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## Book Notes #105

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### 1968/2022: The Seeds of Our Discontents

*(Part Four)*

*Women's Rights, Women's Liberation,  
Goodbye Roe v. Wade and Griswold, too?*



Who in 1968 thought that by 1972 sex discrimination in education would be illegal, by 1973 abortion legal, by 2007 a woman would be Speaker of the House, and in 2016 a woman would be nominated for President of the United States? But then in 2022 all that progress would be threatened with reversal?

In this fourth installment of “The Seeds of Our Discontents,” I had originally intended to explore the events of 1968 that gave rise to Second Wave Feminism, or, maybe more precisely, to those events that spirited the movement past the more benign (in this context a very relative term) beginnings of Second Wave

Feminism initiated by Betty Friedan's 1963 publication of *The Feminine Mystique*. Friedan challenged the mid-20th century American notion that the only path available to a woman in her pursuit of happiness was that of housewife and mother.

As I examined in my *America In 1968: The Far Side of the Moon and the Birth of the Culture Wars* and *The American Tapestry Series*, the latter of which can be found [here](#), and as detailed by Lillian Faderman in her exhaustive history of American women *Woman: The American History of an Idea*, in 1968 the New York Radical Women's Coalition and its subsequent offshoots – WITCH (Women's International Terrorist Conspiracy from Hell) and Shulamith Firestone's Redstockings, “a play on the word bluestockings, with the blue replaced by the color of revolution” red [1] – blew past that comparatively narrow issue by challenging the very meaning of the word *woman* in American society. [2]

It is an important challenge – maybe the defining challenge of the entire history of the women's movement. No, maybe the defining challenge of what it means to be a *woman* in America, what it means to be an American *woman*. We've explored pieces of that challenge in previous **Book Notes** on major 19th century figures such as Sarah Josepha Hale, Lydia Maria Child, Lydia Sigourney, Margaret Fuller, Lucy Stone, and Ida B. Wells which can be found [here](#).

Ever so briefly, the idea of *woman* in American history goes all the way back to the earliest English settlers and is intimately connected to the early-19th century notion of *Home* as the cornerstone of American society. *Home* was white, gendered, patriarchal, and centers woman at its heart. Although denied many of the rights of citizenship, *woman* anchored the *Home* and by extension all of American society. *Woman* was man's moral superior; part of her task was to civilize men, but also to be society's mother raising her sons to govern the new American Republic. The concept was known as “Republican Motherhood.” It had nothing to do with today's Republican Party, but everything to do with building a common culture in the new American Republic.

It was *woman's* role to build the foundation upon which that culture would flourish. Consigned to the *Home*, *woman* had no other career options. In fact, the concept of a *woman* having a *career* outside of the *Home* would have been a contradiction in terms. Much – maybe all – of the women's movement from the early-19th century to the present involves challenging that concept of *woman* and empowering women to live lives outside the *Home*. We'll pick up that challenge in future **Book Notes** dedicated to Faderman's insightful work, Megan Marshall's biography of Margaret Fuller, Margaret Fuller's seminal *Woman in the 19th Century* and others.

But today, pivoting on events in 1968, I want to note how June 24's Supreme Court decision in *Dobbs v. Jackson Women's Health Organization* reversing 1973's *Roe v. Wade* casts a light of startling relevance on the organizing principles of ***The American Tapestry Project*** and "The Seeds of Our Discontents." The weave of stories composing the tapestry of the American Story is rich, complex, and variegated. But its meta-threads, its core plotline is the tension between two competing stories. One story's inclusionary theme tells of America's ongoing experiment in self-government all the while increasing the inclusiveness of the "We" in "*We the People*" by extending the benefits of American freedom and citizenship to all Americans. The other is an exclusionary story that reserves participation in that experiment in self-government by narrowing who gets to be included in "*We the People*," by restricting who gets the full benefit of American freedom and citizenship to a limited subset of Americans.

Women make up one group whose inclusion in the full benefits of American freedom and citizenship historically began narrowly constricted. To say their "inclusion" began narrowly constricted might actually be a generous description since under the law of coverture women were the property of first their father and then, should they marry, their husband. They had virtually no rights. Then, courageous women, like others excluded from all of freedom's bounty, appealed to America's core values of liberty, equality, and opportunity, and over the course of the 19th and 20th centuries women's inclusion broadened.

