

PROTECTING YOUR CHURCHES AND CHILDREN:
REPUBLICAN POLITICAL STRATEGY AND
ANTI-LGBTQ+ RHETORIC IN A POST-DOBBS AMERICA

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For nearly fifty years, Anti-LGBTQ+ messaging and anti-abortion messaging in the United States have been two facets of a single concerted electoral strategy established by the Republican Party to attract and retain the support of conservative christian voters. As such, the course of both forms of messaging have followed similar trajectory up to the present day. However, recent Republican anti-abortion messaging has been sparse, and the limited messaging that does air tends to be more moderate than it historically has been. At the same time, Republican anti-LGBTQ+ messaging has increased prevalence and remained deeply inflammatory, translating to increased legislation targeting the liberties of LGBTQ+ Americans.

This paper examines why these two historically-aligned forms of messaging have diverged in recent years. It analyses patterns in email campaigning and broadcast advertising to conclude that the Supreme Court's ruling in the case of *Dobbs v. Jackson Women's Health Organization*, which removed legal protections on the right to abortion healthcare, resulted in widespread public backlash that forced the Republican Party emphasize its anti-LGBTQ+ messaging and downplay its anti-abortion messaging in anticipation of the 2022 midterm elections.

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II. INTRODUCTION

American politics carry a long history of anti-LGBTQ+ policy and campaigning. Since the 1970s, this anti-LGBTQ strategy, in tandem with the anti-abortion positioning, has been leveraged by Republican policymakers to strengthen their support among conservative Christian voters. Following the leak of the U.S. Supreme Court’s draft ruling in the case of *Dobbs v. Jackson* in May of 2022, there was a notable influx in legislation seeking to restrict civil liberties for LGBTQ Americans in battleground states before the 2022 midterms, including “Don’t Say Gay” Bills in Florida and Ohio, House Bill 837 in Louisiana, House Bill 1557 in Florida, and SB 781 in Missouri.¹ Even purported bipartisan legislation like the Kids Online Safety Act introduced to Congress in 2022 is being designed with LGBTQ+ censorship in mind; the legislation’s chief sponsor, Senator Marsha Blackburn, stated that her intent behind the bill was to “protect minor children from the transgender in this culture and that influence.”² Why have conservative policymakers shifted their agenda to advancing anti-LGBTQ legislation and

¹ Echols, Maya, *Wave of anti-LGBTQ+ Bills Sweep Across State Legislatures*, (John Carroll University, 2022), available at < <https://www.proquest.com/docview/2649714780?accountid=14698&cid=CID:20231023190454632:402523&fromOL=true&parentSessionId=tQ2kXmdoCLEh4C43AFJrKq5TXydWluYI3%2F6QDgk7l9s%3D&pq-origsite=primo>>,

² “Sen. Marsha Blackburn’s Top Priority is Social Media. here’s Why” (Family Policy Alliance, 2023), available at <https://www.youtube.com/watch?v=jg21OdmUj1g&ab_channel=FamilyPolicyAlliance>, 0:10

promoting anti-LGBTQ rhetoric in the last two years? How has the Supreme Court's overturning of federal abortion rights through *Dobbs v. Jackson* – and the public response to the ruling – influenced the Republican Party's agenda shift? Where is this agenda shift most apparent? What effect is this strategy shift having on Republican electoral performance and public perceptions of LGBTQ+ rights issues?

The central purpose of this thesis is to provide an overview of Republican anti-abortion and anti-LGBTQ+ messaging from the 1970s to present day, with particular focus placed on how this messaging has developed following the Supreme Court's ruling in *Dobbs v. Jackson*. This thesis will contend that a broadly negative public response to the *Dobbs v. Jackson* ruling has forced the Republican Party to shift the trajectory of its longstanding campaign strategy regarding the issue areas of abortion and LGBTQ+ rights prior to the 2022 midterm elections when Republican strategists recognized that many more Americans were opposed to abortion restrictions than they had hoped. Furthermore, the increase in conservative anti-LGBTQ+ policy and rhetoric in recent years is the result of a conscious move away from abortion rhetoric in an attempt to preserve Republicans' right-wing religious coalition, a bloc of voters that have historically been recruited to the Republican Party through both abortion and LGBTQ+ moral panics.

Section II of this thesis serves as a historical overview of anti-abortion and anti-LGBTQ+ conservative political strategy. This overview analyzes the origins of the modern New Right and its focus on social issues beginning around the 1970s, tracing the roles of anti-abortion and anti-LGBTQ+ politics to an emerging strategy within the Republican Party. This analysis will serve to establish that anti-LGBTQ+ and anti-abortion politics are two halves of one concerted strategy

employed by the Republican Party to recruit Christian conservative voters to its coalition. This initial analysis will also establish two primary rhetorical tactics used to incite moral panic among Christian conservative voters: that abortion and LGBTQ+ acceptance endanger both Christian values and the safety of children.

With the origins of contemporary anti-abortion and anti-LGBTQ+ politics established, Sections III, IV, and V will analyze where and how these politics have changed following the overturning of constitutional abortion protections with *Dobbs v. Jackson*. These changes will provide evidence of a shift in the strategy of the Republican Party which has sought to downplay its abortion messaging while increasing its anti-LGBTQ+ messaging. These sections will also investigate how the moral panic messaging popularized in the 1970s continues to be leveraged against the LGBTQ+ community and the transgender community in particular, demonstrating how Republican political strategy has simultaneously evolved in recent years and yet remained consistent in its use of certain rhetorical tactics.

To support the central argument of the thesis, Section III will look at the immediate responses from both the public and Republican strategists to the leak and subsequent formal release of the Supreme Court's ruling in *Dobbs v. Jackson*. This section will look at public statements from lawmakers and a strategy memo produced by the National Republican Senatorial Committee which both emphasize moderate abortion messaging prior to the 2022 midterm elections. Section IV will then focus on email marketing and congressional E-newsletters in particular, analyzing which keywords appeared more frequently and when, to determine if and how this form of marketing reflects the shift in Republican messaging and rhetoric. Section V will follow a similar approach to analysis as Section IV, focusing on

broadcast advertising particularly within the 2022 midterm election cycle. This section will take into account both the volume of advertising as well as the quality of advertisements using anti-abortion and anti-LGBTQ+ messaging. Finally, Section VI will provide a brief overview of the arguments articulated and evidence presented in the previous sections to then make conclusions about Republican strategy and the effect that *Dobbs v. Jackson*'s outcome had.

In this thesis, the term LGBTQ+ will be used to refer to lesbian, gay, bisexual, transgender, and queer or questioning identities in addition to any other non-heteronormative identities not overtly included in the acronym, such as nonbinary, intersex, and asexual identities. Additionally, the term *queer* will be used to refer to people as well as cultures and forms of expression which align with non-normative cisgender heterosexual identity. The terms *queer* and *LGBTQ+* will also be applied when describing the target of both contemporary and historic policies, rhetoric, or laws which sought to marginalize non-heteronormative people, communities, and forms of expression. Though many of the policies, rhetoric, and laws of the past specifically targeted gay people, just as contemporary policies, rhetoric, and laws tend to specifically target transgender and non-binary people, the substantive effect of all of these efforts is the marginalization of all people within the umbrella of queer identity, so the terms *queer* and *LGBTQ+* are applied.

This research and its conclusions will offer much-needed insight into current conservative political behavior at a time when the Republican Party is in significant flux. The study of campaign strategy and political messaging can help explain how conservative political actors are succeeding or failing in appealing to voters and mobilizing support. Examining the use of strategies like anti-abortion and anti-LGBTQ messaging can also allow political scientists to

understand where anti-LGBTQ policy stems from and what motivates political actors to invoke it. The effectiveness of this messaging can also tell political scientists two things. First, it can allow political scientists to make predictions on the outcome of future elections such as the 2024 presidential election if the same messaging is or is not used. Second, it can give insight into public opinion on the LGBTQ community and how susceptible it is to moral panic messaging, suggesting what kind of climate the US is for queer people today.

II. BACKGROUND

A. Origins of The Anti-LGBTQ+ Political Movement

Beginning in the 1970s, a number of laws passed by local governments in the United States protecting gay people from discrimination were met with backlash from conservative activists who successfully utilized ballot initiatives to block them.³ This included a notable battle in Miami, Florida in 1977 against a municipal anti-discrimination ordinance where conservative community members and religious leaders successfully persuaded voters to repeal the ordinance by a significant margin.⁴ While anti-LGBTQ+ sentiments were present across the U.S. political spectrum and would continue to be for several more decades, they became inextricably linked to right-wing religious conservatism after the 1977 Florida political battle with the notion that queer sexuality was an affront to biblical values.⁵ Among the prominent conservative activists who propagated this notion was Jerry Falwell, an evangelical pastor and co-founder of the Moral

³ Niedwiecki, Anthony, *Save Our Children: Overcoming the Narrative That Gays and Lesbians Are Harmful to Children* (UIC Law, 2013), <https://repository.law.uic.edu/facpubs/473/>, 127

⁴ Associated Press, “25 Years Later, Miami Again Has Gay Rights Fight on Its Hands” (Los Angeles Times, 2002), <https://www.latimes.com/archives/la-xpm-2002-sep-05-na-gayrights5-story.html>

⁵ Stone, Amy, *The Impact of Anti-Gay Politics on the LGBTQ Movement* (Trinity University, 2016), https://digitalcommons.trinity.edu/cgi/viewcontent.cgi?article=1046&context=socanthro_faculty, 1

Majority political organization, who often claimed that queer sexual activity transgressed biblical doctrine, stating in an interview with PBS that “sex outside of the marriage bond between a man and a woman is violating God's law. So obviously the homosexual is immediately violating God's laws.”⁶ Responding to the developing AIDS crisis in 1983 – an epidemic which disproportionately affected the LGBTQ+ community particularly in its early years – Falwell appeared on his TV program “Old Time Gospel Hour” to claim that “AIDS is not just God’s punishment for homosexuals. It is God’s punishment for the society that tolerates homosexuals.”⁷ These religiously-based attacks on queer people were not wholly new; they built on roughly two millennia of Christian teachings classifying homosexuality as immoral, against which a few decades of organized queer liberation in America has continually struggled to defend itself.⁸ These attacks, characterized by an exaggerated perception of queerness as a threat to society, align with the concept of moral panic established by sociologist Stanley Cohen in his Ph.D. thesis and built upon in his 1972 book *Folk Devils and Moral Panics*. In his book, Cohen defines the term “moral panic” in the following way:

A condition, episode, person or group of persons emerges to become defined as a threat to societal values and interests; its nature is presented in a stylized and stereotypical fashion by the mass media; the moral barricades are manned by editors, bishops, politicians and

