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REASONS FOR REPEAL OF PENNSYLVANIA'S
VOLUNTARY DEVIATE SEXUAL INTERCOURSE (SODOMY) STATUTE

The Pennsylvania legislature will shortly be considering a bill to repeal our "Voluntary Deviate Sexual Intercourse" statute, Sec. 3124 of the Crimes Code. This section prohibits oral or anal intercourse between adults (heterosexual or homosexual) unless they are married. (Section 3123 makes Involuntary Deviate Sexual Intercourse a crime, which will, of course, remain a law in Pennsylvania.) Below are several reasons why it is important that the Voluntary Deviate Sexual Intercourse Statute be repealed:

1. The state should not be involved in regulating private sexual conduct between consenting adults.

It is generally agreed that the laws against homosexual acts do not significantly control the forbidden behavior. However, the very existence of sodomy laws discriminates against people by denying them the very basic human right to consensual sexual activity in private. The law increases homosexuals' vulnerability to exploitation and encourages police corruption.

In Pennsylvania, while the sodomy law applies to both heterosexuals and homosexuals, it is only enforced against homosexuals which amounts to unequal enforcement of the law. Many people think that this law is not enforced, but the fact is that there were 45 arrests by two troops of the State Police over an 18-month period ending August, 1975 and 43 arrests in Philadelphia during 1974. (Figures are not available for the rest of Pennsylvania.)

It costs the state millions of dollars to make the arrests and prosecute the cases through our court system. In Washington, D.C., Judge Charles W. Halleck, of the Superior Court, estimated that in 1974 it cost the city \$18,000 for each plain clothes arrest and subsequent prosecution costs, including the judges' and prosecutor's salary, and other direct and indirect costs. Consequently, if there were only 100 arrests a year in Pennsylvania (we believe there are more), this would mean \$1,800,000 is expended. Certainly, this money could be better used to fight real crime in our society.

2. The fact that sodomy is a criminal statute in Pennsylvania prevents gay people from having their civil rights protected.

Many lawmakers in the state and local governments state that they cannot pass laws to prohibit discrimination in the areas of employment, housing and public accommodations because certain homosexual acts are a crime. It is therefore a prerequisite that the sodomy statute be repealed so that other types of discrimination can be protected.

3. Many independent study commissions and other respected groups have called for the repeal of state sodomy statutes. Also there is a clear trend in the United States to repeal these laws.

For the reason cited in 1 and 2 above, organizations including the American Psychiatric Association, the American Law Institute, the National Institute for Mental Health, The International Congress on Criminal Law, the American Law Committee, the National Commission on Reform of Federal Criminal Laws, the American Civil Liberties Union, the American Mental Health Foundation, and the Wolfenden committee in England have urged sodomy law repeal. So far 14 states have repealed their sodomy statute including: Del., Conn., Colo., Hawaii, Ill., Ore., Wash., Calif., N.M., N.Dak., S. Dak., Maine, Minn., and Texas.