From Seneca Falls, New York in 1848 to Wyoming allowing women to vote in 1869 when every state had passed a law granting married women some control over their property and earnings in 1900 to Margaret Sanger challenging the validity of New York's anti-contraception laws in 1916 to the 19<sup>th</sup> Amendment granting women the right to vote in 1920 to the Fair Labor Standards Act establishing a minimum wage without regard to sex in 1938 to the Equal Pay Act in 1963 to Title VII of the Civil Rights Act prohibiting employment discrimination on the basis of sex in 1964 to *Griswold v. Connecticut* legalizing contraceptives for married couples in 1965 to Title IX prohibiting sex discrimination in all aspects of education programs that receive federal funds in 1972 to *Roe v. Wade* legalizing abortion in 1973 to Sandra Day O'Connor's appointment by President Ronald Reagan as the first woman on the Supreme Court in 1981 through numerous other rulings enhancing women's rights to when Nancy Pelosi became the first female Speaker of the House in 2007 to the first woman nominated by a major party for President of the United States in 2016 to when, in *Dobbs v. Jackson Women's Health Organization*, for the first time in American history a right is revoked and that progress stalls and is threatened with reversal in 2022. [3]

Stalled? Yes.

Reversed? Maybe, for one has to take Justice Clarence Thomas at his word when he wrote on page 119 of *Dobbs v. Jackson Women's Health Organization*, "We should reconsider all of this Court's substantive due process precedents, including *Griswold*, *Lawrence*, and *Obergefell*." [4] *Griswold* legalized contraception, *Lawrence* same sex sexual relations and *Obergefell* same sex marriage. It is opening the possibility that *Griswold v. Connecticut* could be reversed that most seriously threatens women's progress. We'll discuss it further next week in **Book Notes #106's** look at the counterculture, but in the context of women's rights it can be argued that the most important development in not only American history but world history was the birth control pill. Approved by the Food and Drug Administration on May 9, 1960, Enovid-10 literally changed the world. For the first time in human history women could, with a high degree of certainty, control their own fertility. To say the effect was liberating is a profound understatement.

It is in the light of that understanding that *Dobbs* must be understood, for Thomas' call signals a potential assault against all the gains women have made in the past 50 years. Thomas has inadvertently revealed that in many ways the abortion issue wasn't only about abortion, but it was/is the opening wedge in reversing women's progress. Moreover, as Robert B. Hubbell opined in his newsletter, "Standing alone, the abolition of an existing constitutional right that results in the subordination of women to theocratic state legislatures is anti-democratic, un-American, and a violation of human rights." [5]

Anti-democratic? *Dobbs* clearly articulates a position held by a minority of Americans, who virtually every public opinion poll indicates wanted *Roe v. Wade* to stand.

Un-American? Yes, in that it reverses the almost 200-year trajectory of increased rights for American women by explicitly revoking a right.

A violation of human rights? Of the 195 nations in the world, this decision puts America in the company of 21 nations who deny women this right. [6]

I am not going to debate the abortion issue; that is beyond the scope of my interests here. What I am interested in is the American story, American freedom, and American liberty and who enjoys the benefits of being at "liberty" to exercise their own judgment in pursuit of their own fulfillment, their own happiness, which is one of those truths we hold to be self-evident.

Liberty is the absence of external constraint enabling one to exercise the freedom to choose.

Choose what?

Just about anything – from the banal decisions about what kind of car you drive or what to have for dinner tomorrow to the serious decisions about what career to pursue and where to live to the profound questions of whom to marry and whether or not to have children.

What *Dobbs* does and Thomas threatens to do *re Griswold v. Connecticut* is to curb women's freedom to choose how to conduct their lives by imposing an external constraint on their liberty. They are told that they are not at liberty, they do not have the freedom to choose, they do not have the right to make decisions about their own bodily health. Justice Samuel Alito, writing for the majority in *Dobbs* invoked "ordered liberty," which in itself is an interesting notion. [7] "Ordered liberty" refers to the old Puritan notion that one is at liberty to choose to support society's values; one's options are to support those values or to leave. [8]

Regardless of philosophical quibbles about the nature of liberty and freedom, how did we get to here? How did we get to 2022 and the revocation of a right that has stood for almost 50 years, and whose revocation threatens other related rights? How did we get to a point where women's progress now resides under a veiled threat – perhaps not so veiled. A bit of history is in order, a history of women in America whose hinge years are, you probably guessed, the 1960s, 1968 in particular.

Just as we noted last week regarding the African-American experience, the history of women in America bursts the bounds of any mere **Note**. As sketched above, that history traces an arc of increasing female freedom from the earliest European settlements when women had virtually no rights except the right ("ordered liberty"?) to obey their fathers and husbands through the 19th century struggles to overturn the law of coverture, to gain the right to an education in order to be whatever they would be (Margaret Fuller's famous exhortation to "Let them be sea captains, if they will") to the suffrage movement's final success in 1920 gaining women the right to vote to the unanticipated freedom to work outside the home during World War II ("Rosie the Riveter") showing women they could do whatever it was they had it in themselves to do only to be sent back *Home* when the returning victorious GI's reclaimed the jobs they'd left behind.

