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U.S. SUPREME COURT TO RULE ON STATE SODOMY LAWS



Tyron Garner and John Lawrence were arrested for violating Texas sodomy law.

First Principles filed a historic friend of the court brief on Tuesday, February 18, 2003, in the U.S. supreme Court in *Lawrence v. Texas*. Lambda Legal Defense Fund and the ACLU again seek to advance undemocratic change in state laws through the courts, by asking the Court to strike Texas' sodomy law and overturn *Bowers v. Hardwick*, 478 U.S. 186 (1986). Their demand is based upon the veracity and authority of Indiana University's Kinsey Reports (1948, 1953) and the American Law Institute's (ALI) Model Penal Code (MPC) (1955) which solely relies upon Kinsey's junk sex science to decriminalize acts of sodomy and to "normalize" sodomy since 1955 in the United States of America.

The opposing side is arguing that same-sex behavior should have the same legal status as heterosexual activity, based on the equal protection clause of the Fourteenth Amendment. They also argue that homosexual behavior is protected by a "right to privacy," basing this argument on *Roe v. Wade*, the Court's 1973 decision on abortion. First Principles presented the history of "Privacy" as a radical legal innovation introduced in 1890 and not recognized by the common law of England, America or the U.S. Constitution.

"A PAGE OF HISTORY IS WORTH A VOLUME OF LOGIC."

--Justice Oliver Wendell Holmes, Jr., *New York Trust Co. vs. Eisener*, 256 U.S. 345, 349 (1921).

First Principles' brief features the extensive research of Colonel Ronald D. Ray, Dr. Judith Reisman and Dr. Linda Jeffrey to demonstrate, in the 2nd half of the 20th century, the use of "Privacy" and Indiana University's fraudulent Kinsey Reports' to overturn hundreds of years of settled American law that protected marriage marital act as the only lawful intimate physical expression. Based on Kinsey's junk science, 52 state laws, including sodomy, were targeted by legal elites for elimination. Since the founding of state governments until 1955, these 52 common laws protected marriage, women and children. Then in 1955 states began adopting the ALI Model Penal Code (ALI-MPC). Kinsey biographer Jonathon Gathorne-Hardy, (whose 1998 book is the basis for a reconstruction effort by Hollywood, *Myriad Pictures* and Coppola's American Zoetrope studios to reinvent Kinsey as "sexual pioneer") says of Kinsey's impact on law:

The American Law Institute's Model Penal Code of 1955 is virtually a Kinsey document...At one point Kinsey is cited six times in twelve pages."¹

Kinsey-favoring biographer James Jones publicly admitted in the 1998 British Yorkshire Television Documentary, "*Kinsey's Paedophiles*," what Kinsey's own research disclosed, that

¹ Jonathan Gathorne-Hardy, *Sex, Alfred C. Kinsey, The Measure of All Things*, Chatto & Windus, London, 1998, p. 449.

children some as young as 2 months of age were abused by “9” adult paedophiles collaborating with Kinsey.

Kinsey relied upon [King] for the chapter on childhood sexuality in the male volume [Chapter 5] ... Many of his victims were infants and Kinsey in that chapter himself gives pretty graphic descriptions of their response to what he calls sexual stimulation. If you read those words, what he’s talking about is kids who are screaming. Kids who are protesting in every way they can the fact that their bodies or their persons are being violated.²

In addition to King’s data, the Yorkshire investigators located the criminal trial records and news reports in Berlin of Dr. Fritz Von Balluseck, a Nazi administrator over a Polish town, and pedophile who corresponded with and contributed to Kinsey’s child abuse data (from roughly 1936-1956). A sampling of two of many German newspaper accounts tell the story:

The Nazis knew and gave him the opportunity to practice his abnormal tendencies in occupied Poland on Polish children, who had to choose between Balluseck and the gas ovens. After the war, the children were dead, but Balluseck lived. [*National-Zeitung*, May 15, 1957].

The connection with Kinsey, towards whom he’d showed off his crimes, had a disastrous effect on [von Balluseck]... [I]n his diaries he’d stuck in the letters from the sex researcher, Kinsey in which he’d been encouraged to continue his research He had also started relationships ... to expand his researches. One shivers to think of the lengths he went to. [*TSP*, May 17, 1957]

By interviewing in jails, bathhouses, and homosexual bars, Kinsey produced skewed data (87% of the sample was “aberrant”) claiming 95% of American men were sex offenders. ALI’s Model Penal Code authors lifted from Kinsey’s fraudulent and criminally-derived data - specifically 19 quotations from Kinsey’s *Male* volume - to justify decriminalizing sodomy. Legislators on state law revision committees trusted ALI “experts” and largely adopted ALI recommendations in most states including Texas. First Principles’ brief presented to the Court the fact that the current Texas sodomy was changed based upon the ALI and the Lambda’s case relies upon Kinsey Reports’ junk science.

Leading state judges, attorneys, bar associations and law schools were led to believe the ALI MPC represented merely a clarification of the common law to reflect developments in law, based on the new social “sciences.” Prior to 1960 all sodomy was unlawful. Sodomy was largely defined and understood to be any “unnatural” act - per os (mouth), per anum (anus) or animal contacts. This contact did not distinguish between members of the opposite sex or same sex: sodomy was sodomy. Kinsey was relied upon to change sodomy laws. ALI authors repeated Kinsey’s revolutionary mantra that 95% of 1940’s men were “sex offenders” under the common law, and thus laws needed to change to reflect the “evolving” nature of mankind. First Principles recommended to the supreme Court that the Texas sodomy law be upheld, but further that based on current sexual health data and in view of Kinsey’s scientific fraud, the sodomy law pre-Kinseyan and ALI Model Penal Code which wrongfully carved out a special class of legal sodomy for heterosexuals, be restored making sodomy illegal.

The oral argument in this case before the Court is set for March 26, 2003.

² Yorkshire Television, August 10, 1998. “Secret Histories, *Kinsey Paedophiles*, See also Kinsey, *Sexual Behavior in the Human Male*, at 161 (noting “violent convulsions, groaning, sobbing, violent cries, with an abundance of tears (especially among younger children.)”).