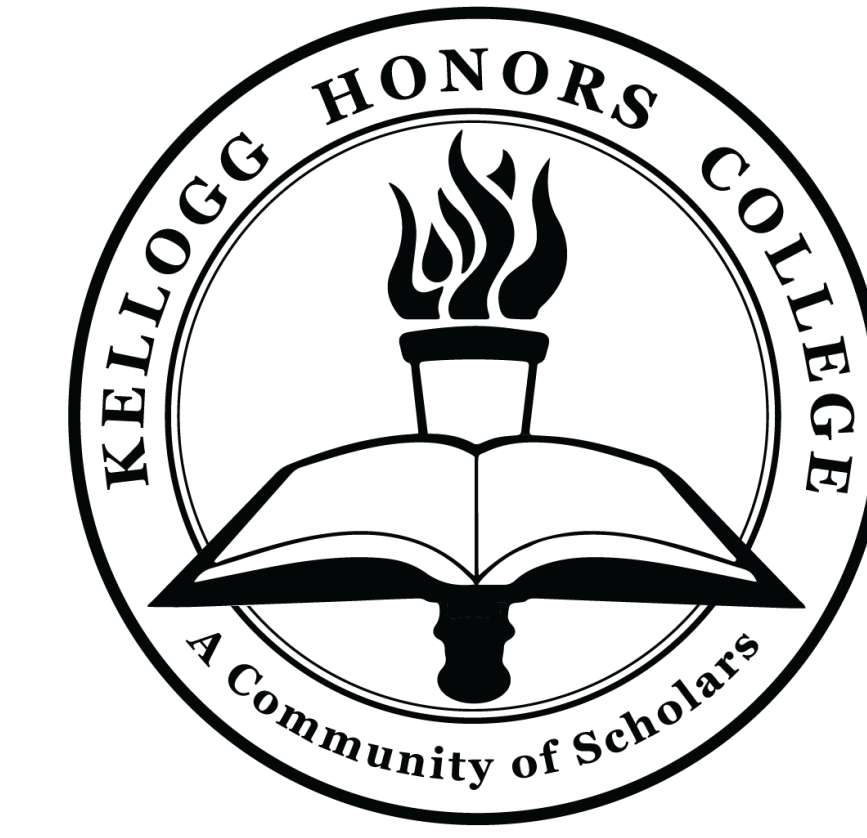




Going on Defense

The Pro-Abortion Movement After Roe and the Rise of Anti-Abortion Movement



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Second Wave Feminism – 1963 to 1989

Second Wave Feminism rose from the Civil Rights Movements in the 1960s. As major movements across the nation began and fought for their rights, women began to speak up too and advocate for themselves. Many groups were formed such as National Organization for Women, Third World Women Alliance, Mexican's Women Commission, and Combahee River Collective. Feminists took on many issues that were related to women such as work place rights, equal pay, reproductive rights, welfare rights, education and many more. Most of these organizations had certain goals and issues they advocated for. These years showcased a lot of reform and growth for women, but the advocacy work still continues today including the fight for abortion.

Hyde Amendment - 1976

Hyde Amendment in 1976 was the first anti-abortion measure passed that help restrict abortion access for women after Roe. The law allows no funding from Medicaid to be used towards abortions. This means abortion is out of reach to anyone who receives insurance from Medicaid or Medicare, which is usually lower-class women and women of color.

Reagan Elected- 1980

Reagan came into office in 1981 and pushed for more conservative policies than Presidents before him. He also appointed four Supreme Court justices. "While in 21st-century America Reagan is widely lionized as one of the nation's greatest presidents, feminists consider him the most antiwoman president of the 20th century" (Welch 83).

Abortion has become a huge politicized issue starting in the 20th century and has a stigma attached to it to this day. For this historical research paper, the terms that will refer to both sides of the abortion issue will be anti-abortion and pro-abortion. These are terms that historians use to showcase the two sides in this debate. These lines of disagreement grew as more abortion rights were given to women during Second Wave Feminism. Abortion is an induced abortion, meaning a pregnancy is ended deliberately, which usually happens in the first 12 weeks of pregnancy. There are two ways of ending a pregnancy, a medical abortion and a surgical abortion. A medical abortion is using prescription drugs to end a pregnancy and a surgical abortion has two different procedures that one can do.

