The Blowback of *Roe v. Wade*

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An honors thesis submitted to the History Department of Rutgers University

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New Brunswick, New Jersey
April 2012
Acknowledgements

I would like to express my gratitude toward Professor James Reed for his encouragement, guidance and support during the past year. I would also like to thank Professor Johanna Schoen for her advice and time. Additionally, I would like to thank Professor Masschaele for his help throughout the year. I am also grateful to the Aresty Research Program for their support of my undergraduate research.

Finally, I would like to thank my parents, who have always stressed the importance of education. I would also like to thank my brother for his constant support. In addition to my family, I would also like to thank my friends, who listened while I brainstormed out loud, countless times.
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Introduction

In 1972, the sitcom *Maude* addressed the issue of abortion. In the episodes entitled “Maude’s Dilemma,” the main character Maude, played by Bea Arthur, learns she is pregnant at the age of 47. Maude and her husband Walter are shocked when they discover the news because, at their respective ages of 47 and 49, they did not plan to have a child. During the episode, Maude’s older daughter Carol, who is a feminist and abortion rights supporter, suggests abortion as an option. At the time, abortion was legal in New York. Carol tells Maude, “When you were growing up, abortion was a dirty word. It’s not anymore,” and advises her mother to get an abortion.¹

The *Maude* episode provides insight into the discourse about abortion in 1972. *Maude* was a comedy about a liberal woman from New York, with an outspoken feminist daughter. Therefore, the characters’ discussions about abortion do represent a more liberal view of the subject from 1971. *Maude* presented the feminist and medical justifications for abortion and the idea of privacy in the abortion decision. Maude’s daughter Carol references the feminist arguments in support of abortion. Carol tells Maude that she should consider abortion because it is her right as a woman. Additionally, Carol tells Maude that the procedure is extremely safe now; throughout the episode, characters compare the procedure to, “going to the dentist.”² This comparison emphasized that by 1972, abortion was a safe, outpatient medical procedure.

Furthermore, in the episode, Maude reveals that her doctor warned her of the health risks of having a baby at her age. Therefore, abortion was presented as safer for Maude than the pregnancy.

During the episode, Maude is visibly torn as she tries to make the decision. When Maude and her husband Walter decide to end the pregnancy, Walter notes that it is the right choice for them “in the privacy of [their] own lives.” Walter voices the belief that abortion is a private decision. When they decide to proceed with the abortion, Maude and Walter are alone in their bedroom, consulting only each other for the final decision. Even though Maude’s daughter Carol figured prominently throughout the episodes and tried to convince her mother to have an abortion, she is not present or mentioned when Maude and Walter make the decision. Therefore, the episodes emphasized the belief that abortion is a private decision that must be made by the pregnant woman or couple involved.

After the first airing of “Maude’s Dilemma in 1972 on CBS, there was some backlash. CBS affiliates refused to air the show because of its subject matter. People also called and wrote letters to the network in protest. However, Norman Lear, the creator of Maude, received more positive letters about the episode than negative. Surprisingly, the show faced greater protests in 1973 when CBS re-aired the episodes after the Supreme Court decision in the Roe v. Wade case, which legalized abortion in the United States. When it re-aired in August 1973, 300 protestors

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demonstrated outside of CBS’s offices in New York. Furthermore, 30 CBS affiliates refused to air the reruns, an exponential increase from the 2 affiliates that refused in 1972. These protests against Maude were part of the blowback against the Roe ruling. Maude was considered a liberal show and most antiabortion may not have believed the discussion of abortion on the show was relevant. However, the Roe ruling in 1973 legalized abortion the antiabortion activists now saw Maude and its portrayal of abortion as a more dangerous and relevant threat.

Supreme Court Justice Harry Blackmun wrote the Roe v. Wade opinion as a pragmatic argument to support the court’s ruling. Blackmun tried to show that the ruling was not a radical decision; instead, he discussed it as part of a natural progression of laws regarding abortion. Blackmun mentioned that American abortion laws “are not of ancient or even common law origin.” He discussed these laws as a relatively recent development. He mentioned the position of those fighting for reform of state abortion laws, who believed that the laws were “designed solely to protect the woman” from a dangerous medical procedure with a high morality rate. These groups believed “the laws can no longer be justified by any state interest” because the risks of the procedure had been greatly diminished by advances of modern medicine.

In 1847, the American Medical Association sought to criminalize abortion because they wanted to control the medical profession; at the time, physicians faced competition from midwives and untrained practitioners, who performed abortions. Physicians argued that these

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8 Roe v. Wade, 410 U.S. 113 (1973)
9 Ibid.
unskilled abortion practitioners threatened women’s health with unsanitary and crude abortions. In order to consolidate control over medicine, the AMA launched a successful campaign against abortion. However, after it was criminalized, women still sought abortions.\(^\text{11}\) Sometimes, women pregnant women would ingest dangerous chemicals, such as turpentine or castor oil, to induce abortion. Some women also inserted sharp items, such as needles and coat hangers, into their reproductive tracts because they hoped it would cause enough damage to stimulate an abortion. Women also turned to both skilled and unskilled abortion providers, who performed abortion illegally. These attempts at self-abortion and abortions from unskilled abortionists were extremely dangerous. Women risked infection, infertility because of uterine damage, and death.\(^\text{12}\) However, even with the risk of death, women continued to seek illegal abortions to end their pregnancies.

During the 1960s, there were state-level abortion reform law movements, which aimed to legalize abortion in certain situations. Reformers based these laws on the American Law Institute (ALI)’s Moral Penal Code.\(^\text{13}\) In 1959, the ALI released the Moral Penal Code, a recommendation to revise some of America’s state laws, which included abortion laws.\(^\text{14}\) The Moral Penal Code recommended the de-criminalization of abortions for pregnancies which were the product of rape or incest, threatened the health of the mother, or when the child would have “grave physical or mental defects.”\(^\text{15}\) In 1967, the AMA reversed its stance on abortion and announced support for

\(^\text{15}\) Ibid.
abortion reform laws.\textsuperscript{16} Many doctors supported these laws because they had witnessed patients dying from botched illegal abortions. These doctors understood that such deaths could be prevented if abortion was available legally.

During the 1960s, supporters of abortion campaigned for these changes in states and did achieve some success. Between 1967 and 1970, twelve states passed abortion reform laws modeled after the ALI’s Moral Penal Code.\textsuperscript{17} However, during the 1970s, reform laws were defeated in some states, such as North Dakota, because of Catholic opposition.\textsuperscript{18} The Catholic Church opposes both abortion and birth control. Catholic doctrine states that sex is for reproduction and birth control, specifically artificial contraception, makes sex about pleasure.\textsuperscript{19} The Catholic Church also opposes abortion because they believe that life begins at conception. Therefore, the Catholic Church preaches abstinence for unmarried people; for married couple, they suggest controlling pregnancy by the rhythm method. Through these policies, the Catholic Church condemned sex outside of marriage and abortion as immoral. Because of their views, the Church was increasingly at odds with reformers, who emphasized that women had the right to abortion and that abortion was an issue of health.

In the opinion, Blackmun echoed reformer and stated that women have a right to abortion. Blackmun noted “a woman’s qualified right to terminate her pregnancy” was protected under the Fourteenth Amendment and “the state cannot override that right” even though “it has legitimate interests in protecting both the pregnant woman’s health and the potentiality to human life.”\textsuperscript{20} However, Blackmun stated, “These interests are separate and

\textsuperscript{16} Ibid, 38.
\textsuperscript{17} Burns, 176-177.
\textsuperscript{18} Ibid, 218.
\textsuperscript{19} Ibid, 132, 138.
\textsuperscript{20} Roe v. Wade, 410 U.S. 113 (1973)
The idea that the fetus and the mother were separate was not novel; since the 1920s, the fetus had been considered an “independent being” from the mother. However, the distinction between the fetus and the mother was previously used to campaign for abortion laws and protect the fetus. In *Roe*, the separation between the mother and the fetus was applied to support a woman’s right to procure abortion. Furthermore, although the fetus was acknowledged as an important interest of the state, Blackmun also noted that the fetus is not considered a “person” under the Constitution.

