

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

STATE OF LOUISIANA et al.

Plaintiffs,

v.

U.S. FOOD & DRUG
ADMINISTRATION et al.

Defendants.

CIVIL NO. 6:25-cv-01491

JUDGE: DAVID C. JOSEPH

MAG: DAVID J. AYO

AMICUS BRIEF IN SUPPORT OF PLAINTIFFS BY
THE AMERICAN CENTER FOR LAW & JUSTICE

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TABLE OF CONTENTS

	<i>Page</i>
TABLE OF AUTHORITIES	ii
INTEREST OF AMICUS.....	1
SUMMARY OF ARGUMENT	1
ARGUMENT	1
I. MEDICATION ABORTION IS NOT SAFE.....	2
A. Abortion Pills Induce Pregnancy Loss and Thus Inherently Cause Harm.....	2
B. Abortion Is Not Safer than Childbirth.....	4
II. ABORTION, RATHER THAN AN ACT OF FEMALE AUTONOMY, IS TOO OFTEN A HANDY TOOL FOR THOSE PURSUING NEFARIOUS PURPOSES AT THE EXPENSE OF WOMEN.	8
<i>Abortion and Human Trafficking</i>	10
<i>Abortion and Sexual Predators</i>	12
<i>Abortion and Domestic Abuse</i>	13
<i>Abortion and Male Irresponsibility</i>	16
<i>Abortion and Employer Coercion</i>	18
<i>Abortion and Eugenics and Racism</i>	19
CONCLUSION.....	21

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Bergstrom-Ek v. Best Oil Co.</i> , 153 F.3d 851 (8th Cir. 1998)	18-19
<i>Box v. Planned Parenthood of Ind. & Ky., Inc.</i> , 139 S. Ct. 1780 (2019).....	8, 19
<i>Dobbs v. Jackson Women’s Health Org.</i> , 597 U.S. 215 (2022).....	8
<i>Jackson Women’s Health Org. v. Dobbs</i> , 945 F.3d 265 (5th Cir. 2019)	8
<i>Klein v. Martin</i> , U.S. No. 25-51 (Jan. 26, 2026)	13
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INTEREST OF AMICUS¹

The American Center for Law and Justice (ACLJ) is an organization dedicated to the defense of constitutional liberties secured by law, including the defense of the sanctity of human life. The ACLJ has filed amicus briefs in a variety of abortion-related cases, including several amicus briefs in the abortion pill litigation styled *Alliance for Hippocratic Medicine v. FDA*. Those charged with enforcing health and safety regulations have frequently refused or neglected to do so in the context of abortion. The FDA's elimination of the in-person dispensing requirement is a piece of that neglect. The ACLJ believes that Louisiana should have the ability to protect its citizens, including from the harm caused by the abortion pill at issue in this case.

SUMMARY OF ARGUMENT

This case addresses the FDA's loosening of restrictions on the drug Mifeprex, which is used for medical abortions. Abortion, contrary to the assertion that it is somehow safer than childbirth and beneficial to women, is unsafe for both women and preborn children, and is frequently used as a tool by nefarious actors to control and harm women.

ARGUMENT

Louisiana and plaintiff Markezich allege that the FDA's 2023 loosening the REMS for the "abortion pill" was illegal.

¹ No counsel for any party authored this brief in whole or in part. No such counsel or party made a monetary contribution intended to fund the preparation or submission of this brief. No person or entity aside from the ACLJ, their members, or their counsel made a monetary contribution to the preparation or submission of this brief.

As the complaint notes, so-called medication abortions have harmed many, many women. Cplt. ¶¶ 35-40. Limiting the free-for-all dispensing of this dangerous abortion drug thus would spare many more women (and their children) from harm, including death, going forward.

A key premise of the FDA’s loosening of regulations surrounding abortion drugs is the assertion that availability of abortion drugs is somehow beneficial to women. The recurrent assumptions are that (1) abortions are safe and (2) women want and need abortion, and hence ready access to abortion, including abortion drugs, is therefore a “pro-woman” position. Such a view, however, completely disregards the adverse health effects of medication abortions. This view also disregards the reality that all too often abortion is a means of *exploiting* women – typically by irresponsible or indifferent men or others wielding power over those women. This amicus brief addresses these oft-neglected sides of the equation.

I. MEDICATION ABORTION IS NOT SAFE.

A. Abortion Pills Induce Pregnancy Loss and Thus Inherently Cause Harm.

Abortion pills, including the drug Mifeprex, by their very design cause an adverse event: miscarriage.

