CITIZEN PROVOCATEUR

RAYMOND WAYNE HILL

Ray and I go back to November of 1975. He's the grandfather of the lesbian/gay/transgender movement in Houston, Texas. In the registration room is an autographed copy of the cover sheet to the United States Supreme Court Case and it's styled: City of Houston v. Raymond Wayne Hill, 107 Supreme Court Reporter 2502. It was a 1987 case. He won.

My question to you is, "How many of you personally know someone who won a Supreme Court case?" Raise your hands. Okay. Well, after he speaks, you will all able to raise your hands.

The reason why Raymond was invited tonight is because of Hill versus Houston and because what he's going to say about what we have to fear. One of our biggest fears as we go out is a cop who decides to harass us and ask us for identification. Unless we are a suspect in a crime, at least in this state, or we are thought to be a witness to a crime, or we are driving an automobile -- and please put this as I say it, court reporter -- There is no fucking reason for them to have our I.D. (Applause)

Now, Raymond is going to talk about that and a whole lot of other things. Let me tell you a little bit more about him, and I am going to read from the Supreme Court case so that you'll know a little bit about him. What this case was all about, as Footnote 1 reveals in deposition and in earlier trials, Mr. Hill testified that his motivation was to stop the officers from hitting Mr. Charles. He also explained that, "I would rather that I get arrested than those whose careers can be damaged. I would rather that I get arrested than those whose families won't understand. I would rather that I get arrested than those who couldn't spend a long time in jail. I am prepared to respond in any legal, non-aggressive, non-violent way to any illegal police activity at any time and under any circumstance."

It gets better. Another footnote: "Hill testified that both officers grabbed Mr. Charles. They placed him up against the wall and threatened to hit him with a large flashlight." Do you think those people carry that flashlight so they can see at night? It's a club. Loaded with heavy batteries; it's a club. "Only then," according to Mr. Hill, "only then did he call out, quote, 'the kid has done nothing wrong. If you want to pick on somebody, pick on me.'"

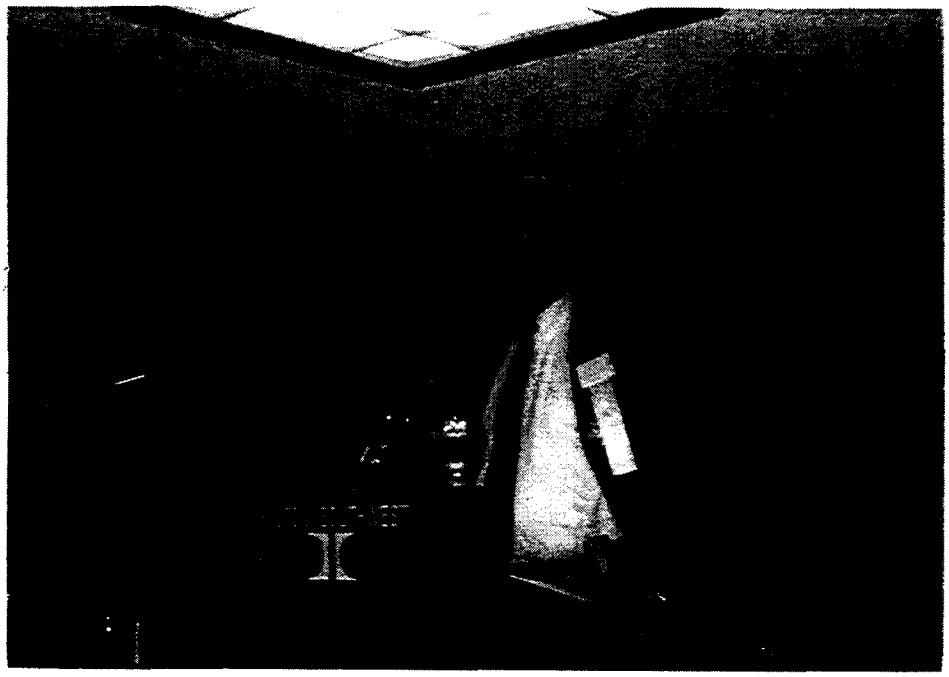
The court goes into the fact that Raymond has other arrests in this area. One time Mr. Hill intentionally interrupted two Houston police officers as they made an arrest. What was going on was during that arrest, Ray Hill had the affrontery -- the affrontery is my little word -- to write down the license plate

numbers, and then walk to within arm's length of one of the officers nearest to that officer's revolver. That officer asked Hill to leave. Hill simply moved closer and for that, and for only that, he was arrested.

