The Gilded South/Exporting Abortion

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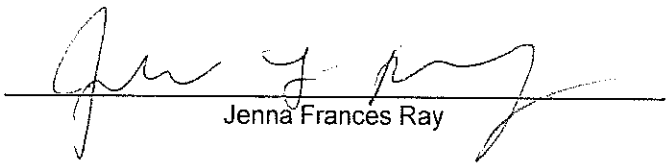

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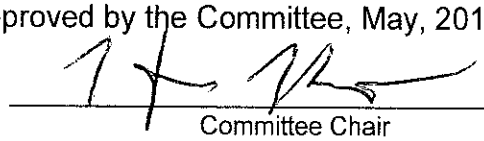

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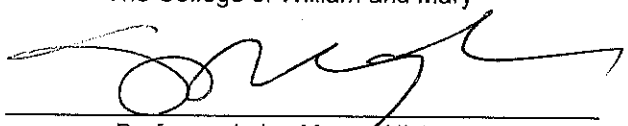

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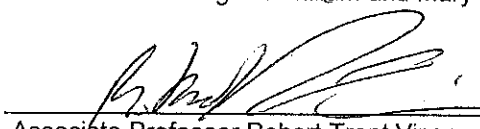

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ABSTRACT

The Gilded South: A Review Essay

“The Gilded South” explores the historiographic gap between literature on the Gilded Age and the New South, suggesting that the two could be joined in order to shed new light on the economic and physical development of the New South. The essay first traces the foundational and emerging literature in both fields, followed by a brief explanation of how the two could merge, with an empahsis on foreign policy goals both regionally and nationally.

ABSTRACT

“Exporting Abortion: How the Helms Amendment Reversed American Foreign Policy and Changed the Face of Global Family Planning, 1973-2009”

“Exporting Abortion” examines the ways in which the 1973 United States Supreme Court ruling on *Roe v Wade* changed the way that foreign aid spending, particularly towards family planning, was dispersed. This paper first traces the development of family planning funding by the United States Agency for International Development (USAID). The focus then shifts towards the actions of the United States Senate in the wake of *Roe v Wade,* followed by an examination of the consequences of those actions on the international stage with emphasis on the role of the United States in the United Nations.

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This writer wishes to express her appreciation to Professors Robert Trent Vinson and Leisa Meyer, under whose guidance this investigation was conducted, for their patience, guidance and criticism throughout the investigation. The author is also indebted to Professor Hiroshi Kitamura for his careful reading and criticism of the manuscript.

This M.A. is dedicated first and foremost to the faculty of the Departments of History and International Studies at Spelman College, without whom I would not be the woman or the scholar I am today. Secondly, I would like to dedicate this thesis to my family, who has shown me unconditional support along this journey.

Intellectual Biography

Over the course of this academic year, I have struggled to determine what kind of historian I want to be. The first semester, I took advantage of the Historian's Craft course and explored a variety of fields, but I found that I actually knew all along that I wanted to study the role of the United States in the World. In preparing this portfolio, I have prepared two papers that examine different aspects of America in the World, with emphasis on foreign policy, while incorporating skills and methods that I learned in the reading and research seminars. The first paper in this portfolio was prepared for the "Global Color Line" research seminar, and the second for the "Sexualities in Modern History" seminar.

In preparing my research for "The Global Color Line," I struggled to find a topic that incorporated my interests. Originally, I wanted to examine the involvement of the United States in the Berlin Conference of 1885, hoping to highlight the role of the United States in the negotiations of African colonization. As I pursued this question, I found that the United States was not as involved as I had hoped, save for their insistence that they would not be held responsible for actions in Liberia. So I charted a second path, this time hoping to examine the differences in infrastructural development between the Northern and Southern regions of the United States during the Gilded Age to highlight differences in foreign policy tactics between the two regions. Though I had a solid source base to work with for this paper, I found that it was difficult to prove that there was a connection between these developments and foreign policy. At this point in the

semester, I did not have time to start over a third time, resulting in the writing of the historiography paper that examines scholarship of the New South and the Gilded Age, hoping to find a connection to the Global Color Line.

Given that I was personally unsatisfied with my work, I immediately began to make plans to revise my paper into something publishable. After reading Paul Kramer's "Power and Connection: Imperial Histories of the United States in the World," in the America in the World reading seminar, I began to question the role of the U.S. South in foreign policy, particularly in exporting ideas of race and the global color line. I decided to revise my historiography paper to examine literature from America in the World in combination with literature on the global color line in response to a question posed by Kramer in "Power and Connection;" how do regions affect foreign relations? In answering this question, Kramer points to a growing body of literature that examines the role of the American West in foreign relations, but none on the South. Throughout the second semester, I have surveyed as much literature on this topic as possible, and drafted a manageable project that I will complete at the end of this semester's coursework.

For the "Sexuality in Modern History" seminar, I began the semester unsure of what I wanted to research within the framework of sexuality. I knew that I wanted to examine something surrounding the role of women in foreign policy, but I did not begin with any particular research questions. I did know, however, that I did not want to examine the controversial topic of abortion. After meeting with Professor Meyer, who suggested I examine laws surrounding birth control in foreign policy, I stumbled upon the Helms Amendment. Something

about this seemingly forgotten appropriations rider stood out to me as important, so I began to look into the issue further. When I discovered that the Helms Amendment started a larger movement to control the world's women through limiting access to abortion, I know that I had come across the perfect research topic. I found that the Helms Amendment not only changed the relationship between the United States and the United Nations, but also reversed Cold War foreign policy initiatives towards family planning. As I continued researching, I discovered that abortion became a litmus issue in foreign assistance following *Roe v Wade* (1973), changing the trajectory of family planning assistance.

Throughout the semester, my biggest obstacle in preparing this paper was forcing myself to stop research and begin writing. I kept uncovering information that would have supported my argument, but given the timeframe of the semester, proved not to be feasible. I do regret, however, not being able to examine the effects of policies like the Helms Amendment and the Mexico City policy, which banned U.S. foreign assistance for abortion-related costs, on women. While my argument centers on the role of the Senate in creating these policies in response to the Supreme Court's ruling on *Roe v Wade,* sources indicate that prior to 1973, women's rights activists supported legal abortion and assistance in building clinics and training physicians. In revising for publication, I would like to incorporate women's voices into my argument, in addition to examining how these laws function in conflict and refugee zones, where women are more vulnerable to unwanted pregnancy.

In conclusion, I have prepared a portfolio that I believe exemplifies my research interests and provide a variety of avenues to continue researching. My first paper, prepared for the “Global Color Line” seminar, though it needs revision, will highlight the relationship between the American South and American foreign policy. The second examines the Senatorial response to *Roe v Wade* in foreign policy, which not only limited women’s access to health care, but also challenged the role of the United States in the United Nations. I know that I have work to do in order for each of these papers to be publishable, but I am confident that I will be able to complete two solid essays that I will be able to use for professional advancement and to support my applications to PhD programs. I have valued my time here at William and Mary, and have gained friends, skills, and methods that I can rely on in the future.

The Gilded South: A Review Essay

Following the Civil War, the United States was faced with a wide set of circumstances that dictated political tradition until World War I. The rebuilding of the nation meant not only reincorporating the south into the union, but also ensuring that conflict would not reemerge. Simultaneously, the nation had to develop a nation infrastructure that would connect the rapidly expanding union and carve a place in the growing global economy. Alone, these are not easy tasks, but together, they created a political environment riddled with corruption and divisiveness. Literature that examines the changes in politics, economics, and social structure of the former Confederacy stems from the writings of C. Vann Woodward in *Origins of the New South.* This body of literature focuses on issues of regional development and politics that allowed for the south to gain political independence from the Union while reestablishing their dominance on the global cotton market. Conversely, literature of the Gilded Age is known for its adherence to the development and expansion of transportation and industry from coast to coast.[1] This period, however, is also known for widespread government corruption and the development of a political system reliant on outside financial contributions for basic services. Histories of "The New South" and the Reconstruction/Gilded Age, though they share common themes, do not overlap. While concepts of "The New South" sometimes engage political debate, they are typically concerned with the rebuilding of an antebellum social structure. Histories

[1] The term "Gilded Age" was invented by Mark Twain and is loosely understood as the political era between 1870 and 1900, though this time frame varies. This essay will focus on literature that covers issues between 1870 and 1900.

of the Gilded Age tend to lend significance to political debate and corruption that impact the ability of the nation to develop and compete in global markets. However, the two fields have common ground, and would benefit from sharing ideas to create comprehensive histories of the era. This essay will survey literature from both the New South and the Gilded Age to identify major themes in both schools, then examine the ways they could work in concert to create a more comprehensive pool of scholarship examining the end of the 19th century.

