

Making America: A History of the United States, 2nd Ed., Carol Berkin, Christopher L. Miller, Robert W. Cherny, and James L. Gormly, MA: Houghton Mifflin Company, 1999. [13-]

[961-963]

The Women's Rights Movement

For women, the 1950s had been a paradox. Although many women achieved fulfillment at home from raising children and running the household, a growing number were less satisfied with their lives and work opportunities. As the 1960s began, more women were entering the work force, having fewer children, and getting divorced. Many women complained that gender stereotyping denied them access to profitable career jobs, a position affirmed by the Kennedy administration's 1963 report of the Presidential Commission on the Status of Women, which showed in stark statistics that women constituted a social and economic underclass. Compared to white men, women worked for less pay (on average 40 percent that of a man), were more likely to be fired or laid off, and had little success in reaching top career positions. Nor was it just in the workplace that women faced discrimination. Throughout the country divorce, credit, and property laws generally favored men, and in three southern states, women were not allowed to serve on juries.

To some women, the role of housewife itself symbolized oppression. Betty Friedan was one who concluded the chores of the housewife amounted to a form of servitude that prevented women from achieving their full potential. As a young woman, she had dropped out of a psychology doctoral program to get married, bear children, and keep a suburban home. In her 1963 bestseller, *The Feminine Mystique*, she pondered the question of why she and, according to several studies, thousands of other women were not satisfied. After reviewing the responsibilities of the housewife (making beds, grocery shopping, driving children everywhere, preparing meals and snacks, and pleasing her husband), she asked: "Is this all?" She concluded it was not enough. Women needed to overcome the "feminine mystique" that promised them fulfillment through the domestic arts. She called on women to set their own goals and seek careers outside the home. Her book, combined with the presidential report, provided new perspectives for women and contributed to a renewed women's movement. Also producing more activism was the passage of the 1964 Civil Rights Act, with the inclusion of Title VII. The original version of the civil rights bill excluded sex as a form of discrimination, but Representative Martha Griffiths (Democrat from Michigan) joined with conservative Democrat Howard Smith of Virginia to add the word sex to the act—she to strengthen the bill, he thinking the addition would kill it. As finally approved, Title VII prohibited discrimination on the basis of race, religion, creed, national origins, or sex.

However, the Equal Employment Opportunity Commission (EEOC), established to support the law, and the Johnson administration showed little interest in dealing with gender discrimination, so proponents organized to promote women's interests and to press the government to enforce Title VII. Many were experienced civil rights activists. In "the black movement," one woman civil rights worker wrote, "I had been fighting for someone else's oppression and now there was a way I could fight for my own freedom and I was going to be much stronger than I ever was." The most prominent woman's organization to emerge was the National Organization for Women (NOW), formed in 1966. With Betty Friedan as president, NOW launched an aggressive campaign to draw attention to sex discrimination, particularly in the workplace, and to redress those wrongs. It sued EEOC for not upholding the law and thirteen hundred corporations for gender discrimination. It demanded an equal rights amendment to the Constitution and pushed for easier access to birth-control devices and the right to have an abortion. NOW's membership grew rapidly, from about 300 in 1966 to 175,000 in 1968. NOW's 1970 "Strike-for-Equality Parade" demonstrated the growing mass appeal of the

women's movement when fifty thousand supporters marched down New York City's Fifth Avenue.

But the movement was larger than NOW's membership and interested in more than NOW's largely economic and political agenda. Some women looked beyond institutional changes and focused on the structure of society itself and on culture. Women attended meetings devoted to consciousness raising and other grassroots gatherings to promote women's issues. Calls arose for new social and sexual values. Some sought a complete redefinition of the traditional institutions of family and marriage. The "Red-stocking Manifesto of 1969" reflected one of the most radical views: "We identify the agents of our oppression as men." "We are exploited as sex objects, breeders, domestic servants and cheap labor." Radical feminist Ti-Grace Atkinson defined marriage as "slavery" and "legalized rape."

