

Protest and change

Feminism in the USA (1960–1979)

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Serene Williams
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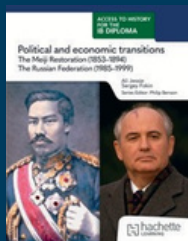
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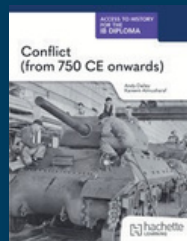
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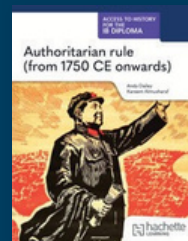
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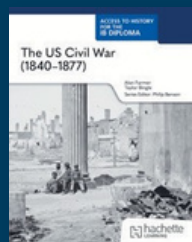
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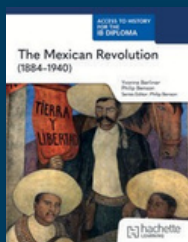
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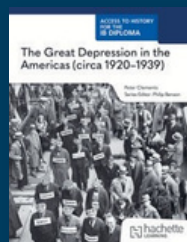
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Protest and change

Feminism in the United States (1960–1979)
and Revolution in Tunisia (1989–2015)

Serene Williams, Kristen Kelly
and Else Saoud
Series Editor: Philip Benson

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Acknowledgements

p.92 From a speech given by Patsy Mink, US House of Representatives, Washington DC, June 24, 1970; p.93 *Title IX: A Brief History of Documents* by Susan Ware (2007); p.94 © The Gilder Lehrman Institute of American History

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ISBN: 978 1 0360 2417 4

© Serene Williams, Kristen Kelly and Else Saoud 2026

First published in 2026 by Hachette Learning (a trading division of Hodder & Stoughton Limited),

An Hachette UK Company

Carmélite House

50 Victoria Embankment

London EC4Y 0DZ

www.HachetteLearning.com

The authorised representative in the EEA is Hachette Ireland, 8 Castlecourt Centre, Dublin 15, D15 XTP3, Ireland (email: info@hbgie.ie)

Impression number 10 9 8 7 6 5 4 3 2 1

Year 2030 2029 2028 2027 2026

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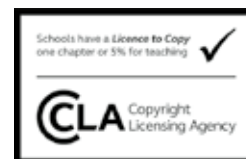
Cover photo

Illustrations by DC Graphic Design Limited, Hextable, Kent.

Typeset in Palatino Regular 10/13pt by DC Graphic Design Limited, Hextable, Kent.

Printed in

A catalogue record for this title is available from the British Library.



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What changes did the protest movement achieve, and with what limitations?

The women's movement led directly to significant changes in American society by the end of the 1970s. These changes had a major impact on access to contraception, abortion rights, access to the right to vote and raised awareness about pay inequity. Women also achieved significant financial gains alongside legal victories. Gay women made significant progress during the 1970s. However, not all the advancements made by the women's movement were inclusive of all women, as this chapter will address in detail.

Consider the following questions as you read this chapter:

- ★ What major political and legal changes did the feminist movement achieve?
- ★ What economic changes were brought about during the second wave of feminism and what was their impact on women?
- ★ How were the experiences of marginalized women different from those of white, middle- and upper-class women in the feminist movement?

KEY DATES

- | | |
|---|---|
| <p>1960 The Food and Drug Administration approves the birth control pill</p> <p>1962 Students for a Democratic Society founded at the University of Michigan</p> <p>1963 Equal Pay Act legally mandates equal pay for women and men</p> <p>1964 Civil Rights Act of 1964 is passed, including Title VII, which introduces a ban on discrimination based on sex in public accommodation</p> <p>1965 Voting Rights Act is passed enshrining Black women's right to vote; <i>Griswold v Connecticut</i> creates a right to privacy, especially for married couples accessing birth control</p> <p>1969 LGBTQ+ New Yorkers defend themselves from police raids at the Stonewall Inn, inspiring a new wave of LGBTQ+ activism and organization</p> | <p>1970 Abortion legalized in New York state</p> <p>1972 The Equal Rights Amendment approved by Congress and sent to the states for ratification, as required by the US Constitution; Title IX is passed by Congress</p> <p>1973 <i>Roe v Wade</i> established legal abortion nationwide</p> <p>1974 Equal Credit Opportunity Act is passed, making it illegal for creditors to discriminate based on sex</p> <p>1977 Combahee River Collective publishes <i>A Black Feminist Statement</i>; Houston Women's Conference gathering where a National Plan of Action is written</p> |
|---|---|

