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The impact of Roe v. Wade (1973) on the American abortion rights movement

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The Impact of *Roe v. Wade* (1973) on the American Abortion Rights Movement

An Honors College Project Presented to
the Faculty of the Undergraduate
College of Arts and Letters
James Madison University

by Claire Marie Adkins

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Accepted by the faculty of the Department of Political Science, James Madison University, in partial fulfillment of the requirements for the Honors College.

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Abstract

My research examines the impact of the Supreme Court case, Roe v. Wade (1973), on the American abortion rights movement during the 1970s. Previous research is divided on the extent of the Court's influence on social movements and I seek to fill a gap in the previous literature. I conduct an in-depth document analysis to measure the Court's effect on the abortion rights movement. Specifically, I examine abortion sections from the 1970s feminist publications, "Our Bodies Ourselves" and "off our backs," to represent the American abortion rights movement. Both publications offer slightly different feminist perspectives with abortion rights advocacy and serve as representations for the movement in this study. To measure the Court's impact, I analyze the themes that emerge in the feminist publications before the Roe decision and observe whether the Roe majority affected the feminist publications in the years after the Roe decision. Based on my resign study, I find the Court impacted the arguments and rhetoric of the abortion rights movement. I observe an increase in the discussion of the Court's role and influence on women's abortion rights and observe the rhetoric use of the Court's trimester framework in the feminist publications. After the Roe decision, I also observe political changes mentioned in the publications, such as the emergence of a strong anti-abortion movement, that I speculate could have been caused by the Roe verdict.

Chapter 1: Introduction Chapter

This research seeks to understand if and to what extent the United States Supreme Court impacts social movements. In the U.S., the Supreme Court is the most powerful court that plays a significant role in interpreting the Constitution and protecting individuals' rights, but previous scholars debate on whether the Supreme Court is influential on social movements. Some researchers argue that the role of the Court is overemphasized, while other researchers argue the Court is extremely significant. This study uses document analysis research to understand the impact of the Supreme Court on a social movement. I examine the effects of the Supreme Court's case that legalized abortion, *Roe v. Wade (1973)*, on the 1970s abortion rights movement (later to be called the pro-choice movement). By looking closely at a Supreme Court case and a social movement, I conduct an in-depth study to analyze the influence of the case.

My study examines feminist publications to understand the abortion rights movement during the 1970s and to measure the extent of *Roe's* impact. During the 1960s and 1970s, second wave feminism swept the nation with mass groups seeking women's equality. The movement fought for women's liberation and equality in the workplace, reproductive rights, and sexuality (Paxton & Hughes 2017, 34). The abortion rights movement was a critical element to second wave feminism and women's equality. Understanding the 1970s abortion rights movement provides important background for the pro-choice and women's movement today.

Roe v. Wade (1973) was a court case that challenged the constitutionality of the Texas criminal abortion laws. These laws only allowed abortion for the purpose of saving the mother's life (*Roe v. Wade 1973*). The Court ruled in favor with Jane Roe and affirmed the abortion right stating, "the attending physician, in consultation with his patient, is free to determine, without regulation by the State, that, in his medical judgment the patient's pregnancy should be

terminated” (*Roe v. Wade* 1973, 164). This ruling was groundbreaking for protecting a woman’s right to choose an abortion and her reproductive rights. Over time, political conflict surrounded the Court’s decision (Greenhouse & Siegel 2011, 2030).

Researchers debate on the significance of *Roe* on social movements, and political and legal institutions. On one side of the argument, researchers argue the significance of *Roe* is overemphasized and view other factors as more important in affecting the movement. These researchers believe other factors, such as political parties, affected the movement and that the *Roe* verdict did not cause the polarization between the anti-abortion movement and the abortion rights movement (Greenhouse & Siegel 2011, 2086; Ziegler 2014). While on the other side, researchers argue the *Roe* verdict was extremely significant and impactful on the movement. These scholars see the decision as guaranteeing the constitutional abortion right and acting as a catalyst for the movement and polarization (Fung 1993, 497; Hanley, Salamone & Wright 2012, 418). This study seeks to look closely at the 1970s abortion rights movement to examine whether *Roe v. Wade* influenced the abortion rights social agenda.

In this study, I use a document analysis to understand the influence of *Roe* on the 1970s abortion rights movement. I seek to understand if and to what extent the Supreme Court can have an impact on the movement by examining two different feminist perspective sources, “Our Bodies Ourselves” and “off our backs,” to represent the voice of the abortion rights movement. These sources are both strong abortion rights advocates and began publishing in 1970. “Our Bodies Ourselves” is a health publication that began publishing to offer a women’s voice to the male dominated health sphere (“Women and their Bodies” 1970). “off our backs,” beginning for similar reasons as “Our Bodies Ourselves,” was a feminist news journal that began publishing to provide a women’s voice to the male dominated news world (“off our backs” website). In my

study, these sources serve as the voice for the abortion rights movement before and after the *Roe* verdict. Throughout the study, the two feminist publications are referred to as “abortion rights literature” because I focus solely on the abortion sections of their publications.

In this research, I analyze the effects of *Roe* on the abortions rights literature’s rhetoric and arguments. My study first begins with a literature review that provides background research on the significance or insignificance of *Roe v. Wade* on the social movement. Then I explain the study’s methodology so that other researchers could duplicate the study and to offer clarity of the research procedure. Next, my research is broken into three chapters that examine the abortions rights literature, the *Roe v. Wade* majority opinion, and how the case affected the movement. In the fourth chapter, I analyze the themes that emerged from the abortion rights literature before *Roe*. In the fifth chapter, I examine the rhetoric and arguments of the *Roe* majority opinion to observe how the case affected the abortion rights movement. In the sixth chapter, I compare the pre-*Roe* abortion rights literature to the post-*Roe* literature to analyze how the literature changed and how the Court case affected the movement.

This study offers a unique and detailed examination of the relationship between the Supreme Court and the 1970s abortions rights movement. Through this approach, I am able to show comparisons between the feminist publications before and after *Roe* and connect some of changes to the impact of *Roe*. This research is limited because I cannot prove that *Roe* actually caused political changes.

Overall, I find that the Court in *Roe v. Wade* affected the American abortion rights movement in the 1970s. I observed a change in the arguments and rhetoric of abortion right advocacy in both feminist publications after the *Roe* case. Based off my study of feminist publications, I connected the Court’s majority opinion in *Roe v. Wade* as a cause for the change

in the abortion rights arguments. I also observed political changes and consequences after *Roe* that I speculate could be indirectly related to the Court's impact on the abortion rights movement.

Chapter 2: Literature Review on the Influence of the Supreme Court

Introduction

Researchers question the extent to which the United States Supreme Court impacts legal, political, and social agendas. In this literature review, I look specifically at the researchers who analyze the Supreme Court in the context of abortion related cases, primarily focusing on *Roe v. Wade*. In *Roe* (1973), the Supreme Court legalized the right to an abortion and granted women the right to choose under a constitutional framework. Their argument was based on a woman's right to privacy and ruled that the government could not intrude on this right. At the time, Justice Blackmun's opinion was praised by pro-choice advocates for the verdict, but later came under criticism for its medical framework limiting the right for women.

The Court made a fundamental change to women's reproductive rights by legalizing the right to an abortion, but what effect did the Supreme Court have on women's social, political, and legal implementation? The literature shows there is a sharp divide between scholars who argue the significance of *Roe* is overemphasized, and those who argue the Court's decision in *Roe* had a significant impact on the social movement. The literature also differs on whether the case progressed women's reproductive rights or caused greater political troubles for women.

In the first part of my literature review, I analyze the various perspectives that argue the Supreme Court has little to no impact on social, legal, or political reform. Using the *Roe* verdict as the primary focus, the researchers find minimal influence of the *Roe* Court. Overall, these scholars argue that the Court does not start social change without other political actors nor do these scholars see *Roe* as a primary cause for the political backlash or polarization (Linton 2007, Peach 2003, Rosenberg 1991, & Ziegler 2014).

In the second part of my review, I look at the various arguments that view the Supreme Court as affecting the social, political, and legal aspects. I first analyze the scholars that argue the courts or the Court progressed women's rights (Fung 1993; Hanley, Salamone & Wright 2012). Next, I discuss the researchers that argue the Court hindered the abortion right and polarized social issues around abortion. According to these scholars, the *Roe* argument did not uphold rights or governmental aid to help all women's abortion access and reinforced traditional gender roles (Gibson 2008, Kramlich 2004, MacKinnon 1996, West 2009 & Ziegler 2014). Looking at the Court's polarization effects, these researchers argue *Roe* caused political backlash and that the Supreme Court should have used a different framing for the abortion right, such an Equal Protection argument (Bachiochi 2011, Ginsburg 1985, Siegel 1996, & Siegel 2007).

Then looking beyond *Roe*, I examine the researchers that observe the long-lasting effects of the Supreme Court on a woman's right to choose. This part examines the scholars that research the new standard for abortion rights, called the undue burden, established in *Planned Parenthood of South Pennsylvania v. Casey* (Bridges 2010, Gaylord & Molony 2012, & Jarrard 2014). This part also analyzes the researchers that examine the Court's influence on minority groups and how the Court has limited certain groups' abortion access (Jones 2010, Lee 2000 & Pruitt & Vanegas 2015).

Arguments for the Supreme Court's Insignificance

In the first part of my review, I analyze the scholars that argue judicial activism is over-heightened and the Court lacks influence on social or political reform. These scholars argue that other political factors, rather than the Court, have a greater impact on society. They look specifically at *Roe v. Wade* and defend that the Court had less influence than other research suggests. In this section, I explain the main arguments for how the Court and the *Roe v. Wade*

case had little impact on social change or the polarization of the issue. First, researchers examine other political factors, besides the Court, that caused social change and political polarization (Rosenberg 1991; Greenhouse & Siegel 2011; Ziegler 2014a; Peach 2003). Second, researchers examine the Court's framing in the *Roe* decision and argue the case had little impact on social or legal change (Ziegler 2014b; Linton 2014).

Other Factors for Social Change and Political Polarization

Some researchers examine other factors, rather than the Court, for causing social change or political polarization. Rosenberg (1991) argues that other political actors and factors, rather than solely the Court, caused social reform. In Rosenberg's book *The Hollow Hope*, he argues the courts lack the tools to produce social reform (1991, 227 & 246). Rosenberg specifically observes civil rights and women abortion rights, and finds the courts had little impact on the social changes observed in the movements. His methodology includes tracing the effects of *Brown v. Board of Education (1954)* on the civil rights movement and the effects of *Roe v. Wade (1973)* on the women's rights movement. Through his research, Rosenberg finds little significance of the Court and instead argues that other political actors are needed for social reform (1991, 334).

To further defend the insignificance of the Court, Greenhouse and Siegel (2011) and Ziegler (2014a) examine how there was movement in the social groups before the decision. Using chronological methodology, Greenhouse and Siegel (2011) and Ziegler (2014a) observe various factors in the time period before and after *Roe* that caused polarization rather than just the Court. Looking ten years before *Roe*, Greenhouse and Siegel (2011) observe other factors that caused the backlash; while Ziegler (2014a) examines after the *Roe* verdict and argues the polarization came from other factors in the 1980s.

Greenhouse and Siegel (2011) trace ten years before the Court case and discover the abortion topic was polarized before *Roe*. They argue that the social movement, the Catholic Church, and the Republican Party realignment caused the polarization rather than the Court (2011, 2031). Greenhouse and Siegel (2011) argue the Catholic Church and the more socially conservative party realignment caused the divide in the abortion debate. In the summer before *Roe*, there was a 64 percent approval for a woman and her physician to have the choice to have an abortion with more Republicans supporting this right than Democrats (Greenhouse & Siegel 2011, 2031). During the 1972 presidential election, party strategists told the Republican candidate, Richard Nixon, to attack abortion issues in order to gain Catholic and conservative Democrats' votes (Greenhouse & Siegel 2033). According to Greenhouse and Siegel, this was a factor that caused the polarization of abortion and how the abortion issue became closely tied with party realignment (2011, 2033). They conclude *Roe* had no effect on the polarization (Greenhouse & Siegel 2011).

Similar to Greenhouse and Siegel (2011), Ziegler (2014a) argues the Court had little impact on the polarization. Ziegler analyzes the factors after *Roe* that caused the polarization (2014a). She analyzes public opinion of the abortion rights and argues public disapproval of abortion came as a result of the 1980s election, rather than the Court's verdict. Ziegler (2014a) uses a chronological argument to support her claims that *Roe* was not the cause of intensifying the abortion issue (2014a, 1); but rather, the split came much later in the 1980s (2014a, 14). The researchers agree that *Roe* had little effect on the polarized division in the abortion debate. Greenhouse and Siegel (2011) and Ziegler's (2014a) arguments have limits because they conflict with each other in their timelines. In Greenhouse and Siegel's (2011) argument, the polarization

occurred from factors in pre-*Roe* while Ziegler argues other factors caused polarization post-*Roe* (2014a, 1).

Various researchers conclude other factors created restrictions on a woman's reproductive rights, such as religion. According to Peach (2003), religion caused restrictions on a woman's right to an abortion and discusses how the Catholic Church was a major factor for the political backlash, rather than the Court. According to Peach, religion has created a blind spot for the judiciary to see gender inequalities in the reproductive movement (2003, 221). Also, Peach argues that religion has restricted abortion access through regulatory legislation (Peach 2003, 222). These researchers present other factors that have either caused political polarization besides the Supreme Court.

Little Impact on Social or Legal Change

Other researchers explore the rhetoric used in *Roe v. Wade* and argue the Court had little influence on social or political change, but rather other factors were more significant. According to Ziegler (2014b) and Linton (2012), changing the rhetoric and arguments of the *Roe* verdict would have little impact on the women's social movement. Ziegler (2014a) explains that "de-constitutionalizing" the *Roe* case by moving the argument away from a right to privacy, would have little effect on the women's social movement or statute change. Essentially, she even argues that changing the Court's framing of the right would have little affect on the social agenda. Ziegler supports her claims by tracing the history of the woman's movement to demonstrate that the pro-choice rhetoric was not a result from the *Roe* decision, but rather enforced by the internal movement leaders to appeal support from voters and counter anti-abortion arguments (2014b, 2 & 16).

Looking at a state level focus, Linton (2007) presents a hypothetical example where the *Roe* verdict was overturned in the states and argues the effect would be minimal. Linton looks at each state's current abortion regulatory laws and concludes that overturning *Roe* and *Doe v. Wade* would have very small short-term effects (2007, 181). He hypothesizes that no more than eleven states would make abortion illegal (Linton 2007, 187). Linton tries to downplay the power of *Roe*'s legalization but his results are questionable. According to his results, over ten percent of the states would still outlaw abortion proving that the *Roe* verdict protects the abortion right in many states. In contrast, Ziegler believes overturning the *Roe* verdict would be costly because some states would ban abortion. She still defends that the Court's impact on social movements was minimal (2014b, 16).

Ultimately, these researchers argue the Court lacks influence and power on social, political, and legal aspects. They deemphasize the effects of the Courtroom's decision to legalize abortion in 1973 and cite other factors, such as political actors, that have caused political polarization.

Arguments for the Supreme Court's Significance

In the second part of my review, I analyze the literature that defends that the Supreme Court is significant and has a large impact. These researchers argue that the legalization affected the social movement, and legal and political aspects. Some researchers argue the Court's decision in *Roe* progressively expanded and protected women's rights, while other researchers view the Court's impact as harmful to women's right and causing political polarization. I break the scholar's arguments into (1) those that argue the Court progressively impacted women's rights, (2) those that argue the Court hindered the abortion right and caused polarization on the

social issues and (3) those that examine how the Court continued to affect women's right beyond the verdict in *Roe*.

The Court Progressively Expanded Women's Rights

Some researchers argue that the Supreme Court has progressively impacted and expanded women's abortion rights. These researchers explain various reasons for how the Court expanded the protection for women's rights. Examining from a larger national impact on women's rights, Fung (1993) explains how the Court influenced expanding the abortion right and Hanley, Salamone and Wright (2012) argue the Court progressively affecting public attitudes toward abortion.

Examining the Supreme Court in *Roe*, Fung (1993) argues the Court secured women's abortion rights and protected the right broadly. Primarily, Fung asserts that *Roe* was the most reasonable scenario for women in gaining secure rights to abortion (1993, 465). She uses empirical and counterfactual analysis of hypothetical scenarios (Fund 1993, 467). In one hypothetical scenario, she shows that mobilizing women's access to abortion through legislation would have required huge efforts and been less effective than the Court's ruling. Fung favors the Court's verdict in *Roe* as being the best scenario for broad and exclusive access to abortion (Fung 1993, 468 & 490). Fung acknowledges the limits of the Court's decision in failing to provide access to lower class women but ultimately, she argues that the "right-based constitutional strategy was and continues to be the pro-choice movement's first best hope" (1993, 497).

While Fung (1993) examines how the Court broadly protected women's abortion rights, Hanley, Salamone and Wright (2012) argue the Court had significant impact on popular opinion. They use quantitative data to link public opinion and the judicial decision in *Roe*. Using the 1973

GSS to look solely at the effect of the Court's decision, they find the majority across all groups that had heard the case were more supportive of the verdict than previous research suggests (Hanley, Salamone, & Wright 2012, 409, 418. According to their analysis, they argue the Court is significant and powerful in helping increase popular opinion; but their research is limited, because they only looked at public opinion immediately after the case (Hanley, Salamone & Wright 2012, 418).

The Court Hindered the Abortion Right and Caused Political Polarization

In contrast to the previous researchers, such as Fung (1993), that argue the Court broadly protected the abortion right, other researchers argue the Court in *Roe* hindered the abortion right. These researchers criticize how the Court framed the abortion right in Justice Blackmun's opinion and how it limited women's rights and reinforced traditional gender roles (West 2009; MacKinnon 1996; Ziegler 2014c; Gibson 2008; Regan 1979; Rausch 2011).

West (2009) blames the Court's framing of the abortion right for limiting abortion access for all types of women. He criticizes the Court's 'constitutionalizing' of women's right to an abortion through the right to privacy argument. Instead, he argues for public policy change to ensure reproductive justice and greater women's access to abortion (West 2009). West asserts that the reliance on the courts created negative rights, which are rights that do not invoke action to protect all groups. West criticizes the Court for failing to provide a positive right for women, which would give better governmental assistance to marginalized groups that cannot afford the costs of abortion (2009, 1394 & 1396). Essentially, the researcher argues for a policy approach to abortion access rather than the Court's legalization because it limited the access for marginalized women (2009, 1394).

