

## Abortion: The History and the Data Part II

### Ronald Reagan:

- The Religious Right and their anti-choice infrastructures first major electoral success was the election of Ronald Reagan.
- Their anti-feminist pivot was perfectly timed to exploit the resentment of working class white men, predominantly from the rust belt, who felt that they were falling behind economically and that the concerns of black people and women were superseding their own.
- Reagan sought to integrate anti-feminist narratives into his platform which made heavy use of appeals to racial animus.

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Reagan's team worked the blame of feminism into core messaging strategies. Defending his terrible unemployment rate in 1982,<sup>280</sup> Reagan diverted attention from his botched economic policy by saying, "Part of the unemployment is not as much recession as it is the great increase of the people going into the job market, and — ladies, I'm not picking on anyone but — because of the increase in women who are working today."<sup>281</sup>

The plan worked so well that social scientists dubbed Reagan's key audience "Change Resisters," describing them as "disproportionately underemployed, 'resentful,' convinced that they were 'being left behind' by a changing society, and most hostile to feminism."<sup>282</sup>

The scapegoat strategy did not stop with working women. In the heat of the 1980 campaign, Reagan gave a speech at the Neshoba County Fair in Philadelphia, Mississippi.<sup>283 284</sup> The fair was a familiar stomping ground for segregationist politicians, and the backdrop spoke volumes to both white racists and Black voters.<sup>285 286</sup> Philadelphia was the site where three civil rights workers, one of whom was Black, were murdered for registering Black voters in 1964. The case and the town were later made famous by the film "Mississippi Burning" depicting the federal agents who took over the investigation after local officials were unable or unwilling to pursue justice.<sup>287 288</sup> Reagan's speech in Mississippi was a blistering defense of states' rights, a well-known code for Jim Crow to most in the rural South.<sup>289</sup>

Even in his 1976 campaign, Reagan used fabricated stories to stoke racial resentment amid feelings of economic insecurity. He spoke to crowds about people buying steaks with food stamps, and housing projects with swimming pools and cathedral ceilings. He infamously twisted one woman's story of fraud into an indictment of low-income Black women by popularizing the term "welfare queen."<sup>290</sup> The symbol was designed to tap into racist and sexist tropes, as well as to perpetuate the myth that there were legions of single Black mothers ripping off good, hard-working taxpayers to live a life of luxury.

Reagan's attempts to stoke racial animus relied heavily on disinformation, and the tactic worked. He won popular support for his devastating economic policies that slashed housing benefits, aid to children in poverty, and food stamp programs.<sup>291</sup> In a 1981 interview, GOP consultant Lee Atwater described this as an evolved Southern Strategy, outlining

- It is also important to note how conservative white women were complicit in this anti-feminism. They aided and abetted it to protect their place in the white supremacist social and economic order.

As the party increasingly turned away from its past support of *Roe* and gender equality, the handful of women who held onto jobs in Republican politics found themselves in a catch-22. Lose their jobs and standing within the party, or protect what privilege they had by helping the party deflect criticism about the rising anti-feminist power structure. Many chose their jobs and social standing over the possibility of true equality. In no time, the women of the campaign's policy advisory board found themselves working to "redefine Republican feminism," as Rymph put it, and dilute the feminist arguments that they and the Republican Party had previously embraced.<sup>272</sup>

The visible betrayal of these white women of gender equality for their own power and privilege left an indelible mark on what was a multicultural feminist movement even before the successful impact of their campaign to influence undecided women voters was known. The effect of their pursuit of anti-feminist interests to maintain an economic and social order that benefitted them left an indelible impact in the minds of Democratic women of color and consequently bisected the female vote by race.<sup>273</sup>

Reagan's victory in the 1980 presidential election was credited to an unprecedented political coalition: a cross-section of newly mobilized evangelical voters, bigoted extremists thrilled by his subtle appeal to misogyny, and traditional Republicans voting their economic interests — including many white women — who accepted his anti-feminist, pro-traditional woman sleight of hand.<sup>274</sup> But the group that got the most attention were the "Reagan Democrats," a subset of working class white men, predominantly in the Rust Belt, who felt that their economic woes coming out of the 1970s were taking a backseat to the demands of other rising Democratic constituencies.<sup>275</sup>

- The impact of this betrayal is a division of voting patterns among women by race; a division which persists to this day.