Pregnancy loss is a dreaded *complication* of certain medications. Consequently, medical authorities take efforts to warn pregnant women which drugs to avoid during pregnancy. *See, e.g., Medicines to Avoid When Pregnant*, WebMD (Apr. 7, 2025), <https://www.webmd.com/baby/medicines-avoid-pregnant> (“Some drugs can harm a developing baby or cause a miscarriage or stillbirth.”); *Medicine and*

Pregnancy: An Overview, CDC (Sept. 22, 2025), <http://tinyurl.com/4zahm7hr> (“[C]ertain medicines during pregnancy can increase the risk for health problems, such as some birth defects, prematurity, or pregnancy loss.”); Chaunie Brusie, *Medications You Should Avoid During Pregnancy*, Healthline (May 7, 2019), <https://www.healthline.com/health/pregnancy/category-c-drugs>. The whole point of abortion pills, however, is to cause that adverse event. As petitioner FDA concedes:

Mifepristone is approved for use in a regimen with another drug, misoprostol, to end an early pregnancy. A patient who follows the two-drug regimen experiences cramping and bleeding similar to that associated with a miscarriage.

FDA Br. Federal Pet’rs 4 [hereinafter FDA Pet. Br.]; *see also id.* at 36 (“[C]ramping and bleeding . . . typically occur shortly after taking misoprostol”); Danco Laboratories, LLC Br. 6 [hereinafter Danco Pet. Br.] (abortion pill drugs used “for the medical termination of intrauterine pregnancy”).

It is therefore flatly misleading to claim that, of the women who take abortion pills, very few experience any adverse event. To the contrary, *every single one* of those women experience an adverse event: pregnancy loss. Diana Cuenca, *Pregnancy Loss: Consequences for Mental Health*, *Frontiers Glob. Women’s Health* 1 (Jan. 23, 2023) (“A pregnancy loss, in all its forms, whether it miscarriage, abortion, or fetal loss, is today one of the most common adverse pregnancy outcomes today.”). That the loss may have been *sought* by someone (not necessarily the woman, *infra* Section II) for nonmedical reasons (financial, relational, etc.) does not alter the reality of the loss. A woman who blinds herself with chemicals suffers an adverse event even if she desires the outcome. Char Adams, *Woman Claims She Blinded Herself with Drain Cleaner*

to Fulfill Her Life-Long Dream of Being Disabled: 'I Should Have Been Blind from Birth,' People (Oct. 1, 2015, 4:45 PM), <https://people.com/celebrity/jewel-shuping-blinds-herself-with-drain-cleaner/>.

The question whether, or under what conditions, people should be able to cause self-harm – or, in this case, harm to innocent third parties (prenatal humans) – should not be distorted by pretending that the physical harm is not physical harm.

B. Abortion Is Not Safer than Childbirth.

Abortion apologists often claim that “[t]he risk of maternal death associated with childbirth is approximately 14 times higher than the risk associated with abortion.” Abortion Access Fact Sheet, Am. Coll. of Obstetricians and Gynecologists, available at <https://www.acog.org/advocacy/abortion-is-essential/come-prepared/abortion-access-fact-sheet> (last visited Feb. 3, 2026). The ultimate source for this claim is typically the article (linked by ACOG from the quotation above), Elizabeth G. Raymond & David A. Grimes, *The Comparative Safety of Legal Induced Abortion and Childhood in the United States*, 119 *Obstet. & Gynecol.* 215 (2012). But this claim – that continuing pregnancy is more deadly than abortion – is *unsupported and false*. See Amicus Brief of the Elliot Institute in Support of Petitioners, *Dobbs v. Jackson Women’s Health Organization*, 597 U.S. 215 (2022) (No. 19-1392) [hereinafter *Elliot Dobbs Amicus*], <http://tinyurl.com/27u2tdh3>. Not only is the statistical comparison underlying the claim flawed in multiple ways, *Elliot Dobbs Amicus* § II, but peer reviewed medical research strongly indicates that in fact *abortion is more dangerous* than childbirth, *Elliot Dobbs Amicus* § III (citing multiple

studies). Following is a brief review of the flaws underlying the claim that abortion is safer than childbirth. *See also* Ingrid Skop, *Fact Check: ‘Abortion is 14 Times Safer than Childbirth*, Charlotte Lozier Inst. (Apr. 25, 2024), <https://lozierinstitute.org/fact-check-abortion-is-14-times-safer-than-childbirth/>.

The faulty claim rests upon a comparison of pregnancy mortality (formerly called “maternal mortality”) and abortion mortality statistics published by the federal Centers for Disease Control and Prevention (CDC). *See, e.g.*, Raymond & Grimes, *supra*, at 215-16. The comparison is fundamentally flawed for multiple reasons.

