**National Network to End Domestic Violence (NNEDV)**

**Messaging Guidance and Communications/Action Plan**

*Dobbs v. Jackson Women’s Health Organization* Decision Day Messaging\*

\**Adapted from Center for Reproductive Rights Decision Day Case Messaging Guidance (For Planning Purposes Only Updated June 13, 2022)*

**Introduction:**

This message guidance and planning document is designed to help state and territorial domestic violence coalitions and — where appropriate— local domestic violence programs navigate media relations and communications activities related to and following the U.S. Supreme Court decision in *Dobbs v. Jackson Women’s Health Organization*. It is also designed to be a resource for coalition staff handling conversations about abortion access with various stakeholders, including donors and legislators.

NNEDV joined with other organizations supporting survivors in an [amicus brief](https://nnedv.org/wp-content/uploads/2022/05/Dobbs-v-Jackson-Amicus-Brief-NNEDV.pdf) in *Dobbs v. Jackson Women’s Health Organization*. This guidance was drafted using materials available for our use as part of NNEDV’s participation in coalitions of organizations supporting the passage of the Women’s Health Protection Act, including the [Center for Reproductive Rights](https://reproductiverights.org/) and the [Leadership Conference on Civil and Human Rights](https://nnedv.org/wp-content/uploads/2022/05/SupportWHPA-Senate-5.10.22.pdf%29), with a goal of speaking with a unified voice about the *Dobbs* case and its impact.

NNEDV knows talking about abortion access poses different— or more—challenges in some states than it does in others and some coalitions may be actively involved in state policy or advocacy work on abortion rights and access, while others are not. The goal of this document is to provide you with message strategies to use based on your organization’s level of involvement and comfort taking a public position on abortion. Although the messages about abortion and the scenarios crafted by the [Center for Reproductive Rights](https://reproductiverights.org/?s_src=22RR1121sb8doj&gclid=EAIaIQobChMI3cCnwfaq-AIVjOCzCh1KrgdSEAAYASAAEgKV4_D_BwE) are presented here —unedited— coalitions and local programs can adapt them to align with their organizational voice, without undermining the principles behind the messaging.

The **principles** behind the messaging are: (1) to speak about abortion using a values-based framework; (2) to outline the impact restricting access to abortion will have on victims/survivors (keeping that in balance with the importance of all pregnant people having access to abortion care); (3) connect access to abortion to our mission; and (4) call for people to take action, when applicable.

**Core Message:**

Abortion services are essential healthcare and having equal access—for all people, everywhere—is vital to their social and economic participation, reproductive autonomy, and the right to determine their own lives. For domestic violence survivors, abortion access is a matter of safety. Reproductive justice is a necessary component of gender equality and racial justice. Reproductive justice can only be achieved when all people have the social, political, and economic power to make decisions about their own health, bodies, and sexuality.

**Case Background**

In ***Dobbs v. Jackson Women’s Health Organization***, the U.S. Supreme Court is considering whether all bans on abortion before viability are unconstitutional. Mississippi has asked the Supreme Court to not only uphold its 15-week abortion ban—but also to overturn *Roe v. Wade* and rule there is no right to abortion protected by the U.S. Constitution.

NNEDV joined with other organizations supporting survivors in an [amicus brief in this case](https://nnedv.org/wp-content/uploads/2022/05/Dobbs-v-Jackson-Amicus-Brief-NNEDV.pdf).

On May 2, Politico reported about and shared the text of the leaked initial draft of the majority opinion in the case indicating the U.S. Supreme Court would overturn *Roe v. Wade* (and *Planned Parenthood v. Casey*).