It was both to women's smoldering resentment at being sent *Home* after World War II's ironic but exhilarating freedom and to the boredom of college educated women who had no place to use their education that Betty Friedan spoke in 1963's *The Feminine Mystique*, which launched Second Wave Feminism (the First Wave being the great women's rights activists of the 19th century). But like many things in the 1960s, Friedan's middle-class reformist movement got outflanked by radical reformers who fashioned themselves revolutionaries not content to ask much less beg or beseech male leaders to take them seriously. They weren't asking

anyone's permission to do anything; they were demanding their rights, and they were prepared to go to the wall to get them. Bursting upon the scene in that pivotal year of 1968, the New York Radical Feminists proclaimed in their manifesto "While we realize the liberation of women will ultimately mean the liberation of men from their destructive role as oppressor, we have no illusion that men will welcome this liberation without a struggle. ..." [9]

In 1968, there were three pivotal moments with lasting implications for women's rights: 1) the New York Radical Women's Coalition's counter protest to the Jeanette Rankin Brigade's anti-Vietnam War protest; 2) the New York Radical Women's protest at September's 1968 Miss America Pageant; and, 3) November's convocation in Chicago of the first national women's liberation conference.

The New York Radical Women's Coalition was founded by women who were veterans of both the civil rights and the anti-Vietnam war movements who had become increasingly offended at being treated like second-class go-fers "typing and fixing food" in those male-dominated factions, one of whose leaders infamously joked "The position of women in our movement should be prone." [10] Organized by Robin Morgan, Carol Hanisch, Shulamith Firestone, and Pam Allen in 1967, the New York Radical Women's Coalition lasted only until 1969 when, like many groups in that era, it splintered, first into the Redstockings then the Feminists and finally Shulamith Firestone and Anne Koedt's New York Radical Feminists.

But in 1968 they lit the fuse that fired the women's movement that ultimately over the next 50 years transformed America. On January 15, 1968, the New York Radical Women's Coalition counter-protested the Jeanette Rankin Brigade signaling that this isn't your mother's – much less your grandmother's – movement. In this instance literally, for the "Brigade" was an anti-Vietnam war protest organized by 87-year-old Jeanette Rankin, one of my personal heroes. Rankin was a suffragist who fought for women's right to vote; she was the first woman elected to Congress. A pacifist, somewhat surprising since she was from Montana, she was the only member of Congress to vote against American involvement in World War I and World War II. Montana honors Rankin with one of their two statues in The National Statuary Hall in the U.S. Capitol honoring prominent Americans.



*Standing to the immediate right of Rankin's statue is my Jefferson Society colleague Angela Beaumont along with two of the Jefferson's Rainy Fellows, YahMoorah Shakoora-Hooker at left and April Soriano.*

The New York Radical Women's Coalition protested that Rankin, Coretta Scott King, Judy Collins, et. al. were too "lady like in their protest." They thought that the brigade would never be taken seriously, but more to the point the coalition leaders, whether they actually understood it at the time, were reacting against the ancient American notion of *woman*, confined to the *Home*, but man's moral superior tasked with bringing man to his senses in order to behave properly.

The coalition was having none of that. They didn't want to be man's moral superior, they wanted to be his political equal. To do that, they understood that they couldn't simply protest and petition. They had to shed the lady-like veneer of polite protest, and go into the street and do battle, if only symbolically, with the oppressor male. So, shedding any pretense at lady-like moral superiority, they counter-protested at Arlington National Cemetery. The Coalition staged a funeral procession for "traditional womanhood" lamenting "womanhood's traditional role which encourages men to develop aggression to prove their masculinity." In short, they symbolically buried the old American notion of *woman* in order to liberate women. In the flier she wrote promoting the Coalition's protest Kathie Sarachild coined the phrase "*Sisterhood is Powerful.*" [11]

