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TRUMP'S ANGRY WHITE WOMEN: MOTHERHOOD, NATIONALISM, AND ABORTION

Yvonne Lindgren*

A majority of white women—fifty-two percent—voted for Donald Trump in the 2016 presidential election. White working-class women supported Trump in even greater numbers: Sixty-one percent of white women without college degrees voted for Trump. This result seems remarkable considering Trump's derogatory statements about women and his staunch opposition to legal access to abortion. Why did white women, especially those most likely to need access to reproductive healthcare—poor and working-class women—vote heavily against their own interests to embrace a candidate who called for punishing women who access abortion? Much recent commentary has considered this question and drawn various conclusions, including that white women lack information and live with close ties to conservative white men who they look to when casting their vote. This Article brings a new perspective to this question by examining the ways that motherhood is mobilized in movements for nationalism. Specifically, it shows that Donald Trump's presidential campaign drew upon a familiar narrative forged by the

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family-values movement of the mid-1970s that linked opposition to abortion with protection of motherhood, family, and nation. Staunch resistance to abortion rights in this narrative became about protection of mothers and protection of motherhood rather than right-to-life alone. This message—a message that conflates opposing abortion with protecting motherhood and American culture and values—continues to animate opposition to abortion today. Drawing upon social science research and historical record, this Article seeks to uncover how opposition to abortion was transformed into a powerful expression of white women’s disaffection and nationalism.

I. INTRODUCTION

A majority of white women—fifty-two percent—voted for Donald Trump in the 2016 presidential election.¹ White working-class women supported Trump in even greater numbers: Sixty-one percent of white women without college degrees voted for Trump.² This result seems remarkable in light of Trump’s derogatory statements about women³ and

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1. Julie Hirschfeld Davis & Katie Rogers, *At Trump Rallies, Women See a Hero Protecting a Way of Life*, N.Y. TIMES (Nov. 3, 2018), <https://www.nytimes.com/2018/11/03/us/politics/trump-women.html> (noting that Trump continues to boast “when the election was over, they said: ‘You know what? He did great with women.’”); see Ronald Brownstein, *The Women Who Gave Trump the White House Could Tip the Midterms to Democrats*, ATLANTIC MONTHLY (Aug. 16, 2018), <https://www.theatlantic.com/politics/archive/2018/08/trump-democrats-midterms/567658> (noting that the white women’s vote was crucial to Trump’s victory in 2016, particularly in pivotal swing states such as Iowa, Ohio, Michigan, Pennsylvania, and Wisconsin); Alec Tyson & Shiva Maniam, *Behind Trump’s Victory: Divisions by Race, Gender, Education*, PEW RES. CTR. (Nov. 9, 2016), <http://www.pewresearch.org/fact-tank/2016/11/09/behind-trumps-victory-divisions-by-race-gender-education>.

2. Eugene Scott, *White Women Helped Elect Trump. Now He’s Losing Their Support*, WASH. POST (Jan. 22, 2018), [https://www.washingtonpost.com/news/the-fix/wp/2018/01/22/white-women-helped-elect-trump-now-hes-losing-their-support/?noredirect=on](https://www.washingtonpost.com/news/the-fix/wp/2018/01/22/white-women-helped-elect-trump-now-hes-losing-their-support/?hpid=hp_hp-top-table-main-white-women%3Ahomepage%2Ft-1&hpid=hp_hp-top-table-main-white-women%3Ahomepage%2Ft-1); see Tyson & Maniam, *supra* note 1. While the working class is a racially diverse group, the white working class has been credited with sweeping Donald Trump into office and forms the backbone of the religious right and the conservative Tea Party movement. See JOAN C. WILLIAMS, *WHITE WORKING CLASS: OVERCOMING CLASS CLUELESSNESS IN AMERICA* 74-75 (2017) (noting that Trump won the votes of white working-class women by a margin of twenty-eight percentage points); see also Nate Silver, *Education, Not Income, Predicted Who Would Vote for Trump*, FIVETHIRTYEIGHT (Nov. 22, 2016), <http://fivethirtyeight.com/features/education-no-income-predicted-who-would-vote-for-trump>.

3. Michael Barbaro & Megan Twohey, *For Ex-Miss Universe, a New, Harsh Spotlight*, N.Y. TIMES (Sept. 28, 2016), <https://www.nytimes.com/2016/09/28/us/politics/alicia-machado-donald-trump.html> (describing how Trump described Miss Universe Alicia Machado as “Miss Piggy”); Gail Collins, *Opinion, I’ve Overestimated Donald Trump*, N.Y. TIMES (June 29, 2017), <https://www.nytimes.com/2017/06/29/opinion/ive-overestimated-donald-trump.html> (describing how Trump referred to her, a *New York Times* columnist, as “a dog . . . with the face of a pig.”) (internal quotation marks omitted); David A. Fahrenthold, *Trump Recorded Having Extremely Lewd Conversation About Women in 2005*, WASH. POST (Oct. 8, 2016), <https://www.washingtonpost.com/politics/trump-recorded-having-extremely-lewd-conversation->

his staunch opposition to legal access to abortion.⁴ Why did white women, especially those most likely to need access to reproductive healthcare—poor and working-class women—vote heavily against their own interests to embrace a candidate who called for punishing women who access abortion? Much recent commentary has asked this question and drawn various conclusions,⁵ including that white women prefer to identify with and vote with their racial privilege rather than their gender oppression,⁶ that white women often conform to the ideologies of the men around them as a survival strategy,⁷ or simply that white women lack information and

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about-women-in-2005/2016/10/07/3b9ce776-8cb4-11e6-bf8a-3d26847eed4_story.html (describing a 2005 conversation with Billy Bush on *Access Hollywood* that was caught on tape, in which Trump is heard bragging: “I just start kissing them. . . . I don’t even wait. And when you’re a star, they let you do it. . . . You can do anything. Grab them by the p[uss]y.”). When pressed by Fox News journalist Megyn Kelly about terms he had used to refer to women such as “fat pigs” and “dogs, slob, and disgusting animals,” Trump described her questioning him by describing that she had “blood coming out of her eyes, blood coming out of her wherever.” MARJORIE J. SPRUILL, *DIVIDED WE STAND: THE BATTLE OVER WOMEN’S RIGHTS AND FAMILY VALUES THAT POLARIZED AMERICAN POLITICS* 336 (2017).

4. During his campaign, he called for “punishing” women who have the abortion procedure. Matt Flegenheimer & Maggie Haberman, *Trump’s Call on Abortions Rattles G.O.P.*, N.Y. TIMES Mar. 31, 2016, at A1, <https://www.nytimes.com/2016/03/31/us/politics/donald-trump-abortion.html>. His vice-presidential running mate, Mike Pence, promised during a town hall gathering that “*Roe vs. Wade* [sic] [will be] consigned to the ash heap of history where it belongs.” Seema Mehta, *Roe vs. Wade Will be Overturned if Donald Trump Wins, Mike Pence Says*, L.A. TIMES (July 28, 2016), <https://www.spokesman.com/stories/2016/jul/28/roe-v-wade-will-be-overturned-if-trump-wins-pence->

ce-. 5. Much recent commentary has considered this question. See, e.g., Clare Malone, *Clinton Couldn’t Win Over White Women*, FIVETHIRTYEIGHT (Nov. 9, 2016), <https://fivethirtyeight.com/features/clinton-couldnt-win-over-white-women> (noting that class or education-level was a greater indicator of those who voted for Trump than gender); see Mark Setzler & Alixander Yanus, *Why Did White Women Vote for Donald Trump?*, 51 PS: POL. SCI. & POL. 523, 525-26 (2018) (noting that sexism and racial resentment had a significant influence on voters of both genders); Nicholas J.G. Winter, *Ambivalent Sexism and Election 2016* 5, 7-9 (July 22, 2018) (unpublished manuscript), <http://faculty.virginia.edu/nwinter/papers/WinterAPSA2018AmbivalentSexismAndElection2016.pdf> (arguing that “ambivalent sexism” led white women to prefer Trump over Clinton); Michelle Ruiz, *Why Do White Women Keep Voting for the GOP and Against Their Own Interests?*, VOGUE (Nov. 8, 2018), <https://www.vogue.com/article/white-women-voters-conservative-trump-gop-problem>; see also Mark Setzler & Alixander Yanus, *Women Voted for Donald Trump for the Same Reasons Men Did – Racism and Sexism*, LONDON SCH. OF ECON.: U.S. CENTRE (Aug. 3, 2018), <https://blogs.lse.ac.uk/usappblog/2018/08/03/women-voted-for-donald-trump-for-the-same-reasons-men-did-racism-and-sexism> (noting that beliefs linked to racism and sexism were the key determinants for whether or not voters supported Trump, regardless of their gender).

6. Moira Donegan, Opinion, *Half of White Women Continue to Vote Republican. What’s Wrong with Them?*, THE GUARDIAN (Nov. 9, 2018), <https://www.theguardian.com/commentisfree/2018/nov/09/white-women-vote-republican-why> (noting that white women are at the intersections of two vectors of privilege and oppression and may choose to vote for Trump because it is a means of denying the realities of how sexist oppression makes them vulnerable).

7. See, e.g., ANDREA DWORKIN, *RIGHT-WING WOMEN* 14-15 (Coward-McCann 1983) (1978) (arguing that right-wing white women strike a bargain to support white male power as a subconscious

live with close ties to conservative white men who they look to when casting their vote.⁸ To consider this question, this Article examines the ways that nationalist movements call upon white mothers to protect and preserve national identity from threats of cultural eclipse by outsiders, chiefly immigrants. Specifically, it shows that Donald Trump's presidential campaign drew upon white women's fears of cultural eclipse and displacement by employing a familiar narrative forged by the family-values movement in the mid-1970s that linked opposition to abortion with protection of white motherhood, family, and nation.

This Article unearths a critical, historical moment of narrative: when the right-to-life movement of the mid-1970s shifted its anti-abortion messaging to explicitly link opposition to abortion with the protection of motherhood, the patriarchal family, and the protection of American culture and values. What had begun as a movement to protect fetal life was transformed into a larger call for a return to traditional family structures and traditional American values. This new anti-abortion framing drew fresh recruits who transformed the face of the anti-abortion movement from a movement of white male professionals to a movement primarily comprised of white women, especially white working-class women. The narrative that conflates opposition to abortion with protection of motherhood and America itself continues to animate opposition to abortion today: Trump's anti-immigrant, anti-establishment, pro-life message fell in lock-step with the pro-family, pro-life, anti-communist, and anti-immigrant message developed in the mid-1970s and deployed full-force by Ronald Reagan and his campaign in the 1980s.⁹ Drawing upon social science research and the historical record, this Article seeks to uncover the origins of how opposition to abortion was transformed into a powerful expression of white women's disaffection and nationalism. The analysis reaches beyond the adjudicated Constitution to consider how economic decline, social movements, and a narrative of race, gender, class, and nationalism are engaged in the struggle over reproductive rights. In so doing, this Article seeks to reveal the ways in which legal rights are shaped not solely by courts and legislatures, but by popular understandings and political rhetoric.

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survival strategy to spare them male violence and contempt).

8. Ruiz, *supra* note 5; Jamal Simmons, Opinion, *Understanding 'The White Women Thing,'* THE HILL (Oct. 5, 2018), <https://thehill.com/opinion/campaign/409796-understanding-the-white-women-thing> (describing that white women feel isolated in their progressive ideas and often look to their husbands, brothers, and sons when voting).

9. See PHYLLIS SCHLAFLY, A CHOICE NOT AN ECHO 265-66 (updated and expanded 50th anniversary ed., Regnery Publishing 2014) (1964).

This Article proceeds in three parts: Part II examines opposition to abortion prior to the 1970s, which focused on the protection of fetal life.¹⁰ Next, this section explores how motherhood and the patriarchal family have historically been mobilized in movements for nationalism.¹¹ At various points in history, nationalist movements have called upon a nation's mothers to protect the nation's culture and values because motherhood and the family are identified as the place where a nation's values and culture are inculcated in its citizenry. Part III examines a critical shift in opposition to abortion that transformed from a movement to protect fetal life to a larger call to protect motherhood, traditional family, and American values.¹² This Part examines how under this new narrative, abortion is identified as devaluing motherhood and harming women.¹³ Part IV examines how this narrative was engaged by the Trump campaign.¹⁴ This Part investigates how Trump intertwined defense of motherhood, family, and nation by drawing explicit parallels between women's interest in protecting their families and neighborhoods and the nation's interest in protecting its borders.¹⁵ In this narrative, defending motherhood and the traditional American family is integrally related to protecting American values and culture. Specifically, Trump's anti-immigrant, pro-American narrative of "Make America Great Again," played upon the same set of white working- and middle-class American's fears of being culturally eclipsed by outsiders, relief from economic decline, and drew upon white backlash against perceived cultural threats. This Part argues that integral to this messaging is the defense of motherhood and traditional family that is perceived to be under assault from the policies of the political left, abortion access chief among them. In short, if "Build the Wall" is the rallying cry for protecting the nation's borders, opposition to abortion is its gendered corollary to defend its mothers, families, and heritage.

II. SEPARATE STORIES: THE RIGHT-TO-LIFE MOVEMENT AND MOBILIZING MOTHERHOOD IN DEFENSE OF NATION

To be sure, there had been consistent resistance to abortion rights even before the *Roe v. Wade* decision in 1973.¹⁶ However, both the

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10. See *infra* Part II.A.

11. See *infra* Part II.B.

12. See *infra* Part III.

13. See *infra* Part III.C.

14. See *infra* Part IV.

15. See *infra* notes 218-222 and accompanying text.

16. For an excellent discussion of the rise of the right-to-life movement, see generally DAVID

messaging and the make-up of the resistance were very different than in the period after *Roe*. As this Part will describe, opposition to abortion was primarily focused on protecting fetal life. What is more, the anti-abortion movement in the period before *Roe* was comprised primarily of white, male, Catholic professionals.¹⁷ Other than for Catholics, there was no alignment between religiosity or political party and opposition to abortion. Part III will later describe how the family values movement transformed the face of opposition to abortion by drawing it under a larger political umbrella that aligned protection of the patriarchal family, American values, and motherhood with opposition to abortion.¹⁸

*A. Protecting Fetal Life: The Anti-Abortion Movement
Before Roe v. Wade*

The focus of the anti-abortion movement before and in the years immediately after *Roe v. Wade* focused on protection of fetal life. Indeed, early opponents to movements by states to reform abortion laws, such as those taking place in California with the passage of the Beilenson Bill in 1967,¹⁹ were primarily white, male, professional, and Catholic.²⁰ The primary motivation of these early anti-abortion activists was driven by their belief that life began at conception and abortion was akin to murder of an innocent life.²¹ As a result, the focus of anti-abortion activism was the legal protection of embryonic life.²² As Mary Ziegler has described, movement members in the early years before and after *Roe* stressed the humanity of the fetus and argued that the fetus enjoyed the same constitutional rights as anyone else, including a fundamental right to life.²³ Indeed, in the *Roe* and *Doe v. Bolton* cases there were twenty briefs from a diverse group of disinterested organizations representing women's issues and physicians' organizations in support of the pro-abortion

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J. GARROW, *LIBERTY AND SEXUALITY: THE RIGHT TO PRIVACY AND THE MAKING OF ROE V. WADE* (1994).

17. KRISTIN LUKER, *ABORTION AND THE POLITICS OF MOTHERHOOD* 145-47 (1984).

18. See *infra* Part III.

19. The Beilenson Bill, also known as the Therapeutic Abortion Act, was an abortion reform bill introduced in the California legislature by Anthony Beilenson. See LUKER, *supra* note 17, at 66-91. On the eve of the *Roe* decision, sixteen states had already liberalized and reformed their abortion laws. See *id.* at 126-27.

