Sweet sorrow An activist chooses death with dignity Page 15 VOLUME 20 + NUMBER 17 + JULY 4, 2003

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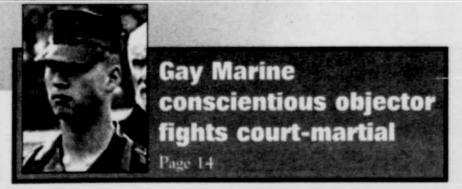
Before you say



Just Out's guide to planning a commitment ceremony ·

> by Gina Daggett and Erin Sexton

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Pitchers, catchers and switch hitters: Foul play in pro sports Page 41



Free to be

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

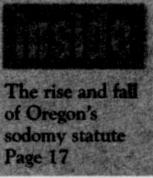
qual justice under law" is carved into gleaming white marble atop the U.S. Supreme Court building. The court took a momentous step toward making that a reality for all gay and lesbian Americans when it threw out the remaining 13 sodomy laws in the United States.

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 samesex 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

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