

REPEAL POLITICS: ABORTION IN AUSTIN, TEXAS, 1965-1975

by

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DEDICATION

In Memory Of

Judy H. Smith

For Mom and Dad

*This thesis is just as much yours as it is mine.
Thank you for everything. I love you both to the moon and back.*

ACKNOWLEDGEMENTS

When I graduated from Texas State University in the spring of 2013, I planned on teaching until retirement. If I have learned anything in the last three years, it's that nothing in life turns out how you planned it. After graduation, I accepted my first classroom teaching job, teaching summer school to eighth-graders in Luling, Texas. I was busy writing my first set of lesson plans for the fall, and annotating *To Kill a Mocking Bird* for the first time since high school. After a long day of teaching one Tuesday in June 2013, my then girlfriend woke me up at 11:00pm demanding we drive to the capital thirty-minutes away in Austin. An exhausted first-time teacher, I begrudgingly agreed. Senator Wendy Davis was on the final hour of her eleven-hour long filibuster of Senate Bill Five (SB5) which would set into place extreme restrictions causing the majority of abortion clinics in the state to close. Until this point, I had never been to a protest. The only thing political I had done was skip school my senior year to hear former President Bill Clinton speak in support of Hillary Clinton's first presidential campaign in 2008—sorry mom and dad, but it was totally worth it. When we arrived at the capital hundreds of people filled each level of the dome. The chants of “let her speak” were so loud my ears rang. The speaker called Senator Davis on her third infraction just before we arrived, around 11:30pm. To successfully filibuster and prevent a vote on the bill, Senator Davis needed to make it until mid-night. The people's filibuster helped finish her day-long work. The noise outside the senate chamber, combined with the endless chants coming from the senate gallery, prevented the speaker from hearing roll call to take a vote on

SB5. Midnight passed, and Senator Davis, and those of us in the capital that night, prevented the most restrictive set of abortion laws from being voted into law.

Governor Rick Perry immediately called a special session, and over the next two weeks I visited the capital every day; thankfully summer school was over. I waited in line for thirteen-hours to testify against the bill and sat in on the seemingly endless testimony of others. HB2 eventually passed the house, and went on to pass in the senate, becoming law. Texas went from having more than forty abortion providers to eight for its twenty-six million residents overnight. Attending Senator Davis' filibuster and testifying that summer changed the trajectory of my life. I fulfilled my teaching contract for the school year, and enrolled in the graduate program at Texas State University the next fall. I wanted to know how the political landscape in Texas, the state in which *Roe v. Wade* originated, created the most devastating set of targeted regulation of abortion laws since criminalization. To do so, I needed to understand the history of abortion, and I am forever grateful to the faculty and staff in the history department at Texas State who guided me along the way.

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lectures, and comforting me over the last few months. We may not have siblings, but I consider you my sister.

I was lucky enough to meet several individuals at the 50th anniversary reunion of *The Rag* newspaper in October of 2016. They put me in contact with the women and men who operated the Birth Control Information Center at the University of Texas in the late 1960s which are central to this thesis. I would like to thank Jim Wheelis, Victoria Foe, Linda Smith, Jeff Jones, Barbra Hines, Alyce Guynn, and Val Liveoak for partaking in the oral interviews that shaped this work. I would also like to thank Charlene Torrest, Sherlene Peterson, and Connie Moreno for sharing their personal stories with me. I am forever grateful that Senator Wendy Davis took the time out of her busy schedule to meet with me. Thank you for your feedback on my project, and for your filibuster, without which, this thesis certainly would not have happened.

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Carol Bailey has been my third parent, aunt, babysitter, counselor, and friend. Thank you for supporting me in every possible way. I hope to be as strong and independent as you.

Last but not least, I must thank my parents, Robert and Sandra Brown. When I decided to enroll in the graduate program you both supported every decision I made. I could not have completed this program without such an amazing support system at home. Thank you for teaching me that the most valuable thing a person can have is an education, and doing everything in your power to make sure that I got one. I appreciate every sacrifice you made over the years so that I never went without or wanted for anything. You are my whole world, and I cannot express how grateful I am to you both.

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LIST OF ABBREVIATIONS

Abbreviation	Description
AMA	– American Medical Association
BCIC	– Birth Control Information Center
CDC	– Center for Disease Control
NARAL	– National Abortion Rights Action League
NOW	– National Organization for Women
SDS	– Students for a Democratic Society
SNCC	– Student Nonviolent Coordinating Committee

I. INTRODUCTION

Connie Moreno moved to Austin, Texas, in the fall of 1968. Upon arrival, Moreno sought out birth control services, but multiple doctors refused to give her a prescription because she was not married. Connie was not alone in her frustrating quest to access reproductive health care, as she discovered later that year when she began working for *The Rag*, an underground student newspaper at the University of Texas in Austin. From a peer at *The Rag*, she learned that Planned Parenthood would prescribe birth control regardless of a woman's marital status. However, by the summer of 1971, Connie had switched from the pill and was "foolishly" using contraceptive foam as a pregnancy preventative.¹ By late summer she became pregnant and knew she could not obtain an abortion in Texas, where abortion had been illegal since 1854. Connie ended up hitchhiking to Washington, D.C., where a friend put her in contact with a clinic in Brooklyn that was known to perform vacuum aspirator abortions.² She hitchhiked from D.C. to New York City because her "options in Texas at the time" were limited to doctors across the Mexican border.³ The idea of going to an unfamiliar country, with little information about the procedures she would find there, and little knowledge of Spanish, Connie, like many young women, went north instead. As Texas women increasingly experienced situations like Connie's, the men and women increasingly demanded the repeal of laws criminalizing abortion.

¹ Contraceptive foam is similar to spermicide creams and gels. Both are applied to the vagina prior to sex in attempts to prevent pregnancy. Each contains a chemical makeup thought to kill sperm, which has varied since ancient times. Interview with Connie Moreno by author, Austin, Texas, November 2, 2016.

² Vacuum aspirator abortions were the safest performed. The non-surgical procedure is carried out early in pregnancy using a vacuum, or suction aspiration, to remove the contents through the cervix.

³ Interview with Connie Moreno by author, Austin, Texas, November 2, 2016.

Moreno's abortion sojourn was not a rare occurrence for Texas women in the 1960s. In fact, women across the United States traveled to gain medical care. Women in California and Texas traveled to Mexico, and women from numerous states traveled overseas to take advantage of liberal abortion laws in England and Japan.⁴ As hospitals required board approval for therapeutic abortions, women with financial resources traveled out of the U.S. More than six-hundred American women made an abortion sojourn to the United Kingdom from October to December 1969.⁵ By 1970, Alaska, Hawaii, New York, and Washington repealed abortion restrictions and allowed doctors to perform abortions before twenty-four weeks.⁶ Unlike the other three states, New York did not have a 30-day residency restriction, for women with means traveled to New York to access the procedure.⁷ It is estimated that in 1972, just over 100,000 women made an abortion sojourn from their home state to New York in order to obtain a legal abortion. Additionally, an estimated 50,000 women traveled more than 500 miles, almost 7,000 women traveled more than 1,000 miles, and nearly 250 women traveled 2,000 miles to access abortion services in the year before *Roe*.⁸ Although these numbers are significant,

⁴ For abortion travel, see Leslie Reagan, *When Abortion Was A Crime: Women, Medicine, and Law in the United States, 1867-1973* (Berkeley and Los Angeles: University of California Press, 1997); Leslie J. Reagan, "Crossing the Border for Abortions: California Activists, Mexican Clinics, and the Creation of a Feminist Health Agency in the 1960s," *Feminist Studies* 26, no. 2 (Summer 2000) 323-348; David J. Garrow, *Liberty and Sexuality: The Right to Privacy and the Making of Roe V. Wade* (Berkeley and Los Angeles: University of California Press, 1994); Carol Sanger, *About Abortion: Terminating Pregnancy in Twenty-First-Century America* (Cambridge, Massachusetts: The Belknap Press of Harvard, 2017).

⁵ Rachel Benson Gold, "Lessons from Before Roe: Will Past be Prologue?," Guttmacher Institute, accessed November 7, 2017, <https://www.guttmacher.org/gpr/2003/03/lessons-roe-will-past-be-prologue>.

⁶ Rachel Benson Gold, "Lessons from Before Roe: Will Past be Prologue?," Guttmacher Institute, accessed November 7, 2017, <https://www.guttmacher.org/gpr/2003/03/lessons-roe-will-past-be-prologue>.

⁷ Rachel Benson Gold, "Lessons from Before Roe: Will Past be Prologue?," Guttmacher Institute, accessed November 7, 2017, <https://www.guttmacher.org/gpr/2003/03/lessons-roe-will-past-be-prologue>.

⁸ Rachel Benson Gold, "Lessons from Before Roe: Will Past be Prologue?," Guttmacher Institute, accessed November 7, 2017, <https://www.guttmacher.org/gpr/2003/03/lessons-roe-will-past-be-prologue>.

they only represent a small demographic of women seeking abortions. Eight out of ten non-New York residents seeking abortions from July 1971-July 1972 were white.⁹

As local authorities implemented legal limitations on abortion, women were forced to travel to access healthcare which caused some activists to turn their attention to the repeal of abortion laws. Tired of the lack of access to abortion, Texas women formed networks to work towards the repeal of laws that criminalized abortion. University of Texas students Judy Smith and Victoria Foe, along with other Austin women's liberation activists, founded the Birth Control Information Center (BCIC) in 1968. The BCIC provided women information about birth control, and eventually established an underground referral system that helped women access safe abortions in Mexico. The network student activists created led them to contact lawyer Sarah Weddington who agreed to file a federal law suit challenging Texas's criminal abortion laws. The women at the BCIC gave birth to *Roe v. Wade*, and as a result, helped in the fight to legalize abortion for American women in the twentieth century.

The long history of criminalization of abortion in Texas, and the sweeping civil rights and New Left movements in Austin, created the impetus and opportunity for the BCIC. By 1880, thirty states, including Texas, had passed criminal abortion laws. In Texas, Articles 1191-1196 of the Texas Penal Code mandated various punishments for those involved in illegal abortion procedures.¹⁰ After more than a century of unregulated

⁹ Rachel Benson Gold, "Lessons from Before Roe: Will Past be Prologue?," Guttmacher Institute, accessed November 7, 2017, <https://www.guttmacher.org/gpr/2003/03/lessons-roe-will-past-be-prologue>.

¹⁰ Articles 1191-1196 of the Texas penal code are the laws which lawyer Sarah Weddington challenged in the Supreme Court Case *Roe v. Wade*. Article 1191 mandated imprisonment for any person who procured an abortion for a pregnant woman. Article 1192 demanded accomplice liability. Article 1193 set fines for those who simply attempted to provide an abortion. Article 1194 considered the death of the women as a result of an abortion murder. Article 1195 set jail time for the death of an unborn child. Article 1196

abortion access, from the mid-1700s to the mid-1800s, American women, like Connie in the late 1960s, were left with two options: seek a therapeutic abortion, or put their lives in the hands of a stranger willing to perform the procedure illegally.¹¹ Therapeutic abortions, abortions conducted for the health of the mother, were the only legal form of abortion between the 1880s and 1973, and required hospital board approval, which was rarely granted. Even though abortions had a lower mortality rate than childbirth, hospital boards ignored medical statistics and participated in the larger agenda to restrict safe and legal access to abortion. Physicians on therapeutic abortion committees often used the hearings to shame pregnant women about their sexual conduct and private choices. The hearings typically resulted in embarrassment and no procedure. The limits of a therapeutic abortion forced Texas women to travel for the procedure, or to seek abortionists willing to practice illegally. Women in Texas, specifically Judy Smith and Victoria Foe at the University of Texas in Austin, established networks to get women abortion access.

Women's liberation movements of the 1960s and 1970s grew out of a long history of women acting on the desire to control their reproductive systems, and in turn the number of children they had. Women traditionally obtained advice on where to purchase animal skins, sponges, diaphragms, and abortions from their closest family members and friends.¹² By the 1960s, women and men in Texas reflected the national women's

protected doctors who provided abortion in attempts to save the mother's life. See James Daley, *Landmark Decisions of the U.S. Supreme Court* (Mineola, NY: Dover Publications, 2006), 337.

¹¹ Doctors did not give out their name to women seeking abortions in order to protect their identity as the policing of doctors increased in the twentieth-century. For accounts of how doctors attempted to remain anonymous, see Leslie Reagan, *When Abortion Was A Crime: Women, Medicine, and Law in the United States, 1867-1973* (Berkeley and Los Angeles: University of California Press, 1997).

¹² Leslie Reagan, *When Abortion Was A Crime: Women, Medicine, and Law in the United States, 1867-1973* (Berkeley and Los Angeles: University of California Press, 1997).

liberation movement. Second-wave feminists demanded access to information about their bodies and reproductive health. Texas women opened new conversations regarding abortion access, started writing letters to national abortion activist networks, and began to demand chapters of national organization in the Lone Star State. Frustrated with the lack of local resources, and excluded from national chapters, Texans acted on the advice of national organizations, such as the National Abortion Rights Action Legal (NARAL), to begin their own fight for legalization in the early 1960s.

Early 1960s abortion rights activists came from a variety of backgrounds. They were men and women from different regions of the state, practiced an assortment of religions, and represented a broad range of ages. There are hundreds of letters written by Texas men and women requesting the advice and assistance of NARAL in the late 1960s and early 1970s. Who are the men and women who founded the first pro-choice organizations in Texas before national affiliates felt it was an important state to organize? More importantly, this thesis analyzes how Texans rallied around legalization, and why. As the exchange between NARAL and Texans show, no single type of pro-choice activist emerged. While the political and social history of abortion typically focuses on a battle between conservatives and liberals, presenting it as a legal dispute which depicts Democrats as unanimously pro-choice, and Republicans as devout anti-choice zealots, the letters between Texans and NARAL in the 1960s and 1970s depict a more complicated political and social climate, one not automatically polarized by political party affiliation. The NARAL letters provide a state-wide context of how Texans from different backgrounds viewed abortion.

This thesis is a local, oral, micro-history of the UT students who organized and operated the Birth Control Information Center out of the University of Texas YMCA in Austin from 1967 to 1973. The continuities in the history of abortion before and after legalization are understood when pro-choice networks are studied on a grassroots level. Isolating the experiences of one grassroots network in comparison to the national abortion narrative requires a local perspective of the participants themselves, and a combined framework of medical, legal, and social history. This thesis argues that by analyzing an abortion network at the local level, before legalization, historians can study the reasons individuals fought for legal abortion outside of national platforms, and better understand how public opinions on abortion changed after legalization.

Historiography

As the women's movement of the late 1960s gained momentum in the United States, so did the field of women's and gender history. Demanding space in the historical record, feminists in academia established what has become a central subfield.¹³ While historians developed women's history programs within universities, they also established related field of study regarding the histories of sexuality and reproduction and have written about reproduction since the early-1900s.¹⁴ The field of reproductive history encompasses sex, birth control, pregnancy, childbirth, and abortion. This thesis focuses

¹³ See Laura Lee Downs *Writing Gender History*, (London: Arnold Press, 2004; 2e edition, revised and expanded, Bloomsbury Press, 2010) and Sonya Rose *What is Gender History?*, (Cambridge, United Kingdom: Polity Press, 2010).

¹⁴ Although it is safe to assume academics wrote about reproduction prior to this time period, reproduction as a field of study grew into its own distinction by the mid-twentieth century. For examples of this growth see Madeline Burrows, "Bibliography: Historiography of Reproductive Rights, Organized Alphabetically in four chronological sections (1958–1979, 1980–1989, 1990–1999, 2000–2012)," available at: <http://clpp.hampshire.edu/resources/historiography-of-reproductive-rights-1958-to-2012>.

on abortion history. Historians, such as Andrea Tone, Laura Briggs, and Dorothy Roberts, study abortion as it relates to the history of birth control, and at times, sterilization. The number of stand-alone histories on abortion has grown significantly in the last few decades. As the current political debate surrounding abortion intensifies, historians are publishing accounts that attempt to explain how tensions have risen since *Roe*.

Scholars of abortion typically frame their analyses before or after *Roe*, *focusing on dynamics when* abortion was illegal from the mid-1800s to 1973, or since legalization in 1973. This periodization limits most studies to a national or regional scope overview, as opposed to more detailed case-studies of individuals or single American cities, on the one hand, or a broader global framework, on the other hand. National accounts of abortion history are important to understand the long history of reproductive health. Local-level histories are necessary to analyze the continuities before and after legalization. Women's personal accounts of the fight for repeal provide explanations of how and why activists organized, and can be utilized by current women's rights movements. Further, local and organizational histories of abortion provided a more nuanced account of individual experiences.

Historians have focused on the medical history of abortion, and this field continues to grow. For example, medical historian James C. Mohr's foundational 1978 work, *Abortion in America: The Origins and Evolutions of National Policy*, explores the medical and economic events that led to national criminalization of abortion. Mohr argues that a shift in who received abortions and the professionalization of the medical field from 1840 to 1880 prompted state-by-state criminalization of the procedure. As

abortion became safer, Mohr explains that the American Medical Association (AMA) and the state feared ‘race suicide’ as more married white-women used abortion to control family size, which led to police enforcement of criminalization.¹⁵ Nearly two decades later, gender and women’s historian Leslie J. Reagan applied Mohr’s medical and legal framework to her case study of abortion in Cook County, Illinois. Reagan connects medical and legal changes to the everyday experiences of women’s lives in the period before legalization. Reagan analyzes how medical professionals, state authorities, and women contributed to the “practice, policing, and politics” of abortion while restrictions increased.¹⁶ She argues that the professionalization of medicine and increased criminalization of abortion forced women to create their own access to abortion through do-it-yourself women’s liberationist collectives, and by teaming up with doctors to push for liberalization of abortion laws. Women’s historian Johanna Schoen also focuses on the medical history of reproductive health. In *Choice and Coercion*, she describes how physicians and politicians constructed barriers to prevent access of reproductive services from 1930 to 1970. She stresses the variety of competing agendas among politicians, physicians, women, and the clergy concerning abortion reform in order to highlight their various approaches to abortion politics. Her argument shows how women became the criminals when abortion was outlawed during the middle of the twentieth century, whereas doctors had previously been the targets of criminalization.¹⁷ Using medical history to focus on the intersections between disability, disease, and pregnancy, Reagan

¹⁵James C. Mohr, *Abortion in America: The Origins and Evolution of National Policy* (London: Oxford University Press, 1978), 45.

¹⁶ Leslie J. Reagan, *When Abortion Was A Crime*, 1.

¹⁷ Johanna Schoen, *Choice and Coercion: Birth Control, Sterilization, and Abortion in Public Health and Welfare*. Chapel Hill: University of North Carolina Press, 2005.

revisits abortion in *Dangerous Pregnancies*. She argues that American disability politics and abortion legislation combined to popularize calls for liberalization of American abortion law in the 1960s. She states that, regardless of people's moral beliefs about abortion, fears of birth defects in the mid-1960s, such as German measles, caused women to challenge the stigma associated with abortion out of a need to protect their children.¹⁸ The idea that women could give birth to children with an increased potential for birth defects complicated opinions against abortions. The perceived threat of a differently abled child was yet another factor which caused Americans to favor legal abortion.

Historians also examine the history of abortion through social and organizational frameworks. *Sacred Work* is an account of the long relationship between clergy and the Planned Parenthood Federation of America during the twentieth-century. Davis challenges what he sees as the myth that all clergy opposed the liberalization of abortion laws. By interviewing members of the Christian and Jewish faiths, Davis details the shift in opinion by the Catholic Church, as well as other denominations, concerning abortion from 1950s to the 1980s. Before *Roe*, he suggests, most national religious organizations did not release public statements about abortion. However, by 1980, the anti-abortion movement was openly supported by major religious sects. Davis' work sheds light on the complexity of the abortion debate before *Roe* for various religious organizations. Daniel K. Williams also examines the longer era of abortion politics, uncovering how the Right-to-Life movement grew from modest beginnings prior to legalization to gain momentum in the United States following *Roe*. He traces the intersections between religion and social reform from 1950 to the turn of the twenty-first century, highlighting the longer

¹⁸ Leslie J. Reagan, *Dangerous Pregnancies: Mothers, Disabilities, and Abortion in Modern America*. (Berkeley: University of California Press, 2010).

debates that led to what seemed at the time to be the over-night growth in the political “pro-life” platform in the 1980s. Williams thus provides a narrative of the long-term development of the anti-choice movement across the United States. Writing at the beginning of the 2000s, Williams and Davis show how a focus on the religious history of abortion shows continuity before and after legalization. Although *Roe* increased the political polarization of abortion between Democrats and Republicans, Williams and Davis explain religious opinion on abortion before legalization varied between sects and individual members.

While abortion is typically categorized as women’s history, it often intersects medical, legal, and political histories. The most effective works apply this multivalent framework. For example, Johanna Schoen furthers her contributions to abortion history in *Abortion After Roe* (2015). She discusses the connections between personal experience, local histories, and larger political developments in the decades following legalization. Focused on the effects of the abortion debate on patients after 1973, Schoen argues legalization signaled the beginning of the political, legislative, and social battle over abortion access. Schoen’s account traces the evolution of language and rhetoric concerning abortion in the United States immediately after *Roe*. Other histories of abortion focus solely on the legal past of reproductive health. Most notably, David J. Garrow’s comprehensive history of abortion, *Liberty and Sexuality: The Right to Privacy and the Making of Roe v. Wade*, argues that *Roe* is as historically significant as *Brown v. Board of Education* to American history, and as such, historians must analyze the long-

history to reproductive health to understand the legal precedent set in *Roe*.¹⁹ Garrow's work tells the legal history of repeal politics by detailing cases from several different states. His work is an example of the comparisons that can be made between legal tactics when a comprehensive study of multiple locations is conducted. Using oral histories and examining local activist groups, Garrow's framework set an example for the methodology in this thesis.

Local, oral, and organizational histories would expand historians study of abortion when analyzing the intersections of race and class with women's reproductive health. Hispanic and Black women had distinct experiences in relation to abortion access compared to white women, both before and after legalization. For example, in *Killing the Black Body*, in which Dorothy Roberts argues that studies of racial justice often fail to include analysis of reproductive freedom, she argues that Depression-Era regulations on welfare left black women vulnerable to poor medical care, problem pregnancies, and exploitative experimental reproductive health practices.²⁰ Rickie Solinger and Loretta Ross analyze abortion through race and class in *Reproductive Justice: In Introduction*. Solinger and Ross argue that a racialized nation created a body of law which racialized women's health care and access to abortion.²¹ Regional and local histories of abortion

¹⁹Ziegler, 22-23. For legal history of abortion, see Linda Gordon, *Women's Body, Women's Right: Birth Control in America*, rev. and updated (1976; reprint, New York: Penguin Books, 1990), 49-61, 402-416; James C. Mohr, *Abortion in America: The Origins and Evolution of National Policy* (London: Oxford University Press, 1978); Michael Grossberg, *Governing the Hearth: Law and the Family in Nineteenth-Century America* (Chapel Hill: University of North Carolina Press, 1985), 155-195; Rosalind Pollack Petchesky, *Abortion and Women's Choice: The State, Sexuality, and Reproductive Freedom*, rev. ed. (1984; reprint, Boston: Northeastern University Press, 1990), 67-138; Carroll Smith-Rosenberg, *Disorderly Conduct: Visions of Gender in Victorian America* (New York: Oxford University Press, 1985), 217-244; Kristin Luker, *Abortion and the Politics of Motherhood* (Berkeley: University of California Press, 1984).

²⁰Dorothy Roberts, *Killing the Black Body: Race, Reproduction, and the Meaning of Liberty* (New York: Pantheon Books, 1997);

²¹History of African-American women in reproductive health, see Louis S. Reed, *Midwives, Chiropodists, and Optometrists: Their Place in Medical Care* (Chicago: University of Chicago Press, 1932); Molly Ladd-

can isolate different groups of women. The national narrative is sometimes told from a perspective that lacks a conversation about race and reproductive health. Including local abortion histories that focus on communities of color, or organizational reproductive health histories on groups founded by women of color, expands the understanding of women's experiences with abortion, and how laws and medical practices changed from different points of view.

The Importance of Oral and Local Abortion Histories

Current political issues are changing the way historians research abortion. As the fight by “pro-life” evangelical activists to repeal *Roe* gains traction, new topics for research emerge. The work of Williams and Schoen reflect the continuing polarization surrounding *Roe*. After the 1980s, the Religious Right and the Republican Party focused on anti-choice policies, and actively used anti-choice rhetoric in their party platforms. Because the ruling in *Roe* declared that women had the right to have an abortion due to a personal right to privacy, anti-choice groups drafted legislation which sought to restrict abortion on the grounds of potential life and the viability of the fetus. By 2013, Texas, and soon after other states in the American South, implemented the most restrictive set of abortion laws since criminalization. As activists and scholars attempt to challenge the

Taylor “‘Grannies’ and ‘Spinsters’: Midwife Education under the Sheppard-Towner Act,” *Journal of Social History* 22, no. 2 (Winter 1988), 255-275; Jessie M. Rodrique. "The Black Community and the Birth Control Movement." *NWSA Journal* 1, no. 4 (1989): 755-56; Regina Kunzel, *Fallen Women, Problem Girls: Unmarried Mothers and the Professionalization of Social Work, 1890-1945* (New Haven: Yale University Press, 1993); Leslie J. Reagan, *When Abortion Was a Crime: Women, Medicine, and Law in the United States, 1867-1973* (Berkeley and Los Angeles: University of California Press, 1997); Dorothy Roberts, *Killing the Black Body: Race, Reproduction, and the Meaning of Liberty* (New York: Pantheon Books, 1997); Rickie Solinger, *Wake Up Little Susie: Single Pregnancy and Race before Roe v. Wade* (New York: Routledge, 1992); Loretta J. Ross and Rickie Solinger, *Reproductive Justice: An Introduction* (Oakland: University of California Press, 2017).

new restrictions, both groups must understand the ways in which regional and local organizations overturned state abortion laws and navigated repeal politics.