**NNEDV released the following statement about the leaked draft:**

*The National Network to End Domestic Violence (NNEDV) is gravely concerned by last night’s leak of a draft majority opinion indicating that the Supreme Court may overturn Roe v. Wade in the coming weeks in their upcoming decision in Dobbs v. Jackson Women’s Health Organization.*

*Roe ensures the right to have an abortion and allows people to control their own reproductive destiny. Domestic violence survivors—and all people—deserve access to a full spectrum of accessible and affordable reproductive healthcare, including abortion.*

*Domestic violence is about power and control, and many abusers choose to weaponize a partner’s bodily autonomy and reproductive choices as tools of violence. Preventing a partner from having an abortion is abuse, and forcing a partner to stay pregnant is, unfortunately, an effective way of keeping them dependent and trapped in the relationship itself. When survivors are able to choose for themselves whether to continue pregnancies, it can mean they are safely able to leave abusers and create new lives for themselves.*

*“Roe has enshrined the fundamental right to privacy in our Constitution for nearly 50 years. Overturning Roe would deny the bodily autonomy of millions, erode the right to privacy for all people, and further harm survivors in need. Removing this agency is unacceptable and such a decision would be particularly devastating for low-income survivors, survivors of color, survivors with disabilities, and others who already face substantial barriers to accessing the healthcare they need,” said Deborah J. Vagins, NNEDV President & CEO. “Such a decision will serve to retraumatize pregnant domestic violence survivors, who may further suffer, and even die, at the hands of an abuser if they cannot access the abortion that would help them escape.”*

*All people, including domestic violence survivors, deserve full control over their lives and choices, including the ability to safely and freely choose whether or not to become, or stay, pregnant. We hope this decision is not final and that the Supreme Court will reconsider overturning this settled law. NNEDV also urges Congress to codify the right to choose and pass the Women’s Health Protection Act immediately. Survivors’ lives depend on it.*

**What’s Next**

According to the “SCOTUS Decision Day Scenarios\_Messaging Guidance” prepared by the Center for Reproductive Rights for partner organizations to use to respond to the decision, there are three paths the Court could take in its decision (see scenarios, below). This document is intended to help NNEDV, its member coalitions, and local programs prepare for all three scenarios outlined below and shape messaging aligned with reproductive health/reproductive justice organizations and other allied organizations.

If the leaked opinion becomes the Court’s final opinion, this would be **scenario 2**, outlined below: the Court overrules *Roe*, effectively allowing states to ban abortion and allowing Mississippi’s 15-week to go into effect.

The Center for Reproductive Rights and other organizations are promoting impact/values language (discussed in this plan) and stress focusing on the devastating harms a decision overruling *Roe* would cause for people across the country. ***This document will be updated on decision day— and moving forward— based on the final opinion and message guidance from the Center for Reproductive Rights.***

**Three Decision Day Scenarios**

*(Prepared by the Center for Reproductive Rights):*

There are three primary scenarios for the Court’s decision in this case: **two loss scenarios and one win**.

The three decision scenarios are:

**Scenario 1. Loss: The Court allows Mississippi’s 15-week ban to go into effect but does not use the words “*Roe v. Wade* is overturned”**

In Scenario 1, the Court does not explicitly overrule *Roe,* but upholds Mississippi’s 15-week abortion ban. The Court might move the point at which states can ban abortion from viability to an earlier point in pregnancy or set some new test for judging the constitutionality of abortion bans. A new test or legal standard is unlikely to provide a stable, enforceable right for people around the country. In this scenario, hostile lower courts could seize vague language from the Court to allow states to enforce bans on abortion earlier than 15 weeks and some states may also try to enforce trigger bans.

**Scenario 2. Loss: *Roe v. Wade* is explicitly overturned, and Mississippi’s 15-week ban goes into effect**

The Court overrules *Roe*, effectively allowing states to ban abortion entirely and allowing Mississippi’s 15-week to go into effect. In this scenario, states would likely move to enforce trigger laws, pre-*Roe* bans, and total or early gestational bans.

**The two loss scenarios should be met with unequivocal condemnation and outrage.**

**Scenario 3. Win: Mississippi’s 15-week ban remains blocked, and the status quo is preserved**

In the unlikely event of Scenario 3, the Court takes an action that allows Mississippi’s 15-week ban to remain blocked. It preserves the status quo and access remains difficult in many states.