Another time, I believe he was a clerk at that time in an adult book store. He observed vice squad-cars parked nearby. Because he is an activist, he recognized several of them in plain clothes. When they came in, he simply turned on the light and told the public address system that there were police officers present and that the patrons should prepare to show their identification. Patrons left and frustrated the investigation. Hill was arrested for that.

In October of 1982, 8 months after this lawsuit began, Hill was arrested again. He refused to leave the immediate area of a car with an unknown and unconscious person inside. That was all. It was a car where there was someone that was unconscious and unknown in the car. The police were there, and Ray didn't know what was going to happen. So he stayed to make sure nothing happened. For that he was arrested.

My last note about Ray Hill. When you see his name tag tonight there is a special reason for it. In the writing that came from the Court of Appeals, they called Ray Hill this -- And the Supreme Court of the United States affirmed this description -- "Ray Hill is a citizen provocateur." And on his nametag, we not only have citizen provocateur; we have the cite, 107 Supreme Court Reporter, 2508, Footnote No. 7. I want you to listen to and meet and savor and give a standing ovation at the beginning to Raymond Wayne Hill. (Applause)



BY RAY HILL:

You're very kind. Make yourself as comfortable as possible. I do a lot of speaking at law schools these days talking about what amounted to the last landmark Supreme Court case written by the great Justice Brennan of the Supreme Court of the United States. I consider that a very high honor. I miss the wisdom of Judge Brennan on the court as many of us do, but his wisdom like Hill versus Houston will drape across the ages handsomely.

The whole thing of Hill versus Houston to me is that, if the republic survives, and we all pray and hope that the republic will indeed survive, 50 years from now or a hundred, some hungover lesbian is going to stumble out of a gay bar. She will sit down on the curb waiting for it to open again and the squad cars are going to drive by. The officer's going to turn on the P.A. system and say, "Move along, move along." And she's going to show him that great Nelson Rockefeller memorial symbol, and he's going to arrest her and carry her to jail.

And when she gets before the Court, the Judge is going to say, "We have a Hill versus Houston problem here. You're going to have to apologize to this young woman and take her back to where you found her because the memorial symbol is specifically addressed in the case." (Applause)

I am so glad that Phyllis mentioned the League of Women Voters and its openness to people of all genders. And I use that term advisedly. It's open to women, it's open to men, and it's open to transgenderal people. It's an important organization because it's probably, as it was in the exercise of the franchise by women, a landmark organization as important today in its work as it ever has been.

Well, I had such a mother. A little East Texas farm woman starved off the farm during the Depression, she moved to Houston and worked as a blacksmith to defend freedom in World War II. So my upbringing is from that consciousness.

I am what I am because my mother was who she was. And y'all know about queens and their mothers. I see her everyday. She is approaching her 79th birthday next month, and we are as close a friends as ever. As a matter of fact, she never would let me call her mother. I had to call her Frankie because she had a name, and that was what she wanted to be called. So it's Frankie and Raymond, and we are still good friends, and I still live in the wisdom of her advice. (Applause)

There are some things you can't take for granted. I was born with all this white skin, but I've never been really white enough to be accepted by a lot of white people that have a lot of prejudices. I was born male, but I have never been quite male enough, because my sexual orientation and my openness about that would not allow me to be accepted as such. So instead of taking

those lemons and developing a sourpuss face, I'll show you my wrinkles. They're the wrinkles of a person who has laughed a lot and enjoyed life. And I don't have any closets; I don't expect to have any closets; and people get sick of my rubbing my experiences and my being in their face. And I am proud of these wrinkles and this gray hair because I have earned them honorably and honestly.

