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“NOT TO RELY COMPLETELY ON THE COURTS”

Florynce “Flo” Kennedy and Black Feminist Leadership in the Reproductive Rights Battle, 1969–1971

Sherie M. Randolph

*Flo Kennedy was a major lawyer for *Abramowicz v. Lefkowitz*, the class action suit that was a key part of the successful campaign to repeal New York’s restrictive abortion laws. Although by the late 1960s she was one of the country’s best-known Black feminists, her role in helping to legalize abortion has long since been forgotten. Histories of feminism emphasize the centrality of the predominantly white women’s movement’s effort to decriminalize abortion and overlook the innovative strategies that Kennedy adopted outside and inside the courtroom. These strategies laid the basis for the Supreme Court decision in the landmark case, *Roe v. Wade*. By viewing Kennedy’s activism in this struggle as in constant negotiation with the Black Power movement, rather than as estranged from or rejecting it, we can understand how she helped to shape the predominantly white reproductive rights movement.*

Women are irrelevant on the subject of abortion.
District Attorney’s Office of New York State, 1970

Let me make it absolutely clear for this record that my concern is for the interest of the plaintiffs. I regard this case as a very definite platform for exploring the extent of the legalized oppression of women and I personally don’t for one second intend to lose sight of my objectives. That the defendants have no concern for those objectives is now quite apparent.

Florynce Kennedy, 1970

On January 14, 15, and 23, 1970, dozens of women packed the thirteenth floor of the federal courthouse in Manhattan to testify about their traumatic personal experiences with illegal abortion. During these daylong depositions, women became the expert witnesses in a case seeking to repeal restrictive abortion laws in the state of New York. The women bore witness to incidents of rape at the hands of sham abortionists, botched procedures that left them infertile or physically damaged, and unwanted pregnancies that rendered them destitute as they struggled to care for children they could not afford to raise.¹ Collectively, they forcefully argued that women

should have access to safe, legal abortion procedures and that women, and women alone, should be the ones to decide when and if they wanted to have children. *Abramowicz v. Lefkowitz* was the first case to use women who suffered from illegal abortions as expert witnesses, instead of relying on physicians.²

Flo Kennedy was one of the lawyers for this influential suit, which she intended to take on appeal all the way to the Supreme Court in order to radically expand women's reproductive choices by making abortion legal in all fifty states.³ The tactics developed in the *Abramowicz* case—most notably the use of women as expert witnesses—would later be used in *Roe v. Wade*, the landmark 1973 federal case that overturned restrictive abortion laws.⁴

Although Kennedy was a lead lawyer for this case and one of the country's best-known Black feminists, her key role in helping to legalize abortion has long been forgotten and is absent from most histories of post-war feminism. Many scholars and readers assume that black women did not engage in feminist actions until after the development of the predominantly white women's movement.⁵ While a small body of scholarship has challenged this historical inaccuracy, standard works on sixties radicalism still view Black feminism as emerging largely in protest against exclusion by white feminists.⁶ Some recent studies acknowledge the major contributions made by Black feminism, particularly the theory of intersectionality that emphasizes the interlocking systems of oppression by gender, race, and class.⁷ The struggles of women of color to push the predominantly white reproductive rights movement away from a narrow focus on gaining the legal right to abortion, and toward a broader agenda that challenged other forms of reproductive injustice, is a central part of emerging scholarship by both activists and scholars.⁸ By attaining leadership positions within the predominantly white women's movement, Black feminists helped to reshape the abortion rights campaign, introducing issues such as forced sterilization, poverty, and the need for affordable childcare. Yet scholarship has ignored Kennedy's leading role in this legal and political campaign or regarded her as merely supportive, rather than as helping to frame its feminist strategy.⁹

This article demonstrates that black women helped to lead the campaign to legalize abortion, which many white middle-class feminists regarded as "the most important goal in the struggle for women's reproductive autonomy."¹⁰ While few Black feminists made the legalization of abortion their top priority, they did see it as critical to the struggle for Black liberation. As leaders in the abortion rights campaign, they articulated a Black feminist agenda as African American women who experienced sexist and racist discrimination in forms that could not be pulled apart and fought separately. Examining the work of Florynce Kennedy reveals the central

roles that black women played in developing feminist strategies to address this controversial issue.

At the same time, Kennedy's leadership illuminates the complex but deeply rooted connections between the women's and Black liberation movements. Kennedy was in constant negotiation with the Black Power movement. Her feminism did not estrange her from Black Power or lead her to reject it as male supremacist; instead, she translated some of the movement's central insights and strategies into forms that feminists could use. This article traces how Kennedy shaped the strategies and tenor of the predominantly white reproductive rights movement.¹¹ She did not simply follow white feminist directives. Indeed, another lawyer for the suit, Diane Schulder, described Kennedy as a seasoned movement attorney and activist who mentored the younger feminist lawyers.¹² Kennedy's central contribution was her keen ability to place the state on trial and to mobilize supporters outside of the courtroom, a political strategy she had developed in the Black Power movement.¹³

With the *Abramowicz* case, Kennedy extended her previous legal work and activism in defending Black Power leaders, such as H. Rap Brown of the Student Nonviolent Coordinating Committee, against excessive government surveillance. The *Abramowicz* case became another stage for her to challenge state-sponsored oppression.¹⁴ She used protests outside the courtroom to ensure that the court could not easily dismiss the demands of the women's movement. During this case, she brought women's voices and collective protests directly into the legal proceedings.

Having worked with William Kunstler to defend H. Rap Brown against government repression, Kennedy understood the importance of demonstrations in garnering public support. A year before the *Abramowicz* case, she organized a bus to bring both feminists and Black Power radicals from New York to Maryland to support Brown and gave speeches criticizing the state for attacking him and the Black Power movement.¹⁵ Kennedy viewed her protests and speeches as part of an effective legal and political defense.

Kennedy's prominence in the reproductive rights struggle placed her at odds with some Black nationalists who argued that repealing abortion laws was part of a white genocidal conspiracy against black people. Undeterred by their criticisms, Kennedy continued to work to decriminalize abortion and instead challenged Black nationalists to view the repeated deaths of black and brown women from botched illegal abortions as a form of genocide. Black feminist activism in the late 1960s and 1970s was instrumental in demonstrating that intervening in state discourses on abortion and other methods of birth control was revolutionary and that Black liberation could not be won without women securing the right to control their own bodies.

Becoming a Radical Lawyer

Born in 1916 in Kansas City, Missouri, Florynce Kennedy's parents taught her to rebel against unjust authority. In 1942, just as the United States entered World War II, she moved to New York City to find work. There, she found others who shared the radicalism she had learned at home and encountered radical theorists who challenged her to situate the lessons she had learned from her parents within a comprehensive analysis of oppression. It was in New York's political and social milieu that Kennedy came of age politically, first as an undergraduate and law student at Columbia University and then as an up-and-coming lawyer.

