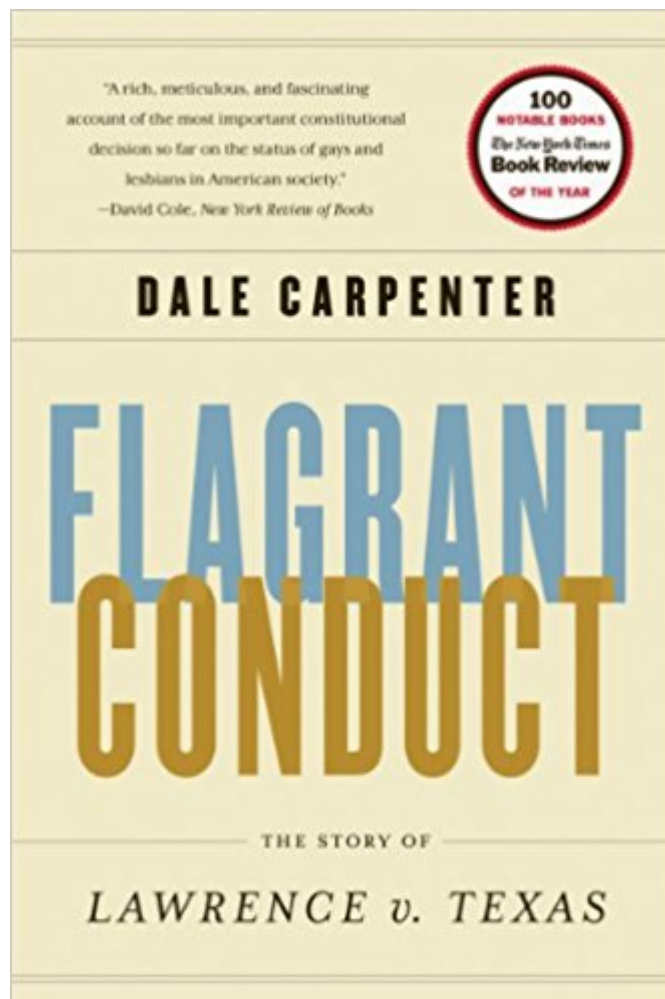




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Flagrant Conduct: The Story Of Lawrence V. Texas



Synopsis

“A highly informative, detailed, even thrilling account of how the Supreme Court arguments reshaped American law.” —Michael Bronski, San Francisco Chronicle

No one could have predicted that the night of September 17, 1998, would be anything but routine in Houston, Texas. Even the call to police that a black man was "going crazy with a gun" was hardly unusual in this urban setting. Nobody could have imagined that the arrest of two men for a minor criminal offense would reverberate in American constitutional law, exposing a deep malignity in our judicial system and challenging the traditional conception of what makes a family. Indeed, when Harris County sheriff's deputies entered the second-floor apartment, there was no gun. Instead, they reported that they had walked in on John Lawrence and Tyron Garner having sex in Lawrence's bedroom. So begins Dale Carpenter's "gripping and brilliantly researched" *Flagrant Conduct*, a work nine years in the making that transforms our understanding of what we thought we knew about *Lawrence v. Texas*, the landmark Supreme Court decision of 2003 that invalidated America's sodomy laws. Drawing on dozens of interviews, Carpenter has taken on the "gargantuan" task of extracting the truth about the case, analyzing the claims of virtually every person involved. Carpenter first introduces us to the interracial defendants themselves, who were hardly prepared "for the strike of lightning" that would upend their lives, and then to the Harris County arresting officers, including a sheriff's deputy who claimed he had "looked eye to eye" in the faces of the men as they allegedly fornicated. Carpenter skillfully navigates Houston's complex gay world of the late 1990s, where a group of activists and court officers, some of them closeted themselves, refused to bury what initially seemed to be a minor arrest. The author charts not only the careful legal strategy that Lambda Legal attorneys adopted to make the case compatible to a conservative Supreme Court but also the miscalculations of the Houston prosecutors who assumed that the nation's extant sodomy laws would be upheld. Masterfully reenacting the arguments that riveted spectators and Justices alike in 2003, *Flagrant Conduct* then reaches a point where legal history becomes literature, animating a Supreme Court decision as few writers have done. In situating *Lawrence v. Texas* within the larger framework of America's four-century persecution of gay men and lesbians, *Flagrant Conduct* compellingly demonstrates that gay history is an integral part of our national civil rights story. 8 pages of illustrations