⁶ White, Mel, “Assault on Gay America: Reverend Jerry Falwell” (PBS Frontline, 2000), <https://www.pbs.org/wgbh/pages/frontline/shows/assault/interviews/falwell.html>

⁷ Reed, Christopher, “The Rev Jerry Falwell” (The Guardian, 2007), <https://www.theguardian.com/media/2007/may/17/broadcasting.guardianobituaries>

⁸ Gallagher, John & Bull, Chris, “Perfect Enemies: The Religious Right, the Gay Movement, and the Politics of the 1990s” (The Washington Post, 1996), <https://www.washingtonpost.com/wp-srv/style/longterm/books/chap1/perfectenemies.htm>

other right-thinking people... Sometimes the object of the panic is quite novel and at other times it is something which has been in existence long enough, but suddenly appears in the limelight. Sometimes the panic passes over and is forgotten, except in folklore and collective memory; at other times it has more serious and long-lasting repercussions and might produce such changes as those in legal and social policy or even in the way the society conceives itself.⁹

To Cohen, moral panic manifests both as a disproportionate, reflexive reaction to an immediate social development deemed threatening to social order and as a longer-term general negative reflection on the “state of our times.”¹⁰ Likewise, the object of moral panics is often characterized as both new – a threat “creeping up the moral horizon” – and old – a threat rooted in traditional and historically-identified evils such as crime, violence, and satanism.¹¹

By the 1980s, conservative political actors began to see anti-LGBTQ+ campaigning and rhetoric as a means to broaden their base of Christian supporters and gain greater political power. As a result, any subsequent rights gains made by the LGBTQ+ community would be met with oppositional political efforts aimed at mobilizing Christian voters through moral panics.¹²

Between 1974 and 2016, more than 155 ballot measures regarding LGBTQ+ rights were passed at the town, municipal, county, and state level.¹³ Three-quarters of the ballot measures either

⁹ Cohen, Stanley, *Folk Devils and Moral Panics* (Routledge, 2011), available at <https://infodocks.files.wordpress.com/2015/01/stanley_cohen_folk_devils_and_moral_panics.pdf>, 1

¹⁰ Cohen, Stanley, *Folk Devils and Moral Panics*, vii

¹¹ Cohen, Stanley, *Folk Devils and Moral Panics*, vii-viii

¹² Stone, Amy, *The Impact of Anti-Gay Politics on the LGBTQ Movement*, 3

¹³ Stone, Amy, *The Impact of Anti-Gay Politics on the LGBTQ Movement*, 3

rescinded LGBTQ+ rights or created anti-LGBTQ+ laws, and nearly all of the anti-LGBTQ+ measures were sponsored by right-wing religious organizations.¹⁴

These anti-LGBTQ+ political efforts increased in response to several court rulings in the 1990s. In 1993, the Hawaii Supreme Court found that a ban on same-sex marriage was presumptively unconstitutional because it made an “impermissible classification based on sex.”¹⁵ In 1999, the Vermont Supreme Court similarly ruled that same-sex couples must receive the same rights as opposite-sex couples, and several other state courts subsequently followed this ruling. Even at a time when opposition to LGBTQ+ rights gains was essentially bipartisan, Conservative political actors and organizations nevertheless used these rulings as a pretext to once again run on anti-same-sex marriage platforms. During the 1996 Presidential Election, Republican candidate and Kansas senator Robert Dole criticized incumbent Bill Clinton for his stance on same-sex marriage despite Clinton signing the Defense of Marriage Act into law federally defining marriage as exclusively between a man and a woman in September of that year. In a San Diego town hall debate, Dole stated, “I am opposed to discrimination in any form, but I don’t favor creating special rights for any group... As far as special rights, I am opposed to same-sex marriages.”¹⁶ Republican congressional candidates were even more explicit in their disapproval of LGBTQ+ rights gains during the 1996 elections, again utilizing the familiar language of moral panic. Speaking on the Defense of Marriage Act, Georgia Representative Bob

¹⁴ Stone, Amy, *The Impact of Anti-Gay Politics on the LGBTQ Movement*, 4

¹⁵ Niedwiecki, Anthony, *Save Our Children: Overcoming the Narrative That Gays and Lesbians Are Harmful to Children*, 125

¹⁶ “Clinton vs. Dole: The Second 1996 Presidential Debate” (PBS NewsHour, 2020), available at <https://www.youtube.com/watch?v=2SBiyLXto9s&ab_channel=PBSNewsHour>, 59:15

Barr stated, “The very foundations of our society are in danger of being burned. The flames of hedonism, the flames of narcissism, the flames of self-centered morality are licking at the very foundations of our society: the family unit.”¹⁷

Once elected, Republican lawmakers in several states either passed or enforced constitutional amendments banning marriage rights for same-sex couples.¹⁸ In 1998, Conservatives in Alaska and Hawaii introduced ballot initiatives amending their state constitutions to specify that marriage was reserved only for opposite-sex couples.¹⁹ Conservatives in California and Nebraska led campaigns to amend their states’ Family Codes so as to explicitly prohibit the granting of any legal status or marriage rights to same-sex couples.²⁰ In the following years, a large majority of states would have constitutional bans on marriage rights for same-sex couples.²¹

B. Origins of The Anti-Abortion Political Movement

The mobilization of the religious right against the LGBTQ+ community began gaining significant momentum following the 1977 Florida political battle, but the catalyst for the right-

¹⁷ Roston, Michael, “As Court Considers Marriage Law, Chief Architect Seeks to Return to Congress,” (The New York Times, 2013), <https://archive.nytimes.com/thecaucus.blogs.nytimes.com/2013/03/28/bob-barr-congress-return/>

¹⁸ Niedwiecki, Anthony, *Save Our Children: Overcoming the Narrative That Gays and Lesbians Are Harmful to Children*, 125

¹⁹ Associated Press, “1998 Ballot Initiatives,” (New York Times, 1998), <https://archive.nytimes.com/www.nytimes.com/library/politics/camp/ballots/98ballots.2.html>

²⁰ Niedwiecki, Anthony, *Save Our Children: Overcoming the Narrative That Gays and Lesbians Are Harmful to Children*, 131

²¹ See, e.g., ALA. CONST. art. I, § 36.03; CAL. CONST. art. I, § 7.5; FLA. CONST. art. I, § 27; OHIO CONST. art. XV, §11; TEX. CONST.art.I,§32

wing political mobilization of Christian conservative voters was arguably *Roe v. Wade*. In the late 1960s, following limited victories in court cases like *People v. Belous* and *Griswold v. Connecticut*, advocates for abortion reform in the U.S. began to focus on the federal courts as the locus for nationwide abortion reform. In *Griswold v. Connecticut*, the Supreme Court presided over a legal challenge to Connecticut's Comstock law criminalizing the use of birth control and ruled that the law violated the Fourteenth Amendment's Due Process Clause that protects certain rights not explicitly mentioned in the Constitution but nevertheless fundamental to individual liberty – namely the right to privacy – from governmental intrusion.²² The Supreme Court determined that laws criminalizing contraception “unjustifiably intruded upon rights of marital privacy which are constitutionally protected,” formally incorporating reproductive decisions into the right to privacy.²³

In 1970, Jane Roe, a pregnant woman whose real name was Norma McCorvey, filed a lawsuit against Dallas County Attorney Henry Wade, arguing that a Texas anti-abortion law was a violation of her rights according to the Due Process Clause.²⁴ The ruling in *Griswold v. Connecticut* and its establishment of a right to privacy that included reproductive decisions proved to be a cornerstone to McCorvey's legal challenge; in 1971, the Supreme Court ruled in favor of McCorvey, concluding that “inherent in the Due Process Clause of the Fourteenth Amendment is a fundamental right to privacy that protects a pregnant woman's choice whether

²² 381 U.S. 479, “*Griswold v. Connecticut*,” (1965), available at <<https://supreme.justia.com/cases/federal/us/381/479/>>, 487

²³ 381 U.S. 479, “*Griswold v. Connecticut*,” 479

²⁴ 410 US 113, “*Roe v. Wade*,” (1973), available at <<https://supreme.justia.com/cases/federal/us/410/113/>>, 120

to have an abortion” that the Texas law had violated.²⁵ While the Supreme Court’s ruling may not have completely liberalized abortion access, the outcome of *Roe v. Wade* nevertheless fundamentally transformed the landscape of abortion in the US by effectively legalizing the practice nationwide.

However, this outcome also set the stage for a widespread backlash. Many prominent conservative activists like Phyllis Schlafly argued that women’s rights advancements, including the decriminalization of abortion, would lead to “the inevitable breakdown of morality” and “political disorder.”²⁶ This outcry gave rise to numerous rallies, marches, and public events protesting the Supreme Court’s ruling and seeking to petition Congress for redress, including the first March for Life in 1974 which garnered an estimated 20,000 participants.²⁷

In 1969, conservative commentator and Nixon strategist Kevin Phillips published *The Emerging Republican Majority*, a book that proposed ways for the Republican Party to recruit new blocs of voters in anticipation of a political realignment. In his book, Phillips observed that Catholics, who had long been considered reliable Democratic voters, were increasingly open to identifying with the Republican Party.²⁸ Following the publication of Phillips’ book, Nixon, looking to increase his appeal among traditionally Democratic Catholics and build a religiously-

²⁵ 410 US 113, “Roe v. Wade,” 154

²⁶ Markman, Allison, “Phyllis Schlafly Created the Abortion Culture War in the 70s, and Her Mission Thrives Today,” (The Iris, 2022), <https://www.theirisnyc.com/post/phyllis-schlafly-created-the-abortion-culture-war-in-the-70s-and-her-mission-thrives-today>

²⁷ “About the March for Life: History,” (March For Life, 2013), <https://marchforlife.org/about-the-march-for-life/>

²⁸ Greenhouse, Linda & Siegel, Reva, *Before (and After) Roe v. Wade: New Questions About Backlash*, (The Yale Law Journal, 2011), available at <<https://www.jstor.org/stable/41149586>>, 2052

based coalition in anticipation of the 1972 presidential election, directed the Department of Defense to rescind liberal abortion policies for military hospitals that his own administration had implemented a year prior.²⁹ Speaking on this decision, Nixon invoked religious rhetoric, asserting that “unrestricted abortion policies, or abortion on demand” was incompatible with his “personal belief in the sanctity of human life, including the life of the yet unborn.”³⁰

