



Joshua Divine

President Trump nominated Joshua Divine to serve on the United States District Court for the Eastern and Western Districts of Missouri on May 6, 2025.

Career¹

- Bachelor of Science, University of Northern Colorado, 2012
- Juris Doctorate, Yale Law School, 2016
- Paralegal, Hammond Law Group, 2012-2013
- Summer Associate, Bancroft, PLLC, Summer 2014
- Law Clerk, U.S. Attorney's Office for the District of Connecticut, Spring 2015
- Summer Associate, Jones Day, Summer 2015
- Law Clerk to the Hon. William J. Pryor, Jr., U.S. Court of Appeals for the Eleventh Circuit, 2016-2017
- Law Clerk to Clarence Thomas, Supreme Court of the United States, 2020-2021
- Office of U.S. Senator Josh Hawley, 2019-2022
 - Deputy Counsel, 2019-2020
 - Chief Counsel, 2021-2022
- Office of the Missouri Attorney General, 2017-2019; 2023-present
 - Deputy Solicitor General, 2017-2019
 - Director of Special Litigation, 2023-present
 - Solicitor General, 2023-present

Record on Reproductive Freedom

Access to Mifepristone

As Missouri's Solicitor General, Divine has been instrumental in litigation aiming to roll back access to mifepristone, one of two pills typically used in medication abortion.

In 2022, an anti-abortion extremist group sued the Food and Drug Administration (FDA) and demanded it either rescind the FDA's 2000 approval of mifepristone or, alternatively, reimpose medically unnecessary restrictions. The case made its way to the U.S. Supreme Court after the district court judge – a known anti-abortion extremist, Judge Matthew Kacsmaryk – and a panel of Fifth Circuit judges each ruled to roll back access to mifepristone. Anti-abortion attorneys general from Missouri, Idaho, and Kansas filed to intervene in the case, but were not parties to the issues before the Court. In June 2024, the Supreme Court ruled that the anti-abortion group did not have standing and sent the case back to the lower courts.²

- Divine represented Missouri alongside the state's attorney general and representatives from Idaho and Kansas in a request to intervene in the case, boldly

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alleging that the states had standing despite having no connection to the district where the case was filed.³

- Instead of identifying a valid connection to the Northern District of Texas, Missouri argued the state had standing because access to medication abortion resulted in fewer teen pregnancies in the state and thus the FDA's approval and protocols related to mifepristone access harmed Missouri financially.⁴
- Divine also represented Missouri, Idaho, and Kansas in an amicus brief to the Supreme Court in support of the anti-abortion group's baseless claims, throughout which he propagated medically and factually inaccurate anti-abortion disinformation.⁵

The anti-abortion group dropped its case in November 2024 after the Supreme Court ruled the group did not have standing.⁶ Then, in January 2025, Judge Kacsmaryk took the extraordinary step of allowing the anti-abortion attorneys general from Missouri, Idaho, and Kansas to continue this baseless case despite the states' lack of connection to the Texas district where the case is being litigated and without the involvement of the group that initially brought the claim.⁷ The attorneys general are pushing the claims that the FDA must rescind approval of mifepristone, or in the alternative, severely restrict access to mifepristone by instating medically unnecessary restrictions.

- Since that time, Divine has continued to help lead Missouri's efforts to undermine access to mifepristone. He is listed as a counsel of record on the Supreme Court's docket for this case.⁸
- Divine has also not recused himself from this case since his nomination.⁹

Challenging Missouri's Reproductive Freedom Ballot Initiative

As Solicitor General, Divine challenged¹⁰ Missouri's "The Right to Reproductive Freedom Initiative" ballot, even after a majority of Missourians voted to enshrine reproductive freedom in the state's constitution in 2024.¹¹

- As part of his argument, he alleged that "[n]obody's actually going to be materially affected by what this court does" because some were still able to access abortion care in other states.¹²
- Divine argued that eliminating the harmful abortion restrictions that the majority of Missourians voted to undo by passing the ballot initiative is "not in [the] interest" of women in Missouri.¹³
- He also defended the state's unnecessary biased counseling law by arguing that abortion is "against" the "moral beliefs" of all pregnant people in Missouri.¹⁴ He baselessly alleged that people trying to access abortion care in the state are "being pressured, often by an abusive partner, by parents, things of that nature."¹⁵

