

August 2026

President Donald J. Trump

The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

CC: Vice President JD Vance

The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

The Honorable John Thune

Senate Majority Leader
S-230, The Capitol
Washington, DC 20510

The Honorable Mike Johnson

Speaker of the House
1233 Longworth House Office Building Washington,
DC 20515

The Honorable Todd Blanche

Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

The Honorable Robert F. Kennedy Jr.

Secretary, U.S. Department of Health and Human
Services
200 Independence Avenue SW
Washington, DC 20201

Dear Mr. President,

Reversing the damaging, reckless policies of your predecessors has been a hallmark of your past and present administrations.¹ We are deeply grateful for these efforts. As individuals concerned for the health, safety, and well-being of women, and as leaders of a national public policy and advocacy organization representing countless Americans, we respectfully submit that there is another policy ushered in under your predecessors that requires corrective action: mail-order abortion.

Recommendation

We are not asking you to revisit the broader political debate on abortion; rather, we are advocating for your stated position: that abortion policy should be left to the states.² States like Louisiana, Missouri, Florida, and Texas, among others, should be free to establish and enforce their own abortion laws without being undermined by out-of-state providers illegally mailing abortion drugs across state lines. Moreover, an Amazon-style mail-order abortion policy gives abusers and human traffickers easy access to abortion pills, leading to case after case of women forced to abort wanted children.³ In all, an untold number of women have suffered irreparable physical injury and emotional trauma under Biden's mail-order abortion policy.⁴ **Accordingly, we recommend the immediate revocation of the Biden-era policy permitting the mailing of abortifacient drugs, whether by restoring the FDA's pre-Biden abortion pill safety protocols, enforcing of the Comstock Act (as previously advocated for by Vice President Vance⁵), or both. Such outcomes could be achieved by settling *Louisiana v. FDA*.**

Background

Prior to 2016, drug-induced abortion required three in-person clinic visits. Under Obama, two of these visits were eliminated. The remaining in-person visit was officially removed under Biden. The resulting mail-order abortion policy was reinforced by the flawed legal reasoning in a Biden-era Department of Justice (DOJ) memorandum that nullified enforcement of the Comstock Act.⁶ Also following the removal of in-person visits, the rate of severe complications in chemical abortions increased by 13 percent.⁷

Medical and Safety Risks of Mail-Order Abortion

The mail-order abortion drug regime stripped away vital safeguards that for decades helped ensure common sense medical protocols were adhered to, leading to numerous health risks:

- **Inability to Verify Gestational Age & Potential Passing of Babies in the Second and Third Trimesters.**
The only way to ensure abortion drugs are used within the FDA-approved 10-week gestational window, beyond which the risk of complications is significantly higher, is through an in-person clinic visit.⁸ Consider as well that women may misrepresent their pregnancy's gestational age. Carla Foster, a victim of the "pills by post" scheme adopted by England, misstated her pregnancy's gestational age and was issued abortion pills at 32 to 34 weeks.⁹ After taking the pills, her daughter was stillborn.¹⁰ She was subsequently "wracked by guilt" and suffered depression.
- **Inability to Effectively Diagnose Ectopic Pregnancy, Increasing Risk of Death.**
Ectopic pregnancies account for two percent of all pregnancies.¹¹ A woman who takes abortion pills and suffers a rupture from an ectopic pregnancy could easily believe she is experiencing the effects of abortion pills, given the symptoms of a rupture, bleeding and pain, are identical to the clinical presentation of a chemical abortion. If left untreated, the rupture can lead to death.¹²
- **Inability to Test for and Treat Rh D Negative Women, Increasing Future Infertility Risk.**
Fifteen percent of women are Rh D negative. Under the current mail-order abortion policy, Rh status is entirely ignored; yet if left undetected and untreated after an abortion, Rh D negative women are far more likely to experience future pregnancy complications, including miscarriage.
- **Inability to Verify Age, Leading to Potential Abuse of Minors and Violation of Parental Rights.**
Current policy allows minors to access abortion drugs without medical oversight and without parental knowledge. Combined with the risk of forced or coerced abortions (detailed below), this policy creates an acute risk for minors suffering from abusive situations.
- **Inability to Detect and Prevent Forced and Coerced Abortion.**
While there is no way to fully quantify the number of women who have suffered forced abortions, the catalog of known cases continues to escalate: just this past June, an Army captain confessed to drugging a subordinate officer he had impregnated, spiking her drink with abortion pills he obtained online under a fake name.¹³ The victim lost her child at 13 weeks. While he was sentenced to twelve years' imprisonment, she will never get her child back. In another case, a perpetrator physically overpowered a victim as she slept, allegedly forcing "crushed [abortion pill] powder" inside her mouth.¹⁴ Rosalie Markezich, the victim at the center of *Louisiana v. FDA*, was similarly forced to take abortion pills by her abusive partner. According to court documents, Rosalie's boyfriend used her information to fill out an online abortion pill form. She shares: "*Had the FDA required an in-person visit with a doctor before dispensing the drugs, my boyfriend would never [have] been able to obtain the drugs that he made me take. I also would have told the doctor . . . that I wanted to keep my baby.*"¹⁵ She still mourns for the child she lost to forced abortion.

