



**Sweet sorrow**  
An activist chooses  
death with dignity  
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Portland, Oregon **FREE**

## Before you say **I do**



*Just Out's* guide  
to planning  
a commitment  
ceremony

by Gina Daggett  
and Erin Sexton

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## Free to be

U.S. Supreme Court  
reverses itself  
in historic ruling  
on sodomy

BY BOB ROEHR

**E**qual justice under law" is carved into gleaming white marble atop the U.S. Supreme Court building. The court took a momentous step toward making that a reality for all gay and lesbian Americans when it threw out the remaining 13 sodomy laws in the United States.

In a 6-3 decision issued June 26, the court made the highly unusual admission that it was mistaken when it said in 1986's *Bowers vs. Hardwick* case that states could regulate sodomy.

Gay groups were unanimous in hailing the *Lawrence vs. Texas* ruling as "historic," clear and broad in its embrace of queer citizens. It promises to have significant implications for laws affecting virtually every other aspect of life for gay Americans.

Justice Anthony Kennedy, writing for the majority, strongly took the earlier court to task for its ruling in *Bowers* on both matters of fact and of law. In criticizing their reading of history, he wrote, "Far from possessing 'ancient roots,' American laws targeting same-sex couples did not develop until the last third of the 20th century."

He outlined the right to privacy that the court has delineated under what has become known as the due process clause of the 14th Amendment to the Constitution. He drew heavily upon decisions affirming a couple's right to contraception and a woman's right to choose to have an abortion. In doing so, the majority affirmed little interest in revisiting those issues of choice with regard to abortion.

Kennedy turned to the language of Justice John Paul Stevens' dissenting opinion in *Bowers* to make the case that a political majority's distaste of a particular act is not sufficient grounds to prohibit it and that sexual intimacy for all is indeed protected under the 14th Amendment.

In clear, blunt language he concluded: "*Bowers* was not correct when it was decided, and it is not correct today. It ought not to remain binding precedent. *Bowers vs. Hardwick* should be and now is overruled."

Justice Sandra Day O'Connor was part of the 5-4 majority deciding *Bowers*. She chose to overrule it, though not on due process grounds, as the majority did. She found that it unconstitutionally violated equal protection.

Justice Antonin Scalia wrote a scathing dissent dominated by personal pique that the majority did not agree with his views. He was joined by

**The rise and fall  
of Oregon's  
sodomy statute**  
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**Gay Marine  
conscientious objector  
fights court-martial**

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**A peek at  
Peacock  
in the Park**

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**Pitchers, catchers  
and switch hitters:  
Foul play in pro sports**

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