Although Kennedy's schedule as a working student left her little time for political organizing, she took full advantage of Columbia's radical currents and enrolled in courses on socialism and communism. Her experiences among the flood of women, most of them white, who entered Columbia while the men were away at war led her to connect the oppression of white women and black people. This defining experience at Columbia helped her envision an alliance between the two groups as a force that could be mobilized against white male hegemony.¹⁶

When Kennedy graduated from Columbia Law School in 1951, she became one of the few black women practicing law in New York City. In 1954, she opened her own firm. Among her clients were black musicians, such as Billie Holiday, who had been targeted because of the political import of their work.¹⁷ Despite warnings from club owners, Holiday continually performed *Strange Fruit*, a song critical of the brutal lynching of black people.¹⁸ Kennedy defended Holiday against drug charges and would go on to work on cases for other artists involving intellectual rights and potential infringement of copyright, whereby large corporations profited while the writers and musicians received little or no monetary compensation for their work. These cases helped Kennedy gain prominence in New York's artistic and activist communities and initiated her into prominent black political and social circles.¹⁹

Throughout the 1960s, Kennedy attempted to balance activism inside and outside the courtroom. She traveled in quite varied radical circles, sharpening her political knowledge in civil rights organizations, including Wednesdays in Mississippi and the Freedom and Peace Party; white leftist organizations, including the Workers World Party and Youth Against War and Fascism; and Black Power organizations, especially the Black Power Conferences and the Black Panther Party.²⁰ She published a weekly column in *The Queens Voice*, a local black newspaper, and hosted *Opinions*, a thirty-minute political talk show on WLIB radio. Her column and talk show were key vehicles for advocating protest "in the streets, [corporate] suites and courtrooms."²¹

By the late 1960s, Kennedy was gaining recognition through her activism in the burgeoning feminist movement. Attending the first meeting of the New York chapter of the National Organization for Women (NOW) in 1967, she played a key role in shaping the group's vision and strategy by deliberately mentoring younger white feminists. Kennedy would later leave NOW to protest the national organization's failure to make ending racism and imperialism central to its battle against sexism.²² But her numerous guerrilla zap actions with NOW and other feminist groups and her legal defense of Valerie Solanas, an artist who shot Andy Warhol, helped to cement her leadership within the women's movement.²³ Thus, she came to the *Abramowicz* case as a seasoned radical lawyer and movement activist. Crucially, she argued that the fight to legalize abortion should be waged not only in the courtroom, but also in the streets.

The Courts and Protest

Black legislators had been at the forefront of the battle to end restrictive abortion laws long before the women's movement took up the issue. Percy Sutton, a black New York State assemblyman, supported the legalization of abortion and in 1966 introduced the first bill that would have reformed abortion laws to allow a woman to have an abortion not only when the pregnancy put her in physical danger but also when her mental health was at risk. With little support from other legislators and intense pressure from clergy, that bill was defeated.²⁴ In 1967, Black feminist Shirley Chisholm, then an assemblywoman from Brooklyn, supported a similar abortion reform bill, introduced by Assemblyman Albert Blumenthal. That bill also failed, but Chisholm became known to the burgeoning women's movement as a strong supporter of abortion rights.²⁵

Two years later in 1969, Redstockings became one of several predominantly white feminist organizations in New York to place a priority on decriminalizing abortion. They focused on repealing, rather than simply reforming, the state's abortion laws—a goal that represented an important shift from the reform orientation of legislators and such feminist organizations as NOW.²⁶ Abortion law reform would have kept control in the hands of physicians, as it derived from legal arguments that treated restrictive laws as infringements on doctors' right to practice medicine without state interference.

In 1969, several New York legislators including Chisholm and Blumenthal, together with feminist activists, pushed lawmakers to review the state's statutes on abortion. In response to their agitation, the Joint Legislative Committee on the Problems of Public Health held a hearing on abortion laws. Redstockings members seized the moment, interrupting the

proceedings to protest the absence of women witnesses.²⁷ As the legislators began interviewing “experts,” the women attempted to interject testimony about their own experiences with illegal abortions.²⁸ Security guards quickly ushered the protestors out, and the panel continued; however, the committee eventually invited three feminists to testify.²⁹

The following month, Redstockings held its own abortion speakout in response to what it viewed as the legislators’ token gesture. Over 300 people crowded into the Washington Square Methodist Church and many testified about their unwanted pregnancies and lack of access to safe abortions. Redstockings hoped that women’s public statements about their experiences and perspectives would help reverse the stigma and isolation associated with having an abortion and would raise awareness about the need to legalize abortion.³⁰

During the late 1960s various legislators and feminist organizations devised ways to challenge the restrictive abortion laws in New York. The Women’s Health Collective (WHC), a women’s group interested in women’s interactions with the health system as consumers and workers, began gathering the stories of women who experienced illegal abortions in the hope of filing a suit on their behalf.³¹ The WHC discussed this possibility with Nancy Stearns, a staff lawyer for the Center for Constitutional Rights.³² Realizing that she could not handle this large case alone, Stearns pulled together a group of women lawyers who identified as feminists. Kennedy became a central part of the political team that included Diane Schulder, Carol Lefcourt, Ann Garfinkle, and Emily Goodman.

As the lawyers discussed strategies, Kennedy and Schulder recalled, the Redstockings speakout “triggered the idea” of having “women testify, as women and as experts, in the federal case to attack the constitutionality of the abortion law.”³³ They argued that the case should be linked with the protests that were already occurring in New York City.³⁴ Like the Redstockings’ public speakouts, the legal depositions could be given in public and made readily available to those who were not yet actively involved with the issue. While most depositions were conducted in attorneys’ offices away from the media and concerned citizens, Kennedy and Schulder maintained that “public education on a subject that had been kept under wraps for so long was just as important as the court decision in this case.”³⁵

Nancy Stearns, a newly minted attorney with only two years of legal experience, mostly as a researcher on constitutional questions, admitted that she was a bit “green . . . at these types of cases,” and that Kennedy was “far better at depositions” because of her previous experience in the courtroom.³⁶ Other lawyers involved in the case were also fairly recent graduates from law school. Kennedy, however, brought over seventeen years of legal experience, a unique track record of representing plaintiffs and defendants in

political trials, and skill in organizing support for those causes outside the courtroom. Kennedy's involvement in the campaign to repeal New York's restrictive abortion laws bridged litigation and movement strategies.³⁷

Kennedy and Schulder conducted their preliminary interviews with the plaintiffs in Kennedy's one-bedroom apartment on East 48th Street. Kennedy's living room was a central site for organizing in the 1960s and 1970s. As one of the attorneys remembered, "everyone met at Flo's."³⁸ Just as Black Power activists and feminists had met in Kennedy's living room to formulate new approaches for challenging the state and gaining media attention for their cause, so too did the plaintiffs in this case. Activists in the women's liberation movement saw their participation in the case as an extension of their feminist organizing.³⁹

The final depositions were to be held publicly in the same location as the earlier Redstockings speakout. When the state's attorneys arrived at Washington Square Methodist Church, they refused to depose the women, arguing that the atmosphere was more akin to a circus than a legal proceeding.⁴⁰ The judge agreed with the defense and moved the depositions to a conference room at the federal courthouse.⁴¹ Perhaps the defense hoped that this would prevent the large crowd of outraged women from attending and also diminish media attention. The women were undeterred; they traveled several miles to the courthouse and packed its small conference room and adjacent corridors. The defense was unable to prevent them from attending the proceeding and testifying as expert witnesses on abortion.⁴²

The defense also failed to stop Kennedy from placing the state on trial for dismissing women as the authorities on their own bodies or from using the *Abramowicz* "case as a very definite platform for exploring the extent of the legalized oppression of women."⁴³ Schulder explained that Kennedy "is the same inside or outside" the court. "She is going to make things" expand, she said, stretching her hands outward.⁴⁴ Indeed, Kennedy enlarged the conversation at the deposition by rejecting common legal protocol and forcing the court to engage political questions. While Stearns stressed the constitutional argument, framing the women's case as a breach of a woman's right to privacy and underscoring the vagueness of the state's legal statutes on abortion, Kennedy made the case a political stage. She used her position to attack the defense as a biased arm of the government.

