

To: Interested Parties
From: Abortion Messaging Project
Date: 10/19/22
Re: **Responding to Questions on Abortion Later in Pregnancy**

Summary

- Pre- and post-*Dobbs* research shows Republican challenges around restrictions on abortion later in pregnancy decrease voters' trust in Democrats on abortion policy if those challenges go unanswered.
- Pre- and post-*Dobbs* research shows Democrats have several effective options for language to answer these challenges.

This memo presents examples of relevant research and suggests research-based language for handling attacks about abortion later in pregnancy. **See Recommendations on pages 3-4.**

Background

Republicans Challenge Democrats on Later-In-Pregnancy Restrictions to Blunt Democrats' Advantage on Abortion. Anti-choice Republicans regularly confront their opponents with the question of whether they “support (any restrictions on) abortion up until birth,” implying that Democrats would support abortion “up until birth” (a non-medical phrase rooted in disinformation) even in the absence of any serious problem with the pregnancy. These challenges are used to distract from Republicans’ deeply unpopular views on abortion generally, and research has documented that this tactic is effective not only in confusing and alarming voters about abortion later in pregnancy, but in painting Democratic candidates as extreme, out of touch, and untrustworthy.

Democrats Have Usually Pivoted Away From This Challenge. Because Republicans initially succeed in raising voters’ concerns on abortion later pregnancy, Democrats have often sought to avoid engaging on the topic and instead to move back to discussing broader abortion policy issues, where voters overwhelmingly approve of Democrats’ positions. This follows a basic rule of political communication, to talk about the topic where you win.

Democrats and Advocates Support Legislation With Restrictions and Exceptions. In the wake of *Dobbs*, Democrats and major abortion rights advocacy groups came together to support the Women’s Health Protection Act. The bill says that abortion late in a pregnancy is only legally allowed when a licensed physician certifies it is necessary to protect the health of the pregnant woman. This would codify into law what was the practice under *Roe*: only a few physicians across the country generally perform abortion later in pregnancy, and only when they determine there is a serious problem with the pregnancy. Note that abortion rights opponents continually mischaracterize the bill as having no legal restrictions on abortion later in pregnancy, but mainstream media has [reported](#) this as inaccurate.

Research

Research conducted by Hart Research and Lake Research in August of 2019 around Born Alive Infant Protection Act bills found that attacks on abortion later in pregnancy significantly hurt voters' opinions of Democratic candidates, *unless* the candidate directly responded:

- When the Democrat left the challenge unanswered, they were viewed as unfavorable by 60% of voters. In this condition, voters were also generally accepting of Republican disinformation around abortion later in pregnancy.
- But by responding to the challenge clearly first, and then pivoting to the Republican's position of wanting to ban abortion, the Democrat more than made up this ground, winning by 26% on which candidate is more in line with voters' views on abortion.

Message testing conducted in September 2022 by a top Democratic polling firm compared different responses to the charge of supporting “no restrictions on abortion up until the moment of birth.” Short answers using each of several approaches were evaluated using a proprietary approval index. Language and results relevant to each condition were as follows:

- Approach: No Answer
 - “He is only trying to scare you. He’s trying to hide from his record of wanting to take away our freedoms and put womens’ lives at risk across the country.” **24%**
- Approach: Support Restrictions
 - “I have always been clear: I support the Roe vs Wade framework, which has both protections and restrictions, so abortion only happens later in pregnancy when a woman faces a serious problem, like her health is in jeopardy.” **79%**
- Approach: Oppose Restrictions
 - “Nobody is performing abortions up until birth, it’s not how medical care works. Sometimes when a woman is pregnant there’s a serious medical crisis: it’s ectopic, or there’s infection. And if politicians stop doctors from doing their job, women will get hurt. Some women will die. That’s what this is about.” **60%**
 - This language does not do the job of clearly answering the restrictions challenge, but it tested at **89%**: “Most Americans agree on this: when something has gone terribly wrong later in pregnancy, like the fetus can't survive, the woman's life or health is in danger, or there are other serious circumstances, families need to be able to decide what’s best for them, including the option of abortion.”

Recommendations

1. Answer Clearly – Especially With a Live Opponent. Given past and current research, we recommend addressing the question of restrictions later in pregnancy directly when challenged, or potentially even pre-empting the challenge and stating a clear position proactively.

Especially in a live communication setting with a Republican opponent there to make sure everyone notices and draws negative inferences if the Democratic messenger refuses to engage directly on restrictions, the goal is to move past the restrictions question and back to talking about the harms of Republican policy, which is deeply unpopular.

To do that, the Democrat needs to make sure the audience hears and understands that they have answered the restrictions question. Otherwise, the Republican can just keep asking it, and that will both make the Democrat look like they are hiding something and keep the focus off of

Republicans' deeply unpopular position on abortion. This is Republicans' best outcome.

