



Arkansas Abortions Post Dobbs

Paul Brown

www.ARLifeandLiberty.org ~ PO Box 1018 Hazen, AR 72064 ~ 1-501-481-1203

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Introduction

On January 22, 1973 the United States Supreme Court (SCOTUS) ruled 7-to-2 that state restrictions on abortion were unconstitutional in the landmark *Roe v. Wade* case. For 49 years every US state abided this ruling, despite its unconstitutionality, and allowed abortion to ravage our lands largely unchecked. As one nation *under God*, our responsibility was and always has been to obey God rather than man (Acts 5:29), however no state was willing to take such a bold stance, and the death toll has been enormous, with over 65 million preborn babies having been murdered in the womb without justice.

On June 24, 2022 SCOTUS made another landmark ruling in *Dobbs v. Jackson Women's Health Organization*, overturning *Roe v. Wade*, and returning the decision to how to handle abortions to the states. Those who support abortion were outraged. Pro life groups were completely surprised, but overjoyed. This was a day that many of them had been eagerly awaiting, yet one that many believed would never come.

But their celebration was all-too early. The pro life groups had failed to recognize that which abortion abolitionists had already been saying for years: To stop abortion we need equal protection under the law for the preborn.

Arkansas and other states moved forward with plans they believed would stop abortions. The [Arkansas Abortion Trigger Ban](#) went into effect and made the performance of an abortion a felony with a fine not to exceed \$100,000 and/or imprisonment not to exceed 10 years.¹

The law also stated, “This section does not authorize the charging or conviction of a woman with any criminal offense in the death of her own unborn child.”

The effect of this law is that it did stop virtually 100% of abortions provided in-state by medical professionals (with exceptions for the life of the mother), and it was touted as a massive victory for the rights of the preborn.

Unfortunately, this law did nothing to address women traveling out-of-state for abortions or performing their own abortions on Arkansas soil. Since women are declared immune to prosecution by the law as it is written, there is simply no mechanism by which they can be stopped from carrying out an abortion so long as there are no active accomplices in the state.

The result is that abortions amongst Arkansas women have not decreased *at all* since the 2022 *Dobbs* decision.

In this report we will explain how and why this is true using publicly available data, peer-reviewed reports, and credible journalism.

Historical Data

Context is key. It is no use discussing the current abortion numbers without knowing past abortion numbers. Prior to 1973 abortion was legal in Arkansas in at least some circumstances, and in general the law would not have even been targeted to prosecute the mother who seeks the abortion, but to the abortionist. An [article from Americans United for Life](#) states that according to the Arkansas Supreme Court in 1970, “Our own statute... is directed toward the person who administers or prescribes medicine

¹ *Arkansas Code Title 5, Subtitle 6* accessed at Justia US Law on 6/17/2024: <https://law.justia.com/codes/arkansas/2020/title-5/subtitle-6/chapter-61/subchapter-3/section-5-61-304/>

or drugs to any woman with child, with intent to produce an abortion, or to produce or attempt to produce an abortion by any other means.²”

The same AUL report goes on to say that Arkansas law would not have even treated a woman as an accomplice prior to 1973.

Abortions were, therefore, no-doubt taking place in Arkansas for many years prior to *Roe*, but unfortunately Arkansas had no statewide reporting mechanism in place even as late as 1970³. (All historical numbers discussed below are from the CDC as recorded and reported by the Johnston Archives: <https://www.johnstonsarchive.net/policy/abortion/usa/ab-usa-AR.html>).

The first reported numbers, and the lowest since that time were in 1971 and 1972, which were 637/year and 793/year respectively⁴. It is quite reasonable to expect that there were abortions occurring in Arkansas at a rate of hundreds each year for much of the 20th century prior to 1973. While stigma existed, the law simply did not treat abortion as murder (for either the mother or the abortionist), and wholly excused the mother’s involvement.

Nevertheless, the incidence of abortion picked up steadily starting in 1973, starting in the 1,000’s for the first several years. Abortions peaked between 1978 and 1988 in which there were 5,000 or more abortions each year amongst Arkansas residents. 1980 was the highest year on record with 7,306 abortions amongst Arkansas residents. Most years between 1990 and 2008 there were 5,000 or more abortions amongst Arkansas residents, however in 2009 the number dropped to the 4,000’s, fluctuating between 4,000’s and 3,000’s from that point forward.

