

is used in cases of anal rape.

She denied that the law was used disproportionately against queers in Idaho.

The Idaho Supreme Court's January '92 decision which said life in prison for crimes against nature was not "cruel and unusual" in fact dealt with a man also charged with rape.

But Ryan David Hynes was found innocent of rape, and received his 12-year sentence for engaging in "unnatural carnal copulation".

But gay-rights lawyer Eric Wolfson said this does not mean the Idaho law does not harm queers.

"The way these laws harm lesbian and gay people is they hang there over our heads and stigmatise us," he said. "They are a stamp of inferiority on lesbian and gay people."

The laws can still be used to deny employment to queers, unfairly settle custody battles and deny funding to lesbian and gay groups, said Wolfson.

"And it ought to be considered sexual assault no matter how it is committed," he said.

Wolfson works with the Lambda Legal Defense and Education fund, a group which works to create gay-positive legal precedent, provides free legal help in carefully selected cases involving gay and lesbian civil rights.

Penny Perkins, Lambda's public education coordinator, said it is harmful and unfair to lump lesbian and gay sex in with sexual assault and statutory rape.

"The courts form biases against the gay community based on the impression that gays are all public-sex perverts. And these are the same judges who are passing judgement in custody and housing cases," she said.

But in some states, the defense of the laws are straight-forwardly homophobic.

When the Maryland Supreme Court struck down the ban on heterosexual sodomy in August 1990, they maintained that homosexual sodomy was still an "unnatural and perverted sexual practice."

And regardless of how they're applied, laws linking gay sex with "deviate sexual intercourse" (in Texas and Missouri) or "crimes against nature" (in many states) are far from subtle.

SUCCESSSES AND FAILURES

Activists' most recent success came on September 24, 1992, when Kentucky's Supreme Court struck down the state's "Deviant Sexual Intercourse" and "Sodomy" laws.

A lower court in Michigan has declared that state's "Crime Against Nature" law unconstitutional, but it is not yet certain whether the Attorney General's decision not to appeal means the law is dead for the whole state. And the Texas law is set to go to the state's Supreme Court in January of '93.

Wolfson said the next attempt would be in Florida, and the law would likely be struck down. Cases in Virginia and Georgia are also on the horizon, he said.

"It's an encouraging trend," said Perkins. However, she added, the ballot initiatives in the recent U.S. elections were discouraging.

Voters in Colorado accepted a measure which prevents any branch of state government from enforcing "any statute, regulation, ordinance or policy" which would accept homosexuality or

bisexuality as the basis of any "protected status or claim of discrimination."

Tea Schook, president of the Equal Protection Campaign, which fought the initiative, said it passed because voters were convinced that lesbians and gays were after "special rights", rather than basic civil rights.

"Our job is now to educate people about what is a civil right, and what a sham the idea of special rights is," she said.

She said that although the new law is too vague to be enforceable, it has led to increasing attacks on lesbians and gays.

"This law creates an atmosphere in which lesbian and gay people have to fear for their lives and livelihoods," she said. "It gives the permission to discriminate, to attack."

The Oregon initiative contained a host of attacks on queers, including a stipulation that schools should teach that homosexuality, like sadomasochism and pedophilia, is "abnormal, wrong, unnatural and perverse" (along with a host of other attacks on queers). It received 43 per cent support, but failed to pass. But, like Colorado, Oregon has seen a huge increase in anti-gay attacks.

"As a result of the ballot measure it became acceptable to commit acts of violence against gays and lesbians. I don't think that's going to change immediately," said Ebie Brisken, a press officer for "No on 9", the coalition which fought the initiative.

She noted that Oregon had more than twice as many anti-gay hate crimes in the first half of this year as in the same period of 1991.

IN CANADA

Canada's own "anti-buggery" law began to die in 1969, when anal sex and "gross indecency" were made legal when engaged in between consenting adults over 21 in the privacy of their own home (semi-public sex, such as in lovers lanes, continued to be prosecuted disproportionately against lesbians and gays).

In 1987, the gross indecency law was repealed and the consent law for anal sex was lowered to 18, still higher than that for other sexual styles, which was 14.

Last summer, Ontario Court Justice Marle Corbett found this distinction to be unconstitutional. For now at least, gay sex is, at least on paper, the same as straight sex.

