
United States Court of Appeals
for the
Fifth Circuit

Case No. 26-30203

STATE OF LOUISIANA, by & through its Attorney General,
LIZ MURRILL; ROSALIE MARKEZICH,

Plaintiffs-Appellants,

v.

FOOD & DRUG ADMINISTRATION; MARTY MAKARY, Commissioner,
U.S. Food and Drug Administration; RICHARD PAZDUR, in his official
capacity as Director, Center for Drug Evaluation & Research, U S Food & Drug
Administration; UNITED STATES DEPARTMENT OF HEALTH AND
HUMAN SERVICES; ROBERT F. KENNEDY, JR., Secretary,
U.S. Department of Health and Human Services,

Defendants-Appellees,

v.

DANCO LABORATORIES, L.L.C.; GENBIOPRO, INCORPORATED,

Intervenors-Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA

**BRIEF OF VET VOICE FOUNDATION AS *AMICUS CURIAE* IN
SUPPORT OF APPELLEES' OPPOSITION TO APPELLANTS'
MOTION FOR § 705 STAY OR INJUNCTION PENDING APPEAL**

KATE EPSTEIN
HECKER FINK LLP
1050 K Street, NW, Suite 1040
Washington, DC 20001
(212) 763-0883

CLARA SPERA
MADELINE VERNIERO
HECKER FINK LLP
350 Fifth Avenue, 63rd Floor
New York, New York 10118
(212) 763-0883

Attorneys for Amicus Curiae



CERTIFICATE OF INTERESTED PERSONS

State of Louisiana, et al. v. U.S. Food and Drug Administration, et al.
No. 26-30203

The undersigned counsel of record certifies that the following listed persons and entities as described in the fourth sentence of Rule 28.2.1 have an interest in the outcome of this case. These representations are made in order that the judges of this Court may evaluate possible disqualification or recusal.

Plaintiff- **Appellant**

State of Louisiana represented by **Caitlin Ann Huettemann**
by & through its LA Atty General's Office (BR)
Attorney General, 1885 N Third St
Liz Murrill Baton Rouge, LA 70802
225-888-7903
Email: HuettemannC@ag.louisiana.gov

Dalton A Nichols
Alliance Defending Freedom (VA)
44180 Riverside Pkwy
Lansdowne, VA 20176
571-707-4789
Email: dnichols@adflegal.org

Erik C Baptist
Alliance Defending Freedom (VA)
44180 Riverside Pkwy
Lansdowne, VA 20176
571-707-4655
Fax: 571-707-4656
Email: ebaptist@adflegal.org

Erin Morrow Hawley

Alliance Defending Freedom (VA)
44180 Riverside Pkwy
Lansdowne, VA 20176
571-707-4655
Email: ehawley@adflegal.org

Frank W Basgall

Alliance Defending Freedom (VA)
44180 Riverside Pkwy
Lansdowne, VA 20176
571-707-4655
Fax: 571-707-4790
Email: fbasgall@adflegal.org

Gabriella M McIntyre

Alliance Defending Freedom (VA)
44180 Riverside Pkwy
Lansdowne, VA 20176
571-707-4655
Fax: 571-707-4790
Email: gmcintyre@adflegal.org

Jorge Benjamin Aguinaga

LA Dept of Justice (N 3rd St)
1885 N 3rd St
Baton Rouge, LA 70802
225-506-3746
Email: aguinagaj@ag.louisiana.gov

Julie Marie Blake

Alliance Defending Freedom (VA)
44180 Riverside Pkwy
Lansdowne, VA 20176
571-707-4655
Fax: 571-707-4790
Email: jblake@adflegal.org

**Plaintiff-
Appellant**

Rosalie Markezich represented by **Erik C Baptist**
(See above for address)

Dalton A Nichols
(See above for address)

Erin Morrow Hawley
(See above for address)

Frank W Basgall
(See above for address)

Gabriella M McIntyre
(See above for address)

J Benjamin Aguinaga
(See above for address)

Julie Marie Blake
(See above for address)

Michael T Johnson
Johnson Siebeneicher & Ingram
2757 Hwy 28 E
Pineville, LA 71360
318-484-3911
Fax: 318-484-3585
Email: mikejohnson@jsslawfirm.com

V.

**Defendant-
Appellee**

U S Food & Drug Administration represented by **Noah T Katzen**
U.S. Department of Justice - Civil Division
Federal Programs Branch
1100 L Street, N.W.
Washington, DC 20005

202-305-2428
Email: noah.t.katzen@usdoj.gov

Daniel Winik
U.S. Department of Justice
Civil Division, Appellate Section
950 Pennsylvania Avenue, N.W.
Washington, DC 20530
202-514-2000
Email: daniel.l.winik@usdoj.gov

Andrew Marshall Bernie
U.S. Department of Justice
Environment & Natural Resources Division
950 Pennsylvania Avenue, N.W.
Washington, DC 20530
202-514-4010
Email: andrew.bernie@usdoj.gov

**Defendant-
Appellee**

Martin Makary represented by **Noah T Katzen**
in his official (See above for address)
capacity as
Commissioner of
Food & Drugs, U S
Food & Drug
Administration

Daniel Winik
(See above for address)

Andrew Marshall Bernie
(See above for address)

**Defendant-
Appellee**

Richard Pazdur represented by **Noah T Katzen**
in his official (See above for address)
capacity as
Director, Center for
Drug Evaluation &
Research, U S

Daniel Winik
(See above for address)

Andrew Marshall Bernie

*Food & Drug
Administration*

(See above for address)

**Defendant-
Appellee**

**U S Dept of
Health & Human
Services**

represented by **Noah T Katzen**
(See above for address)

Daniel Winik
(See above for address)

Andrew Marshall Bernie
(See above for address)

**Defendant-
Appellee**

**Robert F
Kennedy, Jr**
*in his official
capacity as
Secretary, U S Dept
of Health & Human
Services*

represented by **Noah T Katzen**
(See above for address)

Daniel Winik
(See above for address)

Andrew Marshall Bernie
(See above for address)

V.

**Intervenor
Defendant-
Appellee**

**Danco
Laboratories L L
C**

represented by **Alexander Vladimir Sverdlov**
Hogan Lovells (DC)
555 13th St NW
Washington, DC 20004
202-637-5600
Fax: 202-637-5910
Email: aleks.sverdlov@hoganlovells.com

Dana A Raphael

Hogan Lovells (DC)
555 13th St NW
Washington, DC 20004
202-531-0427
Email: dana.raaphael@hoganlovells.com

Danielle Desaulniers Stempel
Hogan & Hartson (DC)
555 13th St N W
Washington, DC 20004-1109
202-637-5600
Fax: 202-637-5910
Email: danielle.stempel@hoganlovells.com

Jessica L Ellsworth
Hogan Lovells (DC)
555 13th St NW
Washington, DC 20004
202-637-5886
Email: jessica.ellsworth@hoganlovells.com

William Brock Most
Most & Assoc
201 St Charles Ave Ste 2500 #9685
New Orleans, LA 70170
650-465-5023
Email: williammost@gmail.com

Jo-Ann Tamila Sagar
Hogan Lovells (DC)
555 13th Street, NW
Washington, DC 20004
202-637-6454
Email: jo-ann.sagar@hoganlovells.com

Intervenor
Defendant-
Appellee

GenBioPro Inc represented by **John N Adcock**
Adcock Law
8131 Oak St Unit 100
New Orleans, LA 70118
225-284-6327
Fax: 504-308-1266
Email: jnadcock@gmail.com

