

Zev Chafets | Sodomy ruling

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Justice Scalia's dirty mind

Warning: This column contains adult situations and strong language. But don't blame me. U.S. Supreme Court Justice Anton Scalia's the guy with the dirty mind.

On Thursday, when the court ruled 6 to 3 that a Texas law against sodomy was unconstitutional, Scalia was on the losing side.

"The Texas statute undoubtedly seeks to further the belief of its citizens that certain forms of sexual behavior are immoral and unacceptable," he wrote in his dissent. "The same interest (is) furthered by criminal laws against fornication, bigamy, adultery, adult incest, bestiality and obscenity."

Scalia's lament was that allowing sodomy opens the door to the legalization of these other ungodly sex acts.

Call me uninformed, but I thought most of this stuff was already legal. I mean, fornication? Don't they have office Christmas parties at the Supreme Court?

And what about adultery? I know it can get you yelled at, but against the law?

I can just picture the scene in the yard at Sing Sing.

"Yo, B-Clin, what you doin' here?"

"Five-year bid on an adultery rap, my fellow American. But I was innocent."

"Man, that's harsh. Must have got one of them tough-on-the-meaning-of-is judges, huh?"

Then there's bigamy. Now, that I knew was a crime. But honestly, I've never seen why. Polygamy is practiced in Muslim communities, by liberal arts junior faculty members at certain elite universities and in parts of Utah. Nobody seems to be the worse for it.

Adult incest is a different question. All across the country you can find blood re-

lations shacking up: widowed moms "living" with their daughters; spinster sisters "sharing an apartment," fathers and sons on "hunting trips" sleeping in the same motel room.

Probably even Scalia would stop short of authorizing wiretaps on family gatherings or issuing a warrant to search the bedroom of fraternal twins. But he doesn't want to lose the power to act. Citizens have no right to do what the government

thinks is immoral. Permitted behavior is only that which is "deeply rooted in this nation's history and tradition."

But tradition is a slippery slope. Especially when the topic is bestiality:

It is a sad but undeniable fact

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that there is an ancient flirtation between our species and others. Scalia, a classicist, knows that even the mythology of his ancestral homeland is hectic with humans doing the wild thing with swans and bulls and other improbable partners. True, many of these humans claimed their lovers were gods in animal disguise, but that's a hard one to prove in court.

This country has its own history of man-pet relationships. In his landmark 1948 study, Dr.

Alfred Kinsey reported that roughly 8 percent of American males had experienced the love that dare not arf its name. Among boys raised on farms, the number was between 40 percent and 50 percent. Considering America's agrarian past, it is very possible that tough enforcement of bestiality laws might have cost this nation some of its finest politicians, industrialists and newspaper editors. Even in these more civilized times, such a statute, in the hands of an overzealous prosecutor, could put Lassie and little Timmy behind bars.

And so, if legalizing sodomy is a step toward removing the power of government over our private, adult sex lives, I welcome it. Like that eminent Victorian Beatrice Campbell, I don't really care what people do, as long as they don't do it in the street and frighten the horses. And I don't know why Scalia cares, either. The guy's got a great mind. He should clean it up and use it for something worthwhile.

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