Despite more than 60% of Republican delegates continuing to identify as pro-choice by the mid-1970s, the Republican Party adopted a platform in 1976 that promised a constitutional amendment “to restore protection of the right to life for unborn children.”³¹ This strategic platform shift took place in tandem with the party’s focus on anti-LGBTQ+ messaging and utilized similar rhetoric about protecting children – in this case unborn children – from the dangers of progressive social change. Having brought anti-abortion and anti-LGBTQ+ messaging to the forefront of their platform, the Republican Party began building its reputation as a protector of children and traditional Christian values. Also like the issue of same-sex marriage, the issue of abortion allowed Republican political actors, building on the groundwork laid by conservative activists, to use moral panics to secure the votes of religious Americans ahead of elections. While the Republican Party’s anti-abortion campaign was intended to attract

²⁹ Williams, Daniel, *The GOP’s Abortion Strategy: Why Pro-Choice Republicans Became Pro-Life in the 1970s*, (Cambridge University, 2011), <https://www.cambridge.org/core/journals/journal-of-policy-history/article/abs/gops-abortion-strategy-why-prochoice-republicans-became-prolife-in-the-1970s/C7EC0E0C0F5FF1F4488AA47C787DEC01#access-block>, 1

³⁰ Greenhouse, Linda & Siegel, Reva, *Before (and After) Roe v. Wade: New Questions About Backlash*, 2013

³¹ Peters, Gerhard & Woolley, John, “Republican Party Platform of 1976” (The American Presidency Project, 1976), <https://www.presidency.ucsb.edu/documents/republican-party-platform-1976>

Catholic voters, large numbers of Evangelicals were successfully recruited into activism for the pro-life movement in response to *Roe*, and this activism translated into higher voter turnout, contributing to the electoral success of major Republican political figures like Ronald Reagan.³²

Just as *Griswold v. Connecticut*'s right to privacy was used to constitutionally protect abortion rights with *Roe v. Wade*, it was later also used by LGBTQ+ advocates to constitutionally protect consensual same-sex activity. In the case of *Lawrence v. Texas*, John Lawrence and Tyron Garner, who had been arrested for engaging in same-sex sexual intimacy, challenged the constitutionality of Texas' anti-sodomy "Homosexual Conduct" law under which they had been charged.³³ The Supreme Court sided with Lawrence and Garner, ruling that anti-sodomy laws violated the Due Process Clause and the right to privacy it established.³⁴ In the case of *Obergefell v. Hodges*, several same-sex couples sued Ohio, Michigan, Kentucky, and Tennessee to challenge the constitutionality of those states' bans on same-sex marriage.³⁵ The Supreme Court again sided with the plaintiffs, ruling that excluding same-sex couples from the right to marry violated the Due Process Clause.³⁶ Many of the rights gains made by queer people in the last few decades have been rooted in the protections granted to women and other individuals capable of pregnancy with the outcome of *Roe v. Wade*, once again highlighted how connected LGBTQ+ rights and abortion rights are.

³² Stone, Amy, *The Impact of Anti-Gay Politics on the LGBTQ Movement*, 2

³³ 539 US 558, "Lawrence v. Texas," (2003), available at <<https://supreme.justia.com/cases/federal/us/539/558/>>, 558

³⁴ 539 US 558, "Lawrence v. Texas," 578

³⁵ 576 US 644, "Obergefell v. Hodges," (2015), available at <<https://supreme.justia.com/cases/federal/us/576/644/>>, i

³⁶ 576 US 644, "Obergefell v. Hodges," 27-28

C. Children in Conservative Moral Panic Narratives

Despite the legal victories for queer people in cases like *Lawrence v. Texas* and *Obergefell v. Hodges*, no rights gain has ever come easily, often facing challenges from lower courts, amendments in state constitutions, and even federal policies like the Defense of Marriage Act. The success of the Conservative anti-LGBTQ+ political campaigns in preventing and rescinding LGBTQ+ rights gains stems from their effective deployment of two main narratives, the first being that queer people are an affront to Christian values, and the second being that queer people are harmful to children. Stanley Cohen extensively documented the use of children in moral panic. Analyzing the moral panics surrounding satanic child abuse in the 1980s, Cohen wrote, “This strikes a depth of horror in us all. There is a panicky sense of vulnerability – both in the sense of statistical risk (these events seem to be happening more often) and emotional empathy (How would I feel if this happened to my child?).”³⁷

In the context of anti-LGBTQ+ politics, the use of children in moral panic ranges from equating homosexuality with pedophilia to claiming that recognition of homosexuality would lead to the teaching and promoting of sexuality in elementary schools.³⁸ The first organization that sought to curb LGBTQ+ rights advancements was a group called “Save Our Children” founded in 1977. As is alluded to in the organization’s name, Save Our Children presupposed that queer people were unable to reproduce and therefore had to seduce and recruit children to

³⁷ Cohen, Stanley, *Folk Devils and Moral Panics*, xviii

³⁸ Niedwiecki, Anthony, *Save Our Children: Overcoming the Narrative That Gays and Lesbians Are Harmful to Children*, 143

keep their community alive.³⁹ Therefore, according to anti-LGBTQ+ activists, the movement against gay rights was actually a movement to protect children from predation. This argument was pioneered by Save Our Children’s founder and president Anita Bryant. In a 1977 fundraising letter, Bryant wrote, “Dear friend: I don’t hate the homosexuals! But as a mother, I must protect my children from their evil influence. When the homosexuals burn the holy Bible in public, how can I stand by silently?”⁴⁰ In May of 1978, following the repeal of an ordinance banning anti-gay discrimination in Eugene, Oregon, Bryant sent a telegram congratulating local anti-LGBTQ+ activists, in it stating, “Let us reach out in godly love to all homosexuals who want deliverance, while opposing at the threshold every attempt of the militant homosexuals to represent their lifestyles as ‘normal’ and to impose it on us and our children.”⁴¹ Bryant’s messaging consistently fails to identify actual instances of gay people burning bibles or corrupting America’s youth, but these comments from Bryant exemplify both rhetorical strategies primarily employed by anti-LGBTQ+ advocates since the 1970s – that progress gained by queer people is an attack on Christianity and a danger to children.

Likewise, in 2003, Alan Sears, the president and CEO of the conservative legal advocacy group Alliance Defending Freedom, co-authored the book *The Homosexual Agenda*. Going a step further than Bryant, Sears frequently and explicitly equates homosexuality with pedophilia

³⁹ Niedwiecki, Anthony, *Save Our Children: Overcoming the Narrative That Gays and Lesbians Are Harmful to Children*, 143

⁴⁰ Gallagher, John & Bull, Chris, “Perfect Enemies: The Religious Right, the Gay Movement, and the Politics of the 1990s”

⁴¹ Associated Press, “Gay Rights Vote: Anita Bryant Praises Eugene,” (Albany Democrat-Herald, 1978), available at <<https://www.newspapers.com/article/albany-democrat-herald-anita-bryant-prai/50299670/>>, 11

in his book, writing, “Lately, homosexual behavior on college campuses is taking a dangerous new turn – the promotion of sexual relations between adults and children. We mention the new promotion of pedophilia in the context of talking about the influence of homosexual behavior on college campuses because, despite all objections to the contrary, the two are often intrinsically linked.”⁴² Sears goes on to write:

Just as homosexual behavior has now become accepted orthodoxy on many university campuses and Christians and Orthodox Jews have become the heretics, we are going down the same road with pedophilia. As the homosexual agenda continues to sexualize our culture, other once-forbidden behaviors are exalted as just more alternative lifestyles. The result is that the well-being of millions of children is at risk, along with the right of parents to protect their children from sexual exploitation.⁴³

The claim that queerness poses a danger to children has proven successful for conservative political actors on numerous occasions. For instance, Save Our Children’s high-profile campaign framing queerness as immoral and dangerous resulted in the organization’s overwhelming victory in the 1977 referendum election over Florida’s anti-discrimination municipal ordinance with 69% of the vote.⁴⁴ Such moral panics mirror contemporary conservative rhetoric against transgender rights issues. Anti-transgender frames developed by the Religious Right include

⁴² Sears, Alan & Osten, Craig, *The Homosexual Agenda*, (Southern Baptist Convention and B&H Publishing Group, 2003), available at <<https://ia800504.us.archive.org/10/items/TheHomosexualAgenda-ExposingThePrincipalThreatToReligiousFreedomToday/The-Homosexual-Agenda-Exposing-the-Principle-Threat-Alan-Sears.pdf>>, 71

⁴³ Sears, Alan & Osten, Craig, *The Homosexual Agenda*, 73

⁴⁴ Niedwiecki, Anthony, *Save Our Children: Overcoming the Narrative That Gays and Lesbians Are Harmful to Children*, 147

panics about transgender women using the same bathrooms as cisgender women or children as well as the reintroduction of panics regarding children's exposure to pro-gay school curriculum.⁴⁵ These contemporary instances of anti-LGBTQ+ rhetoric will be analyzed later in this thesis, but the recycling of rhetoric nevertheless demonstrates how anti-LGBTQ politics have for decades been a reliable strategy for conservative political actors seeking to garner the support of Christian conservative voters.

The utilization of children in moral panic by conservative activists and political figures is not a tactic exclusive to anti-LGBTQ+ campaigning. Determining the moment at which an individual becomes alive and attains legal protections as a living being has been a longstanding point of contention and debate, marked by diverse laws, policies, and judicial rulings that delineate personhood at various stages of fetal development. Despite this ambiguity, anti-abortion activists and political figures frequently frame abortion as tantamount to the killing of children, diverging from medical opinion or discussions of women's autonomy to call into question the morality of the procedure.⁴⁶ In a 1983 speech delivered to the National Religious Broadcasters Convention, then-president Reagan stated, "The real question today is not when human life begins, but what is the value of human life?"⁴⁷ Later in the speech, Reagan, referring to fetuses that have been aborted, said, "Is there any question that those who don't survive were

⁴⁵ Amy Stone, "The Impact of Anti-Gay Politics on the LGBTQ Movement" (Trinity University, 2016), 7

⁴⁶ Markman, Allison, "Phyllis Schlafly Created the Abortion Culture War in the 70s, and Her Mission Thrives Today"

⁴⁷ Reagan, Ronald, "Abortion and the Conscience of the Nation," (Thomas Nelson Inc., 1984), available at <<https://scholarship.law.stjohns.edu/cgi/viewcontent.cgi?article=2212&context=tcl>>, 101

living human beings before they were killed?”⁴⁸ More recently, Texas Senator Ted Cruz sent out a congressional E-newsletter to his supporters in 2017 stating, “Sen. Cruz has led efforts to take away taxpayer dollars from Planned Parenthood and advocated for an investigation into abortion practices in the U.S. to put a stop to facilities and doctors illegally performing late term abortions and infanticide.”⁴⁹ According to Republican leaders like Reagan and Senator Cruz, an abortion violates not only a fetus’s religious sanctity but also its personhood and rights as a person, directly equating the procedure to murder and infanticide. Just as queerness has been framed as a danger to children, abortion has been framed as a danger to unborn children. According to the Republican Party, neither the church nor the family were safe, and only the Republican Party could protect them.

