



Full Length Articles

NUMBER SIX:

THE BREENIGAN AFTER ONE YEAR

Published by Jack Speer,
2034 Kiva, Santa Fe NM;
Postmailed to FAPA 111,
the waitlist, and others

THE BREENIGAN AFTER ONE YEAR

Protelamnes: The Great Breen Boondoggle was mailed out a year ago January. The February FAPA mailing was too soon for reactions, but by May all hell had broken loose. This calls for a review of the matter.

Anapselos: Why do you want to keep talking about Breen? He's been acquitted by a majority of FAPA, and that should be the end of it.

P: Acquitted? You mean found innocent?

A: Found not guilty.

P: A lot of Breen's friends don't think that was the meaning of the reinstatement vote. They think it meant that even if Breen did what Donaho charged, he shouldn't be barred from FAPA on that account.

A: The vote meant that, too.

P: But quite a number of FAPAs who signed to reinstate Breen on the waiting list did so on the assumption that he was innocent. They've said that if they thought him guilty, they'd have voted against him.

A: And others, including some of the blackballers, have changed their minds in the opposite direction.

P: Well, as long as we agree that the question of guilt hasn't been settled--

A: We don't.

P: Anyway, you must know that some of the fans who voted to admit Walter to membership still think him innocent of all or the most serious of the charges. More of them thought so at the time; the tendency is for individuals to decide that the charges are true. You were ready enough to talk about this a year ago, and the question is still not settled. Until it is, you're going to have to suffer through discussion of the Breen business. Walter accepted the benefit of signatures from members who believed him innocent, along with signatures of those who believed him guilty. If he is guilty, he ought to forfeit the advantage he got from those who wouldn't have voted for him if they had known the truth.

A: If there's still a question about the facts, the proper place to settle it was in a court of law.

P: There would have been some advantages in that, but I'd hate to try to explain fandom to a judge and jury. At any rate, although various people, and eventually the Convention Committee, went to the police about Breen, nothing came of that.

A: The police must have found Donaho's case against Breen somewhat lacking in credibility, for they cleared him.

P: I didn't know you thought so highly of the fuzz. If they hadn't "cleared" him, would you take their judgment that he's guilty?

A: That would depend on how the trial came out. But the fact that the police never took it to trial indicates that Walter's innocent.

P: You speak of "the police". Whom do you mean specifically?

A: Whoever investigated the case for the Berkeley police department.

P: Well, the truth is that the detective who investigated, now Lieutenant Baker, wanted Breen prosecuted. The District Attorney's office nixed it.

A: Seems to me a district attorney is more qualified to judge a thing like that than a police detective.

P: He might be governed by other factors than whether he believes Breen did it, such as the difficulty of proving it.

A: Quite so. And if he considered it too hard to prove, we ought to consider it not proved.

P: But if parents such as the Ellingtons aren't willing to prosecute--

A: Parents don't prosecute. The state prosecutes.

P: The state doesn't prosecute if the parents won't cooperate. I can sympathize with parents who refuse to cooperate in a prosecution that would bring widespread publicity. When I was in high school there was a trial of two classmates for rape. They received suspended sentences, and life went merrily on for them. But after the trial the girl and her parents felt they had to move away. For a defendant convicted of a crime involving a small child, things might not go so easily; but publicity's effect on the victim is likely to be just as bad.

A: So now you want to publicize these incidents some more.

P: This Breen business has been pretty completely publicized in fandom already. I wouldn't want it to go beyond fandom, but there's no reason to keep silent here on something so well known.

A: Anyway, you must admit that your case looks weaker than it would have if Donaho had never gone to the police with his so-called evidence.

P: I'll concede that, without the Chicago Tribune modifier. Fandom also drew a blank when someone reported Wetzal to the postal authorities.

A: Well, if the people that complained against Breen couldn't get a legal indictment, how can fandom presume to put Walter on trial?

P: An organization has the right to expel members after giving them an opportunity to answer charges. It has no power to require an answer from the defendant--

A: Nor has a court, under the Fifth Amendment.

P: He's expected to answer "Guilty" or "Not guilty" in a criminal case, and in a civil case to admit or deny. Walter has never done this.

A: We're talking about a criminal case.

P: There could have been a civil case, if Walter had dared to sue anyone for libel. But in the absence of any court case, civil or criminal, there's a pretty good substitute in free and open discussion. Most of the established facts of history, science, and contemporary life are the result of this process. Such a discussion we have had on Topic B these twelve months, and the evidence that has come to light--which may have been obscured by the smoke but has not been contradicted--shows that Walter Breen is a pederast who seeks to use his associations with science-fiction fans to gratify that perversion.

A: All right; go ahead if you must. But I think you ought to call this "the Donaho mess" instead of "Topic B" or "the Breen business".

P: I can understand that you'd like to change the subject by centering attention on Donaho instead of Breen. You'd like to believe that the main question is "Who cast the blackballs?" rather than "What does Breen do with children?" But it won't wash, and the attempt to shift the issue by such devices as calling this "the Donaho mess" is being dishonest with yourself.

A: Well, Donaho is an important issue in any inquiry concerning his charges against Breen. How credible do you think his account is?

P: Until there's reason to think otherwise, I'm inclined to accept anything anyone says.

A: That's all right if there's nothing implausible about the story. But when we're asked to believe that Walter molested or was getting ready to molest a little girl in front of her parents and various other people--well, it's not Breen who's incredible.

P: Sometimes I think all Berkeley fandom is. There are other kinds there, but the core of them are Bohemians, disposed to tolerate almost anything. The people who were present at the incident you refer to have had a year to correct the report in Boondoggle. None has done so.

A: Anything as implausible as that hardly needs an answer!

P: What's implausible about it? Do you think there aren't people in the country who use children sexually?

A: Not in public. This is the egregious incredibility, but the whole Boondoggle report bears evidence of a diseased imagination, and shows Donaho as not to be trusted.

P: He was previously known as reliable and tolerant.

A: Anyone who goes around pecking in windows, literally or figuratively, and writing up deeds he imagines friends and neighbors doing, is an unreliable reporter.

P: In other words, you wouldn't believe this kind of report, no matter who it came from.

A: Say I'd be very suspicious of it. As I would be of anything that purported to lay bare somebody's sex life. We should realize that most people, fankind not exempted, have strong complexes surrounding this once-forbidden subject of sex, and they don't react to it as matter-of-factly as they would to something else. Donaho became infected with pseudo-righteousness and this produced the exhilaration of power that led him to talk about separating Breen from fandom.

P: He's admitted that was ill-advised. I think De Camp summarized the situation pretty well when he said: "One thing you can say for the Con-Committee is that a person doesn't expect to meet with characters like child molesters more than once in his life, so he doesn't learn by experience how to deal with them. And fans can jump up and down and yell that they could have done a better job about it than the ConCom did, but knowing fans, I doubt it." If you have nothing outside the Breen business reflecting on Donaho's credibility, let me ask if you have any reason to question the balance and reliability of the people who back up his account, Alva and Sid Rogers for instance?

A: If they're the one who are responsible for that confusion about in bed or on the bed--

P: No, that was Donaho's mistake. Donaho also erred in describing the boys barricading themselves in their room as if the parents had advised it. That was the boys' own over-dramatic reaction to being told about people like Walter Breen.

A: In the face of such mistakes in what should have been a carefully prepared document, how can you give any credit to Donaho's report of other aspects of the situation?

P: Well, mistakes in reporting are an old fanish tradition, going back at least to the Wollheim-Moskowitz feud after the 1937 convention. If this many mistakes disqualifies a man, there's probably no one in fandom we can believe.

A: You're being flippant about a very serious matter.

P: I don't mean to gloss over the problem. There were errors, yes, but they don't invalidate the incidents as crimes by Brser. Boondoggle has been subjected to a critical going-over from many people, as thorough as a cross-examination on the witness stand would be. I assume that whatever they have not shown to be false is true. Even Walter's allies admit the incidents occurred.

A: You don't see any pattern in Donaho's mistakes all tending to make Walter look worse?: In bed rather than on the bed; into the bathroom instead of into the bedroom; had Poopsie trained to undress for him; and various other things that weren't true.

P: He made one slight error in the other direction, calling the Rogers boy 13 when he was 12. I suppose a natural bias of error tends to run in favor of the writer's prepossessions. The arithmetical mistakes on people's

income-tax returns are on average such as to produce tax figures too low rather than too high. Likewise their errors in reconciling bank statements are biased in their favor, frequently resulting in overdrafts. Opponents of the ConCom- mittee's policies have made errors that tend to slant in their favor too, quite innocently I believe. For example Boardman, among other things that were not true, reported that Boucher was going to host a non-vention. Someone in The Loyal Opposition said Boondoggle didn't mention that Walter and the Rogers boy were watching television, when it plainly did. In QAR Blackbeard, attacking the Tony Clinton incident, gave this version of it, which he had to cancel in the Warhoon reprint: "the boy whom Walter 'followed' to the bathroom went there only to brush his teeth before supper, and the two continued a conversa- tion just inside an open door".

A: You can't validate Donaho by showing errors in others.

P: What I'm trying to do is meet your charge that Donaho's errors of fact are deliberate, intended to make Breen look worse than he is. If a man consciously falsifies with some frequency, you can't trust anything he says. But if you refuse to take a man's word merely because he sometimes errs, that takes in everybody.

A: You must concede that Donaho's account would be easier to defend if he hadn't been shown to be wrong in these particulars.

P: That's true. If the rest of it had been invalidated to the ex- tent that these details were, this whole issue would probably be dead now. But chances are you'll find that many errors in any convention report--even one by Walter Breen.

A: This is no conreport. This involves a man's reputation and the possible future happiness of his family. It should be handled with care pro- portionate to its importance to those people.

P: Okay. Do you have anything to say against the people who confirm Donaho's descriptions, like the Rogerses? Are they unduly sensitive to eccen- tricities? Is there anything wrong with their general powers of observation and judgment, or their truthfulness, telling things as they see them?

A: I don't know about them specifically, but they may fall within these general observations: People sometimes get tired of tolerance and gray- border-area cases, and when they get what seems to be a chance to condemn a person or persons decisively, they jump in enthusiastically shouting "Kill the red monkeys!" There were a lot of people who disliked Walter for reasons not connected with his alleged sexual irregularities, and they were just waiting for a chance to get him. And there are others who are ready to see a homo- sexual under every bed.

P: A year or so earlier, Alva Rogers was arguing that the LASFS was- n't nearly so infested with homosexuals in the Laney era as Laney asserted. Before that, he disagreed in Shaggy with Gibson's thieves-whores-moochers- etcetera article, and argued that fandom should accept and tol- erate various oddballs and Bohemians frowned on by society at large. And FM Busby, certainly one of the antis, a few years ago helped stop a move to blackball Breen from the FAPA waitlist.

I agree that some individuals have frankly disliked Walter for a long time, but they're not the ones who testify to his sexac. The people who do have had to go considerably against their usual bent to condemn Breen. What do you suppose changed their minds? The only apparent thing that happened in the case of Busby was that he received letters from Breen which he is unwilling to release unless Breen sues somebody for libel.

A: I don't approve of drawing implications from the existence of DNQ correspondence. The custom and value of do-not-quote are undermined if recipi- ents of DNQ letters can say, "Well, well, we know" or "We could, an if we would",

Other
Witnesses

or "If we list to speak" or "There be, an if they might", or such ambiguous giving out.

P: So what is your explanation of Busby's change of heart?

A: Rather than try to analyze anyone in particular, I'd like to suggest a motivation that may apply to many of those who want to persecute the unconventional. There's a fairly common story pattern in which somebody has trodden the straight and narrow path, as he deems it, nearly all his life, and goes to heaven. There he sees a fellow come frisking in who broke all the rules in life, and he gets very annoyed at this. There are people like the late George Apley who expect too little of life, and are envious when someone else proves that it's larger than they imagined.

P: Well, that's an interesting theory, but it doesn't seem to fit the individuals we're talking about.

A: I'm doubtful of believing anyone who's taken a strong anti-Breen stand.

P: Which is cause and which is effect? If a person believes that Walter has an active yen for young children, isn't that likely to make him anti-Breen?

A: A person who disliked Breen without any reason that he could acknowledge might invent or eagerly accept filthy rumors about him.

