

To: National Women’s Law Center and Pregnancy Justice
From: Lake Research Partners
Re: Survey Findings of the Public’s Understanding of the “Fetal Personhood” Legal Strategy and the Most Effective Ways to Communicate about the Harmful Strategy
Date: April 7, 2025

In a recent survey¹ of likely voters conducted for the National Women’s Law Center and Pregnancy Justice, **voters oppose giving legal rights to embryos and fetuses**, and this opposition increases after voters learn more about the issue and increases again after messaging.

Key Findings

- Qualitative and quantitative research on voters’ attitudes about so-called “fetal personhood” shows that **people are still very vigilant in opposing abortion bans and policies that infringe on the freedoms and rights of pregnant people.**
- **Voters are not familiar with “fetal personhood”** broadly (66% have not heard, seen, or read anything in the news recently about ‘fetal personhood’). They also are not familiar with specific examples in the news:
 - expanding the Child Tax Credit to include “unborn children” (72% not familiar)
 - criminalizing a woman after a miscarriage (70% not familiar)
 - arguments about fetal “rights” denying pregnant people emergency health care (63% not familiar)
 - an Alabama state court ruling that frozen embryos are people (61% not familiar).
- **Voters’ lack of familiarity does not impede them from feeling very concerned about the outcomes.** They are very concerned about the specific examples in the news pertaining to giving rights to embryos and fetuses: 66% are very concerned about criminalizing a woman after a miscarriage, 57% are very concerned about fetal “rights” denying pregnant people emergency health care, 50% are very concerned about an Alabama state court ruling that frozen embryos are people, and 42% are very concerned about expanding the Child Tax Credit to “unborn children.”
- **It is extremely important to half of voters to protect the rights of people who are pregnant or could become pregnant (49% extremely important, 77% extremely or very important).** Intensity in this belief increases after messaging (+7 percentage points).
- **A majority (52%) oppose giving legal rights to embryos and fetuses (34% strongly oppose),** while 38% support giving legal rights to embryos and fetuses and 10% are not sure. The margin between voters who oppose giving legal rights to embryos and fetuses and those who support

¹ Methodology: Lake Research Partners designed and administered an online survey that was conducted December 10 to 18, 2024. The survey reached a total of 1,300 likely 2026 voters nationwide which includes a base sample of 1,000 likely 2026 voters, with oversamples of 100 Black, 100 Latino/a, and 100 Asian American Pacific Islander likely 2026 voters. The oversamples were weighed down into the base sample to their proper proportion of the universe for a total sample size of 1,000.

it increases after voters learn more about the issue (+5 points) and again after messaging (+ an additional 6 points).

- **Voters reject policies that criminalize pregnant people for their pregnancy outcomes or for their substance use disorder.** Voters across key demographic groups agree that it is important for pregnant people with a substance use disorder to be able to seek care without fear of being punished by law enforcement.
- We tested a range of consequences of when our laws recognize rights for embryos and fetuses. Some consequences are more concerning than believable to voters. The **most believable and concerning negative consequences** of laws recognizing the rights for embryos and fetuses are **banning abortion nationally** (38% believe this is extremely likely to happen if laws recognize rights for embryos or fetuses, 44% believe this is one of the worst things that could happen if laws recognize rights for embryos and fetuses) **and causing OB-GYNs to fear the standard care they provide their patients could be considered a crime** (35% believe this is extremely likely, 45% believe this is one of the worst things).
- Voters believe that the **government should not intrude** (55% strongly agree, 76% strongly or somewhat agree) **or interfere** (53% strongly agree, 74% strongly or somewhat agree) **in people's freedom to make decisions about their pregnancies.** Voters also strongly agree that **one-size-fits-all laws regulating pregnancy do not work, and each pregnancy is unique with complex circumstances that can change at any point** (56% strongly agree, 82% strongly or somewhat agree).
- Statements that focus on not giving legal rights to embryos and fetuses directly also have good intensity and reach.
 - Giving rights to fetuses would take away pregnant people's rights to make all kinds of decisions about their pregnancy (46% strongly agree, 66% strongly or somewhat agree).
 - Giving rights to fetuses takes away our ability to make our own decisions about our bodies, lives, and futures and opens the door to government intrusion into pregnancy in unprecedented ways (45% strongly agree, 70% strongly or somewhat agree).
 - There is a difference between personal beliefs and laws, and my personal beliefs on when life begins do not mean laws should give legal rights to embryos or fetuses (44% strongly agree, 70% strongly or somewhat agree).
 - Giving rights to fetuses would take away pregnant people's freedom to make all kinds of decisions about their pregnancy (44% strongly agree, 71% strongly or somewhat agree).
- **Messaging² that asserts we should not give rights to embryos and fetuses significantly outperforms the opposition's message about how life "begins at conception" and "unborn children" should be protected under our laws,** even among Republicans.
 - Messaging that work best focuses on how "one-size-fits-all laws don't work", "our personal beliefs shouldn't dictate law", how "the government interferes with a pregnant person's life", and giving legal rights to embryos and fetuses is "about controlling women".

