

## High Court to Hear Sodomy Law Case

N.C., 12 other states have sodomy laws

By ALEXANDRA DODSON  
Staff Writer

North Carolina — one of 13 states where sodomy is still illegal — might have to strike down the law if a ruling by the U.S. Supreme Court determines that sodomy convictions are unconstitutional.

The court agreed Monday to hear a case, *Lawrence and Garner v. Texas*, which concerns two men arrested for sodomy — defined as unnatural sexual practices or crimes against nature.

Texas and North Carolina, both historically conservative states, are among a shrinking minority of states that still have sodomy laws on the books, said Susan Sommer, supervising attorney for the Lambda Legal Defense and Education Fund, a gay rights group.

"We think it's a tremendously positive sign that the court is taking the case," she said. "There has been tremendous progress in the past decades to repeal and strike down these laws."

Sommer said the laws, although only enforced periodically, are used against homosexuals across the nation to intimidate or deny them child custody and employment.

Since the 1960s, sodomy laws have been eliminated because of increasingly liberal public opinion. In 1986, the Supreme Court dealt with a similar case and concluded that the constitutionality of sodomy laws should be left to individual states.

But some experts say that unless the Supreme Court rules against sodomy laws, they are not likely to be successfully challenged in the N.C. General Assembly.

"It's just one of those issues that peo-

ple don't want to deal with," said UNC political science Professor Thad Beyle. "It's not a comfortable issue."

Sodomy laws likely will remain in place because no one will make a definite effort to change such a controversial issue, Beyle said. "It's a shame, but that's the way politics operate."

N.C. Senate Minority Leader Patrick Ballantine, R-New Hanover, said tradition might factor into the preservation of the laws. "Many times, when a law has been on the books forever, it's hard to get rid of it," he said.

But despite the legal history, Ballantine said he would not be surprised if the Supreme Court struck down the laws because national standards have changed since the advent of sodomy laws.

Some state legislators already are working to change the law. Sen. Ellie Kinnaird, D-Orange, introduced a bill during the 2001 session of the General Assembly that would decriminalize private, not-for-hire sexual behavior between consenting adults.

Kinnaird said she plans to make a similar attempt in the future. But she expressed concern that the Supreme Court case might slow down the passage of her legislation as people wait for the outcome before making a decision.

"I think people are scared to death of that subject," she said.

There is no need for sodomy laws to change because they set moral standards, said John Rustin, director of government relations for the N.C. Family Policy Council. He said the laws set guidelines for states' expectations and are not enforced irrationally. "From that standard, we think it is important that the laws remain on the books."

But Roy Cordato, vice president for research for the John Locke Foundation, a Raleigh-based think tank, said he does not think a nation based around individualistic ideals should have such clearly discriminatory laws.

"I have no idea why (the laws) are in place now," he said. "I have no idea why they were in place before the 21st century."

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## Candidates Meet to Discuss New Rules

By JENNY IMMEL  
Staff Writer

Nine hopeful candidates were in attendance Tuesday night at the first interest meeting for next semester's student elections.

The meeting was the first time the Board of Elections has met with future candidates to discuss the new rules under the Larson-Daum Campaign Reform Act of 2002.

The act, passed Nov. 12, changed the overall design of student elections. Most notably, the new laws now require candidates to fund their campaign only with money allocated by Student Congress. They also raised the number of signatures required for students to file a valid petition for candidacy.

Brian Fauver, chairman of the Board of Elections, said to the candidates Tuesday, "Let's be honest, it's going to be more work for the campaigns." But he later added that he thinks the reform was a positive change and said, "It will lead to a lot more accountability on the candidates."

Junior Matt Tepper, who intends to run for student body president, said right now he is busy talking to people about next semester's elections and getting his campaign organized. His cam-

paign manager is junior Susan Navarro.

Tepper said he likes the new reform act but is nervous about how much money will be taken from student activity funds. He said, "(The increased number of signatures needed) will be a challenge, but it should be able to show your dedication to the campaign."