To better understand the complexity of the history of abortion, historians should pursue two paths. First, academics must move past the framework that places legalization as a break between one era and another. While the importance of *Roe* cannot be overstated, a focus on the ruling only places further emphasis on the legal narrative, while overshadowing local organizations and people who fought for legalization or social acceptance, the voices of women themselves, and the interactions between race and class. As this thesis shows, women's rights activists did not stop fighting for equal access to reproductive health once abortion was legalized. Community organizers continued to use the strategies they learned in the civil rights era to fight for accessible health care after 1973. Second, historians must move away from a national or regional scope in order to better understand the actors in abortion history and the politics surrounding abortion at community and state levels. By changing the scale of abortion history, one is able to look at smaller examples which point to continuity before and after legalization, and trace the connections between medical, legal, social, and women's histories. A change in periodization and a shift towards grassroots micro-histories allows historians to analyze different causal explanations for legal change.

There is currently a lack of state-level abortion history, with the important exception of Reagan's *When Abortion was a Crime*. State legislatures passed the laws which criminalized abortion. Although a national ruling made abortion legal in the United States, a legal and political history of abortion from the state level would better highlight the complexity of how activists repealed criminal abortion laws. While abortion

history often discusses New York, New York was not the only state to legalize abortion before 1973. For example, Alaska, California, Washington, Washington D.C., and Hawaii had liberal abortion laws. Who pushed for repeal in these locations? What obstacles did they face? How did this influence change elsewhere in the nation? These are the types of questions that can be explored when the scale and periodization of abortion history is changed. This thesis seeks to demonstrate this shift. In analyzing a single abortion rights organization in Texas, I argue that local histories explain a deeper look at causal relationships in the past.

Additionally, there is a lack of organizational history. Numerous groups fought for legalization. Stories of national organizations, with state and local branches, such as Planned Parenthood, the National Abortion Rights Action League, and the Center for Reproductive Rights continue to go untold. Analysis of each would contribute to our understanding of the diversity within the abortion wars.

An analysis of Texas abortion history explains who contributed to the landmark case of *Roe v. Wade* which originated in Dallas. By conducting an oral history of the individuals involved, I have written a thesis which explains the motives and tactics of a group of abortion activists before legalization. A University of Texas student argued *Roe v. Wade*, and the case was filed by UT students who were supported by the Austin chapter of the Clergy Consultation Service. Texas is not just relevant to the history of abortion politics. Current laws aimed at regulating abortion are sweeping the nation to restrict abortion access, and they have copied the language of Texas House Bill Two. Texas's anti-choice politics continue to set a precedent for abortion legislation. Additionally, the social movements connected to abortion politics in Texas are largely

connected to movements in cities across the nation. A case-study on Texas provides a state-level analysis of abortion history missing from existing historiography, and allows for historians to understand the causes behind legalization, and allows current reproductive rights activists to understand how students and Texans challenged restrictive laws before them.

Methodology

This thesis analyzes various sources including oral interviews, archival documents, newspapers, and secondary sources. Chapter one details the communication between Texans and the leadership of the National Abortion Rights Action Legal (NARAL) in New York City. Executive director Lee Gidding responded to almost all of the letters in the Texas file. The letters written to NARAL are part of a larger archival collection on the history of NARAL at the Schlesinger Library at the Radcliffe Institute for Advanced Study at Harvard University. Each author presents their case for legal abortion in the letters. I noted two themes while I analyzed the writings. First, I noticed that people were driven by one of five main reasons to repeal abortion laws. Second, I noticed that NARAL served as a clearing house of information. Texans wrote to NARAL in New York for information on where they could locate others interested in abortion repeal in their own area. These letters established a network of information which Texas advocates used to establish local organizations. Writing to an out-of-state organization provided the basis for organization in Texas. Texans wrote to NARAL giving Gidding their contact information, and then Gidding responded to future inquires dispersing names and addresses. Analysis of these letters gives insight into Texans' different

motives for supporting the repeal of restrictions on abortion access, a history of early abortion organizations in Texas, and challenges the traditional narrative of abortion history. This thesis addresses the connections between groups across Texas, and focuses on the Austinites who established the Birth Control Information Center at UT.

The letters to the *Austin American Statesman* used throughout the thesis are a result of archival research through the Dolph Briscoe Center for American History in Austin, Texas. I examined letters to the editor from the 1950s through the *Roe v. Wade* court case. I use these letters in conjunction with the letters to NARAL to explain Texans' opinions on abortion before *Roe*. The letters to the *Statesman* are supplemented by letters to the editors of the *Dallas Morning News* and other regional publications. Like the NARAL letters, the letters to the editor shed light on the reasons Texans supported or opposed abortion. The letters include examples that demonstrate citizens' concerns about population growth, an individual's privacy, religious and moral objections, and feminist rhetoric. Additionally, the letters demonstrate the networks formed around abortion before national organizations came to Texas. For example, the Dallas Coalition on Abortion formed in the late 1960s, almost a decade before a chapter of NARAL developed in Texas in 1975. Planned Parenthood, for instance, was in Texas by 1970, but did not offer abortions until after legalization. Texans discussed abortion in their homes, amongst their friends, and publically voiced their opinions in their local papers before, during, and after *Roe*. In each case, before receiving a direct national organization.

Also at the Briscoe Center are the personal papers of Alice Embree a former Ragstaffer, and copies of *The Rag Underground Student Newspaper*. *The Rag* is central

to this thesis.²² More than just a publication, *The Rag* offices served as a physical space for a variety of student activism to take place. Located in the University YMCA at the University of Texas in Austin, *The Rag* shared space with the Students for a Democratic Society (SDS), Women's Liberation, Bread and Roses, and other civil rights organizations. *The Rag* ran the first advertisements for Judy Smith and Victoria Foe's Birth Control Information Center (BCIC), as well as articles on performing safe abortions. *The Rag* occasionally provided advice on birth control, sex, insight on sexuality, and child care. Of the 377 issues of *The Rag* only 7 of them explicitly discussed birth control, and 27 directly tackled abortion. Although members of women's liberation contributed to the paper, they did not publish about women's issues regularly. Analyzing *The Rag* provides first-hand accounts of what student activists did, said, and thought about abortion before *Roe*. Further, these articles, ads, and photos demonstrate how young radicals organized around legal abortion.

Central to my thesis are eleven oral interviews. Often, histories of abortion in the U.S. focus on legal change, medical advancements, or the politics surrounding abortion. Thesis oral histories demonstrate the experiences of the men and women who founded the Birth Control Information Center and their motives for organizing around the repeal of criminal abortion laws. These first-hand accounts bring in the voices, opinions, feelings, and descriptions of the student activists often talked about, but not spoken with. The stories of community organizers are an important part of social history, and are crucial in education current activists about their own history. Unlike archival resources, oral histories present a particular set of challenges. The lines between history and

²² Luckily, the entirety of *The Rag* is available online courtesy of Independent Voices: An Open Access Collection of an Alternative Press.

memory can be difficult to interpret. To combat this natural obstacle, I compared the personal accounts to existing historical monographs, archival research, and articles publishes in *The Rag* and *The Austin American Statesman*. Additionally, I worked from a pre-assembled list of interview questions in an attempt to focus each interview on similar topics. However, as interviews are driven by conversation, and at times the person interviewed, questions and topics did vary between each oral history.²³ The dates provided by those interviewed have been corroborated by other interview subjects, and checked against published sources. The accounts of those are interviewed represent their interpretation of events. I argue that even though personal memory is ever-changing, the memories shared by the individuals who lived this history are imperative to our understanding of the past.

This thesis details the lives of the men and women who fought for equal access to reproductive health in Austin before legalization. To do so, I strive to incorporate their own voices and memories to create a social movement history of abortion. Through *The Rag's* 50th Anniversary in Austin in October of 2016, I met former Ragstaffers Alyce Gynn, Jeff Jones, Val Liveoak, Connie Moreno, and Linda Smith. Each graciously detailed their experiences at *The Rag*, and most importantly, their connections to women's liberation and the BCIC. They also put me in contact with other members of UT's social movement scene. Dr. Barbra Hines, a lawyer and a member of Austin's Women's Liberation, sat down with me and shared her personal home movies and documents. Linda Smith, the late Judy Smith's older sister, connected me with Smith's ex-boyfriend Jim Wheelis, who has been an endless source of information. Through both

²³ See the List of Interview Questions on page 141.

Wheelis and Linda Smith, I met Victoria Foe, who worked alongside Smith and Beatrice Vogel Durden to start the BCIC. These interviews detail how students organized, their perceptions of social change, and shine light on the thought process behind one of the most significant court cases in U.S. history.

In addition to interviewing former Ragstaffers, UT students, and Women's Liberation members, I conducted interviews with people outside of the UT campus. Sherelene Peterson and Charlene Torrest experienced a pre-*Roe* Texas outside of Austin. Their contribution allows me to make connections between women's experiences in the greater Texas area. Further, Torrest's work in abortion access provides additional examples of young women's ability to organize.

Finally, I came to this topic because I wanted to better understand the history of Texas in conjunction with national abortion politics. *Roe v. Wade* originated from a conversation amongst UT students at a garage sale in 1968 and legalized abortion access for women across all fifty states. Forty years after the Supreme Court decision in 1973, Texas drew national attention for the state legislature's now infamous targeted regulation of abortion procedures laws, or TRAP laws. I had the privilege to interview former state senator Wendy Davis about her 12-hour long filibuster, and discuss how Texas seemingly flipped in public opinion on abortion in less than fifty years. While this thesis does not seek to understand all these immense questions, it does provide an analysis of the social history on abortion in Texas before legalization so that activists and academics can better understand shifting attitudes towards abortion. Finally, I include these interviews to demonstrate that reproductive health activism has no age or gender. These voices prove

that social movements directly affect formal change, and hopefully they inspire generations of young people to continue working.

A note on terminology is necessary when addressing a topic such as abortion. In this thesis, I have chosen to use the term *abortion sojourn* over the term *abortion tourism*. The term *abortion tourism* is often used to describe women who traveled to obtain an abortion. The word *tourism* denotes a sense of choice, agency, and control over a women's decision to seek abortion. However, women did not choose to have abortions across state lines or abroad because they wanted to. Criminal abortion laws forced women to travel to access healthcare. Women had to navigate the world of illegal abortions by choosing a provider based on word of mouth referral, price and location, but women did not always have the availability of safe and local health care. *Abortion sojourn* is used instead to explain a women's experience traveling for healthcare. It reflects the multifaceted journey a woman mitigated to end an unwanted pregnancy. Texas women and other Americans traveled overseas and to New York and California before *Roe*. Women across the world continue to sojourn to receive healthcare, such as Irish women continue to travel to England for abortions and Polish women who travel to other western European countries.²⁴

It is important to tell the history of all women who sought abortion during criminalization, however the scope of this particular project focuses on a limited

²⁴ For more on abortion tourism, see Mary Gilmartin and Allen White, "Interrogating Medical Tourism: Ireland, Abortion, and Mobility Rights," *Signs* 36, no. 2 (Winter 2011), 275-289; Mark A Graber, *Rethinking Abortion: Equal Choice, the Constitution, and Reproductive Politics* (Princeton University Press, 1996), chapter two; Marcy Bloom, "Need Abortion, Will Travel," *Rewire*; Leslie J. Reagan, "Crossing the Border for Abortions: California Activists, Mexican Clinics, and the Creation of a Feminist Health Agency in the 1960s," *Feminist Studies* 26, no. 2 (Summer 2000) 323-348; Ronald J. Vogel, "Crossing the Border for Health Care: An Exploratory Analysis of Consumer Choice," *Journal of Borderlands Studies* 10 (Spring 1995): 19-44.

demographic of women. In this thesis, I focus on UT students and the volunteers who founded and operated the BCIC. The University of Texas was not fully desegregated until 1964, when the Board of Regents finally integrated dormitories. As a result, the overwhelming majority of students were white and middle-class. The volunteer staff at the BCIC reflected the demographics of the university and were exclusively white. While some women of color used the BCIC, the volunteers did not keep track of the demographics of the women, seeking to protect their privacy.

Chapter Summaries

Chapter One, “‘I think it happened here because of chance:’ Abortion in Austin in the 1960s,” establishes the social climate of Austin and more broadly Texans’ attitudes toward reproductive health. In this chapter I use the communications between Texans and NARAL, amongst Texans, and between UT students to demonstrate how citizens responded to abortion as it became a political issue. Due to a thalidomide crisis, a popular drug which caused birth defects, and the outbreak of German measles, or rubella, in the early 1960s, many Americans considered abortion the answer to end pregnancies that resulted in children with severe birth defects. Public health campaigns gained support while concerns about population growth soared in the second half of the twentieth-century. While zero population growth members supported legalized abortion, the resurgence of a women’s movement drew further attention to the topic of liberalized abortion laws. Nationally, abortion became an issue that could no longer be ignored as the 1960s drew to a close.

Chapter one argues that the University of Texas in Austin provided a space for students to organize around abortion legalization, where social activism resulted in direct legal change. While UT was similar to other college campuses in the 1960s in terms of rising student activism, UT's proximity to the state's capital and its connections to sitting U.S. President Lyndon B. Johnson made the city a perfect location for civil rights activism amongst young radicals. This environment allowed for students to think that "there would be a revolution" over civil rights, abortion included.

Chapter two, "If I had known this would be historical I would have taken notes," traces the establishment of the Birth Control Information Center (BCIC) by UT students. Like students across the U.S., young UT activists belonged to multiple organizations. As a result, they used their varied connections to start their own health clinic, legal services, and the BCIC. I argue that students' involvement in community activism cultivated an atmosphere in which they believed they could make legal change. More than just a community center, Smith and Foe's BCIC united women to change Texas's long-standing criminal abortion law. Part biography and oral history, Chapter Two details the lives of Judy Smith and Victoria Foe, women who were in the early twenties and enrolled as doctoral students in the sciences when they founded the BCIC. Smith and Foe's commitment to social activism directly resulted in legalized abortion for women across the U.S. Influenced by the legal strategies of friends at *The Rag*, Smith and Foe organized women's liberation members around making reproductive health services accessible.

Chapter three, "Student Activism Legalizes Abortion," explains how a court case in which the UT Board of Regents banned *The Rag* newspaper from selling on campus prompted the women of the BCIC to challenge Texas' draconian abortion laws. I argue

that Smith took inspiration and power from *The Rag's* win, and in that moment Foe convinced Smith that a women's right to choose would only be protected by a national law. Tired of seeing women trapped by abortion restrictions, Smith and Foe sought out Sarah Weddington to transfer their community activism into the repeal of criminal laws. This chapter explains how the women at the BCIC convinced Sarah Weddington to *Roe v. Wade*, thereby legalizing abortion for American women.

I conclude by addressing the current abortion debate in Texas. In *Whole Woman's Health v. Hellerstedt* (2016), the Supreme Court found in favor of the claim from a Texas reproductive healthcare provider, Whole Women's Health, that House Bill Two imposed an undue burden on women seeking abortion services. Just as the court's opinion in the Texas case of *Roe* legalized abortion across the U.S., the Court's opinion in the *Whole Woman's Health* case reversed TRAP laws in almost a dozen states. While abortion debates remain divided between polarized pro- and anti-choice groups, the legal status of abortion in Texas continues to affect women's healthcare throughout the nation. While *Whole Woman's Health* is a win for reproductive justice, the Court's ruling did not overturn the entirety of House Bill Two. Several states in the South have less than a dozen abortion clinics. A handful have fewer than five operating clinics. Texans fought for abortion access for all Americans, and less than fifty years later Texas anti-choice groups have guaranteed abortion is no longer a right for all women in the U.S.

II. I THINK IT HAPPENED HERE BECAUSE OF CHANCE: ABORTION IN AUSTIN IN THE 1960s²⁵

This chapter provides a brief history of abortion in the United States before legalization in 1973 and the individuals who changed abortion laws. It begins at the national level and then moves into a local history of Austin, Texas. I explain the attitudes toward abortion in Texas, and compare local perspectives on reproductive health to the national narrative. Here, I seek to demonstrate the complex opinions of Texans about abortion, and the events which allowed for the repeal of Texas abortion laws to begin. I argue that Texas women were motivated to change the laws which restricted their ability to control their bodies and did so by forming their own networks and organizations in the absence of direct involvement from national women's movements and campaigns.

Part I: Abortion—Legal Options and Shifting Attitudes

Before the early 1800s, abortion was legal and practiced across the United States at the discretion of the doctor or midwife. From 1800 to 1850, the U.S. maintained the legal status of abortion under British common law, according to which abortion was legal so long as it occurred before quickening, or the first indication of fetal movement.²⁶ Although conducting an abortion after quickening was punishable in a court of law because a “potential life” was lost, judges dismissed the vast majority of abortion cases

²⁵ While conducting oral interviews, Jim Wheelis, Jeff Jones, and Victoria Foe each gave iterations of this phrase as an answer when asked why the women at the BCIC were able to create legal change.

²⁶ James C. Mohr, *Abortion in America: The Origins and Evolution of National Policy* (London: Oxford University Press, 1978), 3-4.

brought to trial before 1850.²⁷ However, by 1840, physicians began a campaign to draw increased support to anti-abortion regulations. While New York passed a statute in 1828 that made abortion at any point in a pregnancy a felony, sweeping legal reform did not occur until the 1860 Connecticut law.²⁸ Physicians' decade-long anti-abortion efforts finally succeeded, and the Connecticut law "set the tone for the kind of legislation enacted elsewhere in the United States during the succeeding twenty years."²⁹ According to historian David J. Garrow, one in five pregnancies before 1850 ended in abortion. After the Connecticut law, abortion was outlawed across the U.S. by 1880. The number of women publically seeking abortions decreased, and police enforcement of anti-abortion laws dramatically increased for the first time in American history. At the turn of the century, Dr. Joseph Taber Johnson spoke to his colleagues in the American Medical Association (AMA) at the June 7, 1895, Obstetrical and Gynecological Society in Washington D.C.³⁰ He explained that laws restricted access to abortion, but did not change the public's opinion of the procedure. The laws did not stop the demand for abortions. The fight to criminalize abortion, he argued, needed to include cultural and political reforms. According to historian Leslie J. Reagan, the AMA campaign resulted in the antiabortion crusade at the start of the 1900s focusing on "a three-pronged strategy."³¹ Doctors began to first, "reeducate American women and the public about the immorality

²⁷ Mohr, *Abortion in America*, 6. Also see, Cornelia Hughes Dayton, "Taking the Trade: Abortion and Gender Relations in an Eighteenth-Century New England Village," *The William and Mary Quarterly* 48, no. 1 (January 1991): 19-49.

²⁸ David J. Garrow, *Liberty and Sexuality: The Right to Privacy and the Making of Roe V. Wade* (Berkeley and Los Angeles: University of California Press, 1994), 271.

²⁹ Garrow, *Liberty and Sexuality*, 271.

³⁰ Leslie J. Reagan, *When Abortion Was a Crime: Women, Medicine, and Law in the United States, 1867-1973* (Berkeley and Los Angeles: University of California Press, 1997), 81.

³¹ Reagan, *When Abortion Was a Crime*, 81.

and danger of abortion,” second, “physicians worked internally within medical societies to eliminate abortionists from the medical profession,” and third, “the antiabortion campaign moved its focus from state legislatures to the local level.”³² The AMA made a conscious decision to criminalize abortion at the turn of the twentieth-century to vilify mid-wives and sanctify the professionalization of the medical field by separating doctors from the trope of the abortionist who butchered women.

The AMA’s could not succeed in criminalizing abortion until individuals willing to perform the procedure were caught. Women still sought abortions at the turn of the century regardless of its illegality.³³ Americans used a variety of unsafe practices to end unwanted pregnancies, including, but not limited to, inserting instruments like knitting needles into the uterus, taking drug cocktails, and douching with toxic chemicals.³⁴ While doctors continued to provide abortions under increased policing, if caught, women were forced to testify against doctors throughout the 1900s, who would be held criminally liable. Despite the risks, doctors and midwives continued to practice abortion, but increased their prices and were subject to police raids. For example, as Reagan explains, in New York City, municipal officials and physicians “agreed that midwives were primarily responsible for abortion. Some go as so far to say that the two terms ‘midwife’ and ‘abortionist’ are synonymous.”³⁵ Medical societies across the country villainized

³² Reagan, *When Abortion Was a Crime*, 81.

³³ Reagan, *When Abortion Was a Crime*. There is no text as insightful as Reagan’s when studying women’s experiences with abortion before legalization.

³⁴ For more examples of alternative, and largely dangerous, abortion practices see, Reagan, *When Abortion Was A Crime*; Garrow, *Liberty and Sexuality*; Mohr, *Abortion in America*; Andrea Tone, *Devices and Desires: A History of Contraceptives in America* (New York, NY: Hill and Wang, 2001); and Laura Kaplan, *The Story of Jane: The Legendary Underground Feminist Abortion Service*, (Chicago: The University of Chicago Press, 1995).

³⁵ Reagan, *When Abortion Was a Crime*, 90.

midwives as suspicious criminals responsible for maternal deaths and botched abortions. The number of practicing midwives decreased by 1930, and the remaining women in the profession were threatened by legal prosecution as much as their physician counterparts.³⁶ Reagan also highlights a number of examples of police coercing women into signing dying declarations naming their doctors, the location of the procedure, and the cost paid.³⁷ Yet criminalizing abortion was not stopping the practice, the AMA and various religious organizations published to spread the thought that it was socially unacceptable.

Therapeutic abortions were the only legal form of abortion legally available before 1973. For a woman to be granted a therapeutic abortion, she had to meet several requirements, which changed between the 1930s and the 1960s. Initially in the 1930s, the Great Depression increased women's use of abortion, and only a woman's primary doctor needed to give consent for a therapeutic abortion. Women pressured doctors to perform the procedure, and for the first time, physicians agreed to consider a woman's financial and emotional ability to raise a child.³⁸ As Reagan explains, abortion in the Depression era was "ordinary" and occurred "on a massive scale."³⁹ If many white middle-class women had abortions, many more black women used the procedure in the 1930s.⁴⁰ African-American women's employment was more insecure than their white counterparts, and pregnancy threatened job security.⁴¹ According to Reagan, "affluent women had higher abortion rates than did working-class women, but working-class and

³⁶ Reagan, *When Abortion Was a Crime*, 97.

³⁷ Reagan, *When Abortion Was a Crime*, 114.

³⁸ Reagan, *When Abortion Was a Crime*, 132.

³⁹ Reagan, *When Abortion Was a Crime*, 133.

⁴⁰ Reagan, *When Abortion Was a Crime*, 133.

⁴¹ Reagan, *When Abortion Was a Crime*, 135.

poor women actually had a greater number of abortions because they were pregnant more often. Unmarried white women who became pregnant were more likely to abort their pregnancies than” African American women.⁴² Because more women were getting abortions, more women ended up in hospital beds as the result of bad procedures. As Reagan explains, in 1934 one county hospital saw 1,159 abortion cases that ended in twenty-two deaths in one year.⁴³

Doctors began to discuss reform. During the 1930s, doctors supported a more liberalized use of therapeutic abortion, allowing individual doctors to perform abortions to use their best judgement. For example, doctors often cited Tuberculosis as an acceptable reason to terminate a pregnancy.⁴⁴ Women’s need for abortions during the depression compelled some doctors to perform abortions. The 1940s and 1950s saw an uptick in the policing of abortionists. The liberal practices of doctors in the Depression Era were not enough to stop the criminal justice system from searching for illegal practices.⁴⁵ Additionally, in the postwar pro-family context rules for getting a therapeutic abortion tightened. A hospital committee composed of a predetermined number of almost exclusively white-male doctors had to agree that the pregnancy threatened the life of the mother. No longer could a woman’s primary physician approve the abortion. Few women were allowed to appeal to the board at their local hospital, and a fraction of those that got a meeting were granted the privilege of having a legal abortion.⁴⁶ As a result of these obstacles, desperate women turned to illegal abortions in the 1950s.

⁴² Reagan, *When Abortion Was a Crime*, 136.

⁴³ Reagan, *When Abortion Was a Crime*, 138.

⁴⁴ Reagan, *When Abortion Was a Crime*, 143.

⁴⁵ Reagan, *When Abortion Was a Crime*, 132-147.

⁴⁶ Reagan, *When Abortion Was a Crime*, 173-175. For more on therapeutic abortions in hospitals see, Rickie Solinger, “‘A Complete Disaster:’ Abortion and the Politics of Hospital Abortion Committees, 1950-1970,” *Feminist Studies* 19, no. 2 (Summer 1993) 241-268.

The statistical data on who had abortions, why women choose abortion, how many women experienced bad outcomes, and how many of those outcomes resulted in death are rough estimates. For example, from 1950 to 1969, the Guttmacher Institute explains that anywhere from 200,000 to 1.2 million abortions were conducted per year. In 1967, an estimated 829,000 of the abortions performed were done so illegally or were self-induced.⁴⁷ These numbers are complicated by the fact that not all instances of abortion were reported. Similarly, the number of deaths that resulted from abortions are rough estimates due to women and doctors' fears of getting caught. The Institute explains that in 1930, almost 2,700 women, or one-fifth of pregnant women, died after an abortion. In 1940 the introduction of antibiotics decreased the death rate to nearly 1,700 nationwide. By 1950, the death rate fell dramatically to 300 reported deaths, and in 1965, the Guttmacher Institute reported 200 deaths nationally. However, it is believed that these numbers are inaccurate because families neglected to report the cause of death.⁴⁸ These numbers also ignore the number of women who faced complications from procedures. For example, in 1962, 1,600 women "were admitted to the Harlem Hospital Center in New York City for incomplete abortions."⁴⁹ In California, 701 women were admitted for septic abortions, equating to one abortion for every 14 deliveries.⁵⁰ By 1972, the Center for Disease Control and Prevention estimated that of the 130,000 women who obtained illegal abortions, thirty-nine died, and the mortality rate for nonwhite women was twelve

⁴⁷ Rachel Benson Gold, "Lessons from Before Roe: Will Past be Prologue?," Guttmacher Institute, accessed November 7, 2017, <https://www.guttmacher.org/gpr/2003/03/lessons-roe-will-past-be-prologue>.

⁴⁸ Rachel Benson Gold, "Lessons from Before Roe: Will Past be Prologue?," Guttmacher Institute, accessed November 7, 2017, <https://www.guttmacher.org/gpr/2003/03/lessons-roe-will-past-be-prologue>.

⁴⁹ Rachel Benson Gold, "Lessons from Before Roe: Will Past be Prologue?," Guttmacher Institute, accessed November 7, 2017, <https://www.guttmacher.org/gpr/2003/03/lessons-roe-will-past-be-prologue>.