The New South refers to the development of southern nationalism and economy following the American Civil War. Though seemingly concerned with the rise of Southern politics and their reinstallation in the political arena, at its core, historians of the New South aim to highlight southern nationalism as a sociopolitical construct that allowed for the antebellum ruling elite to regain their power over their society and the national political stage. While political historians, especially of this era, generally refer to Reconstruction as the period between 1865 and 1870 when the Republican Lincoln and Johnson administrations controlled the readmission of states, historians of the New South generally refer to Reconstruction as the period between 1865 and 1900. A wider time frame allows for “Radical” and “Presidential” reconstruction to pass, and political autonomy to be restored to the region. Reconstruction, then, is the period of growth following the Civil War into the 20th century. The issue of racial hierarchies generally takes a Marxist approach in this field, in which the white planter class coerces and exploits the human and nonhuman resources of poor white and newly freed blacks for capital gain. While issues of the New South

occur at the same time as the Gilded Age, historiography of the New South tends to separate itself from the national conversation, maintaining focus on the ability of the South to rebuild.

Considered a seminal piece of southern history, C. Vann Woodward's *Origins of the New South* aims to rewrite the South back into American history that takes into account the unique history of the region, rather than forcing it into obscurity as the racist backwoods of America.[2] Originally published as one volume in Woodward's *A History of the South* (1951), *Origins* traces the rise of the American South following the Civil War. Woodward begins with the story of the Redeemers and the rebuilding of the Democratic Party.[3] Woodward goes into great detail in his discussion, engaging the racial and financial reasons for the rise of the party and the reclaiming of Southern delegations in State and Federal government. With the Democratic Party back in control of the region, *Origins of the New South* continues to examine the way the region wielded its power to transform the economy through the development of sharecropping and infrastructural development projects. While the work maintains a heavy emphasis on white politicians, Woodward was also careful to include the experiences of formerly enslaved people and the ways that Democratic policy affected them. This well sourced book provides a wide and comprehensive view of the transformation of the Southern landscape, defining the physical parameters of the New South, which Woodward defines as New system of politic unity that calls

[2] C. Vann Woodward, *Origins of the New South, 1877-1913,* (Baton Rouge, Louisiana State University, 1951) ix.

[3] Woodward actually credits Democrats of this era with coining the label "conservative" to combat the propaganda that promoted "radical" republicanism. (2)

attention to the unique economic systems of the 11 former Confederate States plus Tennessee and Oklahoma.[4] Given the nature of the volume as a foundational text for studies of Southern history, most subsequent historians of the New South make reference to *Origins of the New South* the origins for a new field.

Published in 1998, *The Cotton Plantation South Since the Civil War,* by Charles Aiken, examines the physical and societal changes in the rural Deep South. Aiken argues that while much of the region was looking towards urbanization, the resilience of rural plantation owners to maintain antebellum societal structures established a system of poverty and racism that affects race relations to this day.[5] After the physical devastation of the Civil War, plantations were forced to adapt, changing their labor system and crops to suit the legal requirements of the Union. These changes, or lack thereof, created a cycle of poverty that exists today through substandard education and other realms of social life. In a shift from the political slant of Woodward, Aiken's monograph goes into depth to examine the development and maintenance of white supremacy and antebellum plantation life. Additionally, *The Cotton Plantation South After the Civil War* focuses on rural life, another departure from historiography of the new south. This monograph brings attention to poverty in the region in a field that prioritizes economic growth and recognizes the system of oppression that the Civil War and its aftermath created and perpetuated

[4] Woodward, x.
[5] Charles Aiken, *The Cotton Plantation South After the Civil War* (Baltimore: The Johns Hopkins University Press, 1998) 3.

against blacks and other people of color, making it a worthwhile addition to the body of literature.

Ghosts of the Confederacy (1987) is an example of history that has taken a true interdisciplinary turn. An intellectual history with an anthropological approach, Foster's monograph examines The Lost Cause as a way for white southerners to come to terms with the loss of the "Old South." The Lost Cause, in this context, was the preservation of Confederate ideology and memory in the minds of Southern perpetuated by veteran's associations, historical societies, and other institutions. Foster argues that the creation of the Confederate memory served as a uniting force among those looking to reclaim antebellum morals, and influences the Southern social and political tradition. To prove this point, Foster looks at the development of Confederate iconography and memorials into a religion-like culture through three phases of memory. The first, "Coming to Terms with Defeat," looks at the development of ceremonies and memorials to the Confederacy, both the people and the message. The second phase is concerned with "Celebrating the Confederacy" by promoting Confederate memory through culture and traditions through the turn of the 20th century.[6] The third phase, which Foster refers to as "The Waning Power," looks at the influence of scholarship in dismantling the power of Confederate memorials, though much of the structure remains ingrained in southern society. Though it focuses on a different aspect of the New South, *Ghosts of the Confederacy* exemplifies the concept of Southern nationalism and the building of a white supremacist social system. In addition, it

[6] Gaines M Foster, *Ghosts of the Confederacy: Defeat, The Lost Cause, and the Emergence of the New South, 1865-1913* (New York: Oxford University Press, 1988) 3.

highlights the similarities in motives between the politics of the Old South and the New, but makes a careful distinction between the methodologies of the eras. As a radically different text from many other scholars of the New South, Foster's monograph adds intellectual and public history to the body of literature while maintaining an anthropological stance.

An organization synonymous with white supremacy, the Ku Klux Klan took hold in the development of the New South. *White Terror: The Ku Klux Klan Conspiracy and Southern Reconstruction* examines the birth of the organization and the grip it has over Southern society. Allen Trelease, writing at the centennial of the congressional investigation that dismantled the official organizational structure of the Ku Klux Klan, argues that the group was born shortly after the Civil War from the ambition of former ruling elites to regain their place in society, and quickly became ingrained in society, impossible to remove.[7] In order to prove this, Trelease traces the birth of the Klan to 1866 Teneessee, highlighting not just the spread of the Klan, but also explaining how the structure was copied and imposed across the south without a national organizational structure, allowing for the Klan to continue operating after the infamous hearings. With smaller, independently owned and operated branches of the Klan gaining traction, especially among poor whites, violence against free blacks ensued across the South, driving terror into the region. Following more closely to trends established by Woodward, *White Terror* takes a Marxist approach to Klan violence, seeing it as an exertion of the ruling elite over the population when their formal power

[7] Allen Trelease, *White Terror: The Ku Klux Klan Conspiracy and Southern Reconstruction* (New York: Harper and Row, Publishers, 1971.) 17.

structure was dismantled. Known as a comprehensive monograph on the history of the Klan, Trelease's monograph has become a foundation for many works on Klan and racial violence in the South.

Furthering Trelease's Marxist approach to race relations, *White Land, Black Labor* (1983) makes the case that intersecting class and caste systems in Georgia following the Civil War not only enforced antebellum racial structures, but also allowed for greater social and economic mobility within caste systems.[8] Author Charles Flynn examines the demand for labor on restructured plantations, noting that the caste system allowed for newly freed blacks to negotiate, to some degree, better terms of employment and compensation. He continues to highlight the role of the caste and class structures on the developing political structure, particularly in labor laws, which solidified the caste system by cementing the privilege of land ownership. This legally enforced caste and class system, because it created divides between white social classes and along racial lines, perpetuated a system of poverty that continues and thrives on racial violence.[9] In the tradition of the Marxist approach of scholars of the New South, Flynn focuses on the economic implications of race relations in the post war South. However, this concept of power and caste only works in rural plantation societies that resisted urbanization, like Georgia.[10]

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[8] Charles L. Flynn, *White Land, Black Labor: Caste and Class in Late Nineteenth-Century Georgia* (Baton Rouge: Louisiana State University Press, 1983) 3.
[9] Ibid, 151.
[10] Ibid, 6.

Terry Seip, professor of American History at the University of Southern California, found the emphasis on the Executive and Judicial branches somewhat concerning, seeing as the Legislative branch is the birthplace of law. His monograph *The South Returns to Congress: Men, Economic Measures, and Intersectional Relationships, 1868-1879* provides an in-depth quantitative analysis of the Southern Congressional delegations followed by a discussion of the role of the South in Reconstruction economic questions. In creating this portrait, issues of regional and party factionalism are brought into question. The body of the monograph is organized thematically, moving from an overview of the delegations, including their personal and political backgrounds and electoral politics, then into an analysis of Reconstruction economic questions, with emphasis on financial and monetary systems. In the chapters that create the Congressional biography, Seip is careful to state that since many personal documents of his subjects have not survived, a complete picture is impossible, hence his reliance on quantitative methods.[11] While the quantitative analysis is thorough and readily explained and supported by charts, it is inevitable that Seip made sweeping generalizations of Southern politics. In an effort to circumvent this, he makes aim to create personal accounts of certain Congressmen, especially when they appear as quantitative outliers. Seip claims to make a broad and complete picture of the Southern Congressional Delegations, but leans towards the political contention between Northern and Southern Republicans and the internal contentions of Southern Republicans. Southern

[11] Terry Seip, *The South Returns to Congress: Men, Economic Measures, and Intersectional Relationships, 1868-1897* (Baton Rouge: Louisiana State University Press, 1983) 18.

