



The Holding of *Roe v. Wade* Was Never (and Is Still Not) in Line with American Attitudes on Abortion

by Connor Semelsberger, MPP

The *Roe v. Wade* Supreme Court decision of 1973 ruled that abortion is protected under the U.S. Constitution, striking down many state abortion restrictions and severely limiting the extent to which states could write their own abortion laws.

Under *Roe*, no restrictions on abortion in the second or third trimesters are mandated. Abortion through all nine months of pregnancy is the default unless Congress or the individual states pass laws restricting it. This common misunderstanding of *Roe* has caused great confusion about abortion laws in America.

American Support for *Roe v. Wade*:

- 62% reject the central tenets of *Roe* ([Knights of Columbus/Marist](#))
- 62% of registered voters think *Roe* should be upheld ([ABC News/Washington Post](#))
- 77% think *Roe* should be upheld ([NPR/PBS NewsHour](#))
- 70% think the Supreme Court should not overturn *Roe* ([Pew Research](#))
- 65% of American voters agree with the *Roe* decision ([Quinnipiac](#))

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American Support for Legal Abortion in All Cases:

- 21% think abortion should be available to a woman at any time during her pregnancy ([Knights of Columbus/Marist](#))
- 27% think abortion should be legal in all cases ([ABC News/Washington Post](#))
- 18% think abortion should be available to a woman any time she wants one during her entire pregnancy ([NPR/PBS NewsHour](#))
- 27% think abortion should be legal in all cases ([Pew Research](#))
- 28% of American voters believe abortion should be legal in all cases ([Quinnipiac](#))
- 26% think abortion should be legal in all cases ([USA Today/IPSOS](#))
- 6% of Americans believe that abortion should be allowed up until the birth ([Harvard CAPS/Harris](#))

[Gallup](#) has been polling American attitudes on abortion since 1976. In 2020, 29 percent of Americans said that abortion should be legal in all circumstances. In 1976, it was *only 22 percent*. Support peaked at 34 percent in 1992. In the 44 years that this poll has been taken, just over a quarter of Americans have agreed that abortion should be legal in all cases.

Members of Congress have called for codifying *Roe*, which would legalize abortion nationwide through all nine months of pregnancy with very limited restrictions. Only a small minority of Americans truly agree that abortion should be legal in all cases. Americans have never widely supported making abortion legal without limitation even at the time *Roe* was decided.

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