Due to the rise of the anti-abortion movement after the Roe ruling, pro-abortion organizations have been defending the fight for abortion rights. With the help of the media, anti-abortion supporters used the years between Roe and Casey to create and grow their argument and movement. Two pro-abortion organizations, NOW and Planned Parenthood, responded in specific ways to the anti-abortion movement.

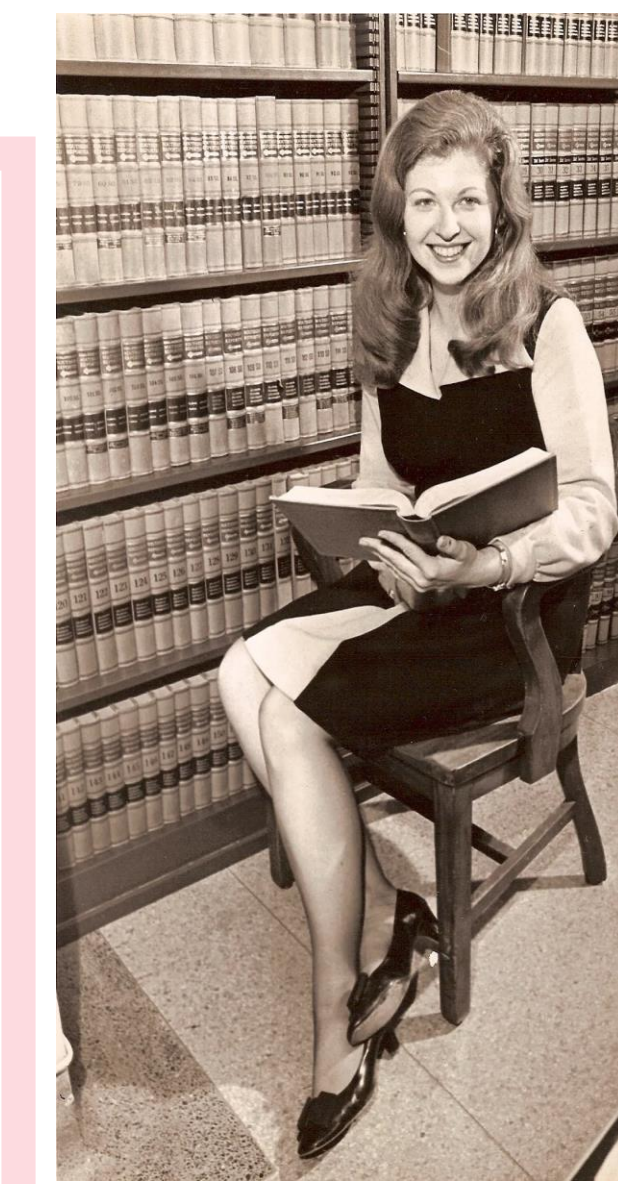


The National Organization for Women - 1966

The National Organization for Women was founded in 1966 at the beginning of Second Wave Feminism. This is large national organization with local offices and organizations. This organization advocated for women's right to have an abortion. This advocacy took off after Roe v. Wade and the organization focused more of its time after the ERA failed to pass in Congress. It can be studied that NOW focused more of their energy on the passage of the ERA but really began organizing national events for abortion rights after the ERA.

Some main actions NOW took against the anti-abortion movement, were bills introduced, and court cases and they carried out multiple abortion rights marches in 1985, 1986, 1989, and 1992. The 1985 march was "Witness for Women's Lives" which protested the Catholic Church's leadership opposition to abortion and conceptions. The following three marches was the 1st, 2nd, and 3rd March for Women's Lives. The 1st march was to "rally in support for the maintenance of existing abortion laws as well as opposition to an anti-abortion amendment to a civil rights bill going through Congress" (The Harvard Crimson 1986). The 2nd march was to influence the Supreme Court when they considering reversing Roe v. Wade in 1989. The 3rd march was in 1992, which was largest United States' civil rights demonstration to date, was to speak out against the Supreme Court decision in Casey. See pictures below from three marches.

Two legal battles that NOW has fought forward was when they filed a civil federal suit against Pro-Life Action League. The second was in 1988 when NOW begins battle with Operation Rescue and founder Randall Terry over blockading and suing clinics.