In the *Roe v. Wade* opinion, Blackmun also emphasized the role of the doctor in the abortion procedure. Before Blackmun became a Supreme Court Justice, he was a lawyer for the Mayo Clinic in Minnesota. Therefore, Blackmun approached *Roe* and abortion with a focus on doctors and their ability to make professional decisions. In the opinion, he justified abortion as a medical decision, protected by the right to privacy. In 1968, the Supreme Court case *Griswold v. Connecticut* established the right to privacy. In the case, the Supreme Court ruled that the Constitution protected marriage. Furthermore, the Court stated that married couples had a right to privacy. Consequently, the case overturned Connecticut’s birth control laws, which prohibited married couples from using birth control. The Supreme Court ruled that the right to privacy prohibited such state interference. In the concurring opinion, Justice Arthur Goldberg cited the Fourteenth Amendment protection of due process as a constitutional support for the right to

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21 Ibid.
23 *Roe v. Wade*, 410 U.S. 113 (1973)
24 Ibid.
25 Garrow, 474.
privacy.\textsuperscript{26} He also mentioned the Ninth Amendment, which states that there are “fundamental rights” that are not specified in the Bill of Rights.\textsuperscript{27}

\textit{Griswold v. Connecticut} utilized the strategies of birth control advocate Margaret Sanger, who challenged restrictive laws in judicial courts. In the early 1900s, Sanger worked as a nurse in New York City.\textsuperscript{28} Through her work, Sanger realized that women faced health issues and economic difficulties because they could not control their reproductive health. She began to write about issues of women’s sexual health.\textsuperscript{29} Throughout her career, Sanger fought against the Comstock laws, which prohibited the production and dispersal of materials regarding sex, birth control, and abortion.\textsuperscript{30} In 1873, Anthony Comstock convinced Congress to pass the laws to regulate public behavior.\textsuperscript{31} Comstock monitored mail through the U.S. Postal Service and confiscated materials he believed violated the laws. In 1913, he tried to stop Sanger from publishing information about venereal disease.\textsuperscript{32}

Although she campaigned against the Comstock laws, Sanger was unable to gain enough support from legislatures. After her failures, Sanger changed her strategy and turned to the courts to reform birth control laws. In \textit{United States v. One Package of Japanese Pessaries}, Sanger confronted laws against birth control through the courts. In 1936, Sanger had diaphragms shipped from Japan to Dr. Hannah Stone, who worked at her clinic in New York. Sanger herself informed the U.S. Customs office of the shipment, which violated Comstock laws and

\textsuperscript{27} Ibid, 254.
\textsuperscript{28} Ellen Chesler, \textit{Woman of Valor: Margaret Sanger and the Birth Control Movement in America}, (New York, Simon & Schuster Paperbacks ,1992), 63
\textsuperscript{29} Ibid, 65.
\textsuperscript{30} Ibid, 68.
\textsuperscript{31} Ibid, 66-69.
\textsuperscript{32} Ibid, 66.
subsequently, Stone was arrested. In *US v. One Package*, Sanger and Dr. Stone challenged the Comstock laws. In the case, they argued that birth control was an issue of health. The judges from the Federal Second Circuit Court of Appeals who heard the case agreed with Sanger and Dr. Stone. Judge Augustus Hand, who wrote the court opinion, stated that Comstock laws should not interfere with doctors’ ability to prescribe their patients birth control. Through this ruling, the court stated that birth control was an issue of health and the government should not infringe on doctors’ ability to make professional decisions. The judges’ ruling supported Sanger’s arguments, which the legislature had consistently rejected. Sanger’s success in this court case set a precedent to challenge birth control laws through the courts. Her strategy was used in future cases, such as *Griswold*. Furthermore, people who supported the reform of abortion laws later utilized the same strategy.

The *Roe v. Wade* court case challenged the Texas abortion law. In 1967, the Texas legislature voted against an abortion reform bill that was based on the ALI Moral Penal Code. However, supporters of abortion believed that a challenge to the state’s abortion law would be successful because of the “ideal plaintiffs and extremely promising judges.” This strategy was successful and the Supreme Court ruled to legalize abortion and overturn restrictive state abortion laws. Through the strategy, reformers were able to bypass opposition from state legislatures and force change.

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34 Ibid, 36-37.
35 Garrow, 326-327.
36 Ibid, 388.
The *Roe v. Wade* ruling was considered shocking and unexpected to many. Critics especially targeted Blackmun’s reasoning in the opinion, which justified abortion as a medical decision, a woman’s right, and protected as an issue of privacy. Therefore, *Roe* resulted in attempts to discredit doctors and curtail the women’s rights movement. However, pre-existing tensions and movements during the 1970s also contributed to these attacks and changes. In the early 1970s, the Republican Party began to withdraw support from family planning policies because they wanted to appeal to Catholic voters. After *Roe*, Republicans expressed opposition to abortion and attracted voters who morally disagreed with the ruling. Furthermore, racial and social tensions that existed before *Roe* contributed to the attacks against doctors who performed abortions after the ruling. Additionally, during the early 1970s, anti-feminism was increasing in America and provided arguments against the *Roe* ruling and its assertion that women had the right to abortion.

The next chapter will address the anti-feminism movement, its grassroots campaign, and how it contributed to attacks against the *Roe v. Wade* ruling.

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37 Garrow, 600-605.
Chapter 1: Anti-Feminism and Grassroots Campaigns Against Abortion

In 1919, the Nineteenth Amendment was passed and guaranteed women’s right to vote. Afterwards, Alice Paul, a women’s rights activist and an influential figure in women’s suffrage, proposed the Equal Rights Amendment (ERA). Paul, the founder of the National Woman’s Party, campaigned for the amendment that would guarantee that “men and women shall have equal rights throughout the United States and every place subject to its jurisdiction.”\(^1\) Through the Amendment, Paul wanted to “raise the position of women to a level with the position of men.” In their campaign for equal rights, the National Woman’s Party denounced any laws that provided women protections or exemptions. Therefore, they did not support minimum wage laws or working hour regulation laws that favored only women.\(^2\) For this reason, the ERA was opposed by other organizations, such as the National League of Women Voters and Women’s Trade Union League who believed that these protection laws were necessary for women to “achieve equality in the labor market with men.”\(^3\) Furthermore, critics of the Amendment worried about its effects on laws that reinforced traditional gender norms. These objections prevented Congress from the passing the ERA, even though it supporters campaigned for it during every session of Congress from 1923.\(^4\)

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In 1967, the National Organization for Women (NOW) expressed support for the ERA and made a commitment to get it passed. Simultaneously, NOW also voiced support for abortion law repeal. NOW’s support of abortion was controversial among its members. However, NOW became a prominent feminist organization that campaigned for changes in the treatment of women. After NOW began campaigning for the ERA, it started to gain support in Congress.

In 1972, the Senate passed the ERA in a vote of 84-8. After it passed, it had seven years to be ratified by 38 states. The version of the Amendment that passed stated, “Equality of rights under the law shall not be denied or abridged by the United States or any State on account of sex.” After it passed in Congress, the ERA seemed popular and likely to reach its ratification goal. During March 1972, 6 states approved the Amendment. However, as it gained approval in states, criticism of the amendment increased and became more public.

In the early and mid 1900s, attacks against the ERA were focused on its possible negative impact on laboring women. After the ERA passed in Congress in 1972, new criticism emerged against it that emphasized its possible effects on women who did not work and depended on their spouses. Phyllis Schlafly voiced these criticisms and organized a movement against the ERA. Schlafly was an active member of the Republican Party who believed that the ERA threatened

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laws that protected women. In 1972, She wrote an article called “What’s Wrong with the ‘Equal Rights Amendment’ for Women?” and started the STOP ERA campaign.\(^{10}\) As a mother of six children Schlafly believed that the family “assure[ed] a woman the most precious and important right of all-the right to keep her own baby and to be supported and protected in the enjoyment of watching her baby grow and develop.”\(^{11}\)

The STOP ERA movement popularized the idea that traditional gender roles should be protected and that women had the rights they needed to succeed. Most of the women who joined the STOP ERA movement were part of the middle class, supported traditional values of marriage and family, and a weak federal government.\(^{12}\) These women mobilized around these ideas, and around Schlafly, who seemed to embody the ideals of the STOP ERA movement.

Schlafly had supported herself through college at Washington University by working in a munitions factory.\(^{13}\) After college, she pursued a Master’s at Radcliffe College. When she finished school, she worked at American Enterprise Association, a conservative research organization in Washington D.C. After a year, she returned to her hometown of St. Louis, Missouri and worked in local politics, as a campaign manager for a Congressional campaign.\(^{14}\) In 1949, she married her husband Fred Schlafly, moved to Illinois, and started a family with him. However, as she established her family and raised her children, she became more active in the Republican Party and politics.

In her personal and political life, Schlafly was greatly influenced by her Catholic faith. She thought that Catholics had an obligation to participate in politics and protect the values of

\(^{10}\) Critchlow, 217.
\(^{11}\) Ibid.
\(^{12}\) Ibid, 222-223
\(^{13}\) Ibid, 23.
\(^{14}\) Ibid, 28.
the country and Christianity. She fought for change in the Republican Party, which she believed was dominated by an “Eastern power elite.” She ran for Congress twice and wrote popular books on political issues. Schlafly believed that women had the resources they needed to succeed and she cited her success in her personal life and political causes as evidence. She thought that the ERA was unnecessary for female success; furthermore, she believed it harmed women because it would allow them to be drafted and legally denied protection of their husbands.

