

ABORTION WARS

A HALF CENTURY OF STRUGGLE,
1950-2000

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Chronology of Abortion Politics

Late 1940s-early 1950s Experts estimate 200,000 to 1.3 million illegal abortions in United States annually.

Rise of hospital abortion boards, formed to adjudicate women's appeals for permission to obtain legal "therapeutic abortions."

1953 Alfred Kinsey's *Sexual Behavior in the Human Female* reports that 9 out of 10 premarital pregnancies end in abortion and 22 percent of married women have had an abortion while married.

1955 Mary S. Calderone, medical director of Planned Parenthood, organizes high-profile conference, "Abortion in America"; conference volume published in 1958.

1960 American Medical Association observes that laws against abortion are unenforceable.

American Law Institute (ALI) endorses liberalization of abortion laws.

1962 In highly publicized incident, Sherri Finkbine, denied an abortion in Phoenix, goes to Stockholm to abort a fetus damaged by thalidomide; according to Gallup Poll, 52 percent of Americans approve.

In California, Pat Maginnis founds women's-rights-based Citizens for Humane Abortion Laws.

1965 *New York Times* endorses abortion law reform, February 13.

Rubella epidemic leads to abortions performed on grounds of "mental health crisis."

In *Griswold v. Connecticut* Supreme Court rules, 7-2, that Connecticut law banning contraception infringes on married couples' right to privacy.

Mid-1960s Abortion law repeal (vs. reform) efforts gain momentum.

1966 National Organization for Women (NOW) formed.

Association to Repeal Abortion Laws in California started.

1967 *Journal of the American Medical Association* prints pro-reform editorial.

Abortion reform bills considered by at least 25 state legislatures.

Colorado enacts ALI-style abortion reform law, followed by North Carolina and California.

Twenty-one New York clergymen establish Clergy Consultation Service on Abortion, an abortion referral network.

Federal government spends over \$20 million a year on contraceptive programs in United States.

Modern Medicine magazine reports 87 percent of American physicians favor liberalization of country's anti-abortion policies.

1969 Jane, an underground abortion services network, formed in Chicago.

First National Conference on Abortion Laws held; National Association for Repeal of Abortion Laws (NARAL) founded there.

Radical feminist group Redstockings holds first speak-out on abortion.

1970 New York state legislature legalizes abortion; Hawaii and Washington follow.

1971 National poll shows that over half of Americans favor legalizing abortion.

American Bar Association officially supports a woman's right to choose abortion up to 20th week of pregnancy.

Supreme Court hears first round of oral arguments in *Roe v. Wade*.

Abele v. Markle filed in Connecticut; 858 plaintiffs.

Dr. Jane Hodgson convicted for performing in-hospital abortion; only U.S. physician ever convicted for this reason.

Feminist Women's Health Center set up in Los Angeles; teaches women how to perform "menstrual extractions."

1972 Connecticut's abortion law declared unconstitutional; Meskill bill reinstates law; Women versus Connecticut files new suit with 2,000 plaintiffs.

1973 Supreme Court's *Roe v. Wade* decision legalizes abortion, as does its ruling in companion case, *Doe v. Bolton*.

NARAL becomes National Abortion Rights Action League in response to anti-*Roe* backlash.

First edition of National Right to Life Committee's newsletter editorializes, "We must work for the passage of a constitutional Human Life Amendment."

Religious Coalition for Abortion Rights founded.

1975 National Women's Health Network founded.

1976 Hyde Amendment enacted, prohibiting Medicaid-funded abortions except "where the life of the mother would be endangered."

1980 Republican Party platform calls for appointment of anti-abortion-rights judges at every level of the federal judiciary.

In *Harris v. McRae* Supreme Court rules that although the government "may not place obstacles in the path of a woman's exercise of her freedom of choice, it need not remove those not of its own creation. Indigence falls within the latter category."

1983 National Black Women's Health Project founded.

1985 Women of Color Partnership Program created by Religious Coalition for Abortion Rights.

1987 Reproductive Health Technologies Project founded.

Randall Terry leads first "rescue."

1988 Operation Rescue formally established.

In *Bowen v. Kendrick* Supreme Court upholds Adolescent Family Life Act's denial of funding to programs that "advocate, promote, or encourage abortion."

1989 In *Webster v. Reproductive Health Services* Supreme Court upholds Missouri law stating "human life begins at conception" and placing restrictions on access to abortion; Court comes within one vote of overturning *Roe v. Wade*.

