

GEORGETOWN INN

628-630 Madison Avenue • Memphis, TN • 38103



MEMPHIS
628 MADISON AVENUE
MEMPHIS, TN 38103
901/525-2582
Member Club Bath Chain



come see what makes
Midtowne New Orleans
different . . .

HOT AS HELL . . .

MIDTOWNE



700 Baronne St.
(504) 566-1442

Open 24 Hours
every day of the year

FREE VIDEO MOVIES IN EVERY ROOM

ANOTHER HERO

SODOMY STATUTE CHALLENGE IN GEORGIA

On Monday, January 7, 1985, three judges of the 11th Circuit Court of Appeals of the United States heard oral arguments on the appeal of the Case of *Michael Hardwick, et. al., vs. Michael Bowers, Attorney General for the State of Georgia, et. al.*, a suit whose aim is a finding that Georgia's sodomy law, Official Code of Georgia Annotated Title 16-6-2, is unconstitutional insofar as it makes consensual sodomy a crime.

The case had its beginning back in 1982 when Michael Hardwick, a soft-spoken, handsome young man, was working at The Cove, Atlanta's popular late-night club just off Monroe Drive.

One morning, after finishing work, he stepped outside with a beer in his hand, an action prohibited by Atlanta's open container ordinance, and was spotted by Officer Torrick of the Atlanta Police Force who was driving past.

Although Hardwick immediately threw the bottle in the trash, Torrick charged him for violation of the open container law. La-

ter he went to court, pled guilty, and paid a fine.

But some weeks later, either ignorant of the fact that Hardwick had paid his fine or just vindictive, Officer Torrick obtained a warrant for Michael's arrest on the beer bottle charge and went to his apartment to apprehend him.

According to Hardwick, this is what happened next. "He walked in the front door. A friend was sleeping on the couch. He asked for me. My friend was freaking out. My friend pointed to the bedroom. I was in the bedroom involved in mutual oral sex with a friend. All of a sudden I looked up and there he (the officer) was."

Officer Torrick claims that the front door was opened for him by the houseguest who then led him to an open bedroom door. Whatever happened, Torrick proceeded to arrest Hardwick and his friend for violation of the Georgia sodomy statute. After some 11 hours in jail he was released on bond and sometime later the friend was also freed.

Can't find your type?

Communication . . .

It's an important word — and an important concept — in an age when visual saturation is the rule rather than the exception.

Devlin/Morris Associates helps you find *your* type! With state-of-the-art equipment and personnel who understand good typographic design, we are ready to help you develop printed communications that work!

dma

devlin/morris associates

DESIGN/TYPOGRAPHY
[504] 586-8638

741 ST. CHARLES AVENUE
NEW ORLEANS, LA 70130

IN BIRMINGHAM:
A SHOW CLUB
& CRUISE BAR

CASBAH

WATCH FOR THE OPENING OF
CASBAH-DOWN-UNDER
"THE MALE EXPERIENCE"

WEDNESDAY IS "BEAT THE CLOCK" • \$4.00 COVER
ALL WELL DRINKS 25¢ (9-9:30)
Prices increase 25¢ each half hour
up to \$2. (12:30-1 am)

SUPER STAR WEDNESDAY
January 30th
LORRAINE CASEY

**APPEARING FRI., FEB. 1st
& SAT., FEB. 2nd**
SABLE STARR

SUPER STAR WEDNESDAY
February 6th
SURPRISE SPECIAL GUEST

117 1/2 21st St. N.

205-254-8831

ANOTHER HERO

Meantime Lloyd Russell, owner of The Cove, contacted Clint Sumrall, a member of the American Civil Liberties Union who had been waiting for years for the right case to come along with which to challenge the Georgia sodomy statute.

Attorneys Lewis Levinson and John Sweet were enlisted and preparations begun for the filing of a suit challenging the law as unconstitutional.

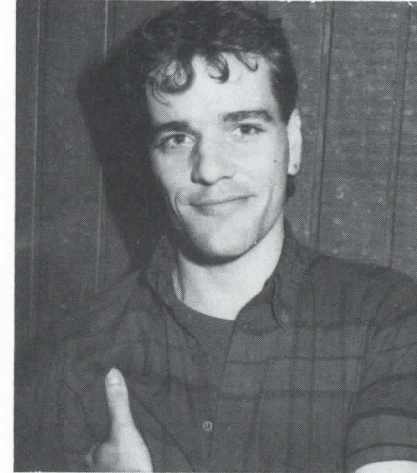


PHOTO BY JIM TEAGUE

Plaintiff Michael Hardwick

Their efforts were complicated however when Fulton County District Attorney Lewis Slaton refused to proceed with prosecution of the case against Hardwick.

And when the suit was joined by a married couple known as John and Mary Doe, the state replied by saying they did not enforce the law against married people.

The case was assigned to U.S. District Judge Robert H. Hall (a Reagan appointee) who in April of 1983, without even holding hearings, dismissed it in a short, 3 page decision which said that (1) the Does were unable to show that they had sustained or were in immediate danger of sustaining some direct injury as a result of the statute's enforcement, and (2) Hardwick's arguments were foreclosed by the Supreme Court's affirmation of the 1973 decision of a three-judge panel which upheld the constitutionality of the Virginia sodomy statute in the case of *Doe v. Commonwealth's Attorney for the City of Richmond*.

Although discouraged by Judge Hall's out-of-hand dismissal, backers of the suit were not deterred and proceeded with the

appeals process.

Kathy Wilde, a member of John Sweet's firm who had taken over as the chief attorney for the plaintiffs, filed briefs in the fall of 1983 asking the 11th Circuit Court of Appeals to remand the case to the U.S. District Court for trial and to declare that there is a "Right to Privacy" which would be applicable in this case.

Amicus Curiae (friend of the court) briefs were filed by the Lambda Legal Defense and Education Fund of New York and by the National Gay Rights Advocates of San Francisco. GOAL (Georgians Opposed to Archaic Laws), an Atlanta organization headed by Clint Sumrall, raised funds to help defray the costs of the case.

So it was only after a long and circuitous route that Michael Hardwick and his supporters finally had an opportunity to present their case in court on January 7.

While Attorney Wilde would not predict a favorable ruling, she was definitely optimistic about the outcome. "We had a great panel," she said, referring to Judge Elbert P. Tuttle Sr. and Judge Frank Johnson, (both well known for their favorable rulings in past civil rights cases) and Judge Phyllis Kravitch, the three judges who made up the panel. "Judge Johnson gave the state a hard time about the justifications (for the law)," Wilde continued. "They kept saying that public morality was the only justification and Johnson bore down on this point asking, 'Do you understand that this is two consenting adults in the privacy of their bedroom?'"

"Judge Kravitch took the whole thing head-on by asking me about *Doe v. Commonwealth*, if it didn't destroy my case," Wilde commented. "I explained that *Doe* was not binding because of some referments and doctrinal developments and read her some recent applicable quotes from other circuits which support the position we are asking the 11th Circuit to take in this case."

George Brenning, Secretary-Treasurer of GOAL, was also cautiously optimistic



**HAVE YOU HUGGED
YOUR TEDDY
TODAY?**