SPITFIRE
SPARK CHANGE

COMMUNICATING ABOUT ABORTION CRIMINALIZATION AND TECH SURVEILLANCE

Narrative Guide for Advocates

Spitfire Strategies
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THE WORLD WE'RE REACHING FOR IS POSSIBLE

Technology should enable us to access the information and resources we need to freely make decisions about our bodies, families and futures. That is not our current reality. The overturn of Roe v. Wade has empowered the state and bad actors to make it even more challenging to obtain an abortion -- putting up additional barriers to access where there should be none. At the same time, too many tech companies and platforms continue to extract, buy and sell vast amounts of personal data unabated, eroding our privacy and control. The ways that data surveillance will facilitate abortion criminalization rest at the nexus of those two issues. This burden will land most heavily on communities the state already disproportionately targets – people of color, women, people with disabilities, the LGBTQIA+ community, people struggling to make ends meet, undocumented immigrants and others.

Advocates in the tech advocacy and reproductive justice movements have spent decades fighting to enshrine autonomy, access and freedom. Those efforts existed before Roe was at risk. But without powerful, united messaging and a shared vision for change across those two fields about this emerging threat, there is a real risk that our work will be met with indifference, hostility and powerlessness. To meet this current moment, we need a narrative that proactively shares a unifying, winning vision for a just and free future. That future will ripple far beyond the fight for reproductive justice and propel our interconnected journey toward justice for all.

Spitfire has developed this narrative guide to help advocates advance a narrative that connects digital rights and abortion advocacy with an eye toward justice. The guidance below builds upon the tireless work of people on the front lines of the reproductive justice and digital rights movements. These organizations and collectives have been steeped in this work long before it captured national attention.

We would like to thank the following people and organizations for their contributions to this guide:

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Find a fuller list of the resources we used from some of these organizations at the end of the guide. Through this guide, we hope to provide framing, language and guidance that will help you and your organization communicate with your priority audiences and inspire them to share our vision for a just future – because we know the world we're reaching for is possible.

In solidarity,
Claire de Leon, Kristiana Jordan, Gabrielle Connor, Jen Carnig and Gabriel Rodriguez
SPITFIRE STRATEGIES

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Artist: Alex Albadree

NARRATIVE GUIDANCE

The recommendations below are intended to help guide communicating at the intersection of reproductive justice and technology justice. Language is imperfect, and there will likely not be a single message or sound bite that will precisely relay the depth and nuance of these issues across audiences. These recommendations are instead strategic considerations to preface the specific talking points that come later in this guide and serve as important context for developing your own messages and talking points.

Follow these recommendations when communicating about the ways data surveillance will facilitate abortion criminalization.

Recommendation 1: Frame abortion surveillance as a facet of the culture of surveillance, not as an outlier.

The use of technology to surveil abortions is a symptom of the culture of surveillance and pervasiveness of data that is being tracked, bought and sold. As advocates, you must fundamentally communicate that this issue is not about one app being sinister (such as a period tracker). Instead, emphasize that the technology people use across the board every single day (such as Google searches, emails and text messages) is designed purposefully to extract an incredible amount of personal data, and law enforcement can easily access that data through a variety of widely available tools. The surveillance of abortion has specific nuances and circumstances that people should recognize, and it is a component of the surveillance state.

Recommendation 2: Name the people, organizations or systems that need to be held accountable for failing to act on identified solutions.

Having one or more clear people, organizations or systems that need to be held accountable for the harms that they have benefited from is crucial to providing audiences with a full, clear picture of what abortion tech surveillance looks like and focusing audiences' attention on what can be done to mitigate harm. Responsible parties can be people (e.g., law enforcement, crisis pregnancy centers or prosecutors), tech and other corporations, or harmful cultural norms or systems (such as surveillance capitalism, anti-abortion movements, or a culture of policing and surveillance).

Many people, companies and movements – law enforcement, tech companies, anti-abortion policymakers – have various incentives to embolden the role of tech in surveilling pregnancy outcomes. But surveillance overreach extends beyond harmful technologies into culture in the way that people police each other. Some of the biggest risks for abortion criminalization come from health care workers, neighbors and friends who will share known or suspected health information. When communicating, the responsible party you name should draw people's attention to a logical solution. Make sure to name a party responsible for harm instead of leaving systems of power invisible, and make sure that person, organization or system holds responsibility for action on the solution you're proposing.

Recommendation 3: Meet people where they are.

Many people rely on technology for access, ease and autonomy, and that is particularly true for people with disabilities who oftentimes use technology that is necessary for their lives. There is also tension in the reality that because of technology and internet access, abortion via medication at home is increasingly the norm and highly accessible. It's important to not relay a blanket sentiment that technology itself or the use of technology is inherently bad or that the solutions to surveillance capitalism lie in individual people walking away from their digital products. Instead, it's important to name the people and systems that benefit from extracting and selling data through current technology systems, such as Meta and Alphabet (Google's parent company). The people and systems who are responsible for monetizing personal data can then be held accountable for change and solutions. While individuals can take steps to maintain their digital hygiene, the focus should be on holding companies and the government accountable for protecting consumers – not on an individual person's actions.