During the 1970s, anti-feminism emerged and re-popularized the idea that the identity of women should be tied to their husbands and children. When the Supreme Court ruled on Roe v. Wade, the campaign and criticisms against the ERA were part of the political atmosphere. The STOP ERA campaign protested the ERA as an amendment against women and an attack on protections of women. Overall, the STOP ERA campaign challenged the meaning of women’s rights. Organizations who fought for the legalization of abortion supported their cause with the idea that women needed to be able to control their reproduction in order to achieve their goals and career aspirations. During the 1960s and 1970s, feminists had campaigned for more equality in the workplace and outside of the home. Women’s rights activists achieved success with the Equal Pay Act of 1963 and the Equal Employment Act of 1972. Feminists supported these acts because they wanted women to have more opportunities and rights in the workplace and in society. However, the STOP ERA campaign framed women’s rights and needs in another way and set an example for grassroots conservative opposition. The STOP ERA campaign

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15 Ibid, 42-43.
16 Ibid, 121
18 Critchlow, 225-226.
emphasized the role of the traditional mother at home. Even though Schlafly attacked the ERA as a threat to both working and stay-at-home mothers, she framed her argument in terms of traditional family life and role of the mother. She supported her argument by highlighting the laws that would be invalidated if the ERA passed.

In 1977, opponents of ERA and the legalization of abortion held a “pro-family rally” in Houston, Texas. 15,000 people attended the rally and expressed support in the STOP ERA movement. Rally participants expressed a few different reasons for their support. Many came because they wanted to protect traditional values and the structure of the family. However, attendee Christine Zentz from North Dakota stated that she was against the ERA because she felt “it would give more power to the federal government and I don’t think states need to lose more power.” Although Zentz was attending a “pro-family” rally, she justified her attendance with her politically conservative belief that the federal government should not interfere with states’ rights. Zentz was socially and politically conservative in her opposition to the ERA. In the late 1970s and early 1980s, people who identified themselves as conservative wanted the government to limit its interference economically, but simultaneously, desired protection of traditional family values. During this time, the Republican Party altered its previous positions and campaigned on this platform.

Before 1980, the Republican Party platform included support for the ERA. However, after 1980, they do not endorse the ERA specifically, but broadly supported equal rights. For instance, Ronald Reagan, who ran for President in 1980, expressed his commitment to end

19 Ibid, 224.
22 Critchlow, 264.
gender discrimination, but denounced the ERA.\(^{23}\) The Republican Party’s abandonment of the ERA coincided with its support for fetal rights. The Party’s platform in 1976 stated that it “favor[ed] a continuance of the public dialogue on abortion and support[ed] the efforts of those who seek enactment of a constitutional amendment to restore protection of the right to life for unborn children.”\(^{24}\) This type of constitutional amendment would overturn \textit{Roe}. Therefore, 1976, the Republican Party expressed their opposition toward the legalization of abortion and the ERA.

The fight against the ERA also helped change the image of the Republican Party.\(^{25}\) People who opposed the ERA believed the Republican Party supported their traditional lifestyle. An ERA supporter, Anne Broderick Zill from the Women’s Campaign Fund, noted that the women’s movement faced problems because it was “run by a series of elites.” Zill admitted she did not interact with “many women who are simply housewives.”\(^{26}\) Schlafly and others against the ERA capitalized on the isolation of Americans who supported traditional gender roles and conservative beliefs.

\textit{The Political Impact of the ERA}

The STOP ERA campaign witnessed success by 1974; although thirty-three states had ratified the ERA, seventeen had rejected it. Three years later, only two more states ratified the

\(^{23}\) Ibid, 280.
\(^{25}\) Critchlow, 214.
ERA, and the STOP ERA campaign efficiently prevented ratification from other states.\textsuperscript{27} In 1977, supporters of the ERA requested an extension for the deadline of ratification. Congress granted the extension and moved the ratification date to 1982. However, the extension resulted in few gains and the ERA failed in 1982.\textsuperscript{28}

The grassroots nature of STOP ERA was extremely successful and set an example for future campaigns to protect the family. Schlafly described the STOP ERA as the “most loosely organized organization” because it was composed of local groups that fought the ERA on a state-basis but were united in their opposition against the ERA.\textsuperscript{29} NOW, which was centralized in Washington D.C. was unable to compete with the widespread, state-focused opposition to the ERA.\textsuperscript{30} When the ERA failed to pass in 1982, people who had opposed the ERA redirected their energies to the fight against abortion. The STOP ERA campaign had organized people across the United States who wanted to protect traditional values and the family; with their success against the ERA, some organizations now targeted abortion.\textsuperscript{31} Therefore, the blowback against the \textit{Roe v. Wade} ruling and the legalization of abortion was an expansion of a movement that had already begun. Groups were identifying themselves as “pro-family” prior to 1973, but increasingly added the right to life cause as part of their platform after \textit{Roe}.

In the early 1970s, more anti-abortion activists began to organize on a national level.\textsuperscript{32} Their organization mimicked STOP ERA, with local groups coordinating efforts to fight abortion

\textsuperscript{28} Critchlow, 248. 281.
\textsuperscript{29} Ibid, 220.
\textsuperscript{30} Ibid, 229.
in the United States. The National Right to Life Committee (NRLC) worked with anti-abortion groups in each state and in different cities across the United States. The National Conference of Catholic Bishops (NCBB) initiated the creation of the NRLC. These groups that were apart of it attempted to oppose abortion locally through lobbying, and later, protest. The grassroots nature of the organization helped it spread the movement’s message. Additionally, the grassroots campaigns during the late 1970s and early 1980s resulted in the election of anti-abortion politicians to the Senate and the House of Representatives.

Anti-abortion organizations under the National Right to Life Committee actively campaigned against politicians who supported abortion, regardless of their stance on other issues. For example, in 1978, Iowans for Life targeted Senator Dick Clark, who had consistently voted against a Human Life Amendment. They campaigned for Roger Jepsen, a supporter of a Human Life Amendment. Before the election, the Iowans for Life circulated three hundred thousand flyers that implored people to vote for Jepsen. The flyer had an image of a fetus, with a picture of an abortion clinic’s services. It was accompanied by the tagline “See Why This Little Guy Needs Your Help.” These flyers were specifically distributed to churches. Additionally, Iowans for Life established a Political Action Committee (PAC), which legally permitted them to run and fund political campaigns.

Jepsen won in Iowa in 1978 even though Clark was predicted to win. Although the actual influence of Iowans for Life on voters is unknown, Iowans for Life took responsibility for the victory. Eventually, news about their success reached other anti-abortion organizations. These

33 Risen and Thomas, 20.
34 Blanchard, 62.
35 Gorney, 330.
36 Ibid, 332.
37 Ibid, 334.
organizations wanted to learn how Iowans for Life influenced the election. In 1979, Carolyn Thompson, a co-founder of Iowans for Life, was asked to run a workshop called “Grassroots Organizing” at the National Right to Life Convention.\(^{38}\) In the workshop Thompson stressed the use of PACs and advocated single-issue voting. She was urged anti-abortionists to vote “Pro-life first, Republican or Democrat second.”\(^{39}\) The move toward single-issue voting was apparent in the 1980 Senate elections. Anti-abortion organizations campaigned for supporters to vote for candidates based on their stance on abortion. For example, in Indiana, Danforth Quayle challenged Senator Birch Bayh in 1980. Throughout the campaign, Quayle highlighted Senator Bayh’s support for abortion. Additionally, conservative groups distributed pamphlets and placed ads in newspapers and on television, which detailed Bayh’s positions on abortion and the Human Life Amendment.\(^{40}\) In the Indiana congressional election and others that year, Republicans used abortion as wedge issue. Republican politicians, such as Quayle, stressed their anti-abortion position and highlighted their Democratic opponents support of abortion. Through their campaigning and emphasis on abortion, they wanted to divide the Democratic Party and gain the votes of Democrats who were against abortion.\(^{41}\)

During this time, some anti-abortion activists ran for office because they believed their views were not being represented. For example, Ellen McCormack, a Catholic housewife from Long Island, ran for President and sought the Democratic nomination.\(^{42}\) A mother of four

\(^{38}\) Ibid, 330-331.
\(^{39}\) Ibid, 333.
children and a grandmother, McCormack co-founded the Right to Life Party in New York in 1970 to oppose the state’s abortion laws. At the time, women could legally obtain an abortion in New York before twenty-four weeks, with the consent of a physician. After Roe and the legalization of abortion in America, McCormack decided to run for president in 1976.