Roe v. Wade - 1973

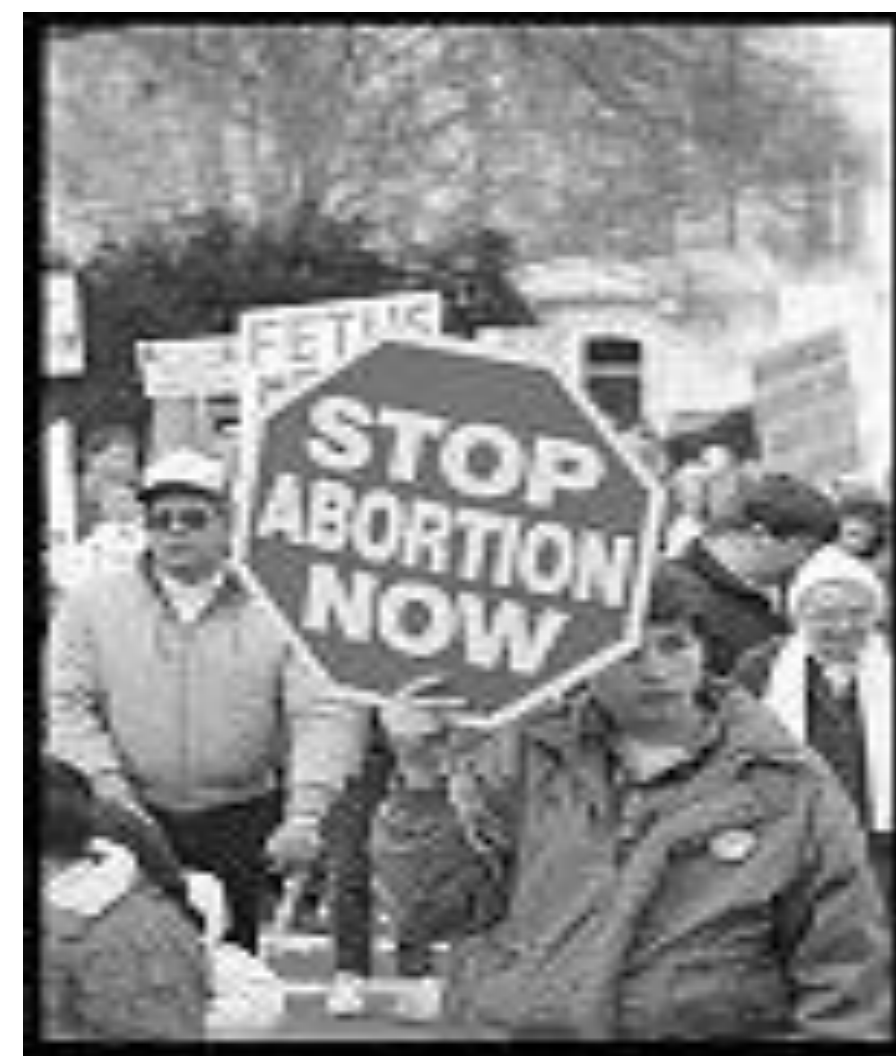
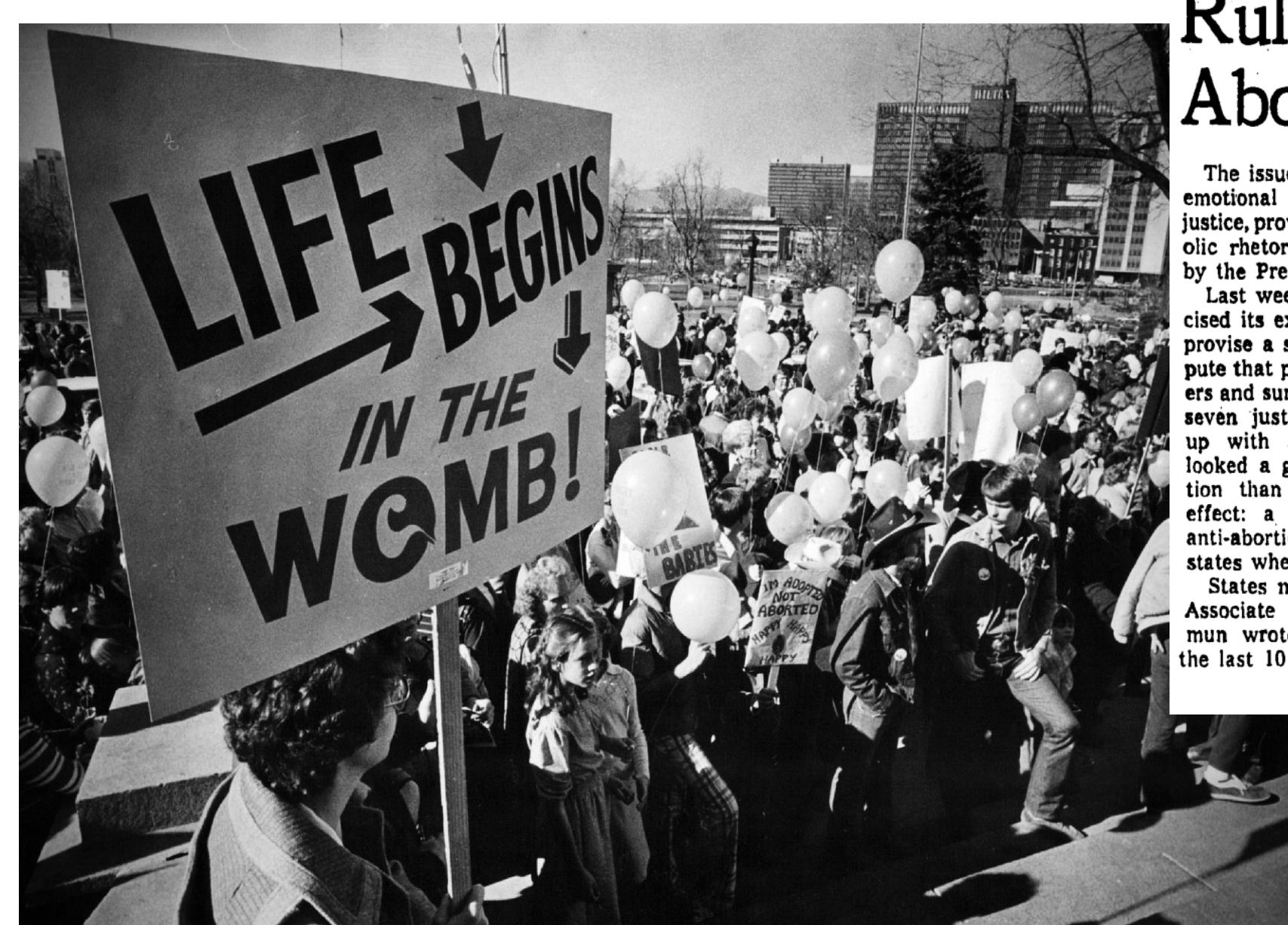
Roe v. Wade is a historically important case for abortion rights. Argued in 1971 and 1972 and decided on 1973, Roe v. Wade secured abortion rights for women until the fetus reaches viability. The 7-2 court ruling was written by Harry A. Blackmun. The decision was determined by the Due Process Clause of the fourteenth amendment which protects against state action the right to privacy and women's right to choose to have an abortion falls under the right of privacy. The advocate for Roe was Sarah Weddington (picture on the left). The New York Times article title showcases how Roe was "Landmark Ruling" and discusses how the ruling "surprised almost everyone." The ruling was a "landmark" because it established that women had the right to themselves to choose whether or not they got an abortion and also Roe bought women's bodies and reproductive rights into the public and they became "everybody's business" in a way they have never been before. (Solinger 186).