Note: All numbers discussed here are amongst Arkansas residents both in and out of state, as these are the numbers most comparable with current data. Since we would not expect women to travel to Arkansas to attain an abortion at this time, it would not make sense to compare present-day numbers with the number of non-Arkansas residents getting abortions in Arkansas.

² *Why the States Did Not Prosecute Women for Abortion Before Roe v. Wade* by Americans United for Life. Collected on 6/17/2024 from: <https://aul.org/2010/04/23/why-the-states-did-not-prosecute-women-for-abortion-before-roe-v-wade/>

³ *Surveillance of Legal Abortions in the United States, 1970* by the Journal of Obstetric, Gynecologic & Neonatal Nursing (JOGNN). Collected on 6/17/2024 from: [https://www.jognn.org/article/S0090-0311\(15\)30413-0/fulltext](https://www.jognn.org/article/S0090-0311(15)30413-0/fulltext)

⁴ CDC Abortion Reporting for Arkansas as recorded in the Johnston Archives. Collected on 6/17/2024 from: <https://www.johnstonsarchive.net/policy/abortion/usa/ab-usa-AR.html>

Year	CDC total in state	CDC residents in state only	CDC residents in and out of state	Nonresidents in state only	Residents Out of State Only	Total In State + Residents Out of State
2010	4,532	3,937	4,849	595	912	5,444
2011	4,033	3,523	4,429	510	906	4,939
2012	3,782	3,361	4,284	421	923	4,705
2013	3,732	3,205	3,938	527	733	4,465
2014	4,253	3,307	4,024	946	717	4,970
2015	3,771	3,070	3,805	701	735	4,506
2016	3,207	2,673	3,432	534	759	3,966
2017	3,249	2,877	3,659	372	782	4,031
2018	3,069	2,748	3,551	321	803	3,872
2019	2,963	2,625	3,357	338	732	3,695
2020	3,154	2,764	3,340	390	576	3,730
2021	3,133	2,746	4,173	387	1,427	4,560
2022	1,621	1,184	1,715	437	531	2,152

Above data is from Johnston Archives

Since 2010 abortion numbers have hovered around the 3,000's and 4,000's amongst Arkansas residents.

In 2022 the data appears to indicate a sharp drop, which is reflective of what was being counted. By the end of June 2022 there were virtually 0 abortions taking place in facilities in Arkansas, so given that 2023 reports 0, from that point forward it was clear that no attempt was being made to count abortions that took place through other means.

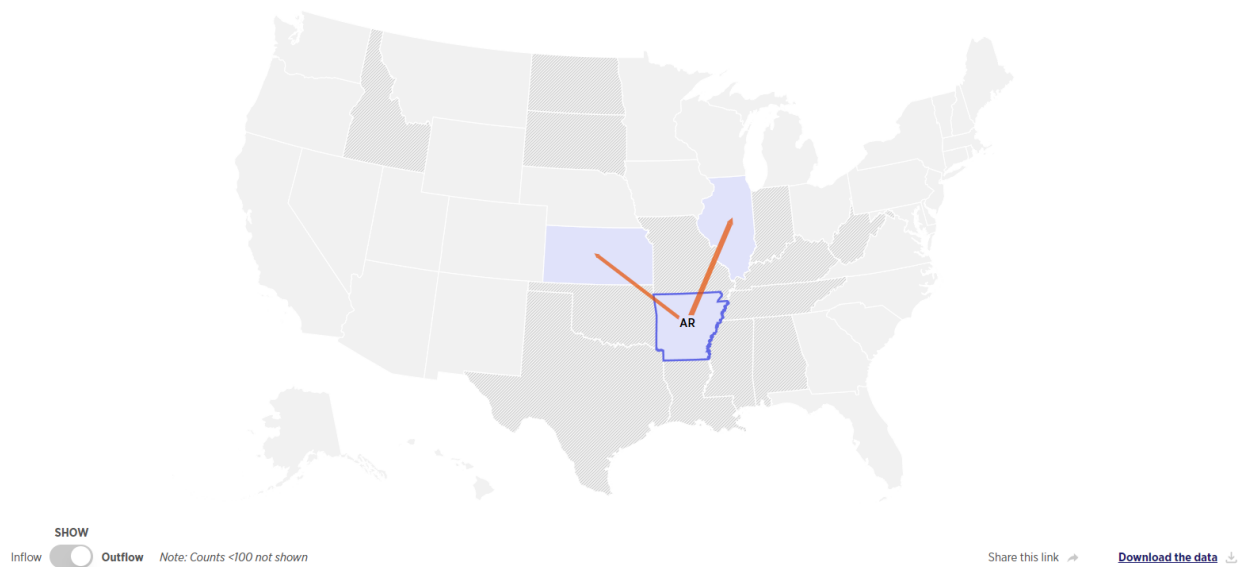
It must be stated that the above 2022 numbers are not accurate, and the report of 0 abortions in 2023 is horrifically inaccurate, as will be demonstrated below. Neither the 2022 nor the 2023 numbers from the CDC take into account out-of-state travel or abortion pills ordered online.

