

**NATIONAL news**

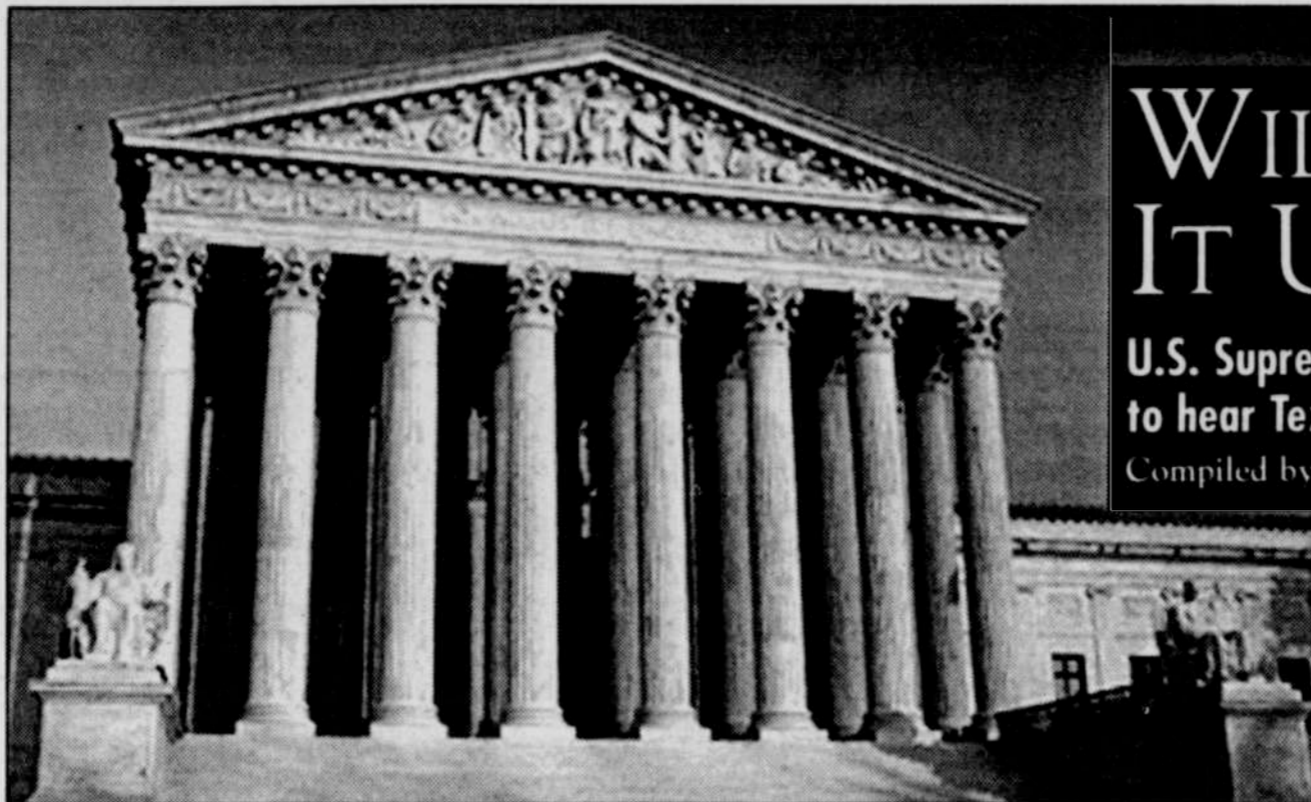
The U.S. Supreme Court announced Dec. 2 that it will hear a case challenging the constitutionality of Texas's "Homosexual Conduct" Law, which criminalizes oral and anal sex by consenting couples and is used widely to justify discrimination against gay men and lesbians.

"This is a significant step forward because it means the court has seen the serious constitutional problems with these laws and is willing to look at them closely," lead attorney Ruth Harlow said. "We now have an opportunity to convince the court to remedy the widespread harms to lesbian and gay people caused by Texas' law and others like it."

Lambda Legal represents John Lawrence and Tyron Garner, who were arrested in Lawrence's Houston home and jailed overnight after officers responding to a false report from an acquaintance found the men engaged in private, consensual sex. Once convicted, they were forced to pay fines and now are considered sex offenders in several states.

"The state should not have the power to go into the bedrooms of consenting adults in the middle of the night and arrest them," Harlow said. "But that's only the beginning of the damage done by this law and others like it around the country. These laws are widely used to justify discrimination against gay people in everyday life; they're invoked in denying employment to gay people, in refusing custody or visitation for gay parents and even in intimidating gay people out of exercising their First Amendment rights."

Laws like the one in Texas are used as an excuse for generally denying basic rights and equal treatment to gay men and lesbians. Recent high-profile cases specifically relying at



Justices will hear oral arguments in the case this spring

least in part on such statutes include: a Mississippi man who was denied custody of his own child; a Georgia woman who was rejected for government employment; a lesbian minister in Puerto Rico who was told not to testify at a legislative hearing; two lesbian foster mothers in Texas whose foster child was taken from their home; and a North Carolina man whose two sons were taken away from him.

In addition to Texas, Kansas, Missouri, Oklahoma and Puerto Rico still have consensual sodomy laws that apply only to gay people. Nine states—Alabama, Florida, Idaho, Louisiana, Mississippi, North Carolina, South Carolina, Virginia and Utah—still have consensual sodomy laws that apply to straight and gay adults but are invoked only against gay men and

lesbians in everyday life. These statutes typically ban oral and anal sex with penalties ranging from fines to 20 years in prison.

The Supreme Court will hear arguments on whether the Texas statute violates the U.S. Constitution's guarantee that laws must protect and apply to people equally, as well as whether it violates the right to privacy. In 1986, the court ruled that Georgia's law banning consensual sodomy did not violate privacy rights. In bringing the Texas case, Lambda Legal asked the justices to reconsider that ruling.

"It's tremendously significant that the court is revisiting a previous ruling that has done substantial harm to gay Americans for so many years," Harlow said. "Society's knowledge about gay people, gay families and gay lives has

**WILL WE TAKE IT UP THE ASS?**

**U.S. Supreme Court agrees to hear Texas sodomy case**

Compiled by Jim Radosta

increased exponentially since 1986, and we believe a more informed view of constitutional protections for gay people can now prevail."

Since the 1986 decision, Lambda Legal has helped strike down similar laws in numerous state courts, including Montana, Tennessee and Georgia. In July, the Arkansas Supreme Court ruled in favor of seven gay men and lesbians who said the state's sex ban jeopardized their employment, their legal relationships with their children and their standing as equal citizens.

The U.S. Supreme Court, which agrees to hear about 2 percent of the cases brought to it each year, has heard only a handful of cases about the rights of gay men and lesbians. "The court has recognized that this is a tremendously important case for gay people and for all who believe in basic constitutional freedoms, and it did the right thing by allowing us to be heard," Harlow said. "We're looking forward to making a powerful and convincing case that these laws are an affront to equality, invade the most private sphere of adult life and harm gay people in so many ways."

Lambda Legal's opening brief is due in mid-January. The court will hear oral arguments in the case this spring. **JM**

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