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Crimes against nature

ANTI-QUEER LAWS STILL ON THE BOOKS IN SEVERAL STATES

by Dan Robins

IN 1989, MICA ENGLAND APPLIED FOR A JOB WITH THE DALLAS POLICE. IN THE COURSE OF HER APPLICATION, A POLYGRAPH TEST REVEALED HER TO BE A LESBIAN. CITING THIS AS THE REASON, THE DEPARTMENT REFUSED TO HIRE HER.

WHEN CHALLENGED, THEY POINTED TO TEXAS LAW #21.06, WHICH GIVES A FINE OF UP TO \$500 FOR "HOMOSEXUAL CONDUCT." IF HER SEX LIFE IS ILLEGAL, THEY REASONED, SHE SHOULD NOT BE ALLOWED TO WORK FOR THE POLICE.

MONTREAL (CUP)--

Texas is one of twenty-five U.S. states with laws against sodomy and other 'unnatural' sex acts. The \$200 fine is actually quite tame -- the Idaho state Supreme Court ruled last January that you can get life in prison for anal or oral sex.

A number of similar laws were struck down in the last few years, and a few more are under attack. But with the passage of a vicious anti-gay ballot measure in Colorado and the near miss of an even more evil one in Oregon, it is clear that legal attacks on lesbians and gay men are far from over. Although most sodomy laws don't single out queers, activists say the laws are rarely used against heterosexuals. Specifically, they say police often entrap gay men in known cruising areas.

Robin Kane, spokesperson for the U.S. National Gay and Lesbian Task Force, said the police use these laws "to harass and limit lesbian and gay communities".

When people are charged with sodomy, she said, it is often in circumstances where police want to arrest queers but have no good pretext. Or sodomy might be added to other charges like assault or indecency.

Added harm comes when those arrested have their names (and sometimes addresses) published in the newspaper, which often leads to more harassment and lost jobs.

But sodomy laws are rarely enforced against consenting adults, she said. More commonly, "Sodomy laws are the basis for denying lesbians and gays other civil rights."

They have been used to

deny lesbian and gay groups government funding, she said. Perhaps their most devastating use is in custody battles, where queers can be painted as "unconvicted criminals" and unfit parents.

"They're also often used to limit accurate, explicit AIDS information and education," said Kane.

Part of the problem with actually enforcing the laws is that "most people realize how ridiculous they are," she said. "To enforce them would require an intense police state which most citizens would abhor."

Arkansas Senior Assistant Attorney General, Olan Reeves, acknowledged this, saying the state's homosexual-only sodomy law hadn't been enforced since 1973 because it most likely would have been found unconstitutional.

But the U.S. Supreme Court has decided otherwise. In the 1986 Bowers vs. Hardwick decision, the court upheld Georgia's sodomy law.

Police originally came to Hardwick's house to serve him with a traffic citation. Let in by a

roommate, they found him in bed with another man. The Supreme Court (in a decision written by Justice Byron White) determined that privacy was no defense, since adultery, incest and drug use remain illegal in the privacy of one's bedroom.

In a concurring opinion, Chief Justice Warren Burger wrote, "In constitutional terms there is no such thing as a fundamental right to commit homosexual sodomy."

SODOMY IS RAPE

The Daily contacted officials in the Attorney General's office in several states with sodomy laws. Most defended the laws by saying that they are only applied in cases of forced sex.

"Realistically we wouldn't charge two consenting adults," said Julianne Meehan, the head of the sexual assault division of the Ada County prosecutor's office in Boise, Idaho.

She said the Idaho law against rape only covers vaginal intercourse, and the sodomy law

