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## Abortion, Every Day (2.7.24)

Anti-mifepristone studies retracted as SCOTUS gears up to hear case

JESSICA VALENTI

FEB 8



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Click to skip ahead: In ***Good News, Bad Science***, two major anti-abortion studies attacking mifepristone have been retracted by their publisher. In ***Attacks on Democracy***, Missouri anti-choice groups launched a campaign to harass petitioners. ***In the States***, news out of Florida, Oklahoma, Tennessee Illinois and Michigan. ***Anti-Choice Strategy*** outlines conservatives' version of post-*Roe* personal stories. Finally, ***In the Nation*** with more on the mifepristone lawsuit.

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### Good News, Bad Science

Well, well well: Two anti-abortion studies being used to challenge the FDA's

approval of mifepristone have been retracted by their publisher.

This is a really big deal: These are the studies that Judge Matthew Kacsmaryk cited in his anti-abortion ruling, which claimed mifepristone is dangerous and causes “many intense effects.” That decision that was later reaffirmed by the 5th Circuit, and is now heading to the Supreme Court. So the studies being retracted by their publisher—who found the work “misleading” and “inaccurate”—is a huge blow to the anti-abortion movement.

In its retraction notice, *Sage Publications* writes that an independent reviewer and two subject matter experts found the articles had “unjustified or incorrect factual assumptions,” “material errors” and “misleading presentations” of data that “demonstrate a lack of scientific rigor and invalidate the authors’ conclusions in whole or in part.” *Whew*.

What’s more, *Sage* admits that study authors had major undeclared conflicts of interests. (No shit: feminists have been screaming about this for a year.) For example, nearly all the so-called researchers are affiliated with anti-abortion groups like the American Association of Pro-Life Obstetricians and Gynecologists—that’s the organization that wants doctors to lie to women about their nonviable pregnancies, and that advises hospitals to force women into labor despite deadly pregnancies so they can deliver “an intact fetal body.” One of the study authors is even *the vice president* at Charlotte Lozier Institute—the research arm of anti-abortion group Susan B Anthony Pro-Life America.

Not done yet! *Sage* also reports that the peer reviewer who evaluated the article was *also* affiliated with Charlotte Lozier Institute.

I’m glad to see the studies retracted, and I’m hopeful that the news will make a difference when the case hits the Supreme Court. Because as *Abortion, Every Day* has flagged again and again—bad science and data really is at the heart of the anti-abortion movement’s strategy.

In response to the retraction, the study authors told Fox News that they’d be

taking legal action, and the Charlotte Lozier Institute [posted a Twitter thread](#) calling the move an “assault on science.” Sure, Jan.

## Attacks on Democracy

You may remember that when **Florida** abortion rights activists were collecting signatures for their pro-choice amendment, [an anti-abortion group](#) launched a massive harassment campaign against them: Florida Voice for the Unborn created a dedicated webpage where their followers could “report the precise locations” of pro-choice petitioners. The idea was to follow signature-gatherers wherever they went, harassing them and anyone who might approach to sign in support of getting abortion on the ballot.

Well, it looks like that harassment tactic is becoming a trend. [In Missouri](#), where activists are collecting signatures for a ballot measure effort, Missouri Right to Life is encouraging their followers to call a special hotline to [report the exact locations](#) of those signature-gatherers.

This is how afraid they are of voters. They want to harass them in the same way they harass clinic doctors and patients, and prevent them from having a say. ([As Jess Piper noted](#), it would be a real shame if people reported false locations to the group, sending them on a wild goose chase.)

Speaking of **Missouri**’s ballot campaign, the effort kicked off this week [with a rally in St. Louis](#). Mallory Schwarz with Abortion Action says, “There’s not that much time, but I have never seen Missourians mobilize like I have in the past two weeks.”

As has been the case in other states pushing ballot measures with ‘viability’ limits, there’s been a lot of [controversy](#) over **Missouri**’s proposed amendment.

[A representative from the National Institute for Reproductive Health’s Learning and Accountability Project \(LAP\)—launched to counter abortion rights compromises that would hurt patients—offered this statement about states seeking to amend their constitutions using \*Roe\*’s framework:](#)

“The past five decades under *Roe* should be warning enough that this allowed states to ban abortion. We urge advocates to exercise transparency about who they’re leaving out, so that we can forge a plan that addresses those gaps.”

If you missed [The Guardian’s profile of LAP](#), make sure to check it out. Work like this is going to be increasingly important as the year goes on and more measures with ‘viability’ standards get on the ballot.

