

# **You Don't Own Me: The Media That Forged the Women's Reproductive Movement, and The Laws That Codified It**

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“No woman can call herself free who does not own and control her own body. No woman can call herself free until she can choose conscientiously whether she will or will not be a mother.”<sup>1</sup> Margaret Sanger spoke these words during her dedicated and uphill fight to legalize birth control in the United States in the early 20<sup>th</sup> century. In the early years, Sanger would face barriers such as the Comstock Act, anti-contraception propaganda, and pressure from the Catholic Church which would impede her efficacy in distribution of contraceptives. Sanger would face additional barriers in later years as she would come to acknowledge that the legalization of birth control did not inherently create ease or accessibility in its use or procurement. In an attempt to rally the support of the public, Sanger would turn to media to provide an accurate portrayal of women's need for contraceptives. Beginning with printed media and film, the reproductive rights movement consistently turned to media in many forms, perhaps most notably music and television, to broadcast the voices of women plagued by lack of bodily autonomy. Later on, once birth control had been legalized and many women

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<sup>1</sup> Michael E. Parrish, *Anxious Decades: America in Prosperity and Depression, 1920-1941*, (New York, NY: W.W. Norton & Company, 1994), 143.

had access to the pill, media would be used once again, this time in celebration of what women had earned. However, birth control was not the end of the road in the fight for women's reproductive healthcare. Since Margaret Sanger had begun her fight in the 1910s, abortion had loomed as a dark, treacherous deed, often resulting in death. But by the 1960s and 1970s, women were demanding greater control over their bodies without fear of prosecution. Once again, media acted preemptively, covering the stories which, for so long had swirled into one of the nation's largest taboos. This would culminate in 1973, with the decision in the U.S. Supreme Court case *Roe v. Wade*, which struck down abortion bans nationwide. Throughout the history of women's reproductive care, from the introduction of birth control to *Roe v. Wade*, media has functioned as both an actor – propelling change, and as a response to specific and critical developments in women's fight for agency over their reproductive health.

Margaret Sanger had a tragic motive to provide the nation's women with contraceptives. At the age of forty-eight, her mother died after giving birth to her eleventh child and suffering seven earlier miscarriages. Sanger recognized that this tragedy could have been prevented had her mother only had proper access to contraceptives. Sanger's conviction on access to contraceptives was only strengthened when she left home after the death of her mother to seek training as a nurse. Working on the Lower East Side of New York City, Sanger encountered another tragedy – botched abortions. The Lower East Side was home to many poor, immigrant women who, when burdened with unwanted pregnancies turned to “five-dollar back-alley abortions” which often claimed their lives. Sanger was resolute that

if she were able to successfully bring contraceptives to the United States, fewer women would need to resort to these sinister procedures claiming their lives at alarming rates.<sup>2</sup>

Determined to make a change, Sanger turned to media to educate women on the choices they had over their bodies, especially in terms of reproductive care. In 1914, Sanger released a radical magazine titled *The Woman Rebel*. The magazine was meant to target specifically working-class women (presumably inspired by her time working as a nurse on the Lower East Side) and was printed with the slogan “No Gods, No Masters.”<sup>3</sup> It was in this magazine that Sanger herself was responsible for coining the term “birth control” which, up to this point had been hidden under euphemisms such as “marriage hygiene” or “feminine hygiene.”<sup>4</sup> *The Woman Rebel* declared women “mistresses of their own body” in every way – including regarding the right to use birth control. Shortly after releasing *The Woman Rebel*, Sanger released a pamphlet entitled *Family Limitation*. This pamphlet explained various methods of birth control (pessaries, suppositories, douching) and how to utilize them appropriately to prevent pregnancy.<sup>5</sup> These pamphlets, in addition to *The Woman Rebel*, were flagged as violations of the Comstock Act. The Comstock Act, established in 1873,

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<sup>2</sup> “Margaret Sanger, 1879-1966,” *PBS*, accessed November 10, 2019, <https://www.pbs.org/wgbh/americanexperience/features/pill-margaret-sanger-1879-1966/>.