During the proceedings, Kennedy deposed Lucy Wilcox about her experiences of being young, single, and pregnant.⁴⁵ Wilcox described how, during her first pregnancy, she had to move to New York City and live in a home for unwed mothers. Although she wanted an abortion, she was counseled to have the baby and give it up for adoption. During her second pregnancy she lived in New Orleans and aborted her fetus by drinking quinine and castor oil. The state's attorney deemed Wilcox's testimony immaterial and

continuously objected on the grounds that she lived in New Orleans during her second pregnancy and that most of her testimony focused on her experience with the adoption process. Among other rebuttals, Kennedy argued that Wilcox's testimony was relevant because it illustrated the lack of abortion options in New York.

A dispute developed between the litigators about the relevance of Wilcox's testimony and, by implication, stories of all the women denied legal abortions:

Defense: That's just the problem, because Ms. Kennedy is not bound by relevancy and that's unfortunate, it seems to me, and I think it should be.

Kennedy: It's quite unfortunate for women that the State of New York is paying people to support religious doctrine . . .

Defense: I'm going to move to strike that statement. There is no testimony to that effect and you haven't come up with any . . .

Kennedy: . . . Also that the Attorney General's office and apparently other governmental offices have no concern for women's rights or women's feelings and have so indicated in this record, time and again. And I certainly think it relevant politically, if not legally, that the Attorney General is so quick to show his contempt for women and their experiences and ordeals.

Defense: That statement is ridiculous.

Stearns: The attorneys for the plaintiffs are doing their very best to bring to the court information on an issue which has never really been fully heard by courts before and which is a critical one. And it relates squarely to the constitutional rights of women with respect to this statute. . . .

Kennedy: Lucy Wilcox is a resident of the state of New York. . . . This issue of whether or not this hypertechnical approach will prevail will be of very great interest to the plaintiffs.

Defense: The question is not the interest to the plaintiffs. The question here is how we can aid the court in reaching a determination with respect to the constitutionality of the state statute. This is not a platform designed to demonstrate or to advertise a particular viewpoint of a particular organization. This is a legal case before a court and let us stick to the issues that are framed within the complaint.

Kennedy: Let me make it absolutely clear for this record that my concern is for the interest of the plaintiffs. I regard this case as a very definite platform for exploring the extent of the legalized oppression of women and I personally don't, for one second, intend to lose sight of my objectives. That the defendants have no concern for those objectives is now quite apparent.⁴⁶

Kennedy emphasized throughout the proceedings that the court should privilege women's voices over the opinions of doctors and the clergy and chastised the state's lawyers for not caring about women's experiences with and viewpoints about abortion. Her audience was neither the judge in this case nor the established legal system, but rather the countless women who shared the experiences of the plaintiffs and could therefore understand why restrictive abortion laws should be repealed.

In Kennedy's hands, the legal depositions became an open political tribunal and protest rally. Kennedy did not conceal her intentions; the state's attorneys could clearly see how she was trying to make the case political. Radical attorneys such as Gerald Lefcourt and William Kunstler were utilizing this strategy at the same time to defend Black Power and anti-Vietnam War protestors.⁴⁷ Lefcourt and others credited Kennedy with helping to popularize the technique of supplanting commonplace legal arguments with arguments more familiar to political organizers and for challenging and demystifying the authority of the legal system in order to make a larger political case to the public.⁴⁸ Kennedy had little faith that the justice system was just, or even neutral. In fact, she believed that the legal system was profoundly biased, racist, and sexist and served only "those best able to afford the luxuries of" legal representation and appeals.⁴⁹ Kennedy demonstrated through this case that it was important to utilize the energy of political movements to force the hand of a conservative court. She was acutely aware that legal cases were often won and lost in the court of public opinion. The strong reaction by the defense attorneys against the women's testimony, and Kennedy's insistence on politicizing the case, suggest that the defense saw this strategy as a serious threat.

Grasping the intricate connections between legal proceedings and political agitation outside the courtroom, Kennedy moved seamlessly between these two spaces. As a member of People to Abolish Abortion Laws, a coalition of feminist groups, she helped to organize a large "Coat Hanger Farewell" protest march to the public Bellevue Hospital on March 28, 1970. The *Abramowicz* case and the various pro-abortion protests during this period helped to make the coat hanger the major symbol of the growing reproductive rights movement because it symbolized the dangerous ways in which women were forced to abort pregnancies on their own. Over 1,500

protestors attended the demonstration. In her speech, Kennedy insisted that *all* abortion laws be rescinded, declaring that “there is no need for any legislation on abortion just as there is no need for legislation on an appendectomy.”⁵⁰ Earlier that day she conducted a smaller “feeder march” to St. Patrick’s Cathedral, where she criticized the Catholic Church for influencing abortion laws. As she did routinely, Kennedy encouraged women to utilize their power as consumers and boycott major department stores on the day of the march.⁵¹ She believed that when women stopped buying, those in power took notice. Kennedy understood that feminist activists could use a boycott, a march, and a legal case together as tools to help end restrictive abortion laws.

On April 3, 1970, only a few days after the protest march and six months after the *Abramowicz* brief was filed, the state legislature unexpectedly legalized abortion for women up to the twenty-fourth week of pregnancy. Consequently, the petitioners no longer had a legal claim and their suit was immediately resolved. Kennedy reasoned that the hundreds of women marching down Fifth Avenue were the final straw that convinced legislators to change the laws. In Kennedy’s view, the *Abramowicz* case and the feminist demonstrations against abortion underscored two lessons for feminist organizers: “not to rely completely on the courts for anything,” and to couple all legal actions with organized protest.⁵²

Although the state-level victory dashed Kennedy’s hope of taking the case to the Supreme Court, the *Abramowicz* case paved the way for other challenges to state abortion laws.⁵³ The legal arguments the lawyers presented and their strategy of using women as witnesses became the model for other cases challenging restrictive abortion laws, most notably *Roe v. Wade*, which led to the legalization of abortion in all fifty states.⁵⁴

