



ATTORNEY GENERAL OF MISSOURI
ANDREW BAILEY

April 13, 2023

The Honorable Xavier Becerra
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue S.W.
Washington D.C. 20201

The Honorable Ron Wyden
United States Senator
221 Dirksen Senate Office Bldg.
Washington, D.C. 20510

The Honorable Alexandria Ocasio-Cortez
U.S. House of Representatives
250 Cannon House Office Bldg.
Washington, D.C. 20515-3214

Dear Secretary Becerra, Senator Wyden, and Representative Ocasio-Cortez:

We write to demand that you retract the dangerous, anti-democracy statements that each of you made in recent days. In response to a federal judge's thorough order ruling that, among other things, the FDA did not adequately consider the scientific evidence before approving an abortion drug, Senator Wyden and Representative Ocasio-Cortez encouraged the President to direct the FDA to defy the court's order, and Secretary Becerra admitted that the Biden administration is considering doing just that.¹

These statements are akin to a call to overthrow the Constitution. As Attorneys General, each of us signed briefs supporting this federal judge's ruling. In some other cases, however, we have been on the losing side, but we have nonetheless complied with the courts' orders. We have done so despite our disagreement with those orders because, under our Constitution, courts have final authority to settle concrete legal disputes between parties. Expressing mere *disagreement* with a court order, as all attorneys have done, is nothing like your call for the FDA not to *comply* with a court

¹ <https://www.wyden.senate.gov/news/press-releases/wyden-to-president-biden-and-fda-after-texas-ruling-ignore-any-ban-keep-mifepristone-on-the-market> (Statement of Senator Wyden "calling on President Biden and the FDA" to "ignore this ruling"); <https://www.independent.co.uk/news/world/americas/us-politics/aoc-abortion-pill-ruling-mifepristone-b2317257.html> (Statement of Representative Ocasio-Cortez, saying, "The Biden Administration should ignore this ruling"); <https://www.politico.com/news/2023/04/09/becerra-texas-abortion-pill-00091114> (Statement of Secretary Becerra, in response to a question whether the Biden Administration will defy the court order, "Everything is on the table").

order. The difference between the two is enormous. For a party to defy a court order simply because one does not like it is an attack on our very system of government and the rule of law.

You ought to know better. Like each of us, you have sworn an oath to uphold the Constitution. Your anti-Constitution rhetoric is more than just wrong. It also erodes the culture of the rule of law that has taken centuries to build. Other nations have fallen into tyranny quickly when those who should have been upholding the rule of law chose instead to lead mobs against it. Your rash, inflammatory, anti-Constitution statements are unacceptable. You must retract or resign.

Sincerely,



Andrew Bailey
Missouri Attorney General



Chris Carr
Georgia Attorney General



Todd Rokita
Indiana Attorney General



Daniel Cameron
Kentucky Attorney General



Jeffrey Landry
Louisiana Attorney General



Drew Wrigley
North Dakota Attorney General



Alan Wilson
South Carolina Attorney General



Ken Paxton
Texas Attorney General



Sean Reyes
Utah Attorney General