Recommendation 4: Use a consciousness-raising model to make the connection between abortion and surveillance.

Abortion is an issue that affects at least 1 in 4 people. But despite the common nature of the procedure, the narrative about the issue has been plagued by stigma and misinformation, making it appear to be controversial when in fact it is well-supported. Sentiment analysis[1] has shown that most people in the U.S. agree that abortion should be legal in most cases. Although a majority of people already approve of abortion to some degree, most have little to no understanding of digital surveillance. As a result, it's vital to still meet people where they are. Messaging should focus on helping people in favor of abortion connect the dots between protecting bodily and digital autonomy, because the way many people live with technology makes them inextricably intertwined. Make it clear throughout your communications that **real control over reproductive health is not possible if people are subject to digital surveillance.**

Recommendation 5: Leverage the value of "privacy" cautiously, especially when calling for reproductive justice.

Abortion rights advocates have long called for bodily autonomy beyond a protection of privacy. The right to privacy ultimately became the foundation of Roe v. Wade but acted as a faulty cornerstone for securing abortion access and fighting against abortion stigma. Broadly, abortion rights advocates have moved away from framing around "privacy" or "choice" – emphasizing personal decisions – and instead focus on a more liberatory framing for the future, such as bodily autonomy, self-determination and reproductive justice.

At the same time, privacy is a common and powerful framing of digital rights, particularly when it comes to data surveillance. It is also a concept that's relatively easy to understand related to digital rights, which is valuable when technology risks and consequences can be abstract for some audiences. Despite being a common frame, privacy – even outside the context of abortion – is still an underinclusive way to frame harms that technology causes because it doesn't capture the carceral consequences of entrenched surveillance structures that impact so many communities. Privacy is not a reality that everyone has equal access to and not a reality for communities whom police surveillance explicitly targets. While framing digital harms as "privacy violations" may resonate with some people unfamiliar with communities historically subjected to routine government surveillance, advocates should use privacy deliberately and cautiously. It may be a relatable entry point for some audiences, but messengers should quickly pivot to more visionary frames of autonomy, access and freedom.

Recommendation 6: Avoid doom and gloom. Relay the facts.

When discussing technology and abortion rights, balance communicating the urgency of the moment with presenting the facts and known or emerging solutions in a way that will motivate, not disempower, your priority audiences. Avoid sensationalizing, pointing to a dystopian future or indicating that technology overreach is already beyond our control. Staying stuck in repeating the challenges people experience now – that the situation is dire – is not motivating to those making change. Instead, give your valuable airtime to describing what a just future would look like and naming that it is possible. Suggested messaging appears in the chart below.

It's also key to make sure the facts of surveillance are clear and easy to understand: Abortion criminalization will most likely occur through the methods police already use; they initiate an investigation based on a tip from a third party with relevant information (such as a doctor, a neighbor, a family friend, etc.) and seek access to digital information from an individual's devices or from a company subpoenaed for information about that person. While it is important to emphasize that there are digital security steps individuals can take on the front end to protect themselves, advocates must simultaneously communicate that there are also changes they should pressure companies and the government to make to ensure a safer online environment for abortion seekers with less data collection. For communicators, that means focusing on the facts you know and avoiding speculation about possible harms of specific technologies that have not yet been used in the policing or prosecution of criminal accusations related to pregnancy loss.

Recommendation 7: Talk about security as a function of community, with individual actions everyone can take.

Advocates have emphasized that security against abortion criminalization, and safety more broadly, is a function of the community. Like washing your hands to keep yourself and everyone you interact with healthy, it's imperative that people take individual actions to keep themselves and their communities safe by understanding and taking action to protect their own data. For example, messaging can urge priority audiences to both use Signal and get friends to join Signal too while pointing to campaigns or legislation holding tech companies and platforms accountable.[2] Supplying audiences with concrete steps they can take to improve their own and their loved ones' digital security will prevent them from giving into the feelings of powerlessness that often surround both abortion rights and privacy.

Beyond that, advocates are also calling for digital civil rights and imagining new systems outside of surveillance capitalism so that individuals carry less of the burden of protecting their data. Campaigns to pressure companies to encrypt communications and browser searches, restrict data brokers and eliminate loopholes for seizing information without a warrant are some examples of broader efforts to mitigate digital harms. People will not be able to achieve autonomy, access and freedom alone. Underscore that throughout your messaging, and provide concrete examples of how people can protect themselves and their community.

Recommendation 8: Be mindful of the messenger.

Who delivers a message is just as important as the message itself. Those advocating for digital civil rights can point to existing, trusted messengers calling for reproductive justice. People who have been criminalized for their reproductive choices can and should have safe, trusted platforms to tell their own stories, which advocate messengers can then amplify. Identify key stories that support the new narrative, and share them with advocates alongside considerations for ethical and safe storytelling practices. In current media coverage, an alarmingly small amount of coverage speaks to the impact that abortion criminalization and digital surveillance will have on people living with disabilities. There is an opportunity to speak more inclusively about the various communities that are at risk.

