



## MEMORANDUM

**TO:** Ed Whelan, Ethics and Public Policy Center  
Wendy Long, Judicial Confirmation Network

**FROM:** Whit Ayres

**DATE:** May 14, 2007

**RE:** Public Opinion on Overturning Roe v. Wade

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A national survey our firm conducted of 1000 registered voters April 26-May 2, 2007, indicates that public opinion on the Supreme Court overturning Roe v. Wade is significantly affected by a focus on the conditions under which abortion is allowed by the ruling. Effects are particularly large in red states, but movement occurs in blue states as well. Highlights of the survey follow, along with the exact question wording.

- 1. When asked initially, a majority of voters does not want the Supreme Court to overturn its 1973 decision in Roe v. Wade that established a constitutional right to an abortion.** Fifty-five percent do not want the decision overturned, while 34 percent do. Voters in blue states are overwhelmingly opposed to overturning the decision: 61 to 27 percent. Voters in red states agree but by a narrower margin: 50 to 39 percent.
- 2. When asked about specific circumstances under which they think abortion should be legal in the United States, a majority of voters—often an overwhelming majority—wants abortion to be legal in the following cases:**

	<i>Legal</i>	<i>Illegal</i>
• The pregnancy endangers the life of the woman	75%	18%
• The pregnancy poses a threat to the physical health of the woman	70%	21%
• The pregnancy resulted from rape or incest	70%	24%
• The fetus has a serious physical or mental deformity	55%	36%

3. **On the other hand, a majority of voters—often an overwhelming majority—wants abortion to be *illegal* in the following cases:**

	<i>Legal</i>	<i>Illegal</i>
• The woman does not like the gender of the fetus	17%	79%
• The woman thinks a child would interfere with her education or career plans	24%	72%
• The fetus has a physical abnormality that could be repaired, such as a cleft palate	28%	66%
• The woman feels she cannot afford to raise a child	31%	65%
• The woman has all the children she wants	32%	64%
• The woman feels she is not yet ready to raise a child	32%	63%
• The woman is not married	32%	62%
• The pregnancy could cause depression or pose other mental health problems	42%	51%

4. **After being informed that *Roe v. Wade* allows abortion under all of these circumstances, voters in red states switched to wanting *Roe* overturned, while voters in blue states remained opposed to overturning *Roe*.** Among voters in all states, initial opposition to overturning *Roe* stood at 55 to 34 percent; after discussing the conditions that are currently legal, the margin against overturning *Roe* dropped to 48 to 43 percent. Among red state voters, initial opposition was 50 to 39 percent. After discussing currently legal conditions, voters in red states switched to wanting *Roe* overturned by 47 to 44 percent. Voters in blue states initially did not want *Roe* overturned by a 61 to 27 percent margin; after the discussion opposition in blue states remained at 53 to 39 percent.

5. **Voters in both red and blue states approve of the Supreme Court's recent decision upholding a ban on partial birth abortions, but the margin of support is greater in red states.** Voters in all states support the decision upholding the ban by 44 to 36 percent. Voters in red states support the decision by 45 to 34 percent, while voters in blue states support the decision by 42 to 38 percent.

Confronting the conditions under which *Roe v. Wade* makes abortion legal clearly has an effect on attitudes about overturning the decision. *Roe* made abortion legal under conditions where an overwhelming majority of voters would prefer for it to be illegal. Maintaining public policy at such odds with majority will helps to explain why abortion remains such a divisive issue in American politics.

## **Methodology**

The sample for this survey consists of 1000 respondents drawn randomly from throughout the 50 states plus the District of Columbia. Respondents were selected by random-digit dialing to insure that households with both listed and unlisted numbers are included. All respondents indicated they are registered to vote. The margin of error is  $\pm 3.1$  percent.

Demographics of the sample are consistent with recent national surveys of registered voters. By political party, 33 percent are Democrat and 28 percent Republican, with the remainder Independent or other. That five-percentage-point margin in favor of Democrats is three points greater than the two-point Democratic advantage shown by election exit polls in November 2006. Forty-seven percent of the respondents are male and 53 percent are female. By race, the sample is 74 percent white, 11 percent African American, 10 percent Hispanic, and 1 percent Asian.

"Red states" are those that voted for George W. Bush in 2004. "Blue states" are those that voted for John Kerry.

The poll was funded by the Ethics and Public Policy Center in cooperation with the Judicial Confirmation Network.