P: Well, if you're not going to accept what his enemies say, will you believe his friends?

A: Anything that I'm asked to believe, I'd rather hear from Walter himself. That shouldn't be too difficult, if he's been as outspoken about his aberrations as some of the blackballers claim he was.

P: If Breen had written you about his sexual activities when you were supposedly on friendly terms with him, would you consider the correspondence confidential?

A: With or without DNQs?

P: Without, let's say.

A: I don't know. I might. But if I became his enemy, I don't think I'd treat his letters as confidential. At least, not when my reputation was at stake, as the reputation of the blackballers is.

P: Really?

A: It certainly is.

P: Anyway, as a friend of Breen with such letters in hand, you'd probably be a little evasive about denying the charges made against him, just as the correspondents who support him in this feud have been.

A: I haven't seen this supposed evasiveness.

P: All right. If a fan says that such letters exist, are you going to insist that you see the original letters yourself, or is it enough that someone you trust says he has the letters; or that someone you might not trust says in print that he has such a letter and this is not contradicted by anyone?

A: Since I'm not an expert on forged documents, it doesn't matter too much about seeing the originals. But I'd insist on direct quotes--not quotes out of context, either. Published generalities about what the letters contain don't cut any ice. In other words, for instance, if the letter appeared in a fanzine letter section verbatim, I'd believe that Breen wrote it, if Breen didn't charge forgery promptly. Or if a fanzine appears purporting to be published by Breen. But a statement, "We have letters from Breen that support our charges", I won't buy that. Let the language of the letters be quoted so we can judge for ourselves. Notice I said I'll believe that Breen wrote published letters. Whether what he wrote was true, or a bit of misplaced humor, I reserve judgment on that.

Concerning Documentary Evidence

P: Now how about witnesses to Breen's verbal admissions and to his acts? Suppose the question whether you believe Breen said something or did something depends on veracity of such a person. The witness doesn't have a movie or tape recording of what he reports, but his account of it is published and not contradicted. Isn't that pretty good evidence that it's true?

A: That depends on a great many things. How widely it was published. Whether people in a position to contradict it have commented on it, or just ignored it. A man isn't obliged to answer every aspersion cast on him, especially not if it comes from a hostile source. Another thing: Countervailing testimony can't be ignored. Les Gerber was close to Walter for a long time and didn't see anything out of line. If you're going to assume that whatever a person says is true until there's good reason to believe it false, you can't close your eyes to testimony like that.

P: No, but we can try to reconcile varying testimony in such a way that no one is flat-out lying, which rarely happens.

A: And people's actions speak loudly too. Isn't something proved by the fact that Ted White and Ray Nelson trust Breen with their children?

P: I don't know. Maybe it is, if something is proved by the fact that the Ellingtons and Boardmans don't trust Breen with their children.

A: I don't know any basis for saying that about Ellington, and John Boardman says that his policy is not specific against Walter, it's just that they wouldn't trust any male not a kinsman.

P: John said: "we would never leave him alone with Karina. ... he has big eyes for my stepdaughter".

A: You're quoting out of context. What he actually said in that letter was, "With children, of course, it's another matter. Walter has visited at our home several times, but we would never leave him alone with Karina. I tend to give a person of Walter's erudition the benefit of several doubts, and because he has big eyes for my stepdaughter doesn't mean that I will forego the pleasure of conversation with him ..."

P: We can't discuss everything simultaneously. I think I quoted what was relevant to the immediate question, namely whether the Boardmans distrust Walter especially. Perdita said: "some of Walter's conduct around Karina, while nothing that I could take exception to, has made me rather nervous".

A: Suspicions don't prove anything, but when nasty rumors are being circulated about somebody, a parent may feel obliged to play absolutely safe.

P: I'm not trying to prove anything by their lack of confidence. But the confidence others have expressed doesn't necessarily prove anything either.

A: All right, so nothing proves nothing. So if you've got evidence against Breen, bring it out.

P: Do I have to prove to you that Walter is a homosexual?

A: I think in common decency you should offer proof.

P: Well, as Avram said, we all know Walter's proclivities. I thought maybe you'd rather take what you considered to be a defensible position, instead of fighting for every foot of ground. Rich Brown, violently pro-Breen, said in PRA, "Walter has admitted his bisexuality in a couple of fanzines". I'm not acquainted with those fanzines, but nobody contradicted this.

A: Bisexual and homosexual aren't the same thing.

P: A bisexual commits homosexual acts. We're concerned with acts. Boardman, who defends Breen as he defends anyone who's under attack, goes along with the bisexual label for him. Then there's Ardis Waters, who in The Loyal Opposition delicately said he's not a compulsive heterosexual.

A: I admit it's common report that Walter is bisexual. But I haven't heard this report from anyone in a position to know. Often something that "everybody knows" turns out not to be true.

P: I know. Fiction is full of instances. This shouldn't blind us to what is generally the case, that what "everybody knows" about libidinous activities is usually true. I agree that we ought to be careful about accepting common rumor. But can you think of any case, in truth or fiction, where somebody has been given a year to deny the accusations, and has spoken frequently on the general subject during that time without doing so, yet is innocent? Actually Breen helped start and spread the idea that he's homosexual, long before Boondoggle.

A: When? Where?

P: Many private conversations.

Homo-
sexuality A: Anything you can prove?

P: Yes: Several years ago, I think it was in Fanac, in reporting how he was turned down for the draft, Breen gratuitously brought up the doctor's accusation that he was a homosexual, and didn't deny it. Previously, in his Tesseract of January 1960, he said this: "speaking as an intelligent Martian free from earthside prejudices, I don't see what you can hold against" a boy-hunting teacher who "finally found some kid he could stick with and who could relate to him, ... got his kicks, making sure that the boy was fully aware of what was going on and that there were no guilt feelings on either side."

A: He went on to say: "I am not sticking up for this sort of thing, or trying to defend this particular teacher--just trying to stir up a little fanfannish controversy."

P: A man would have to be pretty stupid not to see that such remarks are going to make people wonder about him. If he doesn't want the reputation, he can find a way to quickly disclaim not merely defending pederasty but also being one himself.

A: In his position, wouldn't you be embarrassed about whether to deny it? If you did, people might say "Methinks the lad doth protest too much." If this common belief about him stems only from Walter's theoretical defenses of paraphilia, it raises the question, Are we going to inhibit normal people from coming to the defense of deviates by letting the same failing be ipso facto attributed to them?

P: It requires stronger motivation than altruistic defense of the downtrodden, to make a man write a book on the subject and pay for publishing it.

A: Who's published a book?

P: For years Walter talked about a book, Greek Love, which he had written and couldn't get published. Recently a 500-pager by that name appeared, giving the author's name as "J.Z. Eglinton". Here's part of a review in a homosexual magazine:

Although boy love (Greek love) is the year's least likely panacea to find its way as a message to Congress, pederasty is seriously proposed as the new American pastime. The author envisions a grand scale Big Brother system in which the boys will scrap their peer groupings and find themselves a man-type guide and model who will enable them to relate to the adult world. All of this will be "incidentally" sugared with homosexual sex.

Poker faced, Eglinton's book advises us that passive sexual experiences will make a boy a more understanding heterosexual male, but it is not limited to rationalizing the social desirability of pederasty. It includes detailed chapters on the general theory of love, homosexual techniques, "case histories" of boy love, and an historical-literary account of pederasty by era.

Sweeping judgments in the fields of psychiatry and social history are unstintingly furnished, but they seem to rely more on intuition than evidence. The contemporary case histories, apparently included simply because the author knows of them, are random and inconclusive. The historical survey provides a great many poetry translations which tend to be bawdy and very little history, and ironically, the author seems unaware of much of the contemporary literature.

Doesn't that sound like our Walter?

A: Is there any reason to think it isn't J. Z. Eglinton?

P: In 1961 Les Nirenberg's Podium published a letter from a "John Eglinton", which Les identified as a pseudonym. There's a lot of stuff in it about the ancient Greeks. Speaking of present-day homosexuals, he says: "I know one who's married and a rabbi. He got seduced by one of his teenage pupils eight years ago and met him several times a week until the kid got drafted." Now here's one of the teasers in an ad for the book from Amslow & Associates: "Rabbi M., a married man and father of three, was groped and cuddled by one of his young boy pupils. Sex play followed and the relationship continued until the boy was drafted into the army."

A: "young boy pupils" doesn't sound like "teenage pupils".

P: "Young girl" now means a teenage woman. The Eglinton letter in the fanzine also makes these observations: "I think the whole business about the legal age of consent, for girls or boys is crud. . . . a kid should be encouraged to experiment with his friends and decide for himself what he likes. . . . If kids were let free to fool around with each other or with friendly adults, they'd learn quickly enough that there are many ways to have fun. . . . I'm bisexual too, and I enjoy many different kinds. . . . Maybe gay people aren't burdened with wife or family, but they're burdened with having to make a home for themselves and their buddies or with always hunting for someone they can love."

A: Walter may be a homosexual. That doesn't make him a child molester.

P: The code accepted by some of them rules that out, but unless you show that Walter subscribes to that code, it's pertinent to remark that a person who defies society's rules against homosexual acts may also defy its rules against pederasty.

A: In what sense are you using "pederasty"?

P: The etymological sense given in Webster II: sodomy with a boy. Sodomy includes acts per anum and per os.

A: Homosexuals have their standards, and Walter definitely has a conscience about when and where and how and who.

P: Different ones have different standards. We know the limits of conduct that are accepted by normal people. Who knows what Walter's are?

A: Even homosexual society rejects the chicken queen.

P: Maybe. Is Walter accepted in homosexual society, or does he accept it? A man who'd done time for child-molesting said Breen was a confrere of his.

A: The burden of proof is on you, and you should have better evidence than that before you assume that Breen violates the code that's established by the Mattachine Society.

P: Concerning which Walter says: "I cannot forbear wondering when there will be some kind of printed acknowledged reaction against the official Mattachine ('fagdom's N3F') line about gay types going only for over-21 mesomorphs."

A: That doesn't prove any acts.

P: So let's look at the evidence. First, the Poopsie incident.

A: You're wasting your time on that. Even if it happened as Donaho related, that wouldn't amount to child molesting.

P: How young does the child have to be before you consider it child molestation?

A: It's not a question of how old the child is, though if someone tries to molest a teenager against his will the kid's likely to give him a black eye or call cop. It's not the age of the child, it's what the adult does. For one thing, "molesting" implies that he's the "Child Molestation" aggressor. All reports seem to indicate, even Donaho's, that Breen never seduces a young person; the most he's accused of is making himself available.

P: Do you think the Rogers boy asked Walter to put his arm around him, or the Bradley boy asked Walter to cuddle him? The Rogers kid said, "He's all right, but why does he always have to keep touching me and putting his arm around me?"

A: Putting your arm around a child isn't seducing him.

P: Maybe you wouldn't call the attempts seduction because they were unsuccessful. But how do you go about a successful seduction if you don't put an arm around the girl?

A: Be that as it may, there's no dispute about the fact that Walter never forces himself on anyone.

P: You're leaving to a child a judgment which the child isn't fitted to make, considering lack of understanding, inexperience, and possible intimidation.

A: I'm not talking about leaving it to the child. If the parents ask him to, he'll stay away from the child.

P: I'm not so sure. After Danny Curran imposed a ban, George kept slipping out to see Walter. And Walter's reaction wasn't exactly meek. "All I can do is to cuddle him for Christ's sake."

A: If there's anything friends and foes are unanimous on, it is that all parents have to do is tell him to lay off.

P: In most of these doings, there's no adult around to object at the time. And the idea is outrageous that if any parent hasn't specifically asked Walter to leave his child alone, the child is fair game. No child is fair game, even if both parents and child acquiesce.

A: We don't know how serious the incidents Donaho alleged really were, but they concerned children whose parents had heard the rumors about Walter, and if the rumors bothered them, they could have objected to Walter playing with their children, and he would have respected their wishes.

P: It's pretty hard to do that and still maintain friendly relations with Walter in a local club or local group. But this isn't getting "child molestation" defined. I don't like the term. "Molest" means "annoy", but it's used as a euphemism to mean more than that, not sure just how much.