Carrie Y Flaxman
Democracy Forward Foundation
P O Box 34553
Washington, DC 20043
202-448-9090
Email: cflaxman@democracyforward.org

Daphne O'Connor
Arnold & Porter (DC)
601 Massachusetts Ave NW
Washington, DC 20001
202-942-5000
Fax: 202-942-5999
Email: daphne.oconnor@arnoldporter.com

Lisa Nicole Newman
Democracy Forward Foundation
P O Box 34553
Washington, DC 20043
202-448-9090
Fax: 202-796-4426
Email: lnewman@democracyforward.org

Robert J Katerberg
Arnold & Porter Kaye Scholer L L P
601 Massachusetts Ave NW
Washington, DC 20001-3743
202-942-6289
Email: robert.katerberg@arnoldporter.com

Skye Lynn Perryman

Democracy Forward Foundation
P O Box 34553
Washington, DC 20043
202-448-9090
Fax: 202-796-4426
Email: sperryman@democracyforward.org

John Patrick Elwood
Arnold & Porter Kaye Scholer L L P
601 Massachusetts Ave NW
Washington, DC 20001-3743
202-942-5996
Email: john.elwood@arnoldporter.com

Amicus

State of Nebraska represented by **Cody S Barnett**
Attorney General of NE (K St)
1445 K St Rm 2115
Lincoln, NE 68508
402-471-6933
Email: cody.barnett@nebraska.gov

Rachel Thyre Vogeltanz
Law Office of Rachel Vogeltanz
428 W 21st Ave
Covington, LA 70433
985-377-9271
Email: rachel@rachel.law

Amicus

**Advancing
American
Freedom Inc** represented by **Ben E Clayton**
Clayton Law Firm (Slidell)
893 Brownsitch Rd Ste 101
Slidell, LA 70458
985-863-3065
Fax: 985-863-7707
Email: ben@claytonlawfirmllc.com

J Marc Wheat

Advancing American Freedom

801 Pennsylvania Ave N W

Washington, DC 20004

202-780-4848

Email:

mwheat@advancingamericanfreedom.com

Amicus

Carol Everett

represented by **Brian Wade Arabie**

Sigler Arabie & Cannon

P O Box 1550

Lake Charles, LA 70602

337-439-2033

Email: brian@siglerlaw.com

Amicus

Monty Patterson

represented by **Brian Wade Arabie**

(See above for address)

Amicus

Leslie Wolbert

represented by **Brian Wade Arabie**

(See above for address)

Amicus

**Trinity Legal
Center**

represented by **Brian Wade Arabie**

(See above for address)

Linda Boston Schlueter

Trinity Legal Center

1150 N Loop 1604 W Ste 108-208

San Antonio, TX 78248

210-274-5274

Email: TLC4Linda@aol.com

Amicus

Tammi Morris

represented by **Brian Wade Arabie**

(See above for address)

Amicus

**Members of
Congress**

represented by **Joseph Scott St John**
St John L L C
1701 Jefferson Ave 7th Fl
New Orleans, LA 70115
410-212-3475
Email: scott@stjohnlaw.com

Heather Gebelin Hacker
Hacker Stephens
108 Wild Basin Rd S Ste 250
Austin, TX 78746
512-399-3022
Email: heather@hackerstephens.com

Amicus

**Students For Life
of America**

represented by **L Katie Buckner**
Students for Life of America
1000 Winchester St Ste 301
Fredericksburg, VA 22401
463-229-0240
Email: kbuckner@studentsforlife.org

R Bradley Lewis
Law Office of R Bradley Lewis
248 Richmond St
Bogalusa, LA 70427
985-735-9003
Fax: 985-735-9008
Email: rbl@bradlewislaw.com

Amicus

**Heartbeat
International Inc**

represented by **Charles Kenneth Cicero , III**
Cicero Law
205 Holiday Blvd Ste 100
Covington, LA 70433
216-409-5442
Email: chaz@cicero-law.com

Brennan Tyler Brooks

Thomas More Society
309 W Washington St Ste 1250
Chicago, IL 60606
336-707-8855
Fax: 336-900-6535
Email: tbrooks@thomasmoresociety.org

Danielle Merry White
Heartbeat International Inc
8405 Pulsar Pl Ste 100
Columbus, OH 43240
614-885-7577
Fax: 614-885-8746
Email: dwhite@heartbeatinternational.org

Amicus

**Concerned
Women for
America**

represented by **Ben E Clayton**
(See above for address)

Mario Alberto Diaz
Concerned Women for America
100 N Payne St
Alexandria, VA 22314
202-488-7000
Fax: 202-488-0806
Email: mdiaz@cwfa.org

Amicus

Calum Miller

represented by **Ben E Clayton**
(See above for address)

Amicus

**Alabama Policy
Institute**

represented by **Ben E Clayton**
(See above for address)

Amicus

**Alaska Family
Council**

represented by **Ben E Clayton**
(See above for address)

Amicus

American Association of Senior Citizens represented by **Ben E Clayton**
(See above for address)

Amicus

American Values represented by **Ben E Clayton** ,
Clayton Law Firm (Slidell)
893 Brownswitch Rd Ste 101

Slidell, LA 70458
985-863-3065
Fax: 985-863-7707
Email: ben@claytonlawfirmllc.com

Amicus

Americans United for Life represented by **Ben E Clayton** ,
(See above for address)

Amicus

Americas Women represented by **Ben E Clayton** ,
(See above for address)

Amicus

Association of Mature American Citizens Action represented by **Ben E Clayton** ,
(See above for address)

Amicus

Fran Bevan represented by **Ben E Clayton** ,
(See above for address)

Amicus

Phyllis Schlaflys Pennsylvania Eagle Forum represented by **Ben E Clayton** ,
(See above for address)

Amicus

**Centennial
Institute at
Colorado
Christian
University** represented by **Ben E Clayton ,**
(See above for address)

Amicus

**Center for Urban
Renewal &
Education** represented by **Ben E Clayton ,**
(See above for address)

Amicus

**Christian Law
Association** represented by **Ben E Clayton ,**
(See above for address)

Amicus

**Christian Medical
& Dental
Associations** represented by **Ben E Clayton ,**
(See above for address)

Amicus

**Democrats for
Life** represented by **Ben E Clayton**
(See above for address)

Amicus

Eagle Forum represented by **Ben E Clayton**
(See above for address)

Amicus

**Family Council in
Arkansas** represented by **Ben E Clayton**
(See above for address)

Amicus

**Family Institute of
Connecticut
Action** represented by **Ben E Clayton**
(See above for address)

Amicus

Frontline Policy Council represented by **Ben E Clayton**
(See above for address)

Amicus

Human Coalition represented by **Ben E Clayton**
(See above for address)

Amicus

International Conference of Evangelical Chaplain Endorsers represented by **Ben E Clayton**
(See above for address)

Amicus

Tim Jones represented by **Ben E Clayton**
*Former Speaker,
Missouri House,
Founder,
Leadership for
America Institute*
(See above for address)

Amicus

Alveda King represented by **Ben E Clayton**
(See above for address)

Amicus

Louisiana Family Forum represented by **Ben E Clayton**
(See above for address)

Amicus

Lutheran Center for Religious Liberty represented by **Ben E Clayton**
(See above for address)

Amicus

Maryland Family Institute represented by **Ben E Clayton**
(See above for address)

