

# GRISWOLD V. CONNECTICUT

Estelle T. GRISWOLD et al. Appellants, v.  
STATE OF CONNECTICUT.  
No.496.

Supreme Court of the United States Argued March 29, 1965.  
Decided June 7, 1965.

[This case concerned a Connecticut statute which made it a crime to use "any drug, medical article or instrument for the purpose of preventing conception;" it was also a crime to assist or counsel anyone to commit this (or any other) offense. The Court decided, in a split decision, that the statutes were unconstitutional.

The opinion of MR. JUSTICE DOUGLAS, for the majority discusses whether there is a: constitutionally protected right of privacy. He first argues that the specific guarantees in the Bill of Rights I have penumbras, formed by emanations from those guarantees that help give them life and substance... Various guarantees create zones of privacy," for example, the Fifth Amendment, which "in its Self-Incrimination Clause enables the citizen to create a zone of privacy which government may not force him to surrender."]

The present case, then, concerns a relationship lying within the zone of privacy created by several fundamental constitutional guarantees. And it concerns a law which, in forbidding the use of contraceptives rather than regulating their manufacture or sale, seeks to achieve its goals by means having a maximum destructive impact upon that relationship. Such a law cannot stand in light of the familiar principle, so often applied by this Court, that a 'governmental purpose to control or prevent activities constitutionally subject to state regulation may not be achieved by means which sweep unnecessarily broadly and thereby invade the area of protected freedoms.' NAACP v. Alabama, 377 U.S.288, 307, 84 S.Ct. 1302, 1314,12 L.Ed.2d 325. Would we allow the police to search the sacred precincts of marital bedrooms for telltale signs of the use of contraceptives? The \*486 very idea is repulsive to the notions of privacy surrounding the marriage relationship.

We deal with a right of privacy older than the Bill of Rights-older than our political parties, older than our school system Marriage is a coming together for better or for worse, hopefully enduring, and intimate to the degree of being sacred. It is an association that promotes away of life, not causes; a harmony in living, not political faiths; a bilateral loyalty, not commercial or social projects. Yet it is an association for as noble a purpose as any involved in our prior decisions.