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Contraception

- Divine has spread disinformation about the proven safety of birth control¹⁶ and has argued that “the predominant use of birth control is not to deal with medical conditions but to subsidize lifestyle decisions.”¹⁷
- He also implied there are “ethical issues” in requiring health insurance coverage of contraception and said that even if those did not exist, he “would still oppose the mandate that all health insurers provide birth control ‘for free.’”¹⁸

Sex Education

- Divine falsely claimed that “[a]bstinence is the most effective method of preventing disease and unwed pregnancy.”¹⁹

Opposition to Planned Parenthood

- In May 2020, the Missouri Department of Health unlawfully denied a license to Reproductive Health Services of Planned Parenthood of the St. Louis Region, the last abortion clinic in Missouri. An administrative commission later determined the state wrongly denied the license and ordered them to pay \$170,000 in fees.²⁰ Divine led litigation to appeal that decision and prevent Planned Parenthood from receiving the compensation they were entitled to.²¹
- Divine falsely alleged that “97 percent of pregnant women who enter Planned Parenthood abort their babies. There’s no monetary gain for PPFA if women let their children live by placing them up for adoption”²² and asked why Planned Parenthood is not being “charged with false advertising.”²³
- He also falsely and disparagingly claimed that Planned Parenthood “has been shown to aid sex trafficking.”²⁴
- He supported efforts by Republicans in Congress to defund Planned Parenthood.²⁵
- He falsely claimed that “Planned Parenthood fights against abstinence because without abstinence, there are more pre-born babies that Planned Parenthood can kill and profit from, and there are more people who lose sight of the biological and societal functions of sex.”²⁶

Anti-Reproductive Freedom Rhetoric

Throughout his time in college, Divine publicized his anti-reproductive freedom views in local news outlets. For example, Divine:

- Exalted extreme, so-called “personhood” ideology, which forces religious beliefs into law by establishing that life starts at fertilization and ultimately criminalizes abortion care, assisted reproductive technology like in vitro fertilization (IVF) and certain birth control methods.²⁷
- Spread disinformation and used inflammatory language about abortion later in pregnancy.²⁸

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- Derided the belief that “no woman should be forced to give birth.”²⁹
- Opposed a South African program to provide birth control to young people, based in part on his belief that there is “a growing treatment worldwide of pregnancy as inherently bad.”³⁰
- Praised anti-abortion centers (so-called “crisis pregnancy centers”) and anti-abortion zealots who intimidate patients and providers outside of abortion clinics.³¹
- Argued that religion allows people to “impose their beliefs on others” and provided an example when he asked: “Why is it, then, that we can encourage people not to do drugs – and instill costly (but good) programs in elementary schools to educate kids with a clear bias in the direction of preventing them from using drugs – yet as soon as somebody so much as mentions the word abortion or homosexuality, people scream intolerance and say it’s wrong to impose beliefs?”³²

Record on Intersectional Commitments

Voting Rights and Democracy

- Divine wrote that he was “truly thankful that we do not live in a true democracy, for if that were the case, America would not just be dying; its gravestone would already have withered away.”³³
- In an article titled “Literacy tests should be required for elections,” he argued that “People who aren’t informed about issues of platforms – especially when it is so easy to become informed these days, have no business voting” and expressed support for “state-administered literacy tests.”³⁴ To support his argument, he:
 - Argued that “[t]here are too many people in this country who are unable to put aside their personal wishes for the benefit of living in a society. That is why we have elected officials to make decisions; many Americans are incapable of governing themselves.”³⁵
 - Proposed a test that citizens would have to take before they would be allowed to exercise their right to vote, requiring that each citizen “spit back his or her chosen candidate’s platform on major issues and correctly explain what a ballot initiative will do in order for his or her vote to be counted.”³⁶
- Divine supported implementing historically discriminatory voter identification laws, erroneously claiming that they are neither burdensome nor discriminatory.³⁷

LGBTQ+ Equality

- Divine defended a Missouri law that attempted to block transgender youth from receiving gender affirming care and that prevented insurance coverage for gender-affirming care for adults who rely on Missouri Medicaid.³⁸

