

***CAREY v. POPULATION SERVICES INTERNATIONAL***  
431 U.S. 678 (1977)

**Facts**

Population Planning Associates, Inc. (PPA) was primarily engaged in the mail order retail sale of non-medical contraceptive devices from its office in North Carolina. PPA advertised its products in magazines published and circulated in New York and accepted orders from New York residents. The advertisements in the magazines and the order forms did not limit the availability of the contraceptive products to persons of any particular age. The magazine advertisements included advertisements in a New York college newspaper. New York had enacted a statute, in effect during the relevant time period, which prohibited the distribution of contraceptives to anyone under the age of 16 and banned the advertising and display of contraceptives.

PPA argued that the New York statute was unconstitutional as a violation of the Fourteenth Amendment right to privacy.

**Decision of the Court**

The Court held that the decision whether to beget or to bear a child is at the very heart of constitutionally protected choices. The fact that the constitutionally protected right of privacy extends to an individual's liberty to make choices regarding contraceptives, however, did not in the Court's view automatically invalidate every state regulation of contraceptives. The Court, in this case, ruled that the prohibition of distribution of contraceptives to persons under the age of 16 did not serve any compelling state interest and, therefore, ruled that the statute was unconstitutional.

**Questions**

1. How far does the right of privacy extend?
2. What showing would need to be made in order to establish a "compelling state interest" sufficient to invalidate the constitutionally protected right of privacy?
3. What areas other than contraception and abortion would fall within the constitutionally protected right of privacy?
4. What constitutional protection other than the right of privacy might justify the Court's decision to find the statutes and regulations at issue in *Roe v. Wade* and *Carey v. Population Services International* unconstitutional?
5. How would you decide these cases?