**In all scenarios, we should reinforce messages about the harm caused by abortion restrictions and bans; the people most impacted, including survivors (without singling out violence as an exception under which abortions should be allowed); the positive value of abortion access; and the path forward.**

**The recommended messaging frame for all three scenarios is:**

A. Topline messaging about the opinion, with a focus on the impact on pregnant people

B. Harms of the decision (The impact on victims/survivors language is part of the “harms” framing)

C. The path forward, with the organization’s call to action. **For NNEDV the call to action is:**

*NNEDV urges Congress to* pass a federal law protecting abortion access from bans and restrictions nationwide. Congressional action is critical to ensure people nationwide have the right to bodily autonomy and ability to control their own reproductive destiny. (NNEDV has supported The Women’s Health Protection Act (WHPA) (S. 4132). It failed to advance in the U.S. Senate in May.)

***Coalitions and local programs may join in the federal message or may have state specific legislation they are promoting to protect abortion access in their state.***

**Messaging:  Loss Scenarios 1 & 2**

The messaging frame is the same for both loss scenarios, with minor adjustments noted.

**A. Topline Messaging (From Center for Reproductive Rights): This decision is wrong and will harm millions of people.**

We should all be able to make the personal health care decisions that impact our lives, health, and futures. But today, the U.S. Supreme Court issued a shattering blow to the right to access abortion in the U.S., leaving even more people struggling to access the essential health care they need.

* The Supreme Court has [dismantled/overturned] *Roe v. Wade*, and decimated the right to abortion in the United States. With this ruling, the Supreme Court is allowing Mississippi to enforce its harmful 15-week ban on abortion and is opening the door for state legislatures eager to further restrict and ban abortion. This decision is an unconscionable rollback of fundamental rights for all people in the U.S.
* The language of this decision may not mirror the leaked draft opinion but the result is just as devastating, with abortion care being pushed even further out of reach for millions of people.
* Hostile states will likely try to ban abortion very soon, but today, ABORTION IS STILL LEGAL in [insert your state, city, community OR “in the vast majority of U.S. states”]. Abortion funds, clinics, and support networks are here to help you. (Do not cancel your appointments and if you need care, please reach out to a provider immediately.)

***Note: Please check the status of the abortion laws in your state before using this talking point. Some states have “trigger laws,” which would effectively ban abortion immediately or shortly after Roe falls, in place. Learn more about the states with trigger laws and how they work*** [***here***](https://www.guttmacher.org/article/2022/06/13-states-have-abortion-trigger-bans-heres-what-happens-when-roe-overturned)***.***

* People across the U.S. will still need abortion care—but the Supreme Court’s decision will embolden anti-abortion politicians to push for the nationwide total ban on abortion they’ve wanted all along.
* Abortion bans like Mississippi’s are part of the intertwined systems of oppression that deny Black, Indigenous, and other People of Color access to their rights and are rooted in anti-Black racism, white supremacy, and other forms of discrimination.
* Abortion access is one of several fundamental rights under attack in the U.S., including our right to vote, racial justice, LGBTQ+ rights, and a host of other rights intertwined with our right to liberty in which *Roe v. Wade* was grounded.
* Decades of attacks left abortion rights hanging by a thread in the U.S. Today that thread was cut, but we are not defeated. We will keep fighting until every person, no matter where we live, how much money we make, or what we look like, has the freedom to make our own decisions about our lives and futures.

