

PUBLIC CONFUSION ABOUT *ROE v. WADE* AND *DOE v. BOLTON*

BY Wanda Franz, Ph.D.

■ *The 1973 decision [of *Roe v. Wade*] is so ingrained in public consciousness that **most people can recognize the case by its name.** [Emphasis added.]*

—Knight Ridder news story, 12/31/05

■ **Most women in the survey could not name the case** that prompted the Supreme Court's 1973 decision legalizing the right to abortion in the United States. Forty-three percent correctly identified the case as "*Roe v. Wade*" (or came close to offering the exact name), 2% gave some other name, and 55% admitted outright that they did not know the name of the case....

Half of women (51%) now say they would like to see very strict limits on abortion—34% who think it should only be permitted in cases of rape, incest and to save the woman's life and 17% who think abortion should never be permitted. Two years ago, 45% of women preferred either of these two kinds of very strict limitation on abortion. [Emphasis added.]

—Poll for the Center for Gender Equality by Princeton Survey Research Associates, 4/7/03

■ "In 1973, the U.S. Supreme Court decided that states laws which made it illegal for a woman to have **an abortion up to three months of pregnancy** were un-constitutional, and that the decision on whether a woman should have **an abortion up to three months of pregnancy** should be left to the woman and her doctor to decide. In general, do you favor or oppose this part of the U.S. Supreme Court decision making abortions up to three months of pregnancy legal?" (Emphasis added to highlight misrepresentation.) Poll result: **Favor 52%**, oppose 47% [highest in 20 years].

—Harris Poll question used since 1973 (!), data from 3/3/05

■ **Abortion**—The deliberate termination of a pregnancy before the fetus is capable of living outside the womb has generally been legal in the United States since 1973, **when the Supreme Court ruled (in *Roe v. Wade*) that abortion cannot be prohibited during the first three months of pregnancy.** [Emphasis added to highlight misrepresentation.]

—New York Times 2005 Almanac, p. 368

■ *But the most important sentence appears not in the Texas case of *Roe vs. Wade*, but in the Georgia case of ***Doe vs. Bolton***, decided the same day. In deciding whether an abortion is necessary, Blackmun wrote, doctors may consider "all factors - physical, emotional, psychological, familial and the woman's age - relevant to the well-being of the patient."*

It soon became clear that if a patient's "emotional well-being" was reason enough to justify an abortion, then any abortion could be justified.

Legal scholars have long pointed to the shaky constitutional basis for a right to abortion.... [Emphasis added.]

—David G. Savage, Los Angeles Times staff writer, 9/14/05

■ From Table 3 (most important reason for having an abortion) of Planned Parenthood's Alan Guttmacher Institute's 2004 survey: "**Physical problems with my health**"—4%, "Was a victim of rape"—less than 0.5%, "Possible problems affecting the health of fetus"—3%. [Social and emotional reasons amounts to about 92% or more.]

—*Perspectives on Sexual and Reproductive Health*, 2005, 37(3):110-118

■ In 2002, 1.29 million abortions took place, down from an estimated 1.36 million in 1996. **From 1973 through 2002, more than 42 million legal abortions occurred.** Each year, 2 out of every 100 women aged 15-44 have an abortion; **48% of them have had at least one previous abortion.** [Emphasis added.]

—*Facts in Brief*, Alan Guttmacher Institute web site

■ “As you know, in 1973, the U.S. Supreme Court announced a landmark decision on abortion known as **Roe versus Wade**. Do you think that decision was a good thing or bad thing for the country?”
2003 Gallup poll: **Good thing 53%**, bad thing 30%, no opinion 17%.

■ *Los Angeles Times* poll June 5-8, 2004: Abortion should always be legal—29%. Abortion should be legal most of the time—12%. **Abortion should be made illegal except in cases of rape, incest and to save the life of the mother—45%. Abortion should be made illegal without any exceptions—12%.** The latter figures add up to 57%.

The quotes above reveal several facts: (1) There is a strong media and polling bias to misrepresent *Roe v. Wade* as a “limited” decision (e.g., “up to three of months of pregnancy”). Only rarely is *Doe v. Bolton*, the companion decision to *Roe*, correctly identified as the reason why abortion for *any* reason can be justified under current law (story by *LA Times* writer David Savage). (2) A majority (52%) of the public supports *Roe*, yet a larger majority (57%) opposes the abortion-on-demand regime of *Roe* and *Doe*. A majority (51%) of women also opposes abortion on demand. (3) The media’s misrepresentation (by intention or incompetence) of *Roe v. Wade* and the suppression of the facts about *Doe v. Bolton* have led to public confusion about the radical nature of these Supreme Court decisions.

In light of the above public attitudes, I ask you to make every effort to educate your friends and acquaintances. How many know that there are about 1.3 million abortions per year? That nearly half are repeat abortions? And that over 90% of abortions are done for social and emotional reasons and not the mother’s life or health? How many have even heard of the *Doe v. Bolton* decision? How many know that it is the abortionist himself who gets to decide if there is a “health” reason for the abortion? Or that being upset about the pregnancy is a “health” reason under *Doe v. Bolton*?

There is much work to be done in 2006. The unborn babies count on you.