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Alabama, Louisiana, and Arkansas Sue New York, California, and Massachusetts in the U.S. Supreme Court Over Abortion Shield Laws

(Baton Rouge, La) – Alabama Attorney General Steve Marshall along with Louisiana Attorney General Liz Murrill and Arkansas Attorney General Tim Griffin announced a multistate lawsuit in the United States Supreme Court challenging the abortion “shield laws” of New York, California, and Massachusetts. Joined by Louisiana and Arkansas, Alabama claims that the “shield laws” violate the Constitution and federal law by promoting and facilitating the distribution of thousands of illegal abortion drugs through the mail and preventing pro-life states from enforcing their own laws.

After the Dobbs decision returned the issue of abortion to the states, New York, California, and Massachusetts swiftly moved to circumvent the Supreme Court and the law of the land – not by simply codifying abortion in their own territories, but by actively seeking ways to nullify the sovereign rights of pro-life states. They did this by adopting shield-law policies that restrict cooperation with out-of-state law enforcement, limit extradition, prevent the enforcement of certain out-of-state judgments and subpoenas, and harbor providers who prescribe and mail illegal abortion drugs into pro-life states – all to assure shield-law state residents that they can violate pro-life states’ laws with impunity and no fear of negative repercussions.

And they didn’t even try to hide their motives. New York Governor Kathy Hochul proudly proclaimed, “They can’t stop us – they can’t stop our providers, they can’t stop New York, and that’s how we’re fighting back.”

Shield laws are thus not shields at all; they are swords disguised as shields and driven into pro-life states.

Alabama is asking the Supreme Court to hold that these laws violate the Full Faith and Credit Clause, the equal-sovereignty doctrine, the federal common law of public nuisance, and the Dormant Commerce Clause.

“Alabama’s pro-life laws exist to protect mothers and their children. This is a coordinated scheme by bad actors from out of state to defy Alabama law and harm people in our state. These drugs are dangerous for women who take them, and these companies knowingly break our laws and brag about it in their advertising. If state sovereignty means anything, it means Alabama cannot be forced to accept the death of unborn children and the harm it causes to mothers because someone outside our borders disagrees with our choice to protect life,” said Alabama Attorney General Steve Marshall.

Due to the illegal enterprise that these shield laws have created and protected, Louisiana, Alabama, and Arkansas have also filed legal action in the Western District of Louisiana against 30 individuals and organizations who, through a sweeping, coordinated scheme, have flooded



illegal abortion pills into pro-life states by advertising, prescribing, dispensing, and shipping abortion drugs directly into Louisiana and other states.

“Louisiana has made its position on abortion clear through the bipartisan will of the people’s representatives in its Legislature. Louisiana chooses life. We will not allow activist states, activist providers, or distributors profiting from killing babies to threaten Louisiana’s sovereignty, violate Louisiana law, or endanger Louisiana women and babies,” said Louisiana Attorney General Liz Murrill.

The states further claim that the individuals and organizations made false or misleading representations concerning the safety, effectiveness, legality, risks, and appropriate use of abortion-inducing drugs, including minimizing potential complications and the need for in-person medical care.

“The rule of law matters, and with this civil action, we are sending a clear signal that our states take our laws seriously. I have been proud to stand up for the lives of the unborn my entire time in public service, and I am proud to defend Arkansas’s pro-life laws through this civil action today. Arkansas’s General Assembly has repeatedly heeded the call to protect pregnant mothers and their unborn children, and I will continue to fight to uphold the General Assembly’s duly passed laws protecting life,” said Arkansas Attorney General Tim Griffin.

The lawsuit asks the federal court to declare their actions a public nuisance. The states also seek injunctive relief, damages, civil penalties, statutory damages, attorneys’ fees, and costs.

Read the Supreme Court filing [here](#) and the district court public nuisance suit [here](#).