



Stephen Clark

President Trump nominated Stephen Clark to serve on the U.S. District Court for the Eastern District of Missouri on April 10, 2018. Clark is anti-choice.

Career

- Bachelor of Arts, University of Notre Dame, 1988
- Juris Doctorate, Saint Louis University, 1991
- Associate, Greensfelder, Hemker & Gale, P.C., 1991-1998
- Officer, Greensfelder, Hemker & Gale, P.C., 1998-1999
- Shareholder, Polsinelli Shalton Welte Suelthaus PC, 1999-2006
- Partner, Husch Blackwell Sanders LLP, 2006-2008
- Managing Partner, RUNNYMEDE Law Group, 2008-present

Record on Choice-Related Issues

Court Cases

- In *Korte v. Health and Human Services*, Clark submitted a brief on behalf of several anti-choice organizations, arguing that the Affordable Care Act's (ACA) contraceptive-coverage policy is arbitrary and capricious because, in crafting the policy, the government failed to consider the “significantly increased cancer and other health risks associated with hormonal contraceptives.”¹ It goes on to assert that contraception causes a “higher risk of heart attack, stroke & cardiovascular complications,” “higher risk of breast cancer,” “higher risk of cervical cancer,” “higher risk of liver tumors/cancer,” “greater susceptibility to sexually transmitted infections,” and “increased risk-taking in sexual behavior.”² While birth control, like every medication, does have side effects, Clark’s brief makes outlandish and inaccurate claims and is dismissive of the many health benefits of contraception, including guarding against some kinds of cancer.³ Clark’s brief inaccurately and irresponsibly claims that the contraceptive-coverage policy “works directly against women’s health,” and “coerc[es] religiously objecting employers to cover drugs that significantly increase risks to women’s health.”⁴

Clark consulted with so-called “medical and science advisors” in compiling the brief. Two of the advisors he worked with, as cited in the brief, are Dr. John Thorp and Dr. Angela Lanfranchi. Thorp is a well-known anti-abortion activist who travels around the country being paid to testify in favor of abortion restrictions.⁵ He has been chided

for using skewed statistics by several judges,⁶ and one even went so far as write a supplemental opinion criticizing Thorp for his “disturbing apathy toward the accuracy of his testimony,” and research that “seemed to be driven more by a bias against abortion” than by a desire for veracity.⁷

LanFranchi is another well-known anti-abortion activist. She co-founded the anti-choice Breast Cancer Prevention Institute, an organization dedicated to spreading misinformation about disproven connections between abortion, contraception, and cancer. Lanfranchi is known for promoting the Institute’s brochure *The Pill Kills*⁸, which asserts not only that contraception causes cancer and cardiovascular problems, but also that it causes women to “die a violent death,” and “increases suicide attempts.”⁹ Many of the ridiculous assertions from the brochure are restated in Clark’s brief.

- Clark submitted several additional amicus briefs on behalf of anti-choice groups and individuals challenging the Affordable Care Act’s contraceptive-coverage policy, which, in reality, is the greatest advancement in reproductive healthcare in a generation.¹⁰
 - In one brief filed in *Little Sisters of the Poor v. Sebelius*, Clark stated, “the Little Sisters can reasonably conclude that there is no proportionate reason that would justify their material cooperation in grave wrongs such as the taking of human life,” i.e. abiding by the Affordable Care Act which guarantees no copay contraception.¹¹ This brief appears to purposely conflate abortion and contraception.

- Clark represented Jalesia McQueen in her efforts to gain rights to several frozen embryos, created with her ex-husband through in vitro fertilization. McQueen wanted to use the embryos to try for pregnancy, but her ex-husband objected, not wanting any more children with her. Two lower-courts ruled against Clark and his client, and the Missouri Supreme Court declined to hear Clark’s appeal.¹² Throughout the case, Clark zealously asserted the “personhood” of the embryos using strongly anti-choice language and arguments including, “life begins at conception,” and, “unborn children have protected interests in life, health, and wellbeing.”¹³
 - After losing in trial court Clark appealed, and in a subsequent appellant’s brief argued that, “the trial court’s judgement treated the embryonic children as inanimate objects, not human beings with the same interests as other unborn children. The court’s judgement was based on its incorrect determination that the embryonic children are not human beings.”¹⁴ Clark also suggested that the woman’s existing children would “have to navigate the murky psychological waters of knowing that they had similarly-situated siblings who died at the hand of their father.”¹⁵

- In an interview, Clark said, “There is no less life in small masses of cells in the embryonic state than there is for you and me in flesh and blood.”¹⁶
- Clark represented the anti-choice group Missouri Roundtable for Life and other anti-choice activists in their challenge to the Missouri Science and Innovation Reinvestment Act (MOSIRA).¹⁷ The groups opposed MOSIRA out of concern that funds allocated by the law could be used embryonic stem cell research, which they oppose.¹⁸

Record on Other Key Issues

- Clark is a former president of his local chapter of the Federalist Society.¹⁹
- Clark has donated to anti-choice politicians including Roy Blunt and French Hill.²⁰

May 29, 2018

¹ Brief Amicus Curiae of Breast Cancer Prevention Institute, Bioethics Defense Fund, and Life Legal Defense Foundation In Support of Plaintiffs-Appellants and Reversal, *Korte v. Health and Human Services* (7th Cir. 2013) (No. 12-3841)

² Ibid.