The majority of women rejected Atkinson's view but approved the increased focus on women's issues. Others, while supporting equal opportunities and rights, rejected the label "feminist" and what they believed was the movement's bias toward career and working women. Still, despite the internal differences, a general feminist critique of American society succeeded in convincing many Americans that women should pursue goals and aspirations beyond the traditional roles of wife, mother, and homemaker.

(photo) In 1972, Title IX of the Education Amendments required gender equality in school and college sports, dramatically changing the nature of women's athletics by igniting a women's sports boom. In this 1967 picture, the first woman to attempt the running of the Boston Marathon -- a previously all male event -- is attacked by a race official and was prevented from finishing the race. Today, the Boston marathon celebrates both men and women marathon runners. Corbis-Bettman.

[Betty Friedan: Feminist who wrote *The Feminine Mystique* in 1963 and helped found the National Organization for Women in 1966.

Title VII: Provision of the Civil Rights Act of 1964 that guarantees women legal protection against discrimination.

National Organization for Women: Women's rights organization founded in 1966 to improve educational, employment, and political opportunities for women and to fight for equal pay for equal work.

consciousness raising: Achieving greater awareness of the nature of a political or social issue through group therapy or group interaction.]

[1023-1027]

The Politics of Morality

What expectations surrounded the introduction of issues of morality and values into American politics?

Poverty, race, and new faces in American society were just part of the mixture leading to a divided society. After leaving office, C. Everett Koop, Reagan's Surgeon General, remarked that when he looked back, "the things I banged my head against were all poverty." For Koop and others the key to the nation's problems lay in correcting poverty. Many disagreed. While liberals continued to espouse government activism as a means to promote social equality and cultural pluralism, conservatives argued that America had become a nation of interest groups clamoring for rights and power and that a sense of national identity and purpose was rapidly fading. They charged that liberal programs and attitudes had made victims of middle-class Americans, who worked hard, saved their money, and believed in strong, traditional family values.

Changing Values

Many accepted that there had been a moral breakdown in American society. They argued that the sources of the breakdown were changes born in the 1960s, such as the women's movement, the counterculture, and the sexual revolution. These movements, they claimed, had undermined the values of work and family by stressing personal fulfillment and advocating "fun, display, and pleasure."

The sexual revolution began with the youth movement of the 1960s (see pages 944-946). By 1970 more than half of those surveyed said they approved of premarital sex and cohabitation outside marriage. Though still the norm, marriage had lost some of its importance. Many people chose to remain single well into their twenties. Children, when they arrived, were fewer in number than they had been in earlier decades. As couples limited their families to an average of two children, the United States reached zero population growth during the 1970s.

By the 1970s, divorce rates were being pushed upward by changes in attitudes as both men and women became less willing to stay in an unsatisfactory marriage. As attitudes toward marriage and divorce changed, divorce laws also changed. No-fault divorce allowed spouses to dissolve their marriage because of so-called irreconcilable differences. By the end of the 1980s and continuing into the 1990s, half of all those who married eventually divorced. Responding to the high rate of divorce and studies that indicated that divorce had a long-lasting harmful effect on children, many religious institutions and a growing number of communities started to emphasize, or require, premarital counseling as a condition of a sanctioned marriage.

Divorce, the women's movement, and the sexual revolution also interacted with economic factors to affect the structure of American families. No longer was the American family the image of the typical 1950s family -- white, suburban, mother as housewife. Instead, there were increasing numbers of single-parent families and families in which both spouses worked. Television reflected the changing views of American society by changing the images of the family and relationships. By the 1970s, there were few television shows showing families similar to Beaver Cleaver's family (see page 898). The majority of shows that dealt with families and family-type relationships provided different images. Some nonwhite families appeared, and many of the situation comedies featured groups of single and divorced people living and working in an urban environment. A week of television in 1997 featured several programs about white and African-American "traditional" households (with and without children) -- *Cosby*, *Mad About You*, *In the House*, *The Simpsons* and several single-parent households -- *The Gregory Hines Show* and *Grace Under Fire*. But there were also many programs that featured divorced and never-been-married singles and revolved around work and lifestyles -- *Seinfeld*, *Friends*, and *Ellen*. The title character in *Ellen* revealed in one episode that she is lesbian.