<sup>3</sup> “Margaret Sanger’s *The Woman Rebel* – 100 Years Old,” *Margaret Sanger Papers Project*, accessed November 10, 2019, <https://sangerpapers.wordpress.com/2014/03/20/margaret-sangers-the-woman-rebel-100-years-old/>.

<sup>4</sup> “Cervical Caps and Diaphragms,” *Case Western Reserve University*, accessed November 10, 2019, <https://case.edu/affil/skuyhistcontraception/online-2012/Cervical-Caps-Diaphragms.html>.

<sup>5</sup> “*Family Limitation*: A Book That Shaped America,” *Margaret Sanger Papers Project*, accessed November 10, 2019, <https://sangerpapers.wordpress.com/2012/07/16/family-limitation-a-book-that-shaped-america/>.

criminalized the distribution of materials or information related to abortion or contraceptives through the federal mail system, and also criminalized the importation of related materials from abroad.<sup>6</sup> Sanger was indicted under the Comstock Act and was forced to flee to England to avoid prosecution.

Once in England, Sanger took a detour to Amsterdam, Netherlands. While she was there, she became acquainted with Dr. Johannes Rutgers, of The Hague. Dr. Rutgers ran a contraception clinic that specialized in diaphragms and cervical caps. Sanger found that her training as a nurse was beneficial in learning to place the devices. Sanger grew to realize that her battle for access to contraception back home in the United States was only half-won. After her training with Dr. Rutgers, Sanger understood that she could no longer view the struggle for access to birth control as simply a “free speech fight.” Sanger could provide as many pamphlets as she pleased and spread them as far as she wanted, but without the anatomical understanding behind each individual method of birth control, she had not truly provided women with the means to realize agency over their bodies.<sup>7</sup> So, Sanger set off once more for the United States and knowing no physician would assist her, resolved to teach women how to correctly use these life-saving methods of contraception.

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<sup>6</sup> “Comstock Law of (1873),” *Law Library – American Law and Legal Information*, accessed November 10, 2019, <https://law.jrank.org/pages/5508/Comstock-Law-1873.html>.

<sup>7</sup> Margaret Sanger, “My Experiences in Holland,” *The Public Writings and Speeches of Margaret Sanger*, July 1931, accessed November 11, 2019, <https://www.nyu.edu/projects/sanger/webedition/app/documents/show.php?sangerDoc=236589.xml>.

Upon her return to the United States, Sanger enlisted her sister, Ethel Byrne, and her colleague Fania Mindell and together, the three opened the United States' first birth control clinic in Brooklyn, New York. Within days, the clinic was raided by police and the three proprietors were arrested. This, however, had been anticipated by Sanger. Sanger planned to utilize the media once more in her quest to sanction the distribution of birth control in the United States. Upon her arrest, fellow activist Emma Goldman, leading member of the IWW (Industrial Workers of the World), urged Sanger not to accept a guilty plea as a lack of a trial would relieve the issue of any press value it currently held. Sanger went to trial, and because of the case's high-profile nature, birth control became the topic that gripped the nation. Newspapers covered the convictions of the three women, Sanger's thirty-day jail sentence, and Mindell's subsequent hunger strike. Sanger even took advantage of the events taking place in her own newsletter "The Birth Control Review" and received a slew of letters from women writing in to inquire about the types of birth control and which would be the most effective for them.<sup>8</sup> Sanger's inclination about using the media to propel her cause was spot-on. More women than ever were actively seeking out birth control, and Sanger was happy to provide it, even at risk of incarceration.

Once more, Margaret Sanger would be thrust into utilizing the media to drive forward her message about contraception. This time, she would be working in the world of film. Unlike

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<sup>8</sup> Manon Parry, *Broadcasting Birth Control: Mass Media and Family Planning*, (New Brunswick, NJ: Rutgers University Press, 2013), ebook, pg. 13, <https://search.ebscohost.com/login.aspx?direct=true&AuthType=sso&db=nlebk&AN=654647&site=ehost-live>.