² See page 8 for message text.

Detailed Findings

Low Awareness of Laws and Policies that Give Rights to Embryos and Fetuses, But Concern is High

- **Two-thirds (66%) of voters are not familiar with any recent news about ‘fetal personhood.’**
Across demographic subgroups, voters have not consumed news recently about so-called ‘fetal personhood.’
 - Younger voters under age 30 (38%) and college-educated voters (31%) are more likely than other subgroups to say that they have heard, seen, or read something recently, but a majority of these groups have not.
- **Voters are intensely concerned by specific news stories that describe laws and policies that give rights to fetuses.**
- **However, voters are not familiar at all with these news stories.** Voters are least familiar with the story about extending the Child Tax Credit to “unborn children.”
- Because voters are low information on news stories, advocates should go straight to the values connected to opposing giving rights to an embryo or a fetus and the repercussions of doing so.

Table: Respondent Concern About and Familiarity with News Stories on Laws and Policies that Give Rights to a Fetus or Embryo ³		
	Very concerned	Not familiar at all
A woman in Ohio miscarries a pregnancy at home in her bathroom. She is then charged with felony "abuse of corpse," because the fetus is considered a human, and the fetal remains are considered a corpse.	66%	55%
In a state that bans abortion, a judge determined that in a medical emergency, a pregnant person's rights are overridden by the rights of the fetus.	57%	44%
A ruling by the Alabama Supreme Court that frozen embryos are people and individuals can be held legally responsible for destroying frozen embryos.	50%	40%
Current federal law provides tax credits to families based on the number of children they have in the family. A Senator introduces a proposal to expand that tax credit to "unborn children."	42%	59%

³ Question wording: The following are some recent stories that have appeared in the news about laws and policies that give rights to a fetus. For each, how concerned does this make you? And: How familiar, if at all, are you with the following stories that have appeared in the news about laws and policies that give rights to an embryo or fetus?

Protecting the Rights of Pregnant People is Paramount

- **Voters believe it is overwhelmingly important to protect the rights of people who are pregnant or could become pregnant (49% extremely important, 77% extremely or very important).** After messaging, the sentiment that this is extremely important increases by 7 points (56% extremely important, 79% extremely or very important).
 - Voters who believe abortion should be generally available (72%), subgroups of Democrats (Strong Democrats – 69%, Democratic women – 66%), Black women (65%, especially younger Black women – 73%), and Latina women (60%, especially younger Latinas – 66%) are the most likely to believe this is extremely important.
 - Importance crosses race and ethnicity, although Black (59% extremely important) and Latino/a (55%) voters are more likely than Asian American Pacific Islander (44%) or white (47%) voters to say this is extremely important.

