

Victory in Sham Case at U.S. Supreme Court

U.S. Supreme Court upholds full access to mifepristone

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PENNSYLVANIA // June 13, 2024: This morning, the U.S. Supreme Court [issued a ruling in *FDA v. Alliance for Hippocratic Medicine*](#), the major reproductive autonomy case centered on access to mifepristone, the first of two medicines prescribed in a common medication abortion protocol. It's also used to treat pregnancy-related complications and conditions that have nothing to do with pregnancy, such as brain cancer.

In a clear victory, the Court unanimously upheld full access to mifepristone. This ruling does not change the law in Pennsylvania or anywhere else about access to abortion. Abortion remains legal and available in Pennsylvania up to 24 weeks.

From the opinion:

Under Article III of the Constitution, a plaintiff's desire to make a drug less available for others does not establish standing to sue. Nor do the plaintiffs' other standing theories suffice. Therefore, the plaintiffs lack standing to challenge FDA's actions.

In other words, the challengers are anti-abortion busybodies who have no lawful right to interfere in our lives.

"This sham case never should have been brought in the first place. The plaintiffs literally have nothing whatsoever to do with the provision of mifepristone," says **WLP Co-Executive Director Susan J. Frietsche**, who filed an *amicus* brief to the U.S. Supreme Court on behalf of law professors David S. Cohen and Rachel Rebouché in this case. "The fact that the mainstream anti-abortion movement pulled this case out of thin air, pretended it had legal merit, and pushed it forward despite the horrific consequences for maternal and public health if they had succeeded shows how obsessed our opponents are with interfering in our medical decisions and family lives. Anything goes, as long as it might enable them to gain more control over our lives."

The Court rejected all of plaintiffs' arguments attempting to manufacture their standing in this case and rightly recognized that their allegations of harm were "highly speculative" and "too attenuated," precisely as we argued in our *amicus* brief. The Court explained that plaintiffs could not "spend its way into standing."

[Read our *amicus* brief here.](#)

“Unfortunately, the anti-abortion movement has ample resources to fund this kind of hail-mary legal attack including, as stated in the opinion, ‘spending its way into standing,’” **says WLP Co-Executive Director Amal Bass.** “The public needs to understand we are waging a legal war for reproductive autonomy with well-financed opponents. If you’re celebrating today, I urge you to consider investing in this work in a way that works for you. As this case and the next one shows, the anti-abortion movement is ruthlessly focused on denying pregnant people human rights at any cost.”

The U.S. Supreme Court is expected to issue a ruling soon in *Moyle v. United States*, also known as the EMTALA case. This is the case wherein anti-abortion strategists are fighting for the right to deny pregnant people experiencing medical crisis lifesaving medical care in emergency rooms.

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Trailblazing since 1974, [Women’s Law Project](#) is a public interest legal center focused on advancing and defending the rights of women, girls, and LGBTQ+ people in Pennsylvania and beyond.