

# ADVOCATE

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## Nation's lawyers call for consent laws

by THOMAS COLEMAN

WASHINGTON—The American Bar Association in its Aug. 5-9 annual meeting here adopted a resolution which urges the states to repeal all laws prohibiting private sexual behavior between consenting adults, saving only those portions which are necessary to protect minors or public decorum.

The adoption of this resolution was the product of extensive efforts and lobbying by several individuals and groups over the past 18 months.

The resolution was first introduced 18 months ago into the section on individual rights and responsibilities by E. Carrington Bogan, a New York attorney for that city's Gay Activists Alliance.

The rights section of the ABA recommended its passage at this year's annual meeting.

An identical resolution was introduced into the assembly of the ABA at its 1972 annual meeting in San Francisco by William Thom, another New York attorney.

The ABA membership succeeded in bucking the issue last year by sending the resolution to the section on criminal law for further study and consideration.

At the mid-year meeting of the ABA in Cleveland in February 1973, an ad hoc subcommittee of the criminal law section was appointed to consider the resolution. That subcommittee, chaired by Barbara Babcock, associate professor at Stanford University School of Law, heard testimony and recommended passage by the council of the section on criminal law.

The council, of which Joseph Busch, district attorney of Los Angeles County, is a member, voted to adopt the resolution and report it back to the assembly for adoption at the 1973 annual meeting here. It is not known how Busch voted at the meeting.

A similar resolution, which also called for decriminalization of prostitution, was introduced in the law student division of the American Bar Association at its annual meeting in San Francisco in August 1972.

Its passage in the law student division was secured by the efforts of the Gay Law Students Association and the National Committee for Sexual Civil Liberties.

Additional support for this year's resolution was received by the Young Lawyers section of the ABA.

### Extensive Debate

At this year's meeting the resolution was extensively debated. Speakers for the resolution on the floor of the assembly included Babcock; E. Carrington Bogan, now chairman of the equal protection committee of the section on individual rights' this writer, who is past chairman of the Gay Law Students Association and member of the House of Delegates of the law student division' the Rev. John Corn, legal counsel for the Episcopal Diocese of New York; and Sen. J. Fernandez Sanchez (D-Puerto Rico).

Debate on the resolution was interrupted by the late arrival of U.S. Atty. Gen. Elliot Richardson, who addressed the assembly on the impact of Watergate on the trust of the citizens and the Department of Justice and reported new guidelines for the department.

After Richardson's address, several well-established members of the ABA opposed the adoption of the resolution on the grounds that it would promote "promiscuity, adultery, and undermine the family."

However, even after these pleas to the emotions of the assembly, the final vote was 180 favoring and 120 opposing.

Later in the day, Richardson revealed the results of a two-year study done for his department by the National Advisory Commission on Criminal Justice, Standards, and Goals (NACCJG).

Los Angeles Sheriff Peter Pitchess is vice chairman and L.A. Police Chief Edward Davis is a member of the 25-person commission. The commission called for decriminalization of marijuana possession, prostitution, and private sexual behavior between consenting adults.

The National Committee for Sexual Civil Liberties, at its annual meeting in Washington, hailed the moves by the ABA and the NACCJG.

Its cochairmen, Prof. Walter Barnett of Hastings Law School in San Francisco and Dr. Arthur Warner of Princeton, N.J., felt that adoption of the resolution by the ABA and the position taken by the De-

partment of Justice's study would be of great assistance in lobbying efforts in state legislatures.

Barnett has been working closely with the Whitman-Radcliffe Foundation and the California Committee for Sexual Law Reform in creating a legislative package to be presented to the California Legislature later this year.

Later in the day, the House of Delegates, the official policy-making body of the ABA, voted 127-69 to affirm the action taken by the assembly.

The house also took favorable action on a resolution calling for decriminalization of possession and personal use of marijuana.

The law student section's House of Delegates took action on a resolution of great significance to gay lawyers and law students. The resolution called for an end to investigation, denial of admission, and disciplinary action by state bar associations because of sexual orientation or private sexual behavior of law students and attorneys.

This resolution was introduced by this writer on behalf of the GLSA. Lobbying for the resolution was Craig Patton, the first already acknowledged gay attorney to be admitted to the bar in the United States, after two years of protests and hearings before the Ohio Supreme Court.

Patton and this writer, both members of the National Committee for Sexual Civil Liberties, will introduce this resolution to the various other sections of the ABA during the coming year.

It is expected that the resolution will be voted on by the ABA House of Delegates at its 1974 meeting in Hawaii next August.