Amicus

**Men & Women
for a
Representative
Democracy in
America Inc** represented by **Ben E Clayton**
(See above for address)

Amicus

Men for Life represented by **Ben E Clayton**
(See above for address)

Amicus

**National Religious
Broadcasters** represented by **Ben E Clayton**
(See above for address)

Amicus

**National Right to
Life** represented by **Ben E Clayton**
(See above for address)

Amicus

**New York State
Conservative
Party** represented by **Ben E Clayton**
(See above for address)

Amicus

**North Carolina
Values Coalition** represented by **Ben E Clayton**
(See above for address)

Amicus

Melissa Ortiz represented by **Ben E Clayton**
(See above for address)
*Principal &
Founder,
Capability
Consulting*

Amicus

Priests for Life represented by **Ben E Clayton**
(See above for address)

Amicus

Rick Santorum represented by **Ben E Clayton**
Former Senator (See above for address)
1995-2007

Amicus

Gregory P Seltz represented by **Ben E Clayton**
Executive Director, (See above for address)
L C R L, Speaker
Emeritus, The
Lutheran Hour

Amicus

60 Plus represented by **Ben E Clayton**
Association (See above for address)

Amicus

Paul Stam represented by **Ben E Clayton**
Former Speaker (See above for address)
Pro Tem, N C
House of
Representatives

Amicus

Kathy Szeliga represented by **Ben E Clayton**
Delegate District 7 (See above for address)
A, Vice Chair of the
Maryland Freedom
Caucus

Amicus

Family represented by **Ben E Clayton**
Foundation of (See above for address)
Virginia

Amicus

Wagner Center represented by **Ben E Clayton**
(See above for address)

Amicus

Suzi Voyles represented by **Ben E Clayton**
President, Eagle (See above for address)
Forum of Georgia

Amicus

Wisconsin Family Action Inc represented by **Ben E Clayton**
(See above for address)

Amicus

Women for Democracy in America Inc represented by **Ben E Clayton**
(See above for address)

Amicus

Young Americas Foundation represented by **Ben E Clayton**
(See above for address)

Amicus

Disability Rights Education & Defense Fund represented by **Chloe Marie Chetta**
Barrasso Usdin et al (NO)
909 Poydras St Ste 2350
New Orleans, LA 70112
504-589-9700
Fax: 504-589-9701
Email: cchetta@barrassousdin.com

Elizabeth Renee June
Allen Overy et al (DC)
1101 New York Ave N W
Washington, DC 20005
202-683-3844
Email: elizabeth.june@aoshearman.com

Katherine Mallory Tosch Hoggatt
Allen Overy et al
800 Capitol St Ste 2200
Houston, TX 77002
713-354-4847
Email:
Mallory.ToschHoggatt@aoshearman.com

Kristen Diane Amond

Amond Law
3640 Magazine St
New Orleans, LA 70115
504-556-5523
Email: kristen@amondlaw.com

Maria Michelle Uzeta

Disability Rights Education & Defense Fund
3075 Adeline St Ste 210
Berkeley, CA 94703
510-644-2555
Email: muzeta@dredf.org

Amicus

Legal Voice

represented by **Rebekka C Veith**

Miller Thibodeaux et al
643 Magazine St Ste 405
New Orleans, LA 70130
504-977-9150
Fax: 504-977-9151
Email: rveith@mtdvp.com

Robin Michelle Turner

Legal Voice
P O Box 582
Missoula, MT 59806
206-682-9552
Email: rturner@legalvoice.org

Amicus

National Domestic Violence Hotline represented by **Rebekka C Veith**

(See above for address)

Robin Michelle Turner

(See above for address)

Amicus

Medical Students for Choice represented by **Alexandra DiBiase Moody**

Lift Louisiana

2831 St Claude Ave #203
New Orleans, LA 70117
781-690-3733
Email: alex@liftlouisiana.org

Charlotte Vida Baigent
Holwell Shuster & Goldberg
425 Lexington Ave
New York, NY 10017
646-837-8552
Email: cbaigent@hsgllp.com

Jayme Alyse Jonat
Holwell Shuster & Goldberg
425 Lexington Ave
New York, NY 10017
646-837-8455
Fax: 646-837-5150
Email: jjonat@hsgllp.com

Katharine Gene Zeigler
Holwell Shuster & Goldberg
425 Lexington Ave
New York, NY 10017
646-837-7917
Email: kzeigler@hsgllp.com

Kathryn Coniglio Arnett
Holwell Shuster & Goldberg
425 Lexington Ave
New York, NY 10017
646-837-7079
Email: karnett@hsgllp.com

Amicus

I G H
doing business as
Abortion on
Demand

represented by **Meghan K Matt**
Murrell Law Firm
4005 St Claude Ave
New Orleans, LA 70117

doing business as
Hey Jane
doing business as
Reproductive
Health Initiative for
Telehealth Equity
& Solutions

225-413-0463
Email: meghan@murell.law

Sapna Khatri
Boston University School of Law
765 Commonwealth Ave 9th Fl
Boston, MA 02215
617-353-3310
Email: sapnak@bu.edu

Amicus

100 Reproductive Health Rights & Justice Organizations represented by **Jamila Asha Johnson**
Lawyering Project
900 Camp St 3rd Fl Ste 1197
New Orleans, LA 70130
504-312-2304
Email: jjohnson@lawyeringproject.org

Jessica Ring Amunson
Jenner & Block (DC)
1099 New York Ave NW Ste 900
Washington, DC 20001
202-639-6000
Email: jamunson@jenner.com

Amicus

State of Hawaii represented by **Jacob Kennedy Weixler**
Weixler Law
3640 Magazine St
New Orleans, LA 70115
504-408-2180
Fax: 504-814-1728
Email: jkw@weixlerlaw.com

Ester Murdukhayeva
Attorney General of NY (NYC)
28 Liberty St
New York, NY 10005
212-416-6279

Email: ester.murdukhayeva@ag.ny.gov

Amicus

State of Arizona represented by **Jacob Kennedy Weixler**
(See above for address)

Ester Murdukhayeva
(See above for address)

Amicus

State of California represented by **Jacob Kennedy Weixler**
(See above for address)

Ester Murdukhayeva
(See above for address)

Amicus

State of Colorado represented by **Jacob Kennedy Weixler**
(See above for address)

Ester Murdukhayeva
(See above for address)

Amicus

State of Connecticut represented by **Jacob Kennedy Weixler**
(See above for address)

Ester Murdukhayeva
(See above for address)

Amicus

State of Delaware represented by **Jacob Kennedy Weixler**
(See above for address)

Ester Murdukhayeva
(See above for address)

Amicus

State of Illinois represented by **Jacob Kennedy Weixler**
(See above for address)

Ester Murdukhayeva
(See above for address)

Amicus

State of Maine represented by **Jacob Kennedy Weixler**
(See above for address)

Ester Murdukhayeva
(See above for address)

Amicus

State of Maryland represented by **Jacob Kennedy Weixler**
(See above for address)

Ester Murdukhayeva
(See above for address)

Amicus

State of Minnesota represented by **Jacob Kennedy Weixler**
(See above for address)

Ester Murdukhayeva
(See above for address)

Amicus

State of Nevada represented by **Jacob Kennedy Weixler**
(See above for address)

Ester Murdukhayeva
(See above for address)

Amicus

State of New York represented by **Jacob Kennedy Weixler**
(See above for address)

Ester Murdukhayeva
(See above for address)

Amicus

Commonwealth of Massachusetts represented by **Jacob Kennedy Weixler**
(See above for address)