Other researchers are critical of the Court for indirectly creating traditional gender stereotypes, with decisions like *Roe* (MacKinnon 1996; Ziegler 2014c; Gibson 2008). According to these researchers, the right to privacy argument instills traditional gender values and stereotypes. Through feminist approaches, MacKinnon (1996) and Ziegler (2014c) analyze the gender stereotypes and traditional gender roles that *Roe* helped to reinforce.

MacKinnon (1996) observes women's perspectives and experiences after *Roe* and argues the privacy right supported a public and private sphere split. According to MacKinnon, the Court's argument reinforced traditional values for women in the private sphere and a focus on women's domestic duties (MacKinnon 1996). Her feminist approach argues the split of private and public spheres were reinforced through a male interest perspective and were not gender neutral (MacKinnon 1996, 988 & 992).

Similarly to MacKinnon (1996), Ziegler (2014c) shows how the *Roe* Court influenced the feminist rhetoric after the case and opened gender stereotypes about women as caretakers to other courts (Ziegler 2014c, 1 & 21). She examines the legal history of spousal consent in abortion regulation following *Roe*. She argues that *Roe* created a broad constitutional right for women but not always in cases for marginalized groups (Ziegler 2014c, 1-2). As a result of the case, she argues the feminist movement unintentionally made generalizations on gender caretaking roles (Ziegler 2014c, 2). According to Ziegler in the recent court decision, *Planned Parenthood v. Casey* and *Gonzales v. Carhart*, the Supreme Court used gender stereotypes on women's motherly roles in making their decision. These researchers, MacKinnon (1996) and Ziegler (2014c), argue that the Court can impact other lower level courts and the framing of a woman's right by instilling gender traditional values.

Researcher, Gibson (2008), argues the medical rhetoric and framing of *Roe* also affects gender stereotypes. Gibson argues the Court's rhetoric in the *Roe* majority opinion restricted a woman's freedom to reproductive rights. The researcher examines the specific language used in Justice Blackmun's opinion and argues the opinion set a precedent for limiting women's reproductive rights through the Court's medical terminology (Gibson 2008, 312). According to Gibson (2008), the medical framework in the decision set women as the patient and gave authority to the doctors. The framework decreased the power of the woman's choice and left out the unique stories of women (2008, 320). Ultimately, Gibson argues the language did not empower women, but rather enforced traditional gender roles for women as being submissive to the doctors, who were characterized as male by the Court (Gibson 2008, 322).

In response to the *Roe* Court's framing of the abortion right, Regan (1979) and Rausch (2011) provide critics and proposals to better protect women's abortion right. They both argue that the privacy right used in *Roe* failed to provide positive rights (governmental assistance and aid) for women's access to abortion (Regan 1979 & Rausch 2011). Without a positive right, great limitations are put on minorities and lower income women in seeking abortion access.

Rausch (2011) observes the limits in the privacy right for women's abortion access and presents an alternative framing of *Roe* centered on property rights. According to Rausch, the privacy right is not an explicitly protected right and a reframing of property rights would ensure better reproductive protections for women (2011, 28). Her proposal sees the uterus as property of women and views the fetus as a trespasser whom women are allowed to reject (Rausch 2011, 28). Her theory would still view the fetus as having life (Rausch 2011, 63). Her argument has limitations because some could consider it as devaluing life. Both Regan (1979) and Rausch (2011) argue the framing of *Roe* limits a woman's right to choose.

In contrast to Regan (1979) and Rausch (2011), Kramlich (2004) opposes broadening the abortion right to a positive right because of how the positive right may affect the health industry. As seen in the above examples, some scholars are trying to pursue a positive right movement but Kramlich believes this will divide the health providers between pro-choice and pro-life beliefs (2004, 8). Some scholars present new approaches in trying to broaden the negative abortion right to a positive right but researchers, like Kramlick, fear broadening this right.

According to some researchers, the Court decision in *Roe* also polarized social issues and agendas. These researchers see the Court as one of the primary causes for the polarized abortion debate. In the case of *Roe*, scholars argue that *Roe* could have caused a massive split between pro-choice and pro-life movement. Justice Ginsburg (1985), who is a huge proponent of a woman's right to choose, is extremely critical of the *Roe* opinion. She argues the verdict was too extreme and came too early. According to Ginsburg, it caused more conflict than resolution (Ginsburg 1985, 5). Ginsburg strongly supports an equal protection based argument rather than a right to privacy. In her work, she argues using an equal protection basis in *Roe* could have lessened the extreme response from pro-life activists (Ginsburg 1985, 1).

Siegel (1996 & 2007) provides a different solution to the polarized abortion topic. She is critical of the limitations around solely using the equal protection clause and offers a solution to broaden women's rights through a sex equality reproductive freedom framework (1996 & 2007). Similar to Ginsburg (1985), Siegel (1996, 995) is highly critical of *Roe*'s failure to provide an equal protection argument or other constitutional agendas for abortion regulations. According to Siegel, society fails to see an equal protection issue when pregnancy is physiologically associated with a woman (1996, 996). Questioning similar gender stereotypes as Ziegler (2014) and MacKinnon (1996), Siegel (1996) views abortion regulations as being based on gender

traditional roles (1996, 996). In her solution, she proposes using a more inclusive framework for sex equality that does not just rely on the Equal Protection Clause but on other protected constitutional interests under Constitutional Amendments, such as the 8th, 9th and 13th (Siegel 2007, 1). In Siegel's approach, she tries to propose a plan for a less centralizing right, as established in *Roe*, but rather a broad right protected by multiply constitutional amendments.

Impact of the Court Beyond Roe

Various researchers examine how the Court continued to have an impact on abortion rights even beyond *Roe*. This section looks at an array of the Court's impact on: (1) the state legislative, (2) other abortion prominent Supreme Court cases, such as *Planned Parenthood v. Casey* (1992), and (3) marginalized groups of women. In the state legislative impact, Brace and Langer (2005) examine how the state supreme courts after *Roe* affected abortion regulation laws. Looking at *Planned Parenthood v. Casey* (1992), scholars critique the new abortion right standard with some researchers (Jarrard 2014 & Bridges 2010) arguing the standard obstructs women's abortion access while others (Gaylord & Molony 2012) defend the standard. For marginalized groups of women, researchers fault the *Roe* Court for limiting abortion access for certain groups of women (Pruitt & Vanegas 2015; Lee 2000; Jones 2010).

Examining from a legislative impact, Brace and Langer (2005) observe at a smaller state level and defend that courts can impact rights through policy change after *Roe*. Brace and Langer (2005) argue that the state courts can impact social change when looking at abortion regulations. They argue that state supreme courts' verdicts indirectly affect the passing of state legislation. Their quantitative data results found a correlation between state supreme courts and policy implementation in abortion regulations (Brace & Langer 2005, 317). Looking at court ideology, they used state statutes after *Roe* as their dependent variable and found the courts can indirectly

influence the passage statues (Brace & Langer 2005, 317 & 325). While they only look at state level, they argue based on their research that courts and policy change are connected.

In *Planned Parenthood v. Casey* (1992), the Court set a new standard for the abortion right. Many scholars argue that the Court offered a standard in *Roe* that is in practice ineffective in protecting women's rights. In the 1992, *Casey's* undue burden standard test replaced the third-trimester state regulation rule in *Roe*. The undue burden standard is an intermediate test to regulate obstacles against abortion access (Jarrard 2014, 471). The purpose prong, which is part of the undue burden standard, looks at the purpose of the law to see if there is "substantial obstacle" to women's access to abortion (Jarrard 2014, 483). Some researchers argue the undue burden standard is ineffective in protecting the abortion right (Jarrard 2014 & Bridges 2010); while other researchers argue the undue burden is effectively applied and does not hinder the abortion right (Gaylord & Molony 2012).

According to Jarrard (2014) and Bridges (2010), the undue standard established from the *Casey* Court has created heavier state regulations and greater obstacles for women in seeking abortion (2014 & 2010). Ultimately, they view the undue burden as ineffective. Jarrard (2014) criticizes the failure of the purpose prong standard while Bridges (2010) extends the argument further to analyze how the undue burden standard was applied in *Gonzales v. Carhart* (2007). Jarrard views *Casey* as a retreat from *Roe* and argues the Court implies the right to choose was no longer fundamental (2014, 469 & 482). Jarrard analyzes how the state level courts have applied the undue burden standard and argues the standard ineffectively protects against state abortion restrictions (2014, 471). According to Jarrard, the higher courts have improperly applied the undue burden test and failed to set an example for the lower courts causing extensive

regulation restrictions (2014, 472). She proposes the courts to use other legal guidelines for the purpose prong or to redefine the standard (Jarrard 2014, 515).

Similar to Jarrard (2014), Bridges (2010) opposes the undue burden standard for restricting a woman's right to an abortion. Bridges examines closely how *Gonzales v. Carhart* failed to apply this standard in the Partial-Birth Abortion Act (Bridges 2010, 915). According to Bridges, the problem lies in assuming the fetus has an "inherit life" and is a "morally-consequential entity" (2014, 915). The researcher criticizes Justice Kennedy's rhetoric in *Gonzales v. Carhart* when he referred to the fetus as living (Bridges 2014, 933). Bridges argues this restricts a woman's right to an abortion. Bridges proposes an agnostic view of the undue standard because moral standards should not affect the woman's right (2010, 915). The researcher may have limitation in generalizing the argument because the study only observed one Supreme Court case where the undue burden standard was applied.

In contrast to Jarrard (2014) and Bridges (2010), other researchers, such as Gaylord and Molony (2012), argue the undue burden standard is actually applied correctly. They specifically examine state statute requiring physicians to show ultrasounds to women before an abortion (Gaylord & Molony 2012, 547). Their methodology includes examining the First Amendment speech rights of the doctor in showing the ultrasound. They look at whether the doctors have a constitutional protection to not show the ultrasound (Gaylord & Molony 2012, 200). In conclusion, they argue states have broad powers to choose regulations under the undue burden clause and the ultrasound regulations did not infringe on the woman's right or physician's First Amendment speech rights (Gaylord & Molony 2012, 595).

In a different approach, Bridges (2010) agrees that the mandatory ultrasounds would pass the undue burden standard but only as a result of the courts favoring the life of the fetus (2014,

970). Gaylord and Molony's (2012) choice of methodology restricts their conclusions because they focus on the rights of the physicians rather than closely examining the woman's constitutional right to an abortion. Overall, some researchers argue the undue standard that replaced *Roe*'s trimester standard infringed on the women's rights while others see it as allowing states to have regulatory control.

According to various scholars, the Court's significance can impact minority groups and cause restrictions to their rights beyond the *Roe* case. The *Roe* decision legalized abortion but many researchers argue this right is greatly limited towards rural, poor, and colored women. Pruitt and Vanegas (2015), Lee (2000) and Jones (2010) examine the different groups of women that have limited abortion access because of the courts.

Pruitt and Vanegas (2015) argue rural and poor women suffer the greatest restriction to their abortion rights following the *Roe* decision. They ground their argument by examining the judicial blind spots of women's abortion rights (2015, 77). According to the researchers, the Court's blind spot is from the judges, who view living in urban areas as the norm. This blind spot causes judges to fail to consider the rural women that are unable to travel to urban areas for abortion access (Pruitt & Vanegas 2015, 104-105). Pruitt and Vanegas focus on three areas: the legal geography, the spatial privilege of urban living, and "urbanormativity" (2015, 90-105). In legal geography, they examine the rural residents who face challenges from poor economical stability and the inability to access transportation (Pruitt & Vanegas 2015, 90). In spatial privilege, they argue there is a "privilege" associated with certain living areas that judges fail to see and as a result their decisions limit the autonomy of women (Pruitt & Vanegas 2015, 96 & 104). Their last section "urbanormativity" is where the courts see living in urban areas as the

norm and this creates an assumption all women have the means to access abortion (Pruitt & Vanegas 2015, 105).

Pruitt and Vanegas (2015) refer to the courts' focus on a majority of women as 'playing number games.' According to the researchers, the courts focus on the majority number and limit the right for the minority number of women that live in rural areas and do not have the means to travel to an abortion clinic (Pruitt & Vanegas 2015, 120). In recent years, there has been a huge increase in state laws regulating abortion. The researchers argue that the courts have upheld these abortion regulations due to their judicial blind spot for rural women (Pruitt & Vanegas 2015, 76). Their main argument is that the state abortion regulations negatively impact women that are rural and poor (Pruitt & Vanegas 2015).

Similar to Pruitt and Vanegas (2015), Jones (2010) and Lee (2000) analyze how the mainstream pro-choice movement has silenced the voices of minority and lower income women. Similar to Pruitt and Vanegas (2015), Jones (2010) examines through a class lens and argues women of lower income have disproportionately limited access and means to abortion (2010, 2). Jones examines past literature on race perspective and expands this perspective to look at agency options for women trying to seek an abortion in different classes (2010, 2). Jones critiques the pro-choice movement for accepting *Roe's* legalization of abortion as a victory when it fails to protect all socioeconomic statuses of women (2010, 11).

Examining from a human rights perspective, Lee (2000) also critiques the absence of a women of color's voice in the pro-choice movement. According to Lee, reproductive rights are too narrowly defined. Lee traces the history of the movement to show the restrictions to accessing abortion for women of color (2000, 1). She proposes a human rights agenda to expand the abortion right for women of color (Lee 2000, 6). Lee examines how the Supreme Court fails

to recognize the self-determination right in childbirth (2000, 6). Lee offers a more international perspective for broader human rights protection rather than just equal protection rights (2000). Various scholars analyze how the legalization of abortion and state abortion regulations fail to guarantee rights to all women and offer solutions, such as human rights or a more holistic approach, to make the pro-choice movement more inclusive to all voices of women.

Conclusion

Researchers greatly disagree on the significance of the Supreme Court. Looking specifically at *Roe v. Wade* and other prominent abortion cases, researchers examine the effects and the significance of the Court. In my first section of the review, I examined the various scholars that argue *Roe* is insignificant and overemphasized by other scholars as creating social reform and polarizing the abortion issue. In the second section of the review, I looked at the various scholars that see *Roe* as significant and causing multiple effects. These scholars disagree over the extent of these effects and whether it helped or restricted abortion rights for women. Based on the literature, various methodologies produce different results on the effects of this case.

Overall, the literature shows conflicting results on the effect and significance of the Court. In my research, I attempt to answer these questions raised from the conflicting literature. My research examines the Court's impact from *Roe* on the 1970s abortion rights movement using a qualitative document analysis. The purpose of this study is to have a focus and in-depth study of a Supreme Court case and a social movement to answer the questions and gaps raised in the literature.

Chapter 3: Methodology Chapter

My research examines the effects of the Supreme Court Case, *Roe v. Wade*, on the American abortion rights movement during the 1970s. Specifically, the dependent variable in this study is the different arguments and themes made by the abortion rights movement. I observe these themes and arguments in the abortion sections of prominent 1970s feminist publications. The independent variable is the arguments made by the Supreme Court in the majority opinion of *Roe v. Wade* verdict. My research observes the extent the independent variable affects the dependent variable over the decade of 1970. To measure these effects, I used qualitative document analysis.

My analysis is broken into three chapters. In the fourth chapter, I observe the themes that emerged from the abortion rights literature before the *Roe* decision by analyzing the years 1970 to 1972. I refer to the early 1970s themes and arguments as pre-*Roe* abortion rights literature. In the fifth chapter, I analyzed the framing and rhetoric of the majority opinion from *Roe* (1973). In the sixth chapter, I examined how the trends and framing of *Roe* affected the abortion rights literature from the years 1977 to 1979. I refer to the later 1970s themes and arguments as post-*Roe* abortion rights literature. My research looks at three primary sources from the 1970s:

1. “Our Bodies Ourselves,” a feminist health publication, selected the abortion chapters from the first 1970 edition and the second 1979 edition.
2. “off our backs,” a feminist news publication, selected abortion topic articles in the two times periods: (1970-1972) & (1977-1979).
3. *Roe v. Wade* (1973), the Supreme Court case that legalized the abortion right, selected the case’s majority opinion.

Type of Research: Qualitative Document Analysis

Qualitative document analysis is the most reasonable measurement to capture the effects of the Supreme Court decision on the abortion rights movement for the study. This study seeks to understand how the arguments and rhetoric of the abortion movement were affected by the Court case. To measure these effects, the most reasonable study is observing the primary document sources. According to David Altheide in “Qualitative Media Analysis,” “qualitative document analysis is focusing on the range of meanings and themes as well as process or logic behind reports or emphases” (1996, 35). This measurement examines the themes that emerged in the primary documents and how those themes changed or evolved after the *Roe* verdict. It provides a closer examination of the rhetoric and framing of the primary sources, and gives a more in-depth study behind the meaning of the sources. By observing the change in primary sources from the early 1970s to the later 1970s, I examine how *Roe* affected the arguments of the abortion rights movement.

In qualitative document analysis, my first step as a researcher was to identify the problem that needed to be solved. Previous research disagrees on the extent of the Court’s impact on the abortion rights movement and I seek to answer this divide in this research. Broadly, I seek to understand if the Supreme Court significantly influences social movements. To answer this problem, my study examines a specific time period (1970s) to observe how the arguments made by the *Roe* Court affected the arguments of the abortion rights movement.

Identifying the problem helps in selecting the sources to measure and the most appropriate unit of analysis (Altheide 1996, 24). I selected two primary sources (“Our Bodies Ourselves” and “off our backs”) to represent the abortion rights movement. These sources serve as a representation of feminist publications with abortion rights advocacy. My unit of analysis is the sections of those feminist publications. The specific sections were a non-random sample of

the abortion-focused sections in the feminist publication. The sample serves as a smaller representation of the larger population of the feminist movement.

