

Lawrence v. Texas

By Alan K. Simpson

I am a lifelong Republican because I have always believed in the rights of the individual—the rights to life, liberty, and the pursuit of happiness. I believe those rights to be, as the Founders declared, God-given. Right now, they are under threat in Texas.

Today, the U.S. Supreme Court, in the case of *Lawrence v. Texas*, will hear argument on the constitutionality of a Texas law that criminalizes sex between two people of the same sex. Other states have similar laws, which are contrary to American values protecting personal liberty and opposing discrimination. The Supreme Court should declare them unconstitutional.

The Court has addressed this issue before, in *Bowers v. Hardwick*. But contrary to the circumstances of that case from Georgia, the Texas case directly addresses discrimination against a particular group. After 1973 Texas abandoned its uniform proscription of sodomy, leaving it to apply only to homosexual conduct. (The Georgia law, since repealed by Georgia's supreme court, applied uniformly to heterosexual and homosexual couples.)

Certainly, many Americans have deeply held moral and religious convictions regarding sexual behavior. For some, these convictions include an objection to all homosexual acts. But while I know these beliefs are strongest inside the Republican Party—*my* Republican Party—they do not mean we should support discriminatory laws. We should have confidence in our private morality—not demean it with tortured legal interpretations.

The Constitution protects our right to hold different opinions. Since *Bowers*, the number of states with sodomy laws has declined from 26 to 13 due to legislative enactments and court decisions. The Texas statute, as it currently exists, intrudes on the personal freedom of Americans who are harming no one. It forces the law into the most intimate precincts of the home, where we ought to be able to make our own decisions about how to conduct our lives, even if some of our fellow citizens disapprove. This is especially true of that most intimate and personal decision about whom to love, and how.

Homosexuality should be a non-issue inside the GOP. That is, no special preferences, but also no special penalties. No mandatory quotas, no enforced diversity or diversity police; just live-and-let-live. That, in my judgement, is the proper Republican vision of equality.

It is a bedrock American principle that no law should single out a group of citizens for unfair and spiteful discrimination. Our history demonstrates that every time we have trampled on this principle, we have come to regret it. The homosexual sodomy law makes a criminal of every gay person. That is something no American should sanction.

Most of America has made its peace with a principle of live-and-let-live. Now it is time to bring the law up to date.

Mr. Simpson, a former Republican senator from Wyoming, is the honorary chairman of the Republican Unity Coalition.