

# VOTERS FOR CHOICE

FRIENDS OF FAMILY PLANNING

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TESTIMONY OF  
KRISTINA KIEHL

The hearings on the nomination of Robert Bork were a referendum on the right of privacy. They generated an unprecedented national discussion of the constitutional boundaries between government power and the private domain of the individual.

In refusing to confirm the nomination of Robert Bork, the Senate was confirming the sense of the American people that freedom from government intrusion in private reproductive decisions is a fundamental human right.

Since the 1973 Supreme Court decision on abortion in Roe v. Wade, the public has remained committed to keeping abortion safe and legal. According to polling data analysis, in 1975, 75% of the American public supported legal abortion. More than 10 years later, the percentages are virtually identical with 76% favoring legal abortion. This is an informed judgement -- a majority, 55%, knows someone who has had an abortion and 82% of Americans say they are not likely to change their minds on this issue.

Thus, there is an important counterpoint to the legal discussion of the right to privacy . . . and that

is the unwavering determination of a majority of Americans that deciding whether or not to bear a child is a private decision.

Let Judge Kennedy be reminded that it is not only a matter of law but a matter of deeply held personal belief that in certain private decisions, government has no place.

If confirmed, Judge Kennedy will be accountable to the Constitution and to the laws. And this hearing will be the last time in his judicial career that Judge Kennedy will be accountable directly to the people and to their elected representatives.

We hope these confirmation hearings will leave Judge Kennedy with a sensitivity to peoples' lives -- an understanding that the right to a private choice about abortion is not a right if some women can make that decision only with government permission.

In the end, liberty is not in the Constitution. It is not in the laws. Liberty is in the lives of the people, or it is nowhere.

The Court must look not only to the letter of the Constitution, and not only to the letter of the law, the Court must look to the lives of the people to see where liberty is alive.

Judge Kennedy must look at the lives of women. Today most women can choose whether or not to bear a child, and can make that choice without government

interference. We call that the right of privacy, but women dependent on Medicaid, women in prison, women in the Peace Corps, and Native American women cannot make that choice. A conscious government policy makes that choice impossible for them. You will look in vain for the right of privacy in their lives.

The Constitution and the Courts have said women have the right to decide, without government compulsion, whether to bear a child. But if that woman is dependent on Medicaid, the government is not neutral. The government has thrown its decisive financial clout on one side of her so-called privacy decision. Look at her life and you will not see the right to privacy. For her the Constitution and the courts have failed.

Before Roe v. Wade, there were two classes of women: those with the money and know-how to buy a safe, legal abortion, and those who had to risk a potentially deadly back-alley abortion or bring an unwanted child into the world.

Today, Medicaid policy divides American women into two classes: those who can afford an abortion, and those who cannot. Where is the right of privacy when that right can only be bought for a price?

We believe that Judge Kennedy does not intend to overturn Roe v. Wade. But if we allow that right to be nibbled away at the edges, then we will have created many classes of people who in actuality have different rights

depending on where they live, who they know, and how much money they have. That is the situation we had before Roe v. Wade, when abortions were available to women in some states, and to all women who had the money to travel to a place where safe and legal abortions could be obtained.

We are heartened to hear Judge Kennedy affirm the constitutional principle of privacy. We cannot oppose Judge Kennedy because we believe that he is committed to upholding a constitution that Judge Bork was determined to rewrite. But we cannot endorse him because we are not confident he is willing to look beyond the theory of the law to assure that liberty and the right of privacy exist in the lives of all American women.

For my daughters' sakes I hope Judge Kennedy will prove his conviction that liberty must be protected not just in the law but in our lives.



**PUBLIC  
OPINION  
POLLS**

**Reproductive  
Rights**

**An Analysis**

## INTRODUCTION

**S**ince the 1973 Supreme Court decision on abortion in *Roe v. Wade*, the public has remained committed to keeping abortion safe and legal. In 1975, 75% of the American public supported legal abortion. More than ten years later, the percentages are virtually identical, with 76% favoring legal abortions (21% always; 55% under certain circumstances). The following report provides an overview and analysis of recent major opinion polls on abortion and other reproductive health issues.

This report is based on a comprehensive compilation (full copies available upon request) of opinion data on abortion and birth control from the following polls: Gallup, Harris, National Opinion Research Center, ABC/*Washington Post*, CBS/*New York Times*, and NBC News. Representative questions and results were chosen for this report.

