

Sex laws don't apply in Lewinsky affair

AGENCE FRANCE-PRESSE

Consenting adults re-enacting the acts Monica Lewinsky performed on President Clinton in any of 22 states risk jail or fines under special sex statutes.

From Alabama to Utah, violators of "sodomy laws" — which usually ban oral and anal sex — face harsh penalties, in some cases up to life in prison, according to the American Civil Liberties Union.

A few hundred yards across the Potomac from the White House, where Miss Lewinsky performed oral sex on Mr. Clinton, Virginia could — if a prosecutor wanted to — punish parties with up to three years in jail for what state law calls "crimes against nature."

Avoiding felonious fellatio, which is not covered under D.C. law, was a happy accident for Mr. Clinton, who could yet face ouster over his lies to conceal the clandestine affair.

Not that the long arm of the law often reaches uninvited into Vir-

Clinton's trysts illegal in 22 states

ginia bedrooms: Its last conviction for fornication — outlawed in 1819 — was in 1849, according to documents from the state's Attorney General's Office.

Mr. Clinton's home state of Arkansas, like several other Southern states, targets homosexuals only, punishing same-sex sodomy with one year in jail or a \$1,000 fine.

"Any sexual act involving the sex organs of one person and the mouth or anus of another" could cost up to 20 years in jail in Georgia, which has had a sodomy statute "in some form" since 1833, according to Daryl Robinson, deputy counsel to the attorney general.

"I have no doubt that there have been recent prosecutions," he says. Often one party charges that the act was not consensual, he says, while in other cases "sometimes, witnesses come forward."

All 50 states and Puerto Rico have at one time had sodomy laws on the books.

Even though courts have struck down many such laws, consenting adults can still run afoul of Mississippi's "unnatural intercourse" law or a similar law in South Carolina forbidding anal sodomy.

The criminalization of consensual adult sex acts may prompt just a Gallic shrug from, say, the French, who don't care what anyone does so long as they pronounce it correctly. Such American laws are sometimes derided as "Puritan," after early settlers generally portrayed as humorless zealots.

Almost any instance of sex outside marriage, and a lot within marriage, were at one time capital offenses in Puritan New England, according to Bill Bryson's "Made in America," a historical account

of American mores. But impatient couples engaged to be married in Colonial times could take out a license to engage in sexual intercourse prior to marriage.

By the late 18th century, about half of all New England women were pregnant when they married, he writes, suggesting that Puritans left a legacy inconsistent with the lives they actually led.

American reticence about sexual matters may have been best summed up by Supreme Court Justice Potter Stewart, who declared that while he could not define obscenity, "I know it when I see it."

Nevertheless, an enormous sex industry has grown up in the United States, much of it on the Internet and a lot of it exported to Europe. To stem the tide of pornography flooding the Internet, Congress in 1996 banned the transmission of "indecent" materials, a law the Supreme Court has struck down.