**B. Harms (DV Messaging + Harms Messaging from The Center for Reproductive Rights):**

**1. Domestic Violence, Reproductive Coercion, And Impact on Survivors**

* Abortion services are essential healthcare and having equal access—for all people, everywhere—is vital to their social and economic participation, reproductive autonomy, and the right to determine their own lives. For domestic violence survivors, abortion access is a matter of safety.
* Reproductive rights and access to abortion are critical to survivors’ health, safety, and autonomy.
	+ Reproductive rights, including access to abortion care and birth control are critical for survivors’ health, safety, and autonomy. Restrictions to abortion services and birth control disproportionately harm Black and brown women, LGBTQ people, low-income women, and domestic violence survivors.
* Reproductive justice is a necessary component of gender equality and racial justice. Reproductive justice can only be achieved when all people have the social, political, and economic power to make decisions about their own health, bodies, and sexuality.
* Although abortion remains legal, for now, State bans and restrictions will be devastating for low-income survivors, survivors of color, survivors with disabilities, and others who already face substantial barriers to accessing the healthcare they need. Without access to abortion care, domestic violence survivors are at risk of reproductive coercion. All people, including domestic violence survivors, deserve full control over their lives and decisions, including the ability to safely and freely decide whether or not to become, or stay, pregnant.
* Domestic violence is about power and control, and many abusers choose to weaponize a partner’s bodily autonomy and reproductive choices as tools of violence. Preventing a partner from having an abortion is abuse, and forcing a partner to stay pregnant is, unfortunately, an effective way of keeping them dependent and trapped in the relationship itself.
* When survivors are able to choose for themselves whether to continue pregnancies, they are safely able to leave abusers and create new lives for themselves. If pregnant domestic violence survivors cannot access abortion care, they may experience further suffering or die at the hands of an abuser.
* Controlling a woman’s sexual and reproductive life is often a component of abuse. Within the context of intimate partner violence, reproductive coercion is the use of intimidation, threats, or physical violence to control a partner’s reproductive choices.

Violence against women and girls takes many forms, including reproductive abuse and reproductive coercion. Within the context of domestic violence, this occurs when an abuser uses intimidation, threats, and/or physical violence to control their partner’s reproductive choices.

Tactics can include not allowing someone to control their own birth control methods, forcing someone to either end or continue a pregnancy, pressuring a partner to get pregnant, or sabotaging birth control.

* We also know pregnancy increases a person’s vulnerability to violence by an abusive partner. Women experiencing both reproductive coercion and domestic violence are less likely to have the autonomy to make decisions about contraception and family planning because domestic violence is rooted in issues of control over another person.
* Forcing someone to carry a pregnancy to term, can often bind a person to an abuser and puts them at risk for continued abuse. While reproductive abuse and coercion is an everyday reality for many survivors of domestic violence, it is also part of a long history of systemic oppression.

Because of these abusive tactics:

People experiencing domestic violence are less likely to use birth control and are at greater risk for reproductive health issues

* + Pregnancy increases a person’s vulnerability to violence from an abusive partner.
	+ People experiencing domestic violence are less likely to have the autonomy to make decisions about their pregnancies, family planning services, and contraception.
	+ Survivors forced to continue a pregnancy may remain bound to an abuser and are at risk of continued violence.

**2. Harms Messaging from the Center for Reproductive Rights**

* Half the states in the U.S. will try to severely restrict or ban abortion—and soon.
	+ What’s happening in Texas today is a preview of the chaos and harm coming with this decision.
		- The Supreme Court’s repeated refusal to block Texas’s abortion ban has forced people in Texas to travel or carry pregnancies against their will—and makes even more clear the extreme harm coming.
	+ With this decision, even more people across the country will soon be forced to travel hundreds of miles out of state or carry pregnancies to term against their will.
	+ Forced pregnancy is a grave violation of human rights and dignity.
	+ Clinics that are already overburdened because of Texas’s SB 8 abortion ban will be even more overwhelmed by out-of-state patients desperately searching for the essential abortion services they need.
* Abortion bans are systemic discrimination and racism in action—and the impact of this decision will be profoundly harmful.
	+ The impacts of this decision will fall hardest on people who already face discriminatory obstacles to health care—particularly Black, Indigenous, and other people of color, people with disabilities, people in rural areas, young people, undocumented people, and those having difficulty making ends meet.
	+ Abortion bans and restrictions are part of the intertwined systems of oppression that deny Black, Indigenous, and people of color access to health care and other human rights.
	+ This Supreme Court has once again failed people of color and those living on lower incomes.
* Anti-abortion state lawmakers are already trying to prohibit people from accessing abortion across state lines, showing there’s no limit to their cruel attempts to control people’s personal health care decisions. These types of laws must be stopped.

**C. The Path Forward: NNEDV Call to Action + Center for Reproductive Rights Messaging**

* We will not stand silently by while our rights are taken away. Together, we will work for a better future, where all health care, including abortion, is accessible and where everyone is free to make decisions about their futures and their families whoever we are and wherever we live.

