

PSYCH 187C: SEX AND THE LAW

INSTRUCTOR: Dr. Paul R. Abramson

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OFFICE HOURS (Abramson): Tues 1:45-2:45 pm (Franz 4615) or by appt.

Classroom: PAB 1425; Tues. 3-5:50pm

GRAD TA: Andrew Hill

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GRAD TA OFFICE HOURS: Thursday 1-2pm (Franz 1350)

UNDERGRAD RESOURCE: Melissa Snyder

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INTRODUCTION

The United States Constitution guarantees certain fundamental rights, such as the freedoms of speech and religious expression. What guarantees *sexual* freedom? The text of the Constitution makes no reference to sex, family, or procreation. Where, then, do our sexual rights reside?

Since 1965, sexual rights have gained some measure of protection under the “right to privacy”. The Supreme Court concluded, for example, that married couples have the right to make decisions about their intimate “private” lives, such as whether to use contraceptives. Though the “right to privacy” was originally limited to married couples, and then only to heterosexual couples, these shortcomings have now been rectified. It is still the case, however, that sexual rights per se (sexual intercourse, masturbation, oral sex, etc.) have no constitutional protection.

The Ninth Amendment, I believe, represents a strong foundation for sexual rights. The Ninth Amendment reads as follows: “The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.” Sex seems like an obvious Ninth Amendment right because without it there are, ultimately, *no* people. The primary focus of this course will be to examine the relevance of the Ninth Amendment to sexual rights in America.

The second focal point pertains to criminal and civil litigation involving sex crimes. Sexual crimes will be defined; prosecution and defense strategies will be explained; and civil litigation remedies will also be discussed.

READINGS

1) Abramson, P.R., Pinkerton, S.D. & Huppin, M. (2003). Sexual Rights in America: The Ninth Amendment and the Pursuit of Happiness. New York: NYU Press. **(SRA)**

2) Abramson, P.R. (2007). Romance in the Ivory Tower: The rights and liberty of conscience. Cambridge, MA: MIT Press. **(RIT)**

2) Supreme Court cases. We will be reading Supreme Court cases. The name of the cases, and the case numbers, are listed below in the weekly assignments. To access the case, put

the case name and case number into any Internet search engine (e.g. Google) and you will be able to access (and read) the case.

3) I will also be presenting in class the audiotapes of the oral arguments to several famous Supreme Court cases.

REVIEW SESSIONS

We hand out a study guide for both exams. We also hold review sessions in the evening before both exams. The university determines the time and date of the review sessions. They depend upon classroom availability. You will be notified at least one week in advance.

EXAMS

Grades will be based upon two multiple-choice exams. The final (12/8/09, 3:00 – 6:00pm) is NOT cumulative. Please do not cheat. Proctors will be employed to detect cheating. It is VERY embarrassing to those who are caught, and it will jeopardize your status at UCLA. ***Also, if you are more than 10 minutes late to an exam you will receive an F for a grade for that exam.***

GUEST SPEAKERS

There will be at least two guest lecturers this quarter. They are likely to be as follows: Ron Zonen, the District Attorney in the Michael Jackson criminal sexual molestation case and Terry Gross (Gross, Belsky & Alonso) who is civil attorney representing victims of sexual abuse by the clergy.

INSTRUCTION

9/29/09: Introduction

10/6/09: Sex and the Constitution. Reading: Chapter 1 SRA; and read on-line *Griswold v Connecticut*, 381 U.S. 479 (1965) and *Loving v Virginia*, 388 U.S. 1 (1967).

10/13/09: History and Interpretation of the Ninth Amendment. Reading: Chapter 2 SRA; Romance in the Ivory Tower. Reading: RIT (entire book).

10/20/09: The Poverty of the Right to Privacy. Reading: Chapter 3 SRA; and read on-line *Roe v Wade*, 410 U.S. 113 (1973) and *Bowers v Hardwick*, 487 U.S. 186 (1986).

10/27/09: A Solid Foundation for Sexual Rights. Reading: Chapter 4 SRA; and read on-line *Lawrence v Texas* 539 U.S. 558 (2003).

11/3/09: Mid-term

11/10/09: Dial-a-Porn. Reading: Chapter 5 SRA; and read on-line *FCC v Pacifica* 438 U.S. 726 (1978).

11/17/09: Does Prostitution Deserve Constitutional Protection: Reading: Chapter 6 SRA;

11/24/09: Child Pornography. Reading: Chapter 7; and read on-line *US v Knox* 92-7089;

12/1/09: The Past and Future 9th Amendment: Reading: Chapter 8.

FINAL EXAM: 12/8/09 3:00-6:00 pm.