1 Political and legal changes, including Title IX (1972) and *Roe v Wade* (1973)

► **Key question:** *What major political and legal changes did the feminist movement achieve?*

As a result of the political organizing women had done throughout the women's movement, as well as significant cultural changes that had taken place by this time period, the 1960s and 1970s saw numerous political and legal changes that had a dramatic impact on both women and social, political and economic life in the United States. In the aftermath of a successful civil rights movement, the women's movement had put an increasing amount of pressure on the federal government, demanding significant judicial, executive and legislative changes. This was especially notable during the presidencies of **Lyndon B Johnson** (1963–9) and **Richard Nixon** (1969–74), after the assassination of John F. Kennedy.

KEY FIGURES

Lyndon B Johnson (1908–73) served as president of the United States from 1963 to 1969. A member of the Democratic Party, Johnson was a long-time senator from Texas before he ascended to the presidency. By the time Lyndon B Johnson served as US president (when he took over after the assassination of John F. Kennedy in 1963), the women's movement had been putting significant pressure on both Democratic and Republican parties to ensure gender equality. Although Johnson was well known for his support for civil rights and his expansion of the federal government through his Great Society program, he was not a public champion of women's rights or a strong advocate of second-wave feminism.

Richard Nixon (1913–94) had a very long career in public service throughout the mid-20th century and was a member of the Republican Party. He served as a member of the House of Representatives from southern California in the late 1940s. He was elected to the Senate in 1950, when he ran a controversial campaign against Helen Gahagan Douglas. In 1952 and 1956, he was elected as vice-president under President Dwight Eisenhower. Nixon was elected to the presidency in 1968 and 1972, important years for women's rights. Although he was not known to be a champion of women's rights or the feminist movement, he signed many important laws for women as he was President during the height of the second wave of feminism and the women's liberation movement.

By the early 1970s, there were still few women in Congress even though this era was considered the height of the women's movement and the second wave of feminism. Despite significant under-representation, congressional representatives including Shirley Chisholm from the state of New York, Martha Griffiths from the state of Michigan and **Patsy Mink** from the state of Hawaii worked hard within Congress to strategize ways to protect women from discrimination based on sex. The year 1972 saw an especially large number of legislative changes that pushed the movement forward.

KEY FIGURE

Patsy Mink (1927–2002) came from Hawaii and in 1965 became the first woman of colour elected to Congress. She quickly made a name for herself as a champion of feminist causes. When Mink testified in Congress advocating for the expansion of legislation banning sex discrimination in 1970, she was quoted as saying, 'Discrimination against women in education is one of the most insidious forms of prejudice extant in our nation.' Mink's work to pass Title IX is often cited today as one of the main reasons this legislation was passed during this time.

Title IX

In order to understand how the major legal changes of 1972 and 1973 were achieved, it is important to contextualize the time period. By 1972, the women's movement was in full swing. Women had obtained legal access to birth control, abortion was legal in New York state after a highly publicized political debate, women had been politically organized in a variety of groups including the National Organization for Women (NOW) and, though there were still few women in Congress, those that were there were effective. Therefore, by this pivotal year of 1972, many politically active women had extensive experience organizing both inside and outside of Congress. They used that organizational and political knowledge to successfully pass Title IX: federal legislation banning discrimination based on sex in educational institutions.

Title IX built on the work that had already been done in the mid-1960s with the passage of Title VII of the Civil Rights Act of 1964, which banned sex-based discrimination in public accommodations. This Civil Rights Act, especially Title VII, which for the first time established a federal ban on sex discrimination in the workforce, eventually ended the widely used practice of employers listing jobs by 'male wanted' or 'female wanted', which was considered a major advancement for the women's movement at the time. While this legislation was extremely important for women and received a great deal of attention as part of Lyndon B Johnson's legislative package known as the Great Society, the Civil Rights Act of 1964 and Title VII specifically were not seen as enough to completely end discrimination based on sex.