⁵⁰ Rachel Benson Gold, "Lessons from Before Roe: Will Past be Prologue?," Guttmacher Institute, accessed November 7, 2017, <https://www.guttmacher.org/gpr/2003/03/lessons-roe-will-past-be-prologue>.

times the rate for white women.⁵¹ An additional problem with known abortion statistics before 1973 is that they only sometimes represent nationwide data. Often, the information provided comes from states like New York, where the procedure was legalized in 1970. In Texas, data became collected closer to legalization. For example, in 1971, 2,558 Texas women obtained abortions, with ninety-two percent of them occurring in New York. However, this trend dramatically changed in 1972, when 16,022 Texans reported having an abortion, and only seven percent were provided in New York.⁵² This may be due to the increased visibility of networks offering to help women access abortions in Mexico, which cut the cost of an abortion by a few hundred dollars.

Increased media coverage of the death rates amongst women because of unsafe practices changed the public's opinion on abortion by the 1960s in addition to three other factors. First, organizations, like the AMA, publically questioned the illegality of abortion. For example, doctors and the AMA published papers and held conferences deliberating on the idea that, even though they did not support abortion on demand, a new definition of therapeutic abortion needed to be added to the law to protect women's lives.⁵³ In 1942, the National Committee on Maternal Health sponsored a conference on "The Abortion Problem." According to Garrow, it was rare that a doctor would speak in favor of legalized abortion because of the connection to "butchering quacks and midwives," but doctors at the conference agreed that "there must be room for a doctor's honest discretion."⁵⁴ By 1959, the American Law Institute endorsed a model penal code

⁵¹ Rachel Benson Gold, "Lessons from Before Roe: Will Past be Prologue?," Guttmacher Institute, accessed November 7, 2017, <https://www.guttmacher.org/gpr/2003/03/lessons-roe-will-past-be-prologue>.

⁵² Ted Joyce, Ruoding Tan, and Yuxiu Zhang, "Abortion Before & After Roe." *Journal of health economics* 32, no. 5 (2013): 804–815.

⁵³ Garrow, *Liberty and Sexuality*, 270-350.

⁵⁴ Garrow, *Liberty and Sexuality*, 274.

which would have added rape and incest as reasons for access to therapeutic abortion. By the end of the year, Alan Guttmacher—a prominent physician and outspoken reproductive health advocate—and Planned Parenthood Federation of American publically announced their support to revise existing abortion laws.⁵⁵ “The woman,” Guttmacher argued, “has the right to make the decision whether she should not remain pregnant.”⁵⁶ Likewise, biologist Garret Hardin supported women’s control over their own bodies. “The fact that she wants it should be reason enough,” he argued.⁵⁷ Doctors’ attitudes towards abortion slowly changed. When Alan Guttmacher looked into statistics in 1930, he found that an estimated, 800,000 illegal abortions occurred per year in the U.S., with anywhere from 8,00 to 17,000 of them ending in the death of the woman.⁵⁸ On a local level, by the 1960s, “an extensive survey of abortion in Texas by the *Houston Chronicle* estimated a statewide total of perhaps eighteen-thousand abortions a year—and at least twenty-three deaths in 1963”—and found an increasing number of doctors backing legalization.⁵⁹ It is evident that pro-choice groups demanded the legalization of abortion to prevent women from dying of poorly executed procedures. By looking on a local-level at Austin, Texas, it is also evident that high death rates were a reason students fought for liberalized laws. However, they did so in addition to concerns about a women’s ability to control her future plans and career path. The increasing death toll of women post-illegal abortions succeeded in swaying public opinion in favor of repeal.

⁵⁵ Garrow, *Liberty and Sexuality*, 277.

⁵⁶ Garrow, *Liberty and Sexuality*, 293.

⁵⁷ Garrow, *Liberty and Sexuality*, 293.

⁵⁸ Garrow, *Liberty and Sexuality*, 272.

⁵⁹ Garrow, *Liberty and Sexuality*, 296.

In addition to rising death rates and the medical community's more liberal attitude toward the definitions of therapeutic abortion, two major medical events further persuaded Americans to reconsider their opinions on abortion access; namely, a Rubella (German Measles) epidemic and a thalidomide crisis. By the spring of 1964, the US government issued a statement that warned, "a nationwide epidemic of German measles is now in progress."⁶⁰ It further told pregnant women to avoid all contact with the disease because exposure within the first three months of pregnancy could produce severely disabled infants. Rubella, as Reagan explains, was "a killer and acrippler. Its target: unborn babies."⁶¹ Rubella proved threatening because women could come into contact with the disease before they knew they were pregnant, as women often are not aware that they are pregnant within the first three-months. News reports also compared the disease to the recent crisis overseas surrounding the drug thalidomide. Thalidomide was an ingredient in sleeping pills, cough syrups, and various other medicines. The drug was mainly administered in Germany and England, but was also sold in Italy, Australia, and New Zealand. Although the drug was not sold in the United States, American women did take the drug when they traveled. Some U.S. doctors administered the drug, which they had secured overseas, and other women were given the medications containing thalidomide from their husbands who were deployed overseas. While the majority of American women did not take thalidomide, the photos of deformed babies born to mothers who took the drug increased anxiety around the Rubella outbreak. Foreign doctors described birth defects such as shortened arms and legs, some missing limbs completely, and

⁶⁰ Quoted in Leslie J. Reagan, *Dangerous Pregnancies: Mothers, Disabilities, and Abortion in Modern America*. (Berkeley: University of California Press, 2010), 55.

⁶¹ Reagan, *Dangerous Pregnancies*, 55.

internal injuries that occurred during development. Doctors expected babies born with thalidomide poisoning to have severe brain damage.⁶² To the public, both Rubella and thalidomide put women and their potential child at risk. Modern medicine failed to warn women of these side effects, and as a result, Americans began to consider additional reasons why a woman may need to end a pregnancy.

Anxiety about the threat of birth defects, from thalidomide or Rubella, propelled front-page news stories that sensationalized families' agonizing medical decisions. For example, the Finkbine family's story flooded news outlets in the summer of 1962. Sherri Finkbine, a twenty-nine-year-old pregnant mother of four consumed headache medicine over the course of her pregnancy that she acquired on a trip to England the previous year. After hearing the warnings about related birth defects on the news, Finkbine checked with her doctor to see if the pills contained thalidomide. Her doctor confirmed that the medicine Finkbine consumed for the first few months of her pregnancy did indeed contain the drug, and told her that she had a fifty percent chance of delivering a severely "deformed child."⁶³ Finkbine and her husband agreed to terminate the pregnancy afraid that a disabled child would cost too much for the family of six. Finkbine was able to get an abortion in England due to her financial stability, as she was an actress.

Americans internalized the Finkbine story and thalidomide scare which contradicted the image many had of medicine and pharmaceuticals until the late 1960s. An entire generation of adults grew up in a post-war world believing in the wonders of penicillin, vaccines, antibiotics, and the newly released birth control pill.⁶⁴ The news

⁶² Reagan, *Dangerous Pregnancies*, 58.

⁶³ Reagan, *Dangerous Pregnancies*, 87.

⁶⁴ Reagan, *Dangerous Pregnancies*, 57.

coverage of still-born and deformed babies shattered ideas of safe medicine and unwavering trust in doctors. The Finkbine case contributed to the shifting attitudes toward abortion. As Leslie Reagan explains, “decision making around possibly harmed pregnancies and possible abortion was an extension of family planning and birth control.”⁶⁵ However, this responsibility was only socially acceptable when applied to white married women who came into contact with the drug, or the German measles. While some considered abortion an acceptable way to end a pregnancy of a sickly fetus.⁶⁶

As Americans wrestled with challenges posed by potentially disabled children and family planning, the Supreme Court issued a ruling that affirmed the right of married couples to have control over their own family planning. In 1965 the Supreme Court ruled in *Griswold v. Connecticut* that a married couple’s right to purchase birth control was protected by constitutional rights to privacy, overturning the state law that prohibited the use of contraceptives. Though the constitution does not use the language of privacy, the court asserted that privacy was protected by the Bill of Rights in the First, Third, Fourth, and Fifth amendments.⁶⁷ Pro-choice organizations and individuals quickly picked up the concept of the right to privacy when challenging state-level contraception and abortion laws. The ruling established precedent that abortion activists drew on in court, and would later be used in *Roe v. Wade*. The change in public opinion on abortion, the uncertainty

⁶⁵ Reagan, *Dangerous Pregnancies*, 57.

⁶⁶ Reagan, *Dangerous Pregnancies*, 58. For more vaccines, see James Colgrove, *State of Immunity: The Politics of Vaccination in Twentieth-Century American* (Berkeley: University of California Press, 2006), chapters 3-4; Allan Chase, *Magic Shots: A Human and Scientific Account of the Long and Continuing Struggle to Eradicate Infectious Diseases by Vaccination* (New York: William Morrow, 1982). For the women’s health and pregnancy, see Sheryl Burt Ruzek, *The Women’s Health Movement: Feminist Alternatives to Medical Control* (New York: Praeger, 1978); Adele E. Clarke, *Disciplining Reproduction: Modernity, American Life Sciences, and “The Problem of Sex”* (Berkeley: University of California Press, 1998).

⁶⁷ David J. Garrow, *Liberty and Sexuality*, 253.

Americans felt about German measles and thalidomide combined with the growing women's rights movement and the *Griswold* ruling to create the perfect time to challenge abortion laws across the country.⁶⁸ American's increasing doubt in the AMA, the growing belief in sexual privacy, and drive to protect women from botched procedures created a social environment which positively responded to the idea of repeal by the end of the 1960s. Social issues complicated reasons for the repeal of abortion policies.

Over the course of the 1960s and 1970s several groups fought for liberalized abortion laws. For example, the National Organization for Women (NOW), founded in 1966, added abortion to its reproductive rights platform in 1968.⁶⁹ Inspired by the black civil rights movement, women's organizations grew across the country. The passage of the Civil Rights Act in 1964 and the Voting Rights Act in 1965 included language on sex discrimination. For example, the Civil Rights Act banned discrimination on the basis of sex in addition to race. NOW began to fight discrimination in the work place, and took up the fight for an Equal Rights Amendment, seeking equal pay, equal opportunity, and access to child care. Chapters spread across the country, and each one took up various women's rights causes.⁷⁰ While some NOW chapters chose not to address abortion, many chapters across the nation focused on the goal of gaining abortion on demand for all women.⁷¹ The call for legalized abortion initially came in mid-November 1967 at the

⁶⁸ David J. Garrow, *Liberty and Sexuality*, 228, 234-235, 253, 256. See also, Lara V. Marks, *Sexual Chemistry: A History of the Contraceptive Pill* (New Haven, CT: Yale University Press, 2001); David M. Kennedy, *Birth Control in America: The Career of Margret Sanger* (New Haven, CT: Yale University Press, 1970).

⁶⁹ Stephanie Gilmore, *Groundswell: Grassroots Feminist Activism in Postwar America* (New York: Routledge, 2012), 105.

⁷⁰ Thomas Borstelmann, *The 1970s: A New Global History from Civil Rights to Economic Inequality* (Princeton: Princeton University Press, 2012) 76-77.

⁷¹ Gilmore, *Groundswell*, 105.

second annual convention. President Betty Friedan forced the conversation regarding including abortion on NOW's agenda. She succeeded, but only after causing groups of women to pull away from the organization. the national NOW did not get involved in repeal of abortion laws in the 1960s.⁷² Local NOW chapters' work on abortion legislation was more effective. For example, New York NOW actively challenged state abortion laws under the leadership of Long Island housewife, influential lobbyist, and NOW member Ruth P. Cusack, who wrote every legislator in the state citing an abortion as a women's right between her and her doctor.⁷³ The first Texas NOW chapter started in Houston in 1970, and chapters slowly spread across the state in the mid to late 1970s. The first NOW chapter was stated in Houston, where the National Women's Conference was held in 1977. From that point forward, national networks grew local chapters in the southern state. However, the need for the guidance of women's organizations in 1960s Texas was not filled by NOW.

While national feminist organizations, like NOW, grew in the 1960s, so did the first national abortion organizations. In February of 1969, a journalist from New York and friend of Alan Guttmacher, Lawrence Lader, California biologist Garrett Hardin, and anesthesiologist turned activist Caroline Rulon "Loony" Myers, introduced their idea for an abortion reform legal at the First National Conference on Abortion Laws: Modification or Repeal?⁷⁴ The three held a planning session for what would become the National Association for the Repeal of Abortion Laws (NARAL). The conference attendees were split on the idea of legalized abortion. Some favored the American Law

⁷² David J. Garrow, *Liberty and Sexuality*, 334.

⁷³ David J. Garrow, *Liberty and Sexuality*, 334.

⁷⁴ David J. Garrow, *Liberty and Sexuality*, 308-350.

Institute's (ALI) idea that allowed for an abortion in the case of rape or incest. Others, like Friedan, believed abortion should be used when the woman saw fit. The debate resulted in the conference accepting a pro-choice platform, and electing a planning committee for NARAL. Lader was joined by Cusack, Friedan, and nine other committee members, chaired by executive director Lee Giddings. NARAL opened its first office in New York City on March 3, 1969. Until 1973, NARAL worked on challenging N.Y. abortion laws, and after *Roe v. Wade* changed its name to the National Abortion Rights Action League in the fall of 1973. However, the first local chapter of NARAL did not open in Texas until 1975. NARAL joined NOW to take up the legal battle on abortion, but it did not establish chapters in the southern state.⁷⁵ Women in Texas ached for assistance on challenging the state's draconian reproductive health laws. As a result, they researched out to director Lee Giddings at NARAL's New York office. Texans reflected the shifting attitudes toward abortions, and requested resources of information.

Part II: Reasons for Repeal: Texans Fight for Legal Abortion

From 1969 to 1975, Texans wrote to the National Association for the Repeal of Abortion Laws (NARAL) asking for advice, contact information, and literature concerning abortion. Each Texan was concerned with abortion access for different reasons. Men and women requested single copies of NARAL's legal statistics used in court cases across the country, flyers with information on abortion procedures, and information on how to beat criminal charges. Sometimes the writers would ask for

⁷⁵ For the complete history of the formation of NARAL see, Garrow, *Liberty and Sexuality*, 545, 579, 651, 668, 717, 350, 358, 360-362, 364, 386, 288, 407-408. For more on the history of Lee Giddings's involvement in the organization see Garrow, *Liberty and Sexuality*, 387, 483, 484, 561, 588.

upwards of 1,000 copies of NARAL publications to distribute to peers and colleagues at church, school, or civic organizations.

The letters written to NARAL reveal five reasons Texans supported legal abortion. First, the explosion of the women's liberation movement noticeably affected the political momentum towards repeal. Women across the state, like women across the nation, wrote to NARAL requesting information about how they could organize for their reproductive rights. Though the second reason, eugenics, was the least prevalent in the NARAL letters, it was very noticeable in letters to the editors of Texas-based papers—specifically *The Austin American Statesman*. Additionally, members of the Zero Population Growth organization, though sometimes in line with eugenic thought, often wrote out of their own concern. Abortion seemed like a ready solution to the exploding world population of the 1960s and 1970s. Religious and student activism were the two platforms most commonly revisited in abortion history. Indeed, abortion proved to be a civil liberty needed for a variety of reasons and fought for using a spectrum of concerns.

Although the members of early abortion organizations in Texas came from a variety of backgrounds and supported abortion for numerous reasons, they all shared the goal of growing women's and abortion networks. Women's liberation helped ground abortion as a political issue, and it also brought women together. Feminism became an argument for the legalization of abortion, one which many women understood. Unlike the other reasons for repeal, the women's liberation movement provided a space that allowed women to begin organizing.

Women's Liberation

As the second wave of feminism exploded across the country, producing publications such as Betty Friedan's *The Feminine Mystique* (1963), women began to demand a re-ordering of the gender-hierarchy. Part of their requirements for change necessitated the legalization of abortion. "This is my twenty-year-old crusade you have taken up," proclaimed Mrs. Dorothea Bradford from Dallas in a letter to NARAL.⁷⁶ Like others, her "vision is one of an America loosened from this religious tyranny which...tears away my right to choose freely."⁷⁷ She ended her letter by declaring that women shall "print, distribute, lecture, in short—WORK!"⁷⁸ Mrs. Bradford demanded that NARAL must "set up a local chapter here in Dallas."⁷⁹ Unfortunately, NARAL executive director Lee Gidding informed Mrs. Bradford that "NARAL does not have chapters," and "there are no organized groups working in Texas for repeal."⁸⁰ Women in Texas soon changed that.

From 1968 to 1970, Texans received responses from Gidding stating that there were no known networks fighting for repeal in Texas. They requested information such as pamphlets and materials, legal statistics of early cases, and requested that she distribute their contact information to other women writing in from Texas. Frustrated with the lack of local national affiliates, Texans established their own organizations.

⁷⁶ Dorothea Bradford, letter to NARAL, October 16, 1969, Records of the National Abortion Rights Action League, 1968-1976, Schlesinger Library, Radcliffe Institute for Advanced Study Harvard University, Cambridge, MA.

⁷⁷ Ibid.

⁷⁸ Ibid.

⁷⁹ Ibid.

⁸⁰ Lee Gidding, letter to Dorothea Bradford, October 21, 1969, Records of the National Abortion Rights Action League, 1968-1976, Schlesinger Library, Radcliffe Institute for Advanced Study Harvard University, Cambridge, MA.

Using the technique of consciousness rising meetings—gatherings held in women’s homes where women shared personal experiences on anything from birth control to childbirth, to sexual assault and education—women encouraged their friends to join the new organizations and share their experiences with birth control and abortion.⁸¹ By the spring of 1970, the directors of newly-formed organizations wrote to director Gidding to inform her of their new organization. Individuals worked on their own to set up organizations. Ellen Kalina established The Dallas Committee for the Study of Abortion, one of the first organizations of its nature in the Metroplex. Others used existing women’s networks, such as Houston NOW member Charlene Torrest and law-student Sarah Weddington who founded the Texas Abortion Coalition, to begin local groups. Each woman continuously kept in contact with director Gidding. Gidding served as an information nexus, informing the women of each other’s existence in Texas. Writing to the national chapter created a nascent Texas network. Texas women then began to contact one another directly. In April of 1970, Laura Maggi of Austin wrote to Gidding stating that they had filed suit in Federal District court and were building a network of support for the case.⁸² The initial law suit challenged the Texas state law and the Federal District court agreed that the abortion laws violated the ninth and fourteenth amendments, making Texas’s restrictions on abortion unconstitutional. The case Maggi spoke of was the initial ruling in Sarah Weddington’s *Roe v. Wade*.

⁸¹ Kathie Sarachild, “A Program for Feminist ‘Consciousness Raising,’” in *Women’s Liberation: Notes from the Second Year* (New York: Redstockings, 1968) 78-80.

⁸² Laura Maggi, letter to Lee Gidding, April 7, 1970, Records of the National Abortion Rights Action League, 1968-1976, Schlesinger Library, Radcliffe Institute for Advanced Study Harvard University, Cambridge, MA.

Eugenics

State laws prior to legalization stipulated that women could receive a therapeutic abortion if the state and/or the hospital board approved it. These procedures were in place to protect the potential for life in the fetus, and allowed termination of the pregnancy if the mother faced a life-threatening emergency. Medical advancements, such as the fetal ultrasound in the 1950s, increased doctor's abilities to diagnose illness or disability. Although ultrasounds were not commonly used for all pregnancies until the 1980s, the technology allowed doctors to assess the health of the fetus before birth. Detecting early abnormalities fit within eugenics concerns of the 1960s. Prenatal screening attempted to test for Down Syndrome in the late 1960s and 1970s, but was based on a women's age and family history. It was not until the 1980s that prenatal genetic testing became standardized. As a result, a unique period existed in which scientific developments merged with population concerns.

In keeping with the concerns for birth defects and overpopulation, some Americans advocated for abortion to decrease the number of citizens that could potentially burden the welfare state. For example, in 1962 Mrs. M. A. Jackoskie wrote a letter to *The Austin American Statesman* concerning abortion and pregnancies that could potentially result in children with disabilities. She stated: "I appreciate the agony which must be anticipated by Mrs. Sherri Finkbine...of giving birth to a deformed baby, [but] I cannot condone her action seeking an abortion."⁸³ Although Jackoskie wrote to *The Statesman* years before the formation of Texas Right to Life, her opinion was clearly not

⁸³ M.A. Jackoskie, letter to the editor, *The Austin American Statesman*, August 9, 1962.

as simple as the Texas organization's stance on protecting all children from being "unloved." While Jackoskie argues that abortion should not be used to end pregnancies that could result in a sick or differently abled child, members of the Texas Association for Retarded Children supported the Texas Medical Association's move toward liberal abortion laws in 1968.⁸⁴ In the fall of that year, Dr. Joshua Lederberg wrote that "severely retarded 'mongoloid' children can be predicted in the third month of pregnancy," maintaining that "modern medicine keeps severely handicapped, barely educable children alive."⁸⁵ He claimed that handicapped children were "a terrible drain and burden" and spontaneous abortions—or miscarriages—were "acts of God."⁸⁶ Children born with a disability are not a burden on society, nor are they a drain on their families. What Dr. Lederberg's letter demonstrates is another reason why some people supported liberalized abortion laws. While not all pro-choice groups supported the beliefs of eugenic groups or zero population growth organizations, people such as Dr. Lederberg increased the amount of people working to repeal abortion laws in Texas. Dr. Lederberg concluded that Texas needed to legalize abortion so that physicians, mothers, and members of the lower classes who could not afford such a child, could decide when to end a pregnancy. While Dr. Lederberg's opinions are woefully outdated from a presentist perspective, they do explain who some Texans felt about abortion during criminalization.

Immediately after legalization, religious Austinites rallied around recriminalizing abortion. They were determined to establish a public sentiment toward protecting all forms of life, regardless of whether the fetus had a condition that would

⁸⁴ Editorial, *The Austin American Statesman*, October 13, 1968.

⁸⁵ Chris Whitcraft, "In Pregnancy Retardate Birth Said Predictable," *The Austin American Statesman*, October 11, 1968.

⁸⁶ *Ibid.*

affect its quality of life. For example, Carol Nuckols describes a “Life Matters” meeting in April of 1973 where more than one thousand people gathered to protest abortion as “an assault on all human life.”⁸⁷ The clear divisions in beliefs between Jackoskie and Dr. Lederberg during the late 1960s evolved into distinct separations in by the end of 1973. The debate over quality of life, right to life, and access to abortion had not yet become polarized or aligned by party affiliation in the way that it would be in the following decades.

Population Control

The eugenics argument for abortion sought to eliminate Americans born with diseases or disabilities. Members of Zero Population Growth, or ZPG (now Population Connection), and other proponents of population control following the baby boom similarly supported abortion in alignment with their political and environmental beliefs. Between 1969 and 1972 the ZPG grew to include over 35,000 members and sought to decrease large family size and secure the rights of “human reproduction.”⁸⁸ Neither directly affiliated with the Republican or Democratic parties, ZPG members followed the literature of environmentalists such as Rachel Carson, adding yet another group of activists fighting for the legalization of abortion for reasons other than privacy or women’s rights.

Groups of Texans joined the national ZPG organization and sought information on abortion to promote a decrease in childbirth. For example, in October of 1970, Judith Moring wrote to NARAL on behalf of the newly formed Zero Population Growth chapter

⁸⁷ Carol Nuckols, letter to the editor, *The Austin American Statesman*, April 1973.

⁸⁸ “30 Years of ZPG Our History,” Population Connection: America’s Voice for Population Stabilization, accessed October 3, 2016, <http://www.populationconnection.org/us/30-years-of-zpg/>.

in Denton, Texas. Moring proudly informed Executive Director Lee Gidding that she was appointed chairman of the abortion committee and requested information, literature, addresses, and names which would be helpful in the planning of the campaign.⁸⁹ In her response, director Gidding included almost a dozen handouts for Moring to distribute, as well as encouragement. Gidding expressed her support of the “ZPG chapters that have assumed a leadership role in the campaign to repeal state abortion laws,” adding that she was “delighted” to see “organizing in Texas.”⁹⁰

A month after Moring wrote her letter to NARAL, Gidding received another request from a Texas environmentalist. Robert P. Sniffen, the Vice-Chairman of the Ecology Club at Stephen F. Austin University, explained that the group had secured a location in the student union to distribute free literature on abortion’s connection to environmental issues, as well as on how to access abortion and birth control. He explained, “We are not allowed to sell on campus but can inform as to where an item may be bought.”⁹¹ Asking for 500 copies each of “handouts, recruiting pamphlets, newsletters, (and) periodic publications,” Sniffen begged for the free materials on behalf of his peers who lacked funding to pay NARAL for the materials.

Others, such as L.V. Livermore of Galveston, Texas, forwarded copies of their letters to their congressmen in which they expressed support for legal abortion.

⁸⁹ Judith Moring, letter to NARAL, October 14, 1970, Records of the National Abortion Rights Action League, 1968-1976, Schlesinger Library, Radcliffe Institute for Advanced Study Harvard University, Cambridge, MA.

⁹⁰ Lee Gidding, letter to Judith Moring, October 19, 1969, Records of the National Abortion Rights Action League, 1968-1976, Schlesinger Library, Radcliffe Institute for Advanced Study Harvard University, Cambridge, MA.

⁹¹ Robert Sniffen, letter to NARAL, November 9, 1970, Records of the National Abortion Rights Action League, 1968-1976, Schlesinger Library, Radcliffe Institute for Advanced Study Harvard University, Cambridge, MA.

Livermore openly mocked Senator Hubert H. Humphrey, deriding, “you make my skin crawl,” in reference to Humphrey’s support of an amendment which limited welfare aid. He accused Humphrey of aiding in the increase of “one-half billion basket cases—created by starvation—exist(ing) in the world, (while) the majority of the members of congress persist in compounding the population explosion.”⁹² He went on to ask; “How long will it take for the majority of our representatives to learn that stuffing food into one end, and spewing babies out of the other, will never solve the mal-nutrition problem on this planet?”⁹³ Livermore’s letter exposed the irony between cuts in welfare spending and illegal abortion, calling attention to a growing demand for reproductive health care as an answer to population control. ZPG members fought for legal abortion as a means to their own political end. They wanted to drastically reduce the number of babies born each year. While attempting to carry out their ideological goals, they also helped grow the pro-choice movement and diversified its members.

