

SEXUAL LAW REPORTER

a proposal to establish a medium through which lawyers, legal scholars, law students and other professionals who work in or who have a special interest in the field of sexuality and the law can effectively communicate ideas to one another; to establish an agency which will research and report current developments in this field to those concerned; to create a vehicle to educate bar associations, state and federal judges, students of the law, as well as the general public of the trends in this field.

Proposal Submitted by:

NATIONAL COMMITTEE FOR
SEXUAL CIVIL LIBERTIES
and
AMERICAN CIVIL
LIBERTIES UNION

Proposal Co-ordinator:

Thomas Frank Coleman
Attorney at Law
Ahmanson Center East
Seventh Floor Law Suite
3701 Wilshire Boulevard
Los Angeles, California
90010 (213) 386-7855

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I. BACKGROUND

During the last two decades numerous lawyers and legal scholars have been thoroughly re-examining the relationship of the use of the law, both civil and criminal, to regulate and control sexual behavior and attitudes toward it. The American Law Institute in its Model Penal Code suggested drastic changes in the use of the criminal law to regulate private sexual behavior. In the recent case of Griswold v. Connecticut the United States Supreme Court recognized a constitutional right of privacy which now has been extended to a personal right of sexual privacy. The population explosion has had an impact on the doctrine of the Catholic Church in relation to procreation and sexuality. Since "Vatican II" the Catholic Church has relaxed its position that procreation is the only proper function of human sexuality. This brought it into congruence, in this respect, with all other Christian denominations and with the Jewish faith. Kinsey and subsequent researchers have educated the American public of the diverse sexual practices of the members of our present society. Just recently the American Psychiatric Association has agreed that homosexuality is not and should not be considered an illness. The American Bar Association has urged all states to repeal laws penalizing private sexual behavior between consenting adults. Some nine states have followed that mandate. Even where such laws still exist, the tremendous rise in serious crime has led both prosecutors and police to change priorities in law enforcement.

However, tens of thousands of citizens are prosecuted each year in this country for engaging in some rather harmless behavior. There are presently many lawyers working in the field of sexuality and the law. Several law schools now offer courses in this field. Unfortunately, since information on current developments in this field is scattered throughout numerous legal reporters, newsletters, journals, newspapers, and other periodicals, it has become impossible for the average lawyer to keep abreast of this information.

Because professional services can only be rendered by practitioners who are aware of the current developments in both the substantive and procedural laws affecting this field, it has been proposed that a new legal reporter be created. Only through the continuous communication and exchange of ideas can any area of the law advance.

With the foregoing in mind, the National Committee for Sexual Civil Liberties and the American Civil Liberties Union propose the formation and operation of the SEXUAL LAW REPORTER.

II. PROGRAM SUMMARY

Statement of Objectives

A. Organization of a Nonprofit Corporation

To provide the structure and establish the legal entity which will be responsible for the safeguarding of funds, employment of necessary personnel, and setting the goals and policies of the legal reporter.

B. Operation of the Legal Reporter

To do original research in the field of sexuality and the law. To analyze statutory and case law in this field. To maintain a roster of significant cases pending in both state and federal courts. To report on developments within the law schools, e.g. the formation and expansion of courses on sexuality and the law.

To publish and distribute this research, analysis, and roster to lawyers, legal scholars, law students, and other professionals working in these fields. In addition to the legal reporter, a supplement could be published which would be distributed to the news media as a means of educating the public on recent developments.

To distribute the reporter to all federal judges, to state appellate court judges, to bar associations, and to law libraries in order to keep the members of the judiciary and bar abreast of current developments.

C. Annual Meeting of the Board of Directors

At least once each year the directors of the corporation would meet to conduct business, set goals, and establish priorities of the reporter.

III. PROGRAM DESCRIPTION

A. Organization of a Nonprofit Corporation

1. Objective:

To provide the structure and establish the legal entity which will be responsible for the safeguarding of funds, employment of necessary personnel, and setting the goals and policies of the reporter.

2. Method:

The SEXUAL LAW REPORTER is now in the process of being incorporated as a nonprofit corporation pursuant to the laws of the State of California. The principal office of the corporation will be in Los Angeles, California. The Reporter will operate for educational purposes and will apply for a tax exemption under both state and federal laws.

The Board of Directors of the corporation will consist of nine persons who have special knowledge of the field in which the reporter will be concerned. The initial Board of Directors will consist of the following persons:

Professor Walter E. Barnett, Professor of Law, Hastings College of the Law, University of California, San Francisco, California. He is the author of "Sexual Freedom and the Constitution", recently published.

Ms. Marilyn Haft, New York Attorney, Director of the Sexual Privacy Project of the American Civil Liberties Union.

Dr. Arthur C. Warner of Princeton, New Jersey, sometime Professor at the University of Texas, founder and Co-chairman of the National Committee for Sexual Civil Liberties.

Michael Wetherbee, Esq. of Minneapolis, Minnesota, Director of the Minnesota A.C.L.U. and member of the National Committee for Sexual Civil Liberties.

Craig W. Patton, Esq. with the Columbus, Ohio firm of Dargusch and Day. He has worked extensively with local, state, and national bar associations, as well as with municipal and state legislative bodies in the field of sexual civil liberties.

