

THOMAS, J., dissenting

SUPREME COURT OF THE UNITED STATES

No. 02–102

JOHN GEDDES LAWRENCE AND TYRON GARNER,
PETITIONERS *v.* TEXAS

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS OF
TEXAS, FOURTEENTH DISTRICT

[June 26, 2003]

JUSTICE THOMAS, dissenting.

I join JUSTICE SCALIA’s dissenting opinion. I write separately to note that the law before the Court today “is . . . uncommonly silly.” *Griswold v. Connecticut*, 381 U. S. 479, 527 (1965) (Stewart, J., dissenting). If I were a member of the Texas Legislature, I would vote to repeal it. Punishing someone for expressing his sexual preference through noncommercial consensual conduct with another adult does not appear to be a worthy way to expend valuable law enforcement resources.

Notwithstanding this, I recognize that as a member of this Court I am not empowered to help petitioners and others similarly situated. My duty, rather, is to “decide cases ‘agreeably to the Constitution and laws of the United States.’” *Id.*, at 530. And, just like Justice Stewart, I “can find [neither in the Bill of Rights nor any other part of the Constitution a] general right of privacy,” *ibid.*, or as the Court terms it today, the “liberty of the person both in its spatial and more transcendent dimensions,” *ante*, at 1.