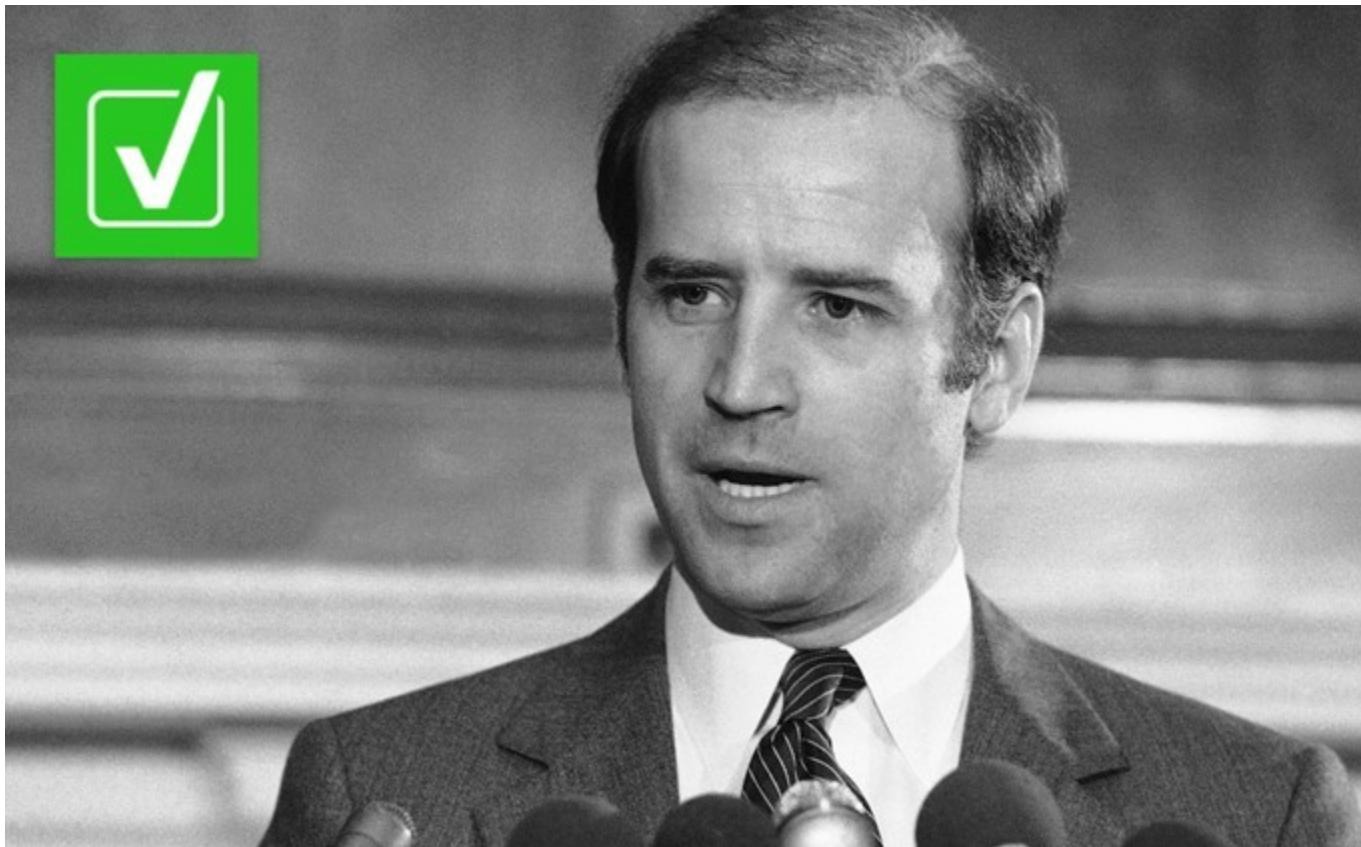


<https://www.10tv.com/article/news/verify/joe-biden/senator-joe-biden-voted-constitutional-amendment-states-overturn-roe-v-wade-1982/536-7694ada4-37ac-4443-a06d-c036859b5c89>

Yes, President Biden supported allowing states to overturn Roe v. Wade in 1982

As a senator, Joe Biden voted in favor of a constitutional amendment that would have allowed states to restrict or ban abortion. His stance has since changed.



| Credit: AP

| Senator Joseph Biden, D-Del., a member of the Senate Foreign Relations Committee, talks before Otto
| Lambsdorff, Minister of Economics for the Federal Republic of Germany during a lunch on Capitol Hill in
| Washington, July 20, 1982. AP Photo/Scott Stewart)

Author: Megan Loe

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On June 24, [President Joe Biden called](#) the Supreme Court's decision to overturn Roe v. Wade a "realization of an extreme ideology and a tragic error."

"The Court has done what it has never done before: expressly take away a constitutional right that is so fundamental to so many Americans that had already been recognized," Biden said.