These women represent myriad others who never had the chance to see a doctor in person and now grieve the children they lost. Many of their stories are detailed in an amicus brief to the Supreme Court, which includes the names of 2,794 women injured by abortion¹⁶ — largely due to Biden's bad policy.

As we noted at the outset, your administration has prioritized correcting the harms caused by your predecessors. In keeping with that commitment, we respectfully urge that Biden's mail-order abortion policy — which allows abortion providers to circumvent numerous state laws and endanger women — be reversed. At a minimum, we recommend reinstating the pre-Biden FDA protocol requiring an in-person visit before abortion pills can be dispensed. We also urge you to direct the DOJ to rescind its Biden-era Memorandum that distorts the plain meaning of the Comstock Act and replace it with efforts to enforce federal law as written, using the full authority of the executive branch.

We are available to meet at your convenience and thank you for your tireless efforts to Make America Great Again.

Sincerely,



Mathew D. Staver, Esq.
Chairman, Liberty Counsel Action



John Stemberger
President, Liberty Counsel Action

Endnotes

¹ The White House, “Protecting the American People Against Invasion,” January 20, 2025, <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion/>; The White House, “Fact Sheet: President Donald J. Trump Ends Taxpayer Subsidization of Open Borders,” February 19, 2025, <https://www.whitehouse.gov/fact-sheets/2025/02/fact-sheet-president-donald-j-trump-ends-taxpayer-subsidization-of-open-borders/>, and many more.

² Donald J. Trump (@realDonaldTrump), post on Truth Social, April 8, 2024, <https://truthsocial.com/@realDonaldTrump/posts/112235238031827342>.

³ Melanie Israel, “Abortion Pills, Coercion, and Abuse,” Heritage Foundation, March 10, 2026, <https://www.heritage.org/life/commentary/abortion-pills-coercion-and-abuse>; “Forced Abortion Scumbags,” 40 Days for Life, accessed July 14, 2026, <https://www.40daysforlife.com/en/scumbags>.

⁴ “Amici Curiae Brief of 2,794 Women Injured by Abortion, the Justice Foundation and Its Center Against Forced Abortions, the National Association of Christian Lawmakers, and the National Institute of Family and Life Advocates in Support of Respondents,” Nos. 25A1207 and 25A1208, *Danco Laboratories, LLC v. State of Louisiana* and *GenBioPro, Inc. v. State of Louisiana* (U.S. Supreme Court filed May 7, 2026), https://www.supremecourt.gov/DocketPDF/25/25A1208/408304/20260507153805845_25A1207%2025A1208%20Brief.pdf; Jamie Bryan Hall and Ryan T. Anderson, “The Abortion Pill Harms Women: Insurance Data Reveals One in Ten Patients Experiences a Serious Adverse Event,” Ethics and Public Policy Center, April 28, 2025, <https://media.eppc.org/2025/04/25-04-The-Abortion-Pill-Harms-Women.pdf>.

⁵ Republican Members of Congress to U.S. Department of Justice, “GOP Letter on Comstock,” DocumentCloud, January 25, 2023, <https://www.documentcloud.org/documents/24834197-20230123-letter-on-comstock-to-doj/>.