A: You're not going to be able to apply any stronger term to the Poopsie incident, and I don't think you can make even this mild one stick. What people usually mean, when they use this as a euphemism, is unnatural copulation, where it's a boy, and some attempt at intercourse when it's a girl. There's no proof of anything like that. I wouldn't define it that narrowly, but to me it has to involve a degree of unwillingness on the part of the child, either before, during, or after the event.

P: And if pushed to that in order to defend Breen, you wouldn't call a person a child molester unless he used physical force, and what you really have in mind is the man who murders his victim.

A: I said nothing of the sort. I do think in child molestation properly so called, there's an element of cruelty or at least disregard for the child's feelings, disregard of the child as a person.

P: So if the child enjoys it at the time, or is indifferent, this is all right, no matter how much damage is done to his emotional development.

A: I don't say it's all right, but it's not child molesting.

P: You talk as if there were some generally agreed meaning for "child molesting". But we've found just now that there's disagreement in its usage on these points at least: Whether the act is copulation, or handling the private parts, or what. Whether the child or the adult takes the initiative. Whether it's against the child's will. Also, how old the child is. In view of all this confusion, let's stop using this slippery term "child molesting", and look at what the law prohibits.

A: Right. What the law prohibits is unnatural intercourse, whatever that includes; rape; statutory rape; and carnal knowledge of children, an attempt at intercourse. None of which applies to the Poopsie incident.

P: The law also prohibits this:

Any person who shall wilfully and lewdly commit any lewd or lascivious act including any of the acts constituting other crimes provided for in part one of this code upon or with the body, or any part or member thereof, of a child under the age of fourteen years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of such person or of such child, shall be guilty of a felony ...

That's from the California Penal Code, the section cited by the Committee in support of its expulsion of Breen. That gives us a standard to go by in this discussion, instead of trying to grasp the quicksilver of fans' judgments of what, if anything, is impermissible.

A: If there's a difference of opinion between fans and the law, on what is wrongful, I'll go along with the fans. "The law is a ass".

P: Perhaps. But at least we'll get our terminology straight, and you can't pull the Ted White trick of seeming to deny Walter's acts when what you secretly mean is that you think the law is unwise in condemning those acts.

A: All right, but don't go talking as if violation of this section of the California law was the same thing as forcible rape or seduction to intercourse, or even that caressing which gives some light sensual satisfaction is the same thing as producing an orgasm.

P: What has been tagged the Poopsie incident was only one of numerous instances of known sexplay with the girl by Breen, but let's look at it.

A: What are you going to look at? Ellington himself denied that anything happened.

P: He did? When?

A: I believe it was in From the Neutral Corner. He said, "while I found some of his actions mildly distasteful, they were certainly completely harmless".

P: Is that the same document where Ellington said, "Donaho's description, though a trifle overdone to my thinking, was moderately accurate overall"?

A: Let me get this straight. Are you claiming that what everyone acknowledges happened was in itself child molestation?

P: I'm not using that phrase "child molestation". I just point to the statute. Walter wouldn't do these things if he didn't get a bang out of attempting to stimulate children erotically, so he violated this law.

A: But Ellington said Walter's actions were completely harmless.

P: Criminal law is concerned primarily with the nature and tendency of the defendant's acts rather than the harm done in the particular case. If you're citing Ellington to show what actually happened, remember that he describes himself as an anarchist and libertarian, and they raised the child very permissively. His judgment on an occurrence shouldn't control our idea of what happened. If there was any inaccuracy or exaggeration in Donaho's description, some of Breen's supporters would have pointed it out instead of writing evasive things like this statement of Lichtman in Kipple: "I did see Walter Breen in the incident with the Ellington child, as described in the Boondoggle. However, unlike Donaho in his write-up, I did not place such a huge value judgment on it. I don't care to go into details about what happened here in this letter, because I don't feel it is my role in life to spread further stories open to misinterpretation, but this I must and will say: that the child was not at all being 'sexually aroused' nor was she angered by the incident. After all, how could a three-year old be turned on sexually?"

A: All right, we know what he did physically. What did it mean mentally? Seems to me he could have done just what he did without feeling guilt, or imparting any to the child.

P: People generally feel that what they're doing is right. Political assassins act sometimes from the highest motives, and feel no guilt.

A: You think the Poopsie incident is similar to an assassination?

P: You were putting your defense on a tacit premise that whatever is done without a feeling of guilt shouldn't be punished. If that premise doesn't hold in reference to Jack Ruby, it's not a sound one for you to use.

A: It is here, because the essence of sex crimes is guilt feeling.

P: The hell you say. If a man's sane enough to know the nature and quality of his act, he's guilty of it whether he considers it right or wrong.

A: But it's the feeling of guilt that makes these experiences damaging. To the pure all things are pure.

P: Somehow they don't stay pure if certain things happen to them.

A: Forget about the law a minute and tell me the harm in what Walter did.

P: To teach a child that she should let people casually play with her erogenous zones is extremely harmful to her.

A: That's for her parents to say.

P: The question at the moment is whether Breen broke this law, not whether Ellingtons permitted him to do so. Incidents like this seem to be typical Breen behavior, so we can expect him to act the same way when parents are not around to give tacit consent. In another Poopsie incident the only adult watching was Sidonie Rogers.

The
Poopsie
Incident

A: All right, he broke this law. Are you going to say that all laws must be obeyed, no matter how stupid?

P: No, I don't fall into that trap.

A: Laws like this are flouted in California.

P: Not this one. In the annotated Penal Code there are over fifty pages of notes on decisions under this section.

A: Let's look at that law again. What does "wilfully and lewdly" mean in the 20th century?

P: Means it wasn't an accident, nor a doctor making a proper physical examination; and so on.

A: And what, in Jesu's name, is "any lewd or lascivious act"?

P: Do you want the law to be so narrowly defined that people can get around it or find loopholes in it?

A: I want the law to be definite, so a man knows what's prohibited. What is "arousing, appealing to, or gratifying the lust or passions or sexual desires"? If I have a passion for blueberry pie, are you violating this section if you give me blueberry pie?

P: That's where the need for the words "lewd or lascivious" comes in.

A: If a well-developed woman in a bikini parades in front of youngsters at the pool, is she violating this section?

P: No, an "act... upon or with the body... of a child" is required.

A: Some individuals might get sexual gratification from patting a child on the head. Are you going to throw benevolent old gentlemen in jail for patting children on the head?

P: Walter wasn't patting her on the head. There can be no question that what he was doing was sexual. What you're saying is that because borderline cases may come up under a law, the law shouldn't be enforced in clear cases. Nearly any law has fringes where its applicability is uncertain, so you're arguing that no law should be enforced. Which fits in fine with Walter's attitude toward law.

A: The essential question is what was Walter's intent when he rubbed Poopsie with that eraser. When the law starts inquiring into states of mind, it's gone pretty far toward thought control.

P: Does it all the time. The idea of punishing a person for his acts without regard to his mental attitude may have been all right for the countrymen of Oedipus, but the West abandoned it about a thousand years ago.

A: That's fine as a principle favoring the accused. But when the very essence of the crime is his mental attitude, I think it's going damned far for the state to say, "We're going to guess at what was going on in his mind."

P: I don't know what you mean by "the very essence of the crime". The law doesn't punish a mental attitude alone. It sees an act, which may be criminal or not, depending on intent. If you refused to inquire what the actor had in mind, you'd have to turn everybody loose.

A: Not if the act itself was a crime.

P: There aren't many acts like that. Some motor vehicle offenses, and a few others. Even killing isn't murder without malice aforethought.

A: This isn't anything as objective as killing.

P: Well, we seem to have sort of worn that one out. Let's take another, the case of ten-year-old Glen.

A: That was categorically denied by his mother.

P: But she said on another occasion, "Walter and Glen did have sex together, but Donaho had no business mentioning it in the Boondoggle."

A: Where did she say that?

P: It was at Dave Rike's house, in front of him and Metcalf.

A: She and Glen have filed legal depositions denying the accusations in Boondoggle.

P: What do these "legal depositions" say?

A: I don't know; I haven't seen them.

P: You call them depositions, but they must have been merely affidavits. An affidavit is usually written out by a lawyer, signed by the affiant, and notarized. A deposition is questions and answers as on the witness stand, recorded stenographically. Preliminary to a deposition, notice must be given to the opposing party, which here I suppose would be the convention committee, or Donaho, or the state. This is so the opposing party or his attorney can be present to cross-examine the witness. If that had happened, we'd have found out whether the denials amounted to anything. How much of what Glen Boondoggle said was she denying? What would she have said about the corroborating evidence, that there were jokes about the affair in Berkeley fandom, that Walter gave Glen expensive gifts, including a bicycle. These are observable facts, which if true couldn't be safely denied.

A: What do they go to prove?

P: An extraordinary attitude toward Glen. Even benevolent old gentlemen are generally satisfied to get their kicks from giving out nickels, not bicycles.

A: I don't think a person's liking for children, or his generosity, should subject him to dirty suspicions.

P: This isn't the cause of suspicions. Confessions and eyewitness accounts, which you choose to disbelieve, are the cause of suspicion. The bicycle business is corroboration, by a fact which was apparently widely known in Berkeley at the time.

A: I haven't heard any confessions or eyewitness accounts yet. Just general rumor among Berkeley fans, none of whom saw anything worse than Walter's playing with Poopsie.

P: January a year ago Scithers wrote Breen asking about fans objecting to some of his unorthodox pursuits; he didn't name any objects of pursuit, and Breen hadn't seen Boondoggle at the time. Breen answered: "As for my relationship with Glen, it's Instant Family; I've known his mother Marcia and him for a year and a third, and we're quite close."

A: There's the explanation for the bicycle which worried you so. What about eyewitnesses?

P: Well, what would you think if you came into a room with no one else around and saw sitting on a couch with a nubile girl a man with his pants unzipped, who bolted for the bathroom when discovered?

A: What does this have to do with Walter Breen?

P: Have you forgotten the scene described in Boondoggle, where Walter was found thus with Glen?

A: I vaguely recall it. Who's supposed to have seen this lurid incident?

P: Terry Burns.

A: Never heard of him. How did Donaho know so much about it?

P: It happened in his house. Walter and Glen were the only ones there at the time, but Terry and his wife were living there, so Terry had a key.

A: Frankly, I'd forgotten that passage in Boondoggle.

P: The Loyal Opposition, while printing Donaho's account of the Poopsie incident in full, passed over this one with "wherein Walter is supposed to have been surprised on a couch in a moderately compromising attitude with ten-year-old Glen". Post Mortem skipped over the whole Glen liaison with a vague protestation by Marsha that they had nothing to apologize for. When

Warhoon reprinted Post Mortem to readers without other sources, the impression was strengthened that Poopsie was the main point in the indictment.

A: But hasn't everyone seen Boondoggle, everyone in FAPA at least?

P: No, the total circulation was less than sixty, and many of those weren't FAPAns. I suppose the ditto process limited the number of copies; only a few were run the first time.

A: Well, getting back to the Frenzel matter, why would Marsha file a false affidavit?

P: I don't say it was false. But it wouldn't be hard to compose it so it equibblecates.

A: Seems to me that as a mother she'd go to the police if she believed Walter was making out with Glen.

P: Marsha doesn't like cops. She does say--this isn't confirmed by the police--that the police picked up Glen and Walter together and brought them to her to ask if she approved of the association.

A: And she did?

P: Yes.

A: And you think you're a better judge of what's good for the boy than his mother is?

P: Let's just say Marsha hasn't been able to provide Glen a good home, and move along to other examples of Walter's yen for the young.

A: Are you going to try to patch up the Rogers incidents and make something out of them in spite of the hash of contradictions?

P: We've already talked about the inaccuracies in Boondoggle. As a result of the discussion in fandom, we now know pretty well what happened. This 12-year-old boy was getting ready for bed, and was just in his jockey shorts when Walter went in uninvited and made himself at home on the bed. Walter put an arm around the boy and stroked his face, neck, shoulders, and chest. Alva, who had missed Breen from the party below, found them reclining on the unmade bed, Walter's arm around the boy. Alva asked what he was doing there, and Walter answered "Watching TV." When Sid came up, she told the boy to go to bed and Walter to come away, and blew smoke in his face, which infuriates Walter because he's sensitive to it. Alva says, "the entire atmosphere was pregnant with disapproval. Oh, yes, Walter knew he had been a naughty boy and that both Sid and I were mad as hell." But a fortnight later, Walter was holding the boy unnecessarily close on a sofa while showing him a coin book, the kid looking acutely uncomfortable. Meanwhile, Breen had at different times invited each of the Rogers boys up to his place to look at his coin collection sometime.