The polling data indicate:

- A majority of Americans know someone who has had an abortion (55%) and believe that abortion will remain legal (74%).
- The public understands that undesirable results could occur if abortion were made illegal. People think the following would happen: Many women would break the law and get illegal abortions (88%); many women would be physically harmed by illegal abortions (87%); welfare costs would rise to pay for unwanted poor children (70%).
- Americans are vehemently opposed to terrorist acts against women's health care centers. Seventy-seven percent believe that such attacks amount to campaigns of terrorism.
- Americans want to see sex education included in high school instructional programs (75%) and favor links between public schools and family planning clinics so that teenagers can learn about contraceptives and obtain them (67%).

## INFORMATION AND SALIENCE

**T**he American public consistently has proved its support for safe and legal abortion. This is an informed judgment, and 82% of Americans say they are not likely to change their minds on this issue. People recognize the need for family planning: they use birth control (70%), and they know people like them who have had abortions (55%). Thus, despite the graphic and extreme terms that have been used to challenge access to reproductive health care, Americans are clearly committed to preserving a full range of reproductive options.

**Q:** "How much information do you have about the abortion issue? Do you have all the information you need, most of the information, some information, or very little information?"

	All	Most	Some	Very Little	DK/NA
1964	21%	30%	31%	17%	1%
1982	24	21	31	22	2

**Q:** "How firm are you about your opinion on abortion—would you say you are very likely to change your opinion, somewhat likely to change, somewhat unlikely to change or very unlikely to change?"

	Very likely	Somewhat likely	Somewhat unlikely	Very unlikely	DK
1964	3%	13%	23%	59%	2%
1982	2	12	21	61	4

Source: General Social Surveys, 1972-1984. Cumulative Code Book. National Opinion Research Center, University of Chicago, July 1984.

**Q:** "We'd like to get your own personal opinion on a number of issues. First, are you in favor of or opposed to the use of artificial methods of birth control?"

	<b>Favor</b>	<b>Opposed</b>	<b>Don't Care (Vol)</b>	<b>No Opinion</b>
1985 (November)	70%	21%	-	9%
1979 (October)	73	17	7	3

Source: CBS News/New York Times Survey, (November 25, 1985) Roper, (October 1979)

**Q:** "Do you know anyone who has had an abortion?"

	<b>Yes</b>	<b>Yes, more than one (Vol)</b>	<b>No</b>	<b>DK</b>
1981 (May)	53	1	47	-

Source: ABC News/Washington Post Survey #182 (January 1985)



# INFORMATION AND SALIENCE

continued

**Q:** "Do you know anyone who has had an abortion?"  
"Is that person close to you, or not?"  
(September 1985)

	Know Someone	Someone Close
<b>TOTAL</b>	<b>42%</b>	<b>28%</b>
Men	39	24
Women	46	32
18-24	55	39
25-29	55	46
30-49	49	30
50-64	32	18
65 and over	20	10
Have children 6-18	42	32
No children 6-18	40	26
Less than high school	23	17
High school grad	42	27
Some college	57	39
College grad	57	34
Married or have been married	40	25
Never married	52	37
White	44	28
Black	29	26
Hispanic	48	29
Protestant	41	26
Catholic	39	25
White Fundamentalist Christian	38	22
Republican	48	29
Democrat	35	23
Independent	47	32

Source "Public Attitudes About Sex Education, Family Planning and Abortion in the United States," conducted for Planned Parenthood Federation of America by Louis Harris & Associates (August-September 1985). Study No. 854005, Table 27, p. 68

## TRENDS OVER TIME

**P**ublic sentiment on abortion is essentially pro-choice. The vast majority of Americans (88%) believe that abortion should be legal (54% always, 34% sometimes), and the degree of pro-choice sentiment depends on the circumstances. Very strong pro-choice advocates constitute between 21 and 54% of the electorate, while people totally opposed to legalized abortion comprise between 10 and 22%.

At the same time, however, people express ambivalence about abortion and are often reluctant to enter the decision on behalf of others. Most Americans are uncomfortable taking an absolutist stand on abortion; they believe abortion is a private decision which depends on the individual situation. Because people can become uncomfortable when asked to enter the debate, they sometimes qualify their responses if forced to evaluate specific circumstances.