Sanctity of Life

Though widely considered one of the foundational reasons for anti-choice legislation, a person’s religious beliefs in the decade before *Roe* did not dictate their opinions on abortion. As new arguments for abortion grew in eugenics and ZPG organizations, members of the Catholic Church split on the issues of abortion while seminary students at schools like Baylor and Southern Methodist University wrote to NARAL asking for information to share with their peers in support of legalization.

⁹² L.V. Livermore, letter to NARAL, November 21, 1972, Records of the National Abortion Rights Action League, 1968-1976, Schlesinger Library, Radcliffe Institute for Advanced Study Harvard University, Cambridge, MA.

⁹³ Ibid.

In 1962, Alfred J. Kelly, M.D., wrote in a letter to the editor of *The Austin American Statesman* claiming that “abortion is still the taking of human life.”⁹⁴ Kelly referred to abortion proponents as having “bad moral tone” and compared the “abortion racket” to “the influence of the hammer and sickle in our good old USA.”⁹⁵ At no point did Kelly refer to a particular religion or name a political affiliation. However, Kelly clearly viewed abortion as a moral issue. He was not alone. In line with Kelly’s belief that abortion destroyed human life, the Catholic Church declared in 1968 that the “defense of life” included rejection of abortion and birth control. In his 1968 *Humanae Vitae*, Pope Paul VI stated that the Church must uphold the “purity of morals” by denouncing any form of birth control besides abstinence as unnatural.⁹⁶ Describing abortion as an affront to “moral order” and “moral law,” the Pope established that life began at conception, and birth control prevented the formation of life.⁹⁷

Although the Church’s stance on abortion did not change during the late twentieth-century, the views of individual Catholics did. In response to Pope Paul VI’s *Humanae Vitae*, the National Conference of Catholic Bishops wrote a pastoral letter in hopes of calming the controversy that arose in Catholic churches across the U.S. The letter stated that forms of contraception, including abortion, were an individual choice, and that artificial contraception was an “objectionable evil.”⁹⁸ The Bishops concluded that, while the use of artificial contraceptives was a threat to “the right to life,” it was a

⁹⁴ Alfred J. Kelly, letter to the editor, *The Austin American Statesman*, May 27, 1962.

⁹⁵ *Ibid.*

⁹⁶ Linda Greenhouse and Reva B. Siegel, *Before Roe v. Wade: Voices That Shaped the Abortion Debate before the Supreme Court’s Ruling* (Linda Greenhouse and Reva B. Siegel, 2012), 73-77, accessed April 15, 2016, [file:///C:/Users/rb1469/Downloads/BeforeRoe2ndEd_1%20\(1\).pdf](file:///C:/Users/rb1469/Downloads/BeforeRoe2ndEd_1%20(1).pdf).

⁹⁷ *Ibid.*

⁹⁸ *Ibid.*, 77-79.

sin which could be granted penance. This distinction was then debated amongst Catholics across the country.

In 1967, a pro-choice clergy founded by Baptist Minister Reverend Howard Moody of Judson Memorial Church in New York co-opted the idea of protecting the “sanctity of life,” and formed the Clergy Consultation Service on Abortion (CCS). Their goal was to assist women seeking abortions, and to find safe abortion providers while the practice remained illegal. The clergy service grew to include 1,400 members throughout the nation within a year. The service was based on the belief that as clergymen (who believed in higher laws and moral obligations), it was their “pastoral responsibility and religious duty” to aid all women with problematic pregnancies.⁹⁹ The members of the CCS believed it their duty to protect the lives of women, and viewed the increasing number of deaths from illegal abortions as much a threat to the sanctity of life as abortion or birth control. Robert Cooper and Claude Evans brought the CCS to Dallas, Texas, and Bob Breihan established the Austin chapter in 1967. Breihan worked to find students safe abortion providers.¹⁰⁰ The Austin chapter referred women to clinics and doctors previously inspected by members, who then ensured that the clinic had demonstrated previous positive outcomes. By 1973, the Austin chapter of the CCS had referred about 6,000 women to abortionists.¹⁰¹

Students at public schools such as the University of Texas were not the only ones actively challenging religious thought on criminal abortion. In the spring of 1970, Paul Griffin Jones II wrote to director Gidding asking for information concerning the “legal

⁹⁹ Debra Haffner, “Thank you, Clergy Consultation Service,” *Rewire*, May 22, 2007.

¹⁰⁰ Sarah Weddington, *A Question of Choice* (New York, NY: Penguin Books, 1992), 22.

¹⁰¹ Sarah Weddington, *A Question of Choice*, 33.

sociological, physiological, psychological, theological, and ethical considerations” concerning abortion.¹⁰² A Ph. D. candidate in Theology and the student Vice President of the Southwestern Baptist Theological Seminary, Griffin expressed his desire to “not close (his) mind to the conclusions of other non-Christian groups.”¹⁰³ While groups such as the CCS formed networks for women to access healthcare, students such as Griffin challenged the moral beliefs of their institutions to diversify the abortion debate.

The Increase in Student Activism

Much like Griffin, students across the country engaged in civil rights activism throughout the 1960s and 1970s. Increased numbers in university enrollment, due in part to the GI Bill, created a new demographic for grassroots activism. In Texas, a group of young, secular liberals, created a distinctive brand of politics which combined populism and individualism in opposition of traditional southern Democratic Party politics.¹⁰⁴ As students protested the draft for the Vietnam War and demanded a formal Civil Rights amendment, they also rallied behind easily accessible birth control and legal abortion. Students of all ages wrote to NARAL asking for information. High school and college students alike requested literature and details on where to participate in repeal organizations.

For example, Ronnie Backer of Westbury Senior High School needed help to “convince the government classes at school that the abortion laws as they now stand need

¹⁰² Paul Griffin Jones II, letter to NARAL, March 25, 1970, Records of the National Abortion Rights Action League, 1968-1976, Schlesinger Library, Radcliffe Institute for Advanced Study Harvard University, Cambridge, MA.

¹⁰³ Ibid.

¹⁰⁴ Rossinow, *The Politics of Authenticity*, 23.

drastic changes.”¹⁰⁵ NARAL replied to Backer with a dozen documents to help her build her case against her classmates. Twenty minutes away from Backer, University of Houston student Maria Elena Olando wrote to NARAL with a similar request. She sought information for “legal action” for her political science research paper.¹⁰⁶ Student interest in abortion repeal was not limited to Houston. Five hours north in Dallas, Clare DeGolyer at the Hockaday School related her need for information connecting abortion to the “population crisis.”¹⁰⁷ She wrote, “I need all the information I can possibly get on this subject,” noting that she “would like to know some of the obstacles you are having with the law.”¹⁰⁸ While some students wrote in for class projects or to better understand abortion law, others wrote to share their own strategies. For example, nursing student Cheryl Ellist from the University of Texas Medical Branch wrote that her “small campaign (was) directed at fellow nursing students.”¹⁰⁹ Like women across the country in the 1960s and 1970s, Texas women demanded access to knowledge about their bodies and their reproductive health. Understanding their own reproductive systems, understanding birth control and contraceptives, and transparency of abortion procedures became a hallmark amongst women’s organizations.¹¹⁰

¹⁰⁵ Ronnie Backer, letter to NARAL, January 5, 1971, Records of the National Abortion Rights Action League, 1968-1976, Schlesinger Library, Radcliffe Institute for Advanced Study Harvard University, Cambridge, MA.

¹⁰⁶ Maria Elena Olando, letter to NARAL, February 12, 1971, Records of the National Abortion Rights Action League, 1968-1976, Schlesinger Library, Radcliffe Institute for Advanced Study Harvard University, Cambridge, MA.

¹⁰⁷ Clare DeGolyer, letter to NARAL, November 20, 1970, Records of the National Abortion Rights Action League, 1968-1976, Schlesinger Library, Radcliffe Institute for Advanced Study Harvard University, Cambridge, MA.

¹⁰⁸ Ibid.

¹⁰⁹ Cheryl Ellist, letter to NARAL, October 16, 1971, Records of the National Abortion Rights Action League, 1968-1976, Schlesinger Library, Radcliffe Institute for Advanced Study Harvard University, Cambridge, MA.

¹¹⁰ Wendy Kline, *Bodies of Knowledge: Sexuality, Reproduction, and Women’s Health in the Second Wave* (Chicago: University of Chicago Press, 2010).

Part III: “I think it happened here because of chance:” Abortion in Austin in the 1960s

In 1962 Jeff Jones thought that he “had come to hell.” In spite of the heat, Jones was drawn to the University of Texas in Austin (UT) for its \$200 a semester tuition. Jones fled his childhood home in Brooklyn for the tiny town he knew nothing about. He was not from a political family, and he quickly finished his undergraduate program in three years without drawing much attention to himself. That changed in 1968 when Jones met young Judy Smith. Smith “was one of the most important people in my life when I look back on it.” A community organizer, Smith inspired Jones’ activism, introducing him to things like women’s liberation.¹¹¹ By 1970, Jones was the student body president at UT and an active member of Students for a Democratic Society (SDS). Jones is an example of students involved in multiple counter-culture organizations. Students in the New Left participated in multiple organizations, and partnered with other groups. For example, SDS members volunteered with the Black Panthers in Austin to distribute meals to students out of the University Y. Young people landed in Austin from different places across the state and stepped into a politically charged atmosphere where they believed in each other and that collectively they could create change.¹¹²

Austin has not always been known as *the* liberal city in a very conservative state. While students like Jones happily made a home in Austin and befriended like-minded New Left individuals, Jones remembers the vast majority of his peers took little issue with the traditional southern Democrats that ran campus through the Board of Regents,

¹¹¹ Interview with Jeff Jones by author, February 3, 2017.

¹¹² Interview with Jeff Jones by author, February 3, 2017; Interview with Jeff Jones by author, September 8, 2017.

and Frank Erwin.¹¹³ A small population of students and community members worked together to fight for social change in the capital city. The Board of Regents maintained a conservative campus environment, making sure to impart their own political views. Connected to government employees, friends of President Lyndon Baines Johnson, and financially connected to big oil companies, the Board of Regents sought to protect its own economic interests. They went so far as to question professors about their political beliefs, and did not hesitate to dismiss non-tenured faculty they thought of as too liberal. The board contemplated removing social work as a major, because it turned students into socialists. They also investigated professors who were thought to be homosexuals.¹¹⁴ The conservative atmosphere on campus was exaggerated by the typically Greek dominated culture of almost exclusively white middle and upper-class students. However, by the end of the 1960s, students like Jones began to push back against the culture fostered by the Board of Regents. According to Jones, a few students congregated on campus, and then marched to the capitol. The university notified the city police, who met the students outside the north entrance to the building. By the time they reached the capitol, the march had grown by a couple hundred people. As Jones remembers, the police began to throw canisters of tear gas into the crowd to get them to disperse. Instead of running around either side of the capital to escape the fumes, the students—and now some community remembers—ran into the capital building where police officers followed. Students at UT had begun to organize.

¹¹³ Interview with Jeff Jones by author, February 3, 2017.

¹¹⁴ Doug Rossinow, *The Politics of Authenticity: Liberalism, Christianity, and the New Left in America* (New York: Columbia University Press, 1998), 27.

By 1970, civil rights and New Left organizations in the Austin area operated within walking distance of campus, and the offices of *The Rag* underground newspaper constituted a major node of such activism. Within *The Rag*, staffers covered dozens of local meetings, protests, boycotts, and activities. Ads ran for SDS meetings next to calls to join women's liberation. Photos of Chicana protests were printed alongside articles detailing the fight over "scab lettuce" that the university served in the dining halls. Central to the student activism in Austin was the free press. Before the late 1960s, three papers provided the main source of news in the city, the *Texas Observer*, *The Austin American Statesman*, and UT's *The Daily Texan*. Although the student-operated *Daily Texan* was the more liberal of the papers, its writing was carefully followed by the conservative Board of Regents, which frequently censored material.¹¹⁵ *The Austin American Statesman* almost completely ignored the actions of student activists.¹¹⁶ In response to the limits of the *Texan*, *The Rag* emerged to tackle issues such as women's liberation and gay rights, plus conversations on current political issues during its eleven-year run from 1966 to 1977.

The almost-weekly paper created an immediate space for networking between young members of the New Left. Women ran ads in early issues of the paper to organize an Austin women's liberation group. For many young couples, particularly women, *The Rag* provided their first opportunities to read about sex and pregnancy. Controlling their own press allowed student activists to connect with each other in Austin, and they were able to organize several movements to create change within the community. As some ragstaffers (as they called themselves) remember, *The Rag* was a source of information

¹¹⁵ Interview with Jeff Jones by author, September 8, 2017.

¹¹⁶ David J. Garrow, *Liberty and Sexuality*, 192.

on how to contact women who knew about accessing birth control, or abortion services, in Texas.¹¹⁷ If national pro-choice organizations like NARAL were not going to organize in the second-largest state in the U.S., then UT students were going to make sure women in their community were as educated as possible on reproductive health.

The letters Texans wrote to NARAL show that no-single type of pro-choice activist existed before legalization. Further, they explain that people's opinions of abortion were complicated by beliefs of population growth, eugenics, religion, women's rights, privacy, and other personal thoughts. As the policing of abortionists increased, individuals and organizations rallied around the repeal of criminal abortion laws. In Texas, students, housewives, teachers, husbands, and others sought the advice of national groups to start their own fight to legalize abortion. In Austin, a handful of University of Texas students met through *The Rag* newspaper and started a local women's liberation group which would start a local fight for reproductive rights.

¹¹⁷ Interview with Victoria Foe by author, March 7, 2017.

III. “IF I HAD KNOWN THIS WOULD BE HISTORICAL I WOULD HAVE TAKEN NOTES.”¹¹⁸

This chapter details the social and political climate at the University of Texas at Austin amongst 1960s community organizers, civil rights activists, and the growing New Left. Student groups used *The Rag* newspaper to spread a radical message throughout the Austin area, and in turn, *The Rag* offices and the University Y provided a physical space for young activists to form networks. Most importantly, the chapter details the establishment of the Birth Control Information Center (BCIC) by Judy Smith, Victoria Foe, Linda Smith, Barbara Hines, Beatrice Vogel Durden, and other members of Austin’s women’s liberation movement. I argue that the increased student activism in 1960s Austin, and the cheap office space for rent at the University Y, created an environment for women’s liberation members to establish an underground abortion network to make safe abortions accessible to central Texas women.

The University Y and *The Rag* Underground Newspaper

A small, volunteer staff sold the first issue of *The Rag* underground newspaper to unassuming University of Texas (UT) students in Austin on October 10, 1966. Formed as a response to the university-operated *Daily Texan* which recently experienced a change in leadership, and was closely monitored by the Board of Regents, ragstaffers, as they called themselves, declared in the initial issue: “The University is a place where you meet people of different backgrounds, and where there is an open marketplace of ideas.”¹¹⁹

¹¹⁸ Interview with Jim Wheelis by author, March 16, 2017.

¹¹⁹ Carol Neiman, “The Truth >>beep<< Is On Page..,” *The Rag*, 10/10/1966.

The front-page introduction to the radical paper continued with a sarcastic critique of the average college student's tendency to conform under the guise of newly-earned freedom to think for themselves. The paper argued, "most people seem to remain turned off, unplugged, and militantly apathetic members of the soggy green masses."¹²⁰ In response to the perceived epidemic of political and social apathy, *The Rag* carved out a space where many of the counter-culture movements of the evolving New Left were reflected. The first issue tackled *Playboy*, discussed changing ideas of pre-marital sex, offered reviews of local theater and new films, and contained ads for anti-war meetings next to a list of events of the goings-on around town. The paper and the Y represented the presence of New Left political and social students on campus.

The University Y provided a space for students in the new left to collaborate. Spearheaded by Thorne Dryer and a handful of members from UT's Students for a Democratic Society (SDS), *The Rag* operated out of a building that housed the University Young Men's Christian Association (YMCA) and the Young Women's Christian Association (YWCA) and that was collectively known as the Y. The Y sat directly across from campus on Guadalupe Street, the main road that separated central campus from businesses and housing. Home to SDS meetings, and a center for social interaction, the Y attracted all types of radicals in the mid 1960s. Rallying against the old-school democratic leadership at the university, leftists and self-proclaimed counter-culture hippies and freaks were treated as one and the same by the UT Board of Regents. "The mainstream often treated the left and the freaks" as one group of "political or cultural rebels" who threatened American life.¹²¹ As with other radical papers popping up on

¹²⁰ Carol Neiman, "The Truth >>beep<< Is On Page..," *The Rag*, 10/10/1966.

¹²¹ Rossinow, *The Politics of Authenticity*, 258.

college campuses across the country, *The Rag* became part of a loosely connected places where left-leaning political radicals joined long-haired hippies in speaking out against the mainstream. By 1966, *The Rag* was the sixth paper of its kind in the nation. Many of these alternative papers appeared in cities like New York City and San Francisco. *The Rag* stood alone in that it was the first radical paper in the South that encouraged the New Left to join with the “freaks” “for the sake of the freedoms for which the hippies fight.”¹²²

By 1969, the University Y and SDS were synonymous, and members of the community referred to the physical building by either name interchangeably.¹²³ The University Y housed organizations in the 1960s which fought against segregation at UT and throughout Austin. In Texas, the Y initially emerged out of the YWCA of the University of Texas, founded in 1885. The organization offered opportunities for female students, such as Bible study, prayer groups, gospel singing and support of overseas missionary efforts. From 1907 to 1931, YWCA members held meetings in the Old Main Building on the UT campus until it was demolished in 1931. During the 1920s, the YWCA operated an employment bureau for women students which helped them find work in tutoring, house work, childcare, clerical work and teaching. In March 1920, the YWCA bought a space at 2330 Guadalupe Street, and built a two-story building, which is still present on the “drag” today as The Church of Scientology. In 1937, the University YMCA joined the YWCA and moved into the building on Guadalupe Street, where the

¹²² Rossinow, *The Politics of Authenticity*, 258.

¹²³ R Joseph Parrott, “The University YMCA in the 1960s,” accessed September 10, 2017, <https://www.theclio.com/web/entry?id=22654>.

two organizations would share the same space and collaborate for over forty years. By the 1960s, the two organizations became commonly known as the University Y.¹²⁴

In the early 1960s, the Y hosted all sorts of civil rights activism on from students and community members. As Jeff Jones remembers, all the people who worked at the Y, or were in organizations that rented space in Y, knew each other.¹²⁵ In addition to *The Rag*, other programs at the Y included Middle Earth. Jones explains that Middle Earth was a drug counseling organization run by “two people who smoked dope and took a lot of drugs, but they were sane and somehow could deal with people who came in with crisis.”¹²⁶ Also the first community gardens program in Austin was located at the University Y. According to Jones, the most important and long-lasting organization to operate out of the UT-Y was Richard Halpin’s work with youth incarcerated in detention facilities. He sent artists to the jails to work with the young people called the Jail Arts and Education Project.¹²⁷ As Jones remembers, people at the Y may not have been an official participant in every organization, but it was the place “where people interconnected.”¹²⁸

By the late 1960s the Y was home to campus radical activists, including the SDS and *The Rag* which created an environment for activists to come together and focus on challenging current political issues.¹²⁹ Jones explains that many ragstaffers joined SDS before volunteering at the paper, like himself, Judy Smith, Alice Embree, and Jeff Shero Nightbyrd. Embree and Nightbyrd joined Throne Dyer in running *The Rag*. Though the

¹²⁴ R Joseph Parrott, “The University YMCA in the 1960s,” accessed September 10, 2017, <https://www.theclio.com/web/entry?id=22654>.

¹²⁵ Interview with Jeff Jones by author, September 8, 2017.

¹²⁶ Interview with Jeff Jones by author, September 8, 2017.

¹²⁷ Interview with Jeff Jones by author, September 8, 2017.

¹²⁸ Interview with Jeff Jones by author, September 8, 2017.

¹²⁹ R Joseph Parrott, “The University YMCA in the 1960s,” accessed September 10, 2017, <https://www.theclio.com/web/entry?id=22654>.

majority of SDS activists were white, the organization in the early 1960s fought to integrate the UT campus. SDS joined Student Non-violent Coordinating Committee and other African American groups in sit-ins across campus and around down-town Austin. Texas members joined other state SDS chapters in their protest of the nuclear arms race and atomic testing.¹³⁰ However, “SDS died in July 1969, [and] that was the end.”¹³¹ In 1968, SDS held a national conference in Austin. National members stayed with Austin SDS members, and the male members’ overt sexism left Austin women unimpressed with the organization. Soon after the conference, the SDS split into three organizations: The Weather Underground, The Progressive Labor Party, and The Revolutionary Youth Movement.¹³² The Revolutionary Youth Movement, as Jones remembers it, was militant, but it did not want to blow up buildings like the Weather Underground, and the Progressive labor people were “insufferable.”¹³³ Like SDS, the three off-shoots were composed “totally” of white-middle-class-men who “were really homophobic and sexist, it was like the patriarchy run-a-muck, only we all had long hair and smoked a lot of dope.”¹³⁴ The national YMCA organization published a statement in 1969 which proclaimed, “our board in no way supports or condones the involvement of the University Y with the SDS activities. We have no control of the University Y programs.”¹³⁵ Jones jokes, “I was never a Christian. We had no interest in representing (the national YMCA’s) values, I found those people incredibly obnoxious,” but radical groups could

¹³⁰ Doug Rossinow, *Politics of Authenticity*, part two.

¹³¹ Interview with Jeff Jones by author, September 8, 2017. For more on SDS in Austin, see Rossinow, *The Politics of Authenticity*, 1-2, 16, 35, 36, 42, 80, 103-104, 115, 135-136, 259, 196-207, 233, 335.

¹³² Interview with Jeff Jones by author, September 8, 2017.

¹³³ Interview with Jeff Jones by author, September 8, 2017.

¹³⁴ Interview with Jeff Jones by author, September 8, 2017.

¹³⁵ Interview with Jeff Jones by author, September 8, 2017.

rent space for cheap in the University Y.¹³⁶ As a result, the Christian organization became home to the growing New Left in Austin.

The physical space of the Y reflected the work members of the New Left and counter-culture did to desegregate Austin, as they sought to provide information on civil rights causes to Austinites. *The Rag* office was located on the second floor of the Y and operated out of the largest of five rooms. Pictures of *The Rag* layout meetings depict organized chaos. Poorly lit rooms with no air conditioning, stacked waste-high with previous issues and papers, jammed with mismatched desks and chairs, and occupied by locals just hanging out with the ragstaffers. The crowded space was a second home to many. The walls of the offices were lined with posters from every 1960s-social movement imaginable. A poster of Native Americans hung partially covered by another poster that proclaimed, “Impeach Nixon,” opposite from a poster encouraging people to “Support Preschool Learning Programs.”¹³⁷ In photos of the offices, one can see men with long hair and bra-less women working while sitting on desks, and visitors watching their friends collaborate while sitting on the floor (Figure 1).

¹³⁶ Interview with Jeff Jones by author, September 8, 2017.

¹³⁷ Alan Pogue, photo of Rag office.



Figure 1. Linda Smith conversing with other members of the paper. Photo taken by Alan Pogue, photograph provided by Jim Wheelis.

New topic Just as the Y housed more than *The Rag* offices, ragstaffers belonged to multiple organizations. SDS members walked across the hallway after meetings to work on printing that week's issue. Women's liberation members walked from a few minutes away to contribute their work to each paper. As civil rights organizations emerged in Austin, their members expanded their social, political, and cultural networks with other members of the "freakish," leftist, and hippie community. As one ragstaffer recalls, many of the writers lived in co-ops with other members of the social movements.¹³⁸ Val Liveoak, a member of Bread and Roses, remembers that the women would alternate who made dinner for each night of the week, and those with children

¹³⁸ Interview with Jeff Jones by author, February 3, 2017.

brought them to meetings.¹³⁹ While some members of this small, but growing, radical community happened upon meetings and organizations once they arrived in Austin, others were persuaded to stay in Austin because of its vibrant radical scene. At the center of that scene stood the Y and *The Rag*.

Women's Liberation at *The Rag*

Judy Smith emerged as one the most influential leaders affiliated with *The Rag* and the Y, and she would insist on women's liberation being at the center of both. Born in Durant, Oklahoma, on Independence Day, 1944, she was the middle child born in between older sister Linda and younger sister Laura, or Lol for short.¹⁴⁰ The girls' father passed away from a brain tumor when Judy was twelve. Following their father's death, their mother took a librarian job at Southern Methodist University moving the family to Dallas, where the two eldest sisters attended high school. Although Linda Smith recalls that her parents were not overly political, neither parent discouraged their kids from participating in the political world as they grew up.¹⁴¹

As young adults, Linda and Judy found themselves surrounded by the social movements of the 1960s and their trajectories reflected some of the major trends of the decade. For example, after Judy graduated from Brandeis University in 1966 with a degree in chemistry, she spent a little over a year in the Peace Corps in Nigeria where she taught chemistry to girls, helped with community healthcare needs, and fulfilled John F. Kennedy's mandate of American service to the 'Third World.' But in July of 1967, civil

¹³⁹ Interview with Val Liveoak by author, January 27, 2017.

¹⁴⁰ Interview with Jim Wheelis by author, March 16, 2017.

¹⁴¹ Interview with Linda Smith by the author, February 4, 2017.

war broke out in Nigeria between the Nigerian government and the secessionist state of Biafra. The State Department quickly evacuated Smith and the other Peace Corps volunteers. As Smith's long-term boyfriend Jim Wheelis recalls, Judy "was still in shock and mourning from having to leave Biafra after the war there started" when she returned to the United States.¹⁴² He continued, "many of the people she knew had been killed. She'd seen bodies floating down the river."¹⁴³ When they fled, it was "with bullets skipping after them."¹⁴⁴ Smith left Biafra and continued her human rights activism from home. It is possible that Smith's experiences in the Peace Corps contributed to her ability to navigate intense situations and topics that she continued to tackle in the states.

Upon returning to the United States, Smith took up the task that defined her particular generation: anti-war activism. Smith landed in San Francisco to assist with the anti-Vietnam War effort after her time abroad with the Peace Corps. However, Smith quickly became overwhelmed by the Peace Corps veterans' anti-war campaign in the city. She remembered years later that the political work there "had become too much for me, it had become a war zone."¹⁴⁵ She recalled that she could do the work, that she learned to protect herself during riots, and knew when to wear the mask, or the bandana, but that she was frustrated by the lack of ability to cause substantive change.¹⁴⁶ Smith knew her activist work could be put to better use outside of the Bay Area. Her Peace Corps experience and likable, strong personality made for a great community organizer. Smith had a knack for starting organizations and training community members on how to

¹⁴² Interview with Jim Wheelis, written interview e-mail correspondence by author, March 5, 2017.

