

TO: Homophile Organizations

FROM: The Mattachine Society of Washington

SUBJECT: Recent Congressional Hearings on the bill H .R. 5990

DATE: September 4, 1963

I Background

A. Laws for the District of Columbia are passed by Congress. The Executive Branch of the District Government is headed by three Commissioners, appointed by President Kennedy. The Government of the District of Columbia is, in effect, an agency of the U. S. Government.

B. In 1960 Congress passed the Charitable Solicitation Act, under which (by a very broad, but explicitly stated definition of the word "charitable") any non-profit organization raising funds from outside its own membership must apply for and be issued a license or certificate of registration. This applies to fund raising by word of mouth on a personal basis, advertisements, lectures, or any other public activity for which admission is charged, etc., whether on a one-time only basis, or continuingly.

C. In accordance with applicable statute and regulation, the MSW applied for, and, on August 14, 1962, received a license under the Charitable Solicitation Act. The license, good for one year, was renewed on August 1, 1963. All matters having to do with such licenses are part of the public record. The issuance came to the attention of the Washington Star, which, on Sunday, September 16, 1962, printed an essentially factual article about it. This article was seen by Rep. John Dowdy (D. Texas) who introduced a "remedial" bill into the last Congress; the bill died in the adjournment rush.

D. Dated May, 1963, and introduced on July 5, 1963, the bill H.R. 5990 was re-introduced by Rep. Dowdy. A copy of the bill is enclosed herewith. Mr. Dowdy made certain introductory remarks. An excerpt from the Congressional Record of July 5, 8, 1963, including these remarks, is enclosed herewith.

II Action Against the Bill

A. The District of Columbia

It is standard Congressional courtesy to request a report from any Government agency affected by a bill. Hence H. R. 5990 was referred to the Commissioners of the D. of C. Accordingly, the MSW sent a letter to the Commissioners; a copy is enclosed herewith. Friendly discussions on the matter were initiated between the D of C Government and the MSW.

B. The American Civil Liberties Union

The ACLU was notified of the bill. The matter was referred to their Committee on Freedom of Communication. The Committee sent a letter to the Commissioners. Advice and counsel were obtained by MSW from the ACLU, since they are experienced in these matters. They formally offered to handle the court test-case for us, if we wished them to, if the bill were passed and signed into law. We have accepted the offer.

C. Congress

Inquiry elicited the fact that the bill had been referred to the Subcommittee 4 of the House Committee on the District of Columbia. The Chairman of Subcommittee 4 is Mr. Dowdy

When repeated inquiries, over several weeks, indicated that no hearings were scheduled, the MSW, on July 31, wrote to each of the 24 Committee members, requesting that hearings be held, and that representatives of this Society be permitted to testify.

D. Newspapers

The Washington Post was informed of the bill and of the (by that time) scheduled hearings.

III The Hearings

Semi-formally, over the August 4 weekend, and formally, on August 6, we were notified that hearings would be held on Thursday, August 8, and that we would be permitted to testify. We immediately prepared a statement, a copy of which is enclosed herewith.

A. Thursday, August 8

The Government of the District of Columbia ably opposed the bill, and defended the MSW and its right to its license, for 45 minutes. A copy of the DC Government's prepared statement is enclosed herewith.

Then the President of the MSW testified for about 10 minutes. The hearing was broken off by a quorum call.

B. Friday, August 9

The President of the MSW testified from about 10:00 AM until 1:30 PM, and from 2:30 PM until about 3:15 PM. Because of questioning by the Subcommittee it took most of this time for a reading of the Society's prepared statement.

In the course of his remarks, the President of the Society placed into the record a copy of the Gazette of the MSW, a copy of the Society's statement on Discrimination Against the Employment of Homosexuals, and a copy of a letter from the Reverend Robert W. Wood. He read into the record, in full, the editorial which appeared on August 8, in the Washington Post

The Vice-President of the MSW testified from 3:15 PM until about 3:45 PM. A representative of the ACLU testified from about 3:45 PM until 4:30 PM.

The Subcommittee (Dowdy, Huddleston of Alabama, and Horton of NY were present) was hostile. They attempted, without success, to badger, browbeat, embarrass, and intimidate the witnesses. It can reasonably be said that the Committee came out second best.

IV. Results

In general, the community was with us. The newspaper publicity was, at worst, merely factual, and, at best, favorable. We were supported by the Government of the District of Columbia, by the DC Republican Committee, and others.

To our knowledge, this was the first time that the homosexual community has stood up to Congress. We feel that we did so successfully, and that we are much the better off for it.

Relations have been strengthened with the D. of C. Government.

We have gained publicity which we would have been willing to pay many hundreds of dollars for, if we had it. This includes TV as well as newspapers.

V The Future

As of the writing of this, the bill is still in Subcommittee. We do not expect it to get through Congress, although it may pass the House. We will keep you informed of future events and — possibly on short notice — of any way in which you can be of assistance.