Voters Oppose Giving Legal Rights to Embryos and Fetuses

- **A majority (52%) oppose giving legal rights to embryos and fetuses versus 38% who support it and 10% are not sure.**
 - Democrats (62% oppose) and Independents (51%) oppose giving legal rights to embryos and fetuses, while about half (50%) of Republicans support it and 41% oppose it.
- **Receiving more information about the outcomes of giving legal rights to embryos and fetuses helps increase opposition.** The outcomes of laws recognizing rights for embryos and fetuses that are seen as “the worst” and “extremely likely to happen” are that it could **ban abortion nationwide** (38% believe this is extremely likely to happen if laws recognize rights for embryos and fetuses, 44% believe this is one of the worst things that could happen if laws recognize rights for embryos and fetuses) and it could **cause OB-GYNs to fear that the standard care they provide their patients could now be considered a crime** (35% believe this is extremely likely to happen, 45% believe this is one of the worst things).

- **The top value statements in opposition to giving legal rights to embryos and fetuses focus on the uniqueness and complexity of pregnancy precluding one-size-fits-all laws, and people’s need for freedom to make decisions without government interference or intrusion.**

Table: Respondent Strong and Total Agreement with Statements that Do Not Directly Name Giving Rights to Embryos and Fetuses ⁴		
	Strongly agree	Strongly or somewhat agree
One size fits all laws regulating pregnancy do not work. Each pregnancy is unique, with complex circumstances that can change at any point along the way.*	56%	82%
People need the freedom to make decisions about their pregnancy, including whether to use fertility care to become pregnant, use birth control to prevent pregnancy, or abortion to end a pregnancy, without the government intruding.*	55%	76%
People need the freedom to make decisions about their pregnancy, including whether to use fertility care to become pregnant, use birth control to prevent pregnancy, or abortion to end a pregnancy, without the government interfering.*	53%	74%

*Split sampled

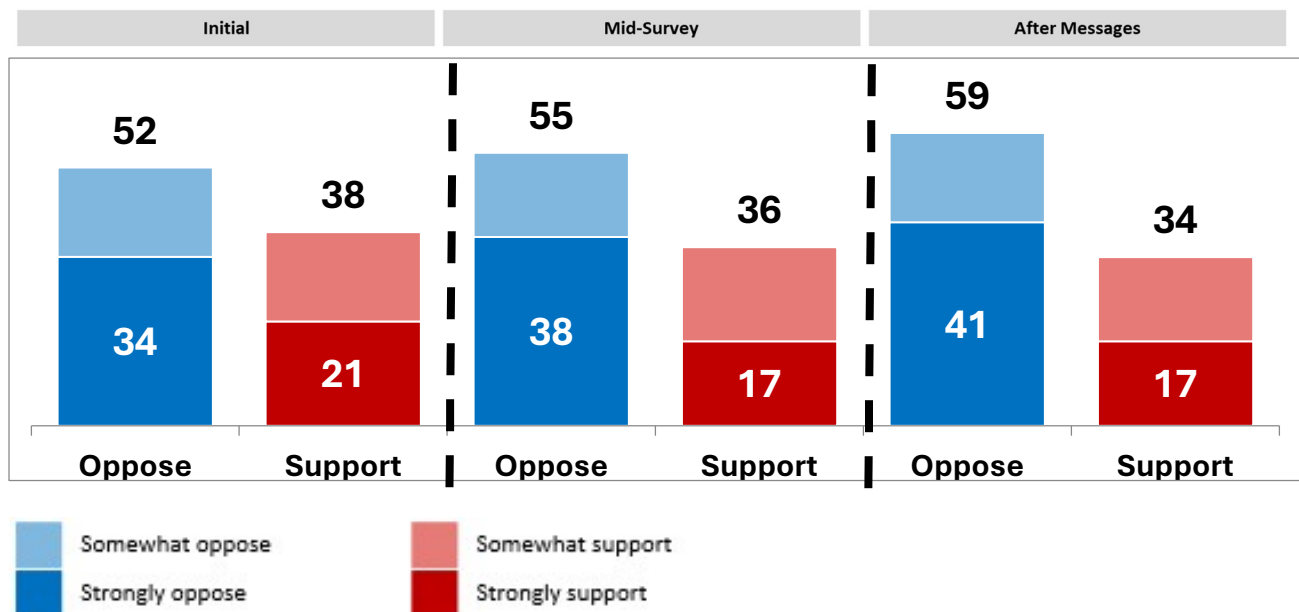
- These core value statements that do not directly name giving rights to embryos and fetuses outperform the best statements that are explicitly about giving legal rights to embryos and fetuses by about ten points. This could be partially due to the mere exposure effect (people tend to prefer things they are familiar with, and giving legal rights to embryos and fetuses is a newer concept than reproductive rights messaging, but this taps into those same core values).
- **Voters also agree with statements that focus on giving legal rights to embryos and fetuses directly. These statements either contrast pregnant people’s rights with fetuses’ rights, distinguish between personal beliefs and laws, or focus on the values of freedom and rights.**