There is a strong basis of research on the topic of anti-LGBTQ+ conservative strategy in the past – particularly from the 1970s through the 1990s – but analysis of contemporary uses of this strategy is limited. The established pattern of anti-LGBTQ+ and anti-abortion rhetoric used by Republican lawmakers to generate support from religious conservative Americans will serve as a foundation for an analysis of how this same rhetoric was affected by the outcome of *Dobbs v. Jackson* and its overturning of federal abortion access. The literature analyzing past conservative anti-LGBTQ strategies, combined with empirical data on current conservative strategy and electoral performance, will provide insight into why current patterns of conservative electoral strategy and rhetoric appear as they do.

⁴⁸ Reagan, Ronald, “Abortion and the Conscience of the Nation,” 104

⁴⁹ Cruz, Ted, “Cruz News: Ensuring Greater Promise, Opportunity, and Protection of Our Future Generations,” (DCinbox, 2017), <https://www.dcinbox.com/email/?id=135314>

III. THE DOBBS DECISION AND CONTROVERSY

A. Dobbs v. Jackson Women's Health Organization

In 2018, Mississippi lawmakers passed a law called the “Gestational Age Act” which prohibited nearly all abortions after 15 weeks of gestation.⁵⁰ Jackson Women's Health Organization, the only licensed abortion provider in the state, challenged the law and requested an emergency temporary restraining order.⁵¹ The district court granted the restraining order and later enjoined Mississippi from enforcing the Gestational Age Act, finding that the state “had not provided evidence that a fetus would be viable at 15 weeks, and Supreme Court precedent prohibits states from banning abortions prior to viability,” upholding prior legal precedent on abortion restrictions established by rulings like *Roe v. Wade*.⁵²

However, Mississippi appealed the ruling to the Supreme Court, which, fifty years after *Roe v. Wade*, contained none of the same justices who had once enshrined the right to abortion within Constitutional rights to privacy and due process. The Supreme Court ruled in favor of Mississippi, deeming that the right to an abortion is neither “deeply rooted in [our] nation's

⁵⁰ Oyez, “Dobbs v. Jackson Women's Health Organization,” (Oyez, 2022), <https://www.oyez.org/cases/2021/19-1392>

⁵¹ Oyez, “Dobbs v. Jackson Women's Health Organization”

⁵² Oyez, “Dobbs v. Jackson Women's Health Organization”

history and tradition” nor “essential to this Nation’s ‘scheme of ordered liberty,’” and is therefore not protected under the 14th Amendment’s Due Process Clause.⁵³ In the ruling, Justice Samuel Alito, delivering the majority opinion of the court, writes:

Abortion presents a profound moral question. The Constitution does not prohibit the citizens of each State from regulating or prohibiting abortion. *Roe* and *Casey* arrogated that authority. The Court overrules those decisions and returns that authority to the people and their elected representatives.⁵⁴

In the majority opinion, Justice Alito states unequivocally that the ruling in *Dobbs* is only a ruling on the right to an abortion.⁵⁵ Alito also takes objection to the court’s dissenting opinion for calling into question the safety of other court rulings based on the 14th Amendment such as *Griswold*, *Lawrence* and *Obergefell*, suggesting that the dissenting opinion was “designed to stoke unfounded fear that our decision will imperil those other rights.”⁵⁶ In direct contradiction to Alito’s claim, Justice Clarence Thomas writes in his concurring opinion that any court ruling which uses the the 14th Amendment to protect civil rights not explicitly mentioned in the Constitution is “demonstrably erroneous” and should be overruled.⁵⁷ Thomas even overtly mentions *Griswold*, *Lawrence*, and *Obrgefell* as examples of rulings he views as erroneous.⁵⁸

⁵³ No. 19-1392 “*Dobbs, State Health Officer of the Mississippi Department of Health, et al. v. Jackson Women’s Health Organization et. al.*” 597 U.S. 215 (2022), available at <https://www.supremecourt.gov/opinions/21pdf/19-1392_6j37.pdf>, 12

⁵⁴ 597 U.S. 215 (2022), 8

⁵⁵ 597 U.S. 215 (2022), 71

⁵⁶ 597 U.S. 215 (2022), 38

⁵⁷ 597 U.S. 215 (2022), 3

⁵⁸ 597 U.S. 215 (2022), 3

Despite the Supreme Court's insistence that their ruling only endangers the right to an abortion, the writing of Thomas makes it clear that the rights of queer people to marry and engage on consensual sexual activity are equally – albeit not as immediately – endangered by the *Dobbs* decision. Just as they had been jointly targeted by the emergence of the New Right, abortion rights and LGBTQ+ rights continue to be jointly targeted by the jurisprudence of a conservative Supreme Court.

A. Public and Political Reactions to *Dobbs v. Jackson*

On May 2nd of 2022, a leaked draft of the Supreme Court's ruling in *Dobbs v. Jackson* was obtained and released by Politico over a month before the decision was supposed to be formally released. The next day the National Republican Senatorial Committee (NRSC) released a three-page strategy memo titled "Initial Takeaways From Opinion Research on Abortion." In the memo, NRSC strategists implicitly acknowledged the major ramifications that the overturning of federal abortion protections by a conservative Supreme Court could have for Republicans running in the 2022 midterm elections, stating, "the NRSC has conducted public opinion research on abortion to help Republicans address this issue and combat potential attacks from Democrats."⁵⁹ These concerns are not unfounded. Both the leak and the formal release of the *Dobbs* ruling sparked immediate backlash, including large protests in cities like Washington

⁵⁹ Scott, Rick & Schutz Zeckman, Jackie, "Initial Takeaways From Opinion Research on Abortion" (National Republican Senatorial Committee, 2022), available at <<https://www.documentcloud.org/documents/21847940-nrsc-memo-on-dobbs?responsive=1&title=1>>, 1

D.C., New York City, Atlanta, and Los Angeles.⁶⁰ Data published by Pew Research Center a month after the leak found that a majority of Americans, including 49% of moderate Republicans, disapproved of the landmark ruling, with 62% saying abortion should be legal in all or most cases.⁶¹ While partisan divisions around the issue of abortion are nothing new, the number of moderate Right-wing voters now expressing their support for abortion access in recent surveys suggests that running on an anti-abortion platform could begin to hurt Republicans more than it helps them. Similar Pew research polls conducted in 2016 and 2020 found that less than half of voters even saw abortion as a critical issue in their votes.⁶² By the 2022 midterms, exit polls and interviews of voters conducted by Navigator Research after the 2022 midterms found that abortion was one of the prevailing concerns among voters, contributing to the overall victory of Democratic candidates in the election.⁶³ 52% of “straight ticket” Democratic voters and 39% of swing voters who supported Democratic candidates cited the claim “Democrats want to keep politicians out of a decision on abortion that should be between a woman and her doctor” as one of the biggest reasons for their support of Democratic candidates, making abortion the highest-

⁶⁰ Hubler, Shawn, “Supreme Court Rules on Abortion, Thousands Protest End of Constitutional Right to Abortion,” (The New York Times, 2022), <https://www.nytimes.com/live/2022/06/24/us/roe-wade-abortion-supreme-court>

⁶¹ Doherty, Carroll et. al., *Majority of Public Disapproves of Supreme Court’s Decision To Overturn Roe v. Wade*, (Pew Research Center, 2022), https://www.pewresearch.org/politics/wp-content/uploads/sites/4/2022/07/PP_2022.07.06_Roe-v-Wade_REPORT.pdf

⁶² Pew Research Center, “Top Voting Issues in 2016 Election,” (Pew Research Center, 2016), <https://www.pewresearch.org/politics/2016/07/07/4-top-voting-issues-in-2016-election/>; Pew Research Center, “Important Issues in the 2020 Election,” (Pew Research Center, 2020), <https://www.pewresearch.org/politics/2020/08/13/important-issues-in-the-2020-election/>.

⁶³ Navigator Research, “2022 Midterm Voters: What Issues Mattered Most?” (Navigator Research, 2022), <https://navigatorresearch.org/wp-content/uploads/2022/11/Navigator-Post-Election-Survey-Release-11.16.2022.pdf>

ranked issue among these voters – above gun reform, Social Security, and climate change.⁶⁴

Among swing voters who helped push Democratic candidates to victory in highly competitive races, 47% cited “SCOTUS overturning Roe v. Wade and eliminating the national right to an abortion” as the reason behind their support for Democrats.⁶⁵

In the NRSC’s May strategy memo, strategists outlined their recommendations regarding how Republican lawmakers ought to present their messaging on the issue of abortion rights, advising them to “be the compassionate, consensus-builder.”⁶⁶ The memo also advises lawmakers to “expose the Democrats for the extreme views they hold,” claiming that “Joe Biden and the Democrats have extreme and radical views on abortion that are outside of the mainstream of most Americans.”⁶⁷ Despite reports from organizations like the Pew Research Center suggesting that the Democratic Party’s broadly pro-abortion stance is not outside of the mainstream, the NRSC strategy memo is nevertheless heavily concerned with presenting the Republican Party’s stance on abortion as the “reasonable consensus position” in contrast to the Democratic Party’s. To this end, the memo urges lawmakers to emphasize the following:

Republicans DO NOT want to take away contraception. Republicans DO NOT want to take away mammograms or other health care provided specifically for women.