A: If it had been anyone else but Walter Breen, would those scenes have been cause for suspicion?

Rogers

P: I think I'd have been more shocked if it had been someone else. We know Walter's a creep, but it's hard to imagine anyone else behaving that way. Let me again transpose the thing into heterosexual terms and ask you this: If a normal man invites a young woman up to his apartment to look at his etchings, how probable would you think it, that etchings are all he has in mind?

A: I can't agree that the situation is analogous to Walter and the boys, because you're assuming that to him a boy is just like a nubile girl to someone else, which is the thing to be proved. That's called begging the question, my friend.

P: That equivalence is shown by Walter's statements about boy-love, and the host of other attempts at affairs that have been brought to light.

A: Like what?

P: Seven-year-old George, son of Danny Curran's mistress.

A: What happened there?

P: All we know is, Danny told Walter to keep the hell away, but George would slip out to see Walter, and Danny threatened to call the police if Walter saw George again. There was also the matter of Tony Clinton, where the mother was worried sick after Breen's following him into the bedroom, though she took care of that situation; worried because Breen lived not far away and often came by and would talk to Tony, and she feared might meet him on the way from school. Before they'd heard anything about his sexual peculiarities, the first time they saw Walter playing with kids, Jessie said, "Ed, that guy gets his jollies playing with kids; we'll have to watch him."

A: You're offering these hysterical suspicions of nervous parents as proof of something?

P: Suspicions can be well founded. In both the Rogers and Clinton cases, the parents got the distinct impression that Walter was preparing the ground for seducing the child. This kind of impression is based on a host of details, many of which can't be reduced to simple communicable descriptions. You've no doubt seen a fan at a convention trying to make time with a fanne, and you knew perfectly well what was going on, though you might have trouble describing everything that your judgment was based on.

A: I've also known of instances where somebody thought that X was courting Y, when actually nothing at all was going on.

P: But if X tried to see Y the next time he was in town, as Sticky Fan X did the lad he was pursuing at the Seacon, this would confirm the view that his behavior at the convention meant what we thought.

A: Again you beg the question by assuming that Walter's interest in other male fans is sexual instead of stefnistic.

P: What's your rationalization of the teenager's remark on leaving Breen's place after the first day of a proposed week's stay, "Walter may always be the one who's seduced, but he makes it goddam clear he's available"?

A: Depends on who said it, and why. Who was this mysterious guest?

P: Kevin Langdon, when he was in his middle teens.

A: He may have had no more basis for it than Walter's defiance of convention which Gerber mentioned, by walking around naked when he's at home. Notice that Langdon was on Breen's side in the feud over Boondoggle.

P: I presume he's on Walter's side for the same reason that Ray Nelson and many others are: They don't deny that Walter is like that. They just don't think it's very wrong. Kevin also reported the description quoted in Boondoggle where Breen spoke of mutual masturbation, 69, and buggery, with Glen.

A: You accept it when they say something that can be turned against Breen but you don't accept it when they testify in his favor. You're rather selective, apparently preferring to believe the worse rather than the better.

P: Well, if you won't believe your allies, who will you believe?

A: I believe Les Gerber when he denies that Walter had any homosexual affairs in New York.

P: Gerber denied that Walter had affairs in New York fandom, saying nothing about mundane youths. At the same time his coeditor was publishing this incomplete and unauthoritative denial, Ted White wrote in private correspondence that the affairs of Breen that he knew about were with 14 to 16 year old boys. They could have been nonfans.

Other
Affairs A: Boondoggle specifically quoted statements that Walter had affairs with two young New York fans. Gerber's denial goes to that point.

P: That was letters from Breen to Donaho before Boondoggle, implying affairs with two young New York fans who regarded themselves as "sexual maniacs" rather than true homosexuals, and one letter rhapsodizing about 69ing with one of them and a nonfan friend.

A: All right. This is inconsistent with the report of Les Gerber, who knew Walter very well when he was in New York.

P: I suppose, if Gerber wanted to quibble, there could be some difference of opinion about whether an affair is "in" New York fandom. Come to think of it, if we have to watch that close for quibbles, the New York fans in question didn't live in Manhattan.

A: I think if you inquire, you'll find that Walter was exaggerating. It's well known that people do exaggerate their sexual exploits.

P: They exaggerate exploits of the kind that are approved by the prevailing mores. Men boast about their supposed conquests of women, because this contributes to their reputation for prowess. In the milieu in which Walter was doing his babbling, fandom, conquests of adolescents and pre-puberal children do not gain respect.

A: That doesn't prove he wasn't drawing the longbow. He may be putting people on.

P: If this is as serious a matter for himself and his family as you said, it's long past time for him to announce the joke.

A: I don't mean it that way. As a sometime homosexual, Walter might exaggerate in a different way from most fans. At any rate, the letters are only what Breen said. Gerber reported what he did, and didn't do.

P: Gerber certainly did. He said, "Walter has indulged in some forms of mild sex play with kids, yes, I've known it for years."

A: But not child molesting, Les said in the same letter.

P: And we've seen how little a denial of "child molesting" may mean, since everyone interprets the phrase to suit himself.

A: It's pretty hard to be sure of a negative, which is a vicious thing about charges of this sort. It's been said that a charge of rape is easy to make, hard to prove, and harder still to clear oneself of entirely. That goes double for the kind of charges that are made against Breen. But you can learn what people really think from the way they act, if you're not sure they mean what they say. Ray Nelson probably knows Walter as well as Donaho does, and Ray lets him babysit for them.

P: And Danny Curran said any parent who lets Walter even speak to his kid is crazy; and Joe Gibson threatened to shoot him if he came around.

A: Curran dislikes Walter personally, and the Gibsons are among the most violent antis.

P: Well, why don't you use some antis to help your defense? I've been quoting pro-Breen people to prove the accusations.

A: Many of the people who spoke out against the ConCommittee's action were just turned off by the brutality of the publicity. It's not correct to call them pro-Breen.

P: That's the truth. Ellington said--and this answers your doubt about his mistrusting Walter--: "As, concurrently, Walter's attentions began to be a bit more effuse and Poopsie began to grow from a state of infancy into a little girl, I simply put a stop to it." And when Walter followed Tony Clinton into the bedroom where he'd been sent to change into his sleepers, Jessie hurried in after. These parents are not like the innocents who don't realize that Breen is queer for children.

A: There's one thing you haven't said that I expected you to say. You haven't said Walter's refusal to answer the charges proves him guilty.

P: It doesn't. What proves him guilty is his acts and admissions reported by others. One accepts such evidence tentatively until the accused has had a chance to answer it. Uncontradicted, it becomes conclusive in time.

A: If the reports were contradicted, would you then disbelieve them?

P: If the denials were explicit and full, yes. It wouldn't suffice just to say "Everything Donaho said is a lie." But Bill's report of the Poop-sie incident, for an example, would be refuted by a statement like this: "The only thing wrong with Donaho's description is that I was writing on her tummy with the pencil eraser, several inches higher than he would have you believe."

A: What you've just suggested might very well be the truth of it.

P: Not when Lichtman said in a letter, "Running a pencil eraser, as I recall he did, perhaps once or twice over the lips of her vagina". I'm just giving you an idea of how a denial should read. Answering the evidence on the Glen affair would take longer, but if Breen could make out Terry Burns, Kevin Langdon, and various other people to be liars, then he might make a respectable denial of that affair. The point is that a denial, to be credited, must not be illusory, like the remark in Choate's Purple Prose: "... did not feel that there was anything he did or was likely to do that warranted the kind of action taken against him." Such statements, ostensibly about the facts, depend for their meaning on the private opinion of the speaker concerning what if anything would warrant the action taken against Breen, and depend also on his predictions about what Walter was likely to do.

Form of Denial

A: There have been comprehensive denials from the people who, out of friendship or principle, came to Breen's defense. Fourteen of them signed the statement that Walter was not guilty of the charges made by the committee and implied in Boondoggle.

P: You're referring to the statement signed by the Knights and the Clintons?

A: The others approved it and gave permission to use their names.

P: In fairness to Ellington and others who've admitted some of the facts, I don't think you should call them signers of a supposed denial. Some of the persons named were in on planning the statement, but others, Danny Curran and Carol Chazin, never saw the statement and wouldn't have lent their names to it if they had.

A: Why would the others lend their names if they didn't join in the denial?

P: I imagine that Ellington, for one, doesn't believe there should be any laws concerning sexual conduct, so that by rights no one would ever be "guilty" of breaking such laws. Others, like Breen when he spoke of Boondoggle as containing lies, may have had some inaccuracies in mind.

A: This denial looks categorical to me, and it is signed by the Knights and Clintons, who are as close to things in the Bay Area as anyone.

P: What would a categorical denial mean? What specifically were they denying?

A: That any of the alleged molesting or homosexual incidents or attempts happened.

P: Were they denying that anything occurred identifiable as what Donaho described, or were they giving a different version of the facts?

A: If you believed that nothing like that happened, how would you deny it?

P: First I'd try to get clear in my own mind what I thought really happened. Then if I thought the whole thing a fabrication out of nothing, I'd deny the various acts charged, disjunctively. Suppose somebody sues you on a complaint that you did deeds A, B, C, and D. If you answer that you didn't do A, B, C, and D, the court will throw out your answer because it's a negative pregnant with admissions. You would only have denied that A, B, C, and D were conjunctively true. It seems quite possible in the present case that Miriam might have said, "Well, you may not know about the Glen business, Jessie, but you can deny that it was the bathroom he followed Tony into." So in all honesty Jessie puts her name to a denial that Breen did these other things and also followed Tony into the bathroom.

A: The correction was proper, and relevant. Now what if facts A, B, C, and D are all necessary to make the accused out to be what he's charged?

P: Where several allegations together form a single proposition, a conjunctive denial of them isn't a negative pregnant. But in the Boondoggle, A, B, C, and D were separate offenses, and denying one of them doesn't assert that Walter is innocent. The signers may not have had any one incident in mind that they all denied, and I doubt that they did have any one in mind that they denied in its entirety, since all have been backed up, minus some inaccurate details.

Knight-
Clinton
Statement

A: I think a denial should be treated as a denial.

P: Suppose somebody sues you for assaulting him at a certain time and place with a Colt revolver, and you deny that you assaulted him at that time and place with a Colt revolver. Your denial should be treated as worthless, because you may have used a Smith & Wesson revolver.

A: That sounds like a highly artificial legalism.

P: It's a rule designed to catch quibblers, and much to the point in this case. The way the statement is worded, the Knights and Clintons could even have intended to admit everything except the conclusion that Walter is guilty.

A: I don't see how you can be guilty without doing the acts.

P: You can be not guilty, though you've done the acts, if the law is unconstitutional. A person can believe you're not guilty if he thinks the law violates the fundamental rights of man, even if no court would agree with him. Hence it's better to avoid conclusions like "guilty", if you really want your meaning to be clear, and instead refer denials to the facts.

A: There've been such denials, by Choate and others.

P: I'd like very much to see a denial by Breen himself in the unambiguous terms that Tapscott asked for in the Cult: "Breen has not, to my knowledge, directly denied the accusations presented against him. He has never said, quote, I Do Not Screw Children, unquote. Personally, it would make me a lot happier to hear him make some statement directly pointed at this matter. Let's hear it, Walter: one...two... 'I do not screw (have not screwed) children.' No equivocations on the matter, please; no 'I'm sure I don't know which children I'm accused of screwing.' Just a straightforward, categorical statement on the matter..... Just tell us, out of your own typewriter, whether or not you screw children. It'll help to clear up a lot of misunderstanding, I'm sure."

A: Why should Walter dignify the charges by answering them?

P: Because they're damaging if true, and if not denied they should be accepted as true. People usually tell the truth.

A: Anyone can make accusations. If a person has to answer just because he's accused, he could be kept busy talking about them, instead of devoting his time to positive things.