If the 1980 election was proof of concept for the Radical Right's blueprint to power, it also surfaced its inherent risks. Although Reagan ultimately won the presidential race, his losses among women of color, self-identified feminists, and white women in Northern states were dramatic.<sup>293 294</sup> The 1980 election was the first time in the history of the country that a partisan gender gap emerged, with Reagan netting 56% of male voters but only 47% of women.<sup>295</sup> It also marked both the end of motions by the GOP toward genuine gender equality and introduced a racial and geographical split among women voters — dynamics that have continued in every subsequent election.<sup>296</sup> Meanwhile, Reagan's budget cuts exacerbated economic pain among women and minority communities, which bore the brunt of his destructive economic program. In his first term, almost five million women and two million families led by women were pushed below the poverty line.<sup>297</sup>

- From Reagan onwards the Religious Right has retained a level of influence within the GOP such that anti-choice orthodoxy have become a litmus test for anyone seeking to hold a position of influence within the party.
  - Republican politicians who followed in Reagan's footsteps were required to prove their loyalty to the orthodoxy in exchange for support.
  - This has created an arms race as to who can be the most fervent basher of abortion rights. It has engendered more and more extreme positions over the course of time.
- An illustration of what can happen when this orthodoxy is challenged is seen within the contrasting careers of Ben Shapiro and Tomi Lahren.

The litmus test established through Reagan has even seeped into right-wing media. Nothing shows how sacred the anti-abortion creed is than the contrasting career paths of far-right pundits Tomi Lahren and Ben Shapiro. Lahren, a young commentator for *The Blaze* — a platform founded by Glenn Beck — seemed unstoppable in early 2017. Her videos shredding liberals and their policies were lighting up right-wing corners of the internet, and her unyielding defenses of President Trump made her a go-to on the mainstream media circuit.

Then one morning on ABC's "The View," Lahren suggested that the GOP's laser-like focus on ending legal abortion was in conflict with her own commitment to limited government. Almost overnight, she was excommunicated from the right-wing media club. Her mentor Glenn Beck immediately mocked her on-air, and her contracts were canceled despite her millions of followers on social media.<sup>333</sup> The damage was lasting. Lahren was relegated to Fox Nation, Fox News' online streaming service.<sup>334</sup> It was a tremendously public and sudden fall from grace.

Then, there's Ben Shapiro. A right-wing prodigy, Shapiro had a nationally syndicated column by the time he was 17 and published two books by the age of 21.<sup>335</sup> Though not initially known for espousing anti-choice viewpoints, he was savvy about the priorities in the landscape he aspired to occupy. He gave his full-throated support to the Radical Right orthodoxy of banning abortion even in cases of rape and incest, only making an exception for imminent death of the woman.<sup>336</sup> His career soared as he was lifted up by the vast right-wing infrastructure, and he is currently one of the most sought-after right-wing pundits in the world. Shapiro was even the keynote speaker at the 2019 March for Life.<sup>337</sup>

### The Federalist Society:

- While the movement architects now held enough power within the GOP to make demands on their policy objectives, they knew they needed more influence and credibility within the elite echelons of Washington.
- In order to achieve this they set out to strengthen a wide reaching network of institutions built around their ideology, and whose purpose was to extent their influence in Washington to make sure they would always punch above their weight.

