



# How abortion became a partisan issue in America

*Joe Biden, a Democrat, has a mixed record on abortion. Here's why that's increasingly rare.*

by Anna North – April 10, 2019

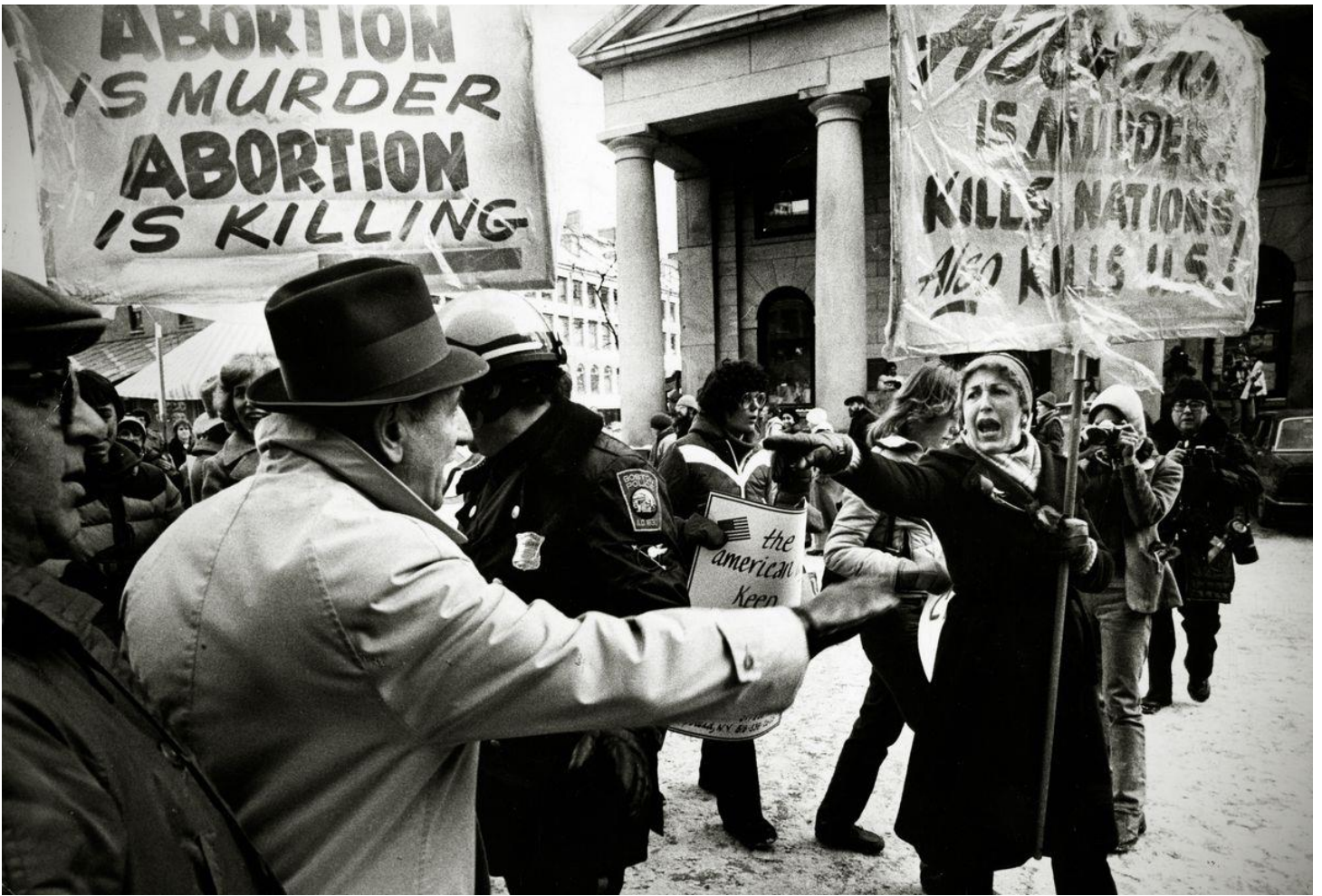
Joe Biden called it “the single most difficult vote I’ve cast as a U.S. senator.”

In 1982, he voted for a constitutional amendment that would have let states overturn *Roe v. Wade*, as Lisa Lerer noted in the New York Times. A practicing Catholic, he said at the time, “I’m probably a victim, or a product, however you want to phrase it, of my background.”

This vote is one of many things, including accusations of inappropriate touching, that could hurt Biden’s chances if he seeks the Democratic nomination for president in 2020. Though he’s currently leading the polls for the nomination, Biden’s record on abortion could be a problem for Democratic voters, a large majority of whom support abortion rights.