First, abortion deaths also count as “pregnancy deaths,” thereby misleadingly inflating the measure of deaths supposedly from childbirth. Elliot *Dobbs* Amicus at 15-16. This point bears emphasis: when a woman dies from abortion, that death counts *both* as an abortion mortality *and* as a pregnancy mortality. With such an approach, the results are mathematically stacked against childbirth ever being deemed safer than abortion. Consider: *even if every single woman in a single year who had an abortion died from the procedure, and only one woman that year died from a miscarriage or complication of childbirth, the total number of deaths in the “pregnancy mortality” category for that year would still exceed the total deaths in the “abortion mortality” category.* This makes comparison of the two figures absurd.

Second, pregnancy mortality is measured per *childbirth*, not per *pregnancy*, Elliot *Dobbs* Amicus at 17 n.14, and thus pregnancy mortality is further artificially inflated. That is, the relevant maternal population excludes

those who experience miscarriages and stillbirths, but *if such women die, their deaths are nevertheless included in the pregnancy mortality total*. Thus, the relevant baseline population is reduced by excluding cases of pregnancy losses (no live birth), yet the total deaths still include those maternal deaths resulting from these very same excluded – uncounted – pregnancies. For example, even though many women survive ectopic pregnancies, the supposed pregnancy mortality rate for the subset of all ectopic pregnancies will be infinitely high. There will be *some maternal deaths* in the numerator but *no live births* in the denominator, yielding an infinitely large fraction. Obviously, this is a misleading, useless statistic. But this error will in turn infect and distort the overall pregnancy mortality rate by adding to the numerator (deaths) while not adding to the denominator (live births). Hence, the pregnancy mortality figure, contrary to its title, does *not* accurately depict the mortality risk of pregnancy. Instead, the statistic *overstates* the risk.

Third, the overall pregnancy mortality figures do not account for the stage of gestation, Elliot Dobbs Amicus at 19. A high percentage of maternal deaths are associated with miscarriages early in pregnancy. This matters. For example, a woman entering her second trimester faces zero risk of a first-trimester death from ectopic pregnancy. But the undifferentiated pregnancy mortality rate incorporates those first-trimester deaths, and thus does not reflect the actual risk going forward. For a woman who is beyond any given stage of pregnancy and considering the relative risks of continued pregnancy versus abortion, it makes no sense to compare abortion mortality with pregnancy mortality *throughout* pregnancy;

the figures would have to be adjusted to subtract out deaths occurring at stages of pregnancy that have already passed. Yet pregnancy mortality statistics do not make this adjustment and thus are not properly comparable to abortion mortality statistics.

Fourth, abortion deaths are underreported, Elliott *Dobbs* Amicus at 13. One simply cannot make a fair assessment of abortion deaths without knowing how many have occurred. Yet one published study found that, in Finland, *an astounding 94% of abortion-associated deaths were not identified from death certificates or cause-of-death registries alone.* Mika Gissler et al., *Methods for Identifying Pregnancy-Associated Deaths: Population-based Data from Finland 1987-2000*, 18 Paediatric & Perinatal Epidemiology 448, 451, tbl. 2 (2004). This problem infects the United States as well. See Elliot *Dobbs* Amicus at 13-15 (citing sources).

Fifth, abortion mortality statistics likely will not include many delayed deaths that result from abortion, Elliot *Dobbs* Amicus at 15 n.11, such as those reflected in an increased rates of suicide or other longer-term fatal post-abortion outcomes, even though studies show a greater risk of death from these and other causes after abortion (as opposed to childbirth). A fair comparison of abortion with continued pregnancy, like a fair comparison of smoking with nonsmoking, would have to take into account not just immediate consequences, but also all other statistically significant increased death risks.

In short, the claim that abortion is 14 times safer (or, indeed, safer at all) than continuing pregnancy is embarrassingly unsupported and inaccurate. No serious advocate should make that assertion.

II. ABORTION, RATHER THAN AN ACT OF FEMALE AUTONOMY, IS TOO OFTEN A HANDY TOOL FOR THOSE PURSUING NEFARIOUS PURPOSES AT THE EXPENSE OF WOMEN.

Contrary to the clichéd pro-abortion argument that abortion is a woman’s *choice* that brings freedom, many women, if not an overwhelming majority, “choose” abortion because they are pressured – or coerced – by others. Often, that pressure comes from those who prioritize their own interests above the best interests and wishes of the pregnant woman: “once abortion becomes available, it becomes the most attractive option for everyone *around* the pregnant woman.” Frederica Mathewes-Green, *When Abortion Suddenly Stopped Making Sense*, Nat’l Rev. (Jan. 22, 2016), <https://www.nationalreview.com/2016/01/abortion-roe-v-wade-unborn-children-women-feminism-march-life/> (emphasis in original). Moreover, abortion can serve as a tool for furthering broader eugenic or racist goals. *Jackson Women’s Health Org. v. Dobbs*, 945 F.3d 265, 284-85 (5th Cir. 2019) (Ho, J., concurring in judgment), *rev’d on other grounds*, *Dobbs v. Jackson Women’s Health Org.*, 597 U.S. 215 (2022); *Box v. Planned Parenthood of Ind. & Ky., Inc.*, 139 S. Ct. 1780, 1782-93 (2019) (Thomas, J., concurring). Relevant here, women may *take* abortion pills; but whether that action reflects their *choice* is a different question.