Americans unhesitatingly support choice in the cases of rape, incest, danger to the health of the mother or birth defects. When the circumstances reflect what people perceive as "sex without responsibility", people are less comfortable giving carte blanche. Despite this discomfort, the public recognizes the need for abortion as a last resort. They want this choice treated in a responsible manner, and pro-choice sentiments are highest when the decision is left to a woman and her doctor (74%).

# TRENDS OVER TIME

continued

**Q:** "Do you tend to agree or disagree with this statement: a woman should be able to get an abortion if she decides she wants one no matter what the reason?"

(If disagree, that women should be able to get an abortion no matter what the reason & no opinion) "Do you think abortion should be legal only under certain circumstances or illegal in all circumstances?"

	Always Agree	Sometimes Agree	Never Agree
1985 (January)	52	36	11

Source: ABC News/Washington Post Survey #217 (February, 1986)

Subgroups (February 1986)

	Always Agree	Sometimes Agree	Never Agree
Men	56	34	10
18-30	62	27	11
45-60	50	39	9
Less than high school	41	39	18
College	62	28	9
Catholics	54	31	14
Black	55	32	12
Working class	50	35	14

continued

	<b>Always Agree</b>	<b>Sometimes Agree</b>	<b>Never Agree</b>
<b>East</b>	<b>60</b>	<b>32</b>	<b>8</b>
Midwest	50	37	11
<b>South</b>	<b>50</b>	<b>36</b>	<b>13</b>
West	61	29	9
<b>Democrats</b>	<b>55</b>	<b>35</b>	<b>9</b>
Independents	56	31	12
<b>Republicans</b>	<b>52</b>	<b>37</b>	<b>11</b>
City dwellers	61	30	7
<b>Suburbanites</b>	<b>58</b>	<b>32</b>	<b>10</b>
Small towners	52	34	13
<b>Rural dwellers</b>	<b>47</b>	<b>42</b>	<b>11</b>

Source: ABC News/Washington Post Survey #217, 219, 222  
(February/March 1986)

**Q:** "Do you agree or disagree with the following statement: the decision to have an abortion should be left to the woman and her physician?"  
(November 1984)

<b>Agree</b>	<b>67%</b>
Disagree	25
<b>Not Sure</b>	<b>8</b>

Source: NBC News Election Day  
Voter Poll, November 6, 1984

# TRENDS OVER TIME

continued

**Q:** "Do you think abortions should be legal under all circumstances, only certain circumstances, or illegal in all circumstances?"

	All	Certain	Illegal
1985	21	55	21
1983	23	58	16
1981	23	59	17
1980	25	53	18
1979	22	54	19
1977	22	55	19
1975	23	54	20

## Subgroups (1985)

	All	Certain	Illegal
Female	21	55	21
Male	20	57	19
18-29	21	57	22
30-49	23	54	20
50 and over	18	54	23
College grad	21	56	11
Other college	23	62	14
High school grad	18	56	23
Less than high school grad	13	47	35
White	22	56	20
Nonwhite	15	49	33
Protestant	18	57	23
Catholic	16	56	26

Source: Surveys by the Gallup Organization for *Newsweek*, January 3-4, 1985.

**Q:** "Please tell me whether or not you think it should be possible for a pregnant woman to obtain a legal abortion "

	Birth Defect	Married Doesn't Want Children	Health Endangered	Low Income	Rape	Not Married	Her Choice
1984	77%	41%	87%	44%	77%	43%	37%
1983	75	37	85	41	78	37	32
1982	81	46	89	50	83	47	39
1980	80	45	88	50	80	46	39
1978	80	39	88	45	80	40	32
1977	83	44	88	52	80	47	36
1976	82	45	89	51	80	48	NA
1975	80	44	88	51	80	46	NA
1974	83	45	90	52	83	48	NA
1973	82	46	91	52	81	47	NA
1972	74	38	83	46	74	41	NA
1965	57	16	73	22	59	18	NA

Source: General Social Surveys, 1972-1984 Cumulative Code Book National Opinion Research Center, University of Chicago, July 1984

**Q:** "If a woman wants to have an abortion and her doctor agrees to it, should she be allowed to have an abortion, or not? (Asked 8/80, 4/81, 6/81). "Do you agree or disagree with the following: The right of a woman to have an abortion should be left entirely to the woman and her doctor" (Asked 2/76, 10/77, 11/79).