Keeping pace with these social changes, industry and advertising agencies found new and more explicit ways to use sexuality in their products and ads. Commercials were increasingly targeted at groups with specific age, gender, ethnic, and income-level characteristics, marital status, and lifestyles.

By the 1980s, sexual content had become standard fare in movies and on television. In 1987 it was estimated that more than sixty-five thousand sexual references were broadcast each year on prime-time television programs. During the day, sex and sex-related issues became more daring and numerous on the soaps, and talk-show hosts probed their guests for intimate details about their sex lives. Violence, too, became standard. A 1997 study indicated that 44 percent of all network programming had violent content, 73 percent of which went unpunished. Sexual and violent content appeared in combination in primetime network programming and on cable and satellite television, which boasted of even more explicit adult programming. One study found that on the premier cable channels, 85 percent of the programming had violent content. An expanding market in sexually explicit materials was found in magazines and books, on the Internet, in X-rated films, and in clothing and sexual aids. Responding to what were termed excesses, many called for censorship and ways to limit the amount of sex and violence seen by children. By the 1990s, records, movies, and television all offered rating systems indicating the level of sex and violence in their content. Still, demands for censorship increased, including efforts to ban sexually offensive materials from the

Internet, which the Supreme Court ruled unconstitutional in 1997 in the *Reno v. ACLU* decision.

Women and Changing Values

Related to the sexual revolution's effects on American society were demands by women for more personal and economic choices. As the women's movement continued into the 1980s and 1990s, it began, like other social movements, to divide and encounter more opposition. At the center of the divisions and at the heart of the opposition were differences about the meaning and importance of the sexual revolution, home, family, and children.

For many women, especially upper-middle-class women, Betty Friedan's *The Feminine Mystique* (1963) opened the door to a new self-awareness (see page 962). By the 1970s a "second wave of feminism" was fighting for both equality of opportunity and equality before the law. Unprecedented numbers of women were working and angered by the gap between their abilities and their earnings and by the treatment they received on the job. By the mid-1970s, the movement was successful in promoting the belief that women should have equal pay, opportunities, and responsibilities. Coeducational colleges and universities were barred from discriminating against women by Title IX of the Higher Education Act of 1972. Among its provisions, the act required equality in hiring and, for many colleges and high schools, further development of women's sports programs. During the 1980s, more women successfully entered politics and the professions, and the gap between men's and women's salaries narrowed. Women received more bachelor's degrees than did men. The movement also emphasized the need for changes within the culture of gender throughout American society. Included were calls for women's rights over their own bodies (especially abortion rights) and their own behavior.

Many states responded to the changing social values and to pressure from women's groups. They modified laws to reduce or eliminate gender discrimination within the law and the marketplace. Some states liberalized their abortion laws to allow women to seek legal abortions. In 1967, the National Organization for Women (NOW) and other women's groups had called for an Equal Rights Amendment (ERA) (see page 962). In 1972, Congress drafted one and sent it to the states for ratification. Advocates argued that the ERA was needed to eliminate, at state and local levels, laws and restrictions that blocked the achievement of women's equality. They pointed out that the ERA would also transfer the responsibility for ensuring equality from individuals and state governments to the federal government. At first, ratification appeared almost certain. Thirty-three of the necessary thirty-eight states approved it by 1974, and a 1973 Gallup poll showed that nearly 78 percent of Americans supported the amendment. But opposition stiffened, and when the already extended deadline for ratification expired in 1982, the ERA remained three states short.