Abortion Rap: Black Feminist Critiques of the “Black Genocide” Theory

Kennedy was disappointed that the women plaintiffs in *Abramowicz* would not have an opportunity to testify about their experiences with illegal abortions in a brief that would be presented to the U.S. Supreme Court. Hoping nevertheless that the witnesses would inspire women in other states, Kennedy and Schulder decided to publish a small portion of the women’s most damning testimony in *Abortion Rap*, which she described as a “brief to be presented to a people’s tribunal.”⁵⁵ Published in 1971 by McGraw-Hill, the book provided an in-depth synopsis of the class action suit and highlighted the statements of several women. It also offered an opportunity for Kennedy to challenge antiabortionists, whom she called “fetus fetishists.” In later years, she pushed to have the Catholic Church’s

tax-exempt status revoked because of its political activism in funding lobbying and campaigning for antiabortion legislation. Kennedy was especially interested in combating the institutions with the greatest power to limit women's reproductive freedom.⁵⁶ While she directed most of her energy toward major social and political institutions, she also criticized activists and organizations that attempted to curtail women's choices. Given Kennedy's long affiliation with the Black Power movement, she was particularly bothered by the criticisms of abortion and oral contraception articulated by many Black nationalists.⁵⁷

In one chapter of *Abortion Rap*, "Black Genocide," Kennedy took aim at the Black nationalists' argument that legalizing abortion and contraception was a white genocidal plot against black people. Black nationalism of the 1960s and 1970s, like other forms of nationalism, emphasized the role of women as child bearers in assuring the continuity of the nation. As the social and political theorists Phillip Spencer and Howard Wollman argue, concerns about breeding a nation's subjects can be manifested in a variety of other concerns, ranging from a desire to increase the nation's power by increasing its population to worries about the quality of the populace. They explain that "the association of women with children . . . forms a major plank in nationalist mobilization in times of war when men are expected to be willing to sacrifice themselves while women are expected to sacrifice their male loved one" while taking care of the home and children.⁵⁸ The Black Power movement's stress on viewing itself as part of a Black and Third World Revolutionary war helped to advance masculinist rhetoric that consigned black women to the home and derided the legalization of the pill and abortion as part of the state's plan to reduce the black population and weaken the movement's ability to protect itself against such state-sanctioned racist violence as police brutality and unjust imprisonment.

Kennedy rarely chastised black radicals publicly for perpetuating sexism; she was more likely to scold white feminists when they openly challenged nationalist men for being sexist or labeled black men "the enemy."⁵⁹ She argued that black women alone were responsible for critiquing the sexism of black male activists and challenging patriarchal gender norms in their movement. The "Black Genocide" essay in *Abortion Rap* was Kennedy's only published writing that engaged the sexism in the Black Power movement. Contesting Black nationalists' arguments against abortion by articulating opinions that Black feminists shared, she argued that many black women she encountered desperately needed and wanted access to safe and legal birth control. As Black feminist Loretta Ross later explained, black women supported access to abortion and contraception because "we needed to. Necessity was the midwife to our politics."⁶⁰

Using examples of black women who died or suffered from botched abortions and unwanted pregnancies, some of whom she had interviewed for the *Abramowicz* case, Kennedy challenged Black Power–era radicals to view these deaths as a form of genocide. While Kennedy referred to these women in her essay, *Abortion Rap* did not include any of their testimonies. Kennedy and Schulder feared for the safety of the black women questioned at Kennedy’s apartment and did not ask them to provide public depositions. They decided not to invite any woman to speak in the open courtroom if “society might capitalize upon her vulnerability in her personal or family circumstances and damage her in her job or relationships.”⁶¹ Early drafts of Kennedy’s essay detail black women’s experiences with abortion, but the published essay only refers in general terms to the black women she interviewed.⁶² While the case and *Abortion Rap* were attempts to privilege women’s voices, the voices of black women still had to be protected from hostile responses both within and outside the black community.

Other black women joined Kennedy in publicly supporting legal abortion and challenging Black nationalists’ call to continue restricting abortions. Her “Black Genocide” essay was part of a small wave of writing by Black feminists in the early 1970s challenging claims that contraception was part of a white plot to eliminate African Americans. Frances Beal, Toni Cade Bambara, Pat Robinson, and Kay Lindsey were among those who published poems, position papers, and essays that responded to these arguments.⁶³ In 1970, Shirley Chisholm, by then a member of Congress representing Brooklyn, published her autobiography, *Unbought and Unbossed*. In it, she described how the stories of many women suffering from “compulsory pregnancy laws” convinced her to actively support the reproductive rights movement.⁶⁴ She argued against “label[ing] family planning and legal abortion programs ‘genocide,’” characterizing it as “male rhetoric, for male ears” that “falls flat on female listeners and to thoughtful male ones.”⁶⁵ A year later, in the foreword to *Abortion Rap*, Chisholm wrote that “by outlawing these laws we would instead be honoring the basic and individual right of a woman to terminate an unwanted pregnancy.”⁶⁶

Black women also pressed their organizations to be more responsive to their reproductive demands. Denise Oliver, an African American leader in the New York-based Young Lords Party, a predominantly Puerto Rican nationalist group that modeled itself on the Black Panther Party, helped to write a position paper on abortion that argued that “abortions should be legal if they are community controlled, if they are safe, if our people are educated about the risks, and if doctors do not sterilize our sisters while performing abortions.”⁶⁷ Puerto Rican activists had reason to be especially concerned about the abuse of women on the island because during the

1930s, Puerto Rican women had been targeted by a program using coercive methods of birth control in order to decrease the rate of population growth in a racist attempt to ameliorate poverty.⁶⁸

Years before the *Abramowicz* case was filed and *Abortion Rap* was published, Kennedy repeatedly challenged in her speeches and discussions with black women the notion that having large families was a revolutionary act and the responsibility of black women. She insisted that if black women were to be truly “revolutionary” and play varied and significant roles in the Black Freedom movement, “some of us might want to travel light.”⁶⁹ Throughout this essay, her lectures and interviews promoting *Abortion Rap*, and her discussions with black women activists during the late 1960s, she seriously engaged the black genocide argument. In doing so, Kennedy expressed respect for “the position of black people who regard the pill or abortion as black genocide.” She also shared Black nationalists’ cynicism about the role played by the U.S. government, health officials, and nongovernmental population-control agencies in funding and supporting racist efforts to limit the growth of communities of color in the United States and in Third World nations.⁷⁰ Kennedy nonetheless consistently maintained that she would not let those criticisms stop her from working actively to repeal abortion laws that led to a disproportionate number of deaths for women of color.⁷¹

While Kennedy mentioned the sexism of Black nationalists such as the Nation of Islam, her focus on the Black Panther Party and the Black Power Conference suggests that she was primarily interested in engaging Black Power advocates with whom she had a relationship and for whom she had the most respect.⁷² She was particularly critical of an article published in *The Black Panther* newspaper three days after the reformed New York State abortion law went into effect. Brenda Hyson, a member of the Brooklyn chapter of the Black Panthers, declared in the article that the new law represented a victory only for white middle-class women who wanted smaller families so they can buy more consumer goods and engage in other frivolous pursuits. Black women, she stated, are far less superficial; they “love large families” and only have abortions because they could not afford to raise their children. The real problem is a capitalist system that denied black women the economic opportunities to care for families of any size. Therefore, the only real solution, Hyson suggested, “lies in overthrowing the system and returning the means of production back to the people—Revolution.”⁷³ Hyson echoed a common belief when she expressed suspicion of laws that supposedly help women but are actually detrimental to them, citing the role of the welfare system and health professionals in sterilizing black women and limiting their government-related benefits. Hyson concluded by imploring black women to realize that their “revolutionary strength lies

in the fact that we outnumber the pigs" and encouraged them to have more children for the revolution.⁷⁴

Equally troubling to Kennedy was the 1967 Newark Black Power Conference resolution that declared birth control a means to exterminate African Americans and connected the genocide of Blacks in the United States to the genocide of people of color throughout the world. Though she participated in and was a key organizer of the conference, Kennedy did not attend the workshop on "Black Women and the Home" which created the anti-birth control resolution.⁷⁵ Kennedy's "Black Genocide" essay published four years later in *Abortion Rap* challenged some of the ideas she heard at the closing session and emphasized that reproductive choice for women was liberating rather than genocidal. Her analysis of abortion, like that of other Black feminists, bridged the concerns of three groups: Black nationalists, predominately white pro-abortion rights feminists, and black women who suffered from illegal abortions or unwanted pregnancies and called for safe and inexpensive forms of fertility control.