fliers, magazines, and any other media which was distributed through the mail, films were not regulated by the Comstock Act. This provided a loophole for any organization which wanted to promote propaganda surrounding a given cause. For example, it was common for films to be released blaming the spread of tuberculosis on immigrant populations. These films were funded by reputable organizations such as the National Tuberculosis Association. So long as a film offered to audiences a moral message and clear depiction of the villain and the good guy and/or innocent victim along with a clear indication of punishment for “sin” (such as abortion), films were often exempt from censorship. As early as the 1910s, abortion became a storyline in motion pictures, plainly depicted as an evil which plagued the female protagonist. The issue for Sanger’s cause, was the release of a film which conflated birth control *with* abortion, and subsequently with “race suicide.” *Where Are My Children?* was a film with dual storylines. The film depicts a married couple, the Waltons as they navigate the hardships of birth control and abortion. Mrs. Walton had had several abortions prior to coming into the marriage which, unbeknownst to her, had left her sterile. Mr. Walton was a prosecutor and eugenicist who, in the first storyline, prosecutes a doctor accused of providing birth control even though Mr. Walton secretly admires the doctor’s efforts. In the second storyline, Walton prosecutes a doctor who has been providing abortions, only to find out that he is the doctor who has provided his wife’s abortions. Mr. Walton dramatically accuses his wife of murder, but by then, it is too late for her to become a mother due to her sterility.<sup>9</sup>

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<sup>9</sup> Manon Parry, *Broadcasting Birth Control*, 17.

Sanger had two problems with this film. The first was that the dual storyline only narrowly separated the issue of abortion from the issue of birth control, criminalizing them both. This was exactly the rhetoric that Sanger was trying to avoid in her line of work. However, and perhaps more pressing was the outright link between birth control and race suicide. Some of birth control's most outspoken critics (among them Theodore Roosevelt) had denounced the use of contraceptives, calling them a form of race suicide for upstanding white Protestants. Sanger and her colleagues felt that because *Where Are My Children?* focused so heavily on the behavior of Mrs. Walton, and neglected to include the storyline surrounding abortion, viewers walked away understanding the moral of the story to be a cry against race suicide and by proxy, birth control.<sup>10</sup>

Sanger, realizing that an accurate depiction of birth control was necessary in order to garner support for her cause, decided to produce a film of her own. Rejecting the eugenics-based plots of birth control films at the time such as *Where Are My Children?* and *The Laws of Population*, Sanger sought to create a more honest, all-encompassing cinematic depiction of the benefits of birth control. In 1917, Sanger released her film *Birth Control*, to be the one "genuine" birth control film available to viewers. Because of the film's truth to the cause of the birth control movement and its refusal to resort to sensationalism, it might not have been a success. However, *Birth Control* had one thing, or rather, person in its favor – Margaret Sanger. Sanger not only brought her notoriety in name as the film's producer, she upped the ante when she herself took the starring role. Sanger's role as the star of *Birth Control*

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<sup>10</sup> Manon Parry, *Broadcasting Birth Control*, 18.

visualized for viewers Sanger's position as the face of the birth control movement. And Sanger's face was a sympathetic one. Making a strategic choice, she juxtaposed her image with that of Emma Goldman, who had for so long been her colleague in the fight for contraception legalization. But Sanger was calculating; she understood that the public would see Goldman first as a Jew and an immigrant, in contrast to Sanger, whose white American-born status allowed her the privilege of being seen as an activist. Though the film was largely banned from view by censors (although it is likely the publicity of the censorship itself lent itself to Sanger's cause), its limited viewing accomplished what Sanger had set out to do.<sup>11</sup> Women were demanding birth control, and the government would only be able to fight for so long to prevent their access.

By 1938, the Comstock Act was lifted, and Margaret Sanger was free to distribute birth control as she pleased.<sup>12</sup> However, despite her years of labor, Sanger was still experiencing barriers in her efforts to provide women with contraception. Although it was now legal, contraception was still neither "easy" nor totally "accessible" for all women. For instance, methods such as douching and pulling out were unreliable. The diaphragm, a much more trustworthy method of contraception, proved inaccessible due to its expensive price and the fact that it required multiple doctor's visits to be fit correctly to the individual. In 1946, Sanger confided in a friend that she was "feeling more and more despondent as I saw and realized more than ever the inadequacy of the diaphragm reaching millions who need and

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<sup>11</sup> Manon Parry, *Broadcasting Birth Control*, 19-20.