But four decades ago, when Biden was a young senator from Delaware, it was far less unusual for a Democrat to support restrictions on abortion, just as it was not unusual to see Republicans voting for abortion rights.

The story of the abortion debate since the 1970s is one of party leaders moving farther and farther apart on the issue. The reasons, scholars and activists say, are a combination of grassroots activism and establishment political strategy. The results are a landscape that would be unrecognizable to many voters in 1982 — or even five years ago.



Anti-abortion advocates try to enter a pro-abortion rights demonstration in front of Faneuil Hall in Boston on January 18, 1981.

Today, banning abortion entirely could be on the table, as more and more states pass “heartbeat” bills and more than a dozen potential challenges to *Roe* work their way up to the Supreme Court. On the other side, at least one Democratic candidate is calling for the legalization of federal funding for abortion, a position that seemed like a political third rail even six years ago.

The story of how we got here is a reminder that a debate whose different sides can seem deeply entrenched has actually changed enormously over a short period of time — and understanding how is crucial to understanding the election landscape in 2020 and beyond.

## Party polarization on abortion started in the 1970s

In the 1970s, politicians’ views on abortion didn’t break down along neat party lines. While Republican President Gerald Ford opposed *Roe v. Wade*, first lady Betty Ford was an abortion-rights supporter and Ford’s vice president Nelson Rockefeller presided over the repeal of abortion restrictions in New York, as Linda Greenhouse and Reva B. Siegel explained in their book *Before Roe v. Wade*. In Congress, Republicans voted against abortion at about the same rate as Democrats.

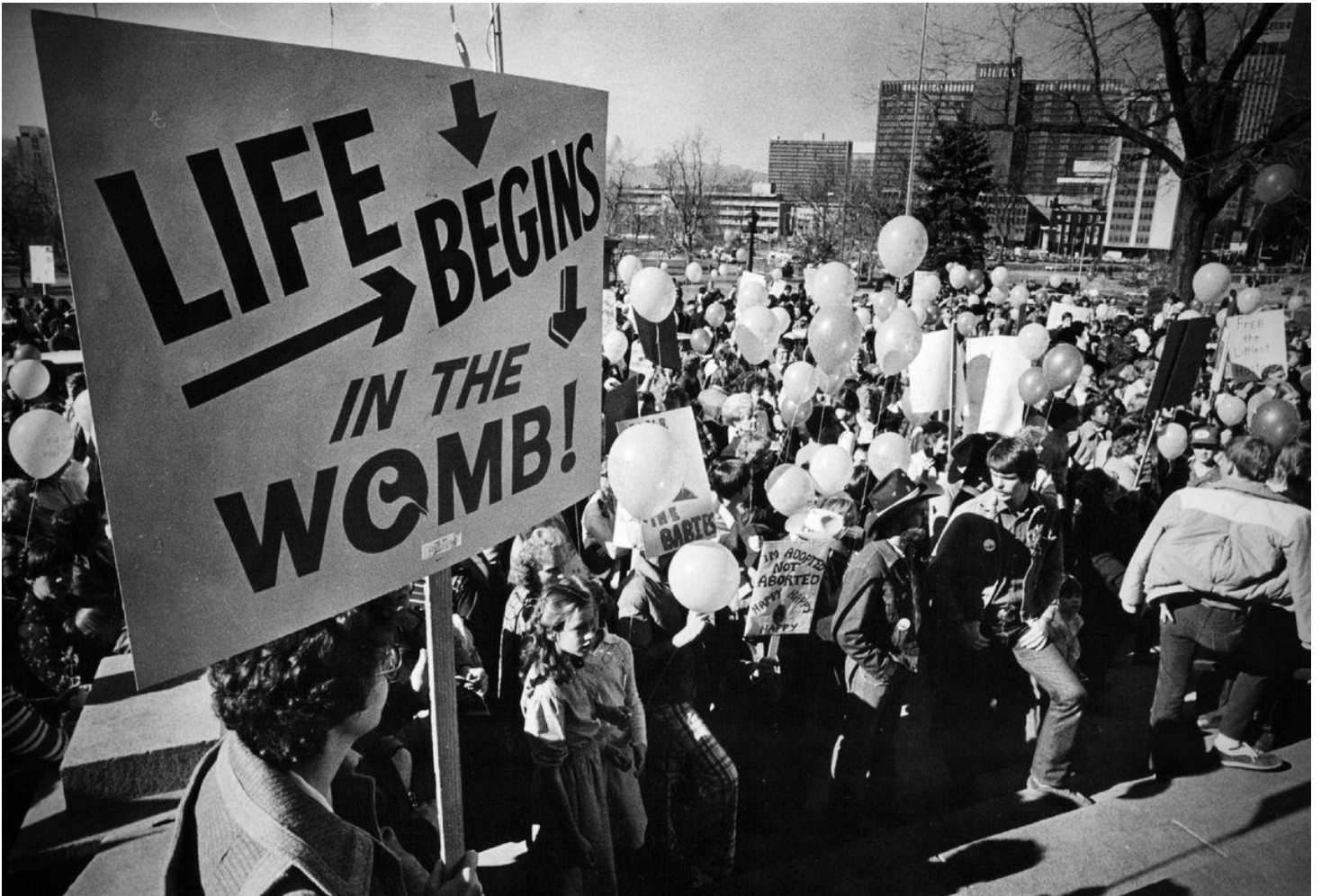
That didn’t start to change until the ’70s. During his 1972 presidential campaign, Republican Richard Nixon began staking out anti-abortion positions as part of a strategy to appeal to Catholic voters and other social conservatives. After Nixon won the election and a majority of Catholic votes, Republican strategists began