The Court Landmark Ruling on Abortion

The issue has been as sensitive and emotional as any in the realm of public policy — even a strong stand by the President himself. Last week the Supreme Court exercised its extraordinary powers to improve a solution to the abortion dispute that pleased some, infuriated others and surprised almost everyone. The seven justices in the majority came up with a three-part formula that looked a good deal more like legislation than adjudication. Its practical effect: a wholesale repeal of most anti-abortion laws in the 46 out of 50 states where they now exist. States may only prohibit abortions, Associate Justice Harry A. Blackmun wrote for the majority, during the last 10 weeks of pregnancy, after

the fetus has become "viable" or likely to survive on its own if prematurely delivered. In the normal course of events, few pregnant women wait that long. Prior to this final two months or so, a state may only attach such regulations to a legalized abortion plan as are designed to protect the health of the mother. And during the first three months, the Court specified, the patient and the doctor are free to determine "without regulation by the state" that an abortion should take place and that determination "may be effectuated . . . free of interference by the state." Politically, the decision flew in the face of President Nixon's publicly expressed opposition to liberalized abortion laws. Yet three of the four justices he had named to the High Court — Warren E. Burger, Lewis F. Powell Jr. and Mr. Blackmun — voted with the majority, which based its decision on the constitutional right to privacy, a concept that has evolved out of the Fourteenth Amendment's guarantee of due process of law. The seven justices rejected the "right to life" theory that the fetus is a person with enforceable legal rights — recognizing only a "potentiality of human life" during the last 10 weeks of pregnancy. Only William H. Rehnquist among the Nixon judges joined Byron R. White in the