Out-of-State Travel for Abortions

Until recently there was not sufficient data to accurately estimate the number of abortions taking place amongst Arkansas women by traveling out of state since the *Dobbs* decision. Very rough estimates could be surmised by looking at data from other states and applying it loosely to Arkansas, but thankfully this is no longer necessary.

In June 2024 the [Guttmacher Institute released a far-reaching report](#) with data about out-of-state abortion travel across the nation for the year 2023. Every US State was studied, and the report included a spreadsheet that shows every US state and the states to which women travel for abortions from those states. The report was limited in scope. If there were less than 100 women who traveled from a given state to another state for abortions then it was not reflected in the report. As a result, the report only indicates two states to which Arkansas women traveled for abortions in 2023: Illinois and Kansas.

Where patients from Arkansas travel out-of-state to get abortions



Above image is from Guttmacher report

The report stated that 2,040 women traveled from Arkansas to Illinois for abortions, and another 570 traveled to Kansas for a total of 2,610 in 2023⁵. Given that the report did not reflect numbers for any states where less than 100 women were known to have traveled there from Arkansas, the actual numbers are likely higher. Given the rates of travel and ratios compared with abortions acquired by mail that we observe in other states, it would be reasonable to suggest that the number of women who traveled out of Arkansas in 2023 for abortions was upwards of 3,000.

Abortion Pills Ordered Online

Since state law explicitly precludes the mother who seeks (or attains) the abortion from prosecution, it is natural to expect that the next logical option beyond traveling out-of-state is to use abortion pills ordered online. Since the mother is the one ordering, paying for, and taking the pills, and the only other active party in the transaction is out-of-state, there is literally no one to be prosecuted in the transaction, leaving babies legally exposed and unprotected.

The abortion pills in question are not to be confused with Plan B/the morning after pill which is available over the counter (without ID) in virtually every pharmacy in the United States. Plan B has the potential to be an abortifacient, but is typically used before a woman knows if she is pregnant or not.