McCormack was a single-issue candidate whose election platform was based solely on her opposition to abortion. Her presidential campaign was an example of the continuation of the grassroots strategy that characterized the STOP ERA movement. She also voiced the isolation that STOP ERA participants had felt and stated that the Supreme Court’s ruling in Roe did not represent the views of the majority of American women. McCormack claimed that, “the feminists have convinced politicians they represent all women. But I am a woman too.” She also stated, “I think we are teaching mothers it is more prestigious to work than be home with their children.” Through her statements, McCormack aligned her anti-abortion cause with the pro-family and anti-feminism movements. She believed many politicians did not publicly oppose abortion because feminists pressured politicians to support abortion laws. She admitted that she ran because she “[didn’t] see anyone on the ticket I could vote for. If the right to life issue is at the bottom of their priorities, I cannot support them.” McCormack thought the other candidates did not have strong platforms against abortion.

44 Gorney, 93.
45 Bernstein, "Anti-Abortion Candidate for President."
47 Ibid.
48 Ibid.
49 Bernstein, "Anti-Abortion Candidate for President."
After the election, McCormack commented on her campaign and stated that she ran because “a traditional woman had to do something untraditional” to protest abortion. Through her statement, McCormack expressed her belief that in order to protect her family values, she had to run for President to draw attention to her cause. She entered politics because of her opposition to abortion and through her campaign, encouraged others against abortion to base their politics on their anti-abortion stance. Overall, McCormack’s campaign encouraged single-issue voting against abortion.

During the early 1970s, the anti-feminist movement fought against the ERA and expressed their commitment to traditional values. The movement appealed to women who felt isolated by the feminist movement and encouraged them to become involved in the political process to protect their beliefs. After Roe, women who supported traditional values voiced opposition against abortion. Antiabortion activists, such as Ellen McCormack, believed they needed to voice their opposition to Roe. McCormack’s decision to run for president depicted her commitment to the antiabortion cause. McCormack participated in the political process to protect her traditional values; therefore, her campaign was part of the anti-feminist movement and a reaction to Roe. Furthermore, McCormack’s presidential campaign was based solely on her opposition to abortion depicted was an example of single-issue politics. In the future Presidential elections, Republicans would try to gain support of the single-issue voters who opposed abortion.

The next chapter will address the Republican Party and their adoption of the anti-abortion issue as part of their conservative identity in order to court single-issue and Catholic voters.

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Chapter 2: Republican Party Reorganization and American Identity

In 1969, when Richard Nixon began his first term as president, the majority of Catholics were Democrats.\(^1\) Nixon believed that he needed to gain the support of Catholic Democrats to win a second term. He began to change his stance on family planning policies, which were policies that addressed birth control, sterilization and after *Roe* in 1973, included abortion.\(^2\) Republican candidates after Nixon adopted his strategy and successfully gained the votes of Catholic Democrats and Evangelical Protestants. These Republican candidates capitalized on Catholic voters’ anti-abortion beliefs and their desires for a party that represented their beliefs. In 1976, the Democratic Party expressed support *Roe*; as a result, Catholic voters who opposed abortion felt alienated and sought candidates who shared their view.\(^3\) As mentioned in the previous chapter, many anti-abortion activists began to support candidates based on their opposition to abortion. In order to keep Catholic voters’ support, Republicans followed Nixon’s example and decreased funding for family planning. However, the inability of these Republicans candidates to overturn *Roe* frustrated anti-abortion activists, and some turned to violence.

In the 1960s and early 1970s, both Republicans and Democrats expressed support for family planning policies.\(^4\) President Richard Nixon initially supported family planning; in 1970, the beginning of Nixon’s first term, Congress passed the Family Planning Services and

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\(^4\) Critchlow, 3, 6-7.
Population Research Act. The Act supported state family planning programs, allocated $382 million for family planning programs, and also created additional federal funding for contraception. The Act also ordered the creation of the Commission on Population Growth and American Future to consider family planning strategies that would promote population control.

In order to gain the support of Catholic Democrats and secure their votes for a second presidential term, Nixon and his advisors believed he needed to express personal opposition toward abortion and change his position on family planning policies. In 1971, Nixon stated that he thought abortion was “an unacceptable form of population control.” Furthermore, when the Commission on Population Growth and American Future issued its report in 1972 and recommended more lenient abortion laws, Nixon denounced their conclusions. In the 1972 election, Nixon won more Catholic votes than his Democratic opponent, George McGovern, who supported more lenient abortion laws. Nixon also became the first Republican in American history to gain the majority of Catholic votes in a presidential election. Through his victory, Nixon’s strategy to win the Catholic vote seemed effective.

When Nixon ran for reelection, antiabortion activists were successfully campaigning to repeal the state abortion reform laws modeled after the American Law Institute’s Moral Penal Code. Nixon gave his support to these movements. In 1972, he sent a letter of support to

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5 Critchlow. 6-7.
6 Ibid, 85, 91.
7 Ibid, 91,148.
8 Williams, 517.
10 Critchlow, 149.
11 Williams, 523 ,520.
12 Ibid, 523.
13 Ibid, 523-534;
Terence Cardinal Cooke who was fighting New York’s reform abortion law. In 1971, when he stated his personal views on abortion, Nixon also noted “Historically, laws regulating abortion in the United States have been the province of states, not the Federal Government. That remains the situation today, as one state after another takes up this question, debates it and decides it. That is where the decisions should be made.” Anti-abortion activists were focused on their state abortion laws and wanted to establish narrow and limited conditions for women to obtain an abortion. Therefore, Nixon’s expression of personal opposition to abortion and decreased support of family planning was sufficient to gain the support of Catholic voters because abortion laws were regulated on a state level. Nixon gave his support for the campaigns to create stricter abortion laws, but did not intend to interfere with the states’ abortion laws. However, after the Roe ruling legalized abortion and overturned abortion laws in many states, abortion laws became a federal issue. The Roe ruling legalized abortion in the United States and only allowed states to create regulations in the second and third trimesters of pregnancy. Consequently, anti-abortion activists who sought to overturn Roe, now wanted a president who promised to re-criminalize abortion.

Gerald Ford encountered difficulties in his 1976 presidential campaign because of the Roe ruling and anti-abortion activists’ desire for a president who was firmly against abortion. During the 1976 election, abortion emerged as a wedge issue because the Democratic Party’s platform supported the Roe ruling, and consequently, isolated Catholic Democrats. However, Ford was unable to capitalize on the issue because opponents of abortion did not trust him. After

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14 Critchlow, 171.
16 Critchlow, 171.
17 Roe v. Wade, 410 U.S. 113 (1973)
18 Williams, 528.
the *Roe* ruling, Ford, who was the minority leader of the House of Representatives at the time, supported a constitutional amendment that would reverse *Roe* and give states back the power to decide their laws on abortion and its legalization.\(^{19}\) In his 1976 presidential campaign, Ford maintained his position on abortion and support for a constitutional amendment that would give states the ability to control their abortion laws.\(^{20}\) However, anti-abortion activists now wanted a complete ban on abortions in America. They believed that abortion was murder and was not justified in any circumstance.\(^{21}\) Therefore, they were unsatisfied with Ford’s position. Furthermore, they believed Ford was not reliable because in 1976, he vetoed the Hyde Amendment, which prohibited federal funding for abortion.\(^{22}\)

In 1980, Ronald Reagan ran for President against Carter and took a strong position against abortion. In 1967, when Reagan was governor of California, he signed an abortion reform bill into law.\(^{23}\) When he ran for president in 1980, Reagan persuaded conservative leaders that he regretted signing the California abortion reform bill into law.\(^{24}\) He endorsed a human life amendment that would overturn *Roe*.\(^{25}\) During his election campaign, Reagan sought the endorsement of the Moral Majority, which was an organization of Evangelicals.\(^{26}\) Jerry Falwell, an Evangelical minister, founded the Moral Majority and through the organization, was able to organize Evangelicals into a political force.\(^{27}\) Evangelicals were attracted to Reagan’s social

\(^{19}\) Williams, 524-525.  
\(^{20}\) Ibid, 527.  
\(^{21}\) Ibid.  
\(^{22}\) Critchlow, 202.  
\(^{25}\) Williams, 533.  
\(^{26}\) Risen and Thomas, 129.  
\(^{27}\) Ibid, 127-129.
conservatism and in the 1980 election, six million Evangelicals, who were previously Democrats, became Republicans. The National Right to Life Committee PAC also endorsed Reagan. These groups supported Reagan because he convinced them that he shared their conservative values. Unlike Ford, Reagan was able to take advantage of the wedge that the abortion issue formed in the Democratic Party because he firmly denounced abortion and a human life amendment.

