

# US court's abortion pill ruling: Another milestone in the assault on democratic rights

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The ruling issued Friday by federal District Judge Matthew Kacsmaryk, overturning approval of the abortion pill mifepristone by the Food and Drug Administration, is the most flagrant attack on the democratic right to abortion since the Supreme Court's decision last summer to overturn *Roe v. Wade*.

The decision, if not reversed on an emergency appeal, will have a catastrophic effect on health care for poor and working class women. Five million have used the two-drug combination of mifepristone and misoprostol in the two decades since the procedure was approved. In recent years, these medications have surpassed surgery as the most common abortion procedure, with an estimated 500,000 women making use of mifepristone in 2022.

In embracing the Comstock Act, a barbaric 1873 law that criminalized any delivery of materials relating in any way to sex or abortion through the mail or by commercial carrier, Kacsmaryk opened the door to legal challenges to any form of abortion, not just the pill, as well as contraception.

The decision would have a profoundly disruptive effect on the entire pharmaceutical and biotechnology industries, according to an open letter issued Monday, signed by 400 CEOs and other executives. They noted that substituting the judgment of untrained judges for the scientific expertise of the FDA would open a Pandora's box for legal challenges to vaccines and other lifesaving treatments.

Under the principles laid down by the judge, anti-vax groups would be able to seek injunctions against the distribution of the vaccines that have saved countless lives in the COVID-19 pandemic, as well as vaccines for childhood illnesses that have been falsely linked to autism.

Kacsmaryk is an anti-abortion fanatic appointed to

the federal bench by Donald Trump after five years as the deputy general counsel for a Christian fundamentalist group. He simply translated his conservative Catholic religious views into law, in gross violation of the separation of church and state laid down in the First Amendment to the US Constitution.

He trampled over such legal principles as the requirement that plaintiffs should have standing to sue: an actual injury suffered, not simply an ideological objection to a particular decision or law. He dismissed the evident fact that 23 years after the FDA's decision to approve mifepristone as safe and effective, the statute of limitations (six years) had long expired.

The method by which the case was brought before Kacsmaryk demonstrates that the ruling is the product of a political conspiracy against democratic rights. Right-wing groups have adopted a judge-shopping technique in which cases are filed in small judicial divisions in Texas with only a single judge, ensuring that they get the judge they want, one who is certain to rule in their favor.

A host of reactionary decisions have been engineered in this way, attacking the rights of immigrants, banning free medical care for gay men and other targets of fundamentalist bigotry and overturning other administrative actions by the Biden administration.

The response of the White House has been to comply with these judicial outrages, rather than challenging them and exposing the process as illegitimate. Biden and the Democratic Party have no concern over the hundreds of thousands of working class women who will be denied the simplest and least risky procedure for accessing abortion, and who may soon be denied any access at all.

The privileged upper-middle-class layer that constitutes the social basis of the Democratic Party,

along with Wall Street and the Pentagon, will be able to access abortion services, through private resources or travel to another country if necessary, regardless of the legal counterrevolution being pursued by the ultra-right in the United States.

It is notable that despite the obsession of this layer with identity politics, based on race, gender and sexual orientation, there has been little response on their part to the repeal of *Roe v. Wade* or to the latest judicial atrocity.

Biden's preoccupation has been to insist on the need for a "strong" Republican Party, as he has said many times since the attempted coup on January 6, 2021, showed the fundamentally authoritarian and anti-democratic course on which Trump and his supporters, and the Republican Party as a whole, have embarked.

The essence of this "strong Republican Party" is now made clear, as a Trump-appointed judge issues a rabid anti-democratic ruling, which the Justice Department will appeal to the Fifth Circuit Court, where six out of 18 judges were appointed by Trump, and then to the Supreme Court, with six Republicans out of nine justices, including three appointed by Trump.

The character of the Supreme Court majority has been demonstrated in the revelation last week that Justice Clarence Thomas, the most consistently reactionary of the nine, regularly went on lavish vacations in the company of Texas billionaire Harlan Crow, who paid for everything, and Thomas never reported these lucrative favors to the court or the public.

The Supreme Court justice dismissed criticism of what he called "family trips" involving "personal hospitality" by some of his "dearest friends." On Monday, *Rolling Stone* magazine reported that Crow had a large collection of Nazi memorabilia, including several paintings by Hitler, a copy of *Mein Kampf* signed by the author himself, linen embossed with the swastika and medallions of the fascist party. Did one of his "dearest friends" display his Nazi hoard to Justice Thomas?

Neither the Biden administration nor the Democratic Party will lift a finger against this right-wing cabal. Their sole political concern is to keep the Republican Party on board with the US proxy war against Russia in Ukraine. Insofar as the Democrats claim to defend abortion rights, it is only to provide a "left" cover for

an administration and a party that have abandoned any shred of social reform and are funneling hundreds of billions—at the expense of the working class—into the current war against Russia and preparations for a future war with China.

There is an even more fundamental reason for Biden's determination to maintain a strong Republican Party, even one that is engaged in a fascistic rampage against democratic rights. Biden seeks to boost the Republican Party in order to avoid a collapse of the capitalist two-party system which could create an opening for the emergence of the working class as an independent political force.

The potential for such a political eruption is evident, in the initial wave of strikes in 2021 and 2022, in industry, health care and education and the struggles of workers in rail, the docks and other critical sectors of the economy. When class questions are on the line, as in the struggle by 110,000 rail workers against brutal exploitation and cuts in real wages, Biden drops the mask of "friend of labor" and makes it clear that he is really the friend of the union apparatus, which he relies on to suppress the working class. When that apparatus needs reinforcement, Biden is there to supply it, signing the bill last December to ban a rail strike and impose a contract already rejected by the workers.

Young people and working people who seek to defend abortion rights must turn to this growing movement of the working class. Abortion rights, like all democratic rights, are a class question. The defense of the rights of working class women must be fought for by the working class as a whole, as an integral part of its class struggle against the corporations and the capitalist state.



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