³ Amanda MacMillan, *No, Birth Control Doesn't Cause Cancer (In Fact, It Protects Against It)*, HEALTH (July 13, 2017), <http://www.health.com/birth-control/birth-control-cancer-risk; How safe is the birth control pill?>, PLANNED PARENTHOOD, <https://www.plannedparenthood.org/learn/birth-control/birth-control-pill/how-safe-is-the-birth-control-pill> (last visited June 6, 2018)

⁴ Brief Amicus Curiae of Breast Cancer Prevention Institute, Bioethics Defense Fund, and Life Legal Defense Foundation In Support of Plaintiffs-Appellants and Reversal, *Korte v. Health and Human Services* (7th Cir. 2013) (No. 12-3841)

⁵ Imani Gandy, *When Does an Error Become a Lie? The Case of the Missing Decimal Point*, REWIRE (April 24, 2015), <https://rewire.news/article/2015/04/24/error-becomes-lie-missing-decimal-point/>

⁶ *Judge, doctor clash in Wisconsin abortion case*, ASSOCIATED PRESS (May 29, 2014), <https://thedailyrecord.com/2014/05/29/judge-doctor-clash-in-wisconsin-abortion-case/>; Molly Redden, *Judge Rips Alabama for Hiring a Discredited Abortion Foe*, MOTHER JONES (Oct. 21, 2014), <https://www.motherjones.com/politics/2014/10/judge-rips-alabama-hiring-discredited-abortion-foe/>

⁷ *Planned Parenthood Southeast v. Strange*, 33 F.Supp.3d 1381 (M.D. Ala. 2014)

⁸ *Abortion Hurts Women's Health Panel*, LOUISIANA RIGHT TO LIFE (Nov. 14, 2013), https://www.youtube.com/watch?v=Q6zJzIRr_EA

⁹ *The Pill Kills*, BREAST CANCER PREVENTION INSTITUTE, <https://www.bcpinstitute.org/uploads/1/1/5/1/115111905/bcpi-pill-kills-brochure2.pdf> (last visited June 6, 2018)

¹⁰ Corrected Brief of 28 Catholic Theologians and Ethicists as Amici Curiae Supporting Plaintiffs-Appellants and Urging Reversal of the District Court, *Gilardi v. Health and Human Services* (D.C. Cir.

2013) (No. 13-5069); Brief of 67 Catholic Theologians and Ethicists as Amici Curiae in Support of Appellants and Requesting Reversal, *Little Sisters of the Poor v. Sebelius* (10th Cir. 2014) (No. 13-1540); Brief of the Right Reverend W. Thomas Frerking, OSB, and Missouri RoundTable for Life As Amici Curiae in Support of Appellants and Urging Reversal, *Hobby Lobby Stores v. Sebelius* (10th Cir. 2013) (No. 12-6294); Brief of the Right Reverend W. Thomas Frerking, OSB, and Missouri RoundTable for Life as Amici Curiae in Support of Appellants and Urging Reversal, *Annex Medical v. Sebelius* (8th Cir. 2013) (No. 13-1118)

¹¹ Brief of 67 Catholic Theologians and Ethicists as Amici Curiae in Support of Appellants and Requesting Reversal, *Little Sisters of the Poor v. Sebelius* (10th Cir. 2014) (No. 13-1540)

¹² Kevin Killeen, *Missouri Supreme Court Refuses to Hear Frozen Embryos Case*, CBS St. Louis (Feb. 1, 2017), <https://stlouis.cbslocal.com/2017/02/01/missouri-supreme-court-refuses-to-hear-frozen-embryos-case/>

¹³ Kevin Killeen, *Frozen Embryo Custody Fight in Appeals Court*, CBS St. Louis (June 1, 2016), <https://stlouis.cbslocal.com/2016/06/01/frozen-embryo-custody-fight-in-appeals-court/>

¹⁴ Appellant's Brief at 13, *McQueen v. Gadberry* (Mo. App. 2015) (No. ED103138), <http://embryodefense.org/wp-content/uploads/2016/06/McQueen-Brief.pdf-1.pdf>

¹⁵ Appellant's Brief at 22, *McQueen v. Gadberry* (Mo. App. 2015) (No. ED103138), <http://embryodefense.org/wp-content/uploads/2016/06/McQueen-Brief.pdf-1.pdf>

¹⁶ *Missouri court: Man must consent before ex-wife can use their embryos*, KOMU8, <http://www.komu.com/videos/missouri-court-man-must-consent-before-ex-wife-can-use-their-embryos> (last visited May 29, 2018)

¹⁷ *Missouri Roundtable for Life v. State*, 396 S.W.3d 348 (Mo. 2013)

¹⁸ Jason Rosenbaum, *Missouri Supreme Court strikes down MOSIRA as unconstitutional*, *St. Louis Public Radio* (March 19, 2013), <http://news.stlpublicradio.org/post/missouri-supreme-court-strikes-down-mosira-unconstitutional#stream/0>

¹⁹ *Questionnaire for Judicial Nominees: Stephen Clark*, UNITED STATES SENATE COMMITTEE ON THE JUDICIARY

²⁰ *Donor Lookup: Stephen Clark*, OPEN SECRETS, <https://www.opensecrets.org/donor-lookup/results?name=Stephen+Clark&cycle=&state=MO&zip=&employ=&cand=> (last visited June 5, 2018)