20. KARISSA HAUGEBOG, *WOMEN AGAINST ABORTION: INSIDE THE LARGEST MORAL REFORM MOVEMENT OF THE TWENTIETH CENTURY 2* (2017) (noting that in the years before *Roe* the Catholic Church was the only established religion explicitly opposed to abortion); see LUKER, *supra* note 17, at 126-30.

21. See LUKER, *supra* note 17, at 126.

22. *Id.* at 130.

23. MARY ZIEGLER, *AFTER ROE: THE LOST HISTORY OF THE ABORTION DEBATE* 37 (2015).

position.²⁴ By contrast, the anti-abortion position was supported by only four amicus briefs that represented single-issue organizations that were involved exclusively with the abortion issue.²⁵ In short, these stand-alone organizations such as Americans United for Life and LIFE (the League for Infants, Fetuses, and the Elderly), were focused on protecting fetal life and had not yet connected their movement to a larger narrative of the family values movement and the New Right that embedded their message within a larger narrative of protecting family values.²⁶ As Professor Kristin Luker noted, while the *Roe* and *Doe* cases only garnered the support of stand-alone, single-issue organizations that were still largely made up of elite Catholic professionals, the case would mobilize a new and stronger opposition to abortion.²⁷ As I argue below, opposition to abortion transformed from the protection of fetal life to a powerful lightning rod in a struggle over the value of family, motherhood, and national culture.²⁸

The early response to the *Roe* decision came from the pro-life camp of organizations that were made up predominantly of Catholics such as Americans Against Abortion and focused on the sacredness of fetal life.²⁹ As scholars have noted, Evangelical Christians were not yet a major part of the movement and many in fact supported abortion access.³⁰ The anti-abortion movement's emphasis on protecting fetal life drove efforts to establish a fetal protective amendment to the Constitution.³¹ Less than eight days after the *Roe* decision, a pro-life Catholic member of the House of Representatives introduced the first constitutional amendment

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24. See LUKER, *supra* note 17, at 142; see also *Doe v. Bolton*, 410 U.S. 179 (1973).

25. *Id.* at 142-43 (noting that the four amicus briefs were submitted by "single issue" organizations as opposed to the wide-ranging organizations in support of abortion rights including women's organizations and physician organizations).

26. See LUKER, *supra* note 17, at 143; ZIEGLER, *supra* note 23, at 30-33 (describing the "vibrant, fragmented, and flexible" group of diverse anti-abortion organizations that were championing fetal life in the years before and immediately after the *Roe* decision).

27. LUKER, *supra* note 17, at 143-46.

28. As Professor Kristin Luker describes, the "new activists" in the period after *Roe* were predominantly women who were homemakers and had little experience in political activism. In short, the case mobilized people who had the personal experience of pregnancy, saw motherhood as central to their lives, and viewed the Supreme Court's decision as devaluing an important aspect of their sense of personal self-worth. *Id.* at 145.

29. See Linda Charlton, *Forces Against Abortion Assemble, with Optimism*, N.Y. TIMES, June 2, 1974, at C13, <https://www.nytimes.com/1974/06/02/archives/force-against-abortion-assemble-with-optimism-ideas-trends-the.html>.

30. See, e.g., R. MARIE GRIFFITH, *MORAL COMBAT: HOW SEX DIVIDED AMERICAN CHRISTIANS & FRACTURED AMERICAN POLITICS* 202 (2017).

31. See ZIEGLER, *supra* note 23, at 38-44 (describing the efforts at establishing a fetal protective amendment).

declaring a fetus a “person” from the moment of conception.³² In his testimony before the Senate subcommittee considering a constitutional amendment to ban abortion, Cardinal Manning argued “[t]he stark fact is that the unborn are being destroyed in our country at an unprecedented rate.”³³ The National Conference of Catholic Bishops approved a plan for pro-life activities and its focus was the legal protection of fetal life.³⁴ The Hyde Amendment was introduced in 1976 by Henry Hyde, a Catholic senator from Illinois, who argued that American taxpayers should not be forced to pay for “the killing of innocent preborn human life.”³⁵ As will be described below, there was an important shift in 1979 when the leaders of the Christian right began organizing themselves into a social movement that included opposition to the Equal Rights Amendment (“ERA”) and abortion as a referendum on family, motherhood, and American values.³⁶ However, at this earlier point, the sole focus of the pro-life movement was the protection of fetal life.³⁷

What is more, the make-up of the resistance to abortion in the years before *Roe* was different than in the years after. In the 1970s there was no difference between Republican and Democratic support for abortion.³⁸ Indeed, in a poll taken before the *Roe* decision, Republicans were *more likely* than Democrats to support abortion rights—sixty-eight percent compared to fifty-nine percent.³⁹ Until 1979, the parties were about evenly

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32. GRIFFITH, *supra* note 30, at 226.

33. *Id.*

34. ZIEGLER, *supra* note 23, at 87.

35. GRIFFITH, *supra* note 30, at 227. Indeed, there was widespread use of fetal imagery during this period by abortion opponents such as images of fetuses held aloft by anti-abortion protesters, the visual impact of the images of fetuses in the anti-abortion film *The Silent Scream* in 1985. See Rosalind Pollack Petchesky, *Foetal Images: The Power of Visual Culture in the Politics of Reproduction*, in *REPRODUCTIVE TECHNOLOGIES: GENDER, MOTHERHOOD AND MEDICINE* 57, 58 (Michelle Stanworth ed., 1987); Carol Sanger, *Seeing and Believing: Mandatory Ultrasound and the Path to a Protected Choice*, 56 *UCLA L. REV.* 351, 356, 377 (2008) (describing that the fetus has become the “poster child” of the pro-life movement that uses images of the fetus to galvanize anti-abortion sentiment, including forced ultrasounds for women who have decided to end their pregnancies).

36. See *infra* Part III.

37. For an excellent discussion on the right-to-life movement on fetal personhood, see ROSALIND POLLACK PETCHESKY, *ABORTION AND WOMAN’S CHOICE: THE STATE, SEXUALITY, & REPRODUCTIVE FREEDOM* 330-45 (rev. ed. 1990), discussing the central focus on fetal protection and noting that by the end of the 1970s, some in the opposition movement began to promote the view that women who get abortions were themselves victims in need of protection.

38. Neal Devins, *Rethinking Judicial Minimalism: Abortion Politics, Party Polarization, and the Consequences of Returning the Constitution to Elected Government*, 69 *VAND. L. REV.* 935, 946 (2016).

39. See GRIFFITH, *supra* note 30, at 201.

split over abortion and abortion was not viewed as a particularly partisan issue.⁴⁰

In contrast to the period after *Roe*, in the years leading up to the case religious organizations were divided on abortion.⁴¹ Opposition to abortion in the lead-up to and in the wake of the *Roe* decision came primarily from Catholics and conservative Protestants.⁴² Evangelical Christians, including the Southern Baptist Convention, were in support of legalization of abortion.⁴³ Indeed, the Southern Baptist Convention passed a resolution in the years before *Roe* calling on members to work for abortion's legalization and leaders praised the *Roe* decision.⁴⁴ During this period, many religious leaders made pro-choice arguments on explicitly religious and moral grounds.⁴⁵ In the 1960s, mainline Protestant and Jewish religious organizations⁴⁶ supported reform or repeal of criminal abortion laws and opposition to abortion came almost exclusively from the Catholic Church.⁴⁷

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40. *Id.* (describing a 1972 Gallup Poll report that there was strong support in both political parties for expanding safe and legal access to abortion); Greg D. Adams, *Abortion: Evidence of Issue Evolution*, 41 AM. J. POL. SCI. 718, 723 (1997).

41. George Gallup, *Abortion Seen Up to Woman, Doctor*, WASH. POST, Aug. 25, 1972, reprinted in *BEFORE ROE V. WADE: VOICES THAT SHAPED THE ABORTION DEBATE BEFORE THE SUPREME COURT'S RULING* 207, 208 (Linda Greenhouse & Reva Siegel eds., 2010) [hereinafter *BEFORE ROE V. WADE*] (describing a poll conducted shortly before the *Roe* decision in response to the statement that the decision to have an abortion should be made by a woman and her physician); see GRIFFITH, *supra* note 30, at 201-03.

42. See GRIFFITH, *supra* note 30, at 201; LUKER, *supra* note 17, at 58-59 (noting that in the period before *Roe*, abortion and contraception were a special moral issue solely for Catholics); Devins, *supra* note 38, at 950; Kathleen M. Sullivan, *Law's Labors*, NEW REPUBLIC, May 1994, at 42, 42 (reviewing GARROW, *supra* note 16).

43. GRIFFITH, *supra* note 30, at 202 (noting that Evangelical Christians and Southern Baptists supported the legalization of abortion).

44. *Id.*

45. *Id.* at 203, 216-22, 238-39 (describing several religious organizations that worked tirelessly for legalization of abortion, most notably the Catholics for Free Choice and the Clergy Consultation Service that assisted women with procuring safe abortions in the years before *Roe* by referring them to abortion providers before abortion's legalization); ROBERT WUTHNOW, *RED STATE RELIGION: FAITH AND POLITICS IN AMERICA'S HEARTLAND* 273 (2012) (noting that between 1966 and 1972 most of the denominations affiliated with the National Council of Churches adopted statements in support of abortion).

46. See, e.g., Statement from The Reform Jewish Leadership, Union for Reform Judaism, 49th General Assembly, Montreal, Quebec (Nov. 1967) in *BEFORE ROE V. WADE*, *supra* note 41, at 69, 70 ("We urge our constituent congregations to join with other forward looking citizens in securing needed revisions and liberalization of abortion laws."); United Methodist Church, Statement of Social Principles (1972) in *BEFORE ROE V. WADE*, *supra* note 41, at 70, 70 ("In continuity with past Christian teaching, we recognize tragic conflicts of life with life that may justify abortion.").

47. See Brief for American Ethical Union et al. as Amici Curiae Supporting Plaintiff, *Roe v. Wade*, 410 U.S. 113 (1973) (Nos. 70-40, 70-18) (describing that the mainline Protestant New York Council of Churches endorsed the view that abortion was a medical decision and that other denominations, including Episcopalians, Universalists, and Christian Scientists, were opposed to laws

The make-up of the anti-abortion movement in the period before and immediately after *Roe* stands in sharp contrast to the dramatic transformation of the movement in the later years after the decision and up to the present. Opposition to abortion in these early years was focused exclusively on protecting fetal life and was essentially a stand-alone issue that was unmoored from political party and religious affiliation, save for the teachings of the Catholic Church. As described in Part III, in *Roe*'s wake, the family values movement transformed opposition to abortion from the protection of fetal life to the protection of *a way of life* as the movement brought opposition to abortion under a larger political umbrella to protect American mothers, families, and the nation.

B. Motherhood, Nationalism, and Opposition to Abortion

Nationalist movements have historically linked protection of nation and national culture with the protection and glorification of motherhood.⁴⁸ For example, in 1933 in Nazi Germany, Paula Siber, the acting head of the Association of German Women, articulated the role and duty of white mothers in the Nazi regime: "To be a woman means to be a mother. . . . the highest calling of the National Socialist woman is not just to bear children, but consciously and out of total devotion to her role and duty as mother to

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criminalizing abortion.); HAUGEBOER, *supra* note 20, at 2 (noting that in the years before *Roe* the Catholic Church was the only established religion explicitly opposed to abortion).

48. See, e.g., CLAUDIA KOONZ, *MOTHERS IN THE FATHERLAND: WOMEN, THE FAMILY, AND NAZI POLITICS* 55-56, 177-79 (1987) (examining how the Nazis appealed to women of the Third Reich to implement the Nazi goal of white supremacy by raising racially pure, fit children, awarding incentives to women for bearing children for the glory of the state, and criminalizing abortion); see also ALEXANDRA HALKIAS, *THE EMPTY CRADLE OF DEMOCRACY: SEX, ABORTION, AND NATIONALISM IN MODERN GREECE* 4-5 (2004) (tracing the connection between nationalism and opposition to abortion in Greece); JASON STANLEY, *HOW FASCISM WORKS: THE POLITICS OF US AND THEM* 9-10 (2018) (describing the rise of the Hutu power movement in Rwanda in 1994 that was an ethnic supremacist movement, established the Hutu Ten Commandments that declared anyone a traitor who married a Tutsi woman, thereby polluting the pure Hutu bloodline, and identifying women as wives and mothers who are entrusted with the sacred responsibility of ensuring Hutu ethnic purity); Wendy Bracewell, *Women, Motherhood, and Contemporary Serbian Nationalism*, 19 *WOMEN'S STUD. INT'L F.* 25, 25 (1996); Alan Finlayson, *Ideology, Discourse and Nationalism*, 3 *J. POL. IDEOLOGIES* 99, 108-09 (1998) (noting that both in Slovenia and Croatia, opposition to abortion is linked to nationalism); Erica Millar, *'Too Many': Anxious White Nationalism and the Biopolitics of Abortion*, 30 *AUSTL. FEMINIST STUD.* 82, 85 (2015); Vesna Nikolic-Ristanovic, *War, Nationalism, and Mothers in the Former Yugoslavia*, 8 *PEACE REV.* 3 (1996), reprinted in *THE WOMEN AND WAR READER* 234, 235 (Lois Ann Lorentzen & Jennifer Turpin eds., 1998). Similarly, in 2010 Hungarians elected nationalist Viktor Orban who oversaw the creation of the "illiberal state" that was founded on "the role of Christianity in preserving nationhood" and "promoting and safeguarding our heritage." STANLEY, *supra*, at 11-12. The new Hungarian constitution sets forth "fundamental laws" that include the preservation of the institution of marriage as between a man and a woman, encouraging the commitment of married couples to have children, protecting and safeguarding the family, and prohibiting abortion. *Id.*

raise children for her people.”⁴⁹ Under this narrative, women are called upon to protect and build nationhood through their childbearing role and to inculcate national identity by imparting the culture and values of the nation in its citizens. Thus, women’s role in nationalism requires both child-bearing and child-rearing, and restriction on abortion is directly linked to preservation of the nation.⁵⁰ Motherhood and traditional family stand as the bulwark that forges national identity and protects a nation from outsiders.

Indeed, nationalist movements across the globe have called upon the nation’s mothers to build national identity and have outlawed abortion to force “good” mothers to reproduce as a bulwark against the threat of immigration diluting national identity. For example, nationalists in Greece opposed abortion due to their concern with being:

[O]verrun by . . . proliferating Muslims and other “foreigners” who are more and more immigrating to Greece. The only protection ‘we’ have from such a prospect, according to this story, is if Greek women do their part to protect the nation in these dire straits by ceasing to abort . . . and fulfilling their civic duty to be a mother.⁵¹

In both Slovenia and Croatia, opposition to abortion has been linked to nationalism and its view that abortion undermines the preservation of the nation.⁵² Similarly, Serbian state socialism and authoritarian nationalism both approach reproduction and motherhood from a collective perspective that motherhood is in service to the state and that motherhood is an integral part of nation building and preservation.⁵³ “[W]hen

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49. Paula Siber, *The New German Woman*, in *FASCISM* 136, 137 (Roger Griffin ed., 1995); see also Gregor Strasser, *Motherhood and Warriorhood as the Key to a National Socialism*, in *FASCISM*, *supra*, at 123 (“For a man, military service is the most profound and valuable form of participation in the State – for the woman it is motherhood!”).