P: It's worth while to look at what somebody else did when he could have treated accusations with lofty silence. When Harry Hopkins was asking the Senate to confirm him as secretary of commerce--a favor comparable in its way to FAPA's admitting someone to membership, something that's expected and yet which the group has the right to withhold--the story was dug up and recirculated that Hopkins had once said "We shall tax and tax, and spend and spend, and elect and elect." The newsmen who had reported it wouldn't reveal its source, so Hopkins could have ignored it. But he knew the country was buzzing over this false quotation, so he didn't duck behind any presumption of innocence, or say "It would be a bad precedent to reply to irresponsible charges", or "See Heywood Broun's column for denials". He said, "I deny the whole works, and the whole implication of it."

A: Sounds like a negative pregnant to me.

P: It has the imprecision of vernacular. But at least it came from the one man who would know he never said those words, and so could be held responsible for the denial. We haven't even a categorical denial from Breen.

A: I'd imagine that he assumes since he was acquitted by FAPA, he doesn't need to answer the charges.

P: Why no denial during the months his status was in the balance?

A: Pride, and anger.

P: I have known men accused of something to wait until they were vindicated, and then answer the accusation or promise not to repeat the offense.

But to leave it permanently in doubt is no favor to friends. The past several FAPA mailings, different people have said, "Let this be Breen the last word on the Breen question", but it's never the last word. Denials Several people have said that they're about through waiting for a denial. An innocent man would have denied it by now. If the charge is true, he should have said something. Maybe acknowledge that there's a problem, but say, "I think I have it licked now, and you can depend on me." Hell, he wouldn't even have to take responsibility for it; he could blame it on his brain damage.

A: A man in such a position often prefers to let someone else speak for him. Walter has expressed approval of Choate's Post Mortem. Possibly the reason there's been no denial from Walter himself is that while he could deny the most serious charges, he'd be tacitly admitting those he didn't deny, maybe some homosexual conduct; and he thinks--mistakenly perhaps--that it's better to leave the whole subject in doubt. You can hardly expect him to say, "Yes, I did it, and I'm sorry", when "it" is five-to-twenty years' worth of illegal.

P: If that's his reason for staying mute, he can break silence now. The statute of limitations is 3 years in California, and in New York it's 2 years on consenting adults. Statute of Limitations

A: Plus any time he's been out of the state.

P: Far from having any denials of the gravest charges, we have in Greek Love virtual admissions. At any rate, any denial has to be reconciled with his writing that book.

A: Without conceding that Breen is Eglinton--

P: You'd better concede it. Some of the case histories in the book are identical with cases he told Berkeleyites of in connection with his manuscript.

A: --I want to object to such a limitation on free discussion. As long as a man doesn't translate his ideas into action, he should be free to discuss anything he wants to; otherwise we may choke off the free interplay of ideas that's necessary to keep ours a progressive society.

P: One can't help wondering, though, if Breen-Eglinton believes that it's good for boys to be initiated by men, why shouldn't he put this into practice among the boys he's close to?

A: Authors of raunchy books have often disappointed women who flocked to them, by saying "I'm happily married, and have no desire to act like a character in one of my novels."

P: Also along the line of admissions, there's a clumsily physical love poem by Breen in QAR, entitled Albertine Disparue. One reason it's clumsy is it avoids pronouns that would indicate gender, but it speaks of Breen and his love-object as like "Whitman's pair", and curses the parents that parted them. He told some Berkeley fans this referred to a twelve-year-old boy, and gave them a detailed history of the affair.

A: "some Berkeley fans". Name a particular Berkeley fan who can confirm this admission.

P: Ray Nelson.

A: Over against mere talk like that, I'd put the fact that Nelson trusts him for babysitting.

P: While we haven't heard from Walter himself in answer to the charges, we do have an apologia from Prentiss Choate, who was in his co-auditing group and presumably knows everything aberrated about him. In Post Mortem, Choate obviously wanted to defend Breen, so far as he could consistently with honesty. Here's his denial, first talking about Bill Rogers: "But, it may be said, doesn't this coupled with the 'cuddling' incidents establish a good presumption that Walter was trying to seduce Bill? No, it seems to me that the aura of fear and loathing surrounding Child Molestation creates anxiety over

actions that in a different context would be no cause of concern to anyone. The other day I put my arm around one of the office girls. Choate I admit I find her rather attractive, and if various practical Defense considerations hadn't stopped me I might have tried to make her. But as it was I simply put my arm around her. # So Walter is attracted to children. What of it? A damn sight more of us have sexual attractions to children than we normally admit to each other or even to ourselves. The entire issue is, how much does a person have control of his impulses? And, in all the dirt that has flied so thick, I don't recall ever hearing Walter accused of molesting a child in the face of express disapproval on the part of the child, parents, or anyone else close to the scene." Does this statement deny any of the charges made in Boondoggle?

A: Not that I see. What indication is there that Choate felt it was his duty in this passage to deny anything?

P: If you're trying to defend a man against charges, you don't leave anything undenied, such as the Glen affair, if you can say he didn't do it instead of arguing that it's not so bad. In a somewhat different form, Choate restated this yes-but position in Purple Prose: "What on earth right have you, Bill, to assume Walter would seduce a kid without the parents' permission if he got him alone?"

A: That's neither a statement nor a denial. It's a question about something Donaho said.

P: But notice how it's qualified. Someone speaking for a man who wouldn't seduce any child would have omitted "without the parents' permission"; and in view of Walter's statements about never being the seducer, "seduce" looks like a weasel word too. Thus Choate is not denying anything that might have been done by a person putting the book Greek Love into practice to the fullest extent. At the expulsion hearing Choate admitted Breen's acts as charged, but unfortunately no one got a tape recording of it.

A: Don't you think you're setting a dangerous precedent by condemning this individual even if you're personally convinced that he's guilty? Civil libertarians fight most of their battles for men who are guilty as charged, but they've been denied a fair trial for one reason or another. It seems to me that people who voted to reinstate Breen while believing him guilty --and I know there are some--are on solid ground in their attitude that he must be treated as innocent so long as guilt hasn't been duly proved. By upholding the rights of the guilty, we protect the rights of the innocent.

P: We aren't talking about sending Walter to jail.

A: You're talking about throwing a man out of FAPA and other groups after a hullabaloo that would follow him wherever he goes, in society and on the job. You might destroy his livelihood. There's not so much difference between that and some criminal penalties.

P: Maybe the question here is whether it's practicable to apply the rules that safeguard persons arrested for crimes, to other situations in life.

The
Appropriate
Standard

I think that as many of those safeguards as possible should protect a man against severe penalties, including loss of a job in a specialized field where he's invested years of his life. But even that close to criminal penalties, it's hard to apply all the safeguards. A fellow's employer calls him in and says, "I hear that you passed a draft of the coal bid to our competitor. Unless I can be satisfied that this is not true, I'll have to let you go." Is it feasible to insist in those circumstances that he have the right to confront the witnesses against him, and require them to submit to cross-examination and inquiries into their credibility?

A: I certainly think he should have that right.

P: Well, I think it's desirable, but I see some difficulties. If you insisted on such rights, the boss might find a way to get rid of the man without ever letting him know why. But now let's look at the other extreme. You're not going to require proof, as in court, before a parent can forbid his child to see someone the parent disapproves of.

A: No.

P: How about blackballing from a fraternity?

A: You know what I think of that. But I agree there is a borderline area, and less proof is required for less important actions. If the Breen scene had been handled quietly, not as much proof would have been required. But the more you have depending on a decision, the more care should be exercised to make sure the decision is right. By the time the vote to override the blackball came up in FAPA, a great deal was riding on it, because of the publicity given to the matter.

P: Are you conceding that something less than conviction of a crime would have sufficed in FAPA?

A: No, I'm not. The legal remedy should make expulsion unnecessary in cases serious enough to warrant expulsion otherwise.

P: If we can't send 'em to jail, we shouldn't expel 'em?

A: That's about it. What standard of proof can there be, except what the law requires?

P: Well, you're putting an awfully heavy burden on people who want a fan expelled. It probably couldn't have been sustained in the case of George Wetzel. To convict someone of a crime, you have to prove every element of the crime beyond a reasonable doubt, to the satisfaction of each of twelve jurymen. Even in a perfectly clear case, something could easily go wrong so that the

accused went free. Moreover, in order to get prosecution, you need a district attorney who feels confident that nothing will go wrong. It could end his political career if he filed an information on such a sordid charge, and then failed to get a conviction. It's very hard to get a conviction without the cooperation of the person injured or his parents, and most places they have a flat rule against attempting it. At any rate, if you can make the "conviction before expulsion" rule stick, you put pressure on fans to seek a criminal prosecution of another fan who otherwise wouldn't have been given that police record. This is a transgression of Ackerman's Law, which says that we settle things among ourselves without resort to courts. Most of us give some force to that principle, but the ConCommittee went to the authorities on Breen because they were under such a gale of criticism from those who were trying to do Breen a favor. Clintons, for example, urged them to go, and promised to back them if they did so. I feel otherwise, because I think fanish spontaneity is dampened by increased risks of legal consequences.

A: I never said you had to try for a conviction, till you put the words into my mouth. But I do think the proof required for an expulsion by fans should be proof that meets the legal standard.

P: Actually, we don't know but what the proof is sufficient by that standard. All we know is that what was submitted to the DA's office over a year ago didn't result in filing an information. Which legal standard do you mean, anyway? There's a legal standard for proof necessary to put a man in jail, and there's a different legal standard for proof necessary to keep someone out of jail or prove truth as a defense to libel. Apparently the proof available against Breen is sufficient to satisfy the second standard; anyway, he has never sued.

A: There are many good reasons for an innocent man not to sue for libel. But Donaho accused Breen of committing crimes, so the standard of proof appropriate to crimes is the one to apply.

P: It wasn't applied in the Wetzel case.

A: He wasn't accused of a crime.

P: Oh, what Wetzel's supposed to have done broke a few laws. Anyway, how can you say the proof came up to any particular standard, when Wetzel was never even given a chance to answer the charges?

A: Ordinarily a man is entitled to a hearing. I didn't like what we did there, but it wasn't feasible to grant him a hearing. The first step, notice to Wetzel, would have been the signal for him to make all kinds of trouble, serious trouble for innocent people, writing to their employers that they were Communists, and so on.

P: I don't disagree with what you say, but it shows that the beautiful simplicity of your idealistic position gets ripped here and there when you come up against facts like the existence of Wetzels in the world. And Breens.

A: Breen isn't trying to destroy fandom.

P: Oh, now we get another amendment to your statement of principle. Anyone accused of a crime has a right to a fair hearing, if it's feasible to give him one, and if he isn't trying to destroy fandom.

A: What reason can you suggest why Breen shouldn't have a fair hearing?

P: Oh, that's not the question. He's been getting that, this year past. My point is the very general one, that different people have different qualifications they put on the original simple rules. If you stand for absolutely free speech, you can oppose such revisionists a lot more effectively

Ackerman's
Law

than if you want to put your own qualifications on it, but reject theirs. "Absolutely no sanctions unless the evidence is strong enough to convict him of a crime" is a rule you didn't apply to Wetzel, and your suggestion that it didn't apply to him because he sought to destroy fandom is pretty thin, especially when he had no more chance of succeeding than the CPUSA has of overthrowing the government by force and violence.

A: You lost me there, boy.

P: Well, back to Breen: Suppose, to make it concrete, that Breen did an Oscar Wilde and sued the ConCommittee, and the jury decided against him; suppose that in answer to a special interrogatory the jury found the accusations against Breen to be true, by a fair preponderance of the evidence. Do you think fandom shouldn't accept that finding?

A: I don't think the tissue of rumor that you've presented to me comes up to even the civil standard of proof.

P: If the matter went to court, it'd be possible to subpoena witnesses who're keeping mum now. Others, whose reports we've only heard about informally, would be giving them as sworn testimony. If there are weaknesses in their reports, of course, these could be exposed. But also, fen who seem to have denied knowledge of Breen's misdoings could be asked about his admissions in their presence, and about corroborating circumstances. With the aid of a court, I think a pretty convincing case could be made.

