



FREEDOM IS FOR
EVERYBODY

To: Interested Parties

From: NARAL Pro-Choice America Research Team

Date: April 18, 2023

Memo: Post-Dobbs, the Extreme Is Now Mainstream

The health and freedom of all Americans are in danger as anti-choice Republican extremists escalate their ruthless crusade to block abortion access and police and punish people for abortion care. **GOP politicians never intended to stop with ending *Roe v. Wade*—and now they're scheming to ban [medication abortion](#) nationwide and criminalize people seeking abortion care, their health care providers, and the communities that support them.**

Trump-appointed Judge Matthew Kacsmaryk's April 7 [decision](#) blocking the FDA's approval of mifepristone and the conservative 5th Circuit Court of Appeals' subsequent [ruling](#) reinstating medically unnecessary restrictions on mifepristone both [track](#) with this all-out attack on reproductive freedom. The [harms](#) done to patients, exposed in lawsuits, and championed in statehouses are not glitches in the system, but rather harbingers of more state surveillance, maternal deaths, and damage to our democracy.

No Bridge Too Far for Extremist Republicans

GOP state lawmakers have introduced legislation in [Texas](#), [Kentucky](#), [South Carolina](#), [Oklahoma](#), and [Arkansas](#)¹ during the 2023 legislative session that would bring homicide and other criminal charges against people seeking abortion care based on a narrow religious definition of when life begins. All five bills would allow pregnant people to be sentenced to death for having an abortion. To be clear, pregnant people who experience a miscarriage or stillbirth, self-manage abortion care, or struggle with substance use [have already been criminalized](#) by extremists in the past through [indirect](#) legal channels. **But post-Dobbs v. Jackson Women's Health Organization, anti-choice Republicans angling to arrest and imprison people for abortion care now have the full power of the law behind them.**²

The anti-choice endgame is to rack up power and control over pregnant people and their communities under the guise of fighting for "[fetal rights](#)." **Extremists are plotting to normalize these ideological claims and instill a fear of surveillance among pregnant people to isolate them from their support systems and diminish their bodily autonomy.** We're already seeing the consequences of these scare tactics play out in real-time. [Idaho](#)³ just enacted a bill blocking young people from traveling out of the state for abortion care and criminalizing anyone who helps them access it under a new "abortion trafficking" felony charge. In Texas, three women are [being sued](#) under the state's wrongful death statute for helping their friend access medication abortion by her ex-husband. Leading anti-choice actors are [backing this case](#), making clear their plans to take this strategy national.⁴

¹ The Oklahoma, [Texas](#), and Arkansas bills actually remove language protecting people who have an abortion (or use birth control or IVF in the case of Arkansas) from prosecution.

² These tactics would [compound](#) the harm already disproportionately experienced by Black, Indigenous, and other people of color; LGBTQ+ people; immigrants; and people with low incomes.

³ This measure is based on the [National Right to Life Committee's](#) model [legislation](#) and previews an [incremental](#) anti-choice campaign to restrain interstate travel for abortion care for everybody.

⁴ His legal team includes Jonathan Mitchell, the architect of Texas' SB 8 vigilante-enforced abortion ban; Texas State Rep. Briscoe Cain, a prominent abortion and voting rights opponent; and the Thomas More Society, a right-wing Catholic legal organization.



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Extremists Normalize Coercion and Speech Suppression

Because GOP politicians know their regressive ideas are unpopular, they try to [undermine](#) the entire informational infrastructure around abortion. Extremists have attempted to legally restrict the spread of information online and in the exam room regarding reproductive care. [Iowa](#) and [Texas](#) Republicans proposed bills requiring Internet service providers and platforms to block access to information that could help people access abortion care and make it a felony to help someone pay for an abortion outside the state. The bills' vigilante enforcement mechanisms would allow individuals to sue those who maintain websites sharing this information, potentially penalizing abortion funds, advocates, and journalists.⁵

Speech suppression laws and bans that penalize anyone who “aids and abets” people seeking abortion care are intended to sow confusion, and they're working. In Texas, there are reports that doctors won't refer patients out of state for abortion care, let alone say the word “abortion” to them, forcing providers into [speaking in code](#) to cryptically share information about where to access critical reproductive health care. Prohibiting the dissemination of medication abortion and information about abortion has roots in the Comstock Act—an unenforced, outdated “obscenity” law from the 1800s. Especially in the wake of Kacsmark signaling his willingness to enforce extremist interpretations of Comstock, the anti-choice movement will continue to [weaponize](#) it to [attempt](#) to ban abortion nationwide.

Harms Flood the Zone... and Loom Ahead

Right now, 25.5 million women of reproductive age are living across 18 states that have eliminated or restricted abortion access because of bans.⁶ **To further cut off people's access to care, right-wing politicians have cranked out earlier and earlier gestational bans in states with enjoined trigger bans that are still being litigated and in states serving as critical access points for patients** in the Southeast, Midwest, and Mountain West, where Republican-controlled states are currently enforcing abortion bans. [South Carolina](#), [Nebraska](#), [New Hampshire](#), and [New Mexico](#) Republican state legislators introduced and [Florida](#) Governor Ron DeSantis [signed into law](#) a ban on abortion at six weeks, which is before many people even know they are pregnant. Lawmakers in [North Carolina](#) and [Colorado](#) introduced total bans, and [Wyoming](#) enacted a total ban that is temporarily blocked in state court. Wyoming also became the first state to explicitly [ban](#) medication abortion.⁷

The totality of anti-choice Republicans' extremism is staggering—and meant to flood the zone and confuse people about their rights. But the reproductive freedom movement knows that political interference in reproductive care is an [existential threat](#) to people's health and lives. Our families, freedom, and bodily autonomy are at risk as anti-choice actors continue to iterate on their cruelty and target people seeking abortion care for punishment.

⁵ These measures are based on the [NRLC's](#) prototype, which gags abortion providers and advocates for sharing health care information and criminalizes them under racketeering laws.

⁶ This data is sourced from the U.S. Census Bureau population estimates based on bridged race categories from the National Center for Health Statistics. It does not include people who can get pregnant but do not identify as women—if we factor in that population, the harm is even greater.

⁷ Americans United for Life declared that bans in [Wyoming](#), [South Carolina](#), and [Colorado](#) were based on their model legislation and submitted testimony on behalf of each. Students for Life of America [took credit](#) for North Carolina's ban and Wyoming's medication abortion ban.