50. See, e.g., KOONZ, *supra* note 48, at 7, 55-56, 392 (describing how the Nazi goal of white supremacy incentivized women for bearing children for the glory of the state and criminalized abortion); see also HALKIAS, *supra* note 48, at 5 (tracing the connection between nationalism and opposition to abortion as stemming from Greece’s concern with being “overrun by . . . proliferating Muslims and other ‘foreigners’ who are more and more immigrating to Greece.”); STANLEY, *supra* note 48, at 10-12 (describing that in 2010 Hungarians elected nationalist Viktor Orban and a new constitution prohibited abortion); Finlayson, *supra* note 48, at 108 (noting that both in Slovenia and Croatia, opposition to abortion is linked to nationalism that views abortion as undermining the preservation of the nation); Millar, *supra* note 48, at 87-88 (noting that fears that Australia has too many abortions circulates with intensity in times of increased worry over the vulnerability of white demographic and sociocultural dominance in Australia); Nikolic-Ristanovic, *supra* note 48, at 235 (noting that when nationalism and militarism escalated in the former Yugoslavia, the glorification of women started with restrictions on abortion access).

51. HALKIAS, *supra* note 48, at 5.

52. Finlayson, *supra* note 48, at 108.

53. Bracewell, *supra* note 48, at 25.

nationalism and militarism escalated in the former Yugoslavia, the glorification of women as biological reproducers of the nation began[.]” and immediately ushered in restrictions on abortion access.⁵⁴ In her article, *‘Too Many’: Anxious White Nationalism and the Biopolitics of Abortion*, Erica Millar discusses that the fear that Australians have too many abortions rises with the greatest intensity in times of increased worry among white Australians over the “vulnerability of white demographic and sociocultural dominance in Australia.”⁵⁵ The rise of the ethnic supremacist Hutu power movement in Rwanda in 1994 established the *Hutu Ten Commandments* that declared anyone a traitor who married a Tutsi woman, thereby polluting the pure Hutu bloodline, and identifying women as wives and mothers who are entrusted with the sacred responsibility of ensuring Hutu ethnic purity.⁵⁶ Similarly, in 2010 Hungarians elected nationalist Viktor Orbin whose campaign and leadership was founded on “the role of Christianity in preserving nationhood” and “promoting and safeguarding our heritage.”⁵⁷ The new Hungarian constitution sets forth “fundamental laws” that include the preservation of the institution of marriage as between a man and a woman, encouraging the commitment of married couples to have children, protecting and safeguarding the family, and prohibiting abortion.⁵⁸

Similar connections between motherhood and nationalism have undergirded the narrative of preserving nationhood in the United States. For example, white women used a rhetoric of motherhood to mobilize in the South to maintain segregation in opposition to the Supreme Court’s decision in *Brown v. Board of Education* and campaigns against school busing.⁵⁹ Opposition to the *Brown* decision was framed as an “erosion of parental, local, and states’ rights” and resistance to the decision was framed as the duty of mothers to defend against challenges to the authority of the American family and to maintain racial purity.⁶⁰ The rhetoric of motherhood and protecting family values—and in turn national values—employed a racialized motherhood that equated good mothers with white motherhood.⁶¹ White women who invoked motherhood as a site of inculcating national values touted “middle-class motherhood that married

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54. Nikolic-Ristanovic, *supra* note 48, at 235.

55. Millar, *supra* note 48, at 82, 88.

56. STANLEY, *supra* note 48, at 9-10.

57. *Id.* at 11 (quoting from the National Avowal portion of Hungary’s constitution).

58. *Id.* at 11-12.

59. ELIZABETH GILLESPIE MCRAE, *MOTHERS OF MASSIVE RESISTANCE: WHITE WOMAN AND THE POLITICS OF WHITE SUPREMACY* 208-16 (2018).

60. *Id.* at 168.

61. *Id.* at 168-69.

gender roles . . . to a political platform of family autonomy and parental rights—a kind of white supremacist maternalism.”⁶²

In the post-war period, conservative white women “decried the erosion of national sovereignty by the United Nations,” the expanding role of the federal government, and the eclipse of state sovereignty by linking them to the destruction of the authority of the American family and the power of mothers to inculcate citizenship and values in their children.⁶³ National security arguments in the midst of the Cold War were framed in the gendered political language of conservative white women as defense of home, children, and families against the threat of outsiders.⁶⁴ Opposition to American participation in the United Nations (“U.N.”) was framed by conservative white women activists as a “new international order,” and “[t]he postwar global order resulted in transposing anxieties about the world into threats to women’s authority over their home, children, and schools.”⁶⁵ Under this rubric, enhanced federal government, the Democratic Party, and the U.N. all threatened the sanctity and authority of motherhood and the patriarchal family.⁶⁶ The conservative right argued that the power of motherhood and the authority of the family were under assault by internationalism, immigration, multiculturalism, the U.N., and the “dilution of an ‘American’ identity.”⁶⁷

Conservative white women who viewed classroom instruction as an extension of the inculcation of values in the home worked tirelessly to oppose the creation of the Department of Education, and to ensure a “curriculum centered on American exceptionalism.”⁶⁸ They viewed public schools as an extension of their homes and argued that the education there should “reflect their values exclusively, upholding parental authority and patriotism.”⁶⁹ Indeed, conservative white women rallied against the introduction of a U.N. curriculum in schools by arguing that U.N. materials insulted American mothers and sought to reverse the

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62. *Id.* at 10. A recent commentator observed that Donald Trump has similarly mobilized motherhood as a tool of white supremacy. See Megan Reynolds, *In the Trump Administration, Motherhood Is a Tool of White Supremacy*, JEZEBEL (Aug. 15, 2018, 2:00 PM), <https://theslot.jezebel.com/in-the-trump-administration-motherhood-is-a-tool-of-wh-1827960231>. (noting that women in the Trump administration, from Kellyanne Conway to Sarah Huckabee Sanders, wield white motherhood in defense of Trump’s policies).

63. MCRAE, *supra* note 59, at 145-46.

64. *Id.* at 139.

65. *Id.* at 139-41.

66. *Id.* at 13-14.

67. *Id.* at 16.

68. *Id.*

69. *Id.*

teachings of mothers in their homes.⁷⁰ In the face of what conservative white women saw as an internationalist politicized education, white women were called upon to lead the fight to defend family and motherhood as the location of instilling American values in its citizenry.⁷¹ Conservatives objected to a strong federal role in educating young children, arguing instead for protecting traditional gender roles and family structures and leaving education of young children to the domain of parents, the private sector, and state and local school boards that reflected local values.⁷² In short, conservatives viewed motherhood as central to instilling national values and protecting national identity.

Part III examines the transformation in the messaging of the pro-life movement that occurred in the mid-1970s. The Part investigates how the movement transformed from a focus on fetal life to a broader call to protect motherhood and American culture and values. Part IV will examine how the same rhetoric of motherhood and nationalism was deployed in Donald Trump's presidential campaign to mobilize popular support for Trump among white women.⁷³

III. THE RISE OF A NEW ANTI-ABORTION NARRATIVE: FROM PROTECTING LIFE TO PROTECTING MOTHERS AND MOTHERHOOD

In 1972, as Congress sent the Equal Rights Amendment to the states for ratification, anti-ERA activists used the amendment as a lightning rod to build a "pro-family" consensus by highlighting that at its heart, both the ERA and abortion represented an abdication and devaluing of motherhood.⁷⁴ The abortion issue was reframed from protection of fetal life, as had been the primary focus of anti-abortion literature up to that point,⁷⁵ to a question of defending mothers and motherhood.⁷⁶ This Part examines two developments that propelled the polemic that abortion devalues mothers and motherhood. First, this Part addresses the development of the woman-protective anti-abortion argument based on a

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70. *Id.* at 149.

71. *See id.* at 148-49.

72. SPRUILL, *supra* note 3, at 249.

73. *See infra* Part IV.

74. SPRUILL, *supra* note 3, at 74-75, 81-83.

75. *See* Dennis J. Horan et al., *The Legal Case for the Unborn Child*, in ABORTION AND SOCIAL JUSTICE (Thomas W. Hilgers & Dennis J. Horan eds., 1972), reprinted in *BEFORE ROE V. WADE*, *supra* note 41, at 89, 89-90; New Jersey Catholic Bishops' Letter (1970), in *BEFORE ROE V. WADE*, *supra* note 41, at 81, 81-84; *see also* Robert D. Knapp, Jr., *Similarly I Will Not...Cause Abortion*, 122 J. LA. ST. MED. SOC'Y, 297-301 (1970), reprinted in *BEFORE ROE V. WADE*, *supra* note 41, at 94, 94-97.

76. *See* Phyllis Schlafly, *Women's Libbers DO NOT Speak for Us*, THE PHYLLIS SCHLAFLY REP. (Eagle Trust Fund, Alton, Ill.), Feb. 1972, reprinted in *BEFORE ROE V. WADE*, *supra* note 41, at 218, 218-20.

narrative that abortion harms women. Second, this Part addresses the appeal of the pro-family message during a period of economic decline that began in 1974 and diverging destinies of educated “liberated” women and traditional, religious, and working-class women. Both of these developments drew white women to the pro-family ranks with the call to defend motherhood and a way of life they perceived to be under threat.

*A. Tying Motherhood and Nationalism to Opposition to Abortion:
The Rise of the New Right and the Family Values Agenda*

In 1979, there was a critical shift in opposition to abortion. In that year, leaders of the emerging Christian right were beginning to mobilize into a united front to stand against feminism, the ERA, abortion rights, and other forces they believed threatened the traditional family and American values.⁷⁷ In that year, Reverend Jerry Falwell founded the Moral Majority to oppose the influence of secular humanism, abortion, feminism, and gay rights.⁷⁸ Beverly LaHaye founded Concerned Women for America that year to take action against abortion rights, sex education, and homosexuality.⁷⁹ Similarly, Phyllis Schlafly expanded her STOP ERA organization into a powerful grassroots “pro-family” movement to oppose feminism and abortion, which she warned threatened divinely created gender roles and familial structures.⁸⁰ Strategists such as Paul Weyrich would cofound the Heritage Institute during this period and is widely credited as being the architect of the New Right.⁸¹ These conservative activists, along with politicians such as George Wallace, cast the traditional nuclear family and American values as in crisis and believed their defense was their patriotic duty.⁸²

These organizations helped to forge a social agenda for the Republican Party that identified homosexuality, abortion rights, and feminism as a threat to the social order of traditional family and American values. Constructing a “family-values” agenda to undergird the Republican Party platform was a new and effective strategy. The conservative right’s family-values agenda completely transformed the face of the Republican Party. Indeed, 1980 would mark a major turning

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77. GRIFFITH, *supra* note 30, at 228; *see also* SPRUILL, *supra* note 3, at 292-313.

78. GRIFFITH, *supra* note 30, at 228.

79. *Id.*

80. STOP ERA was a movement led by Phyllis Schlafly and was an acronym for “stop taking our privileges.” *See* SPRUILL, *supra* note 3, at 9-12.

81. For an excellent discussion on Paul Weyrich and the New Right, *see* ZIEGLER, *supra* note 23, at 12-17.

82. ROBERT O. SELF, *ALL IN THE FAMILY: THE REALIGNMENT OF AMERICAN DEMOCRACY SINCE THE 1960S* 6 (2012).

point in the Republican Party. That year, at the Grand Old Party (“GOP”) convention in Detroit, pro-family and New Right forces dominated the platform committee, which took a strong pro-life position that opposed federal funding for abortion related-healthcare, called for adding a “human life amendment” to the Constitution, and supported a plank that required a pro-life position as a prerequisite of any Supreme Court nominee.⁸³ The platform also removed support for the ERA from the party platform, which the party had supported since at least 1940.⁸⁴

Despite having previously supported both legalization of abortion and the ERA, Ronald Reagan harnessed this new social agenda in the 1980s in his successful presidential bid against Jimmy Carter by openly campaigning in support of the Christian right and courting the right-to-life movement by campaigning in support of a constitutional amendment against abortion.⁸⁵ Addressing more than 17,000 members of the Pro-Family Movement at an event in Dallas, Texas sponsored by the Religious Roundtable, candidate Reagan addressed the crowd to proclaim his promise to save the nation and traditional values:⁸⁶ “You and I are meeting at a time when traditional Judeo-Christian values, based on moral teachings of religion, are undergoing what is perhaps their most serious challenge in our nation’s history . . . we have come to a time in the United States when . . . our free society is . . . threatened.”⁸⁷ Reagan’s nomination and landslide victory were largely attributed to the “army of conservative and pro-life women nationwide” who worked tirelessly to deliver religious and conservative voters.⁸⁸

The conservative revolution of the mid-1970s aligned conservative religious organizations with a conservative social agenda, including

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83. SPRUILL, *supra* note 3, at 287-88.

84. Linda Greenhouse, *Who Killed the ERA?*, N.Y. REV. BOOKS (Oct. 12, 2017), <https://www.nybooks.com/articles/2017/10/12/womens-rights-who-killed-era> (reviewing SPRUILL, *supra* note 3). The amendment had previously been supported by prominent conservative Republicans such as George Wallace, the pro-segregationist Governor of Alabama, and Strom Thurmond, a Republican senator from South Carolina, who said in 1972 that the ERA “represents the just desire of many women in our pluralistic society to be allowed a full and free participation in the American way of life.” *Id.*

85. GRIFFITH, *supra* note 30, at 228; SELF, *supra* note 82, at 6; SPRUILL, *supra* note 3, at 286-87 (noting that both Ronald Reagan and George H.W. Bush had earlier supported both the ERA and legalization of abortion).

86. SPRUILL, *supra* note 3, at 311.

87. ROSEMARY THOMSON, WITHSTANDING HUMANISM’S CHALLENGE TO FAMILIES: ANATOMY OF A WHITE HOUSE CONFERENCE 148-49 (1981).

88. Elaine Donnelly, *What Women Wanted: Reagan Appealed to and Developed a Generation of Female Conservatives*, NAT’L REV. ONLINE (June 7, 2004), <https://www.nationalreview.com/2004/06/what-women-wanted-elaine-donnelly/>; see THOMSON, *supra* note 87, at 148-50.

opposition to abortion as central to the new agenda. In the wake of *Roe v. Wade*, evangelical and conservative leaders “seized on the abortion issue to mobilize conservative Protestants as voters [and] new alliances emerged between evangelicals and conservative Catholics, and abortion became a wedge issue dividing conservative religious Republican voters from secular feminists and liberal Democrats.”⁸⁹ If in the period immediately before and after *Roe*, religious opposition was primarily Catholic, by the late 1970s the conservative movement in conjunction with Ronald Reagan’s presidential campaign, “had begun to focus on abortion as an issue around which to build party discipline in Congress.”⁹⁰ This realignment of the Republican Party framed opposition to abortion as a central party plank to protect traditional family roles.⁹¹ Thus, in the mid-1970s abortion became part of a larger call for a return to traditional family structures and traditional American values. As a result, by the mid-1970s, a narrative had emerged that identified abortion as a threat to traditional families, Christian values, and motherhood itself. This narrative removed the right to abortion from its narrow framing of the right to life and transformed it into a referendum of deeply-held cultural and social values related to family, motherhood, religion, and tradition. During this period, the feminist call for abortion rights was understood by homemakers and religious conservatives as “an indictment of their values and worldview by people they believed did not fundamentally understand them.”⁹² More fundamentally, the patriarchal family was cast as central to the mythic virtuous past which must be protected from liberal ideals and women’s equality.⁹³

In the years after the *Roe* decision, the conventional pro-life movement, which had been led primarily by professional white men who focused almost exclusively on the rights of fetuses, began to shift focus to protection of women’s health and emotional well-being as a result of the influx of women into the movement.⁹⁴ For example, pro-life activist Marjory Mecklenburg who served as chair of the Catholic National Right

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89. GRIFFITH, *supra* note 30, at 203.

90. Devins, *supra* note 38, at 954 (quoting Linda Greenhouse & Reva B. Siegel, *Before (and After) Roe v. Wade: New Questions About Backlash*, 120 YALE L.J. 2028, 2061 (2011)); see BEFORE *ROE V. WADE*, *supra* note 41, at 259.