¹⁴³ Interview with Jim Wheelis, written interview e-mail correspondence by author, March 5, 2017.

¹⁴⁴ Interview with Jim Wheelis, written interview e-mail correspondence by author, March 5, 2017.

¹⁴⁵ Judy Smith in an interview with Victoria Foe, Barbra Hines, and Linda Smith, at the University of Texas, video recording shared by Barbara Hines.

¹⁴⁶ Judy Smith in an interview with Victoria Foe, Barbra Hines, and Linda Smith, at the University of Texas, video recording shared by Barbara Hines.

keep them going once established. But it was not only political exhaustion that prompted Judy Smith to look for alternatives to San Francisco. At the time, Smith was in a relationship with another Peace Corps veteran, who was controlling, abusive, and followed her everywhere.¹⁴⁷ Ready to leave San Francisco, Smith reached out to her older sister Linda.

Linda Smith had arrived in Austin as a graduate student in UT's anthropology department in early 1968 just after her sister landed state-side in San Francisco. By mid 1968, Linda begun working at *The Rag* as the office manager. Drawn to the paper because of its radical content, Linda sent copies of the paper to Judy in San Francisco. Judy, ready to leave San Francisco, was apprehensive about returning to Texas because of its well-known reputation for a conservative political atmosphere. Linda called Judy to convince her that "some people are actually doing some cool things in Texas."¹⁴⁸ Years later, Judy recalled, "that was hard for me to believe, I had gone to high school in Dallas."¹⁴⁹ Looking for a reason to get out of San Francisco and her relationship, Judy decided to humor her sister and visited. The paper drew her attention and Judy understood what her sister saw in Austin. Judy later reflected that she believed in the potential of *The Rag* to create change, "because if we could get the alternative view out to people, then we could connect" to a bigger audience.¹⁵⁰

Impressed by the radical content of *The Rag*, Judy Smith made the move to Austin in the summer of 1968 and enrolled in a Ph. D program in zoology at UT that fall.

¹⁴⁷ Interview with Jim Wheelis by author, March 16, 2017.

¹⁴⁸ Interview with Linda Smith by the author, February 4, 2017.

¹⁴⁹ Judy Smith in an interview with Victoria Foe, Barbra Hines, and Linda Smith, at the University of Texas, video recording shared by Barbara Hines.

¹⁵⁰ Judy Smith in an interview with Victoria Foe, Barbra Hines, and Linda Smith, at the University of Texas, video recording shared by Barbara Hines.

Through her graduate work, Smith met Victoria “Vic” Foe, another zoology student. As Foe recalls, as women, she and Smith faced extreme difficulty securing an academic advisor in the sciences. Born in 1945, Foe graduated from her undergraduate degree in 1963, and entered graduate school at UT in 1967. Upon enrolling in Austin, Foe recalls that there was not a single female professor in the science department.¹⁵¹ Foe remembers that the U.S. government’s interest in funding scientific research increased in the 1960s, and as a result government grants funded science students, including women. A NASA grant funded Foe’s undergraduate degree in biology. Although the government funded female students in the sciences, Foe recalls that finding support on campus as a woman was almost impossible. “It was very common to come up against men who would say ‘there is no point in educating women, they will get married or they will get pregnant and it’s a complete waste to educate women.’”¹⁵² She also remembers male professors that she wanted to work with advising her that as a woman, she needed to work twice as hard as any man, or she would not make it in science. As a result, Foe realized that “it was really clear that this issue of being able to control reproduction was really, really key” to women advancing in academics and research.¹⁵³ Foe was not alone in this realization. As second-wave feminism spread across the country in the form women’s liberation groups and consciousness rising meetings, women demanded access to reproductive health to control when they started a family.

¹⁵¹ Interview with Victoria Foe by the author, March 7, 2017.

¹⁵² Interview with Victoria Foe by the author, March 7, 2017.

¹⁵³ For more on women and the sciences in post-war America, see Laura Micheletti Puaca, *Searching for Scientific Womanpower: Technocratic Feminism and the Politics of National Security, 1940 – 1980* (Chapel Hill: University of North Carolina Press, 2014).

At the start of the fall semester in 1968, Smith approached Foe and said, “we’re going to have a meeting at my house of women, just to talk about women’s issues . . . that was the first meeting of the Austin Women’s Liberation group.”¹⁵⁴ Even though Foe did not know Smith very well at that point in the semester, she still went to the meeting. A number of the women who attended the meeting at Smith’s house that day worked on *The Rag* and were members in other social movement organizations. At the meeting, the women talked about “various things one could do to be helpful” in the growing women’s movement and to Foe and Smith it was “extremely clear that one of the most urgent things to do was to disseminate information about reproductive health and birth control for women on campus.”¹⁵⁵ The foundation of women’s liberation organizations relied on participants ability to share information with one another. Women shared their most personal experiences, like instances of sexual assault, in living rooms. Birth control was another personal practice which women built connections over. Smith and Foe’s choice to distribute information on contraceptives is an example of how women’s organizations rallied around person issues, and as a result grew networks of women that operate because of women’s connections to one another.

Foe and Smith decided to gather information on the “effectiveness of different birth control methods.”¹⁵⁶ The women “would go around to various doctors and try to find doctors who would provide birth control to unmarried women without harassing them.”¹⁵⁷ During the 1960s in Austin, some doctors believed a “women who was taking

¹⁵⁴ Interview with Victoria Foe by the author, March 7, 2017.

¹⁵⁵ Interview with Victoria Foe by the author, March 7, 2017.

¹⁵⁶ Interview with Victoria Foe by the author, March 7, 2017.

¹⁵⁷ Interview with Victoria Foe by the author, March 7, 2017.

birth control pills...was...willing to sleep with you or that you could fondle her.”¹⁵⁸ Foe remembers that there were “doctors who would do one of two things, they would either give you a lecture on morality as if it was any of their business...or they felt they could make a pass at you.”¹⁵⁹ This situation was typical for college campuses. The Supreme Court upheld that the right to buy, sell, and prescribe contraceptives for married couples under the constitutional right to privacy in *Griswold v. Connecticut* in 1965. For example, students at the University of Kansas (UK) challenged the sexual system that sought to protect women’s premarital virginity by demanding access to birth control.¹⁶⁰ By the late 1960s, UK students won the battle to access the pill, and by the 1970s, the Lawrence women’s liberation group politicalized the need for safe and transparent birth control.¹⁶¹ Students in the mid-west organized under New Left ideals at the same time as students at UT, expanding the amount of politically involved youth past the borders of New York and California. In Texas, the first thing Smith and Foe did was collect information on the experiences different women had when seeking out birth control in the Austin area, including the student health center at UT. They kept a file of each doctor’s information, and recorded whether or not the doctor had previously grabbed, shamed, argued with, lectured, or harassed women.¹⁶²

The organization of the BCIC quickly fell into place. By September 25, 1968, Smith, Foe, Beatrice Vogel Durden and Barbara Hines, along with other members of Austin Women’s Liberation, announced in a general meeting at *The Rag* and in that

¹⁵⁸ Interview with Victoria Foe by the author, March 7, 2017.

¹⁵⁹ Interview with Victoria Foe by the author, March 7, 2017.

¹⁶⁰ Beth Bailey, *Sex in the Heartland* (Cambridge: Harvard University Press), 1999.

¹⁶¹ Beth Bailey, *Sex in the Heartland* (Cambridge: Harvard University Press), 1999.

¹⁶² Interview with Victoria Foe by the author, March 7, 2017.

week's issue, that they would be opening up the Austin Women's Liberation Birth Control Information Center (BCIC) that fall. On Wednesday, October 1, 1968, Foe hosted a meeting to set the information center in motion. By the beginning of November, the BCIC was operating in the University Y in a tiny, closet-like space next to *The Rag*. As Smith and Foe collected information on doctors around town, they used the data in lectures they gave around campus. They explained to individuals the known effectiveness of different birth control methods, while also warning listeners of which doctors to avoid.

The women published articles in *The Rag* to further disseminate birth control information to students and locals. For example, in the November 3, 1969, issue, an article proclaimed, "in our overpopulated world, every person has a right to birth control information and effective birth control devices."¹⁶³ The article is an example of the overlap between social causes of the 1960s. The article was clearly feminist, using the language of women's liberation in declarative statements, such as "every woman has the right to control her own body." The article also focused on rapid population growth as another reason to support easy access to birth control. This article is one of the first times *The Rag* addressed abortion. The anonymous author explained that illegal abortion led to unsafe conditions that contributed to the killing of women; unlike the safe and legal abortion in other countries, like Japan, during the 1960s.

This article, and a handful of others appeared on the pages of the paper to educate readers. Ads for the BCIC were always positioned above contact information which typically stated, "room 24 YMCA 3-8 Mon-Fri."¹⁶⁴ The center is referred to as the Birth Control Information Center or the BCIC in *Rag* ads. Ads for the center typically ran next

¹⁶³ "Birth Control," *The Rag*, November 3, 1969.

¹⁶⁴ "Birth Control," *The Rag*, November 3, 1969.

to or along with information about Austin Women's Liberation. However, when members of women's liberation or ragstaffers refer to the BCIC in their stories, memories, or writings they use a variety of names to refer to the center, such as the birth control counseling center, women's birth control hotline, women's health center, the referral service, and other iterations of this combination of names.¹⁶⁵ The name of the BCIC was not the important part of the information the women shared, it was the knowledge that the BCIC existed and no matter how women referred to the center, they knew what their friends and classmates were referring to. Women sent their friends to the BCIC for advice on healthcare. Most articles written about birth control and abortion appeared under anonymous bylines. Offering advice on birth control was legal, and so were contraceptives. However, the BCIC volunteers were careful to only provide enough contact information so women could find them. It is possible that they did so to limit the attention from the Board of Regents and the local authorities.

Women at the BCIC also published articles that demonstrated the lack of access to birth control. In April 1970, an anonymous author criticized the staff at the University Health Center for "the morality lecture that substitutes for any useful information" when a woman asked for a birth control prescription.¹⁶⁶ The article sought to highlight that the health center staff used different methods to shame women who sought birth control services. The author wrote, "one girl was asked if her father knew she was taking birth control pills; then lectured that any woman who used birth control before marriage would

¹⁶⁵ A community health center called The People's Free Clinic operated at the same time as the BCIC. The clinic was operated by volunteers, underfunded, and held erratic hours. However, the free clinic did not offer the same services as the BCIC. For more on the People's Free Clinic, see Thorne Dryer, Alice Embree, Richard Croxdale, *Celebrating the Rag: Austin's Iconic Underground Newspaper* (Austin, TX: New Journalism Project, 2016).

¹⁶⁶ "Paul Trickett's Birth Control," *The Rag* April 13, 1970.

cheat on her husband—all to justify refusing her pills.”¹⁶⁷ Although the director of the health center, Dr. Paul Trickett, publically announced the Center’s policy was to “provide birth control information to any student who asks for it,” the women at the BCIC knew through their research that doctors and nurses rarely followed this policy.¹⁶⁸ Doctors reportedly refused to prescribe any form of birth control to unmarried women. Some doctors went so far as to lie to patients, saying that the health center did not have a birth control policy. Women reported that doctors refused to prescribe birth control at the health center and instead suggested women visit them at their private practices for \$20.00 more than what they paid for a health center appointment.¹⁶⁹ This experience was not limited to UT students. Because of growing national women’s groups, like the National Organization for Women, regional women’s liberation groups increased their political focus on the repeal of abortion law, and as a result women’s liberation groups around the country demanded safe and legal access to birth control.¹⁷⁰ For example, women’s liberation groups at the University of Kansas saw women’s access to birth control and abortion as key to the movement.¹⁷¹ Access to birth control constituted the main focus of Austin Women’s Liberation, and the women continued to publish articles criticizing Dr. Trickett and the doctors at the student health center.

In addition to collecting data and writing articles for *The Rag*, the Smith sisters and Foe visited classrooms, campus housing, and sorority and fraternity houses to talk about birth control, sex-education, and sexism. As Wheelis recalls, the men on campus

¹⁶⁷ “Paul Trickett’s Birth Control,” *The Rag* April 13, 1970.

¹⁶⁸ “Paul Trickett’s Birth Control,” *The Rag* April 13, 1970.

¹⁶⁹ “Paul Trickett’s Birth Control,” *The Rag* April 13, 1970.

¹⁷⁰ Stephanie Gilmore, *Groundswell*, 105.

¹⁷¹ Beth Bailey, *Sex in the Heartland* (Cambridge: Harvard University Press), 1999.

did not respond well to the women's point of view. For example, when the Smiths went to fraternity houses, the men argued with the sisters or ignored them completely (Figure 1). *Rag* photographer Alan Pogue captured an interaction between Linda Smith and eight fraternity brothers. Smith sits amongst young men in neatly parted hair and matching pressed slacks. Three blonde men lean into Linda Smith's personal space exchanging skeptical looks while their five brothers stare off into the distance above Smith's head and one smokes a cigarette in the background.¹⁷² Judy Smith attempted to educate

¹⁷² Alan Pogue, photo of Linda Smith at Frat House.

members on women's sexual needs and pleasure, to which a frat member mocked, "what do you use, a carrot?"¹⁷³

Current or recent UT students, with a few community members mixed in, formed most of the BCIC's volunteer staff. Women exclusively made up the BCIC staff. *The*



Figure 2. Linda Smith visits a fraternity house on the UT campus to discuss sexual politics and birth control. Photo taken by Alan Pogue. Photograph provided by Jim Wheelis.

Rag, in contrast, was initially almost completely male dominated, with only one woman's name appearing in the bylines of the first issue. By 1970, several women joined *The Rag* staff, though like Linda Smith, they were often relegated to the less glamorous office work. But, some women, like the members of the BCIC and women's liberation occasionally contributed articles. Both *The Rag* and the BCIC mirrored the demographic

¹⁷³ Interview with Jim Wheelis by author, March 16, 2017.

of the university. For example, by 1972 black students made up less than one percent of the student population.¹⁷⁴ Although there were a few black students who occasionally contributed to *The Rag*, there were no black women who staffed the BCIC. As the use of the center increased, so did the number of people from Austin outside of the university using it. Foe and Wheelis remember that the majority of the students who contacted the BCIC were white, and mostly middle-class. The non-university students who reached out to the BCIC were a mix of white middle-class Austinites, Chicanas and Chicanos in the area, and working-class individuals from the surrounding hill country area. Smith and Foe created a network out of a tiny campus office which reached past the borders of campus. The BCIC did not help all Texas women, but it's presence is an example of grassroots organizations which increased women's access to reproductive health.

The demographic of the paper was further complicated by latent, and sometimes overt, sexism, which clearly divided the roles of volunteer staff members. The presence of female ragstaffers and the BCIC did not negate the sexism demonstrated by male staff of *The Rag*. Because the paper was operated by white, almost exclusively heterosexual, men, the paper did not cover women's issues regularly. Men wrote the majority of the articles and women *Rag* volunteers were relegated to layout and illustrations (Figure 3 and 4). However, as Austin's Women's Liberation grew, women at *The Rag* increasingly published articles on the growing women's movement. Although the BCIC operated next to *The Rag*, and women's lib members published occasionally, years later Jim Wheelis

¹⁷⁴ University of Texas Registrar, "Report of the Registrar," University of Texas at Austin, accessed September 19, 2017, <https://sps.austin.utexas.edu/sites/ut/IRRIS/HistoricalStatHandbooks/SHB75-76Complete.pdf>. In 1972, there were 326 black students enrolled in the fall semester out of 39,900. The demographic further broke down into 83 American Indian students, 178 "oriental" students, and 1,542 students with a "Spanish surname."

recalls that “just because some guy was against the Vietnam war or somewhat radical about economics, didn’t mean that he ... supported any women’s liberation issues. In fact, I remember one guy who basically figured a women’s place in the movement was to make spaghetti dinners.”¹⁷⁵ Wheelis continued, “some people were not at all concerned” with women’s issues when *The Rag* began.¹⁷⁶ “Most of the guys on the ragstaff were not interested in women’s things. They were focused on the war. They were focused on the environment.”¹⁷⁷ Wheelis remembers a man who believed the women’s liberation movement needed to wait because he considered environmental issues more important. Not all the male members of the ragstaff shared this sentiment. When pressed to describe the general feeling amongst male ragstaffers concerning women’s liberation, Wheelis explained that in his opinion about fifty-percent of his male colleagues openly supported the women’s movement, and the other half simply did not care, or did not understand it.

¹⁷⁵ Interview with Jim Wheelis by author, March 16, 2017.

¹⁷⁶ Interview with Jim Wheelis by author, March 16, 2017.

¹⁷⁷ Interview with Jim Wheelis by author, March 16, 2017.



Figure 3. Linda Smith (center-seated) helps other female ragstaffers paste articles and finalize the layout before sending the week's issue to the printer. Seated behind Linda is her and Judy's mother. Photo taken by Alan Pogue. Photograph provided by Jim Wheelis.



Figure 4. Judy Smith (center-speaking) contributes to discussion at a ragstaffer meeting beside a long-haired Jim Wheelis (left). Photo taken by Alan Pogue. Photograph provided by Jim Wheelis.

Although members of *The Rag* and SDS demonstrated sexist behavior, the women of 1960s Austin worked within SDS and the Student Nonviolent Coordinating Committee (SNCC) drawing national attention. For example, Sandra Cason known as Casey Hayden, and her husband Tom were foundational members of the organization. Tom Hayden was one of the national founders, and a primary author of the 1962 Port Huron Statement. They both led SDS activities out of the University Y during their undergraduate degrees in the late 1950s. Casey Hayden became a national officer for the YWCA, and joined black students in sit-ins to demand the desegregation of Austin businesses. Casey's main focus was SNCC which focused on integration.¹⁷⁸ Regarded as one of the most prominent white women in the civil rights organization, Hayden worked with Ella Baker and participated in Freedom Rides across the south in the 1960s. Hayden also fought for equal representation between the sexes in civil rights organizations. Student activists that worked with civil rights groups at UT's University Y used their community organizing experience in movements across the country.¹⁷⁹

The Rag printed a few dozen articles on women's issues out of nearly 400 issues over the course of its eleven-year long life in print.¹⁸⁰ Beatrice Vogel Durden wrote one of the first women's liberation articles for the paper in June of 1969, almost a full year after the first meeting at Judy Smith and Wheelis' house. The article, titled, "Women's

¹⁷⁸ Ellen Carol DuBois and Lynn Dumenil, *Through Women's Eyes: An American History with Documents Volume Two: Since 1865* (Boston: Bedford/St. Martin's, 2009).

¹⁷⁹ For more on Casey and Tom Hayden, see Doug Rossinow, *Politics of Authenticity*, 75, 102-104, 169, 187, 9, 76-77, 122-123, 136, 181, 274, 70, 302-303, 117, 165, 103, 135-136, 152, 126-127, 35-36, 148; Casey Hayden, "On to Open Ground," *Hands on the Freedom Plow: Personal Accounts by Women in SNCC*, edited by Faith Holsaert, et al. (Urbana: University of Illinois Press, 2010), 49-52, 381-388; Elizabeth Hays Turner, Stephanie Cole, and Rebecca Sharpless, *Texas Women: Their Histories, Their Lives* (Athens, Georgia: University of Georgia Press, 2015); Davis W. Houck and David E. Dixon, *Women and the Civil Rights Movement, 1954-1965* (Jackson, Mississippi: University Press of Mississippi, 2009).

¹⁸⁰ Thorne Dryer, Alice Embree, Richard Croxdale, *Celebrating the Rag: Austin's Iconic Underground Newspaper* (Austin, TX: New Journalism Project, 2016), 1.

Liberation in Austin: The Beginning of Self-Awareness,” explained the importance of the women’s movement. Vogel Durden writes, “Women’s Liberation is basically an attempt to improve women’s self-image and an attempt to give women a positive sense of identity.”¹⁸¹ Through consciousness rising meetings, women in the group connected over shared experiences. The goals of Austin’s women’s liberation group and the experiences of women at consciousness risings were not unique to Austin. Women across the U.S. held meetings in their homes where women shared information on their bodies and their reproductive health practices.¹⁸² As Foe recalls, Smith obtained an early copy of *Our Bodies, Ourselves* from the Boston Health Collective and the Austin women spent early meetings reading the copy collectively.¹⁸³ She stated that each meeting started with the question, “What do you think is wrong with your life?”¹⁸⁴ The answers that women discussed were not unique to any single woman, but to “those of our sex.”¹⁸⁵ As more women joined the editorial staff, and more significantly the layout staff, the imagery of *The Rag* became noticeably less sexist. Instead of comics of topless women, images of faceless pregnant robots accompanied articles on abortion. Female illustrators drew women seated or kneeling with their hands tied behind their backs symbolizing the helplessness of an unwanted pregnancy.¹⁸⁶

¹⁸¹ Bea, “Women’s Liberation in Austin,” *The Rag*, June 26, 1969.

¹⁸² For further reading on women’s liberation and consciousness risings see, Ruth Rosen, *The World Split Open: How the Modern Women’s Movement Changed America* (New York: Viking, 2000), Sara M. Evans, *Tidal Wave: How Women Changed America at Century’s End* (New York: Free Press, 2003), Benita Roth, *Separate Roads to Feminism: Black, Chicana, and White Feminist Movements in American’s Second Wave* (New York: Cambridge University Press, 2004).

¹⁸³ Interview with Victoria Foe by the author, March 7, 2017.

¹⁸⁴ Bea, “Women’s Liberation in Austin,” *The Rag*, June 26, 1969, 13.

¹⁸⁵ Bea, “Women’s Liberation in Austin,” *The Rag*, June 26, 1969, 13.

¹⁸⁶ Bea, “Women’s Liberation in Austin,” *The Rag*, June 26, 1969, 13; “It’s A Bort,” *The Rag*, May 18, 1970, 5.

The relationship between the BCIC and *The Rag* was not an isolated occurrence. Volunteer operated, counterculture newspapers sold on campuses across the country allied with second wave feminist groups.¹⁸⁷ Austin Women's Liberation's goals were no different than other second-wave feminist groups in New York, Chicago, Boston, or San Francisco. What was unique about *The Rag* and newly organized women's liberation was both groups' proximity to the largest university in Texas, located in the same city as the state's capital. The location of so many grassroots groups within a handful of city blocks created a network amongst young students that allowed for Smith, Foe, Wheelis, and their classmates to create formal change.

The Operating of the Birth Control Information Center

Smith and Foe did not anticipate the volume of women who would contact the BCIC and the volunteers in the pantry-like office. The women did not keep records of how many women visited the BCIC, called the hotline, or called the women's personal phone numbers. The center was the first location advertised in *The Rag* established to offer women information on reproductive health. That, combined with the hostile treatment women received at the student health center, and the sexual advances they dodged at off-campus doctors' offices, it is easy to understand why women felt comfortable asking the volunteers at the BCIC for more than advice on the pill. Almost as

¹⁸⁷ For further reading on student-led civil rights movements see Rossinow, *The Politics of Authenticity*; Alice Echols, *Daring To Be Bad: Radical Feminism in America 1967-1975* (Minneapolis: University of Minnesota Press, 1989); Sara Evans, *Personal Politics: The Roots of Women's Liberation in The Civil Rights Movement and The New Left* (New York: Vintage Books, 1980); Todd Gitlin, *The Sixties: Years of Hope, Days of Rage* (New York: Bantam Books, 1987); Jason Mellard, *Progressive Country: How The 1970s Transformed the Texan in Popular Culture* (Austin: University of Texas Press, 2013).

soon as the women at the BCIC ran their first ads, Texas women asked for assistance getting abortions.¹⁸⁸

Women used the BCIC to get information on where to obtain the pill, but women also contacted the center for advice on where to get an illegal abortion. Foe remembers that, “Almost immediately after we started this birth control information center at the Y we immediately got women coming in who were pregnant, the hell with birth control information, they wanted help with getting abortions. They were just desperate for abortions. But that was not our original intent *at all*.”¹⁸⁹ Sometime during the fall semester of 1969, Foe found herself in the same circumstances as the women visiting the BCIC; she needed an abortion. In the late 1960s, abortion was illegal in Mexico. However, “there was a lot of corruption in Mexico and basically the doctors paid various authorities to just look the other way. So, it gave people access to actual medical clinics, to doctors.”¹⁹⁰ After Foe’s abortion sojourn to Mexico and facing the overwhelming demand for abortion access amongst Austin women, she and Smith decided to visit the border together to find formally trained physicians to whom they could refer people from the BCIC. As Foe remembers the BCIC evolved into an underground network of referrals to Mexican abortionists by happenstance.¹⁹¹ Foe’s ability to speak Spanish meant that the BCIC negotiated prices with doctors, and guaranteed that they would not change the prices when women arrived. Individuals contacted the BCIC and Smith, Foe, and a handful of other twenty-something-year-old volunteers assisted them in securing safe abortion access on the other side of the border.

¹⁸⁸ Interview with Victoria Foe by the author, March 7, 2017.

¹⁸⁹ Interview with Victoria Foe by the author, March 7, 2017.

¹⁹⁰ Interview with Victoria Foe by the author, March 7, 2017.

¹⁹¹ Interview with Victoria Foe by the author, March 7, 2017.

The BCIC regularly ran ads in *The Rag* advertising its new birth control hotline, which not only gave information about birth control, but also operated as an abortion referral service. As Jones remembers, “(Judy) came over one day and said look, ‘I’m opening this abortion hotline and were just going to have this pay phone in the lobby and that’s the number were going to give out, and we’re are going to publicize this all over Texas so that women who are looking for abortions, looking for information about abortions, could call this number and we can call them back anonymously.’”¹⁹² While the BCIC hotline was not publicized all over the state, it was known throughout the Austin activist and student community through the ads the BCIC ran in *The Rag*. Because student volunteers operated the center, the reach was relatively limited to campus and downtown Austin. However, because the readership of the paper sometimes eclipsed the University area, some women did contact the BCIC from surrounding areas. Under the heading “WOMEN” the ads simply stated, “BIRTH CONTROL AND PROBLEM PREGNANCY counseling and referral” with the address of the University Y, phone number, and hours of operation (Figure 2). Some ads listed Smith and Vogel Durden’s personal contact information and home phone number. However, almost all the ads gave the number for the payphone at the University Y.