Much more famously, in Atlantic City in September The New York Radical Women's Coalition protested the Miss America Pageant. Contrary to legend they did not burn their bras, but they did symbolically throw a number of items symbolizing female oppression into a large "Freedom Trash Can": mops, pots and

pans, Playboy magazine, false eyelashes, high-heeled shoes, curlers, hairspray, makeup, girdles, corsets, and bras. [12] At Saturday night's nationally televised closing ceremony as host Bert Parks honored previous Miss Americas, several coalition members who gained entry to the event by simply buying tickets (it was another era) unfurled a banner proclaiming "*Women's Liberation*." It was the first time the phrase had been used publicly. It attracted national news coverage. As Carol Hanisch later remarked, although the banner was the immediate attention grabber, "The media picked up on the bra part ... we often say that if they called us 'girdle burners,' every woman in America would have run to join us." [13]

On November 27, 1968, the First National Women's Liberation Conference was held just outside Chicago. More than 110 women from 37 states and Canada attended. It is sometimes argued that this was the second national conference, the first being held August 2 to 4 in Sandy Spring, Maryland. [14] Regardless, that there were two conferences where previously there had been none underscores the shape-shifting impact of the New York Radical Women's Coalition.

Other than the false myth of bra burning, in 1968 the women's movement largely went unremarked somewhat lost amid the year's more violent images. Still, the women set in motion a series of events that changed American culture profoundly – I believe more positively – than anything else that happened in 1968. Their courage led to greater, admittedly scarcely perfect, economic and political equality for women, women's greater inclusion in all facets of American life, the passage of Title IX and the explosion in women's sports, the first woman candidate for president of a major political party and ultimately the #MeToo movement.

And, now, as we bring this **Note** to a conclusion, all of that progress might be threatened by the resurgence of the exclusionary American story seeking to reserve freedom's benefits for only those it deems worthy of admission. Dialing down the overreaction, the *Dobbs* decision reminds us that, as innumerable bumper stickers and internet memes proclaim, "freedom isn't free." The price of freedom is eternal vigilance, for no battle, as we just memorably learned (re-learned?), is ever definitive. The forces of reaction lurk, ready to pounce.

As a first step in that vigilance, there is a series of questions that need exploring. Each question is simply a precis of a series of related questions. Answering each, much less all of them, is beyond the scope of a simple **Book Note**, but I might in the future dedicate a **Note** or two to each. Of immediate concern for those who wish to see the inclusionary American Story continue its arc toward moral progress, an arc that dominated the middle of the 20th century only to be challenged late in that century and throughout the first 22 years of the 21st century, here are several questions worthy of your consideration.



First, how did the U.S. Supreme Court become dominated by arch-conservative Roman Catholics who even within their own faith tradition lean far-right, one of whom is a member of a splinter faction that I'll wager not one or two in 10 practicing Roman Catholics can name much less succinctly explain their beliefs and behaviors? Before you howl that I am anti-Catholic, I must tell you that I am a born, baptized, First Communicant, Confirmed Roman Catholic who spent the past 50 years engaged in Catholic higher education. I have nothing but the highest admiration and respect for the Sisters of Notre Dame, the Sisters of Mercy, the Franciscan Friars of Holy Name Province, the Benedictine Sisters of Erie, the Sisters of St. Joseph, and the Jesuits who educated me. Still, I am puzzled at how a minority within a minority (Roman Catholics, a shrinking faith as many leave for either evangelical Protestant denominations or to become Episcopalians or to become "Nones" constitute about 25 percent of the U.S. population), came to dominate the U.S. Supreme Court.

Second, I am amazed at the political incompetence of the Democratic Party. In fact, nationally the Democratic Party is so inept that I am no longer sure it deserves to be called a "party." It has for more than 50 years systematically been outfoxed, outsmarted, and outmaneuvered by an ever more right-tilting Republican Party. In the interest of full transparency, I am a registered Democrat. I am a centrist who on some issues leans left and others leans right. The one issue I find most compelling is the survival of the inclusionary American story, which I call *The Fusion Thread* in ***The American Tapestry Project***. It is *the* story of America. It is now under assault. At different times in American history, it has been championed by the Republican Party and opposed by the Democratic Party; at other times, the roles have been reversed. In our time, the Republican Party apparently opposes it, but the Democratic Party, other than useless posturing by some media intoxicated members, seems incapable of mounting a coherent and competent defense. How did that happen?