Democrats become irrelevant to the larger argument with the disclaimer that they have little to no internal contention and were generally disliked in Congress. Though meant to explore the emergence of the New South, Seip caters to historiography of Reconstruction, examining Southern politics as practiced by Northern Democrats and occupied governments. The economic analysis, however, points to the influence that the South gained in Congress over time. Though this monograph does not engage issues of race or gender, it contains valuable data to assist qualitative historians in seeing patterns in party growth.

Joseph A. Fry's argumentative biography of Gilded Age Senator John Tyler Morgan, titled *John Tyler Morgan and the Search for Southern Autonomy* (1992) traces the Senator's post Civil War political career in order to paint a larger picture of Southern politics during the era. Fry, through highlighting Morgan, aimed to provide an example that challenges the existing historiographical narrative of a politically complacent South during the Gilded Age. Fry argues that Senator Morgan was a significant force in the Gilded Age senate, but themes of the New South seep through the biography. Because personal effects were not archived for many Southern Democrats, creating a complete biography is difficult. Because Fry places emphasis on Morgan's antebellum and personal life as motivators for his political agenda, the lack of evidence to support this assumption discredits the monograph as a revolutionary addition to Gilded Age political historiography. The gap in available sources, however, lend to secondary themes regarding the relationship between the

politics of the “Old” and “New” South, which is implied in the work, but never individually tackled by Fry.

John Tyler Morgan and the Search for Southern Autonomy, though a well-written monograph, was not well received by historians. The bad press, however, did not sway Fry from continuing to study Southern Congressional politics. In 2002, he published a second book, *Dixie Looks Abroad,* which addresses the influence of the South in foreign policy throughout American history. Chapter 4, which addresses the Gilded Age, examines the workings of the Democratic Party to reclaim the South. Unable to fully represent themselves, many Southern Democrats viewed their region as a colonial dependent of the nation, creating a strange dynamic that promoted the emigration of free blacks from the region, but strongly opposed immigrant labor into the South to complete development projects. This book also examines the role of white supremacy in policy initiatives and economic development, while providing a look into the way that Southern understandings of the function and role of foreign policy in economic development.

Another political biography, *Joseph E Brown and the Politics of Reconstruction* by Derrell Roberts (1973) follows the career of Civil War governor and Gilded Age Senator Joseph Brown (D-GA). Brown is an interesting research subject because was a well-respected leader both during and after the war, as he rejoined Congress after the war as a member of the Republican Party. While making a party switch was beneficial to his career in the early part of

Reconstruction, he was forced to switch to run as a Democratic candidate, working in favor of Jim Crow laws. Roberts' biography highlights the party politics of the New South, as well as the lengths the ruling elite was willing to go to gain political power.

Scholarship of the New South is concerned with the development of the American South following the Civil War. Trends in this historiography seek to recognize the ability of the region to rebuild, but also to create a social structure that legally replicated the racial hierarchies of the antebellum period. These trends are often shown through the personal and party politics of Southern Democrats, in addition to analysis of legislative impact on class and caste structures in the region. Historiography of the New South also maintains focus on the impact of politics on the economic structure of the region. The Democratic Party sought to raise per capita wealth, income, and living standards in the region, with careful distinction with regard to race. Economic power was built for the elite planter class that had lost land, money, and power during the war.[12] Most comprehensibly shown in Terry Seip's *The South Returns to Congress,* the Democratic Party was focused on bringing the region out of bankruptcy and reestablishing the region as a world leader in raw material exports.

Historiography of the New South embraces many historical and interdisciplinary trends. In addition to Seip's use of the quantitative method of analysis and Foster's clearly anthropological stance, other authors utilize tools

[12] Woodward, *Origins of the New South,* x.

from other disciplines. Trelease, Woodward, and Aiken all use methods of social history to make broad conclusions about the change in the physical, political, and social landscape of the South. Foster, in his already unique approach, tasks himself with creating an intellectual history of the Confederacy after the war, while incorporating religious theory to explain the cult-like reaction to public Confederate memorials.[13]

The question of race is crucial to historiography of the New South. As the region began to repair, the question of black labor was all too common. According to C. Vann Woodward, the current historiography of the New South that stems from his *Origins of the New South* is in part a response to the criticism of the South by the Civil Rights movements of the mid 20th century.[14] A new interest into the emergence of the Klan and the legal practice of white supremacy inspired critical analyses of race, as presented by Trelease and Flynn. Trelease is not shy to condemn the creation of a white supremacist structure, asserting that "...the Ku Klux Klan for a time institutionalized a white vigilantism which long preceded and followed it."[15] Given that racial tensions were at a high in 1971, it is a bold, but true claim that helps place his monograph on a list of seminal works in the study of the Klan. Flynn's analysis of black labor in rural Georgia acknowledges the creation of a supremacist racial structure that worked to maintain the power of the planter class, but makes a racial delineation that

[13] Foster, *Ghosts of the Confederacy,* 7.
[14] Woodward, *Origins of the New South,* ix.
[15] Trelease, *White Terror,* xxii.

excludes blacks from the class structure, identifying them as a caste.[16] This specification allows for Flynn's thesis that blacks had greater mobility as a caste, and may be a more accurate classification, but it reinforces supremacy by declaring blacks to exist in a different hereditary system based on race.

While there is much to be applauded in historiography of the New South, there is a crucial omission. None of the authors engage the role of women, black or white, in the emergence of the New South. While the political slant of the field would generally exclude women simply based on disenfranchisement, many of the aforementioned literature also examine societal problems that direct affect the ability of women to function. Particularly in the texts that emphasis a social approach, such as Trelease and Woodward, women become a footnote to the pressing issue of male power, even when Klan violence extended to women. Scholars of the New South should engage feminist theory and the role of women in the changing landscape of the American South.

While historiography of the New South is concerned with the regional development of the war torn south, political history of the era is centered on national growth. Known as the Gilded Age, the period following the American Civil War is marked by political historians as not only a period of economic and political growth on the national scale, but also a period of rampant corruption that maintains a grip on the American political system to this day. With the completion of the Transcontinental Railroad and the rapid settlement of western and plains

[16] Flynn, *White Power, Black Labor,* 6.

territories, the United States was bursting at the seams. The federal government began to seek private capital to fund its massive infrastructure projects, creating the corrupt system that exists today. Emphasis on expansionist development and political growth typically erases the American south from the conversation, declaring them unimportant because they were not participating with infrastructural development at the same scale as the rest of the country. This, however, does not mean they were not involved. Gilded Age political factions divided the massive Republican Party until they could not function as a unified party, allowing for Democrats to surpass Republicans and claim power. This power would be influential in electing Presidents and securing appointments with likeminded politicians.

In the early monograph *The Road to Reunion: 1865-1900* (1937), Paul H. Buck traces the political reunification process following the Civil War. He argues that there were three consequences of the war that would force factions to form and corruption to take hold in Congress. The first two consequences; the renunciation of secession and the abolition of slavery, though they caused issues, were expected in the victory of the Union. The third consequence, that "prewar leadership of the Southern slavocrat was to be permanently replaced in favor of Northern direction,"[17] forced Southern democrats to make efforts to reclaim their political power before Republican rule was permanent. The Republican Party, however, was already dividing over questions of Southern occupation, allowing for the more unified Democratic Party to reclaim seats in

[17] Paul H Buck, *The Road to Reunion: 1865-1900* (Boston: Little, Brown, and Company, 1937) 8-9.

Congress. Buck continues to highlight the importance of regaining Democratic seats in Congress as a way to boost the economy without further bankrupting the state. Though this monograph walks the line of historiography of the New South, it remains planted in political history because it does not address the creation of Southern nationalism and racial hierarchies.[18] It does, however, provide a comprehensive discussion of the importance of party building and distance from issues of corruption highlighted by Jack Beatty.

Beatty's 2007 book *Age of Betrayal: The Triumph of Money in America, 1865-1900* highlights the infiltration of private money into the American political system during the Gilded Age. He has a seemingly obvious thesis, but it is nonetheless disappointing; political corruption during the Gilded Age would build modern American, but eliminated any possibility of separating money from politics.[19] In order to prove this, Beatty traces the growth of industrial capitalism in the Gilded Age, specifically within infrastructural development. The rail industry was able to strike deals with the federal government that allowed for corporate funding and oversight of railroads and associated transportation needs while providing the government exclusive rights. This money, was funneled into Congress through lobbying and campaign contributions, meaning back door deals happened, particularly early in the Gilded Age. Democratic Redeemers, seeking to create deals with corporations loyal to the ideals of the South, found themselves vulnerability to predatory practices, furthering bankrupting state

[18] Ibid, ix.
[19] Jack Beatty, *Age of Betrayal: The Triumph of Money in America, 1865-1900* (New York: Alfred A. Knopf, 2007) 1.

governments.[20] Debt to the rail industry also impacted tariff and taxes on goods transported on the rail lines, further encouraging rail corporations to funnel money into party machines in exchange for votes and allies in Congress. Beatty's monograph clearly examines the issue of government corruption synonymous with the Gilded Age, but also traces the development of both the modern industrial world and the foundations of the current political tradition. Rather than provide an exclusive look into corruption at the Congressional level, *Age of Betrayal* connects the issue with current political finance issues and the ways that Congressional corruption affects day-to-day life.