Discrimination in education

At the start of the 1960s, women experienced widespread discrimination in institutions of higher education. Post-war initiatives to support veterans' education through the GI Bill ensured that the majority of college enrolments were reserved for men. This impact was so significant that by 1960 women still represented just 35% of all degrees earned, a drop from 41% before the Second World War. Women's representation also declined in faculty assignments in the post-war period. Women made up just 22% of faculty on campuses, and only by 1970 regained their meagre pre-war proportion at 25%.

What were the short- and long-term impacts of Title IX on women?

Title VII and Title IX

It is important to note that it is a very common mistake to confuse Title VII and Title IX, which are two completely separate pieces of legislation.

Title VII is part of the Civil Rights Act of 1964, which banned discrimination based on sex in places of employment.

Title IX is part of the Educational Amendments Act of 1972, which banned discrimination based on sex in educational institutions. Title IX applies to institutions that receive federal funding, including universities and high schools.

Where women did find educational opportunities, they were often bound by limitations in pay and restrictions in career mobility. In higher education, women's learning and teaching were concentrated into low-paying fields such as social work, nursing and education. While women did over-represent men in kindergarten through to grade 12 teaching, this kind of employment did not represent the same opportunity for professional growth that it did for men who entered the field: men held the majority of administrative roles at all educational levels, including 78% of headteacher / principal roles in elementary public schools.



Why does Patsy Mink think it is essential to address inequality in education as part of a growing women's movement in the early 1970s?

SOURCE A

Extract from 'Discrimination Against Women', Special Subcommittee on Education, Committee on Education and Labor, US House of Representatives, Washington, DC, 24 June 1970 by Patsy Mink in *Speaking While Female: 75 Extraordinary speeches by American women*, by Dana Rubin (ed) published by RealClear Publishing, 2023

Patsy Mink was a member of the House of Representatives in the 1970s and a major supporter of Title IX.

Discrimination against women in education is one of the most insidious forms of prejudice extant in our nation. Few people realize the extent to which our society is denied full use of our human resources because of this type of discrimination.

- Most large colleges and universities in the United States routinely impose quotas by sex on the admission of students. Fewer women are admitted than men, and those few women allowed to pursue higher education must have attained exceptional intellectual standing to win admission.
- Scholarship and other forms of financial assistance are also distributed on a discriminatory basis, making it more difficult for women to afford a higher education.
- Universities discriminate against women in hiring faculty, with the effect that women students are instructed mainly by males. This reinforces the system of prejudice on our campuses that systematically deprives women of equal education.
- Women faculty members are promoted less frequently than men. Even administration reflects the same pattern: deans of women are frequently paid less than men.
- Our nation can no longer afford this system which demoralizes and demeans half the population and deprives them of the means to participate fully in our society as equal citizens. Lacking the contribution which women are capable of making to human betterment, our nation is the loser so long as this discrimination is allowed to continue ...



KEY TERM

Seminal legislation A landmark law that has a major impact on the life of citizens and changes important aspects of society.

The wording of Title IX

To better understand how Title IX led to significant changes for women in educational institutions, it is important to consider the actual wording of this **seminal legislation**. Title IX was part of a congressional law known as the Educational Amendments Act, 1972. It stated that schools needed to spend

an equal amount of funds on programmes for men and women if they received federal funding. The exact wording of the law states, 'No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.'

The impact of Title IX

In the immediate aftermath of the passage of this legislation, Title IX opened opportunities for girls from a variety of social classes to have access to education, since the landmark law also called for equitable access in admissions, protection for pregnancy, a legal recourse to address sexual assault on college campuses and much more. Title IX also had a significant impact on increasing the funding for girls to play sports, due to a huge inequity in funding that was in place before it was passed into law. Before 1972, it was far less common for girls to play sports in school, whereas immediately after Title IX there was a huge increase in the number of girls playing sports at high school and collegiate levels (see graph in Source C).

Through time, Title IX continued to shape the educational landscape by reinforcing the principle that gender equity is essential to equal opportunity. Schools and universities were required to evaluate and reform their policies, leading to sustained growth in women's scholarships and athletic programmes. Title IX helped to normalize the expectation that girls and women belong in all areas of education, contributing to higher graduation rates, increased participation in traditionally male-dominated fields and greater awareness of institutional responsibility for preventing discrimination.

