

Lawrence Et Al. V. Texas Case Brief

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Case Brief

In the Supreme Court of the United States

Lawrence et al. v. Texas

Case Overview

In this case, the police were responding to a weapons disturbance call at a private residence in Houston. The police were prompted to Lawrence's home, the petitioner, and spotted him having a sexual act a fellow male adult, the second petitioner Garner. The police thus apprehended the two and were later convicted for engaging in same-gender sexual intercourse, which was a violation of the Texas statute (Franke, 2004). The statutory regulation in Texas forbade persons of same-sex gender to engage in intimate sexual escapades. The Appellate Court affirmed the case and held that the statute was not unconstitutional based on the Due Process Clause of the Fourteenth Amendment. The reference case in which the Court of Appeal pegged the determination was that of *Bowers v. Hardwick*.

The case of *Lawrence v Texas* was a historical landmark decision in the Supreme Court of the United States. This is because the case importantly dismantled the sodomy laws in a 6-3 decision. It was a milestone since the sodomy laws in 13 other states in the United States were invalidated, and hence, same-sex consensual relationships and marriages were legalized within the territory of the country (Leslie, 2004). In a five-justice majority, the court overruled such a ruling in the case of *Bowers v. Hardwick* in 1986. The case of *Lawrence* overruled *Bowers*, stating that it narrowly perceived the interest of liberty. In affirming the ruling, the court held that intimate consensual sex was an aspect of liberty and found protection in the substantive Due Process Clause as enshrined in the 14th Amendment. *Lawrence*, therefore, invalidated the laws that criminalized sodomy occurring between consenting adults who observe privacy when engaging in such activities regardless of the sex of the participants.

This case stirred public attraction and thus invited a sea of amici curiae briefs. The affirmation of the case was a breakthrough for the advocates of gay rights. It led to the reconsideration of the relevant standing law and recognized similar landmark cases such as the *Obergefell v. Hodges* which had earlier recognized same-sex relationships and marriages. The determination was established in the fundamental human rights in the constitution of the United States.

Summary Of The Case

- Lawrence and Garner were apprehended by the police in Houston for having been caught in a homosexual act by the police at the home of John Geddes. They were convicted under the Texas statutory law prohibiting similar sex acts.
- Lawrence petitioned the Supreme Court of the United States, holding that the statute violated the 14th Amendment right and so it was unconstitutional.
- The Supreme Court determined that intimate consensual sex between adults of the same gender was a liberty interest and finds protection in the Due Process Clause of the 14th Amendment.

Statement Of Facts:

Lawrence and Garner were found by the Houston police engaging in homosexual activity in the home of Lawrence when the police were responding to a duty call of a reported weapons disturbance. The police officer arrested both Lawrence and Garner and was held overnight in police custody. The two were later charged with a Justice of the Peace in Texas and convicted of the crime.

In particular, the Texas statute observed that homosexuality was a criminal offense, and such acts violated the statute. The statute stated that “A person commits an offense if they engage in a deviate sexual intercourse with another with whom they are of the same sex.” The statute further defines deviant sexual intercourse as any contact between the parts of the genitals of one person and the anus or the mouth of another person or the penetration of the anus or the genitals of another with an object (Wardenski, 2004). According to the rule of law, the act of homosexual is not a fundamental right according to the constitution of the United States at the time. However, the intimate consensual sexual relationship between adults finds its protection in the Fourteenth Amendment to the United States.

Procedural History

Lawrence was arrested and charged with the crime of being a homosexual. The case determined that he was convicted of the crime after affirmation by the courts. He, therefore, exercised his right by seeking a new trial. He appealed the case to the Texas Court of Appeals. The Appellate Courts also affirmed the decision and sought a petition at the Supreme Court, which granted him certiorari, which largely considered three questions (Leslie, 2004);

1. Whether the petitioners criminally convicted under the homosexual conduct of the Texas law that criminalized sexual relationships and intimacy of couples of the same sex, but not the same behavior by couples of different, violate the fourteenth amendment and guarantee equal protection by the law?

2. Whether the criminal conviction of the petitioners for consensual sex intimacy by adults while in a private home a violation of their interest of privacy and liberty, which is protected by the Due Process Clause as provided by the Fourteenth Amendment?
3. Whether the case of Bowers and Hardwick of 1986 deserved to be overruled being the focal point for the determination of Lawrence's case?

It was true that the petitioners were accredited adults when they were convicted at the time the alleged offense occurred. Also, the act took place on private property and was consensual between the two.

The Issues Holding

Do consenting adults of the same-sex gender who engage in intimate sexual conduct in a private place have the right to homosexual activities, as protected in the Constitution? Yes.

The Application Of The Legal Principle Or The Rule Of Law

Any adults of the same sex gender who consent between themselves to engage in consensual sex and do so in the privacy of their home have a right, and it is protected by the Due Process Clause as established in the Fourteenth Amendment of liberty interest (Wardenski, 2004). This right encompasses sexual activities by the same gender group. In precision, the right also encompasses homosexual activities.

Judgment

Overruled. Two consenting adults of the same sex gender have the right to engage in intimate sexual activities in the privacy of their homes.

Reasoning

In the case of Bowers v. Hardwick, the determination upheld the Georgian statute that prohibited consensual sodomy, even conducted in private places among both homosexuals and heterosexuals. The court failed to correctly frame the issue as to whether homosexuals have a right to sexual activity under the constitution. The court ruled the case in the observation that any ruling that the right is not protected would essentially determine similar cases that all homosexuals' relationships are lawful. Such a determination would infringe on the right of homosexuals to engage in intimate, personal and familial relationships.

The court observed that no historical precedent, in particular, prohibited homosexual conduct in American laws. Besides, it would be difficult to enforce a legal punishment for agreements that were consensual.

The Bowler's Court relied on historical traditions that prohibited homosexual acts, and so it was overrated since it was likely determined from a religious perspective rather than the moral preferences for justice.

The court also observed that several states that had laws prohibiting homosexuality never prosecuted the convicts. This was an implication of widespread legal and social acceptance of consenting homosexual adults engaging in sexual activities in private, which cited the case of *Planned Parenthood v. Casey* in 1992 as evidence for the tendency (Franke, 2004).

The courts also held that any adults engaging in consensual sexual activity had such rights and were protected under the Due Process Clause in the Fourteenth Amendment and that Bower's case was unconstitutional and was thus overturned in affirming Lawrence's case.

Concurring (O'Connor)

The majority argued their decision that it was improper to invalidate the Texas statute. The law should only punish homosexual conduct, and it is a violation of equal protection if it is held unconstitutional. The goal of the state, therefore, is to harm unpopular political groups.

Dissenting (Scalia)

They observed that the Bowers were supposed to be accorded some respect based on the principles of *Stare decisis*. Besides, the Courts ought to have taken the consideration of the public opinion, or the foreign laws would have been instrumental when making the determination.

Dissent (Thomas)

He observed that the statute is, at times, "uncommonly silly" and deserves to be repealed. And that there is not much in the Bill of Rights or the Constitution that can bar the state from enacting the law that had caused the stalemate.

The Significance Of The Case

The *Lawrence v. Texas* was a phenomenon and a landmark case that brought an overhaul in the US law on homosexuality and gay rights. The case decriminalized the conduct of homosexuality, and any

consensual adults of the same sex can engage in intimate sexual activity in their private places (Wardenski, 2004). The case therefore granted rights to the homo and heterosexuals to engage in sexual acts, and their rights are protected under the constitution of the United States.

References

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