

*This transcript is a version of the episode.*

**Imani:** Hello fellow law nerds! Welcome to another episode of Boom! Lawyered, a Rewire News Group podcast. I'm Rewire News Group's Editor-and-Large Imani Gandy

**Jess:** I'm Jess Pieklo, Rewire News Group's Executive Editor. Rewire News Group is the one and only home for expert repro journalism and the Boom! Lawyered podcast is part of that mission. A big thanks to our subscribers and welcome to our new listeners!

**Imani:** Jess, we've talked a lot about junk science on this podcast and you know I've had a wild hair about it for years. YEARS. And so has our entire organization, in fact. A decade ago we published a sort of rogue's gallery of False Witnesses—anti abortion doctors who make a living testifying as experts in cases based on bs studies and science that they have concocted with other anti abortion doctors who make a living testifying as experts in abortion cases. So you and I are familiar with a lot of the names that are popping up. (Shout out to Sofia Resnick, Rewire alum who put together that False Witnesses gallery. She published a story this week about these studies.)

**Jess:** We just talked about it last week. About how in *Gonzales v. Carhart*, Anthony Kennedy paved the way for courts to both sides SCIENCE, and to allow legislatures to base laws restricting bodily autonomy on absolute bullshit.

**Imani:** Well it shouldn't surprise you that junk science is everywhere in the mife case which the Supreme Court is going to hear in March and rule on in June.

This is the case brought by the Alliance for Hippocratic Medicine claiming that the FDA improperly authorized mifepristone back in 2000. They wanted to take mifepristone off the market. Fortunately, that's not going to happen. The Supreme Court refused to hear that issue. Whatever the Supreme Court decides at the end of this term, mifepristone will still be available. The issues are standing—whether these doctors are being collectively traumatized or being denied the opportunity to gawk at pregnant women because every once in a blue moon, someone with a mife complication ends up in the hospital and forces one of these bitch ass doctors to do their job. The other big issue is whether or not the FDA's changes to the mifepristone regimen in 2016 and 2020 were valid.

**Jess:** In 2016, the FDA expanded mife use from 49 days to up to 70 days gestation. And then in 2021, the FDA decided to allow pills to be sent by mail.

In ruling that the FDA had no authority to expand mife use in 2016 and 2021, both Matt Kacsmark and the 5th circuit relied upon nonsense junk scientists who have no business being used as evidentiary support for claims that medication abortion complications rise as a result of the FDA's expansion of its use.

And in fact, an academic publisher of two studies cited by Matt Kacsmark and the plaintiffs in this case have been retracted. So that's big news and very validating for those of us who are watching these pine cones lie about abortion complications.

**Imani:** And that's what we're going to talk about today: Some of the no good very bad junk scientists that Matt Kacsmark and the Fifth Circuit relied upon in actions were improper and how Sage, the academic publisher, snatched their wig when it retracted a few studies due to the scientists hiding their ties to anti abortion groups and thus their bias.

**Jess:** So let's talk about these studies that were retracted.

- Published in the journal "Health Services Research and Managerial Epidemiology,"
- Funded and produced by the Charlotte Lozier Institute, the research arm of the Susan B. Anthony Pro-Life America.
- The retraction comes after the revelation that there were undeclared conflicts of interest and concerns about the reliability of the findings.

The lead author for each study is a guy named James Studnicki. He is Charlotte Lozier's vice president and director of data analytics. Turns out he was associated with the editorial board of the journal when the studies were published. Of course he declared no conflicts of interest upon submission and is now complaining that he's being silenced by Big Abortion.

One of the studies is called "A Longitudinal Cohort Study of Emergency Room Utilization Following Mifepristone Chemical and Surgical Abortions, 1999–2015"

Last year, pharmaceutical sciences professor Chris Adkins raised concerns about this study which Kacsmark cited as evidence supporting claims that adverse events from "chemical abortion drugs" overwhelm the medical system. An independent post-publication peer review confirmed Adkins' concerns and pointed out there were fundamental problems with study design, methodology, and factual assumptions.

**Imani:** Adkins pointed out that the paper examined Medicaid patients' visits to the emergency room within 30 days of having an abortion and concluded that medication

abortion is excessively risky. But there was no information about why the Medicaid patients had gone to the emergency room in the first place. Could have been unrelated to abortion. This is all reported in Sofia Resnick's story published in Michigan advance.

**Jess:** The other retracted study Kacsmaryk cited is called "A Post Hoc Exploratory Analysis: Induced Abortion Complications Mistaken for Miscarriage in the Emergency Room are a Risk Factor for Hospitalization." Sage found that this study also had problems with study design, methodology and conflicts of interest. It was published in 2022 and was basically a follow-up to the Longitudinal Study.

