

Lawrence v. Texas, 1-year anniversary:

Pair Proud They Could Get Sodomy Law Thrown Out

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HOUSTON --- Almost six years after police stormed his apartment and arrested him for having sex with another man, this is what John Lawrence remembers:

Harris County Sheriff's Department officers shoving him to the couch, shattering the porcelain birds that were a gift from his mother. The humiliating ride to the station, wearing only handcuffs and underwear. The fingerprinting and mugshot, the bologna sandwich he ate in jail, the jeans another inmate gave him for the ride home, the cabbie who took him, though he had no wallet to pay.

And the call to his elderly father to tell him what had happened.

"I was a little worried. I didn't know how I was going to handle this," recalled Lawrence, 60. "So I called my dad, and my dad said, 'You will find a good lawyer.'"

It has been nearly a year since the U.S. Supreme Court used the case of John Lawrence and Tyron Garner to throw out the nation's remaining sodomy laws, ruling 6-3 that government should stay out of everybody's bedroom.

In an exclusive interview Friday with the Houston Chronicle, their first since the case began, Lawrence and Garner said they are proud to have helped defeat an unjust law, overwhelmed by the support they've received and so glad it's over.

"I got a sense of justice for being wronged by the state of Texas," Lawrence said as he sat with Garner in lawyer Mitchell Katine's office. "I feel I've been vindicated."

Last June's historic ruling dramatically changed the way gay and lesbian people are treated under the law. It also galvanized both sides in an ongoing national debate over whether homosexuals are entitled to the same rights as heterosexuals when it comes to employment, housing, military service, marriage and adoption.

In the past year, thousands of gay and lesbian couples, who already had been fighting for marriage rights before the Lawrence decision, have lined up outside receptive courthouses for licenses.

But their opponents in statehouses and pulpits, in the courts, on Capitol Hill and at the White House, are pushing back. President Bush has declared his support for a constitutional amendment that would preserve marriage as a strictly heterosexual right, and Sen. John Cornyn, R-Texas, is writing one.

Looking at his contribution to the gay rights battle, Lawrence, a medical technologist, said he has no regrets. "Would I have done the same thing again? Yes," he said. "When somebody is wronged and they don't stand up for themselves, they're going to get wronged again. I wasn't going to stand for it."

Garner, 36, who sells barbecue from a street stand, agreed. "It was worth it," he said.

On Sept. 17, 1998, Garner and his boyfriend, Robert Royce Eubanks, were drinking margaritas and eating dinner at a Mexican restaurant with their friend, Lawrence. The three had spent the afternoon moving Lawrence's new furniture into his apartment and had planned to move the old stuff to Eubanks' place the next morning.

Back at the apartment after dinner, though, Eubanks and Garner argued. Eubanks left angry, saying he was going to buy a soda. Instead, he went to a pay telephone and called the police, reporting that there was a man with a gun in Lawrence's apartment.

"I think he was jealous," Garner said.

When two Harris County deputies arrived, the door to the apartment was unlocked. They walked in with Eubanks following and discovered Lawrence and Garner having sex.

Lawrence and Garner said they had no idea why they were being arrested. They spent the night in jail.

The charges stemmed from the 1973 Texas Homosexual Conduct Law, which made it a Class C misdemeanor, punishable by a maximum \$500 fine, for same-gender couples to have sex, even in private. At the time, Kansas, Oklahoma and Missouri had similar laws, and nine other states -- Louisiana, Mississippi, Alabama, Florida, South Carolina, North Carolina, Virginia, Idaho and Utah -- made sodomy a crime for heterosexuals as well as homosexuals.

"I was totally dumbfounded," Lawrence said.

Eubanks was convicted and sentenced to 30 days in jail for filing a false report to a peace officer. Garner forgave him and continued their relationship; Lawrence couldn't.

The only apology Lawrence ever received came last month from U.S. Rep. Sheila Jackson Lee, D-Houston, who approached him at a dinner where he, Garner and Katine were being honored. "She said, 'I am so very, very sorry for you having to go through this,'" Lawrence said. "I turned to Mitchell, and I said, 'That's the first time I've heard that.'"

Immediately after their arrest in 1998, Lawrence and Garner returned to their lives. But Lawrence was stewing. When Katine, a partner at Houston's Williams, Birnberg & Andersen, and the New York-based Lambda Legal Defense and Education Fund offered their services for free, Lawrence decided to fight. Garner was reluctant, but agreed.

"I didn't think we'd win," Garner said. And though his friends and family knew he was gay, he said, "I didn't enjoy being outed with my mugshot on TV. It was degrading to me."

They pleaded no contest in Harris County Criminal Court at Law and were fined \$200 each. They took their case to a state appellate court, winning, then losing again. In 2002, four years after the case began, they appealed to the highest court in the land.

Lawrence, who works nights, set his alarm for 9 a.m. the day the court was expected to rule. He flipped on CNN and heard the announcement.

"I bolted out of bed and shouted, 'Thank you, God!' " he said.

Katine, meanwhile, heard the news from his mother, who called from Florida. He called Garner.

"I called my brother, and we celebrated with a couple of bottles of champagne," Garner said.

By nightfall, hundreds had gathered for a rally at City Hall. Katine, who had spent years shielding his clients from the media, introduced them to the crowd. People stood in line to meet them.

Today, Lawrence and Garner remain friends and date other people. Neither were activists before their case, and they still aren't. Neither is fond of President Bush. Both support the right of gay people to marry but aren't interested themselves.

"I'm single and love it," Lawrence said.

Garner is touched by people who recognize him at the grocery store or on the street, and Lawrence loves to tell the story of two burly cops, working security outside a gay nightclub, approaching to give them a hug.

Both laugh at the idea of cashing in with a book or a TV movie deal, and they shun comparisons some have made to Jane Roe of abortion rights fame or Rosa Parks, a civil rights icon.

"I don't really want to be a hero," Garner said. "But I want to tell other gay people, 'Be who you are, and don't be afraid.' "

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