



Roe Was Never (and Is Still Not) in Line with American Attitudes on Abortion

by Connor Semelsberger, M.P.P.

The U.S. Supreme Court's *Roe v. Wade* decision of 1973 ruled that a right to abortion was protected under the Due Process Clause of the U.S. Constitution's Fourteenth Amendment.¹ This decision struck down many state abortion restrictions and severely limited the extent to which states could write their own laws concerning abortion. Under *Roe*, no restrictions on abortion were mandated in the second or third trimesters, and restrictions were forbidden in the first trimester. Abortion through all nine months of pregnancy was the default unless Congress or the individual states passed laws restricting it. In June 2022, the Supreme Court overturned *Roe* in *Dobbs v. Jackson Women's Health Organization*, holding that the 1973 ruling was incorrect and that "[t]he Constitution does not confer a right to abortion."²

Since the overturning of *Roe*, many Americans have demonstrated that they have little understanding of what *Roe* actually entailed. Many incorrectly believe that the overturning of *Roe* made all abortions illegal in the United States. In reality, it returned the ability to write laws concerning abortion to the people's elected representatives. This common misunderstanding is made evident by the stark discrepancy between Americans' support for *Roe* and support for abortion in general.

American Support for *Roe v. Wade*

Prior to the overturning of *Roe*, a majority of poll respondents voiced support for the decision being upheld.

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- 62 percent of registered voters thought *Roe* should be upheld (ABC News/Washington Post)³
- 77 percent thought *Roe* should be upheld (NPR/PBS NewsHour)⁴
- 70 percent thought the U.S. Supreme Court should not overturn *Roe* (Pew Research)⁵
- 65 percent of American voters said they agreed with the *Roe* decision (Quinnipiac)⁶

American Support for Legal Abortion in All Cases

However, a minority of poll respondents voiced support for abortion being legal in all cases or throughout all nine months of pregnancy (a core tenet of *Roe*).

- 21 percent think abortion should be available to a woman at any time during her pregnancy (Knights of Columbus/Marist)⁷
- 27 percent think abortion should be legal in all cases (ABC News/Washington Post)⁸
- 18 percent think abortion should be available to a woman any time she wants one during her entire pregnancy (NPR/PBS NewsHour)⁹
- 27 percent think abortion should be legal in all cases (Pew Research)¹⁰
- 28 percent of American voters believe abortion should be legal in all cases (Quinnipiac)¹¹
- 26 percent think abortion should be legal in all cases (USA Today/IPSOS)¹²
- 6 percent of Americans believe that abortion should be allowed up until birth (Harvard CAPS/Harris)¹³

Gallup has been polling American attitudes on abortion since 1975, when 21 percent of Americans said that abortion should be legal in all circumstances. Support peaked at 35 percent. In the 47 years that this poll has been taken, a minority of Americans have said that abortion should be legal in all cases.¹⁴

Some members of Congress are calling for the codification of *Roe*, which would legalize abortion nationwide through all nine months of pregnancy with very limited restrictions. However, only a small minority of Americans believe that abortion should be legal in all cases, whereas 62 percent reject the central tenets of *Roe*, and 70 percent want significant restrictions on abortion (Knights of

Columbus/Marist).¹⁵ Americans have never widely supported making abortion legal without limitations—not at the time *Roe* was decided, and not now.

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¹ *Roe v. Wade*, 410 U.S. 113 (1973).

² *Dobbs v. Jackson Women’s Health Organization*, 597 U.S. ____ (2022).

³ Langer Research, “52% Say Wait on the SCOTUS Seat; Six in 10 Favor Upholding Roe,” press release, October 12, 2020, <https://www.langerresearch.com/wp-content/uploads/1218a2SCOTUSandAbortion.pdf?bcs-agent-scanner=46df0e30-5e30-8845-9afe-177d685d2dd3>.

⁴ “NPR/PBS NewsHour/Marist Poll National Tables May 31st through June 4th, 2019,” Marist Poll, accessed August 19, 2022, https://maristpoll.marist.edu/wp-content/uploads/2019/06/NPR_PBS-NewsHour_Marist-Poll_USA-NOS-and-Tables-on-Abortion_1906051428_FINAL.pdf?bcs-agent-scanner=c76834c3-cdf1-0f4b-b9fb-fdede0f8950d.

⁵ Pew Research Center, “U.S. Public Continues to Favor Legal Abortion, Oppose Overturning *Roe v. Wade*,” press release, August 29, 2019, <https://www.pewresearch.org/politics/2019/08/29/u-s-public-continues-to-favor-legal-abortion-oppose-overturning-roe-v-wade/>.

⁶ Quinnipiac University, “U.S. Voter Support For Abortion Is High, Quinnipiac University National Poll Finds; 94 Percent Back Universal Gun Background Checks,” press release, May 22, 2019, <https://poll.qu.edu/Poll-Release-Legacy?releaseid=2623>.

⁷ “Americans’ Opinions on Abortion, January 2020,” Knights of Columbus, accessed October 14, 2022, 2022, <https://www.kofc.org/un/en/resources/news-room/polls/americans-opinions-abortion.pdf?bcs-agent-scanner=cfd4895d-e6dd-a548-99d6-2b6207c612ee>.

⁸ Langer Research, “Support for Legal Abortion Matches its 24-Year High,” press release, July 10, 2019, <https://www.langerresearch.com/wp-content/uploads/1206a3Abortion.pdf?bcs-agent-scanner=06a08bdd-d60a-bf4b-93d8-9dee626ce003>.

⁹ “NPR/PBS NewsHour/Marist Poll National Tables May 31st through June 4th, 2019,” Marist Poll.

¹⁰ Pew Research Center, “U.S. Public Continues to Favor Legal Abortion, Oppose Overturning *Roe v. Wade*.”

¹¹ Quinnipiac University, “U.S. Voter Support For Abortion Is High, Quinnipiac University National Poll Finds; 94 Percent Back Universal Gun Background Checks.”

¹² Ipsos, “Abortion Poll, Ipsos Poll on Behalf of USA Today,” press release, June 3, 2019, https://www.ipsos.com/sites/default/files/ct/news/documents/2019-06/ipsos_usat_abortion_topline_053119.pdf?bcs-agent-scanner=09025b9f-5197-e044-b1a7-46de891c2148.

¹³ Max Greenwood, “Poll: Nearly half of Americans say Supreme Court should uphold Roe v. Wade,” *The Hill*, May 31, 2019, <https://thehill.com/policy/healthcare/446367-poll-nearly-half-of-americans-say-supreme-court-should-uphold-roe-v-wade/>.

¹⁴ “Abortion,” Gallup, accessed October 14, 2022, <https://news.gallup.com/poll/1576/abortion.aspx>.

¹⁵ “Americans’ Opinions on Abortion, January 2020,” Knights of Columbus.