MESSAGING THAT BRINGS THE NARRATIVE TO LIFE

Talking Points and Messages	Rationale
Each and every one of us wants the **freedom** to make decisions about our lives without judgment or obstacles. We are the experts of our own experiences and should have final say over our own futures. The power to shape our families and our futures should rest in our own hands. Your health care decisions, including abortion, should be something you have full control over. No one should be able to weaponize your search history or messages to friends against you when you use technology to make a medical decision. But health care decisions and data surveillance are on a collision course as more and more people turn to search engines and influencers for medical advice and as the Supreme Court and political actors strip away protection for reproductive health care despite public support. More and more, our data can be used against us – especially as what is legal is ever changing, misaligning with the will of the people and with what is just. We all deserve independence and control when making decisions about if, when and how we have children. That includes having an abortion. And we should be able to ask questions, communicate and share information online without having our data weaponized against us, like many corporations and technology companies are geared up to do.	**Lead with shared values**
Many of us feel we have control over health care decisions when we're able to search on our phones to answer health care questions or order medicine online. But we can't confuse access to information with control. The truth is that the information we search is visible to tech companies that are primarily concerned with increasing their profits, and they sell that data on our behaviors to the highest bidder, including the police.	**Name the motivations (and who benefits from harm).**

Talking Points and Messages	Rationale
• Meanwhile, politicians are ignoring public interest to uphold harmful policies like the federal ban on abortion funding (or the Hyde amendment) that are specifically designed to keep people who are working hard to make ends meet from accessing abortion care. Tech companies profit from surveillance by selling information on our behavior, day to day. It's past time that our government put strong regulations in place to break up tech monopolies and insist on basic protections for our fundamental freedoms and rights to privacy. • Tech companies and anti-abortion advocates, including politicians, have something in common: They're investing in and benefiting from supporting structures of surveillance, policing and control that undermine our basic legal protections from government.	**Name the motivations (and who benefits from harm).**
We call for accountability from [actor causing harm: tech companies, politicians] that profit from dividing us. We see the possibility for [VALUES] if [AUDIENCE] takes [ACTION]. • [Name specific solutions your organization is calling for, focused on systems.] • Ex: Congress has a responsibility to the public to … [Name specific calls to actions and solutions that fit within the frame of policy action to take]. • Ex: Facebook has a responsibility to change this now. [Name specific calls to actions and solutions that fit within the frame of policy action for tech companies to take]. • Ex: Here are steps you can take to protect your communications [such as using Signal or downloading guides on digital hygiene]. We recommend sharing these with your community. These are important steps to take while also calling for [SYSTEM] to [SPECIFIC ACTION].	**Emphasize specific solutions relevant to your expertise or strategy.**
There is a big difference between what is legal and what's just – and we know that standing with people who are asking for a say over their own bodies and their own information is standing on the right side of history. We see a more just future – one where everyone has control over if, when and how they have children and where all have the safety and resources they need to parent their own children as best as they see fit. • It will take us standing together to call for a future where we have power over the technology we use, not the other way around. • We are calling for a future where people have authority over their own bodies and for their own children and where that power isn't taken away for someone else's profit. • This freedom is within our grasp if we can stand together and demand it.	**Outline a vision for the future that ties back to shared values.**

STRATEGIC CONSIDERATIONS

Guideposts for communicating about abortion and reproductive justice

Reproductive justice advocates have spent decades finding ways to shift the narrative away from the individualistic frame of "the right to choose" toward full-spectrum reproductive justice. Throughout that work, advocates have identified language that most effectively educates and activates priority audiences while not undercutting the longer-term goal: ensuring everyone has the right to have children, not have children and raise their children in safe communities.