As president, Reagan did support antiabortion legislation and policies, which also threatened family planning. During Reagan’s administration, the Adolescent Health Services and Pregnancy Prevention Care Act was restructured into the Adolescent Family Life Act. The new Act banned funding for organizations that dealt with abortion, included religion in family planning, forced family planning programs to emphasize abstinence before marriage and support adoption as an alternative to abortion. These policies reflect Catholic doctrine, which denounces birth control and abortion. Furthermore, these policies were an attack on abortion and sex education.

Additionally, Reagan’s administration targeted Planned Parenthood. In 1942, Margaret Sanger founded Planned Parenthood. Through Planned Parenthood clinics, Sanger wanted to provide women with access to information about birth control and how to control their reproductive health. After abortion became legal, Planned Parenthood began to offer abortions. Reagan’s administration created the “gag rule,” which prohibited federal funding of

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28 Ibid, 130.
30 Critchlow, 212.
31 Ibid, 213.
32 Ibid, 14.
organizations that provided abortions or discussed abortion as an option. Therefore, Reagan expanded on Nixon’s abandonment of family planning programs. He also sought to redefine family planning; instead of providing women with birth control, the Reagan administration emphasized abstinence as a way to control reproduction.

_Connection with American Identity and Stirred to Action_

In speeches and publications, Republican candidates emphasized a connection between American values and the anti-abortion movement. Before _Roe_, Americans who opposed abortion based their religious beliefs or professional interests. As mentioned in the Introduction, the American Medical Association successfully campaigned to criminalize abortion because they wanted to eliminate the competition from midwives and others who performed abortions. Additionally, Catholics organized most of the campaigns to reverse reform state abortion laws during the 1970s. After _Roe_, opponents of abortion also began to defend their respective beliefs as part of their American identity.

In 1983, Reagan wrote an article entitled “Abortion and the Conscience of a Nation,” which was published in the _Human Life Review_. In the article, Reagan described his opposition to abortion because of his religious beliefs. However, he also discussed how he and other Americans opposed abortion because it conflicted with their American values. He declared,

“we cannot survive as a free nation when some men decide that others are not fit to live and should be abandoned to abortion or infanticide. My Administration is dedicated to the preservation of America as a free land, and there is no cause more

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33 Ibid, 213.
34 Risen, 8-9.
important for preserving that freedom than affirming the transcendent right to life of all human beings, the right without which no other rights have any meaning.”

In this statement, Reagan connected the American value of freedom with opposition to abortion. He noted that he and other Americans who protested abortion were upholding the country’s moral foundation because they were fighting for the freedom and life of the fetus. Throughout the article, Reagan reiterated his belief that the anti-abortion movement upheld American ideals.

In the article, Reagan claimed the Supreme Court ruling in *Roe* “has by no means settled the debate” about abortion. Reagan argued that *Roe* must be challenged because it was a “continuing prod to the conscience of the nation” and a test of America’s morality. Through his statements, Reagan identified abortion as a threat to American Society. Furthermore, Reagan’s argument can be interpreted as a rejection of the “right to privacy,” a defining aspect of *Roe*. His argument suggests that abortion cannot be a private decision because it involves the “sanctity of life” which is a concern of all Americans. Additionally, Reagan declared, “As a nation today, we have not rejected the sanctity of human life. The American people have not had an opportunity to express their view on the sanctity of human life in the unborn. I am convinced that Americans do not want to play God with the value of human life.” Through this statement, Reagan asserted that the Supreme Court’s ruling in *Roe* did not represent the views of the majority of Americans. He also concluded that most Americans respect the life of the fetus and want to protect it.

Throughout the article, Reagan emphasized his anti-abortion position and associated it with his belief in traditional American values.

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36 Ibid, 1
37 Ibid.
38 Ibid, 4.
Other anti-abortion advocates also expressed the ideas that Reagan discussed in “Abortion and the Conscience of the Nation.” In 1989, Nellie Gray, the president of March for Life at the time, and Robert Dornan, a Representative from California, participated in Abortion: An Issue Forum, a television panel with Eleanor Smeal, the former head of National Organization for Women, and Faye Wattleton, the president of Planned Parenthood. During the heated debate, the participants voiced their opposing views on abortion. Early in the debate, Gray declared, “Abortion is not legal. It has never been and it never will be. It is a crime against humanity.” Gray believed the legalization of abortion through Roe v. Wade was invalid. Later on during the debate, she states that abortion can never be legal, and has only been “decriminalized.” Gray’s comments indicate her dismissal of the Supreme Court’s ruling and her belief that the Supreme Court did not have the power to make abortion legal. Gray’s remarks were similar to Reagan’s comments on the Supreme Court in his article; both rejected the Roe ruling and emphasized the fetus’ right to life.

After discussing her support for abortion, Wattleton remarked, “This is America. We believe in privacy. This is not Russia.” During the debate, Gray exclaimed, “This is America and we are going to save the babies.” Both sides of the debate wanted to align their beliefs with the identity of America. Anti-abortion groups seemed to reiterate the idea that people who were against abortion were true Americans, tied to traditional values. Politicians other than Reagan also encouraged this view and capitalized on it to gain support. For example, at a 1990 rally against abortion in Washington D.C., one attendee commented that “We’re Americans-simple,

moral people” who fight for their beliefs. Vice President Dan Quayle, who was at the event, declared, “The pro-life movement is the humanitarian movement of our time.”

These statements were particularly effective because of anti-abortion activists’ conceptions of the fetus. Anti-abortion activists fought for their belief that the fetus was completely innocent and had to be protected in all circumstances. After Roe, there were campaigns to pass a Human Life Amendment to acknowledge the fetus as a person under the Constitution and consequently, legally ban abortion as murder. In the Roe opinion, Blackmun noted that if the fetus were found to be a “person,” it would be protected under the Fourteenth Amendment. Antiabortion activists believed a Human Life Amendment would undermine the Roe v. Wade ruling, which stated the fetus was not considered a person under the Constitution.

However, in the early 1980s, efforts to pass a Human Life Amendment and other legislation revealed tensions. In early 1981, Senator Jesse Helms introduced a Human Life Bill into Congress, surprising anti-abortion groups, such as the National Right to Life Committee, who wanted an amendment to the Constitution. Some anti-abortion groups favored the Human Life Bill because it stated that life began at conception, and if it passed, it could stop abortion throughout the country. Additionally, it seemed more likely to pass than a Human Life Amendment.

While anti-abortion groups debated the Human Life Bill, Senator Orrin Hatch introduced a Human Life Amendment, which would give individual states the power to decide abortion laws. Under the Hatch Amendment states would have been able to pass laws that allowed

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41 Ibid.
42 Roe v. Wade, 410 U.S. 113 (1973)
43 Gorney, 352.
abortion or banned it. Hatch’s Human Life Amendment was criticized by some anti-abortion organizations that believed it sanctioned abortion, under the condition that states could regulate it. They thought it compromised their position that abortion was wrong and could not be permitted in any circumstances. However, some anti-abortion groups, such as Pennsylvanians for Human Life, supported the Hatch Amendment because they wanted to save as many fetuses as they could. They believed that if the Amendment passed, some states would ban abortion and fetuses, which would have been aborted, could now be saved.

The conflict also represented anti-abortion groups’ frustrations with their lack of legislative success. Although politicians who supported anti-abortion legislation were being elected and expressed their intentions to campaign for abortion restrictions, the process was slow and often unsuccessful during the late 1970s. During this time, new anti-abortion groups emerged with the goal of physically protesting abortion. These abortion opponents participated in direct action against abortion, which were physical efforts to intervene and try to prevent abortions. They believed abortion was destroying America and “would deteriorate society’s morality.” These activists thought that abortion placed the interests of individuals over the right to life, which threatened society. Their view that abortion violated the morality and threatened America is similar to Reagan’s arguments against abortion in “Abortion and the Conscience of a Nation.” Their ideas of American values, coupled with their belief that abortion was murder

44 Gorney, 356,358.
49 Ibid, 231.
50 Ibid.
created a sense of urgency among these protestors. At first, these groups conducted peaceful sit-ins at abortion clinics to express their opposition toward abortion. However, the groups later became more aggressive in their strategies and participated in blockades of abortion clinics, harassment of clinic workers, bombings and other acts of terrorism.\textsuperscript{51}

In early 1987, Fundamentalist Protestant Randall Terry founded Operation Rescue, an anti-abortion protest organization. He criticized the mainstream pro-life organizations and political lobbying as ineffective.\textsuperscript{52} Members of Operation Rescue participated in blockades and sit-ins of abortion clinics around the United States. Terry began to target specific cities with abortion clinics and conducting extended protests. For example, Operation Rescue held protests in Wichita, Kansas from mid-July 1991 to early August.\textsuperscript{53} They referred to the protests as the “Summer of Mercy.” The organization also turned to more aggressive tactics and had confrontations with the Wichita police. Eventually, some people who protested in Operation Rescue demonstrations became more radical and believed that killing abortion providers was the best way to stop abortion.\textsuperscript{54}

Before \textit{Roe}, President Nixon was already withdrawing his support of family planning because he wanted to appeal to Catholic voters. After the \textit{Roe} ruling, Catholic voters felt increasingly isolated by the Democratic Party. Republicans capitalized on \textit{Roe} and the abortion issue. The Republican Party changed their platform in order to appeal to single-issue voters. In their rhetoric, they connected abortion to the degradation of American society. However, their inability to overturn \textit{Roe} and appease their single-issue voting bloc resulted in anger and violence from antiabortion activists toward abortion supporters and providers.