SOURCE B

Excerpts from 'A Chronology of Title IX and Related Events', *Title IX: A Brief History with Documents* by Susan Ware, published by Bedford/St Martin's, 2007

1964: Title VII of the Civil Rights Act of 1964 prohibits discrimination in employment based on race, sex, national origin or religion

1966: Commission on Intercollegiate Athletics for Women (CIAW) formed; National Organization for Women (NOW) formed

1970–71: Representative Edith Green holds hearings on sex discrimination in higher education

1972: Equal Rights Amendment passes Congress; Title IX signed into law by President Richard Nixon

1973: Billie Jean King beats Bobby Riggs in 'The Battle of the Sexes' [tennis match]

1974: Javits Amendment saying that Title IX regulations must take into account the nature of particular sports passed; Women's Sports Foundation established

1975: Department of Health, Education, and Welfare issues final guidelines for enforcing Title IX

1978: Mandatory compliance date for all high schools and postsecondary institutions

How does the timeline in Source B show a burst of political activity of women that contributed to Title IX?

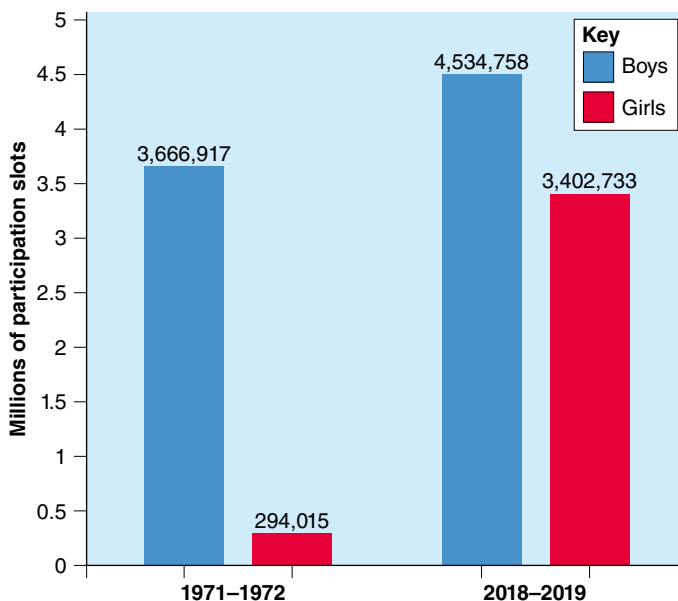




How can the content of Source C be used to explain the success of Title IX?

SOURCE C

Graph of boys' and girls' participation in high school sports. It shows the extraordinary changes Title IX had on the participation of women in American society. Before Title IX, it was rare for women to play sports in secondary schools and after Title IX it became common and socially acceptable



Title IX has been enforced in US law since it was first passed in 1972 and is widely used today. In the decades since it first became law, this broadly written legislation has played a major role in women claiming protection against sexual assault on college campuses and was enforced through political organizations such as the Know Your IX campaign. Today, public high schools and institutions of higher learning that receive federal funds are required to have a Title IX coordinator on campus to address complaints.

SOURCE D

Excerpt from feminist historian Barbara Winslow's article, *The Impact of Title IX*

One of the great achievements of the women's movement was the enactment of Title IX of the Education Amendments of 1972. The law states: 'No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.' Most people think Title IX only applies to sports, but athletics is only one of ten key areas addressed by the law. These areas include: access to higher education, career education, education for pregnant and parenting students, employment, learning environment, math and science, sexual harassment, standardized testing, and technology.



According to this excerpt in Source D, how did Title IX create opportunities for women outside of athletics?

In addition to Title IX, high-profile athletes such as tennis player **Billie Jean King** also played a major role in increasing representation for women in sports.

KEY FIGURE

Billie Jean King (1943–) is one of the most iconic women athletes of the 20th century. In September 1973, King played a widely televised tennis match against a male player named Bobby Riggs in what was deemed by the press as a ‘Battle of the Sexes’. King’s victory in the match was widely celebrated by Americans who supported the passage of Title IX. After this match, King remained highly involved in the women’s movement. She has spent over 50 years fighting for women’s rights and gay rights, alongside a push for greater pay equality for women athletes.

Improving women’s access to birth control

As seen on pages 00–00, the development and legalization of the birth control pill meant that there was a safe, cheap and easy way for women to plan their families. However, to begin with, few women could access it. Between 1960 and 1965, there were many legal challenges about the lack of women’s access to birth control.

