

NATIONAL COMMITTEE FOR SEXUAL CIVIL LIBERTIES

MEMORANDUM

5 March 1973

To: William B. Kelley
From: Arthur Werner
Copies: Walter Bennett, Michael Miller, Craig Patton, Thomas Coleman
Re: A.B.A. resolutions on sodomy law repeal

Carrie Boggan was away in Morocco until a few days ago, but I contacted him the day he returned. He claims that he did not tell Michael Miller in Cleveland that both A.B.A. sections -- Individual Rights & Responsibilities and Criminal Law -- had adopted the sodomy resolution. He contends that he told Michael that only the Section of Criminal Law had done so. This would appear to be untrue on its face, because we must assume that, had Michael been so informed, he would at least have inquired as to the status of the resolution in the Individual Rights section. (After speaking to Michael and reviewing the circumstances, there is not the slightest doubt in my mind that Boggan's version is untrue. I think committee members should know that this is not the first time that Boggan has been guilty of duplicity and deceit. The sooner the time comes when we no longer need his brokerage services with the A.B.A. the better.)

At any rate, the resolution was passed, as you know, only by the Criminal Law Section. Boggan claims that sometime back in December, when it became apparent that Criminal Law would be considering a similar resolution, Individual Rights decided to hold back on its resolution so that it could conform with the wording of the one to be offered by Criminal Law. This also meant delaying the submission of Boggan's report, which is supposed to accompany that section's resolution. (It would have been nice if Boggan could have informed me of this in December.) The purpose is to have identical resolutions from each section reach the House of Delegates. Individual Rights is to meet in May, and I am reasonably satisfied that Boggan's report will be submitted by then in time for the section to adopt the rephrased resolution. This will also be in time to have both resolutions considered at the August meeting of the House of Delegates. By then, I should hope, we will be dealing with the A.B.A. and its subdivisions entirely through Craig and Tom.

I am not sure I fully agree with your observations regarding the redundancy of the word "adult" where "consent" is already in the resolution, but at all events, I am interested in seeing the resolution pass the House of Delegates in any reasonable form. At best it can have only a hortatory effect on the state legislatures, and is important for us primarily as a base for a later resolution on admissions to the bar. The latter resolution, if passed, could have a substantial effect on bar admissions committees. That is what we must keep our eyes on; I consider the present resolution of secondary importance.

May I suggest that you initial your memoranda in the future? When they conclude at or near the bottom of a page, it is presently impossible to determine whether one has reached the actual end of the memorandum or whether there is a second page which is missing. Let me also ask that copies of all memoranda of this kind be sent to Michael Miller, 113 Washington Place, ap. #5, New York, N. Y. 10014.

I have yet to hear from you with regard to Renee Hanover. When is she planning to visit Paula Roberts and Ann Elwell in Newark?

There is no higher praise than imitation. I like the style of your memoranda, and plan to follow them.

A.W.

NATIONAL COMMITTEE

FOR

SEXUAL CIVIL LIBERTIES

Co-Chairmen:
Prof. Walter E. Barnett
Albuquerque, New Mexico

Dr. Arthur C. Warner
Princeton, New Jersey

18 OBER ROAD
PRINCETON, NEW JERSEY 08540
(609) WA4-1950

8 March 1973

To: William B. Kelley
From: Arthur Warner

Copies: Craig W. Patton, Walter E. Barnett, Michael Miller, Thomas F. Coleman

Re: E. Carrington Boggan, Esq.

I last night spoke with Carrie Boggan at a meeting of the New York Gay Legal Caucus. As a consequence, I have concluded that my memorandum of the 5th inst. did him an injustice, and I wish this to rectify it.

I stand by what I had to say regarding the accuracy of the information he gave to Michael Miller, but I have misjudged Carrie so far as appreciating the extent of his work and involvement with the A.B.A. is concerned. Until I last spoke with him, I had been under the impression that his A.B.A. involvement had grown out of his work with the G.A.A. of New York. This because of Ron Spann's claim -- you may know him as Ron Thomas, now living in Chicago -- that he, then chairman of the G.A.A. legal committee "had been responsible for Carrie's involvement in gay legal activities after having met him at a cocktail party and raised his consciousness." Spann also stated that he had been responsible for Carrie's appearance in Washington last Summer representing the G.A.A. before the Council of the Section of Individual Rights and Responsibilities, of which he is a member -- the same gathering before which I appeared for the first time on behalf of our Committee. I now learn this is not true. Carrie began his own quiet representations with the A.B.A. several years ago, soon after he was admitted to the bar, and this work he did for a long time entirely on his own. I see it now as a most commendable personal legal project on behalf of gay liberation. Having lived in North Carolina, and having gone to law school there, he made the friendship of McNeill Smith, now chairman of the Section. Under these circumstances, Carrie quite understandably has viewed our Committee's appearances before the A.B.A. as a case of a "Jonnie-come-lately", with the result that he has not considered himself to be under any special obligation to keep us informed of all his moves in the way I had thought he should.

I write this because I now not only understand Carrie's position, I agree with it. I wish this to record my recognition that my criticism of Carrie's conduct was unfair and to serve as my apology therefor.

cc: E. Carrington Boggan, Esq.

A.W.