In a study that compared the experiences of Russian and American women with abortion, 64% of the American women surveyed reported feeling pressured by others to obtain an abortion. Vincent M. Rue, et al., *Induced Abortion and Traumatic Stress: a Preliminary Comparison of American and Russian Women*, 10 Med. Sci.

Monitor 9, SR6 (2004).² Another study, published in the *Journal of American Physicians and Surgeons*, similarly found that nearly 74% of the post-abortive women surveyed admitted “that their decision to abort was [not] entirely free from even subtle pressure from others to abort,” over 58% “reported aborting to make others happy,” and 28.4% of the women specifically chose abortion “out of fear of losing their partner if they did not abort.” Priscilla K. Coleman, Ph.D. et al., *Women Who Suffered Emotionally from Abortion: A Qualitative Synthesis of Their Experiences*, 22 *J. Amer. Physicians & Surgeons* 113, 115 (2017).³ Sixty-six percent of the women reported “know[ing] in their hearts that they were making a mistake when they underwent the abortion.” *Id.* Even the abortion-sympathetic Guttmacher Institute reports that 14% of women seeking abortions gave as a “specified reason[]” for their abortion that a “[h]usband or partner wants me to have the abortion.” Lawrence B. Finer et al., *Reasons U.S. Women Have Abortions: Quantitative and Qualitative Perspectives*, 37 *Persps. on Sexual & Reprod. Health* 110, 113 (2005) (Table 2). These statistics reveal that a substantial number of women in America who supposedly “choose” abortion, rather than being empowered to make a “choice,” are being pressured by others into abortions they may not want. As one former abortion supporter observed, “No one wants an abortion as she wants an ice cream cone or a Porsche. She wants an abortion

² Study participants were “[w]omen who had experienced a pregnancy loss (spontaneous abortion, induced abortion, stillbirth, or adoption) [who] were asked to participate in a study of women’s reactions to a pregnancy loss. Data were collected in 1994 at U.S. and Russian healthcare facilities (public and private hospitals, and health care clinics). . . . The sample used in [this] study includes only those women who had one or more induced abortion and no miscarriages, stillbirths, or adoptions . . .” *Id.*

³ The women who responded to this survey were women who voluntarily contacted crisis pregnancy centers for post-abortion care.

as an animal, caught in a trap, wants to gnaw off its own leg.” Mathewes-Green, *supra* p. 8 (internal quotation marks omitted). This becomes even clearer when examining specific types of coercion to abort.

Abortion and Human Trafficking

Human trafficking is a widespread and highly profitable crime that spans the entire world. See 2023 Trafficking in Persons Report, U.S. Dep’t of State (2023), <http://tinyurl.com/3p8dbwwf>. Roughly two-thirds of this \$150 billion industry arises out of commercial sexual exploitation, or sex trafficking, *ILO Says Forced Labour Generates Annual Profits of US \$ 150 Billion*, Int’l Lab. Org. (May 20, 2014), <https://tinyurl.com/yn9wwdsx>. The National Human Trafficking Hotline’s most recent statistics covering about eight months of 2025 show 10,896 *identified* cases of potential human trafficking in the United States alone. National Human Trafficking Hotline Reports to Law Enforcement, Child Welfare, and Referrals to Services Since January 20, 2025, Nat’l Hum. Trafficking Hotline Data, <https://acf.gov/otip/research-policy/data/nhth-data> (last visited Feb. 4, 2026).⁴

According to a 2005 report funded by the Department of Justice, “[h]uman traffickers are engaged in a wide range of crimes both against their victims (rape, assault, extortion, homicide, forced abortion, etc.) and against the state” Kevin Bales & Steven Lize, *Trafficking in Persons in the United States: A Report to the*

⁴ As noted in the 2019 Data Report, the “[t]rafficking situations learned about through the Trafficking Hotline likely represent only a small subset of actual trafficking occurring in the United States. Therefore, this data must not be confused with the prevalence of human trafficking in the United States.” Nat’l Hum. Trafficking Hotline 2, *available at* <https://tinyurl.com/2nwe7dfj> (see “About this Data” box).