What I am here to talk about tonight is survival. Okay. Not the whole story about survival, but survival. Because Frankie told me the main thing is to survive. Now, there are other ancillary, important things, but the main thing is to survive. Just to check, I am going to see how many of you have experienced some basic survival skills. Anybody in the room remember fighting them all by yourself? Anybody knows what it's like to fight all of them by yourself? All right. Any of you in the room ever stand back to back, like me and Phyllis and Trish, all facing in the opposite direction, fighting them all to the very end? Anybody remember that?

Does anybody remember trying to hide as a survival thing, being closeted and not letting people know? Anybody here experience that? It's a survival scheme. It's not a very comfortable survival scheme, and those of us who have worked our way out of that ain't going back there no more, for damned sure. All right? (Applause)

Anybody know in the room 'running away from it'? Anybody ever run away from it as a survival scheme? Get out. Get the hell out of here. I can't stand this heat. I appreciate your honesty in those kinds of things. We have all experienced that.

There is one more feeling that we've all experienced which dealt with the struggle inside. Anyone in the room remember when you were the only one? And nobody would understand. All right. Getting out of that sucker is a good one, too. Like the opportunity to meet just one more. Breaks up that whole theory.

There comes a time when the law and the republic it represents, as much as we respect that and as much as we honor that, we have to answer to a contrary call. I know what that is all about. It is illegal in this state for me and a companion to express our love sexually.

There was a time in Houston, Texas, when it was illegal for a person to wear the clothing of the opposite gender. Ten years before I met Phyllis, the most important gay and lesbian issue in Houston was the fact that the vice squad raided women's bars and arrested any woman with zipper front clothing. The Roaring '60's on Shepherd Street, which is kind of a place that I go by and pay homage regularly, was regularly raided by the Houston Vice Squad. And women were arrested for wearing fly-front pants. We bailed women out of jail. We went to court. The judges were exceptionally harsh.

While making a left-hand turn into a line of traffic that could get somebody killed was a $20 fine, and speeding on the streets of Houston which could get somebody killed was a $40 fine, a woman wearing a fly-front pair of Levi's was a $200 fine. And so we decided that we would get the best lawyer in town to fight that case.

Well, of course, this is Houston, Texas. The best lawyer in town is a another white good old boy. As a matter of fact, it was Percy Foreman, who was a very famous lawyer. We said, " Percy, what would you take this case, fine is $200, for?" He said, " $2500." So we gave him $2500. And he took the case of Ricky Cortez, City of Houston versus Ricky Cortez, class C misdemeanor, and he went back, talked to the Judge a little bit, came out and said, "Well, there's some mistakes here in the information. The case has been dismissed. Now if you get any more of these cases, you bring them to me. I'll take all you got, at $2500 a crack."

We got absolutely no satisfaction in that, so we got with a women's organization out at the University of Houston. The women there would not go into a lesbian bar. They would, however, meet us at a washateria, all wearing fly-front pants. Then we discovered another anomaly about this great act of civil disobedience. The police didn't care if you wore a fly-front pants to a washateria. This was not a heinous and grievous crime unless you wore it to a bar where lesbians gathered and danced and drank. That's the only place they wished to enforce it.

So, we were in a dilemma. And women were still going to jail. And so Papa Bear, a cross-dressing woman, and I, formed an organization called the Promethian Society. Now why would we would name an organization after someone who had their liver torn out every day in Greek mythology I'll never understand, but we wound up with that name. We investigated and we found out there was one vice officer, Officer Murphy, whose wife had left him for a woman who was the major source of the problem. So, we suggested that Officer Murphy be promoted out of the vice squad and into "prestigious" Burglary and Theft. And they did that. And that was the end of the cross-dressing arrests in lesbian bars. (Applause)

A survival scheme. The surviving. Making it. Of course they were somewhat less kind to males who cross-dressed. That was a phenomena. There for a while we had kind of a standing rule that if you had one visible piece of male clothing, that somehow that exempted you from arrest. That never worked. That was a myth. But people thought that, and so they looked awfully silly trying to split the middle out there. Survival technology.