Weyrich's Heritage Foundation continued to be a crucial piece of that puzzle. It had volumes of policy proposals waiting for Ronald Reagan on Inauguration Day in 1981, and was able to control much of the policy of the Reagan administration.<sup>383</sup> Heritage later trumpeted that nearly two-thirds of its recommendations — mostly on the core issues of ending affirmative action and enacting policies favoring the rich — were moved by the administration.<sup>384</sup> Upon leaving office, Reagan reflected that Heritage was a "vital force" in Washington.<sup>385</sup>

- Their long-term strategy had three strategic prongs:
  1. Erode legal precedent and take the Supreme Court for right-wing adherents.
  2. Utilize state legislatures to forward anti-choice legislation and hollow out the provisions of Roe.
  3. Gain national power through the politics and messaging of the right.
- They knew they could not rely on politics alone to implement an agenda for which they knew they did not have public opinion on their side. They needed the influence and power of the judiciary which was impervious to the will of voters.
- In 1982 a group of conservative students and professors gathered over a weekend at Yale Law School.
  - They began the process of building a language and culture around constitutional originalism, a designed approach to interpreting the constitution very narrowly based on what the framers - all men, all white, and mostly Christian - supposedly meant at the time they wrote it.
  - They named this new group the Federalist Society.

The weekend was a smashing success, with one prominent attendee comparing it to Woodstock for right-wing legal activists.<sup>392</sup> The attendees left convinced that they were a silent majority, despite all evidence to the contrary. They believed that if they could make it socially permissible, many more students on college campuses would come out against liberalism. They emerged from that weekend energized to build the Federalist Society, a new effort to train and promote conservative-minded lawyers into prominent positions, with an eye toward installing far-right judges. Backed by a who's who of right-wing money, the fledgling group quickly grew from a handful of grassroots chapters on university campuses into a million-dollar organization with headquarters in Washington, D.C., and at least 75 campus affiliates.<sup>393 394</sup> One of its initial backers was the Olin Foundation, the force behind the establishment of business-friendly law and economics programs at law schools throughout the country.<sup>395</sup>

The Federalist Society scoped out the legal aspect of Falwell and Weyrich's new strategy, and it found that abortion proved to be an excellent litmus test for likely members of the Radical Right.<sup>396</sup> It turned out that young and ambitious legal minds who held an antipathy to *Roe v. Wade* were far more likely to also adhere to the broader philosophy and policy preferences of their movement. As its leaders built their cohort of up-and-coming legal minds, the expression of hostility toward abortion from the prospects was an excellent signifier that they were on board with the full agenda to assert control and maintain the status quo of power.

- Reagan hired many Federalists. Other GOP operatives helped young Federalist Society Lawyers just graduating from law school to find jobs.
- He nominated Federalist society judges William Rehnquist as a Chief Justice and Antonin Scalia as an associate justice to the Supreme Court.
- Rehnquist's nomination was challenged on account of his participation in GOP minority voter suppression activities in the 1960s but was confirmed in the end.

1990, Christian televangelist Pat Robertson created the American Center for Law and Justice (ACLJ) specifically to go head-to-head with the liberal American Civil Liberties Union.<sup>413</sup> ACLJ held a stable of attorneys ready to jump into high-profile battles worldwide focused on its version of family values.<sup>414</sup> The organization, today led by Donald Trump's personal attorney Jay Sekulow, has fought changes to the Kenyan Constitution that would allow abortion, supported the government of Zimbabwe in its effort to criminalize homosexuality, and, closer to home, effectively blocked the construction of an Islamic cultural center near the World Trade Center Memorial.<sup>415 416 417</sup>

In 1993, prominent evangelical Christian ministries stood up the Alliance Defending Freedom (ADF) to advance "religious freedom, sanctity of life, and marriage and family"<sup>418</sup> through legal advocacy and funding court cases that tested liberal precedent.<sup>419 420</sup> In 1994, a Catholic lawyer named Kevin J. "Seamus" Hasson used seed money from the Knights of Columbus to round out these efforts with the Becket Fund, a non-profit law firm solely devoted to promoting "religious liberty."<sup>421</sup> All of these groups shared a fundamental belief that their way of life was under attack and aimed to use the courts to impose a traditionalist, Christian ideology on the American public, echoing the demands for "religious liberty" that the Radical Right had first tested in its pro-segregation work of the 1960s.