91. BEFORE *ROE V. WADE*, *supra* note 41, at 260.

92. SELF, *supra* note 82, at 283.

93. The rhetoric of an idealized mythic past and protection of the patriarchal family and motherhood is an integral aspect of nationalist movements. See, e.g., STANLEY, *supra* note 48, at 12-13.

94. HAUGEBERG, *supra* note 20, at 9-10 (describing the development of crisis pregnancy centers as an important shift away from a focus on the rights of fetuses to a concern with the physical and emotional well-being of pregnant women).

to Life Committee in 1973 after the *Roe* decision, left the organization because of its exclusive focus on the protection of fetal life rather than pregnant women's needs.⁹⁵ She founded a new group in 1974, American Citizens Concerned for Life, which shifted focus to pregnant women and opened the nation's first crisis pregnancy centers that addressed pregnant women's physical and emotional wellbeing.⁹⁶ Similarly, Dr. Mildred Jefferson, president of the National Right to Life Committee, sought to shift the focus of the organization from exclusive focus on the sanctity of fetal life to arguments that abortion is a form of racial genocide.⁹⁷ In the years after *Roe*, the anti-abortion movement expanded beyond the previous singular focus on protecting fetal life to broader social justice goals.⁹⁸ While there are many examples of women in the anti-abortion movement who changed messaging from fetal rights to protection of women and motherhood, the next Part will examine this important shift in messaging by examining the political activism of one of the chief architects of the family values movement, Phyllis Schlafly.

B. Protecting Mothers: Phyllis Schlafly and the Pivot to Pro-Motherhood Opposition to Abortion

Phyllis Schlafly was a self-described "traditional woman," a wife and mother of six who, after an unsuccessful run for Congress, established her political career by opposing the ERA with her effective grassroots organization STOP ERA. By the end of 1973, the ERA was well on its way to ratification.⁹⁹ The amendment had already been ratified by thirty states and had widespread support, even in traditionally conservative states such as Texas.¹⁰⁰

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95. *Id.* at 16-17.

96. *Id.* at 9-11, 16-17.

97. *Id.* at 5.

98. *Id.*

99. For an excellent discussion on the ERA's path to ratification, see generally JANE J. MANSBRIDGE, *WHY WE LOST THE ERA* (1986).

100. Ratification of the amendment had a deadline of March 22, 1979. Indeed, the ERA was traditionally supported by the Republican Party, and it was included in every national Republican convention from 1944 to 1980. DAVID FRUM, *HOW WE GOT HERE: THE 70'S: THE DECADE THAT BROUGHT YOU MODERN LIFE (FOR BETTER OR WORSE)* 245 (2000). The ERA also had the support of three Republican presidents: Dwight D. Eisenhower, Richard Nixon, and Gerald Ford, and its support was consistent with the Republican values. Indeed, the Republican National Committee adopted a rule in 1924 that required that women be equally represented in all Republican National Convention committees. JANET M. MARTIN, *THE PRESIDENCY AND WOMEN: PROMISE PERFORMANCE & ILLUSION* 26 (2003). In 1972, the amendment had support of both Republicans and Democrats. After the amendment was passed in both the House of Representatives and the Senate, it was officially endorsed by Republican President Richard Nixon. On the political left, the amendment was supported by the National Organization for Women; on the right, it was championed by the

Despite this widespread support,¹⁰¹ in 1972 Schlafly launched her STOP ERA movement and began a tireless campaign to challenge the ERA from a conservative values agenda.¹⁰² She was effective. By 1975 the future of the ERA was in doubt, while thirty-four of the necessary thirty-eight states had ratified the amendment, two had chosen to rescind their ratification.¹⁰³ Many attribute the dramatic change—the ERA seemed certain to pass in 1972¹⁰⁴ but was all but dead by 1975—to the tireless opposition of anti-ERA activists, Schlafly chief among them, who masterfully created coalitions to defeat the amendment.¹⁰⁵

At the launch of the pro-family movement at a convention in Houston in 1977 organized to oppose the National Women's Conference taking place across town, Anita Bryant, in the form of a videotaped message, addressed the crowd of conservative family-values activists and declared that mothers are “truly the backbone of America” and that “in Houston and all over the nation the voice of motherhood will be heard!”¹⁰⁶ Schlafly took to the stage and applauded the “God-fearing Americans” at the rally who came to wrest control of the nation from feminists who threatened to destroy American families and undermine American strength.¹⁰⁷ Schlafly argued that devotion to home and family called for women to protect the nation and government because since the earliest

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President of the National Federation of Republican Women, Gladys O'Donnell, and the co-chair of the Republican National Committee, Mary Crisp. See Elizabeth L. Erwin, *Evangelical Equality: The Feminism of Phyllis Schlafly* (Apr. 27, 2012) (unpublished M.A. thesis, Lehigh University) (on file with Lehigh Preserve, Lehigh University). Governor George Wallace of Alabama, who had endorsed segregation, endorsed the ERA in 1968, as did Strom Thurmond, a Republican senator from South Carolina, stating that the amendment “represents the just desire of many women in our pluralistic society to be allowed the full and free participation in the American way of life.” Greenhouse, *supra* note 84.

101. The House approved the ERA by a vote of 354-24 in 1971, and the Senate by a vote of 84-8 the following year. Greenhouse, *supra* note 84.

102. SPRUILL, *supra* note 3, at 9.

103. Nebraska and Idaho had rescinded ratification of the ERA. *Id.* at 109.

104. JANET K. BOLES, *THE POLITICS OF THE EQUAL RIGHTS AMENDMENT: CONFLICT AND THE DECISION PROCESS 196-202* (1975) (noting that in 1972 the passage of the ERA was unstoppable, with the majority of people in the United States supporting the Amendment and the endorsement of a wide array of women's groups from the League of Women Voters to Girl Scouts of America as well as religious organizations including the National Council of Churches).

105. CAROL FELSENTHAL, *THE SWEETHEART OF THE SILENT MAJORITY: THE BIOGRAPHY OF PHYLLIS SCHLAFLY* 259-61, 264 (1981); SUSAN M. HARTMAN, *FROM MARGIN TO MAINSTREAM: AMERICAN WOMEN AND POLITICS SINCE 1960*, at 137-41 (1989); MANSBRIDGE, *supra* note 99, at 110.

106. SPRUILL, *supra* note 3, at 11 (citation omitted); see Judy Klemesrud, *Equal Rights Plan and Abortion Are Opposed by 15,000 at Rally*, N.Y. TIMES, Nov. 20, 1977, at 32, <https://www.nytimes.com/1977/11/20/archives/equal-rights-plan-and-abortion-are-opposed-by-15000-at-rally-like-a.html>.

107. SPRUILL, *supra* note 3, at 12.

days of the republic women carried responsibility for acting as the nation's moral compass.¹⁰⁸ Schlafly harnessed a movement of what she described as "an army of dedicated women wearing eagles as the symbol of American freedom" engaged in the fight for "morality in government, constitutional government, a strong national defense, and free enterprise."¹⁰⁹ In short, the role of white women in the pro-family movement was to "keep[] America great by keeping America good."¹¹⁰

Schlafly's opposition to abortion and the ERA rested on a family values narrative that set forth the family as the basic unit of society and women's role in the family as the moral guardians responsible for raising and educating its citizenry. In so doing, she effectively linked motherhood and family with protecting and promoting national identity. For example, in launching her organization, the Eagle Forum, Schlafly noted: "Liberty is a woman, Justice is a woman, Victory is a woman, and Mother is a woman. Western civilization cannot endure without women of virtue and courage who provide leadership on the moral issues."¹¹¹ Indeed, the pro-family organization described itself as "a national organization of women and men who believe in God, Home, and Country, and are determined to defend the values that have made America the greatest nation in the world."¹¹² The message intertwined motherhood, traditional family, and protecting American values and identity.

Anti-ERA and anti-abortion activists effectively recast the feminist movement's call for equality and reproductive rights as a threat to the traditional nuclear family, motherhood, Christian values, and America itself. The rallying cry of the pro-family movement in its fight against the ERA and abortion rights can be summed up by the slogan of one group from Mississippi: "Mississippians for God, Country, and Family."¹¹³ Their slogan reflected the conflation of national, Christian, and family values. The rallying song of the pro-family movement was "God Bless America" which they often sang in response to their opponent's rendition of "We Shall Overcome."¹¹⁴ The pro-family movement was able to mobilize a national movement made up primarily of white women by casting the struggle as one to protect motherhood, family, and nation. As

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108. *Id.* at 77.

109. *Id.* at 79 (citation omitted).

110. *Message from Director Shirley Curry*, EAGLE F. NEWSL. (Eagle Forum, Alton, Ill.) Jan. 1976.

111. SPRUILL, *supra* note 3, at 111 (quoting from Phyllis Schlafly's Eagle Forum brochure through which she solicited membership).

112. *Id.*

113. *Id.* at 186.

114. *Id.* at 187.

historian Marjorie Spruill described, the pro-family movement identified the ERA, abortion rights, and feminists as “a grave threat to the traditional family and to the United States as a moral, Christian nation. They urged their followers . . . to defend their way of life . . . .”¹¹⁵ Their argument rested on a narrative that fundamental guiding principles of gender roles, family, and the homemaker-breadwinner organization of family life were under assault.¹¹⁶ In so doing, anti-feminist opposition to women’s equality and abortion rights was elevated beyond the realm of political and moral beliefs to a struggle over cultural identity and way of life, and national identity. Indeed, it was during the mid-1970s that conservative women first identified their anti-feminist, anti-ERA, and anti-abortion movement as a “pro-family” movement and identified themselves as defenders of “family values.”¹¹⁷ By contrast, feminists were denounced as “un-Godly,” “un-patriotic,” and “anti-family.”¹¹⁸

The rhetoric of the newly-emboldened “Religious Right” described their struggle against abortion and feminism in the language of soldiers in a holy war to save their nation. As one leader of the conservative women’s movement Rosemary Thomson wrote in her book *The Price of LIBerty*, “The front lines have been drawn . . . [t]he storm troops of Women’s Lib are entrenched in governmental outposts,” and the time had come to fight the evil forces “engulfing our families, our churches, and our nation.”¹¹⁹ Reverend Jerry Falwell, the leader of the Moral Majority, wrote that the “great Christian army . . . [would show] the godless minority . . . [that] they do not represent the majority” and that they would no longer “permit the destruction of their country by godless, liberal philosophies.”¹²⁰

The narrative of motherhood and nationalism identifies motherhood as sacrosanct and its protection as central to protecting a nation’s culture and values. This argument was used by conservative women in the pro-family movement in opposition to federal daycare centers. Attacks on access to abortion sought to associate it with child care centers, which

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115. *Id.* at 137-38.

116. *See SELF*, *supra* note 82, at 297.

117. SPRUILL, *supra* note 3, at 216. Bella Abzug, the Presiding Officer of the International Women’s Year Houston Women’s Convention, challenged their terminology, arguing “[n]o one has a monopoly on the family.” *Id.*

118. *See id.* at 216 (pushing back, Betty Friedan declared that feminists would not “let Phyllis Schlafly take over family, love, and God”). *See generally* Lindsay Van Gelder, *Four Days that Changed the World: Behind the Scenes in Houston, MS.*, Mar. 1978 (recounting the 1977 National Women’s Conference in Houston, Texas, including criticism attendees faced from conservative women’s groups).

119. ROSEMARY THOMSON, *THE PRICE OF LIBERTY* 153-54 (1978); *see* SPRUILL, *supra* note 3, at 293 (discussing Thomson’s “fiery rhetoric loaded with military and religious metaphors”).

120. SPRUILL, *supra* note 3, at 309 (citation omitted).

were a central claim of feminists. In 1972, for example, Schlafly wrote, "Women's lib is a total assault on the role of the American woman as wife and mother and on the family as the basic unit of society. . . . They are promoting Federal 'day-care centers' for babies instead of homes. They are promoting abortions instead of families."¹²¹ In 1971, conservative opposition to the Comprehensive Child Development Act, which would have provided near-universal childcare to U.S. families, argued that the law would destroy the basic family unit, insulted motherhood, and would lead to the "death of God."¹²²

In the mid-1970s, conservatives argued that opposition to abortion, the ERA, and feminism was necessary to defend against outsiders such as communists who threatened American sovereignty, culture, and values. Through her newsletter, *The Phyllis Schlafly Report*, Schlafly argued against the ERA, feminism, and abortion rights using a powerful narrative of religious, patriotic, nationalist, and anti-communist fervor.¹²³ The movement to end the ERA was cast as protecting American motherhood and traditional family and had close ties to far-right pro-American anti-communist nationalist organizations like the John Birch Society.¹²⁴ The ERA and abortion were identified as undermining America by undermining its moral power through the promotion of "secular humanism" and "moral relativism," thereby paving the way for the influence of communism.¹²⁵ Indeed, the movement to stop the ERA and abortion highlighted the privileged role of American women by contrasting it with the life of women in the Soviet Union.¹²⁶ The pro-family Eagle Forum, launched in 1975, was organized to oppose "anti-family, anti-religious, anti-morality, anti-children, anti-life, and anti-[national] self-defense."¹²⁷ As one commentator at the time noted, the fight over women's rights and abortion rights was becoming a

sterile battleground between those who want to see inequities redressed and those who want to turn the clock back to a world that never was. . . . The kind of people who encouraged the McCarthyite smears of

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121. Schlafly, *supra* note 76, at 219.

122. SELF, *supra* note 82, at 276.

123. SPRUILL, *supra* note 3, at 80 (describing the *Phyllis Schlafly Report* as a "polemic" against feminism and the ERA that combined "religious and patriotic fervor, her nationalist and anti-communist convictions, and her admiration for the free-enterprise system").

124. *Id.* at 84.

125. *See id.* at 105; *see also* THOMSON, *supra* note 119, at 29, 42, 111.

126. SPRUILL, *supra* note 3, at 80.

127. *Id.* at 111 (quoting Brochure from Phyllis Schlafly, President of the Eagle Forum & Shirley Curry, Vice President of the Eagle Forum, to subscribers (Aug. 1975) (on file with the Schlesinger Library at Harvard University)).

the 1950s and defended segregation in the 1960s are now permeating the ranks of those who fear guaranteed equal rights for women.¹²⁸

In short, during this period, white motherhood was mobilized in defense of family and in opposition to abortion that was integrally related to defense of nation from the threat of communism.¹²⁹

The pro-family movement also sought to connect defense of national culture and sovereignty with opposition to feminism and abortion rights by highlighting that the National Women's Convention and the International Women's Year ("IWY")¹³⁰ were inspired by the U.N., an institution that many conservatives viewed as a threat to national security.¹³¹ Opponents of the ERA and abortion rights argued that the ERA, abortion, and federally-funded childcare all sprang from the UN's IWY agenda. The groups opposed the IWY National Women's Conference in Houston in 1977 and the World Plan of Action that had been adopted in the U.N.'s IWY Conference in Mexico City in 1975, which they believed promoted "one-world government" and threatened American sovereignty.¹³² Indeed, the John Birch Society publication, *American Opinion*, described the IWY National Women's Conference in Houston as "an unprecedented example of how those supporting the New World Order operate" and describing the conference as populated with "old-line Stalinoids" and other "active enemies of the United States."¹³³ Conservative rhetoric had forged links between feminism, abortion rights, the ERA, and threats to national sovereignty and security.

C. Protecting Motherhood and Opposing Abortion

By the late 1970s, the pro-family movement had become a large-scale social movement, primarily run by white women, that reached

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128. Opinion, *Extremists Are Taking over Women's Struggle for Equality*, COURIER J., July 21, 1977, at A10, <https://www.newspapers.com/image/110265587>.