Republicans DO NOT want to throw doctors and women in Jail. Mothers should be held harmless under the law.⁶⁸

⁶⁴ Navigator Research, “2022 Midterm Voters: What Issues Mattered Most?” 7

⁶⁵ Navigator Research, “2022 Midterm Voters: What Issues Mattered Most?” 6

⁶⁶ Scott & Schutz Zeckman, “Initial Takeaways From Opinion Research on Abortion,” 1

⁶⁷ Scott & Schutz Zeckman, “Initial Takeaways From Opinion Research on Abortion,” 1

⁶⁸ Scott & Schutz Zeckman, “Initial Takeaways From Opinion Research on Abortion,” 1

The strategy memo also provides sample language for lawmakers to utilize, including the following:

I'm not in favor of putting women or doctors in jail. I would never take away anyone's contraception or health care. That's just the typical BS you get from politicians... if you disagree with me, my door's always open, I'm always willing to listen.⁶⁹

The apparent purpose of the memo is to create a unified, moderate message that Republican lawmakers and candidates can utilize when pressed about their and their party's stance on abortion following the decision of the Supreme Court – three justices of which were appointed by former president Donald Trump, the Republican Party's effective leader since 2016. The memo's emphasis on moderate messaging also reflects the anxieties of many Republican lawmakers including South Carolina Representative Nancy Mace who in April 2023 said during an ABC News, “As Republicans we need to read the room on this issue... We're going to lose huge if we continue down this path of extremities.”⁷⁰

However, in the same ABC News interview, Representative Mace championed a decidedly less moderate stance on LGBTQ+ rights, calling the participation of transgender girls in female sports “the Left's new war on women.” Representative Mace goes on to say:

There was a story last week in Wisconsin where 14-year-old girls were forced to share a locker room and showers with an 18-year-old boy – a biological male, who is, I guess, a

⁶⁹ Scott & Schutz Zeckman, “Initial Takeaways From Opinion Research on Abortion,” 3

⁷⁰ Axelrod, Tal, “Republicans will 'lose huge' without finding 'middle ground' on abortion, Nancy Mace says,” (ABC News, 2023), <https://abcnews.go.com/Politics/nancy-mace-republicans-lose-huge-middle-ground-abortion/story?id=98777224#:~:text=South%20Carolina%20Republican%20Rep.,middle%20ground%22%20on%20the%20issue.>

trans girl now – who exposed himself in the showers to these young underaged girls. My girl is about to be 14, and I can't imagine if there were men in her locker room exposing themselves. And you hear these stories more frequently as we go on.⁷¹

Similarly, during a debate ahead of the 2022 midterm elections, Illinois Republican gubernatorial candidate and former House Representative Darren Bailey was asked how he would change Illinois' abortion laws following the *Dobbs* ruling. Instead of answering directly, Bailey avoided addressing the issue of abortion entirely, instead attacking his opponent, Governor J.B. Pritzker, by saying, "Let's talk about extremism. Governor Pritzker's family foundation is funding experiments gender surgeries on children across the nation."⁷² Together, the NRSC strategy memo and the statements from Republicans like Representatives Mace and Bailey make evident a shift in language and rhetoric among Republican lawmakers. Until recently, the Republican Party regularly used inflammatory rhetoric against abortion rights and providers such as calling abortion "the taking of the life of infants before birth."⁷³ Today, the party is encouraging the use of moderate language that avoids vilifying those who seek or support abortion access, if not discouraging the discussion of abortion entirely. Simultaneously, the anti-trans rhetoric used by lawmakers like Representatives Mace and Bailey is not a deviation from the norm.

Representative Mace's anecdote about a transgender woman using a public shower plays into the

⁷¹ Axelrod, "Republicans will 'lose huge' without finding 'middle ground' on abortion, Nancy Mace says"

⁷² Connolly, Danny, "Darren Bailey References 'Transphobic,' 'Antisemitic' Conspiracy Theory at Gubernatorial Debate," (Fox2, 2022), <https://fox2now.com/news/illinois/darren-bailey-references-transphobic-antisemitic-conspiracy-theory-at-gubernatorial-debate/>

⁷³ Reagan Foundation, "Remarks to Participants in the March For Life Rally," (Reagan Foundation, 0:18), <https://www.reaganfoundation.org/ronald-reagan/reagan-quotes-speeches/remarks-to-participants-in-the-march-for-life-rally/>

same harmful rhetoric previously propagated by conservative activists like Anita Bryant and Alan Sears which equated queerness with predation and molestation. Bailey's claim similarly plays into moral panic rhetoric, equating extensively-researched gender-affirming healthcare and confirmation surgery with dangerous experimentation on children. While anti-abortion rhetoric has become more moderate, anti-LGBTQ+ rhetoric continues to vilify queer people to the same degree that it did in the 1970s.

The next three sections of this thesis will demonstrate that Mace and Bailey's anti-trans rhetoric is not unique; rather, it reflects a larger trend in conservative politics that, following the *Dobbs* ruling, has seen a significant change in the Republican Party's decades-long strategy of mobilizing Christian conservative voters. With abortion no longer providing a strong rallying message for Republican political actors seeking to increase their support, many have instead pivoted to anti-LGBTQ+ messaging as an alternative that has historically resonated with the same voting bloc. Anti-abortion rhetoric has been downplayed in Republican lawmakers' messaging, campaigning, and legislating while anti-LGBTQ+ rhetoric has not only remained consistent but also increased to fill the void previously occupied by anti-abortion messaging.

IV. REPUBLICAN STRATEGY IN EMAIL MARKETING

One key method of gauging which issue areas Republican lawmakers and strategists are choosing to emphasize or deemphasize is to analyze Congressional E-newsletters, digital reports regularly released by lawmakers in the Senate and House of Representatives to their constituents often to give updates on legislative activities, provide summaries of legislative sessions, or restate policy goals to keep their bases engaged.

DCinbox is a project headed by NYU Professor Lindsey Cormack to provide a comprehensive database of all official E-newsletters sent out by sitting members of the House and Senate, providing a pulse on the priorities, campaign strategies, and general political rhetoric of active lawmakers. In 2021, DCinbox recorded a total of 8,433 unique E-newsletters that had been produced by Republican members of the House and Senate. In 2023, the total number of Republican E-newsletters produced that year had increased to 9,899. Because the volume of Congressional E-newsletters being produced at any given time can fluctuate greatly depending on the time of year and proximity to an election, the best method of measuring how much attention a specific issue area like abortion or LGBTQ+ rights is getting from lawmakers is to analyze what percentage of total E-newsletters included keywords related to that issue area.

A. E-Newsletters Using Anti-Abortion Messaging

According to DCinbox, a total of 284 Republican E-newsletters produced in 2020 contained the word “abortion,” representing 3.11% of all Republican E-newsletters from both chambers of Congress that year. In 2021, this number jumped to 852, or 10.10% of all Republican E-newsletters that year. This included familiar religious rhetoric like “I believe life is a gift from God and I am encouraged by recent Supreme Court arguments to restore the rights of the unborn” and moral panic rhetoric like “Abortion is a moral stain on the fabric of America, a desecration of judicial restraint, and a blight on our constitutional republic,” excerpts from an E-newsletter by Texas House Representative Jodey Arrington titled “Arrington Op-Ed on Protecting the Unborn.”⁷⁴ Many of the E-newsletters discussing abortion produced by Republican lawmakers in 2021 are concerned with the Born Alive Abortion Survivors Act and the Food and Drug Administration’s decision to reduce restrictions on access to the abortion medication mifepristone. However, the volume of E-newsletters addressing the issue of abortion may have increased in 2021 in response to the Supreme Court agreeing to hear *Dobbs v. Jackson*, with lawmakers hoping to take advantage of the renewed national interest in abortion rights. In contrast, the volume of Republican E-newsletters mentioning abortion decreased slightly in 2022, representing 9.21% of all Republican E-newsletters that year, then fell to 5.3% in 2023 – less than half of the percentage of E-newsletters it comprised in 2021. Within 2022, E-newsletters mentioning abortion represented 10.63% of all Republican E-newsletters from

⁷⁴ Arrington, Jodey, “Arrington Op-Ed on Protecting the Unborn” (DCinbox, 2021) <https://www.dcinbox.com/email/?id=199451>

January 1st to June 30th, then fell to 7.60% in the second half of 2022 following the releases of the *Dobbs* decision and NRSC strategy memo in the Summer of that year.

This pattern of an increase in abortion messaging before the *Dobbs* decision release followed by a decrease is consistent in E-newsletters that feature more polarizing language on the issue of abortion. E-newsletters containing the words “abortion” and “ban” – language often present when Republican lawmakers express support for broad abortion restrictions – increased from just 0.39% of all Republican E-newsletters in 2020 to 2.05% in 2021. Several of these E-newsletters, including an E-newsletter from Florida House Representative Daniel Webster titled “The Webster Wire: Falling Short of Expectations,” contain surveys prompting reader engagement which read, “A bipartisan majority of Mississippi legislators passed a law to protect unborn babies from painful late-term abortions at 15 weeks... Do you believe states should be able to ban abortion on demand beyond the point babies feel pain?”⁷⁵ In the first half of 2022, E-newsletters containing “abortion” and “ban” remained consistent with the year prior, representing 2.03% of all Republican E-newsletters, then fell back down to 1.64% in the second half of 2022. In 2023, that percentage fell further, comprising 1.16% of all Republican E-newsletters. Likewise, E-newsletters containing the words “abortion” and “evil” comprised 0.12% of Republican E-newsletters in 2020 and peaked at 0.47% in the first half of 2022, including the E-newsletter “CongressMann Mail” from Kansas House Representative Tracey Mann which said of the *Dobbs* ruling, “Brave American advocates from all walks of life called

⁷⁵ Webster, Daniel, “The Webster Wire: Falling Short of Expectations” (DCinbox, 2021) <https://www.dcinbox.com/email/?id=199111>

for this ruling and tirelessly pushed back on the evil of abortion and the radical left...”⁷⁶

Notwithstanding Representative Mann’s expressed support for the *Dobbs* decision, trends in the overall percentage of E-newsletters containing “abortion” and “evil” match the pattern observed, decreasing slightly in the second half of 2022 to 0.43% and then falling to 0.21% in 2023.

Notably, E-newsletters using the words “abortion” and “jail” – often referring to the prosecuting of those who seek out or provide abortions – represented 0.05% of all Republican E-newsletters in 2020 but peaked in the second half of 2022 at 0.19% and remained at similar percentage in 2023, representing 0.17% of Republican E-newsletters that year.

The cause of this decrease in polarizing abortion messaging could have been the result of a pivot towards more moderate abortion messaging rather than a pivot away from abortion messaging entirely, but moderate abortion messaging has also seen a decrease following the overturning of *Roe v. Wade*. Given that the NRSC strategy memo was created to provide Republican lawmakers with moderate abortion-related messaging to use in their campaigns, one way to gauge if lawmakers pivoted to moderate messaging is to search for language in E-newsletters that was also used in the memo. For instance, E-newsletters with the words “abortion” and “radical” peaked in 2021 and 2022, representing 3.53% and 3.23% of all Republican E-newsletters sent out in each year respectively. The use of the word “radical” in E-newsletters addressing abortion tends to reflect the way “radical” was used in the strategy memo when it claimed that “Joe Biden and the Democrats have extreme and radical views on abortion

⁷⁶ Mann, Tracey, “CongressMann Mail” (DCinbox, 2022) <https://www.dcinbox.com/email/?id=208027>

that are outside of the mainstream on most Americans.”⁷⁷ By labeling their Democratic opponents’ stances on abortion as radical, Republican lawmakers can present themselves as comparatively moderate – just as Mississippi House Representative Steven Palazzo sought to do in a 2020 E-newsletter titled “Upholding the Sanctity of Life” wherein he stated, “The pro-life movement is growing, and I’m proud to be a line of defense for the we [*sic*] continue fighting the attacks on unborn fetuses from the radical left.”⁷⁸ However, Republican E-newsletters which included “abortion” and “radical” actually decreased slightly in the second half of 2022, representing 3.14% of Republican E-newsletters compared to 3.30% of Republican E-newsletters in the first half of 2022. This percentage dropped more significantly in 2023, representing only 1.40% of Republican E-newsletters that year. Likewise, in January of 2024, 15 Republican E-newsletters were sent out which included the words “abortion” and “radical,” representing 1.96% of total Republican E-newsletters from that month – a slight increase compared to 2023 but still less than in 2021 or 2022.

