

March 30, 1973

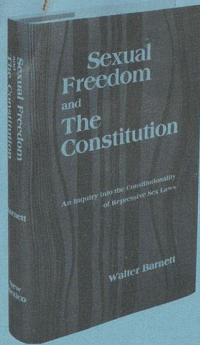
Dear Arthur,

I received today from the Press two copies of the final page proofs for my book. I am going to make one of them available to the Advocate, so that they can have a review of the book ~~XX~~ in their issue coinciding with the publication (which should be about the last week in April).

Do you think I should make the other copy available to GAY. I do not want to play favorites. If you think so, let me know and send me Gay's address. Or would you prefer that I airmail the copy to you and let you carry it to Gay's editors.

Other homophile publications like Vector and One Magazine can await the arrival of review copies of the bound volume.

Walter



"... an extremely thorough and balanced book ... an excellent job ... The book will represent not only an effective reasoned argument for social policy change, but a valuable compendium of what is known about homosexuality."

—Paul H. Gebhard, Director of  
The Institute for Sex Research  
(Founded by Alfred C. Kinsey)

## Sexual Freedom and The Constitution

Walter Barnett

Ever since the publication of Kinsey's work on human sexual behavior in 1948 and 1953, efforts have been made periodically to revise American criminal laws on sex so as to exclude from their scope all private activity between consenting adults. Virtually none of the experts in law, the social and behavioral sciences, or psychiatry believes that legal proscription of such activity serves any justifiable purpose. Many are convinced that it has a deeply pernicious effect in reinforcing the erotophobia characteristic of American culture, with all the severe mental and emotional conflicts such an attitude entails. State legislatures, however, have been reluctant to flout traditional mores in this area.

Almost no one has considered the possibility that reform could be compelled by the courts, through constitutional invalidation of existing laws. Stemming as they do from our English legal heritage, such laws have been assumed to be constitutional. In this book, Walter Barnett explores all the threads of current constitutional doctrine by which these laws might be attacked in the courts. To simplify the task, he discusses only one type of law—the sodomy laws. For the purposes of this book, sodomy comprehends all sexual acts other than coitus, whether heterosexual or homosexual.

One reason for choosing the sodomy laws to illustrate the possibilities for reform is that a greater range of constitutional arguments can be marshalled against them than against any of the other laws proscribing private behavior between consenting adults. Another reason is that reform of the sodomy laws is essential to the long-range goal of securing protection of the fundamental civil rights of homosexuals. This book is intended to provide all the ammunition needed for attacks on such laws through the courts, offering both legal argumentation and the necessary supporting scientific information about human sexual behavior.

Walter Barnett is currently Visiting Professor of Law at the University of California, Hastings College of the Law, San Francisco.

340 pages; 6½ x 9¼; Clothbound.

\$10.00

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