But ultimately there comes a time when one knowingly, with aforethought, intentionally violates the law as a matter of principle. There's nothing new about that. Thoreau wrote handsomely about that in American history. Women and men throughout history have found it necessary. Rosa Parks just was

too tired to move to the back of that bus. And there have been times when Ray Hill was just too tired to put up with their bull-stuff. And there comes a time when you draw the line.

Now being practiced in civil disobedience, I want to advise you never ever violate a statute that you cannot quote verbatim from the book.

I was having a discussion with one of the Lambs of God people outside the jail the other day. I was bailing somebody out of jail and they said, "Well, why aren't you out there with me?" And I said, "Because I don't find anything constitutionally infirm about the trespassing laws. That's why I am not out there with you."

There are a lot of laws that I find constitutionally infirm, and one of those laws in Houston, Texas was the failure to identify as a witness. As written, it wasn't a bad idea. As written, one violated that law if when asked by a police officer who had reason to believe a law had been violated, had reason to believe that you had information important to the trial of the violation of law, could ask you who you were, and you were required under the law to give them your true name and address. Nothing in there about "show me papers," at all.

But how it was enforced: "Let me see your driver's license." Well, when asked that question, my response was I do not need a driver's license to walk around the basement of this courthouse. And it was up against the wall; Search; Handcuff! I was in custody exactly one hour and 40 minutes. I got out because one of the municipal judges was returning from lunch and heard over the radio that Ray Hill had been arrested and subpoenaed me to his courtroom and released me on my own recognizance.

We went to federal trial on that matter. The Police Chief's lawyer and the City Attorneys found their case indefensible. And so they offered to settle out of court. And we said, "No, we will settle in court. And one of the things we will settle for is we wish to remove this ordinance from the City of Houston Code of Ordinances. Because it is so universally abused that anyone at anytime is subject to get arrested for this. And if you don't have the sucker then you can't enforce it."

They ultimately agreed on that, and we got all the points down -- agreed, and then the Judge said, "Well, what about Mr. Hill's compensation for the time in jail?" My attorney with inordinate reflexes, jumped up and said, "$5,000, your Honor." The City Attorney said, "All right. That's cool. Sounds reasonable." They're spending the taxpayers' money, after all. It's a bottomless pit. Five grand is nothing at all.

The next time we were in a federal court on a <u>Hill versus Houston</u> case, they said, what is the settlement amount? And we stood up and said according to precedent case, the previous <u>Hill versus</u>

Houston, that's $50 a minute, your Honor. And at $50 a minute, I'll stay in jail as long as you want me to. No worries about that. And there is something about let the decision stand, that means that's my rate for going to jail for unconstitutional ordinances. It's established in previous cases, it will survive forever. And at $50 a minute, I can sleep on concrete floors and steel benches with no problem at all. (Applause)

But if you make the decision to practice civil disobedience, don't even consider what is the popular mode today. Make them ask you to get out of jail. I mean, remember, you know the statute. You can quote it from the book. Whatever that is, and many of you live in cities where there are cross-dressing ordinances, you know that statute. You can quote it from the book.

So when you're arrested, stay there. Call a press conference. I have had press conferences in the hall outside my jail cell. I've had press conferences in the Captain's office. I have had press conferences on the front porch of the jail house on the occasion of my leaving. Have somebody on the outside. Don't call and say, "Find me a bondsman." Call and say, "Find me Lois Lane. I've got a story here." All right?

You're already out of the closet. You got your ass in jail. And the one thing about jail is there ain't no place to hide. So while you are already at that point, call the press conference. Now your hair is not going to be what you want it to be. I mean a little time in jail and it just does wonders for your hair. It even does wonders -- my beard gets kinky. But the object is to go out in front of the media and tell your story.

I'll tell you, the taxpayers of the City of Houston and wherever you're from, when they understand that you're being in jail occupying a bed that costs an average of $17,000 a year to operate, are not really excited about their putting you in jail because it's costing them money and they want the money for the dangerous people. They don't want the money for people that the police are annoyed by. We have to become the most conservative people in the country, when it comes to wasting tax dollars on chicken-stuff.