National Institute of Justice 6 (2005), Croft Inst. for Int'l Studs., <https://tinyurl.com/3ah32n3z>. Another study found “[t]he prevalence of forced abortions is an especially disturbing trend in sex trafficking.” Laura J. Lederer & Christopher A. Wetzel, *The Health Consequences of Sex Trafficking and Their Implications for Identifying Victims in Healthcare Facilities*, 23 *Annals Health L.* 61, 73 (2014), <https://tinyurl.com/3hvjednk>. The survivors of sex trafficking studied “reported that they often did not freely choose the abortions they had while being trafficked.” *Id.* at 73.

One victim noted that “in most of [my six abortions,] I was under serious pressure from my pimps to abort the babies.” Another survivor, whose abuse at the hands of her traffickers was particularly brutal, reported seventeen abortions and indicated that at least some of them were forced on her.

Id. at 73-74. Forced abortions in the context of sex trafficking, whether by subtle or more forceful pressure, cannot in any way be viewed as a liberating “choice” for women. Yet the abortion industry does little if anything to combat forced abortion at the hands of sex traffickers.

In 2017, a former Planned Parenthood employee stated that Planned Parenthood did not “train[] employees how to spot and report sex trafficking – but [instead] how not to get caught saying incriminating things to undercover journalists.” Bradford Richardson, *Planned Parenthood Failed to Take Sex Trafficking Seriously After Infamous Sting, Ex-Employee Says*, *Wash. Times* (Jan. 17, 2017), <https://tinyurl.com/yec5dcnw>. The training responded to “Live Action’s 2011 investigation [which] caught on camera eight Planned Parenthood workers at seven

facilities who were willing to help a man who identified himself as a sex trafficker covertly obtain abortions and other reproductive health care services for minors as young as 14.” *Id.* If abortion providers give a pass to one who openly admits to trafficking, they are even more likely to “serve” pimps and traffickers who pretend to be the woman’s boyfriend or relative. And relevant here, remotely authorizing abortion pill distribution makes it that much easier for the pimp to hide behind the computer screen.

Abortion and Sexual Predators

Abortion supplies a handy means for sexual predators to conceal obvious evidence – pregnancy and childbirth – of their exploitation. *See, e.g., United States v. Raniere*, 2019 U.S. Dist. LEXIS 84634 (E.D.N.Y. May 3, 2019) (abortions for women impregnated by leader of apparent cult); Cole Waterman, *Saginaw Man Gets Prison Time for Raping Minor, Trying to Force Her into Getting Abortion*, MLive Mich. (Aug. 23, 2023, 10:42 AM), <https://tinyurl.com/ejhn5dk8>; ‘*ABUSED FOR YEARS*’ ‘*Evil*’ *Father, 51, ‘Raped Daughter, 10, and Got Stepdaughter Pregnant Several Times – But Performed Sick Home Abortions,*’ The U.S. Sun, <https://tinyurl.com/4au3bs7v> (May 18, 2020, 3:03 PM); Tonya Alanez, *58 Porno Videos of 15-Year-Old Girl Lead to Davie Man’s Arrest*, S. Fla. Sun Sentinel, <https://tinyurl.com/tbff54wz> (last updated Oct. 24, 2019, 9:59 AM) (“The victim stated that she got pregnant from the defendant and he took her to the clinic to have an abortion”); Carole Novielli, *Man Took 14-Year-Old For Three Abortions After Impregnating Her, Clinics Ignored the Rapes*, LifeNews (July 30, 2014, 1:39 PM), <https://tinyurl.com/5a9mcfk4>; David McFadden, *Probation*

Revoked for Man in Impregnating 11-Year-Old, Forcing to Get Abortion, ABC13 News, <https://tinyurl.com/mrwddyzt> (last updated July 19, 2018, 5:26 AM); *Settlement Reached in Suit Over Teen Abortion*, The Columbus Dispatch, (last updated Apr. 28, 2011, 11:15 AM), <https://tinyurl.com/3cnrdemh> (soccer coach impregnated 14-year-old, then pretended to be her father in consenting to the abortion). Again, remote dispensing facilitates such exploitation.

Abortion and Domestic Abuse

Abortion violently takes the life of a prenatal child. Often, the woman getting an abortion is also a victim of violence – which greatly influences the woman’s “choice.” *E.g.*, *Klein v. Martin*, U.S. No. 25-51, 2026 LEXIS 700 (Jan. 26, 2026) (per curiam) (attempted murder of woman after she refused to abort defendant’s baby). One study revealed that among women who chose abortion, “the probability of being a victim of [intimate partner violence] in the past year . . . was almost three times higher than for women [who chose to continue their pregnancy].” Dominique Bourassa, MD, & Jocelyn Bérubé, MD, *The Prevalence of Intimate Partner Violence Among Women and Teenagers Seeking Abortion Compared with Those Continuing Pregnancy*, 29 J. Obstetrics Gynaecology Can. 415, 415 (2007).