During my research, I used a 'bottom-up' themes analysis of the documents. Essentially, I collected the themes during my careful read through of the documents. Before reading the sources, I did not predict or set themes that I expected to see. Rather, I collected themes after I became familiar with the documents. According to Altheide, it is critical to become familiar with the sources through multiply readings (1996, 43). I did multiply readings of the materials with note taking to find the themes that emerged in the literature. Emergence of themes was key to my research. David Altheide explains that, "emergences refers to the gradual shaping of meaning through understanding and interpretation" (1996, 10). This approach limits my bias of expecting or predicting themes and instead, I used a clear mind when reading and observing themes in the sources.

The qualitative document analysis has limitations in its approach and in the reliability of findings. There are limits because, "qualitative document data are very individualistic in the sense that the main investigator is 'involved'" (Altheide 1996, 37). I was the sole researcher observing these themes; another researcher may have found different themes that emerged in the literature. This research technique affects the consistency or reliability in measuring the abortion rights movement. Reliability is the consistency of measuring a variable and obtaining the same results during multiply trials (Johnson & Joslyn 1995, 82). The qualitative analysis approach raises some reliability concerns because other researchers may have examined different themes and collected a different measure of the sources. I detail my research technique to reduce reliability concerns. This research approach is also less structured in measuring the effects of the

Roe decision on the abortion rights literature. For instance, some changes occurred in the post-*Roe* sources that were hard to correlate to the *Roe* decision.

Selection of Primary Sources

During my selection of primary sources, I needed to find sources that (1) represented and captured the abortion rights movement over time for my dependent variable and (2) examined the Supreme Court's influence for my independent variable. Primary sources are the "object of the study" and are authored by those with first hand accounts (Altheide 1996, 3). I selected primary sources that represented the abortion rights movement and were published in the same decade (1970s) as the Supreme Court case. I used the following criteria to select sources for the dependent variable:

- Sources that were feminist publications with strong advocacy for abortion rights.
- Sources that began publishing before or by 1970.
- Sources published at least up to the early 2000s to be able to study the sources after *Roe* and to conduct future research on the Court's long-term impact on the movement.
- At least two sources with different perspectives on abortion rights advocacy for comparison.

Based on the following criteria, I selected two primary sources to represent the abortion rights movement: "Our Bodies Ourselves" and "off our backs." I selected the sources for "theoretically relevant reasons" and to offer a slight difference "on a particular dimension" of the movement (Altheide 1996, 33-34). These sources fit the criteria and offered two different perspectives on the movement. They were both feminist publications that advocated for abortion rights. The sources serve as an abortion right focus sample of the larger feminist movement.

“Our Bodies Ourselves” offers insight into the abortion rights movement from a women’s health perspective. It began publishing in 1970 but was originally titled “Woman and their Bodies.” The publication was started by a group of twelve women ranging from the ages of twenty-three to thirty-nine. These women originally met at a “Women and their Bodies” workshop for a woman’s liberation conference (Our Bodies Ourselves). Based on their discussions of personal health experiences, they formed the Doctor’s Group later to become the Boston Women’s Health Book Collective. They published “Women and their Bodies” to share health information and their personal experiences to empower women (Our Bodies Ourselves). The source has had many editions and is still publishing today. It serves as an educational pamphlet for women to better understand their own health (Our Bodies Ourselves).

“off our backs” provides a news perspective to represent the movement with first hand commentary on the 1970s and provides an interesting contrast to the health perspective of “Our Bodies Ourselves.” It also began publishing in 1970 and was a non-profit feminist news journal that ran for thirty-eight years. It provided frequent news that published four times a year (off our backs). The multiple publications in a year offers insight into abortion rights advocacy over time. The “off our backs” authors referred to themselves as a collective with all of their decisions being made by a consensus. By the end of their publication in 2008, the collective was composed of Laura Butterbaugh, Karla Mantilla, Angie Manzano, and Jennie Ruby (off our backs).

Both sources provide important perspectives on the abortion rights movement. “Our Bodies Ourselves” provides a health perspective and “off our backs” provides a news perspective. The authors of both publications wanted to provide a woman’s voice to health and news that they felt was missing in the 1970s. Examining them together, the sources provide insight into the rhetoric and arguments of the 1970s abortion rights movement.

Once I selected my sources, I narrowed the focus and examination of the material due to time limitations. I selected abortion sections from the feminist publication for the dependent variable of the study. Both primary sources covered more than just abortion rights advocacy but for the purpose of my research, I focused solely on abortion related material. For “Our Bodies Ourselves,” I selected only the abortion chapters and for “off our backs,” I selected articles that discussed the topic of “abortion.” For “Our Bodies Ourselves,” I obtained the first two editions of the publication from the source’s website and Amazon. For “off our backs,” I examined fifteen to sixteen articles that focused on abortion for each time period. I used the database, JSTOR, for examining “off our backs” because it had every article published by the news source. Because of time limitations, I used a convenient sample in selecting the abortion topic sources. I selected twenty to twenty-five abortion topic articles from “off our backs” and then selected the articles that focused primarily on abortion from each year of the time period. This survey has some validity concerns in measuring “off our backs” abortion advocacy and may not be a complete representation of the news source’s advocacy.

Overall, the sources provided a measure for the 1970s abortion rights movement by offering different feminist perspectives with strong abortion right advocacy. These variables may have validity concerns in measuring the abortion rights movement (Johnson & Joslyn 1995). Other 1970s feminist publications may have provided a different perspective on abortion issues. This measurement is also missing a range of women’s voices in the abortion rights movement. Most of the authors in the publications were white, middle class women; a minority and lower class voice is missing from this measurement.

For measuring the Supreme Court’s influence, I chose the Supreme Court case, *Roe v. Wade* (1973), because it legalized abortion and monumentally shifted the abortion right for

women by granting them a constitutional protection. I only observed the arguments of the majority opinion from the case to represent the independent variable. Observing only the majority opinion raises some concerns over the validity in the measurement. Validity “measures what it is supposed to measure” (Johnson & Joslyn 1995, 83). For the purposes of this research, I examine only the majority opinion because the Court’s deciding verdict would have the greatest impact on the movement. It should be noted that I excluded the dissenting opinions of the Court and the independent variable selection does not represent all the attitudes of the Supreme Court judges.

In selecting the time period for the measurements, I based it around the year of *Roe*, 1973, and the publication years of “Our Bodies Ourselves.” “Our Bodies Ourselves” has editions that come out every five to ten years, while “off our backs” had publications four times a year. To measure the primary sources’ themes before *Roe* (examined in chapter 4), I used the first 1970 edition of the “Our Bodies Ourselves,” which was originally titled “Women and their Bodies.” I based the time period for “off our backs” on the first edition of “Our Bodies Ourselves” and selected a two-year time frame of 1970 to 1972. This provided background on the abortion rights movement right before the Court decision in 1973.

To measure the primary sources’ themes after *Roe* (examined in chapter 6), I examined the second 1979 edition of “Our Bodies Ourselves” and the two-year time frame of 1977 to 1979 for “off our backs.” I selected a time frame four to six years after *Roe* to provide a long enough time gap to observe the Court’s effects without looking at sources from the 1980s. Below, I have included a table on the time period selection of the sources:

TABLE 1: Time Periods of the Primary Sources

Pre-Roe (1970-1972) Chapter 4	Roe v. Wade (1973) Chapter 5	Post-Roe (1977-1979) Chapter 6
“Women and their Bodies” First Edition 1970	Supreme Court Case 1973	“Our Bodies Ourselves” Second Edition 1979
“off our backs” 1970-1972		“off our backs” 1977-1979

The selection of the sources has some limitations. First, I only used sections from two primary feminist publications to represent the abortion rights movement. While the sources provide two different perspectives, from health and news, I am still missing other women’s perspectives, such as minority or lower class women. Overall, the two sources provide insight into the 1970s abortion rights movement but may not represent the entire movement. Second, I could not examine all of the abortion articles from “off our backs” covered in the two time periods. I selected fifteen to sixteen of the best abortion topic articles in a convenient sample but did not examine all the articles. This limits the analysis of themes drawn from “off our backs.”

Coding Themes

As mentioned before, I used qualitative document analysis and a bottom up analysis of the themes. For the coding of themes, I read the primary sources, took notes, and did multiple careful readings to examine the themes that emerged. I selected my themes in the primary sources based off the frequency of the topic and how much the authors’ emphasized the topic. For selecting themes in “off our backs,” I observed how often different articles discussed a certain issue and analyzed how much emphasis the author placed on that topic. If the publication repeated the topic frequently and placed great emphasis on the topic, then I selected it as a theme. I assessed the emphasis based on the authors’ tone and looked for harsh, demanding, or critical rhetoric. For selecting themes in “Our Bodies Ourselves,” I used a similar approach by

noting how frequently the authors discussed a topic and how much emphasis they placed on the topic. The selection of themes had a slight research bias because I was the sole researcher conducting the theme analysis.

For the pre-*Roe* document analysis in the fourth chapter, I read through the material from the first 1970 edition of “Our Bodies Ourselves” and the abortion articles from “off our backs” published from 1970 to 1972. I examined the themes that emerged from each source and compared the sources. As mentioned earlier, this theme measurement raises some reliability concerns and has a researcher bias. For measuring *Roe v. Wade* in the fifth chapter, I analyzed and did multiply careful readings of the majority opinion of the case. I noted the trends and framing of the Court case and analyzed the main themes from the case. I used scholarly sources for background and for a critical analysis of the Court case. Then, I compared *Roe*’s arguments to the themes from the pre-*Roe* abortion rights sources.

In the sixth chapter, I analyzed the post-*Roe* abortion rights literature by observing the second 1979 edition of “Our Bodies Ourselves” and the abortion related articles published from 1977 to 1979 of “off our backs.” I did a careful analysis of how the themes from pre-*Roe* abortion rights literature either changed or stayed the same in the post-*Roe* abortion rights literature. Also, I examined how the rhetoric and arguments changed in the post-*Roe* abortion rights literature from the effects of *Roe*. Then I analyzed the political consequences from the *Roe* verdict observed in the post-*Roe* abortion rights literature.

As mentioned earlier, this research model has limitations. A researcher bias may have occurred in coding the themes that limits the research results. Another researcher may have observed slightly different themes or chose to organize the material in a different way. Only measuring the Court’s impact on the movement has limitations because the measurement does

not account for other variables that may have affected the movement. The abortion rights sources selected for the dependent variable may not be a representation of the entire movement and possible excludes a minority or lower class women's voice. As a researcher, I chose only to observe the Court's effects to have a more detailed analysis. This limits the results because I failed to account for alternative explanations that may explain changes in the movement. Overall, the document analysis of primary sources and theme observation was the most reasonable measurement to capture the Court's arguments in *Roe* and how those arguments affected the arguments of abortion rights movement.

Chapter 4: The Baseline of the Abortion Rights Movement before *Roe* (1970-1972)

Introduction

In my thesis, I am researching the extent to which the prominent U.S. Supreme Court case that legalized abortion, *Roe v. Wade*, affected the arguments and rhetoric of the 1970s American abortion rights movement. First, I must establish the abortion rights movement before *Roe v. Wade*. In this chapter, I analyze feminist publications from 1970 until 1972 to establish a baseline of the themes that appeared in the movement before the *Roe* verdict in 1973. I chose to focus on two feminist publications, “Our Bodies Ourselves” and “off our backs,” to represent the voice of the 1970s abortion rights movement. “Our Bodies Ourselves,” originally titled “Women and their Bodies” in 1970, provides a health perspective on women’s issues, while “off our backs” provides feminist news and commentary during the 1970s. Together, the sources offer different perspectives on abortion rights advocacy. Neither source uses the rhetoric of “pro-choice” to refer to the abortion rights movement. The “pro-choice” terminology appears later in the movement and was not used before the 1973 *Roe* verdict.

These 1970s sources offer insight into the abortion-rights movement. In “Our Bodies Ourselves,” I traced the following themes: full access to abortion ((legal access, access to all (regardless of race or economic status), lowering the cost)), blame on the medical professionals, and societal constraints on a woman’s right over her body. In “off our backs,” I observed the following themes: demands for full access, blame on (male) doctors and the medical field, split within the ideologies of the abortion movement and fault on legislators, judges and society. Even though “Women and their Bodies” had a health perspective and “off our backs” focus was on women’s news, they share very similar themes focusing on abortion rights action but they have slight different approaches on how they blame societal actors.

Based on the survey of literature and the comparison of the themes, the baseline for the abortion rights movement focused on gaining full legal access for women of all statuses and races. From 1970 to 1972, the abortion rights movement advocated for lowering the cost for poor and minority women and making abortion legally available for women's rights and their safety from dangerous illegal abortion procedures. Both sources blame societal actors, such as legislators and medical doctors, for fueling the restrictions on women's reproductive rights and pushing societal moral blame on women choosing an abortion. These sources are limited and do not necessarily represent the whole voice of the 1970s abortion rights movement.

Our Bodies Ourselves' Background

In 1969, a group of women started a women's health publication that is now called "Our Bodies Ourselves" in response to feeling that their women's representation and voice was missing from the health world. The publication began when twelve women met at a Boston workshop for "Women and their Bodies." As a result, these women published in 1970 "Women and their Bodies" to offer their experiences and address issues in the medical field. In 1971, the group decided to take full ownership of their bodies and the publication's title was changed to "Our Bodies Ourselves." The feminist health publication began in 1970 and is still publishing today (Our Bodies Ourselves website).

In establishing a baseline for the abortion rights movement before *Roe v. Wade*, I chose to look at the first issue of the 1970 publication titled "Women and their Bodies." The first edition pamphlet has elements of handwriting script and old typewriter articles, showing how the publication lacked financial support and was in its early phases of development. The publication has images spread throughout and was originally sold for 75 cents. On the front cover, there is an image of three women: one older, one youthful and one young adult holding a poster that reads,

“Women Unite” (Boston Women’s Health Collective 1970). The front cover suggests the authors wanted a health movement engaging women of all ages. The entire pamphlet was by the Boston Women’s Health Collective and is lengthy with 193 pages. The publication is divided into multiple categories about women’s health. These elements show how the publication was in its early grassroots’ phase and was trying to provide easy and cheap information for all women.

The informal voice of the pamphlet uses collective thinking and consciousness raising for personal engagement with the woman reader. The informal and collective thinking tone arises from the authors’ choice to use “we” and “us” pronouns. The use of these pronouns connects the publication to the woman reader. The authors also use statements with “sisters,” further showing how the voice was informal and was speaking directly to a female audience (Boston Women’s Health Collective 1970, 3). Based off the authors’ tone and voice, the audience for this publication seems to be women looking for information on their bodies, their health rights, and a collective women’s movement. The tone and voice elements make the health information more relatable and connect the authors to the readers.

The authors’ purpose for the publication was to fill the gap of information on women’s health and raise awareness about these women issues. After the 1969 women’s conference in Boston, the women, who later formed the Boston Women’s Health Collective (BWHC), sent questionnaires surveying women’s feelings about their bodies and their relationship to themselves. Based off their results, they felt there was a need to offer a better voice to women; the Boston Women’s Collective said, “we discovered there were no good doctors and we had to learn for ourselves” (BWHC 1970, 3). The women behind the pamphlet were excited to share their knowledge they had learned, saying, “Our excitement was powerful. We wanted to share both the excitement and the material we were learning” (BWHC 1970, 3).

The goal of the source was to increase a woman's consciousness about her own health and body; the hope was this discussion would stimulate more communication and better education for all women (BWHC 1970, 4). The authors envisioned their ideas as dynamic and imply there would be future publications. They wanted to help establish a "collective knowledge" to change the health system for all women (BWHC 1970, 4). The authors' purpose was to educate on the missing information on women's health and engage the readers to raise their awareness to these women issues.

The pamphlet was a lengthy education piece that was broken into different categories to make the information easier to process for the reader. The pamphlet is broken into these categories: women, medicine and capitalism; anatomy and physiology; sexuality; some myths about women; venereal disease; birth control; abortion; pregnancy; prepared childbirth; post partum; and medical institutions. For the purpose of my abortion rights research, I chose to analyze the chapter solely on abortion (BWHC 1970, 89-105).

Our Bodies Ourselves' Themes

Full and Equal Access: Legal

The authors of the 1970 "Women and their Bodies" call for full and equal access through multiple avenues: legal, race and class, and lowering the cost. The first avenue is through legal demands for abortion access. The Boston Women's Health Collective called for a "right to control our own bodies" and demanded for legal access to this right at the very beginning of their chapter on abortion (1970, 89). The authors wanted to repeal abortion laws that restricted this right and allow for all women to have full and equal access through legal means.

The voice of the Boston Women's Health Collective uses strong rhetoric to emphasize how they felt legislators were oppressing women's legal access to abortion. The authors blame

the legislators for their failure to repeal the restrictive abortion laws. They refer to them as “sexist legislators,” who “keep us down” by using their power and influence to prevent abortion laws from being overturned (BWHC 1970, 9 & 92). According to the authors, the legislators fail to represent the women’s voice by allowing restrictive laws on reproductive rights to exist.

The author do not emphasize full and equal access through legal means that often showing how they found other obstacles more pressing than legalizing abortion. The women’s educational publication focuses less on the legislators and emphasizes no blame on the judicial system. While the authors call on the legislators to gain full access, they emphasize other obstacles to their reproductive rights more frequently. The authors mention no obstacles or restrictions created by the judicial branch; they cite abortion restrictive laws but, in their mentions, blame the legislators for failing to change the laws. This publication is pre-Roe verdict, which legalized abortion, so it is possible the authors did not see the courts as an important role in helping women’s access to abortion. The authors emphasized the full and equal access through legal means, but it is clear the authors found other avenues greater for access and did not see the judicial branch involved in helping the fight for women’s access.

Full and Equal Access: Race and Class

The second avenue the authors explore for full and equal access is through guaranteeing the abortion right for all races and classes. Compared to the legal avenue for full access and the lack of emphasis on the court’s role, the authors emphasize full and equal access for race and class. The Boston Women’s Health Collective is hyperaware of the oppression on lower socio-economic and minority women and greatly emphasizes limited abortion access for these women, who do not fit the societal norm of white, middle class. The publication has great awareness of different levels of women’s oppression.

The authors emphasize the need for access to women of different classes and races. They state “our poor white sisters are oppressed by class and sex, and our black and brown sisters by race, class, and sex” (BWHC 1970, 89). By highlighting the duality oppression of lower economic status and minority women, the authors show great awareness of gender ranking. While the authors do not use the term ‘gender ranking,’ they discuss how the oppression on poor and minority access to abortion are greater than that of white, middle class women. They offer their readers a reproductive rights movement for all women saying, “one woman cannot be liberated without the liberation of all women” (BWHC 1970, 90). The authors’ rhetoric calls for full and equal for all type of women.