The first major case on the issue was decided by the Supreme Court in 1965. That year, the Court legalized birth control for married couples in *Griswold v Connecticut*, which was the first case to establish a right to privacy. The case came after the director of the Planned Parenthood League in Connecticut named Estelle Griswold challenged the laws in her state that restricted her organization from distributing contraceptives. The laws Griswold was challenging were directly related to the Comstock laws (see page 00).

Griswold is a very important case for women, as well as all Americans, because not only did it widen access to contraceptives, but it also helped to establish a constitutional right to privacy in the United States. This right would be used over the next several decades to expand to issues such as abortion and gay rights. The *Griswold* case also established an important legal framework known as **penumbras**, which are also known as a ‘zone of privacy’. The concept of penumbras had a major impact on American women for decades to come (see pages 00–00). It is also important to note that the *Griswold* case laid the legal groundwork for *Roe v Wade*, which is also a right to privacy landmark case that will be discussed below.

Another important Supreme Court case that changed access to contraception was *Eisenstadt v Baird* (1972), which granted single women the right to access birth control. After the 1964 Supreme Court case *Griswold v Connecticut*, there was growing public demand for an

How did legal cases that improve access to birth control pave the way for *Roe v Wade*?

KEY TERM

Penumbras Implied rights from the explicitly stated rights in the US Constitution. Penumbras were created by the Supreme Court in the 1965 case *Griswold v Connecticut* in its legal decision that established a right to privacy.

KEY FIGURE

William (Bill) Baird (1932–) is an activist well known for his public protests against laws banning access to birth control in the 1960s and 1970s. Baird was a self-trained sex educator who often passed out contraception and literature to women in a public-facing campaign to challenge the laws that made their access illegal. He went to jail eight times in multiple states challenging laws that banned access to birth control for single women. Baird played a key role in the 1972 *Eisenstadt v Baird* Supreme Court case that gave national access to birth control to single women.



- 1 Why would Bill Baird's distribution of birth control to young women be considered controversial in 1967?
- 2 What does the image suggest about attitudes towards Bill Baird?

increase in access to contraception. Because the *Griswold* case only allowed a national right for married couples to birth control, there were numerous high-profile activists who worked to expand that access to single women. One of the most notable was **William (Bill) Baird** who has often been referred to as the father of the reproductive rights movement. Baird's work was very diverse as he campaigned for birth control, abortion access and women's rights broadly.

SOURCE E

Bill Baird passing out contraception to students who attended his lecture at Boston University in 1967



Both *Griswold* and *Eisenstadt* are considered important landmark cases. They helped lay the groundwork for *Roe v Wade* (1973), which established a national right to access abortion.

Activity

In one paragraph, detail how the right to access birth control changed from the early 1960s compared to the mid-1970s.

Roe v Wade

Roe v Wade (1973) was an important case for women in countless ways, and women's rights activists who lived through this era often cite this change as one of the most, if not *the* most, significant gains of the women's rights movement. To fully understand the enormous significance of the case, it is important to understand a little about the life of the woman who brought the case to the Supreme Court. Her name was Norma McCorvey. It is also important to understand the status of abortion law before *Roe* became law, as well as how the decision of the Court divided not only American political parties but led to an interesting debate within the feminist movement about whether the Supreme Court used the correct clause in the Constitution when issuing their decision.

The growth of the second wave of feminism played an important role in the legalization of abortion nationwide in the Supreme Court decision *Roe v Wade*. For example, in 1970, New York state legalized abortion after a very public debate. Coverage of this debate contributed to a growing demand for abortion rights; it also directly contributed to the political career of Gloria Steinem (see page 00), who closely followed the New York hearings when she was working as a journalist. Steinem's *Ms. Magazine* (see page 00) also added impetus to the feminists' campaign, for example, by publicizing the death of Gerri Santoro, who died after a **back-street abortion** (also known as a back-alley abortion). The photo of her body published by the magazine horrified many and had a major impact on the abortion rights movement.

Abortion before 1973

Before 1973, abortion was not legal in many of the states throughout the United States. Due to the system of **federalism** in the US, states had great discretion over abortion laws (see Source E). Some states, such as California and New York, allowed the procedure in many circumstances, whereas much of the upper Midwest only allowed abortion if a woman's life was threatened by continuing the pregnancy.