According to abortion advocates, a woman should be able to obtain an abortion as a means of escaping future abuse. The truth, however, is that abortion does not free a woman from abuse.

A survey of 1127 women undergoing a second or subsequent abortion found that they were more likely to have experienced physical abuse by a male partner, sexual abuse or coercion. Of women presenting for a first abortion, 24% reported a major conflict and fights with the man involved

in the pregnancy; 30% of women having a second abortion reported relationship violence; and women having a third or subsequent abortion were >2.5 times as likely to report a history of physical or sexual abuse by a male partner.

Gillian Aston & Susan Bewley, *Abortion and Domestic Violence*, 11 *The Obstetrician & Gynaecologist* 163, 165 (2009).

In short, abortion is too often a tool for abusive *males* to rid *themselves* of an unwanted pregnancy. Consider the following examples in addition to the Supreme Court's recent decision in *Klein v. Martin*:

- David Harris, *'I'm gonna crop her out': Man who shot pregnant girlfriend dead because she refused to have an abortion facing the ultimate punishment*, Law&Crime (Oct. 28, 2025), <https://www.msn.com/en-us/news/crime/i-m-gonna-crop-her-out-man-who-shot-pregnant-girlfriend-dead-because-she-refused-to-have-an-abortion-facing-the-ultimate-punishment/ar-AA1PlSZE>;
- Christine Pelisek, *Pregnant Woman Was Allegedly Killed by Navy Officer — and Family Says It Happened After She Refused Abortion*, People (Aug. 18, 2022, 5:21 PM), <https://tinyurl.com/4b25f9cp>;
- Eryn Taylor, *Police: Man Beats Girlfriend After She Refuses to Have an Abortion*, News Channel 3, <https://wreg.com/news/suspect-beats-girlfriend-after-she-refuses-to-have-abortion/> (last updated Sep. 5, 2016, 7:42 PM) (man beat his girlfriend because she refused to get an abortion; he “told the woman she needed to get rid of her baby,” and when she refused, the man “allegedly began hitting her with his fist and began choking her. The victim frantically tried to get out of the car, but [he] pulled her back in. He then parked the car,

pulled the victim out and reportedly began kicking her in the head creating a large gash to her head.”).

- Joe Nelson, *Charges: Pregnant Woman Beaten by Duo After Refusing to Have an Abortion*, Bring Me The News: Minn. News (May 1, 2021), <https://bringmethenews.com/minnesota-news/charges-pregnant-woman-beaten-by-duo-after-refusing-to-have-abortion> (woman, six months pregnant, was beaten by two men who “specifically target[ed] her abdomen”; woman stated that the father “consistently pressured her to have an abortion and threatened to get people to jump her and cause her to lose the baby. She told police that [he] once told her, ‘I’m gonna get somebody to stomp that baby out of you.’”).
- *Ohio Man Dominic Holt-Reid Sentenced to 13 Years for Attempted Forced Abortion*, CBS News (June 10, 2011, 11:13 AM), <https://www.cbsnews.com/news/ohio-man-dominic-holt-reid-sentenced-to-13-years-for-attempted-forced-abortion/> (man took his pregnant girlfriend to abortion clinic at gunpoint; prosecutor said man grabbed Burgess by the neck and began strangling her while saying, “We are not having this baby, Yolanda”).

Countless further instances could be added. *See, e.g.*, Micaiah Bilger, *When She Refused Abortion, Her Boyfriend Threatened to Kill Their Unborn Baby With a Coat Hanger*, LifeNews (Mar. 14, 2022, 4:51 PM), <http://tinyurl.com/46jv98bu> (linking to

forty-eight other instances). The abortion, rather than freeing the woman, only adds to the list of emotional and physical traumas she has suffered.

It cannot be ignored, particularly in this case, that it is much *easier for an abuser to force a woman to ingest abortion pills* than to drag her to a facility for a surgical abortion. *E.g.* Lesley Cosme Torres, *Married Man Accused of Sneaking Abortion Pills Inside Body of Pregnant Mistress During Sex Can Remove Ankle Monitor*, People (May 8, 2025, 2:44 PM), <https://people.com/man-accused-sneaking-abortion-pills-into-womans-body-remove-ankle-monitor-11730927>; Jerry Lambe, *Attorney Who Secretly Slipped Abortion Pills in Wife's Drink 7 Times Because Pregnancy Would 'Ruin His Plans' Sentenced to 6 Months*, Law&Crime (Feb. 8, 2024, 11:42 AM), <http://tinyurl.com/4b9spy6p>; Nancy Dillon, *California Man Accused of Forcing Pregnant Girlfriend to Take Miscarriage Pills at Gunpoint*, N.Y. Daily News, <http://tinyurl.com/36z4jd4d> (last updated Dec. 12, 2019, 6:06 PM); *Doctor Gets 3 Years for Spiking Drink to Induce Abortion*, Associated Press (May 19, 2018, 10:42 AM), <http://tinyurl.com/p8952j64>; *Cops: NY Man Forced Woman to Swallow Abortion Pill*, Associated Press (Dec. 5, 2014, 10:55 AM), <http://tinyurl.com/4pmzu33s>.