A closer examination of infrastructural development without emphasis on corrupt finance can be found in *Government Promotion of American Canals and Railroads, 1800-1890* by Carter Goodrich (1960). Goodrich traces the growth of federal infrastructural development over the 19th century, arguing that America was unique in their development methods because of a combination of financial crises and the Civil War.[21] The United States government promoted "developmental" infrastructure projects to urbanize the country and better facilitate mass transit of goods and people.[22] In the chapters that deal specifically with the Gilded Age, Goodrich focuses on projects in the American south, emphasizing the importance of federal funding for the region. Because the

[20] Ibid, 127.
[21] Carter Goodrich, *Government Promotion of American Canals and Railroads, 1800-1890* (New York: Columbia University Press, 1960) 13.
[22] According to Goodrich, there are two types of infrastructure, "developmental" and "exploitive." "Developmental" infrastructure is completed in rural areas to promote migration from rural areas to rail stops, while "exploitive" infrastructure takes advantage of existing communities to build rail lines. (7-8)

southern states were already behind the rest of the country in terms of infrastructure and had no means to pay for development at the state level, federal grants were a solution. By seeking finance from agencies like the post office, Southern Democrats were able to subsidize rail projects to develop the region, which in turn, boosted public opinion of the party, helping it grow.[23] [24] Even though Goodrich covers an entire century, he does not conform to labels created by political scientists. Rather than directly referring to the Gilded Age, his concept of time surrounds the outbreak of the Civil War. Nonetheless, *Government Promotion of American Canals and Railroads* provides an in depth look into the means and methods of Gilded Age infrastructure projects.

A common thread in historiography of the Gilded Age is the evolution of political turmoil. While all three of the above monographs have differing opinions of the origins of turmoil, they all agree that infrastructural development was key in creating corruption, wealth, and growth. Buck believes that Southern nationalism was dead, and the Gilded Age was merely a power play to reclaim some semblance of independence in governing. Beatty saw the federal government as largely incapable of funding the large-scale development projects the nation needed to compete internationally, forcing private interests to overtake the political system. On the contrary, Goodrich prioritizes the role of the government in infrastructural development. While the three cannot come to a consensus about who bears responsibility for division in Congress and with the executive, it

[23] Goodrich 211, 221.
[24] For more information regarding the role of the Post Office in development, see *The Economics of the Postal System*, by Alan L. Sorkin (1980).

is clear that each group had a vested interest in developing transportation systems for the economic benefit of the nation.

Even though they can't agree on origins, all three monographs place value in the role of mass media and public opinion in perpetuating factions and divisive government. Republican owned news media would regularly attack the Democratic Party to promote the mission of Radical Republicans in the South. Conversely, Democrats, after regaining Congressional seats and personal wealth, used the Republican weapon against them, filling headlines with the same type of propaganda that promoted reconstruction ideas to spread information about the unity of the party. For both Democrats and Republicans, public opinion would be crucial in not only getting reelected, but also to sway private enterprise.

Typically, political history is concerned with the development of legislation and the men who make it. Historiography of the Gilded Age is no exception. While Buck, Beatty, and Goodrich provide comprehensive arguments to the importance of government projects, the question of labor is never raised. Projects in the Western and Northern states generally used the same labor pool in the Gilded Age as they did during the antebellum period. However, labor in the South was called into question, as the region was not financially or socially equipped to create a fair labor system. This is not reflected in historiography, which limits the scope of their arguments to being concerned with legislation, not the application of legislation. Additionally, similar to historiography of the New South, women are

invisible in Gilded Age political history. Though women could not participate in politics, they were affected, and should be included in monographs about the era.

Though historiography of the New South and the Gilded Age cover the same time period, they concern themselves with different aspects of society. Historiography of the New South places emphasis on the creation of a white supremacist structure in the post war South, while historiography of the Gilded Age examines the role of infrastructure. Though they're different, they can still work together to create a comprehensive history of the South after the Civil War.

Historiography of the New South could include themes from the Gilded Age to create a better picture of the means and methods of the rebuilding of the Democratic Party. Though themes of growth and development exist in monographs about the New South, they generally concern the impact of legislation on the class system. Adding significance to the political debate occurring would add to the growth narrative by showing how the South was able to finance and maintain their developing infrastructure. Additionally, the Gilded Age is known for its corruption. This theme does not appear as concretely in history of the New South. Tales of corruption to finance projects is generally credited to the divisive Republican Party, but Democrats are just as guilty, yet get less attention.

Conversely, an inclusion of concepts used in history of the New South could benefit the field of political history of the Gilded Age. While projects were not as frequent and on a smaller scale than the grand railroads of the west, the

South was a part of the project, and connections can be made between the imperial and economic growth of the Gilded Age. The most important concept political historians can borrow from historians of the New South is in regard to race relations. Historiography of the New South highlights issues of race and the construction of a supremacist structure that operates just on the right side of legal. Historians of the Gilded Age would benefit from including an examination of labor and legal structures of racism in discussion of development projects. Issues of race were not exclusive to the South, and examining the reach of Southern racial hierarchies in labor nationwide is a needed addition to Gilded Age historiography. Additionally, a race lens on the Gilded Age would allow for an examination of the racist practices of corruption and the building of segregating urban environments as well as the development of racial structures in American imperialism that stem from the Democratic Party. Alternatively, a study that examines the impact of global color lines on Southern white supremacy during the Gilded Age would incorporate schools of thought from both fields.

A missing component to historiography of the New South and the Gilded Age is the role of women. Both schools focus on male issues, even with regard to Klan violence. While women were barred from the political arena, histories of the New South often rely on methods of social history, which would allow for an examination of women during this period.

Two seemingly different schools of historiography, the New South and the Gilded Age, share a variety of similarities and differences that would allow for a

growth in scholarship. Placing the structuralist Marxist analyses of the New South would allow for better examinations the impact of Gilded Age infrastructure on people of color and for greater exploration of infrastructural development in the south. Additionally, examining the role of Southern Democrats in the Gilded Age, aside from the assumption that they were insignificant in legislation of the era, would open a variety of questions of race and racial structures during the era.

Part 3

Exporting Abortion: How the Helms Amendment Reversed American Foreign Policy and Changed the Face of Global Family Planning, 1973-2009.

"To extend abortion to foreign countries through American tax money is all together indefensible."

– Congressman Lawrence Hogan (R-MD) December 4, 1973

In 2001, thirteen percent of all maternal deaths globally were related to complications from an abortion.[1] In some of these cases, abortions were procured illegally, greatly increasing the chance of infection and death as these illegal procedures often occurred outside of the safety of medical facilities or medical professionals. In other cases, abortions were obtained legally, and women still suffered complications. In either case, post-abortion care is generally accepted as a right, regardless of the legality of the procedure. However, because of restrictive U.S. postal laws prohibiting the mailing of abortion-related material of any kind, doctors and medical facilities overseas that are even partially funded by the United States are bound by such laws and thus are often unable to obtain the necessary medical resources to perform abortions, such as

[1] Deborah R. McFarlane, "Reproductive Policies in President Bush's Second Term: Old Battles and New Fronts in the United States and Internationally," *Journal of Public Health Policy* 27, no. 4 (2006), 418.

vacuum aspirators and abortifacients.[2] This is just one example of how U.S. policies on abortion, a seemingly domestic issue, have had a global impact.

During the Cold War, the need to grow the American sphere of influence became a core value of foreign policy, often dragging domestic issues of race and sexuality into the struggle between Democracy and Communism. Abortion in particular offers a unique view of the relationship between domestic and foreign policy, suggesting that power in foreign policy is frequently asserted through controlling women's sexuality.[3] The 1973 Supreme Court decision on *Roe v Wade* sparked a Congressional response, leading to the nearly unanimous passing of the Helms Amendment to the Foreign Assistance Act in 1973. In passing this amendment, the Senate reaffirmed their constitutional right to act in foreign affairs and asserted dominance over global initiatives, but simultaneously reversed a long standing tradition of American support for family planning initiatives, complicating the role of the United States as a leader in the United Nations. To make these connections, this paper will trace how American stances on abortion appeared in foreign policy through the early Cold War, followed by an examination of the Congressional response to *Roe v Wade,* concluding with an analysis of how the Helms Amendment affected U.S. and United Nations global family planning initiatives.