In her essay, Kennedy agreed with Hyson that "forced sterilization is not merely a nightmare of the future since it has often been ordered in the case of welfare mothers, and has been used as . . . a precondition for an abortion."⁷⁶ For example, in North Carolina during the 1960s black women were three times more likely than white women to experience sterilization and often had to have their tubes tied in order to receive Aid to Families with Dependent Children.⁷⁷ Kennedy recognized that the state had been instrumental in instituting practices that had sterilized scores of women and men of color. Eugenic sterilizations of poor people deemed physically or mentally unfit, especially those in institutions for the disabled, including those who were blind or deaf, was no longer a secret.⁷⁸ She maintained, nevertheless, that the legalization of abortion—and white feminists' support of legal abortion—did not signal acceptance or approval of racist policies and practices. Moreover, she argued that legalizing abortion gave all women more control over the ways abortions were practiced. Kennedy wondered why Black nationalists would support criminalizing abortion, which allowed for "the continuation of state interference in the personal lives of black people."⁷⁹ Legalizing abortion, she maintained, permitted the development of safe, black-community-controlled abortion clinics and women's health centers.

Kennedy spoke pointedly of the "silent majority of bleeding women in the emergency rooms of hospitals who could use the help of those espousing black genocide theory."⁸⁰ Drawing on the testimonies from the black women in the *Abramowicz* case, Kennedy described how black women died or faced severe health and financial problems because of repressive abortion laws. Kennedy pointed out that, in fact, "teen pregnancy and death

from septic abortions were the leading cause of death for black women. Before the legalization of abortions, 80 percent of deaths caused by illegal abortions involved Black and Puerto Rican women."⁸¹ Like Chisholm and Frances Beal, Kennedy asked why Black nationalists were not concerned about these black lives.⁸² When unsafe abortions took the lives of countless black women, why were the laws that caused those deaths not viewed as genocidal?

Black feminist activism in the late 1960s and 1970s demonstrated that black women's intervention into state discourses on abortion and other contraceptives was revolutionary and that Black liberation could not be won without women securing control of their bodies. For Kennedy and many other Black feminists, the Black nationalists' call for black women to breed revolutionaries did not sound "too far removed from a cultural past where Black women were encouraged to be breeding machines for their slave masters."⁸³ This demand had no appeal to the many black women who wanted to limit their families and have greater control over their reproductive health.

Kennedy considered reproductive rights so supremely important that she publicly criticized Black nationalists, which she generally refrained from doing. In her essay in *Abortion Rap*, she implored Black nationalists to support legalized abortion. Emphasizing that problems arising from the issue should be approached in an "open and dialectical way and not in a mechanical manner" that left no room for women who wanted abortions to have them. She argued that if the legalization of abortion provided new opportunities to use the procedure against black women, all feminists and Black nationalists should oppose these abuses.

Black Feminism and Black Power

Kennedy's participation in the birth-control-as-genocide debate followed earlier Black feminist interventions in the Black Power movement. In 1968, in a public conversation on WBAI radio, Kennedy and other black women activists voiced their frustrations about the movement's heightened emphasis on masculinity. Black women saw a connection between the commands of Black Power leaders that women take a backseat to men and the 1965 publication of Daniel Patrick Moynihan's *Negro Family: The Case for National Action*. Eleanor Holmes Norton, a former member of the Student Non-Violent Coordinating Committee (SNCC), and a lawyer for the American Civil Liberties Union; Vertamae Smart-Grosvenor, who belonged to the Black Caucus of the National Conference of New Politics; and Peachie Brooks, a Black feminist from Brooklyn, all opposed the report's attack on black women. In this profoundly consequential public document, Moyni-

han, then Assistant Secretary of Labor, described the "tangle of pathology" within the black community that supposedly resulted from female-headed households.⁸⁴ Seeking to inform policy makers about the causes of African Americans' problems, Moynihan contended that the "matriarchal structure" of the black family "seriously retards the progress of the group as a whole, and imposes a crushing burden on the Negro male and, in consequence on a great many Negro women as well."⁸⁵

The black women who spoke out during the radio program were outraged over what they described as a "favorite hustle for white people to write about black people and try to rationalize the system of oppression" that left white supremacy blameless for black unemployment and the other hardships facing black communities, and instead found black women culpable. As Smart-Grosvenor argued, "you got a hustler like Moynihan that comes in and pretends to have a whole lot of insight when in fact all he's doing is blaming black people for what white people did from the moment [we] came over as slaves."⁸⁶ Smart-Grosvenor disagreed with Kennedy on the issue of reproductive choice for black women, however. A heated debate ensued when Smart-Grosvenor declared that she did not think anyone should direct black people toward the pill and controlling their family size. Smart-Grosvenor also contended that the entire notion of small families derived from a white middle-class culture that was ultimately irrelevant to black people.⁸⁷

The other women who participated in the radio program dismissed the notion that only white middle-class women desired small families; they believed that the pill and abortion gave black women greater control over their bodies and the choice to have children when they wished to do so. Holmes Norton exclaimed that "this liberating little pharmaceutical miracle may make it possible for black women to do their thing their own way."⁸⁸

Kennedy agreed with Holmes Norton but went further, questioning the tendency among some Black nationalists to "romanticize the family unit" and favor unlimited childbearing. Kennedy observed that, given the economic reality they faced, black women could not afford the luxury of enjoying large families. Instead, more often than black communities cared to admit, black women had to "walk away from their kids and have sent their kids back home, and . . . have other people caring for their children." She understood that the pill could help alleviate this problem by allowing women to decide if and when they wanted to conceive. Kennedy was disappointed to see some Black Power rhetoric emerging in the mid-1960s that pointed to a subordinate role for black women, gave men "the starring role," and expected black women "to be sorry for anything we ever did to lead the way to anywhere."⁸⁹ She was both fascinated and horrified by what she described as the "new" behavior of black women in Black Power

meetings. There, she witnessed "little girls being nice and quiet and hardly ever . . . interrupting or anything. . . . These cool little girls just sit there in their afros . . . and they just don't say anything, and the men say, 'We are it! And you'll have as many babies as we want you to and you're not going to have any birth control or abortions.'" ⁹⁰ She found this "quite fascinating" because she came "from the old line," and "the whole idea was that women were going to take over, and have freedom and . . . were an oppressed group." Women "over fifty are very big on the freedom for women kick"; meanwhile, "younger black women and many of the most political ones are sort of taking the let's let the men go ahead now attitude." ⁹¹

Kennedy saw this change in the way some young black women performed in black political spaces as related to a generational divide between black women who had lived through World War II and were accustomed to fighting against the multiple evils of fascism, racism, sexism, and imperialism, and younger women who had not lived through the same conflicts. She wondered why some young black radical women supported the command to take a back seat to black men and stay home to raise a "passel of children" for the impending revolution. ⁹² This upsurge of oppressive rhetoric differed from what Kennedy perceived as the Civil Rights movement's openness to black women's leadership. While the Civil Rights movement was never free of sexism and often propagated conventional gender norms, Kennedy deplored the Black Power movement's escalating use of rhetoric that criticized black women's leadership as emasculating to black men, and any attempts to force black women to recede into the home.