With so much at stake, Congress must act swiftly to protect every person’s right to make their own decisions about their bodies. NNEDV is proud to be part of [a broad coalition of organizations](https://actforwomen.org/about-the-campaign/) supporting the passage of the Women’s Health Protection Act and we are committed to working towards racial, economic, and reproductive justice for all. (*NOTE: NNEDV has supported The Women’s Health Protection Act (WHPA) (S. 4132). It failed to advance in the U.S. Senate in May.)*

* + *NNEDV urges Congress to* pass a federal law protecting abortion access from bans and restrictions nationwide. Congressional action is critical to ensure people nationwide have the right to bodily autonomy and ability to control their own reproductive destiny.

*An additional call to action recommended by the Center for Reproductive rights is:*

 *“We must pursue proactive protections beyond the courts by supporting providers, patients, abortion funds, and clinics on the ground—and advancing state protections through laws, constitutional reforms, ballot initiatives, and federal protections including the Women’s Health Protection Act, the EACH Act, and the elimination of the Hyde Amendment from the federal budget.”*

***Coalitions and local programs may join in the federal message or may have state specific legislation they are promoting to protect abortion access in their state.***

*Note: In their call to action messaging, the Center for Reproductive encourages the recognition of and support for work independent abortion clinics, abortion funds, and state advocates and organizations are doing to ensure people have access to abortion care through calls to action—and by contributing to conversations happening around the social media hashtags #AbortionIsEssential, #BansOffOurBodies, and #KeepOurClinics.*

**Access to Abortion is Essential** (Messaging from the Center for Reproductive Rights).

* The right to decide whether or when to have a child is essential for social, economic, and racial equality, reproductive autonomy, and the right to determine our own futures.
* When abortion care is accessible, individuals, families, and communities thrive.
* Reproductive Justice, as defined by SisterSong, is the human right to maintain bodily autonomy, have children, not have children, and parent the children we have in safe and sustainable communities. Abortion access is a critical part of maintaining Reproductive Justice and a future where every person can make their own decisions with dignity and self-determination.

**Messaging: Win Scenario 3 - Mississippi’s ban remains blocked and status quo is preserved**

**A. Topline Messaging (The Center for Reproductive Rights): Relieved and continuing the fight**

Today, the right to abortion in the U.S. remains intact. The Supreme Court’s decision means Mississippi’s 15-week ban on abortion will remain blocked and the protections of *Roe v. Wade* stand. Today we are relieved, but let’s be clear: our work fight continues.

Abortion is still inaccessible in many parts of the country and has been virtually eliminated in Texas. Mississippi’s ban is just one of hundreds of state-level provisions designed to limit abortion to the point of elimination—and it’s no secret that anti-abortion politicians and activists are determined to see a nationwide ban in the U.S.

*NNEDV Call to Action: Despite this decision today, NNEDV urges Congress to pass a federal law protecting abortion access from bans and restrictions nationwide. Congressional action is critical to ensure people nationwide have the right to bodily autonomy and ability to control their own reproductive destiny.* (*NOTE: NNEDV has supported The Women’s Health Protection Act (WHPA) (S. 4132). It failed to advance in the U.S. Senate in May.)*

***Coalitions and local programs may join in the federal message or may have state specific legislation they are promoting to protect abortion access in their state.***

**B. Harms Messaging (The Center for Reproductive Rights + DV messaging above): Many people are without access to abortion**

*Even with Roe v. Wade intact, many people across the U.S. are unable to access abortion care due to decades of attacks on abortion rights and access.*

There is a relentless effort by anti-abortion lawmakers and groups to eliminate abortion state-by-state and law-by-law.

* + - Since 2011, anti-abortion lawmakers have pushed more than 500 restrictive laws through state legislatures that make abortion difficult and, sometimes, impossible to access.
		- In anticipation of the Court’s decision, in 2021 and 2022, state legislatures passed a slew of abortion restrictions at a frenzied pace, determined to outlaw abortion in the event the Court undermined the protections of *Roe*.

People seeking care must often travel long distances, take unpaid time off from work, and find and pay for childcare due to state-mandated barriers to access.