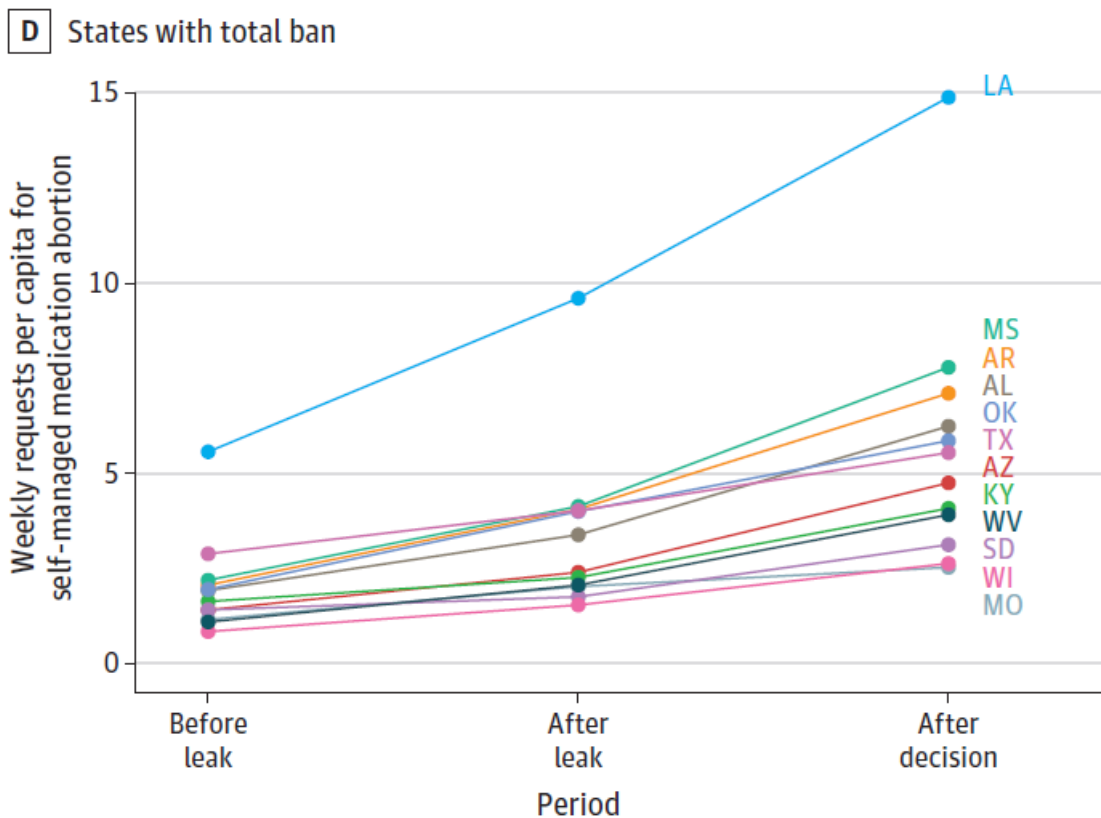
The abortion pills described in this report include Mifepristone and Misoprostol, a regimen of medications that are taken together in order to perform the abortion. Mifepristone is taken first, and it decreases the mother's production of a hormone called Progesterone, which is necessary to keep the baby alive. Within 48 hours she then takes Misoprostol, which initiates contractions and expels the baby, which will have likely expired already. The instructions for these pills state that they are only to be used during the first trimester, though we have heard reports of women doubling or tripling the dose and taking them later.

⁵ *Monthly Abortion Provision Study*, from the Guttmacher Institute. Collected on 6/18/2024 from: <https://guttmaninstitute.github.io/provision-dashboard/#the-estimates>

Furthermore, it is also worth noting that Misoprostol can also be taken by itself to perform an abortion because even if first-trimester baby does survive the process of being expelled, he or she will not survive once outside of the womb.

Aid Access is a group that was founded in March 2018 specifically to mail abortion pills to women in the United States. Prior to the *Dobbs* decision, women were already utilizing their services, but when the *Dobbs* ruling came out orders from Aid Access and other providers exploded overnight.

The incidence of pills being ordered online and shipped by mail has been studied and reported on extensively by the Journal of the American Medical Association (JAMA). In November 2022 they published a [report that showed the number of abortion pills being ordered from individual states both before and after the *Dobbs* decision](#). The report indicated that in Arkansas, prior to *Dobbs*, there were 2.1 requests for pills per 100,000 female residents age 15 to 44 each week, which correlates to 12.23 requests per week or 636.17 requests per year. After *Dobbs* it jumped to 7.1 request per 100,000 per week, which correlates to 41.36 total requests per week, or 2,150.85 requests per year⁶.



Above image is from the JAMA Report

⁶ *Requests for Self-managed Medication Abortion Provided Using Online Telemedicine in 30 US States Before and After the Dobbs v Jackson Women’s Health Organization Decision*, from JAMA Network. Collected on 6/18/2024 from: <https://jamanetwork.com/journals/jama/fullarticle/2797883>

The report did not count pills that were being ordered to be stockpiled or distributed later, but only included those that were believed to have been ordered for the purpose of performing an abortion at that time.

