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To: Interested Parties

From: NARAL Pro-Choice America Research Team

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### **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Furthermore, Kacsmaryk opined that the Comstock Act—an unenforced, outdated "[obscenity](#)" law from the 1800s—bans the distribution of medication abortion, contrary to the Department of Justice's [opinion](#) earlier this year.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



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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.