

Iowa's Abortion Battles of the Late 1960s and Early 1970s: Long-term Perspectives and Short-term Analyses

JAMES C. MOHR

THE FIRST SESSION of the Iowa territorial legislature passed a general criminal code that contained language designed to permit the punishment of people who poisoned their fellow citizens. Among the poisons proscribed were abortifacients.¹ That section of the original territorial code proved to be the first formal mention of abortion in Iowa law. When the territorial code was revised in 1843, the attempt to abort a pregnant woman by any means (not just by poisons) became criminal, but only if the attempt was made after "quickening."² Quickening was the first perception of fetal movement by the mother herself, and the legislators who drafted and passed these early statutes surely knew that quickening usually takes place near the midpoint of a normal gestation, at the end of the fourth or the beginning of the fifth month of pregnancy. In adopting this policy, Iowa lawmakers were following long-established precedent, for the quickening doctrine had been in effect in American law, both common and statute, since the founding of the republic.³

1. The section is reprinted in Eugene Quay, "Justifiable Abortion—Medical and Legal Foundations," *Georgetown Law Review* 49 (1961), 470-71.

2. Ch. 48, 1843 *Iowa Territorial Revised Statutes* 162-63.

3. For two different perspectives on the history of the quickening doctrine, see Cyril C. Means, Jr., "The Law of New York Concerning Abortion and the THE ANNALS OF IOWA 50 (Summer 1989). ©The State Historical Society of Iowa, 1989.

Modern analysts might conclude from these early actions that Iowa policymakers have opposed abortion since territorial days. The argument would be true, but only to a very limited extent. Iowa lawmakers did not want apothecaries poisoning their women, and they did not want anyone trying to induce abortions on women with fairly advanced pregnancies, partly because they believed that the potential for harm from an abortion increased with the length of the pregnancy. But it would be equally true to conclude that Iowa policymakers during the territorial period were remarkably tolerant of abortion, provided it was undertaken early, since the territorial codes that made late abortions subject to indictments for manslaughter also, in a sense, reaffirmed the longstanding legality of abortions performed prior to quickening. Subsequent events support the second interpretation.

The first of those events was the enactment of Iowa's state code in 1851. That compilation dropped the criminal sanctions against late abortions which had appeared in the territorial laws, and Iowa entered the Union without any statutory policies on the subject of abortion, hardly evidence of deep concern about the practice.⁴ The second revealing event was a court case known as *Abrams v. Foshee and Wife* (1857). The case was an action for slander: Mrs. Foshee was alleged to have publicly accused Mrs. Abrams of aborting herself. On appeal before the Iowa Supreme Court, attorneys for the Foshees conceded that an accusation like the one Mrs. Foshee made "might injure [a woman] in the estimation of the community," but it was not formally slanderous. It was closer, they argued, to accusations that Mrs. Abrams "was a common tattler, or liar, or that she indulged in the use of profane or vulgar language; that she was a drunkard, or the like." The Iowa Supreme Court agreed. To accuse someone of practicing abortion was unpleasant but not slander,

Status of the Foetus, 1664-1968: A Case of Cessation of Constitutionality," *New York Law Forum* 14 (Fall 1968), 411-26, and John T. Noonan, Jr., "An Almost Absolute Value in History," in John T. Noonan, Jr., ed., *The Morality of Abortion* (Cambridge, MA, 1970), 1-59. On the doctrine in the United States during the first half of the nineteenth century, see James C. Mohr, *Abortion in America: The Origins and Evolution of National Policy, 1800-1900* (New York, 1978), 1-146.

4. See *Iowa Code* § 4.28 (1851), cited by Quay, "Justifiable Abortion," 471.

and the justices stated explicitly that abortion before quickening was no crime in Iowa.⁵

The *Abrams* decision was published in 1857, and the following year a Keokuk physician, upset by the result, wrote his state senator urging enactment of a law against feticide.⁶ The legislature complied, but in limited fashion. The 1858 Iowa abortion law made the administration of drugs or the use of instruments on "any pregnant woman, with the intent thereby to procure the miscarriage of any such woman" a crime punishable by up to a year in jail and up to a one-thousand-dollar fine.⁷ But the word "pregnant" meant quickened, and the word "intent" made the crime virtually impossible to prove. Moreover, the Iowa Supreme Court ruled in 1863 that the 1858 statute could not be invoked against women who attempted to abort themselves by any means. "It is clear to us from the wording" of the 1858 law, ruled the court, "that it was the person who used the means with the pregnant woman to procure the abortion, and not the woman herself, that the legislature intended to punish."⁸ Irregular abortionists and local midwives who performed abortions could be harassed under the 1858 law, which is quite probably what the state's established physicians wanted in any event, but the state made clear that the women of Iowa themselves would not be indicted for actions they took to end unwanted pregnancies.⁹

The overall result of these early abortion-related laws and decisions created in Iowa a sort of benign neglect toward the practice. Abortions early in pregnancy were tolerated, and the practice was almost certainly widespread in the state by the 1860s. No Iowa-specific data exist from that era, but in the nation as a whole the abortion rate probably rose to one

5. *Reports of Cases in Law and Equity, Determined in the Supreme Court of the State of Iowa* (New York and Albany, 1857), 3: 274–81.

6. See the "memorial" of Dr. D. L. McGugin in 1858 *Iowa Senate Journal* 284.

7. *Ibid.*, 425; 1858 *Iowa House Journal* 612–13; Quay, "Justifiable Abortion," 471.

8. *Hatfield et. ux. v. Gano* in *Reports of Cases Argued and Determined in the Supreme Court of the State of Iowa* (Des Moines, 1864), 15: 177–79. This case was also a slander case.

9. On the role of the regular physicians in the origin of anti-abortion legislation during the nineteenth century, see Mohr, *Abortion in America*, 147–70.

abortion for every four or five pregnancies.¹⁰ A special report on abortion presented to the Iowa State Medical Society in 1871 maintained that Iowa was keeping up with the nation in this respect, for abortion had become a significant means of family limitation throughout the state.¹¹ Abortions performed after the midpoint of a pregnancy were technically illegal, but the crime was virtually impossible to prove and authorities made no apparent effort to enforce the letter of the law. When the General Assembly decided to revise the state code in 1873, legislators asked the secretary of state to compile for them the last two years of criminal convictions in Iowa, complete with sentences, the types of persons involved, and similar information. That official did not report a single conviction for abortion during 1872 or 1873.¹² Nor did the new code alter the state's abortion policy.¹³

Elsewhere in the nation, organized physicians, operating under the banners of the AMA and state medical societies, pushed during the 1870s for abandonment of the ancient quickening doctrine and for new statutes that would make abortion at any time during pregnancy a crime.¹⁴ These anti-abortion physicians were remarkably successful in most states, but made little headway in the Iowa legislature. They won a major victory in the courts, however, in 1878, when the Iowa Supreme Court upheld a conviction under the 1873 code for an abortion performed prior to quickening. In essence, this decision, known as *State v. Fitzgerald* (1878), introduced in Iowa the policy that legislative pressure had produced elsewhere.¹⁵ To attempt to abort a woman at any point in gestation would

10. *Ibid.*, 46-118.