Ester Murdukhayeva
(See above for address)

Amicus

State of New Jersey represented by **Jacob Kennedy Weixler**
(See above for address)

Ester Murdukhayeva
(See above for address)

Amicus

State of Vermont represented by **Jacob Kennedy Weixler**
(See above for address)

Ester Murdukhayeva
(See above for address)

Amicus

State of New Mexico represented by **Jacob Kennedy Weixler**
(See above for address)

Ester Murdukhayeva
(See above for address)

Amicus

State of Washington represented by **Jacob Kennedy Weixler**
(See above for address)

Ester Murdukhayeva
(See above for address)

Amicus

State of Oregon represented by **Jacob Kennedy Weixler**
(See above for address)

Ester Murdukhayeva
(See above for address)

Amicus

State of Rhode Island represented by **Jacob Kennedy Weixler**
(See above for address)

Ester Murdukhayeva
(See above for address)

Amicus

District of Columbia represented by **Jacob Kennedy Weixler**
(See above for address)

Ester Murdukhayeva
(See above for address)

Amicus

Former U.S. Department of Justice Officials represented by **Alan Evan Schoenfeld**
Wilmer Cutler et al (10007)
250 Greenwich St
New York, NY 10007
212-937-7294
Fax: 212-937-8888
Email: alan.schoenfeld@wilmerhale.com

Arielle Kay Herzberg
Wilmer Cutler et al (CO)
1225 17th St Ste 2600
Denver, CO 80202
720-274-3158
Fax: 720-274-3133
Email: arielle.herzberg@wilmerhale.com

Kimberly Ari Parker

Wilmer Cutler et al
2100 Pennsylvania Ave N W
Washington, DC 20037
202-663-6987
Email: kimberly.parker@wilmerhale.com

Kyle Edwards Haugh
CA Dept of Justice
455 Golden Gate Ave Ste 11000
San Francisco, CA 94102
415-510-3917
Email: kyle.haugh@doj.ca.gov
TERMINATED: 03/02/2026

Maitland Lilja Io Jones
Wilmer Cutler et al (10007)
250 Greenwich St
New York, NY 10007
917-797-2115
Email: io.jones@wilmerhale.com

Richard Gerard Perque
Law Office of Richard G Perque
700 Camp St
New Orleans, LA 70130
504-681-2003
Email: richard@perquelaw.com

Amicus

American College of Obstetricians & Gynecologists represented by **Kathryn Campbell Saba**
Debevoise & Plimpton (NY)
66 Hudson Blvd
New York, NY 10001
212-909-6000
Email: ksaba@debevoise.com

Malcolm Clark Lloyd
A C L U of Louisiana
1340 Poydras St Ste 2160

New Orleans, LA 70112
504-522-0628
Email: mlloyd@laaclu.org

Meaghan Hannan Davant
American College of Obstetricians &
Gynecologists
409 12th St S W
Washington, DC 20024
202-638-5577
Email: mhdavant@acog.org

Molly A Meegan
American College of Obstetricians &
Gynecologists
409 12th St S W
Washington, DC 20024
202-638-5577
Email: mmeegan@acog.org

Nicole Amanda Marton
Debevoise & Plimpton (DC)
801 Pennsylvania Ave N W Ste 500
Washington, DC 20004
202-383-8000
Email: namarton@debevoise.com

Shannon Rose Selden
Debevoise & Plimpton (NY)
66 Hudson Blvd
New York, NY 10001
212-909-6000
Email: srselden@debevoise.com

Amicus

David A Kessler represented by **Mandie E Landry**
Bivalacqua Gele Ellis
650 Poydras St Ste 2200
New Orleans, LA 70130

202-361-1679
Email: mandie@bivlaw.com

Alyssa Howard
Zuckerman Spaeder (DC)
2100 L St N W Ste 400
Washington, DC 20037
202-778-1800
Fax: 202-822-8106
Email: ahoward@zuckerman.com

Margaret M Dotzel
Zuckerman Spaeder (DC)
2100 L St N W Ste 400
Washington, DC 20037
202-778-1800
Email: mdotzel@zuckerman.com

Salvador I Bivalacqua
Bivalacqua Gele Ellis
650 Poydras St Ste 2200
New Orleans, LA 70130
504-648-1858
Fax: 504-561-0559
Email: sal@bivlaw.com

William B Schultz
Zuckerman Spaeder (DC)
2100 L St N W Ste 400
Washington, DC 20037
202-778-1800
Fax: 202-822-8106
Email: wschultz@zuckerman.com

Amicus

Jane E Henney represented by **Mandie E Landry**
(See above for address)

Alyssa Howard
(See above for address)

Margaret M Dotzel
(See above for address)

Salvador I Bivalacqua
(See above for address)

William B Schultz
(See above for address)

Amicus

**Margaret
Hamburg**

represented by **Mandie E Landry**
(See above for address)

Alyssa Howard
(See above for address)

Margaret M Dotzel
(See above for address)

Salvador I Bivalacqua
(See above for address)

William B Schultz
(See above for address)

Amicus

Robert M Califf

represented by **Mandie E Landry**
(See above for address)

Alyssa Howard
(See above for address)

Margaret M Dotzel
(See above for address)

Salvador I Bivalacqua

(See above for address)

William B Schultz
(See above for address)

Amicus

Michael A Friedman represented by **Mandie E Landry**
(See above for address)

Alyssa Howard
(See above for address)

Margaret M Dotzel
(See above for address)

Salvador I Bivalacqua
(See above for address)

William B Schultz
(See above for address)

Amicus

Joshua M Sharfstein represented by **Mandie E Landry**
(See above for address)

Alyssa Howard
(See above for address)

Margaret M Dotzel
(See above for address)

Salvador I Bivalacqua
(See above for address)

William B Schultz
(See above for address)

Amicus

Stephen Ostroff represented by **Mandie E Landry**
(See above for address)

Alyssa Howard
(See above for address)

Margaret M Dotzel
(See above for address)

Salvador I Bivalacqua
(See above for address)

William B Schultz
(See above for address)

Amicus

**Norman E
Sharpless**

represented by **Mandie E Landry**
(See above for address)

Alyssa Howard
(See above for address)

Margaret M Dotzel
(See above for address)

Salvador I Bivalacqua
(See above for address)

William B Schultz
(See above for address)

Amicus

Janet A Woodcock represented by **Mandie E Landry**
(See above for address)

Alyssa Howard
(See above for address)

Margaret M Dotzel
(See above for address)

Salvador I Bivalacqua
(See above for address)

William B Schultz
(See above for address)

Movant

Family Research Council represented by **Brian Wade Arabie**
(See above for address)

Christopher E Mills
Spero Law
557 E Bay St Ste 22251
Charleston, SC 29413
843-606-0640
Email: cmills@spero.law

Amicus

Martha Shuping represented by **Brian Wade Arabie**
(See above for address)
Christopher E Mills
(See above for address)

Amicus

Women Injured by Abortion represented by **Troy Houston Middleton , IV**
Lundy Law (LC)
501 Broad St
Lake Charles, LA 70601
337-439-0707
Fax: 337-439-1029
Email: hmiddleton@lundylawllp.com

Allan E Parker , Jr
Justice Foundation
8023 Vantage Dr Ste 1275
San Antonio, TX 78230
210-614-7157
Fax: 210-614-6656
Email: aparker@thejusticefoundation.org

Hunter W Lundy
Lundy Law
P O Box 3010
Lake Charles, LA 70602-3010
337-439-0707
Fax: 337-439-1029
Email: hlundy@lundylawllp.com

