

NATIONAL COMMITTEE

FOR

SEXUAL CIVIL LIBERTIES

18 OBER ROAD

PRINCETON, NEW JERSEY 08540

(609) WA4-1950

Co-Chairmen:

Prof. Walter E. Barnett
Albuquerque, New Mexico

Dr. Arthur C. Warner
Princeton, New Jersey

MEMORANDUM FOR CRAIG PATTON

5 March 1973

copies: Walter Barnett, Michael Miller, Thomas Coleman
William Kelley

re: Your meeting with Dean James C. Kirby and proposed A.B.A. resolution

Your memorandum reflects considerable effort and thought on how to proceed, and I wish to commend you for what I consider excellent proposals. I also wish to commend Tom for his role in these recommendations, with which I strongly concur. I particularly like the manner in which you have parcelled out between us the various persons we should contact on the Council of the A.B.A. section of Legal Education and Admissions to the Bar.

I have only a few minor suggestions. You might wish to consider having Walter Barnett approach Professor Posenberg at Columbia Law since Walter, as you know, was a Harlan Fiske Stone fellow at the school and may know Professor Rosenberg. I last week discussed your entire plan over the phone with Walter. (This was on the basis of what you had discussed with me over the phone, and before I had received your memorandum.) Walter stated that he wishes more time to consider your proposals. When I spoke with him yesterday, we had so many more pressing matters to discuss that though we were on the phone for $1\frac{1}{2}$ hours, the subject never came up, but I shall bring it up at the very next opportunity and, at the latest, when we are together in New York and Princeton from the 15th to the 18th inst. Consequently, though I approve of the recommendations you and Tom are proposing, I suggest that nothing further be done until Walter has given it the green light.

In a somewhat different connexion Walter indicated that he did not share the concern of Tom's dean that Tom might have some difficulties being admitted. He suggested that, in the unlikely event that there were problems, Tom should consider applying for admission in San Francisco, where a precedent has already been established of admitting an acknowledged homosexual to the bar.

As you can probably judge after receipt of my supplementary memorandum to Mr. Neier, Walter and I are at present so completely wrapped up with the matter of foundation support that we are unable to give proper attention to other matters. What we, in Cleveland, had taken to be a definite commitment from Playboy, turns out to be more a matter of hope until nailed down by their Board of Directors, which meets this Friday, the 9th. Walter, Burton Joseph of Playboy, and I are planning to meet in New York sometime the following week. There are many possibilities, but, at the present juncture, things are just too fluid to state anything with assurance. You will be kept informed.

A.W.

CRAIG W. PATTON

HOME: 2045 W. FIFTH AVE.
COLUMBUS, OHIO 43212

Attorney at Law

OFFICE: 218 E. STATE ST.
COLUMBUS, OHIO 43215

MEMORANDUM

TO: Tom Coleman, Arthur Warner, Walter Barnett, Bill Kelly

FROM: Craig Patton *CP*

SUBJECT: Meeting with Dean James C. Kirby concerning admissions to the bar and the proposed resolution to the American Bar Association.

DATE: February 27, 1973

I had a productive and encouraging discussion today with Dean Kirby, Ohio State University Law School, respecting the issue of admissions to the bar. As you recall, Dean Kirby testified on my behalf before the Ohio Supreme Court Board of Commissioners which was considering my own admission to the Ohio Bar.

Our discussion was prefaced by having the Dean read Tom Coleman's letter of February 16, 1973 describing Tom's meeting with the dean of Lyola Law School, Leo J. O'Brien. (A copy of that letter has been attached---I have omitted two paragraphs of that letter which deal with unrelated personal matters between Tom and me.) I also reviewed with Dean Kirby the curriculum vitae of the Committee.

Essentially Dean Kirby agreed with the advise and procedure outlined by Dean O'Brien. That is, he believed we should begin work on a resolution for the American Association of Law Schools (AALS) concurrently with a resolution for the American Bar Association (ABA).

Page 2

With respect to the ABA it was his opinion that we would face considerable difficulty, at this time, before the ABA Section on Legal Education and Admissions to the Bar. That section consists primarily of private practitioners and has a strong conservative element.