In the publication, the authors argue white, middle and upper class women have greater access because of the economic costs involved in abortions. The authors emphasize how abortion access is restrictive for all women saying that only 1% of women can gain access (BWHC 1970, 89). According to the authors in 1969, “about 80% of hospital abortions last year went to middle and upper class white women, while 75% of the deaths from illegal abortions hit poor non-white women” (BWHC 1970, 94).

Along with greater access for white, middle and upper class women, the authors discuss the possibility of black women being forced to have abortions by society. The Boston Women’s Health Collective warn about the genocide black women face being forced into abortions. The authors imply there was a fear going through the movement that black women were being forced into aborting their pregnancies due to their race and possibly would be further oppressed if abortion were legal (BWHC 1970, 89). They state “we want those abortion to be voluntary...genocide of poor and black peoples to keep the most oppressed populations in check is a real fear when abortion laws are repealed” (BWHC 1970, 89).

The authors call for full and equal access for all women, despite race and class, by emphasizing how white, middle class women have greater access than other marginalized women. They even acknowledge their own bias of being white and upper class women. They state, “we don’t know from our own experiences—since we’re white and middle class” (BWHC 1970, 90). In 1970, the right was not yet nationally legal. Their rhetoric and tone offers an insight into the progression of awareness for all statuses of women and how this particular abortion rights advocacy was progressive about the class and race barriers.

Full and Equal Access: Lower the cost

The authors emphasize full and equal access through economic measures as their third avenue. In their rhetorical argument for full access, the women emphasize the overpricing of abortion as restricting women’s access. They emphasize that the woman is a “major health consumer” and is feeling the impact of the heavy abortion prices (BWHC 1970, 94). For example, they cite the D.C. therapeutic abortion was around 600 dollars for women (BWHC 1970, 94). According to the authors, the high cost of abortion limits the access for lower class women and puts an economic burden on a woman’s right to an abortion.

To strengthen the authors’ argument about the cost causing limited access, they compare how other countries, such as England and Communist Russia, legalized abortion (BWHC 1970, 91). The authors even discuss how London serves as an option for American women searching for legal and less expensive abortion. According to the publication, about several women a week in Boston go to London to get an abortion; the authors say, “the only crime is that you have to go so far to get it” (BWHC 1970, 97). Their comparison to other countries is used to emphasize the progressiveness of other nations and the need for better economical abortion access.

The authors demand full and equal access for abortion through legal means, access for all women despite race and class, and lowering the abortion cost. The legal means is underemphasized, while access for all women and lowering the cost is highly emphasized. The publication implies that even if women were granted full legal abortion, the expensive abortion price would still restrict women's full and equal access. According to the authors, the greatest barrier to full and equal access is through the race and class discrimination and the high economic burdens.

Blame on the Medical Professionals

The authors in "Women and their Bodies" greatly criticize the medical professionals for restricting women's access to abortion. The purpose of the publication was to educate women on their own bodies because the medical field failed to educate a woman's perspective on health. Based on the author's message, the medical field is characterized as androcentric and dominated by a male-centered purpose. Understanding the purpose of the source offers an insight into why the authors greatly blame the medical professionals for restricting abortion access (BWHC 1970).

The authors criticize the medical professionals for limiting abortion access and making abortion expensive. They state, "medical conservatives will hold out for a long time against both abortion on demand and abortion for low fees" (BWHC 1970, 94). The doctors, through the authors' portrayal, are huge barriers to a woman's abortion right. Later in the abortion chapter, the authors say, "as long as abortion is up to the doctors, it will be hard to get" (BWHC 1970, 95). Once again, the authors place great emphasis on the obstacle the doctors and the medical field pose to a woman's access.

The authors blame the medical field but do not blame the judicial or courts' role. The authors argue it does not matter if restrictive abortion laws are repealed because the doctors will continue to restrict women's access. The pre-*Roe* publication did not see the courts as an important actor in removing the boundaries for women's access. In cases where the courts removed boundaries, the medical field is still described as an obstacle because the abortion decision is left to the woman and the doctor. For example, the 1970 Hawaiian legislature "lean[s] towards leaving abortion up to the 'woman and her doctor' (BWHC 1970, 95). The authors argue the absence of the abortion law does not help women's access because the medical professionals will be slow to respond to the court (BWHC 1970, 95).

The Boston Women's Health Collective implies the medical field and doctors benefited from the expensive abortion cost. They argue the doctors and medical field want to maintain their power and continue to make high profits off the abortion procedure. They state, "the medical professions that uses the laws to maintain its power by defining the legality of each case and by making profits off the legal abortions they choose to do" (BWHC 1970, 89).

In response to the limited access from the medical field, the authors express that women had to turn to illegal abortions. In their chapter, they offer about three pages on abortion methods, diagram education, illegal abortions, how to spot signs of unskilled abortion methods, and self-induced abortions. The authors provide education to prevent dangers from illegal abortions and a personal story told by a woman, who was unaware of legal abortion options and had to turn to an illegal method (BWHC 1970, 103). She states, "finding an illegal abortionist was not easy" (BMHC 1970, 103). The authors offer education on abortion methods and a personal account to show the dangers with illegal abortions and emphasize abortion access obstacles created by the medical field.

Societal Constraints

The final theme that emerged from the source emphasizes the societal constraints and pressures over women's reproductive and sexual rights. They trace the societal constraints on women by providing history of Christian attitudes toward abortion, the guilt women feel over the operation, and the idea that some women are more "deserving" than others for abortions. The Boston Women's Health Collective begins the abortion chapter by stating women are educated to believe sex is wrong and fear asking for a birth control method, stating "we're scared to ask those who may know where to get abortion and which birth control methods are most effective for help" (BWHC 1970, 89).

The authors claim that the anti-abortion argument grounded in Christian and Biblical reasons are less historically and religiously grounded than society believes. The authors trace the history behind Christian anti-abortion arguments and find that the Catholic Church did not denounce abortion as a crime until 1869 with Pope Pius (BWHC 1970, 90). According to the authors, historical influences and societal constructs created greater societal constrains on women to feel guilty and have trepidation about having an abortion (BWHC 1970, 89). In another personal account about having an abortion, the woman claims "at no time... did I believe that I was doing something wrong and committing some offense against nature" (BWHC 1970, 103). The personal testimony counteracts the societal constrains and the poor moral attitudes toward abortion.

The authors imply societal pressures affected the restrictions around a "therapeutic abortion," an abortion for the protection of the mother's physical and mental health or child deformity, rape, and incest. The literature argues the medical field still classifies some women as being more "deserving" than others in being allowed therapeutic abortions (BWHC 1970, 93).

Even if the woman was “deserving” to the medical standards, the hospital may have already filled their quota for the week or month denying the woman access to an abortion services (BWHC 1970, 93). Ultimately, the authors argue society constructs the idea around abortion being morally wrong and, thus, affects the way women feel about getting an abortion. By citing societal constraints, the authors are attempting to raise women’s consciousness and their education to counteract these societal beliefs against abortion.

off our backs: Background

“off our backs” was a non-profit journal that published from 1970 until 2008. The primary goal was to write news about and for women. It became the longest running feminist publication in the United States. A collective group made all the decisions in the publication where they agreed by a consensus. In their mission statement, they say they wanted to provide information about women’s lives worldwide, educate the public on the status of women everywhere, act to facilitate discussion on feminist ideas, and seek justice and equality for all women. The target audience was for feminists, women, and the lesbian culture. The source offered news information, opinion pieces and even political cartoons (off our backs website). The news source provided commentary on the current events of the time.

The publication opened channels of discussion for the women’s movement and rights. The editors believed popular media was doing little to represent women’s voices and when the mainstream news had women’s stories, they were often “token” pieces. The goal was to counteract the male dominated news sources. “off our backs” title refers to “the dual nature of nature of the women’s movement” (Editorial 1970, 2). According to the first 1970 editorial of “off our backs,” women are oppressed by men’s dominance over their lives but also share fault because they have consented to the oppression. Similar to “Our Bodies Ourselves,” the

publication sought to raise women's consciousness about these issues. They were excited to address the issues that the male dominated press had not addressed in the 1970s (Editorial 1970, 2).

The news journal offers a feminist voice on the news that affects women in the United States and the world. The source asserts a feminist perspective but strives to offer a voice on women's issue that is not just liberal (Editorial 1970, 2). In their first editorial of volume 1 of "off our backs," the authors are open about their bias; they state, "we intend to be just, but do not pretend to be impartial" (Editorial 1970, 2). The authors express how their feminist perspective affects their bias. Similar to "Our Bodies Ourselves," the authors' voice and tone is more informal and collective thinking. They use elements of informal writing by using a collective voice with "we" pronouns. They also refer to their readers as "sisters," bringing a greater connection to the source's readers and to feminist issues.

For the purpose of my research, I only analyzed abortion topic related news articles from "off our backs" in the years of 1970 to 1972. The news ranged from looking at abortion law restrictions, investigations of abortion clinics, and women's movements missions and advocacy.

off our backs' Themes

Demands for Full Access: Class & Race

In "off our backs," the authors repeatedly demand for equal access to abortion. The theme is emphasized throughout the publication from the years 1970 to 1972. They argue that poor and minority women are greatly restricted to their abortion access. Similar to "Our Bodies Ourselves," the authors detail the restrictions African American women face in seeking abortions and how these women's only option is to seek dangerous, illegal abortion methods. For example in the 1970 article "Abortion Action," the authors express concerns over the abortion restrictions

that poor and black women still face even though abortion was legalized in New York. They say the difficulties and restrictions surrounding a legal abortion “drive the poor black hands into the hands of the butchers” (“Abortion Action” 1970, 13). “Butchers” refer to the doctors or persons performing the abortion, and are characterized as performing deathly abortions.

According to the “off our backs” authors, poor women are restricted because of the expensive abortion costs. The authors describe in “Abortion isn’t Major Surgery” how abortion could cost up to 800 dollars. Looking specifically at the 1970 D.C. General Hospitals, the authors explain how poor residents cannot afford abortions unless provided at the hospital (“Abortion at D.C. General Hospital” 1970). The authors describe abortion services at the hospital as rare and limited stating, “a very small number are done for women who do not have the ready cash to pay in advance” (Ibid, 4). The authors reinforce ideas of access for all, despite race or class throughout the news articles from 1970 to 1972.

Blame on (Male) Doctors and the Medical Field

Throughout the years of 1970 to 1972, the authors repeatedly stress how (male) doctors and the medical field restrict a woman’s access and understanding of her abortion right. The (male) doctors, according to the news articles, are unsympathetic to their patients. The authors stress how women need to take ownership of their health education and raise their consciousness. The medical field is criticized for the lack of adequate service and their mandatory abortion counseling.

The authors emphasize how the doctors’ male sex relates to their disinterest in the women abortion patients and how doctors predominantly leave female counselors to deal with the emotional well being of the patients. In 1971, the authors are more sympathetic to the women counselors and nurses describing them as more communicative with the patients. The authors are

still critical of the male-dominated doctors saying, “the doctor can only distinguish us by our uterus” (Abortion Counselors 1971, 22). In a 1972 article discussing abortion counseling, the authors discuss their concerns with mandatory counseling for abortion patients. In 1972, they emphasize how it legitimizes the role of the doctor, who is always male and “never has to relate to the women’s feelings.” Instead, the typically female counselor deals with the emotional health of the patient (“Abortion Counseling Superwoman” 1972, 10). Again, the authors equate the doctors’ sex as a huge reason why the doctors are unable to relate to women’s health issues and are apathetic to abortions.

The “off our backs” authors describe the sex of the doctors as a reason for their uncaring attitude toward women’s emotions in abortion matters. The authors are critical of the male sex of the doctor in their investigation of New York abortion clinics stating, “male doctors continue to control and profit from our bodies” (“Money Doesn’t Talk” 1970, 5). The authors criticize the doctor’s ability to make such a large profit from the restrictions on women’s access to an abortion. The publication even prints an advertisement from Free Clinic, Healthwitches and Abortion Counselors for the need of a woman doctor for a health educational clinic (“Women M.D. Wanted” 1972, 26). This advertisement implies a woman doctor could help women’s access to abortion by being more relatable and caring for (women) patients’ emotional health. Primarily, the authors blame the doctors for being unable to emotional understand their female patients.

“off our backs” is critical of the medical field for their abortion methods and clinics and failing to provide adequate information on abortions. In their investigation of New York abortion clinics, the authors found differences between the clinics in prices, procedures, and methods. Concerns were raised about whether women were getting adequate treatments when the abortion

clinics varied so much. The counselors were described as “condescending and humiliating,” and their actions “reinforced the woman’s guilt feelings” (“Money Doesn’t Talk” 1970, 4). The authors seem split on their attitudes toward counselors. In some articles, the authors appreciate the counselors for helping with emotional health when doctors fail to help, but in other articles, the authors are critical of their methods and tone used to the female patients.

During the investigations of New York abortion clinics, the authors raise concerns about the competitiveness of the private abortion clinics creating abortion prices to rise making it harder for lower income women to afford. The authors refer to the New York’s abortion legalization as “no victory for women” because the private clinics still have many obstacles for women’s access (“Money Doesn’t Talk 1970, 4). Furthermore, the authors are critical of the medical field for describing abortion as a major surgery and highlight this as a reason why women are willing to pay costly fees (“Abortion isn’t Major Surgery” 1970, 15). The authors criticize the medical field for failing to provide universal measures for abortion clinics and causing obstacles, such as high prices, for all women to access.

In response to the confusion of the medical field and distrusting attitudes toward the doctors, the source offers educational information for its readers to help increase women’s consciousness. In a “Do’s and Don’t’s” article, the publication educates on the different abortion procedures and methods and describes the life threatening methods that should never be performed (1970, 20). The publication received reader concerns over their educational piece on “Do’s and Don’t’s.” In response to these concerns, the authors defend the importance of women needing to seize their own health knowledge “to determine their own reproductive lives” (“Abortion isn’t Major Surgery” 1970, 15). The publication raises concerns about abortion

clinics and the doctors, but also provides useful information for their readers in understanding abortion methods.

The source blames the doctors and medical professionals countless times throughout the two-year span of this survey. The frequency of this trend expresses how dire the authors felt this concern needed to be addressed for women's reproductive rights. The doctors are characterized as uncaring, disinterested, and solely seeking a profit. The medical abortion clinics provide contradicting services and act as competitive industries against one another. The authors respond to these inequalities in abortion services by providing educational resources for its readers. Addressing education importance, the authors state, "we should start knowing ... what is good medical care" ("Abortion" 1971, 22).

Split within the Ideologies of the Abortion Movement

Over the two-year timeframe, the source shows the start and the progression of the ideological split in the abortion movement. Based off this source, the movement starts to split around 1971 over whether the movement should be demanding abortion legalization nationally or demanding free cost of abortion nationally. The articles trace the progression of the conflict beginning with the first Women's National Abortion Conference (WONAAC) into the movement forming two different groups.

In 1971, the abortion rights movement begins to be divided over the demands and message of the movement. At this time, the single-issue movement for abortion rights was fairly new and, based off the source, the movement was confused on their direction. Pollner, a writer for "off our backs," describes the first WONAAC as having "bitter divisions amongst the group" but she ends her piece as hopeful in the strength of the movement (1971, 8). The division was between the majority of the members at the WONAAC, who focused solely on repealing the

abortion laws and fighting for legal access; while the minority, the more liberal voice (later to be called the Abortion Project of the Washington Feminist) wanted free abortion demand in order to insure access to all groups of women (Pollner 1970, 8 & Fisher, Hatfield & Koury 1971, 11). In the “A House Divided” piece, the authors supported free access to abortion for women of all classes and races stating, “total feminist perspective to include the needs of all women” (Fisher, Hatfield & Koury 1971, 11).

In 1972, the publication continues to describe the split in the movement. In a piece by one of the authors, who attended the 2nd WONAAC, Chapman argues the movement’s focus is on abortion legalization rather than representing the small groups (1972, 25). In the abortion news, the publication reports women within the cause at the 3rd WONAAC challenged the movement’s mission (1972, 20). The split in the movement is important to understand how some of the movement wanted legal access granted from the courts or legislature but how some progressive thinkers were already demanding free access and greater equality for all women.

Fault on Legislators, Courts, & Society

The feminist publication faults the legislators, the courts, and society for instilling values about abortion as morally wrong and causing obstacles for all women to have abortion access. The authors blame the legislators, judges, and lawyers for being “so incredibly isolated from women who need abortion” (Abortion Counselors 1971, 22). Similar to “off our backs” articles that blame male doctors, the authors characterize judges, legislators, and society as being disconnected from women’s reproductive rights. Their blame on the judges, legislators, and society is observed much less than the fault on the doctors. The authors emphasize how the legislators are disconnected and fearful to repeal abortion laws. In one example, the piece discusses how Texas legislators, avoided controversy, by deleting an entire section on abortion in

the Revised Penal Code. In the “Pure Hell” piece, the legislators are described as fearing hurting their political careers over the Revised Penal Code (1971, 12).

According to multiple articles, society constrains women’s right to an abortion. The authors argue that society makes women feel guilty over the abortion decision. The Abortion Counselors, a group of authors for “off our backs,” argue women are pushed by society “to feel guilty” (Abortion 1971, 22). These authors call for better medical care and a more supportive atmosphere but they believe society has a long way to go in order to reach that supportive atmosphere (1971, 22). In an “off our backs” investigation of abortion counselors, the authors criticize mandatory counseling because it reinforces the idea that women should feel guilt over their abortion decision. They add, further, that “society pressures make it difficult for women to talk” about their abortion (“Abortion Counseling Superwoman” 1972, 10). The authors conclude their piece by arguing that society reassures that abortion is morally wrong by forcing women to talk about their abortion decisions in counseling.