11. J. C. Stone, "Report on the Subject of Criminal Abortion," *Transactions of the Iowa State Medical Society* (1871), 1: 26-34.

12. Secretary of State, *Report in Relation to Criminal Returns*, in *Iowa Legislative Documents*, 1874, vol. 1.

13. 1873 *Iowa House Journal*. In considering the absence of tougher abortion clauses in the Iowa revisions of 1873, when other states were enacting them, it may have been significant that the General Assembly appeared to contemporary observers to have a decidedly pro-feminist tone. On January 25, 1874, for example, the *Burlington Hawk-Eye* noted that "the Legislature seems disposed to give [women] everything but the ballot."

14. This crusade is discussed in Mohr, *Abortion in America*, 147-225.

15. *State v. Fitzgerald*, 49 Iowa 260, 31 Am. Reports 148 (1878).

henceforth be an act liable to criminal prosecution in Iowa.

Four years later, in 1882, the medical establishment, as if to emphasize the new policy, spearheaded a successful effort in the General Assembly to lengthen the possible sentence for performing an abortion from one year to five years.¹⁶ In 1886 the Iowa Supreme Court sustained the principle that death resulting from an abortion would be treated as second degree murder.¹⁷ This ruling would remain in effect in Iowa through the first half of the twentieth century, which placed the state in the middle of national trends. Fifty years later, in 1936, eleven states would be punishing abortion-related deaths more severely; twenty would be punishing them less severely; and fifteen would be treating them just as Iowa did.¹⁸ Finally, in 1915, the word *pregnant* was dropped from the abortion section of the criminal code, and with it went all ambiguity about the question of quickening: a formal, if somewhat belated, recognition that Iowa law had changed from territorial days.¹⁹

Even with the dramatic legal shifts of the late nineteenth century, however, substantial evidence suggests that abortion remained a reasonably widespread practice in Iowa, just as it did in other states, criminal statutes notwithstanding. Court records from the turn of the century indicated the existence of sanitariums where various operators, including some trained doctors, performed abortions on a regular and quite openly business-like basis.²⁰ The most famous abortionist in Des Moines, Carrie Rowley, practiced from the teens through the 1930s. In 1933 she claimed that she would be rich if she had been paid for all the abortions she had performed, that she

16. 1882 *Iowa Senate Journal* 46, 65, 73, 84, 195, 204, 206, and 1882 *Iowa House Journal* 104, 118, 123, 238-39, 260. The role of the state's established physicians became obvious when the bill was referred not to the Judiciary Committee, which would normally have jurisdiction over changes in the state code, but to the Committee of Medicine and Surgery.

17. *State v. Leeper*, 70 Iowa 748 (1886).

18. Frederick J. Taussig, *Abortion: Spontaneous and Induced: Medical and Social Aspects* (St. Louis, 1936), 434. Taussig's book, prepared for the National Committee on Maternal Health, ranks as one of the most impressive works on the subject of abortion ever published.

19. 1915 Iowa Acts at 69, in Quay, "Justifiable Abortion," 472.

20. For testimony about such a clinic in Lamoni, Decatur County, see *State v. Crofford*, 121 Iowa 395 (1903).

"produced abortions to save disgraced girls," and that she "was glad to do it."²¹ As a rule, even people like Rowley, who was not a trained or licensed physician, encountered the authorities only when a patient died.

The best figures on abortion rates in Iowa specifically during the first three decades of the twentieth century were amassed by E. D. Plass in 1931. Plass, a physician, wanted to find out whether abortion was as common in rural areas as it was in urban areas, and fortunately for present purposes, he decided to look at the situation in Iowa. Plass surveyed eighty-one doctors who had rural practices. Altogether, they had overseen approximately 51,000 deliveries. They also reported seeing over 6,600 induced abortions, at least 90 percent of which were technically criminal (a few were therapeutic and hence legal under a ruling that allowed abortion to save the life of the mother). More than half of the doctors surveyed saw those rates as holding steady in Iowa; 27 percent thought the incidence of abortion was rising as the Great Depression set in. Moreover, the Iowa doctors considered their figures conservative because they simply did not see the large number of autoabortions and midwife abortions that progressed perfectly well and required no physician's aid or intervention afterward.²²

Decisions of the Iowa Supreme Court through the same period further confused the legal status of abortion in the state. While the court remained firm on the issue of abortion-related deaths, it made the crime of abortion itself, as distinguished from actions arising from abortion-related deaths, difficult to prove. Between 1899 and 1928 a series of rulings made clear that the death or even the presumed death of an unborn fetus was considered a threat to the life of the woman carrying it and

21. *State v. Rowley*, 216 Iowa 140; 248 N.W. 340 (1933). Quotes are from 216 Iowa 143. The case in which Rowley made these statements, however, actually involved a married woman who already had a seven-month-old child at home and did not want another pregnancy so quickly in the face of the worsening depression. Rowley had been before the Iowa Supreme Court a decade earlier, in 1922, when Polk County authorities, almost certainly abetted by the local medical society, set her up. See *State v. Rowley*, 198 Iowa 613; 198 N.W. 37 (1924).

22. Survey data of E. D. Plass as reported to and summarized by Taussig, *Abortion*, 366, 378.

therefore justified an abortion; that anyone could attempt an abortion as long as the life of the woman appeared to be at stake; and, most importantly, that the state had the burden of proof to demonstrate that the abortion was *not* necessary.²³

Those rulings help explain why people performing abortions in Iowa rarely encountered the authorities unless a patient died. Even then, conviction was difficult if the practitioner was a licensed physician. The state's attorneys-general from 1927 through 1932 reported only one indictment in Iowa for violation of the state's anti-abortion statute. Neighboring Minnesota, by comparison, where anti-abortion statutes were more continuously and aggressively enforced by state authorities, brought one hundred indictments (which resulted in thirty-one convictions) in the period from 1911 to 1930.²⁴

Thus, following a century of somewhat contradictory legal activity on the subject of abortion, Iowa emerged from World War II facing a situation common to almost all of the other states as well: abortion was formally illegal, though quite widely practiced in a semi-clandestine fashion and quite rarely prosecuted. As interpreted by the courts, Iowa's anti-abortion statutes functioned as something akin to malpractice indictments in advance. If bona fide physicians were willing, for whatever reasons, to undertake occasional discreet abortions, they could probably do so with impunity. Even non-physicians and pregnant women themselves could try to induce abortions and seldom risk punishment, provided the procedure went well. But if the procedure was botched, and especially if a woman died as the result of an attempted abortion, hard questions would have to be answered and stiff penalties from the state courts were likely.

