
MEMORANDUM

TO: INTERESTED PARTIES
FROM: OFFICE OF SENATOR MARCO RUBIO
SUBJECT: A WINNING PRO-LIFE STRATEGY
DATE: JANUARY 16, 2024

Executive Summary: Pro-life Americans worked nearly five decades to overturn *Roe v. Wade*, the 1973 Supreme Court decision that invented a “constitutional right” to end the lives of unborn Americans. Through decades of activism, the pro-life movement transformed America into a pro-life country. Now, just 19 months after overturning *Roe*, support for abortion is back near record highs.¹

The Supreme Court correctly recognized in *Dobbs v. Jackson Women’s Health* that the “Constitution does not confer a right to abortion,” but it left what comes next to “the people and their elected representatives.” Pro-life Americans have work to do on this front.

First, we must champion policies that make it easier and more affordable for mothers to choose life over abortion. Pro-lifers’ deep compassion for women and their children must be obvious from our messaging and reinforced by our legislative strategy. Senator Rubio’s comprehensive *Providing for Life Act* is an off-the-shelf template of what such an agenda could look like.²

Second, we need to retake the initiative by hammering the Democrats’ extremism on abortion. Democrats support abortion virtually without limit up to the moment of birth, a position out of step with the American public. However, over the past year, the Democrats have beaten us on messaging and tactics. They have diverted attention from their own extremism.

Third, we must never forget that protecting unborn human beings is the moral core of the pro-life movement. The debate over abortion is ultimately a clash of values—about justice, plain right versus wrong. Too many Republicans have forgotten or fallen silent about that truth. Many have chosen to duck the issue, allowing our opponents to frame the debate. But we occupy the high ground and it’s time to act like it. We cannot be afraid to speak up for the defenseless by advocating commonsense limits of this gruesome practice.

Problem: Overturning *Roe* was an essential first step toward enacting limits on abortion, like those found in other civilized countries.³ Unfortunately, new polling finds support for abortion is now at one of the highest levels on record. According to a *Wall Street Journal*-NORC poll, 55 percent now say a pregnant woman should be able to obtain a legal abortion for any reason whatsoever—though other polls show Americans’ views are more nuanced in practice.⁴

While these numbers have been creeping upward since 2016, Democrats have accelerated the change by painting apocalyptic visions of what a supposedly pro-life future would look like. Key to their strategy

¹ <https://www.wsj.com/politics/policy/support-for-abortion-access-is-near-record-wsj-norc-poll-finds-6021c712>

² <https://www.rubio.senate.gov/rubio-introduces-pro-family-plan-for-a-post-roe-america/>

³ <https://lozierinstitute.org/wp-content/uploads/2021/07/On-Point-63.pdf>

⁴ <https://www.kofc.org/en/resources/communications/polls/2023-kofc-marist-poll-presentation.pdf>

has been peddling disinformation that pro-life laws criminalize treatments for miscarriage, stillbirth, and ectopic pregnancy.⁵

The Democrats' message of fear and control has resonated with voters. The pro-life side has lost seven out of the past seven ballot initiatives at the state level—a perfect record of failure. This failure is starker because some of the initiatives concerned pro-life policies that strong majorities of Americans support.

These results can be over-interpreted. Each initiative was different. There are plenty of mitigating circumstances, from a stridently pro-abortion press to fundraising disadvantages to confusing wording on ballot questions. But this string of losses is nonetheless a check engine light for the pro-life movement. We should heed it.

Some have looked at these losses and concluded that being pro-life is a losing position. Some have fallen silent on the issue. Others have punted to the states, claiming that Congress has no authority over the matter—a claim that is wrong on the merits, as well as a disservice to voters. Each of these positions amounts to abandonment of the unborn, mothers, and families. It cannot be our solution.

At this moment, Democrats largely control the narrative about abortion, and that means they control the narrative about us and our policies. Consequently, despite voters' deep unease about abortion and revulsion at such barbaric practices as late-term abortion, they do not trust Republicans to lead on this issue. This image problem has devastating policy results. Action is needed, or worse outcomes will follow.

Solution: Pro-life Americans, leaders, and elected officials should consider three distinct but related steps to reverse course. First, we need to develop and fight for a compassionate, pro-family agenda that counters caricatures of our beliefs and makes life easier for mothers and their children. Second, we need to put Democrats on the defensive about their extreme support for abortion. Third, we need to tell the truth about what abortion is—the taking of innocent life—and advocate limits to the practice.

Supporting Mothers and Babies: Many Americans are reluctant to support pro-life policies because they are worried that they, or the women in their life, won't receive adequate support if they get pregnant. A common refrain among these individuals is “Republicans only care about babies when they're in the womb.” They don't see the millions of volunteers and hundreds of pregnancy centers that are the beating heart of the pro-life movement. Instead, they see politicians who are willing to limit abortion, but far less willing to extend a helping hand to families in time of need. Clumsy rhetoric and austere ideology reinforce this perception, and Democrats gladly exploit it.