Commonalities and Differences Between the Sources’ Themes

Although the two sources varied in reasons for their publications, the themes examined from “Our Bodies Ourselves” and “off our backs” were strikingly similar. “Our Bodies Ourselves” was intended for a women’s health educational purpose while “off our backs” was meant for covering a women’s perspective on news. Both expressed similar arguments for women’s rights to abortion but varied on the extent to which they blamed certain actors in restricting the rights. Looking at commonalties, they both highly emphasize the greater oppression on women of color and poor economic status, blame the medical professionals, and offer educational advice for their readers. They vary in the way that they blame the medical professionals and emphasize different societal actors’ influences.

The authors of both sources are hyperaware of the oppression placed on women of a lower class or race. Both discuss challenges of the expensive abortion cost and call for lowering the price. “off our backs” takes a more progressive step and demands for free abortion. It is extremely significant that both sources stress the importance of abortion access for all women more than the legal access of abortion. The sources discuss the need for legal intervention but place greater emphasis on the restrictions caused from the high cost of abortion on women of color or lower economic status.

In comparing “Our Bodies Ourselves” and “off our backs,” they both blame the medical field and doctors for causing high prices, misinformation about abortions, and continuing to stop the progress on legalizing abortions. “off our backs” is more critical of the medical field than the health publication, “Our Bodies Ourselves.” The “off our backs” authors view the patriarchal hierarchy of the doctors as restricting women’s access and causing American society to enforce attitudes that women should feel guilty over their abortions. “off our backs,” constantly throughout their 1970 to 1972 publications, refer to the doctors as “male doctors.” This is not a common trend observed in “Our Bodies Ourselves.”

In response to the inadequate medical field, both publications make it their mission for women to be more informed about women’s issues and health education to raise their consciousness. Both sources provide information on the different types of abortions, what to beware of in abortion clinics, and even the types of illegal abortions. The sources warn about the dangers in illegal and self-induced abortions, and express a need to educate women about their reproductive rights.

The main difference between the two sources is the extent to which they place fault on legislators, the courts, and society on women’s reproductive rights. “Our Bodies Ourselves”

places very little discussion onto the role of legislators in restricting a woman's right to an abortion and provide no discussion on the role of the courts. While "off our backs" authors stress the importance of the role of the legislators, but still at a smaller frequency when compared to their discussion on blaming doctors. They offer multiple news articles on abortion laws, where the legislators failed to help the women's abortion movement by either passing anti-abortion laws or avoiding the controversial topic of abortion law.

Interestingly, the "off our backs" authors only blame the courts and judicial system a little in their discussion while the "Women and Their Bodies" authors have no mention of the court's role. This is an important find because these publications came just a couple of years before the *Roe v. Wade* decision. This early 1970s abortion rights literature does not seem to see the courts as an important actor in helping or restricting the abortion right.

Both abortion rights sources are critical of the societal pressures and constraints enforced on women's reproductive rights. They are different in their approaches to discussing the societal constraints. The "Women and their Bodies" authors look more historically at the Christian influences on the anti-abortion movement. They place a lot of emphasis on how restricting abortion laws were a relatively new practice. The authors also attempt to educate their readers to help raise consciousness awareness and shift disapproving cultural attitudes toward abortion. The "off our backs" authors offer little insight on the historical or religious influences on the societal constraints. Rather, they blame the society for instilling guilt feelings into women choosing the abortion.

The two sources have relatively similar messages in advocating for abortion rights literature. This is an important find that shows how the two sources are strong examples for the abortion rights movement. The sources serve for different purposes, one for health education and

the other for news information, but they convey relatively similar messages in their rhetoric arguments for abortion rights. In sum, the early 1970s abortion rights movement was advocates for increasing all women's access to abortion and criticizing societal actors, such as the medical professionals, for limiting this right. While the two abortion rights sources have similar messages, the movement seems to be searching for a common identity and shows signs that the movement was in its early phase.

Concluding: Establishing the Abortion Right Movement Baseline

Overall, the two primary sources, "Our Bodies Ourselves" and "off our backs," serve as the baseline for the abortion right movement before the legalization of abortion in the *Roe v. Wade* verdict. Based off the literature, the abortion right movement was in its earlier phase and still searching for a common identity.

The common themes that appear in the abortion rights movement during 1970 to 1972 were demands for full, legal access for all women and criticizing societal actors for limiting abortion access. The sources highlight the importance of oppression placed on colored and lower-socio economic status women. "off our backs" shows themes of the movement having conflicting ideologies. Finally, both sources blame the inadequacy of the medical field and the doctors for the women's lack of health education and limited access to their reproductive rights.

This chapter establishes the message of the abortion rights movement, based off "Women and their Bodies" and "off our backs." In comparing the two sources, I find that the two sources have relatively similar messages in advocating for abortion rights even though they serve for different purposes. In the next chapter, I analyze the arguments from the Supreme Court case, *Roe v. Wade*, and compare their rhetoric arguments to the earlier 1970s abortion rights literature.

Chapter 5: The Arguments behind *Roe*

Introduction

Roe v. Wade, the 1973 Supreme Court case to constitutionally justify a woman's right to an abortion, began when a single, pregnant woman (Jane Roe) challenged the constitutionality of a Texas statute (*Roe v. Wade*). This Texas statute only allowed abortion for the purpose of saving the mother's life. Roe wanted to terminate her pregnancy under safe means with a licensed physician but she was unable to have a "legal" abortion because her life was not threatened by her pregnancy. According to Jane Roe, this Texas statute violated her personal privacy and was constitutionally vague. A three-judge district court ruled in favor with *Roe*, but the case was appealed to the Supreme Court (Ibid).

Originally, *Roe v. Wade* was not supposed to be the case to address the constitutional right to an abortion. In May 1972, Justice Blackmun, the writer of the *Roe* majority opinion, passed a draft opinion around to the Justices that would have struck down the Texas statute on vague terms (Beck 2011, 517). *Doe v. Roe*, another Supreme Court case that was announced the same day as *Roe* and addressed abortion rights, was supposed to be the specific case addressing the constitutionally protected abortion right. Instead, Justice Blackmun listened to other Justices' advisory words and chose to use *Roe* as the case to establish this right (Beck 2011, 520). (WHY)

The Court was hyperaware of the controversy surrounding the abortion issue case. At the beginning of the Court's opinion, Justice Blackmun writes, "We forthwith acknowledge our awareness of the sensitive and emotional nature of the abortion controversy, of the vigorous opposing views, even among physicians" (*Roe v. Wade* 1973, 117). To limit controversy, the Court chose to focus on the constitutionality of the case and use medical support. According to Robert Blank, an academic scholar, this was "one instance of a major court decision which relied

heavily on biological fact in making its rulings” (1984, 585). The Court used constitutionality and medical backing to limit controversy.

The Court justified the abortion right through three main points. First, the Court traced the medical legal history to offer grounding and establish women’s access to abortion. Second, they argued the right to privacy included the abortion decision, but added there are limits to this right. Third, they provided a trimester framework to allow states, under a “compelling interest,” to regulate abortion in some instances. These main points, according to the Court, proved the Texas statute was unconstitutional, and set precedent for the constitutionality of a woman’s right to have an abortion (*Roe v. Wade* 1973).

By comparing the arguments in the *Roe* opinion and the abortion right literature (“Women and their Bodies” & “off our backs” 1970-1972), I observe small amounts of similarities, but, primarily, observe a large disconnect between the rhetoric and language of these different arguments. Justice Blackmun and the abortion rights authors, from my research in chapter four, both agree with legal access for a woman’s right, and on the historical shift in attitudes toward abortion. Besides those similarities, they differ remarkably. The Court’s opinion in *Roe* to some extent addresses the limitations of access due to class but does not address limits from race; this was a major demand for both “Women and their Bodies” and “off our backs.” The crucial difference is their tone, rhetoric and attitudes toward the relationship of the physician and the woman in making the abortion decision. The Court views the physician favorably, placing confidence in the physician’s judgment while the abortion rights authors are highly critical of the physicians, placing a large amount of blame on the medical physicians for failing to help abortion access.

In this chapter, I analyze the rhetoric and arguments behind the Court majority opinion in *Roe* looking specifically at the medical legal history, the privacy right, and the trimester and compelling interest framework. I also compare the Court's argument to the themes discussed in chapter four, including: full and equal access, the historical shift in abortion attitudes and the woman's relationship with the physician.

The Court's Arguments in *Roe v. Wade*

Tracing the Medical Legal History

In the *Roe* opinion, Justice Blackmun traces the medical legal history on abortion to provide background on society's past attitudes toward abortion regulation. Justice Blackmun describes the importance of the history behind abortion laws stating, "medical-legal history...reveals about man's attitudes toward abortion procedure over the centuries" (*Roe v. Wade* 1973, 118). Justice Blackmun analyzes laws, such as ancient attitudes, common law, English statutory law and American law, to trace the medical legal history. He concludes that the practice of only allowing abortion to preserve a woman's life was "not of ancient or even common law origin" (Ibid 130). Rather, this practice became prominent in the latter half of 19th century America (Ibid).

Looking closely at the American law, the Court observes the change in the laws toward regulating abortion. Justice Blackmun describes how the charges and offenses on abortion were gradually increased and, by the 1950s, "a large majority of jurisdictions banned abortion...unless done to save or preserve the life of the mother" (Ibid 140). This shift in American law supports the Court's argument that laws forbidding abortion were a fairly new practice.

The *Roe* opinion provides three possible reasons for the historical enactment of criminal abortion law. First, the opinion offers one of reasons as the "Victorian social concern to

discourage illicit sexual conduct” (Ibid 149). For the Court, this was not a plausible reason for the enactment of abortion law. They were quick to disregard this reason because it does not apply to the contemporary Texas law or is an argument taken seriously by other courts. The second reason provided by the Court is that states enacted abortion criminal law to limit the unsafe and hazardous practice around abortions. This was used as an argument at the beginning of regulating abortion. Over time, the surgery became safer and became less a reason to regulate abortion. Although the Court still defends states’ rights to regulate the abortion surgery for safety stating, “the State retains a definite interest in protection the woman’s own health and safety... at a late stage of pregnancy” (Ibid 151). The third reason provided by the Court is that prenatal life is protected and need to be protected under abortion law. The Courts adds that the beginning of human life during pregnancy is still greatly debated and controversial (Ibid).

In the conclusion of tracing the medical history, Justice Blackmun states a woman’s right to abortion is more limited in the 1970s than it has been in previous law. He writes, “A woman enjoyed a substantially broader right to terminate a pregnancy than she does in most states today” (Ibid 141). The historical medical trace provides the framework for previous social attitudes to abortion criminal law and establishes how the abortion criminal laws, such as the Texas Statute, were relatively new.

Right to Privacy

The constitutional protected privacy right is not written explicitly in the Constitution, but through previous Supreme Court cases, the Court has established the right to privacy. Justice Blackmun clearly states, “ The Constitution does not explicitly mention any right to privacy,” (Ibid 153) but he goes on to cite cases where the precedent of the privacy right has been established. Most prominently, *Griswold v. Connecticut* (1965) struck down the Connecticut

statute that forbade the use of contraception for married couples, under the right to privacy (Wenz 1992, 24). In *Griswold v. Connecticut*, Justice Douglas states the Connecticut statute was “repulsive to the notions of privacy surrounding the marriage relationship” (*Griswold v. Connecticut* 1965, 486). Previous Supreme Court cases, such as *Griswold*, protect the right to privacy.

After Justice Blackmun explains the precedent behind the privacy right, the Court must answer whether a woman has a right to terminate her pregnancy under this right to privacy. Justice Blackmun answers, “We, therefore, conclude that the right of personal privacy includes the abortion decision, but that this right is not unqualified, and must be considered against important state interests in regulation” (*Roe v. Wade* 1973, 155). In sum, the *Roe* Court argues the privacy right protects the abortion decision, but it is not absolute, nor can a woman terminate her pregnancy in whatever way or whenever she desires (*Roe v. Wade* 1973).

Some of the literature disagrees with the Supreme Court’s decision to ground the abortion right with the right to privacy. For example, scholar Peter Wenz agrees that this constitutional right of privacy maintains that women can choose to have an abortion (Wenz 1992, 17). The scholar disagrees with the Court’s ruling to include the abortion decision under the personally privacy, arguing the right is poorly grounded (Wenz 1992, 17).

Next, the Court needed to answer whether the fetus was considered a “person” under the Fourteenth Amendment. The Court avoids the issue of when life begins (Blank 1984, 588). They state, “When those trained in the respective disciplines of medicine, philosophy, and theology are unable to arrive at any consensus (on when life begins), the judiciary, at this point in the development of man’s knowledge is not in the position to speculate as to the answer” (*Roe v. Wade* 1973, 160). The Court avoids this question but is persuaded to believe “the word ‘person’

in the Fourteenth Amendment, does not include the unborn” (Ibid 159). The Court is persuaded that the unborn was not a “person” under the Fourteenth Amendment but the Court argues the personal privacy of a pregnant woman was not guaranteed. Justice Blackmun states, a “pregnant woman cannot be isolated in her privacy,” because she is carrying an embryo and later a fetus (Ibid 160). This, according to the Court, is the limit to the personal privacy of the woman.

Some scholars argue the Court could have stopped their verdict after they decided that a “person” did not include a fetus. This Supreme Court decided to take their decisions further and offer a somewhat legislative agenda to their verdict. According to scholar, Marilyn Cane, the *Roe* opinion could have ended after the Court stated a “person” in the Fourteenth Amendment did not include the unborn. Instead, the Court set a trimester abortion regulation to protect potential life, and the interest of the states (Cane 1973, 428).

Trimester Framework and Compelling State Interest

In the Court’s last argument, Justice Blackmun sets a trimester framework to regulate the abortion right and protect the “compelling” state interest. This framework was an attempt to balance the personal rights of the woman, with the potential life that states wished to protect. Scholar Randy Beck argues the trimester framework “permitted states to enact different categories of abortion regulations at different stages of pregnancy” (2011, 505). The Court divides the framework into three categories.

- In the first trimester, women have a right to an abortion and the state cannot intervene.
- After the first trimester, states can regulate in the interest in protecting the maternal health.
- In the viability point of pregnancy (the time period when a fetus can live outside the womb), the state has a “compelling interest” to protect the fetal life (*Roe v. Wade* 1973).

Interestingly, the trimester framework had not appeared in any of the arguments from the three-district judges or parties' briefs prior to the Court. The three-district judges court ruled that women had a right to choose whether to have children under their privacy rights, but they set no standard on how late into the pregnancy women were granted this right (Beck 2011, 510). Similarly, neither parties' briefs discussed this framework. The appellants argued Texas statute did not demonstrate a compelling state interest; while, appellee, the opposition party, argued that conception was the start of life and the state had an interest to protect this life (Beck 2011, 511). The *Roe* verdict used a new framework to balance the abortion right and the state right.

Justice Blackmun states in the first trimester that the woman has a right to an abortion. During the first trimester, "the attending physician, in consultation with his patient is free to determine, without regulation by the State, that, in his medical judgment, the patient's pregnancy should be terminated" (*Roe v. Wade* 1973, 164). The Court is clear this right is guaranteed in the first trimester and cannot be interfered by the State.

After the first trimester, the Court places power in the states to regulate and at the point of viability, the state has a "compelling" state interest to regulate for the maternal health. A compelling state interest is a test, in which the individual's rights are protected until the state interests are vital enough to override the individual's rights (Cane 1973, 426). Justice Blackmun used a "compelling" state interest test for the trimester framework. He described this test as, "a State may regulate the abortion procedure to the extent that the regulation reasonably to the preservation and protection of maternal health (*Roe v. Wade* 1973, 164). "Compelling," in this instance, meant preserving and protecting the mother's health and fetal life.

The Court emphasizes the state has an interest to protect the potential life during fetal viability. During viability, the fetus can survive outside of the womb, and according to the Court,

the state has an interest to protect the “potentiality of human life” by regulating abortion in this phase (Beck 2011, 505). Justice Blackmun explicitly explains viability, “upon the interim point at which the fetus becomes ‘viable,’ that is, potentially able to live outside the mother’s womb” (*Roe v. Wade* 1973, 161).

According to the Court, the state has this interest unless the mother’s life or health is threatened (Beck 2011, 505). Again, the Court explains the extent of the state’s regulation stating, the “State is interested in protecting fetal life after viability...except when it is necessary to preserve the life or health of the mother” (*Roe v. Wade* 1973, 164). Unless there is danger to maternal health, the state has the power to regulate abortion after viability under *Roe*.

Some academic scholars are critical of the trimester framework. For example, some scholars describe this trimester framework as providing states with some significant power to regulate. Scholar Randy Beck argues the trimester framework “permitted states to enact different categories of abortion regulations at different stages of pregnancy” (2011, 505). Based on examining Justices’ exchanges and papers before and during *Roe*, scholar Beck argues the Court did not need to resolve the timeframe on abortion rights. By looking at the papers of the majority opinion Justices, Beck explains the Justices recognized in the *Roe* opinion that they did not need to answer this time frame of the abortion right, but, by doing so, the Court set a standard for precedent in future cases (2011, 516). According to Blank, “Blackmun used viability...as the basis for balancing the constitutional rights of the fetus” (1984, 586).

Other scholars see problems with the Court’s emphasis on the physician and woman’s relationship characterization. The “attending physician” must offer “his medical judgment” under the Court’s decision (*Roe v. Wade* 1973, 164). Scholar Cane comments that the privacy right only allowed a woman to an abortion through the consultation of her physician (1973, 414).

Justice Blackmun's opinion places great emphasis on the relationship of the physician and the woman, adding power to the medical opinion. The opinion chooses to characterize the physician with "*his* medical judgment" stressing the male sex of the physician.

Ultimately, the Court ruled the Texas code was unconstitutional because the law did not set a distinction for different phases of a woman's pregnancy and was too vague (Beck 2011, 515). Justice Blackmun explains the Texas code is too broad by failing to distinguish the time in pregnancy of the abortion (*Roe v. Wade* 1973). While the Court was persuaded that the unborn is not a "person" under the Fourteenth Amendment, Justice Blackmun still provides a balance for protecting fetal life (Ibid). Academic scholars disagree over the Court's decision to set a trimester framework and the rhetoric choice to place power in the physicians. Overall, the Court constitutional rules the unborn was not a person under the Fourteenth amendment; they still protect the fetal life through the viability standard somewhat contradicting their earlier claim on fetal rights.