E. Carrington Boggan, Esq. of the New York City law firm of Rogers, Hoge, and Hills. He is the Chairman of the Equal Protection Committee of the Section of Individual Rights and Responsibilities of the American Bar Association.

William Reynard, Esq. who practices law in Denver, Colorado. As a member of the national Board of Directors of the American Civil Liberties Union and a member of the National Committee for Sexual Civil Liberties, he has long been a champion of sexual civil rights.

Michael Miller, Esq. , a New York City trial lawyer and member of the National Committee for Sexual Civil Liberties.

Thomas F. Coleman, Esq., a Los Angeles attorney who has been involved in various projects involving sexuality and the law with the American Bar Association, Loyola Law School, the Association of American Law Schools, and the Municipal Court of the Los Angeles Judicial District.

3. Costs:

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| Legal fees for incorporation | \$250.00 |
| Legal fees for obtaining tax exemption | \$300.00 |
| Filing and certification fees | \$ 50.00 |
| TOTAL COSTS | \$600.00 |

B. Operation of the Legal Reporter

1. Objective:

To do original research in the field of sexuality and the law. To analyze statutory and case law in this field. To maintain a roster of significant cases pending in both state and federal courts. To report on developments within the law schools, e.g. the formation and expansion of courses on sexuality and the law.

To publish and distribute this research, analysis, and roster to lawyers, legal scholars, law students, and other professionals working in this field. In addition to the legal reporter, a supplement could be published which would be distributed to the news media as a means of educating the public on recent developments.

To distribute the reporter to all federal judges, to state appellate court judges, to bar associations, and to law libraries in order to keep the members of the judiciary and the bar abreast of current developments.

2. Method:

The Board of Directors would establish the salaried position of Executive Director. The Executive Director would conduct research and supervise other researchers, enlist law school participation in the programs of the reporter, promote the reporter, and act as a general manager of the reporter.

The principal office of the reporter would be established in Los Angeles, California.

As the budget permits the Board of Directors would authorize the salaried employment of secretaries, law students, and other necessary personnel.

The reporter would be published at regular intervals. Ms. Marilyn Haft has confirmed that the Playboy Foundation has agreed to underwrite the publication and distribution of the reporter on a bi-monthly basis. It is hoped that this would soon be changed to a monthly publication.

An appropriate subscription rate would be established by the Board of Directors. These funds would be

accumulated to pay for the second and subsequent years of operation of the reporter. In addition to paid subscriptions, numerous issues would be distributed to many members of the judiciary at no charge.

The reporter would cover both the substantive and procedural law relating to sexuality and the law. The substantive areas of the law would include: adultery, bigamy, cohabitation, fornication, incest, lewdness, obscenity, prostitution, sodomy, sexual solicitation, loitering for the purposes of many of the above, as well as government and private discrimination because of sexual orientation in the areas of employment, housing, liscensing, and domestic relations. As time and space allow, many other areas of sexuality and the law, including gender and marital status discrimination would be included.

3. Costs:

First Year of Operation:

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|-------------------------------|-------------|
| Salary of Executive Director | \$12,000.00 |
| Office Rental | \$ 2,000.00 |
| Office Equipment and Supplies | \$ 1,000.00 |
| Xerox and photostating | \$ 500.00 |
| Communication: | |
| Telephone | \$ 2,500.00 |
| Postage | \$ 500.00 |
| Promotion and Advertising | \$ 1,000.00 |
| TOTAL COSTS | \$19,500.00 |

C. Annual Meeting of the Board of Directors

1. Objective:

At least once each year the directors of the corporation would meet to conduct business, set goals, and establish priorities of the reporter.

2. Method:

During the year the Board of Directors would conduct as much business as possible via the telephone and mails. Action by the Board could be taken by unanimous written consent of the directors. Any business which could not be conducted in this manner would be postponed until the annual meeting of the Board of Directors.

The time and place of the annual meeting would be determined according to the needs and convenience of a majority of the directors.

In conjunction with the annual meeting it is hoped that a national symposium on sexuality and the law could be conducted and various experts from around the country could be participants therein.

3. Costs:

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| Transportation to annual meeting | \$1,500.00 |
| Accomodations | \$ 500.00 |
| TOTAL COSTS | \$2,000.00 |

IV. COMPOSITE BUDGET

A. ORGANIZATION OF A NONPROFIT CORPORATION

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|---------------------------------|-----------|
| 1. Legal fees for Incorporation | \$ 250.00 |
| 2. Legal fees for Tax Exemption | \$ 300.00 |
| 3. Filing and certification fee | \$ 50.00 |

B. OPERATION OF THE LEGAL REPORTER

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|----------------------------------|-------------|
| 1. Salary of Executive Director | \$12,000.00 |
| 2. Office Rental | \$ 2,000.00 |
| 3. Office Equipment and Supplies | \$ 1,000.00 |
| 4. Xerox and photostating | \$ 500.00 |
| 5. Communication: | |
| Telephone | \$ 2,500.00 |
| Postage | \$ 500.00 |
| 6. Promotion and Advertising | \$ 1,000.00 |

C. ANNUAL MEETING OF THE BOARD OF DIRECTORS

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|-------------------------------------|-------------|
| 1. Transportation to annual meeting | \$ 1,500.00 |
| 2. Accomodations | \$ 500.00 |

GRAND TOTAL \$22,100.00