A Fair
Preponderance
of the
Evidence

A: That's conjecture. All that we actually have now is the kind of evidence you're having to rely on.

P: Which is stronger than we had in blackballing Wetzel-Lance.

A: Some of this confuses me, but there's one thing I want to know. What's happened to the people on the anti-Breen side who a few years ago were saying every man should be presumed innocent until proven guilty?

P: At the height of the McCarthy hysteria, some liberals were clear-sighted enough to say that their friends who were basing everything on the presumption of innocence were pinning themselves to the wrong principle. The McCarthy violation of that was merely incidental to his far more serious assaults on the Bill of Rights. The Fifth Amendment and the presumption of innocence were inadequate defenses against those abuses. The rule that the burden of proof is on the accuser is a good one, and should be maintained. But it won't save us from dictatorship, and it isn't the Holy Grail.

The
Presumption
of Innocence

A: That's no reason to ignore it in this case.

P: I think we're observing it here. Certainly we haven't just said: "Breen is accused of the following: ... Now let him disprove it." But being proved guilty in fandom for fanish purposes isn't being convicted in a law court. How could it be? Who'd swear the witnesses, who compel them to answer questions? Proof, for all fanish purposes, is simply convincing fans that the evidence preponderates against the person accused. The medium in which this is done is fanzines, correspondence, and conversations, with each fan a jurymen. If the thing is proved by those means to the satisfaction of the jury, what more should be required for us to act on that conviction?

Trial by
Fanzine

A: S-f fans are almost by definition people who hold unpopular views, and they don't want probers scrutinizing their activities, no matter what the justification.

P: And because of that, they won't support inquisitions by committees or others except in extreme cases. But this is an extreme case. We've never before had a fan who thought he could act as if 20th-century fandom were the fruitiest level of fifth-century Greek society. That's as out of touch with reality as Degler and Bratton got.

A: Breen has been certified sane, and that should be good enough for us. You start an inquest into people's ideas, and propose expelling them on the pretext that they're crazy but really because you just don't like them, and where are you going to draw the line? We're all kooks; Walter is just a little kookier than the rest of us. If we put Breen on trial in the fanzines for alleged pedophilia, and in pursuit of that charge inquire into every instance where he's petted children, what won't be inquired into next?

P: You can't avoid drawing a line by excusing Walter Breen; you still have to draw it at some things that can't be tolerated. A poll that was answered by nearly a hundred fans last year indicated that most of them would favor organized fandom getting rid of a fan for some things he might do.

A: As I recall that poll, the acts most respondents indicated are enough were acts which are crimes anyway. I might go along with the idea that certain crimes justify action against a fan, but it should be legal action. If the Pacificon Committee had the right to expel Walter on moral grounds that were not sufficient to support legal action, then any group temporarily in authority in fandom can pass judgment and take action against anyone for what it considers sufficient grounds, regardless of the fact that the grounds wouldn't support legal action.

P: You're speaking of grounds now, not a problem of proof?

A: I don't get the distinction.

P: The grounds, simple sodomy, are quite sufficient to support legal action, may a concom therefore expel him?

A: Only legal action should be taken. We don't choose concommittees to act as moral censors.

P: Do you really think the Pacificon precedent is going to cause a rash of officiousness in fandom?

A: It would have if it hadn't exploded in their faces. The great majority of fandom coming out against the committee pretty well destroyed its effect as a precedent, though there's still some danger that an unpopular fellow with few friends to fight for him might be expelled on inadequate grounds.

P: He wouldn't lack defenders. There are fen who automatically spring to the defense of anyone attacked, no matter how wrong he is.

A: Somebody has to.

P: In fandom, there's no shortage of those who'll defend the unpopular view. What are frequently in short supply are fen to point out the validity of standards that are conventional in society at large.

A: They were in noticeably short supply a year ago. Donaho and his handful of supporters were stunned for months.

P: They had apparently accomplished the immediate steps of expulsion from the Pacificon Society and removal from the FAPA waitlist. Then some noisy guys rallied round the fag and created the impression that the majority was on that side. This gained some neutrals, caused wavering on the committee's side, and kept other fen still;

Digression:
Majority and
Minority

because most people, even we, don't like to be with the losers in a showdown. There was also a serious threat that some of Breen's supporters, who were old and tired fans, would withdraw from fandom if he lost, and that influenced some.

A: When they felt so strongly, that was legitimate pressure.

P: Anyway, the impression that most stefnists were on Breen's side was somewhat exaggerated. False claims were made to the support of a number of people, including pros, while the prosecution didn't publicize the many authors and editors who supported it against Breen.

A: I haven't taken any nose-count that would include the pros, but certainly the majority of fans were against you.

P: Were they? There were some plans on your side to bring this issue up at the Pacificon business meeting, but they were dropped, and probably because you realized you couldn't carry a motion. By contrast, when a motion was made at the Nycon to reverse the Exclusion Act, Psykora was enough afraid of it that he wouldn't recognize it.

A: You should have said "the first Exclusion Act". This is a second.

P: Wollheim doesn't think so. He was the prime target of the original Exclusion Act, and he says there's no valid comparison with Breen.

A: Wollheim is pretty conventional in non-political ways. No move was made at the Pacificon II because there were a lot of outer-circle fans there, who wouldn't know the score and couldn't be informed in time. But FAPA upheld Breen resoundingly by the special rule overriding the blackballs.

P: That was a tactical victory only. By admitting nothing, Breen's partisans put together a majority consisting of a minority who were uncertain about the facts and another minority that favored tolerating anything--though I suspect many of those who say they favor tolerating anything would feel differently if the facts were clear. As someone on your side remarked, there was no clear mandate in FAPA's action, because of the different reasons behind the signatures of different members.

A: Well, you can't deny that Donaho was badly defeated for TAFF.

P: Every politician knows that being noncontroversial gives a candidate a tremendous advantage over a controversial one. That's why politicians seem to be so faceless. If Ted White hadn't withdrawn, or Breen had been a candidate, you'd have seen a different result from the standpoint of Breenigan lineups.

A: You talk about lineups, absolute this or absolute that, but some of us aren't lined up; we're in a moderate position. It might be easier to argue from an extreme position, and I'd like to take that for a minute and ask if such an apology as "not so bad" is called for. The ideal that Walter has in mind, a society without guilt feelings, where everyone is friendly--

P: And frequently does the friendliest thing two people can do together--

Omnisexual Idealism

A: --is not despicable. The only trouble is, the world is nowhere near it.

P: If everyone were also responsible and kind, society might be tolerable under such conditions. But everyone is not; least of all Walter Breen, whose heterosexual affairs have been marked by a lack of responsibility and consideration. Incomplete idealism can be worse than "we're all corrupt" realism. Someone starry-eyed over the great homosexuals of history keeps himself from seeing that in the 20th century--as in all other times--many more cases of sexual and other maladjustment in adult life can be traced back to a sexual episode with an adult during childhood.

A: And others to experiences within the ambit of "normal sex".

P: Society attacks the causes wherever it can isolate them, poverty, immaturity, alcoholism; certainly it doesn't try out of misplaced millenarianism to cultivate them, as Walter advocates with his promotion of pederasty as a panacea.

A: Leaving the millennium and panaceas out, it's not as clear as you might like to think, that homosexual experiences are bad. At any rate, for born homosexuals there's no other outlet, and it seems more reasonable to accept this than put them away for something they can't help.

P: I don't think there are nearly as many born homosexuals as there are kids twisted at a susceptible time.

A: The cause is more often parents who reject a child, than it is a homosexual seducer.

P: Anyway, a bisexual like Breen doesn't even have the excuse that he can't help himself. When he engages in homosexual activity, it's in cold disregard of the welfare of others.

A: Not so. Walter really believes in his theory. If he's wrong, it's an error of judgment. Since when was a sincere error of judgment a cause for condemnation?

P: A moron behind the wheel of a car can commit manslaughter due to an error of judgment. He may not be morally at fault, but I don't want him driving on the streets where I drive.

A: But you were saying a while back that no act is bad in itself, the law should look into the actor's mind to judge the quality of the act. Do that, and you'll find that Walter believes there's no psychic harm in giving a child a bisexual orientation.

P: Walter can't give a boy anything but homosexual orientation. As for the mental component of an act-that-may-be-criminal, there's a distinction between ultimate motivation, and knowledge of the immediate nature of the act. A man may murder children on the theory that they're certain to go to heaven if they die before they sin. Nevertheless he knows he's killing them, and the law says his religious ideas don't affect the fact that it's murder.

A: So much for the law. But when we're talking about it as a social question--Walter's attendance at conventions, his membership in FAPA--we should apply appropriate principles of judgment, one of which is that a man doesn't deserve ostracism for doing what is right by his own lights.

P: All right, but consider this also: These kids are not competent to decide what's best for themselves. Since parents usually don't know about it until it's happened, the only person of an age of discretion who can consider what's good for the kids is Walter Breen. His standards of Sincerity value are so different from most people's that he ought in all humility, if he has any humility, to realize that his judgment may not be a good guide for action. But he not only assumes to apply that faulty judgment, he decides whether to go after this or that child when whatever discretion he has is clouded by his own desires. This is self-indulgence rather than the disinterested application of ideas about what is good for the other fellow. It's too much like a rapist justifying himself by saying: "Virginity isn't good for girls."

A: There may be a quality of selfishness or exploitation, but we haven't yet started putting people in jail, or keeping them out of FAPA, because of selfishness or lack of consideration for others.

P: Not for those qualities in the abstract, no, because they come in an infinite variety of forms. But those qualities are the essence--to borrow your word--of most crimes, and when the acts fit a pattern which society has decided to recognize as a crime, we do punish people for basically those very

faults. When we send a man to jail for conning an old couple out of their savings by a fraudulent scheme, it's because he selfishly put his desires above their rights. If he brought about the same result, loss of the money, but was acting in good faith, we don't send him to jail. Walter's acts are such as constitute well defined crimes, and his mental set is ethically wrong. I see no defense for him legally or morally.

A: Who are you to pass judgment?

P: This judgment on such acts is concurred in by people who defended Breen on the basis that he didn't do it, or it hadn't been proved. Where the law expresses the consensus of the majority, it's not presumptuous to condemn a man who violates it.

A: Does the law express such a consensus in this case? The legal definition of "consenting adults" stops at age 21. The decisive sexual experimenting that people do generally occurs before that time, with contemporaries. I think most people would feel that consent by a 20-year-old, say, takes away much of the opprobrium that attaches to homosexual acts, regardless of what the law says.

P: California law does regard fellation more seriously when one is under 14 and the other is more than ten years older. But this doesn't mitigate Breen's offenses, because it appears that he has always chosen homosexual partners more than ten years junior to him, and frequently under 14. He once said that a 16-year-old Californian was past prime, though this may have been pique because the lad turned him down. 16-year-olds have been good enough for him at other times.

A: A 16-year-old knows what he's doing.

P: Sure, but that's not the question. The question is how much judgment such teenagers have, and you know how little that is for many of them. Also, their feelings are still plastic, and the operations of an adult queer can do a lot of permanent damage at that stage.

A: So can a heartless woman. Does the fact that California has defined an offense make the offense deserve private condemnation more than one that the law can't define but everybody understands is ethically wrong?

P: The law tends to nail it down.

A: But you wouldn't say you thought laws should always be enforced.

P: My attitude toward the law might go something like this: When most people and I agree with the law, which is most of the time, I favor its enforcement. When we're not sure, I favor its enforcement. If there's a law that we think is wrong but can't be evaded with impunity, someone who's caught breaking it should be condemned as a fool but not as morally degenerate. If the law we disagree with is unenforceable in nearly all cases, I have no respect for it. If I'm in a minority in thinking a law wrong, I'll try to evade it myself, and I won't condemn those that get caught.

A: Why, this sounds just like the principles that Walter Breen might use to justify himself.

P: This has nothing to do with whether such a response to a particular law is justified, in the sense that it's justified in the opinion of people in general. I'm just describing the way an individual reacts to laws. If there's a consensus of society on the other side of a law I disapprove, and they catch me breaking it, okay, I take the consequences.

A: But if this is a sound attitude, then there's no reason for Breen to submit to the judgment of fandom.