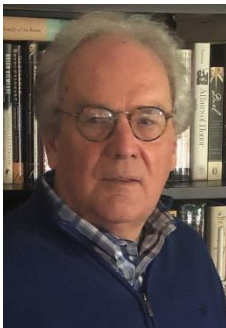
Third, how did a historically bogus legal theory like originalism come to dominate our current legal thinking? I am not a lawyer, so I do not have the benefit of a legal education and cannot think like a lawyer. But I do know something about history. As brilliant as it was and is, as great a document as it has proven to be, the U.S. Constitution is not holy writ, revealed by a gathering of gods, never to be challenged, never to be questioned but only slavishly followed as if it were, indeed, still 1787. Two immediate flaws with that thinking: all was not well in 1787 and much has since changed. The U.S. Constitution is a political document crafted by political geniuses who made no claim to having once and for all answered forever all questions that might arise in the new republic they founded. For, as historian Joseph Ellis says, "... the American founding, most especially the drafting and ratification of the Constitution, was always a messy moment populated by mere mortals, whose chief task was to fashion a series of artful political compromises. And the Supreme Court never floated above the American political landscape like

a disembodied cloud of heavenly wisdom. It always was a political institution composed of human beings with no special connection to the divine.” [15]

So, what gives with originalism? It is a legal theory that neatly permits those who oppose “The Fusion Thread” and most, probably all of the great gains in civil rights and economic justice achieved during the middle of the 20th century to pretend that it is still 1787 and “the boys,” the “white boys” in particular, are still in charge. For as Ellis goes on to say, “The great sin of the originalists is not to harbor a political agenda but to claim they do not, and to base their claim on a level of historical understanding they demonstrably do not possess.” [16] For evidence of what Ellis means, read Justice Samuel Alito’s tortured attempt in *Dobbs* to make the legal and social history of abortion in America fit his preconceived conclusion. How did this happen? See the second question immediately above.

Well, this **Note** is getting long; we’ll take up these questions in future **Notes**, but next week in Part Five we’ll examine the counterculture spawning the culture wars that threaten to undo us all.

For now – **Happy Fourth of July!** While noshing your picnic fare and watching the fireworks’ rockets’ red glare, you could do worse than listen to Ray Charles’ version of, as [Boston.com](#) called her, that “gay, feminist bad-ass lesbian from Massachusetts,” Katherine Bates’ “America the Beautiful.” [17] It can be found [here](#).



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“Miss America 1968 ‘Freedom Trashcan’” at **Women’s Rights 1960** available [here](#) accessed June 26, 2022.  
“Women’s Liberation Banner at 1968 Miss America Pageant Broadcast” (Bev Grant/Newreel, 1968, Redstockings Archive) at **Redstockings** available [here](#) accessed June.  
“Miss America 1968 ‘Let’s Judge Ourselves As People’” (Bettman Archive/Getty Images) at [History.com](#) available [here](#) accessed June 26, 2022.

**End Notes**

1. Brownmiller, Susan. "Sisterhood Is Powerful" in **The New York Times** (March 15, 1970) available [here](#) accessed June 26, 2022.
2. Cf. Lillian Faderman, **Woman: The American History of an Idea** (New Haven, CT: Yale University Press, 2022), pp. 332-359.
3. "Timeline of Legal History of Women in the United States" at **National Women's History Alliance** available [here](#) accessed June 26, 2022.
4. "Dobbs, State Health Officer of the Mississippi Department of Health, et. al. v. Jackson Women's Health Organization et. al." p. 119 at Supreme Court of the United States in **The Washington Post** available [here](#) accessed June 26, 2022.
5. Hubbell, Robert H. "The engaging unfairness of Dobbs" in **Newsletter** available [here](#) accessed June 26, 2022.
6. Cf. Hubbell cited above for the list; it includes such renowned defenders of human rights as Andorra, Republic of the Congo, Dominican Republic, Egypt, El Salvador, Haiti, Honduras, Iraq, Jamaica, Laos, Madagascar, Malta, Mauritania, Nicaragua, Palau, Philippines, San Marino, Senegal, Sierra Leone, Suriname, and Tonga.
7. "Dobbs etc." cited above p.2.
8. For a more complete discussion of this, cf. David Hackett Fischer, **Albion's Seed: Four British Folkways in America** (New York: Oxford University Press, 1989), pp. 195-205.
9. Brownmiller, cited above.
10. Ibid.
11. Love, Barbara J. **Feminists Who Changed America**. (Champaign, IL: University of Illinois Press, 2006), p. 405.
12. Greenfieldboyce, Nell. "Pageant Protest Sparked Bra-Burning Myth," **NPR Special Series Echoes of 1968** available [here](#) accessed June 27, 2022.
13. Ibid.
14. "365 stories re washington, dc in 1968" at **dc1968** project available [here](#) accessed June 27, 2022.
15. Ellis, Joseph. **American Dialogue: The Founders and Us**. (New York: Alfred A. Knopf, 2018), p. 159.
16. Ibid.
17. Eaton, Perry. "A gay feminist badass from Massachusetts wrote 'America the Beautiful'" in **Boston.com** available [here](#) accessed June 27, 2022.

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