

Title 48--Territories and Insular Possessions

Sections identified by print-out: 48 U.S.C. §§ 1413,
1415, 1418, 1461*

Two unrelated areas are identified by the print-out:
rights accruing to widows of discoverers; restrictions on political
rights of persons engaging in specified sexual relationships.

I. Survivors of discoverers (48 U.S.C. §§ 1413, 1415, 1418)

A. Discussion

A discoverer is defined in 48 U.S.C. §1411 as "any citizen of the United States." Though the discoverer may be male or female, 48 U.S.C. §§ 1413, 1415, and 1418 stipulate rights for the discoverer's widow, not widower. The omission probably lacks substantive significance. Widowers are likely to be covered by one of the other enumerated relationships: heir, executor, or administrator of the discoverer.

B. Recommendation

Substitute "surviving spouse" for "widow".

II. Restrictions on political rights of persons engaging in specified sexual relationships (48 U.S.C. §1461)

A. Discussion

This section restricts certain rights, including the right to vote or hold office, of bigamists, persons "cohabiting with more than one woman," and women cohabiting with a bigamist. Apart from the male/female differentials, the provision is of questionable

* Three additional sections were identified by the print-out because they contain the word "sex": 48 U.S.C. §§ 736, 1405p, 1542. Each of these sections involves a prohibition against discrimination with regard to voting based on, inter alia, sex.

constitutionality since it appears to encroach impermissibly upon private relationships. Cf. Griswold v. Connecticut, 381 U.S. 479 (1965); Eisenstadt v. Baird, 405 U.S. 439 (1972).

B. Recommendations

If the section is retained, it should be revised to eliminate sex-based differentials and narrowed to avoid conflict with constitutionally protected privacy interests.