All of the above information on abortion pill orders is exclusive to one provider: Aid Access. At the time that this JAMA Report was produced, we were unable to find reports that indicated how many pills were coming from other providers. In April 2023 the New York Times published [an article](#) indicating that Aid Access only constituted an estimated 46% of all abortion pills provide outside the US healthcare system from July to December 2022. Another supplier called Las Libres supplied another 35%, and other online sellers constituted the last 19%⁷.

The New York Times article is referring to national numbers, while the JAMA report is specific to Arkansas. For that reason, it is impossible to know exactly how many abortion pills were ordered by Arkansas women from other providers, but it is reasonable to suggest that it may be as much as *double* the numbers ordered from Aid Access.

Combined Reporting

Most reports we have found about abortions post *Dobbs* focus on *either* pills ordered online *or* women traveling out-of-state. These are helpful as references, but viewing either one exclusively fails to provide a holistic view of what is happening.

The sad truth is that every abortion is the murder of a human being regardless of whether it takes place in Arkansas or elsewhere, surgically, or through pills ordered online.

If we interpret the available data in the *most conservative* disposition, we can see that in 2023 there were at least 4,211 abortions amongst Arkansas women when you combine pills ordered online (from one provider) and out-of-state travel. Since 2022 numbers are compromised and incomplete, the best “whole” year to compare to is 2021, in which 4,173 Arkansas women procured abortions in and out of state. The 2023 numbers do not reflect a decrease. On the contrary, they reflect an increase from 2021 of nearly 1%.

Furthermore, the figure of 4,211 represents the highest number of abortions amongst Arkansas women *in the last decade*.

We cannot stress enough that this is the most conservative interpretation of the available data. It would be reasonable to suggest that more than 6,000 Arkansas women procured abortions in 2023, reflecting figures not seen since the 1980’s and 1990’s.

Conclusion and Proposed Solution

To quote Nehemiah 1:3, “The wall of Jerusalem is broken down, and its gates are destroyed by fire.”

It is difficult to adequately express how bad the situation in Arkansas is. Throughout Arkansas’s history over 100,000 babies have been murdered in the womb *so far*, and this genocide is not slowing down. Presently it is speeding up. This is a tragedy of epic proportions, and at this time the people of Arkansas have no one *outside of Arkansas* to blame.

⁷ *Inside the online market for overseas abortion pills*, from The New York Times. Collected on 6/18/2024 from: <https://www.nytimes.com/interactive/2023/04/13/us/abortion-pill-order-online-mifepristone.html>

Roe v. Wade was absolutely an unconstitutional decision that should have been ignored by every single US state. However, *Roe* is gone. Despite being a bad excuse, it was used as an excuse previously, but now the only ones anyone can claim are responsible for Arkansas state laws are Arkansans.

The time of ignorance is past. It is likely that many have previously believed that Arkansas's existing laws are sufficient, but it is clear that they are not.

Arkansas must pass a law of equal protection for the preborn. This law would simply treat abortion like murder for all parties including the mother. To say that you believe that "life begins at conception" but then oppose such a law is entirely hypocritical. If you believe it is wrong for a mother to murder her 6-week-old baby, and that she should be prosecuted for such an action, then you cannot be consistent and say you do not believe the same for an abortion.

There is already a template for such legislation. [HB 1174](#) was introduced in the Arkansas House in January 2023, and would have achieved the exact outcome proposed above. It is incumbent upon the Arkansas Legislature to pass such a bill as soon as possible, and incumbent upon the Governor to sign it into law immediately thereafter. Failure to succeed is consent to continue the genocide of the preborn in Arkansas.

Some will be tempted to keep playing whack-a-mole with abortion. They might want to find a way to restrict the pills (which would be difficult or impossible without providing criminal penalties for the mother), however this would be a tragic mistake. If you identify some pills to restrict there will be others. There are herbal concoctions that can be used. There are always more *methods*. It's not about the method. It is about the action. Abortion, the destruction of human life in the womb, is murder. Just as we do not fix crime by outlawing guns, we will not stop abortion by going after pills. Criminalize the act, and prosecute the few who remain brazen enough to follow through with it. Enact justice for the least of these, and refuse to compromise with evil.