

what the public really wants on abortion rights

by ruy teixeira

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Opponents of abortion rights have concentrated on chipping away at those rights with various restrictions, such as parental involvement and biased counseling requirements. No doubt these groups are very happy with the new Supreme Court decision upholding the federal law banning a type of abortion procedure named “partial birth abortion,” but the deeper story about support for fundamental abortion rights in America is less likely to make them happy.

A thorough review of public opinion data indicates that America remains, on balance, a pro-choice country and that opposition to reversing *Roe v. Wade* still runs strong. A solid wall of public opposition currently stands in the way of abortion rights opponents’ plans to turn back the clock and criminalize abortion as it was before 1973—a wall that is unlikely to come down anytime soon..

General Views on Abortion Rights

According to the most recent Gallup data from May of this year, a plurality of the country (49 percent to 45 percent) considers itself pro-choice rather than pro-life—an entirely typical result. Indeed, all 28 polls (save one, where there was a tie) where Gallup has asked this question, dating back to 1995, have returned a pro-choice plurality or majority.

Interestingly, a variant wording of this question used by Newsweek yields an even stronger pro-choice result. Newsweek asked: “Which side of the political debate on the abortion issue do you sympathize with more: the right-to-life movement that believes abortion is the taking of human life and should be outlawed; OR, the pro-choice movement that believes a woman has the right to choose what happens to her body, including deciding to have an abortion?” In the three times Newsweek has asked this question since 1998, an average of 54 percent selected the pro-choice option, compared to 37 percent who selected the right-to-life option.

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In addition, in a January Gallup poll, 59 percent of the public either believes abortion laws should remain as they are (36 percent) or be made less strict (23 percent). This is an even more typical result: every Gallup poll since 2003 has returned either 59 percent or 60 percent support on this question.

The most common question that Gallup asks is whether abortion should be legal under any circumstances, legal only under some circumstances or illegal in all circumstances. Gallup's annual averages on this question show that the number wishing to ban abortion has hit 20 percent only once in the last two decades; in the last five years it has averaged below 18 percent. The number of respondents wishing to make abortion legal in all circumstances is much higher, hitting 30 percent in 2006 and averaging 26 percent in the last five years. The rest (roughly 55 percent) believe abortion should be legal, but only in certain circumstances (further divided about 40 percent to 15 percent between those who believe "a few" or "most" circumstances qualify).

NBC/*Wall Street Journal* polls gauge support for abortion rights in a different manner, by asking "Which of the following best represents your views about abortion? The choice on abortion should be left up to the woman and her doctor. Abortion should be legal only in cases in which pregnancy results from rape or incest or when the life of the woman is at risk. OR, Abortion should be illegal in all circumstances."

The last time they asked this question, in April of this year, they found 55 percent saying that the choice on abortion should be left up to the woman and her doctor, and 30 percent saying abortion should only be legal in cases of rape, incest or risk to the mother's life. Just 13 percent said it should be illegal in all circumstances. Since 1990, the number saying choice on abortion should be left up to the woman and her doctor has never dipped below 53 percent and has reached a high of 60 percent three times.

Finally, *The Washington Post* and Quinnipiac University ask still another question to gauge support for abortion rights: "Do you think abortion should be legal in all cases, legal in most cases, illegal in most cases or illegal in all cases?" Both polls have asked this question this year and both found, as they have through the years, that those saying abortion should be legal in most or all cases (54 percent in the Quinnipiac poll and 55 percent in the *Washington Post* poll) outnumber those saying abortion should be illegal in most or all cases (39 percent and 43 percent, respectively).

Sympathizing With the Pro-Choice or Right-to-Life Side

54 percent sympathize with "the pro-choice movement that believes a woman has the right to choose what happens to her body, including deciding to have an abortion".

37 percent sympathize with "the right-to-life movement that believes abortion is the taking of a human life and should be outlawed".

Newsweek polls, 1998-2006

Support for Modifications to Abortion Law

President Clinton once said that abortion should be safe, legal and rare. This is probably close to how most Americans would articulate their position on the issue. In a 2003 Pew poll, a 59 percent-to-33 percent majority endorsed the idea that it would be a good idea to reduce the number of abortions preformed in the United States.

Reflecting these views, the public tends to favor steps that would not change the basic legality of abortion but would encourage women to consider alternatives and consult with others about the procedure (though the public is likely unaware of the extent to which these steps might, for some women, constitute a barrier to getting an abortion). Gallup data from 2005, for example, found 69 percent-to-28 percent support for a law requiring those under 18 to get parental consent for an abortion, and 64 percent-to-24 percent support for a law requiring married women to notify their husbands if they decide to have an abortion. And Gallup data from 2003 found 78 percent support for a law requiring women seeking abortions to wait 24 hours before having the procedure done, compared to 19 percent who do not, and 88 percent support for a law requiring doctors to inform patients about alternatives to abortion before performing the procedure, compared to 11 percent who do not.

Gauging Support for Abortion Rights

55 percent say that the choice on abortion should be left up to the woman and her doctor.

30 percent say abortion should only be legal in cases of rape, incest or risk to the mother's life.

13 percent say it should be illegal in all circumstances.

