



**For Immediate Release**  
Wednesday, January 31, 2024

**Media**  
[media@naacpldf.org](mailto:media@naacpldf.org)

**LDF Files Amicus Brief at the Supreme Court in Support of Petitioners  
Regarding Fifth Circuit’s Decision to Stay the FDA’s 2016 and 2021 Actions  
on Mifepristone**

On Tuesday, January 30, the Legal Defense Fund (LDF) filed an amicus brief in support of the United States Food and Drug Administration (FDA) and Danco Laboratories, in *FDA v. Alliance for Hippocratic Medicine and Danco Laboratories LLC v. Alliance for Hippocratic Medicine*. The consolidated cases, to be heard in the Supreme Court, will decide whether to affirm the Fifth Circuit Court’s opinion which would require the FDA to revert to a pre-2016 regime for the medication mifepristone, which is one of two drugs commonly used in medication abortions. Over half of all abortions in the United States are medication abortions, which research has repeatedly shown to be both safe and effective, and mifepristone has shown no significant risk of harm to patients.

In its amicus brief, LDF outlines that mifepristone has been approved by the FDA for over twenty years and is safe and effective. Should the Fifth Circuit’s decision stand, access to mifepristone will be threatened, including in states that have chosen to protect access to abortion care. The brief also outlines the importance of equitable access to abortion care, and that reducing access to mifepristone will contribute to health disparities and deepen inequitable access to health care that Black people already face due to structural and interpersonal anti-Black racism.

“For over twenty years, people have relied on access to mifepristone for abortion care. However, if allowed to stand, the Fifth Circuit’s decision will jeopardize Black pregnant people’s access to abortion care—a cornerstone of safe, quality healthcare,” said LDF President and Director-Counsel Janai Nelson. “Reverting to the pre-2016 regime will impose unnecessary restrictions on the provision of mifepristone that will likely exacerbate racial disparities in health. This is especially disconcerting given the fact that Black people are more likely to live in states with restrictive and punitive abortion laws including, Georgia and Florida, and reside in states with less access to comprehensive health insurance coverage, like Texas. Should the Court not allow the FDA’s 2016 and 2021 changes to stand, it will further chip away at what is left of abortion care access in a post-*Dobbs* landscape, and may have broader implications regarding the FDA’s approval of other medications in the future.”

LDF supports efforts to promote equitable access to reproductive health care, with an emphasis on examining and addressing the broader impact of restrictions on abortion access faced by Black women and other pregnant people living in poverty.

###

*Founded in 1940, the [Legal Defense Fund](#) (LDF) is the nation's first civil rights law organization. LDF's Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the Legal Defense Fund or LDF. Please note that LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights.*