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POLITICS | POLICY

Trump, Republican Lawmakers Forced to Defend IVF as GOP Abortion Woes Mount

Former president calls on Alabama legislature to preserve access to fertility procedure

By [Stephanie Armour](#) [Follow](#), [Annie Linskey](#) [Follow](#) and [Natalie Andrews](#) [Follow](#)

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A lab at an IVF fertility center in Waltham, Mass. PHOTO: KAYANA SZYMCAK FOR THE WALL STREET JOURNAL

Abortion was already one of Republicans' biggest liabilities heading into the November election. A state court ruling that prompted some health clinics to halt in vitro fertilization treatments this week is making it an even bigger problem for the party.

The Alabama Supreme Court ruled that frozen embryos qualify as children and are therefore protected by a state law that allows parents to recover punitive damages in the event of a child's death. Because the process of in vitro fertilization can include destroying embryos, some IVF providers in the state said they were suspending the treatments because it may expose them to lawsuits.

The Republican Party has struggled to coalesce around an abortion stance that appeals broadly to voters ever since the Supreme Court overturned *Roe v. Wade* in 2022 and ended the constitutional right to an abortion. State-level ballot measures to protect abortion access drove turnout in the midterms that year that favored Democrats, even in red states.

With polls showing strong support for fertility services such as in vitro fertilization, Republicans risk losing voters—especially suburban women, a key bloc for both parties—as Democrats portray the Alabama ruling as extreme.

Donald Trump, the GOP presidential front-runner, on Friday said he was calling on the Alabama legislature to find an immediate solution to preserve IVF access in the state.



Former President Donald Trump is the front-runner for the GOP presidential nomination. PHOTO: BRETT CARLSEN/BLOOMBERG NEWS

“Under my leadership, the Republican party will always support the creation of strong, thriving, healthy American families,” he said on Truth Social. “We want to make it easier for mothers and fathers to have babies, not harder! That includes supporting the availability of fertility treatments like IVF in every State in America.”

The National Republican Senatorial Committee, which works to elect Republicans in the Senate, on Friday urged candidates to “clearly and concisely reject efforts by the government to restrict” in vitro fertilization, according to a memo from the committee’s executive director Jason Thielman.

“When responding to the Alabama Supreme Court ruling, it is imperative that our candidates align with the public’s overwhelming support for IVF and fertility treatments,” the memo reads.

Rep. Nancy Mace (R., S.C.) said Republicans need to be more outspoken on the issue. Though Republicans won the House majority in 2022, they did so with a narrow margin and Democrats were able to mobilize voters around resolutions to enshrine abortion access.

“I’m going to file a resolution next week supporting protecting IVF access for women everywhere,” Mace said in an interview. “In a year when we want to win women, we need to show them that we care.”

GOP candidates seemed to be caught off guard in responding to the ruling. Nikki Haley, who is challenging Trump for the Republican presidential nomination, told CNN on Wednesday that an embryo is an unborn baby. The former South Carolina governor later tempered her stance, saying Thursday on CNN that “we don’t want fertility treatment to shut down.”



Republican presidential candidate Nikki Haley told CNN that an embryo is an unborn baby. PHOTO: VICTOR J. BLUE/BLOOMBERG NEWS

Sen. Tim Scott of South Carolina, a potential running mate for Trump, said in a press conference and on CNN that “I haven’t studied the issue.”

In Alabama, House and Senate members are working on a legislative solution to preserve access to in-vitro fertilization services, and Republican Gov. Kay Ivey has signaled her support.

Democrats are seizing on the Alabama decision to turn up the heat on Republicans, portraying it as a genuine threat to in vitro fertilization. IVF accounts for some 2% of U.S. births.

Kentucky Gov. Andy Beshear, a Democrat, said he believes voters of both parties are “deeply offended” by the Alabama decision.

“I can’t tell you how many of my friends—but everyone’s friends—have needed IVF to start their families and how deeply personal it is to people to their hopes and their dreams,” Beshear said Thursday.

In his recent gubernatorial race, Beshear said that restrictions on abortions that barred victims of rape and incest from the procedure were deeply unpopular. He

predicted voters would feel similarly about impeding IVF treatments.