⁴ Question wording: Here are some statements people have made about the idea of giving rights to fetuses. For each, please indicate if you agree or disagree.

Table: Respondent Strong and Total Agreement with Statements that Directly Name Giving Rights to Embryos and Fetuses ⁵		
	Strongly agree	Agree
Giving rights to fetuses would take away pregnant people's rights to make all kinds of decisions about their pregnancy.*	46%	66%
Giving rights to fetuses takes away our ability to make our own decisions about our bodies, lives, and futures and opens the door to government intrusion into pregnancy in unprecedented ways.*	45%	70%
There is a difference between personal beliefs and laws, and my personal beliefs on when life begins do not mean the law should give legal rights to embryos or fetuses.	44%	70%
Giving rights to fetuses would take away pregnant people's freedom to make all kinds of decisions about their pregnancy.*	44%	71%

*Split sampled

- **After receiving more information and hearing messaging, voters' opposition to giving legal rights to embryos and fetuses grows over the course of the survey, including among subgroups.** The margin between voters who oppose giving legal rights to embryos and fetuses and voters who support giving legal rights to embryos and fetuses grows by 5 points mid-survey (+14 points initially to +19 points mid-survey) and the margin grows by 11 points at the end of the survey (+14 initially to +25 after messages).



⁵ Question wording: Here are some statements people have made about the idea of giving rights to fetuses. For each, please indicate if you agree or disagree.

Messages to Oppose Giving Legal Rights to Embryos and Fetuses

- **Messages that make the case against giving legal rights to fetuses and embryos are strong and unifying.** This public opinion research produces a clear road map for messaging in opposition to conferring rights to embryos and fetuses. While so many strategies work, it is important to focus on what makes the most difference. We recommend **messaging that focuses on how one-size-fits-all laws do not work, our personal beliefs shouldn't dictate law, opposing government interference with a pregnant person's life, and giving legal rights to embryos and fetuses is about controlling women.**

Table: Respondent Ratings of How Convincing the Messages Are ⁶			
	Very convincing	Total Convincing	Mean Dial Rating
[One Size] Each pregnancy is unique, with complex circumstances that can change at any point along the way. This is why one size fits all laws regulating pregnancy do not work. People need the freedom to make decisions, including whether to use IVF to become pregnant, use birth control to prevent pregnancy, or have an abortion to end a pregnancy, without the government interfering. Giving rights to fetuses and embryos would take away this freedom and require the government to interfere. We should put the pregnant person in charge, it's wrong when others make those decisions.	59%	73%	68
[Beliefs Not Laws] For a lot of us, a fetus is a baby, and that is valid and wonderful. But there is a difference between personal beliefs and laws. My belief does not mean I think the government should interfere in a pregnant person's life. My belief doesn't mean I want the government investigating them when something goes wrong in their pregnancy or when they decide to have an abortion. Being pregnant should not mean that you have less rights.	55%	76%	62
[Control] Women can't be truly equal if they don't have control over their own bodies and reproductive lives, including the decision about whether to have an abortion. These efforts to give rights to fetuses is about controlling women and returning back to a time when women could not make decisions about their bodies, futures, and destinies. When they couldn't get a no-fault divorce or have access to birth control to control their fertility. Women cannot be equal participants in society without these freedoms.	54%	66%	62