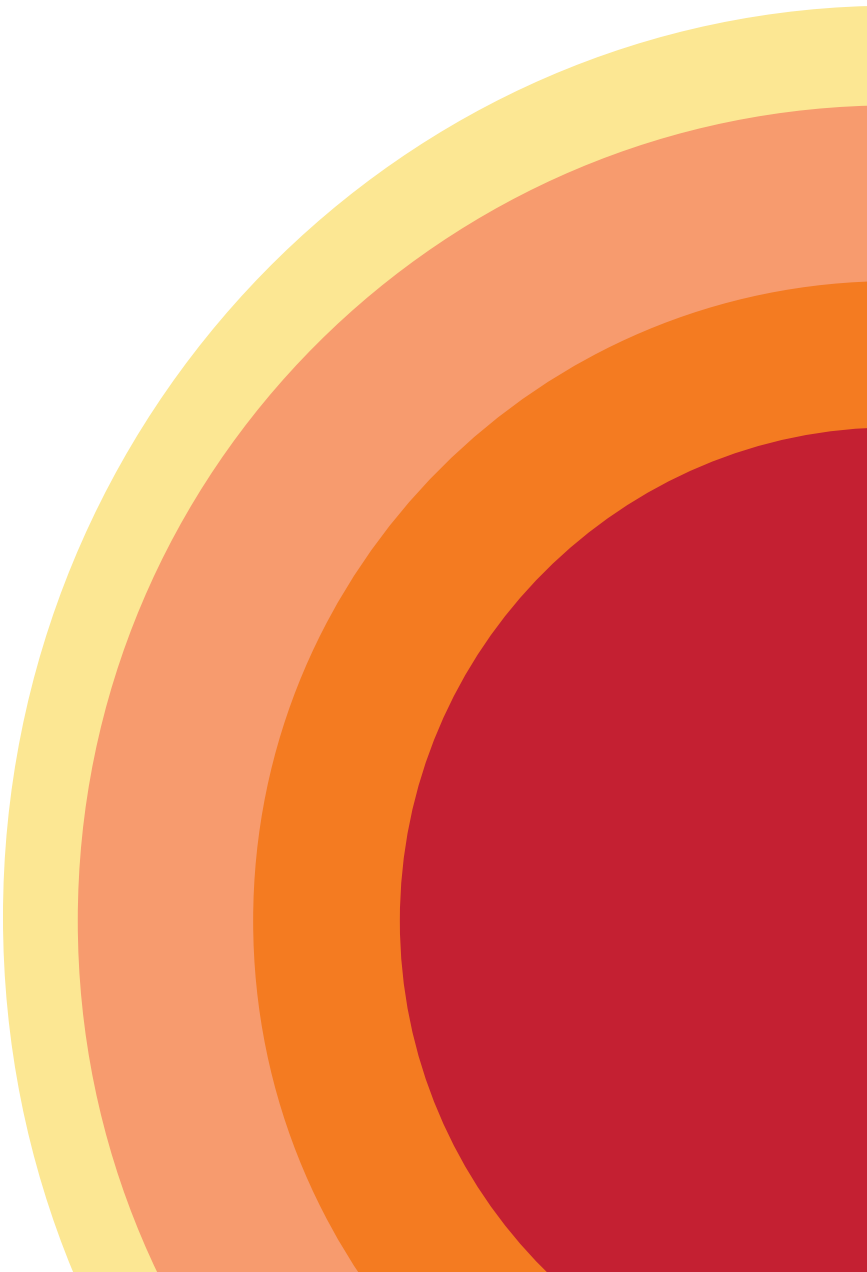
Guidelines for communicating about reproductive justice include:

- **Don't pit various methods of having or not having children against each other.** For example, avoid emphasizing birth control as a way to reduce abortions or emphasizing that abortions are safer for a pregnant person than childbirth.
- **Avoid playing into the false dichotomy of deserving and undeserving abortions.** For example, don't single out cases of rape and incest as particularly worthy of abortions when compared to other cases, such as a woman who had consensual sex and does not want a child. This includes refraining from amplifying sensationalized stories focused on incest or rape.
- **Avoid using outdated imagery that characterizes abortion as a medically unsafe procedure** or playing into health-based fallacies (e.g., using language like "back alley abortion" or "late-term abortion" or using coat hanger abortion imagery). Instead of motivating priority audiences, using that language activates existing falsehoods about abortion being medically unsafe when in reality for most people it is a very medically safe procedure.
- **Avoid negative or stigmatizing frames or messages** about self-managed abortion or the people who self-manage. This includes avoiding words like "illegal abortion" or "unsafe abortion" or characterizing their actions or decisions as motivated by desperation.
- Avoid describing people who seek abortions using language that focuses on body parts (e.g., "people with uteruses") and bodily functions (e.g., "birthing people"). Instead, use humanizing language that presents them as a whole (pregnant people, parents, people seeking abortions, etc.).
- Use gendered language, such as "women" and "mothers," when talking about specific stories, histories and data that focus on that gender. **Use gender neutral language, such as "people seeking abortions," when talking about abortion in general.**

- When talking about health disparities and disparities in abortion by race or ethnicity, emphasize that any disparity is a reflection of how U.S. policies and structures were set up to divide people by race and create disparate outcomes. **Name the actors and systems creating harmful disparities rather than ascribing these disparities to people of color themselves.**
- **Refrain from using eugenics-based arguments** that claim widespread abortion access is necessary to prevent specific populations from reproducing.

  Example: Don't claim that people with disabilities should have access to abortion so that they can "prevent the carrying on of chronic illnesses" or that people in the Global South need abortion to restrict population growth.

- Whenever possible, **name the actor in the problem**, not just the person experiencing the problem. Disparities shared without context can sometimes reinforce harmful stereotypes that villainize Black mothers and other groups who experience health disparities.
- Avoid crafting sweeping statements that frame all women as vessels for reproduction. **Ask yourself: Would this statement work as a slogan for a crisis pregnancy center or anti-abortion campaign?** (For example, "All women want a healthy pregnancy" or "Pregnancy is a special time for families.")
- Reflect authentic voices, and **lead with personal experience and stories whenever possible.**



Guideposts for communicating about technology and surveillance

Communicating about the harms of digital surveillance is challenging, because technology is constantly evolving and already integrated into almost every aspect of people's lives. People may have little understanding of tech realities, even when they are interacting with that reality every day (like the difference between messenger platforms that have end-to-end encryption and those that don't). Ubiquity fuels the perception that something such as data surveillance is innocuous or inevitable when instead the implications for that surveillance can be life changing.