How did *Roe v Wade* change abortion law throughout the United States?



KEY TERMS

Back-street abortion An illegal abortion obtained outside of a traditional medical setting such as a hospital. They are typically unsafe and carry a high risk of complications, infection or death.

Federalism Outlined in Article IV of the US Constitution, federalism allows for laws to be passed at the local, state and national levels. This is in contrast to a unitary system where important laws are made only at the national level. Before *Roe v Wade* was decided in 1973, state legislatures throughout the United States had wide discretion over women's rights, women's health and abortion policy.



What does Source F reveal about the geographic differences regarding the regulation of abortion before *Roe v Wade* (1973)?

Research & Communication skills

Why did states in the upper Midwest restrict abortion more than states on the West Coast of the USA? Locate and evaluate historical sources to help you answer this question. Then present your findings to the class.

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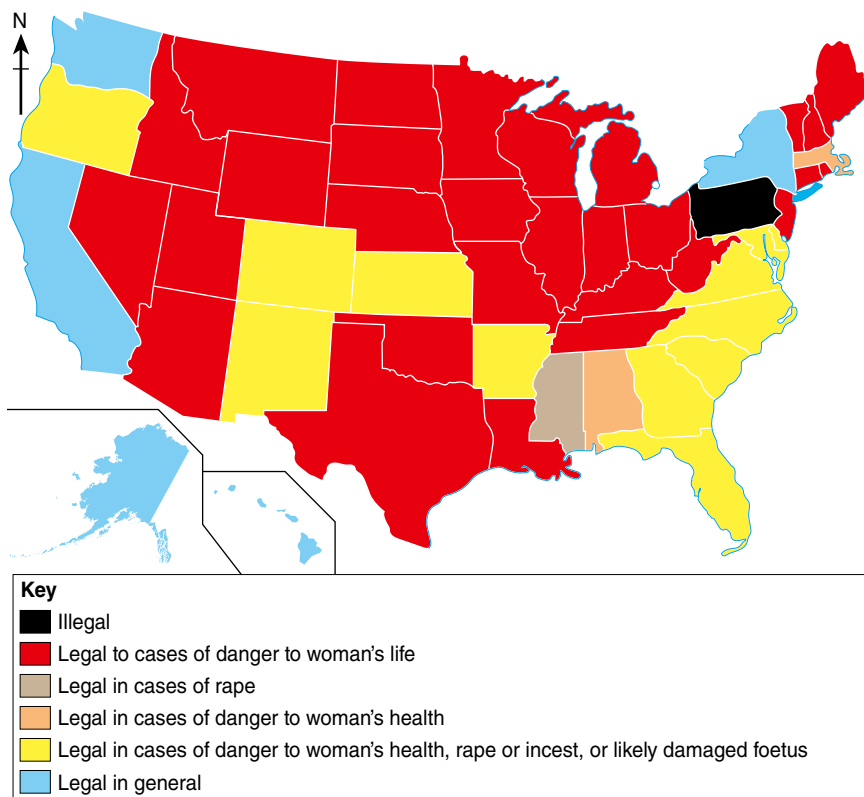
KEY FIGURE



Norma McCorvey (1947–2017) was also known as Jane Roe, and was the plaintiff in the *Roe v Wade* case.

SOURCE F

Map of states shaded according to abortion legislation before 1973 when *Roe v Wade* was decided by the Supreme Court



Norma McCorvey

The case was brought to the court by **Norma McCorvey**, who was given the pseudonym 'Jane Roe' to protect her identity. She was pregnant in Texas where abortion was banned unless the woman's life was in danger. McCorvey, who had already given birth to two children who had been given up for adoption, was living in poverty and presented the case that she wanted to access a legal abortion.

At the time of the *Roe v Wade* case, McCorvey was an advocate for abortion rights. It is important to note that during this era, she felt marginalized as a working-class woman within the feminist movement by the white middle- and upper-class leaders. She was discouraged from being the face of the abortion rights movement. According to McCorvey, she was very interested in speaking out in public in support of *Roe v Wade*, but many of the mainstream leaders of the feminist movement were critical of her lifestyle choices and her working-class background and did not give her the platform on behalf of the women's movement that she was seeking. This marginalization from the women's movement eventually led to McCorvey's pivot towards an anti-abortion position.



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ISBN 978-1-0360-1472-8

