Memo: Federal Ruling Against Medication Abortion Advances Anti-Choice Extremism

Anti-choice extremists’ ruthless campaign against reproductive freedom gained ground this past Friday night in a dangerous decision intended to effectively serve as a nationwide ban on medication abortion care and lay the groundwork for a total abortion ban imposed through the courts. Trump-appointed Judge Matthew Kacsmaryk ruled against the U.S. Food and Drug Administration (FDA) to block its approval of mifepristone, including in states where the right to abortion is protected, seven days from the ruling.

As expected, Kacsmaryk embraced anti-choice ideology and disinformation in his opinion, delivering a favorable judgment to the extremists who cherry-picked him to carry out their takedown of the most commonly used method of abortion care. Make no mistake, the anti-choice movement concocted this sham of a lawsuit to ram through their unpopular agenda. This horrifying outcome is proof that their crusade to influence the judiciary is working. Extremist groups are touting the judgment as a “win for the health and safety” of (cisgender) women. But in reality, pregnant people will suffer if this decision stands and access to safe and effective abortion and miscarriage care is blocked across the country.

Kacsmaryk’s ruling was riddled with the anti-choice movement’s medical disinformation, ideological rhetoric, and legal conspiracy. He parroted discredited right-wing propaganda about the FDA illegally rushing the approval of mifepristone and endangering the safety of pregnant people; falsehoods about mifepristone’s health risks and abortion promoting eugenics; and “personhood” language asserting that fertilized eggs, embryos, and fetuses “are entitled” to equal protections under the 14th Amendment. Anti-choice leaders have plotted to force an ideological definition of when life begins into law to ban abortion care and criminalize pregnant people, and Kacsmaryk heeded their demands.

Furthermore, Kacsmaryk opined that the Comstock Act—an unenforced, outdated “obscenity” law from the 1800s—bans the distribution of medication abortion, contrary to the Department of Justice’s opinion earlier this year. This holding builds on the anti-choice movement’s previous resurrection of Comstock as justification for local ordinances that ban abortion—and could threaten dissemination of all abortion care and birth control nationwide. By signaling his willingness to enforce extremist interpretations of the Comstock Act and invoking “personhood,” Kacsmaryk is paving the way for a national abortion ban imposed through the courts, outside of the legislative process and in open defiance of the majority of Americans who support the right to abortion.

Anti-choice Republican extremists never intended to stop at overturning Roe v. Wade or to leave abortion policy up to the states. They know they lack the political support to pass a federal abortion ban through Congress, so they manipulate the judicial system to their
advantage. GOP elected officials, including most 2024 Republican presidential hopefuls, have cowered in silence since the *Alliance for Hippocratic Medicine v. FDA* decision dropped because they know the American people reject their agenda of power and control. Don't be fooled by this feigned retreat—Republicans are driving an anti-freedom agenda, no matter the costs to our families, health, and democracy.