

# COMMUNITY CONNECTIONS

Asheville, NC

Serving the Southern Appalachian Gay/Lesbian Community

Asheville Gay and Lesbian

Information Line:

253-2971

A project of the Asheville Gay and Lesbian  
Community Council

Gay and Lesbian Youth Hotline:

1-800-347-TEEN

Thurs.-Sun. 7 p.m.-12 a.m.

To report anti-gay/HIV +  
discrimination/violence:  
253-1656

U.S. Department of Justice toll-free:  
1-800-347-HATE

Vol. IV, No. 9 November 1992



The Quilt: Mountain AIDS Coalition took a special bus trip to Washington, D.C., October 9-11. More on page 6.

## Sodomy Law Axed in Kentucky

Kentucky's sodomy law has been struck down. On September 24 the Kentucky Supreme Court ruled 4-3 that the state's sodomy law, which applied only to homosexual sex acts, was unconstitutional because it denied gays their rights to equal protection and privacy, both indirectly guaranteed by the state constitution. In striking down Kentucky's statute, the Court was also contemptuous of the U.S. Supreme Court's 1986 reasoning when that court upheld states' rights to outlaw sex between gays.

The ruling was remarkable for several reasons. First, it rejected the US Supreme Court's reasoning in *Bowers v. Hardwick* (1986) that "the level of moral indignation felt by the majority of society" justifies a sodomy law being applied only to gays. In the much-criticized *Bowers v. Hardwick* ruling, the US Supreme Court implied that the moral opinion of the majority of Americans is sufficient to justify allowing states to ban gay sex. Kentucky's Supreme Court disagreed that this is sufficient, and said that the liberty of the individuals involved is more important than considerations of

the moral values of the majority. Kentucky's Supreme Court pointed out that heterosexual sex between unmarried persons also goes against the moral code of the majority, but that these sex acts are not against the law in Kentucky; therefore gays are denied equal protection in Kentucky when their sex acts are outlawed.

Second, the Court's opinion clearly stated that a precedent for disallowing gay sex acts is *not* found in "common law." (English "common law" refers to unwritten laws based on precedent, rather than written statutes.) The Kentucky Attorney General argued at common law has always banned sex between gays, an argument used by the U.S. Supreme Court in ruling on *Hardwick v. Bowers*. But the Kentucky Supreme Court disagreed, contending that English common law specifically outlaws anal sex between two men, and not other sex acts between men or sex between women.

Third, the ruling held that Kentucky's sodomy law is unconstitutional even though the Constitution does not contain an explicit "right to privacy." The Court said

that Kentucky's constitution does convey a right to privacy because of two other statements: "Absolute and arbitrary power over the lives, liberty and property of freemen exists nowhere in a republic, not even in the largest majority," and "All men, when they form a social compact, are equal."

The Kentucky case involved a gay man, Jeffrey Wasson, who was arrested in 1985 after he invited an undercover police officer to come home with him in order to engage in a sex act. The officer had conversed with Wasson for 20 to 25 minutes before the invitation was extended.

There now remain only 23 states and the District of Columbia with sodomy laws on the books. They are: Alabama, Arizona, Arkansas, Florida, Georgia, Idaho, Kansas, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, North Carolina, Oklahoma, Rhode Island, South Carolina, Tennessee, Texas, Utah and Virginia. In Michigan and Texas, the sodomy laws are currently being challenged in court.—*Southern Voice*, 10/1/92; *Washington Blade*, 10/2/92 ▽

## National Election Commentary Gay Rights on the Line November 3

"Gay Rights" versus "Family Values" may become the deciding factor for many voters during the 1992 presidential campaign. For gays and lesbians of both the Democratic and Republican parties, the campaign has been the summons to political involvement.

For the first time in American history, gays and lesbians have an opportunity to flex their political muscles in a presidential campaign. Because of the support offered to gays by the Democratic platform, gay issues could become a focal point in American politics in the 1990's. If Clinton wins the election, it will be due in part to the backing of the gay community. If he follows through on his promises to gays, it should mark a turning point in the history of gay rights in America.

Although Clinton's record in Arkansas has not been clearly pro-gay, he has recently begun actively seeking gay votes. In September, he sent a letter to the Human Rights Campaign Fund, pledging to "fight to protect the civil rights of all Americans—regardless of race, religion, gender, age, or sexual orientation." His support of the inclusion of gay issues in the Democratic platform stands in sharp contrast to the attitude of the Bush/Quayle campaign. Backed by fundamentalist Christians, the Republican platform opposes gay rights and same-sex marriages. It also supports the exclusion of gays from the military and the Boy Scouts.

These clearly opposed platforms have motivated gays and lesbians to get involved with the drive to elect Clinton. The number of gay volunteers working in this election is much higher than ever before. Some campaign offices have even established "Gay Nights," when the phones are operated exclusively by gays. Gay financial contributions are five times more than ever before, according to David Mixner, an openly gay political consultant and friend to Bill Clinton. He estimates gay financial contributions at roughly \$3 million. ▽