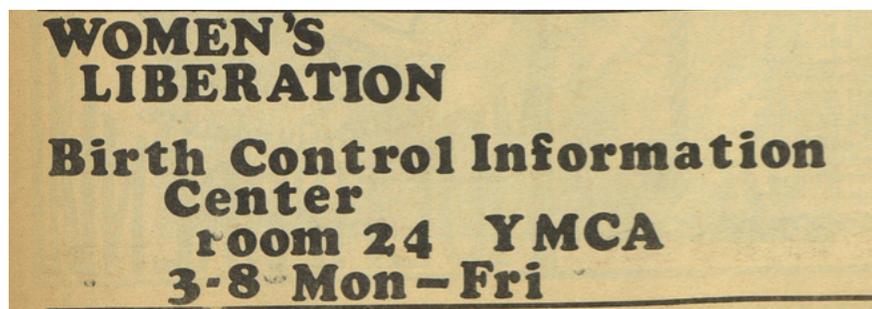


Figure 5. Example of the many ads the Austin Women’s Liberation group took out in *The Rag* for the Birth Control Information Center.

¹⁹² Interview with Jeff Jones by author, February 3, 2017.

The women at the BCIC utilized the payphone mounted in the hallway between *The Rag* offices and the BCIC's tiny office. People called the payphone and a volunteer answered (Figure 3). Occasionally, articles in the paper instructed readers to ask for Smith by name. For the most part, callers had no idea who they were speaking to. Though the men at the paper knew that the BCIC helped women access abortion, they were not directly involved in running the hotline. Likewise, volunteers at the BCIC did not ask for personal details over the phone. The ragstaffers, volunteers at the BCIC, and other people who occupied the Y knew that the payphone was bugged. They were well aware that government officials disliked the communist ideas that the *Rag* published, and the types of "freaks," hippies, lefties, and activists who frequented the building. Victoria Foe recalls that when she answered the payphone she heard the other end of line pick up, and knew someone else was listening.¹⁹³ As a result, Smith and Foe never identified themselves over the phone. They took the call, stopped individuals from disclosing too much on the line, and either gave them a different phone number, or a location to meet. As Smith's ex-boyfriend and fellow ragstaffer Jim Wheelis recalls, "everyone knew" what the payphone was for.¹⁹⁴ If a ragstaffer answered the phone, they knew to pass the phone along to one of the volunteers at the BCIC. Val Liveoak worked on the layout of the paper off and on, and recalls a list of phone numbers next to the phone. Years later, she is still unsure of who the numbers belonged to, but she knew the BCIC used them in their referral system.¹⁹⁵ If the phone rang outside of the BCIC's staffed hours, people at the Y knew to take a message or instruct the caller to call again later when the volunteers

¹⁹³ Interview with Victoria Foe by the author, March 7, 2017.

¹⁹⁴ Interview with Jim Wheelis by author, March 16, 2017.

¹⁹⁵ Interview with Val Liveoak by the author, January 27, 2017.

were in. The hotline functioned as the most significant information-sharing and counseling project of the BCIC. It allowed for volunteers to directly engage with women seeking information.



Figure 6. Judy Smith answers the pay phone in the hallway of the University Y helping someone who reached out to the Birth Control Information Center. Photo taken by Alan Pogue. Photograph provided by Jim Wheelis.

The multiple efforts of the BCIC—data collection, awareness-raising articles, public lectures, and the hotline—fed into one another. Though the BCIC members faced a hostile university administration and health services center, and navigated the challenge of offering information about illegal medical procedures, they had other strategic allies in their efforts to offer women reproductive freedom. One of the most significant was the Clergy Consultation Services (CCS). Bob Breihan established the Austin chapter in 1967 following the initial formation in New York earlier that year. Austin women’s liberation

member Sarah Weddington explains that the women at the BCIC believed that clergy members were less likely to be prosecuted if caught assisting an abortion referral service.¹⁹⁶ Clergy consultants counseled pregnant women, and if women decided to terminate their pregnancy, they helped women find safe options. The CCS's goal was to protect the life of women seeking abortions. Breihan agreed to work with the BCIC after meeting Smith. Their goals and methods aligned. In Dallas, CCS members Claude Evans and Robert Cooper toured clinics and doctor's offices and kept files on the doctor's outcomes. The men of the CCS used passwords to ensure a patient's security, instructed women on where to park, and what the provider should look like. The CCS shared their information with Smith and the BCIC.¹⁹⁷ The ministers and rabbis at the CCS provided valuable information to help the women who visited the BCIC. The reproductive health community in Austin reflected the intersection of religion and women's rights evident in metropolitan cities like New York.¹⁹⁸

For example, the women used *The Rag* to advertise the center, and the volunteers at the BCIC communicated with the Clergy Consultation Service to keep track of doctors they trusted. There were only a handful of doctors to whom the group frequently sent women, and Foe and Smith did not always know the names of the physicians.¹⁹⁹ The women at the BCIC knew of doctors in the Mexican town of Piedras Negras across the U.S. border from Eagle Pass, Texas, as a result of Victoria Foe and Sarah Weddington's personal experiences. Through Bob Breihan of the CCS, the women received contact

¹⁹⁶ Sarah Weddington, *A Question of Choice*, 30-24.

¹⁹⁷ Sarah Weddington, *A Question of Choice*, 30-24.

¹⁹⁸ Sarah Weddington, *A Question of Choice*, 30-24.

¹⁹⁹ Interview with Victoria Foe by author, March 7, 2017.

information for a Hispanic woman in San Antonio with a “good reputation,” a woman in Dallas, and James Huber Hallford, M.D. also in the Dallas area.²⁰⁰ Eventually, Dr. Leopoldo Bruno, M.D. located in Piedras Negras reached out to Smith and Foe offering to perform abortions for three hundred and fifty dollars.²⁰¹ By word of mouth and connections to other organizations, the women at the BCIC found a small network of abortionists willing to help Austin women.

Texas women were not the only ones traveling to Mexico for abortion in the 1960s. For example, predating the UT BCIC, Patricia Maginnis organized the first abortion referral service in California in June of 1966, founding the Association to Repeal Abortion Laws (ARAL).²⁰² As Leslie Reagan argues, the women at ARAL were foundational to the growing women’s health movement, which by 1974 consisted of one-thousand organizations across the U.S.²⁰³ ARAL’s commitment to providing women access to abortion set an example for other groups across the U.S. It is possible that Judy Smith was aware of ARAL from the time she spent in San Francisco after her stint in the Peace Corps. Regardless, the similarities between the two services mirror each other. It is clear that young American women established their own organizations demanding legal abortion and facilitating illegal abortion. Texas was no different. Smith and Foe’s BCIC was not unique in the fact that young women helped other women access abortion services. For example, the Jane Collective in Chicago learned to perform abortions in order to help their pregnant sisters.²⁰⁴ What made the BCIC unique was its location.

²⁰⁰ David J. Garrow, *Liberty and Sexuality*, 392.

²⁰¹ David J. Garrow, *Liberty and Sexuality*, 392.

²⁰² Leslie J. Reagan, “Crossing the Border for Abortions: California Activists, Mexican Clinics, and the Creation of a Feminist Health Agency in the 1960s,” *Feminist Studies* 26, no. 2 (Summer 2000) 323-348.

²⁰³ Reagan, “Crossing the Border for Abortions.”

²⁰⁴ Laura Kaplan, *The Story of Jane: The Legendary Underground Feminist Abortion Service* (Chicago: University of Chicago Press, 1995).

Tucked away in the University Y, next to *The Rag* offices, the women at the BCIC were influenced by activists around them. The endless rotation of groups, meetings, radicals, and leftist interacting with the women working at the BCIC influenced the volunteer's belief that anything was possible in the Austin in the 1960s.²⁰⁵

The women at the BCIC continued to publish articles in *The Rag* focused on educating readers on dangerous illegal abortion practices in addition to their information on birth control (Figure 7). Former ragstaffers recall that Smith and Foe openly advertised the BCIC and its services in not only *The Rag*, but also occasionally in a women's liberation publication that intermittently printed papers, random ads around campus, and by word of mouth. The women at the BCIC in no way made an attempt to hide the clinic's existence from the Board of Regents or other public officials.²⁰⁶ As Foe remembers, "a lot of what we did was say, 'Don't use illegal, very dangerous, methods.'"²⁰⁷ She and the other women at the BCIC spent most of their time on the hallway pay phone trying to convince women not to do terrible things to themselves.²⁰⁸ An anonymous article published in the spring following the establishment of the BCIC gave readers a run-down of "ABORTION dangers."²⁰⁹ The author explained to readers that there are only three known methods of safe abortion: dilation and curettage, vacuum aspiration, and hysterotomy.²¹⁰ The article cautioned that these three methods are safe so

²⁰⁵ Interview with Victoria Foe by author, September 8, 2017.

²⁰⁶ Interview with Victoria Foe by author, March 7, 2017; Interview with Jim Wheelis by author, March 16, 2017; Interview with Jeff Jones by author, February 3, 2017.

²⁰⁷ Victoria Foe in an interview with Barbra Hines, Judy Smith, and Linda Smith, at the University of Texas, video recording shared by Barbara Hines.

²⁰⁸ Victoria Foe in an interview with Barbra Hines, Judy Smith, and Linda Smith, at the University of Texas, video recording shared by Barbara Hines.

²⁰⁹ "Abortion Dangers," *The Rag* April 27, 1970.

²¹⁰ Not to be confused with a hysterectomy, a hysterotomy abortion is an abortion performed through an abdominal incision through which the fetus is removed. The procedure is similar to delivering a by caesarean section.

long as they are performed by a medically trained physician whether or not they are acting legally.²¹¹ “NEVER USE METHODS DESCRIBED BELOW,” the article alerted. “THESE METHODS INVOLVE EXTREME PAIN AND CAN LEAD TO PERMANENT DISABILITY, INFECTION, OR DEATH.”²¹² Although the article is anonymous, the author clearly shared the same concerns of Foe and Smith, and the article may have been penned by Foe or Smith. Just as Foe remembers, women were willing to try any means necessary to end a pregnancy. The writer urged against using telephone wire, slippery elm bark, curtain rods and ballpoint pens, all of which could cause perforation of the womb and/or bladder resulting in death or hemorrhage.²¹³ The article continues to caution readers against other common practices, such as using Lysol, lye, and ergot.²¹⁴ This article shows that writers at *The Rag* were aware women needed safe access to abortion. The BCIC used *The Rag* as a tool to educate women on abortion. More than just a tiny closet, the BCIC attempted to reach as many women in the community as possible.



Figure 7. Members of Austin Women’s Liberation and the BCIC sometime in 1971. From left to right: Judy Walther, Judy Smith, unknown, Victoria Foe, Linda Smith, Lol Smith, Roxanne Wheelis—cousin of Jim Wheelis, and unknown. Photo taken by Alan Pogue. Photograph provided by Jim Wheelis.

²¹¹ “Abortion Dangers,” *The Rag* April 27, 1970.

²¹² “Abortion Dangers,” *The Rag* April 27, 1970.

²¹³ “Abortion Dangers,” *The Rag* April 27, 1970.

²¹⁴ “Abortion Dangers,” *The Rag* April 27, 1970.

Articles were more than just a means to warn against the dangers of a botched abortion. They allowed women at the BCIC to provide information on where to travel for a safe procedure. An article written and compiled by Gene (Jean) Bishop in 1969 relayed a “RUMOR” that “there is a doctor in Houston who is highly recommended but costs \$1,000, there is one in Dallas that is not recommended who charges \$150.”²¹⁵ Safety and accessibility were reserved for those who could pay. Bishop explains that women traveled to Mexico, Puerto Rico, New Jersey, and Boston to get abortions. As of 1967 England became a well-known destination for women seeking abortions. Texas doctors regularly charged \$1,000 for an illegal abortion, but a woman could pay \$800 to travel to England and have the procedure done in a legal and safe manner. In her article, Bishop cautioned that price and location were not indicative of a safe procedure.

For instance, some doctors in New York city, whose reputations are questionable, will charge \$800 for a not very good abortion. If people have that amount of money to spend, they could go to England, get a bed in a hospital, have a doctor perform the operation, and fly back to the states for the same \$800. Better yet, for Austin people, there are doctors in Mexico with special clinics that perform professional, antiseptic abortions. One only needs to call the office from Austin, arrange an appointment, and the whole thing takes 12 hours to drive there, have the abortion and drive back. The whole procedure costs under \$400.²¹⁶

While Bishop’s article explained ways for Austin women with the means to travel and ideas of where to go, she did not provide information for women who were unable to travel abroad, or out of the city. The articles in the paper often assumed an audience of young women who could leave on a moment’s notice. Articles which gave advice on abortion never considered that women may need child care, to take the day off of work, or help translating. While articles like Bishop’s helped demonstrate that one could get an

²¹⁵ Gene Bishop, “Abortions,” *The Rag*, April 29, 1969.

²¹⁶ Gene Bishop, “Abortions,” *The Rag*, April 29, 1969.

abortion *somewhere* and for varying costs, they were just that, articles. Smith and Foe knew women still lacked assistance in physically accessing safe healthcare.

Most information on how and where to get an abortion spread by word-of-mouth rumors. Women were encouraged to ask friends until they found a doctor who was willing to risk their medical license by performing one. Smith and Foe knew that women deserved transparent and safe healthcare. Inspired by Foe's abortion in Mexico, Smith and Foe sought out "actual medical clinics ran by doctors who had anesthesiologists working for them."²¹⁷ Foe remembers, "these were not some woman down an alley who happened to know how to induce an abortion. These were doctors." As the women studied the Texas abortion laws and the abortion regulations in other states, they were able to refer women to other locations. For example, New York's abortion law stated that an abortion was legal if the life of the mother was threatened. Foe recalls that New York doctors believed that "mental health was health" and could be used to convince doctors to perform an abortion.²¹⁸ If a woman had the financial means to travel to New York, volunteers at the BCIC would suggest that option. While some of the student population, and Austin locals could afford an out-of-state trip, the majority of the people approaching the BCIC did not have the funds for such a trip. A day trip to the Mexico-Texas border was an economically-viable option. While the BCIC and University Y payphone created a network of abortion access, a women's economic status determined the quality and amount of reproductive health services available to her. More money meant increased control of one's future.

²¹⁷ Interview with Victoria Foe by the author, March 7, 2017.

²¹⁸ Interview with Victoria Foe by the author, March 7, 2017

In addition to calling the BCIC hotline, individuals looking for abortion would also call Judy Smith at home. Wheelis remembers, “They would call in the middle of the night. Not all the time, but enough so that I remember it. I’d wake up. The phone would be ringing. I’d grab the phone ... and a young woman on the phone would say ‘my sister’s pregnant,’ which was frankly, usually, short-hand for “I am pregnant,” and so I’d say, “Judy, I think this is for you.” Wheelis remembers that anytime he answered the phone, it was a woman on the other end. He never took a call where a man asked for help finding an abortion.

The BCIC hotline provided resources beyond the campus environment to the broader city of Austin. For example, a young Mexican-American woman reached out to the BCIC, Wheelis recalls. She was already a mother to several children and the only person employed in her family. Judy Smith set up an appointment in San Antonio where she thought the women would qualify for a therapeutic abortion. Smith and Wheelis drove the young woman to San Antonio the day of the appointment. Wheelis remembers that Smith made use of his trucks to transport women when necessary. However, when the three arrived at the hospital, the staff informed Smith they no longer approved the procedure. Wheelis remembers the woman left sobbing and did not speak on the way home.²¹⁹ Access and lack of access to safe abortions shaped women’s futures. Foe recalls that women did not speak much when they drove them to and from the appointments. The women took “their destinies into their own hands” and clung “to us like a life raft.”²²⁰

²¹⁹ Interview with Jim Wheelis by author, March 16, 2017.

²²⁰ Victoria Foe in an interview with Barbra Hines, Judy Smith, and Linda Smith, at the University of Texas, video recording shared by Barbara Hines.

Judy Smith kept to herself the difficult and emotional stories women shared with her. Wheelis remembers that her schedule was extremely regimented. He recalls that Judy woke-up each day go to the lab where she worked on DNA extraction under the mentorship of Dr. Hugh Forrest, the only professor to advise female graduate students. Afterward, Smith went to *The Rag*, operated the BCIC, and participated in other organizations. When asked if Smith ever struggled with the nature of operating an illegal abortion hotline, Wheelis stated, “I don’t think it wore emotionally on her, I think she was very regulated about that, almost Asperger-ish someone once said.” Smith kept her emotions to herself. Wheelis described Smith as completely uninterested in office gossip. She never came home and complained about others that she and Jim worked with, “she was totally uninterested in that sort of discussion of interpersonal struggles.” Wheelis remembers that people would “get offended at her distance. She didn’t want to be chums.” Perhaps Smith’s ability to emotionally distance herself from her work at BCIC kept her going.

The BCIC struggled with funding, but Smith found ways to keep the center in operation. Women who visited the office, or called the hotline, often did not have funds to pay for the procedure or the abortion sojourn.²²¹ Foe recalls, “It was just women from Austin. There were black women, and white students, and people’s whose daughters needed help, it was (a) pretty broad base.”²²² Foe explained that the women’s group “just sort of tackled (funding) on a per-case bases. In this kind of emergency situation, women find money from their boyfriends, their husbands, borrow from your friends, but there were cases where there were women who absolutely didn’t have dimes to their names and

²²¹ Interview with Victoria Foe by the author, March 7, 2017.

²²² Interview with Victoria Foe by the author, March 7, 2017

simply could not afford to have a child and came to us for help and we raised the money. People who don't have money can somehow be more generous with it and with their time than people who do sometimes."²²³ In 1970, Jeff Jones became student body president at UT. Jones—Smith's close friend, a ragstaffer, and former SDS member—had his office on Guadalupe Street in the student union directly across the street from the University Y. As the volunteers at the BCIC got their footing, Smith went to visit Jones. Jones remembers, "it was just the two of us," in this office, "and she's telling me that she wants the student government to hand over like a thousand dollars to support this [BCIC hotline] project. I looked at her and was like, '*Absolutely.*'"²²⁴ Jones proposed the \$1,000 funding at the next student government meeting. The group took a vote that day and approved Smith's BCIC funding. "Everyone agreed this was a good idea, the \$1,000 went off to Judy Smith" at the Y."²²⁵ School officials and the oppressive Board of Regents had no idea that the university funded the budget for the BCIC. According to Jones, "nobody cared about student government." The BCIC, sharing offices with the off-campus paper vehemently hated by the board, was in operation thanks to money allocated from the university. Jones allocated \$1,000 annually to the BCIC each year he remained in office. He did not have reservations bringing it to a vote each year, "I never lost." "I had the votes. I always knew that."²²⁶ After Jones left office, he "got the guy who replaced me to continue the project, so he donated the thousand dollars." No one ever batted an eye at the fact that they were funding a project which helped women access an illegal procedure

²²³ Interview with Victoria Foe by the author, October 8, 2017.

²²⁴ Interview with Jeff Jones by author, February 3, 2017.

²²⁵ Interview with Jeff Jones by author, February 3, 2017.

²²⁶ Interview with Jeff Jones by author, February 3, 2017.

classified as a felony in the state of Texas. As Jones put it years later, everyone knew everyone at the Y. Everyone knew what they were doing at the BCIC, and nobody cared.²²⁷

Judy Smith successfully established a Birth Control Information Center. The affordable rent at the University Y allowed the center to operate in close proximity to other social rights groups, and the neighboring newspaper provided the perfect place to advertise the center's services. Staffed by volunteers, the funding funneled into the center from Jeff Jones covered the costs of getting women to and from procedures. A true example of grassroots student activism, the BCIC was operated by activists for their peers, colleagues, and neighbors. Just as women's liberation borrowed tactics from the black civil rights movement, the staff BCIC would mirror the practices of *The Rag* and eventually expand from a community outreach organization to seeking legal reform.

Abortion Access for All?

Smith used Jones' funding to "publicize" the center and promote "the availability of the hotline, which was a payphone."²²⁸ She and Foe successfully maintained the BCIC over the next few years. Wheelis recalls decades later that Smith started a "new section" of the women's movement in Austin devoted to reproductive rights. Judy Smith's ability to organize community members, partnered with Victoria Foe's desire to create legal change in Texas, was influenced and reflected in the operations of *The Rag*. When discussing the goals of Smith, Foe, and the BCIC, Wheelis jokingly offered, "If I had

²²⁷ Interview with Jeff Jones by author, February 3, 2017.

²²⁸ Interview with Jeff Jones by author, February 3, 2017.

known this would be historical I would have taken notes.”²²⁹ None of the women at the BCIC intended to *be* historical figures. However, Judy Smith, Linda Smith, Victoria Foe, and Barbra Hines did remember a feeling that permeated their campus experience. As Judy reminisced in the early 2000s, “I didn’t feel a part of this little thing here in Austin, I felt a part of this whole national attempt at revolution, whatever that meant.”²³⁰ In the same interview Foe agreed with Smith while laughing, “We actually thought there would be a revolution, you know, we were very serious about things. I think we had every reason (to believe it would happen). I don’t think it was illusionary. It just wasn’t sophisticated.”²³¹ The women saw Austin as a cultural oasis in the middle of Texas, and truly believed that the BCIC could lead to more than a community health center at the University Y.

²²⁹ Interview with Jim Wheelis by author, March 16, 2017.

²³⁰ Victoria Foe in an interview with Barbra Hines, Judy Smith, and Linda Smith, at the University of Texas, video recording shared by Barbara Hines.

²³¹ Victoria Foe in an interview with Barbra Hines, Judy Smith, and Linda Smith, at the University of Texas, video recording shared by Barbara Hines.

IV. STUDENT ACTIVISM LEGALIZES ABORTION

This chapter explores Judy Smith, Victoria Foe, and Sarah Weddington's three-pronged approach at legalizing abortion. As the last chapter detailed how the women were influenced by *The Rag* and civil rights organizations, this chapter will explain how they put the tactics they learned to use. Smith focused on organizing the community, Foe sought legislative change in the Texas capital, and Weddington turned to the federal courts. All three strategies resulted in the women at the BCIC ultimately filing *Roe v. Wade* and legalizing abortion across the country. I argue that the history of student activists and abortion organizations must be included in the larger narrative of reproductive history.

When the Personal is Political

Victoria Foe was born to an army intelligence officer and his homemaker wife at the close of the Second World War in 1945 on Wright-Patterson Air Force Base near Dayton, Ohio. A child of the depression, Foe's mother kept the family of five fed and clothed. Foe lived an unconventional childhood. The family moved to Wyoming soon after Foe's birth where she completed elementary school while living on the family farm surrounded by animals. The family then relocated to Guadalajara, Mexico, the Canary Islands, and Plymouth, England, spending a few years in each location respectively. Foe spent her teenage years in England because her father wanted the children to have a formal English education. As Foe remembers, "if my siblings and I wanted to say something to each other with our parents in the room we would use Spanish" and our

father grew tired of that.²³² As a child, Foe's father contracted rheumatic fever which severely damaged his heart and lungs. The damp English weather wore on his body, and the family moved one last time to Corpus Christi, Texas, months before Foe started college. By the time the family arrived state side, Foe's father began to experience congestive heart failure. He encouraged all of his kids to pursue higher education, and discouraged Victoria from spending too much time on the arts, urging her to stick to a path in the sciences. Soon after the family settled on the Texas coast, they drove north to Austin in the fall of 1963 and Victoria enrolled at UT.²³³ Like Smith, Foe grew up in a traditional family unit. Each family practiced typical gender roles. However, the women shed the conventions of their upbringings to participate in the counter-culture of the 1960s alongside other activists in Austin.

Once at UT, Foe completed her undergraduate degree in three years in the hopes of using the extra time to explore liberal arts and arts classes. However, Foe's brother started school at the University of California-Berkeley, and even though he received funding through his enrollment in ROTC, the family finances were strapped. Instead of exploring the arts, Foe heeded her father's advice and began a graduate program in biology in the fall of 1966 funded by a three-year fellowship from the National Aeronautics and Space Administration (NASA).²³⁴ "My initial Ph.D advisor, the geneticist Wilson Stone, died of a bleeding ulcer in 1968 a few days before my orals and a few months later I joined Hugh Forest's lab."²³⁵ Foe connected with sympathetic and enthusiastic Dr. Forrest, the professor known for his willingness to work with all

²³² Interview with Victoria Foe by author, October 8, 2017.

²³³ Interview with Victoria Foe by author, October 8, 2017.

²³⁴ Interview with Victoria Foe by author, October 8, 2017.

²³⁵ Interview with Victoria Foe by author by written correspondence, October 10, 2017.

students—including women. It was in Dr. Forrest’s lab that Victoria Foe would meet Judy Smith the next year.

Through Smith, Foe connected to *The Rag*, became a founding member of Austin’s Women’s Liberation, and participated in UT’s lively counter culture scene. Although Foe dedicated herself to her work at the Birth Control Information Center (BCIC), she had other activist interests. She joined the Latin American Policy Alternatives Group (LAPAG) that held study groups, film programs, a radio program, hosted speakers, and ate dinner together twice a week. The Vietnam war played a significant role in the lives of all students at the time, but as Foe remembers, “It was like living in a state of constant emergency,” our friends were being drafted and moving to avoid the draft.²³⁶ Foe needed ways to understand U.S. involvement in countries like Vietnam, and in places like Latin American, continuing to commit such atrocities. While Smith focused on community organizing, Foe focused on the legal aspects of change. “Yes, I was learning about science, but broadening my perspective of the world came from (the LAGAP) study group. Having lived in two underdeveloped countries, I spoke Spanish, I saw more of the world than just what it was like to be an American, I had seen serious poverty, saw more of the world than just the inside of an American high school.” This combination of experiences and interests propelled Foe’s activist work. Her drive was the perfect fit for Austin and a working friendship with Smith. As Foe remembers, Austin “was amazing, it was really amazing,” she felt as though any change was possible and not limited to a single cause over another.²³⁷

²³⁶ Interview with Victoria Foe by author, October 8, 2017.

²³⁷ Interview with Victoria Foe by author, October 8, 2017.