Communicating about tech in a way that educates and compels audiences outside of the tech and civil rights world can help combat surveillance complacency. Digital civil rights advocates have employed a variety of strategies to raise the public's awareness of how surveillance technology amplifies injustice and violates fundamental rights and to drive forward systemic solutions. **Below are some guidelines for communicating about technology with an eye toward justice and accessibility:**

- Name the people, corporations and systems responsible for harms. **Name the systems and motivations that drive data surveillance to show that it is intentional and preventable instead of just an inherent byproduct of using the internet.** Audiences may forget that there are people and groups who have a vested interest in creating the systems that extract data and purchase and profit from that trade, so that must be at the forefront.

  > Example: Talk about how tech and other corporations increase profits by selling people's data to third parties, including the government. Recent efforts to regulate data brokers or introduce protections for people's data have either been blocked by law enforcement or resulted in vast loopholes for law enforcement. Share how law enforcement purchases tools to easily extract and deploy that data without people's knowledge or consent so as to arrest and incarcerate. That goes past the Google search data or text messages. Law enforcement agencies at the local and federal level have essentially become intelligence agencies with access to drones, license plate readers, etc.

- **Share concrete examples (stories, anecdotes) about the ways surveillance has harmful and real-life impacts on people's lives** to show that surveillance is not passive, harmless or neutral.

  > Example: People may not be aware that messages that are not end-to-end encrypted are not private and can be subpoenaed and used as evidence in an investigation. For example, Nebraska cops obtained a woman's Facebook messages to investigate whether she helped her teen daughter get an abortion.

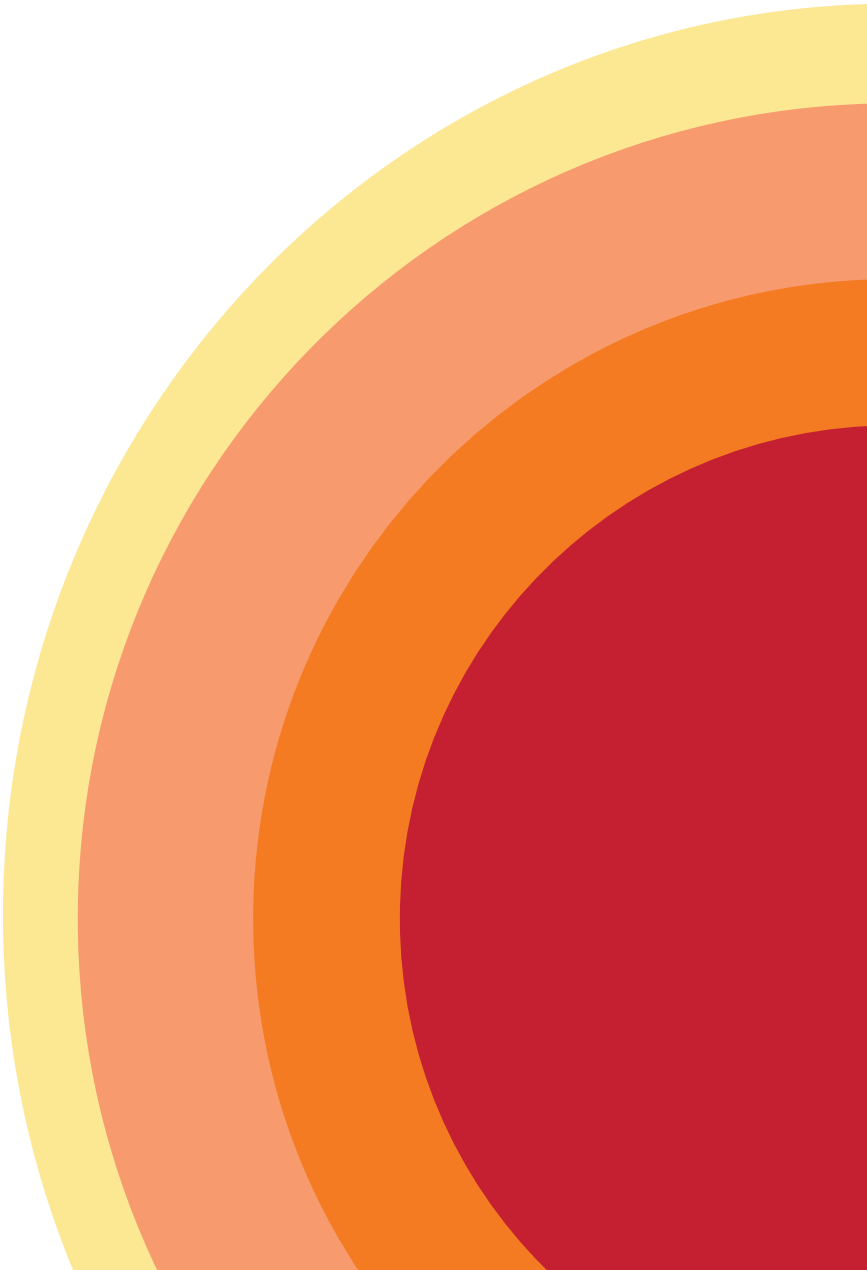
- Call out specific types of data that companies need to exclude from the surveillance dragnet to emphasize immediate threats, make explicit demands and provide clear examples of data surveillance. However, do not exceptionalize those forms of data or categorize them as inherently linked to abortion surveillance – **be sure to underscore that the massive scale of data being tracked without any restrictions or user control is still the core issue.**