Abortion and Male Irresponsibility

Abortion also provides an escape hatch for irresponsible men generally. Some will use drastic means for imposing their will, *e.g.*, Associated Press, *Man Uses Sex Video in Abortion Plot*, L.A. Times (Nov. 8, 1998, 12:00 AM), <https://www.latimes.com/archives/la-xpm-1998-nov-08-mn-40405-story.html> (threatening to distribute a sex tape of an ex-girlfriend unless the woman agreed to

get an abortion). Others will exert less blatant pressure, perhaps suggesting an abortion would preserve the relationship or that waiting until “a better time” would be wise. *E.g.*, Michele Corrison, *Charlie Sheen’s Ex-Fiancée Brett Rossi on Their Allegedly Abusive Relationship: ‘It Was Just So Toxic and So Violent,’* People (Dec. 7, 2015, 6:15 PM), <https://people.com/crime/charlie-sheens-ex-brett-rossi-opens-up-about-allegedly-abusive-relationship/> (describing Brett Rossi, a woman who “alleges . . . she had [an] abortion after ‘much pressure and threats’ from Sheen”). *See* Ann M. Moore et al., *Male Reproductive Control of Women Who Have Experienced Intimate Partner Violence in the United States*, 70 Soc. Sci. & Med. 1737, 1739 (2010) (describing a study where roughly 74% of women who experienced intimate-partner violence also experienced “reproductive control”).

There are many examples of shiftless and sneaky men accessing abortion pills for nefarious purposes even prior to the changes made by the FDA that made access to these pills easier. *E.g.*, *Man Gets 22 Years in Prison for Slipping Abortion Pill Into Pregnant Girlfriend’s Drink*, Inside Edition, <https://tinyurl.com/2vfdaybv> (last updated Oct. 11, 2018, 9:47 AM); Mark Osborne, *Former Doctor Who Slipped Abortion Drug into Girlfriend’s Tea Sentenced to 3 Years in Prison*, ABC News (May 19, 2018, 2:43 AM), <http://tinyurl.com/236tmhws>; Josh Saul, *Man Slipped Pregnant Girlfriend Abortion Pills: Prosecutors*, N.Y. Post (Mar. 18, 2014, 2:27 AM), <http://tinyurl.com/wzjy8mjn>.

Indeed, in this case, that is exactly what plaintiff Rosalie Markezich has alleged: that her boyfriend ordered the drug Mifeprex “from an out-of-state provider

in her name,” then had the abortion-inducing drug “delivered to her home through the U.S. Postal Service.” Cplt. ¶ 150. When Rosalie told her boyfriend she wanted to keep her baby, Cplt. ¶ 151, the boyfriend “became angry,” “shouted,” and then forced Rosalie to consume the drugs while they were alone in his car and watched her to make sure she swallowed. Cplt. ¶ 152. The drug worked as designed and caused Rosalie’s abortion. *Id.* She lost her baby. *Id.*

Congress created procedures for the FDA to protect consumers. But abusers and traffickers who use abortion pills are not the kind of consumers the FDA should be assisting.

Abortion and Employer Coercion

Abortion has apparently long been an appealing “solution” for an employer who does not want pregnancy or childcare to hamper an employee’s devotion to the company. *See, e.g.,* Mike Stevenson, *Pussycat Dolls Issue: Former Member Kaya Jones Allegedly Forced to Have an Abortion In Between Rehearsals*, Music Times (Apr. 11, 2023, 6:43 PM), <https://www.musictimes.com/articles/91857/20230411/pussycat-dolls-issue-former-member-kaya-jones-allegedly-forced-abortion.htm>; Marcie Bianco & Merryn Johns, *Classic Hollywood’s Secret: Studios Wanted Their Stars to Have Abortions*, Vanity Fair (July 15, 2016), <http://tinyurl.com/n2nn6uha>. The passage of the Pregnancy Discrimination Act of 1978 (five years after *Roe v. Wade*) reflects this very real concern with employer hostility to pregnancies that are “inconvenient” for the employer. Cases illustrate the problem as well. *See, e.g., Bergstrom-Ek v. Best Oil Co.*, 153 F.3d 851 (8th Cir. 1998) (manager repeatedly pressured employee to have an

