

Legal memorandum of the case of griswold v. connecticut



The appellants in this case are Griswold, the Executive Director of the Planned Parenthood League of Connecticut, and Buxton, the Medical Director of the Planned Parenthood League in New Haven. They were charged of violating a Connecticut statute for giving information, instruction, and medical advice to married couple as means of preventing conception.

Sec 53-32 of the Connecticut Statute states that : “ Any person who uses any drug, medicinal article or instrument for the purpose of preventing conception shall be fined not less than fifty dollars or imprisoned not less than sixty days nor more than one year or be both fined and imprisoned.”

Section 54-196 provides that " Any person who assists, abets, counsels, causes, hires or commands another to commit any offense may be prosecuted and punished as if he were the principal offender."

The appellants were found guilty as accessories for violating the said statute and fined \$100 each. They filed their appeal and argued that the said statute violated the Fourteenth Amendment. The Appellate Division of the Circuit Court affirmed the judgment of the lower court.

Issue:

Whether the Connecticut statute forbidding use of contraceptives violates the right of privacy which is protected by the Bill of Rights

Decision:

The Supreme Court ruled that the subject Connecticut statute forbidding the use of contraceptive violates the right to marital privacy. It is unconstitutional.

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Analysis:

This is not the first time the Connecticut statute has been the subject of a controversy. In the earlier case of *Tileston v. Ullman* 318 U. S. 44 (1943) the Supreme Court did not have the opportunity to rule the constitutionality of the said statute. In this case, a doctor challenged the statute on the grounds that a ban on contraception may in certain situations threaten the lives and well-being of her patients.

He argued that the statute would prevent his giving professional advice concerning the use of contraceptives to three patients whose condition of health was such that their lives may be endangered by child-bearing. The Supreme Court declined to rule on this issue but dismissed the case on the ground that the plaintiff lacked the standing to litigate the constitutional question

This is the first time that the Supreme Court will rule on the constitutionality of the statute. According to the Supreme Court, though the US Constitution and the Bill of rights does not explicitly mention some rights, such as right of the people to meet and associate, or the right of the parent to educate a child in a school of their choice, or the right to study any particular subject or foreign language, the First Amendment has been construed to provide protection to these rights.

Among these cases are: the *Pierce v. Society of Sisters* which affirmed the right of the parents to send their children to any school of their choice under the First and Fourteenth Amendment; the *Meyer v. Nebraska* case which affirmed the right of the students to study German language in a private

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school; the NAACP v. Alabama which protected the freedom to associate and affirmed a person's privacy in one's own association.

These cases strongly indicate that the Bill of Rights have penumbras which emanate from the specific provisions of the US Constitution and its amendments. These extended guarantees give flesh and blood to the various protections under the US Constitution without which the guarantees under it will merely be a useless formality. Indeed, the various guarantees create zones of privacy.

The relationship between spouses and their choice to procreate lie within the zone of privacy protected by the Fourteenth Amendment. The statute should therefore be struck down as unconstitutional. It is a well-settled principle that though the state may control or prevent activities that are subject to its regulation, it cannot exercise its power so broadly as to invade the areas protected by the constitution.

The objective of the statute is laudable but means for its accomplishment seriously violates the right to privacy of the married individuals. The objective of the statute could be accomplished by other means such as regulating of the manufacture, sale of the contraceptives.

If the Supreme Court were to uphold the constitutionality of this statute, it is as if we are tolerating the law enforcement officers to search the sacred precincts of the marital bedrooms simply for the purpose of finding out if they are indeed using contraceptives..

Conclusion:

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The Supreme Court reversed the decision of the trial court and the appellate court. It also invalidated a Connecticut statute for invading the privacy of married couples. Although the constitution does not explicitly mention the right to privacy of the citizens, this right is found in the penumbras of the other constitutional protections.

This case is considered as a landmark decision in the sense that it established a basic sphere of personal privacy to which all people are entitled. (Decision: Griswold v. Connecticut (1965)) It confirmed that marriage couples do have the right to privacy. With this decision, our country took a giant leap forward finally recognizing the right of individuals to make their most private decision on planning their families, deciding the number and spacing of children. (Elizabeth Borg, 2005) Further, this decision paved the way for another land mark decision which is the case of Roe v. Wade. (John W. Johnson, 2005)

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Tileston v. Ullman 318 U. S. 44 (1943)