Examining the foreign policy implications of U.S. federal and state approaches to abortion responds to a call for increased inclusion of issues of

[2] Title 18 of U.S. Code, Section 1461, bans vacuum aspirators, a medical device need in abortion, and abortifacients in the mails.
[3] Cynthia Enloe, *Bananas, Beaches, and Bases: Making Feminist Sense of International Politics,* (Berkeley: University of California Press, 1989.) 4.

sexuality in the field of America in the World by Paul Kramer, whose article "Power and Connection: Imperial Histories of the United States in the World" poses questions related to the development and legitimacy of American imperialism and the way that historians use imperialism as a framework. Rather than debating a name for American imperialism (i.e. American Empire versus American empire) Kramer suggests that historians conceive of imperialism as a process, promoting literature that examines the relationship between the domestic and international as well as for the increased inclusion of works of the global dimensions of sexuality. Engaging this historiography will help to conceptualize the many political and social dynamics surrounding debates about reproductive rights and better understand the conditions leading to the nearly unanimous passing of the Helms Amendment in Congress in 1973.[4]

When examining how *Roe v Wade* (1973) became a foreign policy issue, it becomes clear that the all-male Senate was desperate to reassert their dominance over U.S. foreign policy through actions that affected global politics by controlling women's bodies. Laura Briggs supports this assertion in *Reproducing Empire: Race, Sex, and U.S. Imperialism in Puerto Rico.* This monograph examines how the myth of "overpopulation" lead to the development and testing of contraceptive agents and sterilization procedures on Puerto Rican women and affected the development of Puerto Rico and the emergence of the United States as a global leader in contraception, both in industry and policy. As part of her analysis, Briggs asserts that controlling women's bodies was part of

[4] The Helms Amendment is a rider to the appropriations bill to the Foreign Assistance Act that bans the use of foreign aid funds for abortion-related activities.

the American imperial process. Brigg's text will be used primarily for its definition of "overpopulation" as a sexual issue in order to connect America's family planning agenda to legacies of colonization and imperialism.

In terms of the scholarship of women's rights and reproductive politics, though there is a solid body of work surrounding abortion policy through the *Roe v Wade* (1973) decision, there is a clear decline in literature covering the post-decision moment. Susan Faludi, in her monograph *Backlash* (1991), highlights the relationship between victories in women's rights movements and a concerted effort to repeal or problematize said victory.[5] While Faludi uses *Roe v Wade* to emphasize her point, abortion is not a primary line of inquiry. Where abortion is relevant to larger birth control and women's rights in her work, it is included, but there is no discussion of the Helms amendment and the impact of the backlash on foreign policy. There is also little historical literature on the international dimensions of abortion rights.[6]

To examine the variety of policies and debates that surround the foreign policy of abortion, scholarly articles from political science, international relations, and population studies from the time period in are used in conjunction with government and United Nations documents.[7] Many studies published in the

[5] Susan Faludi, *Backlash: The Undeclared War Against American Women* (New York: Crown Publishing Group, 1991), i.
[6] Leslie Reagan, in her article "Crossing the Border for Abortion: California Activists, Mexican Clinics, and the Creation of a Feminist Health Agency in the 1960s," (2000) most closely addresses an international aspect of abortion policy, but focuses on the role of the Association to Repeal Abortion Laws (ARAL) in the domestic debates on abortion policy, with Mexico and the international dimension a secondary theme.
[7] From a domestic angle, in the wake of *Roe v Wade,* political scientists published a multitude of works examining the reactions of Congress and the reach of domestic abortion legislation. This work will be used to trace the move of Congress from domestic reaction to foreign reaction. David Westfall's "Beyond Abortion: The Potential Reach of a Human Life Amendment," for example,

1970s and 1980s examine the Helms Amendment and the Mexico City policy and their effect on international development or outline how the amendment works in the global space. Barbara Crane, scholar of population, abortion rights advocate and policy advisor to the United States Agency for International Development (USAID), takes a particularly critical stance on the Mexico City Policy in her writings.[8] Crane and Harriet Pipel were known scholar activists in the U.S. birth control movement of the 1960s and '70s. Pipel was extremely vocal during the *Roe v Wade* trial, offering amicus curie briefs to the Supreme Court of the United States (SCOTUS) on behalf of Planned Parenthood among other agencies.[9] Including their work not only allows for a scholarly approach, but also includes the voices of women involved in the movement.

While the Helms Amendment and the Mexico City Policy disproportionately affect women in the developing world, this paper will not examine these affects. Given that the Mexico City Policy was last repealed in 2009 and the Helms amendment is still in effect, it would be impossible to measure the effects of these policies on women in the scope of this paper. Theorists suggest, however, that access to complete reproductive healthcare would not only benefit women by providing them more opportunities for personal and community development,

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address the three distinct types of constitutional amendments presented to the Senate in the wake of *Roe v Wade* and offers an analysis of the wide-reaching effects of this type of legislation.

[8] The Mexico City policy, which will be explained in detail later in this paper, extends the Helms Amendment to non-U.S. based nongovernmental organizations.

[9] Pipel is the co-author of "Abortion, Conscience and the Constitution: An Examination of Federal Institutional Conscience Clauses." *Colombia Human Rights Law Review* 6, no.4 (1974)

but could actually benefit the nation's in which they reside by increasing access to education and overall economic status.[10]

Before 1973's *Roe v Wade* decision, abortion was illegal for American women. However, the United States government was entrenched in global initiatives that promoted family planning and included abortion along with various contraceptive technologies as modes of birth control in this endeavor. Following the devastation of World War II, Western development rhetoric towards least developed nations claimed that "overpopulation" was the greatest threat to global economic development took hold in international development. The idea of overpopulation as a global threat stems from the Malthusian theory of economics, which stated that the world's population would grow at a rate disproportionate to global food production, creating an unmanageable competition for resources, threatening human life on Earth. This idea was originally promoted by the global eugenics movements of the nineteenth and early twentieth centuries as a way to advocate for controlling the reproduction of global minority populations.

During the beginning of the Cold War, which coincided with the end of European colonization in Africa, Latin America, and Asia, the concern with "overpopulation" became a centerpiece of Western development agendas. The idea of "overpopulation" shifted blame for economic disparity from the harmful legacies of colonialism in the developing world onto the world's women, whose perceived ignorance about their reproductive system caused a population

[10] For more information on maternal health and the benefits of broader access to women's health care, see the United Nations 2015 Millennium Development Goals Report, goals 3 and 5.A, which cover gender equality and maternal health, respectively.

explosion.[11] In 1952, Alfred Sauvy published his "three world model," suggesting that the world order was divided into three distinct categories: the communist bloc, controlled by the Soviet Union; the capitalist west, led by the United States; and a "third world" of nations, devastated by the legacies of colonization, which needed to be nurtured on their path to modernity.[12] According to Matthew Connelly, author of *Fatal Misconception,* the "three world model" in the Cold War meant "...not just to choose between capitalism and communism, in which reproductive behavior was a byproduct of modernization or matter of indifference. They [The United States] presented population control as a means to jumpstart that process. By rationalizing and redirecting reproduction, they could make their people modern in one generation."[13] By creating a racialized sexual component to economic issues, the inherently white male international development system maintained control over global populations, and promoted birth control programs that only affect the developing world. For the United States, which emerged as a world leader in the Cold War, the sexualized rhetoric became an avenue to gain control over the developing world by extending birth control and other family planning initiatives, thus expanding their sphere of influence by seemingly supporting women and prioritizing capitalist economic development. If the problems of the world are inherently sexual, as suggested by "overpopulation," then American morality was a perceived solution to winning the Cold War.

[11] Robert Fletcher et al, "Barbarian Hordes: The Overpopulation Scapegoat in International Development Discourse," *Third World Quarterly* 35, no. 7 (2014): 1196
[12] Alfred Sauvy, "Three Worlds, One Planet," L'Observateur, 1952.
[13] Matthew Connelly, *Fatal Misconception: The Struggle to Control World Population* (Cambridge: Harvard University Press, 2008), 153-154.

In the 1960s, the United States began to promote reproductive health as a tenet of foreign policy. USAID began to compile information on the relationship between reproductive health and economic development in Latin America in 1962, with liberal regulations on abortion.[14] Many medical professionals believed that providing contraception to women without the option of abortion was unethical, and left the issue as a sovereign right for nations and individuals to decide, not the government.[15] [16] USAID director Reimert T. Ravenholt actively promoted abortion as an option for women facing an unwanted pregnancy, providing low-cost "menstrual regulation kits" to help local medical professionals easily and safely perform abortions. These kits provided inexpensive, yet highly effective and easy to use vacuum aspirators to medical professionals in the developing world. The goal was to "make abortion so easy to perform and so widely available that legal restrictions would be meaningless."[17] Between 1965 and 1974, Ravenholt, through USAID, distributed hundreds of thousands of "menstrual regulation kits" throughout the developing world.