On the same day, people on social media brought up Biden's previous stance on abortion when he served as a senator 40 years ago. One person said [in a tweet](#) that Biden "voted for a

constitutional amendment that would have allowed states to overturn Roe v. Wade" in 1982 as a member of the Senate Judiciary Committee.

More than one month before the Supreme Court issued its final decision, Rep. Jim Jordan (R-Ohio), also [claimed in a viral tweet](#) that Biden "supported the idea to let states overturn Roe v. Wade."

THE QUESTION

Did President Biden support allowing states to overturn Roe v. Wade as a senator in 1982?

THE SOURCES

- [Senate Joint Resolution 110](#)
- [Library of Congress](#)
- [New York Times article published on March 11, 1982](#)
- [Biden's 1974 interview with the Washingtonian magazine](#)

THE ANSWER



Yes, President Biden supported a constitutional amendment that would have allowed states to overturn Roe v. Wade as a senator in 1982. His stance has since changed.

WHAT WE FOUND

Before he served as president, Joe Biden [represented Delaware in the U.S. Senate](#) from 1973 to 2009. After that, he was the 47th vice president under the administration of President Barack Obama from 2009-2017.

In 1981, late Sen. Orrin Hatch (R-UT) introduced [Senate Joint Resolution 110](#), which would have created a constitutional amendment to grant “concurrent power to Congress and the States to restrict and prohibit abortions,” and declare that the Constitution “does not secure a right to abortion.” The amendment would have overturned the 1973 Supreme Court decision in *Roe v. Wade* that granted the right to an abortion nationwide.

A law librarian for the Library of Congress told VERIFY that the Senate Judiciary Committee voted 10-7 in favor of the proposed amendment on March 10, 1982, allowing it to go to the full Senate for a vote. Biden was one of the senators who voted in favor of the committee passing the amendment to the Senate.

Senate committees [review legislation and often hold one or more hearings](#) to examine it. After a committee votes in favor of a bill, it is referred to the full Senate for a vote. The Senate Majority Leader is then responsible for deciding when to bring legislation for a vote.



It isn’t easy to pass a constitutional amendment, either. Congress has submitted 33 proposed amendments to states to date, 27 of which have been ratified, [according to the National Conference of State Legislatures](#).

Hatch's proposed amendment on abortion never received a vote in the full Senate.

The New York Times [reported in 1982](#) that Biden said the vote was “the most difficult one he had made as a senator and that, as a Roman Catholic, he was not sure that he had a right to impose his views on an issue that would affect the entire nation.” He still voted in favor of the proposed amendment.

One other Democrat apart from Biden, Arizona Sen. Dennis DeConcini, supported the proposed amendment.

Hatch [introduced another proposed amendment in 1983](#), which would have added that “a right to abortion is not secured by this Constitution.” Biden [voted against](#) the proposed amendment in 1983, Senate records show.

RELATED: VERIFY Fact Sheet: Where abortion is legal, and where it is not

Did Biden once say Roe v. Wade ‘went too far’?

Record of Biden’s stance on Roe v. Wade and the issue of abortion dates back as early as a [1974 interview with the Washingtonian magazine](#).

During that interview, Biden said that “when it comes to issues like abortion, amnesty and acid, I’m about as liberal as your grandmother.”

VERIFY viewer Will T. asked the team on Instagram if Biden said this quote, which was shared in a graphic making the rounds on social media: “I think [Roe v. Wade] went too far. I don’t think that a woman has the sole right to say what should happen to her body.”



| *Credit: Courtesy*

| **Social media graphic showing a quote from Joe Biden in 1974.**

We can VERIFY that quote came from the Washingtonian interview.

“I don’t like the Supreme Court decision on abortion. I think it went too far. I don’t think that a woman has the sole right to say what should happen to her body,” Biden said during the interview.



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The Washingtonian says Biden was “a lot more careful around the press” after the 1974 profile.

Biden’s stance on abortion has since changed

But Biden’s stance on abortion access has changed over the years, as shown in a compilation of sound bytes [from NBC News](#).

In 2008, he said the 1973 Roe v. Wade decision was “as close to a consensus that can exist in a society as heterogeneous as ours.”

About four years later, Biden expressed his belief that life begins at conception and accepted the belief “in his personal life,” but refused to “impose that on others.”

“I do not believe that we have a right to tell other people...that they can’t control their body,” he added.

And while he was on the presidential campaign trail in 2019, Biden said he would “send legislation” to Congress to codify Roe v. Wade into law if the Supreme Court were to

overtake the case. He most recently [expressed support](#) of an exception to the Senate filibuster to protect abortion access after the overturning of *Roe v. Wade*. VERIFY reached out to the White House for a statement on Biden's previous stance on abortion, but has not heard back at the time of publishing.

RELATED: No, abortion isn't illegal in all states now that *Roe v. Wade* is overturned

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