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Gays Celebrate, and Plan Campaign for Broader Rights

By DEAN E. MURPHY

SAN FRANCISCO, June 26 — Gay men and lesbians poured into the streets today to celebrate a Supreme Court decision striking down or strictly limiting the country's last remaining sodomy laws in 13 states.

From Florida to Alaska, thousands of revelers vowed to push for more legal rights, including same-sex marriages.

Gay activists, many in tears, called the ruling the most significant legal victory in the gay rights movement, likening the decision to the seminal civil rights case, *Brown v. the Board of Education of Topeka, Kan.* They predicted it would embolden the movement and, as in the segregation era, encourage more people to step forward and demand an end to prejudice.

"I feel like I have been walking six inches off the ground," said Kate Kendell, executive director of the National Center for Lesbian Rights, one of many gay and lesbian groups based here in San Francisco, where revelers gathered in the Castro District. "The arsenal used against us, with sodomy laws being the foremost weapon, has been neutralized."

But the authorities in some states with sodomy laws warned against interpreting today's ruling too broadly. The Virginia attorney general, Jerry W. Kilgore, said the court had not created "any new rights for any particular group of people or the general population."

Mr. Kilgore, in a statement, also said the ruling did not prevent states "from recognizing that marriage is fundamentally between a man and a woman."

Even so, several legal scholars and gay and lesbian activists said the decision would probably have far-reaching implications for the popular discussion about gay rights.

Activists and scholars said that by essentially acknowledging gay relationships as legitimate, the Supreme Court justices gave the gay rights movement a new credibility in debates about marriage, partner benefits, adoption and parental rights.

"The court has put gay people in the mainstream of society for the first time," said Paula Ettelbrick, executive director of the International Gay and Lesbian Human Rights Commission. "The court understands gay sexuality is not just about sex, it is about intimacy and relationships. Now there is a real respect for our relationships, as us almost as families, that is not seedy or marginal but very much a part of society."

Some critics of the ruling said they feared it for the same reasons.

Henry McMaster, the South Carolina attorney general, described the possible ramifications as "complex and troubling." While acknowledging that the ruling rendered his state's sodomy law ineffective, Mr. McMaster, a Republican, insisted that the state had a fundamental right to bar behavior considered "inappropriate and detrimental."

In Virginia, Mr. Kilgore, a Republican, accused the court of undermining "Virginia's right to pass legislation that reflects the views and values of our citizens."

In Texas, whose sodomy law was the basis of the case — *Lawrence and Garner v. Texas* — decided today, celebrations took place in the streets of Austin, Dallas and Houston.

"The decision is a clear indication that our Texas politicians in 2003 are out of sync with the rest of America," said Randall K. Ellis, executive director of the Lesbian/Gay Rights Lobby of Texas.

"Yesterday the relationship that I had with my boyfriend was illegal. Today it is legal, and this is one step in full equality for all Texans and for all Americans."

The authorities in Harris County, Tex., where John Lawrence and Tyron Garner were arrested in 1998 for having sex in Mr. Lawrence's apartment, said they had mixed feelings about the ruling.

"Obviously I am a little bit disappointed in the outcome because of the amount of work we put into it," said Bill Delmore, an assistant district attorney in Harris County, who was involved in the appeals of the case.

"But I have a lot more serious criminal offenses in files on my desk than this," Mr. Delmore said. "It is going to be something of a relief to leave the social implications and philosophy and all that behind, and just focus on putting the bad guys in prison."

Mr. Delmore, like the authorities in other states with sodomy laws, said today's ruling would have little impact on day-to-day law enforcement because the statutes had been rarely enforced.

In his 22 years with the Harris County district attorney's office, Mr. Delmore said, the only prosecution under the statute was that involving Mr. Lawrence and Mr. Garner.

More typically, he said, prosecutions of homosexual acts are brought under the state's public lewdness statute, which prohibits sexual acts — heterosexual as well as homosexual — in public places. Mr. Delmore said there was nothing in the today's decision that would prevent the au pursuit of those cases.

Similarly, in Idaho, an 1864 state law that forbids "crimes against nature" will still be applied to public sexual acts involving gays, said Michael Henderson, deputy attorney general. He added that the law would also still apply to acts with animals.

"The Supreme Court's decision applies to sodomy laws in certain cases," Mr. Henderson said. "We can't enforce our law of crimes against nature as it applies to private consenting adults now."

Speculation was already rife in several states about how today's decision might be leveraged by gay rights groups to attack other laws deemed antihomosexual.

In Texas, State Representative Warren Chisum said he expected a legal challenge to a law he wrote this year — called the Defense of Marriage Act — that bars Texas officials from recognizing same-sex unions performed in other states.

Mr. Chisum, a Pampa Republican, said today's ruling was nothing less than an assault on the ability of state legislators to uphold moral values. He said he had already assembled a group of lawyers to review how the marriage act might withstand a court challenge.

"It is kind of scary stuff," Mr. Chisum said. "I think the court really opened the Pandora's box here that legislatures are going to deal with for many years in the future if they are concerned about the moral values of this country."

Gay groups across the country said that Mr. Chisum's concern about new legal challenges was warranted. They said they intended to use today's victory to push for more legal rights and to ensure that the ruling on sodomy is not ignored.

"I am confident that never again will there be a serious claim made that a lesbian or gay person is a criminal based on the existence of a sodomy law and thereby fair game for being a victim of all sorts of other discriminatory state action," said Ms. Kendell of the National Center for Lesbian Rights.

Robin Tyler, a comic and producer in Los Angeles who helped organize some of the celebrations today, said many people were mindful of how difficult it had been for some civil rights decisions to become a reality in everyday life.

"This is just the beginning of the race for full equality," Ms. Tyler said. "There is going to be an enormous backlash from the radical right. It is not like everybody is going to suddenly say that now that we aren't criminals anymore, therefore we are entitled to housing, not getting beaten up and marriage."

Jane L. Dolkart, an associate professor of law at Southern Methodist University who specializes in sexuality and gender issues, said that today's decision did open a legal window for gay rights advocates, but that the court was in essence following the nation, not leading it.

Antihomosexual laws were already being removed from the books in most states, Professor Dolkart said, most notably in Georgia, the origin of the last major sodomy case to be heard by the Supreme Court, *Bowers v. Hardwick* in 1986. Today's ruling reverses that decision, which had upheld the Georgia statute.

"This ruling may have an effect that isn't strictly legal," Professor Dolkart said. "It may have an effect on the beliefs of people in this country."

Some gay groups, fearing the worst, had been preparing protests had the court ruled the other way. This morning they quickly printed up posters declaring "Terrific!" and "Victory!" and sent out e-mail messages with "talking points" for interviews with the news media.

As word of the ruling spread in San Francisco, a group gathered at the corner of Castro and Market Streets, where a rainbow flag — a symbol of the gay movement for the last 25 years — had regularly flown.

A small chorus of gay military veterans sang the national anthem as the rainbow flag was gently lowered, replaced with an American one.