  > Example: Companies like Google should refrain from tracking data around sensitive locations – an action they said they would take after the Dobbs decision. However, that should not be the stopping point. They should examine and restrain the amount of data they track as a whole.

- **Avoid playing into the technology black box** by using technology jargon. Instead, provide concrete examples of what surveillance looks like and how it happens in practice when it comes to data. Reference established methods of data tracking and extraction that are baked into the industry and into people's lives (e.g., Google searches, location data, Facebook messages and text messages).

  > Example: When communicating about artificial intelligence, avoid overusing the term "AI" when you can more accurately describe the issue in terms that relate to people's experiences, such as "technology that predicts your next Google search based on what you've looked for in the past."

- Leverage audiences' attention on a specific tech issue or concern ("Should I delete my period tracking app?") as a way to illustrate systemic issues. When doing so, name what is possible beyond what is harmful.
- **Refrain from framing the issue as hopeless when talking about technology and surveillance.** Many people rely on technology for community and autonomy, and they have a nuanced and complex relationship with that technology. Communications should underscore that people should not have to abdicate control of their information and/or worry about criminalization when using technology, rather than indicating that people should try to avoid technology at all costs. Reinforce the fact that there are ways to change the situation, including regulation, accountability and leadership from more diverse perspectives, without being overly credulous.



Ethical storytelling guideposts

Stories are highly effective vehicles for processing new information and seeing the human impact of systems and legislation. For abortion storytelling particularly, there's real risk to consider and mitigate with storytellers. These guidelines are not exhaustive but should provide a framework for collaborating with people who have stories to share related to abortion criminalization, as long as they can safely share without incurring additional legal risks. We do not recommend sharing stories about people who are actively being criminalized or in crisis because doing so may pose further risk for them. Remember: Not all stories need to be told. And if a story cannot be told ethically and with informed consent, it shouldn't be told at all. Should you pursue storytelling either through owned media (your own channels) or earned media (news outlets, working with journalists), here are some important considerations:

Pre-work

- Storytelling should be a consent-driven process. When approaching someone as a potential storytelling partner, be authentic with your intent and purpose so they have an accurate image of what storytelling will entail.
- Make it clear that potential storytellers do not have to share their story in a way that is not comfortable to them. They don't have to share their story at all. Ensure they always have opportunities to opt out. And be realistic – when stories are shared digitally, even if organizations take them off their website, there isn't a way to erase them from the internet. The same is true with earned media and sharing stories with journalists. Be explicit with potential storytellers that while they have control over how you work together to tell their story, no one has control over what happens once it is public – journalists may reach out, people they know will read it and unfortunately some people may try to harass the storytellers online or even in real life. Weigh those possibilities with someone honestly, and help them make a plan for each.

