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NC Groups Applaud Supreme Court's Sodomy Ruling

RALEIGH (AP) — Gay-rights advocates in North Carolina cheered a U.S. Supreme Court ruling striking down a law banning gay sex in Texas. The ruling also appears to label North Carolina's anti-sodomy law unconstitutional as well.

North Carolina is one of nine states that ban oral and anal sex for both homosexual and heterosexual couples.

The crime against nature law was unevenly enforced in North Carolina and has been used to deny housing to gay couples or to rule against homosexuals in child custody cases, the advocates said.

"We are just ecstatic that the CAN (crime against nature) law is gone and we will not have to deal with this discrimination," said Jo Wyrick, executive director for the Equality NC political action committee, a gay-rights group that had sought unsuccessfully for years to get the law changed.

"This ruling very clearly invalidates North Carolina's law," she added.

In a 6-3 decision, the high court determined that the Texas law was an unconstitutional violation of privacy by making illegal something that two adults engaged in with full and mutual consent. In both Carolinas, crime-against-nature laws made it a felony for homosexual or unmarried heterosexual couples to have anal or oral sex.

The crime was a misdemeanor in Texas, and applied only against gay people.

Last year, more than 1,300 people in North Carolina were charged with attempting, soliciting or committing a crime against nature, according to court records. Those charged included not only gays but also unmarried heterosexual couples and people engaged in prostitution. S.C. figures were not available.

N.C. gay rights advocates said the laws were unevenly applied to gays.

In one high-profile case, the N.C. Supreme Court in 1998 ruled that a judge could disqualify a father from custody in a divorce case because he was gay. The court cited an earlier U.S. Supreme Court ruling upholding an anti-sodomy law

Sen. Ellie Kinnaird, D-Orange, who has introduced bills over the years to exempt consenting adults from North Carolina's sodomy law, said this ruling makes the state law unenforceable.

Attorney General Roy Cooper said a cursory examination appears to show the "opinion casts serious constitutional doubt on North Carolina's law."

Cooper said he would confer with district attorneys before deciding whether law enforcement should continue charging people under the statute. If determined to be unenforceable, the moot law will remain on the books until the General Assembly alters or eliminates it.

This ruling "will take that silly 'You're gay; you're a felon' argument out of the mix, which never should have been there in the first place," said Connie Vetter, a Charlotte lawyer and member of the Mecklenburg Gay and Lesbian Political Action Committee.

"It tells everybody, 'These are people whose lives deserve privacy, deserve respect and deserve equality,'" she told the *Charlotte Observer* (6/27/03). "That is huge in terms of a societal shift."

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Gays in New York City celebrate the U.S. Supreme Court's June 26 ruling overturning the 13 remaining state laws that banned gay. Full details inside page 16

Photo by Andrés Duque/Wockner News

SC Law Also Overturned

COLUMBIA (AP) — South Carolina's law prohibiting sodomy was struck down by a U.S. Supreme Court ruling saying that the law was an unconstitutional violation of privacy.

The law was rarely enforced in South Carolina, and several officials said they had never heard of anyone here being charged with consensual sodomy. Officials say it's unlikely they'll be any movement to repeal the law — a felony punishable by five years in prison or a \$500 fine — from South Carolina's books.

South Carolina Attorney General Henry McMaster disagreed with the high court's decision and said it recognizes a "fundamental right" to engage in consensual sodomy.

South Carolina, along with some other states, had filed a brief in support of Texas.

University of South Carolina assistant law professor Andy Siegel said "it is impossible" for South Carolina's law to survive this decision.

"Whether South Carolina chooses symbolically to remove the statute from the books or to let it sit there as a dead letter, no conscientious judge could sustain a prosecution under that statute," Siegel said.

McMaster said the "potential ramifications upon our laws are complex and troubling."

Siegel agreed, saying the ruling could affect gay marriages and child custody cases. Though seldom enforced by police, the laws are sometimes invoked by judges to deny homosexuals legal custody of their children, equal employment guarantees and other civil rights.

"It will take away the easy argument that some courts simply say, 'You're conduct is illegal,'" Siegel said.

Whether courts in this state are going to come to different decisions in custody cases or are prohibited from considering a parent's sexual orientation remains an open question, Siegel said.

South Carolina House Minority Leader James Smith, D-Columbia,

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Tyron Garner, left, and John Geddes Lawrence join a rally at Houston City Hall celebrating the U.S. Supreme Court decision Thursday, June 26, 2003, that the Texas sodomy law was unconstitutional. Houston residents Garner and Lawrence were arrested in 1998 under this law.

AP Photo/The Dallas Morning News, Erich Schlegel