129. J. Edgar Hoover, the Director of the Federal Bureau of Investigation, echoed the role of white women in protecting the nation against communism, "Communists . . . under the guise of academic freedom can teach our youth a way of life that eventually will destroy the sanctity of the home." MCRAE, *supra* note 59, at 143.

130. "[T]he United Nations declared 1975 to be International Women's Year and President Gerald Ford established a national IWY Commission to draw up recommendations to promote equality between men and women." SPRUILL, *supra* note 3, at 205 (internal quotation omitted). The IWY would culminate in a National Women's Convention in Houston, Texas in 1977. In the lead-up to the national convention, every state held conventions to vote on resolutions to take to the Houston convention. *See id.* at 178-86, 205.

131. *Id.* at 138.

132. *Id.* at 136-39.

133. *Id.* at 232 (quoting Susan L. Huck, *Five Million Dollar Misunderstanding*, AM. OPINION 1-4 (Jan. 1978)).

beyond protection of fetal life to protection of a way of life.¹³⁴ Central to this new narrative was the critical role of white mothers in defending the nation's culture and values to preserve an American way of life. Critically, the anti-abortion movement shifted tack from protecting fetal life to protecting mothers, motherhood, and family values.

1. Opposition to Abortion and Protection of Mothers: Woman-Protective Anti-Abortion Regulations

In the mid-1970s, the right-to-life movement developed a new strategy to attack legal access to abortion based on the argument that abortion harms women.¹³⁵ Describing the harm as "abortion syndrome," the anti-abortion literature claimed scientific research revealed that abortion was more harmful to women's health than childbirth.¹³⁶ This new argument aligned with the larger narrative that sought to glorify motherhood and the traditional family and cast abortion as an abdication that devalued motherhood and mothers.¹³⁷ Anti-abortion activists gathered stories and narratives of women who claimed that they were harmed by abortion, including "suicide attempts, sexual promiscuity, eating disorders, and drug and alcohol abuse."¹³⁸ As one tract, entitled *You Are Hurting*, described, when a woman becomes pregnant, "the body machinery gears up to produce a child: The Maternal mind set begins to establish. Any thwarting of this natural process (such as an abortion) upsets the body ecology and scars the psyche of the would-be mother."¹³⁹ The woman-protective argument transforms the dialogue around abortion away from protecting the life of the fetus to protecting women from the regret and depression, as well as alleged physical harm that can result from abortion.¹⁴⁰

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134. See GARROW, *supra* note 16, at 633 (noting that the right-to-life movement during this period transitioned to a movement made up primarily of "married women of modest educational backgrounds who had children and were not employed outside of the home"); SPRUILL, *supra* note 3, at 192-93; Dick Behn, Commentary, *Antifeminism: New Conservative Force*, RIPON F., Sept. 1, 1977 (describing that a "serious . . . conservative movement emerged at state conferences for the International Women's Year" which could become a "powerful force" if joined with the anti-gay, anti-gun control, anti-abortion, and anti-busing movements). Rather than a primary concern for fetuses, this new anti-abortion movement was interested in traditional concepts of morality and a glorification of motherhood. See *supra* notes 89-133 and *infra* notes 135-177 and accompanying text.

135. See generally HAUGEGERG, *supra* note 20, at 35-55 (describing the "invention of postabortion syndrome").

136. See *id.* at 38.

137. See *supra* and *infra* Part III.

138. HAUGEGERG, *supra* note 20, at 40.

139. *Id.* at 40-41.

140. Reva B. Siegel, *The New Politics of Abortion: An Equality Analysis of Woman-Protective Abortion Restrictions*, 2007 U. ILL. L. REV. 991, 993; see Eileen Fegan, *Reclaiming Women's Agency*:

Drawing upon “scientific” research and the testimonials of women who have undergone the procedure and later claim to regret their abortions, abortion opponents sought to restrict abortion access by increasing targeted restrictions on abortion providers (TRAP laws) that imposed onerous medical standards on abortion procedures, requiring informed consent that warned women of abortion’s alleged harms.¹⁴¹ Under this framing, a woman must be protected from the abortion decision because the choice is harmful to her physical and mental health. This new woman-protective narrative eclipses the old narrative of protecting fetal life and tracks closely with the pro-life narrative that abortion devalues motherhood and harms mothers.

The success of the woman-protective narrative is reflected in the language of anti-abortion legislation itself. While traditional abortion laws refer to abortion as the termination of pregnancy, the woman-protective model recasts abortion as the termination of a relationship between a pregnant woman and her child. For example, a woman-protective anti-abortion bill introduced in South Dakota in 2011 refers to abortion as “the decision of a pregnant mother considering termination of her relationship with her child by an abortion.”¹⁴² This bill follows a similar bill passed in 2005 by the South Dakota legislature based on the woman-protective reasoning that “by having an abortion, her existing relationship and her existing constitutional rights with regards to that relationship will be terminated”; the bill required the doctor to advise the pregnant woman of all known medical risks of having an abortion, including “depression and related psychological distress and increased risk of suicide ideation and suicide.”¹⁴³ A separate abortion bill passed in 2006 by the legislature stated that the purpose of that bill was “to fully protect the rights, interests,

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Exposing the Mental Health Effects of ‘Post Abortion Syndrome’ Propaganda, in WOMEN, MADNESS, AND THE LAW: A FEMINIST READER, 169, 172 (Wendy Chan et al. eds., 2005); Emily Bazelon, *Is There a Post-Abortion Syndrome?*, N.Y. TIMES MAG. (Jan. 21, 2007), <https://www.nytimes.com/2007/01/21/magazine/21abortion.t.html>.

141. See Linda Greenhouse & Reva B. Siegel, *Casey and the Clinic Closings*, 125 YALE L.J. 1430, 1444–49 (2019); Linda Greenhouse, *Opinion, Why Courts Shouldn’t Ignore the Facts About Abortion Rights*, N.Y. TIMES (Feb. 28, 2016), <https://www.nytimes.com/2016/02/28/opinion/sunday/why-courts-shouldnt-ignore-the-facts-about-abortion-rights.html>.

142. H.B. 1217, 2012 Legis. Assemb., 86th Sess. (S.D. 2011). The bill was halted by an injunction issued on June 30, 2011. *Planned Parenthood v. Daugaard*, 799 F. Supp. 2d 1048, 1052, 1077 (D.S.D. 2011).

143. H.B. 1166, 2005 Legis. Assemb., 80th Sess. (S.D. 2005). The bill was halted by preliminary injunction, see *Planned Parenthood Minn. v. Rounds*, 530 F.3d 724 (8th Cir. 2008) (en banc), and the preliminary injunction was vacated by *Planned Parenthood Minn. v. Rounds*, 686 F.3d 889, 906 (8th Cir. 2012) (“On its face, the suicide advisory presents neither an undue burden on abortion rights nor a violation of physicians’ free speech rights.”).

and health of the pregnant mother . . . and the mother's fundamental natural intrinsic right to a relationship with her child."¹⁴⁴

The Supreme Court in its decision in *Gonzales v. Carhart* employed a woman-protective analysis to argue that the decision to choose abortion harmed women.¹⁴⁵ The Court suggested that women were unable to make effective decisions in this context because abortion fundamentally harmed women by breaking the bond between mother and child:

Respect for human life finds an ultimate expression in the bond of love the mother has for her child. . . . While we find no reliable data to measure the phenomenon, it seems unexceptionable to conclude some women come to regret their choice to abort the infant life they once created and sustained. Severe depression and loss of esteem can follow.¹⁴⁶

While acknowledging that it lacks scientific "data" upon which to base its decision, the Court's opinion nevertheless sets forth the narrative that abortion harms women. The Court stated:

It is self-evident that a mother who comes to regret her choice to abort must struggle with grief more anguished and sorrow more profound when she learns, only after the event, what she once did not know: that she allowed a doctor to pierce the skull and vacuum the fast-developing brain of her unborn child, a child assuming the human form.¹⁴⁷

The Court further concluded that because women may not understand the full extent of their choice until later and would come to regret their decision, the answer was to ban the procedure outright rather than to require informed consent to the procedure.¹⁴⁸

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144. *Women's Health and Human Life Protection Act*, H.B. 1215, 2006 Legis. Assemb., 81st Sess. (S.D. 2006) (banning abortion except to save the life of the pregnant woman). The Women's Health and Human Life Protection Act was repealed by a state-wide referendum on November 7, 2006. *South Dakota Vote Against Abortion Ban*, 33 J. MED. ETHICS 123, 123 (2007). The earlier bill, House Bill 1166, provided that abortion "will terminate the life of a whole, separate, unique, living human being," and that the mental and physical health risks of abortion include depression and suicide ideation. S.D. H.B. 1166. The woman-protective anti-abortion legislation is based upon the premise that abortion harms women. See Siegel, *supra* note 140, at 992.

145. *Gonzales v. Carhart*, 550 U.S. 124, 158-59 (2007).

146. *Id.* at 159 (citation omitted). It is important to note that the Court's reliance on the psychological harm of abortion and regret arise not from intact dilation and evacuation ("D & E") procedure, the most common procedure for a second-trimester abortion, specifically, but from abortion itself and therefore has wider implications for extending beyond the intact D & E context, to abortion more generally. See Chris Guthrie, *Carhart, Constitutional Rights, and the Psychology of Regret*, 81 S. CAL. L. REV. 877, 879-80, 880 n.13 (2008) (arguing that states will use the psychology of regret from the *Carhart* decision to justify wide-ranging constraints on abortion rights generally).

147. *Carhart*, 550 U.S. at 159-60.

148. See *id.* at 159-60, 163.

2. Protecting Motherhood at a Moment of Diverging Destinies in 1974

The pro-family movement also gained support from white women, especially white working-class women, by drawing upon their fears of economic decline and cultural eclipse at a moment in the mid-1970s when the nation's economy was slowing and women's destinies were in flux due to the introduction of the birth control pill. Against this economic and cultural backdrop, the pro-family movement developed a powerful message that identified abortion rights and feminism as a threat to motherhood, traditional family, and American values. The message of protecting motherhood and the American way of life resonated because of the economic and cultural context in which it was situated. Stagflation hit the U.S. economy in 1974 after a thirty-year period of unprecedented post-war prosperity.¹⁴⁹ The abrupt economic slowdown led to the breakdown of the breadwinner-homemaker idealized family structure due to declining wages and benefits for workers.¹⁵⁰ In addition, white male supremacy was being challenged by movements for women's rights, gay rights, and civil rights for minorities.¹⁵¹ While the birth control pill offered opportunity for college and career-bound women, for many white women—including working-class women, stay-at-home mothers, and conservative religious women—the birth control pill and the social changes in women's roles that it ushered in posed a threat to a social order that had shaped their lives. For many religious women and stay-at-home mothers, motherhood was central to their identity. Contraception and legal access to abortion (which made motherhood optional) would necessarily devalue their decision to stay at home and raise families.¹⁵² For white conservative religious women, cultural shifts and challenges to gender roles upended family as the central organizing principle of women's lives. The powerful pro-family narrative that glorified motherhood was effective because it

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149. See ANDREW J. CHERLIN, *LABOR'S LOVE LOST: THE RISE AND FALL OF THE WORKING-CLASS FAMILY IN AMERICA* 2 (2014) (describing the thirty years after World War II as the "peak years" of U.S. capitalism in which income inequality was at a historic low and wages were at historic highs); VACLAV SMIL, *MADE IN THE USA: THE RISE AND RETREAT OF AMERICAN MANUFACTURING* 69 (2013) (describing the thirty years following World War II as a period of "remarkable singularity" in which the U.S. dominated the world's production and markets and the wealth generated was shared by U.S. workers).

150. In 1974, the thirty-year period of unprecedented post-war prosperity came to a halt. Starting in 1974, a combination of stagnating economic growth and inflation slowed the economy. See, e.g., ALAN S. BLINDER, *ECONOMIC POLICY AND THE GREAT STAGFLATION* 14 (1979); see also Benjamin Hunt, *Oil Price Shocks: Can They Account for the Stagflation of the 1970s?* 29 (Int'l Monetary Fund, Working Paper No. 215, 2005); see sources cited *supra* note 149.

151. SELF, *supra* note 82, at 5-6.

152. See HAUGEBERG, *supra* note 20, at 3.

touched upon the combination of economic and cultural vulnerability felt by white Americans, and especially white women, who felt their roles as stay-at-home mothers were challenged and devalued by the introduction of the birth control pill and the rise in women pursuing higher education and professional careers. As I will describe below, in the lead-up to the 2016 election, the same economic and cultural vulnerability was experienced by many white women in the wake of the Great Recession of 2008 and an era bookended by the election of the first African-American president and the first female candidate to receive the presidential nomination from a major political party.¹⁵³

In the fight against the ERA and abortion rights, pro-family activists cast the struggle not as a struggle over equality, but as a struggle for the value and importance of motherhood. This message resonated with women who did not work outside the home and understood motherhood to be the most important work of women's lives.¹⁵⁴ For example, Phyllis Schlafly identified women's traditional role in the home as a source of power and strength and warned that the feminist movement was trying to "drive the homemaker out of the home" and forbid women to hold "traditional roles as wives and mothers."¹⁵⁵ By 1975, the STOP ERA campaign had broadened its focus to attack feminist values across a broad range of issues including abortion.¹⁵⁶ What had begun as a campaign to stop the ERA had become a large-scale conservative social movement led by, and comprised primarily of, white women.¹⁵⁷ Schlafly established the Eagle Forum that year to "confront anti-family forces across the full range of their attack."¹⁵⁸ The new organization explicitly linked religion with the pro-life and the pro-family agendas that had been separate movements to that point. By reframing abortion and linking it to traditional family, Schlafly effectively forged abortion as a powerful symbol of traditional families and ensured that "[a]bortion [would] remain at the heart of the conservative defense of traditional family values long after the ERA was defeated."¹⁵⁹

In her study of people on both sides of the abortion debate in *Abortion and the Politics of Motherhood*, sociologist Kristin Luker

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153. See *infra* Part IV.C.

154. See *supra* note 152 and *infra* notes 170-171 and accompanying text.

155. Sally Quinn, 'The Pedestal Has Crashed', WASH. POST, Nov. 23, 1977, at B1, <https://www.washingtonpost.com/archive/lifestyle/1977/11/23/the-pedestal-has-crashed/278835f1-b3b5-4d75-8f93-059cc6309248>; see SPRUILL, *supra* note 3, at 12.

156. SPRUILL, *supra* note 3, at 111.

157. *Id.* at 112.

158. *Id.* at 111.

159. Linda Greenhouse & Reva Siegel, *Preface* to Schlafly, *supra* note 76, at 218-19.

similarly found that in the wake of *Roe v. Wade*, pro-life activists were primarily married white women with a high school education who identified pregnancy and motherhood as central to their lives and understood motherhood to be a source of personal self-worth.¹⁶⁰ Her study found that for women who see home and family as central to women's identity and natural role, "abortion is wrong because it fosters and supports a world view that deemphasizes (and therefore *downgrades*) the traditional roles of men and women."¹⁶¹ Because pro-life women are significantly less likely to work outside the home, they see abortion and contraception as "devalu[ing] the one secure resource left to these women: the private world of home and hearth."¹⁶² In short, "abortion has become a symbolic marker between those who wish to maintain this division of labor and those who wish to challenge it."¹⁶³ Professor Luker concludes by observing that the women in her study who make up the pro-life movement are fighting to support a way of life that they perceive is under assault. As more and more women combine career and motherhood, those who choose to be stay-at-home mothers—working-class, middle-class, and religious women—feel that their way of life is devalued.¹⁶⁴

Indeed, support for abortion access closely tracks religiosity and education level. While opposition to abortion did not historically align with either political party or religious affiliation¹⁶⁵—with the exception of Catholics¹⁶⁶—one predictor of opposition to abortion has remained constant, even before the shifting agenda of the New Right: those in the working class have consistently opposed abortion. Between 1965 and 1980 the best predictor of abortion attitudes was education level.¹⁶⁷ During this period, educated elites supported abortion rights while working- and lower-middle-class voters opposed abortion.¹⁶⁸ Moreover, while support for abortion has come to more closely align with political party and religiosity over time, the correlation between education level and support for abortion has not changed but rather has remained constant.