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Customer Reviews

“Stirring and richly detailed. . . A book that turns conventional wisdom about Lawrence on its head. Indeed, the readers most likely to be surprised by *Flagrant Conduct* are those who think they already know the basic outlines of the case.” - David Oshinsky, New York

Times “[An] important new book... [A] chronicle that peels the Lawrence case back through layers of carefully choreographed litigation and tactical appeals, back to the human protagonists we never really got to know, and back again through centuries of laws criminalizing

“unnatural” sexual activity.” - Dahlia Lithwick, New Yorker “Starred review. In compelling and eminently readable prose – as gripping as any detective novel – Carpenter reveals the details behind the famous legal battle. ...It is a story, according to the author, that involves the misuse of authority, the cowardice of elected state-court judges who rebuffed the defendants’ legal claims, and the refusal of legislators to repeal a dubious and odious law. An important book about a landmark case.” - June Sawyers,

Booklist “Dale Carpenter’s excellent new book, *Flagrant Conduct: The Story of Lawrence v. Texas* is not only an in-depth study of the complicated background of the case, but also a highly informative, detailed, even thrilling account of how the Supreme Court arguments reshaped American law, possibly even inadvertently leading to the legalization of same-sex marriage.

...Carpenter moves into John Grisham territory as a group of rebels with a very good cause...mount their battle against not only the Texas law but all existing state sodomy laws. Carpenter’s tale of the arrest and how it affected these men’s lives is fascinating, but his recounting of the Supreme Court hearings is a fine piece of dramatic reporting that sharpens the drama and presents the legal issues and personalities with clarity.” - Michael Bronski,

San Francisco Chronicle – “Starred review. [In *Flagrant Conduct*] Carpenter presents an engrossing depiction of a pivotal case in 21st-century American jurisprudence. – Publishers Weekly – “[An] informative, highly readable account of a case that has been likened in significance to *Brown v. Board of Education* and *Gideon v. Wainwright*. – Kirkus Reviews – “*Flagrant Conduct* provides a rich, meticulous, and fascinating account of the most important constitutional decision so far on the status of gays and lesbians in American society. – David Cole, *The New York Review of Books* – “An important and scary book. – Larry Kramer – “Easily the best book of its kind since Richard Kluger’s *Simple Justice* was published in 1975, *Flagrant Conduct* is a rare combination of virtues. It is a gripping story of individuals fighting against systematic injustices intended for a general audience, but it is also a theoretically sophisticated work that represents an important contribution to legal scholarship. – Scott Lemieux, lawyersgunsandmoneyblog.com – “Dale Carpenter has gifted us with a landmark book to dramatize a landmark case. Gripping and brilliantly researched, *Flagrant Conduct* takes us on a journey of hate and contempt, activism and dedication that finally led to the legalization of our right to love, to pursue intimate pleasures within the privacy of our homes. Everybody concerned about women’s rights, gay rights, civil rights and human rights will be informed and energized by this important splendid book. – Blanche Wiesen Cook, author of *Eleanor Roosevelt* – “... an exceptional book, in the tradition of Anthony Lewis’s *Gideon* and *Trumpet* (1964), expertly guiding the reader from the moment of the arrest through the culminating oral argument in the Supreme Court. *Flagrant Conduct* is also a moving and deeply humane study of the law’s effect on ordinary people. – The Nation – “In his sinuous, elegant new book, *Flagrant Conduct*, Dale Carpenter... gives this landmark case the bold, intimate face it has long deserved, even as he conducts a captivating, forensic tour of its legal subterrain. The result, from its first pages, is a book that sets a benchmark for the writing of civil-rights history, a book with all the stirring social consciousness and staying power of Taylor Branch’s trilogy, *America in the King Years*. – Kirk Swinehart, *The Daily Beast* – “Superb and memorable. | Dale Carpenter’s assiduous unearthing of the case’s early history highlights how every great constitutional decision owes its existence to obscure individuals whose crucial contributions proved more essential to the final outcome than anything in the legal briefs or oral arguments. – David J. Garrow, *New Republic*

Dale Carpenter is the Earl R. Larson Professor of Civil Rights and Civil Liberties Law at the University of Minnesota Law School. He lives in Minneapolis.