The NRSC strategy memo additionally claimed that “if *Roe v. Wade* is overturned, state and local officials closest to the people will make laws that reflect the will of their states. Some states like California will allow abortion on demand at any time for any reason; other states will place reasonable restrictions on abortion.” Based on this language, E-newsletters that used the words “abortion” and “reasonable” represented only 0.43% of all Republican E-newsletters sent in 2020 but increased to 1.77% in 2021 and 1.70% in 2022. Within many of these E-newsletters

⁷⁷ Scott, Rick & Schutz Zeckman, Jackie, “Initial Takeaways From Opinion Research on Abortion” (National Republican Senatorial Committee, 2022), 1

⁷⁸ Palazzo, Steven, “Upholding the Sanctity of Life” (DCinbox, 2020) <https://www.dcinbox.com/email/?id=36062>

are talking points notably reminiscent of the language used in the May 2022 memo, as can be seen in an E-newsletter from Missouri House Representative Vicky Hartzler titled “Full Week in Washington” where she claims, “The Woman's Right to Know Act sets reasonable medical requirements for physicians to meet to protect both the life of the mother before an abortion can be performed.”⁷⁹ Another E-newsletter from Utah Senator Mike Lee titled “Religious Liberty Newsletter - Senator Mike Lee - 2021 Vol. 1” argues that the Supreme Court which presided over *Roe v. Wade* “created an unworkable rule – the undue burden test – that prevented Utah (or any other state) from reasonably regulating abortion practices in the state. The undue burden test is unreasonable, unworkable, and wrong: It's unreasonable...”⁸⁰ However, the use of the words “abortion” and “reasonable” also decreased in 2023 to only 0.76% of Republican E-newsletters. Likewise, E-newsletters that used the words “abortion” and “compassionate,” as the NRSC strategy memo did when it stated that “Americans are compassionate people who want to welcome every new baby into the world,” remained low across all years analyzed, starting in 2020 at 0.05%, peaking at 0.16% in 2022, and then decreasing to 0.09% in 2023.

The presence of moderate abortion messaging in Republican E-newsletters is sparse across all years analyzed, but there is nevertheless a small but ubiquitous increase in moderate messaging in 2021 and 2022 followed by a similar decrease in 2023 and 2024. This reinforces the trends seen in more polarizing abortion messaging and further suggests a strategic pivot away from abortion messaging entirely by Republican lawmakers.

⁷⁹ Hartzler, Vicky, “Full Week in Washington” (DCinbox, 2022) <https://www.dcinbox.com/email/?id=173352>

⁸⁰ Lee, Michael, “Religious Liberty Newsletter - Senator Mike Lee - 2021 Vol. 1” (DCinbox, 2021) <https://www.dcinbox.com/email/?id=197197>

B. E-Newsletters Using Anti-LGBTQ+ Messaging

With fewer Republican E-newsletters addressing abortion each year following the *Dobbs* ruling, this leaves open the question of what Republican lawmakers actually *are* talking about. In 2020, only one Republican E-newsletter included the word “transgender.” This was a letter from Utah House Representative Chris Stewart titled “The Stewart Standard: A Congressional Update” which actually expressed moderate support for LGBTQ+ rights protections, stating, “The U.S. Supreme Court recently ruled that Title VII of the Civil Rights Act of 1964, which makes it illegal for employers to discriminate because of a person's sex, also covers sexual orientation and transgender status... LGBT Americans are now protected under Title VII, but not elsewhere. My bill tackles those tough issues...”⁸¹ However, 19 Republican E-newsletters in 2021 included the word “transgender,” representing 0.23% of all Republican E-newsletters that year. In 2022, 82 Republican E-newsletters contained the word “transgender,” a significant increase that represents 0.92% of Republican E-newsletters that year. Many of these E-newsletters did not express the same support for transgender Americans that Chris Stewart’s 2020 E-newsletter did, instead invoking the rhetoric of moral panic as Arizona House Representative Paul Gosar did in his 2022 E-newsletter titled “This Week With Gosar” which reads, “‘Child abuse’: Congressman Gosar demands NIH investigate transgender drugs, surgeries for minors” – familiar anti-LGBTQ+ moral panic rhetoric.⁸²

⁸¹ Stewart, Chris, “The Stewart Standard: A Congressional Update” (DCinbox, 2020) <https://www.dcinbox.com/email/?id=165889>

⁸² Gosar, Paul, “This Week With Gosar” (DCinbox, 2022) <https://www.dcinbox.com/email/?id=213648>

Republican E-newsletters containing the phrase “gender identity” followed a very similar trend. In 2020, a total of eight Republican E-newsletters, or 0.09% of all Republican E-newsletters that year, contained the phrase “gender identity.” While four of the eight E-newsletters criticized the Supreme Court for incorporating sexual orientation and gender identity into Title VII’s definition of sex-based discrimination following their ruling in *Bostock v. Clayton County*, one E-newsletter from Oklahoma House Representative Tom Cole expressed support for LGBTQ+ equality. In the E-newsletter titled “From Congressman Cole’s Desk - August 5, 2020,” Representative Cole wrote a tribute to the late Georgia House Representative and civil rights activist John Lewis, praising him for risking his life “to ensure that America fulfilled its promise of freedom, justice and equality before the law to all its citizens regardless of race, ethnicity, gender or gender identity.”⁸³ In 2021, 26 Republican E-newsletters included the phrase “gender identity,” representing 0.31% of all Republican E-newsletters released that year. This number was even greater in 2022, reaching 75 E-newsletters or 0.84% of the total that year. Notably, this number did decrease in 2023 with only 35 E-newsletters, or 0.35% of the total Republican E-newsletters for that year.

Anti-LGBTQ+ messaging typically does not use politically neutral vocabulary like “transgender,” “nonbinary,” or “LGBTQ+,” often opting instead for heavily-connotative dog whistles and coded language employed to paint queerness as a dangerous political dogma rather than an inherent factor of people’s bodies and identities. Gender identity is frequently referred to as “gender ideology” while LGBTQ+ visibility and gender-affirming support are frequently

⁸³ Cole, Tom, “From Congressman Cole’s Desk - August 5, 2020” (DCinbox, 2020) <https://www.dcinbox.com/email/?id=163708>

referred to by terms like “wokeness,” masking anti-LGBTQ+ messaging behind political rhetoric that is less overtly discriminatory. While this kind of language first circulated on online platforms and conservative media outlets, it has been increasingly coopted by Republican politicians in much the same way that anti-LGBTQ+ rhetoric of the 1970s was initially propagated by conservative activist groups like Save Our Children before being coopted into Republican political strategy. The use of this language in Republican E-newsletters has also increased in recent years. In 2020, only two Republican E-newsletters, or just 0.02% of all Republican E-newsletters, contained the words “gender” and “ideology,” neither of which directly criticized LGBTQ+ rights gains or demonized LGBTQ+ people. In 2021, 11 Republican E-newsletters, or 0.13%, contained the words “gender” and “ideology,” many of which were critical. This included numerous E-newsletters from Illinois House Representative Mary Miller such as the E-newsletter titled “Mary’s Message Week of June 4” wherein Representative Miller stated:

[Democratic lawmakers] have passed legislation that will require schools who choose to teach sex education to use the 'National Sex Education Standards' that are filled with leftist gender ideologies, and material that is not age appropriate to be taught at the third grade level. They are (once again) going after the family unit and working to fill the minds of our children with radical leftist ideas.

The number of Republican E-newsletters containing the words “gender” and “ideology” increased even more dramatically in subsequent years, numbering 73, or 0.82%, in 2022 and 72, or 0.73%, in 2023. Republican E-newsletters containing the words “gender” and “radical” followed this same trend: 0.02% in 2020, 0.57% in 2021, 1.42% in 2022, and 1.10% in 2023.

Republican E-newsletters containing the words “gender” and “woke” also followed this trend: 0.01% in 2020, 0.07% in 2021, 1.93% in 2022, and 0.96% in 2023.

The label of “groomer” is an increasingly common pejorative used against LGBTQ+ people that furthers the longstanding anti-LGBTQ+ attack used by groups like Save Our Children to equate queerness with child predation. In 2020, 10 congressional e-newsletters used the word “groom.” Nearly all uses of the word were in the context of personal grooming businesses reopening during the COVID-19 pandemic, and no uses of the word were directed toward LGBTQ+ people. In 2021, four e-newsletters used the word “groom” with one of the letters addressing child grooming but again not directing the label at LGBTQ+ people. However, in 2022, seventeen e-newsletters used the word “groom” and nine of them used the word to refer to LGBTQ+ people or gender-affirming support. Four of the nine letters were mailed out in the first half of the year and five were mailed in the second half. One letter from Texas House Representative Michael Cloud reads, “A child could consult a ‘counselor’ about their gender identity and begin undergoing ‘gender-affirming’ counseling without their parents' knowledge. This, along with other measures I've seen working their way through Congress, are proof of the effort to intentionally work around parents to groom and influence our kids.”⁸⁴ Another E-newsletter from Representative Gosar reads, “I will not accept... sexual grooming by pedophiles in schools, which is what the drag shows and discussions about gay sex and ‘gender’ choices with kindergartners is.”⁸⁵ In 2023, twelve Republican E-newsletters used the word “groom,”

⁸⁴ Cloud, Michael, “December 21st, 2022: Weekly Newsletter” (DCinbox, 2022) <https://www.dcinbox.com/email/?id=215202>

⁸⁵ Gosar, Paul, “This Week With Gosar” (DCinbox, 2022) <https://www.dcinbox.com/email/?id=208949>

seven of which targeted LGBTQ+ people, a slight decrease compared to the previous year but still significantly more compared to 2020 and 2021.

