

supporting pro-life appointments.³⁷ Under Otis R. Bowen, who became head of Health and Human Services in 1985, the agency placed a ban on federal funding of organizations that performed or counseled abortion; this administrative fiat became known as the "gag rule" and led pro-abortion and feminist activists to accuse Reagan of waging war on women.³⁸ Reagan believed he was making pro-life appointments to the Supreme Court.³⁹ He shared the conservative belief that the federal courts had become too activist and by doing so had undermined the separation of powers between the legislative and the judicial functions. Nevertheless, Reagan's record of appointments on the Supreme Court proved mixed from the point of view of the anti-abortion wing of his party. Reagan's first nominee to the Supreme Court, Sandra Day O'Connor, in 1981 drew immediate opposition from anti-abortion groups because of her earlier support of a family planning bill in Arizona that would have replaced an existing state law banning abortions.⁴⁰

The anger that the O'Connor nomination elicited led White House official Morton Blackwell, serving as the liaison with the conservative movement, to meet with Paul Weyrich, Connie Marshner, and Dick Dingman, as well as fifty other leaders of the conservative and pro-family organizations, including representatives of Schlafly's Eagle Forum. Following the meeting, Blackwell informed the White House that these leaders opposed O'Connor's nomination and that there was a growing concern among these groups that the President and his senior advisors "don't think this coalition contributed significantly to his election."⁴¹ Reagan immediately sought to prevent a brushfire in the ranks of social conservatives by sending a widely circulated response to the number of letters that came into the White House opposing the O'Connor nomination.⁴² O'Connor easily won appointment to the court as its first female justice. As a justice, O'Connor shifted the legal foundation for regulating abortion away from the trimester approach of *Roe* to the doctrine of "undue burden."⁴³ In his second term, the Reagan administration continued to maintain its anti-abortion policies, although a Democratic-controlled Congress restrained Reagan initiatives.⁴⁴

While continuing to denounce the ERA as a pro-abortion measure, Schlafly did not become directly involved in the abortion policy debate. Instead, she continued to focus on ERA and wrote extensively on national defense and education issues through her *Phyllis Schlafly Report*, which reached a high mark of nearly 40,000 subscribers.⁴⁵ In 1992, however, when Mary Dent Crisp (who had supported third-party

presidential candidate John Anderson in 1980) started an effort to delete the GOP's pro-life platform plank at the Republican National Convention, Schlafly organized the Republican National Coalition for Life to support the party's anti-abortion position.⁴⁶ In the meantime, Schlafly proved to be a strong supporter of Reagan's domestic program to cut taxes and his program to strengthen the nation's military capability. Other social conservatives, however, were less sanguine about Reagan's policies. Indeed, early in Reagan's presidency, Richard Viguerie and his *Conservative Digest* publicly attacked Reagan for backing away from conservative principles, leading Reagan to privately write John Lofton, editor of the *Digest*, "I believe that the July *Conservative Digest* is one of the most dishonest and unfair bits of journalism I have ever seen."⁴⁷

SCHLAFLY DEFENDS THE CONSTITUTION AGAINST CONSERVATIVES

Other divisions between religious conservatives and economic conservatives emerged in the Reagan administration, and the Republican Right was divided over tactics as well. Most significant was the call to enact a Balanced Budget Amendment by calling for a federal constitutional convention, popularly known at the time as "Con Con." Under the leadership of conservative activist Lewis Uhler, twenty-six states had passed resolutions calling for a constitutional convention. Uhler had served as chairman of the California Tax Reduction Task Force under Governor Ronald Reagan in 1972, before he organized the grassroots National Tax Limitation Committee. By 1982, the movement to call a constitutional convention was only two states short of the thirty-four states specified in Article V as the trigger for a convention. Initially financed through his own funds, Uhler's organization grew into a multimillion dollar organization, claiming tens of thousands of members, and had become a national crusade supported by most conservatives—with a notable exception, Phyllis Schlafly.⁴⁸ She stepped forward to oppose the Con Con movement, much to the surprise and chagrin of conservatives who had endorsed the Balanced Budget Amendment.

