

NATIONAL COMMITTEE  
FOR  
SEXUAL CIVIL LIBERTIES

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NEWS

FOR IMMEDIATE RELEASE  
October 2, 1978

Subject: Ohio Supreme Court  
Reviews Constitutionality  
of Solicitation Statute

On September 18, 1978 the National Committee for Sexual Civil Liberties filed a brief in the Ohio Supreme Court challenging the constitutionality of the Ohio sexual solicitation statute. The Committee was joined by the Columbus Chapter of the National Lawyers Guild in preparation and filing of the brief.

Attached to this release is a copy of the order of the Supreme Court of Ohio allowing the Committee to file the brief. Also attached is a press release from the National Lawyers Guild concerning the case.

This is the second state Supreme Court this year to review the constitutionality of a sexual solicitation law. Earlier this year the California Supreme Court granted review of a case in which the constitutionality of Section 647(a) (California's sexual solicitation statute) was challenged. The National Committee Co-Chairmen Thomas F. Coleman and Arthur C. Warner are handling the California case.

A decision in the California case is expected in early 1979. The Ohio case should also be decided sometime next year. If either court declares the solicitation law unconstitutional it will be considered a landmark decision. No state Supreme Court has ever voided such a law in the past.

Phipps  
389 NE 2d 1128  
(1979)

NATIONAL  
LAWYERS  
GUILD

Columbus Chapter Post Office Box 3329 Columbus, Ohio 43210

PRESS STATEMENT

FOR RELEASE SEPTEMBER 18, 1978

COLUMBUS, OHIO--The National Committee for Sexual Civil Liberties and the Columbus Chapter of the National Lawyers Guild today filed a friend-of-the-court brief in the Ohio Supreme Court to challenge the constitutionality of Ohio's sex solicitation law.

The case concerns a Cincinnati man, Kenneth Phipps, who allegedly made a sexual proposition to a male Cincinnati police officer. Phipps was convicted of sex solicitation in the Hamilton County Municipal Court.

The Hamilton County Court of Appeals threw out Phipps' conviction last March, saying that the Ohio statute violates the First Amendment to the United States Constitution because it abridges freedom of speech. The Franklin County Court of Appeals ruled in 1975 that a similar Columbus ordinance also violated the First Amendment.

The City of Cincinnati has appealed the ruling of the Hamilton County Court of Appeals to the Ohio Supreme Court, which will likely decide the case before the end of the year.

Ohio State University law professor and NLG Vice-President John Quigley, who prepared the brief along with Columbus attorney Christen Blair, Ohio State University law student Judith Roof, and Los Angeles attorney Thomas Coleman, said that the sex solicitation statute has been used by police in Ohio to harass gay men. He said that in many instances undercover officers begin a conversation and lead the individual to think that a solicitation will be welcome. When the individual makes the solicitation, he is arrested.

The statute, Section 2907.07(B) of the Ohio Revised Code, makes it a crime to "solicit a person of the same sex to engage in sexual activity, when the offender knows that such solicitation is offensive to the other person, or is reckless in that regard."

The brief of the National Committee and the NLG says that

more - more



since sexual activity in private between consenting adults is legal in Ohio, an inquiry about it is lawful speech protected by the First Amendment.

The friend-of-the-court (amicus curiae) brief also argues that the Ohio statute unfairly discriminates against homosexuals, since a sexual suggestion to a person of the other sex is not punishable.

The National Committee for Sexual Civil Liberties is a membership organization that seeks to dismantle laws infringing sexual privacy. It has litigated many landmark cases involving such statutes. It publishes the Sexual Law Reporter, a periodical for attorneys on recent cases on sexual privacy.

The National Lawyers Guild, founded in 1937, is an association of legal professionals with chapter in 70 cities. Its members have served as counsel in many important free speech cases and in numerous cases involving rights of homosexuals.

FOR FURTHER INFORMATION CONTACT:

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# THE SUPREME COURT OF OHIO

September 18, 1978

State of Ohio,

Appellant,

vs.

Kenneth Phipps,

Appellee.

Case No. 78-554

**ENTRY**

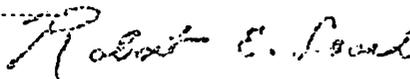
*On written request and for good cause shown, it is ordered that.....*

John Quigley, Christen R. Blair and  
Thomas F. Coleman

*.....be given leave to file brief amicus curiae*

*on behalf of..... National Committee for Sexual Civil Liberties et al.*

~~XXXXXX before~~



Chief Justice

Judge