<sup>12</sup> Kirsten M.J. Thompson, "A Brief History of Birth Control in the U.S.," *Our Bodies Our Selves*, accessed November 11, 2019, <https://www.ourbodiesourselves.org/book-excerpts/health-article/a-brief-history-of-birth-control/>.



should have something as simple as a birth control pill.”<sup>13</sup> In 1951, Sanger was introduced to biologist Gregory Pincus. Dr. Pincus had been studying fertility since the 1930s, experimenting with varying levels of estrogen in rabbits to inhibit ovulation. Unfortunately, Pincus’ work was extremely controversial and lost him his professorship at Harvard University. Pincus had been continuing his research through independent funding when he met Sanger. Dr. Pincus was impressed with Sanger’s initiative to create for women a cheap but effective birth control pill. Pincus agreed to help Sanger in her endeavor so long as she could secure the funding.<sup>14</sup> In 1953, Margaret Sanger secured funding for the project, in its totality from wealthy activist Katharine McCormick. The two million dollars supplied by McCormick (twelve million dollars in today’s economy) supported Dr. Pincus’ experiments working to use progesterone to create a contraceptive. In 1960, the FDA (Food and Drug Administration) approved the first birth control pill, Enovid. Margaret Sanger was eighty years old.<sup>15</sup> Sanger lived to win the battle, but the war on contraception had not yet been won.

The Comstock Act would come back to shake the foundation of the battle for birth control once more in 1961, with the arrests of Estelle Griswold, Executive Director of Planned Parenthood League of Connecticut, and Dr. C. Lee Buxton, gynecologist. Although federally, the Comstock Act had been lifted in 1938, the state of Connecticut had its own Comstock Act which was still being enforced. This meant that in Connecticut, by law, it was

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<sup>13</sup> “Margaret Sanger and the Pill,” *Margaret Sanger Papers Project*, accessed November 11, 2019, <https://sangerpapers.wordpress.com/2012/11/21/margaret-sanger-and-the-pill/>.

<sup>14</sup> Margaret Sanger and the Pill

<sup>15</sup> Margaret Sanger and the Pill

illegal to use contraception, and also, to provide it. Griswold was incensed by this, understanding that lack of contraception would put women at risk of unwanted pregnancies and potentially, death by botched abortions. Griswold and Buxton decided to ignore the law and provide contraception to the married couples coming to their clinic. They were promptly arrested, but they had a plan. They took their case before a judge, eventually making it all the way to the U.S. Supreme Court with the argument that marital privacy was protected by the constitution. On June 7, 1965, the court ruled in favor of Estelle Griswold, repealing the Connecticut law and ensuring that all married citizens in the United States were entitled to have access to birth control. In his majority decision, Justice William O. Douglas wrote that the court came to its decision citing penumbras of the First, Third, Fourth, Fifth, Ninth, and Fourteenth amendments.<sup>16</sup> Nearly all of these penumbras would later be cited in the *Roe v. Wade* decision of 1973. *Griswold v. Connecticut* established the right of married couples to have continued access to birth control. However, this left single and sometimes engaged women at risk. Where there weren't specific laws preventing physicians from prescribing birth control to single women, often moral standards of the time would stand in the way. In 1967, William Baird, a reproductive rights activist, was arrested after providing a contraceptive device to a nineteen-year-old unmarried girl following a lecture he gave at Boston University. His arrest was predicated on a Massachusetts law that made it illegal to provide contraception to unmarried women. The case of *Eisenstadt v. Baird*, like *Griswold*

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<sup>16</sup> David Bollier, "Summary: *Griswold v. Connecticut*," *Crusaders and Criminals, Victims & Visionaries*, accessed November 12, 2019, <https://www.jud.ct.gov/publications/Curriculum/Curriculum6.pdf>.