\textsuperscript{51} Blanchard, 53.
\textsuperscript{52} Risen and Thomas, 131.
\textsuperscript{53} Ibid, 324-331
\textsuperscript{54} Ibid, 275.
The next chapter will address the legal attacks against providers and changing perceptions of women’s health.
Chapter 3: Attacks on Abortion Providers and Women’s Health

After the *Roe v. Wade* ruling, the anti-abortion movement targeted abortion providers. As mentioned in the precious chapter, anti-abortion activists were frustrated because their political strategy to overturn *Roe* was unsuccessful. Some organizations, such as the Americans United for Life, campaigned for legal restrictions on doctors and clinics to limit access to abortion.\(^1\) Americans United for Life justified the restrictions as medical and necessary to protect women. Other anti-abortion organizations, such as Operation Rescue, decided to physically protest abortions and conducted sit-ins and blockades at clinics. Additionally, some radical anti-abortion activists threatened and killed doctors who performed abortions. Through their efforts, anti-abortion organizations tried to stop doctors from performing abortions. These actions against clinic providers and doctors are an example of the blowback of *Roe*. Furthermore, anti-abortion organizations also attacked the reputation and expertise of doctors. In the *Roe* opinion, Justice Harry Blackmun emphasized the role of doctors in abortion and their right to make professional decisions regarding abortion and their female patients.\(^2\) Consequently, anti-abortion activists and organizations tried to cast doubt on the intentions and professional expertise of doctors. Through their efforts, they wanted to discredit one of the defining arguments of the *Roe* opinion. However, legislation and attacks against providers also reveal other social tensions in society. For example, in 1974, the trial of Dr. Kenneth Edelin revealed racial tensions in Boston.

In April 1974, Dr. Kenneth Edelin was indicted for manslaughter after he performed an abortion on a 17-year-old patient at Boston City Hospital (BCH). The fetus he removed was estimated to be 20 weeks old. The prosecution alleged that Dr. Edelin had committed

\(^2\) *Roe v. Wade*, 410 U.S. 113 (1973)
manslaughter because he did not try to save the life of the fetus. Newman Flanagan, the Assistant District Attorney of Boston argued the case against Dr. Edelin.

After Roe v. Wade, the anti-abortion laws in Boston were declared unconstitutional; therefore, when Dr. Edelin was charged in 1974, there were no abortion laws in Boston. Before the Roe ruling, women in Massachusetts could legally have an abortion if the pregnancy was dangerous to their health; however, it required the approval of a committee at the hospital. In 1972, the state attempted to adopt an amendment that would recognize life at conception and grant “every child, from the moment of conception, the rights of all citizens.” This amendment would have banned abortion completely. However, before it could pass through the legislature, the Supreme Court ruled on Roe v. Wade and legalized abortion in the United States.

Massachusetts’ strict opposition toward abortion laws reflected the state’s stance toward reproductive rights. In the early 1970s, the state also had laws that prohibited the use of birth control. In 1967, Massachusetts changed its laws and made birth control legal for married couples; however, it was still illegal for unmarried couples. The Massachusetts laws that restricted birth control use were overturned a year before the Roe ruling, in 1972 through the Supreme Court ruling in Eisenstadt v. Baird.

Even though there were no abortion laws in Boston in 1974, the District Attorney’s office wanted to legally fight against abortion. They claimed that Dr. Edelin had killed a viable fetus

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4 Ibid, 32.
and charged him with manslaughter. Throughout the trial, Flanagan emphasized that it was not about abortion or fetal rights. However, the focus of the trial was on the fetus and proving that it had lived. Furthermore, before they charged Dr. Edelin with manslaughter, the District Attorney’s office was investigating scientific research at BCH that involved aborted fetuses. When they indicted Dr. Edelin, they also charged four other doctors who had conducted the research. The DA’s office claimed that the doctors broke a 19th century law against grave-robbing that prohibited “the carrying away of human bodies or remains for the purpose of dissection.” These charges insinuated that the fetus was a person. Eventually, the charges against the other doctors were dropped, but Dr. Edelin’s case went to trial. Through the charges, it was apparent that the trial was intended to answer the question of when life begins.

In his memoir *Broken Justice*, Dr. Edelin noted that there were similar charges of manslaughter against doctors in other states, but they did not go to trial. Dr. Edelin concluded, “Boston was the only city where white, Catholic men wielded enough power to ignore the Supreme Court decision.” At the time in Boston, parents were trying to prevent school integration. As they fought to keep the education system segregated, white Catholic citizens of Boston attempted to keep their social and political dominance. Boston citizens viewed the imposition of federal law on their local politics and education system as intrusive and unjust.

Through Dr. Edelin’s trial, Boston politicians were able to challenge the legalization of abortion in *Roe v. Wade*, an unpopular ruling among the Catholic majority in the city. In his memoir, Dr.

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10 Ibid,117.
Edelin noted how the trial reflected city politics and tensions. Furthermore, he emphasized the thick Irish accents of Flanagan and others people from the prosecution side in order to highlight their cultural motivations.

Dr. Edelin, a black man and talented physician, represented a threat to the class system in Boston. At BCH, Dr. Edelin was the first black man to become chief resident. During the trial, the prosecution questioned Dr. Edelin’s expertise and skill as a physician. However, Dr. Edelin quickly realized that the prosecution was also challenging medical professional’s ability to perform abortions. Dr. Edelin remarked that “To Flanagan, I was every doctor who every performed an abortion. I was Roe v. Wade.” In his memoir, Dr. Edelin described his career and how he decided to perform abortions because he thought women should have control over their health. Dr. Edelin was influenced by his personal experiences with abortion. In 1962, when he was in his twenties, Dr. Edelin’s girlfriend became pregnant. Dr. Edelin and his girlfriend were both not ready to be parents and sought to end the pregnancy. At the time, Dr. Edelin and his girlfriend had difficulty getting an abortion because it was still illegal. Dr. Edelin and his girlfriend lived in Massachusetts at the time, but were forced to travel to New York City to obtain an abortion. In his memoir, Dr. Edelin described his fear of getting arrested, how expensive the abortion was, and his girlfriend’s physical pain and discomfort afterwards.

Dr. Edelin’s personal experiences helped shape his views on women’s health and abortion. He believed that “women who suffered most when abortion was illegal were poor women and black women.” His views on women’s health inspired him to perform abortions at BCH and to work at the Florence Crittenden Home in Boston, a clinic that served pregnant

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12 Edelin, 50.
13 Ibid, 165.
15 Ibid, 47.
teens. In his memoir, Dr. Edelin stated that he “knew, as did my patients, that we were not only terminating the pregnancy, but life of the embryo or fetus.” Dr. Edelin was not desensitized to the effects of abortion, but he believed it provided women options when they could not support children or had been sexually abused. Consequently, Dr. Edelin was considered a radical threat to the ideas that defined Irish Catholic Boston because of his race, professional status and willingness to perform abortions.

Dr. Edelin’s trial was influenced by tensions of race and class. The jury for the trial was all white, with twelve Catholics. Furthermore, the jury members were not medical professionals, and one juror admitted that the jury members had never seen a fetus before the trial. Therefore, during the trial, the jury was easily swayed when they were introduced to a graphic picture of the aborted fetus. In his closing remarks, Flanagan said that the fetus, an “independent human being,” had rights and “no one has the right to take it away from him. Not even a docktah.” Flanagan also told the jury “The fact that the defendant in this case happens to be a docktah shouldn’t be to his advantage or to his detriment. You should not use the fact that he is a docktah to be prejudiced for or against him.” He also noted that “We are a land of laws, and all must abide by that. Whethah it is a back street, white collah or white coat killing, you must make that determination.” Through his statements, Flanagan warned the jurors to doubt Dr. Edelin’s medical testimony, regardless of his professional status. Furthermore, Flanagan wanted the jury to believe that doctors should be held accountable for abortions. Additionally,
his closing statements rejected Harry Blackmun’s arguments in the Roe opinion, which addressed abortion as a medical procedure that should be left to doctors’ discretion. Flanagan argued that abortion was murder and doctors were not exempt from murder prosecution, regardless of Roe. Through the trial, Boston officials wanted to demonstrate that the Supreme Court legalized abortion through Roe, but they could not legitimize abortion and change anti-abortion activists’ beliefs.