⁶ Question wording: As you listen to the audio, use the slider to show how you feel about what you're hearing, where 0 is what you are hearing is not convincing at all to you personally and 100 is very convincing, and 50 is neutral. Your slider starts at 50 and based on everything you heard, please give this statement a rating from 0 to 100 in the entry box below, where 100 means the statement you just heard is very convincing to you personally and 0 means it is not convincing at all to you personally, and you can be anywhere in between.

- **Voters do not react with much enthusiasm to the Opposition message in the moment-to-moment ratings and give it much less intense and lower convincing ratings.**

Messaging that opposes giving legal rights to embryos and fetuses significantly outperforms the opposition's message that is in support. This is true even among Republican voters (mean 58 dial rating for the Opposition message).

Table: Respondent Ratings of Opposition Message on How Convincing the Message Is⁷

	Very convincing	Total Convincing	Mean Dial Rating
[Opposition] Every human life is precious, and every life begins at conception. But currently, the lives and well-being of unborn children are not protected under our laws. We need to clarify when life begins and that human life should be protected at all life stages. It is only reasonable to recognize every single human being as a person. The protection of our laws should extend to all human beings, born and unborn. We should protect the sanctity of human life and ensure that innocent lives are no longer punished.	31%	43%	49

- **When constructing a message to oppose giving legal rights to embryos and fetuses, start with a shared value such as self-determination and bodily autonomy, acknowledging the complex circumstances of pregnancy, or freedom; identify the problem by explaining how this is about controlling women or would take away rights from pregnant people, or what the government could be capable of if it expanded its interference into pregnant people's lives; and end with offering a solution like putting the pregnant person in charge of decisions about their pregnancy.** Note that an effective message spends more time on the shared value and solutions than naming the problem.

⁷ Question wording: As you listen to the audio, use the slider to show how you feel about what you're hearing, where 0 is what you are hearing is not convincing at all to you personally and 100 is very convincing, and 50 is neutral. Your slider starts at 50, and based on everything you heard, please give this statement a rating from 0 to 100 in the entry box below, where 100 means the statement you just heard is very convincing to you personally and 0 means it is not convincing at all to you personally, and you can be anywhere in between.

Table. During Live Dial Testing, ⁸ Respondents Dialed That They Were More Convinced on a Message Framework When They Heard the Language Included in this Chart	
Start with a shared value	<ul style="list-style-type: none"> • complex circumstances that can change at any point along the way • one size fits all laws regulating pregnancy do not work • people need the freedom to make decisions • without the government interfering • control over their own bodies and reproductive lives • decision about whether to have an abortion
Identify the problem	<ul style="list-style-type: none"> • giving rights to fetuses and embryos would take away this freedom • efforts to give rights to fetuses is about controlling women • women cannot be equal participants in society without these freedoms • there is a difference between personal beliefs and laws • does not mean I think the government should interfere in a pregnant person's life • government investigating them when something goes wrong or when they decide to have an abortion • the dangers of assigning legal rights to fetuses and embryos become clear
Empower the pregnant person	<ul style="list-style-type: none"> • put the pregnant person in charge • being pregnant should not mean that you have fewer rights

Voters Reject Policies that Criminalize Pregnant People

- **Voters acknowledge that substance use during pregnancy is a problem, but they have little appetite to punish people and believe in health care solutions. They believe that criminalization will make things worse, not better.**
- **Voters across key demographic groups agree that it is important for pregnant people with a substance use disorder to be able to seek care without fear of being punished by law enforcement.** About nine in ten (87%) voters agree that it is important for pregnant people with a substance use disorder to be able to seek care without fear of being punished by law enforcement (60% strongly agree). Across subgroups, voters agree by massive margins.

