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'Unnatural' Sex Still Gets Prosecuted, But Bill And Monica Helped End Taboos

Sodomy for the Masses

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By Debbie Nathan

It's a good thing Bill and Monica held their trysts in the White House rather than just across the Potomac, in Falls Church or Arlington, Virginia. It's also fortunate that their meetings occurred in the late nineties and not earlier. Otherwise, they would really have broken the law. Fellatio, after all, was their method of sexual congress, and until 1992 it was illegal in the District of Columbia to copulate in any orifice except the vagina. To this day, in Virginia a person commits a felony if he or she "carnally knows any male or female person by the anus or by or with the mouth, or voluntarily submits to such carnal knowledge."

Imagine the howls of national laughter Ken Starr would have provoked. The media would have had a field day describing fusty vaginal-intercourse enforcement laws still on the books in twelve states and Puerto Rico. In Florida, for instance, "any unnatural and lascivious act"--from oral sex, presumably, to toe sucking--can get you sixty days in jail (mothers breast-feeding are specifically exempt). Florida is nothing compared to Michigan, where oral-genital contact between consenting adults carries a penalty of up to fifteen years' hard time. Then there is Massachusetts, whose law states that an "abominable and detestable crime against nature, either with mankind or with a beast, shall be punished by imprisonment in the state prison for not more than twenty years."

To straight people, these atavistic ordinances are a hoot--curious throwbacks to an earlier, puritanical age, almost never used against male-female couples. But things are different for lesbians and gay men. Every place that prohibits "crimes against nature" includes "sodomy" on the list of forbidden acts. In addition, five states--Arkansas, Oklahoma, Missouri, Kansas and Texas--target gays and lesbians exclusively. Queer bedrooms are very seldom actually invaded by the police (though it happens, as will become clear). But cops don't have to raid houses to terrorize homosexuals. Consider the following cases:

- In Mississippi a few years ago, a man was denied custody of his 13-year-old son even though his ex-wife's new husband was a physically abusive alcoholic. The boy's father, meanwhile, was living in a happy, stable relationship with a new partner--a man. A judge cited Mississippi's antisodomy laws as he angrily denied custody.

- After finishing law school in 1991 Robin Shahar accepted a job with the Georgia attorney general's office. Before starting, she and her lover held a private commitment ceremony. When the attorney general, Michael Bowers, found out about Shahar's lesbianism, he withdrew the job offer; Georgia's antisodomy laws implied she was a felon. Shahar's case wound through the judicial process. In 1998, the US Supreme Court refused to hear it.

- Thirty years ago in Texas, a frightened young lesbian named Norma McCorvey unwillingly relinquished custody of her newborn child after her mother threatened to make a legal issue of her daughter's homosexuality. McCorvey—who later would become "Roe" in the landmark Roe v. Wade case legalizing abortion and, by extension, opening the way for sexual privacy rights—feared the authorities for good reason, and that reason continues. This year, a bill has been introduced in the legislature to prohibit the state from placing children in adoptive or foster homes if those homes are the likely sites of "deviate sexual intercourse." This includes oral, anal or object-assisted acts—presumably involving everything from dildos to cigars. The proposed law exempts heterosexuals; only gays and lesbians would be prohibited from parenting. Meanwhile, groups of social conservatives such as the Texas Eagle Forum have played a major role in keeping objective teaching about homosexuality and AIDS out of Texas textbooks. Eagle Forum president Cathie Adams thanks the state's antisodomy law for guarding children against being born into homosexual marriages, adopted by homosexual parents or forced to read textbooks presenting homosexuality as normal.

Social conservatives seem obsessed with images of youths molested or tricked by crafty sodomites into lives of buggery. On a literal level, the child-defiler trope is absurd. On a symbolic one, it makes perfect sense. After all, children in Western culture are the ultimate innocents; and gays, the ultimate evil.

Their demonization dates to the story of Lot in Genesis. God hears rumors that Sodom is unredeemably sinful and sends two male angels to earth to investigate. No sooner do they arrive at Lot's house than the men of Sodom rush over to demand sex from the seraphim. Lot offers them his daughters instead; they demur, and the orgy never happens. But Sodom is destroyed anyway by a divine rain of burning sulfur (and Lot's wife turned into a pillar of salt). Among Bible fundamentalists, homosexuals have been the favorite scapegoat on which to blame Yahweh's wrath.

The Bible-thumpers also cite Leviticus, which warns that "if a man lie also with mankind, as he lieth with a woman, both of them have committed an

abomination: they shall surely be put to death." Anthropologists read the man-man taboo as a primitive society's way of averting nonprocreative sex and resulting depopulation. But natalism only partly explains Western animus toward homosexuality. As Arthur Gilbert, a University of Denver historian of sexuality, points out, Christianity bifurcates the spirit—typically defined as the "higher" form of being—and the body, which modern biblical translations often deem the "lower" form. Paul's Epistle to the Romans hammers at this split, advising that "those who live on the level of our lower nature have their outlook formed by it, and that spells death."