Comparison to off our backs & Women and their Bodies (1970-1972)

Overall, the Court and the 1970s abortion rights authors have very different rhetoric approaches to an abortion woman's right. Justice Blackmun's opinion and the abortion rights literature share similarities in their demands for women's legal access to abortion. They differ in their approaches to full access for class and race. BWHC and "off our backs" authors place extreme importance on class and race access, while the Court chooses not to fully address these concerns. The largest contrast between the sources is their descriptions of the woman's relationship with the physician. While BWHC and "off our backs" authors deeply criticize the role of the physician in limiting abortion rights, the Court places trust in their medical opinion.

Based off this comparison, the Court does not seem to be influenced by these particular abortion rights authors.

Legal access for women's abortion right is the first obvious connection of the 1970s abortion rights literature to the *Roe* opinion. In "Women and their Bodies," the authors wanted a "right to control our own bodies" through legal access and wanted restrictive abortion laws to be overturned (BWHC 1970,89). The *Roe* verdict overturns the Texas statute for restricting a constitutional woman's right to an abortion and by being too broad. Justice Blackmun set limits to this right but followed a similar idea from the abortion rights literature to repeal abortion restriction laws and legalize the right (*Roe v. Wade* 1973).

Unlike the 1970s abortion rights literature, the Court slightly addresses the abortion access but does not provide solutions for the inequalities in access, besides legal access. A central theme in both "Women and their Bodies" and "off our backs" is the demands for full class and race access, by limiting the discriminating abortion practice and decreasing the cost. The authors, in "Women and their Bodies," explain the race and class exclusion of abortion access by offering the statistic that in 1969 about 80% of the women, who managed to have a legal abortion, were white, middle and upper class women (BWHC 1970, 94). In one article from "off our backs," the authors describe how the costly practice of abortion, "drive the poor black hands into the hands of the butchers" ("Abortion Action" 1970, 13). The Court addresses class concerns by mentioning Jane Roe's inability to pay to travel to another location for an abortion. The Court chose not to discuss minority women's possible limited abortion access. Justice Blackmun describes the background on the case writing, "she was unable to get a "legal" abortion in Texas because her life did not appear to be threatened by the continuation of her pregnancy; and that *she could not afford to travel to another jurisdiction* to secure a legal

abortion under safe conditions” (*Roe v. Wade* 1973, 121). In 1973, the Court discusses the class limitations for abortion access in the case.

Both Justice Blackmun’s majority opinion and “Women and their Bodies” address the significance of the historical shift in attitudes toward abortion. The “Women and their Bodies” authors cite the historical change in Christian attitudes toward abortion and how abortion was not always a condemned practice. Similar to Justice Blackmun’s medical legal historical trace, the BWHC authors dispute the idea that “abortion violated some age-old and God-given ‘natural law,’” instead explaining that it was not until around the early 1800s that abortion restrictive laws appeared in England (BWHC 1970, 90). The authors sight the Catholic Church for one of the reasons in the change of abortion attitudes, “Suddenly in the nineteenth century things tightened up. In 1869 Pope Pius eliminated the distinction between an animated and non-animated fetus, and since then the Catholic Church has called all abortion murder” (BWHC 1970, 90). Justice Blackmun in the *Roe* opinion explains, similarly, how criminal abortion law is relatively new. After his discussion on different types of laws, he concludes “a woman enjoyed a substantially broader right to terminate a pregnancy than she does in most states today” (*Roe v. Wade* 1973, 141). Compared to the majority opinion, “Women and their Bodies” uses a stronger rhetoric with more focus on social attitudes. The two sources, “Women and their Bodies” and Justice Blackmun’s opinion, show similarities in their historical traces, agreeing that is a relatively new idea to condemn abortion legally.

The Court’s rhetoric on the physician relationship with the woman disconnects significantly with the rhetoric of the abortion rights literature. Justice Blackmun affirms this relationship writing, “the attending physician, in consultation with his patient is free to determine, without regulation by the state, that, his medical judgment, the patient’s pregnancy

should be terminated” (Ibid 164). Justice Blackmun characterizes the medical opinion’s importance and places significant power in ‘his,’ the doctor’s, medical opinion. The Court establishes this abortion right but, under the condition, the physician provides ‘his’ support (Ibid).

Two scholars, Cane (publishing the same year as the Court’s verdict) and Gibson (2008), are critical of the ‘woman and male physician’ rhetoric used by the Court. Describing the debate around the *Roe* case, Cane states the abortion right ensured “the medical profession a ‘right to refuse’ to do the operation (1973, 431). The Court, intentionally or unintentionally, places power in the medical doctor to decide whether a woman can be granted an abortion. Gibson argues, on the surface, the Court’s verdict grants an important right to women. Examining the rhetoric more closely, Gibson argues the Court limits the woman’s freedom by reinforcing the idea that the doctor knows what is best for the patient (2008, 312). According to Gibson, the Court’s rhetoric brought central authority and responsibility to the doctor (2008, 320). Furthermore, Gibson describes how the woman becomes trapped in her patient role and silences the stories of the women (2008, 320-321). Gibson and Cane are critical of the ‘woman and physician’ rhetoric used by the Court.

In stark contrast to the Court, the early 1970s abortion rights literature places blame on the doctors and fears the restrictions caused by the medical professionals. *Blame on the Medical Professionals*, a theme I discussed in chapter four, was a central in “Women and their Bodies.” The publication’s goal is to educate women on their own bodies because the authors felt the medical field had failed to educate women on their own bodies. The BWHC authors describe the doctors as an obstacle to the abortion right stating, “as long as abortion is up to the doctors, it

will be hard to get” (1970, 95). The purpose and rhetoric used by the BWHC authors differs significantly from the Court’s confidence in the medical’s judgment in an abortion decision.

“off our backs” authors take their criticism of the doctors even further by repeatedly blaming the (male) doctors. The authors characterize the doctors as male, apathetic professions, who greatly restrict woman’s abortion access. According to the “off our backs” authors, the doctor “never has to relate to the women’s feelings” (“Abortion Counseling Superwoman” 1972, 10). The authors relate these uncaring and obstructive doctor’s attitudes with their male sex as being unable to understand the woman body. In contrast, Justice Blackmun continues to reinforce the male sex of the doctor by using male pronouns such as “his medical judgment” (*Roe v. Wade* 1973). Clearly, the authors of “Women and their Bodies” and “off our backs,” view the physician as hindering a woman’s abortion right, while the Court, values the role of the physician in the abortion right.

Based off this comparative analysis, the Court does not seem to be influenced by the abortion rights literature produced by “Women and their Bodies” or “off our backs” in the 1970s. The rhetoric of the *Roe* Court did use similar arguments, such as granting legal access and the historical trace of abortion attitudes, but these are very small similarities. The national legal access is not a prominent theme in either abortion rights’ literature, but rather, both greatly emphasize full and equal access for all classes and races. The Court limits their discussion on addressing concerns of race or class, showing a large disconnect on the Court and abortion rights authors found important.

The difference between the abortion rights literature and the Court’s opinion becomes even more prevalent in the rhetoric used to describe the woman’s relationship with the physician. The Court grants the abortion right, with the condition that the physician grants his permission,

placing confidence and value in the medical professionals. Contrasting the abortion rights authors view the doctors as prohibiting or placing obstacles in the way of the abortion rights. The Court does not seem to be influenced by these particular abortion rights authors.

Conclusion

Roe v. Wade legalizes the abortion right under a constitutional privacy right and overturned the Texas statute. In the first trimester, the woman has freedom in her right to an abortion, with the only restriction being the consultation of the medical physician. The Court limits this right in the later stages of pregnancy. The woman's abortion right decreases the further along the woman is pregnant, while the state gains more power to regulate. During viability, the state has a "compelling" interest to protect the potential life of the fetus and the woman's right decreases.

By comparing the rhetorical arguments of the *Roe* Court and the abortion rights literature ("Women and their Bodies" and "off our backs"), I conclude the Court was not influenced by the these particular abortion rights authors and further, the Court and abortion rights authors had very different approaches to understanding a woman's abortion right. The abortion rights authors fight to eliminate the restrictions based on class and race; the Court only slightly addresses these concerns. Furthermore, the Court and abortion rights authors have extremely different attitudes toward the physicians. While the Court favors the physicians in protecting a woman's abortion right, the abortion rights authors view the physicians as hindering this right. Overall, the Court and the abortion rights literature ("Women and their Bodies" and "off our backs") have few similarities between their arguments. In the next chapter, I will analyze the effects of the *Roe* opinion on the abortion rights literature that was published after the case.

Chapter 6: the Effects of Roe on the Abortion Rights Movement

Introduction

This chapter examines the effects of the *Roe v. Wade* (1973) decision on the 1970s feminist publications, “Our Bodies Ourselves” and “off our backs,” to observe how the Court influenced the American abortion rights movement in the 1970s. I examine how the earlier abortion rights literature (1970-1972) evolved or stayed constant in the later publications (1977-1979). To observe these changes, I compare the themes observed in the earlier abortion rights literature to the later abortion rights literature. For measuring the effect of *Roe*, I draw from the arguments observed from the Court’s majority opinion in chapter five to examine if and to what extent those arguments influenced the later abortion rights literature.

The purpose of the feminist publications is to offer an in-depth study of the U.S. abortion rights movement during the late 1970s. I analyze the second edition published in 1979 for “Our Bodies Ourselves” and the abortion topic articles from 1977 to 1979 for “off our backs.” I selected the 1977 to 1979 time frame to overlap with “Our Bodies Ourselves” second edition year (1979 and to avoid pulling articles or sections from the 1980s. By comparing the earlier timeframe of the abortion rights literature to the later timeframe abortion rights literature, I can measure the effect of the *Roe* verdict on the argument and rhetoric of the abortion rights movement.

These sources only offer a glimpse into the abortion rights movement and are not necessarily a representative for all feminists or abortion rights publications. Rather, the sources’ themes offer a close case study of various feminist perspectives to represent the abortion rights movement. “Our Bodies Ourselves” provides a woman’s health consciousness raising publication while “off our backs” offers a feminist perspective on the news.

In chapter four, I established the baseline for the abortion rights literature's main themes before *Roe*. I analyzed the first edition of "Our Bodies Ourselves," originally titled "Women and their Bodies" (1970) and the abortion topic articles from "off our backs" (1970-1972). In "Women and their Bodies," I observed the following themes: full and equal access to abortion (legal, race and class, and lowering the cost), blame on the medical professionals, and societal constraints against the abortion right. In "off our backs," I observed the following themes: demands for full access, blame on the (male) doctors and the medical field, split within the ideologies of the abortion rights movement, and fault on the legislators, judiciary, and society. I concluded that even though the sources served for different purposes, one for health and the other for news, they still had very similar messages in their abortion rights advocacy. This showed they were good representations for the 1970s abortion rights movement. In summary, the sources were advocates for increasing all women's abortion access and criticizing societal actors, primarily the medical professionals, for limiting this right.

In chapter five, I evaluated the *Roe v. Wade* Supreme Court case, which legalized abortion, and compared the main points I observed in the *Roe* opinion to the themes of the early 1970s abortion rights literature from chapter one. The main themes from the *Roe* majority opinion were: medical legal history, the privacy right, and the trimester and compelling interest framework. By comparing the arguments in the *Roe* opinion and the abortion rights literature ("Women and their Bodies" & "off our backs" 1970-1972), I observe small amounts of similarities but, primarily, observe a large disconnect between the rhetoric and language of these different arguments. I concluded that the early abortion right literature had little to no affect on the Supreme Court majority opinion in *Roe*.

In this chapter, I examine the effects of the *Roe* majority opinion on the abortion rights literature (“Our Bodies Ourselves” and “off our backs”). I break the chapter into three main sections. In the first section, titled *Similarities & Changes in the Abortion Rights Literature*, I analyze the general changes in the two feminist sources since 1970 and observe how the themes from chapter four (1970-1972) have changed or are the same in the later sources (1977-1979). In the second section, titled *Roe’s Effects on the Abortion Rights’ Rhetoric*, I observe the effects of the *Roe v. Wade* decision on the rhetoric and arguments of the abortion rights literature. In general, the main changes were the affirmation of the Supreme Court’s legalization, the increase in emphasis on the Court’s role in abortion rights, and the use of the trimester framework. In the third section, referred to as the *Political Consequences of the Roe Verdict*, I observe the consequences and more subtle changes to the abortion rights literature that emerged as a result from the *Roe* verdict. In general, the main political consequences include the emergence of a strong anti-abortion movement and a shift from blaming individual actors to large, political institutions for obstructing abortion rights.

While it is clear that the abortion rights sources changed some of their rhetoric arguments from the early 1970s to the late 1970s, some of these changes are hard to connect to the *Roe v. Wade* decision based on this study. There are limitations to using this research method because it does not account for other factors that could have caused a change in the abortion rights movement. Ultimately, I conclude that the *Roe* decision caused some change in the abortion right’s rhetoric and arguments and may have even caused some indirect political consequences.

Similarities & Changes in the Abortions Rights Literature

Our Bodies Ourselves

From the years 1970 to 1979, the source grew dramatically in popularity. In 1971, the New England Free Press republished the first edition and sold 250,000 copies by mainly word-of-mouth (*Our Bodies Ourselves*). Additionally, the publication printed Danish, French, and Spanish translated versions of “*Our Bodies Ourselves*” in the years 1970 to 1979 (*Our Bodies Ourselves*). The growth in popularity helps explain the changes observed from the first to second edition of the publication.

From the first edition (1970) to the second edition (1979) of “*Our Bodies Ourselves*,” the source evolved with a new title, a more quality publication, and a slight more mainstreamed coverage on the abortion issues. The 1970 edition was titled “*Women and their Bodies*” but the title changed in 1971 when the authors wanted to emphasize women’s full ownership over their bodies and health (*Our Bodies Ourselves*). The first edition had been printed as a pamphlet, while the second edition most likely had more funding to be printed as hard-covered text. In comparison to the first edition, the second edition seems less radical on the women’s issues showing a slight more mainstreamed message. The second edition still has elements of women’s collective and sisterhood, but it seems this has decreased and been replaced with an educational focus on the health concerns. This slight change could have occurred because the health publication became more mainstreamed and had a greater following.

Our Bodies Ourselves’ Themes: Full & Equal Access to Abortion

From the 1970 edition to the 1979 edition of “*Our Bodies Ourselves*,” the demand for legal access from the authors changed in the second edition. In the 1970 “*Our Bodies Ourselves*” edition, the authors demanded for legal access to abortion and slightly blame the legislators’ role in failing to change anti-abortion laws. By the 1979 edition, Supreme Court had legalized a woman’s right to choose an abortion but the authors still observe many restrictions this right. In

one of their sections titled, “Improving Abortion Law,” the authors state, “we have learned that legalization does not guarantee decent abortion services” (“Our Bodies Ourselves” 1979, 220). They stress how the legalized abortion right does not help improve the conditions in abortion clinics or help with the hiring of adequate counseling staff/doctors. Continuing, the authors explain, “the law is not on our side” to protect and ensure women have equality in treatment and safety in the abortion facilities (“Our Bodies Ourselves” 1979, 220). The authors suggest the movement needs to pressure health care facilities to improve conditions. This is a shift from the first edition that demanded legal access.

Compared to the 1970 edition, the 1979 edition decreases the abortion demands for all statuses of women, such as poor and minority women. For instance in the earlier publication, the 1970 authors deeply focus on the different levels of oppression with statements like, “one woman cannot be liberated without the liberation of all women” (BWHC 1970, 90). The tone and language change in the 1979 edition with the authors focusing less on minority and lower class oppression.

The authors of the 1979 edition have some emphasis on the oppression of lower class women stating there is “blatant discrimination against poor women” (BWHBC 1979, 217). The later 1970s authors call for lowering the costs of abortion in asking women’s groups to “push lower cost” (BWHC 1979, 220). The authors also discuss how poor women have greater difficulties in accessing reliable birth control stating, “societal attitudes toward sexuality, sex education and health care can make it hard for many of us, especially the very young and poor, to choose, obtain and use methods of birth control” (BWHBC 1979, 216).

While the authors still slightly focus on the disadvantages for poor women, there is no discussion on disadvantages for minority women in the 1979 edition. This shows a shift in their

demands for colored women in the first edition. The reason for this change is unclear; I speculate it could be the authors were trying to reach a more moderate audience. With the public's controversial attitudes toward abortion, I speculate the authors may have used a more moderate message and avoided advocating for race issues in the hopes of reaching a larger readership.

Our Bodies Ourselves: Blame on the Medical Professionals

In the 1970 edition, the authors severely criticized the doctors' role and the medical field for restricting abortion access; while in the 1979 edition, the authors' blame on the medical professionals has decreased and been replaced with more attention on the facilities and the proper hiring of employees. The 1970 edition greatly discusses the doctor's role in restricting abortion rights stating, "as long as abortion is up to the doctors, it will be hard to get" (BWHC 1970, 95). An attitude change occurs in the 1979 edition. The doctors are blamed less and more focus is on the abortion services and employees. The 1979 authors express, "we must press abortion facilities to choose their personnel with the utmost care" and "demonstrate what kind of care we want" (BWHC 1979, 220). The harsh critical rhetoric toward doctors has disappeared and been replaced with a direct message to fix the clinics.

Our Bodies Ourselves: Societal Constraints

In the early 1970 publication, the authors blamed popular culture and certain actors for causing public distain toward abortion. The theme was fairly similar from the 1970 to the 1979 edition, but the second edition's authors place slightly less emphasis on societal constraints. The first edition focused more on how women were educated to believe sex was morally wrong. According to the authors in the first edition, society blamed women for being too sexualized and caused some women to feel extremely guilty over the abortion option. The second edition does not focus as much on societal disapproval at such a high frequency as the first edition, but it does

address these societal attitudes. In the 1979 edition, the authors state, “societal attitudes toward sexuality, sex education and health care can make it hard for many of us, especially the very young and poor, to choose, obtain and use methods of birth control” (BWHBC 1979, 216). The societal constraints are slightly downplayed in the second edition.

off our backs (oob)

Unlike “Our Bodies Ourselves,” the later 1970s “off our backs” publication is very similar to the earlier publication. The 1977 to 1979 “off our backs” has similar elements as the earlier publication, such as including articles on “Abortion updates” and providing a wide range of news articles from the world and the U.S. The later 1970s “off our backs” (1970-1972) does have a shift in the abortion rights focus and framing compared to the earlier 1970s source. Compared to the earlier 1970s source, the authors in the 1977-1979 articles have a less extreme tone in blaming actors for oppressing abortion right, instead emphasizing a greater focus on an agenda to gain better abortion rights. Furthermore, some of the “off our backs” themes observed from chapter four have shifted and changed in the later 1970s news publication.

off our backs: Demands for Full Access

Compared to the articles from the earlier “off our backs” (1970-1972), the later “oob” (1977-1979) authors stress little on the obstacles that women of color face in accessing abortion. In the 1970-1972 publication, the authors report how women of color are forced by the medical professionals to have sterilizations (“Abortion Action” 1970, 13). Based on this survey of articles from “off our backs,” the authors had no discussion on the abortion right limitation for women of color. My convenient survey of the articles does not account for all articles published on abortion by the news source. This means that there is possibility that the later 1970s “off our backs” may

have have been reporting on colored women's abortion obstacles but based on this survey, there are no articles that discuss any abortion access obstacles for women of color.