Writing in the *Phyllis Schlafly Report* in December 1984, she attacked Con Con as playing Russian roulette with the U.S. Constitution. Given her opposition to the Equal Rights Amendment, her opposition to the Con Con appeared consistent, and her argument against Con Con

drew upon a similar theme of the potential for damaging unintended consequences if a convention were held. She observed that a balanced budget was may be "a desirable thing," but she warned that the call for a constitutional convention was no guarantee that the Balanced Budget Amendment would be passed. Instead, she feared that liberals would take over a constitutional convention to press their own agenda such as repealing the Second Amendment. She pointed specifically to the Committee on the Constitutional System, chaired by C. Douglas Dillon, former Secretary of the Treasury under John F. Kennedy, and Lloyd N. Cutler, former counsel to President Jimmy Carter. This group had met at a conference held at the Woodrow Wilson Center in Washington, D.C., in 1983 to discuss their goals, including elimination of the Electoral College, the two-thirds requirement for ratification of treaties, and the Twenty-Second Amendment; allowing the President to dissolve Congress for new elections; publicly funding political campaigns; and increasing the terms of U.S. House members from two to four years. Such an agenda, she wrote, "could put our entire Constitution on the bargaining table to be torn apart by the media, political factions, and special interest groups." She concluded that "the intemperate language and *ad hominem* attacks against anyone who opposes Con Con are offensive to fair-minded people."⁴⁹

Schlafly organized against the call for a constitutional convention by using many of the tactics of the Stop ERA campaign. Employing the slogan, "Can the Con Con," and using a Campbell Soup-like logo, Schlafly targeted the four remaining states that were to vote on the call for a constitutional amendment—New Jersey, Kentucky, Michigan, and Montana. In the course of the next couple years, Schlafly testified in state legislatures in Trenton, Lexington, Lansing, and Helena. Appearing before the Montana Senate in March 16, 1987, she maintained, "Even assuming that a Balanced Budget Amendment is a good end, it does *not* justify plunging our nation into the constitutional chaos, confusion, and controversy of an unprecedented Constitutional Convention."⁵⁰ In Michigan, former Stop ERA activist Elaine Donnelly headed efforts that thwarted the Con Con resolution in the state legislature.⁵¹ At the same time, Schlafly's articles against the call for a constitutional convention appeared in conservative publications such as *Daughters of the American Revolution Magazine*, *The New American*, and her syndicated newspaper column warning about the unintended consequences of Con Con. Much like her anti-ERA campaign, Schlafly's articles were

reprinted by local groups and sent out in mass-mailings to targeted conservatives. State leaders of the DAR and the Sons of the American Revolution in Kentucky mailed 5,000 reprints of Schlafly's "Con Con: A Threat to the U.S. Constitution" to Michigan members shortly before the vote by the state legislature.⁵² Her debate with Congressman Larry Craig (R-Idaho) held in Washington, D.C., in 1985 was republished and circulated in conservative circles, as was her address to the American Bar Association's Section on Individual Rights and Responsibilities during the ABA's 1987 Annual Convention in San Francisco. Schlafly produced one of her most effective anti-Con Con pieces when she convinced former Chief Justice Warren Burger to write a one-page letter opposing a constitutional convention.⁵³ Burger had left the Supreme Court to allow Reagan to appoint William Rehnquist as the new Chief Justice and Antonin Scalia, another conservative, to replace Rehnquist. Reagan appointed Burger chairman of the Presidential Commission on the Bicentennial of the U.S. Constitution, on which Schlafly also served as a Reagan-appointee from 1985–91.

Schlafly's campaign against Con Con replicated the Stop ERA campaign with one notable exception—her opponents this time were mostly conservatives. In organizing against Con Con, Schlafly's Eagle Forum members formed a grassroots coalition that included liberal groups such as the American Civil Liberties Union, Common Cause, the National Education Association, the National Association for the Advancement of Colored People, Americans United for Separation of Church and State, People for the American Way, the AFL-CIO, as well as Republicans such as Senator Nancy Kassebaum (R-Kansas) and U.S. Representative Jack Kemp (R-New York).⁵⁴ On the other hand, prominent Republicans such as Senator Robert Dole (R-Kansas) and most conservative organizations favored Con Con. Schlafly's opposition to having a Balanced Budget Amendment enacted through a constitutional convention outraged many on the GOP Right, including Dennis DeConcini (R-Arizona), Phil Gramm (R-Texas), and the Reagan White House.⁵⁵ Lewis Uhler, director of the National Tax Limitation Committee, accused Schlafly of spreading "widespread misinformation and misunderstanding" about Con Con.⁵⁶

The defeat of convention resolutions in New Jersey, Kentucky, Michigan, and Montana killed the Con Con by 1988, much to the consternation of fiscal conservatives who largely blamed Schlafly for the defeat.⁵⁷ They were correct; not a single state passed a Con Con resolution after Schlafly entered the battle.