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160. See LUKER, *supra* note 17, at 138, 145.

161. *Id.* at 162.

162. *Id.* at 213-14.

163. *Id.* at 201.

164. *Id.* at 217.

165. See *supra* notes 38-47 and accompanying text.

166. But see JOHN PORTMANN, CATHOLIC CULTURE IN THE USA: IN AND OUT OF CHURCH 92 (2010) (indicating that between 1987 and 1993 Catholic women's support for abortion rights increased from thirty-four percent in 1987 to fifty-six percent in 1993).

167. See Donald Granberg & Beth Wellman Granberg, *Abortion Attitudes, 1965-1980: Trends and Determinants*, 12 FAM. PLAN. PERSP. 250, 253-54 (1980).

168. Peter Skerry, *The Class Conflict Over Abortion*, PUB. INT., Summer 1978, at 74-75; see Devins, *supra* note 38, at 950; Granberg & Wellman Granberg, *supra* note 167, at 253-54.

Consider a recent poll conducted by Pew Research Center in 2019, for example, finding that while seventy percent of college graduates say abortion should be legal in all or most cases, only fifty-four percent of those with a high school degree or less say abortion should be legal in all or most cases.¹⁶⁹ The college-educated middle class and the working class have significantly different views on abortion.

Religious women who value traditional gender roles have also often felt that their traditional roles in the home were devalued by legal access to abortion and the transformation of women's roles in the public sphere.¹⁷⁰ Religious women tend to center motherhood and family while opposing abortion. For example, in the late 1960s and early 1970s many working-class Catholic women felt anxious about the dramatic changes in men's and women's roles taking place after the introduction of the birth control pill that allowed women to enter college and professional life and ushered in the sexual revolution. For women who followed traditional religious teachings, "feminists' support for birth control, abortion, and gender equality [was seen] as indictments of their decisions to marry young, forgo careers, and raise large families."¹⁷¹

In his survey of the profound cultural and political shifts that redefined U.S. democracy from 1960 to the present, Robert O. Self finds that the conservative backlash of the early 1970s saw feminism and the ERA as a threat to their values, worldview, and way of life.¹⁷² Chief

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169. *Public Opinion on Abortion: Views on Abortion, 1995-2019*, PEW RES. CTR. (Aug. 29, 2019), <http://www.pewforum.org/fact-sheet/public-opinion-on-abortion>; see also Lydia Saad, *Education Trumps Gender in Predicting Support for Abortion*, GALLUP (Apr. 28, 2010), <https://news.gallup.com/poll/127559/education-trumps-gender-predicting-support-abortion.aspx>.

170. See LUKER, *supra* note 17, at 206 (observing that, "the more limited the educational credentials a woman has, the more limited the job opportunities are for her, and the more limited the job opportunities, the more attractive motherhood is as a full-time occupation."); SELF, *supra* note 82, at 281-82. Sociologist Michèle Lamont found the same to be true for working class men. Her study in the 1990s found that working-class men during this period frequently valued family as the most important aspect of their lives and viewed work as a means of providing for their families rather than as a source of prestige or fulfillment. She concluded that because working-class men had limited socioeconomic opportunities and often worked in jobs with lower social prestige, they constructed an identity that measured self-worth by self-reliance, hard work, and the ability to support and provide for one's family. MICHÈLE LAMONT, *THE DIGNITY OF WORKING MEN: MORALITY AND THE BOUNDARIES OF RACE, CLASS, AND IMMIGRATION* 29 (2000) (describing the interview with one worker as typical of the attitudes of the group stating, "Family is very important in my life. You need to work to support your family. So, I don't worry about a job. I mean, I don't care what I have to do, I'll go out and do it to support my family."). Andrew Cherlin has similarly described the way in which many working-class men placed greater importance on their home and family life because family life was "the only place in their lives where they could be in charge—a setting where they could compensate for the lack of authority and autonomy in the workplace." CHERLIN, *supra* note 149, at 116.

171. HAUGEBERG, *supra* note 20, at 3.

172. See SELF, *supra* note 82, at 3-5, 283.

among the perceived threats to family and motherhood was abortion. As Professor Self notes, the abortion debate transformed from the focus on fetal life of the 1960s, to a distinctly anti-feminist, pro-family referendum on feminism and family values in the early 1970s.¹⁷³ Professor Self has found that “[t]he white middle-class nuclear family headed by a patriotic and heterosexual male” became emblematic of the period of cultural and political struggle between 1969 and 2004, what he has termed “breadwinner conservatism.”¹⁷⁴ The rising conservative family values movement sought to defend this idealized American family against moral threats from feminism, abortion, and gay rights.¹⁷⁵ This conservative opposition arose in response to the civil rights movements of the 1960s and 1970s for racial equality, women’s equality, and rights for sexual minorities.¹⁷⁶ In short, the 1960s and 1970s social movements challenged the liberal version of the idealized nuclear family by upending existing sexual and gender norms and demanding a seat at the table of power and equal citizenship.¹⁷⁷

D. Defense of Motherhood and Nation and Opposition to Abortion

The forging of the anti-abortion movement as an anti-feminist, pro-motherhood movement was the link that galvanized white women and brought together two previously distinct political movements: the anti-ERA and the pro-life movements.¹⁷⁸ The pro-family movement changed tack in the mid-1970s, broadening its message to attack feminism and abortion rights based on ideals of traditional family, motherhood, and fundamentalist Christian values.¹⁷⁹ Specifically, and most effectively, anti-ERA opponents such as Phyllis Schlafly brought together for the first time anti-ERA and pro-life groups.¹⁸⁰ They highlighted that both of these movements—the anti-ERA and the pro-life movement—were, at their most fundamental, a struggle over a way of life that was under assault as both the ERA and abortion rights degraded the value of traditional

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173. *See id.* at 284, 290-91.

174. *Id.* at 4-6.

175. *Id.*

176. *Id.* at 4-7.

177. *Id.*

178. *Id.* at 293-94 (noting that Schlafly’s STOP ERA activism between 1973-1977 that extolled the role of motherhood and traditional family would morph later in the decade into the pro-family movement).

179. Robert O. Self describes that the anti-ERA activism not only stopped the amendment in its tracks, but was the beginning of “unapologetically fundamentalist Christian antifeminism.” *Id.* at 295.

180. SPRUILL, *supra* note 3, at 10.

families and motherhood.¹⁸¹ This rhetorical shift brought together the ideal of the traditional homemaker-breadwinner family that had been so central to post-war ideology and identified abortion rights as a threat to this *way of life*. And the pro-life movement drew an explicit connection between opposition to abortion and protection of American culture and values. As Lottie Beth Hobbs, a conservative activist at the time, noted, women's rights and abortion "strikes at the very foundation of family life, and the home as the foundation of our nation."¹⁸² This new conservative, pro-life, pro-family coalition was united under a common set of beliefs that included "Godliness, the family and home, the sanctity of life and the support of sound government."¹⁸³

The intertwining of the protection of motherhood and the protection of American culture and values is clear in a 1972 publication *Abortion and Social Justice* published by Americans United for Life,¹⁸⁴ which claimed that abortion was:

The faithless abandonment of women and children, which is so overtly promoted in today's society, is rapidly becoming a part of "Americana." People unthinkingly promote and advocate it as much as they were all for Mom and apple pie in times past. Even the women themselves have undertaken this battle for abandonment, and all under the guise of "liberation!"¹⁸⁵

The pamphlet reveals the ways in which not simply fetal life but the defense of women, children, and American values were all deployed in anti-abortion messaging. The anti-ERA movement was recast as an anti-feminist, pro-motherhood movement.¹⁸⁶ Anti-ERA activists in the mid-

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181. A Republican strategist at the time, Dick Behn, observed that a new coalition of "social conservatives" had been forged that included groups that "range from Catholic right-to-lifers to Protestant fundamentalists to members of the Mormon Relief Society. . . . [who] often hated one another before" would now vote together under the pro-family anti-abortion banner. SPRUILL, *supra* note 3, at 193; Behn, *supra* note 134; see also SPRUILL, *supra* note 3, at 10; THOMSON, *supra* note 119, at 92-102. See generally RUTH MURRAY BROWN, FOR A "CHRISTIAN AMERICA": A HISTORY OF THE RELIGIOUS RIGHT (2002) (tracing the history of the growth of the religious right in America from the 1970s to the early 2000s).

182. SPRUILL, *supra* note 3, at 100 (citing Lottie Beth Hobbs, *Ladies! Have You Heard?* (on file at Box 3, Dunaway Papers, Emory University)).

183. *Id.* at 196 (describing protest resolutions prepared by the Southern Methodist Church and sent to then-President Jimmy Carter).

184. Americans United for Life (AUL), founded in 1971, is one of the country's oldest national pro-life organizations. Linda Greenhouse & Reva Siegel, *Preface* to Horan et al., *supra* note 75, at 88, 88.

185. Thomas W. Hilgers et al., *Is Abortion the Best We Have to Offer? A Challenge to the Abortive Society*, in *ABORTION AND SOCIAL JUSTICE* 177-80 (Thomas W. Hilgers & Dennis J. Horan eds., 1972), reprinted in *BEFORE ROE V. WADE*, *supra* note 41, at 92, 93.

186. See SELF, *supra* note 82, at 294-95 (noting that Schlafly's STOP ERA activism focused on

1970s broadened their message from opposition to the ERA to an attack on feminism and abortion rights as threatening ideals of traditional family, motherhood, American, and fundamentalist Christian values.¹⁸⁷

The symbolic power of abortion as antithetical to American values was perhaps most effectively wielded in the presidential campaign of 1972. Richard Nixon had come out in opposition to abortion and his campaign strategists—Patrick Buchanan among them—used the abortion issue as a way to woo Catholic and conservative voters away from the Democratic Party.¹⁸⁸ Critically, South Dakota Senator George McGovern, who was seeking the Democratic Party presidential nomination, was targeted by the right for supporting abortion rights, amnesty for those who evaded the Vietnam War draft, and the counter-culture youth movement.¹⁸⁹ Senate Republicans referred to McGovern as the “triple-A candidate” for abortion, amnesty, and “acid” (representing youth counter-culture).¹⁹⁰ As Reva Siegel and Linda Greenhouse have observed, this proved a powerful claim because “[a]bortion, in this usage, broadly signified a refusal to conform to traditional social norms—to practice restraint (in sex and drugs) and to fulfill role obligations requiring women to raise children and men to defend family and nation.”¹⁹¹ As a Republican Party strategist at the time explained, the strategy was designed to “link McGovern to a culture and morality that is anathema to Middle America . . . as a radical whose election could jeopardize the fabric and stability of American society.”¹⁹² An “assault book” drafted by Buchanan that set out a strategy for the 1972 presidential campaign outlined a list of social issues, abortion listed first, followed by “Racial Questions & Concerns” that included “integration of the suburbs,” and “forced bussing/racial balance.”¹⁹³ The strategy was effective and Nixon won the election with a majority of votes in forty-nine states.¹⁹⁴ More importantly, the campaign had revealed the power of opposition to abortion as part of

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motherhood and the traditional family would be the impetus for the pro-family movement in the late 1970s).

187. Robert O. Self noted that “unapologetically fundamentalist Christian antifeminism” emerged as a result of anti-ERA activism. SELF, *supra* note 82, at 295.

188. See Linda Greenhouse & Reva Siegel, *Preface* to Memorandum from Patrick Buchanan to Richard Nixon (1972), in BEFORE ROE V. WADE, *supra* note 41, at 215, 215-16.

189. *Id.*

190. *Id.* at 216.

191. *Id.*

192. *Id.* (internal quotation marks omitted).

193. Memorandum from Patrick Buchanan, Advisor to the President, to Richard Nixon, President of the United States (1972) (archived at the Richard Nixon Presidential Library and Museum), reprinted in BEFORE ROE V. WADE, *supra* note 41, at 215, 215-16.

194. *Preface* to Memorandum, *supra* note 188, at 216.

a larger narrative that responded to white fears of economic strain and social and cultural eclipse triggered by the movements to end the war in Vietnam, civil rights, sexual freedom, and women's liberation in the mid-1970s.

The watershed moment that brought together the messaging of the New Right came in Ronald Reagan's presidential campaign in the lead up to the 1980 election. If the rhetoric of the pro-family movement was incubated in the mid-1970s, its power was fully harnessed by the Reagan-Bush campaign. It was the Reagan-Bush campaign that first coined the slogan that promised to "Make America Great Again."¹⁹⁵ During his campaign, Reagan promised to "take back [our] country."¹⁹⁶ Ronald Reagan had been a moderate Republican who opposed anti-gay legislation and signed into law liberal abortion laws in 1967 as governor of California.¹⁹⁷ However, when the Republican Party was transformed by the pro-family movement between 1976 and 1980, Reagan changed his positions to align with those of the New Right.¹⁹⁸ During his presidential campaign, Reagan advocated for a constitutional amendment against abortion and openly advocated for the agenda of the pro-life family values movement and the Christian right.¹⁹⁹ Once elected, he was the first president to fill openings in his administration using a pro-life litmus test.²⁰⁰ During his presidency in 1983, Reagan reiterated the narrative of the pro-life movement when addressing a convention of evangelicals, stating: "The fight against parental notification [for abortion] is really only one example of many attempts to water down traditional values and even abrogate the original terms of American democracy."²⁰¹

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195. See, e.g., Flávio Azevedo et al., "Making America Great Again": System Justification in the U.S. Presidential Election of 2016, 3 *TRANSLATIONAL ISSUES IN PSYCHOL. SCI.* 231, 232 (2017); William F. Lewis, *Telling America's Story: Narrative Form and the Reagan Presidency*, 73 *Q.J. SPEECH* 280, 282-83 (1987); Lynn Vavreck, *Trump's Approach Is More Like Reagan's Than You Might Think*, N.Y. TIMES (Sept. 16, 2015), <https://www.nytimes.com/2015/09/17/upshot/trump-may-be-more-like-reagan-than-you-think.html> (noting that Trump has adopted Reagan's tag line "Make America Great Again"). For a comprehensive biography of Ronald Reagan, see H.W. BRANDS, *REAGAN: THE LIFE* (2015).

196. SPRUILL, *supra* note 3, at 336.

197. See, e.g., Brian Pendleton, Note, *The California Therapeutic Abortion Act: An Analysis*, 19 *HASTINGS L.J.* 242, 242 (1967).

198. SELF, *supra* note 82, at 369.

199. See GRIFFITH, *supra* note 30, at 228; SELF, *supra* note 82, at 367-69.

200. See GRIFFITH, *supra* note 30, at 228; Julie Johnson, *Reagan Vows to Continue Battle on Abortion*, N.Y. TIMES, Jan. 14, 1989, at 8, <https://www.nytimes.com/1989/01/14/us/reagan-vows-to-continue-battle-on-abortion.html>.