Outreach

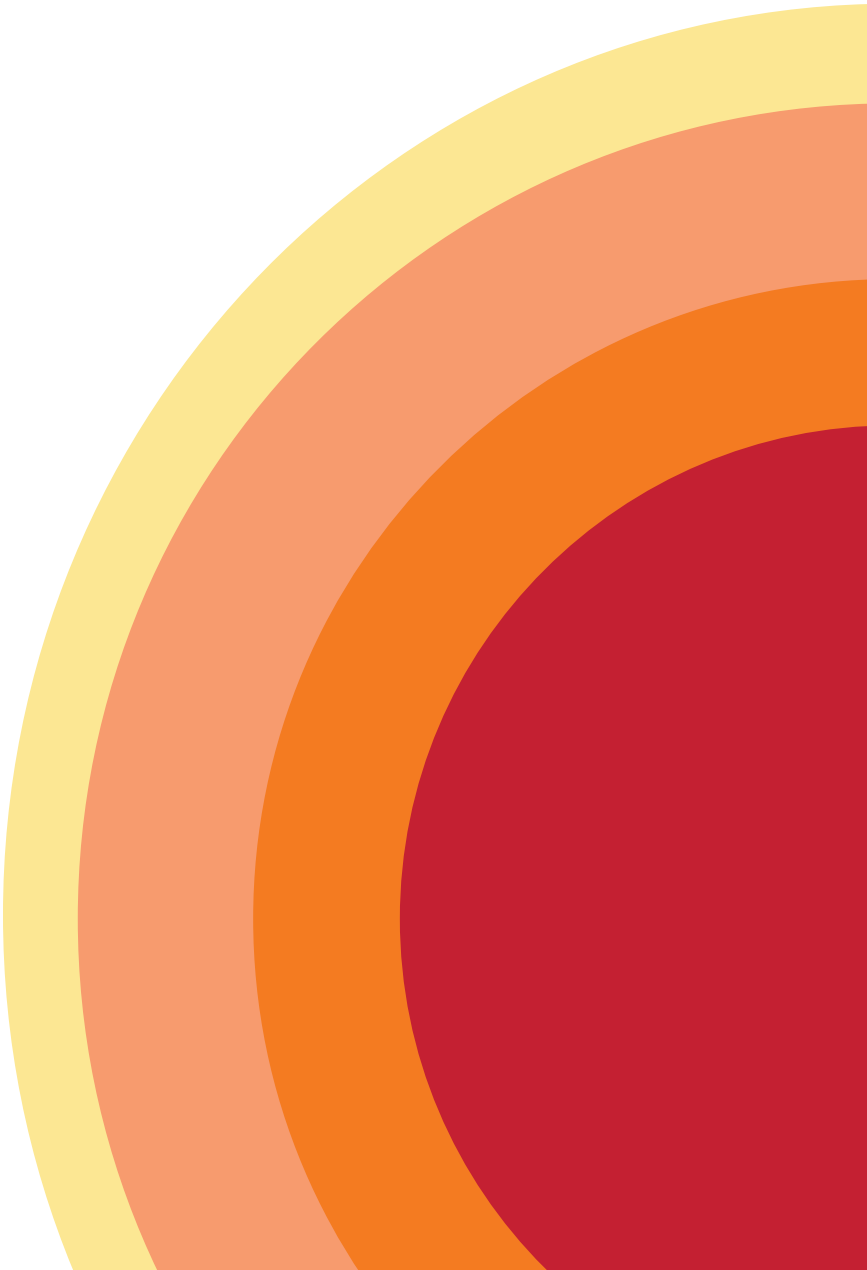
- If you are considering sharing a story that is already public but not your own experience (such as a story of a past legal case or a news story), do your best to contact the person whose story you are considering sharing to seek their consent.

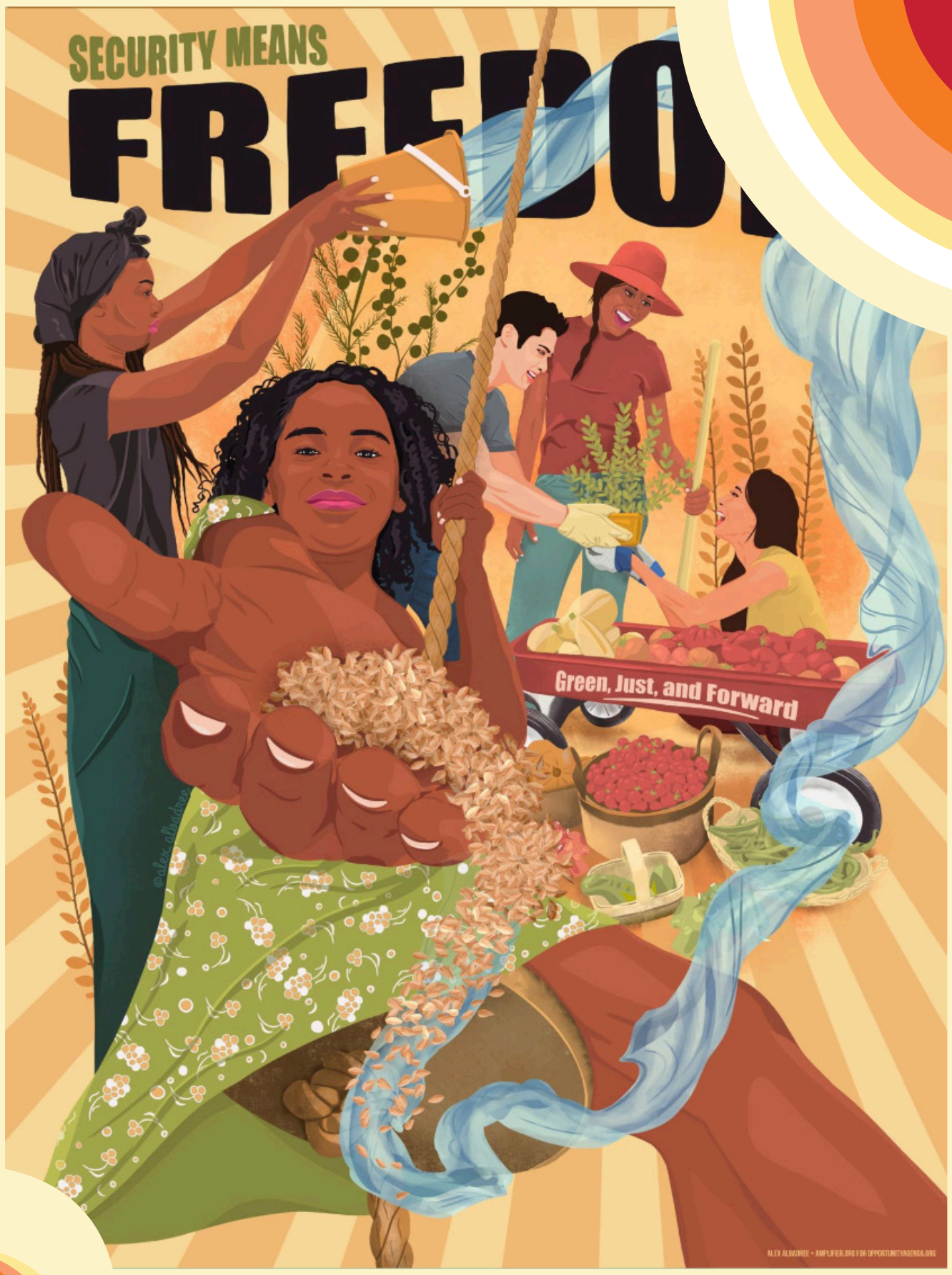
  Should they give consent, keep open communication with them so they know when to expect that the story will resurface and how, and consider how you or your organization could support them through that (ask them what would be supportive).