Role of the Law

P: Not if he can help it. I never pretended that Breen was obliged to cooperate in his own expulsion. As far as I'm concerned, there's no common ground between us and Breen. When you think that of a person, you don't try to reach agreement with him, any more than you do with any criminal.

A: What such a person needs is treatment, not condemnation.

P: Do you have any practical proposals for treatment?

A: I don't think Walter needs any now. God almighty, Protelamnes, the incidents you've been referring to happened years ago if they happened at all; they were years old when Donaho exhumed them. Walter is happily married now to a wonderful girl, and there's no reason to think anything he may have done in the past will be repeated.

P: A great many child-molesters are married men. Let's look at the dates on some of Walter's exploits. The Poopsie incident was in the summer of 1961. The fall of 1962 was when he was found with Glen on the couch. It was in 1963 that the Clinton and Rogers incidents occurred. Early in 1964, after that remark about Glen being Instant Family, Breen spoke ardently of the woman who was on her way to Berkeley, and said "Thank the gods she is nonjealous". Greek Love was published in October 1964 by Oliver Layton Press, which also publishes the International Journal of Greek Love, a new magazine of which the editor is supposed to be Walter Breen.

A: Where'd you get that information?

P: Very unreliable source: hearsay from an unnamed homosexual friend of Walter's. But probably true. Oliver Layton Press seems to be owned by Bashlow, Breen's employer in the coin business.

A: I don't believe it.

P: Have you noticed any penitence toward the crimes he's committed?

A: Assuming for the sake of argument that he has committed some, why does an unsuperstitious scientifan want him to show penitence?

P: At this late date, I don't. I just don't see any change of heart.

A: I don't expect a man to come out with a copious mea-culpa in most instances. I tend to be suspicious of the one who suddenly puts on sackcloth and ashes. Breen may very well have had many secret doubts about his supposed way of life, doubts which have culminated in his marrying.

P: Doubts? When he boasted to Owen Hannifen, on first meeting him, of Poopsie's sexual precocity? When he ranted so at society for not accepting the pederastic panacea, that Paul Goodman refused to write an introduction for the book? There may be doubts back of such conduct, but it's pure speculation; you might as well speculate that Mississippi sheriffs have secret doubts while beating up Negroes.

A: That's a loaded comparison if I ever heard one.

P: It only seems loaded because public morality has so far surpassed private morality.

A: How could Walter have gone about renouncing the old way of life, in the situation where he was under ferocious attack because of it? An attack such as Donaho made just gets a guy's back up, hardens his stand.

P: You assume it was possible to nudge Breen toward changing. I think not.

A: You have to allow a little dignity to people. Your "Capitulate!" attitude may close the door to a change by degrees. Remember in The Caine Mutiny when Captain Queeg went as far as he could in apologizing

Disavowal

for a mistake, and the junior officers turned the cold shoulder? Walter has gone that far, in his auditing, and in his acceptance of the square institutions of marriage, home, and parenthood. Maybe he can't go any further right now and keep his self-respect.

P: Self-respect or self-esteem, a man has to admit he's wrong and want to change, if he's to break away from something like this. He can't do it while protecting his precious self-satisfaction.

A: Change goes on all the time, whether we will it or not. What would you have Walter do to satisfy fandom that this is behind him, without confessing himself into jail?

P: He could, without admitting he's been guilty of anything, express disapproval of pederasty if he does disapprove.

A: A blanket condemnation of it would require a conscious shift from the views he defended in his Tesseract. How would it be if he just declared that he himself would not, meaning hereafter, engage in certain activities?

P: He may not be able to control it, but if he made such a statement it might help. Or he could set up a situation where someone asks him, "Will you abstain from sex with people under the age of consent?" and Breen could just answer "Yes." Don Fitch invited him to do so, more politely than Scotty; and Nan Rapp asked for a similar assurance by letter, and didn't get it.

A: And if he won't say this much, you'll not forgive him?

P: "forgive" has a presumptuous sound.

A: It does. No human being should judge another. You or I might have become homosexuals if we'd had different experiences.

P: Had our environments been different, we might have become sadistic murderers. Are you asking that no crime be punished unless it can be proved to have originated in free will?

A: Call this simply the compassion due from one creature to another. Everyone has at some time needed dispensation from the consequences of his mistakes. Even the pillar of the community--I mean it, the fellow Dispensation who's always ready to help, petition-carrier, family man, scout-master --until the night he grabs a junior-high girl and tries to fondle her. Walter Breen isn't all that, but he's a fellow-being, who suffers as other people suffer.

P: He's a spoiled brat who suffers terribly when he can't have his way. Did Gibsons tell you about the tantrum he threw the girls in the U Cal admissions office till the campus cops took him away?

A: And anyone who's done that is beyond forgiveness for anything.

P: The time for forgiveness is when there's a wish to reform. I don't believe in forgiving and forgetting just so he can go out and do it again.

A: One of the worst features of entering on an inquiry into the morals of people is the dredging for muck. Look what it does to the personalities of those who conduct the search: Donaho and his crew turn into Inquisition sanctimonious busybodies, and fandom is titillated with speculation about how close the pencil came. You poison innocent relationships; fans are only half joking when they say they look around now before answering a little girl. Next we'll be raising our eyebrows at the President putting his arm around a Congressman.

P: It'd be better if we never had to bother about such things. It'd be better if there were no Humbert Humberts and their homosexual counterparts. But since there are, should we close our eyes to them?

A: What have we gotten into when we start inquiring into people's sex life? Everybody has something he's ashamed of. Every man has at least masturbated, and probably engaged in voyeurism or other things he wouldn't like to have dragged into the light. Are we going to dig up all that dirt, to see if there's something still worse in it?

P: No, but when we're hit in the face with a lump of dirt, it may be a good idea to look to see what else may come from the same source.

A: Suppose I were to agree with you that child-molesting or pederasty should be condemned. Does it follow that we should do something about it when it turns up in fandom? In this imperfect world, there are many activities we disapprove of, but we aren't knights errant riding out to right all wrongs.

P: I don't go along with the "obligation to society" theory where it conflicts with my own best interests, and my own best interests may include just not getting involved in something as snarly as this. But if someone else sticks his neck out on behalf of the public interest, we ought to support him instead of wondering about his motives.

A: Do we have an obligation to society to throw out the Dope Peddlers, etc.

P: I don't know the details, and those might influence me, but on the basis of some people's assertion, "There's a dope peddler in Bay Area fandom", my inclination is to answer, "If there is, prove it and throw him out too."

A: If there were bootleggers, would you say the same about them?

P: Probably not. There's a large difference of degree between dope pushers and bootleggers.

A: You can't insist that everybody draw distinctions of degree at the same places where you do.

P: No. There may be some conduct I'd like to condemn, that I can't get a substantial majority to agree on. But where there is a consensus, and I agree with it, I might join in action taken thereunder. There is a consensus on pushers. There's also a consensus on pederasts. There isn't such a consensus on bootleggers, despite the law. What do you think? Would you break off with a fan you found to be a dope peddler, but not with a pederast?

A: I'd probably tolerate both. I doubt that there's a consensus in fandom against either. You've made much of the fact that different FAPans signed the special rule for Breen for different reasons, but his opponents are equally varied in their reasons.

P: That's true. But Breen has committed such a variety of deviant sexac that everybody has good cause to be against him. Meanwhile your people are so scattered that they won't tell each other what they know.

Digression:
Lineup

A: There are several legitimate reasons why people who're opposed to the attempt to get Breen aren't obliged to tell everything discreditable that they know about him. One is that what goes on in private between two people is nobody else's business.

P: Even if one of them is under the age of discretion?

A: Maybe. Another reason is that anything we admit will contribute to an impression that Breen is as bad as Donaho painted him, which isn't so. And finally, if you don't believe that persons should be persecuted for sexual deviation, one way to keep them from being so punished is to withhold the knowledge from those who wrongly feel that they should be persecuted.

P: But then you're not dealing honestly with people who're fighting on the same side as you. You're letting them defend Breen when they wouldn't if they knew the truth.

A: This isn't a war, with people neatly divided into sides.

P: Well, your side seems to be pretty disciplined. Not one of his friends who knows about Breen's gaudier doings has breached security in print. But this is a strategic mistake, because the truth will be known and acknowledged eventually. Then the people who stood up for Breen's rights as presumably innocent will find out how cynically their principles have been used.

A: Do you think civil-liberties principles are only for the innocent?

P: Popular acceptance of civil liberties is strengthened by anecdotes of a stand that resulted in justice for the innocent. It's weakened by instances of the opposite. If you think seducing children is itself a civil liberty, you need to check with the ACLU.

A: Well, we got the dope peddlers thrown out; let's move along. I was never able to understand the Pacificon Committee's reasoning on Breen. His conduct at other conventions has been unexceptionable, including Conventions a great many coin conventions. Coin fans are bourgeois, children go along to those meetings, and Walter has moved among them for years and years without incident.

P: Of course, that's his livelihood and fandom isn't. Nevertheless, according to Ted White, Breen used to have sex with a young coin fan. I don't know how the contact was made.

A: There's never been any valid cause of complaint at science-fiction conventions, and I just doubt that there was any at coin conventions.

P: At the 1961 s-f convention, Sticky Fan X had his arm around a youth about 16 years old, though the kid's perfectly normal. People in the room were growling things like "Look at that gholam fruit; let's take him outside and knock him silly".

A: "People in the room" like Busby or Eney?

P: No, three or four convention fans unknown to Buz. At the next convention, Breen transferred his attentions to an even younger boy, 12 or 13. So far as we know, nothing happened, but Walter was trying.

A: I thought the Sticky Fan X story had been deflated.

P: Only the part of it concerning his offer of sleeping space, which was space in a room occupied by a whole raft of fans.

A: These are rather evanescent things. Whether they happened or not, do you think there would have been the uproar and tumult at Pacificon II that the convention committee professed to fear, if Breen had attended? Don't you think rather that it's improbable that Breen would have done anything there that would hurt the committee or the organization?

P: Yes, I think it's improbable. But events that are not probable occur frequently enough that it's foolish to expect only the probable. The day you leave your locker unlocked is the day someone tries the door, and goes through it. It's incredible that Breen would publicly behave as he did with Popsie. I wouldn't have thought it probable that he'd go around boasting of these activities, and even putting it in writing.

A: At all events, there's no excuse for the Pacificon Committee's not approaching Breen on the subject of his attendance, to see if something could be worked out privately.

P: He'd already threatened to sue if they tried to bar him from the convention. And after getting Boondoggle, Ted White said: "Don't bar him from the Pacificon. If you do, I for one will print it far and wide."

A: Nevertheless, if they hadn't taken an inflexible position, the committee would have realized that after all the trouble, Walter wouldn't have done anything out of line at the convention, and they could have reversed themselves.

P: Trouble alone doesn't discourage some guys. Looking for cases defining molestation, I found a pair of California cases on a statute hazier than Section 288, which I quoted before. This case, People v. Carskaddon, arose under a statute defining vagrancy.

A: "A vagrant is anybody the cops want to arrest."

P: Yeah. But the appellate court turned this guy loose, because, while the thing started out sounding like Liebscher's "technical expression" joke, Carskaddon hadn't really done anything, although he was conducting the little girl away from the direction of her home. Two years and two days later the other case under this statute came up, and this time the defendant was held, because he accosted a high school girl and asked her if various unnatural acts had been performed on her. The funny thing is, this case was entitled People v. Carskaddon also. Some people never learn.

A: Walter Breen is capable of learning.

P: Maybe it's compulsive. Before Boondoggle, the police had picked him up twice, once for loitering near a school, the other time a trivial thing.

A: There seems to be no limit to the triviality of what the cops will interfere in. The People v. Carskaddons are outrageous.

P: If people like you had their way, there'd have been a third People v. Carskaddon, and it might have been a murder case.

A: None of this alters my conviction that if the ConCommittee had told Walter to watch himself at the convention, he would have done so.

P: Would Walter leave fans alone sexually from now on, if asked to?

A: No one has the authority to ask that on behalf of all fans, or of any fans except himself and his immediate family. But I'm sure Walter will tread the straight and narrow at conventions.

P: And not follow up afterward on acquaintances made there?

A: I couldn't say. You can't police everything, and you can't be held responsible for remote consequences. For that matter, are you going to police conventions to prevent seduction of underage girls, or contacts with them that may be followed up later?