*v. Connecticut*, traveled all the way to the U.S. Supreme Court, where, on appeal, the Massachusetts law in question was repealed on the grounds that, under the Equal Protection Clause of the U.S. Constitution, unmarried women were entitled to the same benefits of contraception as were married women.<sup>17</sup> The victory of *Eisenstadt v. Baird*, secured for women across the nation, married and single, the right to access contraception. For women, this meant so much more than a pill. Baird's victory provided them autonomy and privacy, tools which allowed them to exist as people, rather than pawns of an institution.

Although the pill had been legalized in the courts, socially, contraception was still prisoner to stigma. In 1972, the same year *Eisenstadt v. Baird* was decided, country music sensation Loretta Lynn decided to liberate contraception with her song appropriately titled "The Pill." Unfortunately for Lynn, her record label MCA Records refused to release the song, fearing backlash thanks to the raw, swirling controversy surrounding contraception due to recent court decisions. MCA would sit on the song for three years, ultimately releasing it in 1975, certain that the contention had died down.<sup>18</sup> If it had, "The Pill" brought it back to life, with a vengeance. Immediately following "The Pill's" release, upwards of sixty radio stations across the nation banned the song. Preachers decried Loretta Lynn for her choice of subject matter. This censorship and vilification only promoted Lynn's narrative. Written from the perspective of a married woman, "The Pill" is a feminist empowerment anthem that

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<sup>17</sup> U.S. Supreme Court, *Eisenstadt v. Baird*, No. 70-17, Argued November 17-18, 1971, Decided March 22, 1972, [https://web.stanford.edu/~mrosenfe/Eisenstadt\\_v\\_Baird\\_US\\_1972.pdf](https://web.stanford.edu/~mrosenfe/Eisenstadt_v_Baird_US_1972.pdf).

<sup>18</sup> Tyler Mahan Coe, "CR002 The Pill: Why Was Loretta Lynn Banned?" *Cocaine & Rhinestones*, accessed November 15, 2019, <https://cocaineandrhinestones.com/loretta-lynn-pill-ban>.

admonishes the narrator's husband that she will no longer be an "incubator," and now that she has the pill, she has control of her body – so he had better take heed and quit running around and having affairs. What the song is *not*, is a song about using the pill as an excuse for women to have extramarital affairs.<sup>19</sup> So why then, was the song met with such animosity?

Loretta Lynn spoke frankly about her positive feelings toward birth control saying that, if the pill had been around when she was having children, she would have "taken them like popcorn," lamenting her lack of control over how her children were spaced out, or how many she had. This lamentation is reflected specifically within the lyrics in the fourth stanza of her song when Lynn declares she is "makin' up for all those years" (since she's got the pill).<sup>20</sup> Furthermore, Lynn recalled her own childhood growing up destitute in rural Kentucky, and commented that her mother could have used the pill to prevent having eight children to feed.<sup>21</sup> It was this frank endorsement of birth control which landed Loretta Lynn in hot water with "The Pill." Even though by 1975 many Americans had accepted the pill, what they had not accepted was a woman using it for her own gratification, regardless of the feelings of the man in her life.<sup>22</sup> In writing "The Pill," Loretta Lynn did more than simply endorse the

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<sup>19</sup> Robert Windeler, "Loretta Lynn's "Pill" is Hard for Some Fans to Swallow," *People* (March 31, 1975), accessed November 15, 2019, <https://people.com/archive/loretta-lynns-pill-is-hard-for-some-fans-to-swallow-vol-3-no-12/>.

<sup>20</sup> Loretta Lynn, "The Pill," Recorded December 12, 1972, Released 1975, *Single*, MCA Records, Vinyl 45.

<sup>21</sup> Robert Windler, "Loretta Lynn's "Pill" is Hard for Some Fans to Swallow."

<sup>22</sup> Tyler Mahan Coe, "CR002 The Pill: Why Was Loretta Lynn Banned?" *Cocaine & Rhinestones*, accessed November 15, 2019, <https://cocaineandrhinestones.com/loretta-lynn-pill-ban>.

benefits of contraception. She promoted female sexual liberation and began to chip away at the chains of the patriarchal social dominance structure in which contraception had been previously bound.