William S. Paley, August 10, 1982, Cagney Lacey Folder, ERA Topic Files, Eagle Forum Archives.

29. "Hex for Sex Equality," *Chicago Tribune*, Suburban edition, December 17, 1981, Guy Christopher, "Letters to Editor," *The Weekly* (Champaign-Urbana), April 10–16, 1981; Z. Budapest, "A Spell for ERA," *Allegheny Feminists* (ERA Special Issue), July 1978, pp. 1, 7.

30. Graduate Students in Speech Communications, "A Briefing Book on Phyllis Schlafly," February 24, 1982, ERA Topic Files, ERA 1981–82, Eagle Forum Archives.

31. Elaine Kindall, "The Sweetheart of the Silent Majority," *Des Moines Register*, February 1, 1981.

32. Ronald Reagan to Miss Doris K. Steward, May 11, 1972 (copy), Box 19, Elly Peterson Papers.

33. Barbara Honegger, "Memorandum for Elizabeth Dole," June 17, 1980, Phyllis Schlafly, "Is There Life for E.R.A. After June 30th" (n.d.), Box 6, Wendy Borcherdt papers, Ronald Reagan Library.

34. White House Press Release, "Remarks of the President at Signing Ceremony for Executive Order Establishing Task Force on Legal Equity for Women," December 21, 1981, Reagan, Women's Equity Task Force folder, Post-1970 Box, Eagle Forum Archives.

35. Elizabeth H. Dole to Phyllis Schlafly, December 5, 1981; Phyllis Schlafly to Elizabeth Dole, April 3, 1981; Phyllis Schlafly to Elizabeth Dole, November 8, 1981; Diana Lozano to Elaine Donnelly, November 9, 1981; and Judy Peachee to Phyllis Schlafly, October 2, 1981; Phyllis Schlafly to Judy P. Peachee, November 6, 1981; Reagan, Women's Equity Task Force, Post-1970 Box, Eagle Forum Archives.

36. "How ERA Would Change Federal Laws," November, 1981; Phyllis Schlafly to Elizabeth Dole, November 9, 1981, Box 2, Dee Jepsen papers, Ronald Reagan Library.

37. Reagan selected Dr. C. Everett Koop, a Philadelphia surgeon, evangelical Christian, and anti-abortionist as surgeon general in charge of programs administered by the Centers for Disease Control, the Population Research Center, and the National Institutes of Health. In addition, he appointed Marjory Mecklenburg, president of American Citizens Concerned for Life, to head the Office of Adolescent Pregnancy Programs, which gives grants to aid teenage mothers and counsels them on birth control. A number of other appointments within the administration were made to people with well-known anti-abortion credentials including Gary Bauer, Morton Blackwell, and Dee Jepsen in the Public Liaison Office, and Michael Uhlmann in the Attorney General's office.

38. This perspective is expressed in Michele McKeegan, *Abortion Politics: Mutiny in the Ranks of the Right* (New York, 1992), pp. 1–23; and Tanya Melich, *The Republican War against Women: An Insider's Report from Behind the Lines* (New York, 1998).

39. Steve Alumbaugh and C. K. Rowland, "The Links Between Platform-Based Appointment Criteria and Trial Judges' Abortion Judgments," *Judicature* 74:3 (October/November 1990): 153–62.

40. Charles Fried, *Order and Law: Arguing the Reagan Revolution—A Firsthand Account* (New York, 1991), p. 58.

41. Morton Blackwell to Elizabeth H. Dole, "Conservative Organization Reaction to Sandra O'Connor Nomination," July 8, 1981, Conservative File, Box 2, Elizabeth Dole papers, Ronald Reagan Library.