The failure of the Equal Rights Amendment demonstrated the growing controversy about the goals of the women's movement and the definition of feminism. Conservative forces mounted an effective "STOP-ERA" movement by making the amendment a symbol for threats to traditional family values. Phyllis Schlafly and other STOP-ERA leaders changed the meaning of equal rights in the minds of many Americans. Rather than openly opposing women's rights, Schlafly labeled the ERA as a means to alter the "role of the American woman as wife and mother" and to destroy the American family. The changed definition worked to alarm many who already were increasingly uneasy about the growing sexual openness of American society, the changing attitude toward family, and the debate over abortion.

In 1973, in a 5-to-2 decision, the Supreme Court in *Roe v. Wade* invalidated a Texas law that prevented abortion. Justice Harry Blackmun, writing for the majority, held that "the right to privacy" gave women the freedom to choose to have an abortion during the first three months of pregnancy. The controversial ruling struck down abortion laws

in forty-six states that had made it nearly impossible for women to have an abortion except in cases of rape or to save the life of the mother. As the number of legal abortions rose from about 750,000 in 1973 to nearly a million and a half by 1980, so too did opposition.

Although most public opinion polls indicated that a majority of Americans favored giving women the right to choose an abortion, Catholics, Mormons, some Orthodox Jews, and many Protestant churches worked with conservative groups to organize a "Right to Life" campaign to oppose abortion rights on moral and legal grounds. The Right to Life movement easily merged with the conservative critique of American society and liberalism. Responding to conservative and anti-abortion pressure, Congress in 1976 passed the Hyde Amendment, which prohibited the use of federal Medicaid funds to pay for abortions. The Supreme Court upheld this position in 1980 in *Harris v. McRae*. As President Reagan appointed Sandra Day O'Connor and other conservative justices to the Supreme Court, many people expected the Court to eventually overturn *Roe v. Wade* (see *Individual Choices: Sandra Day O'Connor*). But instead, in 1992, in *Planned Parenthood of Southeastern Pennsylvania v. Casey*, the Court confirmed a woman's right to have an abortion, although it did assert that in some cases the state could modify that right. The decision did little to quiet the controversy or to prevent efforts to limit or ban abortions.

The inability of Congress to ban abortion and the Court's continued support of the right to an abortion convinced some in the Right to Life movement that more direct actions were necessary. Abortion clinics' doctors, staff, and patients became targets of violence and intimidation. Between 1978 and 1994, more than half of all abortion clinics reported varied forms of violence and intimidation, and a hundred clinics were targets of arson or bombing efforts by those willing to use terrorism to halt abortion. In 1994, the federal government passed the Freedom of Access to Clinic Entrances Act, restricting the tactics of intimidation that pro-life supporters like Operation Rescue could use.

Sexual harassment became a national issue in 1991 when Anita Hill, a University of Oklahoma law professor, testified during televised Senate confirmation hearings that Supreme Court nominee Clarence Thomas had sexually harassed her a decade earlier when she had worked for him in the Department of Education. Thomas was confirmed despite the allegations, but the issue of sexual harassment remained prominent in public debate. One poll at the time of the hearings revealed that 42 percent of women had been sexually abused, and the National Organization for Women claimed that physical and sexual abuse of women was a cultural norm.

Responding to growing concerns about such abuse, Congress in 1994 passed the Violence Against Women Act. Part of a larger anticrime bill, it provided funds and federal support for efforts to more harshly punish sexual violence and other attacks on women and to provide resources to aid victims and prevent future attacks. On the issue of sexual harassment, by 1994, the Supreme Court had provided a controversial definition in *Mentor Savings Bank v. Vinson* (1986) and in *Harris v. Forklift Systems* (1993). In those decisions the Court judged that sexual harassment not only constituted "verbal and physical conduct" but created a "hostile environment."

