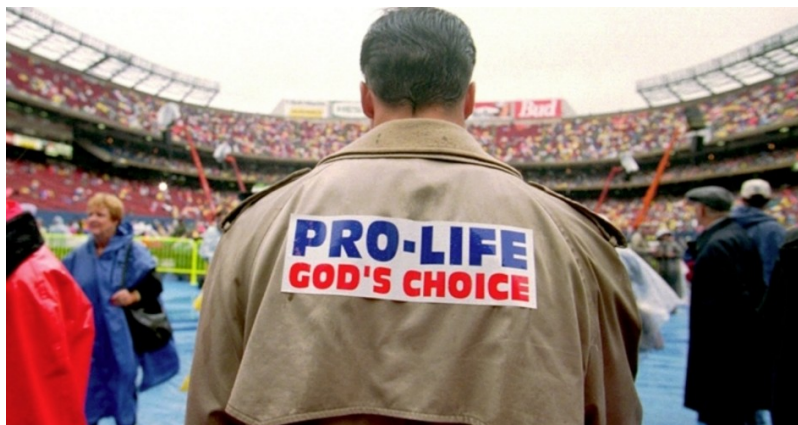




Written by [Bruce Walker](#) on May 24, 2012

Gallup Reports New Low in “Pro-choice” Americans

The trend in American sentiment toward abortion has changed substantially over the last several decades. In 1995, Gallup reported that 56 percent of Americans defined themselves as “pro-choice” while only 33 percent of Americans defined themselves as “pro-life.” This narrowed so that by 2002 these two self-defined groups were roughly equal in number. Since then, although the polling data is not a straight line, the percentage of Americans who are “pro-choice” has now dropped to a Gallup [low of 41](#) percent while the percentage of Americans who are “pro-life” is 50 percent. Although the trends have been generally the same regardless of partisan affiliation, Republicans are vastly more inclined to be pro-life at 72 percent than Independents at 47 percent or Democrats at 34 percent.



A clear plurality of Americans believe that abortion is immoral compared with those who believe abortion is moral (51 percent to 38 percent in the latest poll), and at no time in the last dozen years reported in the poll have fewer Americans thought abortion was immoral than those who felt abortion was moral. The findings of Gallup correspond generally with Rasmussen, although the latter poll reported in April 2012, for the first time, that only 47 percent of Americans believe that abortion is wrong most of the time. Last August Rasmussen reported that 55 percent of Americans believed that abortion was wrong most of the time.

The confusing wording of polling questions leads to potentially misleading responses to questions. When Americans are asked, for example, whether they favor overturning *Roe v. Wade*, they generally oppose such a move. That Supreme Court decision, however, was not strictly about abortion but rather about states’ rights. Before *Roe v. Wade*, some states allowed abortion. In fact, even states which putatively did not allow abortion, such as Texas, from which “Roe” brought her action, did allow abortion in certain cases such as rape, incest or when the life of the mother was in jeopardy. The Supreme Court decision invented a constitutional “right to privacy” which was then interpreted to mean that abortions could be allowed up through the last trimester but could be regulated by state law generally after that point in time.

State law, prior to *Roe v. Wade*, could have granted greater abortion rights than those required in the decision or more constricted abortion than provided for in the decision. In this respect, the Constitution had allowed states to determine what constituted criminal homicide of unborn children or what was permissible homicide of unborn children, depending upon the values of the voters of the state.

This was not outlandish. Homicide of adults may be murder, manslaughter, criminal negligence, non-criminal but still tortuous (i.e. wrongful death) or perfectly permissible under state law. The same is



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true of sexual intercourse, which depending upon the definition in state law may be rape or some type of sexual battery or non-criminal but still tortuous or perfectly legal. As best we can divine from the writings of our Founding Fathers who wrote the Constitution, they never dreamed that the federal government would ever have to get involved in determining the law of abortion or rape or murder. In fact, except in a few odd cases, there is no federal law against murder at all.

What is clear, almost 40 years after *Roe v. Wade*, is that the public support for a federal constitutional policy on abortion remains unsettled and contentious — probably, in fact, moreso when federal judges determine that policy than when state legislators did.

Photo: Franco Pagnanelli, of Bloomfield, N.J., wears a bumper sticker reading "Pro-Life God's Choice" on the back of his raincoat, Oct. 5, 1995, in Giants Stadium in East Rutherford, N.J.,

where Pope John Paul II was celebrating Mass: AP Images



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