201. Marjorie Hunter, *Court Blocks Rule on Notice by Family Planning Clinics*, N.Y. TIMES, July 9, 1983, at A5, <https://www.nytimes.com/1983/07/09/us/court-blocks-rule-on-notice-by-family-planning-clinics.html> (discussing a federal appellate decision to disallow the Secretary of Health and Human Services from requiring "federally financed family planning clinics to notify the parents of

The pro-family movement effectively recast the feminist call for equality and reproductive rights as a threat to the traditional nuclear family, motherhood, and American and Christian values. The argument rested on a narrative that fundamental guiding principles of gender roles, family, and the homemaker-breadwinner organization of family life were under assault.²⁰² In so doing, the movement elevated opposition to abortion rights beyond the realm of political and moral beliefs, to a struggle over cultural identity and way of life. This has important ramifications for understanding the rise of conservative pro-family, anti-abortion movements in times of economic recession and perceived cultural displacement, especially among white women in the U.S.²⁰³

IV. TRUMP BEATS THE DRUM: MOTHERHOOD, NATIONALISM, AND THE RHETORIC OF "MAKE AMERICA GREAT AGAIN"

Donald Trump has engaged in explicitly nationalistic rhetoric during his presidential campaign. For example, he used the "America First" slogan apparently unaware of its direct reference to Nazi propaganda slogans.²⁰⁴ What is more, he declared himself a nationalist in a speech in Houston, saying "You know what I am? I'm a nationalist, O.K.? I'm a nationalist. Nationalist! Use that word! Use that word!"²⁰⁵ As described above, the rhetoric of motherhood and family in movements for nationalism is not new to the pro-family movement of the mid-1970s or Trump's rhetoric. This Part examines how Trump harnessed the rhetoric of the pro-family movement to capture the majority of white women's vote in the 2016 election. Specifically, it investigates how in the long shadow of the Great Recession of 2008 and amidst fears of cultural eclipse, Trump's campaign employed nationalistic rhetoric that conflated

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young women who were given birth control devices.").

202. See SELF, *supra* note 82, at 297.

203. A similar scapegoating function has been identified as occurring with respect to restrictive immigration policy in response to declining jobs and wage growth. See, e.g., RAY ALLEN BILLINGTON, *THE PROTESTANT CRUSADE 1800-1860: A STUDY OF THE ORIGINS OF AMERICAN NATIVISM* 322 (Quadrangle Books, Inc. 1964) (1938) ("Many Americans believed that the influx of aliens threatened their established social structure, endangered the nation's economic welfare, and spelled doom for the existing governmental system."); BILL ONG HING, *DEFINING AMERICA THROUGH IMMIGRATION POLICY* 52 (Jo Carrillo et al. eds., 2004) (noting that in the early 1900s the American Federation of Labor was a driving force behind immigration restrictions because immigration was seen as a threat to the security of U.S. workers). For example, "[t]o many [American] workers, the depression of the 1870s was due entirely to the competition of the Chinese. Exclusion of [the] Chinese became the supposed remedy for economic injustice and imbalances." HING, *supra*, at 31.

204. See Peter Baker, 'You Know What I Am? I'm a Nationalist.', N.Y. TIMES, Oct. 24, 2018, at A12, <https://www.nytimes.com/2018/10/23/us/politics/nationalist-president-trump.html>.

205. *Id.*

motherhood and traditional family with protecting the nation's borders, culture, and values from the threat of immigration and the political left.

A. Donald Trump and the Family-Values Playbook: Defense of Motherhood, Family, and Nation

Donald Trump was the least likely candidate to earn the support of the conservative evangelical right during the presidential primaries.²⁰⁶ He seemed even less likely to gain the votes of women after he made egregious sexist and misogynist remarks during his campaign.²⁰⁷ Phyllis Schlafly played a critical but often-overlooked role in Donald Trump securing the support of white evangelicals in the 2016 presidential primary. As described above, Schlafly, who in the mid-1970s merged the pro-life, anti-abortion, and anti-communist movements into a powerful pro-family movement, is largely credited with re-shaping the Republican party and setting the forces in motion for the Reagan Revolution of the 1980s.²⁰⁸ She tapped Trump, the thrice-divorced former Democrat with a morally ambiguous record who made a fortune, in part, running casinos.²⁰⁹ In light of his history, Trump seemed like the least likely candidate to have won the support of Schlafly and conservative Christian evangelicals.²¹⁰ As the presidential primaries were getting underway, Schlafly met

206. Trump has been divorced three times, and had once been a pro-choice Democrat. SPRUILL, *supra* note 3, at 335; see Chris Moody, *Trump in '04: 'I Probably Identify More as a Democrat*, CNN (Jul. 22, 2015), <https://www.cnn.com/2015/07/21/politics/donald-trump-election-democrat>; *Trump in 1999: 'I am Very Pro-Choice'*, NBC NEWS (July 8, 2015), <https://www.nbcnews.com/meet-the-press/video/trump-in-1999-i-am-very-pro-choice-480297539914> [hereinafter *Russert Interview*] (declaring, in a *Meet the Press* interview with Tim Russert, that despite his aversion toward abortion, he was "very pro-choice"). The billionaire television personality had left a long string of scandalous behavior in his wake. See SPRUILL, *supra* note 3, at 335-36. What is more, he was not familiar with Christian ideas and the Bible. *Id.* (describing that on the campaign trail he invoked "Two Corinthians" while addressing students at Liberty University); see also, Michelle Boorstein, *All the Presidents at the Bush Funeral Service Together Recited This Core Prayer. Except One*, WASH. POST: BLOGS (Dec. 5, 2018, 10:00 PM), <https://www.washingtonpost.com/religion/2018/12/05/all-presidents-bush-funeral-service-together-recited-this-core-prayer-except-trump> (describing that in a more recent controversy, Trump appeared not to know the words to the Apostles' Creed while attending the funeral of former President George H.W. Bush).

207. See *supra* notes 3-4 and accompanying text.

208. See JEAN HARDISTY, *MOBILIZING RESENTMENT: CONSERVATIVE RESURGENCE FROM THE JOHN BIRCH SOCIETY TO THE PROMISE KEEPERS* 75-76 (1999) (crediting Schlafly with developing and delivering social conservatives and anti-feminists to the New Right); TANYA MELICH, *THE REPUBLICAN WAR AGAINST WOMEN: AN INSIDER'S REPORT FROM BEHIND THE LINES* 91 (1996) (recognizing that Schlafly had "built a Religious Right constituency of fundamentalist and evangelical women in the South" and made a crucial contribution to the conservative movement by showing them that they could win); SPRUILL, *supra* note 3, at 298-99.

209. SPRUILL, *supra* note 3, at 335-36.

210. *Id.*

privately with Trump in St. Louis. Trump emerged from the meeting promising to support Schlafly's pro-life position and support the agenda of the Religious Right.²¹¹ Not long after, she appeared on national television to declare her endorsement of Trump.²¹² Schlafly's endorsement was critical in Trump securing the GOP nomination and quelling lingering suspicions of conservatives of the previously pro-choice Democrat.²¹³ One commentator observed that Schlafly's endorsement allowed Trump to "tap[] into her old base through his call for 'Making America Great Again' and securing the nation's borders. Trump's nomination as the Republican Party's candidate for president marked Schlafly's final victory."²¹⁴

Like Ronald Reagan's before him, Trump's candidacy occurred in the wake of a significant economic downturn, the Great Recession of 2008, and amid serious challenges to white male supremacy. Trump emerged from the 2016 meeting with Phyllis Schlafly prepared to fully embrace the family-values playbook. He asserted himself as a pro-life candidate and promised to nominate pro-life judges to the bench.²¹⁵ Trump had previously declared his support for abortion rights, stating, "I am very pro-choice. I hate the concept of abortion. I hate it. I hate everything it stands for. I cringe when I listen to people debating the subject. But you still—I just believe in choice."²¹⁶ In describing his "change of heart" on the abortion issue, he explicitly recalled Ronald Reagan:

I've evolved on many issues over the years. And you know who else has? Is [sic] Ronald Reagan evolved on many issues. And I am pro-life. . . . I hate the concept of abortion. And then since then, I've very much evolved. . . . And I am very, very proud to say that I am pro-life.²¹⁷

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211. *Id.* at 336-37.

212. *Id.*

213. Indeed, the archconservative *Breitbart News*, declared that Schlafly's support of Trump "is certain to reverberate across the 2016 electorate." Julia Hahn, *Phyllis Schlafly Makes the Case for President Trump: 'Only Hope to Defeat the Kingmakers'*, BREITBART (Jan. 10, 2016), <https://breitbart.com/politics/2016/01/10/Phyllis-schlafly-makes-the-case-for-president-trump>.

214. Donald T. Critchlow, Opinion, *How Phyllis Schlafly Led America to Donald Trump*, MARKETWATCH (Sept. 8, 2016, 9:04 PM), <https://marketwatch.com/story/how-phyllis-schlafly-led-america-to-donald-trump-2016-09-08>.

215. Donald Trump, Remarks at the Family Research Council's 11th Annual Values Voter Summit (Sept. 9, 2016) (transcript available at <https://www.politico.com/story/2016/09/full-text-trump-values-voter-summit-remarks-227977>) [hereinafter Trump Values Voter Summit Remarks] (promising to keep the Supreme Court from falling into the hands of liberals that would result in "a country that is no longer your country").

216. *Russert Interview*, *supra* note 206.

217. Donald Trump, Response during the FOX News Channel/Facebook Ohio Republican Party

In keeping with the pro-family playbook of the mid-1970s, his appeal to pro-life voters links opposition to abortion with the protection of national heritage and shared values and culture rather than to protection of fetal life. Speaking to the Susan B. Anthony List Annual Campaign for Life Gala, Trump told the crowd, “Every day between now and November we must work together to elect more lawmakers who share our values, cherish our heritage, and proudly stand for life.”²¹⁸ In a speech to the Values Voters Summit, Trump promised that under “a Trump administration, our Christian heritage will be cherished, protected, defended like you’ve never seen before.”²¹⁹ He promised to appoint Supreme Court justices that oppose abortion and to keep the Supreme Court from falling into the hands of liberals, which would result in “a country that is no longer your country.”²²⁰ Trump had tapped into an anti-abortion narrative that conflated opposition to abortion with the protection of a Christian national identity.

Trump consistently conflated opposition to abortion with protection of family, nation, and American and Christian values. As the first sitting president to address the National March for Life, via live teleprompter, Trump told the crowd: “Today, tens of thousands of families, students, and patriots . . . gather here . . . . You love your families, you love your neighbors, you love our nation, and you love every child, born and unborn.”²²¹ In his Campaign For Life Gala speech he declared: “We celebrate all lives . . . as long as we have faith in our citizens, confidence in our values and trust in our God, we will never, ever fail. Our nation will thrive, our people will prosper, and America will be greater than ever

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Main Debate (Aug. 6, 2015) (transcript available at <https://www.presidency.ucsb.edu/documents/republican-candidates-debate-cleveland-ohio>); see also David Brody, *Donald Trump Explains Pro-Life Conversion*, CBN NEWS: BRODY FILE (Apr. 8, 2011), <https://www1.cbn.com/thebrodyfile/archive/2011/04/08/brody-file-exclusive-donald-trump-explains-pro-life-conversion>.

218. President Donald Trump, Remarks by President Trump at the Susan B. Anthony List 11th Annual Campaign for Life Gala (May 22, 2018) (transcript available at <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-susan-b-anthony-list-11th-annual-campaign-life-gala>) [hereinafter Trump Susan B. Anthony List Remarks]; see also Jill Colvin, *Trump Urges Anti-Abortion Advocates to Vote for Republicans*, PBS NEWSHOUR (May 22, 2018, 6:12 PM), <https://www.pbs.org/newshour/politics/watch-live-trump-addresses-anti-abortion-advocates-at-campaign-for-life-gala> (quoting Donald Trump’s remarks at the Susan B. Anthony List’s Campaign for Life Gala).

219. Trump Values Voter Summit Remarks, *supra* note 215.

220. *Id.*

221. President Donald Trump, Remarks by President Trump to March for Life Participants and Pro-Life Leaders at the White House (Jan. 19, 2018) (transcript available at <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-march-life-participants-pro-life-leaders>).

before.”²²² His narrative links patriotism, love of family, and love of nation with anti-abortion ideology. This is a familiar narrative of nationalist movements that identifies protecting families and opposition to abortion as necessary to preserving the nation.

Trump's theme of protecting America from the threat of outsiders has been a powerful draw for support among white women. A recent *New York Times* article on white women's support for Trump in the lead-up to the midterm elections concluded that “it is [white women's] visceral fear of immigrants and raw anger about changes in cultural mores . . . that appear to be driving the intensity of their support for the president.”²²³ At campaign rallies, Trump both addresses and stokes women's anxieties about threats to America including immigrants, rising crime, and a looming economic downturn if Democrats gain power.²²⁴ Trump seeks to instill fear of immigration by linking it to national security. At a recent rally in Belgrade, Montana, he argued that “[b]order security is very much a woman's issue. Women want security. They do not want that caravan.”²²⁵ In a rally in West Virginia before the midterm elections he said of women, “[t]hey don't want to have these people coming in. Some of these people are just horrible people. You have to see the crimes they've committed.”²²⁶

Trump explicitly calls on women's support by linking their interest in protecting their families and children in safe neighborhoods with protecting the nation's borders. At a recent campaign rally he told the crowd: “Women want safe neighborhoods for their families, they want great schools, healthcare for their children. They want to keep drug dealers and predators and traffickers . . . they want them out of our country and we do that. The Democrats don't do that, they want the open borders.”²²⁷ Like the New Right movement of the 1970s, in his appeal to white women voters Trump draws explicit connections between women's interests in protecting their families and communities and the president's role in protecting national borders. As one white female at a recent rally summed up her support: “He understands why we're angry

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222. Trump Susan B. Anthony List Remarks, *supra* note 218.

223. See Julie Hirschfeld Davis & Katie Rogers, *At Trump Rallies, Women See a Hero Protecting a Way of Life*, N.Y. TIMES, Nov. 3, 2018, at A25, <https://www.nytimes.com/2018/11/03/us/politics/trump-women.html>.

224. *Id.*

225. *Id.*

226. Morgan Brinlee, *Trump Claimed Border Security Is a Women's Issue for a Pretty Stereotypical Reason*, BUSTLE (Nov. 3, 2018), <https://www.bustle.com/p/trump-claimed-border-security-is-a-womens-issue-for-a-pretty-stereotypical-reason-13086621>.

227. *Id.*

and he wants to fix it,” she said, “[h]e wants to protect this country, and he wants to keep it safe, and he wants to keep it free of invaders and the caravan and everything else that’s going on.”²²⁸ In short, the women interviewed supported Mr. Trump because they believe that he is fighting to preserve a way of life that is being threatened by outsiders and the liberal Democratic Party.²²⁹

Like the pro-family pro-life movement of the 1970s, Trump asserted the authority of white male privilege against the perceived threat of being eclipsed by white college-educated professional women. He challenged the authority of professional elite women that threatened the power and privilege of white male authority when he mocked and stalked Hillary Clinton on the stage during their televised presidential debate.²³⁰ His supporters at campaign rallies frequently engaged in chants against his opponent to “Trump that bitch” and “[k]ill her.”²³¹ Indeed, rather than gendered missteps, Trump’s behavior on the campaign trail that degraded and humiliated women seemed calculated to appeal to a white base of traditional voters, especially traditional white women who had lower education and therefore stayed at home, or had traditional values around family structures and gender roles. His actions and rhetoric called upon the conflict forged by the family values movement between white working-class and traditional women and women in the college-educated professional elite. Contextualized in the family values playbook, Trump’s misogynistic rhetoric seemed to be perfectly tailored dog-whistle politics designed to reach those who embraced the patriarchal family and stay-at-home motherhood.

B. Trump Embraces the Legacy of Phyllis Schlafly

Trump’s anti-immigrant, anti-establishment, pro-life message fell in lock-step with the pro-family, pro-life, anti-communist, and anti-immigrant message developed in the mid-1970s that came to full-force in the 1980s with the election of Ronald Reagan. The Reagan-Bush campaign developed the “Make America Great Again” slogan along with their promise to “take back our country.”²³² Phyllis Schlafly had long decried immigration as a threat to the survival of American culture and

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228. Hirschfeld Davis & Rogers, *supra* note 223.