Still, as the struggle over abortion continued and divisions over gender issues increased, most women tended to reject the feminist label. As the "Red Stocking Manifesto of 1969" indicated (see page 963), some feminists developed a caustic critique of what they perceived as a heterosexual, male-dominated culture and society in which women were constantly victims. These views had created a backlash against the term feminist. By the mid-1990s, many women who were trying to balance work and family believed that feminists were too antimarriage and antifamily and out of touch with the problems facing American women. Several women's rights spokeswomen, including Betty Friedan, wrote articles and books extolling family and motherhood and criticizing

radical "gender feminists." By 1995, only 20 percent of women college freshmen accepted the label "feminist," and in an article titled "What Happened to the Women's Movement?" Newsweek had suggested the death of feminism.

Many women's leaders, however, asserted that the movement was alive and well, despite internal tensions, and that a new "wave" of more inclusive and less ideological feminism was beginning. Most women, they said, including the 78 percent who worked, wanted to "fit their new gains at work and in the public world into... the story of marriage and family that they... inherited from their mothers." They wanted to keep the gains women had made while strengthening marriage and family, reducing sexual permissiveness, and softening the impact on young children whose mothers work. A growing number within the women's movement seek to adjust the workplace to better support family needs -- programs like flextime and flexplace, job sharing, and family leave. The editor of Ms. magazine, a flagship of the women's movement, noted that the central issues were recognizing choices and their consequences and promoting a "woman-friendly family and a family-friendly workplace."

(photo) Ever since the controversial Roe v. Wade decision in 1973, opponents of abortion have asked the Supreme Court, lobbied Congress, and demonstrated to ban abortions. In January 1990, with President Bush's encouragement, thousands of participants in the March for Life rallied outside the White House, demanding an end to abortions. Some radical pro-life supporters have even advocated violence against and murder of those performing abortions as a moral choice in the "war" against abortion. Reuters Bettmann.

[sexual revolution: Dramatic change in attitudes toward sex; it began in the 1960s as more and more Americans considered premarital sex acceptable.

no-fault divorce: Divorce granted without the need to establish wrongdoing by either party.

Equal Rights Amendment: Proposed constitutional amendment giving women equal rights under the law; Congress approved it in 1972, but it failed to achieve ratification by the required thirty-eight states.

Phyllis Schlafly: Leader of the movement to defeat the Equal Rights Amendment; she believed that the amendment threatened the domestic role of women.

Roe v. Wade: Supreme Court ruling in 1973 that women have an unrestricted right to choose an abortion during the first three months of pregnancy.

Right to Life movement: Anti-abortion movement that favors a constitutional amendment to prohibit abortion; it grew increasingly militant during the 1980s and 1990s; also called the pro-life movement.

Operation Rescue: A militant anti-abortion group that advocates intimidation and physical confrontation as a means to stop abortion.

sexual harassment: Unwanted sexual advances, sexually derogatory remarks, gender-related discrimination, or the existence of a sexually hostile work environment.

Violence Against Women Act: Law passed by Congress in 1994 that provided federal funds and support to judicial and law-enforcement agencies to prevent violence against women, to aid victims, and to punish those convicted of sexual violence and attacks on women.

gender feminists: Term applied to those within the feminist movement who seek to focus on the subordination of women and on the need for radical changes in gender-related roles and traditions.]

[1028-1029]

INDIVIDUAL CHOICES

Choosing an Independent Path

On July 7, 1981, President Ronald Reagan announced that his choice to replace Supreme Court justice Potter Stewart was "a person for all seasons": Sandra Day O'Connor. The 102d justice appointed to the Court, she was the first woman nominated

and the first confirmed.