abortion, contending bearing child would wreck her life and her career); Jessica Hopp & Greg Sandoval, *Mystics Coach Was Cited in Pregnancy Suit*, Wash. Post (Sept. 16, 2002), <https://www.washingtonpost.com/archive/politics/2002/09/16/mystics-coach-was-cited-in-pregnancy-suit/75f3fd03-184c-4292-9264-3ba074460c4c/> (head coach allegedly told assistant to choose between aborting or quitting; suit was settled); Lindsay Watts, *Exclusive: Another DC Police Officer Says She Was Told End Pregnancy to Keep Her Job*, Fox5 (Oct. 20, 2021, 11:14 PM), <http://tinyurl.com/mux42brm>.

Abortion and Eugenics and Racism

As Justice Thomas noted in his concurring opinion in *Box v. PPINK*,

the use of abortion to achieve eugenic goals is not merely hypothetical. The foundations for legalizing abortion in America were laid during the early 20th-century birth-control movement. That movement developed alongside the American eugenics movement. And significantly, Planned Parenthood founder Margaret Sanger recognized the eugenic potential of her cause.

139 S. Ct. at 1783 (Thomas, J., concurring). It is well-known that Sanger, Planned Parenthood's founder, embraced eugenics. Indeed, Planned Parenthood's current CEO admitted as much. Alexis McGill Johnson, *I'm the Head of Planned Parenthood. We're Done Making Excuses for Our Founder*, N.Y. Times (Apr. 17, 2021), <http://tinyurl.com/mut5xjs2>. Planned Parenthood is the major abortion provider in this country, doing 402,230 abortions per year according to a recent report. Planned Parenthood, Annual Report 2023-2024, <https://tinyurl.com/PP2023-24>. A report from the Center for Urban Renewal and Education highlights that "[b]lack women have the highest abortion ratio in the country, with 474 abortions per 1,000 live births.

Percentages at these levels illustrate that more than 19 million black babies have been aborted since 1973.” Star Parker, et al., Ctr. for Urban Renewal & Educ., *Policy Report: The Effects of Abortion on the Black Community* 3 (2015), <https://tinyurl.com/4fu47w3v>. In addition, “79% of Planned Parenthood’s surgical abortion facilities are strategically located within walking distance of African and/or Hispanic communities.” *Id.* And while blacks make up only about 14% of the population of the United States, Christine Tamir, et al., *Facts About the U.S. Black Population*, Pew Rsch. Ctr. (Jan. 23, 2025), available at <https://tinyurl.com/ch4va2e4>, they get 40% of the abortions, *Reported Legal Abortions by Race of Women Who Obtained Abortion by the State of Occurrence*, Kaiser Fam. Found., <https://tinyurl.com/ynw6u6cu> (last visited Feb. 4, 2026) (describing 2022 data), meaning that black babies are aborted far in excess of their proportion of the population.

Indeed, abortion is publicly defended as preventing certain segments of the population, disproportionately racial minorities, from having more children than would supposedly be good for society. *See, e.g.*, Jacqueline Mitchell, *Abortion Restrictions May Be Linked to Rise in Children Entering Foster Care*, Harv. Med. Sch. News & Rsch. (Nov. 16, 2023), <https://tinyurl.com/3n5h3f9b> (“Policies that restrict abortion may contribute to the overrepresentation of racial and ethnic minority children in the foster care system, perpetuating inequities and further straining vulnerable populations”) (quoting study author Ashley O’Donoghue).

Meanwhile, abortion appears to be the principal means for eliminating Down syndrome children. Julian Quinones & Arijeta Lajka, *‘What Kind of Society Do You Want to Live In?’: Inside the Country Where Down Syndrome is Disappearing*, CBS News, <https://tinyurl.com/2s395xhh> (last updated Aug. 15, 2017, 2:17 AM) (“Other countries aren’t lagging too far behind [Iceland] in Down syndrome termination rates. According to the most recent data available, the United States has an estimated termination rate for Down syndrome of 67 percent (1995-2011); in France it’s 77 percent (2015); and Denmark, 98 percent (2015)”). And, of course, Down syndrome is merely one example of a disability that is targeted for extermination through abortion. But abortion is not a “cure.” It simply gets rid of the one with the disability. Easy access to abortion pills facilitates do-it-yourself eugenics.

CONCLUSION

This Court should grant the relief Plaintiffs request.

Respectfully submitted:

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LOCAL RULE 5.7.09 CERTIFICATION

Pursuant to Local Rule 5.7.09, no certificate of service is required for this document because all parties are electronic filers and will receive notice through the court's electronic filing system.

/s/ Kevin S. Vogeltanz