I'll tell you that even the most moss back, from Houston, Texas here in the Bible Belt -- moss back redneck understands. They'd have to be almost Pat Buchanan or a Klans person to favor wasting tax dollars on locking somebody up because they've got on a pair of slippers. Now give me a break. The public will understand that thesis every time.

Need help with the media? Give me a call. We know how to do that. I understand media. It doesn't have to be in Houston. As long as you've got a Yellow Pages in your town, I can get you all the press you can handle. We have got to fight our battles out in public. Because we are trying to get our thesis across.

Now we can go in and say, "Gosh, I wish they wouldn't pester me like this." When your ass is in jail, they understand what you're talking about. Because when your ass is in jail, you're costing them money and money is the great equalizer. And the most conservative person says, "Well, why are we wasting our sources on this when they won't even look for the guy that stole my stereo out of the car last night? They ain't even looking for the person that took my kid's lunch money on the way to school, but they're going to take somebody to jail because of a pair of slippers and a brassiere." Give me a break. People don't understand that.

I am not afraid to take my freedom issue to any public audience -- any public audience because of the institutionalized, natural sanity of freedom-loving Americans. Now if it's a quarrel between Phyllis and the person across the street who's trying to somehow figure out how to protect the neighborhood from something that doesn't threaten the neighborhood, that's a little close to home. But sitting on the bus, reading the newspaper about the person arrested for a pair of slippers and a brassiere, huh-huh. That's a winner every time.

So civil disobedience is not just the law. But it is also the public change of attitude. I am a respected citizen in this town. I put my name on a ballot and run for public office. I get votes from everywhere.

I go out and talk to the Hobby Airport Rotary Club. And two or three people get uptight and leave during my speech but five or six people come up and give me checks. Because I have an opportunity to talk about, you know in my fight to get the City out of my life, I am also having to struggle to get the City out of your business. And small business people seem to understand that without any difficulty. I don't go out there and I talk about Penal Code 2106. I mention it, of course.

What I talk about is the fan. And everybody knows which one I am talking about. Or electric heater, the one without which the secretary will not work. Everybody knows exactly, the one under her desk, because the fan in the summer time and electric heater in the winter time, that's a matter of vital necessity; and if you don't provide it, she is not going to work in this office.

Well, there was a time in Houston, if the Fire Inspector came in it was a $200 fine. All right. Now they come in and the fan or heater is $2,000, and the extension cord is another $2,000. So this piece of office equipment, without which the secretary or receptionist will not work, suddenly costs this businessperson $4,000.

When they understand that, then you move them a very little distance. They've got to break in my bedroom window or pry open my closet to see what kind of clothes I've got. And that is the same Government Intrusion as that fan and electric heater is.

And they understand that. The people that you think are your worst enemy can be made your best ally. All you have to do is demonstrate the one thing that everybody understands. And that is courage. If you are cowering in your closet, if not even your best friends know for sure, then you don't have enough courage to win enough support to make it through these crises in life.

I am not only gay, but I'm an ex-convict. But I don't know anybody for more than 15 or 20 minutes that doesn't know that. Of course they say I wish you'd shut up. My gay friends say, "I wish you wouldn't talk about that prison thing." And my prison friends say, "Don't talk about that gay thing." But they'll have to understand that none of me is going to be free until all of me is free. And I am simply not going to live a dishonest life for anybody.

I tried lying when I was a kid. It didn't work out very well. Never made anything off lying, never got any friends from lying, never got any trust from lying, never got any respect from lying. And I am not going to lie anymore. You either take me as I am or you forget me and stroll away. It really doesn't make me any difference, but I want to tell you Ihave not lost many friends over the long haul.

I have been able to avoid the company of a lot of people that were too unpleasant for me to care about anyway. Because I mean if you've got a bunch of racial or sexual or gender hang-ups or all that crap, I don't need you. Life's too short. But the really decent people in the world will accept me as I am and allow me to do my work. And my work is about freedom.

Let me tell you, if nobody where you are has got the courage to do what needs to be done -- in challenging the law, and standing up -- you've already got Phyllis' number, and once you call Phyllis, you can get in touch with me. If she ain't available, I am. Because I would rather go to jail than to leave it where you are vulnerable. It's worth it to me to go to jail than to leave people cowering in fear. I can turn a profit on that stuff. My rate is already set.