	Should/ agree	Should not/ disagree	No opinion
1981 (June)	65%	22%	13%
1981 (April)	63	25	12
1980 (August)	62	19	19
1979 (November)	68	28	4
1977 (October)	74	22	4
1976 (February)	67	26	7

Source: CBS News/New York Times Poll

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## LEGALITY AND MORALITY

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**M**ost Americans (74%) believe that abortion will remain legal in the United States. They recognize, however, that under the second term of the Reagan Administration, government action will make it harder for women to get abortions (56%).

Efforts to restrict access to reproductive choice have been couched in terms of moral debate. However, Americans have refused to accept the abortion debate in the black and white terms of moral or immoral. When given the opportunity to say that abortion is immoral, only 37% of Americans were willing to do so; 58% indicated either that abortion is moral or not a question of morality. While people may be uncomfortable with abortion, most (66%) think it is the best course in a bad situation.

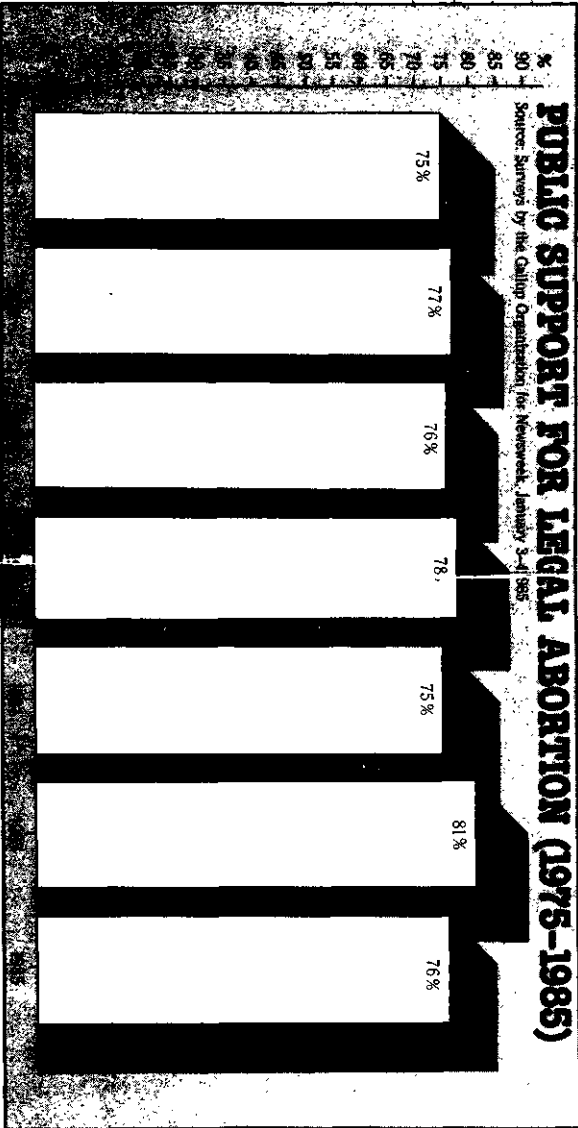
Moreover, polling data also show that people recognize the consequences of making abortion illegal. High percentages of the public predict the following negative effects if abortion were made illegal: Many women would break the law by getting illegal abortions (88%); many women would be physically harmed by illegal abortion (87%); welfare costs would rise to pay for unwanted poor children (70%). People's ambivalence about abortion is partly due to their desire to have people practice better birth control (62%). However, few people (27%) believe that making abortion illegal would improve the moral tone of the country.

