

"OPINION ROUNDUP": ABORTION POST-WEBSTER, AND DRUGS

HAS PUBLIC OPINION SHIFTED ON ABORTION?

By Everett C. Ladd

Politics trades heavily in perceptions. One of the controlling perceptions in current US politics has it that a great sea change has occurred in the public's thinking on abortion in the aftermath of the Supreme Court's July 3 ruling in the case of *Webster v. Reproductive Health Services*.

Pro-choice activists—who had been generally satisfied with the expansive abortion-rights policy set down by the Court in *Roe v. Wade* (1973)—were clearly angered by *Webster* and shocked by its signal that the high court no longer has a majority committed to *Roe*. Re-energized, they may well be a more potent lobbying force today than they were prior to July 3. But among the general public, no sea change has occurred in opinion on abortion. In fact, the public's mix of views on the issue is now exactly what it was before *Webster*, and indeed what it has been for years.

Many commentators have badly misinterpreted public opinion on abortion, it seems, in part because they have assumed that most people who have thought about the issue and who have strong feelings on it must ultimately come down either "for" or "against". Millions are wholly supportive of the right to abortion, of course, or strongly opposed to abortion in most if not all circumstances—but the vast preponderance of Americans just aren't in either camp.

Often when a large segment of the public is somewhere "in the middle" on an issue it means simply that they haven't thought much about it and lack a clear view. That's not the case with abortion, however. The public is informed and interested—and has in fact reached a judgment.

Part of the judgment reached by many Americans in the "great middle" is that on abortion as on so many other questions the idea of letting individuals choose deserves great respect. When, for example, pollsters ask whether, "if a woman wants to have an abortion, and her doctor agrees to it," she should be permitted to have it, large majorities consistently say yes. The other part of the judgment, however, is that abortions have been performed too often and too casually since the *Roe* decision, and that greater restraint is needed now.

The impact of these two sets of views is shown clearly by a number of studies—including polls taken in March of this year by the *Los Angeles Times*, and by KRC/Communications Research, and in September by CBS News and the *New York Times*—each of which asked a comprehensive battery of questions. These studies show that a large majority rejects a constitutional amendment that would categorically prohibit abortion. A woman so choosing should be able to get a legal abortion when the pregnancy results from rape or incest, and when there is a significant chance the child will be genetically deformed. Almost consensually, Americans would permit abortion to save the mother's life.

But while the mother should be able to choose to have an abortion in some instances, her right of choice should not be unlimited. Large majorities would make abortion illegal in cases where the claim for an abortion is that having a child would force the woman to interrupt her career, that the father is unwilling to help raise the child, or that the pregnancy would cause excessive emotional strain. Almost consensually, Americans oppose abortion as a means of birth control.

Polls have regularly shown a clear majority opposed to having abortion legal in all circumstances, and about half the public willing to have its legality limited to very restricted circumstances. For example, the CBS News/New York Times poll of September 17-20, 1989, found 43% saying abortion should be "legal as it is now," 40% wanting it legal "only in such cases as rape, incest, or to save the life of the mother," while 13% would not permit it at all.

On whether public opinion has shifted since the *Webster* ruling, the large collections of "before" and "after" polling on various dimensions of the issue make clear no movement has occurred. For example, on the basic question just cited—whether abortion should be legal in all cases, only in some, or not at all—Gallup found the "legal always" proportion just 2 percentage points higher right after *Webster* than it had been in April and 6 points higher than in September of last year. The *Times*/CBS surveys similarly found change modest and statistically insignificant—and, such as it was, in the opposite direction. The proportion that would keep abortion legal as now was 8 points lower in September than it had been in April and 5 points less than in January. When the only shifts picked up over time are small and inconsistent (from one poll to another) as to direction, only one conclusion is tenable: Opinion hasn't changed.

One reason, perhaps, why many observers believe *Webster* has helped shift public opinion is that they concluded—from imperfect survey data—that a majority of Americans disagreed with the Court's ruling. A Yankelovich Clancy Shulman poll of July 6 reported, for example, that 61% rejected the Court's judgment "that states can pass laws restricting women's ability to have abortions," while only 32% endorsed the decision. The fact that other surveys done at the same time came up with sharply different results should, however, have invited caution. The *Los Angeles Times* poll, and that by the Associated Press and Media General, found just after the *Webster* decision was handed down that pluralities approved it.

In fact, most Americans neither approved nor disapproved of *Webster*—because they didn't know what it held. In their September survey, CBS News and the *New York Times* asked the question the right way: "In July, the Supreme Court decided *Webster vs. Reproductive Health Services*, a major case about abortion. Do you approve or disapprove of the Supreme Court's decision in this case, *or haven't you heard enough about it to have an opinion?*" [The emphasis added is mine]. Three-fourths of the public said they still—2 1/2 months after the ruling—hadn't heard enough to have a view.

The public does have opinions on various specific forms of state regulation of abortion. Large majorities endorse laws that would require counseling about alternatives to abortion, and that would mandate parental *notification* and parental *consent* before a woman under 18 can have an abortion. Clear majorities also favor requiring viability testing in pregnancies of 20 weeks or more, before abortion is permitted. On the other hand, majorities oppose state action barring public employees from performing, assisting, or advising in abortion.

Some Americans would reverse the 16-year-old *Roe v. Wade* ruling altogether, while others would let it stand entirely unmodified. But *majority opinion* has long been otherwise—and remains so today. It stipulates that abortion should not be categorically banned, but also should not be established as an absolute right.