EARLY IN THE 1950s the Iowa Supreme Court sent a signal that this paradoxical and inconsistent situation might no longer be so lightly tolerated. Dr. J. A. Snyder, an elderly physician from Roland, was indicted for violation of the abortion statutes,

23. *State v. Aiken*, 109 Iowa 643 (1899); *State v. Shoemaker*, 157 Iowa 176 (1912); *State v. Rowley*, 198 Iowa 613 (1924); and *State v. Dunkleberger*, 206 Iowa 971 (1928).

24. Taussig, *Abortion*, 441.

even though all the procedures he was accused of performing went well. The prosecutor who brought the indictment had assembled fifteen women who were willing to testify that they had received abortions from Dr. Snyder during 1950 and 1951. When the local judge refused to grant the witnesses immunity, all but one of them withdrew. On the testimony of the lone remaining woman, however, Dr. Snyder was convicted. On appeal in 1953, the Iowa Supreme Court upheld the conviction, notwithstanding the fact that Snyder had been a duly licensed physician in the state for more than forty years. Because Snyder had the woman return to his office after dark, and because he did not give her a general physical examination, the court reasoned that he was merely providing an abortion, and was not really concerned about her health, much less fearful for her life.²⁵ Delivered in a climate of conservative politics and in a period of resurgent domesticity, the decision presaged an era when abortions might become difficult to obtain, even for sophisticated women with access to friendly and well-paid physicians, let alone for poor or desperate women.

While legal authorities moved during the 1950s to resolve the inconsistencies in Iowa's abortion policy by stepping up enforcement of the letter of the law, other people in the state were beginning to consider resolving the inconsistencies not by enforcing the law more vigorously but by redrafting it. The advocates of change in Iowa and elsewhere held many different views through the late 1950s and early 1960s, but most agreed by the middle of the latter decade that abortions performed early in pregnancy by competent physicians for reasons they deemed physically or mentally appropriate should no longer be proscribed as criminal acts.²⁶

In the General Assembly of 1967 State Senator John M. Ely, Jr., of Cedar Rapids, chairman that year of the Senate Public Health and Welfare Committee, introduced a bill that would

25. *State v. Snyder*, 244 Iowa 1244; 59 N.W.2d 223 (1953).

26. For information on shifting positions through 1967, see David T. Smith, *Abortion and the Law* (Cleveland, 1967); Lawrence Lader, *Abortion* (Indianapolis, 1966), and *Abortion II: Making the Revolution* (Boston, 1973); reprint of the American Law Institute's model code of 1959 in Quay, "Justifiable Abortion," 173-74; and *Report of the Governor's Commission Appointed to Review New York State's Abortion Law* (Albany, 1968).

have brought about such a change. Ely's bill, the first formal legislative proposal of its sort in Iowa in over a century, eventually expired with the Sixty-second General Assembly.²⁷ But it proved in retrospect to be the opening round of what would become from 1969 through 1973 one of the most tumultuous and emotional battles in Iowa political history.²⁸

The General Assembly did not meet in 1968, but in 1969 the advocates of abortion reform returned to Des Moines, stronger than ever before and determined to alter Iowa policy on the subject.²⁹ Senator Minnette Doderer of Iowa City and Representative Richard Radl of Linn County submitted liberalizing proposals, but legislative activity in 1969 centered on a bill that emerged from the Senate Committee on Social Services.³⁰ That committee bill brought to the fore a Cedar Falls Republican, W. Charlene Conklin, who quickly became a key figure in the struggles of the early 1970s. Conklin did not like the 1969 committee draft for a host of substantive and procedural reasons, and helped defeat it.³¹ But she announced her intent to submit a proposal of her own in 1970, which she did, and she became in some sense the legislative point person for Iowa abortion reform.³²

The General Assembly debated and defeated efforts to liberalize Iowa abortion policy in 1970 and 1971. In both years the battles were bitter and closely contested.³³ Following the respite

27. See *Index for Iowa State and House Journals, 1967*, (hereafter cited as *Index*). The bill died in committee, but not without a public hearing that allowed Ely and his supporters to make their points publicly for the media.

28. John M. Ely, Jr., to Charlene Conklin, 30 January 1971, and Conklin to Ely, 3 February 1971, Charlene Conklin Papers, Special Collections, University of Iowa Libraries, Iowa City, Iowa (hereafter referred to as CCP). There is a copy of Ely's original bill, dated 27 March 1967 in box 2, CCP.

29. *Des Moines Register*, 6, 18, 28 January 1969.

30. *Index* (1969); draft of the bill, dated 7 February 1969, in box 2, CCP.

31. Conklin to James P. Schmitz, 19 February 1969; Conklin to James H. Polacek, 28 February 1969; Conklin to Cynthia Wessel, 10 April 1969, all in CCP. *Des Moines Register*, 7, 19, 22, 23 February 1969.

32. A copy of the 1970 bill, No. 1052, is in box 1, CCP. See also Corinne Miller, Co-Vice-Chairman, Winnebago County Republican Party to Conklin, 21 January 1970; Blain C. Wood, Tenth District Judge, to Conklin, 20 January 1970, both in box 1, CCP; *Index of the 63rd General Assembly*; *Des Moines Tribune*, 30 December 1970.

33. *Index* (1970, 1971); *Des Moines Register*, 2 January, 14 February, 3, 4 April

of 1972, the General Assembly reconvened in January 1973. Many observers believed that the advocates of liberalization were on the brink of success at the state level, for they had made significant gains in each of the previous three years.³⁴ Hardly had the battle been reengaged, however, when the decision of the United States Supreme Court in the case of *Roe v. Wade* (1973) summarily ended the struggle. Ironically, that decision gave advocates of reform at the state level a victory they had not yet been able to win in the Iowa legislature.

THE BATTLES that raged in the Iowa legislature in the late 1960s raise for us twenty years later a host of intriguing historical issues. Not the least of them is the deceptively obvious question of why they broke out at all. Why had so many Iowans decided after a century of living with paradox, inconsistency, and benevolent neglect that they would like formally to alter the laws proscribing abortion? Why, in turn, did so many other Iowans rise to such passionate and politically powerful defense of the state laws, when most of their fellow citizens for a hundred years had apparently paid little or no attention to the policy one way or the other? Manuscript collections from the files of prominent state legislators during the late 1960s and early 1970s, which are now available in the University of Iowa Special Collections, provide some illuminating answers to these questions and help us place those battles into a longer historical perspective.

Four broad factors seem to have energized the proponents of liberalization. The first was a growing national concern

1970; 4 January, 6, 7, 8, 10, 11, 12 February 1971. The legislative activities of 1971 are well documented in the Philip B. Hill Papers (hereafter PHP), Special Collections, University of Iowa Libraries, Iowa City, Iowa. The PHP contain roll calls, proposed amendments, tear sheets from the *House Journal*, and similar materials. There is also a superb summary of legislative activity in the form of a scholarly paper in the Earl M. Willits Papers (hereafter EWP), Special Collections, University of Iowa Libraries, Iowa City, Iowa. The paper has no listed author, though it is most likely by Willits himself and certainly prepared for his use.