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If you missed my email earlier today about the attacks on democracy in Florida, make sure to check it out:



### All Eyes On Florida

JESSICA VALENTI • FEB 7

[Read full story](#)

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## In the States

**Tennessee** Republicans killed an effort to add ‘exceptions’ to the state’s total abortion ban today. The bill, sponsored by Democrat Rep. Yusuf Hakeem, would have allowed abortion in cases of rape, incest, and physical and mental health emergencies.

The Nashville Scene reports that as legislators voted, protesters held signs opposing the proposed travel ban (which Republicans call an ‘anti-trafficking’ bill.) Remember, this is a bill that would punish anyone who helps a teen get an abortion—even by giving them *information* about a clinic—with 15 years in prison.

In **Florida**, Republicans are proposing a slate of anti-abortion legislation that wouldn’t just ban abortion entirely and enshrine fetal personhood, but would incentivize communities turning on each other. As I reported last month, the state GOP is pushing a fetal personhood bill disguised as legislation to protect

parents. Sponsored by the same lawmakers who sponsored the state’s 15-week and 6-week abortion bans, the bill would allow parents to sue for the wrongful death of “an unborn child.”

This week, Kara Gross, the legislative director of the ACLU’s state affiliate, writes that the legislation would also allow civil lawsuits be brought against Floridians for their own abortions—and would “open the door” for damages to be brought against anyone (friends, family, clergy, etc) who support someone seeking abortion care:

“Because these bills also encourage lawsuits against the friends, family, and support systems of pregnant Floridians, they will result in pregnant patients being more isolated and afraid to seek help from friends and family members for fear of exposing them to potential lawsuits.”

This is something I’ve written about quite a lot: snitch culture, and how the anti-abortion movement creates a chilling effect in anti-choice states. They want people to be too afraid to help each other. It’s horrifying.

Speaking of horrifying, let’s talk some more about **Oklahoma**. I wrote earlier this week about how the Republican who introduced the travel ban *admitted* that the bill would criminalize lending a teenager gas money to leave the state for an abortion. Now *another Oklahoma* Republican has filed a bill that would charge women who have abortions with murder. There would be no exceptions other than the pregnant person’s life.

Incredibly, state Sen. Dusty Deever (who is a longtime anti-abortion activist) took issue with a local reporter asking why he would want to punish someone who had an abortion.

“That’s the wrong framing. The right framing is equal protection under the law. If you kill a person, then you’re a murderer and you deserve to have due process...like any other murderer.”

Sure sounds like punishment to me!

In **Michigan**, an abortion provider and a student pro-choice group is suing the state over some remaining anti-abortion laws—including a 24-hour waiting period—pointing out that they violate the right to abortion protected in the state constitution:

“These requirements also perpetuate the false idea that pregnant Michiganders need the State’s paternalistic intervention. Michiganders have now stated through the RFFA, in the most forthright terms, that they do not need the state to help them decide what health care is best for them.”

The suit comes on the heels of another lawsuit from an anti-abortion group that’s seeking to overturn the results of the ballot measure vote that protected abortion rights; they claim the amendment created a “super right” to abortion. (If only!)

**Every Subscription Counts**

Abortion providers pleaded with **Illinois** legislators yesterday to increase protections for clinics as harassment and violence increases across the country. From a joint statement from Planned Parenthood clinics and groups in **Missouri** and **Illinois**:

“As Illinois is now a beacon for abortion access in the Midwest and beyond, we have also become a target for violent extremists and harassment. The attacks on clinics across the state are intensifying. We will never stop fighting to ensure everyone can access the health care they need—free from harassment, intimidation or threats.”

For more on how threats and violence have been on the rise post-*Roe*, check out [the National Abortion Federation’s latest report](#).

In related news, the **Illinois** man convicted of crashing his car into a Danville

clinic and attempting to set it on fire was sentenced this week to five years in prison. Seventy-three year old Philip Buyno was also ordered to pay more than \$300,000 in restitution.

Fox News is offended that a **New Hampshire** legislator breastfed her baby while arguing in favor of abortion protections. Apparently someone forgot to tell them that the majority of women who seek out abortions are already mothers, and that plenty of people who believe in abortion rights also have children! Conservatives are so attached to this idea of two kinds of women: women who have abortions, and women who have children. They just can't seem to get it through their skulls that *we're both*.

