

A F F I D A V I T

My name is Franklin Edward Kameny. I live at 5020 Cathedral Avenue, N. W., in Washington, D. C. I affirm that the statements made below are true to the best of my knowledge and belief.

I am the founder and President of the Mattachine Society of Washington, Inc., a 14-year-old civil liberties, information-education, community service organization, working on behalf of the homosexual community in the Washington area and throughout the nation. I am a member of the Board of Directors of the National Gay Task Force, headquartered in New York City. I am active with the Gay Activists Alliance, Inc., of Washington, D. C., and am nationally known for my work of some fourteen years with the Gay Movement, with particular (but by no means sole) expertise in the area of relationships between the Federal Government and the homosexual citizen, in the three areas of (1) the Armed Services, (2) Security Clearances, and (3) Civil Service employment. I have written numerous published articles and book chapters on various aspects of homosexuality, including law, psychiatry, and sociology. I am a Commissioner on the D. C. Commission on Human Rights.

I have been certified to testify as an expert witness on homosexuality and the homosexual community at trials and hearings occurring in the U. S. District Court for the District of Columbia, before a three-judge Federal Court in Virginia, before a Maryland state court in Baltimore, before the D. C. Superior Court, before a Marine Corps Discharge Board in Quantico, Virginia, and before an Army Administrative Discharge Board at Fort Devens, Massachusetts.

I am in close and continuing touch with the homosexual community nationally, and am kept informed of events and developments of relevance throughout the country. I am one of those at the forefront of the push for change in law and policy in respect to Homosexuals and homosexuality in regard to elimination of punitive criminal laws and exclusionary policies, and in regard to enactment of protective civil rights laws at the municipal, county, state, and Federal levels.

Over the past ten to fifteen years, I have served as Counsel or representative for Homosexuals in some fifteen to twenty security clearance cases; some twenty Civil Service cases; and some thirty to forty non-draft-related military cases, plus some twenty-five to fifty draft-connected ones; and have served, informally, as a consultant to attorneys in at least as many additional cases in all three categories, all over the country. My representations have ranged from participation at investigative interrogations (or intercessions leading to cancellations of interrogations proposed) to advocacy at formal administrative hearings. In addition, I have provided informal legal counsel and advice (usually by telephone) to an estimated several hundred homosexual Servicepeople.

If a Homosexual be defined as one whose primary (but not necessarily exclusive) preference is for entering into affectional and sexual relationships with persons of the same sex, then the best data available indicate that at least 10% of our male and female population is homosexual, and between a third and a half of the population have had more than incidental homosexual experience. There is firm indication that policies of exclusion and practices of detection of Homosexuals, on the part of our Armed Services have had no statistical impact upon the percentage of Homosexuals in our military, and so it may be confidently assumed that some 10% of our Armed Services at all ranks, officers and enlisted men both, and in all Services, Army, Navy, Air Force, and Marine Corps, are homosexual, and that a sizably larger percentage have significant amounts of homosexual experience while in the Service. It was common knowledge in the homosexual community that while the draft was in effect, the average Homosexual, like his heterosexual counterpart, was drafted, served honorably well, and undetected, and received an Honorable Discharge. I have personal knowledge of large numbers of Homosexuals who served and who now serve, as both officers and as enlisted men, in our Armed Services.

Over the approximately decade-and-a-half in which I have been formally affiliated with the Gay Movement, I have observed significant changes in attitudes on homosexuality, in the direction of greatly increased acceptance.

In the area of the criminal law, the anti-Sodomy laws (almost universally thought of as outlawing homosexuality) have been repealed in some 13 states (Arkansas, California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maine, New Mexico, North Dakota, Ohio, Oregon, Washington), the latest five of those since March, 1975. Repeals are in advanced stages of legislative enactment, with high probability of passage, in at least four more state, and in earlier stages in at least six more states. To all intents and purposes, these laws have been struck down judicially in two states.

In at least 23 cities, towns, and villages, the country over (including Washington, D.C.) civil rights laws have been enacted, protecting Homosexuals from discrimination in the areas of governmental and private employment, in housing, in the use of public accommodations, in credit and insurance, and in accreditation and licensure (ranging from the issuance of cab driver's licenses to admission to the bar, teaching, and the practice of medicine). Similar enactments are currently expected at the county level in at least two instances, one in a rural area. Several similar laws are before state legislatures. A similar proposal was introduced into the U. S. House of Representatives, with 25 co-sponsors, and is expected to be introduced into the Senate, shortly, with several co-sponsors.

A rapidly-growing number of openly-declared Homosexuals hold elected or appointed public office, including one elected last November to the Massachusetts State legislature, and one who is in the Minnesota legislature.

As a result of a battle initiated by this Affiant some eighteen years ago, and fought on many fronts including the bringing of numerous court test cases, the U. S. Civil Service Commission, on July 3, 1975, reversed its traditional policy of exclusion of Homosexuals from Federal employment. Notable was the elimination of the "immoral conduct" criterion as a basis for disqualification from Federal employment.

In mid-summer of 1975, the Department of Defense granted a Secret-level security clearance to a self-declared, currently-and-continuingly-sexually-active Homosexual (Otis Francis Tabler, Jr.) employed in private industry. This Affiant, as Counsel for that case, was assured by Defense Department Counsel that a reversal of the long-standing policy of routine denial of security clearances to Homosexuals is now in effect.

The combined effect of these two policy reversals is being felt increasingly widely throughout the Government. This Affiant is personally aware of reviews of long-standing policies excluding Homosexuals from employment and denying them security clearances, currently taking place in the State Department and its subsidiary Agency for International Development, and in the Department of the Army (civilian personnel employment; clearances for all personnel) among others.

Recent public opinion surveys indicate a rapid decline in negative public attitudes toward homosexuality and Homosexuals. A Harris poll published within the past half-year or so, indicated that public disapproval of homosexuality had dropped from over 70% to under 40% in the past three to five years. A recent poll taken in the Washington D. C. area indicated that some 63% would not impose criminal sanctions on consensual homosexual acts. The question of homosexuality is being actively re-examined by almost every religious denomination. Virtually every professional organization has adopted policy statements supportive of rights and equality for Homosexuals.

*Franklin Edward Kameny*

FRANKLIN EDWARD KAMENY

District of Columbia:

September 10, 1975

On this 10th day of Sept., 1975, appeared before me in my office Franklin Edward Kameny, known to me to be the individual described in and who executed the foregoing instrument and acknowledged to me that he executed same.

*Anne M. Kouis*

Notary Public

My Commission expires 9-14-78