Research shows that being denied an abortion has serious consequences for a person’s health, well-being, and financial security.

* + - Women denied abortion care are at increased risk of experiencing intimate partner violence, health problems, poverty, and ongoing financial distress, including rising debt and eviction proceedings, according to a study conducted by a research group at the University of California, San Francisco.

*We must look beyond the courts to secure abortion rights and access against constant attacks.*

Dozens of cases challenging anti-abortion laws are currently making their way through courts. But the Supreme Court has already allowed Texas to enforce the most harmful ban since *Roe v. Wade* and people are losing access to the essential health care they need across the country.

* + - We now have a Supreme Court where six of the nine justices have ruled against abortion rights.

*NOTE: THIS TALKING POINT SUBJECT TO THE FINAL VOTE IN THE CASE. PLEASE CHECK THE VOTE COUNT BEFORE USING.*

We must also pursue proactive protections beyond the courts by supporting providers, funds, and clinics on the ground and advancing state and federal protections including the Women’s Health Protection Act, the EACH Act, and the elimination of the Hyde Amendment from the federal budget.

*Even as Roe stands, the decimation of abortion access is well underway and we will keep advocating and working for a future where every person is able to make the decisions that impact their lives and futures, free from political intrusion.*

**C. The Path Forward: NNEDV Call to Action + Center for Reproductive Rights Messaging**

Congress must act swiftly to protect every person’s right to make their own decisions about their bodies. NNEDV is proud to be part of a broad coalition of organizations supporting the passage of the Women’s Health Protection Act and we are committed to working towards racial, economic, and reproductive justice for all.

*NNEDV urges Congress* topass a federal law protecting abortion access from bans and restrictions nationwide. Congressional action is critical to ensure people nationwide have the right to bodily autonomy and ability to control their own reproductive destiny. *(Note: NNEDV has supported The Women’s Health Protection Act (WHPA) (S. 4132). It failed to advance in the U.S. Senate in May.)*

***Coalitions and local programs may join in the federal message or may have state specific legislation they are promoting to protect abortion access in their state.[[1]](#footnote-1)***

**Communications and Action Plan:**

**Day 1 (Decision Day)**

1. Release (Brief) Statement from CEO/Executive Director/Board Chair/Other Designated Organization Spokesperson using appropriate scenario messaging and DV Survivor Impact Messaging, including messages to educate the media and the public about reproduction coercion as a tactic abusers use to maintain power and control.
2. Share statement (email) with member programs, Board of Directors, and staff
3. Email statement to supporter/donor database list
4. Share statement on social media platforms
5. Prepare Organization Spokesperson with talking points to respond to media inquiries about the impact of the decision on survivors

**Days 2 and 3**

1. Update messaging and talking points based on a summary from NNEDV and the Center for Reproductive Rights (and other national Reproductive Rights/Justice partner organization)
2. Update Call to Action, if needed
3. Draft and Release new statement (if needed) related to developments post decision (for example, introduction of federal legislation to expand or restrict access to abortion).

*Coalitions and local programs may join in the federal message or may have state specific legislation they are promoting to protect abortion access in their state.*

1. Share statement (email) with member programs, Board of Directors, and staff
2. Email statement to supporter/donor database list
3. Share statement on social media platforms
4. Prepare Organization Spokesperson to respond to media inquiries with talking points to talk about new legislation

**Day 4 and Beyond:**

1. Revise and revisit talking points as reactions to the decision unfold (introduction of legislation, legislative hearings, legislative votes, Executive Branch action)
2. Issue public statements, as needed, using evolving messaging
3. Timely communicate developments and calls to action with stakeholders (Member programs, Board, staff, donors/supporters)
1. Sample of message from The Center for Reproductive Rights: *We must pursue proactive protections beyond the courts by supporting providers, patients, abortion funds, and clinics on the ground—and advancing state protections through laws, constitutional reforms, ballot initiatives, and federal protections including the Women’s Health Protection Act, the EACH Act, and the elimination of the Hyde Amendment from the federal budget.* [↑](#footnote-ref-1)