

Criminals Again

Lesbians and gay men in Texas are once again criminals under state law.

This is the chilling implication of the Supreme Court's June 30 ruling in Bowers v. Hardwick, in which a Georgia homosexual challenged his state's sodomy law. The Georgia law carries a penalty of up to 20 years in prison for private, consensual oral and anal sex, both heterosexual and homosexual. In brief, the Supreme Court has ruled by a 5-4 vote that there is no constitutional right to privacy for homosexuals and that certain acts are so morally repugnant that states cannot be forbidden to outlaw them.

Justice White, who wrote the majority opinion, included homosexuality in a group of legally unconscionable acts along with "adultery, incest, and other sexual crimes." In a seeming lapse of judicial logic, the court declined to address whether oral and anal sex acts among heterosexuals were permissible, although this was strongly implied.

In an unusually vehement dissent, Justice Blackmun termed the majority decision "revolting" and an intolerable intrusion into an individual's most private moments. Blackmun asserted that "this case is about 'the most comprehensive of rights and the right most valued by civilized men,' namely, 'the right to be let alone.'" He concluded that the sexual mores of the majority cannot "justify invading the houses, hearts, and minds of citizens who choose to live their lives differently ... Depriving individuals of the right to choose for themselves how to conduct their intimate relationships poses a far greater threat to the values most deeply rooted in our Nation's history than tolerance of nonconformity could ever do ... I think the court today betrays those values." Justices Brennan, Marshall and Stevens joined Blackmun in his dissent, adding, in a second dissenting opinion, that the Georgia statute might be unconstitutional on the grounds that it imposes "cruel and unusual punishment" on offenders.

The Supreme Court did not actually rule on Texas' 21.06 statute; they simply refused to hear our appeal of the Fifth Circuit's ruling. That announcement came one week after the Georgia decision, so we weren't totally surprised. Remember, though, the issue in our case was whether a local DA had legal standing to bring an appeal over the objections of the state attorney general. Texas Attorney General Jim Mattox had entered the case on our side. In their fit of bigotry, the Supreme Court let stand a blatantly homophobic and politically influenced (the vote split along party lines) decision by the lower court.

The practical implications of this are enormous. Twenty-six states have already removed their sodomy statutes, either through general overhaul of their criminal codes or repeal of specific statutes. A favorable ruling in the Georgia case would have made state-by-state battles largely unnecessary. Instead, those of us living in states with such archaic laws must now return to do battle in the state legislatures. Our repeal efforts will continue, but we can expect especially vigorous attacks from our fundamentalist enemies. Bills aimed at strengthening current prohibitions will be introduced in addition to the expected attacks on AIDS victims.

What can HGPC do to fight back? We have enormous power, through numbers, to influence the legislators of this state. The highest court in the nation has dealt us a devastating psychological blow, but we still have the power to BLOC VOTE. More than ever, we must make this power work for us.

Call the GPC office for complete copies of the Supreme Court opinions, available for \$3 each.

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PRIMARY RECAP

Once again Texas voters chose overwhelmingly to stay home on primary election day. The gay turnout percentages compared favorably to those of other groups, but the overall numbers were dismal.

Nevertheless, GPC-endorsed candidates were extremely successful in the primaries: 16 of 24 endorsed Democrats won their races, while one of the 2 endorsed Republicans won.

CONVENTION DELEGATIONS

GPC representatives were active in both the Republican and Democratic state conventions. The Republican Committee's openly gay delegates met virulent homophobia in the state party platform, which states that "homosexuality is a perversion of natural law and is biologically, morally, and medically unsound." The platform also calls for quarantining of AIDS victims, refusal of minor custody for gay parents, shutting down adult bookstores and gay baths, and banning gay teachers from public schools.

The Democratic Committee sent approximately 60 delegates to a rather low-key gathering that preferred to ignore gays altogether. However, largely through the efforts of Dale Beverly and the Lesbian and Gay Democrats of Texas (LGDT), a generalized human rights statement won a place on the platform.

POLITICAL ACTION UPDATE

Newly appointed Political Action Chairperson Jim Owens feels that the time is now to begin counteracting the Supreme Court decisions. "In light of the recent action of the Court, it is imperative to go to work in the Texas legislature to change the law. We have to make the bloc vote felt." Volunteers are needed immediately, he says, to start work on the fall campaign in projects such as screening candidates, voter registration, phone banking, and increased canvassing of GPC voters. To volunteer, call Jim at 521-1000 or 523-6109.

COMING UP:

Our next meeting will be Wednesday, July 30 at the Holiday Inn Central. This special Fifth Wednesday program will be a presentation by Travis Peterson and David Kohlberg, "AIDS/KS -- Taking Personal Responsibility for Illness or Health." No business is conducted at our informal Fifth Wednesday meetings, they are free, and the public is welcome.

The Documentation Committee will be conducting a phone survey of our mailing list beginning the evening of Monday, August 11. Calls will be made between 6:30 and 9:30 p.m. We will be asking questions to determine the extent of discrimination against our community, and volunteers are needed for this interesting project. Leave a message at 521-1000 for Sue Lovell, Chairperson, to volunteer.

The Dallas Gay Alliance is hosting a leadership conference on August 16 and 17 to discuss ways of dealing with the recent Supreme Court decision. A coordinated state-wide response is vital. Workshops have been scheduled for three major areas: further legal appeal, legislative repeal, and local initiative. The conference is open to anyone who is wants to be part of the continued efforts against 21.06. Information on the conference can be obtained from the GPC office.

If you'd like additional information, call the GPC office, 521-1000, between 4 and 6 p.m. Monday through Friday, when our office staffer Pat Gandy will be there to answer the phone. If you'd like to be added to the confidential GPC mailing list or change your address on the list, just call 521-1000 anytime and leave a message. Remember, our meetings are on the 1st, 3rd and 5th Wednesdays of the month at the Holiday Inn Central, Main at Blodgett, at 7:30 p.m.

CAMPAIGN 86

This is the election year when your volunteer efforts could demonstrate just how much muscle there is in the GPC bloc vote on Tuesday, November 4, 1986.

Name _____

Address _____

City _____ State _____ Zip _____

Telephone (W) _____ (H) _____

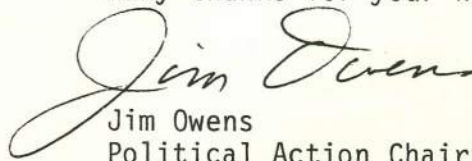
Yes, I would like to help in the campaign by doing

- | | |
|---|---|
| ☐ Voter registration | ☐ Documentation survey |
| ☐ Screening candidates for GPC endorsement | ☐ Advertising sales for the Election Tabloid |
| ☐ Block walking | ☐ Mailings |
| ☐ Telephone canvassing | ☐ Fund raising projects |
| ☐ Poll worker on election day | ☐ Other _____ |

Yes, I know campaigns are expensive and I would like to help by contributing \$ _____ to GPC.

Please complete and mail form to GPC, P. O. Box 66664, Houston, Texas 77266 indicating where you would like to help this year. If it is more convenient, please call Pat Gandy at 521-1000 between 4:00 and 6:00 P. M. and let her answer your questions. You may also call at other times of the day and leave a message and your call will be returned.

Many thanks for your help,


Jim Owens
Political Action Chairperson