34. Details of the early maneuvering in the 1973 session are fully documented in CCP, EWP, and especially in PHP, which are full of letters, tear sheets, proposed positions, and the like from the first weeks of the 1973 session.

about overpopulation. The administration of President Lyndon B. Johnson, which spanned the middle years of the 1960s, was the first one to spend substantial amounts of federal money on programs of fertility control. Iowans clearly shared the national concern about overpopulation. Richard Radl, who had cosponsored one of the unsuccessful liberalization bills in 1969, had stressed the threats of overpopulation. "All of our current environmental problems," he argued, "are closely related to the issue of over-population." Iowans had to "enact meaningful legislation" on subjects like abortion in order "to keep ourselves from being inundated."³⁵ Senator Conklin's files contain copies of President Richard Nixon's 1969 special message to Congress, "Relative to Population Growth," and Morris K. Udall's influential article, "Standing Room Only on Spaceship Earth," which appeared in *Reader's Digest* that same year.³⁶

The question of population was so closely linked to the question of abortion in Iowa that the *Des Moines Register's* most famous and most often cited Iowa Poll on abortion, the one of January 1971 which revealed a clear majority in the state for liberalization, also asked people whether they thought the legislature should set legal limits on family size.³⁷ More telling still was the response of Iowa citizens to abortion-related appeals from population control groups. In February 1971, for instance, the Black Hawk chapter of Zero Population Growth ran a piece in the *Waterloo Courier* urging citizens to support abortion reform for population reasons. The announcement contained a section that readers were to clip out, fill in, and send to their state legislator. The positive response generated by this ad was the largest of its sort in the Conklin papers, clear evidence that appeals for a liberal abortion policy in the context of concern for overpopulation had substantial impact at the grassroots level in Iowa.³⁸

Equally telling were the frequent allusions to population concerns expressed in hundreds of letters to other legislative

35. Planned Parenthood of Iowa, *Newsletter* (March 1970), 2.

36. Nixon's message is in *Congressional Record*, 91st Cong., 1st sess., doc. # 91-139. The Udall piece appeared in December 1969. Both in CCP.

37. *Des Moines Register*, 10 January 1971, clipping in EWP.

38. The constituent forms are in box 3, CCP.

supporters of abortion reform.³⁹ Earl M. Willits, a careful and almost scholarly state legislator from Ankeny, eventually concluded that population control was one of the two most important reasons why so many Iowans favored legalization, or re-legalization, of abortion by 1970.⁴⁰ No wonder, when Willits received letters like the following: "As young Catholics both my wife and I believe the church's stand [against abortion] is not in keeping with the times. We are concerned with the population problem and think each child brought into the world should be wanted and planned for."⁴¹

A second factor that proved important both in the nation as a whole and in the state of Iowa in particular was related to perceptions of fairness. The poor and the unsophisticated had a much harder time obtaining abortions under the old system of benign neglect than did the wealthy and the well connected. This inequity appears to have influenced several prominent groups around the state, especially social workers and mission-oriented clergy.⁴² Fairness was also an important issue in the decision of the Iowa YWCA to support repeal of the old law, a decision the YWCA reached as early as 1966.⁴³ The Iowa Conference of the United Church of Christ urged all of its pastors to favor repeal of the state's anti-abortion law in part because "the rich and middle class can terminate a pregnancy safely (legally or illegally) because they can afford to pay for it, while pregnancy termination is not readily available to the poor because of its cost (introducing another form of discrimination)."⁴⁴

Abortions were expensive. Dr. Snyder, the man whose conviction in 1953 had signaled the possibility of stronger

39. Many such references occur in PHP and EWP.

40. "Attempts to Liberalize Abortion Laws," p. 1, in EWP.

41. G. T. Nichols to Willits, 23 January 1971, EWP.

42. See Central Iowa Chapter, National Association of Social Workers, to Hill, 31 January 1973, PHP, and several different communications from the Iowa Clergy Consultation Service on Problem Pregnancy, Adoption, and Abortion to Conklin in box 3, CCP.

43. Statements from the YWCA appear prominently in the files of all of the leading abortion reformers; the earliest statements in CCP are from 1966.

44. Circular letter "To pastors" from the Christian Social Action Committee of the Iowa Conference of the United Church of Christ, 27 January 1971, box 1, CCP (parentheses and emphasis in original).

enforcement of the law, was charging his patients fifty dollars in 1950, a substantial sum indeed for that year. Iowa college students were also sensitive to the question of fair access. The student government in Iowa City raised conservative hackles in the fall semester of 1971 by voting funds for abortion counseling and abortion services to students who could not afford them. When their actions were overruled by university authorities under pressure from Des Moines, the students created a special loan fund for the same purpose.⁴⁵ Similar concerns were expressed at Drake University, Iowa State University, and the University of Northern Iowa.⁴⁶ The inequities of the old system played an important role in forcing the issue before the legislature.

Medical opinion proved to be a third critical factor in precipitating the abortion debate twenty years ago. During the 1950s, just as the state's anti-abortion laws began to be more vigorously enforced, even against physicians, medical statisticians demonstrated that abortions had actually become safer for pregnant women than going full term and bearing a child. Though no one, of course, was prepared to argue that all pregnant women should therefore be required to undergo abortions to protect their health, these figures undermined the female safety justifications that had once proved important to nineteenth-century legislators and jurists.

More crucial still was a dramatic shift in medical opinion that became manifest during the 1960s. Physicians were no longer defensive members of a struggling profession, looking to the state to prosecute their competitors, such as midwives. Instead, they were now at the height of their power and prepared to assert their right to make sensitive and tolerant decisions without the state looking over their shoulders. To put it

45. *Des Moines Tribune*, 8 October, 18 November 1971; *Daily Iowan*, 19 November, 14 December 1971, box 1, CCP; *Cherokee Daily Times*, n.d., clipping in CCP.

46. L. Wayne Bryan, campus minister at Drake, to Hill, 10 February 1971; Janet Jepeway-David to Hill, 19 February 1973, both PHP; Gary Sanders to Conklin, 18 January 1970; Linda Marshall to Conklin, 19 January 1970, both CCP; Charles E. Landis, United Campus Ministry at U.N.I., to James Gallagher, 22 January 1973, James Gallagher Papers (hereafter JGP), Special Collections, University of Iowa Libraries, Iowa City, Iowa.

crassly, now that they had finally cornered the medical market, physicians sought to reduce the market's restrictions; to put it less crassly, physicians went public with their desire for a nearly absolute degree of flexibility in providing what they thought, not what the state thought, their patients wanted or needed. The decision to have or not to have an abortion, they believed, should be made in a private, medical context.

