

## FACT SHEET

# 50 Years After the *Griswold vs. Connecticut* Decision

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*In 1965, the Supreme Court held in *Griswold v. Connecticut*, that a married couple's right to privacy includes the right to use birth control.<sup>1</sup> This important case was one of the first steps that enabled women to access birth control legally, and in doing so, gave women greater opportunity to plan their families and lives. Furthermore, the *Griswold* case laid the foundation for a broad array of rights that shape Americans' lives to this day, including rights related to birth control, child rearing, marriage, family relations, and intimacy.*

## THE GRISWOLD CASE

In 1961, Estelle *Griswold* opened a Planned Parenthood clinic in New Haven, Connecticut. At that time, Connecticut had a law criminalizing the distribution of birth control to married people. *Griswold* and the clinic's doctor were arrested for, and ultimately convicted of, providing information and advice about birth control to married couples.<sup>2</sup> They appealed their conviction on the grounds that the Connecticut law violated their patients' rights under the Constitution. In 1965, the Supreme Court agreed with them and struck down the Connecticut law.

"Would we allow the police to search the sacred precincts of marital bedrooms for telltale signs of the use of contraceptives? The very idea is repulsive to the notions of privacy surrounding the marriage relationship."

--*Griswold v. Connecticut*, 1965

In *Griswold*, the Court identified a "zone of privacy created by several fundamental constitutional guarantees."<sup>3</sup> Recognizing the importance of privacy to marriage, the Court invalidated Connecticut's attempt to prohibit married couples from using birth control. In 1972, in *Eisenstadt v Baird*, the Court extended to unmarried couples the right to birth control.<sup>4</sup>

## GRISWOLD AND ACCESS TO BIRTH CONTROL HAS CHANGED WOMEN'S LIVES AND SOCIETY

By guaranteeing legal access to birth control, the *Griswold* decision opened the door for dramatic changes for women and for our society. Since then, birth control has had such a positive impact on women's lives that the Centers for Disease Control and Prevention (CDC) named "family planning" one of the ten great public health achievements of the twentieth century, alongside vaccinations and control of infectious diseases.<sup>5</sup> The CDC came to this conclusion both because of birth control's impact on women's health and how it has "altered [the] social and economic roles of women."<sup>6</sup>

Birth control allows women to plan their pregnancies, and planned pregnancies improve both women's health and their children's health. Planning a pregnancy can prevent many complications that could endanger a woman's health, including gestational diabetes and high blood pressure.<sup>7</sup> A planned pregnancy allows women, including those with health conditions that can become worse with pregnancy, like heart disease, to take steps so they are healthy enough for pregnancy and childbirth.<sup>8</sup> And, women who wait for some time after delivery before becoming pregnant again lower their risk of adverse birth outcomes, such as low birth weight and preterm birth.<sup>9</sup> Without *Griswold*, these health benefits could never have become a reality for women.

In addition to birth control's health benefits, increased control over reproductive decisions that resulted from the *Griswold* case has provided women with educational and professional opportunities that have advanced gender equality. Most women report that the ability to better control their lives is a very important reason for using birth control.<sup>10</sup> In fact, research has shown that the availability of birth control pills is clearly associated with "increases in U.S. women's education, labor force participation, and average earnings, coupled with a narrowing in the wage gap between women and men."<sup>11</sup> Another study found that the availability of birth control pills contributed to an increase in the number of women in professional occupations, including doctors and lawyers.<sup>12</sup>

"The ability of women to participate equally in the economic and social life of the Nation has been facilitated by their ability to control their reproductive lives."

-- *Planned Parenthood of Se. Pa. v. Casey*, 1992

## GRISWOLD'S BROAD IMPACT ON PRIVACY RIGHTS

*Griswold* is a cornerstone of many of the privacy rights we cherish today. In the years after the *Griswold* decision, the Court expanded the Constitutional right to privacy to contraception for unmarried women and access to abortion services, and over time, based privacy rights broadly, for both men and women, on *Griswold's* holding. These rights include how you define your family, raise your children, and choose with whom to have intimate relationships.

In the 1970's, the Court decided several cases which protect the right to privacy as it related to access to birth control and abortion. After *Griswold* and *Eisenstadt*, the Court applied this core constitutional principle of privacy to women's ability to terminate a pregnancy. In *Roe v. Wade* in 1973, the Court held that the constitutional right to privacy includes a woman's right to decide whether to have an abortion. And, *Carey v. Population Services, Int'l*, a 1977 Supreme Court case, struck down other laws that

"[T]he teaching of *Griswold* is that the Constitution protects individual decisions in matters of childbearing from unjustified intrusion by the State."