They've joined in common cause to choose a series of high profile cases they believed would cement the idea that liberal reforms around civil rights and gender equity amounted to an attack on traditional religion. In California, ACLJ and its allies aggressively defended Proposition 8, the anti-gay ballot measure designed to ban same-sex marriage in the state.<sup>422 423</sup> Their rhetoric presented out-of-touch elites trying to foist a liberal agenda on the rest of the nation. In 2018, Alliance Defending Freedom advocated in the Supreme Court case *Masterpiece Cakeshop v. Colorado Civil Rights Commission*, which dealt with religious business owners' ability to refuse service to people based on their sexual orientation case, for similar reasons.<sup>424 425</sup>

## Conflict over Dilation and Extraction (D&X):

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A presentation at a 1995 medical conference described a new procedure for performing a safe abortion on a woman later in pregnancy — the type of procedure that Dr. Tiller often used in his Kansas clinic.<sup>522</sup> <sup>523</sup> Where doctors saw offering safe care to patients in need, National Right to Life lobbyist Douglas Johnson saw an opportunity to reframe the debate.<sup>524</sup> Johnson drew creative, graphic pictures based on verbal description of the procedure, commonly referred to by physicians as “dilation and extraction.” The fabricated depiction in Johnson’s sketches were only rivaled by the term he coined to tell his story, “partial-birth abortion.” Both were a wholesale concoction by the right-wing propaganda machine.<sup>525</sup> He laid his cards squarely on the table in a 1996 *The New Republic* interview where he said he hoped that by elevating a sensational story, he could finally entice a recalcitrant public to oppose abortion altogether.<sup>526</sup> <sup>527</sup> OB-GYN Dr. Jennifer Gunter later referred to the creation of this phantom as “the thin edge of the wedge” of the Right’s strategy explaining: “The anti-choice movement needs the idea of partial-birth abortions of a healthy fetus in the ‘ninth month’ just like they need the devil.”<sup>528</sup>

- A common abortion procedure is Dilation and Evacuation where the fetus is dismembered in the womb so it can be removed without damaging the pregnant woman’s cervix; and thus preserving her ability to have children in the future.
- Dilation and Extraction (D&X) is an abortion process used later in pregnancies (20 weeks and onward) when the dilation and evacuation method would result in more severe blood loss and lacerations to the woman’s cervix.
- It is a process where the cervix is dilated and the fetus is removed whole, feet first, with only its skull being broken at the end to allow it to pass through the vaginal canal.
- Of all the abortions taking place D&X abortions only make up a small minority.

“According to the Alan Guttmacher Institute, an abortion-rights research group that conducts surveys of the nation’s abortion doctors, about 15,000 abortions were performed **in the year 2000** on women 20 weeks or more along in their pregnancies; the vast majority were between the 20th and 24th week. Of those, only about 2,200 **D&X abortions were performed, or about 0.2 percent of the 1.3 million abortions believed to be performed that year.**”  
<https://www.npr.org/2006/02/21/5168163/partial-birth-abortion-separating-fact-from-spin>

- A lot of D&X abortions happen in wanted pregnancies where something went wrong; e.g. situations where severe foetal abnormalities only appear later in the pregnancy.
- Contrary to the claims of the anti-choice movement, D&X abortions do not take place in the third trimester or “after fetal viability” (the ability of the foetus to survive outside the uterus).
- This medical procedure is quite graphic as it is. The anti-choice movement sought to capitalize on this by framing misinformation which communicated that this process was being performed on healthy foetus,’ and is being performed right up until ninth month of pregnancy, and being performed far more often than it actually was.

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Working with AUL, the movement leaders simultaneously introduced state legislation in Ohio and federal legislation to ban what they called “partial-birth abortions.”<sup>531</sup> They didn’t care about how few people sought to terminate later in pregnancy. They turned a blind eye to the fact that most of these procedures involved wanted pregnancies that had gone terribly wrong. They ignored the many sad and harrowing stories of women who sought them. They actively sought to bury existing data that showed most later abortions occurred before the fetus was viable, and termination in the final month of pregnancy is virtually non-existent.<sup>532</sup>

- In 1996 Americans United for Life and leaders of the religious right worked with the GOP to introduce state legislation banning D&X.

