

# ABA ducks gay rights issue... for now

by DON COLLINS

SAN FRANCISCO—The American Bar Association has ducked the issue of sexual law reform for the moment. But it will almost certainly come up again in February.

The ABA's House of Delegates voted 140-85 at the association's annual convention held here Aug. 14-16 to refer the question to its Criminal Law Committee for further study.

The ABA's Law Student Division, however, did adopt both a sexual law reform resolution and a "Single Person's Bill of Rights."

The Gay Activists Alliance in New York and the Society for Individual Rights here joined forces in an effort to get a law reform resolution approved by the ABA itself. They presented the proposed resolution to the ABA's Resolutions Committee Aug. 15.

It would urge state legislatures "to repeal all laws which classify as criminal conduct any form of sexual conduct between consenting adults, saving only those portions necessary to protect minors and to protect public decency."

The proposal threw the committee into a quandary, despite an earlier report issued by a blue-ribbon ABA committee on urban crime which called for the handling of "victimless crimes" to be transferred to social agencies and out of police jurisdiction.

That report had been issued in March by a committee chaired by Washington trial attorney Edward Bennett Williams and partly funded by the Ford Foundation.

The resolutions committee split evenly on the GAA-SIR resolution and referred it to the House of Delegates the next day without recommendation. After debate, the delegates opted for further study.

## 'Partial Victory'

ABA delegate William Thom, a GAA attorney who presented the resolution, termed the vote "a partial victory." He predicted that the issue would be brought up again at the next annual meeting, scheduled for Ohio next February—a prediction which the law students' action virtually insured.

It was clear that the gay activists involved in the matter had expected the resolution to fail in delegate voting.

Resolutions Committee chairman Wolfenden commented that it was his feeling that the manner of the presentation of the resolution had been the determining factor in keeping it from being killed

by the committee.

He noted that San Francisco Sheriff Richard Hongisto's appearance in favor of the resolution had great impact. Hongisto said that "in 1969, the San Francisco Police Department could not solve more than 13 per cent of the killings, forcible rapes, robberies, aggravated assaults . . . reported in the City of San Francisco. But during the same year, more than 50 per cent of all arrests were for what we call non-victim crimes, including of course, drug use or abuse, homosexuality, prostitution, and so on."

Hongisto suggested to the delegates that "it is fair in terms of cost analysis to ask what we're spending money for and what we're getting."

Hongisto called on them "to do something that is positive, constructive, and serves to move forward."

## 'Sadistic Treatment'

Dr. Donald Lunde, a psychiatrist and professor at Stanford University School of Medicine, noted that according to studies, over 95 per cent of the male population in the United States does violate current sex laws.

He noted that "these laws produce some of the most sadistic forms of treatment ever performed under the guise of rehabilitation." He went on to describe forms of treatment used in Atascadero that he had personally witnessed.

Reaction to the ABA's action has been mixed in the gay community here. Jim Foster, political committee chairman of SIR, expressed his feeling that the work done on the resolution is "a very definite feather in the cap of the gay movement."

He explained that the idea of the resolution was the brainchild of GAA/N.Y. and that SIR had been invited to participate by organizing the presentation which featured Hongisto and Lunde.

Assemblyman Willie Brown (D-San Francisco) had also been scheduled to speak before the committee but was unable to appear.

"It was an effort on the part of a lot of people, and shows what can be accomplished when different gay organizations work together on a common cause," Foster said.

Asked about the importance of the resolution, Foster answered with a rhetorical question: "How is the District Attorneys Association, who have consistently lob-

bied against sex law reform, going to justify their position if the ABA takes a positive stand on this resolution?"

## Negative View

However, B.J. Beckwith, chairman of SIR's legal committee, commented that, "while I am pleased that these people were able to get their position before the ABA, I don't expect any spectacular outcome."

Beckwith went on to compare the ABA to the PTA in importance. He explained that "many practicing attorneys do not belong to and are not concerned with the ABA."

"Regardless of what position the ABA takes," he added, "nobody is obliged to follow it." He also noted that the District Attorneys Association in California has had no problems in lobbying against sexual law reform in spite of the fact, he said, that local bar associations have been for some time on record in favor of sex reform.

## Law Students

The law reform resolution adopted by the House of Delegates of the Law Student Division, meeting in conjunction with the parent body, was adopted by the division's Ninth Circuit in San Diego early this year.

The Ninth Circuit covers 44 law schools in California, Arizona, and Utah, and is among the most influential in the division.

Its resolution, which the delegates here approved, calls for the repeal of all statutes dealing with adult consensual sex acts in private, lewd conduct, prostitution, private possession and use of marijuana, and private possession, use, or sale of erotic materials defined as "obscene."

The Single Person's Bill of Rights, also approved, was presented by Thomas Coleman, a law student at Loyola University in Los Angeles and chairman of the Gay Law Students Association.

Coleman's resolution calls for reform of tax laws and enactment of legislation prohibiting employers from discrimination against single adults.

Both resolutions will go before the ABA House of Delegates in February, virtually ensuring that the gay-rights issue stays alive.

## Barnett Talk

The Gay Law Students Association also sponsored a workshop which discussed a number of projects on homosexuals and the law. Keynote speaker was Walter Barnett, now visiting professor at Hastings College Law School of the University of California.

Working under a grant from the Playboy Foundation, Barnett is writing a book on sodomy laws in the United States. At the workshop, he discussed ways in which such statutes can be challenged.

Tim Stearns, president of the student bar association at Golden Gate Law School here, explained a work-study program currently under way in cooperation with the Society for Individual Rights and the California Committee for Sexual Law Reform.

The project, supported by the committee's Whitman-Radcliffe Foundation, will eventually provide every attorney handling gay cases with a battery of research material on past court decisions.

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