**Imani:** I've had a bug up my ass about junk science for a while now and so when I saw that the ACLU filed a banger of an amicus brief that was basically a 43 page dragging of each of these anti-abortion advocates cosplaying as social scientists and researchers, I felt very jazz hands about it. The ACLU listed a dozen or so of these junk scientists and then pointed out all the courts that had called these people unreliable, not credible, biased, etc.

Because the bottom line is that the Supreme Court may very well rely on a bunch of bozos when it decides to maintain the restrictions on access to abortion that were imposed by Matty K and the Fifth Circuit. And it seems to me if the evidence upon which that decision was based is bullshit, then the Court should decide this case in favor of the FDA.

**Jess:** The ACLU specifically called out one dubious claim that Matty K made in his ruling based on a bs study which suggests that mife has negative mental health impacts. Guess what he used for that proposition.

**Imani:** I don't know. Another Charlotte Lozier Institute study?

**Jess:** Nope. Worse.

**Imani:** What could be worse than that.

**Jess:** 98 anonymous blog posts from an anti-abortion website called [abortionchangesyou.com](http://abortionchangesyou.com).

**Imani:** I'm sorry what now.

**Jess:** Yep. [Abortionchangesyou.com](http://abortionchangesyou.com) is a site where bloggers post anonymously and don't even need to create an account in order to post about how awful their medication

abortions were and how mifepristone killed their great grand pappy in the great mifepristone War of 1812.

**Imani:** That was a really serious war. We lost a lot of good people in that miffy war and we shouldn't make jokes. But seriously, it's obvious that Matty K and the 5<sup>th</sup> Circuit had no problem relying on literal nonsense as evidence that mifepristone is dangerous. But if history is any indication, it won't matter. Courts generally just accept legislative scientific pronouncements. It's why we have born alive abortion bans and heartbeat bans. They're all based on junk science.

The parade of junk scientists is too long to recount in an episode and 'm going to surprise the urge to drag each and every one of them, so we're just going to list some of the worst ones.

First there's Ingrid Skop.

The 5th circuit cited this woman 17 times including for critical points about mifepristone safety. But just two years ago a court rejected her live testimony about abortion safety and called it inaccurate and overstated. Scoop herself admitted in 2020 that quote she's not a really good researcher" and that she routinely quote lifts language mother authors without attribution." she claims that she didn't know quote didn't realize that you know using words from a paper that you agreed with qualified as plagiarism."

Doctor Skop testified that in person supervision for dispensing medication abortion was necessary based on the articles she claimed were peer reviewed. But those articles were peer reviewed in an advocacy journal, not a scientific publication period and the advocacy journal that was published in has accused President Obama of hypnotizing listeners with his speeches and published an article in 2015 claiming that HIV doesn't cause aids.

**Jess:** Then there's Dr. Jeffrey Barrows, Mario Dickerson, and Dr. Donna Harrison. I'm putting these three together because they're equally ridiculous. Mario Dickerson is not a doctor. He has an advanced degree in theological studies. But that didn't stop both lower courts from relying on him for his assertions that the FDA actions in 2016 and 2021 "led to an increasing risk that women and girls may suffer adverse events from chemical abortion."

The district court specifically relied on him to support the claim that the FDA's 2016 actions increased the rate of complications from medication abortion. But he's not a doctor. So how could he have any expertise about the rates of complications for

medication abortion at any time much less specifically after 2016 which is the period in question?

**Imani:** Just “reasons” I guess. But hey, at least Dr. Jeffrey Barrows and Dr. Donna Harrison are at least doctors, unlike Dickerson... I guess?

But unfortunately both stopped practicing long before 2016 so in fact have no business talking about how the FDA’s actions in 2016 and 2021 put people in danger.

Both claimed to have personal experience with medication abortion patients but Dr. Harrison failed to mention that he hadn’t practiced medicine since 2000, which is when the FDA approved mife. And Dr. Barrows claimed to be a board certified OB-GYN with 28 years experience but didn’t mention that he hasn’t been licensed to practice medicine since 2015, a year before the FDA’s actions in 2016 and 5 years before the FDA actions in 2021 which he claims have increased complications and emergency room visits. How would he know if he had stopped practicing before then?

**Jess:** And we can’t forget about Priscilla Coleman who keeps claiming that abortion causes mental health problems even though that has been debunked for YEARS now. She publishes studies about mental health trauma and post abortive trauma syndrome with David Reardon, the guy who invented post-abortive trauma syndrome. This is a guy who founded the Eliot Institute and pretends to be some sort of social scientist when really he has a degree in electrical engineering. Dr. Coleman even once admitted that her claim that higher death rates are associated with abortion wasn’t based on actual findings.

**Imani:** Her methodology was super awesome. She basically took a look at anyone who died, and if they’d had an abortion at any point in their life, she associated that death with the abortion. It’s ridiculous. But these are the types of studies and junk scientists that Matty K and the conservatives are using to take away our bodily autonomy.