



Center FOR Christian Virtue

Public Policy. Engagement. Education.

David M. Toepfer

123 Capitol Hill Drive, Suite 400

Washington, D.C. 20001

216-622-3600

May 20, 2026

Dear United States Attorney Toepfer,

I write to you on behalf of the Center for Christian Virtue, the thousands of Ohioans we represent, and the majority of Americans who believe unborn life deserves some legal protection. The purpose of this letter is direct: we call on you, as the chief federal law enforcement officer in your district, to enforce the Comstock Act as it applies to the interstate mailing of Mifepristone and other chemical abortion drugs.

The Comstock Act Is Not a Dead Letter

18 U.S.C. §§ 1461–1462, the federal statutes commonly known as the Comstock Act, make it a federal crime to knowingly use the U.S. Mail or any interstate carrier to ship any drug, medicine, article, or thing designed, adapted, or intended for producing abortion. The statute is unambiguous. It does not contain an exception for FDA-approved drugs, for physician supervision, or for states that have chosen to permit abortion. It says what it says.

For decades, federal prosecutors chose not to enforce these provisions. That prosecutorial discretion was a policy choice; it was never a legal determination that the statute was unenforceable or unconstitutional. Courts have not struck down the Comstock provisions. They remain valid federal law. The decision not to enforce a law does not repeal it.

The Post-Dobbs Reality: A Chemical Abortion Surge

Since the Supreme Court's June 2022 decision in *Dobbs v. Jackson Women's Health Organization* returned abortion policy to the states, a disturbing workaround has emerged: the mass mailing of mifepristone directly to patients across state lines, including into states where the people's elected representatives have enacted strong protections for unborn children.

The numbers are stark. According to data from the Society of Family Planning's #WeCount report, chemical abortions now account for approximately 63 percent of all abortions performed in the United States — a figure that has climbed sharply since *Dobbs*. In 2023 alone, more than 642,000 abortions were reported in the



Center FOR Christian Virtue

Public Policy. Engagement. Education.

United States; the overwhelming majority were medication abortions using mifepristone. Critically, a growing share of those drugs was dispensed by mail-order pharmacies and telehealth abortion providers operating across state lines — a practice that exploded after the FDA modified its distribution rules in 2023 to allow retail pharmacy dispensing.

Aid Access, Plan C, and a constellation of other organizations openly advertise the shipment of mifepristone into states where abortion is restricted or prohibited. This is not a secret operation. It is a deliberate, coordinated effort to circumvent the democratic decisions of states like Alabama, Arkansas, Idaho, Indiana, Mississippi, Missouri, Oklahoma, South Dakota, Tennessee, Texas, and others that have enacted protections for the unborn. These providers are not merely skirting state law; they are willfully violating federal law.

As Justice Clarence Thomas recently pointed out concerning the Louisiana's 5th District Court of Appeals opinion, companies selling the abortion pills across state lines are running a criminal enterprise which: "Violates the Comstock Act"

[These companies] "are not entitled to a stay of an adverse court order based on lost profits from their criminal enterprise. They cannot, in any legally relevant sense, be irreparably harmed by a court order that makes it more difficult for them to commit crimes."

Furthermore, Justice Samuel Alito noted that states' ability to regulate abortion as they see fit under *Dobbs* is being violated by the unregulated mailing of the pills nationwide.

"Some States responded to Dobbs by making it even easier to obtain an abortion than it was before, and that is their prerogative. Other States, including Louisiana, made abortion illegal except in narrow circumstances... "But Louisiana's efforts have been thwarted by certain medical providers, private organizations, and States that abhor laws like Louisiana's and seek to undermine their enforcement."

We hope these concerns eventually prevail in the courts, but until they do it is your responsibility to enforce the law.

This Is Your Responsibility

You took an oath to enforce the laws of the United States. The Comstock Act is a law of the United States. Enforcing it is not a political act, but it is the performance of your sworn duty.

We recognize that prosecutorial discretion is a real and legitimate doctrine. But discretion does not mean abdication. The consistent non-enforcement of 18 U.S.C. §§ 1461-1462 in the context of chemical abortion drugs is not neutrality — it is a



Center FOR Christian Virtue

Public Policy. Engagement. Education.

choice that has enabled the circumvention of state law on an industrial scale. Every package of Mifepristone mailed into your district from out of state, without a lawful exception, is a potential federal violation. The evidence is not hard to find. The providers advertise openly.

We ask you to take the following steps:

- 1.** Open investigative inquiries into mail-order abortion providers knowingly shipping mifepristone into your district, or shipping these drugs from your district.
- 2.** Coordinate with U.S. Postal Inspection Service and other appropriate federal investigative agencies to document violations of 18 U.S.C. §§ 1461–1462 in your district.
- 3.** Pursue prosecution where the evidence supports charges, and make clear to providers that the era of consequence-free Comstock violations has ended.

The Stakes

Dobbs was a milestone. The American people, through their elected state legislatures, have moved to protect unborn children in more than two dozen states. Mail-order mifepristone is the vehicle by which the abortion industry is attempting to render those protections meaningless. Federal law—law that predates Roe, survived Roe, and was never repealed— gives you the authority to stop it.

The Center for Christian Virtue and the constituents you serve are watching. We ask for action, not study. We ask for enforcement, not silence.

Respectfully submitted,

Aaron Baer

President

Center for Christian Virtue