

Letters

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through better evidence gathering and presentation of that evidence in a courtroom?

CAN, to my knowledge, has not been used in modern times to arrest someone in the privacy of their own home exclusively for sexual practices. CAN may be invoked as part of a larger assortment of charges, but the law has not been used to target otherwise law-abiding GLBTs. (A *Greensboro News and Record* article on the topic noted that 400 people were charged with violating CAN in North Carolina last year, but the newspaper failed to note the types of circumstances surrounding the majority of these arrests.)

Senate Bill 263 simply rewrites CAN to accommodate how it is currently being used by law enforcement and prosecutors: it does nothing to further a tolerant and safe climate for GLBTs in North Carolina.

The real purpose behind the law — and the one that I find so objectionable — is that it puts the State of North Carolina in the business of defining what types of sexual conduct are normal and abnormal. By far, the most damaging aspect of CAN for most GLBTs is the image it projects — CAN acts as a large “Gays Not Welcome Here” sign for anyone thinking of visiting or moving to the Old North State. It’s the psychological damage that the Senate Bill does not address.

It still allows Radical Conservatives in the state to use the General Statutes as a morality stick. Having characters in your new play talk about having oral sex? The Conservative Content Police can try to close down your production, saying that this form of activity is still defined as “unnatural” by the Raleigh legislators. Think that Gay Marriage or a Hate Crimes Bill is around the corner after this bill is passed? You can bet your sweet bippy that the Nervous Nellies in the Baptist Convention will bring up the fact that CAN is still in place.

Further, the proposed Bill perpetuates inequities in cases where the law is already used — rape and public indecency. Imagine if a straight couple is caught in a roll in the hay in some wooded area of a rural county in the missionary position, while two Gay men are eyed by an overzealous policeman in a similar situa-

tion. Both couples would be subject to arrest for public indecency; the Gay couple would have the added, double-jeopardy penalty of CAN.

The bill doesn't even begin to address the many outdated, sexually-related laws on the books here in North Carolina. Unmarried male and female couples that “lewdly and lasciviously associate, bed and cohabit together” are still guilty of a misdemeanor. (Tell that to the young, unmarried couple next door.) And, did you know that it is illegal to “peep secretly into any room occupied by a female person” but not into a room occupied by a man? Perhaps Equality NC could examine the larger picture here.

While Equality NC will trumpet this proposed bill as a “good compromise,” the only answer is a final repeal of CAN. The current General Statutes are filled with outdated laws that have been similarly relegated to history. Do yourself — and your straight friends — a favor. Tell your state legislator that you want the State of North Carolina out of the business of passing moral judgements on its citizens. And, while you're at it, send a message to Equality NC: do not be afraid to ask for what is right.

— Randy A. Riddle
Mebane, NC

[A member of Equality responds:]

Dear Editor,

Mr. Riddle has obviously given CAN much thought. I wish to respond to his letter with respect and clarify a couple of his definitions.

Crimes against Nature (commonly referred to as CAN) is defined as “oral or anal sex with another person, regardless of gender.” *NCS§14-177* reads as follows: If any person shall commit a crime against nature with mankind or beast, he shall be punished as a Class I felon. It is important to understand these definitions when considering the effects this law has on individuals.

This law has been used in North Carolina in the following manner: It prevented a father from receiving custody of two sons after the NC Supreme Court held that “the regular commission of sexual acts in the home by unmar-

ried people” justified the taking of the children from him and awarding custody to the mother in Kansas. It was also used to prevent someone from getting a real estate broker's license on lack of requisite character because of a prior conviction for solicitation to commit a crime against nature.

A full repeal of this law would be ideal, and Equality will continue to fight for one. I would like for *NCS§14-177* to be removed from NC law and will forge ahead with other constituents to work within the constraints of the law to repeal it entirely. Until others have the conviction, as Mr. Riddle encourages, to tell their state legislators that they want the State of NC out of the business of passing moral judgements on its citizens, we at Equality will continue to lobby for such a repeal.

Current national statistics do provide hope of possible change in North Carolina. In the last 10 years, most challenges to state sodomy statutes have been successful. North Carolina is one of only 8 states in which there has been no recent constitutional challenge.

It is time for a challenge of *NCS§14-177*. It is time because this matters to the countless number of individuals still being arrested for this crime. It matters to all North Carolinians who believe this statute sends a harmful message of intolerance and disdain.

— Bruce Moyer
Charlotte

[Send your comments on this issue, or others affecting our community, to editor@q-notes.com. Letters may be held or edited based on space and content.]

Maryland takes giant step toward passage of civil rights legislation

by David Elliot
Special to Q-Notes

BALTIMORE — Maryland appears on its way to becoming the 12th state to ban discrimination against gay and lesbian people after a conservative Senate committee March 20 passed out a bill that adds the words “sexual orientation” to the state's existing civil rights law.

The bill, *SB 205*, will now go before the full Senate, which is expected to easily approve the measure. The House of Delegates, which has passed similar legislation in the past only to see it die in Senate committee, also is expected to approve it. Gov. Parris Glendening, who has made passage of the bill a priority, has pledged to sign it. The bill will ban sexual orientation discrimination in the areas of employment, public accommodations, housing, education and health and welfare services. Maryland Free State Justice, a statewide civil rights group which worked to assure passage of the bill, sponsored rallies and letter-writing campaigns. Despite efforts to make the bill trans-inclusive, the bill passed by the Senate committee does not include transgender people.

Elizabeth Toledo, a Maryland resident and

executive director of the National Gay and Lesbian Task Force, called the committee's action “a tremendous achievement and a great starting point for ending discrimination against the gay, lesbian, bisexual and transgender community in Maryland.”

Free State Justice plans to continue working to ensure that any amendments offered to the bill on the floor of the Senate or House do not compromise the intent of prohibiting discrimination based on sexual orientation.

Eleven states plus the District of Columbia currently ban sexual orientation discrimination — Minnesota, Wisconsin, Massachusetts, Connecticut, Hawaii, California, New Jersey, Vermont, Rhode Island, New Hampshire and Nevada. In addition, Minnesota and the District of Columbia — ban discrimination based on gender identity. Legislators in 21 states are considering bills this year that would create or expand civil rights laws that include sexual orientation.

For more information about legislative activity affecting the GLBT community, please see NGLTF's Legislative Update at www.nglrf.org/statelocal/leg2001.htm. ▼

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