Of all the searches made of Republican E-newsletters for keywords related to LGBTQ+ issues, only one keyword combination saw a significant decrease following the *Dobbs* decision, that being the relatively neutral or even supportive term “gender identity.” All other keyword combinations, including polarizing or stigmatizing language, either increased significantly each year or increased significantly in 2021 and 2022 but saw a small decrease in 2023. The keyword combinations that most clearly increased in response to the *Dobbs* decisions were “gender” paired with “ideology” and “gender” paired with “woke.” In the first half of 2022, E-newsletters containing “gender” and “ideology” represented 0.63% of all Republican E-newsletters while E-newsletters containing “gender” and “woke” represented 0.08%; these percentages jumped to 1.02% and 1.05% respectively in the second half of 2022 after the *Dobbs* decision was made public. These findings, along with the observed decrease in both polarizing and moderate abortion-related messaging, further suggest a strategic pivot among Republican lawmakers away from abortion and toward the LGBTQ+ community following the overturning of constitutional abortion protections.

V. REPUBLICAN STRATEGY IN BROADCAST ADVERTISING

In addition to email marketing, a second key method of gauging which issue areas Republican lawmakers and strategists are emphasizing in their political messaging is to analyze campaign advertisements. Advertisements, like E-newsletters, communicate not only which issue areas lawmakers are interested in legislating, but also which issues areas lawmakers want their constituents to know they are concerned about.

A. Ad Airings and Spending on Anti-Abortion Messaging

AdImpact is an advertising tracking company that collects and provides data on ads and ad spending by political campaigns. For the 2022 midterm election cycle, AdImpact recorded more than \$8.9 billion being spent on campaigning, doubling the \$3.9 billion spent during the 2018 midterms and more closely resembling the spending levels typical of presidential elections.⁸⁶ This included advertising on television, radio, streaming services, and

⁸⁶ AdImpact, “AdImpact’s 2022 Political Cycle-In-Review,” (AdImpact, 2022), <https://9415819.fs1.hubspotusercontent-na1.net/hubfs/9415819/AdImpacts%202022%20Cycle-in-Review-2.pdf?utm_campaign=%2722%20Projections%20Release&utm_medium=email&_hsmi=238167056&_hsenc=p2ANqtz--fnozI5_H3Qt3ewNAC2xQjW0dL4Q70eK4vKfE0R7zoOwVizDF7y8m00hrNB1_FOMm7LD4uh0C4fTfVTkkhW-OGa_Sk6g&utm_content=238167056&utm_source=hs_automation>, 2

social media platforms. During election cycles, ad airings and ad spending typically increase month by month leading up to the general elections in November, and this was also true of the 2022 midterm cycle. Overall campaign spending in January 2022 was roughly \$125 million, then well over \$500 million in May.⁸⁷ By September of 2022, campaign spending had escalated to more than \$2.5 billion per month.⁸⁸ In the first half of 2022, spending on ads which focused on abortion messaging seemed to be following this same trend of increasing monthly. In February 2022, Republican ad airings featuring abortion messaging peaked at roughly 5,000 airings per day with no comparable data on pro-abortion ad airings by Democratic campaigns at that point.⁸⁹ Data on Democratic pro-abortion advertising begins to appear in March, but Republican anti-abortion ad airings still significantly outpace those of their opponents, reaching almost 10,000 ad airings on April 26th and continuing to increase into May.⁹⁰ However, shortly after the Dobbs decision became public on May 2nd, Republican abortion ads peaked at roughly 12,500 airings per day and never surpassed this peak through the rest of the election cycle.⁹¹ Even as Democratic abortion ad airings grew exponentially, passing 50,000 airings per day in September and 100,000 airings per day in October, Republican abortion ad airings remained under 10,000 airings per day and reached their lowest point around September 1st with almost no airings

⁸⁷ AdImpact, “AdImpact’s 2022 Political Cycle-In-Review,” 2

⁸⁸ AdImpact, “AdImpact’s 2022 Political Cycle-In-Review,” 2

⁸⁹ AdImpact, “AdImpact’s 2022 Political Cycle-In-Review,” 7

⁹⁰ AdImpact, “AdImpact’s 2022 Political Cycle-In-Review,” 7

⁹¹ AdImpact, “AdImpact’s 2022 Political Cycle-In-Review,” 7

recorded.⁹² According to AdImpact, “By the end of 2022, abortion was mentioned in Democratic ads 8.5 times more frequently than in Republican ads.”⁹³

A separate report by AdImpact analyzed what percentage of total campaign ad airings mentioned abortion in the lead-up to the 2022 midterm elections and found similar results. In March of 2022, Republicans in the Senate mentioned abortion in 10% of all ads, House republicans mentioned abortion in 2% of all ads, and Republican governors mentioned abortion in 2% of all ads.⁹⁴ Each month, these percentages steadily and ubiquitously increased so that, by May of 2022, 12% of Republican Senate ads mentioned abortion, 11% of Republican House ads mentioned abortion, and 11% of all Republican Gubernatorial ads mentioned abortion.⁹⁵ However, by June, these percentages began to change; Republicans in the Senate continued to mention abortion in 12% of their ads, but Republicans in the House reduced the prevalence of abortion messaging to 9% of their ads while Republicans in Gubernatorial races decreased abortion messaging even more dramatically to only 1% of their ads.⁹⁶ In July, only 3% of Republican Senate ads, 4% of Republican House ads, and 3% of Republican Gubernatorial ads featured abortion messaging.⁹⁷ These percentages would only deviate slightly until the general

⁹² AdImpact, “AdImpact’s 2022 Political Cycle-In-Review,” 7

⁹³ AdImpact, “AdImpact’s 2022 Political Cycle-In-Review,” 7

⁹⁴ AdImpact, “Abortion on the Airwaves: 2022 Midterms Messaging Analysis,” (AdImpact, 2022), <<https://9415819.fs1.hubspotusercontent-na1.net/hubfs/9415819/Abortion%20on%20the%20Airwaves%20-%202022%20Midterms%20Messaging%20Analysis.pdf>>, 5

⁹⁵ AdImpact, “Abortion on the Airwaves: 2022 Midterms Messaging Analysis,” 5

⁹⁶ AdImpact, “Abortion on the Airwaves: 2022 Midterms Messaging Analysis,” 5

⁹⁷ AdImpact, “Abortion on the Airwaves: 2022 Midterms Messaging Analysis,” 5

elections in November. By then, only 2% of Republican Senate ads, 1% of Republican House ads, and 2% of Republican Gubernatorial ads featured abortion messaging, a significant difference from the percentages observed in May.⁹⁸ Looking at 2022 as a whole, the average percentage of abortion messaging in Republican ads across all state-level races was 6.83% before the Dobbs decision was made public and only 2.26% after.⁹⁹ In total, Republicans aired 143,000 abortion ads, with 60% being aired before the Dobbs decision release.¹⁰⁰ Between July and election day, Republicans aired around 51,000 ads mentioning abortion which represented only 3.30% of all Republican ads despite abortion becoming “the second most talked about issue in 2022.”¹⁰¹ This same break from expected trends is also true of Republican abortion ad spending. According to AdImpact, Republican candidates and issue groups spent a total of \$1.72 billion across House, Senate, and Gubernatorial general election advertising, meaning they spent roughly \$56.7 million, or 3.30% of the total \$1.72 billion spent, on abortion-related advertising.¹⁰²

Not only has the amount of Republican abortion advertising decreased following the Dobbs decision, but the content of the limited number of Republican ads that did air after the *Dobbs* release also experienced a shift in tone. In September of 2022, Representative Zach Nunn, then the Republican candidate for Iowa’s 3rd congressional district, ran an ad criticizing incumbent Democratic representative Cindy Axne’s pro-abortion stance. Much of the ad reflects

⁹⁸ AdImpact, “Abortion on the Airwaves: 2022 Midterms Messaging Analysis,” 5

⁹⁹ AdImpact, “Abortion on the Airwaves: 2022 Midterms Messaging Analysis,” 5

¹⁰⁰ AdImpact, “Abortion on the Airwaves: 2022 Midterms Messaging Analysis,” 2

¹⁰¹ AdImpact, “Abortion on the Airwaves: 2022 Midterms Messaging Analysis,” 2, 5, 6

¹⁰² AdImpact, “AdImpact’s 2022 Political Cycle-In-Review,” 3

the exact same moderate rhetoric encouraged by the NSRC post-*Dobbs* memo. In the ad, Representative Nunn states, “Most Iowans support common-sense limits on abortion. Cindy Acne votes for the most extreme abortion laws in the world.”¹⁰³ These statements echo the talking points “Most Americans agree that... states should have the flexibility to implement reasonable restrictions” and “Joe Biden and the Democrats have extreme and radical views on abortion that are outside of the mainstream of most Americans” provided by the NRSC memo to portray the Republican Party’s stance on abortion as balanced in comparison to the Democratic Party’s.¹⁰⁴ Representative Nunn goes on to state, “Good people can disagree on abortion, but Cindy Acne is too extreme,” again echoing NRSC talking points like “While people have many different views on abortion policy, Americans are compassionate people...” and “If you disagree with me, my door’s always open.”¹⁰⁵ Representative Nunn’s moderate abortion ad is not an outlier; many Republican campaign ads following the *Dobbs* release featured similar moderate rhetoric that could have been taken directly from the NRSC memo and strategy memos like it. In August of 2022, Republican Senate candidate Tiffany Smiley ran an ad criticizing her Democratic opponent Patty Murray where she stated, “Patty Murray has spent millions to paint me as an extremist. I’m pro-life, but I oppose a federal abortion ban.”¹⁰⁶ That same month, Republican gubernatorial candidate Mark Ronchetti aired an ad criticizing his opponent Lujan

¹⁰³ Nunn for IA CD-01, “Support Common Sense” (AdImpact, 2022), available at <<https://host2.adimpact.com/admo/viewer/cd695723-6f90-44ab-a38a-17152a0b124f>>, 0:01

¹⁰⁴ Scott & Schutz Zeckman, “Initial Takeaways From Opinion Research on Abortion,” 1

¹⁰⁵ Nunn for IA CD-01, “Support Common Sense,” 0:15; Scott & Schutz Zeckman, “Initial Takeaways From Opinion Research on Abortion,” 1, 3

¹⁰⁶ Smiley for Washington, “She Said,” (Smiley for Washington, 2022), available at <https://www.youtube.com/watch?v=t5lAs4l-Sr8&ab_channel=SmileyforWashington>, 0:01

Grisham, stating, “The governor supports abortion up to birth. That's extreme. I'm personally pro life, but I believe we can all come together on a policy that reflects our shared values.”¹⁰⁷ These ads show Republicans not only seeking to distance themselves from accusations of extremism but also asserting their opposition to the strict abortion restrictions that the Republican Party has historically advocated for – a far cry from the anti-abortion moral panic rhetoric of previous decades which equated the procedure to murder and infanticide. This further supports the idea that public sentiment has compelled a shift in the party's campaign strategy following the *Dobbs* decision.

