

Contributor:

As you can see from Dr. Messer's accompanying letter, the Buchanan case has not lived up to our expectations. That litigation was the first constitutional challenge which our committee, now known as the National Committee for Sexual Civil Liberties, instituted. For legal reasons which are too complicated to explain here, there is a strong likelihood that the Supreme Court will not hear the case at all. This means that the whole purpose for which funds were raised will no longer exist. Over and above this is the fact that the Buchanan case was substantially oversubscribed.

~~Our National Committee is now~~ <sup>is now</sup> engaged in an attack on the sodomy and homosexual solicitation statutes on a broad front, ~~including~~ <sup>including</sup> not only legal challenges, but legislative efforts and appearances before administrative agencies of government. A test case has been instituted in Colorado against a Denver municipal solicitation ordinance. This litigation gives promise of even more extensive homosexual law reform than the Buchanan case ever did, since it involves a direct challenge to the solicitation statutes and through them to the sodomy laws. It is also of more practical importance to homosexuals, since the solicitation statutes and not the sodomy laws are the ones which account for almost all homosexual arrests. There are <sup>also</sup> cases which, though not homosexual in character, nevertheless involve the same legal issues which need to be fought out if homosexual law reform is ever to be attained. That is why the committee recently intervened as amicus curiae in a New Jersey case involving a constitutional test of that state's fornication law.

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The committee has already one signal victory to its credit. Many of you may recently have read in the newspapers where the National Commission on Reform of Federal Criminal Laws presented <sup>to</sup> the President the final draft of its proposed Federal Criminal Code for submission to Congress for adoption. As initially drafted, that code contained -- in the form of section 1853 -- a particularly vicious solicitation statute. Through important contacts on the Commission, the committee was able to submit a brief last summer, as a consequence of which the offending section was removed in its entirety, and replaced by a new and inoffensive section that follows our recommendations in every respect. This is the first time ever that homosexuals have ~~ever~~ succeeded in influencing

legislation concerning their fate. Because this proposed Federal Criminal Code must now be passed by Congress, the committee's work in this area cannot be publicized; otherwise it would alert Neanderthal bigots in Congress and jeopardize Congressional passage. This points up the fact that much of the committee's most important work has had to be carried on in private, and why the committee has had to eschew most publicity.

Presently the committee is heavily engaged in the legislative fight to repeal the New York sodomy and solicitation laws and to have enacted an anti-discrimination statute to protect homosexuals in housing and employment. Professor Walter Barnett of the University of New Mexico School of Law, who is this year a Harlan Fiske Stone research scholar at Columbia Law School, is now one of the committee's two co-chairmen. ~~He~~ Last month ~~we~~ testified before an ad hoc committee of the New York legislature considering homosexual law reform and ~~we~~ only last week <sup>we</sup> submitted two briefs to that committee, one on the sodomy law, the other on the solicitation statute. Because it is clear that the legislators will not accept outright repeal of the New York solicitation statute, we have recommended that New York follow the federal recommendations for which we were responsible, and we are in direct touch with several members of the legislature in the hope that our proposals will be accepted.

We have recently begun communication with the penal law revision commissions in those states which are in the process of drafting new legal codes, with a view to having those commissions make <sup>legal</sup> recommendations to their respective legislatures consonant with our goals.

The committee itself is now a truly national working body, and numbers several prominent persons amongst its members, such as Melvin Wulf, national legal director of the American Civil Liberties Union, Professor George Schatzki of the University of Texas Law School, Donald Cantor, the Hartford attorney who was one of those responsible for repeal of the Connecticut sodomy and solicitation laws, and Herbert Selwyn, the prominent Los Angeles civil rights attorney. It also includes authorities in related disciplines, such as Dr. R. A. Laud Humphreys of the School of Criminal Justice, State University of New York at Albany and consultants like Dr. Evelyn Hooker of the University of California, Los Angeles, Dr. Lee Rainwater of Harvard, the foremost authority on the sociology of

deviance, and Dr. Jay Katz, the only M.D. on the faculty of the Yale Law School.

Although all members of the committee contribute their time and knowledge gratis, there are still very heavy expenses for court costs, printing charges, depositions from witnesses, long distance phone calls and mailing expenses. Our expenses are in the current New York legislative campaign are already more than \$250. We <sup>are</sup> earnestly requesting that those donors who were generous enough to contribute to the Buchanan appeal allow the committee to shift these funds, which are now lying in a separate account, so that they may be used for the committee's general purposes as just explained. We <sup>are</sup> also asking that, if you possibly can, you make an additional contribution to the committee to further the very important work in which it is engaged.

In this connection <sup>we</sup> should also state that all contributions to the committee can now be made tax deductible to contributors. This has been made possible through an arrangement with the Institute for the Study of Human Resources, a tax-exempt foundation in Los Angeles. Arrangements have been concluded whereby those wishing to contribute to the committee and to obtain a subsequent tax deduction can make their cheques out to the Institute, and the committee, in turn, will be the ultimate beneficiary of these contributions. Accordingly, please send your contributions ~~to the above~~ <sup>the committee</sup> ~~address~~ or to Dr. Henry Messer, 22 Charles Street, New York, N. Y. 10014 or to <sup>^</sup> at the above address. Cheques should be made out either to the order of the National Committee for Sexual Civil Liberties or, if a tax deduction is desired, to the Institute for the Study of Human Resources. (A further advantage is that the Institute's name reveals nothing of the purpose for which the funds are to be used, thus protecting those who do not wish to list a homophile organization on their tax returns.) Any assistance you can give will be much appreciated.

Very sincerely yours,

Walter E. Barnett  
Arthur C. Warner

Co-chairmen National Committee  
for Sexual Civil Liberties