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Abortion, Every Day (2.8.24)

Missouri Republican thinks infants can get pregnant

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Click to skip ahead: In [*All Eyes on Florida*](#), a recap of what went down at the state Supreme Court. In [*The States*](#), a Missouri Republican says he doesn't want 1 year-olds to have abortions. (Sigh.) In [*Ballot Measure Updates*](#), news out of Missouri and South Dakota. In [*2024*](#) news, Biden is giving me a rage migraine. In [*The Nation*](#) looks at the connection between the anti-abortion movement and anti-democratic extremism. Kate Cox's doctor speaks out in [*Care Denied*](#). Finally, some quick hits in [*Stats & Studies*](#).

All Eyes on Florida

Yesterday, the [Florida Supreme Court](#) heard arguments about a pro-choice ballot measure that could head to voters in November. The language of the proposed amendment needs to be approved by the Court before going on the ballot, and Republican Attorney General Ashley Moody is asking justices to reject the measure, [claiming that](#) its 'viability' standard is deliberately misleading.

During yesterday's arguments, Nathan Forrester, senior deputy solicitor general for the state, said that 'viability' has "an enormously wide range of meanings will attach to it, and voters will not actually understand what they're voting for."

Interestingly, the justices didn't seem entirely swayed by the argument. From Justice John D. Couriel:

"You're saying, 'This is a wolf,' and a wolf it may be. But it seems like our job is to answer whether it's a wolf in sheep's clothing. That's all we get to do."

And Chief Justice Carlos Muniz said, "The people of Florida aren't stupid. They can figure it out."

That seems positive, but as NBC News points out, several justices also suggested that it wasn't clear that the language of the amendment was about protecting abortion rights. And, as I laid out earlier this week, the Gov. Ron DeSantis-stacked Court has some problems with abortion rights. So we just don't know how they're going to come down.

There's another vital issue at play here, too: The way that the amendment's 'viability' language could give the anti-abortion movement ammunition on 'personhood'. For example, Muniz raised fetal personhood during the oral arguments, asking whether the ballot measure would interfere with the rights of the fetus. From Bloomberg Law:

"Muñiz repeatedly questioned Forrester on whether the Florida Constitution's guarantee that all 'natural persons' be 'equal before the law' can apply to fetuses. He questioned whether the court could rule on whether the abortion amendment was misleading without first deciding if it would eliminate this superseding right."

Forrester replied, "I do see a potential for that argument to be viable." In other words, the justice was giving Republicans ideas for how to make a personhood argument.



Project tells me including viability limits in ballot measures “invites a conversation about *when* the government should interfere in someone’s pregnancy.”

“This is a short-sighted compromise that opens the door to more criminalization of pregnant people and their health care providers. Instead of *when*, we should be focused on *whether* the government should ever be empowered to override someone’s bodily autonomy.”

In the States

I’ve been writing about abortion for twenty years and yet I still have the capacity to be shocked. In **Missouri** yesterday, lawmakers debated adding a rape and incest exception to the state’s total abortion ban—obviously, Republicans weren’t having it, and didn’t let the bill advance.

If you think you’ve heard it all, I promise you *you haven’t*. Republican state Sen. Sandy Crawford, for example, said that while pregnancy after rape would be “mentally taxing,” people shouldn’t be allowed abortions because “God is perfect.”

“God does not make mistakes. And for some reason he allows that to happen. Bad things happen.”

Charming! But that wasn’t even the worst thing said. (Prepare yourselves.) Democratic Sen. Doug Beck introduced an amendment that would allow victims 12 years-old and under to have abortions. Which is reasonable! (And politically smart: Make Republicans say they want 10 year-olds to give birth.)

The *St. Louis Post-Dispatch* reports that the Beck’s proposal led to a heated exchange with Republican Sen. Bill Eigel, who is running for governor. Please check out what Eigel said and try not to lose your shit:

“You want to bring back the institution of abortion so that kids can get abortions in the state of Missouri. A 1-year-old could get an abortion under

this.”

