

Homosexuals face threat of severe sodomy laws

This is part three of a four-part series.

by H.J. Cummins

Crimes Against Nature (Nebraska Statute 28-919, 1929)
 "Whoever has carnal copulation with a beast, or in an opening of the body except sexual parts with another human being, shall be guilty of sodomy and shall be imprisoned in the Nebraska Penal and Correctional Complex not more than 20 years."

Nebraska's sodomy statute (above) makes oral or anal sex with another adult a felony and punishable with up to 20 years in prison.

"This is one of the more severe," said Lou Crompton, English professor and past instructor of UNL's homophile course.

He pointed out the law has been, however, "a dead letter for at least five years." To his knowledge, no one has been prosecuted under the law for that long.

HE ALSO SAID the law has never been enforced against women.

Newspaper clippings detail police action against homosexuals since 1968, which include the "Lincoln Entrapment," and two cases of sodomy prosecutions.

The "Entrapment" in the summer of 1968 led to 14 warnings (all involved were released) from plainclothesmen who frequented an Antelope Park man's room in hopes of being propositioned.

POLICEMEN STAGGERED their regular patrol duties with plainclothes duty for four weeks and warned the gay men they found they were violating a park regulation against "lewd conduct" in the park.

An Omaha World-Herald article told about Victor Leadinghorse, 25, who had been jailed in October, 1970, "on charges of being a sexual psychopath."

The jail officials, contrary to the court order, did not put Leadinghorse in solitary confinement and charges were brought against the prisoner for a "morals violation against a youth from the Kearney Boys Training School." (Leadinghorse was jailed in Buffalo County.)

LEADINGHORSE was convicted on two counts of sodomy and sentenced to 15 years in the Nebraska Penal Complex.

In March, 1971, Richard Brown, 24, of Omaha, was sentenced to 18 months in the Nebraska Penal Complex on a felony charge after an incident in the city jail.

Brown pleaded innocent to a charge brought by an 18-year-old inmate who alleged two inmates had forced him to perform "unnatural sex acts."

DAVE MCINTOSH of the Lincoln Gay Action Group said even if the sodomy statute is not enforced, although it is, he sees it as "a powerful tool that prevents open homosexuals from admission in law school, medical school and any well-paying, status professions."

The law applies potentially to heterosexual as well as homosexual relations, Crompton said, since "according to the Kinsey report, most married couples (60 per cent) with college backgrounds violate the state statute."

A lawyer who recently left Lincoln said he would interpret the phrase "in an opening of the body" as applying only to the penis since it is the only piece of anatomy both capably of copulation and able to go "in" a body opening.

HE MAINTAINED, then, the state sodomy statute says nothing about sex between two women.

Sodomy is punishable in other states by 5 years to life imprisonment, Crompton said. Illinois led the nation in 1962 in dropping the statute for "consenting adults in private" and Oregon, Colorado, Connecticut and Idaho have since made the same provision, he said.

The law originated in the 6th century Code of Justinian, and homosexuality was thought of as a "religious crime," Crompton explained. The word itself comes from the Biblical story of Sodom and Gomorrah, he said.

DESPITE THIS LAW, Crompton said, the recent judicial trend is "affirming the right of homosexuals to work."

He said Judge Julius Hoffman told the Chicago post office they could not fire an employee who was an admitted homosexual.

However, a federal court recently reversed the decision of a lower court and reaffirmed the right of the University of Minnesota to refuse to hire Mike McConnell as a librarian, according to a legal publication, U.S. Law Week.

MCCONNELL AND JACK BAKER are the first legally married same-sex couple.

The decision said McConnell's activism made it, in the opinion of the court, more than an employment suit.

It read: "This is not a case involving mere homosexual propensities on the part of a prospective employee. . . . It is instead, a case in which. . . the prospective employee demands. . . the right to pursue an activist role in implementing his unconventional ideas concerning the societal status to be accorded homosexuals."

Tomorrow: The Lincoln community's reaction to gay people.

Draft Dodgers. . .

Continued from page 3.

special student deferment while at the University.

Once again he was ordered to report and again appealed. He asked for a family deferment because his wife was pregnant.

Norton was indicted in May 1971 along with other Nebraskans, including Dale Techner of Albion and Kirk Johnson of Lincoln, now living in Winnipeg.

"The uncertainty bothered us a lot at first," said Norton's

wife, the former Sylvia Maline. "We kept hoping for a legal way out. But once it was final, we both felt relieved."

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