

## Virginia Is for Lovers, Ken.



Virginia NOW affirms the established right of privacy in any consensual adult relationship without government interference at any level, of any branch, or by any officer. We refuse to return to discriminatory “anti-sodomy” laws of the past concerning so-called “vice” in order to mollify the cultural anxiety of misinformed ultraconservatives.

Virginia NOW asserts that the state and federal governments have no business in our bedrooms, our consenting adult relationships, our reproductive choices, nor in the gender combination or marital status under which we engage in sex or love. A sexually healthy and enjoyable future is part of a progressive agenda. Virginia is, after all, for lovers!

As a leading organization working for women's rights and equality for all, Virginia NOW opposes Attorney General Ken Cuccinelli's misguided campaign to restore Virginia's regressive “crimes against nature” law.

We demand better protections for our children from sexual predators, *and* we demand to remain free to engage in consenting adult relationships without the interference of the state. These are *not* contradictory demands.

Cuccinelli's actions in this and other cases indicate that he will pursue his personal agenda regardless of its impact on Virginians and regardless of court rulings, legislative process, or even common sense. As he did in forcing the adoption of hospital-level standards for health and abortion clinics, in fighting health care reform, in opposing non-discrimination policies at state colleges and universities and adoption, *and* in harassing a professor researching climate change, Cuccinelli is using the office of attorney general to impose his will.

Such demagoguery and aggression are *not* meaningful politics or policy. The private lives of consenting adults are not up for regulation, and certainly should not become collateral damage in the revisionist efforts currently pursued by the Republican candidate for governor.

Virginia NOW calls on all candidates from both parties in statewide and local elections to oppose Cuccinelli's attempts to reinstate Virginia's regressive “crimes against nature” law, and we hope voters will support candidates who talk about jobs and healthcare for all and equality and justice, rather than intrusions into our bedrooms and private lives.

Statement issued by **Virginia NOW** officers and chapter leaders

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### Background: Virginia Is For Lovers, Ken.

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*Note:* Not all Virginia NOW members are lawyers or legal experts, however Virginia NOW finds that the context of the Attorney General's current appeal to the Supreme Court to reinstate Virginia's "anti-sodomy" laws helps to bring his larger intentions into sharp focus. Like many ultraconservatives, he thinks the [cultural modernity](#) of the 20<sup>th</sup> and 21<sup>st</sup> centuries is a problem to be solved by a kind of [counter-reformation](#).

In April 2013, Virginia's anti-sodomy / crimes against nature law was [struck down](#). The full range of normal adult sexual behavior has only been decriminalized in VA since this past spring—and that includes "lascivious cohabitation." The state's attorney general is currently seeking a stay of this 4<sup>th</sup> Circuit Court of Appeals ruling by the Supreme Court.

Our Attorney General wants the "crimes against nature" law back in place in order to prosecute a 47-year-old man who solicited a teenager for oral sex. But, Supreme Court cases are rarely limited to the one act that sets them in motion. [Virginia laws on sex](#) and consent are complicated, and they seem to allow minors over the age of 15 to consent to sex with minors of a similar age, but they do not allow consent between teens and adults (as well they should not.)

Cuccinelli is using a statutory rape case to reinstate laws that he's been told three times Virginia's courts would rather not have on the books. He's [launching a website](#) in support of the crimes against nature laws under the guise of protecting Virginia's children from predators.

We **need** better laws against child rape and the sexual abuse of children, which [he did not fight for](#) as Attorney General. His lack of oversight allowed this 47-year-old to violate a minor and suffer rather light consequences. We also **need** our personal liberty. Neither is optional, and they do not contradict each other.

"Crimes against nature laws" have historically been used to harass and jail LGBTQIA citizens; and have been considered unconstitutional by many since the [Lawrence v. Texas](#) SCOTUS decision in 2003. (Again, the authors are not constitutional lawyers.)

The freedom to live in one's gender expression, to transition into one's true gender, to love the person one's heart is set on, to cohabit, to live alone, to abstain from love or sex, or to enjoy sex for the sheer fun of it *all have not one thing to do* with [punishing sexual predators](#) who violate the bodily and spiritual integrity of Virginian adults or children.