Here is a good example of a clear answer expressing support for restrictions:

- [Answer clearly yes to restrictions:]
I have always been clear that I support the *Roe vs Wade* framework, which has both protections and restrictions, so abortion only happens later in pregnancy when there's a serious problem like the woman's health is in jeopardy.
- [Win on later abortion:]
Abortion later in pregnancy is very rare -- around 1% of all abortion. In those heartbreaking circumstances, the family should be able to decide what's best, including abortion. But when politicians pass one-size-fits-all laws that keep doctors from providing critical care, women and families get hurt.
- [Return overall abortion message:]
The people who should be making decisions about when and whether you have a child are a woman, her doctor, and the people she loves and trusts. Politicians have no place in these personal, private decisions.

Because it first uses the term “restrictions,” and then says “abortion only happens later in pregnancy” when there’s a crisis, the audience will be clear on the speaker’s position. If the Republican repeats the question, they will look badgering and unsympathetic. And because this answer first invokes *Roe* and then paints the pregnant woman in a sympathetic light, it makes the speaker’s priorities clear in a way voters find comfortable and sympathetic.

Here is a good example of an extra-clear answer expressing opposition to restrictions:

- [Answer clearly no restrictions:]
I do not support politicians imposing restrictions that punish women and doctors for making difficult decisions later in a pregnancy.
- [Win on later abortion:]
Abortion later in pregnancy is very rare -- around 1% of all abortion -- because it only happens in serious circumstances, like the fetus can't survive, or the woman's health is in jeopardy. In those heartbreaking circumstances, the family should be able to decide what's best, including abortion. But when politicians pass one-size-fits-all laws that keep doctors from providing critical care, women and families get hurt.
- [Return to our overall abortion message:]
The people who should be making decisions about when and whether you have a child are a woman, her doctor, and the people she loves and trusts. Politicians have no place in these personal, private decisions.

Note that it takes longer to present a sympathetic explanation for opposing restrictions. In the example above, it's possible to stop after the first sentence, but research suggests the speaker wins more sympathy explaining why a woman might need an abortion later in pregnancy, rebutt claims that abortion later in pregnancy is common, and, paint Republicans as heartless on the issue before pivoting back to abortion generally.

2. Move Past the Restrictions Answer to Abortion Rights Generally. Having neutralized the restrictions attack by (1) answering forthrightly and (2) helping voters understand the circumstances when abortion happens later in pregnancy, a Democratic messenger can then pivot to focus on the unpopularity of Republican abortion bans generally.

Note that the Democratic messenger can also win voters' favor by staying longer on the topic of why abortion happens later in pregnancy and confronting Republicans with the consequences of their policies, focusing specifically on the fact that a pregnant person who was trying to have a child is instead facing a medical crisis and will suffer and may die without care. There are [good examples](#) of Democrats using research-based language to make the case on this issue.

But the larger threat to abortion rights is so important, and voters are so strongly with Democrats on the issue, that especially in a time-constrained format like a short media appearance or a formal debate, the best practice is to address the later-in-pregnancy attack clearly as above and then move back to focus on the broader issue.

Discussion

Trust is Critical For Democratic Messengers on Abortion. Voters overwhelmingly agree with Democrats' policy about abortion. Republicans look to fight back on this issue by raising doubts about the trustworthiness and character of Democrats themselves. When Democratic messengers speak forthrightly in plain language, they win. When they use unfamiliar jargon, or discuss abortion in a way that is solely policy-based and out of step with voters' emotions, voters start to feel that Democrats do not share their concerns on this issue.

Not Addressing the Restrictions Question Raises Voters' Suspicions. Research confirms that voters do not like the idea of abortion later in pregnancy often because most do not know why that would happen, and in the absence of a Democratic response, they are left believing Republicans' disinformation. Moreover, if the Democratic messenger is seen to actively avoid addressing the issue, this avoidance is perceived as evidence of guilt – confirmation that Democrats have something to hide, and that the Democratic messenger is not being honest.

Note that this is especially problematic for women candidates and candidates of color, because voters hold them to a higher standard of honesty and ethics, and consequently penalize them more for seeming unwilling to offer a straightforward answer to a straightforward question.

Democrats Can Respond Quickly and Effectively on the Restrictions Question. Research shows Democrats can quickly regain the advantage on abortion later in pregnancy with a combination of:

1. Answering clearly and directly to the challenge on whether or not they support restrictions on abortion later in pregnancy, so they are not seen to be hiding their views.
2. Offering a glimpse of the heartbreaking and **serious circumstances** under which abortion later in pregnancy often occurs, and the risks to women and families when politicians make **one-size-fits-all laws** that keep doctors and nurses from providing needed care.

Democrats can do this while taking the position either that they support or oppose restrictions on abortion late in pregnancy, as long as the response is clear, immediate, and conveys the serious circumstances involved and the consequences of unwise restrictions.

About the Abortion Messaging Project

The Abortion Messaging Project was formed to share best practices on abortion messaging in this critical moment. The project leads are Adrienne Kimmell and John Neffinger, and advisory partners include Data For Progress, Global Strategy Group, GQR, Lake Research, Hart Research, GBAO, Impact Research, HIT Strategies, and MJE Strategies.