If the body means death, it follows that the excretory passageway, the lowest of the lower parts, is a toxic ditch of existential doom. For Christians striving to come nearer to God by denying the flesh, even the strictest self-flagellation and anorexia could never eliminate the production of shit—"that stinking bit of fecal matter that proved one was, after all, brother to the sheep, the dog...a dung-producing animal," as Gilbert puts it. Thus, anal sex traditionally has been seen as the gravest of sins, a pact with the devil, a terrible insult to humanity's attempts at salvation.

Indeed, Thomas Aquinas condemned male-male anal sex as worse than other seed-spilling acts such as masturbation and fellatio. Buggery was more contemptible than incest and rape. Nor did Aquinas think much of lesbian sex. Still, penis-in-the-anus was the very worst transgression. When males were so accused (with other men and with women as well, including their wives), they were always punished far more severely than were people convicted of oral-genital contact. Trial, sentencing and punishment were traditionally carried out by the Church and its inquisitions—as in Spain, where several dozen male sodomites were burned following autos-da-fé.

During the Reformation, the Church gradually yielded its antisodomy duties to the state. Governments were secularizing their definitions of crime, yet the Bible persisted as the sole rationale for antisodomy laws. In the sixteenth and seventeenth centuries, Geneva, Switzerland, put to death twenty-eight men convicted of homosexual acts. Holland executed sixty in 1730-31. The British hanged 105 between 1703 and 1829. In the American colonies at least two men, and possibly five, were killed in accordance with laws that quoted directly from Leviticus. After the Revolution, fines and imprisonment replaced the gallows as punishment for these practices. Laws against oral sex followed in the Comstockian late nineteenth and early twentieth centuries. For the next several generations, all fifty states, Puerto Rico and the District of Columbia forbade anal sex as well as fellatio and cunnilingus. As late as the sixties, a homosexual—particularly a man—risked arrest not just for having sex with another consenting homosexual but for dancing with or propositioning one. A sodomy conviction (and sometimes a mere accusation) typically led to psychiatric examination, even incarceration in a mental hospital. Several states required convicts to register as sex offenders. Men arrested for loitering or soliciting had their names published in the local papers.

Much of this repression started to lift on the heels of such momentous

decisions as that in the 1965 case of *Griswold v. Connecticut*, in which the Supreme Court ruled that prohibitions on the use of contraceptives violated the privacy of "sacred" marriage. Glorifying marriage was of little help to homosexuals, but eight years later gay activists could apply the privacy-rights logic of *Roe v. Wade* to antisodomy statutes; by 1983 twenty-four states had rescinded their laws in the legislature or in court.

Today, progress comes in fits and starts. Since 1992, when the District of Columbia abolished its deviant-sex bans, seven states have followed suit. Last month a Louisiana court threw out the law that had criminalized oral and anal sex for both hetero- and homosexuals. A Maryland court did the same in January. Last November Georgia's high court struck down the state's 182-year-old antisodomy law--the same law that in 1986, at the height of the AIDS crisis, was famously upheld by the US Supreme Court in *Bowers v. Hardwick* on the basis of "millennia of moral teaching." This time around, the plaintiff, Anthony Powell, was straight. He had been charged with forcing his wife's 17-year-old niece to engage in anal sex, and though he admitted to the sex, he argued that it was consensual. The jury believed him but convicted him on the lesser charge of sodomy. The judges who heard Powell's appeal abolished antisodomy laws for all Georgians, regardless of sexual orientation.

Still, America's sex police are busy, and they are targeting both hetero- and homosexual pleasures. In New York City, Mayor Rudolph Giuliani is determined to sweep all but corporate manifestations of sex from the streets. In Texas and Georgia it's illegal to sell dildos and other objects obviously designed to stimulate the genitals. Until March 29 it was also illegal in Alabama. As Sherri Williams, a plaintiff in the federal suit that overturned Alabama's law, told the *Washington Post*, "They set out to eliminate strip clubs, but along the way they snuck in sex toys. Not only did they take away your entertainment, but when they were done they also took away your right to entertain yourself."