NBC/Wall Street Journal poll, April 2007

Abortion in the First Vs. Last Three Months of Pregnancy

66 percent think abortion should be generally legal during the first three months of pregnancy.

84 percent think abortion should be generally illegal during the last three months.

2003 Gallup data

The other general modification to abortion law the public supports has to do with “late-term” abortions—what many thought the subject was of the recent Supreme Court decision (the case actually addressed abortion in the second trimester). By and large, the public is much more supportive of the legality of abortion during the first three months of pregnancy than during the last three months. In 2003 Gallup data, a two-thirds majority (66 percent) thought abortion should be generally legal during the first three months, but a very strong 84 percent majority thought abortion should be generally illegal during the last three months.

This makes it easier to understand why support for banning “partial birth abortions” has been so strong. In a Gallup poll from May of this year, the public supported making this procedure illegal by a 72 percent-to-22 percent margin. In a CNN poll, also in May, the public voiced the same sentiment by a 66 percent-to-28 percent margin.

Interestingly, though, support for the Supreme Court’s action upholding an actual law that made the procedure illegal was not quite as strong. In an April NBC/WSJ poll, a 53 percent majority said they supported the ruling when no detail was provided on it, compared to 34 percent who did not. A narrower 47 percent-to-43 percent plurality supported the ruling when the “partial-birth” procedure was explained *and* when it was pointed out that no exception was made in the court’s ruling for the health of the mother.

Assessing *Roe v. Wade*

60 percent think the *Roe v. Wade* decision establishing “a constitutional right for women to obtain legal abortions in this country” was a good thing, compared to **35 percent** who disagree.

July 2005 CBS News poll

Gallup asked an identical question on reversing *Roe v. Wade* (“Would you like to see the Supreme Court overturn its 1973 *Roe* versus *Wade* decision concerning abortion, or not?”). The two polls found solid majorities (62 percent to 29 percent, and 53 percent to 35 percent, respectively) against overturning the law. In December, 2005 an NBC/WSJ question on overturning *Roe v. Wade* generated a 66 percent-to-30 percent majority against overturning. And in November, 2005 a Pew question that described the *Roe v. Wade*

Views on *Roe v. Wade*

In a July, 2005 CBS News poll, Americans viewed the *Roe v. Wade* decision establishing “a constitutional right for women to obtain legal abortions in this country” as a good rather than bad thing by a 25 point margin (60 percent to 35 percent). And Gallup data, as mentioned above, show that the public believes abortion should generally be legal during the first three months of pregnancy—the subject of the *Roe v. Wade* decision—by a wide 66 percent-to-29 percent margin.

This year, CN N and

Opposition to Overturning *Roe v. Wade*

62 percent would not like to see the Supreme Court overturn its 1973 *Roe v. Wade* decision, compared to **29 percent** who would.

2007 CNN poll

decision as establishing “a woman's constitutional right to an abortion, at least in the first three months of pregnancy” found 65 percent opposed to overturning the decision compared to 26 percent in favor.

In 2003, ABC and Time/CNN polls asked directly about support for the *Roe v. Wade* decision and found a majority (54 percent to 44 percent and 55 percent to 40 percent, respectively) in support of the law. In addition, an NBC poll asked whether the Supreme Court should reverse *Roe v. Wade* and found strong opposition to this course (58 percent opposed to 35 percent in favor).

The general pattern of results is clear. We remain a country that is generally pleased with the legacy of *Roe v. Wade* and does not wish to reverse it, despite the strenuous efforts of abortion rights opponents to convince Americans that such a reversal is called for.

Views on Constitutional Amendments and State Laws Restricting Abortion

Given these views on *Roe v. Wade*, it should come as no surprise that the public opposes a constitutional amendment to ban abortion except when necessary to save the life of the mother. In a November, 2005 Gallup poll, 61 percent opposed such an amendment, compared to 37 percent who supported it.

It should also come as no surprise the public was not enthusiastic about the law adopted in South Dakota in 2006 that banned all abortions except to save the life of the mother. In an April, 2006 Los Angeles Times poll, the public disapproved of the law by a 58 percent-to-34 percent margin. As for whether they would support a law identical to the one passed in South Dakota in their own state, the public expressed opposition by a similarly strong margin of 59 percent to 35 percent in a March, 2006 Fox poll, and by a 52 percent-to-44 percent margin in an April Harris poll. They also opposed such a law by 60 percent to 36 percent in a March, 2006 Gallup poll, and by 51 percent to 45 percent in a September CNN poll when South Dakota was not mentioned. Finally, in a March, 2006 Pew poll, 58 percent of the public opposed instituting such a law on the national level, compared to 34 percent who supported it.

These data indicate that abortion rights opponents are highly unlikely to succeed in fundamentally altering abortion law in the United States even though they may continue to have some success with modifications of abortion law, such as parental involvement requirements and banning public funding for abortions. Public support for basic abortion rights remains too strong for that.

Opposition to a Constitutional Amendment

61 percent oppose a constitutional amendment to ban abortion except when necessary to save the life of the mother, compared to **37 percent** who support such an amendment.

November 2005 Gallup poll