By 1967, according to a survey conducted by *Modern Medicine* magazine, some 87 percent of all American physicians favored more permissive abortion laws than prevailed in their states.⁴⁷ It is not possible to determine whether that figure would have held steady in Iowa specifically, but there is no question that Iowa physicians played a major role in the drive to alter their state's abortion statutes. It is surely no accident that the abortion files of leading reform legislators are full of medical articles and physicians' letters urging liberalization, articles and letters that presumably influenced the thinking of those legislators. Nor is it a coincidence that Senator Conklin's husband was a physician. The senator herself was significantly influenced by a session she attended with her husband at the Denver meetings of the American Medical Association in 1969: a panel on "How the Abortion Law Has Worked."⁴⁸

Physicians worked hard to change Iowa abortion laws during the six years of open struggle between 1967 and 1973. One of the principal pressure groups favoring liberalization astutely called itself the Iowa Association for the Medical Control of Abortion.⁴⁹ Many influential doctors in private practice wrote

47. "Abortion: The Doctor's Dilemma," *Modern Medicine*, 24 April 1967, 12-32, and L. M. Cohen, editorial director of *Modern Medicine*, to Martin M. Cummings, director of the National Library of Medicine (NLM), 2 May 1967, explaining the questionnaire and the responses upon which the article was based. The letter is attached to the NLM's reprint copy of the article in its Miscellaneous Collections, NLM, Bethesda, MD.

48. Conklin to Mrs. John L. Beattie, 5 February 1970, CCP. See also *Council Bluffs Nonpareil*, 15 February 1970.

49. This was not a medical organization per se, but it took full advantage of the fact that physicians were tacitly, and in many cases overtly, in support of its programs. The activities of this organization are well documented in PHP and CCP. The group claimed an extensive local following, generated a great deal of literature in favor of reform, and sent representatives to testify at virtually all of the public hearings held by the legislature on the subject of abor-

letters of support to the champions of reform, as did key professors and researchers at the state's two medical colleges. A letter from Dr. Wendell K. Downing of Des Moines to Philip Hill assured the representative that a majority of Iowa physicians favored legalizing abortion.⁵⁰ A letter from Dr. Hans Zellweger of the Department of Pediatrics at the University of Iowa urged legal abortions where amniocentesis indicated abnormality.⁵¹

Dr. George D. Aurand of Clinton, who testified to the legislature in favor of reform, also sought to persuade the Iowa county attorneys to favor liberalization of the state's abortion laws.⁵² The Clinton and Scott County medical societies were but two of several local medical associations in Iowa to endorse the need for a more liberal abortion policy.⁵³ Most striking of all, the chairman of the Iowa Medical Society's Commission on Legislation testified to the state senate in favor of legalizing abortions performed by licensed physicians, a dramatic reversal of the stance taken by the state's doctors a century earlier.⁵⁴ Since Iowa had historically debated the abortion issue in the context of medicine and health, there can be little doubt that the activity of the medical community during the 1960s and early 1970s in behalf of legal abortions had a major impact in bringing the issue to public and legislative attention.⁵⁵

tion law. Barbara Madden, head of the IMCA, actually served as secretary at one of the key hearings, 2 April 1970; see hearing notes in box 2, CCP, and Conklin to Madden, 7 April 1970, box 2, CCP.

50. Wendell K. Downing to Hill, 9 February 1971, PHP. Hundreds of letters like this one could be cited, but they are far too numerous to be listed separately.

51. Zellweger to Conklin, 5 March 1970, CCP; Zellweger and Jane Simpson to Hill, 2 January 1973, PHP. Zellweger also testified to the legislature on this subject.

52. Aurand to Hill, 17 August 1971, and attached paper, PHP.

53. *Des Moines Register*, 25 January 1970, and *Davenport-Bettendorf Times-Democrat*, 10 February 1970. The former vote, engineered by George Aurand, drew protests from Catholic physicians.

54. See notes on the Senate hearing of 2 April 1970, in box 2, CCP.

55. The attitude of private practitioners toward legal abortions has recently been examined by Jonathan B. Imber in *Abortion and the Private Practice of Medicine* (New Haven, CT, 1986). Though Imber's material came from a survey conducted in New England rather than Iowa, the analyses offered there are germane to anyone interested in the relationship between the abortion issue and the professional community of physicians.

The fourth major factor behind the abortion debate in Iowa in the late 1960s and early 1970s was the tremendous force of the women's movement. This is not the place to chronicle the revolutionary and remarkably rapid surge of modern feminism during the 1960s, but that surge certainly played a tremendous part in the Iowa abortion debates. At the grassroots level, abortion became a quintessentially women's issue, perhaps *the* quintessentially women's issue in Iowa for the period 1967 to 1973.⁵⁶

During the late 1960s and early 1970s, a large proportion of the letters written to legislators in Des Moines urging reconsideration of the state's abortion policies were written by women. The phenomenon was really quite astonishing. It is hard to imagine that any issue in Iowa history to that point had ever generated either more letters to state legislators specifically from women or a higher percentage of letters from women than did the abortion issue between 1967 and 1973. Taken together those letters constitute a rich source of social history for future researchers, because many of the women who wrote their state legislators poured out private stories in great detail. They told Charlene Conklin things they had never dared to tell their husbands.⁵⁷

Women's organizations seized upon the abortion issue as well. The Iowa YWCA took an overtly feminist position in 1969 in favor of reform. "One of the Imperatives for Action in the 1970-73 period is to revolutionize society's expectations of women and their own self-perception. Therefore, we must undertake intentional actions which will support, in public policy, the greater liberation of women. Among these actions, we will give special emphasis to the repeal of all laws restricting or

56. In February 1971 the *Cherokee Daily Times* asked readers to complete a questionnaire concerning their attitudes toward abortion. Of the 815 people who responded, 79 percent were women.