Though the United States was making great headway in promoting and funding population control programs, it quickly became clear that they could not act alone on this issue, and the United States began to seek supporters. [18] In 1969, the United States began to expand their initiative to the United Nations, pledging additional funding to the United Nations annual budget in exchange for

[14] Marshall Green, "The Evolution of US International Population Policy, 1965-92: A Chronological Account," *Population and Development Review* 19, no. 2 (1993): 305.
[15] Barbara Crane, "The Transnational Politics of Abortion," *Population and Development Review,* 20, *Supplement: The New Politics of Population: Conflict and Consensus in Family Planning* (1994): 250.
[16] Foreign Assistance Act, 1961.
[17] Connelly, *Fatal Misconception,* 307
[18] Ibid, 286

the creation of a population control and family planning agency in the United Nations system. By 1972, the United Nations Population Fund (UNFPA) had been instituted and was actively matching donations from other member states.[19] The organization operated as a trust fund for nations seeking financial assistance for population activities, such as birth control clinics and contraception. By creating a fund, UNFPA provided population assistance to recipient countries that would not accept it directly from the United States – though the funds were still underwritten by USAID.

Through USAID and UNFPA, the United States was quickly becoming a global leader in population control and family planning. Nations in Africa, Latin America, and Asia began to send doctors to train in reproductive health in the United States, filling a global need for trained medical personnel.[20] These programs, held at Johns Hopkins University, included abortion training in their curriculum, as at the time nearly half of the world had legalized abortion. In training doctors and providing funding and support for family planning, the United States cemented itself as a global leader in international development, particularly through the United Nations. Programs through USAID and UNFPA openly promoted and practiced abortion, in some cases facilitating dialogue between governments and family planning activists to loosen abortion

[19] Barbara Crane and Jason L Finkle, "The United States, China, and the United Nations Population Fund: Dynamics of U.S. Policymaking," *Population and Development Review* 15, no. 1 (1989): 23.
[20] Edward O'Brien, "U.S. Financing Courses in Abortion," in *The Congressional Record vol 119, 93rd Congress,* 1973, 39315.

restrictions. By 1980, only twenty percent of the world's women lived in nations were abortion was prohibited. [21]

Ironically, by promoting family planning and abortion overseas, USAID inadvertently created a market for American women to seek abortions abroad. Facing legal recourse and potential for severe medical complications procuring an illegal abortion domestically, many American women with the means to do so took advantage of informal networks to seek abortions abroad. Organizations like the Association to Repeal Abortion Legislation (ARAL) in Northern California, The Jane Collective in Chicago, and the Clergy Consultation Network in New York actively sought to provide American women with information and access to abortion services in Mexico and Canada. ARAL and similar organizations obtained information about the pricing and sanitation of abortion clinics, creating relationships with providers.[22] They compiled this information into pamphlets for women in need, including information on how to avoid suspicion with United States Border control, for example, getting a tan and purchasing a sombrero to show border agents.[23]

On January 22, 1973, SCOTUS decided on the controversial *Roe v Wade* case and its companion, *Doe v Bolton.* The two decisions, passing the Burger Court with a 7-2 majority, legalized abortion in the United States, and prohibited states from placing undue restrictions on abortion services. The decision to legalize abortion stemmed from the idea that under the fourteenth amendment,

[21] Connelly, *Fatal Misconception*, 244
[22] Leslie Reagan, Crossing the Border for Abortions: California Activists, Mexican Clinics, and the Creation of a Feminist Health Agency in the 1960s," *Feminist Studies* 26, no. 2 (2000): 327.
[23] Ibid, 332.

women have the right to privacy regarding their reproductive rights, and that fetuses, or "unborn children" are not people as defined by the fourteenth amendment.[24] While *Roe v Wade* legalizes abortion in the United States, its companion case, *Doe v Bolton* overturned a Georgia ruling, making abortion more accessible by declaring restrictions on abortion by the state unduly restrictive.[25] In combination, these decisions gave American women the right to decide when and if they choose to be mothers, but sparked a Senatorial response that adversely affected women in the developing world as well as domestically.

The SCOTUS decisions caught the attention of the all-male Senate, who began to not only heavily question definitions provided in the decisions, but also actively sought to work around the decisions or reverse them entirely. In conversations led by Senator Jesse Helms (R-NC) and Senator Jim Buckley (R-NY), the Senate questioned two key definitions, the definition of "person" as upheld in *Roe v Wade* and the definition of "health" as upheld in *Doe v Bolton.* As argued before the Supreme Court, unborn children are not people, and therefore ineligible for the protections of citizenship offered by the 14th Amendment to the Constitution.[26] The Senate challenged this definition, arguing that life began at conception and therefore, all unborn children should be protected under Federal

[24] Robert M Byrn, "The Abortion Amendments: Policy in the Light of Precedent," *Saint Louis University Law Journal* 18, no. 3 (1973-1974): 382.
[25] Harriet Pipel and Dorothy F. Patton, "Abortion, Conscience, and the Constitution: An Examination of Federal Institutional Conscience Clauses," *Columbia Human Rights Law Review* 6, no. 2 (1974-1975): 300-301.
[26] "Unborn Children" is used here as it is the language used by the Senate in these deliberations. Scholars and other government officials also use "fetus" or "conceptus" as the term for the period of pregnancy between conception and viability.

law.[27] Their challenge was furthered by the Court's use of the "right to privacy," to which Senators argued that there was no guarantee of privacy in the Constitution, and it should therefore remain the right of the state to regulate abortion.

In the *Doe v Bolton* ruling, the Senate's discontent lay in the definition of "health" used by the prosecutors. The definition, borrowed from the World Health Organization, advocated for the inclusion of "well-being" when discussing health, and therefore, if a woman faced a psychological burden as a result of an unwanted pregnancy, she should be allowed to terminate that pregnancy without undue regulations. The definition of "well-being" was challenged in the Senate not only because it removed the agency of the state to regulate women's bodies, but also because the definition was from the United Nations, an agency that many in the Senate believed to be an "entangling alliance" of the United States that limited the Constitutional right of the Senate to be engaged in foreign policy.[28]

In the Senate's quest to reverse the ruling of the Supreme Court and restore the rights of the Senate to control foreign policy and women's bodies, they stumbled upon a major problem. As a body comprised entirely of men, they found they knew very little about the female reproductive system, pregnancy, and

[27] I use "personal conviction" to describe the opinions of Senators here because there is little evidence that public opinion on abortion changed as a result of *Roe v Wade.* A study conducted by Judith Blake compares national polling responses [polls conducted by Gallup and NORC] on abortion conducted in 1972 and 1974, respectively, and finds a 1% change in public opinion in favor of abortion even with some state regulation. Additionally, national polls from 1972-1988 indicate that 6-9% of Americans opposed abortion under any circumstances. See Judith Blake, "The Supreme Court's Abortion Decision and Public Opinion in the United States," *Population and Development Review* 3, no. ½ (March 1977): 45-62 and Hull and Hoffer 213-124.
[28] Senator Jesse Helms, *Here's Where I Stand: A Memoir* (New York: Random House, 2005), 298.

abortion. To remedy this issue, they called upon a variety of experts to explain these processes to them, including Dr. Andre Hellegero, Director of the Kennedy Institute for the Study of Human Reproduction and Bioethics, who supported the desire of the Senate to challenge the rulings and assert their dominance as legislators, stating,

> There are two great issues before us now. First, does one adopt the WHO's definition of health, and does it become a doctor's duty to ensure 'a sense of well-being,' which is, in a way, happiness. The second issue is whether we shall look at the body in a utilitarian sense or whether we shall attach some greater value to it.[29]

Credentialed men brought these types of statements to the all-male Senate with the explanation that it was the responsibility of the Senate and the medical profession to protect life beginning at conception.[30] The decision of the Senate at this time was to pursue every avenue to reverse the legalization of abortion, beginning a firestorm of legislation including constitutional amendments and the removal of federal funding for abortion.

In the first session of the ninety-third Congress (January 1973), seventeen constitutional amendments were proposed that would have effectively reversed *Roe v Wade* and its companions. By 1979, three years after the court handed down its ruling, the number of amendments presented rose to fifty.[31] Though different in wording, all of the amendments fell into three broad categories: those that directly and specifically overturned *Roe v Wade,* those that returned the right

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[29] "The Court and Abortion – Avoiding a Question About Human Life (An Interview with Dr. Andre Hellegero), republished in *The Congressional Record vol 119, 93rd Congress, 1973,* 7833
[30] Ibid.
[31] N.E.H. Hull and Peter Charles Hoffer, *Roe v Wade: The Abortion Rights Controversy in American History,* (Lawrence: University of Kansas Press, 2001), 186

to regulate abortion to the state under the 10th amendment, and those that redefined "person" under the fourteenth amendment to include the unborn at all stages of pregnancy. The third type of amendment, known as "human life amendments" which redefined "person" was the most common, yet most problematic type of amendment in this moment. Though the goal of the third style of amendment was to include the unborn as "natural citizens," its reach would have affected nearly every aspect of federal law and have legal recourse that disproportionately affected American women.