The now-legislated birth control issue provided women with a new-found sense of freedom and control over their bodies. However, an unsettled whisper was moving through society that threatened to disrupt the status quo once more – abortion. What had for generations been a strict societal taboo was now pushing to the forefront of the women’s rights movement. And once more, the movement would propel itself using media.

From the 1600s until 1821, the United States had no laws prohibiting abortion. The earliest recorded U.S. law banning abortions was an 1821 Connecticut law which prohibited women from ingesting any substance that would result in a miscarriage. However, it was often difficult to prove whether miscarriages were caused by abortifacients or occurred naturally. It wasn’t until 1857, when gynecologist Horatio Storer became a member of the AMA (American Medical Association) that abortion moved from being socially controversial, to illegal. Criminal Abortion laws began appearing in the 1860s, and by 1910 every state had some law which prohibited abortions.<sup>23</sup> As early as the 1950s, physicians had begun to meet tentatively to discuss rights to abortion under very limited circumstances (among them eugenics). However, the caveat to these so-called “therapeutic abortions” was that they were

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<sup>23</sup> Erin Blakemore, “How U.S. Abortion Laws Went From Non-Existent to Acrimonious,” *National Geographic*, May 17, 2022, <https://www.nationalgeographic.com/history/article/the-complex-early-history-of-abortion-in-the-united-states>.

always decided by a physician, women had no say.<sup>24</sup> Women wanted more for themselves and in 1964, a soap opera would open the conversation. *Another World*, a well-known NBC soap opera, aired an episode in which a teenage girl becomes sterile after having an abortion. While this storyline seems comparable to those from thirty years prior, it isn't the plot which mobilized the abortion debate into relevance – but the platform. Never before had abortion been aired on television. In fact, the word itself was still so unmentionable that it was not spoken once during the episode.<sup>25</sup> Regardless of the outcome of the procedure, *Another World* brought abortion into people's homes through their television sets, beginning the process of normalizing one of the nation's harshest taboos.

As was true in the case of contraception, the issue of abortion would be taken to the courts. Unfortunately for Shirley Wheeler, unlike *Griswold v. Connecticut* or *Eisenstadt v. Baird* this case would not result in victory, only public outrage. Shirley Wheeler was a twenty-three-year-old woman from Florida who had already experienced many of life's hardships. Wheeler's childhood was a patchwork of being passed around from family member to family member and at eighteen, she gave birth to her first child – a product of rape. So, when Wheeler found herself pregnant a second time and neither financially nor emotionally prepared to raise another child, she did what she presumed any reasonable person in her

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<sup>24</sup> Leslie J. Reagan, *When Abortion Was a Crime: Women, Medicine, and Law in the United States, 1867-1973*, (Berkeley: University of California Press, 1997), Ebook, 219-220, <https://search.ebscohost.com/login.aspx?direct=true&AuthType=sso&db=nlebk&AN=6862&site=ehost-live>.

<sup>25</sup> Maggie Mallon, "Abortion in Pop Culture: From 'Fast Times' and 'Maude' to 'Dirty Dancing' and 'Scandal,'" *Glamour*, accessed November 15, 2019, <https://www.glamour.com/gallery/abortion-in-pop-culture-from-fast-times-and-maude-to-dirty-dancing-and-scandal>.

situation might do – had an abortion. Unfortunately for Wheeler, in the state of Florida, a law still in place from 1866 made it a felony for her to have this procedure. Shirley Wheeler was convicted of manslaughter and sentenced to two years’ probation. When asked to comment on her conviction, Wheeler said “I’m a convicted felon now because I chose not to bring another child into this world that I couldn’t afford to take care of.”<sup>26</sup> Women across the country were outraged and demanded change. No longer did women feel they should be criminalized for taking control of their bodies. Shirley Wheeler’s conviction had tipped the scales toward female autonomy in a major way.

As states like Florida were enforcing outdated abortion statutes which penalized women for making choices, a handful of states were defying the unspoken social code of conduct by giving women choices they had never had before. In 1970, New York was the first state to legalize abortion. Legalization was revolutionary, and uncharted territory. Much to the “ire” of some citizens, according to a Virginia paper, clinics began advertising the now-legal procedure with billboards posted around the city.<sup>27</sup> Billboards would soon be old news however, as once more, television took the stage in the abortion debate.