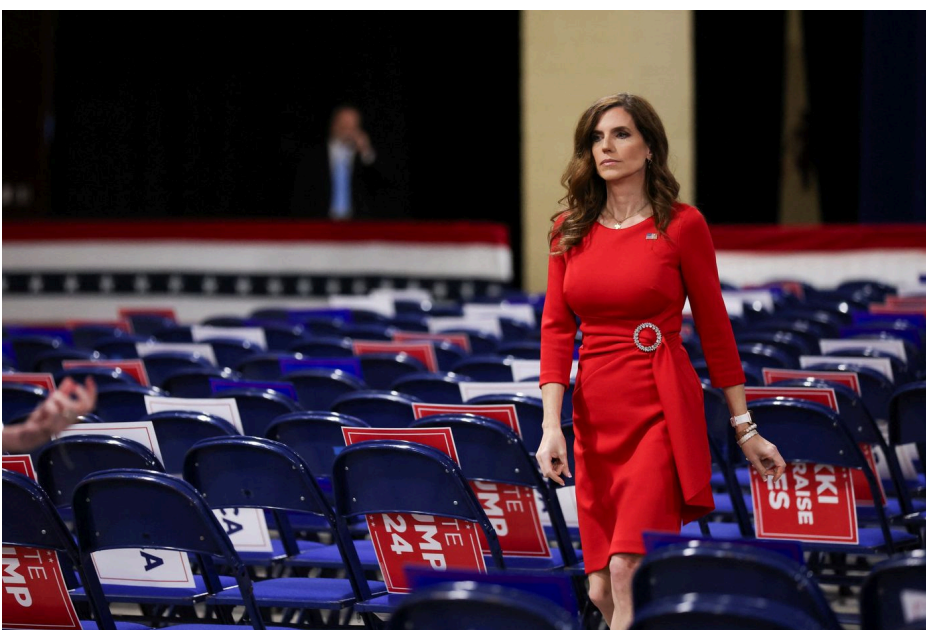
“It’s just a message of extremism,” Beshear said. “Where some people have gone so far they’re going to prevent you from having a family.”

President Biden on Thursday derided the Alabama court decision as “outrageous and unacceptable” in a statement. His campaign on Friday pinned the blame on Trump, given he appointed justices that voted to overturn Roe v. Wade.

Democrats are pointing to the ruling as fruition of their warning that the reversal of constitutional access to abortion would limit fertility treatments.

Sen. Tammy Duckworth (D., Ill.), who used IVF to have her two daughters, introduced legislation with Rep. Susan Wild (D., Pa.) last month that would establish a right to treatments including IVF.

The effort by GOP lawmakers to distance themselves from the ruling is a tricky balancing act because the decision has been widely praised by a number of prominent antiabortion groups whose support is also critical to Republican candidates.



Rep. Nancy Mace says Republicans need to be more outspoken on the IVF issue. PHOTO: SAM WOLFE/REUTERS

Katie Daniel, state policy director for SBA Pro-Life America, said in a statement that “the Alabama Court recognized what is obvious and a scientific fact—life begins at conception.”

She said it doesn’t mean a prohibition on fertility treatment, but it does mean treatments shouldn’t “carelessly or intentionally destroy the new life created.”

But some antiabortion groups disagree, saying it’s unethical and immoral to carry out in vitro fertilization.

“Everyone is very thankful about the decision,” said Judie Brown, president and co-founder of American Life League, a Catholic antiabortion group. “There should be no IVF. There never should have been. It’s imposing science where the creative gift should be from God.”

Lila Rose, president and founder of Live Action, a national antiabortion organization, also supported the decision.

“IVF is morally fraught, the whole industry is fraught,” she said, adding that lawsuits such as the one in Alabama are likely in other states. “This is not the way. It is opening up new frontiers to what has been allowed in our country. It’s time for a reckoning.”

Alabama is among 15 states that allow a cause of action for the wrongful death of an unborn child at any stage of development, according to an analysis of a similar Florida legislative proposal. Antiabortion groups could try to bring similar litigation that prevailed in Alabama in other states.

“It’s the first time a court has said the logical extension of that applies even beyond pregnancy to embryos,” said Greer Donley, an associate professor at the University of Pittsburgh law school. “This is an opportunity for some folks to use the same strategy state by state.”

Some voters are concerned about the implications. Sara Abell, 59, of Owensboro, Ky., conceived her 30-year-old son using in vitro fertilization. The Democrat said she believes people will vote for candidates based on their stances on abortion and fertility access.

“We’re going backward to the pre-1950s,” she said. “I did consider my embryos a life at that time. I got my son out of that. But I feel it’s a personal choice for the woman.”

—Alex Leary, Siobhan Hughes and Katy Stech Ferek contributed to this article.

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