using the same tactics in Congress, as well as forging coalitions with evangelical groups around opposition to abortion.

The shift to opposing abortion rights was part of a larger effort to paint the Republican Party as pro-family in a way that would help mobilize socially conservative voters, according to Greenhouse and Siegel.

Others argue that grassroots organizing by abortion opponents played a role. When abortion restrictions were struck down by the courts in the years after *Roe*, it “helped to galvanize pro-lifers,” said Carol Tobias, president of the National Right to Life Committee, which describes itself as “the nation’s oldest and largest pro-life organization.”



A crowd of demonstrators gather at the US Capitol on the eighth anniversary of a Supreme Court decision permitting abortion in first three months of pregnancy on July 2, 1990. *John Sunderland/The Denver Post via Getty Images*

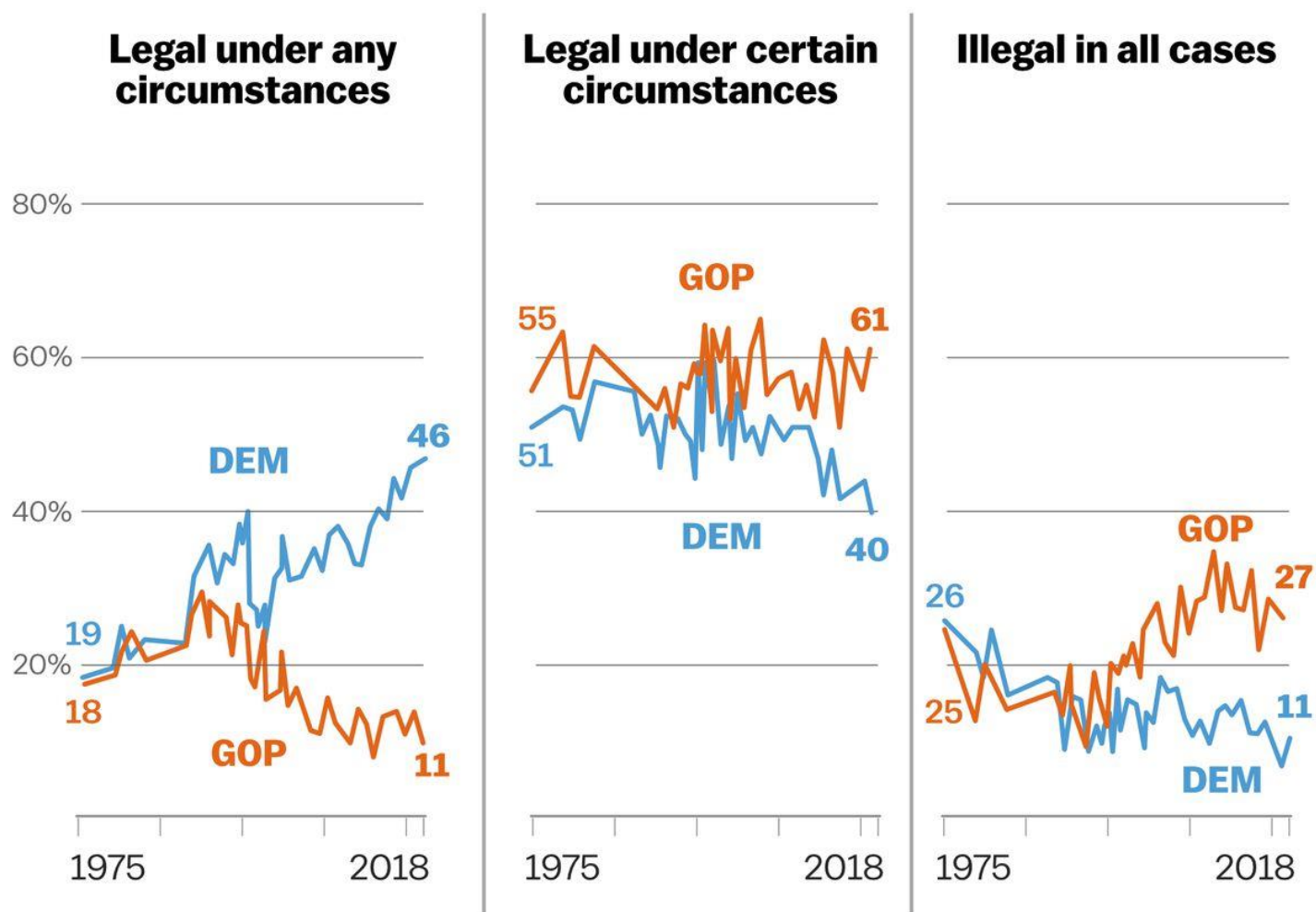
“I don’t know if there was any one issue” that caused the parties to move apart on abortion, Tobias said. “It was just a general acceptance that we have to make a difference in the elections” rather than focusing solely on changing Americans’ minds through outreach on the issue.