Reagan's choice drew conflicting responses. Many within the conservative wing of the Republican party bitterly objected to O'Connor. They reminded the president that she favored abortion rights and the Equal Rights Amendment. They pointed out that he had run on a platform promising that judges appointed by the Reagan administration would "respect family values and sanctity of human life." Some liberals applauded Reagan for nominating a woman but were suspicious. After all, O'Connor believed in judicial restraint -- the idea that the Court should defer to Congress, the president, and public consensus -- to resolve controversial social and political questions. The nomination, however, was quickly approved by the Senate Judiciary Committee and confirmed by the Senate. On September 26, 1981, Sandra Day O'Connor became an associate justice of the Supreme Court.

The daughter of an Arizona rancher, Sandra Day attended Stanford University, receiving a B.A. in economics and in 1952 a law degree. She graduated third in her law class, behind fellow Arizonian William Rehnquist, who by 1981 was also an associate justice of the Supreme Court. In 1952 she married John O'Connor. Despite high graduating rank and a Stanford law degree, Sandra Day O'Connor had difficulty finding a job as an attorney with a private law firm. A company in Los Angeles offered her a legal secretary's position, which she declined. Unable to land a job with a private firm, she worked as a county deputy attorney in northern California while her husband finished his law degree at Stanford. After he had graduated and received his commission in the army, she resigned from her job and joined him in Frankfurt, Germany, where she worked as a civilian lawyer for the army.

In 1957 the O'Connors returned to the United States and settled in the Phoenix area. Two years later, following the birth of the first of three sons, Sandra Day O'Connor opened her own law firm with a friend. In 1960, when her second son was born, she stopped working to become a full-time mother. Doing volunteer work, she became active in Republican politics and served on a statewide committee on marriage and the family in 1965. That year, recognizing her skills as an organizer and a lawyer, the governor appointed her an assistant attorney general for Arizona. "I wanted a family and... I wanted to work," she recalled.

During her first five years on the Supreme Court, O'Connor most often voted with the conservative bloc but frequently issued an independent opinion. In her opinions, she chose to emphasize two recurring themes: her belief that states are equal partners with the national government within the federal system and that courts should not play an active role in shaping social and political values.

With the arrival of other justices appointed by Reagan and by George Bush, the Court in 1990 became more activist in the name of conservatism and rewrote several earlier liberal decisions. Conservatives hoped that the Court, with its conservative agenda, would move forward to reverse positions on abortion, separation of church and state, free speech, and affirmative action. As the Court became increasingly activist, Justice O'Connor's position shifted slightly away from the conservative bloc and toward the center. During the 1990-1991 session, she frequently was the swing vote in 5-to-4 decisions. One observer of the Court commented, "As O'Connor goes, so goes the Court."

By the end of the 1991-1992 session, she was regarded as a leading member of a centrist bloc, which also included justices Anthony Kennedy and David Souter. In perhaps the most controversial decision of the Court's calendar, *Planned Parenthood of Southeastern Pennsylvania v. Casey* (1992), she co-authored the majority decision, which reaffirmed the right of women to seek an abortion, while criticizing the constitutional argument in the *Roe v. Wade* decision. Writing for the majority, O'Connor explained her choice: "Some of us as individuals find abortion offensive to our most basic principles of morality, but that cannot control our decision. Our obligation is to define the liberty of all, not to mandate our own moral code."

President Clinton's appointments of Ruth Bader Ginsburg (1993) and Stephen Breyer (1994) did not significantly alter the conservative leaning of the Court or affect O'Connor's role as a centrist. She remained difficult to categorize. Court observers expect her to join the conservative majority most of the time, but they admit that her open-minded conservative approach and lack of an overarching ideology make her opinions difficult to predict. They believe that she will continue to make her choices by judging each case on its own merits.

(photo) Sandra Day O'Connor. In September 1981, Sandra Day O'Connor became the first woman to be appointed to the Supreme Court. Appointed by President Ronald Reagan for her conservative views, she has steadily chosen her own course, defying easy categorization. The outcome has been her gravitation toward the center of judicial opinion. When asked how she would like to be remembered, she answered as "a good judge." Tom Zimberoff/Sygma.