The Dean felt that the resolution should be introduced with the Section on Individual Rights and Responsibilities, Young Lawyers Section, Student Section and, perhaps, with the Section on Criminal Law. If a favorable resolution is secured from these sections we would then proceed with Legal Education.

Concurrently with our work before the above sections and as a prerequisite to any initiative before Legal Education, it was suggested we contact certain members of the Council of the Legal Education Section. He felt that some would be sympathetic and that this would serve to lay a foundation for the forthcoming resolution. In this respect, the following individuals were suggested by the Dean--- The present chairman, Tom Adams, a Detroit private practitioner, is a reputed conservative and should be avoided. The chairman-elect will take office shortly and is Charles Kelso, University of Indiana Law School, 735 W. New York St., Indianapolis, Ind. 46204. Mr. Kelso is liberally oriented and would likely be sympathetic. Because of his proximity to Columbus I will assume responsibility to meet with him. Albert E. Jenner Jr. is a Chicago practitioner and a civil libertarian who has done extensive work in attempting to abolish the House

Page 3

Unamerican Activities Committee. This speaks for itself. Bill Kelly should be responsible for meeting with him. I have no address for him but it can be obtained from the ABA Executive Offices in Chicago or through Martindale. Shirley Hufstedles is a judge in Los Angeles. Dean Kirby had no opinion respecting her attitudes, however, because of our encouraging success with women we should approach her. Tom Coleman because of his location and experience with Los Angeles judges should meet with her.

Dean Kirby felt that the time was ripe for bringing the issue before the AALS. He believes that gay admission to the bar is an issue the association must and will face. He suggested we begin at once. Incidentally, he feels that the chances for a favorable resolution are good.

AALS is set up on a model similar to the ABA--- that is, it is composed of sections and sub-sections which have been created to deal with issues in specialized areas. The Executive Committee of AALS, however, has taken upon itself to consider some issues. Recommendations from the sections or the Executive Committee are presented to the "assembly" (the legislative body) for formal endorsement by the association.

Dean Kirby agreed with Dean O'Brien in suggesting we contact Morey Rosenberg, Chairman of AALS, for advise and assistance in introducing the resolution. Mr. Rosenberg could advise as to whether the resolution should go to the Executive Committee or another section. The Dean suggested the Section on Law School Administration may be a possibility.

Page 4

Mr. Rosenberg is at Columbia Law School. Arthur Warner therefore, should anticipate being chosen to meet with Mr. Rosenberg.

The Dean reaffirmed his sympathy and support for our goals, as stated to him, however, because of a lack of time and other problems has been limiting his activities on behalf of all causes. He has agreed to advise us in any way he can and to serve as a spokesman on our behalf before AALS. He has agreed to speak on behalf of the resolution on the floor of the "assembly" of AALS when the matter is considered.

It is only through the assistance and support of men such as Dean Kirby and Dean O'Brien that we will be able to realize our goals. I retain the most sincere appreciation and gratitude for their concomitant and coordinated support. For this reason our uncompromising principle must always be to respect and diligently follow the stated conditions and limitations as to the involvement and support these men are willing to give on our behalf.

As a precaution against some unforeseen disaster we should all consult and agree with each other and other members of the Committee prior to meeting with or contacting any of the individuals discussed in this memorandum. We must be very circumspect and precise in our strategy and procedure we intend to follow to align these people to our cause. If we don't inadvertently drop the ball somewhere along the line our chances for success are good.

I understand that the primary responsibility for dealing

Page 5

with the ABA lies with Tom Coleman, Carrie Boggan (to the extent Carrie can be of help) and myself. I hesitate to proceed, however, until I have been advantaged with the advise and suggestions of the other members of the Committee. I suggest, Arthur, that you phone me at your convenience. If it is more convenient, Professor Barnett can consult with Tom in California. I am sure that I will receive and hereby solicit the usual helpful comments from Bill Kelly.

Incidentally, Dean Kirby indicated he would contact me if he could think of any place we might obtain matching funds for our Playboy Foundation grant. The problem of obtaining funds these days is not the lack of money but rather locating it. I suggest we more freely mention the problem to those who may possibly be aware of some unknown foundation or other source of funds.

I wish Tom Coleman the greatest success in the upcoming cases and challenges in California. I am sure the extensive study he has made on discriminatory law enforcement in Los Angeles will be of immeasurable value.

Craig Patton