Kennedy wondered aloud whether this romanticizing of large black families and the emphasis on women deferring to men was connected to government infiltration into the Black Power movement. She suspected that the CIA was "programming Black nationalists to talk like this . . . If I had a group that was about to withdraw consent to oppression," she reasoned, "I would like nothing better than they should be bogged down in a big family . . . with little kids to run back home to" and much too tired and overwhelmed to engage in political organizing. ⁹³ In seeking to subordinate black women, Kennedy contended that Black Power advocates were, in effect, colluding with the government's efforts to undermine black people by disempowering black women.

Despite her suspicions that the CIA might be responsible for the increased stress on masculinity and the emphasis on the black genocide theory in Black Power rhetoric, Kennedy steadfastly maintained that Black nationalists needed to confront their own sexism. She viewed the assertions of Smart-Grosvenor and other Black nationalists that Blacks should reject the pill because white people helped to make it available as extremely short-sighted. During this impassioned discussion, she quipped that this

type of logic reminded her of a “guy on the subway that has a roach or a bedbug on his shoulder and some white man knocks it off and . . . the [black guy] says ‘you put that back up there. You white people don’t let us have anything.’”⁹⁴ In response to what she viewed as Smart-Grosvenor’s illogic and the narrow reasoning of some Black nationalists, Kennedy frequently declared that “a burden lifted is a burden lifted.”⁹⁵

Throughout her life, Kennedy moved between movements and organizations that scholars have come to think of as separate in hopes of bridging these struggles and forming more powerful coalitions. In Kennedy’s view, the predominantly white women’s movement helped to lift a burden from black people by spearheading the legal battle to legalize oral contraception and abortion. She had hoped that the Black Power movement would see the legalization of the pill and abortion as a victory for black women and men and especially important for the impoverished black single women who were the most vulnerable to illegal abortions and the repressive arm of the state. Kennedy suspected that some black radicals were so caught up in rigid ideology and blind to black women’s lived experiences that they promoted new forms of bondage for black women that defeated the overall mission of the movement by limiting black women’s ability to be active politically.

This examination of Kennedy’s leadership in the movement to legalize abortion reshapes the history of postwar feminism by demonstrating the centrality of Black feminist activism and theory to this campaign. Kennedy’s commitment to abortion rights was central to her Black feminist politics, bridging the concerns of Black nationalists, who were suspicious of government interventions into the health and lives of women of color; the political views of predominantly white feminists, who prioritized the legalization of abortion; and the interests of black women and girls who suffered from illegal abortions or unwanted pregnancies and sought safe and inexpensive forms of contraception. As a seasoned movement attorney and activist, she turned the fight to legalize abortion into a challenge to state-sponsored oppression. Her central contribution to the legal battle was her strategy of combining the use of protests outside the courtroom—to ensure that the court could not easily dismiss the demands of the women’s movement—with the use of litigation to challenge the unjust power of the state. In this instance, she brought women’s collective protests directly into the legal proceedings. The argument of the *Abramowicz* legal team became the model for other cases that challenged restrictive abortion laws, most notably *Roe v. Wade*.

NOTES

¹Diane Schulder and Florynce Kennedy, *Abortion Rap: Testimony by Women Who Have Suffered the Consequences of Restrictive Abortion Laws* (New York: McGraw Hill, 1971), 4–5.

²*Ibid.*

³Jennifer Nelson, *Women of Color and the Reproductive Rights Movement* (New York: New York University Press, 2003), 39.

⁴Stearns (phone) interview by author, September 20, 2012.

⁵Winifred Breines, *The Trouble Between Us: An Uneasy History of White and Black Women in the Feminist Movement* (New York: Oxford University Press, 2007); Ruth Rosen, *The World Split Open: How the Modern Women's Movement Changed America* (New York: Penguin Books, 2006); Sara M. Evans, *Tidal Wave: How Women Changed America at Century's End* (New York: Free Press, 2004); Ruth Rosen, "Refugees of the Fifties," keynote address at the "A New Insurgency: The Port Huron Statement in its Time and Ours" Conference, University of Michigan, Ann Arbor, October 31, 2012.

⁶Benita Roth, *Separate Roads to Feminism: Black, Chicana, and White Feminist Movements in America's Second Wave* (Cambridge: Cambridge University Press, 2004); Stephen Ward, "The Third World Women's Alliance: Black Feminist Radicalism and Black Power Politics," in Peniel E. Joseph, ed., *The Black Power Movement: Rethinking the Civil Rights-Black Power Era* (New York: Routledge, 2006), 119–44; Kimberly Springer, *Living for the Revolution: Black Feminist Organizations, 1968–1980* (Durham, N.C.: Duke University Press, 2005); Premilla Nadesen, "Expanding the Boundaries of the Women's Movement: Black Feminism and the Struggle for Welfare Rights," *Feminist Studies* 28, no. 2 (Summer 2002): 271–301.

⁷Kimberle Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color," *Stanford Law Review* 43, no. 6 (1991): 1241–99; Bonnie Thornton Dill and Ruth E. Zambrana, *Emerging Intersections: Race, Class and Gender in Theory, Policy and Practice* (New Brunswick, N.J.: Rutgers University Press, 2009).

⁸Anannya Bhattacharjee and Jael Silliman, *Policing the National Body: Race, Gender, and Criminalization in the United States* (Boston: South End Press, 2002); Nelson, *Women of Color*; Jael Silliman, Marlene Gerber Fried, Loretta Ross, and Elena Gutiérrez, *Undivided Rights: Women of Color Organize for Reproductive Justice* (Boston: South End Press, 2004); Incite! Women of Color Against Violence, ed., *The Color of Violence* (Boston: South End Press, 2006); Lara M. Knudsen, *Reproductive Rights in a Global Context* (Nashville, TN: Vanderbilt University Press, 2006); Leigh Ann Wheeler, *How Sex Became a Civil Liberty* (New York: Oxford University Press, 2013).