In 1972, the beloved actress Beatrice Arthur appeared on televisions across America as the witty, irreverent, bold housewife Maude. Three months into its first season, *Maude* took a

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<sup>26</sup> Jon Nordheimer, “She’s Fighting Conviction For Aborting Her Child,” *The New York Times* (December 4, 1971), accessed November 15, 2019, <https://search.proquest.com/docview/119081967/8740A3D4AD4B4C70PQ/1?accountid=12104>.

<sup>27</sup> “Advertise Legal N.Y. Abortions,” *The Bee*, Danville, VA (April 21, 1971), accessed November 15, 2019, [https://newscomwc.newspapers.com/image/47454569/?terms=ny%2Blegal%2Babortion&pqsid=Mr6gYhCms0dtbiO\\_XBHzKQ:112000:1812091012](https://newscomwc.newspapers.com/image/47454569/?terms=ny%2Blegal%2Babortion&pqsid=Mr6gYhCms0dtbiO_XBHzKQ:112000:1812091012).

stand on the abortion issue with unmistakable clarity. In a two-part special titled “Maude’s Dilemma,” Maude finds herself pregnant quite unintentionally. At first determined to raise the baby because she is convinced it’s what her husband Walter wants, her daughter Carol sees the apprehension on her mother’s face about raising a baby at her (older) age. Carol implores her not to keep the baby. Maude reacts with fear – acknowledging the stigma, shame, and horror stories of abortions past. Reminding her that it’s legal now, Carol gently says “It’s not your fault. When you were young abortion was a dirty word. It’s not anymore.”<sup>28</sup> For the first time in television history, on a sitcom no less, a character said the word *abortion*. With a single line, “Maude’s Dilemma” put one of the largest cracks in the glass ceiling of the stigma surrounding reproductive rights.

*Maude* was the first successful portrayal of a safe and legal abortion on television. The message was powerful, and it was resolute. However, although its impact was nationwide, with the exception of a handful of states, women were still banned by law from following in Maude’s footsteps and making choices which gave them freedom. On January 22, 1973 this would change with one of the most groundbreaking U.S. Supreme Court decisions the nation had ever witnessed.

In 1969, a Texas woman by the name of Norma McCorvey became pregnant with her third child. She was single and did not want to carry the pregnancy to term. However, in her home

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<sup>28</sup> *Maude*, “*Maude’s Dilemma, Part 1*,” Produced by Rod Parker, aired November 14, 1972 (Los Angeles, CA: Sony Pictures Television, 2001) DVD.



state of Texas it was illegal to undergo an abortion unless the mother's life was in jeopardy.<sup>29</sup> McCorvey decided that this violated her right to privacy and chose to sue the doctor who would not perform her abortion. It is a common misconception that the reason McCorvey could not have the abortion was that abortion was outlawed nationwide. As demonstrated in *Maude*, at the time of this case elective abortion was legal in certain states. However, in a later interview with McCorvey's daughter, Melissa Mills, Mills explained that her mother was homeless and had no resources to raise a baby, let alone travel to New York for an abortion.<sup>30</sup> McCorvey sued District Attorney Henry Wade using the pseudonym "Jane Roe." *Roe v. Wade* famously rose all the way to the U.S. Supreme Court, where a majority decision ruled that Texas' abortion laws violated "Ms. Roe's" right to privacy under a multitude of amendments, including the First, Fourth, Fifth, Ninth, and Fourteenth. These were especially significant because they were the same amendments which had influenced the decisions in *Griswold v. Connecticut* and *Eisenstadt v. Baird*. Despite McCorvey's success in her legal fight for bodily autonomy, she did end up birthing the child due to the fact that Supreme Court appeals are notoriously lengthy. In striking down the Texas abortion law as unconstitutional, the U.S. Supreme court made a sweeping decision that women nationwide had the right to abortion through the first trimester.<sup>31</sup> This would be extended into the second

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<sup>29</sup> "Roe v. Wade (1973)," *Bill of Rights Institute*, accessed November 15, 2019, <https://billofrightsinstitute.org/elessons/roe-v-wade-1973/>.

