

17 April 1972

Mr. Stan Wilkinson  
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Jackson, Mississippi 39210

Dear Mr. Wilkinson:

This committee does not publish material regarding homosexuality and the law. However, much of the information which you seek is readily obtainable in any law library, although it has to be dug out state by state.

I am enclosing two briefs which were last year presented by our committee to the members of the New York legislature in connexion with homosexual law reform in that state. You might read these and look at the bibliographies appended thereto. Then you might look at the article on homosexual solicitation which appeared in 1966 in U.C.L.A. Law Review and which is cited in the bibliography of the solicitation brief. That article, almost 200 pages in length, has one of the most comprehensive bibliographies on homosexuality to be found in any published material. You should also examine Homosexuality: A Selective Bibliography of over 3,000 Items by William Parker, published in 1971 by The Scarecrow Press, Metuchen, New Jersey. This represents a staggering piece of work, compiled by a member of the history faculty at the University of Arizona, Tucson. It has a section listing "Court Cases Involving Consenting Adults" and an appendix listing the "American Laws Applicable to Consenting Homosexual Acts." However, none of these go beyond 1970, and numerous changes have been made in the laws of several states since then. Perhaps a more important handicap is the fact that the kind of conduct punished by these laws is not indicated. Thus, for example, where "lewd solicitation" is shown to be a crime, there is no indication from the list as to whether it is a crime only if money is involved, or whether it is a crime only if the solicitation takes place in a public place, etc., etc. Nevertheless, this bibliography is, by far, the most comprehensive on the subject in existence, and you might be able to obtain some information regarding changes since its publication by writing to its compiler, Professor Thomas W. Parker, 533 North Norris Avenue, Tucson, Arizona, 85719.

The exact nature of the legal changes which have taken place since the original Illinois reforms of a decade ago can best be discovered only by consulting the appropriate state statutes which are to be found in any law library. Since Illinois, five additional states -- Connecticut, Colorado, Idaho, Oregon, and Hawaii, in that order -- have repealed their sodomy laws to the extent that those statutes had involved private conduct between consenting adults. To my knowledge, only one of these -- Connecticut -- followed the Illinois pattern and also repealed its solicitation laws. (Whether the Hawaii reform also involved its solicitation laws, I do not know. In all these states -- again I am writing without specific knowledge of Hawaii -- the homosexual age of consent was assimilated to that of the heterosexual. In most of these states the reforms have not yet taken effect. In one state -- Florida -- the state sodomy law has been declared unconstitutional by the state supreme court, but the legislature is expected to enact a new sodomy statute, albeit with lowered penalties. A few states have lessened the penalties for sodomy, a process first begun by North Carolina, although

the crime has been only a misdemeanour in New York for many years. New York stands as the model for those states unwilling to accept the recommendations of the Model Penal Code, yet which feel that some amelioration of their rigours should be instituted. Utah, which changed sodomy from a felony to a misdemeanour, with corresponding lightening of the penalties, is the standard example of this trend. In Texas heterosexual sodomy has been made licit, but homosexual sodomy continues to be punished. (This came about as a result of the Buchanan case, in which this committee was involved as amicus curiae.) In New York sodomy is legal between married persons, but not if those involved are not married. In a number of states, e.g. New Jersey and Ohio, state penal law revision commissions have recommended repeal of the state sodomy law to the legislature. Some of these recommendations also involve repeal of the solicitation statutes, others do not. In some of the states which enacted sodomy law reform but not solicitation law reform for homosexuals, the solicitation laws were modified so as legalize heterosexual solicitations. This was done in New York in 1964 and last year in Colorado. In at least two states -- California and Massachusetts -- the penal law revision commissions, whilst recommending repeal of the state sodomy law, have proposed a "Wolfenden" type of reform, whereby the homosexual age of consent will be higher than that for the equivalent heterosexual conduct. One could go one endlessly, but no point would be served. For specifics, consult a law library.

I trust this may be of some help to you.

Very sincerely yours,

*Arthur C. Warner*  
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