Mary Jane Browning
Justice Foundation
8023 Vantage Dr Ste 1275
San Antonio, TX 78230
210-614-7157
Fax: 210-614-6656
Email: m.jbrowning@outlook.com

R Clayton Trotter
Justice Foundation
8023 Vantage Dr Ste 1275
San Antonio, TX 78230
210-614-7157
Fax: 210-614-6656
Email: info@thejusticefoundation.org

Amicus

**Justice
Foundation**

represented by **Troy Houston Middleton , IV**
(See above for address)

Allan E Parker , Jr
(See above for address)

Hunter W Lundy
(See above for address)

Mary Jane Browning
(See above for address)

R Clayton Trotter
(See above for address)

Amicus

**Center Against
Forced Abortions** represented by **Troy Houston Middleton , IV**
(See above for address)

Allan E Parker , Jr
(See above for address)

Hunter W Lundy
(See above for address)

Mary Jane Browning
(See above for address)

R Clayton Trotter
(See above for address)

Amicus

**National
Association of
Christian
Lawmakers** represented by **Troy Houston Middleton , IV**
(See above for address)

Allan E Parker , Jr
(See above for address)

Hunter W Lundy
(See above for address)

Mary Jane Browning
(See above for address)

R Clayton Trotter
(See above for address)

Amicus

Samaritans Purse represented by **Brian Wade Arabia**
(See above for address)

Christopher E Mills
(See above for address)

Amicus

**American
Association of
Pro-Life
Obstetricians &
Gynecologists**

represented by **Brian Wade Arabia**
(See above for address)

Christopher E Mills
(See above for address)

Amicus

**American Center
for Law & Justice**

represented by **Kevin S Vogeltanz**
Law Office of Kevin S Vogeltanz
428 W 21st Ave
Covington, LA 70433
504-275-5149
Fax: 504-910-1704
Email: vogeltanz@gmail.com

Olivia F Summers
American Center for Law & Justice
201 Maryland Ave N E
Washington, DC 20002
757-955-8176
Email: osummers@aclj.org

Amicus

**Ethics & Public
Policy Center**

represented by **Michelle Ward Ghetti**
Ghetti Law
139-B James Comeaux Rd Ste 802
Lafayette, LA 70508
225-933-9029
Email: mghetti@yahoo.com

Martin Edward Whelan , III
Ethics & Public Policy Center
1730 M St N W Ste 910
Washington, DC 20036
202-682-1200
Fax: 202-408-0632
Email: ewhelan@eppc.org

Amicus

**Vet Voice
Foundation**

represented by **Clara S. Spera**
Hecker Fink LLP
350 Fifth Ave., 63rd Floor
New York, NY 10118
(212) 763-0883
Email: cspera@heckerfink.com

Madeline Verniero
Hecker Fink LLP
350 Fifth Ave., 63rd Floor
New York, NY 10118
(212) 763-0883
Email: mverniero@heckerfink.com

Kate Epstein
Hecker Fink LLP
1050 K St. NW, Ste. 1040
Washington, DC 20001
(212) 763-0883
Email: kepstein@heckerfink.com

/s/ Clara S. Spera
Clara S. Spera

*Attorney of Record for
Vet Voice Foundation*

TABLE OF CONTENTS

	Page
TABLE OF AUTHORITIES	ii
INTRODUCTION AND INTEREST OF AMICUS	1
ARGUMENT	2
I. Military Readiness Is Essential, and Women Are Critical To Maintaining It	2
II. Ready Access to Reproductive Healthcare, Including Abortion, Is Essential to Military Readiness.....	5
A. Limited access impedes the recruitment, retention, and deployability of servicemembers	6
B. Federal policies restrict abortion access for servicemembers and veterans	8
C. State restrictions on abortion impose additional barriers on servicemembers seeking reproductive care nationwide	10
D. Telehealth abortion mitigates access barriers and strengthens military readiness.....	13
CONCLUSION.....	14

TABLE OF AUTHORITIES

	Page(s)
Statutes	
10 U.S.C. § 1093(a)	8
10 U.S.C. § 1093(b)	9
Other Authorities:	
Aaron Sobczak, <i>High Attrition Rates and Increased Waivers Muddy Enlistment Numbers</i> , Responsible Statecraft (Mar. 10, 2025)	4
Alex Horton & Rachel Roubein, <i>Abortion Ruling Will Worsen Military Personnel Crisis, Pentagon Says</i> , Wash. Post (July 29, 2022, at 17:17 ET)	6
Alyssa Goldberg, <i>People Are Flocking Out-of-State for Abortion Care. Clinics Are Fighting to Keep Up</i> , USA Today (Mar. 18, 2025, at 11:59 ET)	10
Ben Kesling, <i>The Military Recruiting Crisis: Even Veterans Don't Want Their Families to Join</i> , Wall St. J. (June 30, 2023, 00:01 ET)	3, 8
Br. for Pet., <i>Struck v. Sec'y of Def.</i> , 409 U.S. 1071 (1972) (No. 72-178), 1972 WL 135840	11
Caitlin Russell et al., <i>Policy Knowledge and Abortion Access for US Active-Duty Servicewomen: A Mixed-Methods Study</i> , 71 J. Midwifery & Women's Health 46 (Nov. 5, 2025)	12
Daniel Grossman et al., <i>Care Post-Roe: Documenting Cases of Poor-Quality Care Since the Dobbs Decision</i> , Advancing New Standards in Reproductive Health (Sept. 2024)	8
Dep't of Def., Def. Travel Mgmt. Off., Memorandum, UTD for MAP 04-25(S), "Remove Travel for Non-Covered Reproductive Health Care Services" (Jan. 29, 2025)	9
Douglas Lindsay, <i>The Military Is Growing Again but Capacity, Not Recruiting, Is the Real Test</i> , Military.com (Jan. 27, 2026, at 03:00 ET)	6
Douglas Yeung et al., <i>Recruiting Policies and Practices for Women in the Military: Views from the Field</i> , RAND Corp. (2017)	5

Evan Hydock, *Is the Military Recruiting Crisis Over? Not Quite.*,
 Georgetown Security Studies Review (2025)4

Exec. Order No. 14182, *Enforcing the Hyde Amendment*, 90 Fed. Reg.
 8751 (Jan. 24, 2025)9

G. James Herrera, Cong. Rsch. Serv., R46559, *The Fundamentals of
 Military Readiness* (Oct. 2, 2020)2

Greg Jaffe, *This Program Rescued Army Recruiting*, N.Y. Times (Oct. 5,
 2025)3

Hugh McClean, *The Military’s Abortion Crisis in the Aftermath of Dobbs
 v. Jackson Women’s Health Organization*, 16 U.C. Irvine L. Rev. 1
 (2026).....11

Interactive Map: US Abortion Policies and Access After Roe, Guttmacher
 Inst. (last visited Apr. 22, 2026)10

Julianne McShane, *Department of Veterans Affairs Quietly Implements
 Abortion Ban*, MS Now (Dec. 23, 2025, at 11:30 ET).....10

Lisa S. Callegari & Sonya Borrero, *Abortion Care for Veterans—A
 Historic Step Forward*, JAMA Health Forum (Nov. 1, 2022) 12, 13

Martin E. Dempsey & Leon E. Panetta, *Memorandum: Elimination of the
 1994 Direct Ground Combat Definition and Assignment Rule* (Jan. 24,
 2013).....5