A 1 year-old. A 1 YEAR-OLD? Sen. Beck responded, “I don’t know that a 1-year-old could get pregnant, senator.”

This is where we’re at. *These* are the men who are making decisions about your bodies and your children’s bodies. These are the people who think they know better than you—or doctors, or experts—about your health and well-being. As I said on TikTok: What the fuck?

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In slightly better news out of **Missouri**, Republicans weren’t able to advance a bill that would prohibit Planned Parenthood from receiving Medicaid reimbursements. The Missouri Independent points out that Planned Parenthood hasn’t gotten any state money for going on two years, and that the organization has been treating patients without reimbursements.

I couldn’t love this more. A new Texas PAC seeking to oust three anti-abortion justices from the state Supreme Court is taking the *exact* right tone. Fuck around and find out, indeed. To donate to the effort, click [here](#).



Virginia lawmakers voted down a near total abortion ban yesterday—a good reminder of why November's election was so important. Morgan Hopkins, a spokeswoman for the House Democratic caucus, told the *Associated Press*, “For months, House Democrats told Virginians that a Democratic majority would protect their rights and freedoms and this subcommittee did just that tonight.”

Remember: Republicans lost big in **Virginia** after listening to the anti-abortion movement and coming out strong for Gov. Glenn Youngkin's 15-week abortion ban. (Though, of course, they claimed it's 'not a ban'.) They lost a multi-million dollar bet in the state, and you really love to see it! **Virginia** Democrats are now

advancing bills to protect private health data, like search warrants for period apps.

Ballot Measure Updates

Lots of **Missouri** news today. As I reported yesterday, the abortion rights ballot initiative held a rally this week to kick off their campaign. The St. Louis Post-Dispatch reports that thousands of people attended the pro-choice event in St. Louis, including Anne McCaskill Moroh—the older sister of former U.S. Sen. Claire McCaskill.



“I never thought we would have to come back and help the young women fight the battles we fought,” she said.

In the meantime, a different ballot measure effort in **Missouri** ended. Republican strategist Jamie Corley, who proposed a handful of so-called ‘compromise’ amendments, halted her campaign this week. “Having two initiatives on the ballot would create confusion and potentially split the vote,” Corley said.

You can read some background on Corley’s measures here, but the short version is that she wanted to push through measures that were largely indistinguishable from a 12-week abortion ban.

South Dakota Republicans held an absurd meeting this week to voice their disapproval of a pro-choice ballot measure. Lawmakers declared their opposition to the proposed amendment in a resolution, claiming that it violates the right to life and—most insultingly—that restoring abortion rights would “severely restrict any future enactment of protections for a pregnant woman, her child, and her healthcare providers.”

In other words, they’re saying a pro-choice measure would be *bad for women*.

Republican Rep. Taylor Rehfeldt says, “What bothers me is that it gives the guise that it takes care of women.” You know what “bothers” me? Women going septic. Cancer patients having to leave their state for care. Children being forced in childbirth. But sure, tell me more about how abortion protections hurt women.

Something work remembering: **South Dakota** Republicans have been trying to intimidate the activist heading the pro-choice ballot measure campaign.

2024

This is exhausting. Alex Gangitano from *The Hill* reports that President Joe Biden threw Democrats’ abortion messaging out the window (again) at a New York fundraiser last night:

“I’m a practicing Catholic. I don’t want abortion on demand but I thought *Roe v Wade* was right.”

This isn’t the first time Biden has said something like this. In fact, the president used the exact same shitty phrase in his speech commemorating the anniversary of *Roe* last month. (It was clear that Biden went off-script, which I’m sure must have *delighted* his speechwriters.) What’s remarkable is that this was the kick-off event for the campaign’s 2024 abortion rights plan and Biden *still* couldn’t keep his mouth shut.

You all know how I feel about Biden’s clear issue with abortion rights; it’s offensive and politically short-sighted. I think Jeet Heer of *The Nation*—who has a smart Twitter thread on this (I’ll never call it X, sorry)—is correct: Biden “has been passive-aggressively hostile to affirmations of reproductive freedom almost his entire life” and the issue requires “public voices that are clear & forceful.”

