Table 2.2 The Right to Privacy

Key U.S. Supreme Court Decisions on Privacy

Case Name and Citation	*Case Summary*
Eisenstadt v. Baird, 405 U.S. 438 (1972)	In 1971, the Supreme Court extended *Griswold* and ruled that a Massachusetts statute that punished individuals who provided contraceptives to unmarried individuals violated the right to privacy. Justice Brennan wrote that "if the right to 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."
Carey v. Population Services International, 431 U.S. 678 (1977)	The Supreme Court, in 1977, declared a New York law unconstitutional that made it a crime to provide contraceptives to minors and for anyone other than a licensed pharmacist to distribute contraceptives to persons over sixteen. Justice Brennan noted that this imposed a significant burden on access to contraceptives and impeded the "decision whether or not to beget or bear a child" that was at the "very heart" of the "right to privacy."
Roe v. Wade, 410 U.S. 113 (1973)	In 1973, in *Roe v. Wade*, the Supreme Court ruled a Texas statute unconstitutional that made it a crime to "procure an abortion." Justice Blackmun wrote that the "right to privacy . . . is broad enough to encompass a woman's decision whether or not to terminate her pregnancy." The Supreme Court later ruled in *Planned Parenthood v. Casey,* 505 U.S. 833 (1992), that Pennsylvania's requirement that a woman obtain her husband's consent unduly interfered with her access to an abortion.
Gonzales v. Carhart, 550 U.S. 124 (2007)	The Supreme Court upheld the authority of Congress to prohibit "partial-birth abortion." The Court reasoned that there is a substantial government interest in protecting the fetus and that it was uncertain whether this procedure ever is required to preserve the life of the mother.
Stanley v. Georgia, 394 U.S. 557 (1969)	A search of Stanley's home for bookmaking paraphernalia led to the seizure of three reels of film portraying obscene scenes. Justice Marshall, in his 1969 decision, concluded that "whatever the power of the state to control public dissemination of ideas inimical to the public morality, it cannot constitutionally premise legislation on the desirability of controlling a person's private thoughts."