P: There's not enough consensus on that kind of thing to make policing effective, or secure general support in fandom for it.

A: They don't support watching homes either, it seems. But the danger of legal responsibility on the committee and the convention organization is no less from heterosexual affairs.

P: In practice, it's not as great. The Cincinnati group was concerned enough about Walter to keep a constant watch on him at a Midwestcon, and there was a bit of consideration of the same at the Loncon if he came. I'd favor the remedy of barring him from the convention instead, and I'd put it on a more general basis than the possibility of fights at a convention or lawsuits after. I don't want Walter Breen at science-fiction conventions because I don't want him given those opportunities to make contacts for practicing his perversions, especially with science-fiction fans. That could result in a reputation for all fandom similar to what the LASFS is still living down. I don't want a man in any social group who cares so little for its internal bonds and its reputation that he tries to turn it into a homosexual happy-hunting-ground.

A: Why would such a reputation for fandom bother you enough to violate fandom's tradition of tolerance?

P: This is part of the reason: Fandom is more widely known today than it used to be. The peculiar bond that holds scientifictionists together in a fandom, which is really without peer among the associations that resemble it, is a perpetual puzzle even to fans themselves. To outsiders it must be even stranger; but let someone come along and with a wink say something about the queers operating in fandom, and if there's even a little evidence to support it, suddenly the mundanian will think he understands. I don't know what is the mysterious bond that holds fandom together, but by GhuGhu, FooFoo, and Roscoe, it's not homophilism. Reputation aside, our own self-image and respect for each other are darkened by someone using fandom that way.

A: And for the sake of a ghod dam fan group, you'd wreck a man's reputation.

P: Grown-ups make their own beds, and they have to lie in them.

A: What has any of this to do with a correspondence group like FAPA? The fact that you disapprove of a writer's actions doesn't mean you can't enjoy what he's written.

P: If FAPA were nothing but a correspondence group, the only significance would be avoiding unpleasant associates and refusing to countenance such obnoxious activities. But it must be a very naive person, or one very anxious to construct a defense for Breen, to speak of FAPA as purely a correspondence group. FAPA is part of fandom; its associations intermingle with those of convention fandom, local clubs, and traveling giants.

A: It's still a fandom whose contacts are largely by mail, and FAPA's part of it is almost entirely by mail. How is Breen going to seduce FAPA members by mail?

P: A surprising number of fans and fannes whose first contacts were by mail have gotten married, not to mention other contacts. It's no harder for mail connections to be used for homosexual purposes than for the orthodox kind. That homosexual magazine I was quoting from, the May issue of Drum, had a serial article on how to seduce a gay and later get rid of him; the techniques are highly developed. Fitch answered your question this way: "It would be quite feasible for a predatory individual to use his position as a member of a number of apas to pay a great deal of attention flatteringly to a young neofan, to encourage him or her in that natural adolescent rebellion against all authority of parents and society (an encouragement which is rarely needed, and which may be quite harmful in preventing a satisfactory adjustment to that society in which the kid is going to have to live), to engage in private correspondence, in the course of which the child can be manipulated into a frame of mind which will permit him/her to be easily seduced into sexual activity at the first personal meeting." On the other hand, if before Breen attended s-f conventions and club meetings he had been barred from FAPA for his attentions to children, and thrown out of SAPS and the Cult for the same reason, he would never have moved so freely in our circles and misused them.

A: That would've been fandom's loss.

P: We'd have missed a lot of unpleasantness. Breen is nasty to have around. He can smear people by associating them with his own malodorousness. When he thought Kevin Langdon was on the other side in the feud, he wrote someone that Kevin was "jealous" of Glen. In the same letter he said that Sid Rogers, one of the women who dislike him, "is about as attractive to me as, say, Chris Moskowitz, G.M. Carr, Honey Wood Graham, or--let us be really ridiculous for once--Doc Smith."

A: As far as local clubs are concerned, if there's any problem it can be easily met if people who object to him will have the guts to ask Walter to stay away from their children or their homes.

P: What do you do when a club to which Walter belongs would ordinarily hold its meeting in a home where he's persona non grata?

A: I don't think it's necessary to ask him to stay away from the house, but I recognize the right. In that case, you go ahead and have the meeting there, and Walter doesn't attend.

P: Yes. As a matter of fact, plans were made in the Golden Gate Futurians to hold meetings exclusively in such homes, so that Breen would be frozen out.

A: Ah, the indefinite passive voice, "plans were made". Who made them, who isn't enrolled among the Breen-haters?

P: Clintons took the initiative in suggesting it.

A: Looks like they changed their minds. Using the householder's privilege as a means of freezing a man out of the club must have struck them as pretty underhanded.

P: But if you recognize that privilege toward a man who's given reason for concern, what's the alternative to more or less freezing him out, whether or not you intend to? How do you handle a special category of fans who are unwelcome in a number of homes, but are nevertheless members of our subsociety?

A: There've probably been many instances of individuals who were disliked by certain others, and the local club accommodated to it.

P: In any situation like that, there'd be pressure on the "certain others" not to express their feelings. If they're like most generous Americans, they'd tend to swallow their objections, rather than take the drastic step of saying to Joe Obnoxious, "Don't come to my house", and saying to the club, "You'd better not plan to meet at my place next time if Joe Obnoxious must give a report at the meeting." He'd have to be specially considered in making arrangements for meetings and conventions. People who didn't want to hurt him would think it necessary to avoid discussing the kind of crimes he had committed, or else know that they were riding roughshod over his feelings.

A: It may be a bit awkward, but I'll bet it happens all the time. Remember that fans are disliked for inadequate reasons as well as adequate ones. There's no problem that can't be overcome by a little tolerance on one side and a little resilience on the other. I'll bet if an anthropophagous e.t. joined fandom and comported himself reasonably well, we'd welcome him even if it wasn't safe to leave him alone with anyone.

Making Exceptions

P: An extraterrestrial would justify the trouble, but Walter Breen doesn't.

A: You must admit he's a brilliant and provocative writer.

P: Provoking, yes; brilliant, no. If you look closely at his work, you'll find Breen is an expert on coins and on sounding like an expert. He can read fast and remember what he reads, but he can't reason properly, he can't evaluate sources, and his values are so idiosyncratic that his judgments are worthless. He uses an esoteric and profound-sounding vocabulary to snow people --you might say he's as experienced at snow jobs as he is at another kind.

A: He sure has had a lot of people fooled for a long time, hasn't he?

P: Not in grad school. He's trying to get an M.A., but they've been bouncing his thesis back at him for three years.

A: And even if he were as bright as he seems to some people to be, you'd be against him.

P: No; I understand that people who've lived in the same city with him have many reasons to dislike him, his dirtiness, his crabbiness, and so on. But as far as I had any hostility toward him before this sexac business came out, I think it originated in his thinking himself smarter than he is, throwing around invalid esoterisms, leaping from unwarranted assumptions, and accepting as gospel whatever he reads that he agrees with. Of course, none of this justifies keeping him out of a club. But it refutes the idea that he is so special that he should be excepted from the rules governing ordinary mortals.

A: What all do you think should justify expelling or barring anyone?

P: I don't know that I could completely define the area. Of things we haven't talked about yet, it would include any grave offense against his stefnistic obligations, such as embezzling the TAFF fund. Would you agree on that one?

A: I don't know about throwing a man out, but I'd certainly approve some sanctions against anybody who did that.

P: What milder form of sanctions is there than exclusion?

A: Expression of disapproval. Refusing to trust him in the future.

P: Well, anyway, there goes your beautifully simple absolute-tolerance position again.

A: I never said I favored absolutely no sanctions against anything. But there is a strong tradition in fandom of tolerating everything except intolerance.

P: Yes, and some of the past applications have been thrown up as arguments in the present case. "We tolerated Q, who wasn't as bad as Breen, but did things that were almost as bad; why can't we go a bit further and tolerate Breen?" If he in turn goes scotfree, what Tolerance are we not going to condone hereafter? Breen would be a precedent for accepting absolutely anyone.

A: Why are you so anxious about keeping imaginary people out?

P: I hope I'm not. But I've seen some pretty crummy characters around the fringes of fandom, and I think the window should be open for throwing anybody out, especially anyone as bad as Breen.

A: Why can't people who dislike Walter just leave him alone? They don't have to associate with him, but they seem to consider it their right to interfere with other people who do enjoy his company. Most of the trouble in the world has come from people minding other people's business.

P: Isn't other people's business ever any of our business?

A: Only to a very limited extent, because in personal matters one person never knows enough about someone else to know what's best for him. Once I published an April First edition of a zine as from a parallel timetrack where each man among the readers had married the woman who by common opinion was his logical mate. Not one of these was the actual pairing, which already existed, yet all of the actual marriages, with one possible exception, have lasted. No one knows your desires and needs as well as you do yourself, wherefore the hands-off principle deserves the greatest respect.

P: That was the principle followed by the New Yorkers who stood by while a woman was murdered in the street.

A: Breen hasn't exactly murdered anyone.

P: Not exactly. Glen seems to be a mess at 13. Tell me, why do you people say that anything is okay so long as the kid isn't physically hurt? Why do you except physical harm? If the principle is "Live and let live", why permit meddling just because somebody's being physically harmed?

A: If you're referring to Glen's drinking, that's not traceable to Walter. I don't say "anything is okay so long as the kid isn't physically hurt", but physical harm is something clear and objective, so that interference to stop it isn't so likely to go amiss. The intended victim of a murder is resisting, and will welcome your help. But to try to keep two people from getting together sexually when they would do so but for you requires more vigilance than even the worst bluenose is capable of. The very attempt to prevent it calls for a mean peering into other people's conduct.

P: Is no offense so rank that it would justify detective work?

A: In the area of morals, I doubt it.

P: What would you say to sodomy between father and son?

A: I'd say that's pretty rank.

P: Even if the boy wasn't physically harmed, and the acts were committed sympathetically, and with due regard for his feelings?

A: Well, this goes far beyond anything we've been talking about. I didn't defend homosexual acts, and I'm certainly not going to defend them in a father-and-son relationship.

P: Would you defend something less than sodomy, say something like the Poopsie incident, if between father and child?

A: It stinks, because of what it tells about the adult's character. Sex is a basically reciprocal relationship between equals, whereas children are subject to their parents, and any man that would-- Anyway, a father has such a positive obligation to look after the welfare of his children, that anything at all doubtful deserves the strongest condemnation.

P: Condemnation even to the extent of excluding a man from Incest fan circles who used his son or daughter sexually?

A: I wouldn't want to associate with him.

P: Even in a correspondence club?

A: No.

P: If a case of sodomy between a father and one of his sons were brought to the attention of a club he belonged to, would the club be justified in making some sneaky inquiries to find out whether this was actually going on?

A: If I were in the club, I'd want to be sure.

P: Suppose the investigation turned up pretty strong evidence of this and similar offenses, but the district attorney wouldn't take a chance on it.

A: What kind of evidence?

P: Oh, that they were surprised in a compromising position; that the father defended homosexual incest in print, and in private conversation boasted that he had buggered his older boy; that he said the same in a letter published under a pseudonym.

A: This is hypothetical?

P: Yes. Just an analogy.

A: I don't know whether I'd believe, from such evidence, that anything was going on, but I'd want him brought before the club to answer questions.

P: If someone speaking for the father answered "Yes, but he apparently isn't doing it currently", how long would it be before you trusted him again?

A: Years.

P: Why have you reversed yourself so completely? In one way this isn't as bad as Breenism, because the father wouldn't be using the club and members' children to gratify his tastes.

A: Without accepting the premise that Breen has done any of the acts that were charged against him, let me point out that there's a great difference in degree between them and the extreme case of incest.

P: Then you do feel that the gravity of the offense may weigh against some of the rules you've tried to lay down, "conviction before expulsion", "proof beyond a reasonable doubt", "tolerate anything but intolerance".

A: Those aren't absolute rules, but they're entitled to great weight, and I still believe as before about Breen.

Frotelamnes: You feel that the principle of toleration, for example, so far outweighs the accusations against Breen that proof positive wouldn't persuade you to get rid of him.

Anapselos: I just don't think molesting other people's children is all that bad.

