

Catherine Roraback, 87, Influential Lawyer, Dies

By [Dennis Hevesi](#) Oct. 20, 2007

Catherine Roraback, a lawyer who pressed the Connecticut case that eventually led the United States Supreme Court to rule that laws banning the use of contraceptives were unconstitutional, a precursor to its *Roe v. Wade* decision on abortions, died on Wednesday in Salisbury, Conn. She was 87.

Her death was confirmed by a cousin, Andrew Roraback.

Ms. Roraback was the lead lawyer in several other controversial cases in her 50-year career, including the 1971 trial of the Black Panther leader Bobby Seale in the killing of another party member.

In the early 1960s, Ms. Roraback represented Estelle Griswold, then the executive director of Planned Parenthood in Connecticut, and Dr. Charles Buxton, the chief of obstetrics and gynecology at Yale University's School of Medicine, as their case rose through the state courts.

For years, Ms. Griswold and Dr. Buxton had fought to overturn an 1849 Connecticut law that prohibited the use and prescription of contraceptives. When their efforts failed, they decided to break the law themselves by opening a birth-control clinic in New Haven.

Three days after it opened, the clinic was raided by detectives.

"They seemed to welcome the intrusion," one of the detectives, Harold Berg, told *The New York Times* in a 1989 review of the case. "They gave us everything we were looking for."

With Ms. Roraback representing them, Ms. Griswold and Dr. Buxton were found guilty; then she began the appeals process. In 1965, a noted First Amendment scholar, Thomas I. Emerson, argued the case of *Griswold v. Connecticut* before the Supreme Court. In a 7-to-2 decision, the court found that the "statute forbidding use of contraceptives violates the right of marital privacy, which is within the penumbra of specific guarantees of the Bill of Rights."

"It was simply a bad law," Ms. Roraback told *The Times* in 1989. "People were concerned about controlling world population, and felt that outlawing contraceptives was out of step with the time."



Catherine RorabackCredit...Associated Press, 1970

Griswold v. Connecticut applied only to birth control for married couples. But in 1972, in Eisenstadt v. Baird, the Supreme Court extended the principles of Griswold to unmarried couples. A year later, it expanded the privacy concept to abortions in Roe v. Wade.

In 1972, Ms. Roraback was a lawyer in *Women v. Connecticut*, the case in which the state's anti-abortion law was overturned. A year later she successfully argued a case in which a federal judge ruled that Connecticut must pay for a welfare recipient's abortion if a doctor certifies that it is necessary.

Catherine Gertrude Roraback was born in Brooklyn on Sept. 17, 1920, one of three children of Albert and Gertrude Dittmars Roraback. She graduated from Mount Holyoke College in 1941 and from the Yale School of Law in 1948.

Ms. Roraback, who never married, is survived by her sister, Elizabeth Schmidt of Canaan, Conn.

Soon after graduating from law school, Ms. Roraback helped found the Connecticut Civil Liberties Union. Her lifelong mission, she said in her profile as an inductee into the Connecticut Women's Hall of Fame, was to protect the rights of "dissenters and the dispossessed."

One of her most controversial cases was the 1971 trial of Mr. Seale, the Black Panther leader, and of Ericka Huggins, a party member, in the kidnapping and killing of Alex Rackley. The state contended that Mr. Rackley, also a Black Panther, had been beaten, burned and shot to death in May 1969 while being interrogated about police infiltration of the organization. The central question in the case was whether Mr. Seale or the state's

star witness, who had already pleaded guilty, had ordered the killing. The case ended in a mistrial.

In 1974, Ms. Roraback represented Peter Reilly, 18, of Canaan, Conn., in his first trial on charges that he murdered his mother. Soon after the verdict of manslaughter, an appeals court judge ordered a retrial.

Mr. Reilly had received wide support from neighbors, among them the playwright Arthur Miller, who asked The New York Times to investigate. A two-part series by The Times raised questions about the case.

In the second trial, in November 1976, the judge dropped all the charges, saying that evidence showing Mr. Reilly was miles from the scene on the night of the killing had been discovered in prosecutors' files.