



TESTIMONY, MARYLAND HBO131, and SB0054
RICCI LEVY, CEO,
THE WOODHULL FREEDOM FOUNDATION
FEBRUARY 1, 2023

We offer this testimony in support of the repeal of the Unnatural or Perverted Sexual Practices statute of HBO131 and SB0054.

The Woodhull Freedom Foundation is a national advocacy organization whose purpose is to affirm sexual freedom as a fundamental human right. We are deeply concerned about the Unnatural or Perverted Sexual Practices statute in HBO131 and SB054 and come before you today to support its repeal.

The United States Constitution and the Universal Declaration of Human Rights guarantee us a right to privacy. That right was upheld by the Supreme Court in *Lawrence v. TEXAS*. The question before the court was whether the protections of the Due Process Clause of the Fourteenth Amendment were violated when two gay men, Lawrence and Garner, were arrested and charged with violating the Texas laws against sodomy.

The Supreme Court reasoned that the case turned on whether Lawrence and Garner were free as adults to engage in private sexual content in the exercise of their liberty under the Due Process Clause. "Their right to liberty under the Due Process Clause gives them the full right to engage in their conduct without intervention of the government," wrote Justice Kennedy. In summary, most sanctions of criminal punishment for consensual, adult, non-procreative sexual activity are unconstitutional.

The statute we strongly encourage you to repeal disregards the Supreme Court ruling and violates the human rights of all adults to engage in consensual sexual activity. Additionally, as with most laws of this type, the target is not the general population but, instead, minority populations such as members of the LGBTQ+ community.

International human rights law provides a clear and universal framework for promoting and protecting the right to privacy. The right to privacy is enshrined by the: Universal Declaration on Human Rights: Article 12. International Covenant on Civil and Political Rights: Article 17. Everyone has the right to the protection of the law against interference or attacks on our privacy. The law is meant to protect our right to privacy, not violate it and prosecute us for exercising our fundamental human right to sexual freedom.

We bring to the attention of this hearing the following, from the [language of the statute](#) at S3-322: " A person may not:

- (1) take the sexual organ of another or of an animal in the person's mouth;
- (2) place the person's sexual organ in the mouth of another or of an animal; or
- (3) commit another unnatural or perverted sexual practice with another or with an animal.



I'm hoping we don't have to point out to those of you considering the repeal of this statute that aggressive enforcement of this against the entire population of Maryland would quickly overload the courts and the jails. Too, number three defines, by its language, that taking the sexual organ of someone else in your mouth is an unnatural or perverted sexual practice. We suspect that many of the residents of Maryland would have much to say about that punitive definition.

To vote against repealing this statute is, in our opinion, not about governing the people you represent but, instead, keeping a law on the books that can only be used to punish adult, consensual activity someone doesn't like.

Thank you for the opportunity to address this important issue, the repeal of the Unnatural or perverted sexual practices statute.

Respectfully submitted,

A handwritten signature in black ink that reads "Ricci J. Levy". The signature is written in a cursive, flowing style.

Ricci J. Levy
President & CEO
Woodhull Freedom Foundation