⁹Linda Gordon, *Woman's Body, Woman's Right: Birth Control in America* (New York: Penguin, 1990); Suzanne Staggenborg, *The Pro-Choice Movement: Organization and Activism in the Abortion Conflict* (New York: Oxford University Press, 1994); Rickie Solinger, ed., *Abortion Wars: A Half Century of Struggle, 1950–2000* (Los Angeles: University of California Press, 1998); Nelson, *Women of Color*; Linda Gordon, *The Moral Property of Women: A History of Birth Control Politics in America* (Urbana:

University of Illinois Press, 2002); Barbara Ehrenreich, ed., *The Reproductive Rights Reader: Law, Medicine and the Construction of Motherhood* (New York: New York University Press, 2008).

¹⁰Nelson, *Women of Color*, 3.

¹¹This article is a part of my larger book titled *Black Feminist Radical: Florynce "Flo" Kennedy* (Chapel Hill: University of North Carolina, forthcoming fall 2015).

¹²Schulder interview by author, New York, May 15, 2010.

¹³See Serena Mayeri, *Reasoning from Race: Feminism, Law and the Civil Rights Revolution* (Cambridge: Harvard University Press, 2011). For a study of ways that the legal arguments of the Civil Rights Movement informed those of the feminist movement.

¹⁴Florynce Rae Kennedy FBI File 0977697 (referenced as FRK/FBI). For information on Kennedy's support of H. Rap Brown see 3/20/1967, 8/20/1967–8/22/1967, 8/29/1969, FRK/FBI. See also "Don't Let H. Rap Brown Down" flyer, box 13, folder H. Rap Brown, Kennedy Papers, unprocessed manuscript collection in the possession of Joyce Kennedy-Banks, East Orange, N.J. (referenced as FKP). I used this private collection only by special permission.

¹⁵"Rap Brown Issues Call to Arms from Jail: Says his Confinement 'Won't Save America,'" *Boston Globe*, August 21, 1967, 2; "Officials Say they Lack Authority to Drop Charges," reprinted in Kennedy, *Color Me Flo*, 60; "CORE Pair Arrested on Gun Charges," box 10, folder Newspaper Clips, FKP; FRK/FBI 8/29/1967.

¹⁶Kennedy, "A Comparative Study: Accentuating the Similarities of the Societal Position of Women and Negroes," reprinted in *Color Me Flo*, 120–24.

¹⁷Kennedy, *Color Me Flo*, original tape transcript 6/5, box 5, FKP; David Margolick, *Strange Fruit: Billie Holiday, Café Society and an Early Cry for Civil Rights* (New York: Canongate Books, 2002).

¹⁸Meg Greene, *Billie Holiday: A Biography* (Westport, CT: Greenwood Publishing Group, 2007), 6. Farah Jasmine Griffin, *If You Can't be Free, Be a Mystery: In Search of Billie Holiday* (New York: Ballantine Books, 2002), 132.

¹⁹Kennedy, *Color Me Flo*, original tape transcript 6/5, box 5, FKP.

²⁰Wednesdays in Mississippi was an interracial group of middle-class northern women who traveled south to support SNCC activists and to create relationships with southern women. In 1968, the Freedom and Peace Party broke off from the Peace and Freedom Party and supported Dick Gregory as its presidential candidate.

²¹Kennedy, unorganized notes, FKP.

²²Sherie M. Randolph, "Women's Liberation . . . or Black Liberation, You're Fighting the Same Enemies: Florynce Kennedy, Black Power and Feminism" in Komozi Woodward, Jeanne Theoharis, and Dayo Gore, eds., *Want to Start a Revolution? Women in the Black Revolt* (New York: New York University Press, 2010), 223–47.

²³*The People of the State of New York v. Valerie Solanas*, box 8, FKP; "Suspect Says Warhol Tried to Block Play," *Los Angeles Times*, June 5, 1968, 35; "The Martyrization of Valerie Solanas," *The East Village Other*, 3, no. 3, 28 June 1968, 20; Ti-Grace Atkinson papers (in the possession of Ti-Grace Atkinson, Cambridge, MA); Lisa Hammel, "A Class of Fledging Pickets Gets the Word: Make it Exciting, Make it Swing!" *The New York Times*, August 24, 1968, 33; "Don't Pay to Perpetuate Job Discrimination: Boycott Colgate Palmolive Products" flyer, box 6, FKP. Carol Hanisch (phone) interview by author, March 28, 2007; Florynce Kennedy interview by Marcia Cohen (date unknown) in Marcia Cohen Papers, Schlesinger Library, Harvard University, 4.

²⁴Edith Evans Asbury, "Women Break up Abortion Hearing," *New York Times*, February 14, 1969, 42; Producers Dorothy Fadiman, Daniel Meyers, and Beth Seltzer, *From Danger to Dignity: The Fight for Safe Abortion* (New York: Women Make Movies, 1996). Sutton's law would have merely codified a procedure hospitals were already allowing. For example, women who threatened to kill themselves were often allowed abortions, even if the threats were pro forma.

²⁵Shirley Chisholm, *Unbought and Unbossed: An Autobiography* (New York: Houghton and Mifflin, 1970), 113–15.

²⁶From 1967 to 1969, NOW focused primarily on reform and did not make legalized abortion its primary goal. Certain NOW members, however, were involved in the movement to decriminalize abortion and actively pushed NOW in a more expansive direction. Ti-Grace Atkinson interview by author, October 28, 2007, Cambridge, MA.

²⁷Asbury, "Women Break up Abortion Hearing."

²⁸Susan Brownmiller, "'Sisterhood is Powerful': A Member of the Women's Liberation Movement Explains what it's all about," *New York Times*, March 15, 1970, 230.

²⁹*Ibid.*

³⁰*Ibid.*

³¹Schulder and Kennedy, *Abortion Rap*, 92.

³²Solinger, *Abortion Wars*, 43; David Bird, "Women and Doctors Sue to Upset Abortion Laws," *New York Times*, October 8, 1969.

³³Schulder and Kennedy, *Abortion Rap*, 4.

³⁴Schulder interview by author, New York, May 15, 2010.

³⁵*Ibid.*; Kennedy and Schulder, *Abortion Rap*, 95.

³⁶Stearns (phone) interview by author, September 20, 2012.

³⁷The lawyers' years of graduation are as follows: Ann Garfinkle, 1968; Nancy Stearn, 1967; Carol Lefcourt, 1967; Diane Schulder, 1965. Florynce Kennedy, 1951.

³⁸Diane Schulder interview by author, New York, May 15, 2010; Assata Shakur (phone) interview by author, October 5, 2008.

³⁹Ti-Grace Atkinson interview by author, October 28, 2007, Cambridge, MA. Feminist Ti-Grace Atkinson was a plaintiff in the case.

⁴⁰Schulder and Kennedy, *Abortion Rap*, 100.

⁴¹Stearns (phone) interview by author, September 20, 2012.

⁴²Schulder and Kennedy, *Abortion Rap*, 100–02.

⁴³*Ibid.*, 35.

⁴⁴Schulder interview by author, New York, May 15, 2010.

⁴⁵The plaintiffs' names were changed in *Abortion Rap*.

⁴⁶Schulder and Kennedy, *Abortion Rap*, 32–5. Please note that I am taking excerpts from a passage that was already condensed from the original. The defense attorneys' names are listed in *Abortion Rap*.