⁸ Dial message testing is where people listen to recordings of messages while providing their moment-to-moment feedback (like the lines CNN sometimes displays at the bottom of the screen during presidential debates that reflect subgroups' real-time reactions to the candidates). Our analysis of people's moment-to-moment reactions allows us to identify the key words and phrases that resonate, fall flat, or are counterproductive. This technology enables participants to listen to a message and react in real time. When they hear something that they like, they point their cursor to the right, and when they hear something that they do not like, they point their cursor to the left.

- **About two-thirds of voters oppose specific policies and practices that criminalize pregnant people.** When voters weigh the consequences of giving legal rights to fetuses, they are opposed to the following practices:
 - Confidential information that pregnant people share with their doctors about substance use disorder would be shared with the police – 68% oppose, 52% strongly oppose.
 - Pregnant people who seek treatment for substance use disorder would be criminally charged with child endangerment or neglect – 67% oppose, 46% strongly oppose.
 - Every pregnant person would be drug tested when they give birth and if the drug test is positive, the test results would be shared with the police and used to charge the pregnant person with child endangerment or neglect – 60% oppose, 42% strongly oppose.
- **The strongest statements against criminalizing pregnant people with substance use disorder orient the problem as a health crisis that can be met through health care.**

Table. Respondent Convincing Ratings of Statements ⁹		
	Very convincing	Very or Somewhat Convincing
The best path when pregnant people have substance use disorder is to provide proper prenatal care and substance use treatment*	55%	81%
It is important to treat substance use disorder as a treatable mental health and health disorder that is managed by health care providers*	51%	80%

*Split sampled

⁹ Question wording: Here are some statements people have made about the idea of giving rights to fetuses. Please indicate how convincing each statement is to you.

- **The two messages on this topic – Imagine and Health Response – outperform an opposition message that encourages criminalization.**

Table: Respondent Convincing Ratings of Messages ¹⁰			
Based on everything you heard, please give this statement a rating from 0 to 100 in the entry box below, where 100 means the statement you just heard is very convincing to you personally and 0 means it is not convincing at all to you personally, and you can be anywhere in between.	Very convincing	Total Convincing	Mean Dial Rating
[Health Response] We can agree that pregnant people with a substance use disorder need support. Have a substance disorder is not a crime. The American Medical Association, American Academy of Pediatrics, March of Dimes, the American College of Obstetricians and Gynecologists, and the National Organization on Fetal Alcohol Syndrome have all similarly strongly critiqued punishing pregnant people because it makes pregnant people too scared to seek help and leads to worse outcomes for the mother and the fetus. Health care and mental health treatment result in better outcomes for both moms and babies.	59%	81%	68
[Imagine] Imagine a world where pregnant people with substance use disorder aren't treated differently or locked away for having a disease but offered health care treatment and other support. Where law enforcement is interested in making sure pregnant women get better, not locked up. Where they can keep their family, regain their footing in life, and thrive. As a country, we can make this a reality, but it depends on us ensuring pregnant people with substance abuse disorders are treated with kindness and compassion, not suspicion and handcuffs.	60%	81%	67
[Opposition – Criminalization] People who are addicted to drugs or alcohol are in a dark place and need help. For pregnant people who are addicted, punishment by the criminal justice system is the only immediate choice in the face of a crisis for the unborn child. The threats of jail and loss of parental rights are powerful deterrents to ongoing drug or alcohol use that may harm developing babies. If a pregnant woman is suspected of using drugs or alcohol, then the case should be referred to police and prosecutors.	23%	41%	56

¹⁰ Question wording: As you listen to the audio, use the slider to show how you feel about what you're hearing, where 0 is what you are hearing is not convincing at all to you personally and 100 is very convincing, and 50 is neutral. Your slider starts at 50 and, based on everything you heard, please give this statement a rating from 0 to 100 in the entry box below, where 100 means the statement you just heard is very convincing to you personally and 0 means it is not convincing at all to you personally, and you can be anywhere in between.