Whatever the case, move apart they did. The career of Ronald Reagan illustrates the shift: As governor of California in 1967, Greenhouse and Siegel noted, he signed a law loosening abortion restrictions, but his 1980 presidential campaign called for the appointment of anti-abortion judges.

For rank-and-file voters, the change appears to have happened later. “Only after 1988 does Gallup consistently show more Democrats than Republicans supporting access to abortion,” Greenhouse and Siegel wrote.

## Republican and Democratic views

% who say abortion should be...



Source: Gallup

**Vox**

Javier Zarracina/Vox

### Both sides still tried to appeal to the center — for a while

Even after the parties began to move apart on the issue, activists on both sides tried to appeal to the center, as Mary Ziegler, a law professor at Florida State University who studies the history of the abortion debate, wrote recently at the Washington Post. In the 1990s and early 2000s, for instance, many abortion opponents devoted their energy to supporting incremental restrictions, like a ban on dilation and extraction, a technique for

abortions later in pregnancy that opponents called “partial-birth abortion.” The restriction, which was eventually passed at the federal level in 2003, is far less sweeping than the “heartbeat” bills many Republican lawmakers favor today, which would ban abortions as early as six weeks.

Democrats, meanwhile, could be somewhat equivocal on abortion during this time period, with Bill Clinton during his 1992 campaign famously saying that abortions should be “safe, legal, and rare.” Hillary Clinton used the same language in her 2008 presidential campaign.

But more recently, both sides of the abortion debate have come to seek broader change. Among abortion-rights supporters, there’s been an increasing awareness of reproductive justice. The term, coined in 1994, describes an approach focused not just on the legal right to an abortion, but on safe, affordable access to a range of reproductive health care, as well as the ability to parent children safely.

The reproductive justice lens puts an emphasis on the affordability of abortion as well as on its legal status. “A right means very little when we can’t afford the health care we need,” Kimberly Inez McGuire, executive director of Unite for Reproductive & Gender Equity (URGE), a reproductive rights group focused on young people, told *Vox*.

Especially in the last five years, reproductive-justice activists have campaigned to repeal the Hyde Amendment, which was first passed in 1976 and bars federal funding for most abortions. Because it restricts Medicaid coverage for abortions, the amendment makes it difficult for many low-income Americans to pay for the procedure. Opponents of Hyde have had some successes — in 2017 and again this year, Democrats in Congress introduced the EACH Woman Act, which would repeal Hyde and allow Medicaid to cover abortions.

Meanwhile, Democratic candidates have begun campaigning on repealing Hyde. During her 2016 presidential run, Hillary Clinton called for a repeal of Hyde, and the Democratic Party platform followed suit, something that would have been nearly unthinkable in the years when she and her husband were calling for abortion to be rare.

This year, the American Civil Liberties Union is working to get Democrats on the record supporting a repeal of Hyde — 2020 hopeful Pete Buttigieg has already called for a repeal.

On Hyde, “what has changed in the last five years is that a community of people led by young people and women of color decided that the status quo was not good enough,” McGuire said.

