

THINKING CLEARLY

AFTERROE

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A Five-Part Strategy
Moving Forward

John Stemberger



In December of 2021, I returned home to Florida from Washington, DC, after watching the oral argument in *Dobbs v. Jackson Women's Health*. The Supreme Court's upcoming decision in this case, especially in light of the recent leaked opinion, is likely to severely undermine or completely overturn *Roe v. Wade* in June of 2022.

Only days later, I was in the office of the incoming Speaker of the House. I was there to discuss our 2022 pro-life priorities. Moments after the introductory niceties, he directly asked this hypothetical: "The year is 2023... The *Dobbs* case has been decided. *Roe* is overturned—what are you going to ask me to do?"

I was stunned at the frankness of this question, coming from the second-most powerful political figure in our state. I fumbled around and discussed some policy options for him to consider. But I lacked conviction and focus; I should have had a well-thought-out response. I should have immediately cast a clear vision for how we can and should end abortion in our state. But I did not. After the meeting, my vague and meandering response to his question haunted me for months.

This experience helped me to see one thing clearly: I was not prepared to discuss a specific action plan for the very scenario I worked my entire adult life to see. I also realized I was not alone. Many leaders in the pro-life movement (much less elected officials) are not ready to seriously think about a nation free from the ugly shadow of *Roe v. Wade*. This article is an imperfect attempt to propose a strategic path forward in a post-*Roe* world.



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If *Roe* is overturned, this is not the end of the pro-life movement; it's only the beginning. To prepare for that beginning, there are five areas we can address for what, God willing, will be the single-most historic moment in the pro-life movement.

1

CARE FOR WOMEN AND CHILDREN

If *Dobbs* overturns *Roe*, the most significant change and impact will be the immediate increase in the number of abortion-minded mothers with unexpected pregnancies who will not have easy access to abortion.

We must be prepared to continue serving them by helping them decide to parent their baby or place the child for adoption. Imagine if all the resources spent to end lives through abortion

policies could be rerouted toward truly supporting mothers, their babies, and families. This future for America is far more hopeful and life-giving.

The pregnancy center movement is a remarkable and unique resource with a widespread physical presence in every state. These centers will need to grow and expand their capacity to handle the increased needs within their communities. Turnkey, franchise-like pregnancy center operations and training need to be developed so that churches and others with resources can quickly start up new centers.

It is our obligation to explore both private and public-sector solutions to support pregnancy centers. Major national leaders need to make themselves more accessible and affordable as speakers



at pregnancy center fundraisers. Major donors must significantly invest in this movement. Entrepreneurs, pastors, and elected officials will need to step up and be willing to serve on the boards of these remarkable local ministries.

Some states currently provide millions of dollars of direct funding to pregnancy centers. However, many centers, especially faith-based centers, are hesitant to take public funding. Centers who accept this funding are required to develop procedures to internally separate faith-based activities from strictly non-sectarian services.



One organization, Human Coalition, has pioneered an effective strategy being used in Texas that mitigates the

concerns of a pregnancy center accepting public funding. Human Coalition receives direct public funding from a state's budget and then uses extensive data to strategically target advertising to abortion-minded women. These women then respond to the ads by calling into hotlines staffed by registered nurses. After screening and counseling, they are directed and transferred to a local pregnancy center as potential clients. That pregnancy center does not need to accept any public funding, but simply agrees to take new clients referred to them by Human Coalition's nurses.



Additionally, a state can extend Medicaid benefits to provide longer assistance to a mother after her child is born. For example, Florida extended Medicaid benefits to a full year after the birth of the child. Some pregnancy centers have become comprehensive medical women's care facilities. The public funds used for Planned Parenthood can easily be used to support these full medical centers.

Here's the bottom line: Without the burden of *Roe* weighing down the nation, resources should be freed up so that every state can welcome new life and support mothers.

