

NATIONAL COMMITTEE FOR SEXUAL CIVIL LIBERTIES

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Dear 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. ~~There is a strong likelihood that the Supreme Court will not hear the case. However, even if it should be heard, some of your money could be better used for other purposes.~~

Our committee is presently involved in work which gives far better promise of attaining our national goals than did the Buchanan case. We are now engaged in an attack on the sodomy and homosexual solicitation statutes on a broad front, including not only legal challenges, but legislative efforts and appearances before legislative and administrative agencies. 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 also 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.

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 to 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 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 to be carried on in private and explains why the committee must often eschew publicity.

Presently the committee is heavily engaged in the legislative fight to repeal the New York sodomy and solicitation laws and to see 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. Last month we testified before an ad hoc committee of the New York legislature considering homosexual law reform and only two weeks ago we 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 of those states which are in the process of drafting new legal codes, with a view to having those bodies make legal recommendations to their respective legislatures consonant with our goals.

The committee itself is now a truly national working organization, 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 well-known 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, deposi-



tions from witnesses, long distance phone calls, and mailing expenses. Our expenses in the current New York legislative campaign are already more than \$250, obligations which have yet to be paid. We are 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. Your consent with respect to the money you contributed would be deeply appreciated.

Very sincerely yours,

Walter E. Barnett  
Arthur C. Warner  
Co-chairmen National Committee  
for Sexual Civil Liberties