

A. Cyrus Warner
98 Olden Lane BB
Princeton, New Jersey

7 December 1969

Dr. Leo Louis Martello
Hero Press, Suite 1B
153 West 80th Street
New York, N. Y.

Dear Dr. Martello:

I found yours of the 20th ult. awaiting me upon my return last week from the hospital, where I had surgery. Hence the delay in my responding.

The legal issues which you mention in your communication could easily serve as material for a full volume on their own; they are certainly hardly matters which can fittingly be discussed within the compass of a letter. So far as the "plans and objectives" of the legal committee of the N.A.C.H.O. are concerned, I am not at all satisfied that it would be proper to have them included in your proposed volume -- at least not until the committee is better informed as to the character of your forthcoming publication. Since the committee's objectives are neither publicity nor notoriety, their inclusion in your volume is of no particular moment.

What I should like to suggest is that you meet me in Princeton, where we can discuss the particulars of your book and the scope of its projected chapter on "The Homosexual and the law". At that time I can explain to you the present state of the law -- with which most laymen are unfamiliar -- and I can give you an outline of the directions in which the committee is proceeding. Whether this will provide suitable material for your book will then be for you to decide. At any rate you may, if you wish, read the brief on the homosexual solicitation statutes which I prepared last year at the instance of Professor Louis Schwartz of the University of Pennsylvania Law School and submitted to him in his capacity as rapporteur of the committee of the American Law Institute -- the group which drafted the "morals" sections of the Model Penal Code, specifically section 251.3. (This brief, now revised, is in the process of submission for publication in the Law and Society Review.) Should we meet, I shall also be prepared to discuss with you instant cases in which the committee is involved, either directly or through the ministrations of others.

My work in the homophile movement, both as chairman of the legal committee of the Mattachine Society of New York, as well as that for the N.A.C.H.O., is done under the pseudonym of Austen Wade. I shall expect you to respect this anonymity, and under no circumstances to disclose my real identity.

I shall await your reply.

Very sincerely yours,

A. C. Warner