2

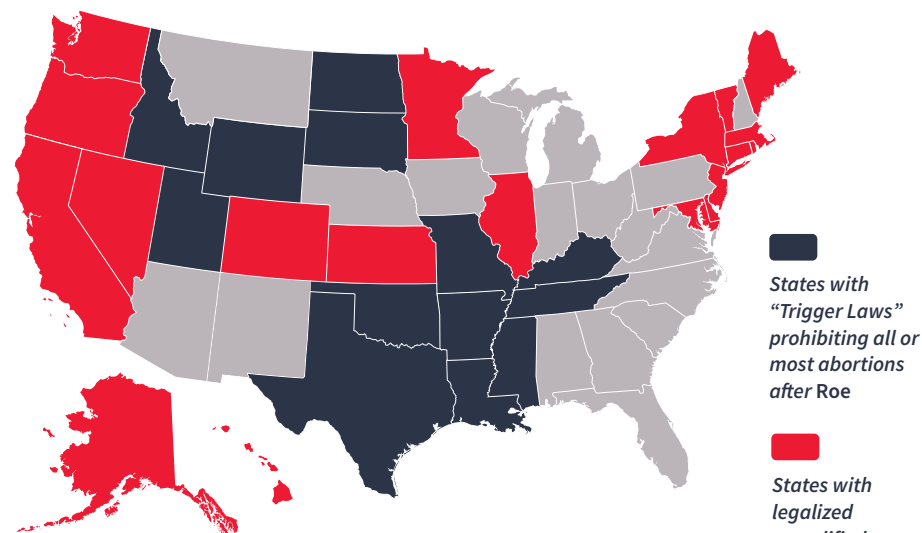
LAW AND PUBLIC POLICY

If the *Dobbs* case indeed directly overturns *Roe*, then abortion will no longer be considered a federal “constitutional right” and the issue will be returned to the states. Fifty state battles will continue, but with greater intensity and greater direct responsibility for the lives saved—or lost—in their states.

This will give many states a new and clean run at ending or restricting all elective abortions without the concern of a federal constitutional challenge. Anticipating this outcome, thirteen states have already passed conditional

“trigger laws” that will automatically prohibit all or most abortions after *Roe*. Other “red” states with pro-life legislative majorities will also be free to pass new laws which abolish most, if not all, abortions.

In contrast, eighteen states plus the District of Columbia have already legalized or codified abortion rights. Tragically, some of these states have already announced their intention to become “abortion sanctuaries.” California plans to offer free abortions (and even financial incentives) to women who travel from pro-life states seeking to end the lives of their children. Pro-life leaders in “blue” states with pro-abortion legislative majorities will need to develop long-range strategies for changing the hearts and minds of the people and elected officials in their states.



“Purple” states can attempt to pass laws incrementally restricting and regulating abortions until they can realize political changes which allow them to prohibit all abortions. Family Policy Alliance, Americans United for Life and Alliance

Defending Freedom have excellent model legislation that can be used by state legislators. The state Family Policy Council movement, along with state Catholic Conferences, have worked tirelessly for decades in state legislatures to see pro-life laws passed. Their work will become more critical than ever in a post-Roe world.

A handful of states have state constitutions with express privacy provisions or decisions, which grant a fundamental “state right” to abortion. These decisions must be carefully reviewed for potential human life amendments, judicial reinterpretation, or other strategic solutions. Otherwise, these states will be stuck with permanent state constitutional “abortion rights” for years to come.

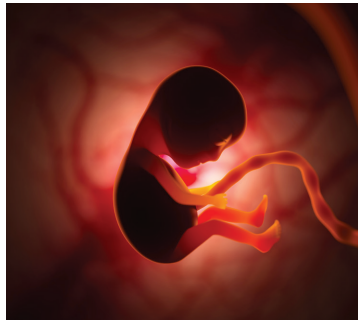
At the federal level, pro-life lawmakers should move quickly toward a constitutional recognition of the human right to life for every person, regardless of that person’s location inside or outside the womb. As scholar Josh

Craddock argues, federal lawmakers could also strip jurisdiction for federal judicial review on abortion-related laws and supplement enforcement of these laws with private rights of action that enhance victims’ rights.

Both state and federal lawmakers in a post-Roe world will need to immediately address the rapid increase in chemical abortions.

Chemical abortions lack proper medical oversight, are far easier to

obtain illegally, and carry significant risk for women. One study showed that emergency room visits following chemical abortions increased 500% between 2002 to 2015.



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Existing and new laws passed after *Roe* that ban or regulate abortions will need to be correctly enforced. This is an enormous challenge since district attorneys and local law enforcement agencies often turn a blind eye to violations of abortion law. While it has been very controversial, and even rejected by some pro-life leaders, the use of Texas’ enforcement mechanism that creates an independent civil cause of action for money damages with attorney’s fees provisions may be a way to deal with this enforcement problem in the future.

Beyond taking immediate steps to save as many lives as possible and enforcing those laws, state and federal policymakers must also envision laws that create an American legal landscape where human life is truly cherished. This means passing a swath of laws that recognize the equality of children inside and outside the womb, rerouting resources from funding abortions to supporting families, dramatically improving foster care and adoption options, and much more.

