

**Zeitschrift:** Der Kreis : eine Monatsschrift = Le Cercle : revue mensuelle  
**Band:** 22 (1954)  
**Heft:** 6

**Rubrik:** Sex laws in state are 'ridiculous,' lawyer tells N.Y.U. police clinic

### **Nutzungsbedingungen**

Die ETH-Bibliothek ist die Anbieterin der digitalisierten Zeitschriften. Sie besitzt keine Urheberrechte an den Zeitschriften und ist nicht verantwortlich für deren Inhalte. Die Rechte liegen in der Regel bei den Herausgebern beziehungsweise den externen Rechteinhabern. [Siehe Rechtliche Hinweise.](#)

### **Conditions d'utilisation**

L'ETH Library est le fournisseur des revues numérisées. Elle ne détient aucun droit d'auteur sur les revues et n'est pas responsable de leur contenu. En règle générale, les droits sont détenus par les éditeurs ou les détenteurs de droits externes. [Voir Informations légales.](#)

### **Terms of use**

The ETH Library is the provider of the digitised journals. It does not own any copyrights to the journals and is not responsible for their content. The rights usually lie with the publishers or the external rights holders. [See Legal notice.](#)

**Download PDF:** 16.03.2025

**ETH-Bibliothek Zürich, E-Periodica, <https://www.e-periodica.ch>**

that minute brings, is the only miracle of God known to the man who is truly, humbly wise.

To conclude: when you say I must not answer any letters from your son, I must reply that I shall, whether you seize them or not. If he asks me a question I shall answer it with that same consideration for my fellow man and innate love of honesty that have always guided me. If he asks me to remain his friend in our present status, I will be grateful for his companionship. And should you, Madame, find some way of martyring me that I have not yet guessed, I will show you what a «degenerate homosexual» can endure from your «decent society» without flinching.

In all other matters, dear lady, I am, for the sake of your son,

Your devoted servant,

*James Barr Fugate'*

«Times» 8/8/1953.

## Sex Laws in State Are 'Ridiculous,' Lawyer Tells N. Y. U. Police Clinic

New York State's law on sex were termed «ridiculous» and «unenforceable» by a lawyer who told a New York University institute on modern law enforcement methods yesterday that «antiquated» statutes were undermining efforts of authorities to control offenders.

Speaking to fifty law officers and students at the university's Washington Square Center, Robert Veit Sherwin declared that many sex practices recommended in medical texts constituted felonies «in every one of the forty-eight states.» He asserted that «practically speaking, there are no sex laws because the laws that exist cannot be enforced.»

Mr. Sherwin, author of «Sex and the Statutory Law», suggested that under a realistic approach the enforcement of sex laws would be based on three fundamental points. These were that sexual acts constituted a crime only when assault was involved, when they were carried on in public or when children were involved.

Deputy Police Inspector Paul Weston told the group that the city's subway system with its crowded trains and secluded station areas was «a fine place for sex offenders.» He said, however, that the Police Department had made considerable progress in the arrest and conviction of offenders. In the last two years, he said, convictions were obtained in 90 to 92 per cent of the cases.

In the last year, he declared, the Police Department has been compiling a special file on known offenders and policemen have been particularly successful in apprehending molesters of children. Inspector Weston praised the new law under which sex offenders are given indeterminate prison sentences, release being dependent upon the progress of their rehabilitation.

Donal E. J. MacNamara, vice president of the Society for the Advancement of Criminology and chairman of the institute, which ended its

five-day meeting yesterday, told the group that accusations against alleged sex offenders were the easiest to make and the hardest to prove.

Statistics on sex crimes are not a reliable index of the true state of offenses because many victims for a variety of reasons do not make a complaint, he said. Many sex laws are not enforced, he declared, and noted that in this state adultery was a misdemeanor but at the same time was the sole ground for divorce.

## Homosexuality and Solicitation

*Committee of Inquiry to be appointed*

A committee to examine the subject of homosexual offences and the parallel problem of the law relating to prostitution and solicitation generally is to be appointed by the Home Secretary and the Secretary of State for Scotland.

There was a warm welcome in the House to-night for this announcement by Sir Hugh Lucas Tooth, Under Secretary, Home Office, in reply to an adjournment debate in which Mr. Donnelly and Sir Robert Boothby had pressed for a Royal Commission on the subject. The Under Secretary said that Sir David Maxwell Fyfe was anxious to secure the services of able and experienced men and women to serve upon the committee and it might be some little time before he was in a position to announce its membership and terms of reference.

The Home Secretary believed that a thorough investigation by a well-qualified body would throw useful light on the scope and nature of these difficult and controversial problems and that investigation by such a committee might make a valuable contribution to the problem of how the criminal law should deal with it.

Sir Hugh Lucas Tooth had quoted statistics which, he said, showed that there had been a serious increase in homosexual offences. There would be general agreement that the criminal law ought to provide effectively at all events for the protection of the young and the preservation of public order and decency. The problem had been posed whether the law should confine itself to those two objects or whether it should be amended to permit unnatural relations between consenting adults in private which were no crime in many countries in the world to-day.

Mr. Donnelly had warned the Home Secretary of the great public disquiet at some of the police methods that had come to light in recent litigation and that some members were watching this matter very carefully and would not hesitate to expose any cases where they thought the methods of the police had been improper. Sir Robert Boothby said that homosexuality was more prevalent than people were apt to admit. In most great cities there was a homosexual underground which was a constant menace to youth. Sporadic campaigns by the police against it had been accompanied by methods of great dubiety and did nothing to eradicate it. He did not blame the police but the law.