

ACLU POSITION ON HOMOSEXUALITY

JANUARY 7, 1957

The American Civil Liberties Union is occasionally called upon to defend the civil liberties of homosexuals. It is not within the province of the Union to evaluate the social validity of laws aimed at the suppression or elimination of homosexuals. We recognize that overt acts of homosexuality constituted a common law felony and that there is no constitutional prohibition against such state and local laws on this subject as are deemed by such states or communities to be socially necessary or beneficial. Any challenge of laws that prohibit and punish public acts of homosexuality or overt acts of solicitation for the purpose of committing a homosexual act is beyond the province of the Union.

In examining some of the cases that have come to our attention, however, we are aware that homosexuals, like members of other socially heretical or deviant groups, are more vulnerable than others to official persecution, denial of due process in prosecution, and entrapment. As in the whole field of due process, these are matters of proper concern for the Union and we will support the defense of such cases that come to our attention.

"Some local laws require registration when they enter the community of persons who have been convicted of a homosexual act. Such registration laws, like others requiring registration of persons convicted of other offenses, are in our opinion unconstitutional. We will support efforts for their repeal or proper legal challenge of them.

The ACLU has previously decided that homosexuality is a valid consideration in evaluating the security risk factor in sensitive positions. We affirm, as does Executive Order 10450 and all security regulations made thereunder, that homosexuality is a factor properly to be considered only when there is evidence of other acts which come within valid security criteria.

1/17/57