- Be clear and transparent in sharing how you would like to use the story, in what platforms and for how long. Be open to shifting your plans based on their feedback.
- Don't approach someone who is in the process of receiving or trying to receive an abortion or who recently had an abortion and ask to use their story. That could put their health and well-being at risk and add to their stress. There is also potential legal risk. For abortion provider networks, mutual aid networks that support abortion or abortion funds, it is important to consider legal risk when sharing stories. We recommend anonymizing people's information and considering legal risk before story sharing.
- Get consent for identification, and offer alternatives, like initials or pseudonyms. Do not share identities or other sensitive information without the individual's permission. Do not share identities or location information without considering fallout at scale with how and where the story will be shared (for example, sharing at an in-person speaking event or panel that is not being recorded has different and potentially safer implications than speaking at a large public rally where you anticipate opposition).
- Compensate the person for their storytelling. That can be monetary compensation or a gift card, travel voucher, child care, etc.

Editing and development

- Co-create the story with the people whose story you are sharing. Ideally, they should be your partners in the storytelling process, not bystanders. Ask for their feedback on both the story itself and the story development process to ensure that both feel respectful, accurate and true to them. Use people-first language throughout the story.
- With abortion specifically, avoid asking specific questions about a person's procedure, like when, where or how it happened.
- Avoid using language that is anti-abortion, outdated or harmful (e.g., "back alley abortion," "underground abortion," "botched abortion," etc.). That language fuels anti-abortion narratives.
- Don't dramatize, stereotype or simplify even if it seems like it will be more persuasive.
- Use tact, and consider safety. For example, don't amplify the names of people who are currently undergoing criminalization because that can potentially exacerbate the harm they are experiencing. Instead, focus on the broader values of the case in the news rather than the specifics of an emerging story.





Artist: Alex Albadree

RELATED READINGS AND RESOURCES

- If/When/How's "Self-Care, Criminalized: August 2022 Preliminary Findings"
- Kairos's "User Error: the Internet Post-Roe"
- Digital Defense Fund's resources on mitigating surveillance
- Interrupting Criminalization's resource for decriminalizing abortion
- Upturn's Mass Extraction report on surveillance landscape
- The Color of Surveillence's event on Policing Abortion and Reproduction
- Cynthia Conti-Cook's and Kate Bertash's Op-Ed: "The End of Roe Means We'll Be Criminalized for More of Our Data"
- Cynthia Conti-Cook's and Kate Bertash's Op-Ed: "Digital Surveillance Presents New Threats to Reproductive Freedoms"
- Cynthia Conti-Cook's and Kate Bertash's Op-Ed: "Facebook helped police with an abortion investigation in Nebraska. That's troubling news everywhere"
- Cynthia Conti-Cook's "Surveilling the Digital Abortion Diary"
- Black Mama's Matter Alliance's work on shifting the frame on birth disparities to racism, not race
- The Transgender Law Center's language guide for journalists
- Liberate Abortion's "Message Guidance and Social Media Toolkit"
- "The Liberate Abortion Guide to Ethically Reporting on Abortion in a Post-Roe America"
- "The Liberate Abortion Guide for Advocates Ahead of the SCOTUS Dobbs v. Jackson Women's Health Organization Decision"
- Spitfire's "Checkup: Ethical Storytelling for Nonprofits and Foundations"
- Berkeley Media Studies' framing 101
- Kendra Albert, Maggie Delano, and Emma Weil's blog: "Fear, Uncertainty, and Period Trackers"

If you're looking for information on abortion privacy or legal support, here are some resources:

- If someone knows of someone in an active legal crisis around criminalization for abortion, they can contact the Repro Legal Helpline.
- If someone is looking for information on how to keep your abortion private and secure, read DDF's guide to abortion privacy.

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