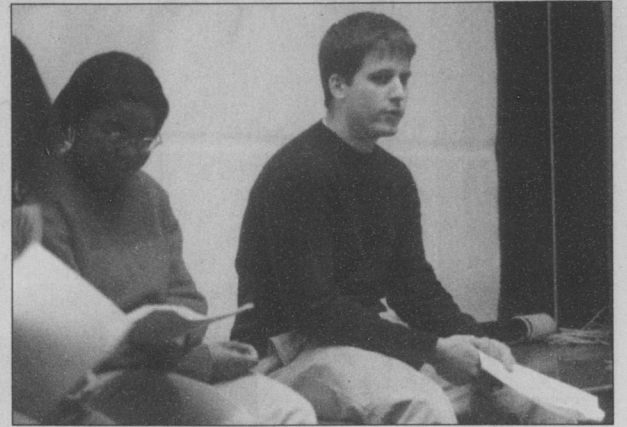
Tepper said next semester's elections are a trial run to see if the new reform will work.

Also running for student body president is junior Nathan Cherry. He said the new reform definitely will make the campaign tougher, but he said, "It makes a situation where a candidate has to focus on the campaign."

Cherry's campaign manager, Jon Harris, said, "It will cut down a lot on joke candidates."

Although just a small number of candidates came to the interest meeting, Fauver said he does not remember there being any more or less people there last year. He said the mandatory meeting in January is when all the candidates will come out.

But he said it was advantageous for candidates who did attend last night's meeting. With all the changes in the student government general election laws, candidates need to be aware of the new rules or the board will catch them,



DTH/JOANIE TOBIN

Board of Elections Chairman Brian Fauver (right) speaks about campaign guidelines at an information session for potential candidates.

Fauver said. He said the board is both the police and the judge — it does it all. Fauver warned candidates that they are responsible for everything in the code.

To receive student government financing, candidates must obtain official recognition as a student organization and have a treasurer certified by the

student body treasurer's office.

The next meeting for student government elections is Jan. 14. That meeting is mandatory for all hopeful candidates. Petitions will be handed out at that time and are due by 5 p.m. Jan. 21.

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## Supreme Court to Examine Reading of Miranda Rights

By MARGAUX ESCUTIN  
Staff Writer

The U.S. Supreme Court is set to consider whether police are constitutionally allowed to ask arrestees questions without reading them their Miranda rights — a hearing whose verdict could eliminate accusations of unfair treatment of arrestees.

The case was spurred by an excessive force civil suit filed by Oliverio Martinez, a man blinded and paralyzed Nov. 28, 1997, by a police shooting in Oxnard, Calif., about 60 miles north of Los Angeles. Martinez asserts he was interrogated by an officer in an ambulance as he lay in the hospital pleading for treatment.

Miranda rights, which have been at the center of heated debate for three decades, were created at a time when

the Supreme Court felt police officers should be under stricter control, said Richard Rosen, senior associate dean of the UNC School of Law.

The rights allow a person to remain silent and have an attorney present while in police custody and when interrogated. Answers attained without the rights being read cannot be used in court, said Terrie Gale, police attorney for the Chapel Hill Police Department.

"(They) say that if you are in custody... law enforcement cannot interrogate you until you waive your rights," Gale said. "If a law officer gets you to answer a question without Mirandizing you, the answers are not admissible (in evidence for a trial)."

But subtler issues lie within the case. Martinez never was arrested, so the Supreme Court must decide when it is appropriate to use Miranda rights and

what remedy a violation will have, said Gloria Killian, office assistant for the Southern California Criminal Justice Consortium. "In a constitutional sense, you can't know something you haven't been specifically told," she said.

As a rule, Chapel Hill police do not question whether to read suspects their rights, Gale said. "We always read Miranda rights when we are intending to interrogate someone, and we don't interrogate someone until they waive (them)."

But some say an increasing number of immigrants entering the Chapel Hill-Carrboro area cause concerns that some will not fully understand their rights. "Obviously, if you don't understand it, you can't be advised," Killian said.

Chapel Hill police carry a written copy of the rights in Spanish and can use on-call translators to inform people who speak

languages other than English and Spanish their rights, Gale said. She said the department also ensures that officers are trained in appropriate interrogation procedures.

Concerns exist that if the court decides the treatment of Martinez was constitutional, personal rights will be further eroded, especially in the wake of Sept. 11. Gale said a verdict easing Miranda rights regulations wouldn't necessarily change procedures, especially for agencies that respect people's rights.

But Killian said a narrow ruling could lead to abuse of the system. "There is fear that they will make the ruling narrow (and that) police will run rampant," Killian said. "It makes law enforcement easier if you can throw someone down stairs."

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