Secretary of War Pete Hegseth, *Address to General and Flag Officers at
 Quantico, Virginia* (Sept. 30, 2025).....3

Sen. Elizabeth Warren et al., *The “Defund” Disaster: How the Republican
 Attack on Planned Parenthood Is Hurting Patients and Raising
 Americans’ Health Care Costs* (Mar. 2026)11

Serra Sippel & Janessa Goldbeck, *Army Veterans Deserve Access to
 Abortion. The Senate Just Denied Them.*, MS Now (Mar. 26, 2026, at
 12:04 ET).....10

*Service Members’ Reproductive Health and Readiness: Hearing Before the
 Subcomm. on Mil. Pers. of the H. Comm. on Armed Servs.*, 117th Cong.
 (2022)..... 7, 12

Steve Beynon, *Surge of Female Enlistments Helped Drive Army Success in
 Reaching 2024 Recruiting Goal*, Military.com (Jan. 9, 2025)4

Steve Walsh, *Faced With Obstacles to Abortion, Military Women Have Built Their Own Support System*, NPR (Oct. 30, 2024, at 05:00 ET).....11

The Heritage Foundation, *2026 Index of U.S. Military Strength*.....4

The Heritage Foundation, *Conclusion: U.S. Military Power* (Mar. 4, 2026).....4

Trevor Hunnicutt, *Restrictive Abortion Laws Hurting US Military, White House Says*, Reuters (July 17, 2023, at 18:23 ET).....7

U.S. Dep’t of Defense, *2024 Demographics: Profile of the Military Community*5

U.S. Gov’t Accountability Off., GAO-20-61, *Female Active-Duty Personnel: Guidance and Plans Needed for Recruitment and Retention Efforts* (May 2020)4, 6

INTRODUCTION AND INTEREST OF *AMICUS*¹

Amicus Vet Voice Foundation is a Washington, D.C.-based non-profit, non-partisan organization that has a continued interest in strengthening the United States military and supporting the wellbeing of current and former servicemembers.²

This case implicates military readiness—the ability of the military to recruit, retain, and sustain a force prepared for deployment. As explained in Part I of this brief, women are essential to that force. For female servicemembers, access to comprehensive reproductive healthcare, including abortion, is critical to maintaining readiness.

When access to such care is restricted, servicemembers face delays, extended absences, and structural barriers that directly impair their ability to serve. These individual burdens carry systemic consequences. They undermine recruitment, increase attrition, and disrupt unit cohesion. As discussed in Part II, these harms are compounded by the realities of military service, where personnel cannot choose their duty locations and must operate within rigid schedules and command structures. Nationwide abortion restrictions, combined with these structural demands, significantly limit servicemembers' ability to obtain timely care and remain available for duty.

¹ This brief was not authored in whole or part by counsel for a party. No one other than *amicus* and its counsel made a monetary contribution to the preparation or submission of the brief.

² *Amicus* filed a motion for leave to submit this brief.

These are not speculative concerns. They have direct, measurable effects on unit readiness, personnel availability, and mission execution. Access to reproductive healthcare mitigates these concerns by allowing servicemembers to obtain care in a timely and efficient manner, reducing disruptions to both individual careers and unit operations. Restrictions to reproductive healthcare that increase travel, delay, and command-level burdens contribute to attrition and operational disruption. Limitations on access therefore impose predictable constraints—travel, delay, absence, attrition—that degrade military readiness.

ARGUMENT

I. Military Readiness Is Essential, and Women Are Critical To Maintaining It.

Military readiness is critical to national security. Personnel must be trained, available, and ready for deployment to respond to global threats in real time. Women are essential to meeting this standard. They fill critical roles at every level, represent a significant portion of the recruitable population, and contribute directly to force capacity. Ensuring their access to reproductive healthcare, including abortion, is therefore imperative to a mission-ready military.

“Military readiness” is the capacity to “produce, deploy, and sustain military forces that will perform successfully in combat.” G. James Herrera, Cong. Rsch.

Serv., R46559, *The Fundamentals of Military Readiness* at 1 (Oct. 2, 2020).³ This readiness is particularly urgent today, given ongoing global conflicts. The Administration has warned that this is a time of “urgency” and growing threats, and that the military “must be prepared.” Secretary of War Pete Hegseth, Address to General and Flag Officers at Quantico, Virginia (Sept. 30, 2025).⁴ Capable personnel are the foundation of military readiness. Recognizing this, the Executive Branch has prioritized recruiting personnel who can respond to threats with urgency. *See, e.g.*, Greg Jaffe, *This Program Rescued Army Recruiting*, N.Y. Times (Oct. 5, 2025).⁵ Retention is equally critical. Units with consistent personnel are more effective than those relying on fill-in soldiers. Ben Kesling, *The Military Recruiting Crisis: Even Veterans Don’t Want Their Families to Join*, Wall St. J. (June 30, 2023, 00:01 ET) (“Kesling, *The Military Recruiting Crisis*”).⁶ When servicemembers leave, units lose cohesion, institutional knowledge, and operational effectiveness. *Id.*

While the U.S. military remains among the most powerful in the world, its readiness cannot be assumed. A March 2026 Heritage Foundation study concluded that “the U.S. military is at significant risk of not being able to defend America’s vital national interests with assurance” and “is burdened by readiness levels that are

³ <https://sgp.fas.org/crs/natsec/R46559.pdf>

⁴ <https://www.war.gov/News/Transcripts/Transcript/article/4318689/secretary-of-war-pete-hegseth-addresses-general-and-flag-officers-at-quantico-v/>

⁵ <https://www.nytimes.com/2025/10/04/us/politics/army-recruiting-trump.html>

⁶ <https://www.wsj.com/politics/military-recruiting-crisis-veterans-dont-want-their-children-to-join-510e1a25>

more problematic than they should be.” The Heritage Foundation, *2026 Index of U.S. Military Strength*, at 1;⁷ The Heritage Foundation, *Conclusion: U.S. Military Power* (Mar. 4, 2026).⁸ And despite recent improvements, recruitment and retention remain persistent challenges. See Evan Hydock, *Is the Military Recruiting Crisis Over? Not Quite.*, Georgetown Security Studies Review (2025);⁹ Aaron Sobczak, *High Attrition Rates and Increased Waivers Muddy Enlistment Numbers*, Responsible Statecraft (Mar. 10, 2025).¹⁰

Given these challenges, the military benefits from recruiting and retaining women. Department of Defense leaders have long recruited female servicemembers to “maintain and improve mission readiness.” U.S. Gov’t Accountability Off., GAO-20-61, *Female Active-Duty Personnel: Guidance and Plans Needed for Recruitment and Retention Efforts* 1–2 (May 2020) (“GAO Report”).¹¹ Women represent a highly recruitable population and have significant potential for advancement. Steve Beynon, *Surge of Female Enlistments Helped Drive Army Success in Reaching 2024 Recruiting Goal*, Military.com (Jan. 9, 2025).¹²

⁷ https://static.heritage.org/2026/Military_Index/2026_IndexOfUSMilitaryStrength.pdf

⁸ <https://www.heritage.org/military-strength/assessment-us-military-power/conclusion>

⁹ <https://gssr.georgetown.edu/the-forum/topics/defense/is-the-military-recruiting-crisis-over-not-quite/>

¹⁰ <https://responsiblestatecraft.org/military-attrition-rates-high/>

¹¹ <https://www.gao.gov/assets/gao-20-61.pdf>

¹² <https://www.military.com/daily-news/2025/01/09/surge-of-female-enlistments-helped-drive-army-success-reaching-2024-recruiting-goal.html>

Since the enactment of the Women’s Armed Services Integration Act of 1948, women have filled essential roles at all levels of the military. Douglas Yeung et al., *Recruiting Policies and Practices for Women in the Military: Views from the Field*, RAND Corp. (2017).¹³ In 2013, the federal government rescinded a combat exclusion rule, allowing women to serve in direct combat roles to help “remov[e] as many barriers as possible to joining, advancing, and succeeding in the U.S. Armed Forces.” Martin E. Dempsey & Leon E. Panetta, *Memorandum: Elimination of the 1994 Direct Ground Combat Definition and Assignment Rule 1* (Jan. 24, 2013).¹⁴ In 2024, women comprised around 17 percent of the active-duty force. U.S. Dep’t of Defense, 2024 Demographics: Profile of the Military Community 18.¹⁵ Ensuring women’s continued participation, and their access to healthcare, is critical to sustaining military readiness.

