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# Where are you going?

*by Wallace David*

The following excerpts are from an address presented before the Executive Council of the Mattachine Foundation. It is an unusually clear-eyed and searching study. Calmly objective, it asks questions which subdue the blithely enthusiastic and elate the dubious.

I would like to call to your attention that the minority here dealt with is in no way a peculiar group so far as national, state or city sex laws are concerned. As the authors of a recent book (*Your Marriage and The Law* — Pilpel and Zavin — Rinehart Pub.) have stated in the Chapter «Sex and the Criminal Law», that, «That chances are nine out of ten that you are a sex criminal.» This statement applies to the general public, not to any particular group. It is good to remember at all times that sex laws in general are a compound of necessary prohibitions on the one hand and restrictive laws which no longer represent our contemporary sense of moral and social values on the other, and rest on a set of unspoken major premises which underline both sets of laws.

In most states, it is a crime for any unmarried persons to have sexual intercourse; such acts would come under one or the other headings of three distinct «crimes»: fornication, seduction and prostitution. If the parties are married, the additional crime of adultery would be brought in. In some states if both parties are married, but not to each other, the charges of bigamy can be lodged. The framers of these laws, not wishing to miss anything, have what are called «catch-all» statutes under the headings of Vagrancy, Loitering, Disorderly Conduct, Indecent Exposure, Committing a Nuisance, Lewd Behavior, Lascivious Acts, and similar statutes which can be and are invoked to punish practically any sex outside the marriage bed.

But our puritanical law makers were not satisfied with this. Even certain types of acts performed in the marriage bed are illegal in many states and, if one party wishes to accuse the other for violating such an ordinance, the party accused can be tried. Artificial insemination has been hauled into the courts on the grounds of adultery, insofar as the wife has conceived artificially, and the court decided that even though the wife had so conceived (if she had been telling the truth) she would be nevertheless guilty of adultery. This has made many doctors quite unwilling to perform the functions of artificial insemination until they know what the laws of each state are pertaining to such a subject. Of course, the use of contraceptives in many states is still taboo.

I mention these points to make all aware that you, as a minority, are not the only ones affected by long outmoded practices and enforcements under our multiple legal codes with regard to «sex crime». Further, in general conversation with those who are or consider themselves «normal» (whatever that may be) it is necessary to refer to the sex criminal codes that they are, in many instances, violating constantly.

One other point I would like to bring up before stating what type of organization we are establishing. It is that attitude generally termed

«perfectionism.» During the time I have been associated with the Mattachine Foundation, and meeting with discussion groups, even as a minister I have been amazed at the frequency with which «perfectionism» rears its devilish head. In the majority of instances, it can be traced to what psychologists might call «sensitive conscience.» This is particularly brought into discussion when the member of the minority has a perverted sense of what is religious, indicative of his peculiar interpretation or slant on the subject.

At no time should normality be driven under and substituted by abnormality. At no time should members of the Minority feel that they, in their natural drives and urges, are different in any respect from other human beings. Their *modus operandi* may differ but basically the natural inclination and need is quite normal. Of course, I am willing to admit that the Minority has received such severe treatment from churches and social organizations that they have come to feel themselves, in many respects, outcasts. Aware of this, the persecuted and outcasts have attempted to isolate themselves from society. This is the worst thing that could happen.

In so many respects the contemporary multiplication of «Holy Roller» sects among the extremely underprivileged and the cults among the privileged, the development of humanistic religions, cults of psychoanalysis, and the growth of communities of misery, fellowships of the nameless damned among alcoholics, divorcees, and homosexuals, are the social phenomena that can be partially explained by the way in which the «outgroups,» excluded by the churches, fraternal societies, clubs, and even employment, tend to develop healing or adjusting communities of their own. In so doing, they accept the verdict of the majority and seek refuge in isolation.

Their reaction generally is to set up such a high moral and ethical standard for themselves, in order to be received back into the accepted social order, they have to live even far more abnormal lives than that which society says they are already living. Abnormal perfectionist lives are just as great a menace as the so-called social evils which «the outcasts» are already living. Perhaps a very good example of this type of thing can be brought to effective illustration with regard to those few among the Negro race in this country who would rather isolate themselves as good Negroes, having no contact with the rest of our national population, than take a firm stand that they by birth are entitled to equal rights, equal participation and equal voice in the affairs of the country.

We should remember that legalism is changeable and has no permanent value. As the education of the population takes place, endowing it with a progressive and long range outlook, raising its ethical and moral standards in a balanced and tolerant way, so do more and ethical values evolve. As a minister, were I to sow nothing but legalism I could expect nothing but a whirlwind of ethical confusion as a consequence. It is not the letter of the law but the spirit in which it is enacted, tolerated and made effective that counts. You cannot legislate morals or ethical behavior.

If those whom the laws are passed to protect, have no understanding of the causes, and think they are simply being legislated out of existence,

the laws in themselves will be of no avail. Again as a minister and in order to perform this paradoxical function, I must, at the risk of being misunderstood by the more legalistic members of the churches, forego the self-preservative comforts afforded the legalist. I must accept the social responsibilities that come with the kind of religious interpretation that seeks the spirit rather than the letter of Divine Truth, its meaning and purpose rather than merely its language and symbols. The one gives life; the other kills and destroys.

Those against whom legislation is passed, are usually termed by the legislators the sinful hence are forced into taking advantage of the situation brought about by the legalist and their minds are beguiled and are forced to make their acts, not usually so terrible, all the more sinful in the eyes of the legalist by devising ways and means of skirting the laws enacted.

The ethical teachings of Jesus, the moral and ethical code of the Jewish people, the same of the Buddhists or members of any other ethical religion, never intended the minister to assume the role of a legalistic judge. When one does, he places himself in the seat of one whose only function is to penalize and excommunicate. People must be allowed the privilege to convict themselves or the meaning and philosophy that we as children of one Creator have a free will has no meaning.

Let us be very certain we who perform this pioneering work do not place ourselves in the seats of judges and render decisions more terrible than those rendered by our present civil courts against the Minority for whom we are setting ourselves the task to liberate.

*Wallace David.*

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## The Blessing of Friends

«They seem to take away the sun from the world who withdraw friendship from life; for we have received nothing better from the Immortal Gods, nothing more delightful.» (Cicero.)

Most of those who have written in praise of books have thought they could say nothing more conclusive than to compare them to friends. All men, said Socrates, have their different objects of ambition — horses, dogs, money, honour, as the case may be; but for his own part he would rather have a good friend than all these put together. And again, men know «the number of their possessions, although they might be very numerous, but of their friends, though but few, they were not only ignorant of the number, but even when they attempted to reckon it to such as asked them, they set aside again some that they had previously counted among their friends; so little did they allow their friends to occupy their thoughts. Yet in comparison with what possession, of all others, would not a good friend appear far more valuable?»

«As to the value of other things,» says Cicero, «most men differ; concerning friendship all have the same opinion. What can be more foolish