But let me tell you, there are those times when we are entirely alone. Standing over the coffins of our friends who died with AIDS. There may be a hundred people in that room, but we come one at a time and that pain is intensely individual and personal.

But there are those other times when we are not alone. Phyllis kind of glazed over the kind of courage it took to not just to go after a law but to move into City Hall. This is serious, in-your-face stuff. She volunteered to be a part-time volunteer in City Hall. She had to climb three stories of steps to take a bathroom break, and did that for months as she whittled away on a bunch of moss back red-necks to get enough votes together by hook or crook, and get enough people out of the room at the right

time to throw this sucker on the floor. And you know it wasn't the liberals that did that. The persons that Phyllis persuaded to stand by her rights were the conservatives. John Goodner, on a dare. It was people that had been moss backing back there for a long time. I mean folks seriously on the take. I mean crooks, criminals -- all City Counsel people.

But they understood that with Phyllis in City Hall, they could no longer avoid the issue. It was in their face. And if you let people escape and don't have to deal with the issue, then you're not doing your "in-their-face" exercises well enough.

I come from on old Texas political family. My father was a politician; his father was a politician; his father was a politician. My mother is a political organizer who tried to unionize nurses for the Teamsters. So I come by this very naturally. And I come by this generationally.

When I told everybody when I was 17 years old that I was gay, they said, "Well, this is one that won't do well in politics." And then I went to the joint, and they said, "Boy, this sucker is gone for sure." Well 15 years out of the 17 years I was out of the joint, and 26 years as openly gay, I am as accepted in the Harris County Courthouse as Phyllis is. Phyllis got there on a bar card; I slid in on the "Good Old Boy" tradition.

We're able to go backstage and deal with judges and prosecutors and the lawyers who tell the judges what is the law. We have such a thing because we don't always elect people that know what the law is, and they get definitions of the law that affect people like us. They are people who have in history and tradition no place that even equal rights, much less the occasional break, and the sometime privilege. We are able to go back and talk to people who are looking literally at every word in the law and talk about the human costs involved. We are able to touch the feelings of people who have otherwise no feelings for people like us.

There should be Ray Hills and Phyllis Fryes in every courthouse -- In every courthouse in this country. There is no population so small, that there is not someone there that is hurting the way everyone in this room have at one time or another hurt. There is not so rural a community that does not have someone who feels the pain of the prejudice and who's trying to apologize for their existence.

If I leave you with any thought, I have built a reputation for being a courageous person. I am not brave. I am not courageous. That's a myth. I'm scared to death when those horses last Monday came storming around me to charge that crowd. I was so glad that officer said, "Mr. Hill, could you step aside because the horses are fixing to charge your demonstration." I don't want to get trampled by horses; I don't want to get beat by nightsticks. I don't want to --

Listen, the night they arrested me for the Charles Hill thing, they carried me to Beechnut; they didn't take me downtown. From Montrose to Beechnut to where they did the ass whipping -- Downtown is where I belonged. They didn't head to Downtown. They headed to Beechnut. I had to talk myself out of that ass whipping. And you never heard anybody -- Baptist preachers can't talk that fast. But I pulled my press pass. You know, the rule on that. It's from the Bible: Forgive us our press passes as we forgive those who press pass against us. And convince them that you can't get away with bruising up Lois Lane.

But anyway, I am scared. There are times when I have to keep my feet apart, so my knees won't knock. But I'll be damned if I'll let the suckers see me sweat. I'll burn in hell before I'll let them make me show them weakness. No way. "You are a good and worthy person," as my grandfather told me. He said, "There is nobody alive that is any better than my grandchildren. Nobody." He did, however, go on to say that it is important, and most people forget to do that, it is every grandfather's obligation to tell their subsequent generations that. So you're not any better than anybody else. Don't forget that. In your struggle for freedom, deny no one theirs. (Applause)

BY PHYLLIS FRYE:

Anyone who knows someone who has won a Supreme Court case, would you please raise your hands? Okay.