

FINAL REVIEW, Eisenstadt

EISENSTADT VS BAIRD

Justice Brennan Opinion:

-In this case it was held that the distinction between married and unmarried couples' ability to obtain contraceptives violated the equal protection clause through the rational basis review test.

-Brennan says "Whatever the rights of the individual to access to contraceptives may be, the rights must be the same for unmarried and married alike".

-He also asserts that a married couple is an association of two individuals with separate "intellectual and emotional makeup. He says "If the right of 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 or not to bear or beget a child"