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- Divine led litigation challenging Kansas City and Jackson County’s decision to pass ordinances to ban harmful conversion therapy.³⁹
- In numerous college writings, Divine attempted to argue that discrimination toward members of the LGBTQ+ community was not “hate” but “concern” – and that those who discriminate against the LGBTQ+ community are not homophobic, but merely “opposed to any form of sex that goes against the biological design of procreations and the nurturing of a family.”⁴⁰ He also wrote that the term “hate” is “applied to people who are opposed to a group receiving extra benefits”⁴¹ and offensively equated homosexuality with other things he considered sinful, including “adultery, bestiality, fornication, polygamy and all other forms of sex that do not take place in a monogamous-marriage setting.”⁴²

Racial Justice

- In an article praising his former boss and mentor, Justice Clarence Thomas, Divine argued that “affirmative action perpetually harms individuals who would have succeeded without it.”⁴³

¹ Joshua Divine, Questionnaire for Judicial Nominees, United States Senate Committee on the Judiciary (May 8, 2025).

² *U.S. Food and Drug Admin. v. Alliance for Hippocratic Medicine*, 602 U.S. 367 (2024), https://www.supremecourt.gov/opinions/23pdf/23-235_n7ip.pdf.

³ Motion of Mo., Idaho, and Kan. to Intervene, *U.S. Food and Drug Admin., et al., Petitioners, v. Alliance for Hippocratic Medicine, et al.*, No. 23-235, 23-236 (2024), https://www.supremecourt.gov/DocketPDF/23/23-235/298312/20240122150358882_A.%202024-01-22%20-%20Alliance%20v.%20FDA%20-%20Motion%20to%20Intervene.pdf; Reply in Support of Motion to Intervene, No. 23-235, 23-236 (2024), https://www.supremecourt.gov/DocketPDF/23/23-235/299912/20240206153029384_2024-02-6%20-%20Alliance%20v.%20FDA%20-%20Reply%20in%20Support%20of%20Motion%20to%20Intervene.pdf.

⁴ See Anna Sporre, *Missouri AG in Abortion Pill Lawsuit Argues Fewer Teen Pregnancies Hurt State Financially*, Mo. Indep. (Oct. 22, 2024), <https://missouriindependent.com/2024/10/22/missouri-mifepristone-lawsuit-andrew-bailey-teen-pregnancy/#:~:text=Bailey%20made%20a%20similar%20argument,find%20online%20abortion%20medication%20providers>.

⁵ Brief of Mo., Idaho, and Kan. in Support of Alliance for Hippocratic Medicine, *U.S. Food and Drug Admin. v. Alliance for Hippocratic Medicine*, Nos. 23-235, 23-236 (2024), https://www.supremecourt.gov/DocketPDF/23/23-235/301864/20240229125923158_1.%202024-02-29%20-%20FDA%20v.%20Alliance%20for%20Hippocratic%20Medicine%20-%20States%20amicus%20brief.pdf.

⁶ Brendan Pierson, *Anti-Abortion Groups Drop Challenge to Abortion Pill as GOP States Seek to Continue Case*, Reuters (Nov. 19, 2024), <https://www.reuters.com/legal/litigation/anti-abortion-groups-drop-challenge-abortion-pill-gop-states-continue-case-2024-11-19/>.

⁷ Motion for Leave to File Amended Complaint, *Mo. v. U.S. Food and Drug Admin.*, 2:22-CV-233-Z (N.D. Tex. 2025), <https://fingfx.thomsonreuters.com/gfx/legaldocs/gkvlbeywevb/01162025abortion.pdf>.

⁸ *U.S. Food and Drug Admin. v. Alliance for Hippocratic Medicine, et al.*, 23-10362 (5th Cir. 2023), <https://www.supremecourt.gov/docket/docketfiles/html/public/23-235.html>.

⁹ Alanna Vagianos, *2 of Trump’s Court Picks Argued Abortion Pill ‘Starves The Baby To Death’ In Womb*, HuffPost (May 28, 2025), https://www.huffpost.com/entry/trump-court-picks-abortion-pill-starves-baby_n_68373610e4b04fb106c44a3a.

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¹⁰ *Blackmon v. Missouri*, No. SC100786 (Mo. 2024).