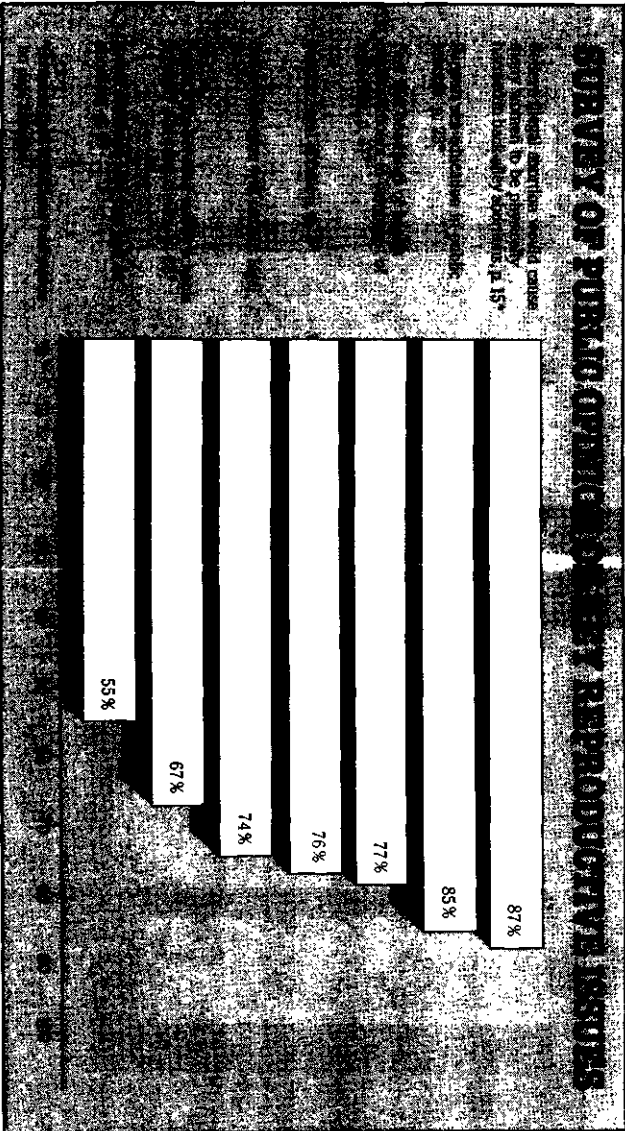
**Q:** "Do you think that abortion is moral, or immoral, or is it not a question of morality?"  
(August-September 1985)

	Moral	Immoral	Not a Question of Morality	Not Sure
Men	8	35	51	5
Less than high school	7	48	37	11
Some college	8	33	56	3
Married or have been married	7	40	47	6
Republican	7	40	48	5
Independent	8	33	59	5
25-29 years	9	32	56	3
30-44 years	8	37	51	4
50-64 years	9	42	41	8
Know someone close who has had an abortion	6	30	61	3

Source: Harris, Planned Parenthood, (August-September 1985) Table 33, p 74







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# LEGALITY AND MORALITY

continued

**Q:** "Do you agree or disagree with the following statement? Abortion sometimes is the best course in a bad situation."

	Agree		Disagree		DK	
	'83	'85	'83	'85	'83	'85
<b>TOTAL</b>	<b>69%</b>	<b>66%</b>	<b>26%</b>	<b>26%</b>	<b>6%</b>	<b>8%</b>
Men	74	67	22	23	4	10
Women	64	64	29	30	7	6
18-29	70	66	26	30	4	4
30-44	68	68	28	27	4	5
45-64	70	64	24	24	6	12
65 and over	67	65	25	23	9	12
Less than High School	60	60	34	29	6	11
High school grad	70	65	24	27	6	8
Some college	75	69	22	27	4	4
College grad	79	76	17	19	4	5
Protestant	69	66	25	26	6	8
Catholic	66	63	29	30	5	7
White	70	68	25	25	5	7
Black	62	53	27	32	11	15
Less than \$10,000	62	65	27	25	11	10
\$10-20,000	66	61	30	30	4	9
\$20-30,000	67	68	29	29	4	3
\$30-40,000	75	74	21	23	4	3
More than \$40,000	83	76	12	16	5	7
Republican	74	71	23	21	4	8
Democrat	65	66	28	28	7	6
Independent	72	65	24	28	4	7

Source: CBS News/New York Times Survey

**Q:** "Do you think that abortion will ever be outlawed in the U.S. again, or do you think it will continue to be legal?" (September 1985)

Will be outlawed	10%
Will Continue to be legal	74
Not sure	16

Source: Harris, Planned Parenthood (Table 28, p 69)

**Q:** "If abortions were made illegal under just about all circumstances, do you think the following would happen or would not happen?" (January 1985)

"If abortions were made illegal..."