B. Ad Airings and Spending on Anti-LGBTQ+ Messaging

With anti-abortion advertising decreasing after the *Dobbs* decision, the simultaneous increase in anti-LGBTQ+ advertising shows how Republican post-*Dobbs* strategy has pivoted to anti-LGBTQ+ messaging in place of anti-abortion messaging. According to the nonprofit newsroom 19th News, “Republicans in 2022 midterm races are embracing more anti-transgender rhetoric than in any year that LGBTQ+ experts can remember.”¹⁰⁸ While data on anti-LGBTQ+ advertising is not as comprehensive as data on anti-abortion advertising, the claim made by 19th News is supported by research conducted by the LGBTQ+ advocacy group Human Rights Campaign. Human Rights Campaign found that anti-LGBTQ+ organization funneled unprecedented amounts of money into ads and mail flyers attacking the queer community and

¹⁰⁷ Ronchetti for NM Governor, “Extreme,” (Ronchetti for NM Governor, 2022), available at <<https://host2.adimpact.com/admo/viewer/f503b2f3-90b3-42d0-b5b3-555c3c709359>>, 0:06

¹⁰⁸ Rummler, Orion, “Republicans in Midterm Races are Embracing Anti-Trans Rhetoric Like Never Before,” (19th News, 2022), <https://19thnews.org/2022/11/election-transgender-rhetoric-gop-campaign-ads/>

specifically targeting transgender youth.¹⁰⁹ These organizations include the right-wing political action committees America First Legal and American Principles Project which have both spent millions on anti-LGBTQ+ advertising.¹¹⁰ One radio ad produced by America First Legal states:

The Biden Administration is pushing radical gender experiments on children... They want boys in our daughters' bathrooms and sports teams. And now, the Biden administration is planning to issue new rules that would force doctors to prescribe dangerous drugs and worse.¹¹¹

A similar TV ad from American Principles Project attacks Michigan governor Gretchen Whitmer and features panels from the graphic novel "Gender Queer: A Memoir." Despite the novel being an account of sexual trauma and asexuality intended to help young people recognize unhealthy sexual situations in their own lives, the ad from American Principles Project selectively depicts certain particularly graphic images from the novel to falsely present it as gay pornography, accompanied by a voiceover that states, "This is the kind of literature that Gretchen Whitmer

¹⁰⁹ HRC Staff, "BREAKING: In Final Weeks of Election, Extremist Candidates, Anti-LGBTQ+ Orgs Funnel Tens of Millions of Dollars in Ads Attacking Trans Youth, Targeting Black and Spanish-Speaking Voters," (Human Rights Campaign, 2022), <https://www.hrc.org/press-releases/breaking-in-final-weeks-of-election-extremist-candidates-anti-lgbtq-orgs-funnel-tens-of-millions-of-dollars-in-ads-attacking-trans-youth-targeting-black-and-spanish-speaking-voters>

¹¹⁰ HRC Staff, "BREAKING: In Final Weeks of Election, Extremist Candidates, Anti-LGBTQ+ Orgs Funnel Tens of Millions of Dollars in Ads Attacking Trans Youth, Targeting Black and Spanish-Speaking Voters"

¹¹¹ America First Legal, "Not Anymore," (America First Legal, 2022), available at <<https://www.hrc.org/press-releases/breaking-in-final-weeks-of-election-extremist-candidates-anti-lgbtq-orgs-funnel-tens-of-millions-of-dollars-in-ads-attacking-trans-youth-targeting-black-and-spanish-speaking-voters>>

wants your kids exposed to.”¹¹² This blatantly misleading ad represented part of a \$10 million campaign by American Principles Project targeting Michigan, Maine, Illinois, and Wisconsin with the self-stated goal of “holding Democrats accountable for grooming our kids.”¹¹³ By October 28th of 2022, with several more days of high campaign spending to go before the general elections on November 5th, right-wing organizations like America First Legal and American Principles Project spent more than \$50 million in campaign ads spreading disinformation and attacking LGBTQ+ people according to Human Rights Campaign.¹¹⁴ These ads focused on Spanish-speaking and Black voters, including a \$4 million radio buy from America First Legal on Black and Spanish-language radio in Arizona, Colorado, Georgia, Michigan, Nevada, Ohio, Pennsylvania, and Texas.¹¹⁵

Many Republican candidates also produced their own anti-LGBTQ+ moral panic advertising for the 2022 midterms. Most notably, Florida Senator Marco Rubio spent over \$10 million on anti-LGBTQ+ ads including a \$4.3-million ad campaign titled “Radical Left” where Rubio claims, “The radical left will destroy America if we don’t stop them. They indoctrinate

¹¹² American Principles Project, “What Gretchen Whitmer Wants in Your School,” (American Principles Project, 2022), available at <https://www.youtube.com/watch?v=9Q0iWESqcb8&ab_channel=AmericanPrinciplesProjectPAC>

¹¹³ American Principles [@aproject], “NEW ad from @aproject PAC:....,” (twitter.com, 2022), <https://twitter.com/aproject/status/1569302195354337280?s=46&t=24pU68aSKXOEJkkhS6tLag>

¹¹⁴ HRC Staff, “BREAKING: In Final Weeks of Election, Extremist Candidates, Anti-LGBTQ+ Orgs Funnel Tens of Millions of Dollars in Ads Attacking Trans Youth, Targeting Black and Spanish-Speaking Voters”

¹¹⁵ HRC Staff, “BREAKING: In Final Weeks of Election, Extremist Candidates, Anti-LGBTQ+ Orgs Funnel Tens of Millions of Dollars in Ads Attacking Trans Youth, Targeting Black and Spanish-Speaking Voters”

children and try to turn boys into girls.”¹¹⁶ All three of these ads, and many others like them, once again feature familiar moral panic rhetoric equating queer people with child predators and suggesting that queer and trans inclusivity or visibility threatens the safety of children. The increased prevalence of aggressive anti-LGBTQ+ advertising, in conjunction with the decrease in anti-abortion advertising, demonstrates that the Republican Party has pivoted its messaging and its funding of messaging toward attacks on queer people following the the outcome of *Dobbs v. Jackson*.

¹¹⁶ HRC Staff, “BREAKING: In Final Weeks of Election, Extremist Candidates, Anti-LGBTQ+ Orgs Funnel Tens of Millions of Dollars in Ads Attacking Trans Youth, Targeting Black and Spanish-Speaking Voters”; Marco Rubio, “The Radical Left,” (Marco Rubio, 2022), available at <https://www.youtube.com/watch?v=6levbAlvlf8&ab_channel=MarcoRubio>

VIII. CONCLUSION

Republican strategy which has held consistent for decades since the 1970s underwent a sudden and noticeable change following the Supreme Court's overturning of the constitutional right to abortion in 2022. Following the ruling, anti-LGBTQ+ rhetoric and moral panic saw an increase as abortion became rhetoric became less prevalent and more moderate. This pattern was observable in the strategy memos and public statements of Republican leaders which sought to reframe the party's stance on abortion as reasoned and cooperative while anti-transgender reminiscent of the 1970s saw a resurgence. This pattern was also seen in Republican email marketing, where data from DCinbox showed both polarizing and moderate abortion messaging in congressional E-newsletters decrease as anti-LGBTQ+ messaging increased. Finally, this pattern was observable in campaign advertising where Republican lawmakers decreased spending on abortion advertising and incorporated moderate messaging into the ads that they did release. Simultaneously, political action committees spent unprecedented amounts of money on ads portraying LGBTQ+ people as a danger to children and society.

The increase in anti-LGBTQ+ rhetoric and messaging, evident in numerous facets of political communication, is certainly cause for concern for queer Americans. This concern can be identified in the volume of anti-LGBTQ+ legislation being introduced and passed across the U.S.

At one point, 2015 stood as the worst year in recent history for anti-LGBTQ+ legislation. According to a report produced by the Human Rights Campaign, 192 anti-LGBTQ+ bills were introduced in state legislatures across the country and 15 of the bills were enacted into law that year.¹¹⁷ In 2023, the ACLU tracked at least 510 anti-LGBTQ+ bills that were introduced to into legislatures – a roughly 166% increase compared to 2015.¹¹⁸ Moral panic in rhetoric can, and often does, also produce actual acts of violence against groups framed as a threat to society. Anti-LGBTQ+ hate crimes hit record highs in 2022 with a 13.8% increase in reported hate crimes based on sexual orientation and a staggering 32.9% increase in reported hate crimes based on gender identity according to the FBI’s annual crime report.¹¹⁹

While the increase in legislation and judicial rulings limiting queer people’s access to expression, relationships, healthcare, and visibility is undoubtedly making America a more hostile country for the queer community, there are indications that anti-LGBTQ+ campaigning will have a limited effect on public perceptions of queer people. The same exit polls from Navigator Research which found abortion to be a key issue for voters in the 2022 midterms also found that only 20% of voters who supported Republicans cited issues like “Republicans want to keep transgender athletes out of girls’ sports teams and stop the promotion of transgender

¹¹⁷ Human Rights Campaign, “2015 State Equality Index,” (Human Rights Campaign, 2016), <https://assets2.hrc.org/files/assets/resources/SEI-2015-FullReport.pdf>, 7

¹¹⁸ Choi, Anette, “Record number of anti-LGBTQ bills were introduced in 2023,” (CNN, 2024), <https://www.cnn.com/politics/anti-lgbtq-plus-state-bill-rights-dg/index.html>

¹¹⁹ Luneau, Delphine, “FBI’s Annual Crime Report — Amid State of Emergency, Anti-LGBTQ+ Hate Crimes Hit Staggering Record Highs,” (Human Rights Campaign, 2023), <https://www.hrc.org/press-releases/fbis-annual-crime-report-amid-state-of-emergency-anti-lgbtq-hate-crimes-hit-staggering-record-highs>

surgeries on our children” as a reason for their support.¹²⁰ A report from Pew Research Center in 2022 also found that, while specific issues related to transgender people are still polarizing, 64% of Americans favor or strongly favor protecting transgender people from discrimination.¹²¹ As America’s political landscape continues to evolve, understanding the dynamics of Republican strategy and political discourse will be crucial for safeguarding the rights and well-being of queer Americans.

¹²⁰ Navigator Research, “2022 Midterm Voters: What Issues Mattered Most?” 8

¹²¹ Pew Research Center, “Americans’ Complex Views on Gender Identity and Transgender Issues,” (Pew Research Center, 2022), <https://www.pewresearch.org/social-trends/2022/06/28/americans-complex-views-on-gender-identity-and-transgender-issues/>