57. This raises the whole question of confidentiality in recent history. Though the letters were obviously intended to be personal and private, virtually all of them are signed, and return addresses are given. Most of the women who wrote those almost intensely intimate letters are still alive and would probably be appalled to see them quoted in learned publications around the state and nation. This paper has deliberately avoided citing deeply personal matters.

prohibiting abortions performed by a duly licensed physician."⁵⁸ By 1970 the women of the Y had been joined by many other gender-based organizations urging repeal or reform of the criminal statutes against abortion. Included in the list were the Iowa Division of the American Association of University Women, which in 1970 considered "the present laws regarding abortion . . . outdated," and called for their repeal;⁵⁹ local YWCA branches, including the large ones in Des Moines and Waterloo;⁶⁰ the Class in Literature, one of the oldest of the federated women's clubs in the state;⁶¹ the Status of Women Council of the Greater Des Moines Area;⁶² the four hundred women of the Tifereth Israel Women's League in Des Moines;⁶³ and the Iowa Nurses' Association.⁶⁴

Also influential were the actions of women in political life. Governor Robert Ray appointed a special Commission on the Status of Women in 1969, and from 1970 through 1973 the commission endorsed abortion reform in no uncertain terms. When the commission issued its first formal report in May 1970, a majority of the commissioners believed that the state's abortion laws were "antiquated and restrictive." The "principle" that should guide legislative action, according to the Women's Commission, was the idea "that a woman is a free being and as such has a right to control her own life, her own property, and her own physical being."⁶⁵ In December 1972 the commission reiterated its strong stand with only one vote opposed, that of a nun who sat on the commission. During the legislative session of 1973, the Iowa Women's Commission was pressing actively

58. Excerpt from Iowa Association for Medical Control of Abortion handbills, 1 January 1970, copies in PHP and CCP.

59. *Ibid.*

60. Box 2, CCP.

61. Mrs. Leland Beneke and Mrs. Robert LaGrange to Conklin, 14 January 1971, box 1, CCP.

62. Mrs. Linda L. Archibald to Conklin, 26 January 1970, box 1, CCP.

63. Mrs. Harold Pidgeon to Hill, 19 January 1973, PHP.

64. See statement sent to Hill, 2 February 1971, PHP.

65. Statement by the Governor's Commission on the Status of Women Before the Democratic and Republican Platform Committees, May 1970, PHP.

for repeal, when the *Roe* decision intervened.⁶⁶ Around the state women organized petition drives in favor of liberal abortion laws.⁶⁷

Women delegates and committeewomen in the Democratic and Republican parties likewise helped push the abortion issue into the open. Both parties adopted platform planks supporting abortion reform. The Republican resolution was the stronger of the two, asserting that "the decision to terminate a pregnancy is a matter of conscience and health, not of law. Laws are appropriate in this area only to assure proper safeguard for such procedures. We recommend Iowa's laws be revised to acknowledge these facts."⁶⁸ The Democratic resolution likewise recognized the decision as one of "conscience" involving a woman and her physician, but hedged with a statement that "the highly personal and non-partisan nature" of the issue "will not permit universal acceptance" of the liberal position.⁶⁹ That was a bow to the strong Catholic core in the Iowa Democratic party. Moreover, there is evidence that local party women took their parties' resolutions seriously. The Johnson County Women Democrats formally endorsed repeal of Iowa's anti-abortion laws in 1970 and worked to keep their party's position on abortion as liberal as its Catholic core would permit.⁷⁰ Rosalee Hillman, a Republican committeewoman from Essex, wrote Senator Conklin to let her know that Hillman would "no longer support Senator Bass [an Essex senator who voted against abortion reform], if he will not represent women as well as men in his area."⁷¹

In view of the foregoing, two facts bear repeating. First, efforts to relegalize abortions in Iowa repeatedly failed through 1973; the United States Supreme Court, not the Iowa legislature, overturned the state's nineteenth-century anti-abortion

66. Christine Wilson, Chair of the State Commission on the Status of Women, to Hill, 5 January 1973 and 16 January 1973, PHP.

67. For an example, see Mary Schreiber to Conklin, n.d., but almost certainly January 1971, with attached petition of 238 signatures from Iowa City, box 3, CCP.

68. See excerpt of the IMCA handbill, 1 January 1971, box 3, CCP.

69. *Ibid.*

70. *Iowa City Press-Citizen*, 4 April 1970.

71. Rosalee Hillman to Conklin, 27 January 1971, box 1, CCP.

statutes. Those who forced abortion reform into the open and onto the agenda of the General Assembly never really prevailed at the state level. Second, while the abortion issue became a quintessentially women's issue in Iowa, the state's women were far from unanimous on the question of whether to liberalize the law or to enforce it as it stood. In short, any effort to understand the Iowa abortion battles of the late 1960s and early 1970s must take seriously those people who rose to defend the anti-abortion policies already in place. Who were they and why would they do it?

THE CONVENTIONAL ANSWER identifies the defenders of the old criminal statutes primarily as people who acted from *a priori* assumptions, either religious or scientific, that human life begins at conception. To interrupt the process of gestation was, in that view, tantamount to murder. Life has always been and still remains an absolute, and the state should not permit citizens to destroy it under any circumstances whatsoever. The chief example invariably cited is the position of the Roman Catholic church, which played essentially no role in the origin or evolution of Iowa's anti-abortion policies in the nineteenth century, but defended them fiercely as moral absolutes once they came under attack in the second half of the twentieth century.

Like most bits of conventional wisdom, this one has a great deal of truth in it, and it is substantiated in the manuscript collections of the state legislators of the period. The files are full of letters arguing fine points about the origins of life, full of anguished concern on the part of citizens clearly committed to what they considered a moral imperative. Discussions in newspaper editorials, commentaries on radio and television, and hearings before the legislature often sought to address the issue of when life begins.⁷² When the Catholic parishes of Iowa systematically began to generate action on the part of their mem-

72. The editorials and the hearings are easily documented. For transcripts of radio and television editorials, see Edwin J. Lasko, general manager of the KCRG stations, to Conklin, 18 November 1971, Dan Yates, news director, KCFI, to Conklin, 9 February 1971, and WMT-TV, WMT-Radio editorials of 9 February 1971, all in CCP; John A. Moline, general manager, KOUR Radio, to Gallagher, 19 February 1973, JGP.

bers against abortion reform, they distributed sheets in church explaining the most effective ways to write letters to legislators. Those sheets were unambiguous about the essential point to make: "The basic question is: When does life begin?"⁷³

There is little question that the Catholic parishes in Iowa took the early lead in defending the state's already existing anti-abortion policies against the forces of repeal and reform. The first public efforts at liberalization were countered with massive letter-writing and telegram-sending campaigns from Catholics; hundreds and hundreds of those letters and telegrams are now in the archives. Legislative leaders of the anti-abortion forces kept closely in touch with the Catholic hierarchies in their districts, especially with Catholic educators.⁷⁴ The Catholic commitment to life from the instant of conception was clearly a crucial factor, and Catholics were remarkably effective as a pressure group considering they were well under 20 percent of the state's population during the late 1960s and early 1970s. Certainly their opponents had a grudging respect for them, as many bitter letters testified. Mrs. R. E. Christiansen of West Des Moines, an active member of the Iowa Association for the Medical Control of Abortion, expressed a widely held sentiment when she wrote Representative Hill after the defeat of the reform bill in 1971: "It seems that no matter what the political parties, the Medical Society, the A.A.U.W., the Y.W.C.A., the Council of Churches, or the people of Iowa want, the Catholic Church has the money and the muscle to impose its will on the rest of society."⁷⁵

Clearly, however, the abortion debates in Iowa involved far more than the *a priori* commitments of specific groups, regardless of their size, influence, or effectiveness. More seemed to be at stake than difficult distinctions between life as an absolute, life in the process of becoming, life not yet realized, and life already manifest. Much broader concerns were evident: con-

73. See handbill passed out in the Des Moines Catholic parishes in December 1970, attached to a letter from Robert Gorsuch to Willits, 22 December 1970, EWP.