There are so many layers of sizzle in Dale Carpenter's book, "Flagrant Conduct", that one might be hard pressed to have a favorite moment. This book, concerning the landmark "Lawrence v. Texas" case, is a terrific read for anyone interested in not only the recent history of sodomy laws in this country but how the United States Supreme Court works. The author spends a fair amount of time revisiting the actually "crime" and focuses as much on the police officers who were involved in the search of John Lawrence's home in 1998 as he does with Lawrence and the other defendant, Tyron Garner. It's clear from the outset that Carpenter is firmly on the side of the defendants but this stance does not take away from the book...in fact, it adds to it, as he carefully educates the reader as to the specifics of the case. "Flagrant Conduct" really catches fire as the case is laid out before the nine justices but this is preceded by several chapters outlining the reasons that "Lawrence v. Texas" might never have made it to the high court and how lawyers for the defendants had to be careful not to push too hard in its presentation. It's a fascinating build-up. When Paul Smith, arguing brilliantly for the defendants, matches up with Charles Rosenthal's inept and bumbling performance before the Supreme Court...well, it's no match at all as Carpenter points out. But it is not until Justice Anthony Kennedy reads his own opinion that we get to know the outcome and the author keeps this crescendo going right up to the last moment. This is a deep and convincing look at not only how a bad law was overturned but how fragile the legal system is in getting it done. I highly recommend "Flagrant Conduct".

A very thorough explication of this important case. The story could have been told in a shorter form, but, if you are really interested in what happened to Lawrence and his partner in the Texas law enforcement and judicial system, how the case was identified and selected by Lambda as a vehicle to test those systems, and the interesting and very professional way in which the case was handled, this is the book to read. It also presents a very useful window into the gay community and the progress that its leaders have made in advancing toward the goal of equal rights for members of the community.

Detailed look at the case that ruled that sodomy laws are unconstitutional. Engaging and well written, Flagrant Conduct should be read by all LGBT people and allies. It's the story of how the Supreme Court upheld the dignity of all Americans, particularly LGB Americans, to decide for

themselves how to express their sexual intimacy and build loving, lasting, meaningful relationships.

"Flagrant Conduct" is an impressive achievement and detailed examination of the Supreme Court case, *Lawrence vs. Texas*, that overthrew a Texas "Homosexual Conduct Law" (and ultimately similar laws in other states) that discriminated against private consensual sex among gay/lesbian individuals. Carpenter's book is an incredibly precise and insightful analysis of the characters --- police, defendants, prosecutors and defense attorneys --- that comprise this case. He does a great job of not only providing the history of the case, but gives the relevant background on the genesis of sodomy laws in America and the subsequent evolution of them in most states to be used as a tool to discriminate and marginalize homosexuals. Overall, I believe Carpenter delivers a "just the facts" approach to the subject matter but brings it to life through well-conducted research and analysis to tell the story in a richer, more engaging and informative way. While familiar with the outcome of the case, I was unfamiliar, surprised and fascinated with all the twists and turns in this case. Frankly, "Flagrant Conduct" was such a great read that it left me hoping there are similarly exhaustive and compelling books on other monumental Supreme Court cases --- mind you, not scholarly journals but well-written and well-researched narratives.

An amazing inside look at a historic legal case. Well written.

I was very happy to read this book, and to understand the strategies and arguments behind both sides of this case. Being a transplant from New England to Texas, I appreciated also the profiles of all the players involved, including the local police, whose behavior gelled well with attitudes of law enforcement displayed throughout Texas's history. Although the police were called by a disgruntled lover on the other two men in the triangle, and for false reasons...there was no "angry black man with a gun"... the police themselves covered up their rage at being led to a potentially lethal situation by claiming to have discovered illegal behavior. The "flagrant conduct" on the part of the police, when tried eventually before the US Supreme Court as a privacy issue, made for an ultimately landmark decision overturning the law that made "gay behavior" illegal. Excellent, well-written, and well-researched book.

Dale Carpenter's "Flagrant Conduct" is a well-written, riveting account of the fight to overturn laws that made intimate homosexual relationships a crime in some parts of the United States. He does a great job of providing background on all of the participants in *Lawrence v. Texas*, sifting through

conflicting statements, describing the tension-filled day of arguments before the Supreme Court, and what victory meant for gay and lesbian Americans. There's also a lot of interesting insight into how the Supreme Court operates and makes decisions. Carpenter has done a tremendous amount of research and puts it together in a way that's very readable. A valuable book about an important civil-rights case.

Good filler for the expert and good beginning for the novice.

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