We can change Americans' perception of the pro-life movement by embracing an agenda that provides generous material support to pregnant women and their children. We should be quick to call this agenda what it is: pro-life. Our end goal of building a “culture of life” requires more than laws limiting abortion; it requires adequate support systems so that mothers can reject abortion and choose life.

Thankfully, work on this pro-life agenda has already started. The *Providing for Life Act* includes a host of reforms, from paid parental leave to enhanced child-support enforcement to a larger and more expansive Child Tax Credit.⁶ The goal of these policies is to make it easier, safer, and more affordable to have a baby. The details can be debated, but this package serves as a template of pro-life policies that our party should pursue in addition to limits on abortion. They can be considered as a package, or on

⁵ <https://lozierinstitute.org/pro-life-laws-protect-mom-and-baby-pregnant-womens-lives-are-protected-in-all-states/>

⁶ <https://www.rubio.senate.gov/rubio-introduces-pro-family-plan-for-a-post-roe-america/>

their own. For example, the House Committee on Education and the Workforce recently voted to advance the *Pregnant Students Rights Act*, a key component of *Providing for Life*. Senator Rubio’s bill with Representative Ashley Hinson would require colleges to compile and disclose the resources and rights available to pregnant students.⁷

Republicans will not be trusted unless our legislative agenda welcomes and supports life, while also opposing the injustice of abortion. This is the long-standing view of many pro-life and faith leaders, but it needs to become the dominant view of our party.⁸ We need to make such pro-life policies the centerpiece of our legislative agenda, and talk about them often.

Hammering Democrat Extremism: Democrats support taxpayer-funded abortion, for any reason, up until the moment of birth—and in some cases, even after a child is born. This is not an exaggeration. The Democrat Party platform expresses support for taxpayer funding of abortion, a position opposed by three-fifths of Americans.⁹ Virtually every Democrat in Congress has voted for the so-called *Women’s Health Protection Act*, a bill that would eliminate virtually all restrictions on abortion, up to the moment of birth. Democrats resist even the most basic protections for babies, such as legislation requiring abortion providers to render medical aid to infants who survive surgical late-term abortions. The communications director for the Democratic Legislative Campaign Committee summed up this position nicely: “A ban is a ban, period.... No matter what week they try to put on it....”¹⁰ These are the institutional positions of the pro-abortion party. They are not merely unpopular, they are unjust—and the American people deserve to know about them.

There is no doubt the media is working against us. In 2022, major national media outlets refused to ask congressional Democrats what, if any, limits they support on abortion.¹¹ This is a sad state of affairs, for the press and the country, but it is a reality. If we want to hold Democrats to account for their radical positions, we’ll have to do it ourselves. We should use every tool at our disposal to require extremists to answer this question on the Senate floor and the campaign trail.

If Democrats are forced to talk honestly, they will lose. Democrats cloak their support for abortion in euphemisms like “reproductive choice” because they want desperately to avoid a discussion about what abortion is: the deliberate taking of a human life. Republicans should be tactful about this reality and show our genuine concern for pregnant women in difficult situations. But if we shy away from the reality of abortion with silence or euphemism of our own, then the supporters of abortion have already won.

Protecting the Unborn: As we refine our policy and message, pro-lifers should recall that protecting unborn human beings is the moral center and purpose of our movement—and we cannot be shy about saying so. No pro-life strategy deserves the name without advocating just limits on abortion.

It is no secret that the American public have disparate views on whether and how to limit abortion. Pro-life policymakers should engage that discussion civilly, recognizing that this debate puts two rights in conflict with one another: the right of women to control their bodies, and the right of every human being

⁷ <https://edworkforce.house.gov/calendar/eventsingle.aspx?EventID=409930>

⁸ <https://subscriber.politicopro.com/f/?id=0000018b-cf93-d7d5-a1db-ffb31a020000>

⁹ <https://www.kofc.org/en/resources/communications/polls/2023-kofc-marist-poll-presentation.pdf>

¹⁰ <https://themessenger.com/politics/why-the-15-week-abortion-ban-compromise-failed>

¹¹ <https://www.rubio.senate.gov/report-news-media-dodges-questions-refuses-to-ask-democrats-about-abortion/>

to be free from unjust violence. We need to navigate this difficult terrain with sympathy, without abandoning the deeply moral mission of protecting the unborn.

Other countries in the civilized world have far stronger limits on abortion than the average blue state. Nations like Switzerland prohibit abortions after 12 weeks with limited exceptions, and require physicians to counsel women seeking abortions about the risks of the procedure, as well as provide them with information about alternatives like adoption.¹² Yet reasonable laws such as these are decried by the media as “draconian” and “evil” when they are proposed in our country. If Republicans cannot go at least as far in limiting abortion as Europe, then truly we have failed our voters and do not deserve to be described as a pro-life party.

This moment is an opportunity for Republicans to refocus and remember who we are. Our party believes in the dignity of the human person, the importance of family, and the unalienable right to life. There is no cause that unites those beliefs more perfectly, and that motivates tens of millions of our party’s supporters more fully, than the pro-life cause. We have a responsibility to advocate effectively for that cause.

¹² https://www.swissinfo.ch/eng/politics/health-policy_abortion-in-switzerland--the-debate-and-the-law/45226524