But the problem isn’t just Biden—it’s the ‘restore *Roe*’ framework. Launching a campaign that’s framed around the idea that government *should* be involved in pregnancy allows and empowers comments like this from Biden.

Frankly, I also would love for Biden to explain what, exactly, he means by ‘abortion on demand.’ (How else is one meant to get an abortion if not by demand? It’s not like doctors can intuit you need one.) The implication, obviously, is that some people don’t deserve abortion care. It’s shaming and stigmatizing and I’m really fucking over it.

Quick hits:

- Aljazeera's podcast “The Take” looks at Biden's abortion rights focus for 2024;
- Kamala Harris is visiting Georgia this week;
- I still cannot get over the fact that this has become a winning message for Nikki Haley;
- And Moira Donegan joined The Nation's podcast to talk about why Joe Biden needs to come out swinging on abortion rights.

Every Subscription Counts

In the Nation

Jonathan Mitchell, the lawyer who wrote Texas' bounty hunter mandate, is representing Donald Trump before the Supreme Court over whether the disgraced former president can appear on the Colorado ballot after his involvement in January 6th. It's a good reminder of how deeply abortion rights and democracy are intertwined.

Mitchell isn't just the architect of Texas' extreme vigilante mandate that allows private citizens to sue each other over abortion—he's also behind coordinated harassment campaigns of abortion funds, and has been leading the anti-abortion revival of the Comstock Act. Mitchell's goal is to use anti-abortion ordinances to get Comstock before the Supreme Court and usher in a national backdoor ban. (This is a key strategy for Trump's second term.)

Speaking of extremists: Speaker Mike Johnson and two dozen Republican lawmakers spoke at the annual National Gathering for Prayer and Repentance last week. This is a Christian nationalist event that called for “spiritual warfare” against the “demonic forces” of abortion, the environmental movement, and LGBTQ freedoms. Cool stuff!

In less depressing news, Jamie L. Manson, president of Catholics for Choice, had a really interesting conversation with YES! Senior Editor Sonali Kolhatkar about the organization’s activism at the March for Life march last month. The group was there with some terrific posters, and were looking to engage with young people, in particular. As Manson mentions, students are often coerced to attend the protest by promises of extra credit, or schools allowing them to skip midterms. It’s definitely worth a watch.

Finally, Democratic House leaders say they’re making abortion a top issue this year, but some moderate members are concerned that constituents are more worried about the current border crisis than abortion access.

Quick hits:

- First Lady Jill Biden traveled to Georgia this week to talk about her women’s health initiative, but didn’t bring up abortion once;
- Roll Call on the anti-abortion policy riders plaguing the government spending battle;
- Salon asks whether the retraction of the anti-abortion studies will matter to SCOTUS;
- And *Abortion, Every Day* was glad to get a shoutout from Sen. Elizabeth Warren on Twitter about our coverage of the abortion travel bans.

Care Denied

Texas Monthly has a short profile of Kate Cox’s doctor, Dr. Damla Karsan, who is still fighting to provide emergency abortions. Dr. Karsan talked about how nerve-wracking it was to take a stand along with Cox—especially after she was

specifically threatened by Republican Attorney General Ken Paxton:

“I was really nervous. I did not want to be forced to give up my practice and caring for my patients. But I also feel an obligation to advocate for those who are suffering, so they can get the care they need and deserve.”

That obligation to patients is also why Dr. Karsan is staying in Texas, despite job offers in pro-choice states. “My patients come first,” she says: “I need to stay here for them.”

Stats & Studies

- A study on the rise of premature births in the U.S. shows a link to states with abortion bans;
- New research stresses the importance of tele-health for abortion medication;
- Dean of the Yale School of Public Health writes at CNN in favor of pharmacists prescribing birth control;
- A new study finds that abortion laws impact where people decide to move and buy homes;
- And how television portrayals of abortion can influence the ways the public understands the procedure.

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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