74. For a good example, see the Reverend Carl L. Schmitt, Metropolitan Coordinator, Dubuque Metropolitan System of Catholic Education, to Gallagher, 23 January 1973, JGP.

75. Mrs. R. E. Christiansen to Hill, 15 February 1971, PHP.

cerns about the fundamental tone of what life would be like in the future and how men and women, but especially women, would relate to the new world ahead. Ultimately, the abortion battle was about where American society seemed to headed.

The abortion battle did not emerge from a contextual vacuum, after all, but from a decade that included civil rights, affirmative action, urban rioting, cities burning, much talk about perpetual welfare and fatherless families, national leaders being assassinated, a terrifying surge in the use of illegal drugs and chemicals, the free speech movement on college campuses, draft resistance, bitter debates (especially in Iowa) over the righteousness of the Vietnam War, and similarly unsettling developments. Many of the people who wrote their state legislators saw in the drive to liberalize abortion a sort of symbolic last straw. Some lines had to be drawn somewhere, and abortion, an issue that could be presented in clear-cut life-and-death terms, seemed to be the place to draw one. If the state permitted abortion "on demand," as the opponents of liberalization put it, even the sanctity of motherhood might disappear. The basic idea of the family would be undermined, and with it might go all traditional social values.

In a decade of near-revolutionary change, many Iowa women clung to the bedrock of traditional reproductive arrangements. As a woman from Estherville put it to Senator Conklin, "From the small cell of the family to the complex organization of the society, women play a basic role. . . . Where is your womanly dignity?"⁷⁶ The same feminism that galvanized unprecedented numbers of Iowa women into the movement to liberalize the state's abortion laws, it now appears, drove others to fear for their own futures and for the future of society. Without traditional values, argued another woman, "men will get ideas of abusing women," since their own male responsibilities would be stripped by the proposed laws.⁷⁷ A couple from Iowa City saw the feminist issue of autonomy as unrealistic. "In the abstract, man or woman has an absolute right over their body and its life; however, in the practical order of civilized societal living, this right has been modified by

76. Agnes Fitzgibbons to Conklin, [February 1971], CCP.

77. Mrs. B. H. Meinart to Conklin, 29 January 1971, CCP.

human laws throughout the ages. Modern woman must still reside in our society, and she needs to modify her right over her body for the good of the group, the same as everyone else."⁷⁸ In the words of the sociologist Kristin Luker, the abortion debate that broke out in the 1960s was in large part "about women's contrasting obligations to themselves and others. . . . *a referendum on the place and meaning of motherhood.*"⁷⁹

In this respect, there was a striking parallel between the abortion battles of the late 1960s and early 1970s, on the one hand, and a similarly searing issue of the nineteenth century: slavery in the territories. The parallel was not one of substance, but one of cultural and political process. Slavery in the territories was an inherently important issue in and of itself, of course, just as abortion was. But slavery in the territories *per se* did not by itself provoke guerrilla warfare in Kansas or bring about a revolution in the political party structure of the nation. Instead, slavery in the territories became the symbolic or surrogate question upon which was focused a much wider range of more difficult but less well defined problems separating the North and the South.

The abortion debates of the late 1960s had much of the same ring to them. They were especially intense because they turned not on the specific issue alone, important as it was, but also on a much wider range of more difficult but less well defined problems separating those who welcomed the cultural revolutions of the 1960s (or were willing to try to accommodate them), on the one hand, and those who defended traditional virtues (or the virtues of traditionalism), on the other. That parallel helps to explain why the most fundamental Protestant sects in Iowa tended to side with the Catholics on the abortion issue, though on the face of it they would stand doctrinally and socially a long distance from the papacy.⁸⁰

78. Floyd and Charlene Sarff to Conklin, 30 January 1970, CCP.

79. Kristin Luker, *Abortion and the Politics of Motherhood* (Berkeley, 1984), 193 (emphasis in the original).

80. See, for example, Raymond W. Fletcher, public relations officer for the Lutheran Church-Missouri Synod (which claimed 126,500 members in Iowa) to Hill, 28 January 1971, with attached 25-page statement: "A Position Paper on Induced Voluntary Abortion, by A Committee Appointed by

For many Iowans, abortion came to be the great symbolic or surrogate issue of the late 1960s and early 1970s. Upon it they focused a host of related misgivings about the general direction of society.⁸¹ Legal abortion was a first step to larger "moral corruption."⁸² The "entire state" was on the brink of becoming "a tainted, shamed land."⁸³ In a decade when "co-ed dormitories [sic] are already starting," some envisioned, at least hyperbolically, "sexual relations . . . taking place on the street corners."⁸⁴ A surprisingly large number of older people feared that abortion would lead to other forms of social killing and that they would become logical victims. Phoebe Stewart of Des Moines saw "the next move as Mercy killing of the aged, sick, deformed, and mentally ill. What assurance do we have that we will not fall into one of the other categories? You may be signing your own death warrant," she warned Representative Hill, "if you approve" the liberal abortion bill.⁸⁵ References to euthanasia were extremely common in the letters of those who opposed reform. Opinion polls in Iowa during the late 1960s and early 1970s consistently indicated that liberalized abortion was more likely to be opposed by the elderly than the young, the poor than the wealthy, and the least well educated than those with solid schooling.⁸⁶ Put differently, this suggests strongly that those least confident of their abilities to adapt to revolutionary change in the basic fabric of society—the vulnerable, the poor,

the President of the Iowa District West of the Lutheran Church—Missouri Synod, By Order of the 1970 District Convention"; and Calvin Rumley, pastor of Ankeny Baptist Church, to Hill, 4 February 1971, in which the pastor states that "many hundreds of non-liberal, Bible believing churches" in Iowa opposed liberalization of the state's abortion policies, both in PHP.

81. For data that strongly support this argument in the context of the ERA battle of the 1970s and 1980s, see Louis Bolce, Gerald DeMaio, and Douglas Muzzio, "ERA and the Abortion Controversy: A Case of Dissonance Reduction," *Social Science Quarterly* 67 (June 1986), 299–314.

82. See telegram of John Craig et al. to Conklin, 20 February 1969, CCP.

83. Mrs. Bernard Zimmerman to Conklin, 28 January 1971, CCP.

84. Mrs. Dwayne Van Ort to Willits, 20 January 1971, EWP.

85. Phoebe Stewart to Hill, 27 January 1971, PHP.

86. See the "Iowa Polls" in the *Des Moines Register*, 10 December 1967, 28 February 1969, and 10 January 1971; *Cherokee Daily Times*, 10 February 1971; *Davenport-Bettendorf Times-Democrat*, 15 February 1971. These Iowa patterns were consistent with surveys elsewhere in the country.

and the poorly prepared—were the groups most skeptical about abortion reform.