The jury found Dr. Edelin guilty of manslaughter. Afterwards, John Kelly, a juror for the trial, admitted that he “believ[ed] the majority thought Dr. Edelin was a good doctor…but thought he was really unconcerned about whether the fetus was alive.”24 Throughout the trial, the emphasis was placed on the fetus and whether it had lived. The jury never learned about Dr. Edelin’s patient, the mother of the fetus, and she did not testify. The omission of the mother depicted her separation from the fetus in the minds of the public; the life of the fetus was the focus of this trial and the mother’s situation was considered irrelevant. The jurors found Dr. Edelin guilty because they felt he did not care properly for the fetus; however, their decision was greatly influenced by the image of the fetus that they saw. The image of the fetus played on the jurors’ sympathies and fears regarding abortion.

The guilty ruling was eventually overturned on appeal. However, Flanagan benefited politically from this case and became the District Attorney. Dr. Edelin believed that Flanagan pursued the case because of his political ambitions; through the trial, Flanagan wanted to show Boston that he was going to try to prevent racial integration and abortion. Boston’s support for Flanagan’s views and actions during the trial was apparent through his subsequent professional success.

24 Ibid, 337.
In Dr. Edelin’s case, issues of women’s health became involved in tensions of race and class. The case also presented questions about the role and motivations of doctors in abortion. Through his work as a doctor, Dr. Edelin wanted to help women control their reproductive health. Dr. Edelin was especially concerned with poor black women because he believed that their access to proper health care was limited because of their race and socioeconomic status.25 He performed abortions because he “understood the impact that an unwanted pregnancy could have,” but admitted “they were never easy for me.”26

Dr. Edelin’s reasons for performing abortions directly conflicted with assertions made by Dr. Bernard Nathanson and other anti-abortion activists, who claimed that doctors who performed abortions were only motivated by money. Dr. Nathanson had originally been a supporter of legalized abortion and was one of the co-founders of National Association for Repeal of Abortion Laws (NARAL).27 He had supported the legalization of abortion because of a personal experience that was similar to Dr. Edelin’s. When he was still a student in medical school, Dr. Nathanson’s girlfriend became pregnant and was forced to have an illegal abortion.28 He also witnessed the dangers of illegal abortion when he worked as a doctor. After abortion became legal, Dr. Nathanson ran an abortion clinic in New York. However, he eventually changed his mind about abortion and became an outspoken critic of it.

In 1984, Dr. Nathanson narrated The Silent Scream, a short video that shows an abortion of a fetus on a sonogram video.29 In the video, Dr. Nathanson tries to show that a fetus feels pain

26 Ibid, 32.
like a baby. He alludes to the title of the film in his narration by pointing to the sonogram during the abortion and describing how the “child’s mouth opens in a silent scream.”30 After the sonogram video, Dr. Nathanson discusses abortion in America. While he talks, gruesome pictures of fetuses appear on the screen, accompanied by jarring music. In the images, some of the fetuses are dismembered, bloody, and reminiscent of fully developed babies.

In *The Silent Scream*, Dr. Nathanson emphasized the experience of the fetus and claimed that the fetus feels pain. However, other medical sources disputed Dr. Nathanson’s claims that the fetus feels pain.31 Several times during the film, Dr. Nathanson describes the fetus as “indistinguishable” from human beings. Since *Roe*, anti-abortion organizations used graphic images of the fetus to defend its personhood. Like the jurors from Dr. Edelin’s trial, many people who viewed *The Silent Scream* had never seen such images were shocked when they saw bloody fetuses and individual fetal body parts. They were horrified a legal medical procedure could produce such results. Furthermore, anti-abortion activists often used images of fetuses that were very similar to fully developed babies, which made the abortion procedure seem extremely cruel.

During the film, Dr. Nathanson claims that the availability of abortion “has created an industry in this country of $500-600 million dollars” and that “90% of these monies are going into the pockets of physicians.”32 Earlier in the film, Dr. Nathanson states “the abortionist and anesthesiologist have a secret language between them, which shield them from the grisly reality of what is going on.” In his memoir, *Aborting America*, Dr. Nathanson described his own personal experience performing abortion and how “one forgets in listening to the numbers that

30 Ibid.
32 The Silent Scream.
these are human bodies, mutilated in appalling automotive disasters.”

He noted his own personal desensitization and how he decided to stop performing abortions in 1976.

Through the use of gruesome images and the sonogram video of the fetus, Dr. Nathanson tried to show that the doctors who perform abortions are either desensitized to the procedure or do not comprehend their actions. Furthermore, he states that doctors are profiting the most from the legalization of abortion. Through *The Silent Scream*, Dr. Nathanson wanted to demonstrate that doctors do not value the life of the fetus. He attempted to cast doubt on doctors’ intentions and authority regarding abortion. Additionally, in his memoir, Dr. Nathanson asserted that abortion was not a medical decision and that “physicians have no special moral wisdom to input on such non-medical decisions.” Through his statements, Dr. Nathanson challenged Justice Harry Blackmun argument in the *Roe* opinion that “the abortion decision and its effectuation must be left to the medical judgment of the pregnant woman’s attending physician.” The Supreme Court ruling protected the medical discretion of doctors, an elite and professional group. Dr. Nathanson and other anti-abortion activists attempted to challenge Justice Blackmun’s support of doctors in *Roe* and demonstrate that doctors were not qualified to sanction abortions.

During the abortion depicted in *The Silent Scream*, the female patient is never seen; Dr. Nathanson only mentions women in detail at the end of the film when he describes them as “victims” who “have not been told the true nature of the unborn child” and “have not been shown the true facts of what an abortion really is.” He also accuses “Planned Parenthood and all its coconspirators in the abortion industry of a consistent conspiracy of silence to keep women

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33 Nathanson, 138.
34 Ibid, 247.
36 Roe v. Wade, 410 U.S. 113 (1973)
37 “The Silent Scream.”
in the dark in respect to the true nature of abortion.” As he speaks, the film shows footage of women who are distraught and crying. Through these scenes, the film portrays women as uninformed about abortion. The film also alludes to the idea that women face psychological harm when they undergo abortions, although this assumption was never scientifically supported. Although he described women who had abortions as “victims,” in his memoir, Dr. Nathanson declared that a “woman cannot simply claim that she is in no way responsible for her pregnancy.” Dr. Nathanson assumed that pregnant women who sought abortions were irresponsible with sex and morally dangerous to society. In *The Silent Scream*, Dr. Nathanson also declared “the destruction of a human being is no solution to what is basically a social problem.” Through his comments, Dr. Nathanson demonstrates a rejection of his earlier views about abortion and his personal experience with abortion. He did not find abortion morally reprehensible when his girlfriend obtained one to end an unplanned pregnancy. As he condemns abortion in *The Silent Scream* and in his memoir, he disregards that each abortion could arise from a situation that parallels his own personal experience.

The National Association for Repeal of Abortion Laws (NARAL), which Dr. Nathanson co-founded in 1969 when he supported abortion rights, moved to respond against *The Silent Scream*. The NARAL, which later changed its name to the National Abortion Rights Action League, mounted a campaign in March 1985 to highlight the personal experiences of women

38 Ibid.
who had abortions.42 The campaign, entitled “Abortion Rights: Silent No More,” requested supporters of legalized abortion write letters about their beliefs and personal experiences.

Through the campaign, the NARAL received over 40,000 letters. The letter campaign allowed many women to participate and describe their support for abortion. Nanette Falkenberg, the director of NARAL at the time, stated that the purpose of the campaign was “to get women back into the debate.”43 Through propaganda like The Silent Scream, anti-abortion activists had made the fetus the focus of the abortion procedure. Therefore, the “Silent No More” campaign tried to highlight the women who received abortions and their experiences. Ann Taylor Allen, a supporter of abortion rights and former patient of Dr. Nathanson, questioned, “Why should a fetus be given a voice, even a scream, while the woman in whose body it resides has no voice at all?”44 The campaign encouraged women to express their opinions on abortion and describe how the legalization of abortion impacted their lives.

In 1986, the Right to Choose Education Fund, a pro-choice organization, complied letters from the New Jersey Silent No More campaign into a booklet entitled New Jersey Women Speak Out!45 The back of the booklet included the slogan of the campaign: “we are your mothers, your daughters, your sisters, you friends, and abortion is a choice we have made. Women who have had and will have abortions are everywoman.” Through this slogan and the letters, the NARAL tried to convince Americans that women they personally knew and cared about had abortions.46

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44 Ibid.
45 New Jersey Women Speak Out!, (East Brunswick, NJ, Right to Choose Education Fund, 1986), Rutgers University: Special Collections.
46 Gorney, 402.
The campaign also tried to show that women with different motivations and various backgrounds had abortions.