The GOP was engaged in political theater that had nothing at all to do with health. The party establishment had effectively consented to play fast and loose with facts to score points with its base of voters depressed by Clinton's victory. It needed to show movement on an issue that had been stalled for years. Democrats were caught flat-footed by the introduction of this legislation. They were flummoxed by the obviously deceptive pandering of their counterparts across the aisle. The defenses of Democrats and the pro-choice movement almost entirely relied on facts and what they considered an obvious need to let doctors do their jobs. They also, like most Americans, had a visceral reticence to publicly discuss issues so obviously deeply personal.

Most were shocked when the Radical Right was able to capitalize on years of extremist rhetoric vilifying doctors and impugning their motives. While the movement leaders claimed to revile the assassinations taking place outside of clinics, they were happy to malign doctors' character in the hearing room. They also astutely judged that they had painted a picture so graphic and distasteful that Democrats, already reluctant to spend too much of their time defending abortion, would not want to engage. As a result, both the state and federal measures against so-called "partial-birth abortion" passed with a substantial number of Democrats crossing the aisle to vote with their Republican colleagues. President Clinton vetoed the federal version when it landed on his desk in 1996 and again in 1997.<sup>533</sup> Ohio's law was subsequently stayed by the court.<sup>534</sup>

When George W. Bush took office in 2001, the Radical Right knew they had an opportunity to hand their anti-choice grassroots their first legislative victory in decades.<sup>535</sup> When the "partial birth abortion" law was sent up to Bush in 2003, he signed it without hesitation.<sup>536</sup> The women whose lives hung in the balance didn't merit a mention. Surrounded by all-male members of Congress and a who's who of the Radical Right, Bush held a signing ceremony where he parroted anti-choice talking points. He proclaimed America "owes its children a different and better welcome."<sup>537</sup> He vowed to fight for the law all the way to the Supreme Court, speaking straight from Willke's script. "For years, a terrible form of violence has been directed against children who are inches from birth, while the law looked the other way," Bush said. "Today, at last, the American people and our government have confronted the violence and come to the defense of the innocent child."<sup>538</sup>

The Far Right had proved that a well-crafted message grounded in disinformation had the power to triumph over fact and good policy. They owned the narrative, struck another blow at *Roe*, and further solidified their central power within the GOP coalition. The Supreme Court upheld the law in 2007, overriding decisions from three separate district courts and a unanimous appeals court decision, all of which agreed that the law violated protections guaranteed in *Roe v. Wade*. Bush had recently put Samuel Alito and John Roberts on the court with the help of a newly formed right-wing group called the Judicial Confirmation Network.<sup>539</sup>  
<sup>540</sup> <sup>541</sup> <sup>542</sup> <sup>543</sup> <sup>544</sup> <sup>545</sup> In a 5-4 decision, Justice Anthony Kennedy joined Clarence Thomas, Antonin Scalia, and the two new Federalist Society members of the court.<sup>546</sup>

- The movement had hit its stride. The network of disinformation organizations as well as those whose purpose it was to push the courts in a conservative direction were demonstrating that they could deliver on the policy priorities of the Religious Right; even when popular opinion was not on their side.
- In this debate, as on the debate on other issues, the GOP has had a messaging advantage.
  - The Democrats strategies which involve a reliance on facts and data have not had the impact on people's minds that the GOP's strategies have had - which strategies have appealed to people's emotions.
    - To connect it with the nature of man - it is the issue of the fast brain vs. the slow brain (or instinct vs. reason). The fast brain tends to win out.
    - With taxes for example the GOP says "its your money you should get to keep it. The lower the taxes the better off we are." That is concise and pithy and appealing. The left is not advocating the opposite. It says "well we need to find the balance of what is fair and still properly funds the government etc." It is more involved.
    - On the constitutional originalism vs. Textualism - the GOP says "we should interpret the constitution as the founding father intended." That sounds good at face value. It is

simple and evokes a feeling of stability. The lefts argument is “well we live in a different world from that of the founding fathers. So we need to incorporate current understandings of principles and values to ensure that the constitution is relevant for us today. So it may not mean what the founders intended on many issues. And how we currently understand it could shift a few decades from now etc.”

