

*\* KAMENY FOR CONGRESS COMMITTEE \**

P.O. BOX 1259 WASHINGTON, D. C. 20013

(202) 362-2211  
363-3881  
347-3735

SPEECH BY DR. FRANKLIN E. KAMENY  
11:30 A.M., TUESDAY, MARCH 16, 1971  
AT THE MUNICIPAL BUILDING  
300 INDIANA AVENUE, N. W.  
WASHINGTON, D. C.

THE LAW, THE POLICE, AND THE  
HOMOSEXUAL IN WASHINGTON

While the relationship between the police and the homosexual community in Washington is far better than in many cities, there has been a slow rise in cases of police abuse and harassment of homosexuals over the past two years. For this reason, I requested a meeting with Police Chief Wilson or one of his immediate subordinates to discuss the changes which the homosexual citizens of the District of Columbia expect of their police department. That meeting, which just ended is the occasion for this talk, dealing not only with relationships between the police department and the homosexual community, but with relevant laws and related matters as well.

There are two major laws in Washington which victimize homosexuals, and which we want to change. The first one is the Sodomy law--Section 22-3502 of the D. C. Criminal Code. This law prohibits a variety of private, consensual sexual acts upon the part of any two adults--even a heterosexual married couple in the privacy of their marital bed. If you follow the advice given in most modern marriage manuals, in the current

Tony Jackubosky  
Treasurer  
671 3762

best-seller "The Sensual Woman" or in David Reuben's shoddy little book about all the things you didn't know about sex, you could get ten years in jail and a \$1000 fine, here in Washington.

This law serves no useful purpose. It is a relic of a bygone era. It creates crimes without victims, it makes nominal criminals out of anyone that the government wishes to point a finger at, and because most people incorrectly believe that it applies to homosexuals only, it creates an aura of criminality around homosexuality.

We intend to attack this law not only by more traditional methods of legislative appeal, but we are also about to use the judicial route, by filing a novelly-conceived test case in the Federal courts, to strike down the law on Constitutional grounds. You will hear more about this case very soon.

The other law, which takes a much greater toll of the homosexual community, is the so-called solicitation statute. This does not refer to prostitution or to commercial sex, but simply to a verbal invitation. This law leads to the major police abuses of which homosexuals complain here in Washington, and elsewhere.

We get case after case in which plainclothes policemen, perjuring themselves shamelessly, accuse homosexuals of making actually non-existent sexual invitations. First, we see no reason why a sexual invitation should really be placed in a different class from, say, an invitation to dinner. The recipient of the invitation can say yes or no; the invitation is a matter between the two people involved, and is no proper concern of the law.



But any law which penalizes mere speech obviously provides a basis for police corruption, and that is what happens here, over and over again.

Homosexuals have become the prey of unscrupulous vice squad policemen, seeking to make arrest quotas or to satisfy their perverted or sadistic drives. Among these are officers York, Tinsley, Fitzgerald, Claiborne, Bennett, Nestor, and Clark.

These policemen entice homosexuals into a conversation, allege that an illegal solicitation has been made, and make an arrest. In at least one outrageous case, three people, doing nothing more than awaiting a taxi on a very cold night were asked by a plainclothes policeman whether they wanted a lift; when they said "yes," they were arrested on charges of solicitation, a perjured report was written up, and they had to go to court. This sort of thing is common.

In court, it usually boils down to a matter of the homosexual's word against the policemen's, and the policemen's usually prevail. Lawyers experienced in these cases are well aware of this.

We are tired of being hunted down as the prey of perverted, corrupt, lying policemen who should get psychotherapy and then be assigned to work which will help reduce the rate of crimes with victims.

We intend, in this respect, too, to seek both legislative and judicial remedy. Legislation is being formulated and test cases are being prepared. However, in addition, we have serious plans for a full-scale campaign of counter-harassment of the police, if they continue to make this necessary. We will send people out to create bad arrests. We will bring suits for

false arrest. We will insist on the prosecution of complaints against policemen for perjury--and publicize every such accusation. We will follow plainclothesmen around and point them out to anyone to whom they speak. A little ingenuity--of which we have much--will serve to come up with other schemes. We intend to get the police back to doing what they should be doing, instead of hunting down harmless homosexuals. We have had quite enough of providing sport for psychotic bigoted policemen.

We propose, further, that the Police Department be reorganized in relevant particulars, or, at the very least, that its sections be renamed. The very name "Morals Division" is offensive in an allegedly free society, where morality is a matter of personal opinion, and must remain so. The only connection which the Perversion Section of the Morals Division seems to have with perversion is the presence among its members of the perverts to whom I have already referred.

We propose that the Morals Division, as an entity, and its Perversion Section be abolished, so that police resources can be allocated where they should be.

Let me say, in closing, as I did in opening, that the D. C. Metropolitan Police Department is among the better departments in this country in its dealings with the homosexual community. We have always been able to go to them with cases of blackmail--much rarer than most people believe--confident that the blackmailers and not the homosexuals would be penalized. Unlike Chicago, Los Angeles and other cities, there has been absolutely no harassment of our Washington gay bars. We have been able to

call upon the police when we needed them. We feel that they deserve a good deal of credit and praise, and we feel obligated to give it to them as their fair due, if we are going to criticize them.

However, over the past two years, with the rapid growth of the Department, with improper pressures being brought upon the police by some local citizen groups, to whom we will also lay down the law in due course, abuses of the type indicated have crept in. We intend to nip these in the bud. We put them on notice, hereby, that these abuses are going to stop--NOW.

\* \* \* \* \*