Consequences of a "human life amendment" affected congressional apportionment, federal income tax, and the rights of women to exercise their own constitutional rights. By including the unborn as "people" with the full rights of "natural citizens," legislators would be forced to include the unborn in Congressional apportionment and in the drawing of voter districts.[32] This meant that districts could change drastically from year to year, and enforcing this law would mean that women would have to publically declare pregnancies in order to comply with the law. Additionally, women would have to declare their pregnancies on their Federal Tax forms.[33] While this provided women and their families, as applicable, with additional funds for dependents, it could become legally complicated if the woman had a miscarriage, and according to political scientist David Westfall, could have a cruel twist of irony. The dispensing of funds for an unborn dependent would be more than adequate to fund an overseas

[32] David Westfall, "Beyond Abortion: The Potential Reach of a Human Life Amendment," *American Journal of Law and Medicine* 8, no. 2 (1982): 108.
[33] Ibid, 112.

abortion by American women.[34] Redefining "person" to include the unborn rested on a legal understanding that life begins at the moment of conception. This definition banned women from using any form of contraception, which would prevent conception, and therefore, life.[35] This requirement undermined the rights of women to seek birth control in any form and have undue affects on their ability to work in environments that could threaten an existing pregnancy or make becoming pregnant more difficult, including factories that use toxic materials. Women, under these proposed amendments, became simply pawns of reproduction, denying them their own rights of citizenship in favor of the rights of the unborn. For these reasons, all proposed amendments failed to pass the Senate, either by vote or by the cloture of session.

Though a constitutional amendment quickly became out of the question, Senators did not cease their movement to end legalized abortion, a practice that some senators equated to the atrocities of American slavery and the Holocaust.[36] Rather, focus shifted towards non-amendment legislation, prompted by the understanding that "The Supreme Court has ruled that States cannot in effect protect the unborn, but the Court in no way indicated that Congress or the states have to appropriate funds for killing the unborn."[37] This led to a series of institutional conscience clauses, legislation that allows for denial of services based on personal or institutional morality.

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[34] Ibid.
[35] Ibid, 117.
[36] Senator Jesse Helms, *Here's Where I Stand: A Memoir,* 278.
[37] Senator Jesse Helms, *The Congressional Record vol 119, 93rd Congress,* 1973, 39314.

As a body, the all-male United States Senate saw themselves as having an institutional conscience that prohibited them from extending federal funding to domestic agencies that offered abortion counseling or services. As a result of this consensus, the Senate began passing appropriations riders to any bill that would extend funding to abortion providers in any capacity. Riders were placed on the Church Amendment to the Health Services Extension Act (1973), allowing for hospitals and doctors to refuse to perform the procedure; the National Research Service Act (1974), which banned federal research on abortion or using aborted fetuses; and the Legal Services Corporation Act (1974), which allowed for lawyers to deny clients based on personal feelings about abortion. The most notable riders, however, are the Hyde Amendment to the appropriations bill to the Department of Health, Education, and Welfare and the Helms Amendment to the Foreign Assistance Act. The Hyde Amendment (1976) prohibited women receiving federal welfare assistance from using said funds to procure an abortion. This particular amendment was viewed by the Senate as unduly restrictive, and was vetoed by President Ford, but Congress overturned the veto, making the Hyde Amendment law.[38] This legislation eliminated poor women from having the right to control reproduction, and had adverse affects nationwide. It is estimated that by 1991, the Hyde Amendment had eliminated 44 million American women reliant on government healthcare assistance from exercising their legal right to abortion.[39] Another piece of failed legislation to this department would have also

[38] Hull and Hoffer, *Roe v Wade: The Abortion Rights Controversy in American History,* 190
[39] Faludi, *Backlash*, xx

prevented women receiving welfare from using contraception, furthering the problem of maternal death in a nation with legal abortion.

The Helms Amendment, similar to the Hyde Amendment and other institutional conscience clauses, banned foreign assistance funds to any state or organization that promotes or practices abortion.[40] This amendment was tacked onto the Foreign Assistance Act of 1961, a Kennedy Administration policy passed in conjunction with the Alliance for Progress and the Peace Corps in 1961. In combination, Kennedy's foreign policy initiatives became a foundation of American foreign policy during the Cold War, exercising the perceived right of the United States to become involved in global development, particularly towards Latin America. The Foreign Assistance Act in particular made the United States Agency for International Development (USAID) the administrator of funds for foreign assistance and leader of American foreign assistance projects. In passing the Helms Amendment, the Senate restricted the existing work of USAID by eliminating portions of their global family planning initiatives. In efforts to enforce their institutional conscience and reverse a domestic Supreme Court decision, the U.S. Senate placed an undue burden on the women of the world.

The Helms Amendment explicitly prohibited U.S. based nongovernmental organizations receiving foreign assistance funds from using these funds "to pay for the performance of an abortion as a method of family planning or to motivate or coerce any person to practice abortions."[41] Under this legislation, however,

[40] The Helms Amendment passed the Senate unanimously in 1974.
[41] The Helms Amendment to the Foreign Assistance Act of 1961

funds can be used in post-abortion care.[42] Organizations and governments are also allowed to use funds from other sources to fund abortion. The Helms Amendment saw little opposition abroad, as governments and agencies depended on USAID funding to operate, and therefore had little power to override the policy. Unopposed, the Helms Amendment started an avalanche of senatorial initiatives that furthered limitations on abortion in the developing world.

Foreign governments and nongovernmental organizations, concerned with the reach of the amendment, had few options to obtain funding outside of USAID. Given the role of the United States as a leader in the international community, the nations most affected by the law were not in a position to refute the perceived authority of the United States, and many were dependent themselves on foreign assistance funds.[43] Similarly, nongovernmental organizations found few funding sources willing to go against American policy. Private funding sources often denied funding to agencies offering abortion counseling and/or procedures after the passage of the Helms Amendment. For funding sources whose mission was focused on population policy, providing women access to contraceptives seemed a larger battle than potentially losing clout to fight restrictive U.S. abortion policies.[44] Additionally, even though private funding sources are not formally

[42] Post-abortion care is defined as "The treatment of injuries or illnesses caused by legal or illegal abortions."
[43] Nina J Crimm, "Global Gag Rule: Undermining National Interests by Doing unto Foreign Women and NGOsWhat Cannot be Done at Home," *Cornell International Law Journal* 40, (2000): 599.
[44] Barbara Crane, "The Transnational Politics of Abortion," *Population and Development Review* 20, Supplement: The New Politics of Population: Conflict and Consensus in Family Planning (1994): 250.

involved with the government, they could face judicial proceedings for providing funding to organizations practicing abortion internationally.[45]

With American organizations unable to function under the Helms Amendment, the question of legal abortion then became centered in United Nations discussions around family planning. Because the United States is the primary benefactor of the United Nations, any action by the United Nations to support agencies that provided abortion counseling or procedures became problematic. If the United States was unwilling to provide foreign assistance funds to the United Nations because of abortion, the entire body could face financial ruin. Additionally, because the United States Senate did not ratify the Universal Declaration of Human Rights (1948), they legally made abortion a litmus issue for their domestically based foreign assistance funds. This unique position gives the United States a great deal of power in the United Nations and in the international community.

In 1974, The Bucharest World Population Conference passed the "World Population Plan of Action," a global comprehensive initiative to combat the "population crisis." Led by the United States and other Western nations, the plan supported the "overpopulation" theory and a long-term initiative to find solutions.[46] However, the Helms amendment had just gone into effect, and over the next ten years, United States restrictions on abortion and international development funding became tighter. In 1979, the United Nations reconvened for the Convention on the Elimination of All Forms of Discrimination Against Women

[45] Pipel and Patton, ""Abortion, Conscience, and Constitution," 295.
[46] World Population Plan of Action, 1974.

(CEDAW). This convention and its corresponding resolution specifically references family planning. Clause twelve protected the rights of women to "full access to quality healthcare, including family planning, with the exclusive right to ensure appropriate services during pregnancy."[47] While the United States' delegation to the convention signed the resolution, it was not ratified by the Senate, making the resolution null and void in United States law. Not signing CEDAW, generally held as a key document for protecting the rights and autonomy of women, not only reinforced that the United States holds a position of power in the United Nations, but also that their power comes from their ability to control the world's women.

