

March, 1973

Project on Sexual Privacy

On January 22, the United States Supreme Court held that a woman has a constitutional right to an abortion. This landmark decision greatly expanded legal protection for the right to privacy. It can and should now form the basis for a full scale attack upon the laws which render criminal certain forms of private sexual conduct. Not only the state of the law but the developing tolerant attitudes of a significant segment of American society make this the right time for such a project.

Almost every state imposes criminal sanctions upon some forms of private consensual activity among adults. There are laws which proscribe the consensual sexual activities of unmarried heterosexuals, homosexuals and married people. They take the form of statutes prohibiting adultery, fornication and consensual sodomy. Although there are a few jurisdictions where these laws are consistently enforced, the majority of the jurisdictions find the laws to be both so antiquated in the eyes of society and so difficult to enforce, that the laws either go virtually unenforced or are only selectively enforced. Most importantly, they are used as justifications for