



## Lawrence v. Texas

### FIVE YEARS LATER

Almost 10 years ago on a September night in Houston, a report came through to the Harris County Sheriff's Department of a weapons disturbance at a nearby residential address. The report, it turned out, was false. Upon entering the home of John Lawrence, the officers found no guns or robbery in progress. But they did find something that was, at the time, illegal in the state of Texas.



Lane Lewis, John Lawrence, David Jones, Suzanne Goldberg, Tyron Garner and Mitchell Katine were among those on the frontlines for equality with *Lawrence v. Texas* and permanently transformed the lives of LGBT people nationwide.

That night, John Lawrence and Tyron Garner were arrested and jailed overnight for having consensual sex in Lawrence's home. The men were later convicted of violating the state's "Homosexual Conduct" law. But if their arrest marked a low point in LGBT civil rights history, it also marked a turning point. For the arrest of the two men set in motion a chain of events that would transform the LGBT civil rights movement forever.

At the time, people in LGBT communities were living in the shadow of *Bowers v. Hardwick*, the U.S. Supreme Court's 1986 decision upholding Georgia's sodomy law. In *Bowers*, the highest court in the land had said it was perfectly legal to brand lesbians and gay men as criminals. "There was this equation that if you were gay, you were breaking the law, and therefore you deserved all sorts of other bad things that might happen to you, like getting fired from your job or losing your child," says Lambda Legal

Executive Director Kevin Cathcart. "The ruling was that devastating for LGBT people in states throughout the country."

While the years after *Bowers* were difficult ones, the decision was a catalyst for community activism. On the legal front, the strategy shifted to challenging sodomy laws state by state and laying the groundwork for another Supreme Court case, when the opportunity presented itself. "John Lawrence and Tyron Garner gave us, at last, the opportunity we had been waiting for," Cathcart says. "We couldn't be sure that this case would make it to the Supreme Court — we could have won in Texas and that would have been the end of it — but we had a feeling from the beginning that this was a case that could go far."

And it did, eventually landing at the Supreme Court. On June 26, 2003, the court found the Texas "Homosexual Conduct" law to be unconstitutional.

It went on to strike down all remaining sodomy laws in the nation and overturn its decision in *Bowers*. This time around the court said unequivocally that lesbians and gay men are entitled to respect, dignity and equal treatment under the law.

While it takes many years for the full impact of a U.S. Supreme Court case to take shape, *Lawrence v. Texas* has begun to transform life for people in LGBT communities. Already, the case has been cited in over 300 cases addressing, among other things, discrimination, custody rights and relationships — including marriage. But its significance only begins in the courtroom. "It was an important legal victory," says Lambda Legal's Legal Director Jon Davidson, "but more than that, it was a catalyst for a profound cultural shift. The court for the first time recognized that love, sexuality and family can play the same kinds of roles in gay people's lives as they do for everyone else — and this

recognition fundamentally changed the way people all over the country think about gay relationships. That in and of itself is a major breakthrough.” Moreover, in the words of Yale Law Professor Paul Gewirtz, Lambda Legal’s work underscored the responsibility of the courts in “consolidating cultural developments, legitimizing them and translating them into binding legal principle.”

Today, five years after *Lawrence*, Lambda Legal continues to build on that binding legal principle. “The landscape is changing everyday, for the better,” says Cathcart. “But looking at these changes, it’s so clear to me that without *Lawrence* we wouldn’t be nearly as far along in our relationship work—remember that since *Lawrence* we’ve seen marriage in Massachusetts, civil unions and broad domestic partnership laws in California, Connecticut, New Hampshire, New Jersey and Oregon, and more limited domestic partnership laws in the District of Columbia, Hawaii, Washington and Maine, and many more cities and counties. We wouldn’t be half as far along in our custody work, our youth work or our workplace fairness work either. We now argue all of our cases from a new and increased level of respect for LGBT people and our relationships. *Lawrence* has completely raised the bar. That puts Lambda Legal on better footing to combat our opponents in court and in the court of public opinion.”

And the fight is far from over. “In many states, we can still be fired from our jobs,” says Cathcart. “We can be treated as legal strangers to our life partners. We can lose our children because of bigotry and ignorance. And we can be beaten up in schools and in the streets.”

But, says Cathcart, the *Lawrence* victory tells us that Lambda Legal has the formula to keep on winning these battles. “It took 17 years for *Lawrence* to reverse the *Bowers* decision, and in Supreme Court years, that is a very short time for the court to reverse its own decision. Now it’s been only five years since *Lawrence* and look at how much has happened so far. The world is literally a different place, and I expect it’s going to get better and better.” **L**

# OVERRULED!



**L**ambda Legal is proud to present *Overruled!*, a short documentary highlighting the courtroom drama of the *Lawrence v. Texas* case. The film tells the story of John Lawrence and Tyron Garner — two men who fought back and became unlikely heroes at the center of one of the greatest civil rights cases of our time. The film features in-depth interviews with Lambda Legal plaintiffs, lawyers who made the case, leaders of the civil rights movement and everyday people whose lives were affected by sodomy laws.

Celebrate the fifth anniversary of *Lawrence v. Texas* in your own home by hosting an *Overruled!* house party. Watch the film with your family and friends and introduce others to a piece of our communities’ history that continues to propel the fight for equality. Or log in on June 26, the anniversary of the decision day, for our daylong virtual premiere of *Overruled!*

Visit [www.lambdalegal.org/overruled](http://www.lambdalegal.org/overruled) to stay posted on the New York premiere and afterparty hosted by *Passport* magazine and the W Hotel, other screenings happening where you live, when you can get the DVD and how to host a screening yourself.