

LEGISLATION: NEW YORK

Everywoman's Abortions: "The Oppressor Is Man" (March 27, 1969)

by Susan Brownmiller

Until 1970, New York law threatened imprisonment for women who sought abortions as well as those who assisted them. The only abortions permitted were those necessary to save the life of a pregnant woman. Women seeking legal abortions had to demonstrate that their lives were at risk—that the abortion was “therapeutic.” At the turn of the 20th century, this often meant feigning a case of vomiting so severe as to be fatal. By the 1960s, it meant convincing a psychiatrist to attest to a hospital committee charged with deciding which abortions to permit that a woman would commit suicide if forced to continue her pregnancy. As the New York Times reported in 1967, “Getting a hospital abortion in New York” was often “a question of knowing the right words to use”—words like “[i]f I have this baby I’ll kill myself.”

Negotiating the system required money. A woman’s ability to obtain a legal abortion was frequently dependent upon whether a psychiatrist and a hospital committee were willing to interpret the law liberally in her case. But psychiatric consultations were expensive: doctors received far more money performing abortions in private hospitals than in the municipal hospitals where poorer women received care; and poor women lacking psychiatric referrals often did not know the magic words that would give doctors confidence to authorize an abortion. Between 1951 and 1962, over 92 percent of women who received hospital abortions in New York City were white, while over three-quarters of those who died from illegal abortions in the city were women of color.

Doctors and practitioners were most commonly prosecuted under statutes criminalizing abortion like New York’s, and doctors provided much of the initial impetus for reform. Although there were a few people, like Planned Parenthood attorney Harriet Pilpel, who argued that free choice in the area of procreation was a “fundamental civil

liberty and constitutional freedom,” the first debates over abortion reform in the New York legislature focused on enlarging the scope of doctors’ authority to prescribe abortions, not on women’s freedom to obtain them; and those given the authority to testify about abortion reform were the (male) professionals who performed abortions, not the women who sought them.

But the conversation was changing. The women’s movement had begun to contest constraints on women’s roles in politics, the market, and the family, and pointed to statutes criminalizing abortion as evidence of inequality in each of these spheres.

In February 1969—just as Friedan was delivering “Abortion: A Woman’s Civil Right” to the Chicago conference at which NARAL was founded— a women’s liberation group protested a hearing on abortion reform in the New York legislature. Objecting to the slate of witnesses the state had called to testify as experts—fourteen men and one woman, a Catholic nun—the Redstockings argued that the legislators ought to “hear from some real experts...women.” Shut out of the legislative hearings, the Redstockings took their protest to the public, with a speak-out in a Washington Square church. By testifying at the speak-out, women were insisting that women’s voices and experiences should shape the law, and challenging norms that consigned abortion to silence and shame.

Twelve young women faced an audience of more than 300 men and women last Friday evening and with simplicity and calm and occasional emotion and even humor, told of incidents in their personal lives which they formerly had consigned to the very private. They rapped about their abortions.

The evening was put together by the Redstockings, an action group linked to the women’s liberation movement. The meeting began with a playlist that was more diatribe than dialogue, and ended with a rambling speech by America’s most loquacious abortionist, Dr. Nathan H. Rappaport. The real drama and unprecedented honesty occurred in between. For three hours, in the borrowed sanctuary of Reverend Finley Schaefer’s Washington Square Methodist Church, the group of women “testified” from their own experience with unwanted pregnancy and illegal abortion.

Last month, the Redstockings had stormed a hearing of a New York State legislative committee studying abortion law reform, and predictably, they had been rebuffed. The committee, they were told, was interested in the testimony of “experts.” The “experts” had been 14 men and one woman, a nun. The radical women had fashioned this evening as their own public hearing. As one of the younger girls said, “We are the true experts, the only experts, we who’ve had abortions.”

There were no legislators in the audience at the Washington Square church on Friday evening. There were, surprisingly, a large number of men....

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It was the politics of confrontation and catharsis, and as such it was successful beyond the expectations of the organizers. It was, some of the women agreed, their most successful endeavor in a year and a half of intensive self-analysis and sporadic "actions" (their term for hit-and-run demonstrations like the assault on the legislative hearing, and last spring's infiltration of the Miss America pageant in Atlantic City).

The "testifying" method was an outgrowth of the confessional style of the weekly meetings of the woman's liberation groups, leaderless introspective sessions of free-form discussion where each woman is encouraged to "speak from your own experience, sister." The panelists prepared no speeches for the Friday night open meeting. They set up an unobtrusive tape recorder, kept the lights comfortably dim to encourage conversation, and protected their anonymity by using first names only. The result, which could have been exhibitionistic or melodramatic, was neither—it was an honest rap. And it worked.

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[O]ne small fragile girl on the panel...had been telling her story of getting therapeutic (legal) abortion in New York. She had applied to 11 hospitals before she had accomplished her mission. "The tenth," she said in a quivering little voice, "offered me a deal. The deal was, they'd give me an abortion if I'd agree to get sterilized. I was 20 years old."

Each bit of testimony from the panel was met with a knowing response from the floor. The nameless Redstocking in this church this evening was Everywoman:

"I finally found a doctor in West New York, New Jersey. The doctor was very sweet. He had pictures of crucifixes on the walls. It only cost \$900. I went to a bank and got a vacation loan. I'm still paying it off."

"I found two psychiatrists who said that for \$60 each they would write a report which said I was mentally unable and ought to have the abortion. I had to prove I was crazy to get a legal abortion—and the abortion was the sanest thing I had ever done in my life."

"When you tell the man you're pregnant, he says, 'How do I know it was me? I'm not the only guy you ever slept with, am I?'"

"The first time I got pregnant, I was a young little thing. The man didn't use any contraceptive. He told me something like, 'Don't worry, when I come the second time, it washes away the sperm.'"

"I was just living with this middle-class guy, and my life was just like his. We were just going along, together. I didn't do anything strange or unusual. I didn't make any decisions. But one day I was pregnant. Then there was a difference."

From the audience: "I've had three abortions and let me tell you, without anesthetic it's the most scary thing in the world. You're on the table and you feel the scraping and scraping. You get hit when you're young and inexperienced. All I wanted was love, and there I was, pregnant."

"It's only when you fulfill your so-called biological role as a woman that you get a lot of attention. Women in this society are defined by their service, nurturing, and maintenance roles. When I got pregnant, relatives I hadn't seen in 10 years said, 'I'll take the baby.' I guess maybe because I was helpless. When I said I was going to have an abortion; they lost interest. They didn't care any more. Just like they never had any interest when I told them I wanted to be a painter."

At one point in the evening, a young man in the audience arose to ask a question. "You keep talking about a woman's right to have a legal abortion," he said. "What about the man's rights, in or out of wedlock? You didn't make yourselves pregnant."

"He was told off, politely and firmly. Women have the ultimate control, over their own bodies," a Redstocking told him with the patience a weary teacher uses for a dear but exceptionally slow child. Neither he nor any other male in the hall felt like challenging that simple yet not so obvious statement.

Susan Brownmiller, "Everywoman's Abortions: The Oppressor Is Man," *Village Voice*, March 27, 1969. Copyright *Village Voice*. Printed by permission of Susan Brownmiller.

Constitutional Question: Is There a Right to Abortion? *New York Times* (January 25, 1970)

by Linda Greenhouse

The Redstockings protest did not move the New York legislature, at least not immediately. Although bills were introduced as early as 1965, no abortion liberalization bill even made it out of committee until 1968. Supported by diverse organizations such as the New York County Medical Society, the state's bar association, the (Protestant) State Council of Churches, and the Federation of Reform Synagogues of New York, this first