⁴⁷Robert Lefcourt, ed., *Law Against the People: Essays to Demystify Law, Order and the Courts* (New York: Random House, 1971); David J. Langum, *William M. Kunstler: The Most Hated Lawyer in America* (New York: New York University Press, 1999), 161, 175.

⁴⁸The Reminiscences of Bruce Bailey, November 17, 1987, in the Oral History Collection of Columbia University; Gerald Lefcourt (phone) interview by author, July 5, 2011.

⁴⁹Kennedy, "The Whorehouse Theory of Law," in Lefcourt, *Law Against the People*, 81–9; Gerald Lefcourt interview by author. Kennedy's ideas predate similar theories advocated by the Critical Legal Studies Movement and the Critical Race Theory Movement. Kimberle Crenshaw, a Critical Race Theory scholar and Black feminist, was central in formulating the term intersectionality.

⁵⁰8/29/1967, FRK/FBI; Grace Lichtenstein, "Abortion Laws Opposed at Rally," *New York Times*, March 29, 1970, 35.

⁵¹Kennedy, *Color Me Flo*, 65. African American organizations, such as the Urban League, had used consumer boycotts in campaigns against employment discrimination.

⁵²*Ibid.*, 64.

⁵³Claudia Dreifus, *Seizing our Bodies: The Politics of Women's Health* (New York: Knopf, 1977), 321.

⁵⁴Diane Schulder interview by author; Nelson, *Women of Color*, 45.

⁵⁵Schulder and Kennedy, *Abortion Rap*, xv.

⁵⁶The Feminist Party filed this lawsuit under Kennedy's direction. See "Complaint Re: Archdiocese of New York Terence Cardinal Cooke Birthright Knights of Columbus," box 10, FKP; "Stop Tax Exempt Status of Anti-Abortion Lobby Groups" petition, May 1971, box 10, FKP.

⁵⁷Black nationalists did not typically seek to engage the state in limiting birth control, so this was not a political campaign they waged in the same sense as the Catholic Church.

⁵⁸Philip Spencer and Howard Wollman, *Nationalism: A Critical Introduction* (Thousand Oaks, CA: Sage Publications, 2003), 52.

⁵⁹Kennedy interview by Marcia Cohen (date unknown).

⁶⁰Loretta Ross, "Abortion: 1800–1970," in Stanlie James and Abena Busia, eds., *Theorizing Black Feminism: The Visionary Pragmatism of Black Women* (New York: Routledge, 1993), 275.

⁶¹Schulder and Kennedy, *Abortion Rap*, 97.

⁶²Kennedy, "Black Genocide," box 6, FKP.

⁶³See Kay Lindsey, "Poem," 7; Frances Beale, "Double Jeopardy: To be Black and Female," 90–100; and Toni Cade Bambara, "The Pill: Genocide or Liberation?" 162–69, all in Toni Cade, ed., *The Black Woman: An Anthology* (New York: Mentor, 1970); The Damned, *Lessons from the Damned: Class Struggle in the Black Community* (New York: Times Change Press, 1973).

⁶⁴Chisholm, *Unbought and Unbossed*, 113–22. Florynce Kennedy (phone) interview by author, January 10, 1999.

⁶⁵Chisholm, *Unbought and Unbossed*, 114–15.

⁶⁶Schulder and Kennedy, *Abortion Rap*, xi.

⁶⁷"Young Lords Party Position Paper on Women," *Rat*, October 6, 1970; Johanna Hernandez, "Denise Oliver and the Young Lords Party: Stretching the Political Boundaries of Struggle," in Woodward, Theoharis and Gore, eds., *Want to Start a Revolution? Women in the Black Revolt*, 271–93.

⁶⁸Iris Lopez, *Matter of Choice: Puerto Rican Women's Struggle for Reproductive Freedom* (New Brunswick, N.J.: Rutgers University Press, 2008), 13–14.

⁶⁹Flo Kennedy, Peachie Brooks, Verta Mae Smart-Grosvenor, and Eleanor Holmes Norton, "The Role of the Black Woman in America," audiotape Pacifica Archives, California, 1968.

⁷⁰Jean Dietz, "The Ultimate Question: What Will Happen to the Men?" *Boston Globe*, April 4, 1971, A4.

⁷¹Schulder and Kennedy, *Abortion Rap*, 153–161.

⁷²Kennedy worked with the Black Panther Party leading fundraisers and protests in defense of Angela Davis, the Panther 21, Fred Hampton, and Mark Clark. She also worked with broad-based alliances such as the Emergency Conference to Defend the Right of Black Panthers to Exist, the Westside Committee to Defend the Panthers, and the Emergency Fall Campaign for Angela Davis. Most of her participation was recorded by the FBI. See Investigative Report, Florynce Kennedy, FRK/FBI, *passim*; Assata Shakur (phone) interview by author, December 29, 2008.

⁷³Brenda Hyson, "New York City Passed Abortion Law Effective July 1, 1970," *The Black Panther*, July 4, 1970.

⁷⁴*Ibid.*

⁷⁵Schulder and Kennedy, *Abortion Rap*, 154; Nathan Wright, *Let's Work Together* (New York: Hawthorne Books, 1968); Nathan Wright, "Black Power vs. Black Genocide," *Black Scholar*, December 1960, 47.

⁷⁶Schulder and Kennedy, *Abortion Rap*, 161.

⁷⁷Nicole Rousseau, *Black Women's Burden: Commodifying Black Reproduction* (New York: McMillan, 2009), 110, 141; Johanna Schoen, *Choice and Coercion: Birth Control, Sterilization and Abortion in Public Health Welfare* (Chapel Hill: University of North Carolina Press, 2005).

⁷⁸John E. Gardella, "Eugenic Sterilization in America and North Carolina," *North Carolina Medical Journal* 56, no. 2 (1995), 108.

⁷⁹Schulder and Kennedy, *Abortion Rap*, 161.

⁸⁰*Ibid.*, 160.

⁸¹Ross, "Abortion: 1800–1970," 156.

⁸²Chisholm, *Unbought and Unbossed*, 122; Frances Beale, "Double Jeopardy: To Be Black and Female," 93–9.

⁸³Kennedy, *Color Me Flo*, 160.

⁸⁴United States Department of Labor Office of Policy Planning and Research, *The Negro Family: The Case for National Action* (Washington, D.C.: United States Government Printing Office, 1965), chapter 4.

⁸⁵*Ibid.*

⁸⁶Kennedy et al., "The Role of the Black Woman in America."

⁸⁷*Ibid.*

⁸⁸*Ibid.*

⁸⁹*Ibid.* For a recent historical assessment of this opinion about the impact of oral contraceptives, see Elaine Tyler May, *America and the Pill: A History of Promise, Peril, and Liberation* (New York: Basic Books, 2010).

⁹⁰Ibid.

⁹¹Ibid.

⁹²Ibid. Quotation in Florynce Kennedy, "Women's Role in America Society: Retrospect and Prospect: To be Black and a Woman," in *The Women's Role in Contemporary Society: The Report of the New York City Commission on Human Rights September 21–25, 1970* (New York: Avon Books, 1972), 88–9.

⁹³Kennedy et al., "The Role of the Black Woman in America."

⁹⁴Ibid.

⁹⁵Kennedy, unorganized notes, FKP.