In the letters, women described the economic, emotional, or career motivations that led them to have abortions. Many of the letter writers emphasized how legal abortions made the process safer, cheaper, and more accessible. For example, Sara N. contrasted her experience with illegal abortion before *Roe* with her daughter’s legal abortion after the ruling. In her letter, Sara N. wrote, “When my daughter made her decision to abort, I was supportive, and her doctor arranged for it in safety and comfort at a local hospital. There was none of the panic and fear that accompanied her abortion as there was mine. There wasn’t the pressure to find someone, anyone, to perform the abortion.” Other letters also highlighted how women had great anxiety and fear when they sought abortions before *Roe*. The letters described unsanitary procedure rooms, incompetent and abusive providers, who charged exorbitant fees and were hard to find. Additionally, some women who had abortions felt isolated and lonely because they were unable to turn to family and friends about their situations. Furthermore, the letters contradicted Dr. Nathanson’s assertion that abortion tried to correct a “social problem.” Many of the letter writers discussed how they tried to practice safe sex but their contraception failed. These women were trying to be responsible and were forced to turn to abortion.

One letter writer described how difficult it was to get an abortion before *Roe*. In her letter, she specifically highlighted how women had to appeal to others for help to avoid pregnancy and forced into demeaning situations because, “…you don’t just seek help, you beg for it from the prone position, throwing yourself on the mercy of a wide variety of characters from scornful or fearful friend-of the family physicians, to street criminals with capricious

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47 *New Jersey Women Speak Out!*,17.
demands.” Furthermore, the writer noted that, “You become an outcast. Your predicament eradicates your pride, your dignity, your personality and, for a time, all joy in living.”48 Through her statements, this letter writer emphasized how illegal abortion prevented women from having control over their reproductive choices. Women who faced unplanned pregnancies had to appeal to others for help. However, when they sought illegal abortion, they faced an unpredictable, stressful, and dangerous situation. The “Silent No More” campaign attempted to emphasize how the legalization of abortion gave women agency and control over their reproductive health and their lives.

Conclusion and Implications

After the *Roe* ruling, anti-abortion activists sought to undermine the arguments presented in *Roe*. They challenged Harry Blackmun’s support for the professional status and autonomy of doctors and attempted to discredit providers. In *The Silent Scream*, Dr. Bernard Nathanson stated doctors were not qualified to make decisions regarding abortions. He also claimed that doctors who perform abortion only care about money and are desensitized to the procedure.¹ In Kenneth Edelin’s trial, Irish Catholics in Boston challenged the Supreme Court’s legalization of abortion and Dr. Edelin’s ability to perform abortions.² However, Irish Catholics in Boston were also upset because the Supreme Court ordered them to de-segregate their schools. These tensions were apparent in the trial against Dr. Edelin, a black physician. Therefore, Irish Catholics in Boston believed the Supreme Court threatened their traditional way of life.

The STOP ERA movement fought for traditional values and families before the *Roe* ruling. After *Roe*, abortion became a main target of the groups who emphasized traditional family life. Opportunistic Republicans, such as Richard Nixon and Ronald Reagan were able to capitalize on *Roe v. Wade*. Both declared their anti-abortion beliefs and gained Catholic votes. These anti-abortion Catholic voters supported candidates solely for their opposition against abortion. Therefore, they became frustrated when abortion remained legal.

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Originally, Nixon and Reagan supported family planning policies or laws. However, after they openly criticized the legalization of abortion, they instituted policies that restricted funding to family planning programs. Furthermore, under Reagan, family planning funds was given to programs that promoted abstinence among teenagers. In *Intended Consequences*, Critchlow noted, “one of the greatest ironies of the success of abortion reform was that it shattered bipartisan support for federal family planning policy and helped take population control off the presidential agenda.” The blowback of *Roe* completely changed ideas and policies of family planning. Margaret Sanger was an advocate for birth control because she believed that women needed to be able to space their pregnancies for their health and economic stability. After *Roe*, Planned Parenthood incorporated abortion into their family planning programs. The Reagan administration cut funding to Planned Parenthood because it provided abortion services. However, the Reagan administration’s policies also decreased support for birth control programs among teenagers; instead, they promoted abstinence sex education among teens. Today, the Republican Party still supports and promotes abstinence only sex education.

In January 2012, the Obama administration announced birth control would be covered under insurance as part of health care reform. This decision resulted in criticism from the Republican Party and the National Conference of Catholic Bishops (NCCB). They opposed the mandate because it requires religiously affiliated institutions, such as Catholic hospitals and

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4 Ibid, 149.
5 Ibid, 212.
universities, to include birth control coverage in their insurance plans. Amid this controversy, Georgetown law student Sandra Fluke participated in a congressional hearing about birth control. Fluke argued that her school, and other private, religious-affiliated institutions, should include birth control in their health plans. Fluke cited the use of birth control to regulate hormones and treat diseases, such as polycystic ovarian syndrome.

Rush Limbaugh, a Republican radio personality, heard Fluke’s testimony supporting insurance coverage of birth control. In response, he attacked Fluke saying:

“‘What does it say about the college co-ed [Sandra] Fluke, who goes before a congressional committee and essentially says she must be paid to have sex?...What does that make her? It makes her a slut, right? It makes her a prostitute. She wants to be paid to have sex. She's having so much sex she can't afford the contraception. She wants you and me and the taxpayers to pay her to have sex.’”

Limbaugh’s comments against Fluke depict his lack of knowledge about women’s health and how birth control pills work. Furthermore, in her testimony, Fluke had focused on the medical uses of birth control to treat disease; she did not highlight its use to prevent pregnancy. Therefore, Limbaugh’s attack against Fluke did not consider her actual arguments. Instead, his comments were an uninformed reaction against a woman speaking publicly about birth control.

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Limbaugh’s reaction revealed anxieties and anger toward women having sex without the intention of becoming pregnant and exerting control over their reproductive health.11

Both Democrats and Republicans criticized Limbaugh’s attack against Fluke. However, the Republicans who criticized Limbaugh expressed their disapproval with his language, not the content of his message. In the past, Limbaugh has referred to feminists as feminazis, because he claims they “are obsessed with perpetuating a modern-day holocaust: abortion.”12 Limbaugh is known for his controversial statements about women. However, regardless of Limbaugh statements, Republican Party members seem unwilling to hold him accountable because they think he represents conservative voters.13 Eventually, Limbaugh apologized to Fluke when he began to lose radio sponsors due to his comments; however, he only apologized for his language, not his argument.14

Additionally, the controversy over abortion and birth control has impacted other issues of women’s health. In January 2012, Susan G. Komen for the Cure, a breast cancer awareness organization, announced they would stop funding Planned Parenthood. There was quickly a vocal backlash against Susan G. Komen. The organization was criticized for politicalizing women’s health.15 The funds that Komen revoked were supposed to be used to provide low-

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income women with free breast cancer screenings.\textsuperscript{16} Susan G. Komen claimed that they stopped funding because of a new policy which prohibited giving funds to organizations under investigation. However, they had stopped funding because of their vice president, Karen Handel’s anti-abortion beliefs.\textsuperscript{17} Eventually, Susan G. Komen reversed their decision and restored funding to Planned Parenthood. In this situation, Susan G. Komen, an organization dedicated to women’s health, failed to consider how their actions would affect women. Instead, the organization let a political agenda influence its decisions.

The blowback of \textit{Roe} has placed abortion on shaky ground. After the ruling, antiabortion beliefs became more associated with pro-family values. Furthermore, the anti-abortion platform became part of the Republican Party identity and has been vehemently defended. The blowback of \textit{Roe} is apparent in the controversy surrounding these issues and the conflicts between the Republican Party and the Democratic Party. The Republican Party maintains the same views on abortion and birth control since Reagan’s administration. Therefore, they protest any changes in birth control law reform. However, the Republican condemnation of all birth control law reforms prevents constructive discourse to improve women’s health. Birth control and abortion need to be viewed and treated as issues of women’s health.

The \textit{Roe} ruling stated that women had the right to abortion; however, after \textit{Roe}, political agendas and anti-abortion arguments have shifted the focus away from women. Consequently, society has yet to reconcile the view of abortion as women’s right and health issue. Instead,

\textsuperscript{17} Laura Bassett “Karen Handel, Susan G. Komen's Anti-Abortion VP, Drove Decision To Defund Planned Parenthood”, \textit{Huffington Post}, February 5, 2012.
abortion is still considered a threat to society. Today, there is still a lingering lack of empathy and understanding for women who seek abortions.
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Visual Sources