42. Ronald Reagan to Mrs. Marie Craven, August 3, 1981, Pro-life file, Box 8, Morton Blackwell papers.

43. In her first major abortion case on the Court, Justice O'Connor joined dissenters in *Akron v. Akron Center for Reproductive Health, Inc.* (1983) that struck down most restrictions on abortion legislated by the Akron City Council. In her dissent O'Connor noted that *Roe* was "on a collision course with itself" because the trimester approach was "unworkable" in light of changing medical technology that lengthened viability. She echoed U.S. Solicitor's General Rex E. Lee's *amicus* brief that asserted that the test for state regulation for abortion should rest on the principle of "undue burden." This marked an important shift in the Court's thinking on the subject. Karen O'Connor, *No Neutral Ground?* pp. 94–102; and McKeegan, *Abortion Politics*, pp. 173–91.

44. Author interview with Jo Ann Gasper, September 3, 2001; "Anti-Abortion War Resumed by Reagan," *The Washington Times*, July 31, 1987, A1, 12. Press Release, "Remarks by the President in Briefing for Right to Life Leaders," July 10, 1997, Abortion file, Box 1, Gary Bauer papers, Ronald Reagan Library. For example, see Douglas Johnson, National Right to Life Legislative Director, to Board of Directors and State Offices, "Enactment of prohibition on funding of abortions by the government of the District of Columbia," October 5, 1988, Pro-life File, Box 1, Mariam Bell papers.

45. In the July 1982 *Phyllis Schlafly Report*, she spoke out in favor of prayer in school.

46. A full record of the Republican National Coalition for Life can be found in the Eagle Forum Archives.

47. In his handwritten draft, Reagan had added, "not excepting *Pravda* and *Tass* that I have ever seen." Richard Darman, reviewing the draft letter, convinced Reagan to delete the phrase. Ronald Reagan to John Lofton, July 30, 1982, Draft, Ronald Reagan to John Lofton, n.d. Box 3, Presidential Handwritten File, Series II, Presidential Records, Ronald Reagan Library. I thank historian Robert Collins for calling attention to this exchange.

48. Lewis K. Uhler, *Setting Limits: Constitutional Control of Government* (Washington, D.C., 1989). A good summary of the call for a constitutional convention to pass a balanced budget amendment is found in "Support Growing for Spending Ban: Need 34 States for Change," *Washington Times*, January 25, 1985, p. 1.

49. Phyllis Schlafly, "Con Con: Playing Russian Roulette with the Constitution," *Phyllis Schlafly Report*, December 1984. Political scientist James L. Sundquist evaluated the various proposals for structural reform of government through constitutional amendments in *Constitutional Reform and Effective Government* (Washington, D.C., 1986).

50. Phyllis Schlafly, "A Call for a Constitutional Convention: Statement to the Montana Senate" (ms.), March 16, 1987; and Citizens to Protect the Constitution, "Should We Have a Constitutional Convention to Enact a Balanced Amendment?" and Helena Eagle Forum, *Oppose Federal Constitutional Convention Newsletter* (1987), Con Con Documents 1984 Folder, Con Con Files, Eagle Forum Archives.

51. See material in Con Con Action in Michigan, 1985–1987, Con Con Files.

52. Phyllis Schlafly to Warren E. Burger, April 4, 1986, Warren E. Burger to Phyllis Schlafly, April 8, 1986; Marshall Peters to Phyllis Schlafly, August 14, 1985, Action in Michigan folder.

53. Phyllis Schlafly to Warren E. Burger, August 18, 1986; Warren E. Burger to Phyllis Schlafly, August 23, 1986; Con Con Action, 1986 folder.

54. For example, see the brochure, Americans United for Separation of Church and State, "Warning: A Constitutional Convention May Be Hazardous to Your Religious Freedom."

55. Conservative Patrick Buchanan, assistant to Ronald Reagan, denied to Schlafly that Reagan had endorsed the constitutional convention. Nonetheless, Reagan in his speeches suggested he was in favor of a Balanced Budget Amendment, and key personnel including Edward Rollins and the Office of Management and Budget supported the call for a constitutional convention. See Patrick J. Buchanan to Phyllis Schlafly, April 16, 1985; Phyllis Schlafly to Patrick Buchanan, March 28, 1985; Phyllis Schlafly to Donald Regan, March 28, 1985; and Donald Regan to Phyllis Schlafly, April 15, 1985, Action in Michigan Folder; also see, Phyllis Schlafly to Ed Rogers, Office of Political Affairs, White House, April 3, 1986 and Ed Rogers to Phyllis Schlafly, April 3, 1986, Action in 1986 folder.

