

Griswold linked privacy to the sanctity of marriage. But the Court soon transformed it into a right of individuals. It extended access to birth control to unmarried adults and ultimately to minors—an admission by the Court that law could not reverse the sexual revolution. These decisions led directly to the most controversial decision that built on the rulings of the Warren Court (even though it occurred in 1973, four years after Warren’s retirement). This was ***Roe v. Wade***, which created a constitutional right to terminate a pregnancy. The Court declared access to abortion a fundamental freedom protected by the Constitution, a fulfillment of radical feminists’ earliest demand. *Roe* provoked vigorous opposition, which has continued to this day. Only two states banned contraception when *Griswold* was decided; *Roe* invalidated the laws of no fewer than forty-six.

Griswold and *Roe* unleashed a flood of rulings and laws that seemed to accept the feminist view of the family as a collection of sovereign individuals rather than a unit with a single head. The legal rights of women within the domestic sphere expanded dramatically. Law enforcement authorities for the first time began to prosecute crimes like rape and assault by husbands against their wives. Today, some notion of privacy is central to most Americans’ conception of freedom.

The rights revolution completed the transformation of American freedom from a set of entitlements enjoyed mainly by white men into an open-ended claim to equality, recognition, and self-determination. For the rest of the century, the government and legal system would be inundated by demands by aggrieved groups of all kinds, and the Supreme Court would devote much of its time to defining the rights of Americans.

1968

A Year of Turmoil

The Sixties reached their climax in 1968, a year when momentous events succeeded each other so rapidly that the foundations of society seemed to be dissolving. Late January 1968 saw the **Tet offensive**, in which Viet Cong and North Vietnamese troops launched well-organized uprisings in cities throughout South Vietnam, completely surprising American military leaders. The United States drove back the offensive and inflicted heavy losses. But the intensity of the fighting, brought into America’s homes on television, shattered public confidence in the Johnson administration, which had repeatedly proclaimed victory to be “just around the corner.” Leading members of the press and political establishment joined the chorus criticizing American involvement. Eugene McCarthy, an antiwar senator from Minnesota, announced that he would seek