229. *Id.*

230. See Alastair Jamieson, *2016 Presidential Debate: Trump Accused of ‘Stalking’ Clinton on Stage*, NBC NEWS (Oct. 10, 2016), <https://www.nbcnews.com/storyline/2016-presidential-debate-trump-accused-stalking-clinton-stage-n663516>.

231. SPRUILL, *supra* note 3, at 336.

232. *Id.*

had called for a secure “fence” along the Southern border.²³³ In the wake of his anointment by Schlafly, Trump engaged her familiar messaging to woo anti-abortion voters. In a speech to the Values Voters Summit, Trump conflated his anti-abortion position with protection of American values, promising that under “a Trump administration, our Christian heritage will be cherished, protected, defended like you’ve never seen before.”²³⁴ He promised to appoint Supreme Court justices that opposed abortion and to keep the Supreme Court from falling into the hands of liberals, which would result in “a country that is no longer your country.”²³⁵ Trump had tapped into an anti-abortion narrative that merged opposition to abortion with the protection of a Christian national identity. This Part examines how conflating national identity, white motherhood, and opposition to abortion serves as a powerful tool in mobilizing white female voters.

Schlafly passed the pro-life baton to Donald Trump at their meeting in St. Louis in 2016.²³⁶ The transfer of power made sense: Trump’s rhetoric has deep reverberations with messaging of the pro-family movement of which Schlafly is just one highly-visible proponent. In the shadow of economic decline and transformations in the role of American women, the conservative revolution of the mid-1970s crafted a message that brought together defense of motherhood, traditional family, and the defense of American values.

C. Trump Supporters and Fear of Economic and Cultural Displacement

Polling conducted in the wake of the Trump election reveals that fear of cultural displacement may have been a driving factor in white, especially white working class, support for Trump’s presidency.²³⁷ As one

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233. *Id.* at 337. In an updated 2014 edition of her book, *A Choice Not an Echo*, Schlafly sets out seven “key” issues to focus on in the 2016 presidential election, including immigration and border security: “Americans must demand border security, a double fence, more border guards, compulsory use of E-Verify, the tracking of visitor’s visas . . . and an end to the practice of granting automatic citizenship to ‘anchor babies.’” SCHLAFLY, *supra* note 9, at 265.

234. Trump Values Voter Summit Remarks, *supra* note 215.

235. *Id.*

236. See SPRUILL, *supra* note 3, at 336.

237. White working-class voters supported Donald Trump over Hillary Clinton by a margin of roughly two-to-one. NPR, ROBERT WOOD JOHNSON FOUND. & HARVARD T.H. CHAN SCH. OF PUB. HEALTH, DISCRIMINATION IN AMERICA: EXPERIENCES AND VIEWS OF WHITE AMERICANS 5 (2017), <https://www.npr.org/documents/2017/oct/discrimination-whites-final.pdf> [hereinafter DISCRIMINATION IN AMERICA REPORT] (consisting of a survey of 902 white U.S. adults conducted January 26-April 9, 2017, as part of a larger series on discrimination in America); Daniel Cox et al., *Beyond Economics: Fears of Cultural Displacement Pushed the White Working Class to Trump* | PRRI/The Atlantic Report, PRRI (May 9, 2017), <https://www.prri.org/research/white-working-class-attitudes-economy-trade-immigration-election-donald-trump> [hereinafter PRRI/The Atlantic Report];

commentator observed, an era bookended by the elections—first of the nation’s first African American president and then of Donald Trump—has experienced significant social shifts.²³⁸ The resulting turmoil is evidenced by high-profile battles over the removal of Confederate monuments, the growth in whiteness studies courses on college campuses, the battles over immigration and affirmative action, and a rising death rate among middle-aged, lower-educated white Americans from drugs, alcohol, and suicide—deaths of despair.²³⁹ The anxiety of many in the white working class in the U.S. over fear of being culturally displaced is reflected in the increasingly racially polarized electorate and in the mainstreaming of white nationalism with their chant: “You will not replace us.”²⁴⁰ These demographic changes and political movements each challenged the supremacy of what Robert O. Self described as the white middle-class heterosexual male head of a nuclear household who make up “breadwinner conservatism.”²⁴¹

Polling of the white working-class voters who supported Trump in the 2016 election reveals that economic anxiety and fear of cultural displacement lead these voters to shift their support to Trump and his anti-immigration, pro-American political rhetoric.²⁴² The data reveals deep frustration among the white working class at their perceived loss of a past way of life: A 2017 poll conducted by Public Religious Research Institute found that nearly two-thirds of white working-class people in the U.S. believe American culture and way of life has deteriorated since the 1950s.²⁴³ Nearly half of white working class respondents say that “things have changed so much that I often feel like a stranger in my own

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Don Gonyea, *Majority of White Americans Say They Believe Whites Face Discrimination*, NPR: SPECIAL SERIES: YOU, ME AND THEM: EXPERIENCING DISCRIMINATION IN AMERICA (Oct. 24, 2017), <https://www.npr.org/2017/10/24/559604836/majority-of-white-americans-think-theyre-discriminated-against>; see also WILLIAMS, *supra* note 2, at 75 (noting that Trump won the votes of white working-class women by a margin of twenty-eight percentage points); Silver, *supra* note 2.

238. See Michele Norris & Gillian Laub, *The Rising Anxiety of White America*, NAT’L GEOGRAPHIC, Apr. 2018, at 79, 88.

239. See *id.*

240. *Id.*

241. SELF, *supra* note 82, at 4–6.

242. In her recent book, *Strangers in Their Own Land*, sociologist Arlie Russell Hochschild draws similar conclusions that Tea Party membership is animated by fear of cultural eclipse and economic decline. Professor Hochschild concludes that virtually all the Tea Party members she spoke to embraced a common “feels-as-if” story in which they feel like they are on shaky economic ground and are culturally marginalized. ARLIE RUSSELL HOCHSCHILD, *STRANGERS IN THEIR OWN LAND: ANGER AND MOURNING ON THE AMERICAN RIGHT* 221 (2016) (noting that many in the Tea Party feel as if “their views about abortion, gay marriage, gender roles, race, guns, and the Confederate flag all were held up to ridicule in the national media as backward.”).

243. PRRI/*The Atlantic Report*, *supra* note 237.

country.”²⁴⁴ This research concludes that a common theme that underlies the Tea Party’s intertwining of libertarian economics, distrust of big government, anti-immigration policy, and conservative social values is a longing for a lost way of life and a fear of being economically and socially eclipsed.²⁴⁵

The polling data and research suggest that perceived threats to white male hegemony were a factor that drove white working class voters to turn to the Tea Party and Donald Trump’s candidacy. For example, a poll conducted in 2016 found that a majority of whites—fifty-five percent—believe that there is discrimination against white people in the United States today.²⁴⁶ “Lower- and moderate-income white Americans were more likely to say that whites are discriminated against,” as were respondents who identified as Republican.²⁴⁷ As one commentator observed, the polling data “reinforce[s] a lot of the resentment you saw in the 2016 election, especially among white, working-class voters lacking a college degree.”²⁴⁸ The data reflects the larger fears of cultural displacement that drove voters to support Donald Trump’s candidacy, especially among white working-class voters in battleground states of Michigan, Wisconsin, and Pennsylvania.²⁴⁹

These polls suggest that white working-class support for Mr. Trump was based on fears of “cultural displacement” and an “identity crisis” among whites without college educations that was rooted in their “fear that African-Americans and immigrants were undermining their position as the majority group.”²⁵⁰ What is more, Trump’s challenger, Hillary Clinton, the first woman to earn the presidential nomination of a major party in the nation’s history, triggered fears of cultural displacement of white male hegemony. As sociologist Andrew Cherlin recently noted, it is impossible to disentangle:

[W]hether culture or economics was the driving force in Mr. Trump’s win. . . . [T]hose who try to distinguish between the explanatory power of stagnant wages and a declining industrial base on the one hand, and

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244. *Id.*

245. HOCHSCHILD, *supra* note 242, at 221, 225.

246. DISCRIMINATION IN AMERICA REPORT, *supra* note 237, at 2.

247. Gonyea, *supra* note 237.

248. *Id.* (citing University of Akron political scientist David Cohen). Cohen further clarified his position: “I’m not sure [Mr. Trump] necessarily created the angst among white voters but he certainly knew how to take advantage of it.” *Id.*

249. *See id.*

250. Andrew J. Cherlin, Opinion, *Money and Culture Are Inseparable*, N.Y. TIMES, May 8, 2018, at A25, <https://www.nytimes.com/2018/06/06/opinion/trump-supporters-economy-racism.html>; *see also* PRRI/The Atlantic Report, *supra* note 237. *See generally* DISCRIMINATION IN AMERICA REPORT, *supra* note 237 (surveying Americans on discrimination in America).

anxieties about the ascent of minority groups on the other, miss the point: These are not two different factors but two sides of the same coin.²⁵¹

The recent research on the election of Donald Trump reveals that fear of cultural eclipse, belief that white Americans are being discriminated against, and belief that immigrants are threatening American job security undergird white and white working-class support for Donald Trump.

V. CONCLUSION

In the mid-1970s, the anti-abortion movement was transformed from the protection of fetal life to the protection of *a way of life*. The pro-family movement brought a critical shift that explicitly linked opposition to abortion with the protection of motherhood, the patriarchal family, and the protection of American culture and values. Critically, what began as a movement to protect fetal life was transformed into a larger call for a return to traditional family structures and traditional American values. White women had a specific role to play in mobilizing against abortion: In a narrative familiar to nationalist movements, white motherhood was glorified and called upon to defend the nation's Christian heritage and culture against threats from outsiders. The family-values movement identified motherhood and the patriarchal family as the bulwark in the defense of American culture and values. As motherhood was glorified in the battle over the soul of the nation, abortion was cast as harming mothers and devaluing motherhood. This messaging helps explain why white women transformed the face of the family-values movement in the 1970s and later answered the call of Donald Trump's campaign. In the nationalistic narrative of the pro-family movement, white women's anger is elevated to righteousness and their maternal role is rebranded as a mission to save the nation at the level of the family from the threat of immigration and cultural eclipse.

To understand white women's support for Donald Trump, it is necessary to investigate the origins of the family-values narrative upon which he draws so heavily. Nationalist movements often call upon a nation's mothers to defend the nation's culture and values because motherhood and the family are identified as the place where a nation's values and culture are inculcated in its citizenry. It elevates anti-feminist opposition to abortion rights beyond the realm of political and moral beliefs to a struggle over cultural identity and way of life. This has important implications for understanding the rise of conservative pro-

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251. Cherlin, *supra* note 250.

family, anti-abortion movements in times of economic recession and perceived cultural displacement, especially among white middle- and working-class women in the United States. The pro-family movement that intertwined the defense of motherhood, traditional family, and nation continues to animate Trump's nationalistic rhetoric and opposition to abortion. Trump's anti-immigrant, pro-American narrative of "Make America Great Again," played upon the same set of white working- and middle-class American's fears of being culturally eclipsed by outsiders, relief from economic decline, and drew upon white backlash against perceived cultural threats. Trump's speeches draw explicit connection between women's interest in protecting home and family and the nation's need to protect its borders. If "Build the Wall" is the rallying cry for protecting the nation's borders, opposition to abortion is its gendered corollary to defend its mothers, families, and heritage.

More broadly, the relationship between nationalism and the defense of nation, families, and motherhood reveals that abortion is not a right with a static meaning, but rather it's meaning is socially constructed.²⁵² As such, the abortion right assumes significant symbolic power that changes over time and is driven by a myriad of social and historical relationships and influences. Distilling the right to a single meaning—such as "choice" or "privacy"—unmoored from the historical and social forces that shape and undergird it, makes it vulnerable to erosion and limits the vision for how to protect the right. For example, recently high-profile members of the Democratic Party have suggested removing the abortion right from the Democratic Party platform²⁵³ in an effort to woo more socially-conservative voters. Understanding the relationship

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252. The social construction of abortion has been the subject of important feminist scholarship, see, e.g., PETCHESKY, *supra* note 37, at 241, 330-35 ("Abortion derives its meanings, not from any theological text or abstract moral code, but from the particular historical conditions surrounding it."). Petchesky refers to the social and contextual conditions that shape abortion politics as "moral praxis." *Id.* at 331. See generally Reva Siegel, *Reasoning from the Body: A Historical Perspective on Abortion Regulation and Questions of Equal Protection*, 44 STAN. L. REV. 261 (1992) (providing a history of regulations restricting abortion and how the perception of abortion has changed since the nineteenth century).

253. For example, in an interview with the Washington Post, then-House Minority Leader Nancy Pelosi said that abortion rights are "fading as an issue." Amber Phillips, *Nancy Pelosi Says Abortion Is 'Fading' as an Issue for Democrats. The Opposite Is True for Conservatives*, WASH. POST: THE FIX (May 3, 2017, 10:31 AM), <https://www.washingtonpost.com/news/the-fix/wp/2017/05/03/nancy-pelosi-says-abortion-is-fading-as-an-issue-for-democrats-the-opposite-is-true-for-conservatives>. Senator Bernie Sanders campaigned for an anti-choice mayoral candidate in Nebraska, arguing that support for candidates should not "exclude people who disagree with us on one issue." Scott Detrow, *Bernie Sanders Defends Campaigning for Anti-Abortion Rights Democrat*, NPR (Apr. 20, 2017), <http://www.npr.org/2017/04/20/524962482/sanders-defends-campaigning-for-anti-abortion-rights-democrat>.

between economic decline, nationalism, and anti-abortion legislation reveals that this impulse is misguided. The connection between abortion and nationalism at times of economic flux and instability in gender roles would suggest that Democrats need to offer meaningful solutions to the economic and social stagnation facing the nation's poor and middle class—problems that drive nationalism and anti-immigrant rhetoric—rather than through the expediency of scapegoating the abortion right to gain votes. Indeed, the connection between nationalism, motherhood, family, and abortion suggests that rather than focusing solely on legislative and court-won victories to protect the abortion right, policy solutions should seek meaningful economic and social justice reform efforts aimed at relieving the economic and social decline that drives nationalist movements. In short, the battle for securing abortion rights is not solely a battle over the narrative of what abortion *means*. Rather, securing reproductive rights must be accomplished through securing economic justice and not simply legislative and court-won victories to secure abortion access.

It is a critical time to consider how the narrative of nationalism helps drive anti-abortion legislation as these laws are gaining traction and accelerating at the state level during the Trump administration.²⁵⁴ Uncovering abortion's significant symbolic meaning in the narrative of protecting nation, family, and motherhood suggests that an important means of protecting the right must include addressing the social and economic conditions that give rise to nationalist movements, such as economic marginalization, wage stagnation in the working and middle class, rising income inequality, and anxiety over declining social and educational opportunities. Critically, these are issues that align with the interests of mothers in securing opportunity for their children. Understanding how anti-abortion messaging has been tailored to reach the nation's mothers through a message of nationalism and protecting the American way of life may offer the opportunity to realign the message to reach those very mothers who subscribe to it.

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254. The recent wave of abortion restrictions in the first half of 2019 has included trigger legislation that would go into effect if *Roe v. Wade* is overturned, bans on procedures at gestational points as early as six weeks of pregnancy, bans on common abortion procedures, and bans on abortions procured for specific characteristics such as race, sex, or disability of the fetus. See, e.g., Elizabeth Nash et al., *Radical Attempts to Ban Abortion Dominate State Policy Trends in the First Quarter of 2019*, GUTTMACHER INST. (Apr. 3, 2019), <https://www.guttmacher.org/article/2019/04/radical-attempts-ban-abortion-dominate-state-policy-trends-first-quarter-2019>.