There's a worrying context here. Attorney General Cuccinelli is well known for his culturally conservative views—his arguments from [Natural Law doctrine](#), for instance:

*In 2009, Cuccinelli told the Virginian-Pilot that "homosexual acts" are wrong. "They're intrinsically wrong. And I think in a natural law-based country, it's appropriate to have policies that reflect that. ... They don't comport with natural law. I happen to think that it represents (to put it politely; I need my thesaurus to be polite) behavior that is not healthy to an individual and in aggregate is not healthy to society," he said. – [The Huffington Post](#)*

He loosely references the doctrine in the amicus brief he co-authored in support of Prop 8 in which he also argues that [same-sex marriage opens a slippery slope](#) to polygamy—despite the painfully obvious logical and historical weakness of slippery slope arguments. The SCOTUS did not agree with Mr. Cuccinelli concerning Prop 8, and went right on to overturn DOMA. Never mind that in that case of *Mother Nature v. Natural Law*, [Mother Nature prevails](#). Turns out Natural Law isn't all that natural.

But, the Attorney General follows often equally specious argumentative lines in his (more successful) sieges on women's reproductive care via *crushing* regulation on health care and abortion clinics, his patent *refusal* to allow the Department of Juvenile Justice and the state's universities to adopt non-discrimination policies for LGBTQIA youth, and his *barring* of the Board of Social Services from protecting

*Virginians seeking to adopt or foster children, and children eligible for adoption or foster care, from discrimination by licensed child placing agencies based on race, national origin, ethnicity, gender, age, religion, political beliefs, sexual orientation, disability and family status. – The ACLU*

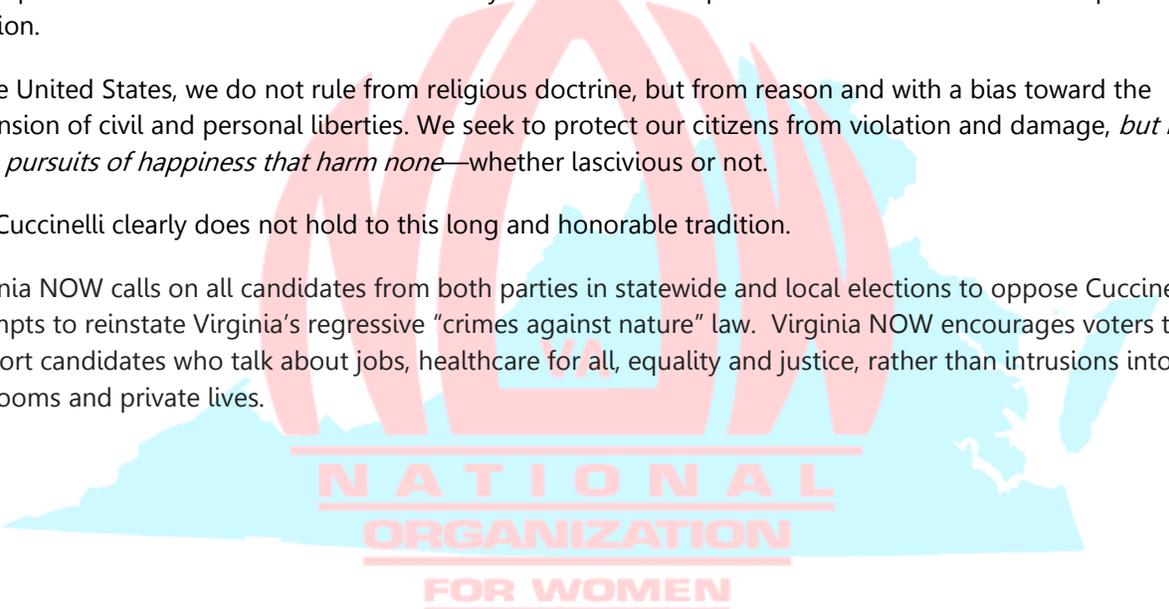
That is, such agencies are allowed to refuse adoption on these, ahem, "grounds."

Given this record of behavior, Virginia NOW thinks Cuccinelli is running a cultural agenda based on his own faith and moral compass and not on the shared interests and rights of all Virginians. He's wasting the Commonwealth's tax dollars on a petition to the Supreme Court that seems to be going nowhere fast given recent rulings. And, according the same ACLU article just cited, he doesn't seem to understand the boundaries of the power of his office. It seems that the only force that can impede the culture warrior in is the power of an election.

In the United States, we do not rule from religious doctrine, but from reason and with a bias toward the expansion of civil and personal liberties. We seek to protect our citizens from violation and damage, *but not from pursuits of happiness that harm none*—whether lascivious or not.

Ken Cuccinelli clearly does not hold to this long and honorable tradition.

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