<sup>30</sup> BeLynn Hollers, "Norma McCorvey's Oldest Daughter Talked Family, Issues Before Abortion Case Overturned," *MSN*, June 24, 2022, <https://www.msn.com/en-us/health/wellness/norma-mccorvey-s-oldest-daughter-talked-family-issues-before-abortion-case-overturned/ar-AAydmg7>.

<sup>31</sup> United States Supreme Court, *Roe v. Wade*, No. 70-18, Argued December 13, 1971, Decided January 22, 1973, <https://www.law.cornell.edu/supremecourt/text/410/113#>.

and even third trimesters with provisions on a state-by-state basis. *Roe v. Wade* had shattered a glass ceiling that had for so long held women prisoner to their own reproductive systems. For the first time in history, the highest court in the land declared resolutely that women had the right to decide on their own what was best and healthiest for their bodies. No more “back alley botch jobs.” Women were free.

If there was one thing women did not do throughout the struggle to gain reproductive rights, it was sit back and wait for change to happen. Margaret Sanger, in her quest to prevent women from dying from botched abortions, illegally distributed reproductive health pamphlets, brought diaphragms back from The Netherlands, and when these were found to be ineffective, led the campaign for a cheap and effective birth control pill. Much of the uphill climb would take place in the courts as was exemplified by *Griswold v. Connecticut* or *Roe v. Wade*. However, for every battle fought in a courtroom, there was one just as powerful fought through a television set or over a radio station. The social changes perpetuated through media empowered women in ways which were their own. From “The Pill,” to “Maude’s Dilemma,” the terms of the debate became *hers*, not *his*. It was media that gave agency to women and law which then codified it. From 1914 to 1973, women stood up, spoke out, and fought for their rights so that on January 22, 1973 there was but one sentiment which emerged from the depths of a movement silenced far too long – *you don’t own me*.

Shockingly, nearly fifty years after *Roe v. Wade*, the landmark case was overturned by the Supreme Court. On June 24, 2022, the U.S. Supreme Court ruled on a 2018 case *Dobbs v. Jackson* which featured an abortion ban in Mississippi that directly challenged *Roe v. Wade*

by banning abortions after fifteen weeks. By contrast, *Roe* prohibited any abortion bans prior to 23 weeks, when a fetus is considered viable.<sup>32</sup> While many factors contributed to this disruption in women's rights, it isn't difficult to pinpoint the conservative majority of the Supreme Court (specifically justices Thomas, Kavanaugh, and Coney-Barrett), modern Christian nationalism, and persistent campaigning from the Catholic Church as primary contributors to this decision. Immediately following the *Dobbs* decision, 13 states enacted trigger laws that banned abortion. As of August, 2022, abortion is banned outright in 12 states, banned after six weeks in two states, and banned after 15, 18, or 20 weeks in three states. More states are expected to ban abortion, although these bans have been blocked by judges in nine states.<sup>33</sup> It is unclear as of now what role media and culture will play in this new fight for reproductive freedom. In 2022, the power of the media is centralized in social media applications such as TikTok or Instagram. Just as film gave way to the popularity of television, it is possible that the newest wave of voices calling for reproductive justice will be heard on these social media platforms. In any event, the fight for reproductive rights is far from over, and as women look ahead to a future of autonomy and justice, may we also acknowledge the contributions of Sanger, Arthur, Lynn, and so many more who stoically carved the stage on which we protest today.

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<sup>32</sup> Remy Tumin, "Special Edition: Roe v. Wade is Overturned," *The New York Times*, June 24, 2022, <https://www.nytimes.com/2022/06/24/briefing/roe-v-wade-abortion-supreme-court-guns.html>.

<sup>33</sup> Allison McCann et. al, "Tracking the States Where Abortion is Now Banned," *The New York Times*, August 26, 2022, <https://www.nytimes.com/interactive/2022/us/abortion-laws-roe-v-wade.html>.

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