## Highlight 1

In 1973 the Supreme Court ruled in Roe versus Wade that there is a constitutional right to abortion. Would you like the Supreme Court to overturn Roe versus Wade, or not?

IF YES OR NO, ASK: Do you feel that way strongly, or just somewhat?

	<b>All</b>	<b>Red States</b>	<b>Blue States</b>
YES, OVERTURN/STRONGLY .....	28%	33%	22%
YES, OVERTURN/SOMEWHAT .....	6%	6%	5%
NO, NOT OVERTURN/SOMEWHAT .....	13%	13%	13%
NO, NOT OVERTURN/STRONGLY .....	42%	37%	48%
DON'T KNOW/REFUSED .....	11%	10%	12%

## Highlight 2 | Bullets 1-4

Please tell me if you think abortions should be legal or illegal in your state under each of the following circumstances (RANDOMIZE):

		<b>LEGAL</b>	<b>ILLEGAL</b>	<b>DON'T KNOW</b>
• The pregnancy endangers the life of the woman	<b>All</b>	75%	18%	8%
	<b>Red States</b>	73%	19%	7%
	<b>Blue States</b>	76%	16%	8%
• The pregnancy poses a threat to the physical health of the woman	<b>All</b>	70%	21%	9%
	<b>Red States</b>	68%	23%	9%
	<b>Blue States</b>	72%	19%	9%
• The pregnancy resulted from rape or incest	<b>All</b>	70%	24%	6%
	<b>Red States</b>	68%	26%	6%
	<b>Blue States</b>	71%	23%	6%
• The fetus has a serious physical or mental deformity	<b>All</b>	55%	36%	9%
	<b>Red States</b>	52%	40%	9%
	<b>Blue States</b>	59%	32%	9%

### Highlight 3 | Bullets 1-8

Please tell me if you think abortions should be legal or illegal in your state under each of the following circumstances (RANDOMIZE):

		LEGAL	ILLEGAL	DON'T KNOW
• The woman does not like the gender of the fetus	All	17%	79%	4%
	Red States	13%	83%	4%
	Blue States	21%	75%	4%
• The woman thinks a child would interfere with her education or career plans	All	24%	72%	4%
	Red States	18%	78%	4%
	Blue States	31%	64%	5%
• The fetus has a physical abnormality that could be repaired, such as a cleft palate	All	28%	66%	7%
	Red States	23%	72%	5%
	Blue States	33%	59%	8%
• The woman feels she cannot afford to raise a child	All	31%	65%	5%
	Red States	25%	71%	4%
	Blue States	36%	58%	6%
• The woman has all the children she wants	All	32%	64%	4%
	Red States	27%	69%	4%
	Blue States	38%	57%	5%
• The woman feels she is not yet ready to raise a child	All	32%	63%	5%
	Red States	25%	70%	4%
	Blue States	39%	56%	5%
• The woman is not married	All	32%	62%	6%
	Red States	26%	69%	5%
	Blue States	39%	54%	7%
• The pregnancy could cause depression or pose other mental health problems	All	42%	51%	7%
	Red States	35%	57%	8%
	Blue States	50%	43%	7%

### Highlight 4

Roe versus Wade prohibits states from restricting abortion during the first six months of pregnancy for any reason, including all those we just discussed. If Roe were overturned, states could make abortion policies that would permit abortion for some reasons and bar it for others. Knowing that, would you like the Supreme Court to overturn Roe versus Wade, or not?

IF YES OR NO, ASK: Do you feel that way strongly, or just somewhat?

	All	Red States	Blue States
YES, OVERTURN/STRONGLY .....	31%	35%	27%
YES, OVERTURN/SOMEWHAT .....	12%	12%	12%
NO, NOT OVERTURN/SOMEWHAT .....	11%	12%	10%
NO, NOT OVERTURN/STRONGLY .....	37%	32%	43%
DON'T KNOW/REFUSED .....	9%	9%	8%

## Highlight 5

Do you support or oppose the Supreme Court's recent decision that upheld a ban on an abortion procedure commonly called partial-birth abortion?

IF SUPPORT OR OPPOSE, ASK: Would that be strongly (support/oppose), or just somewhat (support/oppose)?

	<b>All</b>	<b>Red States</b>	<b>Blue States</b>
STRONGLY SUPPORT.....	34%	37%	30%
SOMEWHAT SUPPORT .....	10%	8%	12%
SOMEWHAT OPPOSE .....	9%	7%	11%
STRONGLY OPPOSE.....	27%	27%	27%
DON'T KNOW/REFUSED .....	20%	20%	20%