Teenager Becky Bell, afraid to obey parental-notification statute, dies after septic illegal abortion.

1989-1992 Over 700 anti-abortion-rights bills introduced in state legislatures across the country.

Late 1980s-early 1990s Anti-abortion violence aimed at abortion clinics escalates.

1990 In *Hodgson v. Minnesota* Supreme Court upholds state law that no abortion should be performed on a minor woman for 48 hours after both parents are notified; statute also provides for "judicial bypass."

1991 RU 486 approved for use in Britain.

Operation Rescue stages massive blockades throughout summer in Wichita, Kansas.

In *Rust v. Sullivan* Supreme Court rules 5-4 that since the government had not discriminated on the basis of viewpoint, but had "merely chosen to fund one activity [childbirth] to the exclusion of another [abortion], the 'gag rule' prohibiting physicians and other employees of abortion-providing facilities from counseling pregnant women about abortion or engaging in activities that encourage, promote, or advocate abortion as a method of family planning" did not violate the free-speech rights of doctors, their staffs, or their patients.

1992 President Clinton lifts "gag rule."

National Network of Abortion Funds established.

Eighty-four percent of counties in United States have no physician willing to perform abortions.

In *Planned Parenthood v. Casey* Supreme Court rules, 5-4, to "retain and reaffirm" women's right to abortion but also upholds Pennsylvania restrictions.

In wake of *Casey* decision, Mississippi becomes first state to introduce a mandatory delay and biased-information requirement.

1993 NARAL changes name to National Abortion and Reproductive Rights Action League.

National Black Women's Health Project takes lead in fight against Hyde Amendment.

Dr. David Gunn, an abortion practitioner, murdered in Florida.

Congress expands Hyde Amendment to provide federal funding for abortions in cases of rape and incest.

1994 Supreme Court rules RICO may be used to prosecute perpetrators of abortion clinic violence.

FACE Act passed, restricting protest activity near clinic entrances.

After circulating his "justifiable homicide" petition, Paul Hill murders abortion provider Dr. John Britton and his volunteer escort, James Barrett, in Florida; Dr. Gary Romalis shot at his home in British Columbia.

Republicans attain majority in Congress; move quickly to bar health-insurance coverage of abortion for federal employees, outlaw use of U.S. military hospitals for abortions, ban federal funding of abortions for federal prisoners, and abolish federal subsidies for international family-planning agencies that provide abortions or abortion-related information.

Attorney General Janet Reno convenes grand jury to investigate clinic violence.

Medical Students for Choice founded.

1995 Two clinic employees, Shannon Lowney and Leanne Nichols, murdered in Brookline, Massachusetts.

Ohio bans abortions carried out by dilation and extraction method ("partial birth abortions").

1996 Both houses of Congress take the unprecedented step of passing a bill that criminalizes the performance of abortion by a specific method, so-called partial birth abortions. Legislation is vetoed by President Clinton and efforts to override veto fail; however, Congress and state legislatures continue attempts to ban this infrequently used method, properly called intact dilation and extraction.

FDA issues letter finding RU486 "approvable," but subsequent business and legal complications render U.S. distribution plans unclear.

Rickie Sollinger

INTRODUCTION

Abortion Politics and History

Fifty years ago, politicians in this country did not speak in public about abortion. Nor did priests or rabbis. Large groups of people did not collect in Washington, D.C., to demonstrate their support for or abhorrence of abortion rights. Fifty years ago almost no one in the United States imagined coupling the shadowy world of abortion with the concept of the civil rights of women. Abortion practitioners—and there were hundreds of them working in our cities and towns then—did not don bulletproof vests when they went to work in the morning. And fifty years ago, hundreds of thousands of women sought and obtained abortions, furtively keeping appointments with criminalized practitioners in venues on the wrong side of the law.

At the end of the twentieth century, the subject of abortion occupies the dedicated space in public discourse for expressions of fear, outrage, and hatred; for struggles over ideology and justice. This is the space that forty to fifty years ago was filled by the subjects of civil rights and communism. Clearly, a great deal has changed in the past half century regarding abortion, and this volume aims to consider aspects of the change.

There are pressing reasons to look at the abortion controversy in the United States over time. But before discussing some of the reasons that seem particularly pressing, I want to make the simple point that when a subject is given its history—when the abortion controversy and abortion practice are examined within a historical framework—it becomes