

ANTI-SODOMY LAWS TARGETED FOR REPEAL AFTER HIGH COURT RULING

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for instance, the law is repeatedly used as a way to argue against funding groups like the Carolina Gay and Lesbian Association. While reaction against the promotion of safe-sex techniques has not reached high proportions in this state, public officials in other southern states, such as Georgia and Arkansas, are now using their states' laws as weapons against condom advertising. Such advertising say the courts would encourage illegal sexual activity. Additionally, states including North Carolina sometimes use Crimes Against Nature as a plea bargaining tool for those accused of worse crimes.

One state where the battle against the anti-sodomy statutes is coming into the fore is Minnesota. The attack here is on both judicial and legislative fronts.

On last January 29, the Minnesota Civil Liberties Union (MCLU) filed suit in Minnesota District court seeking an unconstitutionality ruling on the grounds that sodomy laws are a violation of the right to privacy. The MCLA also seeks to permanently enjoin the Attorney General of the state of Minnesota from enforcing the Statute. This suit follows a similar suit brought by the MCLU in Federal District Court in 1985, but which was later dismissed by the MCLU because of the Hardwick decision.

In another recent interesting case, Minnesota v. Gray, District Judge Pamela G. Alexander in Minneapolis dismissed the charges against Gray, declaring the anti-sodomy law unconstitutionally broad. The decision is now on appeal to the Minnesota Supreme Court and is not expected to be upheld.

Additionally, State Senator Allan Spear, one of Minnesota's three openly gay elected officials and chair of the Senate's Judiciary Committee, is coordinating a campaign by civil liberties and gay/lesbian rights groups to bar arrest for any private sexual act by consenting adults. This strategy is being attempted, rather than working to repeal the existing laws, because of concerns that to do so would be too threatening to many legislators fearful of "endorsing" homosexual practices. Repealing the laws, say conservative groups, would promote the spread of AIDS and endanger the family.

In Michigan and Texas, similar campaigns are gaining strength. The states in which heterosexual and homosexual sodomy between consenting adults is now legal contain the nation's three largest cities and a significant majority of the U.S. population. But one must not forget the setbacks. In 1981, a massive campaign by the religious right convinced Congress to overturn Washington, D.C.'s revision act which eliminated anti-adultery and sodomy statutes, despite the fact that the measure had been passed unanimously by the City Council.

Out west, the Nevada Supreme Court has

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stopped a suit challenging Nevada's sodomy law from proceeding to trial, holding that the plaintiffs had a lack of standing due to insufficient threat of prosecution. (Thus, the fact that the laws are not used to prosecute many homosexuals in Nevada means that it cannot be deemed unconstitutional by the courts.) Nevada is one of five states, according to the National Gay and Lesbian Task Force, in which sodomy is illegal for only lesbians and gay men. The others are Montana, Kansas, Arkansas, and Texas.

However, national groups like the American Civil Liberties Union, the National Organization for Women, the United Church of Christ and many others have come together to work for the repeal of these laws. One must remember that it was less than a quarter century ago when sodomy was illegal in every state.

--some of the material used in this article came from Washington Post, Minnesota Civil Liberties Union, and National Gay Rights Advocates reports.



HIV Testing for Immigrants

The Immigration and Naturalization Service (INS) will force "aliens" seeking amnesty under the new immigration reform law to undergo medical examinations to determine if they have AIDS or other contagious diseases, according to the San Francisco Sentinel.

Homosexuals, prostitutes, communists, members of "radical fringe" groups and convicted felons will be excluded from the amnesty program, according to Al Guigni, director of the INS office in El Paso. All applicants will be required to take the HIV antibody test. A positive test could lead to questions about the applicant's sexual orientation or intravenous drug use, Guigni said.