THIS WAY OF VIEWING THE ABORTION ISSUE—as one of the great symbolic issues of its time, a political focal point for Iowans dismayed by the cultural tumult of the 1960s—may throw some light on an aspect of the abortion controversy that has always stood out as a troubling anomaly in this whole business: the apparent inconsistency between public opinion polls of the period, on the one hand, and political action (or lack of action), on the other. Beginning in 1967, opinion polls consistently made clear that a majority of Iowans favored some degree of legal tolerance toward the practice of abortion. The respected “Iowa Poll” reported in the fall of that year that 68 percent of the state’s citizens favored liberalization of the Iowa abortion laws, 21 percent opposed liberalization, and 11 percent expressed no opinion.⁸⁷ In the state’s best known survey of public attitudes on this subject, the *Des Moines Register’s* “Iowa Poll” of January 1971, 21 percent of Iowa citizens favored the legalization of all abortions, 54 percent favored the legalization of abortions that threatened the physical or mental well-being of the mother (for a total of 75 percent in favor of liberalization), and only 11 percent opposed abortion under any circumstances.⁸⁸ A *Cherokee Daily Times* survey a month later registered 57 percent in favor of liberalization.⁸⁹ A “Voter’s Lobby” poll that same year was two to one in favor of liberal legislation, and a KDMI survey showed 64 percent for reform.⁹⁰ The *Davenport-Bettendorf Times-Democrat* also ran a “Viewpoint Poll” on the subject that year. Well over one thousand people responded, and 73 percent favored liberalizing the state’s abortion policies.⁹¹ When Representative Willits polled his constituents in January 1972, he continued to receive similar

87. See recapitulation in *Des Moines Register*, 28 February 1969.

88. Clipping in EWP.

89. *Cherokee Daily Times*, 10 February 1971.

90. Both surveys are noted in PHP.

91. *Davenport-Bettendorf Times-Democrat*, 15 February 1971. An editorial noted that surveys conducted in area high schools were even more lopsided. At West High School in Davenport the students favored liberal abortion laws 79 percent to 21 percent.

figures: 68 percent for liberal legislation, 26 percent opposed to legalizing abortions, and 6 percent without an opinion on the subject.⁹²

In the face of such strikingly consistent figures, why was the legislature so reluctant to act? Why did the lawmakers at Des Moines drag their feet until the issue was resolved for them from Washington in the form of a Supreme Court decision? Some feminists have argued that this was a case of male reluctance to pass feminist legislation. Because public opinion surveys indicated that men consistently favored liberal abortion policies more strongly than women, this charge is difficult to assess.⁹³ The charge may have some validity, for the paradoxical reason that so many Iowa women opposed the feminist position on this issue, but a thorough evaluation of the gender argument in this context will have to await evidence of a different sort from what is presently available in the archives.

Other analysts hinted darkly at the power of special interests, especially the Catholic church, or at the ability of single-issue activists to clog and confuse the expression of majoritarian sentiment in the American political process, especially at the state and local level. Both are fundamentally structural arguments that merit serious consideration. But neither fully explains the inconsistencies between public opinion polls on abortion and official public policy on the subject.

The inconsistencies may also have resulted from the fact that the polls were measuring something different from what the legislators sensed in their mail. By their nature, opinion polls artificially isolated abortion as a separate and distinct issue. And as a separate and distinct issue, divorced from the cultural and social context of the late 1960s and early 1970s, Iowans confirmed what had been, after all, their long-term behavioral response toward abortion: a tolerant, if uneasy and even unofficial, permissiveness. Because that basic pattern had been sustained from territorial days, the polls should not have

92. The abortion issue was the twelfth of fifteen issues about which Willits sought his constituents' opinions. See *Ankeny Press-Citizen*, 13 January 1972, and Willits to constituents, form letter, 3 February 1972, EWP.

93. This is not the place to pursue this argument in detail, but the surveys referred to in the footnotes above revealed a consistently more liberal view toward legal abortions on the part of men than women.

surprised anyone familiar with the history of the issue in the state.

Politicians of the day, however, did not face the question as a separate issue. They faced an emotional surrogate, freighted with a great deal of cultural baggage. They faced an issue that could no longer be dealt with in issue-specific terms. They faced a sort of symbolic referendum on the social revolutions of the 1960s, and that made the abortion issue political dynamite. No wonder there was something of a sigh of relief in Des Moines in the early weeks after the *Roe* decision, even on the part of those who had opposed reform.⁹⁴ No wonder the legislature quickly agreed to a moratorium on the issue, pending action of the Iowa Attorney General on the impact of the decision at the state level.⁹⁵

Two days after the *Roe* decision was announced by the United States Supreme Court, the author of that decision, Mr. Justice Harry Blackmun, came to Iowa to address the Cedar Rapids-Marion Area Chamber of Commerce. He was greeted that night by fifty-one anti-abortion demonstrators outside the meetingplace. Later in his career he would become inured to such treatment, but their presence clearly bothered Blackmun less than forty-eight hours after the decision. He devoted most of his after-dinner speech to a canned history of the Supreme Court and how it worked, but turned at the end of his talk, "with seeming anguish," according to the *Cedar Rapids Gazette*, to the abortion question. He expressed a deep frustration, for he had known all along that the members of the court would "be excoriated from one end of the country to the other," regardless of how they decided the abortion issue. Blackmun "really resent[ed]" that evening in Cedar Rapids "the bitter nights" the issue had already given him and the many more he knew would follow. Indirectly, at least, he blamed the nation's state legislatures for

94. See, for example, Gallagher to James J. Milbach, 23 January 1973, Gallagher to V. G. McSweeney, 23 January 1973, and Gallagher to Janice Edred, 9 March 1973, all in JGP.

95. See *Des Moines Register*, 23 January, 28 February, 15 March 1973; *Waterloo Courier*, 2 February 1973.

their unwillingness, or inability, to face up to abortion as a separate issue the way they faced other issues.⁹⁶

TO CONCLUDE by returning to the subtitle of this essay, "Long-term Perspectives and Short-term Analyses," two overriding observations emerge. First, debate over the abortion issue broke out in the late 1960s, after more than a century of quiescence, because abortion policy figured centrally in a concatenation of concerns that came to the surface of American public consciousness during that decade: concerns about population growth, concerns about fairness, concerns about the place and power of the professions, and above all, concerns about the future of women. Second, once the issue reemerged, it became unresolvable in the Iowa legislature not merely because it created serious policy disagreements in and of itself (though it most certainly did), but also in part because it became the symbolic surrogate for profound cultural misgivings that already existed. An outpouring of material from constituents reenforced that conclusion, and for six years Iowa legislators were unable in practice to disentangle the abortion question from its cultural context the way opinion polls could do in theory.

96. *Cedar Rapids Gazette*, 25 January 1973.

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