

# Is there a Right to Privacy?

- ***EQ #35- Does the BOR Guarantee a Right to Privacy? How have the Courts ruled?***

# Is there a Right to Privacy?

- Do citizens have a Right to Privacy?
  - Definition: the right to a private personal life free from the intrusion of government
  - **Though NOT explicitly stated** in the Constitution, SCOTUS says it's implied by the 1<sup>st</sup>, 3<sup>rd</sup>, 4<sup>th</sup> and 9<sup>th</sup> A.
- ***Griswold v. Connecticut*** (1965)- first case to establish this right



# ***Griswold v. Connecticut, 1965***

- **FACTS-** A state law (from 1879) bans the use of contraceptives...even for married couples; could not get contraceptives to prevent pregnancy.
- **ISSUE-** Do laws limiting access to contraceptives violate one's right to privacy? Do citizens have a right to privacy?

# *Griswold v. Connecticut, 1965*

- **RULING / HOLDING-** A right to privacy is inferred from several amendments in the BOR, which makes this law unconstitutional.
- **Significance-** First time SCOTUS acknowledges a constitutional right to privacy.



# *Roe v. Wade*, 1971

- **ISSUE-** Do women have a constitutional right to seek an abortion?
- **RULING / HOLDING-** YES; SCOTUS cites the right to privacy established in Griswold
- State laws that limit access to or criminalize abortion in first trimester of pregnancy are unconstitutional.
- Affects 45 states!



# The Right to Privacy

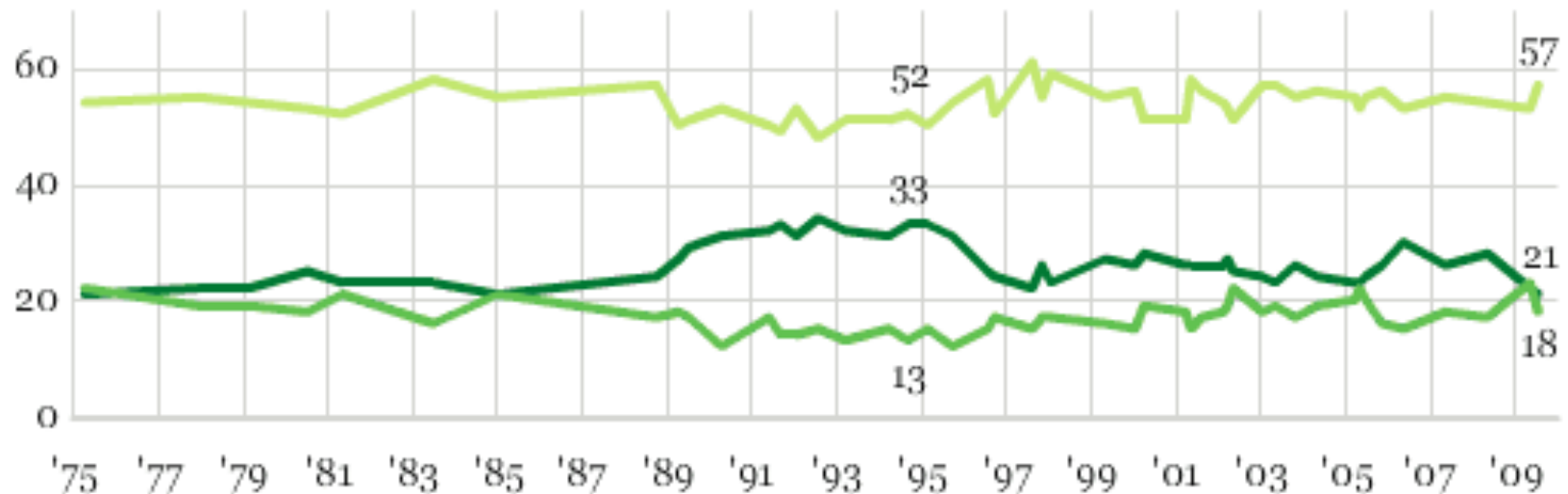
## ***Planned Parenthood v. Casey***, **1992**

- ***Planned Parenthood v. Casey*** (1992) Can states restrict a woman's right to abortion, so long as it isn't denied? Do restrictions violate *Roe v. Wade*?
  - The Court creates a new standard to determine the validity of laws restricting abortions. Does the state abortion regulation have the purpose of imposing an "undue burden,?" If not, OK.
  - Laws requiring a Waiting Period, Parental Consent or Informed consent upheld
  - Spousal notification struck down

# Attitudes about Abortion- Closely Divided in the US

*Do you think abortions should be legal under any circumstances, legal only under certain circumstances, or illegal in all circumstances?*

■ % Legal under any    ■ % Illegal in all    ■ % Legal under certain



GALLUP POLL

# Roe v. Wade Today

- *Roe V Wade* 1973 was decided primarily on the 9<sup>th</sup> Amendment "the enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people," protected a person's right to privacy.
- The alias "Jane Roe" was used for Norma McCorvey,
- More recently, she has spoken out AGAINST abortion





# US Patriot Act, 2002

- A federal law passed in response to terrorist attacks of 9/11.
- Allows federal gov't to track and intercept communications for law enforcement and foreign intelligence gathering.
- What does it do?  
Does it go too far?
- Read ACLU handout. Discuss.



# Understanding Civil Liberties

- Civil Liberties and Democracy
  - Rights ensured in the Bill of Rights are essential to democracy.
  - Courts typically protect civil liberties from excesses of majority rule.
- Civil Liberties and the Scope of Government
  - In deciding between freedom and order, the United States generally chooses liberty.
  - Civil liberties limit the scope of government, even though government efforts are needed to protect rights.



# Summary

- Civil liberties are expressed in the Bill of Rights.
- These are the individual's protections—for religion, expression, assembly, and the accused—against the government.
- Legislatures and courts constantly define what the Bill of Rights protects in practice.