

"Free at last, free at last..." — sodomy law repealed on June 26!

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04

Supreme Court strikes down Texas sodomy law

by David Moore
Q-Notes staff

Impact on North Carolina's 'Crime Against Nature' statute could be almost immediate

WASHINGTON, D.C. — On Thursday, June 26, the Supreme Court struck down a Texas law that made sodomy between members of the same sex illegal. The ruling is considered to be a major victory for gay rights in the United States.

The overturn came on the last day of the Court's 2002-2003 term with a vote of 6-3, which struck down the Texas law, indicating it violated due process guarantees. Justices John Paul Stevens, David Souter, Ruth Bader Ginsburg, Stephen Breyer and Sandra Day O'Connor agreed with the outcome of the case, while Chief Justice William Rehnquist and Justices Antonin Scalia and Clarence Thomas dissented.

In a separate 5-4 vote, the Supreme Court also overturned its 1986 ruling that upheld a Georgia sodomy law that declared homosexu-

als have no constitutional right to engage in sodomy in private. The Georgia Supreme Court, however, had already overturned that state law in 1998.

At the center of the Texas decision are John Geddes Lawrence and Tyron Garner, who were arrested in a Houston-area apartment in 1998 by police officers responding to a neighbor's report of an armed intruder. The neighbor had claimed a man was "going crazy" inside the residence. Police crashed into the Lawrence home and discovered Garner and Lawrence having sex. They were arrested, jailed overnight and later fined \$200.

"It was sort of like the Gestapo coming in," Lawrence said in a press conference.

Attorneys for the two men had indicated that if the convictions were upheld, both Lawrence and Garner would be prevented from obtaining some jobs and would also be considered sex offenders in many states. The Texas law, the lawyers said, gives gay Americans second-class status as citizens.

Garner and Lawrence were charged with the Texas "homosexual conduct" law, which made sexual intercourse with another individual of



John Lawrence, left, and Tyron Garner, right, celebrate the Supreme Court decision which cleared them from criminal charges for sodomy in Texas. Reuters

the same sex a criminal activity. The law was originally upheld in a Texas state court, which found the law "advances a legitimate state interest, namely, preserving public morals." The landmark ruling came upon appeal to the Supreme Court.

Impact on the Carolinas

The impact of the decision is seen as far-reaching, testing the constitutionality of anti-

see REPEAL on 6

Everything you ever wanted to know about gay marriage — Canadian style

Where to go, what to do and what to expect

by Leslie MacKenzie

Thinking about going to Canada so you and your longtime significant other can tie the knot? Seems like a lotta' folks are these days — and with good cause. Not only does it affirm your relationship spiritually, but also legally. Currently the United States recognizes all marriages performed in Canada.

Of course it's not as easy as all that, and you can expect the U.S. to put up a fight. To get out of this one, expect some serious legal maneuvering. But we'll visit that aspect a little further along in the story.

For the time being — and until a court decision is reached July 12 — Ontario is the only province performing same-sex wedding ceremonies.

Nine Canadian provinces say they are willing to accept the marriage of same-sex couples once the federal government changes the coun-

try's long-standing, traditional definition of marriage. The lone holdout is Alberta, where Justice Minister Dave Hancock reiterated his province's determination to resist the move.

"To take an institution that is near and dear to so many people and change the definition in this way is going too far," Hancock said. Asked about the different position taken by other provinces, the Alberta Justice Minister responded, "That's up to them."

There is no question: American same-sex couples are also able to wed in Ontario under this ruling. Clearly these marriages *should* be treated equally and given the same respect as any marriage, but gay married couples returning home to the United States can expect to face discrimination under federal law and many state laws. Some states, businesses and other institutions are expected, however, to honor these marriages.

"Ontario's landmark ruling — and the Canadian government's decision not to appeal it — recognizes that the Canadian Constitution

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Now that same-sex marriage is available in Ontario, would you and your partner consider tying the knot?

. Yes . No

Q.POLL RESULTS: 04



Despite the fact Ontario's marriage licenses are still gender specific, same-sex couples can still legally use the forms.