Reagan Affirms Anti-Abortion Stand



The Anti-Abortion Movement

The most ardent of those who believe that abortion is murder have enlisted in Operation Rescue, a national campaign to blockade the doors of family planning clinics and force doctors to cancel appointments. During the last month, the New York-based organization has been recruiting troops for a three-day siege at undisclosed Southern California clinics starting today. Some recruits are veterans who have defied injunctions in order to sing, pray or chain themselves to clinic doors in the belief that they must obey what they call higher laws to "rescue children from death."

"The U.S. Supreme Court's latest ruling on abortion rights makes clear that women retain the right to terminate their pregnancies but leaves almost everything else about abortion up for debate" (Jeffery Logan – Sacramento Observer 1992).

Planned Parenthood v. Casey - 1992

Throughout the 1980s, the Supreme Court struck down many cases that questioned Roe's ruling until Planned Parenthood v. Casey in 1992. The case was against Pennsylvania laws which were revised and required informed consent, 24 waiting period, notification to the husband, and parental consent for minors before women were able to receive an abortion. The court's decision was a 5-4 ruling. This is much different than almost thirty years ago to Roe's 7-2 ruling. It is seen how the court has become more conservative over the years. The court's opinion was drafted and authored by three judges: O'Connor (the only woman on the bench), Kennedy, and Souter. Casey did uphold the right to an abortion but it did keep many of Pennsylvania's provisions and only provision that failed was the husband notification requirement. This ruling allowed states to regulate abortions unless it is an "undue burden" such as the husband notification. This ruling is direct impact to the laws we are seeing passed and introduced across the country today.



Planned Parenthood

Planned Parenthood was founded in 1916 and it is a healthcare provider, educator, and advocate. This project will be looking at Planned Parenthood's from the years 1970 to 1992 as abortion goes to the national stage with the decision of Roe v. Wade and the rise of the anti-abortion movement. In 1970 New York legalized abortion and a Planned Parenthood center in Syracuse, NY was the first Planned Parenthood to offer abortion services. Planned Parenthood offers services on where to find abortion so as rights were questioned after Roe, they were able to educate women on how to get a safe abortion. Legally Planned Parenthood took multiple laws to the courts. See the list below:

- 1976 – Planned Parenthood of Central Missouri v Danforth
- 1983 - Planned Parenthood of Kansas City, Missouri, v. Ashcroft
- 1986 - Babbitt v. Planned Parenthood of Central and Northern Arizona
- 1992 – Planned Parenthood v. Casey



While there was anti-abortion groups active before Roe was decided on in the Supreme Court, these groups grew to the national stage through their actions and the media in the years between Roe and Casey and continue to today. According to Haugberg, the anti-abortion movement grew in many ways such as the emergence of pregnancy crisis centers, the invention of post-abortion syndrome, the impact of Catholic women on the anti-abortion movement, the emergence and actions of the Rescue Movement, and the violence inflicted on clinical staff and towards women sneaking abortions. One group that rose in the 1980s was Operation Rescue. This is the group that NOW will file a lawsuit against. Schoen studies the rise of violence towards abortion providers and how the anti-abortion movement during this time help craft the narrative that fetal remains were dead babies. According to National Abortion Federation Statistics there was more invasion, attempted bombing, arson, bombings of abortion providers in the years 1977 to 1993 compared to 1994 to 2009. More arrests were made from these incidents compared to later ones though.

Between the anti-abortion movement's growth in numbers and strategies and conservative policy makers and judges, abortion rights for women were questioned and restricted in the years following the landmark ruling of Roe.

Leslie Reagan, a prominent historian on abortion history, leaves the reader in his work, *When Abortion Was Crime*, with the question **are we really living in a post-Roe period? If it is not fully legal, then it is illegal?** The restrictions and sets backs that happen from Roe to Casey and continue to this day showcase how society has gone backwards when it comes to abortion because our country has continued to put new restrictions onto abortion, Roe's decision, since 1976.