

LIBERTY EDUCATION FORUM JOIN FORCES WITH LOG CABIN REPUBLICANS TO FILE AMICUS BRIEF TEXAS SODOMY LAW CHALLENGE, ASKING FOR OVERTURN OF BOWERS v. HARDWICK.

The Liberty Education Forum announced it will join forces with its sister organization, The Log Cabin Republicans to file an amicus brief to the United States Supreme Court concerning Lawrence v. State of Texas.

"The liberties guaranteed to all Americans by the United States Constitution mean that no state should have the power to enter the home of consenting adults in the middle of the night and arrest them for simply being gay or lesbian. The Court was wrong in 1986 and it now has the opportunity to fix that error," said LEF President Patrick Guerriero.

In 1986, the Supreme Court ruled in Bowers v. Hardwick that Georgia's law banning consensual sodomy did not violate fundamental privacy rights under the Constitution. Since that time, many states (including the state of Georgia) have repealed their sodomy laws, or they have been found unconstitutional on state constitutional grounds. Seldom enforced, these laws have been used as an excuse to deny equal rights to gays and lesbians in civil or administrative matters.

In addition to Texas, three other states - Kansas, Missouri and Oklahoma - continue to have consensual anti-sodomy laws that apply only to gay or lesbian couples.

Nine states - Alabama, Florida, Idaho, Louisiana, Mississippi, North Carolina, South Carolina, Virginia and Utah - still have consensual sodomy laws that apply to both heterosexual and homosexual couples. These laws usually criminalize sodomy with punishments that range from monetary fines to 20 years in prison.

Since the U.S. Supreme Court agrees to only hear about two percent of the cases brought to it each year and rarely overrules itself, so Lawrence v. State of Texas could well represent the most important decision for gays and lesbians in American history. And it is a fight that Log Cabin Republicans and Liberty Education Forum will participate. In compliance with the rules of the U.S. Supreme Court, counsel for the Log Cabin Republicans and the Liberty Education Forum have delivered written requests to file its amicus brief.

"We hope to demonstrate that equal rights for gays and lesbians are no a longer partisan issue," said Robert J. Kabel, Chairman of the Liberty Education Fund. In fact, choosing not to tread quietly around the Court's previous ruling in 1986, the centerpiece of the LCR/LEF Amicus Brief is a request of the Court to overturn Bowers v. Hardwick. Demonstrating to the Court that the intervening history since Bowers v. Hardwick has transformed the nation's understanding of gays and lesbians, LCR/LEF argues that the protection of intimate gay and lesbians relationships is "implicit in the connection of ordered liberty" afforded by the Due Process Clause of the Fourteenth Amendment of the United States Constitution. As such, homosexual couples have the fundamental right to privacy that has been enjoyed by heterosexual couples.

The LCR/LEF Amicus Brief also argues that the Texas Homosexual Conduct law violates the Equal Protection Clause of the Fourteenth Amendment. Under the Equal

Protection Clause, all legislation must be rationally related to a legitimate governmental purpose. Since the Court's decision in *Romer v. Evans* in 1996, the Court has held that community "morality" against homosexuality could not constitute a "legitimate governmental purpose." In *Lawrence v. State of Texas*, morality is the only reason the State of Texas has given to justify the Texas Homosexual Conduct Law. In addition, the LCR/LEF also directs the Court to strike the law as a violation of the Equal Protection Clause of the Fourteenth Amendment.

"While many people were disappointed with the outcome in the decision of *Boy Scouts of America*, some overlooked the real victory for gays and lesbians in that case: many diverse parties, including religious and education organizations, demonstrated to the Court that homosexuality was not immoral and that gays and lesbians have been historically the targets of invidious discrimination," states counsel for LCR and LEF, C. Martin Meekins, who continued to say he would not be surprised if some of those same parties, as well as others, would do so again in this matter.

[Click here](#) for a PDF version of the brief.

Liberty Education Forum is a educational think tank - based in Washington, D.C. - that is dedicated to new ideas and new directions for the gay community, with a centrist approach.