- Internally the same struggle has been underway since the Midnight Cry where there were settled and direct positions on issues, and in the understanding of certain passages. And now we are saying it is not that simple.
- The success of the anti-choice movement has also been enabled by Democrat failure. Where they were not outmanoeuvred they were lukewarm or reticent to take vocal and decided stands on sensitive issues. And compromise in the face of a decided and unrelenting enemy has also allowed the anti-choice movement to succeed.

### **KellyAnne Conway**

- Most will know KellyAnn Conway as Trump’s senior advisor who did a lot of the speaking on behalf of the administration.
- Many may feel she appeared rather suddenly on the political stage during the Trump campaign.
- But her role in advancing the GOP’s political power and their anti-woman agenda goes much further back.

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Kellyanne Conway was a young law student when she first got bit by the political bug. She was a research assistant at a firm headed by Richard Wirthlin, President Ronald Reagan’s primary pollster and strategist.<sup>494</sup> After graduating, she committed herself to politics, joining Frank Luntz’s firm in the early 1990s.<sup>495</sup>

Luntz was taking the party by storm with his focus on using language to manipulate emotions, an approach that made him a perfect match for the Radical Right. He had worked with Pat Buchanan in his 1992 bid to upset Bush. After that failed, he became close to Newt Gingrich, helping him build the “Contract with America.”<sup>496</sup> That effort served as the centerpiece of the GOP’s quest to regain power after Clinton was elected, and it required women’s support. It was through this project that Kellyanne Conway first impressed Gingrich. She helped him sell the Contract for America to women voters and, in 1995, he helped set her up in her own firm, The Polling Company.<sup>497</sup>

- The Polling Company took on major corporate clients such as Vaseline, and American Express. She worked on helping them better understand women’s attitudes and trends with the goal of expanding their consumer base.
- She then translated her understanding into political strategies for a growing base of GOP clients.

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From early on, Conway struck the perfect balance between reverence for the white men who ran the GOP and gentle reinforcement of messaging discipline when it came to women voters. Her reach and insights made Conway one of the most in-demand pollsters in the conservative movement. *New York Magazine* described her as a “beltway insider who has made something of a specialty out of teaching wild men how to be less threatening to swing voters, especially women.”<sup>499</sup> As the movement’s women whisperer, she began to achieve mainstream notoriety. She made regular appearances on Bill Maher’s show “Politically Incorrect,” and co-authored a 2005 book, “What Women Really Want,” with Democratic pollster Celinda Lake.<sup>500</sup> Ultimately, her roster of clients listed top Republican leaders such as Jack Kemp, Michele Bachmann, Marsha Blackburn, Steve King, Fred Thompson, and Mike Pence.

Her meteoric rise and client base required Conway to go deep into how to sell a pro-choice public on an anti-abortion agenda. She was avowedly anti-choice and not challenged by the ethics of her task. She knew that core to her success was covering for unruly men who instinctively spoke about their desire to outlaw abortion as part of an effort to maintain a predominantly white, Christian system of control in society. She had to make sure they didn’t say the quiet part out loud.

To thread this needle, Conway became the pollster of record for a wide variety of anti-abortion groups like the National Right to Life Committee, Family Research Council, and SBA List. She maintained contracts with movement stalwarts like the Heritage Foundation and the RNC and could thus provide a strategic bridge to more effectively build their Trojan horse of right-wing ideology.

- Conway’s strategy combined the manipulation of statistical data to make anti-choice positions appear more popular than they really were, and rebranding the GOP as pro-women while gaslighting the Democrats by accusing them of being obsessed with abortion.

