But don't go in "blind." Never pour out your life story to someone you are not sure of (and this you must base on the past experiences of friends, and heresay). For instance, among certain homophile "leaders" there are individuals who misuse their position and milk those in trouble for information—which they then use to their advantage . . . by passing the information on to criminals who use it to blackmail you later on, or rob your apartment when you're out. The fact that a man heads a homophile organization is no mark of his personal character. Another common practice among these unscrupulous few men who should be put out of office is to bleed those in trouble by referring them to shyster lawyers who charge outrageous fees, and then "kick-back" part of that fee; it's a nice living for some "leaders" who are otherwise unemployed.

We have a long way to go before laws are changed favorably for homosexuals—and an even greater distance before mere interpretation of general laws changes so that individuals cannot twist words to our disadvantage. With each passing day we are gaining strength—and the more YOU become involved in these matters the faster will we all achieve the rights we are entitled to—and which we so justly deserve.

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May/June 1971