

## **Eisenstadt v. Baird (1972)** <sup>[1]</sup>

By: Seward, Sheraden Keywords: [Contraception](#) <sup>[2]</sup> [Reproductive rights](#) <sup>[3]</sup> [US Supreme Court](#) <sup>[4]</sup>

Prior to 1971, women had some difficulty obtaining contraceptive materials due to a law prohibiting the distribution of contraceptives by anyone other than a registered physician or registered pharmacist. This limited access to contraceptives had an impact on women's [reproductive rights](#) <sup>[6]</sup> and it was the Supreme Court case *Eisenstadt v. Baird* (1972) that helped bring the issue into the public spotlight. It demonstrated that women's bodies have reproductive as well as anatomical functions, and that the right to privacy extends to those reproductive functions.

[William Baird](#) <sup>[7]</sup> gave a lecture to students at [Boston University](#) <sup>[8]</sup> on the topic of [contraception](#) <sup>[9]</sup> on 6 April 1967. After the lecture Baird invited the students to come to the front of the lecture hall and take contraceptive materials from a box and he also handed a young, unmarried woman a package of foam called Emko, a vaginal [spermicide](#) <sup>[10]</sup>. Baird was arrested following the lecture for violating a Massachusetts law that made it illegal for anyone other than a physician or pharmacist to distribute anything to prevent [conception](#) <sup>[11]</sup>.

Baird was convicted in the Massachusetts Superior Court on two indictments. One conviction was for exhibiting articles for [contraception](#) <sup>[9]</sup> and the other was for giving away articles for [contraception](#) <sup>[9]</sup>. Baird then appealed to the Supreme Judicial Court and while the conviction for exhibiting articles for [contraception](#) <sup>[9]</sup> was reversed the conviction for giving away articles for [contraception](#) <sup>[9]</sup> was upheld. [William Baird](#) <sup>[7]</sup> faced a prison sentence of three months following this decision. However, on 6 July 1970 Baird was released from prison by a decision from the United States Court of Appeals for the First Circuit that his conviction was unconstitutional.

The oral arguments of the Supreme Court Case *Eisenstadt v. Baird* began on 17 November 1971. The constitutionality of the Massachusetts law was being challenged using the [Griswold v. Connecticut](#) <sup>[12]</sup> (1965) decision that established a right to privacy. On 22 March 1972 the Massachusetts law forbidding the distribution of contraceptive articles to unmarried persons was struck down in a 6?1 majority decision by the Supreme Court. The court's conclusion was that the law violated the [Equal Protection Clause of the Fourteenth Amendment](#) <sup>[13]</sup>.

## **Sources**

1. Eisenstadt v. Baird, 405 U.S. 438 (1972).

[http://scholar.google.com/scholar\\_case?q=Eisenstadt+v.+Baird&hl=en&as\\_sdt=806&case=14131](http://scholar.google.com/scholar_case?q=Eisenstadt+v.+Baird&hl=en&as_sdt=806&case=14131)  
<sup>[14]</sup> (Accessed January 9, 2014).

Prior to 1971, women had some difficulty obtaining contraceptive materials due to a law

prohibiting the distribution of contraceptives by anyone other than a registered physician or registered pharmacist. This limited access to contraceptives had an impact on women's reproductive rights and it was the Supreme Court case Eisenstadt v. Baird (1972) that helped bring the issue into the public spotlight. It demonstrated that women's bodies have reproductive as well as anatomical functions, and that the right to privacy extends to those reproductive functions.

## Topic

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