



Written by [Rebecca Terrell](#) on April 24, 2023

Supreme Court Defends Dangerous Abortion Pill

There will not be a federal ban on the abortion drug [mifepristone](#), at least for the time being. The reputedly pro-life Supreme Court issued an [order](#) Friday that ensures the abortion pill will remain available by mail order.

The ruling is the latest in a controversial legal battle over the medication, which is also known as RU-486.

It began earlier this month when U.S. District Judge Matthew Kacsmaryk ordered a hold on RU-486, stating that the U.S. Food and Drug Administration (FDA) should not have approved the [dangerous med](#) more than 20 years ago.



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On April 12, the U.S. Court of Appeals for the Fifth Circuit issued a stay on Kacsmaryk's decision, allowing the pill to be distributed, but only *in person* by a certified prescriber. It also moved back the permissible gestational age of the baby intended for chemical abortion from 10 weeks to seven.

However, last Friday, the U.S. Supreme Court decided to allow RU-486 to remain on the market and available by mail order while a case challenging FDA's approval of the drug works its way through the courts.

Justices Clarence Thomas and Samuel Alito issued a public dissent.

Erik Baptist is senior counsel of the [Alliance Defending Freedom](#), which is representing plaintiffs in the case. He told [Andrew Wilkow](#) of the show *Wilkow!* why this case is so important not only to save babies' lives, but also the lives and health of their mothers:

Wilkow: So you have the FDA saying this abortion-by-mail thing is going to be approved, and essentially what the federal government is looking for under Democrat rule, that is, a workaround to states like Texas and North Dakota and others that are passing abortion restrictions. Now, the funny thing is, when they say we're not trying to ban all guns, we just want reasonable restrictions. A lot of these states aren't outright banning abortion, they're just making reasonable restrictions. But either way the federal government says we want to supersede state law with these pills.

Baptist: You've actually nailed it right on because the Biden Administration is trying to subvert those states that are having reasonable protections for women and unborn life. And the promise of *Dobbs* was returning the power back to the people and to the states. And this is their end-around to the *Dobbs* decision — is to subvert the will of the people and of those states that seek to have reasonable protections for women and girls who may consider having abortions or taking these dangerous drugs.

Wilkow: You know, what I don't understand and you're going to tell me about a Texas court



case, and I want to hear all about it. With all the drugs that are, you know, prescription only — not over-the-counter — it seems like they want to send this drug through the mail. We're not trusted with a lot of drugs, right? We have to get a doctor to give us a prescription. We go to the pharmacy. The pharmacy fills the prescription. Now they're saying, "Oh, just order this abortion pill at home and get rid of your baby in the toilet or something." And I don't mean to be graphic or take it into the gutter, but that's what this pill does. And they're saying, "*That*, we trust you with." So in Texas there is a court case — correct? — that would overturn the FDA approval. Is it just for Texas or all 50 states?

Baptist: It's going to apply to 50 states. We asked the court to apply to all 50 states because we represent national medical associations, and they have doctors throughout the country who have had to treat women and girls who've been harmed by these drugs — especially by the way the Biden Administration has pushed mail-order abortions to have done in people's homes, hotel rooms, dormitories, wherever they are pushing this. And it's inherently dangerous.

Wilkow: Yeah, I know some states have tried to make laws that say, you have to ... get a prescription for this, and you have to take it with a physician and be treated by a physician, it's not just abortion by mail. Because lots of bad things can happen with this pill. And you know, I've even read that some women take it when they are past the use window. I'm probably not using the correct language, but they give birth to live babies when this happens because they go into labor with the first pill, and then what do you do? You know, there's a whole laundry list of things that could go wrong here. And like I said there are so many other drugs that perhaps could be over-the-counter, but we get the wagging finger. "Well, you're not smart enough to take this without a prescription, so go see a doctor." Yet, with this they want to just ship it to everyone across the country, no questions asked.

Baptist: It's both reckless and unlawful. It's reckless because, as you note, if any of these drugs by mail — and this is a two-drug regimen. The first drug kills the baby, and the second drug induces labor and delivery. And when they're inducing labor and delivery, that's just an inherently dangerous thing to do in the first place. And outside of the medical setting without a doctor examining a woman before she takes these drugs to determine even if she's pregnant, confirm her gestational age, or even identify a life-threatening ectopic pregnancy — which these drugs will not help and treat, but can mask the symptoms and create a life-threatening complication situation for that — it's just so dangerous to do. And then to induce labor and delivery by yourself without any medical supervision or any support whatsoever? This is what has led to our nation's emergency rooms being filled with women on a regular basis, presenting with complications.

Wilkow: ... Is it true, though, is it true that if that first pill is taken late in gestation, it might not kill the baby. And then the second pill, you're — you've got a live birth.

Baptist: That's exactly right, and that has happened. And women have — you know, again, it's only approved up to 10 weeks. There are instances where a woman has had a baby over 30 weeks old, and she had to deliver that baby. Unfortunately it was dead. But it's traumatic to do that in your own home and then deliver a 30-week-old baby who's fully formed. And even at 10 weeks, women are surprised to see what comes out of them, because they've been lied to, whether on the safety of this drug, or what it's actually doing to their unborn



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baby.

Wilkow: But have babies been born alive after the first pill?

Baptist: Yes. The first pill doesn't always work.

RU-486? RU Crazy?

The pro-life nonprofit Live Action produced this informative video about how RU-486 starves a developing baby to death:

RU-486 has been the subject of controversy since the year 2000 when the FDA first approved it. Only six years later a government reform subcommittee investigated an alarming number of deaths and severe adverse effects of the drug on otherwise healthy women. They noted that post-marketing safety monitoring by the FDA was extremely poor.

The drug now bears a [black box warning](#) — the strongest measure short of pulling a drug from the market — because it can cause prolonged bleeding, infection, and sepsis.

Planned Parenthood's research arm, the pro-abortion Guttmacher Institute, [reports](#) that more than half of U.S. abortions are medication-induced, and RU-486 is the most commonly used product in chemical abortions.

Mike Pence recently addressed his concerns on [Face the Nation](#):

I'm pro-life. I don't apologize for it. I think the fact the Biden Administration allowed mifepristone to be made available on a mail-order basis was a fundamental change, even in states that have limited abortion.

I'd like to see this medication off the market to protect the unborn. But also, I have deep concerns about the way the FDA went about proving mifepristone 20 years ago.

I'm grateful that action is being taken in the courts to hold the FDA accountable to what the law requires in reviewing any medication that's made on the marketplace. So for the sake of protecting the unborn, but also for the health and safety of women, I'm looking forward to this litigation continuing and holding the manufacturers of mifepristone accountable and ultimately putting the interests of women first.



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