Meanwhile, in Texas 55-year-old John Lawrence and 31-year-old Tyrone Garner were caught having sex in their home last fall when Houston police responded to a bogus report, phoned in by a vindictive acquaintance, that a crazed man was on their premises with a gun. In Texas sex between same-sex partners is a misdemeanor that carries up to a \$500 fine. With assistance from the Lambda Legal Defense Fund, Lawrence and Garner are challenging the antisodomy law, and gay activists are optimistic about a victory. Lambda and the ACLU are also working, together and separately, on cases in Mississippi, Arkansas and Puerto Rico. Michael Adams, associate director of the ACLU's Lesbian and Gay Rights Project, says litigation to revoke such laws is "on a roll" at the state level. Things are looking so good there's even room for levity: Last fall Michael Moore was driving around the country in a screamingly painted vehicle occupied by screamingly dressed dykes and queens. He called it the Sodomobile.

At the federal level, things aren't so cheery.

In the military "unnatural carnal copulation" remains a crime. In the first year of President Clinton's "don't ask, don't tell" policy, 597 people were drummed out of the armed forces; in 1998, the number had almost doubled, to 1,145. The Defense Department attributes the increase to voluntary statements from raw recruits who decide during basic training that soldiering is not for them—either because they're gay and can't bear the closet, or because they're straight, can't bear the military and feign homosexuality to make a quick exit. Even if those claims are only partly correct, we have a new and intriguing phenomenon to consider. Unlike in the Vietnam War era, when gay pretenders were generally upper middle class, educated war resisters, today's soldiers are mostly blue-collar volunteers with far less academic or political schooling. A generation ago, most such young men wouldn't be caught dead telling people they were gay. Today, they can switch on the radio and hear the Butthole Surfers. The turnaround suggests homophobia is fading among the masses.

It still rules higher up. The government is appealing a 1997 decision by a New York federal judge that struck down "don't ask, don't tell" as a violation of the equal protection clause. Last year the Supreme Court turned away three challenges to the policy. And *Hardwick* still stands nationally, even if it's been repudiated in Georgia. The Court did invalidate Colorado's notorious Amendment 2 in 1996, ruling that government cannot deny homosexuals their civil rights, but dissenting Justices, citing *Hardwick*, argued that if states can deny gays the right to have sex, they can deny them other rights as well.

With such reasoning, we're back to Leviticus and Sodom. No surprise, given that more and more people—one-fourth of the population at recent count—call themselves evangelical Christians or conservative Protestants. It's the same percentage of fundamentalists as in the last House of Representatives, most of whom voted to impeach Bill Clinton. Those folks dominated the yada-yada about the President's adulterous immorality and his "exploitation" of a poor intern, but few were frank enough to admit what was really bothering them: that the sex between Bill and Monica wasn't just extramarital, it was also oral-genital and oral-anal. That, according to the moth-eaten "crimes against nature" laws, is barely one step from—horrors!—sodomy. Maybe Hillary will now turn into a pillar of salt.

The other three-quarters of the populace, however, fear not what the Almighty visiteth upon a lustful patriarch and his wife and concubine. Not only don't they care, but growing numbers are bugging even when they're straight. That's the impression of sexologist and essayist Carol Queen. She is a spokeswoman for Good Vibrations, a San Francisco-based cooperative that sells erotica, pornography, sexual-instruction books and toys—everything from cock rings to dildos. The owners of Good Vibrations run the sexual-orientation gamut from straight to lesbian to bi. Among its most intriguing products are strap-on dildos, which, as the name implies, can be worn by those who lack flesh-and-blood penises.

Originally, strap-ons were considered lesbian-only items. But over her eight

years with Good Vibrations, Queen has noticed a new trend. "We see a lot of mixed-gender couples shopping in the strap-on-dildo aisle," she says. "There's a whole male-female phenomenon of doing erotic role reversal with them." Indeed, after Queen produced an anal-sex instructional tape last year for heterosexual couples called "Bend Over Boyfriend," it "immediately became the fastest-selling video we've ever sold." Queen thinks straight folks are "inventing new forms of sodomy."

She sees a felicitous connection between this experimentation and the impeachment fracas, which has prompted people to speak about and perhaps deal more openly with their sexual desires. "A year ago," she says, "who would have thought that eight months later we'd be reading Starr porn? The Clinton affair has turned 'deviancies' into water-cooler conversation." *Good Vibrations is making mail-order hay from the buzz, even in the states that ban dildo sales. In the ACLU's case against the Alabama law, plaintiffs include, in addition to erotica store owner Sherri Williams, a woman who sells vibrators at Tupperware-style house parties for homemakers and brides-to-be. The Alabama judge who legalized this merchandise said he did so not to enhance erotic freedom but only to treat "sexual dysfunction."*

No matter, pleasure is winning out over therapy. Some of the happy dildo consumers undoubtedly have seen "Bend Over Boyfriend," and it's fun to imagine the sex police busting in on a PTA mom while she's reaming the man of the house with her strap-on. When that happens, the rest of the sodomy laws surely will fall.

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