Gender, Law & Politics 46.320

**Assignment 4: Government Regulation of Sexual Relations, Part 1**

Due via e-mail on 2/17. Please print a copy and bring it to class on 2/18.

**Note:** These questions are strictly designed to ensure that you are keeping up with the readings. Consequently, your answers need not include analysis or background information.

**Instructions:** Email the completed questions in the body of an email to [Susan\_Gallagher@uml.edu](mailto:Susan_Gallagher@uml.edu).

**Don’t forget to use your own words and answer in complete sentences.**

1. In a few sentences, summarize the Supreme Court’s ruling in *Griswold v. Connecticut* (1965). In your answer, be sure to mention the fundamental right that formed the core of the majority ruling and the concurring opinions.

2. In a few sentences, summarize the Supreme Court’s ruling in *Roe v. Wade* (1973). In your answer, be sure to mention the fundamental right upon which the decision was founded.

4. From *Bowers v. Hardwick*:

The Constitution does not confer a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_. None of the fundamental rights announced in this Court's prior cases involving family relationships, marriage, or procreation bear any resemblance to the right asserted in this case. And any claim that those cases stand for the proposition that any kind of private sexual conduct between consenting adults is constitutionally insulated from state proscription is unsupportable. Pp. 478 U. S. 190-191.

(b) Against a background in which many States have criminalized sodomy and still do, to claim that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Pp. 478 U. S. 191-194.

(c) There should be great resistance to expand the reach of the Due Process Clauses to cover \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Otherwise, the Judiciary necessarily would take upon \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ without constitutional authority. The claimed right in this case falls far short of overcoming this resistance. Pp. 478 U. S. 194-195.

(d) The fact that homosexual conduct occurs in the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_does not affect the result. Stanley v. Georgia,394 U. S. 557, distinguished. Pp. 478 U. S. 195-196.

(e) Sodomy laws should not be invalidated on the asserted basis that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to support the laws. P. 478 U. S. 196.

5. From *Romer v. Evans*:

The State's principal argument that Amendment 2 puts gays and lesbians \_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is rejected as implausible. The extent of the change in legal status effected by this law is evident from the authoritative construction of Colorado's Supreme Court—which establishes that the amendment's immediate effect is to repeal all existing statutes, regulations, ordinances, and policies of state and local entities barring discrimination based on sexual orientation, and that its ultimate effect is to prohibit any governmental entity from adopting similar, or more protective, measures in the future absent state constitutional amendment—and from a review of the terms, structure, and operation of the ordinances that would be repealed and prohibited by Amendment 2. Even if, as the State contends, homosexuals can find protection in laws and policies of general application, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.