--*Carey v. Population Services, Int'l*, 1977

limited access to birth control, such as a ban on sales or distribution of birth control to individuals under 16.<sup>13</sup>

*Griswold* also influenced the Court's decisions in cases about how to raise children. For example, the Court has relied on *Griswold* to support the idea that parents' decisions about how to raise their children, such as how they should be educated, are protected by the Constitution.<sup>14</sup> Other family relationships are protected by the "zone of privacy" as well. For example, the Court relied on *Griswold* to hold that the state cannot interfere in the realm of family life by preventing close relatives from living together.<sup>15</sup>

"A host of cases [including *Griswold*]...have consistently acknowledged a 'private realm of family life which the state cannot enter.'"

--*Moore v. City of E. Cleveland, Ohio*, 1977

The Court has relied on *Griswold* to protect other rights related to personal relationships, including the right to marry and the right to form consensual sexual relationships. In the years following *Griswold*, the Court affirmed that the right to marriage is among the fundamental liberties protected by the right to privacy.<sup>16</sup> And, the right to engage in consensual sexual relationships first recognized in *Lawrence v. Texas* in 2003 was profoundly influenced by *Griswold*.<sup>17</sup> In deciding

"The freedom to marry has long been recognized as one of the vital personal rights essential to the orderly pursuit of happiness..."

--*Loving v. Virginia*, 1967

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*Lawrence*, the Court noted that *Griswold* was “the most pertinent beginning point” for its consideration of the Texas law which banned sexual contact between people of the same sex.<sup>18</sup> The Court ultimately relied on the decisions in *Eisenstadt*, *Roe*, and *Carey*, all stemming from *Griswold*, to find that the Texas law was unconstitutional.<sup>19</sup>

“[A]dults may choose to enter upon this relationship in the confines of their homes and their own private lives and still retain their dignity as free persons.”

--*Lawrence v. Texas*, 2003

## CONCLUSION

Over the last fifty years, the right to legally access birth control which started with *Griswold* has dramatically changed women’s lives and their ability to participate fully in society. And, through *Griswold*’s impact on other Supreme Court cases, its protections have reached many aspects of our private lives – whether and when to have children, what a family looks like, how to raise children, who to marry, and with whom to have intimate sexual relationships.

1. 381 U.S. 479 (1965). In the case, the Court struck down a state statute banning the distribution of birth control to married people.
2. *Id.* at 480.
3. *Id.* at 485.
4. 405 U.S. 438 (1972). In its decision, the Court stated “[i]f the right of privacy means anything, it is the right of the individual, married or single, to be free from unwarranted governmental intrusion into matters so fundamentally affecting a person as the decision whether to bear or beget a child.” *Id.* at 453.
5. *Ten Great Public Health Achievements in the 20th Century*, CTR. FOR DISEASE CONTROL & PREVENTION, <http://www.cdc.gov/about/history/tengpha.htm> (last updated April 26, 2013).
6. *Ten Great Public Health Achievements—United States, 1900-1999*, MMWR, CTR. FOR DISEASE CONTROL & PREVENTION (Apr. 2, 1999), <http://www.cdc.gov/mmwr/preview/mmwrhtml/00056796.htm>.
7. *A Mommy After 35*, MARCH OF DIMES, [http://www.marchofdimes.com/Pregnancy/trying\\_after35.html](http://www.marchofdimes.com/Pregnancy/trying_after35.html) (last reviewed Dec. 2013).
8. Washington Bus. Group on Health, Promoting Healthy Pregnancies: Counseling and Contraception as the First Step 2 (Aug. 2000).
9. U.S. DEPT OF HEALTH AND HUMAN SERVS., *Healthy People 2010 9-14* (2nd ed. 2000), available at <http://www.healthypeople.gov/2010/document/html/volume1/09family.htm>.
10. Jennifer J. Frost & Laura Duberstein, *Reasons for Using Contraception: Perspectives of US Women Seeking Care at Specialized Family Planning Clinics*, 87 *CONTRACEPTION* 465, 467 (2013).
11. *Id.* at 465.
12. See Claudia Goldin & Lawrence F. Katz, *The Power of the Pill: Oral Contraceptives and Women’s Career and Marriage Decisions*, 110 *J. POL. ECON.* 730, 758-62 (2002).
13. 431 U.S. 678, 687 (1977).
14. *Runyon v. McCrary*, 427 U.S. 160, 178 (1976).
15. *Moore v. City of E. Cleveland, Ohio*, 431 U.S. 494, 498-99 (1977).
16. *Roe v. Wade*, 410 U.S.113, 152 (1972). The foundational case on the right to marry is *Loving v. Virginia*, a 1967 decision that struck down anti-miscegenation laws and permitted interracial unions, which did so on both right to privacy and equal protection grounds. 388 U.S. 1 (1967). Subsequent cases protecting the right to marry have relied on *Griswold* and *Loving*. For example, in *Zablocki v. Redhail*, a 1978 decision the Court upheld the right of single parents obligated to pay child support to marry without first obtaining the permission of a judge. 434 U.S. 374, 384-87 (1978).
17. 539 U.S. 558, 564 (2003).
18. *Id.* at 564.
19. *Id.* at 565-66.