	Would Happen	Would Not Happen
■ Many women would break the law by getting illegal abortions	88%	7%
■ Many women would be physically harmed in abortions performed by unqualified people	87	8
■ Wealthy women would still be able to get abortions that are safe	81	12
■ Many more women would end up with unwanted children	72	21
■ Welfare costs would rise to pay for unwanted children of the poor	70	21
■ People would practice better birth control	62	30
■ The moral tone of America would improve	26	59

Source: The Gallup Organization for *Newsweek*, January 3-4, 1985

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## POLITICS OF ABORTION

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**A**mericans believe that their religious leaders have a right to their own beliefs regarding abortion, but Americans do not approve of bringing politics into the pulpit. Sixty-seven percent of the public think it is inappropriate for religious leaders to urge them to vote for or against a political candidate because of the candidate's stand on abortion.

**Q:** "Do you think it's appropriate for leaders of your religion to take a public position on the issue of abortion?" (November 1985)

Not Appropriate 33

Source: CBS News/New York Times Poll, (November 25, 1985)

**Q:** "Do you think it's appropriate for them to urge you to vote for or against a political candidate because of the candidate's stand on the issue of abortion?" (November 1985)

Not Appropriate 67

Source: CBS News/New York Times Poll,  
(November 25, 1985)

# VIOLENCE TOWARD WOMEN'S HEALTH CENTERS

**T**he public is outraged by recent bombings of women's health care centers. Most think these attacks amount to a campaign of terrorism (77%) and believe there is no justification for these bombings. Americans believe such bombings are criminal acts (85%) and stress that it is not the American way to resort to violence when there is disagreement over national policy (81%).

**Q:** "A total of 31 abortion clinics have been bombed or attacked by people opposed to legalized abortion. Do you feel such attacks of violence against abortion clinics amount to a campaign of terrorism, or not?" (February 1985)

<b>Amount to terrorism</b>	<b>77%</b>
Do not amount to terrorism	18
<b>Not sure</b>	<b>5</b>

Source: Harris Survey, #10, (February 4, 1985), p 2

# VIOLENCE TOWARD WOMEN'S HEALTH CENTERS

continued

**Q:** "Now let me read you some statements about the attacks on abortion clinics. For each, tell me if you agree or disagree." (February 1985)

	Agree	Disagree	Not sure
■ It is not the American way to resort to violence when you disagree with a national policy	81%	17%	2%
■ The attacks on the abortion clinics are probably being conducted by fanatics and not people who are concerned with the right-to-life movement	68	28	4
■ The opponents of abortion are right when they say the damage done to the abortion clinics is minor compared with the fetuses whose lives are taken in abortion clinics	41	53	6

Source: Harris Survey, #10 (February 4, 1985), p. 2-3

**Q:** "Have you read or heard about the recent bombing of abortion clinics in various parts of the country?" (January 1985)

Yes	90%
No	10

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**Q:** (If yes heard/read) "Would you say those bombings should be described as civil disobedience or should they be called outright criminal?" (January 1985)

Criminal	85
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Source: ABC News/Washington Post Survey #182, (January 1985)

**Q:** "There have been a lot of reports lately about bombings of abortion clinics in this country. Which of these statements comes closest to your opinion about these bombings —" (January 1985)

- |  |     |
|--|-----|
| ■ There's absolutely no excuse for these bombings, they're the same thing as terrorism           | 76% |
| ■ They're bad, but there are a lot of other crimes that are just as serious                      | 13  |
| ■ If no one is killed or injured, they should be treated as a forceful kind of political protest | 5   |
| ■ No opinion   | 6   |

Source: CBS News/New York Times Poll, (January 22, 1985)



## OPTIONS

**P**eople want options in addition to abortion. They are very concerned about teenage pregnancy (84%), and parents express a great deal of anxiety about having little control over their children's sexual activity (64%). Many people favor increased discussion of sexual topics as a way to decreasing the number of teenage pregnancies (62%), and they want to see sex education included in high school instructional programs (75%). The majority of people favor links between public schools and family planning clinics so that teenagers can learn about contraceptives and obtain them (67%). Thus, Americans advocate a full range of options, including sex education, effective birth control, and legal abortion, as solutions to teen pregnancy and other sexuality-related problems.