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Conway recognized that as long as the right could be credibly attacked for being anti-woman, the GOP would remain in electoral purgatory. She set about reworking Schlafly’s playbook for a modern era. The 1970s were over, and the women-libber scare tactics had gone the way of the older pro-segregation arguments, especially as the realities of GOP policies made life increasingly untenable for working women. Overtly running against feminism wasn’t going to work.

Conway’s strategy was brilliant in its simplicity. In a brazen act of gaslighting, she insisted that the GOP rebrand as pro-woman, while simultaneously accusing the Democrats of being the party obsessed with abortion. First, Conway used her unique expertise in polling to undermine decades of accepted data showing that the majority of Americans support legal access to abortion. Keying off of the victories during the Bush years, Conway’s team crafted polling questions that used cartoonish and improbable hypotheticals about abortion to wedge public opinion. When Democratic and pro-choice leaders refuted her claims, Conway relentlessly branded their position as extreme. Her technique worked insofar as it confused people and the statistical noise made anti-choice positions seem more popular.<sup>524</sup> The fact that the strategy was dishonest was of no mind to right-wing leaders who had long accepted that dishonesty as the cost of doing business. They were thrilled with what they were seeing.

### **The Affordable Care Act (ACA):**

- This strategy was particularly effective at undermining Obama’s efforts to pass his signature piece of legislation - the Affordable Care Act (ACA) which was passed into law in March 2010..



Obama's fledgling coalition was caught off-guard. As the administration began to advance its signature piece of legislation, the Affordable Care Act (ACA), the Right found a perfect vehicle to exacerbate tensions and advance its narrative. The ACA aimed to dramatically expand healthcare coverage to the tens of millions of Americans who remained uninsured. The legislation was grounded in progressive values and the needs of real people, but was built on a conservative framework from the start. Rather than seeking to directly expand healthcare through a government-funded single-payer system, the ACA was modeled on a market-driven plan popularized in Massachusetts by Republican Mitt Romney and drawn from concepts promoted by Weyrich's Heritage Foundation.<sup>575</sup> Democrats started from a position of compromise in an effort to seek common ground, while Republicans were ready to start moving the goalposts.

Throughout the debate, Democrats continued to believe they could win over the GOP if they were flexible on some key issues, namely abortion. Women and reproductive rights leaders argued that the ACA should cover abortion services for both ethical and strategic reasons. But both Congressional Democratic leaders and the Administration decided not to push for abortion coverage. Despite evidence that the Hyde Amendment increased the disparities in American healthcare, they didn't use the new law to challenge the longtime restrictions.<sup>576</sup> This olive branch was rejected by the GOP and the Right disingenuously claimed that the ACA would allow for taxpayer dollars to go toward abortion.<sup>577</sup> They specifically targeted vulnerable Democratic members of Congress, claiming that they were violating the religious freedom of Americans by voting for the bill.

- What hurt the Democrats in this case compromise in the face of a decided and unrelenting opponent.

Attempts to correct the record fell flat in the face of right-wing disinformation and a media that was, by then, well-steeped in propaganda that papered over the nuances of abortion policy, routinely disappeared the needs of pregnant people, and downplayed the sustained public support for reproductive freedom. Meanwhile, a small bipartisan group of conservatives and anti-choice Democrats submitted an amendment known as Stupak-Pitts.<sup>578</sup> The authors wrote the measure in such a way that it would have effectively ended abortion coverage in state health insurance exchanges and even jeopardized the private insurance coverage of abortion. The amendment prohibited subsidized individuals from purchasing health plans that included abortion coverage, even if they used their own money to pay most of their premium cost.<sup>579</sup> Far from a genuine compromise, the Stupak-Pitts Amendment was seen as a win-win by the Right. If the amendment passed, abortion was put out of reach for an expanded group of people handing the base a victory. If the Democrats held strong, the Right got to tank Obama's signature piece of legislation while blaming their rivals for holding healthcare hostage because they were obsessed with abortion. Either way, they got to split the progressive coalition. The strategy seemed to be ripped straight from Kellyanne Conway's playbook.

