



Written by [Warren Mass](#) on February 12, 2015

Poll Shows More Americans Dissatisfied With Abortion Laws

Gallup's annual Mood of the Nation poll conducted from January 5-8 indicated that only 34 percent of respondents are satisfied with "the nation's policies regarding the abortion issue," while 48 percent said they are not satisfied. The percentage indicating that they are satisfied is the lowest since Gallup first included the question in its poll in 2001.



In its explanation of the poll's results, Gallup noted that between 2001 and 2008, at least 40 percent of those polled every year said they were satisfied with our nation's abortion policies. However, that percentage has dropped since 2012 and in three out of the last four years less than 40 percent have been satisfied with those policies.

A major factor in the declining percentages of those who approved of our nation's abortion policies has been a drop in satisfaction among Republicans since 2012 — the last year of Barack Obama's first term as president. Gallup noted that having once been as high as 44 percent in the 2002 survey, satisfaction with our nation's abortion policies among Republicans has reached no higher than 29 percent since 2012.

This year, only 21 percent of Republicans approved of our national abortion policies. There has been a steady decline since Obama replaced George W. Bush in the White House. This disapproval undoubtedly stems from Obama's reputation as our nation's most pro-abortion president.

Obama validated that reputation when he issued a statement on January 22nd — the anniversary of the *Roe v Wade* decision — in which he mentioned H.R. 7, a bill to prohibit all taxpayer funding for abortion:

I am deeply committed to protecting this core constitutional right [to abortion], and I believe that efforts like H.R. 7, the bill the House considered today, would intrude on women's reproductive freedom and access to health care and unnecessarily restrict the private insurance choices that consumers have today.

H.R. 7 was passed by the House that same day, by a vote of 242-179.

As Gallup noted about the poll's results, "no meaningful changes have occurred in Democrats' and political independents' views on [abortion] questions since Obama became president."

Other polls have noted a large number of Americans who report significant restriction on abortion. The Heritage Foundation's *Daily Signal* reported January 21 on a poll undertaken by the Knights of Columbus and conducted from January 7-13 by the Marist Institute for Public Opinion located at Marist



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College in Poughkeepsie, New York.

When those polled by Marist were asked directly whether they were either pro-life or pro-choice, they responded almost equally, with 47 percent describing themselves as pro-life, and 49 percent as pro-choice.

However, noted the pollsters, “Americans’ views on abortion are complex.” When those polled were offered “additional options to define their sentiment on the issue, a good deal of common ground” was revealed.

Though the initial reply seems to suggest that Americans are about equally divided on the issue of abortion, a large majority would change the present situation wherein abortion is allowed, practically without any restrictions at all, for all nine months of pregnancy.

An overwhelming number, 84 percent, believe there should be significant restrictions on and safeguards for abortions including limiting the procedure to the first three months of pregnancy; allowing it only in cases of rape, incest, or to save the life of the mother; or never permitting it at all. Even two-thirds of those who call themselves “pro-choice” favor those same restrictions.

A large majority, 84 percent, think laws can exist that protect both the health and well being of a woman and the rights of unborn children.

Nearly six in 10 Americans, 58 percent, think additional legal restrictions on abortion are required. Almost half of those who consider themselves to be “pro-choice” — 46 percent — agree that the law should be changed to provide more restrictions on abortion.

While these respected opinion polls indicate that there is widespread support for at least increasing the degree to which abortion is restricted, public sentiment does not always translate easily into political action. Shortly after the passage of H.R. 7 on January 22, House Republicans decided to abandon H.R. 36, the “Pain Capable Unborn Child Protection Act,” a bill to ban most abortions after 20 weeks of pregnancy, the point where it is said that the unborn infant can feel pain. Republican leaders had originally scheduled a vote on H.R. 36 for the 22nd, but cancelled the vote after some Republicans complained that the exception for rape applied only when the rape was reported to police.

LifeNews reported on January 21 that Representative Renee Ellmers (R-N.C.) and Representatives Charlie Dent (R-Pa.) and Jackie Walorski (R-Ind.) objected to a vote on the bill on the grounds that its language did not do enough to allow women who have been victimized by rape to have abortions.

Dent, exhibiting a lack of statesmanship that is all too common on Capitol Hill, told the *National Journal*: “I prefer that we avoid these very contentious social issues.”

President Barack Obama left no doubts about his position on fetal pain and has said he’ll veto the Pain-Capable Unborn Child Protection Act — should Republicans in Congress ever muster the fortitude to send it to his desk.

Even when laws protecting the right to life of unborn children are passed at the federal or state level, they are often struck down by federal judges. Last March, U.S. District Judge Susan Webber Wright struck down part of an Arkansas law that prohibited most abortions beginning at 12 weeks gestation.

The previous year, U.S. District Judge Lee Yeakel ruled that a provision in a new Texas law to require abortion providers to have admitting privileges at nearby hospitals is unconstitutional. A similar law in Alabama was struck down by a U.S. District Judge Myron Thompson in 2014. That same year, U.S. District Judge Catherine Eagles struck down a North Carolina law that did not ban any abortions, but



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merely required abortion providers to display ultrasound images so women can see them and then describe the dimensions of an unborn baby.

The granddaddy of all abortion-related decisions, *Roe v. Wade*, did not, as most people believe, legalize abortion, but nullified most state laws restricting the practice. All of these federal court decisions make it clear that the majority of Americans who want to restrict abortion will not be able to do so until the federal judiciary is forced to stay out of the picture.

Article III, Section 2 of the U.S. Constitution allows Congress to strip the Supreme Court of any cases (e.g., abortion cases) where the Supreme Court does not possess original jurisdiction. Congress can also limit the jurisdiction of any lower federal courts, since Congress created those courts. Congress could make *Roe v. Wade* irrelevant overnight, since by prohibiting the federal courts from hearing abortion cases the states could then put back in place anti-abortion laws.

This strategy was attempted by former Representative Ron Paul (R-Texas) in the 111th Congress as H.R. 539, the "We the People Act." H.R. 539 would have removed the jurisdiction of the Supreme Court and other federal courts from cases related to the free exercise or establishment of religion, and the right of privacy, including any such claim related to any issue of sexual practices, orientation, or reproduction (e.g., abortion).

Unfortunately, the legislation did not receive enough support to be brought to a vote and thus died in committee.

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