The later 1970s authors still discuss the disadvantages poor women face in affording abortion and criticize the federal government for failing to help fund abortion. For instance, the article, "Anti-Abortion Threat Looms," reports how the federal law and legislative tactics refuse abortion funding explaining, "access to abortion has been for all intents and purposes terminated for poor women" (1979, 5). In the "Abortion" article, the authors provide solutions to this problem such as, "another way to finance abortions for women who can't afford them is to raise prices and institute a stifling fee scale based on income" (1977, 4). The later "oob" (1977-1979) discusses the limits for poor women but does not mention any restrictions for minority women, showing a change of focus from the earlier "oob" (1970-1972).

off our backs: Blame on (male) Doctors and Medical Field

This theme, compared to the earlier "oob" articles, has virtually disappeared in the later 1970s "oob" articles. Blaming the male doctors and medical field was an essential theme in the earlier 1970 version of "off our backs." For example in one article, the abortion doctor is characterized as being male and unable "to relate to the woman's feelings" ("Abortion Counseling Superwoman" 1972, 10). While in the later 1970s "oob," the authors rarely criticize the (male) doctors, but if they do, the authors usually group a large number of male power actors together. In the article "Abortion Attacked," the authors describe how "a few hundred men, judges, senators, representatives, state health directors, prosecutors, and *physicians* decide if and how you may have an abortion" (1977, 9). The later 1970s authors still discuss male authority obstacles but the intense blame on the male doctors observed in the early "oob" (1970-1972) has disappeared.

off our backs: Split within the Ideologies of the Movement

Based off the news articles from the 1977-1979, the abortion rights movement seems to have gained a more unified order than observed in the earlier “oob” articles. In the earlier 1970s articles, the authors discuss a split in the abortion rights movement. This split was over the message of the movement: one group wanted to seek legal action while the other group wanted to demand for free abortion (Pollner 1970). In the later survey of “oob,” there is no discussion of a split in the movement. The abortion rights movement may have become more unified from the *Roe* decision affirming a national, constitutional abortion right and eliminating the division over seeking the legal right in the movement. The abortion rights movement may also have unified in response to the growth of an anti-abortion movement. I discuss the growth of an anti-abortion movement in more detail later in the chapter.

off our backs: fault on legislators, courts and society

Compared to the 1970 to 1972 “oob,” placing fault on legislators, courts, and society for restricting abortion rights is less prevalent in the later “oob” publication. The authors still discuss society, legislators, and courts’ role in obstructing abortion rights but their tone is much more subdued. The most discussed obstructers are the legislators in the later 1970s publication. For example, the authors criticize the legislators’ role in obstructing the abortion right through state and federal laws. In the article “Anti-abortion Threat Looms,” the authors report how a group of “right-to-lifers” will be holding a mass demonstration on the sixth anniversary of the Supreme Court ruling in *Roe*. They predict that legislators, who promised to outlaw abortion, will most likely speak at this “right-to-lifers” demonstration (“Anti-abortion Threat Looms” 1979, 5). While the later 1970s publication does blame these actors, the blame and fault is much more

subdued with the focus shifting to the larger political area. I discuss this shift in more detail later in the chapter.

***Roe* Effects on the Abortion-Rights' Rhetoric**

Our Bodies Ourselves: Affirming the Supreme Court Decision

The Boston Women's Health Book Collective (BWHBC) affirms and supports the Supreme Court's 1973 ruling to legalize abortion. It is an obvious finding that the health abortion rights source discusses the *Roe* verdict that affirmed the abortion right, but it is important that the authors use approval tones toward the Court decision. The *Roe* Court affected the material of the source's abortion chapter and resulted in the authors praising the Court for making the first step to help protect women's abortion right, but the authors still discuss the limits of the Court's ruling.

The *Roe* verdict caused a change in the layout of "Our Bodies Ourselves" abortion chapter. From the first to second edition of the source, the authors did not change every chapter of the publication. Some of the information presented in the publication from 1970 to 1979 stayed the same but the abortion chapter changed drastically as a result from the *Roe* verdict. In the abortion chapter's introduction, the authors affirm this right stating, "one of our most fundamental rights as women is the right to choose whether and when to have children" (BWHBC 1979, 216). They continue in their introduction to highlight the Supreme Court's role in affirming this right expressing, "abortion is now legal in the United States" (Ibid). The authors praise the Court for affirming this right in the first 24 weeks and making it more accessible for women in their first trimester of pregnancy.

In "Our Bodies Ourselves," the authors also emphasize the importance of the *Roe* case and the impact the decision had on the abortion rights movement. First in "Our Bodies

Ourselves” preface, the authors explain the differences in the publication since the first edition citing, “much has changed in the health field, including improvements (like the *increased availability of first-trimester abortion...*)” (BWHBC 1979, 14). The authors view *Roe* as a monumental event that progressed women’s rights and impactful to change their publication. In the “History of Abortion Laws and Practice” section, the authors explain how the Supreme Court affirmed the abortion right and even quote from the Court case. They explain, “on January 1973, the U.S. Supreme Court made its decision affirming that the ‘right to privacy... is broad enough to encompass a woman’s decision whether or not to terminate her pregnancy” (BWHBC 1979, 218). As women’s health providers, the authors place value in explaining and educating this legalized right to their readers.

The authors stress the importance of this decision for being the first step in guaranteeing the abortion right. The Collective states, “now we know the Supreme Court decision was just the first step toward women securing the right to decent abortion care for all women” (BWHBC 1979, 218). They emphasize how the Court’s decision helped their cause but that it was only “the first step toward women securing the right.” According to the authors, the right is not guaranteed for all women, such as second trimester pregnant women, and the growth of an opposition movement threatens the abortion right (BWHC 1979, 218). The authors continue by hypothetically questioning, “if legalization was just a first step, what remains to be done?” (BWHBC 1979, 218). The authors still see a rise in opposition to their movement and comment how the abortion services vary considerable and the movement, “need[s] our constant attention” (BWHC 1979, 218). Essentially, the health publication comments on how the legalization of abortion has helped the abortion rights movement but the authors still see many obstacles to the abortion right.

While the health publication affirms the Supreme Court's monumental decision, they stress the limits to this right for pregnant women in the second trimester. In the *Roe v. Wade* decision, the majority Court wrote that in the first trimester, "the attending physician, in consultation with his patient is free to determine, without regulation by the state, that, in his medical judgment, the patient's pregnancy should be terminated" (*Roe v. Wade* 1973, 164). The right is only granted without state regulation in the first trimester. "Our Bodies Ourselves" emphasizes this limit explaining that women in the second trimester have greater difficulties in finding a clinic or a doctor to perform an abortion (BWHBC 1979).

The authors also discuss the limits that still exist for women of lower-economic status in accessing this right. According to the authors, the expenses of abortion are still very high for poor women explaining that "in many parts of the country abortion is still less available than it should be, more expensive than it needs to be, and a more negative experience than it ought to be" (BWHC 1979, 216). Although there are many limits to the abortion right, the authors positively affirm the Court's role in helping to shape the abortion right even resulting in changes to the framing of their abortion chapter.

off our backs (oob): Affirmation of the Supreme Court Decision

Similar to "Our Bodies Ourselves," the "off our backs" authors affirm and praise the legalized abortion right from the *Roe* decision. In the majority opinion, Justice Blackmun writes, "we, therefore, conclude the right of personal privacy includes the abortion decision" (*Roe v. Wade* 1973, 155). Once again, this is an obvious finding that the abortion rights literature discusses the *Roe* decision, but it is important how the authors praise the Court's decision. The authors affirm the Court's decision and refer to this right as protection against opposition forces.

For example, in the article “Anti-abortion Threat Looms Despite Court Victories,” the “oob” authors fearfully describe the growing opposition to abortion rights, which they refer to as ‘right-to-lifers,’ but the authors are confident in the Court’s constitutional right from the *Roe v. Wade* verdict. They affirm this by writing, “the pro-choice movement has met with success when challenging the ordinances in the courts because of the constitutional guarantee of reproductive freedom, due process and equal protection” (1978, 5). Previously in chapter four of my research (before *Roe*, 1970-1972), the “oob” authors did not cite a constitutional protection. The “oob’s” rhetoric in 1977-1979 has been influenced by the *Roe* verdict.

From the earlier “oob” (1970-1972) to the later “oob” (1977-1979), there appears to be an increase in the author’s discussion on the Supreme Court and its power role in abortion rights. In chapter four of my research, the courts were mentioned a little for hurting women’s access to abortion but little was discussed over the role of the Supreme Court plays in the abortion rights movement. For instance, the earlier “oob” (1970-1972) did not demand the courts or the Supreme Court to affirm the abortion right. After the *Roe* decision, the “oob” articles (1977-1979) seem to be increasing the frequency of discussing the power of the Supreme Court. For example in the “Abortion” article, the authors report how the Supreme Court confirmed that the Constitution and the federal law are not required to finance abortions (1977, 4). Again the Supreme Court’s role is discussed in articles “Anti-abortion Threat Looms Despite Court Victories” and “the Right Rewrites our Rights” (1979). The *Roe* verdict affected “off our backs” authors’ attitude toward the role that the Supreme Court plays in the movement and increased the frequency of their discussion on the Court.

Our Bodies Ourselves: the Trimester Framework

In the *Roe* decision, Justice Blackmun provides a trimester framework that greatly influences how the health publication discusses the abortion right in their rhetoric. In the first edition of “Women and their Bodies” (1970), the authors have no mention of the trimester framework in their demands for equal access to abortion. In the second edition of “Our Bodies Ourselves” (1979), the authors devote an entire section to second trimester abortions titled, “Having a Second Trimester Abortion by the Induction Method” (BHWBC 1979, 232). The abortion rights literature was directly affected by the Court’s choice to frame the right around pregnancy trimesters. In one of their sections, titled “Today,” the authors discuss how women in the first trimester have easier access to an abortion than those in the second trimester (BWHBC 1979, 218). In another section, titled “If you choose abortion-How to find the Best Abortion Facility for you,” they distinguish between the limits of abortion access stating, “although abortion is legal now, it is by no means everywhere available” (BWHBC 1979, 227). According to the authors, abortion access was limited based on location in the country, age, pricing and *the stage of pregnancy*. The trimester framework appeared in 1979 “Our Bodies Ourselves” publication as a direct result of the *Roe* decision.

The authors continue this discussion in their section on “Having a Second Trimester Abortion by the Induction Method” by outlining the difficulties with second trimester abortions. They begin by explaining the emotional and physical concerns over having an abortion from 16 to 24 weeks of pregnancy. Then they explain the concerns over finding a facility that will perform the abortion stating, “it is very difficult to find any hospital which will do a second trimester abortion” (BWHC 1979, 233). Idealistically, the authors suggest hospitals providing a special second trimester abortion unit but, ultimately, conclude that “since so few facilities are offering second trimester abortion at all, you will probably have to take whatever kind of care

you can get” (BWHC 1979, 233). The publication’s choice to provide an entire section to second trimester abortions shows how greatly the *Roe* Court’s trimester framing of the right influenced “Our Bodies Ourselves” rhetoric to their abortion rights movement.

off our backs (oob): Trimester Framework

As observed with “Our Bodies Ourselves,” Justice Blackmun’s trimester framing affected the later 1970s “oob’s” rhetoric. In the two articles, “Abortion Acquittal” and “Second Trimester Abortion,” the authors describe the difficulties around accessing a second trimester abortion. The publication uses ‘second trimester,’ language from the *Roe* Court, when discussing the limitations of access for the abortion right.

In the article, “Abortion Acquittal,” the authors discuss a case about Maria Pitchford, a 22-year-old woman, who was put on trial for committing a self-induced second trimester abortion (1978, 10). According to the “oob” authors, obtaining a second trimester abortion had many more difficulties. As a result, Pitchford felt she had no other option but to perform a self-induced abortion. According to the article, Pitchford was indicted by a Grand Jury for manslaughter and performing an abortion without a doctor; but the charges were dropped because the “manslaughter victim must be a person and a fetus has never been defined as a person under the law” (1978, 10). The “second trimester” framework affected the way the authors reported on those who were disadvantaged in accessing the abortion right.

‘Second trimester’ is used again in the “oob” article titled “Second Trimester Abortion.” In this article, the authors explain the abortion rights movement’s response to the obstacles in accessing an abortion during second trimester. According to “oob,” the Abortion Rights Movement of Woman’s Liberation is “now offering an advocacy service for a fee for women who want second trimester abortions” (“Second Trimester Abortion” 1979, 16). This movement

also offered help in finding places for abortions. The “oob” authors continue in the article stating, “getting an abortion in late second trimester or third can be virtually impossible in many parts of the country” (“Second Trimester Abortion” 1979, 16). Overall, the *Roe* Court’s trimester framing changed the “oob” discussion on the stages of pregnancy by using “second trimester” wording and acknowledging the obstacles for second trimester pregnant women seeking an abortion.

Political Consequences of the Roe Verdict

Our Bodies Ourselves: Emergence of an Anti-Abortion Movement

The 1979 edition of “Our Bodies Ourselves” raises concerns over a growing, organized anti-abortion movement that formed in response to the abortion rights movement and possibly to the Court’s verdict in *Roe*. In the first edition of “Women and their Bodies” (1970), the authors discuss opposition to their cause from societal constraints but they do not discuss an opposition movement. I find in the second edition (1979) that the anti-abortion movement has grown and is more organized. The anti-abortion movement may be a response to the Court’s decision in *Roe*, although other factors that were not measured in this research could have caused the growth of an anti-abortion rights movement.

The authors fear the anti-abortion movement and the growing threat to the abortion right. The authors describe the strong, counter movement as threatening, “to undo the legal process we have already made” (“Our Bodies Ourselves” 1979, 218). The authors even devote an entire section titled “the Anti-Abortion Movement” to show the threat the movement poses to women’s rights. The movement is described as “vociferous, powerful ...minority opposed to abortion” and possibly seems to have backing from the Catholic hierarchy (Ibid). The authors continue to

describe the anti-abortion movement's power to pressure state laws and to "violate the Supreme Court ruling that the states have no authority over first-trimester abortion" (Ibid, 219).

The 1979 edition of "Our Bodies Ourselves" shows the growth of an anti-abortion counter movement. Based off this source, the Court's legalization of abortion could have resulted in a polarized response from an anti-abortion movement. This emergence of an anti-abortion movement shows the start of the polarization between the abortion rights movement and the anti-abortion right movement. The *Roe* decision could be one of the reasons that such a strong, organized counter movement formed quickly.

off our backs: Emergence of an Anti-Abortion Movement

From 1977 to 1979, the "oob" authors, similar to "Our Bodies Ourselves," describe the growth of an anti-abortion movement. The anti-abortion movement could be responding to the Court's affirmation of a woman's right to choose in *Roe* and the growth of the abortion rights movement. In the 1977 articles, the authors describe opposition to the abortion right but the opposition does not seem extremely organized. In the 1978 article, the authors discuss the growth of a "right-to-lifers" movement. The 1979 articles describe the anti-abortion movement as a strong force that is very threatening to the abortion rights movement. From the years 1977 to 1979, the anti-abortion movement seems to grow rapidly. The reason for such a rapid growth over that three-year timeframe is unclear based on this research.

In the 1977 articles, "Abortion on the Brain" and "Abortion Attacked," the "oob" authors characterize the opposition to abortion rights from religious groups, states, legislators and moralists. Based on those articles, the movement does not seem well organized but seems to be growing in strength. According to "Abortion on the Brain" article, abortion is still a disputed issue "from the Vatican to less august chambers of the U.S. federal and state governments"

(1977, 13). Again in “Abortion Attacked: by Male Moralists,” the authors describe opposition to abortion rights from judges, senators, representatives, governors, state health directors and physicians (1977, 9). These articles are starting to show the polarization between abortion right advocates and anti-abortion advocates.

In the 1978 article, “Goose---Stepping Against Abortion,” the authors report on the growth of an anti-abortion movement. They refer to this movement as the “right-to-lifers” and compared to the articles from 1977, the movement seems to be more organized with a unifying agenda. This 1978 article is the first time the authors refer to them as “right-to-lifers” (“Goose” 1978, 13). In the article, the authors describe an instance in New York where “60 right-to-lifers stormed into the Center for Reproductive and Sexual Health, blocked people from coming in, read Bible scriptures to women waiting for abortion, and screamed ‘you’re killing your babies’ at them” (“Goose” 1978, 13). By 1978, the “oob” authors were referring to the anti-abortion movement as “right-to-lifers” showing how the anti-abortion movement was growing in strength and starting to have a unifying message.

In the 1979 articles, the “oob” authors are fearful of the growing anti-abortion movement and the legislative initiatives to decrease abortion access. The authors, in the “Fake Abortion Clinic” article, recount a story of an 18-year-old woman seeking counsel from an abortion clinic only to find that the clinic was a front for “right-to-life” advocates (1979, 13). Again, this starts to show how the two movements were becoming polarized in their agendas and attitudes toward each other. The authors refer to anti-abortion advocates as “right-to-lifers” again showing their disapproval tones toward the anti-movement.

