Gender, Law & Politics 46.320

**Assignment 4: Government Regulation of Sexual Relations**

Due via e-mail on Tues., 2/23. Please print a copy and bring it to class on 2/24.

**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:** Copy and paste the questions into the body of an email and submit the completed answers to 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*](http://www.pbs.org/wnet/supremecourt/rights/landmark_griswold.html)(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*](http://www.pewforum.org/2013/01/16/a-history-of-key-abortion-rulings-of-the-us-supreme-court/#roe)(1973). In your answer, be sure to mention the fundamental right upon which the decision was founded.

4. From “[A History of Key Abortion Rulings](http://www.pewforum.org/2013/01/16/a-history-of-key-abortion-rulings-of-the-us-supreme-court/)”:

In addition, the court in *Casey* also established \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ for determining whether state abortion laws are constitutional. In *Roe v.Wade*, the court had declared access to abortion to be a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and had determined that states could only regulate abortion (before fetal viability) if there was a “compelling state interest.” Thus, subsequent abortion statutes had been evaluated under \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the most rigorous legal standard for determining whether a law passes constitutional muster. As a result, in the years immediately following *Roe*, many abortion regulations were declared unconstitutional.

But in *Casey* the court replaced \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_. Under the new standard, regulating abortion before the point of fetal viability would be deemed unconstitutional only if it imposed an undue burden on a woman’s right to terminate her pregnancy.

5. From [*Bowers v. Hardwick*](https://supreme.justia.com/cases/federal/us/478/186/case.html):

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.

6. From [*Romer v. Evans*](https://www.law.cornell.edu/supremecourt/text/517/620):

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, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.