

Jan. 22, 1973: The day that changed America



By James D. Robenalt

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It was a day unlike any other in U.S. history. Jan. 22, 1973, was the day Henry Kissinger flew to Paris to end the Vietnam War for the United States. It was the day the Supreme Court issued its opinion on abortion rights in *Roe v. Wade*. And it was the day the nation's 36th president, Lyndon Baines Johnson, died of a heart attack in Texas at 64.

Few days have represented such a turning point in the trajectory of our history, and what happened that day started a chain reaction that turned politically nuclear, leaving us with the current landscape of unbridgeable divides.

Less than a decade earlier, the American populace had seemed as united as ever in a time of landslide elections and political consensus. The disintegration of that unity began well before Jan. 22, 1973, but no date more fully captures the end of the spirit of the '60s and the start of a darker era of seemingly permanent political schism.

More than anything, the *Roe* ruling drew an enduring red line through American politics, where compromise was impossible and opponents were not only wrong but wicked. Every year since 1973, D.C. has been flooded in the days around Jan. 22 with antiabortion protesters for what has become known as the March for Life. (Last year's events were called off because of the coronavirus, yet many still came to Washington. This year, despite the ongoing pandemic, the gathering took place Friday.) Promoters refer to the event as "the world's largest annual human rights demonstration."

The vaccine requirements for certain events at this year's march sparked a vicious online battle, with many abortion opponents asserting that vaccines cause abortions or are produced using fetal cells. "It is tragic that a PRO-LIFE organization would be coerced into promoting ground-up murdered baby injections!" one person posted in the comments on the March for Life website. "This is evil."

The radicalization of our politics would not have seemed possible to the actors who made Jan. 22, 1973, such a fateful day.

Warren Burger, chief justice of the United States, was concerned that the edition of Time magazine that hit newsstands that morning scooped the forthcoming ruling, reporting that the “Supreme Court has decided to strike down nearly every anti-abortion law in the land.” Burger was especially miffed at the article’s headline, “The Sexes: Abortion on Demand,” when his own conurrence confidently asserted, “Plainly, the Court today rejects any claim that the Constitution requires abortions on demand.”

Burger sent a letter to the other justices demanding that they find the source of the leak, even suggesting lie-detector tests for their law clerks.

President Richard Nixon met with Kissinger in the Executive Office Building next to the White House about 8:15 a.m. “You all set for your trip?” Nixon inquired, the soon-to-be-infamous tapes running. They chatted about the initialing of the accords in Paris that would finally bring an end to the long war that had ravaged Vietnam but also had torn apart the United States, especially dividing young from old. The terms would be anything but the “peace with honor” Nixon had promised. Hostile forces from the North were permitted to remain in place in the South, all but ensuring its eventual fall.

Nixon thought little about abortion and was only mildly irritated with the *Roe* ruling later that morning. Of the four conservative justices he had nominated to the Supreme Court in his remarkable first term, three — Burger, Harry Blackmun and Lewis Powell — joined the majority in permitting abortions. (William Rehnquist dissented.)

Days later, Nixon would tell his adviser Chuck Colson that there were times when abortion was necessary. “Let’s suppose there is a Black and a White,” he offered. The casual racism that spilled forth from Nixon in the tapes infected almost all of his political thinking and was at the heart of the political counterrevolution he was leading in 1973. Black people, in his view, were entitled takers, and it was the Whites who were being taken.

Two days earlier, on Jan. 20, Nixon had been at his zenith when he delivered his second inaugural address. Riding a historic landslide in November 1972, Nixon now felt empowered to let loose on Johnson's Great Society and his programs to end poverty. Americans were no longer to ask what they could do for their country; they were to concentrate on what they could do for themselves. "Let us remember," he declared, "that America was built not by government but by people, not by welfare but by work, not by shirking responsibility but by seeking responsibility."

Johnson was a man broken by the war he kept trying to win, despite its futility. His civil rights record was unmatched by any president since Abraham Lincoln, yet as Johnson predicted, the Civil Rights Act of 1964 and the Voting Rights Act of 1965 allowed Nixon to capture the formerly Democratic South and place it firmly in the Republican column. Culture wars would replace the War on Poverty.

Johnson spent the morning of Jan. 22 touring his vast ranch in Texas in a car with his aide Jewell Malechek. So advanced was his heart disease that he could barely take 10 steps without having to catch his breath. He took a nap after his lunch and was awoke by stabbing pains in his chest.

When Nixon heard that Johnson had been airlifted to a hospital in San Antonio, he declared his predecessor a hypochondriac. Once it was clear Johnson had died, Nixon's main reaction was that he would have to delay a TV address he planned to give attacking the Great Society. "I am just not in the mood," he told his chief of staff, "after doing another funeral on Thursday or Friday, to go on national television and kick the hell out of the Great Society and while we're scuttling all these programs."

As the sun set on Jan. 22, the nation was changed. Symbolically and in practice, the country's commitment to ending racism and poverty died with Johnson in Texas, the state where *Roe v. Wade* had originated. The end of U.S. involvement in Vietnam presaged a superpower in decline, unable to impose its will on the world despite its stunning military superiority. The opinion in *Roe*, which now stands a good chance of being overruled by the current Supreme Court, supercharged a political split that was already being driven by racial resentments. It all worked together.

In some ways, the political forces that led to Trumpism were born that day. Donald Trump campaigned on White working-class resentments against the social welfare state, a promise to curtail abortion access, and an "America First" disparagement of involvement in foreign wars. He wouldn't have framed it this way, but he was more or less elected on the currents that radiated from Jan. 22, 1973, with the *Roe* ruling and the end of Johnson's Great Society dream and the Vietnam War.

These issues continue to overshadow our national agenda. Jan. 22 brought a close to New Deal and Great Society notions of the government lifting those in need. It began an age of cynicism, starting with the "Me decade," and a sense that when it comes to major political issues, the United States is a country irredeemably divided.