In response to the World Population Plan of Action and other global population initiatives, many nations began to institute domestic programs. Notably, China enacted their "1-Child" policy in 1980, which limited families from having more than one child, save a small set of circumstances such as being an ethnic minority or having multiple births. Abortion had been legal and widely practiced in China since 1957, and was promoted as an option to families expecting more children.[48] However controversial, this program was lauded in the international community, with Minister-in-Charge Qian Xinzhong of the State Family Planning Commission, along with Indian Prime Minister Indira Gandhi, being awarded the first United Nations Population Award in 1983.[49] This award

[47] Convention on the Elimination of all Forms of Discrimination Against Women, 1979.
[48] H. Yuan Tien, "Abortion in China: Incidence and Implications," *Modern China* 13, no. 4 (1987), 443.
[49] Barbara Crane and Jason Finkle, "The United States, China, and the United Nations Population Development Fund: Dynamics of U.S. Policymaking," *Population and Development Review* 15, no.1 (1989), 30.

was controversial in the United States, as the promotion of abortion in the 1-Child policy was seen as "coercive" by the United States government and therefore in violation of U.S. policy on foreign assistance. However, because the United States-China economic relationship was relatively new and vital to both American and Chinese interests, their spat over abortion happened entirely within the United Nations. In response to the allegedly coercive practices of the Chinese government, the United States took a more aggressive approach to limiting abortion rights abroad.

In 1984, at the International Conference on Population and Development in Mexico City, Mexico, the United States delegation presented a highly controversial stance regarding abortion. Led by former Senator Jim Buckley, the United States argued that "population growth was a neutral, rather than a negative, force in international development."[50] Buckley then presented what has become known as the "Mexico City Policy," an executive policy which bans nongovernmental organizations from receiving USAID or other Department of State funding if they use funding – from any source – to perform abortions in cases other than rape, incest, or a threat to the life of the woman; provide counseling and referral for abortion; or lobby to make abortion legal or more available in their country.[51] This policy, known by its opponents as "Global Gag Rule," extends the Helms Amendment onto foreign organizations seeking USAID funding, and prohibits organizations and states already bound by the Helms amendment from using outside funding for abortion-related costs. In one fell

[50] Crimm, "The Global Gag Rule," 599
[51] The Mexico City Policy, 1985

swoop, the United States again successfully used women's sexuality and bodies to assert dominance on the international stage.

In 1985, USAID began to enforce the Mexico City Policy for domestic and foreign nongovernmental organizations. Organizations seeking foreign assistance funds signed "Foreign Assistance Agreements," which certified that they "neither would provide aid for family planning under the grant to a participating foreign NGO nor would grant financial support to a foreign NGO for abortion-related activities." [52] In 1986, the Department of the Treasury enacted the policy towards projects before the World Bank and other regional development banks. [53] In 1988, reacting to global outcry over the Mexico City Policy, the District Court of Washington, D.C. ruled the policy unconstitutional. The Reagan administration, however, was able to appeal the decision and continue to limit access to abortion around the world. [54]

In combination, the Helms Amendment and the Mexico City Policy wreaked havoc on many international organizations. For example, The International Planned Parenthood Foundation (IPPF), once an ally of American population projects, found themselves on the brink of bankruptcy as a result of American policy. Annually, the IPPF spent less than one percent of their budget on abortion-related activities. However, because the United States would not provide assistance funds to organizations practicing abortion, the IPPF lost

[52] Crimm, 601
[53] Marshall, "The Evolution of US International Population Policy," 316.
[54] Ibid.

twenty-five percent of their annual budget, severely limiting their ability to fund programming and pay employees.[55]

For UNFPA, the Mexico City Policy was of the utmost concern. Declining to uphold the Mexico City Policy not only threatened their funding, but their position as a United Nations agency. One of the core values of the United Nations is national sovereignty, and forcing nations to prohibit abortion because of American policy through UNFPA goes against that value. In addition, the policy undermined the United Nations' adherence to the idea that "each member government agrees to relinquish some control over decisions in exchange for the benefits of cooperation." [56] Regardless of their institutional values, the UNFPA stood little chance against the United States, who since 1982 had earmarked UNFPA funding, making it eligible for annual review and renewal. [57] In another display of power over the United Nations through abortion policies, the United States withheld their 1984 annual contribution to the UNFPA. UNFPA believed that they were upholding their responsibility as an organization to support the Chinese government upon their request, but the United States viewed it as support for coercive abortion practices. The United States government gave UNFPA an ultimatum: either force the Chinese government to eliminate abortion from their population agenda, or limit UNFPA funding to China to only include contraceptives. This became the first time that an international organization lost its funding because of "US objections to its program in one country." [58]

[55] Crimm, 602.
[56] Crane and Finkle, 28.
[57] Ibid, 37.
[58] Ibid, 28.

Eventually, the United States and UNFPA reached an agreement when UNFPA guaranteed that they would no longer support abortion counseling or procedures and would keep the United States' donation in a separate fund inaccessible to the Chinese government.[59]

In 1993, the Clinton administration repealed the Mexico City Policy. This allowed for UNFPA to revise their institutional policy towards family planning, in addition to reexamining their population policy in light of the end of the Cold War.[60] At the 1994 International Conference on Population and Development in Cairo, Egypt, the body decided to uphold the concerns of the United States and the Holy See[61] regarding abortion by dividing the question of abortion from family planning in the conference resolution. The resolution read:

> Clause 8.25: In no way should abortion be promoted as a method of family planning. All governments and relevant Intergovernmental and Nongovernmental organizations are urged to strengthen their commitment to women's health, to deal with the health impact of unsafe abortion as a major public health concern and to reduce the recourse to abortion through expanded and improved family-planning services. Prevention of unwanted pregnancies must always be given the highest priority and every attempt should be made to eliminate the need for abortion. Women who have unwanted pregnancies should have access to reliable information and compassionate counseling. Any measures or changes related to abortion within the health system can only be determined at the national or local level according to national legislative process. In circumstances where abortion is not against the law, such abortion should be safe. In all cases, women should have access to quality services for the management of complications arising from abortion. Post-abortion

[59] Crane and Finkle, 31.
[60] The 1994 Conference marks the first time that a woman led UNFPA and a Conference on World Population.
[61] The Holy See is the diplomatic delegation of the Vatican to the United Nations. Because the Vatican is technically an independent country, though cautiously recognized as sovereign, they are eligible for non-voting status in the United Nations. This means that they can act as sponsors and signatories to resolutions, assuring their voice, but cannot vote on resolutions. Palestine holds a similar position in the organization.

> counseling, education and family-planning services should be offered promptly, which will also help to avoid repeat abortions.[62]

This wording allowed for the United Nations population projects to continue providing reproductive health care and contraceptives to women in the developing world, but upheld the U.S. Senate's anti-abortion stance, saving their funding. This distinction also satisfies the still-existing Helms Amendment, which banned foreign aid funds for abortion "as family planning." However, this did not end the struggle between Congress and the UNFPA. In 1999, Congress again held the $1 Billion USD annual appropriation to the United Nations. President Clinton, wishing to have the funds released while satisfying Congress that said funds could not be used for abortions, reformed USAID's "standard provisions" for foreign nongovernmental organizations. Rather than prohibiting organizations from using foreign assistance funds for abortion-related activities, the language changed to "refrain from using funds...regardless of source."[63] Nongovernmental organizations were no longer banned from providing abortion counseling and procedures, but were strongly discouraged from doing so. This compromise allowed for the United Nations budget to be released while maintaining some of the Congressional moral elements. In 2001, President George W. Bush reenacted the Mexico City Policy, once again restricting foreign assistance for any abortion-related activity.

Since *Roe v Wade,* limiting access to abortion has become a priority of the United States Senate. As shown, the reaction of the Senate to the Supreme

[62] Mexico City 1984 Report, 70-71.
[63] Crimm, 604.

Court's decisions on *Roe v Wade* and *Doe v Bolton* led to the Helms Amendment and the Mexico City Policy, which effectively asserted the dominance of the United States in the United Nations by controlling women's bodies globally. Though the attempt of the Senate could be viewed as admirable, there is no evidence to prove that these policies had any effect on global abortion rates. In fact, these polices had somewhat of an opposite effect. According to Barbara Crane, "compared to two [now three] years ago, more countries permit abortion for indications broader than those allowed by the Global Gag Rule." [64] Ironically, and proof that the all-male Senate was ill-informed about the realities of life for the world's women, the only way to reduce the number of unwanted pregnancies is to support women's education, which is often limited by a lack of adequate reproductive health.[65]

In 2009, President Barack Obama repealed the Mexico City Policy stating, "For too long, international family planning has been used as a political wedge issue, the subject of a back and forth debate that has only served to divide us."[66] This move restored the right of international nongovernmental organizations to use United States foreign assistance funds towards abortion and the rights of the women of the world to exercise their right to their bodies.

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[64] Barbara Crane and Jennifer Dusenberry, "Power and Politics in International Funding for Reproductive Health: The US Global Gag Rule," *Reproductive Health Matters* 12, no. 24 (2004): 133.
[65] Connelly, *Fatal Misconceptions*, 23.
[66] President Barack Obama, quoted in "Obama Reverses Rule on U.S. Abortion Aid," by Peter Baker, *The New York Times* January 23, 2009.

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