

Government and politics term paper sample

[Law](#), [Criminal Justice](#)



What supreme case established the right to privacy?

The Griswold vs. Connecticut (1965) is the crucial case which pushed the Supreme Court to rule for the protection of the right to privacy (Hartman, Mersky, and Tate 346).

Describe the facts of that case.

There was a law in Connecticut that prohibited the use of any type of drug or medicine or any medical tool thereof with an intention of preventing a woman from conceiving. Any form of birth control was regarded in accordance to this law as unlawful and thus a criminal offence. Any person violating this law was liable to a fine of 40 dollars or more or to a term of 60 days and more. The law also extended to a second party who would in any way be part of the criminal offense. If any second party played any part thereof and prevented conception in another person by use of the contraceptives, this person would be liable to the same punishment attributed to the first offender (Hartman, Mersky, and Tate 348). This law had been passed back in 1879 but had never been put into practice. Estelle Griswold and Dr. Lee. C. Buxton appealed to the U. S Supreme Court after they were found guilty of providing what was termed as illegal contraceptives and were each fined \$100. They appealed to the U. S Supreme Court after the Connecticut Supreme court of errors upheld the conviction. The two claimed that the ruling was against the U. S constitution which provided for the right of individual's privacy.

Describe the reasoning of the court and what constitutional amendment was crucial to the establishment of that right.

In a decision written by Justice William O. Douglas the court ruled that that law was against the right to marital privacy and thus could not apply to married people. The fourth amend according to his decision also clearly stated that the citizens had the freedom from searches and seizures. This amendment together with the first, the third, the fifth, the ninth and the fourteenth all stated the right to privacy that could not without a substantial reason be violated. In line with this, the Supreme Court asked Connecticut to prove beyond reasonable doubt that that law did not violate the precincts of liberty and justice. Connecticut could not prove this and thus that law was nullified. This decision was supported by seven Judges while two disagreed and thus the majority carried the day (Hartman, Mersky, and Tate 354).

Work cited

Hartman, R. Gary., Roy M. Mersky, and Cindy L. Tate. Landmark Supreme Court cases: the most influential decisions of the Supreme Court of the United States. New York: InfoBase Publishing, 2004. Print.