After *Roe*, it will be critical for legislators to be motivated and have the courage to take political risks without being concerned about the political ramifications of abolishing abortion. We need to speak of and think about abortion as we now look back upon slavery—a shameful and unthinkable practice in a modern, civilized society.

3

ELECTIONS

One of the many reasons we could see this historic pro-life moment with the *Dobbs* decision is the effort to elect pro-life candidates at every level of government.

Groups like Susan B. Anthony List, Family Research Council Action, National Right to Life Action, and Family Policy Alliance and the network of state family policy councils have been key to helping elect these officials. This work must continue, especially at the state level.



In pro-abortion states, elected leaders will have no more excuses to blame *Roe* as “existing law” for their pro-abortion stance. If these leaders continue to advocate for the death of their youngest citizens, the electorate’s vote to hold them accountable will matter more than it ever has. Meanwhile, if a strongly pro-life state has already reached *Roe*’s glass

ceiling for protecting the unborn, its elected leaders will have the opportunity to *shatter* that ceiling and advance life as a human right like never before.

The pro-life movement must work even harder to assert that the God-given, human right to life is a not a religious or partisan issue. We must continue to maintain that abortion is a moral disqualification issue. Politicians of any party who are pro-abortion are morally unfit for office, and we must actively work toward their defeat.



Elected officials need to pass comprehensive pro-life laws that prevent abortion and protect mother and child.

While GOP convention battles over the Republican platform on life issues are largely a thing of the past, much progress is needed in making inroads into the Democrat Party. Many states have at least a small handful of strong pro-life Democrat legislators who should be welcomed by the pro-life movement and their Republican colleagues.

However, on a national level, there are *virtually no pro-life Democrats* due to the aggressive way party leadership targets pro-life candidates in primary elections. This will be to the party's own detriment as abortion continues to become ever more abhorrent and a long, dark chapter in our nation's history.

Abortion is not a partisan or religious issue, nor is it strictly a "women's issue." Instead, it is a human rights issue. And as such, we should welcome anyone into our movement who will defend the simple truth that innocent human beings, whether they are still in the womb or not, should have their rights protected and never be murdered.

While traditionally the pro-life movement has been led by Evangelicals and Catholics, it has the potential to expand and even achieve the tipping point necessary to create a more widespread and permanent culture of life. Non-traditional allies and leaders can be welcomed, such as liberals, humanists, atheists, feminists, LGBT-identified, and other left-leaning groups. One such group is the Progressive Anti-Abortion Uprising (PAAU), led by Terrisa Bukovinac, who regularly stands outside abortion clinics as a pro-life, progressive atheist and animal rights activist. The potential for broader support is real and welcomed.

4 EDUCATION

The pro-life movement must continue to make it a priority to educate the public, and especially the church, regarding the science and beauty of early human development and the horror of what an abortion actually is.

We will especially need this in "blue" liberal states with pro-abortion majorities in their legislatures. "Blue" states should begin to think through long-range education plans to change the hearts and minds of citizens and leaders within their states. Susan B. Anthony List (SBA) currently has some of the best research, polling, and video ads available to move neutral or soft abortion-minded people to a pro-life position.

Churches must be mission-minded on this issue—preaching, teaching and directly engaging with and supporting pregnancy centers. Every church in America should include one or more local pregnancy centers as an active part of their missions' budget.

Pro-lifers in the arts, film, and entertainment business should expand production of music, movies, and other mediums which creatively speak to the value of human life and the evil of abortion. Pro-life artists of every type should consider at least one unique project which somehow addresses the issue or contributes to the conversation.

The pro-abortion lobby will likely launch a massive multi-million dollar media campaign right after the official *Dobbs* decision comes out. We need to be prepared for this enormous propaganda blitz that will be seen and heard everywhere. Pro-lifers should go on the offensive with smart messaging, and lawmakers in every state must be equipped with the pro-life messaging and talking points to engage the media.



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5

DIRECT ACTION

Other than the pregnancy centers, those involved with direct action outside of abortion clinics, such as 40 Days for Life, are some of the great unsung heroes of the pro-life movement.

Those in this role will need further support, growth strategies, collaboration, and networking. Many sidewalk counselors are local saints, not affiliated with any national group, who faithfully show up at abortion mills to pray for, call out to, and offer to help women entering abortion facilities. These individuals need to become more organized and train a new generation to come behind them and do the same courageous work. They must also be protected from local and state laws that seek to prohibit them from their life-saving mission on the sidewalks outside the clinics.