¹¹ See Anna Sporre, *Missouri Voters Approve Amendment 3, Overturn State's Abortion Ban*, Mo. Indep. (Nov. 5, 2024), <https://missouriindependent.com/2024/11/05/missouri-voters-overturn-states-near-total-abortion-ban/>.

¹² Anna Sporre, *Judge Could Allow Planned Parenthood to Begin Performing Abortions Today in Missouri*, Fulton Sun (Dec. 6, 2024), <https://www.fultonsun.com/news/2024/dec/06/judge-could-allow-planned-parenthood-to-begin/>.

¹³ Jonathan Shonnan, *Abortions Could Begin in Kansas City on Friday if Jackson Co. Judge Blocks Restrictions*, Kan. City Star (Dec. 4, 2024), <https://www.kansascity.com/news/politics-government/article296550974.html>.

¹⁴ *Id.*

¹⁵ *Supra* note 12.

¹⁶ *Id.*

¹⁷ Joshua Divine, *Health and Human Services mandate violates health insurance purpose*, The Mirror (Feb. 20, 2012).

¹⁸ *Id.*

¹⁹ *Kate Walsh's Denunciation of Bristol Palin's Speech is Dogmatic*, The Mirror (Feb. 2, 2011).

²⁰ See Crystal Thomas, *State Zeroes in On Care of 4 Patients in Planned Parenthood Abortion Licensing Dispute*, Kan. City Star (Oct. 20, 2019), <https://www.kansascity.com/news/politics-government/article236740208.html#storylink=cpy>.

²¹ See Tessa Weinberg, *Missouri Health Agency Appeals Ruling Requiring it to Pay Planned Parenthood Legal Fees*, Mo. Indep. (May 27, 2022), <https://missouriindependent.com/briefs/missouri-health-agency-appeals-ruling-requiring-it-to-pay-planned-parenthood-legal-fees/>.

²² Joshua Divine, *Abortion Agenda Gets Away With Deliberate Dishonesty in Advertising*, The Mirror (April 20, 2011).

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ Joshua Divine, *Kate Walsh's Denunciation of Bristol Palin's Speech is Dogmatic*, The Mirror (Feb. 2, 2011).

²⁷ Joshua Divine, *Understanding the pro-life position, ethics of killing humans*, The Mirror (Oct. 3, 2011).

²⁸ Joshua Divine, *The justification of zealous behavior among pro-lifers*, The Mirror (Oct. 6, 2010).

²⁹ *Id.*

³⁰ Joshua Divine, *Shocking Zealotry of Pregnancy Prevention Instills Social Problems*, The Mirror (Sept. 19, 2011).

³¹ Joshua Divine, *The Justification of Zealous Behavior Among Pro-Lifers*, The Mirror (Oct. 6, 2010).

³² Joshua Divine, *Imposing Your Morality on Others*, UNC CONNECTION (Sept. 7, 2010).

³³ Joshua Divine, *Literacy Tests Should be Required for Elections*, The Mirror (Oct. 20, 2010).

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ Joshua Divine, *Voter Identification Laws Not Discriminatory, Unduly Burdensome*, The Mirror (March 19, 2012).

³⁸ See *Noe et al. v. Parson*, 23AC-CC04530 (Mo. 2024), <https://clearinghouse.net/case/45257/>; See also Annelise Hanshaw, *Missouri Judge Upholds State Ban on Transgender Health Care for Minors*, Mo. Indep. (Nov. 25, 2024), <https://missouriindependent.com/2024/11/25/missouri-judge-upholds-state-ban-on-transgender-health-care-for-minors/>.

³⁹ *Bury v. City of Kansas City*, 4:25-cv-00084 (W.D. Mo. 2025), <https://ago.mo.gov/wp-content/uploads/KC-Counselors-Suit.pdf>.

⁴⁰ Joshua Divine, *Hate Improperly Attributed to Opponents of Same-Sex Marriage*, The Mirror (Aug. 22, 2011).

⁴¹ Joshua Divine, *Hate, Ignorance are Nothing More Than Emotional Pejoratives*, The Mirror (Feb. 23, 2011).

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⁴² *Id.*

⁴³ Joshua Divine, *Justice Thomas 's Critics on Affirmative Action Prove His Point*, Nat'l Rev. Online (2023-7-19).