In 1970, a rumor traveled through the activist grapevine that the state senate planned on rewriting the Texas abortion laws. The debate focused on which circumstances should be considered as cause for an abortion. At the time, doctors performed therapeutic abortions to protect the life of the mother upon hospital board approval. The senate began to debate liberalizing the law to include exceptions in the case of rape, incest, and other extenuating circumstances. Over the last few years, Foe and the BCIC compiled data on abortion access. Foe understood that women could only achieve equality by controlling their reproduction. While Judy Smith focused on community outreach through the BCIC, Foe knew the legislature needed to change the laws. Feeling as though the extensive research she completed could influence how the senators drafted the bill, Foe took the information she compiled on abortion to the office of the Democratic senator assigned to draft the bill, Don Kennard. Years later Foe remembers, “at some point, I had collected a lot of information on all the various organizations who were for repeal of the oppressive abortion laws, for either partial decriminalization or complete decriminalization of abortion. I said ‘look, here’s some information I think you should have,’ and they said, ‘do you know much about it,’ and I said ‘yeah I know quite a lot about it,’ and they hired me on the spot as a legislative assistant.”²³⁸ Foe fervently believed that, “women [who] could not control when and if they had children” could not “control anything else about their lives.”²³⁹ She continued, “it determines if you could go to school, whether you could get a job, everything hung on that. Without that, you were really imprisoned by the system. That was just basic to so

²³⁸ Interview with Victoria Foe by author, March 7, 2017.

²³⁹ Interview with Victoria Foe by author, March 7, 2017.

many other freedoms for women.”²⁴⁰ As a result, Foe dropped out of graduate school for a semester, combined her talent in research with the knowledge generated from the BCIC, and focused on changing the Texas abortion laws.

Although Foe turned her attention to legal reform, she did not stop her community outreach efforts. She explains, “Bea and I spoke on the radio about abortion legalization.”²⁴¹ Beatrice Vogel Durden, a biology student a few years older than Smith and Foe, also worked on *The Rag*. Years later, Foe remembers Vogel Durden as “a real character with a personality similar to Smith’s.”²⁴² Vogel Durden was an important part of Austin’s women’s liberation, the BCIC, and worked side-by-side with the women in the early 1970s. As Foe jokes, “Bea worked on the legal side,” I worked in the senate, and Judy worked at the center, “it was a three-legged affair.”²⁴³ Foe did not cease volunteering at the BCIC, but she did dedicate the majority of her attention elsewhere. For example, Foe spoke at the annual Democratic convention in Austin. She recalls that “at that time the chairman of the Texas Democratic party was Catholic. I went up and spoke about the decriminalization of abortion and everybody in [this] big crowd in [this] big auditorium downtown” began to collectively hiss in dissent.²⁴⁴ Even though the crowd disapproved of Foe’s message, the voting members listened. The resolution passed, and the repeal of abortion laws became part of the Texas Democratic Party platform. Foe out worked her colleagues as a legislative assistant in attempts to gather the information she deemed relevant to the proposed legislation. She understood that “they

²⁴⁰ Interview with Victoria Foe by author, March 7, 2017.

²⁴¹ Interview with Victoria Foe by author, March 7, 2017.

²⁴² Interview with Victoria Foe by author, October 8, 2017.

²⁴³ Interview with Victoria Foe by author, March 7, 2017.

²⁴⁴ Interview with Victoria Foe by author, March 7, 2017.

didn't really care about this the way I cared about this. I found that I could kind of run circles around them."²⁴⁵ Foe made every effort to be the best. At the time "I lost 50 pounds. I was already a light person. We just worked and worked and worked and worked."²⁴⁶

Some members of the legislature wanted to rewrite and liberalize the law with caveats. Foe wanted it wholly decriminalized. She explains, "It was an issue between a woman and her doctor, it was not an issue of state deciding when a woman could have an abortion. It was so clear that this was wrong."²⁴⁷ This deeply held opinion motivated Foe to organize an event for the legislature to demonstrate women's experiences having an illegal abortion or having to circumvent the laws.

By 1970, Smith focused on the operation of the BCIC and other organizations she belonged to, while Foe realized her dedication belonged to changing the Texas law. Foe explains, "At this point Judy was much more focused on running the center in the Y," and I realized, "yeah helping women is really important, but we really got to get this law changed. If the law was changed we wouldn't have this problem."²⁴⁸ Foe struggled to explain, "Judy thought, I just felt, that working with the legislature was," she trailed off.²⁴⁹ "I'm not sure, but I don't think she gave much hope that it could get fixed that way. I'm not sure. I don't want to put words in her mouth. But I at this point started working very hard at the legislature."²⁵⁰ Smith "was much more focused on providing information to women about abortion and birth control."²⁵¹ Although Smith and Foe

²⁴⁵ Interview with Victoria Foe by author, March 7, 2017.

²⁴⁶ Interview with Victoria Foe by author, March 7, 2017.

²⁴⁷ Interview with Victoria Foe by author, March 7, 2017.

²⁴⁸ Interview with Victoria Foe by author, March 7, 2017.

²⁴⁹ Interview with Victoria Foe by author, March 7, 2017.

²⁵⁰ Interview with Victoria Foe by author, March 7, 2017.

²⁵¹ Interview with Victoria Foe by author, March 7, 2017.

practiced different forms of activism, their connection to each other and through the BCIC led to foundational change to abortion laws. Though Smith and Foe complemented one another, each persuaded tactics and strategy she felt most important to the cause. While a difference of opinion did not tear apart the BCIC or Foe and Smith's friendship, it is clear that they placed emphasis on different tactics. Like many movements of the 1960s, the women at the BCIC were inspired by other groups political and social tactics. For Foe and the BCIC, *The Rag's* legal battle would provide a critical example for the women of the abortion sojourn service.

“The Rag is legal: Come and get it!”

Former student government president, ragstaffer, and SDS member, Jeff Jones almost ended up as a “boring English professor like [his] brother” in Oklahoma.²⁵² Instead, Jones made his way to UT and into the social movement scene in Austin. The people at the paper were “engaged in community organizing, that’s what it was about.”²⁵³ The Board of Regents and Frank Erwin “didn’t like us. Nobody wanted to be associated with us. We were too lefty.”²⁵⁴ “Frank Erwin ran the university like it was his private club, and they were the Democrats. The whole state was run by the Democrats.”²⁵⁵ Jones continued, “They were the segregationists and the real pigs, we didn’t want anything to do with them. They hated us. Those were the people who were the enemy. LBJ was the enemy.”²⁵⁶ “Nobody [at the Y] believed in the Democratic party, we thought they were

²⁵² Interview with Jeff Jones by author, September 8, 2017.

²⁵³ Interview with Jeff Jones by author, September 8, 2017.

²⁵⁴ Interview with Jeff Jones by author, September 8, 2017.

²⁵⁵ Interview with Jeff Jones by author, September 8, 2017.

²⁵⁶ Interview with Jeff Jones by author, September 8, 2017.

total sell outs and were the perpetrators of the war. It was not for people who were Democrats, the Y. It was for people who were doing community engagement projects. Everyone hated Frank Erwin. He was LBJ's henchman. He was the chair of the Board of Regents. Nothing happened that he didn't want to happen."²⁵⁷ Erwin's disdain for the rebel ragstaffers and the alternative press evolved into a battle settled only by the courts. Like the BCIC, the paper was a physical example the change the activist community believed in. The students did not shy away from conflict with the university, even when it manifested in the form of a law suit.

Since staffers published the first issue of *The Rag* on October 10, 1966, the university Regents did everything in their power to limit sales on campus. During the first day of sales, the Dean of Student Life told ragstaffer George Vizard to stop selling on campus, but he refused. Vizard sold out in four hours, selling 1,500 copies.²⁵⁸ Threatened by *The Rag's* political commentary the university Board of Regents used the UT administration to do its bidding in July 1969. The school banned the sale and distribution of *The Rag* on campus, and petitioned a state court for a directive forcing ragstaffers to comply.²⁵⁹ On July 8, the Regents filed *Board of Regents v. New Left Education Project* in the 167th District Court, in Travis County, to prevent any other political literature from being sold. The New Left Education Project (NLEP) practiced, according to an article in *The Rag*, "continuous experimentation with the form and content of political organizing and educational work."²⁶⁰ It is likely that ragstaffers were members of the NLEP whose goals aligned with the free-thinking press. For example, the NLEP's functions were to "a)

²⁵⁷ Interview with Jeff Jones by author, February 4, 2017.

²⁵⁸ "Supreme Court: Rag Can Sell on Campus," *The Rag*, October 15, 1973.

²⁵⁹ David J. Garrow, *Liberty and Sexuality*, 390.

²⁶⁰ "New Left Education Project," *The Rag*, July 31, 1969, p. 7.

produce radical literature b) obtain radical literature from various sources around the country...e) whatever else we can do to raise the level of socialist consciousness in Austin.”²⁶¹ The suit also targeted the Radical Media Project which *The Rag* used as an on-campus front.²⁶² In addition to both organizations, the suit named eighteen “individuals as defendants (one of whom probably never existed and another whose name they got wrong).”²⁶³ The suit alleged that the defendants sold literature in violation of the Regent’s Rule against commercial solicitation.²⁶⁴ The UT Regents added that if the paper continued to be sold on campus, students, staff and faculty would suffer adverse effects causing the “Regents to suffer ‘irreparable damage for which there is no adequate remedy at law.’”²⁶⁵

The staffers responded in true *Rag* fashion. In the issue following the initial suit on July 17, 1969, on the third to last page, shoved to one side by an article on how to live on a summer budget and an ad for Larry’s freethought university, was the ragstaffers’ initial response to the suit. In the anonymous article titled, “Rag Causes Lung Cancer?” the staff admitted in print that they had been breaking the campus solicitation rules for the three preceding months. They explained, “We knew that the ruling was a limitation on political expression and freedom of speech. We also knew the rule was selectively enforced.”²⁶⁶ The ragstaffers purposefully challenged the rule as they watched magazine subscription advertisements and event tickets sold around campus without any response from the university administration. The article concluded, “WE are still selling on

²⁶¹ “New Left Education Project,” *The Rag*, July 31, 1969, p. 7.

²⁶² “Supreme Court: Rag Can Sell on Campus,” *The Rag*, October 15, 1973.

²⁶³ “Supreme Court: Rag Can Sell on Campus,” *The Rag*, October 15, 1973.

²⁶⁴ “Supreme Court: Rag Can Sell on Campus,” *The Rag*, October 15, 1973.

²⁶⁵ “Supreme Court: Rag Can Sell on Campus,” *The Rag*, October 15, 1973.

²⁶⁶ “Rag Causes Lung Cancer?,” *The Rag*, July 17, 1969.

campus. We need everyone's support! Help Sell Rags on Campus!"²⁶⁷ In each subsequent issue, ragstaffers who published a piece that week were listed out in creative ways that varied from issue to issue. The July 17th article proclaimed in a three-dimensional cursive script adorned with flowers, "This week's irreparable damage by...." BCIC activists and supporters Judy Smith, Jeff Jones, Linda Smith, and Beatrice Vogel Durden all appeared as authors in the issue, joined by a handful of others including "two others," who could easily be a reference to the misnomers in the regent's suit.²⁶⁸

The UT Board of Regents finally forced the issue of the sale of *The Rag* and the staff had no choice but to defend themselves in court. A group of ragstaffers persuaded thirty-five-year-old labor lawyer David R. Richards, husband of future Texas Governor Ann Richards, to take the case sponsored by the American Civil Liberties Union.²⁶⁹ Richards, or Dave as the staff called him in their writings, argued that the regent's rules stood in clear violation of constitutional rights to free speech and press. Richards quickly filed a suit against the university "Regents in the U.S. district court for Western District of Texas seeking to enjoin them from enforcing the Regents' Rules in questions."²⁷⁰ Shortly after Richards filed his countersuit, the Young Socialist Alliance and the Young Democrats joined as plaintiffs as the Regents' Rules prevented the groups from raising money by collecting dues from students on campus.²⁷¹ Almost a year after the initial suit, on February 25, 1970, Judge Tom Blackwell ruled on behalf of the board of UT Regents. For the following six-months the ragstaffers were banned from selling on campus due to

²⁶⁷ "Rag Causes Lung Cancer?," *The Rag*, July 17, 1969.

²⁶⁸ "Rag Causes Lung Cancer?," *The Rag*, July 17, 1969.

²⁶⁹ Garrow, *Liberty and Sexuality*, 190.

²⁷⁰ "Supreme Court: Rag Can Sell on Campus," *The Rag*, October 15, 1973.

²⁷¹ "Supreme Court: Rag Can Sell on Campus," *The Rag*, October 15, 1973.

a temporary injunction. Staffer Bill Meacham recalls that the staffers believed that “it was the (UT) Regents who were ‘adverse to the best interests of the students, staff, and faculty,’ and it is our only regret that we did not, in fact, succeed in causing them ‘irreparable damage.’”²⁷² For the length of the injunction ragstaffers peddled papers up and down the Drag and as close to campus entrances as possible. Occasionally the staffers made “guerrilla raids into the heart of the forbidden territory.”²⁷³ *Rag* sales went largely unaffected by the ban.

After six-months, on September 9, 1970, Judges Jack Roberts, Homer Thornberry, and D.W. Suttle sided with the misfit staffers by ruling in federal court that the Regents’ Rules were unconstitutional and intentionally violated “speech and associational activities protected by the First Amendment.”²⁷⁴ A few years later Meacham wrote, “I remember well standing in front of the student Union that day yelling, ‘*The Rag* is legal: Come and get it!’”²⁷⁵ From then on the ragstaffers sold papers on campus without hassle from deans or regent members. However, there was cause for mild concern in the few years following the ruling. The UT Regents appealed the federal injunction to the Supreme Court. In winter of 1971, David Richards argued that the Supreme Court was the wrong jurisdiction for the case, and that district court’s ruling should be upheld. Richards succeeded and the court sent the case to the Fifth District Court of Appeals where the case sat. On February 4, 1972, the university Regents revised the Regents’ Rules adjusting the definition of commercial solicitation making newspapers, periodicals, and magazines exempt from the ban on campus. Of course, this

²⁷² “Supreme Court: Rag Can Sell on Campus,” *The Rag*, October 15, 1973.

²⁷³ “Supreme Court: Rag Can Sell on Campus,” *The Rag*, October 15, 1973.

²⁷⁴ “Supreme Court: Rag Can Sell on Campus,” *The Rag*, October 15, 1973.

²⁷⁵ “Supreme Court: Rag Can Sell on Campus,” *The Rag*, October 15, 1973.

did not end the debate over *The Rag*. The Regents made one more desperate attempt to rid campus of the radical press and filed an appeal with the Fifth District Court, where the court finally dismissed the case. In October 1973, the drawn-out proceedings officially ended when the Supreme Court ruled that the new Regents' Rules meant there was no violation and the debate died.²⁷⁶ The ragstaff composed of twenty-something-year-old students and community members had procured a lawyer, fought a three-year-long legal battle that went to the Supreme Court, and *won*. *The Rag* joined a cultural and political faction of writers who no longer just talked about First Amendment rights, but went on to protect them in the highest court in the land. The experience reinforced the staffers' ideas that they could achieve legal change.

It's 1972 and The Telephone Is Still Ringing

According to Jim Wheelis, after the ragstaffers defeated the UT Board of Regents "Judy looked at me and said, 'That was quick. How much does it cost to file an action in federal court?' I recall saying it was about \$15."²⁷⁷ Wheelis understood Smith's thought process. Smith saw students win their court case against the Board of Regents in the Supreme Court. If the ragstaffers survived a court case and prevailed, then so could the BCIC. But first, the BCIC needed a lawyer—Sarah née Ragle Weddington.

Sarah Ragle was born on February 5, 1945 in Abilene, Texas. However, most people do not know her by that name. She grew up in various small West Texas towns as the traditional preacher's daughter. She sang in her father's Methodist church, and each performance expanded her confidence. As a child and teenager, Sarah began to push-back

²⁷⁶ "Supreme Court: Rag Can Sell on Campus," *The Rag*, October 15, 1973.

²⁷⁷ Interview with Jim Wheelis, written interview e-mail correspondence by author, March 5, 2017.

against the traditional gender roles prevalent in a Texas upbringing. Before she graduated from McMurry College with her undergraduate degree, she expressed her interest in law school to her dean. He quickly discouraged her from going, as “no woman from McMurry had ever gone to law school.”²⁷⁸ In that moment she decided *she* was going. She began law school at the University of Texas in June 1965. One of forty women in a class of 600, Ragle had no positive preconceived notions of what it would be like to be a female law student. She “worried whether she was smart enough to survive” the program, and often studied with her women classmates.²⁷⁹ Her doubts and struggle reflected what it was like to be a woman in academics and the work place in the 1960s. The professors who refused to call on female law students in her classes demonstrated the same sexism as the science professors who refused to advise Judy Smith and Victoria Foe.

At school Sarah met Ron Weddington, who was completing his undergraduate degree in political science when they started dating and intended on going to law school as well. In 1967, during her third year of law school, Sarah realized she was pregnant. She supported herself by working several jobs and could not afford a child. The couple agonized over their options. However, their anxieties did not subside when they decided on abortion. Like Victoria Foe, Ragle found a doctor in Piedras Negras, Mexico, on the border across from Eagle Pass, Texas. Using a fake name, and emptying her savings account, Sarah Ragle and Ron Weddington scraped together the doctor’s \$400.00 fee and made the abortion sojourn south. Her procedure was a success, and she and Ron returned to Austin and resumed life as usual and on August 25, 1968, Ron and Sarah married.

²⁷⁸ Sarah Weddington, *A Question of Choice*, 18.

²⁷⁹ Sarah Weddington, *A Question of Choice*, 22.

Weddington went on the job hunt after completing her program. She “interviewed for months but received no job offer of any kind.” In her memoir, she wrote, “Since I was graduating in the top quarter of my class and was a hard worker, I believed the reason I could not get a job with a law firm was because I was a woman.”²⁸⁰ With no luck finding work, Weddington worked as a secretary for professor John Sutton on campus.²⁸¹ Judy Smith’s serious boyfriend, Jim Wheelis, befriended Ron in law school. Wheelis remembers Sarah struggle trying to find a job post-graduation. He explained that Sarah was “shy and cautious, but neither fearful nor doubtful. She wasn’t visibly frustrated at having to work for the professor as a typist. She was actually good at that, could type 100 words a minute. But she didn’t accept it, either.”²⁸² Wheelis introduced Sarah to Judy, and the women hit it off. Wheelis remembers, “Judy liked (Sarah), and disliked Ron. I remember having Sarah and Ron to dinner at Judy’s and my apartment near school. Ron irritated her, so she just walked out.”²⁸³

Weddington’s experiences in grad school dissolved her conventional southern upbringing. The sexism she experienced as a student combined with her personal abortion sojourn and her new friendship with Judy Smith expanded Weddington’s devotion to women’s rights. One of the big “aha moments” in her life occurred when Smith invited Weddington to a consciousness-raising group meeting.²⁸⁴ Smith “was the first self-described feminist” Weddington ever met.²⁸⁵ At the meetings Weddington met Beatrice Vogel Durden, Linda Smith, and other ragstuffers. Weddington explained, “the

²⁸⁰ Sarah Weddington, *A Question of Choice*, 23.

²⁸¹ Interview with Jim Wheelis by author, March 16, 2017.

²⁸² Interview with Jim Wheelis by written correspondence, October 11, 2017.

²⁸³ Interview with Jim Wheelis by written correspondence, October 11, 2017.

²⁸⁴ Sarah Weddington, *A Question of Choice*, 24.

²⁸⁵ Sarah Weddington, *A Question of Choice*, 25.

consciousness-raising meetings frequently focused on contraception and abortion. They talked about how they could not truly determine their own destinies in terms of education, employment, and physical and psychological health until they could control the number and spacing of their children.”²⁸⁶ It was around the same time that Weddington joined the women’s liberation meetings that Smith and Foe expressed their first signs of concern over violating Texas law. After all, the work of the BCIC promoted illegal abortions and could be illegal itself. At least, they assumed it was. They were not absolutely sure.²⁸⁷

Wheelis suggested that Smith, Foe, and the women at the BCIC “should look into the legality” of assisting women with their abortion sojourns.²⁸⁸ As Foe recalls, the women knew it was felony in the state of Texas to assist an individual with procuring an abortion as if they performed the abortion themselves. Wheelis encouraged Smith to talk to Weddington about digging into the intricacies of Texas abortion laws. Weddington never volunteered at the BCIC; but she did contribute her time by serving as their legal sound board. In addition to looking into the Texas abortion laws, Weddington served as a guest speaker with fellow law student Bobby Nelson. The research Weddington conducted indeed pointed toward the BCIC falling under the category of helping women to procure an abortion, and as such Smith, Foe, Vogel, Wheelis, the Weddington’s and anyone else associated with the referral project were potentially at legal risk. Other women’s health services across the country faced legal issues. For example, On Wednesday, May 3, 1973, six women in the Jane underground abortion service in

²⁸⁶ Sarah Weddington, *A Question of Choice*, 26.

²⁸⁷ Interview with Victoria Foe by author, March 7, 2017.

²⁸⁸ Interview with Victoria Foe by author, March 7, 2017.

Chicago were arrested for performing illegal abortions. Friends raised \$2,500 for each woman's bail. Other volunteers associated with Jane were arrested during its run from 1969 to 1973 and paid hundreds of dollars in fines.²⁸⁹ The volunteers at the Austin BCIC fears were not unfounded.

For the most part, the women at the BCIC and their partners did not harbor too much concern about the police or facing legal repercussions. By 1969 the majority of the women volunteering at the BCIC were in their early twenties, no older than twenty-four or twenty-five years old. The student activists' youth may have contributed to their optimistic outlook when it came to changing abortion laws, but "this whole business was done by people who were very young, we didn't have any idea what we were doing, we were just doing what we thought needed to be done to protect women at a very young age."²⁹⁰ However, they were aware of the growing risks associated with the attention the BCIC gained as more women frequented their tiny closet of an office and phoned Smith and Vogel Durden late into the night. Foe recalls, "We actually even drove some people to Mexico, so we were definitely involved in helping women get abortions, the law said it was a felony to help a woman get an abortion, so we didn't know how that would be interpreted" in court.²⁹¹ She continued, "At the time, there was this whole war on political activists. Many of us were involved in this work were also involved in anti-war work, I mean we were just general trouble makers. We knew we were absolutely on the (FBI's) radar. Absolutely. We knew that, we had confirmation of that."²⁹² With Weddington's insight, the women knew the BCIC's referral services violated the law.

²⁸⁹ Laura Kaplan, *The Story of Jane*, 232-264.

²⁹⁰ Interview with Victoria Foe by author, March 7, 2017.

²⁹¹ Interview with Victoria Foe by author, March 7, 2017.

²⁹² Interview with Victoria Foe by author, March 7, 2017.

The women who used the BCIC services showed little concern for Texas abortion laws as well. As Foe explains, women were more concerned with safe procedures, kind doctors, and smooth outcomes. As Foe puts it, they formed “a(n) underground network of information that women” kept and passed “to each other. It’s sort of like an underground railway.”²⁹³ Foe remembers that they “kept records on” on the doctors.²⁹⁴ This included whether or women had “any complaints” and “if there were any infections later. We absolutely kept records...after people went and we knew what happened to them, we would say ‘okay we won’t use that doctor anymore.’”²⁹⁵ For example, Foe recalls, “I know of only one situation where the outcome medically wasn’t good, the women didn’t get an infection or anything, after the D and C she was still pregnant and the conclusion was she was probably pregnant with twins. I think we chose well enough the doctors, it’s not open-heart surgery, it’s a lower risk than actually having a child, we were protecting them from back-alley abortions, people were doing things like putting knitting needles up themselves, so to (bring them) instead to medical doctors who would medically take good care of them, that was (our) contribution. We were able to protect women. Women were much less concerned about the police” and more worried about their health.²⁹⁶

Know that they could be held liable for violating the law did not stop the BCIC from operating, prevent the women from printing ads, or slow the service down. As Foe

²⁹³ Interview with Victoria Foe by author, March 7, 2017.

²⁹⁴ Interview with Victoria Foe by author, March 7, 2017.

²⁹⁵ Interview with Victoria Foe by author, March 7, 2017.

²⁹⁶ Interview with Victoria Foe by author, March 7, 2017. Other women’s groups established health services to protect women, such as Jane in Chicago and AFAL in California. See Leslie J. Reagan, “Crossing the Border for Abortions: California Activists, Mexican Clinics, and the Creation of a Feminist Health Agency in the 1960s,” *Feminist Studies* 26, no. 2 (Summer 2000) 323-348; and Laura Kaplan, *The Story of Jane: The Legendary Underground Feminist Abortion Service*, (Chicago: University of Chicago Press, 1995).

puts it, “We weren’t doing anything that I am not proud of having done, but at the time, it was seen as subversive of the society and in regard to legality, there was this issue of what did helping women get abortions (mean), we were certainly doing that.”²⁹⁷

According to Wheelis, Smith shared Foe’s feelings. As far as getting arrested, Foe “was aware of it” as a possibility, “but it did not stop what I was doing at all.”²⁹⁸ The women decided to move forward with their work. Instead of staying within the limits of the BCIC, and inspired by *The Rag’s* successful case, Smith and Foe decided to approach Weddington to help with more than just legal research.

Smith finally had enough of the state abortion laws, and felt the pressure to protect the volunteers at the BCIC who were becoming increasingly more paranoid. As news spread about the referral project, the volume of women visiting the BCIC increased. The stressful nature of tip-toeing around legal boundaries, trying to not draw the wrong type of attention to themselves, combined with endless emotional stories the women shared with the staff began to take its toll on morale.²⁹⁹ Smith asked Wheelis to see if Weddington was willing to meet and talk about moving forward with a case to repeal the state laws. The next day, Wheelis casually walked up stairs to Weddington’s office and relayed the message. He remembers the informal nature of the conversation. He explained that Smith wanted her to take a case challenging the Texas abortion laws, and that it could easily be funded by a bake sale.³⁰⁰ The irony of the women’s liberation group funding a law suit against the state of Texas abortion laws by holding a bake sale

²⁹⁷ Interview with Victoria Foe by author, March 7, 2017.

²⁹⁸ Interview with Victoria Foe by author, March 7, 2017.

²⁹⁹ Sarah Weddington, *A Question of Choice*, 37.

