Privacy Questions:

1. What amendments are the basis for our right to privacy?

-The ninth amendment because it emphasizes rights not listed.

-The fourteenth amendment because of the due process clause stating that no person can be denied the right to life, liberty, or property. Privacy is considered a fundamental liberty.

1. What would a judicial conservative say about the right to privacy?

They are not in favor of the right to privacy, they would rather narrow or eliminate it all together.

Court Cases:

* Mapp v. Ohio (1961)

On May 23, 1957, police officers in a Cleveland, Ohio suburb got info that a suspect in a bombing case, and some illegal betting equipment, might be found in the home of Dollree Mapp. Officers went to the home and asked to enter, but Mapp refused to let them without a search warrant. Two officers left, and one stayed. Later, they returned with other officers. Showing her a piece of paper, they forced themselves in the door. She asked to see the “warrant” and took it from an officer, putting it in her dress. They struggled with Mapp and took the paper. Police didn’t find anything during their search, but they did find some pornographic material in a suitcase by her bed. Mapp said that she had loaned the suitcase to a boarder at one time and that the contents were not hers. She was arrested, prosecuted, found guilty, and sentenced for possession of pornographic material. No search warrant was ever introduced as evidence at her trial. The significance of the case is the fourth and fourteenth amendments, it was illegal search and seizure and it also violated “Nationalism” under the fourteenth amendment. In the end, the court overturned the conviction.



Case No. 2:

Bowers v. Hardwick (1985)

Michael Hardwick was seen by police officers in the act of consensual homosexual sodomy with another man in his own home. He was charged for violating a Georgia law for committing sodomy; he challenged the constitutionality of this law in the Supreme Court. They said he failed to state a claim and his case was dismissed. However, the court of appeals found that Georgia’s statute was unconstitutional. The attorney general then appealed and was granted certiorari. The significance of the case is that this violates a person right to privacy because it interferes with them living a private, personal life without government interference. The courts didn’t see it that way, they ruled that sodomy was not protected by the constitution and that states could make it illegal.





Info Sources: Oyez.org & infoplease.com