At the same time, abortion-rights advocates have been working to reduce stigma around abortion and to present the procedure as a normal part of medical care. In 2015, in response to efforts to strip federal funding from Planned Parenthood, activists and ordinary people shared stories of their abortions under the hashtag #ShoutYourAbortion, and campaigns like We Testify and 1 in 3 encourage people to tell the stories of their abortions.

“We talk about it as abortion positive,” McGuire said of URGE’s approach to the issue. “For us that means, not only do we think abortion should be legal, but we think it’s a really good thing when people can get abortion care who need it.”

## **With *Roe* on the line, both sides are aiming high**

In the midst of these drives for greater public acceptance of abortion, Donald Trump became president. Trump promised during his campaign to appoint Supreme Court justices who would overturn *Roe v. Wade*, and he

appears to have made good on that promise — Justices Neal Gorsuch and Brett Kavanaugh are seen by advocates on both sides of the issue as potential votes to gut the landmark abortion decision.

After Trump's inauguration, Republican state legislators began passing increasingly restrictive abortion laws, banning abortion after 15 weeks or even earlier. In many cases, the architects of these laws believed such restrictions would stand a better chance in court than in years past, thanks to a federal bench populated with Trump appointees, both at the Supreme Court and at lower levels. Mississippi, Kentucky, and Georgia lawmakers, for example, have all passed "heartbeat" bills that would ban abortions as early as six weeks, before many women even know they're pregnant.



Brett Kavanaugh speaks after being nominated by President Donald Trump to the Supreme Court on July 9, 2018. *Saul Loeb/AFP/Getty Images*

To some degree, such laws, which most legal experts agree are unconstitutional under *Roe*, may be efforts to get the Supreme Court to revisit the decision. Trump's tactics as president may also have had an influence. "Some read his rise as proof that stoking passions among a narrow base is a smarter political play than trying to build a broader, but less inspired, coalition," Ziegler writes. And some politicians "seem convinced that the voters most passionate about abortion will reward them for being purists rather than pragmatists."

The increasingly restrictive laws on the anti-abortion side have been matched, especially in recent months, by efforts by abortion-rights supporters to liberalize state abortion laws. To some extent, these laws are

meant to prepare for a potential post-*Roe* future — if federal protections on the right to an abortion disappear, abortion-rights supporters want to make sure states protect access.

But activists and lawmakers are also responding to Democratic wins at the state level in 2018. A recent law loosening abortion restrictions in New York, for instance, became possible when Democrats took the state Senate for the first time in years.

The overall result is a landscape where, in the run-up to the 2020 elections, Republicans are pushing more restrictive laws than ever while Democrats are backing expansions of access in ways that were hard to imagine just a decade ago.

In that climate, someone like Biden, a Democrat who supported abortion restrictions in 1982 and has not been specific about which ones he supports now, is something of an outlier. Biden has been on the national scene longer than any of the other major Democratic hopefuls, including Sen. Bernie Sanders (I-VT), and on abortion rights, he may carry some of the politics of an earlier era into the 2020 campaign.

## Public opinion on abortion is complicated

Whether Biden's history on abortion will hurt him if he chooses to enter the race remains to be seen.

Overall, 58 percent of Americans believe the procedure should be legal in all or most cases, according to a 2018 Pew poll. Opinions are sharply divided by party: 36 percent of Republicans believe abortion should be legal in all or most cases, compared with 76 percent of Democrats.



Among voters from each party, there's also a lot of room for nuance. In a focus group of male Trump voters that *Vox* convened in 2017 with the research firm Perry Undem, several expressed frustration with state abortion restrictions. Meanwhile, Tobias of the National Right to Life Committee said she's spoken with many longtime Democrats who told her they couldn't vote for Clinton in 2016 because of her position on abortion.

Still, there's evidence that for many Democrats, abortion has become a crucial voting issue. According to a Perry Undem poll conducted in December 2017, Democratic voters care more about candidates' abortion views than Republicans do — 71 percent of Democrats said they were more likely to vote for a candidate who supported abortion rights, while just 36 percent of Republicans said they were more likely to vote for someone who opposed abortion.

And since that poll was conducted, the stakes of the abortion debate have only gotten higher, with Kavanaugh appointed to the Supreme Court and heartbeat bills proliferating in the states.

Biden seems to be styling himself as a centrist choice for Americans nostalgic for an earlier time in Democratic politics. But on abortion, a lot has changed since 1982 — and even since Biden was first elected Vice President in 2008. As Americans look forward, some with fear and some with hope, to a possible future without *Roe*, it's not clear how interested they are in looking back.



Demonstrators sit at the steps of the US Capitol during the March for Women's Lives in Washington, DC, on April 9, 1989. Mark Reinstein/Corbis via Getty Images

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