

Title 48 -- Territories and Insular Possessions

Sex-Based References:

48 U.S.C. §§1413, 1415, 1418, 1461⁸³

Discussion

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

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

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

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 constitutionality since it

appears to encroach impermissibly upon private
relationships.⁸⁴

Recommendations

48 U.S.C. §§1413, 1415, 1418 - substitute "surviving spouse"
for "widow."

48 U.S.C. §1461 - substitute "person" or "individual"
for "woman." If the section is retained, it
should be narrowed to avoid conflict with
constitutionally-protected privacy interests.