Finally, **Iowa** is advancing a bill to extend Medicaid coverage for pregnant women for one year after giving birth. If it passes, the law would make **Iowa** one of the last states to do so. This is part of Gov. Kim Reynolds attempt to seem pro-woman in the face of the state's radical anti-abortion ban. Like Republicans in other anti-choice states, Reynolds is also over-funding unregulated anti-abortion crisis pregnancy centers—claiming that the support is proof that the state GOP cares about women and families.

*Quick hits:*

- An **Indiana** bill increasing the availability of long-acting reversible contraceptives for Medicaid recipients has passed the state House;
- The case against a **Massachusetts** crisis pregnancy center is moving forward;
- State colleges in **New York** have begun to install emergency contraception vending machines on campus;
- And the editorial board of the *San Antonio Express-News* writes that the 'anti-trafficking' travel bans in West **Texas** are unconstitutional government overreach.

## **Anti-Choice Strategy: Personal Stories**

Earlier this week, I told you that the anti-abortion movement was desperate to counter the post-*Roe* horror stories that are horrifying and moving voters. They can see that women like Kate Cox coming forward about their experiences are doing real damage to their cause—so now the movement is trying to make a major push personal stories of their own.

As I noted, the stories they're sharing aren't exactly compelling—and this latest one from Fox News is the perfect example. The conservative publication has the story of an Alabama woman who wasn't able to get an abortion both because of her state ban and the prohibitive cost of traveling elsewhere. But now, *Fox News* reports, “she's so glad she kept her baby.”

So in response to story after story of women being forced to carry doomed pregnancies to term and going septic, the right is presenting us with a woman who was “happy” that she had no choice. Like I said, not exactly compelling. But I'm curious to see how much time and energy they waste on this particular effort!

## **In the Nation**

Attorneys General from Idaho, Missouri, and Kansas keep trying to weasel their way into the mifepristone lawsuit. They submitted another filing this week to the Supreme Court, trying to make the case that they have standing to join the lawsuit. The suit, which wants to restrict access to abortion medication, been opposed by the Justice Department and Danco Laboratories, a manufacturer of mifepristone.

The Government Accountability Office announced they will be looking into the harms caused by Sen. Tommy Tuberville's 10-month blockade of military promotions over the Pentagon's abortion travel policy. This comes after Reps. Jamie Raskin and Robert Garcia called for an investigation into the ‘protest’ that delayed the military careers of over a hundred Defense Department leadership posts.

Anti-abortion leaders sent a letter to Rep. Jim Jordan and the House Judiciary



Committee this week, asking for congress to repeal the FACE Act—the law that makes the obstruction of abortion clinics and violence against them a federal crime. This is part of a broader attack on protection for clinics and abortion providers: *Abortion, Every Day* has also been tracking the anti-abortion movement’s attempts to do away with clinic buffer zones by claiming that they’re free speech violations.

Finally, law professor Mary Ziegler is in *The New York Times* today [with an audio essay](#) on how Donald Trump could enact a “backdoor” federal ban if elected president again:

“At the moment, Trump’s incentive is clearly to get elected. Once the election is over, Trump’s incentives will be very different. He’ll be thinking about his post-presidential future, and that will likely involve pleasing the people who were his most passionate supporters. And those people tend to support the strongest bans on abortion.”

The audio essay is similar to [this column](#) that Ziegler wrote a few days ago, but I still really like hearing from someone (especially someone as smart as her) in their own words.

### ***Quick hits:***

- [The Associated Press](#) and [CBS News](#) have roundups of states where voters might have a direct say on abortion rights this year;
- [The Nation](#) on the discord within the anti-abortion movement;
- [Roll Call](#) on the members of Congress who’ve publicly spoken about their abortion experiences;
- [Teen Vogue](#) on Trump’s plan to use the Comstock Act if he wins a second-term;
- And [Axios](#) on why the abortion rights movement needs more Latina voices.

***Abortion, Every Day*** is a source for news, analysis, strategy & commentary—it should not be used as a replacement for expert legal or medical advice. For help, please look to these trusted groups:

➔ ***Safe websites to buy abortion medication: [Aid Access](#), [Plan C Pills](#), [Abortion Finder](#), [I Need An A](#)***

➔ ***If you need help affording abortion care, [contact an abortion fund near you](#).***

➔ ***To protect your digital privacy when planning your abortion, [click here](#).***

➔ ***For free legal help as a patient or doctor, call [If/When/How's Repro Helpline](#): 844-868-2812***

➔ ***For medical advice, contact the [Miscarriage & Abortion Hotline](#): 833-246-2632***

➔ ***If you need to know the abortion law in your state, look to [the Center for Reproductive Rights](#).***



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Brooklyn, NY

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