**Q:** "Do you think that the number of teenage pregnancies in the United States is a serious problem or not so serious problem?" (August-September 1985)

<b>Serious</b>	<b>84%</b>
Not-So-Serious	11
<b>Not Sure</b>	<b>5</b>

Source: Harris, Planned Parenthood, (August-September 1985), Table 1, p. 18

**Q:** "I'd like your impression of how much control most parents have over their teenagers' sexual activity — a great deal of control, some control, not too much control, or no control at all?" (August–September 1985)

A great deal of control	33
Some control	32
Not too much control at all	25
No control at all	18
Not sure	2

Source Harris, Planned Parenthood, (August–September 1985), Table 2, p 19

**Q:** "Where did you first learn about sex—from your mother, your father, friends, sexual partner, sex education courses, or from some other source?" (August–September 1985)

	Total	Male	Female
Mother	11	6	5
Father	5	10	1
Friends	1	1	1
Sexual partner	10	12	8
Sex education courses	3	2	1
Other sources	8	10	7
Reading books	3	2	1
Sister	2	*	3
Not sure	1		

Source Harris, Planned Parenthood (August–September 1985), Table 6, p 23

# OPTIONS

continued

**Q:** "If there was *more* open discussion in society of sexual topics, would this lead to more teenage pregnancies, *fewer* teenage pregnancies, or would this have *no effect* on the number of teenage pregnancies?" (August-September 1985)

Fewer 62

Source: Harris, Planned Parenthood, (August-September 1985), Table 12, p. 34

**Q:** "Do you feel the public high schools should or should not include sex education in their education in their instructional program?" (May 1985)

	73%	18%	6%
Public school parents	81	16	3
	60	15	5

Source: Survey by Gallup for Phi Delta Kappan, May 17-26, 1985

**Q:** "Which of the following topics, if any, listed on this card should be included in high school?" (May 1985)

	Total	Public School Parents Response	Nonpublic School Parents Response
	85	83	88
Venereal disease	84	81	89
	82	77	90
Premarital sex	62	59	69
	51	47	73
Abortion	60	57	68
	48	35	62

Source: Survey by Gallup for Phi Delta Kappan, May 17-26, 1985

**Q:** "Next, I'd like to ask you some questions about sex education in public schools. Please say whether you agree strongly, agree somewhat, disagree somewhat, or disagree strongly with the following statement. Sex education should be taught in public schools?" (August-September 1985)

Agree Strongly	17
Agree Somewhat	21
Disagree Somewhat	5
Disagree Strongly	8
Not Sure	1

Source: Harris, Planned Parenthood (August-September), Table 17, p 44

**Q:** "Would you favor or oppose requiring public schools to establish links with family planning clinics, so that teenagers can learn about contraceptives and obtain them?" (August-September 1985)

	Favor	Oppose	Not sure
<b>TOTAL</b>	67	29	4
White	65	31	4
Black	76	19	5
Hispanics	76	22	2

Source: Harris, Planned Parenthood, (August-September 1985), Table 20, p 47

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## VOTING ON ABORTION

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**F**inally, when people are given the opportunity to vote on this issue, they clearly demonstrate support for safe and legal abortion for all women. In twenty out of twenty-one state and local ballot measure contests since 1978, voters have reaffirmed support for a woman's right to choose. The only anti-abortion ballot measure to win, in Colorado, did so by less than one percent of the vote. Most of these ballot measures, seventy-five percent, would have outlawed state funding for abortions.

Anti-choice measures at the state and local levels,  
1986-1978

YEAR	Measures Proposed	Measures Defeated	Measures Passed
	0	0	0
1985	3	3	0
	6	5	1*
1982	1	1	0
	2	2	0
TOTAL	21	20	1

\* passed by a margin of less than one percent.

## CONCLUSION

**T**he American public has demonstrated its strong and consistent support for legal abortion. Repeated efforts to sway the public against abortion through extreme and graphic means have been unable to diminish this stable support for legal abortion. Despite all the debate, the public remains committed in its opinions and its votes to keeping abortion safe and legal.

The public recognizes the need for family planning: people use birth control and know others like them who have had abortions. In addition, the vast majority of Americans support access to sex education, effective birth control, and legal abortion as solutions to teen pregnancy and related problems. Americans are clearly committed to preserving a full range of reproductive options.

The polling data in this report were compiled and analyzed by Dr. Ethel Klein of Columbia University.

Produced by the Resource Committee on Reproductive Health Care, and the Women's Media Project of the NOW Legal Defense and Education Fund.

For more information or additional copies, please contact the Women's Media Project, NOW-LDEF, at 202/429-7339, 1776 K Street NW, 9th Floor, Washington, DC 20006.

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