II. Ready Access to Reproductive Healthcare, Including Abortion, Is Essential to Military Readiness.

Restrictions on abortion directly impair military readiness. When servicemembers cannot access reproductive healthcare, they face extended absences, delayed treatment, and difficult choices that undermine recruitment, retention, and deployability. Telehealth access to mifepristone mitigates these harms by enabling

¹³ https://www.rand.org/pubs/research_reports/RR1538.html.

¹⁴ <https://www.womenvetsusa.org/cmsfiles/docs/rescission-of-1994-direct-ground-combat-definition-&-assignment-rule-secdef-24-jan-2013.pdf?1774215191>

¹⁵ <https://www.militaryonesource.mil/data-research-and-statistics/military-community-demographics/>

servicemembers to obtain care efficiently. The regulatory uncertainty created by this litigation threatens this access and thereby degrades military readiness.

A. Limited access impedes the recruitment, retention, and deployability of servicemembers.

Access to reproductive healthcare supports the recruitment and retention of women. Women are more likely than men to leave military service, in part due to challenges related to family planning and access to care. *See* GAO Report 2, 29; *see also* Douglas Lindsay, *The Military Is Growing Again but Capacity, Not Recruiting, Is the Real Test*, Military.com (Jan. 27, 2026, at 03:00 ET) (citing stable family support as a consideration for retention).¹⁶ Reproductive care access also affects the retention of male servicemembers. When a servicemember, their spouse, or their dependent cannot access care, the servicemember may need to take extended leave, or leave the military altogether.

Government officials have recognized that barriers to reproductive care diminish readiness. Following *Dobbs*, then-Pentagon Under Secretary of Defense for Personnel and Readiness Gilbert R. Cisneros, Jr. warned that barriers to care could drive attrition, noting that “some service members may choose to leave the military altogether” due to difficulty in obtaining care. Alex Horton & Rachel Rouben, *Abortion Ruling Will Worsen Military Personnel Crisis, Pentagon Says*,

¹⁶ <https://www.military.com/feature/2026/01/26/military-growing-again-capacity-not-recruiting-real-test.html>

Wash. Post (July 29, 2022, at 17:17 ET).¹⁷ Representative Jackie Speier similarly cautioned that restrictions on abortion “creat[e] a real incentive for women not to serve.” *Service Members’ Reproductive Health and Readiness: Hearing Before the Subcomm. on Mil. Pers. of the H. Comm. on Armed Servs.*, 117th Cong. 17 (2022) (“Hearing”).¹⁸

Servicemembers report the same impact. In 2023, active-duty servicemembers reported that barriers to reproductive access “are impacting their willingness to continue to serve in the military,” creating a “retention and morale issue.” Trevor Hunnicutt, *Restrictive Abortion Laws Hurting US Military, White House Says*, Reuters (July 17, 2023, at 18:23 ET).¹⁹ One active-duty member testified before Congress that restricted access “degrades morale” and “affects retention,” Hearing at 22 (testimony of Sharon Arana), while another servicemember testified that it could discourage new recruits from joining the military and encourage current members to leave, *id.* (testimony of Theresa Mozillo). These effects extend beyond individual servicemembers to their families, and, in turn, to the military as a whole.

¹⁷ <https://www.washingtonpost.com/national-security/2022/07/29/military-abortion-recruiting/>.

¹⁸ <https://www.congress.gov/117/chrq/CHRG-117hrg51197/CHRG-117hrg51197.pdf>

¹⁹ <https://www.reuters.com/world/us/restrictive-abortion-laws-hurting-morale-retention-us-military-w-house-2023-07-17/>.

Access to abortion also affects physical preparedness. Without telemedicine access to mifepristone, servicemembers may be required to take extended leave and travel to access abortion. *See infra* Section II.C. That disruption hinders the servicemember’s ability to serve and has ripple effects on unit operations. Military units that are not fully staffed cannot respond quickly, and units with fill-in soldiers are less effective. Kesling, *The Military Recruiting Crisis*. Delayed care can also result in serious health consequences, further disrupting unit readiness. *See* Daniel Grossman et al., *Care Post-Roe: Documenting Cases of Poor-Quality Care Since the Dobbs Decision*, *Advancing New Standards in Reproductive Health* 11-14, 19-20 (Sept. 2024).²⁰

B. Federal policies restrict abortion access for servicemembers and veterans.

Abortion access for servicemembers is already limited by federal statute and policy. These restrictions make it all the more important that servicemembers can readily access mifepristone through telemedicine.

Federal law prevents the Department of Defense from using funds to provide abortions, “except where the life of the mother would be endangered if the fetus were carried to term or in a case in which the pregnancy is the result of . . . rape or incest.” 10 U.S.C. § 1093(a). Unless those exceptions apply, no “medical treatment facility

²⁰ https://www.ansirh.org/sites/default/files/2024-09/ANSIRH%20Care%20Post-Roe%20Report%209.04.24_FINAL%20EMBARGOED_0.pdf

or other facility of the Department of Defense” may be used to provide an abortion. *Id.* § 1093(b). In practice, for non-covered abortions, female servicemembers must incur out-of-pocket expenses and travel to local, non-military facilities and providers. These restrictions already place a significant burden on servicemembers.

In January 2025, President Trump issued an Executive Order purporting to reinforce the Hyde Amendment. Exec. Order No. 14182, *Enforcing the Hyde Amendment*, 90 Fed. Reg. 8751, 8751 (Jan. 24, 2025) (“Hyde Amendment EO”). The order revoked Biden-era executive orders protecting access to abortion and directed agencies to develop guidance to enforce the Hyde Amendment. *Id.*

Federal agencies have since issued two significant policy changes affecting servicemembers and veterans. First, in early 2025, the Department of Defense rescinded regulations that authorized transportation allowance for servicemembers to travel for reproductive care. Dep’t of Def., Def. Travel Mgmt. Off., Memorandum, UTD for MAP 04-25(S), “Remove Travel for Non-Covered Reproductive Health Care Services” (Jan. 29, 2025).²¹ For the reasons explained in Section II.C., limiting or impeding such travel places an extraordinary burden on female servicemembers. Second, in December 2025, the Department of Veterans Affairs ceased providing any abortion to veterans and their dependents, including in cases of serious health

²¹ https://www.af.mil/Portals/1/documents/2025SAF/Remove_Travel_for_Non-Covered_Reproductive_Health_Care_Services.pdf

risks, rape, or incest. See Julianne McShane, *Department of Veterans Affairs Quietly Implements Abortion Ban*, MS Now (Dec. 23, 2025, at 11:30 ET);²² see also Serra Sippel & Janessa Goldbeck, *Army Veterans Deserve Access to Abortion. The Senate Just Denied Them.*, MS Now (Mar. 26, 2026, at 12:04 ET).²³

Federal law and policy thus significantly burden access to abortion for servicemembers, veterans, and their families. Additional limits on mifepristone would further encumber this critical access to care.