56. Lewis K. Uhler to Mr. and Mrs. Raymond F. Babb, April 29, 1987, Con Con Action in Montana 1987 Folder, Con Con Files.

57. Jonathan Fuerbringer, "Budget-Balancing Change for Constitution Loses," *New York Times*, March 26, 1986, p. 11.

58. In 1980, the percentage of evangelical Christian first-time delegates was 6.76 percent, while in 1984 the percentage had increased to 9.68 percent. Geoffrey Layman, *The Great Divide: Religious and Cultural Conflict in American Party Politics* (New York, 2001), pp. 100–110, especially p. 106. For the entire wording of the GOP National Platforms on abortion in 1980 and 1984, Republican National Committee, *Thirty-Second Republican National Convention* (1980), p. 255; Republican National Committee, *Thirty-Third Republican National Convention* (1984), p. 308.

59. Republican National Committee, *Thirty-Third Republican National Convention* (1984), pp. 304–305. For a feminist view of these changes in party policies, see Tanya Melich, *The Republican War against Women* (New York, 1996).

60. *Thirty-Third Republican National Convention*, p. 293.

61. Author conversation with Phyllis Schlafly, January 10, 2004.

62. For a discussion of the hearings, education regulations, and publication of the book, see Phyllis Schlafly, "Foreword," *Child Abuse in the Classroom* (Alton, IL, 1984), pp. 11–24.

63. Ruth Murray Brown, *For a "Christian America," A History of the Religious Right*, (Amherst, NY, 2002). Also, Jerome L. Himmelstein, *To the Right: The Transformation of American Conservatism* (Berkeley, 1990); Alan Crawford, *Thunder on the Right* (New York, 1980); William B. Hixson, *The Search for the American Right Wing* (Princeton, 1992); William C. Martin, *With God on Our Side* (New York, 1996); James L. Guth and John C. Green, *The Bible and the Ballot Box: Religion and Politics in the 1988 Election* (Boulder, 1991).

64. Bill O'Brien, "Schlafly Moves to Other Causes," *St. Louis Globe-Democrat*, March 4, 1981.

65. Scheffel & Company, "Independent Audit Report for FY 2002" (compilation), Eagle Forum, Alton, Illinois. In 1997 the Eagle Forum received \$473,279 or 73 percent of its revenue from contributors and \$71,908 or 11 percent from membership dues; the Eagle Forum Education & Legal Defense Fund in 1997 received \$872,286 or 64 percent of gross revenue from contributions and grants (including \$25,000 from the John M. Olin Foundation and \$5000 from the Richard and Helen DeVos Foundation); \$274,199 or 20 percent from the sale of books and videos; \$109,537 or 8 percent from interest on savings and temporary cash investments; and \$99,444 or 7 percent from dividends and interest from securities. These figures are found in Derk Arend Wilcox, *The Right Guide: A Guide to Conservative, Free Market, and Right-of-Center Organizations* (Ann Arbor, 2000), pp. 132–33.

66. The following discussion of fissures within the Republican party draws heavily on Donald T. Critchlow, "When Republicans Become Revolutionaries: Conservatives in Congress, 1976–2001," in Julian Zelizer, ed., *The Reader's Companion to the American Congress* (New York, 2005).

67. See *Phyllis Schlafly Report* January 1982, May 1982, October 1982, April 1983, May 1983, November 1984, March 1985, and October 1985.

68. See *Phyllis Schlafly Report*, January 1983.

69. Members included Sarah King, president general of the DAR; Beverly LaHaye, president of Concerned Women for America; Joan Hueter, president of Pro America; Illinois State Rep. Penny Pullen; Helen Marie Taylor, vice president of the Eagle Forum Education & Legal Defense Fund; Nina May, president of Renaissance Women; Nancy Gree, president of the Women's Institute of Strategic Analysis; Cynthia Haeberle, Dallas Public Affairs Club; Captain