March for Life has been a key part of the ground game for our movement by annually mobilizing hundreds of thousands of pro-lifers, and especially young people,

for massive rallies in Washington, DC—showcasing the strength of the pro-life movement. Many of these marches will now also take place in the states.

The other aspect of the direct-action movement has been pioneered by Lila Rose with Live Action. Single-handedly, this young woman, at the age of fifteen, began organizing undercover stings that recorded the lies, fraud, abuse, and other

illegal activity by Planned Parenthood that should have been the work of law enforcement. David Daleiden, arguably one of the bravest and most dedicated pro-life activists, spent three years of his life filming Planned Parenthood undercover, documenting their participation in the selling of baby body parts.

These undercover efforts must continue but will need to transform to counter the strategy the abortion industry will employ in a post-Roe world. The industry will peddle chemical abortions, transfer mothers and abortionists across state lines, and develop increasingly clandestine tactics with Roe no longer available to them as a stop-gap measure.



CREATING VISION

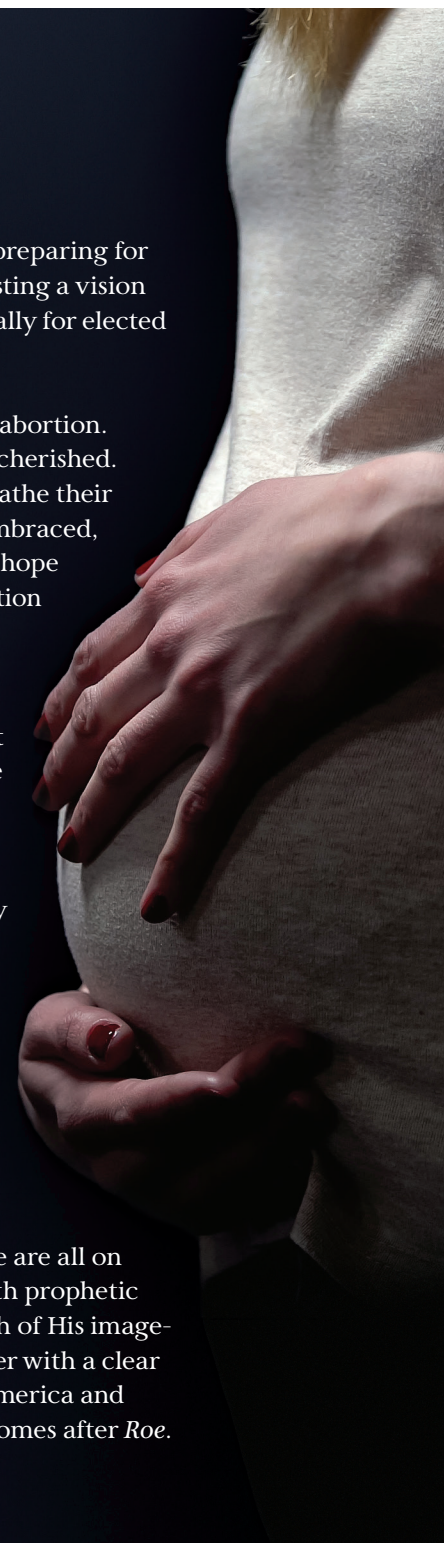
Perhaps the most important part of preparing for a post-Roe world is creating and casting a vision for an abortion-free society, especially for elected officials and other leaders.

Imagine a state—a nation, even—without abortion. A nation where each precious life is truly cherished. Where children are given a chance to breathe their first breath, where life is welcomed and embraced, and where moms and families are offered hope and healing—not death and darkness. A nation of life.

We need to show them we can create a world where we can love children and not kill them. That we can create a world where adoption is always the better option. That we can create a world where we care for both women and their children. Surgical abortions in Texas have almost completely stopped, and the sky is not falling.

Without a clear vision for an abortion-free world, we can't see the goal, causing apathy and discouragement. Creating vision motivates and encourages people and gives them fresh faith for what *can* be in the future.

Truth, humanity, compassion, and science are all on our side. Most importantly, we can say with prophetic clarity, God—who cares deeply about each of His image-bearers—is on our side. If we work together with a clear vision, we will not only end abortion in America and beyond, but we will also see the life that comes after *Roe*.





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AND CHILDREN**



**LAW AND
PUBLIC POLICY**



ELECTIONS



EDUCATION



**DIRECT
ACTION**



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