³⁰⁰ Interview with Jim Wheelis by author, March 16, 2017.

was not lost on Weddington. However, the first response she spoke was, “Jim, I’ve never even had a contested divorce.”³⁰¹ Wheelis “encouraged her to talk to Judy, and things went from there.”³⁰² Smith did not want the law adjusted to make exceptions for rape and incest. She did not want to partially legalize the procedure. Smith and Foe wanted all women to be able to access the procedure on demand. Their next step was to see if Weddington was willing to take on their case. If so, it would be the first case of her law career.

As Weddington remembers, “*Roe v. Wade* started at a garage sale” on a fall Saturday in 1969.³⁰³ Smith, Vogel Durden, and Weddington met at the Weddington’s small stone duplex, the only one in the friend group with a garage, to sell miss-matched old belongings to raise money for their various social causes.³⁰⁴ Barbra Hines remembers that Weddington was a liberal feminist, not part of the radical circles, but she had a garage.³⁰⁵ The typically reserved Smith was noticeably bothered by the legal standing of the BCIC, and asked Weddington a series of questions. For example, if they believed the life of the mother was at stake, would they be found guilty? Or if the woman made it clear she would kill herself if they could not help her? Would they still be guilty of helping women travel to an abortionist? Weddington knew assisting a woman with getting an abortion was illegal, but she was unsure if any exceptions would be made that took into account extenuating circumstances. Meanwhile, Beatrice Vogel Durden expressed concerns of the limits of the BCIC. How many Texas women went through

³⁰¹ Interview with Jim Wheelis by author, March 16, 2017.

³⁰² Interview with Jim Wheelis by author, March 16, 2017.

³⁰³ Sarah Weddington, *A Question of Choice*, 33.

³⁰⁴ Sarah Weddington, *A Question of Choice*, 37.

³⁰⁵ Interview with Barbra Hines, by author August 1, 2017.

with dangerous procedures?³⁰⁶ Weddington spent the next weeks studying abortion laws nationwide. Texas's restrictive abortion laws were some of the tightest in the country. She discovered that the California Supreme Court had liberalized the abortion laws in 1967 in *California v. Belous* to include the woman's mental health.³⁰⁷ This increased the number of women traveling for safe abortions, leading to the phenomenon some people termed "abortion tourism."³⁰⁸ Additionally, Weddington saw promise in the court's ruling of *Griswold v. Connecticut*. The case which legalized the sale of birth control to married couples under the idea of a penumbra zone of constitutionally protected privacy.³⁰⁹ If a woman's access to birth control was between her and her doctor, then so was a woman's right to an abortion.³¹⁰

A few weeks later, Smith and Wheelis asked Weddington to meet them at the law-school snack bar in the small lobby stuffed with messy tables. Ron tagged along. Smith announced that she and Wheelis had spent the previous night talking about the federal court as opposed to the Texas courts. Weddington remembers that Smith thought, "It will take forever to change the laws against abortion in a state-by-state legislative process. But if we could overturn the laws through the federal courts, that would apply nationwide. Is that a possibility? Judy thought the federal lawsuit was the way to go."³¹¹

³⁰⁶ Sarah Weddington, *A Question of Choice*, 39.

³⁰⁷ For more on *California v. Belous* see David J. Garrow, *Liberty and Sexuality: The Right to Privacy and the Making of Roe V. Wade* (Berkeley and Los Angeles: University of California Press, 1994).

³⁰⁸ Sarah Weddington, *A Question of Choice*, 43. Thomas G. Moyers, "Abortion Laws: A Study in Social Change," *San Diego Law Review* 7 (May 1970). Cheri M. Jensen, "A Case Study: The 1970 Abortion Initiative in California," *ZPG National Reporter*, August 1970.

³⁰⁹ For more on *Griswold v. Connecticut* see Elaine Tyler May, *American and the Pill: A History of Promise, Peril, and Liberation* (New York, NY: Basic Books, 2010). Leslie Reagan, *When Abortion Was a Crime: Women, Medicine, and Law in the United States, 1867-1973* (Berkeley and Los Angeles: University of California Press, 1997). Andrea Tone, *Devices and Desires: A History of Contraceptives in America* (New York, NY: Hill and Wang, 2001).

³¹⁰ Sarah Weddington, *A Question of Choice*, 42.

³¹¹ Sarah Weddington, *A Question of Choice*, 45.

Wheelis remembers that “Ron told Sarah that ‘the (case) was a loser and not going anywhere.’”³¹² In the years following the case, Wheelis recalled, that “he hated to have *Roe v. Wade* mention to him.”³¹³ Smith believed in the inexperienced Weddington. She knew her personal connection to the case. She also knew no other lawyer would take the case without pay. Weddington listed the reasons she could not take the case: she did not belong to a firm, nor had a research staff.³¹⁴ After lengthy discussions with Smith, Wheelis, and her husband, the idea of taking the case began to appeal to her. Ron Weddington’s GI benefits and part-time job paid the bills. She could take the case pro-bono. Itching to leave the research of her secretary position behind for the work of a lawyer, Weddington finally agreed to take the case in the summer of 1970.³¹⁵ As Foe remembers, “What I was doing [at the Texas legislature] was trying to get the law changed. What Judy and Weddington did was get the law knocked down, which was even better.”³¹⁶

Smith, Foe, Vogel, and Weddington were not the only women’s liberation activists challenging abortion laws in the late 1960s and early 1970s. Increasing as a political issue throughout the 1960s, feminist movements across the country took up abortion legislation. California and New York began a legal fight as early as 1950. Activist physicians, such as Alan Guttmacher’s inner circle and Larry Lader of the National Abortion Rights Action League (NARAL) assembled groups of doctors to challenge restrictions in Washington D.C. and New York. Cases moved slowly. In 1967,

³¹² Interview with Jim Wheelis by written correspondence, October 11, 2017.

³¹³ Interview with Jim Wheelis by written correspondence, October 11, 2017.

³¹⁴ Sarah Weddington, *A Question of Choice*, 45.

³¹⁵ Sarah Weddington, *A Question of Choice*, 47.

³¹⁶ Interview with Victoria Foe by author, March 7, 2017.

Betty Friedan added abortion to the National Organization for Women's political platform helping to create NARAL in 1969. Redstockings members in New York protested outside of hearings and organizing testimony similar to Victoria Foe's work in Texas. While groups, organizations, and individuals challenged the abortion laws state-by-state, it seemed as though Smith's logic was correct. Securing safe abortion access for American women needed to come from the Supreme Court.³¹⁷

Weddington and Smith agreed that their chances were best in North Texas. In March of 1970, Weddington secured a plaintiff in the Dallas area. Foe remembers, "Sarah wanted to file the action in Tarrant or Dallas County, hence "Wade." Henry Wade was the district attorney (in Dallas), and Sarah had a lawyer friend, Linda Coffee, who practiced in the Northern District."³¹⁸ Additionally, Sarah T. Hughes was the first woman federal district judge in Texas appointed to the U.S. District bench by President John F. Kennedy" and was located in Dallas.³¹⁹ Weddington believed she would be sympathetic to the case. Thus, the young activists believed the case faced better chances up north. The plaintiff, Norma McCorvey, had a tenth-grade education and a daughter cared for by her

³¹⁷ For more information on state abortion lawsuits see Leslie J. Reagan, *When Abortion Was A Crime: Women, Medicine, and Law in the United States, 1867-1973* (Berkeley and Los Angeles: University of California Press, 1997). David J. Garrow, *Liberty and Sexuality: The Right to Privacy and the Making of Roe V. Wade* (Berkeley and Los Angeles: University of California Press, 1994). Linda Greenhouse and Reva B. Siegel, *Before Roe v. Wade: Voices That Shaped the Abortion Debate before the Supreme Court's Ruling* (Linda Greenhouse and Reva B. Siegel, 2012), 73-77, accessed April 15, 2016, [file:///C:/Users/rb1469/Downloads/BeforeRoe2ndEd_1%20\(1\).pdf](file:///C:/Users/rb1469/Downloads/BeforeRoe2ndEd_1%20(1).pdf). Sarah Weddington, *A Question of Choice* (New York, NY: Penguin Books, 1992). Rossinow, *The Politics of Authenticity*; For more information on the history of the National Organization for Women see Stephanie Gilmore, *Groundswell: Grassroots Feminist Activism in Postwar American* (Routledge: New York, 2013). Janet Allured, *Remapping Second-Wave Feminism: The Long Women's Rights Movement in Louisiana, 1950-1997* (University of Georgia Press, 2016). Stephanie Gilmore, *Feminist Coalitions: Historical Perspectives on Second-Wave Feminism in the United States* (University of Illinois Press, 2008).

³¹⁸ Interview with Victoria Foe by author, March 7, 2017.

³¹⁹ Interview with Victoria Foe by author, March 7, 2017.

mother. Pregnant for a second time, she agreed to become “Jane Roe.”³²⁰ McCorvey joined the suit with a married couple who knew Coffee personally. The couple joined the case on the grounds of their “marital intimacies were endangered” because of the risk of conception.³²¹ Building off of the Supreme Court’s ruling in *Griswold v. Connecticut*, Weddington included the married couple to play off of a couple’s right to privacy pertaining to the 1965 birth control decision. Coffee and Weddington decided to file two suits. Coffee, Jane Roe, and the married couple resided in the Dallas area. The Dallas court’s docket rotated between multiple judges. By filing two cases, Weddington in Coffee hoped that to increase their chances of landing a hearing in sympathetic Judge Hughes’s court.³²²

Coffee and Weddington argued that the Texas abortion laws were vague, unconstitutionally broad, and infringed upon Jane Roe and John and Mary Doe’s right to safe and adequate medical advice because of plaintiffs’ right to privacy violating the First Amendment and the equal protection of the laws.³²³ These “magic words,” as Weddington refers to them, increased the chances of over-turning the law. The pair filed the suits against the district attorney of Dallas County, Henry Wade. Wade was an institution in the Dallas legal system and a good-ole-boy by any description. “Henry Wade drawls. He drops the endings from words and says ‘cain’t for can’t. He chews cigars and spits tobacco juice,” Weddington explained.³²⁴ On March 3, 1970, Coffee paid \$30.00 of her own money and filed *Roe v. Wade* and *Doe v. Wade*; the bake-sale money

³²⁰ Sarah Weddington, *A Question of Choice*, 52.

³²¹ Sarah Weddington, *A Question of Choice*, 50.

³²² Sarah Weddington, *A Question of Choice*, 53.

³²³ Sarah Weddington, *A Question of Choice*, 54.

³²⁴ Sarah Weddington, *A Question of Choice*, 56.

was not necessary. On December 13, 1971 twenty-six-year-old Sarah Weddington made the first legal arguments of her career arguing in front of the Supreme Court of the United States. Nearly fifty years later, now a research professor in cell and molecular biology at the University of Washington, Victoria Foe jokes, “So that’s how *Roe v. Wade* came to be, it grew out of this Birth Control Information Center.”³²⁵

The experience of *Roe* inspired Weddington to aim for more than a secretarial position at a law firm. The Weddingtons returned to Texas while the court deliberated the cases of *Roe* and *Doe*. During the following year, Weddington campaigned for *Roe* speaking in locations across Texas and booking time on Austin radio stations when possible. On February 7, 1972, Weddington announced her candidacy for the Texas House against three other candidates. She poured herself into the campaign to fill the hole of *Roe*. Although Weddington pulled ahead in the polls, she endlessly worried about *Roe*. By June 26, 1972, the court informed Weddington that *Roe* and *Doe* were “restored to the calendar for reargument.”³²⁶ Both legal teams returned to Washington. The following year changed Weddington’s life as much as the case she agreed to argue changed the lives of American women. On January 9, 1973, Weddington was sworn in to the Texas House of representatives where she quickly filed her first legislative package against the Texas abortion laws on January 19, 1973, fulfilling Vic Foe’s hopes for full abortion liberalization in Texas. The package turned out to be unnecessary. When Weddington arrived at the Texas capital four days later a call from a *New York Times* reporter informed her that at 10:00am EST that morning the U.S. Supreme Court ruled by a vote of seven to two that Texas’s anti-abortion statutes were unconstitutional. *Roe* and *Doe*

³²⁵ Interview with Victoria Foe by author, March 7, 2017.

³²⁶ Sarah Weddington, *A Question of Choice*, 131.

legalized abortion immediately in every state in the union. The twenty-something-year-old cohort of radical students from Austin, Texas, succeeded in abolishing criminal abortion laws on a national level.³²⁷

The Activists Leave Austin

As the *Roe* case wound its way to the Supreme Court, the young activists finished their degrees and made decisions about their futures. Foe turned her attention to anti-war efforts against the Vietnam war and finishing her doctorate. She jokes, “I mean I was a graduate student trying to work on my Ph.D., it was so hard to get anything done.”³²⁸ Finishing her dissertation and the anti-war effort in Austin proved to be too distracting, so Foe borrowed a car from a friend and drove to Seattle. She ended up staying up there alone for nine-months. In that short period of time, she completed her dissertation and in May of 1975 flew into Austin to defend her Ph.D.³²⁹ Foe arrived in Austin to find that the previously huge amount of politically and socially inclined student activist population had scattered. The war was over, they graduated and had to get jobs. The jobs and volunteer positions they had during school were no longer necessary and “we had to get on with the rest of our lives.”³³⁰ Young radicals focused on “finding jobs, starting unions, and starting families.”³³¹ Most importantly, Foe explains, was the fact that the end of the movement in Austin “gave rise to a lot of leaders in different places.”³³²

³²⁷ Sarah Weddington, *A Question of Choice*, 146.

³²⁸ Interview with Victoria Foe by author, October 8, 2017.

³²⁹ Interview with Victoria Foe by author, October 8, 2017.

³³⁰ Interview with Victoria Foe by author, October 8, 2017.

³³¹ Interview with Victoria Foe by author, October 8, 2017.

³³² Interview with Victoria Foe by author, October 8, 2017.

Ragstaffer and student president Jeff Jones is an example of the activists Foe referred to that left Austin to contribute great things to movements elsewhere. Decades after he directed the regent's money to the BCIC on behest of Judy Smith, Jones joked that he is "probably the world's most prolific grant writer."³³³ Writing for "queers and people of color," Jones continues to put his English degree to work for social justice.³³⁴ By the end of 1979, Jones turned his attentions to ending the nuclear power movement. He drew the attention of national news outlets and Brown and Root, the engineering company that would become a subsidiary of Halliburton. Jones explains, "my partner in crime (in the anti-nuclear movement) was murdered. He was just assassinated. And I knew I was next."³³⁵ In 1979, Jones and his partner put a referendum to end nuclear power in Austin on the ballot for the fifth time. His partner "met with someone who ran the low-level nuclear waste dump for the university and he came out of a bar and was just gunned down. It was not accidental. The other two people who were in this campaign," had been beaten up.³³⁶ Jones's house was shot-up while he was out one day shortly after his partner's death. He continued, "I knew I was going to be murdered. One day I came home and there were five goons in my driveway. It was very scary. I left town because I lived in the woods by myself."³³⁷ Jones resigned his teaching job, moved to San Francisco, left academia, and began working in the gay liberation movement during the 1980s. According to Jones, *The Rag*, Judy Smith, and his overall experiences at UT shaped the activism of his adult life.³³⁸

³³³ Interview with Jeff Jones by author, September 8, 2017.

³³⁴ Interview with Jeff Jones by author, September 8, 2017.

³³⁵ Interview with Jeff Jones by author, September 8, 2017.

³³⁶ Interview with Jeff Jones by author, September 8, 2017.

³³⁷ Interview with Jeff Jones by author, September 8, 2017.

³³⁸ Interview with Jeff Jones by author, February 4, 2017.

In February of 1973, Jim Wheelis moved to Missoula, Montana, where he intended to take the bar exam after six-months. A week after arriving, Wheelis began a researcher position with a Missoula law firm. After he passed the bar in October 1973, he became an associate with a law firm until 1978. Judy Smith joined him in August of 1973 following the defense of her dissertation. Wheelis remembers that Judy told him “that she’d gotten into arguments with the dissertation committee (not Forrest; he was much too intelligent, humorous, and enlightened) because she called the Y chromosome a degenerate X chromosome. Some of the professors said it was more correctly described as ‘specialized;’ she said it was missing significant parts, hence ‘degenerate.’ After her interview, just before they announced she had passed and would be awarded the degree, one of them came out, and I think probably just to be friendly and relieve tension, said, ‘You have very nice hair.’ Which she did, but, you know ...”³³⁹ Smith spent her entire time at UT battling sexism, yet it was still prevalent in the academic field she dedicated her time to.

The following year in 1974 the couple purchased a house. Linda Smith, Judy’s older sister, moved into the house next door with the sisters’ mother shortly after. Eventually, Wheelis became district judge replacing a judge who had a stroke.³⁴⁰ In 1987, Wheelis moved out of the home he and Smith shared, in early 1989 left the bench, and spent the next few years moving between jobs from Seattle to Wolf Point, Montana, on the Fort Peck Indian Reservation along the Missouri River. By 2006, Wheelis was appointed the first chief appellate public defender. He then retired at the end of 2009. In

³³⁹ Interview with Jim Wheelis by author through written correspondence, October 13, 2017.

³⁴⁰ Interview with Jim Wheelis by author through written correspondence, October 13, 2017.

retirement, Wheelis spent 2010 running for the office of district judge in Libby, Lincoln County, Montana, where he was elected and served until January 1, 2017.³⁴¹ Currently, Wheelis works as a retired district judge. Like Jeff Jones, Wheelis spent life after *The Rag* and the BCIC putting the legal skills he learned as a community activist to use in his career.

Wheelis recalls, Judy Smith “did what she always does. Which was land and immediately start to organize.”³⁴² After arriving in Missoula, Smith did an endless amount of community organizing. Wheelis explains, “it’s hard to say what she was most proud of. Everything she worked on was actually an aspect of her primary goal in life, which was to eliminate the obstacles that kept women dependent, controlled, (and) reduced in circumstances. She saw restrictions on birth control and abortion choice as companions to women’s employment and investment limitations, dependency on men’s earnings, and women’s willingness to endure violence.”³⁴³ Smith started Blue Mountain Women’s Clinic in Missoula. She started the clinic initially to provide abortions, but gradually expended its services. Now known as Blue Mountain Clinic, the clinic is a family practice servicing mostly white local women, but occasionally sees Native American and Canadian women.³⁴⁴ Smith liked to organize the community and help start countless projects. She then moved on to the next project and so on. Smith also started the Women’s Resource Center at the University of Montana that eventually became the Women’s Opportunity Resource Development, or WORD. WORD is an extension of the

³⁴¹ Interview with Jim Wheelis by author through written correspondence, October 13, 2017.

³⁴² Interview with Jim Wheelis by author, March 16, 2017.

³⁴³ Interview with Jim Wheelis by author through written correspondence, October 13, 2017

³⁴⁴ Interview with Jim Wheelis by author through written correspondence, October 13, 2017

resource center and continues to do affordable housing projects.³⁴⁵ Judy also founded Montana Women Vote, an organization aimed at low income women promoting voting.³⁴⁶ Wheelis “saw her as a ship’s captain, always headed for a particular goal, but having to tack back and forth to catch favorable winds.”³⁴⁷ Some of Smith’s work did not directly affect women’s issues, but Smith understood that women were prone to dependency and as a result at a disadvantage.

Judy Smith was diagnosed with cancer in 1996. After a lengthy battle, she passed away on November 6th, 2013, in Missoula, with Jim and Linda nearby. It is evident that Smith touched the lives of everyone she met. As Jeff Jones stated, Judy was one of the most influential people in his life. Barbra Hines echoed Jones’ words in her memorial to Smith. For example, in *Celebrating the Rag*, the book explaining the history of the paper that launched at its anniversary in 2016, there are several pages dedicated to Smith’s work and memory. Others call her “the most remarkable women I’ve ever known,” “an inspiration,” and “tall, strong, beautiful, and self-confident who presented her material with the skill of a professional.”³⁴⁸ In the years before she passed Smith continued the community uplift she demonstrated in Austin.

Conclusion

The *Roe* ruling eliminated the need for the BCIC. In its place, a women’s health organization set up in Austin. By 1974, the group worked towards self-health, learning about their bodies, conducted self-help clinics, and hosted educational workshops.³⁴⁹ A

³⁴⁵ Interview with Jim Wheelis by author through written correspondence, October 13, 2017

³⁴⁶ Interview with Jim Wheelis by author through written correspondence, October 13, 2017

³⁴⁷ Interview with Jim Wheelis by author through written correspondence, October 13, 2017

³⁴⁸ Thorne Dryer, *Celebrating the Rag*, 195-200.

³⁴⁹ “Women’s Health Organization in Austin,” *The Rag*, 1974.

peer counseling group called Women/Space filled the void of the BCIC as well. The group referred women to medical, legal, and psychological counseling for topics such as abortion, birth control, and lesbian counseling out of the University Y.³⁵⁰ Supported by women's groups who focused on reporting cases of rape and sexual assault, it is evident that the women's liberation movement did not die down after *Roe*. The BCIC no longer needed its closet-like office space, and the referral project volunteers parted ways like the other activists Foe referred to.

The story of the *Roe v. Wade* court case and Sarah Weddington are not a new point of study in women's history. They are the foundation or the turning point for most reproductive health histories. The lack of organizational histories on radical feminist organizations, and biographical accounts of the women behind them, remains a large gap in the historiography of women's and gender history. Historians must tell the stories of community activism so that they are not lost. Most importantly, so that the activists of today can learn from the techniques, successes, failures, and networks of the "freaks" before them. The work that Judy and Linda Smith, Foe, Wheelis, Jones, Vogel, Weddington, and Hines committed their lives to is only one example of the interconnected history of student activism. And, one of many unheard stories of organizing around reproductive health on a local level.

³⁵⁰ Thorne Dryer, *Celebrating the Rag*, 264.

V. EPILOGUE

The current political climate in Texas concerning abortion is one of increasing hostility. Women may soon have to go abroad for reproductive healthcare. While the sweltering Austin heat rose in the summer of June 2013, Texas Republican Senator Jodie Laubenberg (with the support of forty-one Republican Senators) stoked the fires of the heated abortion debate across the notoriously red state. On the last day of the state congressional session, Senator Laubenberg introduced Senate Bill Five (SB5). If passed, SB5 would require new standards for Texas abortion providers, such as specific hallway widths, doctor admitting privileges, and ambulatory surgical center designations. The providers would be trapped into shutting down, because the restrictions were costly and difficult to satisfy. These forced closings would thus satiate the Republican senators anti-choice “pro-life” political platform.

However, privy to the introduction of the bill, Democratic Senator Wendy R. Davis (Ft. Worth) prepared and delivered a subsequent thirteen-hour filibuster to kill SB5. Equipped with adult diapers and hot pink running shoes, Senator Davis followed the grueling procedures of a filibuster in the Texas Senate. Allowed no food, water, or restroom break, Senator Davis was also unable to lean, sit or perch for the length of her filibuster. In a testament to twenty-first century media, Senator Davis’s filibuster broke out in a firestorm across all platforms, including Twitter, Facebook, and national news networks. As a result of the real-time media coverage Senator Davis succeeded and fueled what became known as the “people’s filibuster,” and the bill did not immediately pass. While the Senate debated Senator Davis’s three inflammatory infractions, several

hundred Texas citizens gathered in the Senate chamber and within the hallways of the Texas Capital. The people's yells and chants echoed throughout the capitol dome in thunderous response to the unjust treatment of Senator Davis. The yells, chants, and clapping became known as the "people's filibuster," the first time in Texas history that citizens within and outside the chamber prevented a Senate vote because the Speaker could not hear to call roll.

Consequently, Governor Rick Perry called for an immediate special session to reintroduce the bill. Both Governor Perry and Lieutenant Governor David Dewhurst publically stated they sought to pass the restrictive SB5 in order to gain publicity and favor before their respective presidential and reelection campaigns the following year.³⁵¹

Republican senators reintroduced SB5 in an early July 2013 in the Texas House of Representatives as House Bill Two (HB2). It passed two weeks later. The restrictions rapidly caused the number of Texas clinics to drop from forty-four to twenty within the calendar year. By 2014, the number of clinics dropped from twenty to six in a state bigger than all of the United Kingdom.

The clinics' closures resulted from the influence of "pro-life" conservative politics on abortion restrictions. The anti-choice "pro-life," movement has long challenged legal abortion by focusing on the protection of the unborn. Conservative politicians closely affiliated with anti-choice groups continue to pass restrictive laws across the U.S. When one analyzes the more than 200 laws restricting abortion that have passed in the last five years, it appears that the progressive connotations of *Roe V. Wade* and the sexual revolutions of the counterculture during 1970s America possess an

³⁵¹ Interview with Senator Wendy R. Davis, Austin, Texas, March 16, 2016.

inadequate influence on twentieth century abortion politics. If abortion is legal until twenty-four weeks under the highest court in the land, why then did Texas recently pass the most historically restrictive abortion laws since *Roe*? Current literature suggests that immediately following *Roe*, anti-choice groups aligned politically with the New Right and pushed for political abortion reform. However, the conversation is not that simple. Although it is easy to assume the abortion debate has always been a two-sided tug-of-war between “pro-life” and pro-choice camps, that is not historically accurate. As the letters to NARAL and *The Austin American Statesmen* from Texans show: abortion is an issue that once did not center only around morality, viability, and life. Conversations included individuals’ belief in privacy, women’s rights, eugenics, and population control. Religious members supported legal abortion and actively ignored the word from the pulpit. Young people across the Lone Star State demanded legal change and sought it on their own. Abortion is not a Democrat v. Republican issue. Modern politics must adjust to it as such when passing new legislation or women will be forced to explore potentially unsafe alternatives to end an unwanted pregnancy.

APPENDIX SECTION
List of Questions – Oral Interviews

What is your full name?
Where are you from?
What was your childhood like?
How did you come to Austin?
What organizations did you belong to?
How did you get involved in women's liberation?
How did you get involved in reproductive health?
What was the shared space of the University Y like?
What other organizations were around the Y and *The Rag*?
How did the hotline start?
How did people contact the BCIC?
How did you transport women to doctors?
Were you ever concerned about getting caught?
Did your family know that you helped women get abortions?
Was there an organized movement against you?
Did people know who you were and that you helped women get abortions?
Do you have contacts that would be willing to speak with me?
Do you have papers from your time at the BCIC?
Can I contact you again?
Would you like a copy of the finished thesis?

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