In the article “Anti-abortion Threat Looms Despite Court Victories,” the anti-abortion movement has grown in influence through states, legislative, and even constitutional means. In

the state level, the anti-abortion movement aims at using states' laws to regulate and restrict abortion. The authors proclaim, "anti-abortion forces have been pushing hard at consolidating and extending the state's power to regulate beyond the Supreme Court's language" ("Anti-abortion Threat" 1979, 5). Under legislative tactics, the anti-abortion movement uses a grassroots approach to pressure legislators and pass amendments for the purposes of "terminat[ing] [abortion] for poor women, military women" (Ibid). According to the authors, the anti-abortion movement is even calling for a constitutional amendment, referred to as the "Human Life Amendment," to grant personhood to an embryo (Ibid). In the article "the Right Rewrites Our Rights," the authors characterize the movement as, "incredible well-organized, persistent, disciplined and a serious threat to the freedom of abortion" (1979, 11). Again the authors describe their tactics as including: grassroots tactics (such as interrupting abortions), legislative tactics (such as passing restrictive state laws), and constitutional tactics (such as demanding a constitutional convention) (Ibid).

The emergence of the anti-abortion movement shows the beginnings of the polarization between the pro-life and pro-choice movements. An organized and strong anti-abortion movement was not observed in the earlier 1970-1972 "oob," but rather, appeared in the 1977-1979 "oob" literature after the *Roe* verdict. The *Roe* decision could have initiated the political emergence of an anti-abortion movement and possibly jumpstarted the polarization between the movements. Based on this research, there are limitations in determining if *Roe* caused the growth of an anti-abortion movement, although it is clear from observing this survey of "oob" articles that a strong anti-abortion movement rapidly formed from 1977 to 1979.

off our backs (oob): Emergence of an Organized "Pro-choice" Movement

In response to an organized anti-abortion movement, the abortion-rights movement, as characterized by the “oob” authors, grew stronger alliances and even began using the title “pro-choice” movement. In chapter four of my research, the 1970 to 1972 “oob” authors characterized a split in the movement over the direction in their abortion rights message and how they were unable to agree on a planned agenda. The *Roe* verdict may have created an organized movement from the anti-abortion movement. In response to the formation of anti-movement, the abortion rights movement, as described by the authors, seems more unified with a common agenda and a new title: the “pro-choice” movement.

The “oob” articles discuss the more unifying agenda for the feminist and abortion rights movement. In the article “Abortion,” the authors explain the feminists coalition and how “lobbying is a top priority as a tool for raising consciousness if nothing else” (1977, 4). The legislative initiative shows a more common agenda then observed in the earlier 1970s “oob.” In the article “A Womb of One’s Own,” the authors report on the Gruppo Feminsta per La Salute Della, a global, feminist workshop that discussed abortion as one of the topics. The movement is reaching out globally for the betterment of all women’s health (1977, 7). According to the article “Demos,” the abortion rights movement had an organized mass demonstration in Buffalo, NY for women’s control over their bodies (1977, 9). According to the authors, the Coalition for Abortion Rights and Against Sterilization (CARASA) organized a mass demonstration to protest against cut backs on abortions costs and sterilization abuse.

The “oob” authors continue to show the growth in organization of the abortion rights movement. In the article “Tale Back the Right,” the authors explain that the week of October 22 to 29th has been dedicated to Abortion Rights Action Week, with the main theme being “Abortion... Its our Right” (1979, 5). The goal of the abortion rights week was to raise local

support for the abortion right instead of a having a mass demonstration. Furthermore in the article “Abortion Brief,” the authors focus on how the Reproductive Rights National Network (RRNN) started an unifying campaign to defeat the Hyde Amendment, which hurt women’s abortion rights (1979, 12). The authors’ reports show the growth in the organization of the abortion rights movement through group discussions and mass demonstrations.

The “oob” publication spreads the message in the importance of finding a common and unifying abortion rights agenda. In a 1977 article, the source includes “a letter to all my revolutionary sisters” by Marianna Lousie. Louise calls “to end divisions amongst ourselves we need to listen to the voices of the working class and minority group women” (“Combining our Burdens 1977, 18). Louise wants the discussion to continue on “off our backs” and unite the movement.

The 1979 articles demonstrate the movement’s growth and the rhetorical appearance of “pro-choice.” In the article “Anti-Abortion Threats Looms,” the authors refer to the movement as “pro-choice” stating, “the *pro-choice* movement has met with success when challenging the ordinances in the courts” (1979, 5). In the earlier “oob” (1970-1972), the authors did not use the “pro-choice” rhetoric but in the later “oob” (1977-1979), the authors use the “pro-choice” rhetoric. The use of “pro-choice” signals an important shift in the organization and identity of the abortion rights movement. “Pro-choice” wording is more favorable to public appeal than “abortion rights movement” because it emphasizes the woman’s choice rather than the abortion procedure. The appearance of the “pro-choice” rhetoric shows an extremely important shift in the movement that could have resulted from the growth of anti-abortion movement and the *Roe* verdict.

From 1977 to 1979, the “oob” authors define the abortion rights movement as having a stronger identity and agenda. It seems this could have emerged from the anti-abortion movement and indirectly from the legal backing from the *Roe* verdict. In the 1979 article, the authors use the term “pro-choice” demonstrating the beginnings of how we see the movement in the 21st century. With the emergence of a strong anti-abortion rights movement and abortion rights movement, there seems to be a growing polarization between the two causes.

off our backs: slight shift from individual blame (doctors) to political blame (legislature)

From the 1970-1972 “oob” to the 1977-1979 “oob,” there is a shift from blaming individual actors, such as male doctors, to blaming larger political institutions, such as states and federal government. The *Roe* verdict brought the abortion issue to a national federal stage and allowed for states, legally, to have power to regulate after the first trimester. The “oob” source seems to respond by writing more critically on state and federal actors, rather than heavily focusing on the male doctors’ role.

In the later 1970s “oob,” the authors are more critical of the federal government’s role in regulating the abortion right. The “Abortion” article discusses how the House of Representatives have cut funds to pay or promote abortion for any reason. The article continues with the “oob” authors sarcastically characterizing the senate as ‘generous’ stating, “the Senate voted to prohibit the use of funds for abortions, but *generously* allowed exceptions if the woman’s life was in danger, if the pregnancy was the result of rape or incest” (“Abortion” 1977, 4). The “off our backs” author critically analyze Congress’s role in regulating abortion rights and emphasizing the need for the government to provide lower or free abortions for poor women. After the publication’s criticism of Congress, the authors state the abortion rights movement needs to

lobby and help with society, “recognizing that free abortion demand is a basic woman’s right” (Ibid).

Furthermore, the “oob’s” critical observation and blame has also shifted to the state level. For example in two “Abortion Update” articles, the authors report on the anti-abortion laws and impactful abortion right laws in different states. In one of the “Abortion Update,” the author, Meccas Rylance, reports on the massive anti-abortion laws in Massachusetts and how the law is “the most repressive abortion laws in the U.S.” (1979,10). In the same article, Rylance praises the success of the Colorado’s legislature in defeating an anti-abortion law (Ibid). In a later “Abortion Update,” the authors report on how Nevada was the 15th state to pass a resolution for a constitutional convention to outlaw abortion (1979, 6). In the “Abortion Update” articles, the authors raise awareness about the abortion laws at the state level.

Broadly, the later 1970s “oob” authors criticize male authority for restricting abortion access. This is a change from their rhetoric in the earlier 1970s articles where the authors placed fault on the individual (male) doctors. For example in “Abortion Attacked,” the authors describe the broad institutional male power stating, “in a country of 200 million, a few hundred men, judges, senators, representatives, governors, state health directors, prosecutors, and physicians decide if and how you may have an abortion” (1977, 9). The authors express how the male authority cannot relate to women’s perspectives stating, “not one of them will even worry over swollen breasts and morning queasiness” (“Abortion Attacked” 1977, 9).

The authors still criticize the role of the male doctor and the clinic facilities, but at a lower frequency than in the earlier 1970s “oob.” For example in the article “Abortion Workers Fired,” the authors express concerns over an abortion clinic. They explain, “At a time when right-to-life forces are gaining prominence in the political ranks, most loathe to break ranks and

criticize the abortion clinic in fear of being branded ‘anti-abortion’ (“Abortion Workers Fired” 1979, 13). Even with the growing fear of being labeled ‘anti-abortion,’ the authors are critical of Dr. Milton Danon, who was a doctor in a New York clinic. They report that Dr. Danon had to fire abortion workers because he could no longer have a large clinical staff for financial reasons. The authors question his financial reasons for cutting employees. This article shows how the authors are still critical of the individual actors and abortion facilities but their attention to those issues has decreased and shifted focus to the larger political areas. This could be a result from the *Roe* verdict bringing the abortion issue to a larger, political institution level.

Conclusion

Overall, the *Roe* verdict appears to have affected the abortion rights literature (“Our Bodies Ourselves” and “off our backs”) in the 1970s. By comparing the 1970-1972 sources (pre-*Roe*) to the 1977-1979 sources (post-*Roe*), the themes and messages shifted after the *Roe v. Wade* case. The *Roe* majority opinion affected the rhetoric of the abortion right literature. Primarily, the abortion rights literature affirmed the legalized abortion right and used the trimester framework set by the Court. The *Roe* verdict also may have created political consequences. A strong, anti-abortion movement may have formed in response to the *Roe* decision. The abortion-rights movement, in fear of opposition to the abortion right, formed a more unifying movement and began using the title “pro-choice.” To conclude, the later abortion rights publications (1977-1979) greatly differ in themes and approaches than the earlier abortion rights publications (1970-1972). *Roe v. Wade* (1973) seems to have affected the rhetoric of these sources and may have created indirect political consequences.

Chapter 7: Conclusion Chapter

Through my examination of the American abortion rights movement and the Supreme Court case, *Roe v. Wade*, I found that the Court affected the movement's rhetoric and may have acted as a catalyst for political changes. My broad research question sought to answer whether the Supreme Court impacts social movements. Narrowing the topic's focus, I examined to what extent the Supreme Court Case, *Roe v. Wade*, influenced the 1970s abortion rights movement. In the three analysis chapters, I examined the feminist literature, "Our Bodies Ourselves" and "off our backs" and the majority opinion in *Roe v. Wade*. Broadly, this research shows a connection between social rights advocacy and the Court and raises larger questions for further research. There are limitations to this research due to a narrow focused study, a short timeframe, and limited sources.

Summary of Main Findings

In the fourth chapter, I examined the pre-*Roe v. Wade* abortion rights literature, "Women and their Bodies" (the first edition of "Our Bodies Ourselves) and "off our backs," from 1970 to 1972. "Women and their Bodies" offered a women's health perspective, while "off our backs" provided a feminist news source perspective. The purpose was to use voices of two feminist sources with different perspectives on abortion rights advocacy. I observed themes from each source and compared the two feminist publications. Based on my survey of the abortion rights literature, the early 1970s abortion rights movement was advocates for increasing all women's abortion access and greatly criticizing actors, such as the medical professionals, for limiting this right. The chapter established the platform for the abortion rights movement before the *Roe* verdict and offers an important comparison for the post-*Roe* abortion rights literature.

In general, the early 1970s abortion rights sources, “Women and their Bodies” and “off our backs,” had many similarities in their abortion rights advocacy. Both sources emphasized equal abortion access for women of color and women of lower incomes. This was a central theme in both of the sources. Also, both sources were very critical of the medical field and doctors for prohibiting or obstructing abortion access. The “off our backs” authors were even more critical of the doctors’ role emphasizing the doctors’ male gender as a legitimate reason for why they were unable to relate or emotionally connect to the women patients. Furthermore, the sources discussed how societal attitudes created negative perceptions toward abortion. Most interestingly, there was a limited discussion on the Court’s role in abortion access. The Courts’ role was so underemphasized that “Women and their Bodies” authors had no mention of the courts’ role and “off our backs” authors offered only a limited discussion on the Court’s role in limiting this right. This is important because after the *Roe* verdict the abortion rights sources highlighted the role of Court more frequently.

The earlier 1970s sources did have some differences in their approach to abortion rights advocacy. “off our backs” authors had little discussion on the legislators and the courts to limit abortion access, while the authors from “Women and their Bodies” had no discussion on the role of the legislators and courts. “off our backs” authors also emphasized the split in the direction of the abortion rights movement over whether to fight for just legal abortion access or for legal and free abortion access, while “Women and their Bodies” authors did not discuss this split. Overall, the sources offer a glimpse into the abortion rights movement before *Roe v. Wade*. The abortion rights movement advocated for equal abortion access and blamed the medical actors in limiting this right.

In the fifth chapter, I analyzed the rhetoric and the arguments of the *Roe v. Wade* majority opinion to observe whether the case had an impact on the abortion rights movement. I observed that the Court traced the medical legal history and supported legalizing abortion under the privacy right. The Court went further to guide the right with a trimester framework and ruled that the state has a compelling interest to protect the fetal life at viability. More importantly, I found that the early 1970s abortion rights literature had not influenced the Court's decision.

The sixth chapter connects examinations from chapter four and five to determine the effects of *Roe* on the abortion rights movement. I observed the abortion rights literature (“Our Bodies Ourselves” and “off our backs”) four to six years after *Roe* from 1977 to 1979. This offered a long enough time gap to observe the effects of *Roe*. In comparing the earlier abortion rights literature to the later literature, I found a clear shift in the abortion rights movement. The demand for equal access had decreased. In the earlier 1970s sources, the authors placed a great emphasis on the mistreatment of black women to seek their abortion right; while in the later 1970s sources, there was no discussion of women of color's abortion access. The later 1970s sources still discussed lowering the costs for poor women but the demands decreased compared to the earlier 1970s sources. Based on this research, it is unclear why the authors shifted their message. The abortion rights authors may have been trying to avoid controversial topics to gain the support of a more mainstreamed, broader audience. The survey of “off our backs” articles could be limited because it was a convenient sample and the authors may have discussed the limitations for colored women in articles not included in this survey.

In my research, I found that the Court had influenced the rhetoric and the language of the abortion rights movement. Both sources discussed the Court's role in legalizing the right for women. The later 1970s authors discussed the Supreme Court frequently and praised their role to

help women gain access. Also, the Court's trimester framework impacted the later 1970s abortion rights literature to use the same framework for the stages of pregnancy and caused both sources' authors to discuss the limitations for women in the "second trimester" of pregnancy.

Also, I observed political consequences in the abortion rights literature after *Roe*. Connecting *Roe* with its consequences is hard to do, but I speculate that the Court could have acted as a catalyst for these consequences. Some of the political consequences observed after *Roe* were the emergence of a strong anti-abortion movement and a more unified abortion rights movement. Both movements grew in strength and support in the late 1970s. The abortion rights movement even started using the title, "pro-choice," showing a more unified and mainstream movement. The publications show the emergence of the polarization between the movements, "pro-life" and "pro-choice," which has grown significantly stronger in the 21st century. I speculate that the *Roe* Court is a reason why we have a highly polarized, divided country between the "pro-life" and "pro-choice" movements.

A shift from blaming individual actors, such as the doctors, to blaming larger political arenas, such as the state legislatures, was another political change observed. This shift may have resulted from the *Roe* verdict bringing this issue to the national and political stage. Overall, the Court's arguments in *Roe* impacted the abortion rights movement. The case directly caused a shift in the language and rhetoric, and it seems the *Roe* Court may have influenced many of the political consequences observed around the movement.

Limitations to Research

While this research offers an important in-depth look into the effects of the Court on the abortion rights movement, there are limitations. This research looks at a short timeframe from 1970 to 1979. This narrow timeframe allows for a more detailed study of the sources, but the

short timeframe limits the examination of the Court's effects and does not account for how the Court may have affected the movement long term.

The research was also limited because I did not account for other factors that may have caused a shift in the movement besides the Court. Including more variables, such as the impact of political actors or parties, could have strengthened the research. The methodology limited the research because it was hard to connect the Court and the political consequences. Research bias may have occurred in selecting themes for the document analysis. Additional researchers may have observed different themes based on their background and education, than I observed.

Research also may have been too narrow because of the small selection of primary sources. I only observed two sources to represent the abortion rights movement. The small selected survey of articles from "off our backs" may not represent the entire "off our backs" publication. Furthermore, the perspectives of the abortion right literature are limited because the primary authors were white, middle class women and a minority or lower class woman perspective is missing from the survey of literature. Observing a wider range of women's perspectives may have resulted in different themes. Overall, the abortion rights literature selected may not offer a complete depiction of the American abortion rights movement during the 1970s.

Future Research and Generability of the Research

Future research would help strengthen the argument that the *Roe* Court caused a change in the rhetoric of abortion rights literature and possibly caused political consequences, such as the polarization between the "pro-life" and "pro-choice" movement. If the research were conducted again, I would broaden the abortion rights literature to include other sources from the 1970s, such as broadcast media, other feminist publications, and marginalized women's voice.

This would provide more evidence for the abortion rights movement and may show different effects that emerged from the Court.

I recommend a longer timeframe of observations and the addition of prominent abortion-related Supreme Court cases, such as *Casey v. Planned Parenthood (1992)* and *Gonzales v. Carhart (2007)*, for further research. This would provide a longer timeframe to observe how the Court shaped or changed the pro-choice movement in the later decades. Expanding the timeframe would help determine if the *Roe* verdict continued to have an impact on the pro-choice movement 20 to 40 years later. Also, expanding the time range may provide more evidence for if the Court caused a backlash or political consequences in the movement.

Future research could compare how the Supreme Court has affected other social movements. For example, a similar research strategy may be used to measure the impact of *Brown v. Board of Education (1954)* on the Civil Rights movement. Expanding to another social movement would provide a unique comparison to the research conducted in this study.

The research uses two sources with a short timeframe, making it hard to generalize the results but it does show how the abortion rights movement changed after *Roe*. This evidence supports that there is a connection between social rights advocacy and the Supreme Court. The Court can have an impact and even cause a shift in a social movement with its decisions. The research raises questions on the Supreme Court's impact on other social movements and more research should be conducted to answer these questions.

Today, abortion has become highly polarized between those who identify as “pro-choice” and those who identify as “pro-life.” Understanding the history of the abortion rights and pro-choice movement provides important background on the actors that make a difference in the movement and how the abortion right has been historically shaped. My research offers an

important contribution to understanding the historical background of the abortion rights movement and the importance of the Supreme Court. Future research should be conducted to examine the long-term implications of the Court and to understand the Court's role in the 21st century for a woman's right to choose.

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