The amendment passed the House in a final floor vote of 240-194 with sixty-four Democrats crossing the aisle to vote with Republicans.<sup>580 581</sup> The vote created massive backlash from women who were tired of being sold out, and the Senate countered with its own, slightly softer, version before Obama issued an executive order to bar any federal funding issued under the ACA from covering abortion. Only then were both amendments withdrawn.<sup>582</sup>

- Obama's executive order did not appease the GOP establishment and the radical right. For months afterwards they engaged in smear campaigns which said ACA was a backdoor means for funding abortion.
  - And they framed the conspiracy theory that Obama was secretly using ACA to create death panels which would decide which patients would live or die.
  - They carried these narratives into the 2010 mid-term elections and used it to target vulnerable democratic candidates. Some democratic candidates sued but they were so busy fighting the lies about abortion coverage in court that they forgot about the fact that their pro-choice position was a political advantage - which was of course the point.

For the GOP and the Right, the ACA fight underscored the incredible value of Conway and her strategies of using lies and disinformation to fracture their opponents and subvert the power of a popular issue. For everyone else, it should have exposed a central lie of the Radical Right's long-term effort. While claiming to value life, they used manufactured concern about fetuses to undercut the most significant life-affirming legislation in decades. If that wasn't enough, the movement was about to show once again that the fight was never truly about abortion. The ACA finally gave them a concrete opportunity to hit at the heart of women's freedom and equality: advances in birth control.

- The GOP and the anti-choice movement has attempted to walk to a tight-rope which has them expressing concern for women and women freedoms on the one hand while forwarding efforts to undermine that freedom on the other. They message one thing while taking actions which do the very opposite.
- A major step towards advancing women’s equality has been the proliferation of contraception.

“[The Social and Economic Benefits of Women’s Ability to Determine Whether and When To Have Children](#)” reviews more than 66 studies over the past 30 years. According to researchers, access to contraception and avoidance of unplanned pregnancy have led to:

- increases in young women obtaining at least some college education
- increases in college-educated women pursuing advanced professional degrees
- increased participation in the workforce by women
- increases in women’s earning power and decreases in the gender gap in pay

<https://www.ourbodiesourselves.org/2013/03/access-to-contraception-increases-social-and-economic-benefits-for-women-and-society/>

- ACA proposed to bring contraception under the umbrella of healthcare services recipients would have access to.
- The GOP opposed this.

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Abortion coverage aside, Obama’s effort did focus concerns of women in the new healthcare policy and was the most significant push in generations to address historic disparities. The policy prevented insurance companies from charging women more just for being women; the industry classified the entire gender as a “preexisting condition.” In a barely concealed display of sexism, many Republican Congressmen bemoaned that men would have to shoulder more financial burden in the insurance risk pool for conditions they would never face — namely pregnancy. But nothing revealed their underlying motivations more than what came to be known as “no-cost contraception.”

The name itself was a misnomer since all the policy did was bring contraception under the umbrella of most health insurance plan coverage without a copay. Women were still paying premiums on their plans so, like any other medication, there was an associated cost. But, once again, this fact made no difference to the right-wing propaganda machine. They simply couldn’t stomach the idea of a policy that would save women collectively an estimated \$1.4 billion a year on birth control and put previously cost-prohibitive forms — such as the IUD — in reach.

After the law passed, dozens of lawsuits were filed to block the expansion of contraception coverage, many backed by Alliance for Defending Freedom and the Becket Fund. Darrell Issa, a Republican member of Congress from California, called the mandate an attack on religious liberty: “While some Americans may not feel that government mandates forcing them to pay for contraception are an infringement on their religious beliefs, others consider it to be an assault against their freedom of conscience.”<sup>584</sup> This line was parroted by most GOP candidates challenging Obama during his 2012 reelection campaign.