C. State restrictions on abortion impose additional barriers on servicemembers seeking reproductive care nationwide.

Apart from federal restrictions, servicemembers face significant obstacles in accessing reproductive care nationwide.

Since *Dobbs*, abortion access has been severely curtailed in many states. As of this writing, 25 states restrict abortions. See *Interactive Map: US Abortion Policies and Access After Roe*, Guttmacher Inst. (last visited Apr. 22, 2026).²⁴ These restrictions have compounding effects not just for women in those states, but also for women nationwide seeking reproductive care. Clinics in states where abortion remains accessible are overwhelmed with patients, including those traveling from out of state. See Alyssa Goldberg, *People Are Flocking Out-of-State for Abortion*

²² <https://www.ms.now/news/abortion-ban-veterans-affairs-va>

²³ <https://www.ms.now/opinion/va-abortion-access-senate-vote>

²⁴ <https://states.guttmacher.org/policies/>.

Care. Clinics Are Fighting to Keep Up, USA Today (Mar. 18, 2025, at 11:59 ET).²⁵

Clinic closures have further reduced provider availability. *See* Sen. Elizabeth Warren et al., *The “Defund” Disaster: How the Republican Attack on Planned Parenthood Is Hurting Patients and Raising Americans’ Health Care Costs* 1 (Mar. 2026).²⁶

These nationwide access challenges compound the unique burdens faced by servicemembers. *See generally* Br. for Pet. at *7-8, *Struck v. Sec’y of Def.*, 409 U.S. 1071 (1972) (No. 72-178), 1972 WL 135840. Servicemembers seeking abortion must often report their pregnancy up the chain of command, obtain commander approval to travel, and navigate unpredictable deployments, including to locations not of their own choosing. *See* Hugh McClean, *The Military’s Abortion Crisis in the Aftermath of Dobbs v. Jackson Women’s Health Organization*, 16 U.C. Irvine L. Rev. 1, 8-11 (2026); *see also* Steve Walsh, *Faced With Obstacles to Abortion, Military Women Have Built Their Own Support System*, NPR (Oct. 30, 2024, at 05:00 ET).²⁷ These procedural and logistical requirements impose substantial burdens that civilian patients do not face.

Servicemember testimony illustrates these burdens. One active-duty servicemember testified before Congress that to obtain an abortion, she drove 3.5

²⁵ <https://www.usatoday.com/story/life/health-wellness/2025/03/05/abortion-clinic-fund-travel-sustainability/80697629007/>

²⁶ https://www.warren.senate.gov/imo/media/doc/_senate_defund_report.pdf

²⁷ <https://www.npr.org/2024/10/29/nx-s1-5162443/women-in-the-military-abortion-roe-v-wade>

hours from the base where she was stationed, only to discover she was subject to a three-day mandatory delay period. Hearing at 5 (testimony of Sharon Arana). Given her training schedule, she was forced to delay her care, eventually obtaining it in another state. *Id.* at 5-6. Another active-duty servicemember testified that the idea of disclosing her pregnancy to male-dominated leadership made her feel “devastated, lost, and alone.” *Id.* at 7 (testimony of Theresa Mozzillo). She feared her military career would “fall[] apart” if she had to discuss her pregnancy with leadership. *Id.* She was ultimately able to book a Saturday appointment at an abortion clinic to avoid the “critical hurdle” of requesting time off. *Id.*

A 2025 study confirmed these experiences across a broader population. Among 178 servicemembers who obtained an abortion while on active duty, more than half took personal leave to access care, almost half traveled more than one hour, and almost a third experienced adverse professional consequences. Caitlin Russell et al., *Policy Knowledge and Abortion Access for US Active-Duty Servicewomen: A Mixed-Methods Study*, 71 *J. Midwifery & Women’s Health* 46, 48 (Nov. 5, 2025).²⁸

These access barriers affect veterans as well. Veterans may face chronic health conditions due to their military service, and thus face particular challenges when reproductive care is inaccessible. *See, e.g.*, Lisa S. Callegari & Sonya Borrero, *Abortion Care for Veterans—A Historic Step Forward*, *JAMA Health Forum* (Nov.

²⁸ <https://pmc.ncbi.nlm.nih.gov/articles/PMC12914618/>

1, 2022).²⁹ They also tend to experience pregnancy at older ages, elevating the risk of pregnancy complications. *Id.* Recent VA policy changes exacerbate these barriers, but telehealth access to mifepristone alleviates many of them.

D. Telehealth abortion mitigates access barriers and strengthens military readiness.

Telehealth access to mifepristone directly mitigates the readiness harms described above. By enabling servicemembers to obtain care remotely without extended travel or leave, telehealth preserves personnel availability, reduces the need for command-level intervention, lessens unit disruption, and allows servicemembers to continue fulfilling their duties.

Under the current regulatory framework, where state law permits, patients can undergo a telehealth evaluation and receive mifepristone by mail. Remote access to abortion is particularly important for servicemembers, allowing them to obtain care without expending significant time and resources navigating travel, leave protocols, and command approval processes.

Requiring patients to travel for mifepristone would impose substantial burdens at every level. Individual servicemembers will face medical, reputational, and professional consequences. At the unit level, absences reduce operational

²⁹ <https://jamanetwork.com/journals/jama-health-forum/fullarticle/2798138>

effectiveness. At the system level, these burdens undermine recruitment, retention, and preparedness. Together, these burdens degrade overall military readiness.

Appellants' motion heightens these concerns. This ongoing litigation, and the prospect of a judicial mandate reinstating in-person requirements for mifepristone, chills the provision of reproductive care and undermines servicemembers' ability to plan for and access such care. That uncertainty itself degrades military readiness.

CONCLUSION

For the foregoing reasons, the Court should deny Appellants' motion.

Dated: April 23, 2026

Respectfully submitted,

/s/ Clara S. Spera

CLARA S. SPERA
Counsel of Record
MADELINE VERNIERO
HECKER FINK LLP
350 Fifth Ave., 63rd Floor
New York, NY 10118
(212) 763-0883
cspera@heckerfink.com

KATE EPSTEIN
HECKER FINK LLP
1050 K St. NW, Ste. 1040
Washington, DC 20001

Counsel for Amicus Curiae

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was filed electronically with the Court's CM/ECF system on April 23, 2026. Service will be effectuated by the Court's electronic notification system upon all parties and counsel of record.

Dated: April 23, 2026
New York, New York

/s/ Clara S. Spera
Clara S. Spera

Counsel for Amicus Curiae

CERTIFICATE OF COMPLIANCE

Pursuant to Rule 32(a) of the Federal Rules of Appellate Procedure, Clara S. Spera, hereby certifies that according to the word count feature of the word processing program used to prepare this brief, the brief contains 2,600 words excluding the parts of the brief exempted by Fed. R. App. P. 32(f), and complies with the typeface requirements and length limits of Rules 27, 29, and 32(a)(5)-(7) and the corresponding local rules.

/s/ Clara S. Spera
Clara S. Spera

Counsel for Amicus Curiae