⁶ The Comstock Act prohibits the mailing of any drug or substance intended to cause abortion. Under Biden, the U.S. Department of Justice (DOJ) issued an opinion effectively rendering the Act unenforceable, stating: “Section 1461 of title 18 of the U.S. Code does not prohibit the mailing of certain drugs that can be used to perform abortions where the sender lacks the intent that the recipient of the drugs will use them unlawfully.” First, the sender’s intent is unknowable; second, this interpretation completely ignores the actual letter of the law, which reads: “Every article or thing designed, adapted, or intended for producing abortion. . . and Every article, instrument, substance, drug, medicine, or thing which is advertised or described in a manner calculated to lead another to use or apply it for producing abortion. . . is declared to be nonmailable matter and shall not be conveyed in the mails or delivered from any post office or by any letter carrier.” The relevant question is not whether the abortion-inducing substance is going to be used lawfully or not, which is the question addressed by the Biden-led DOJ, but rather whether the substance is “advertised or described in a manner calculated to lead another to use or apply it for” abortion, regardless of whether or not chemical abortion itself is legal in the state to which it is being mailed. Furthermore, even if the Biden-led DOJ was correct, the mail-order abortion policy permits the shipping of abortion drugs that *are intended by the sender to be used unlawfully for abortion*. Underscoring this point, eight online abortion providers were recently found to mail abortion drugs into states where their use is illegal. As they are advertised for abortion, they cannot claim they were ignorant of the intended use for the drugs. See: Mia Steupert, “An Overview of Online Abortion Drug Access in Post-Dobbs America,” Charlotte Lozier Institute, May 26, 2026, https://lozierinstitute.org/an-overview-of-online-abortion-drug-access-in-post-dobbs-america/#_ftn13. See also: U.S. Department of Justice, Office of Legal Counsel, “Application of the Comstock Act to the Mailing of Prescription Drugs That Can Be Used for Abortions,” December 23, 2022, <https://www.justice.gov/olc/opinion/file/1560596/dl>; 18 U.S.C. § 1461, “Mailing Obscene or Crime-Inciting Matter,” accessed May 20, 2026, <https://uscode.house.gov/view.xhtml?req=granuleid%3AUSC-prelim-title18-section1461&num=0&edition=prelim>.

⁷ Ryan T. Anderson and Jamie Bryan Hall, “Fact Sheet: Data Reveals the FDA’s Removal of In-Person Dispensing Requirement Increased the Dangers of the Abortion Pill,” Ethics and Public Policy Center, March 10, 2026, <https://eppc.org/publication/fact-sheet-data-reveals-the-fdas-removal-of-in-person-dispensing-requirement-increased-the-dangers-of-the-abortion-pill/>.

⁸ The American College of Obstetricians and Gynecologists, citing multiple other sources, notes that only about “half of women accurately recall their LMP [last menstrual period].” American College of Obstetricians and Gynecologists, “Methods for Estimating the Due Date,” May 2017, reaffirmed 2025, <https://www.acog.org/clinical/clinical-guidance/committee-opinion/articles/2017/05/methods-for-estimating-the-due-date>. See also: Ingrid Skop, “Chemical Abortion: Risks Posed by Changes in Supervision,” *Journal of American Physicians and Surgeons*, Vol. 27, No. 2, Summer 2022, <https://www.jpands.org/vol27no2/skop.pdf>.

⁹ “Woman Released from Jail After Successful Appeal of Sentence for Aborting Her Baby at 8 Months,” Right to Life UK, July 18, 2023, <https://righttolife.org.uk/news/woman-released-from-jail-after-successful-appeal-of-sentence-for-aborting-her-baby-at-8-months>.

¹⁰ The Hon. Mr. Justice Pepperall, “The King v. Carla Foster | Sentencing Remarks,” June 12, 2023, <https://www.judiciary.uk/wp-content/uploads/2023/06/R-v.-Foster-sentencing-remarks-12.6.23.pdf>.

¹¹ “Ectopic Pregnancy,” Mayo Clinic, March 12, 2022, <https://www.mayoclinic.org/diseases-conditions/ectopic-pregnancy/symptoms-causes/syc-20372088>.

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- ¹² “Ectopic Pregnancy,” Cleveland Clinic, updated January 18, 2023, <https://my.clevelandclinic.org/health/diseases/9687-ectopic-pregnancy>; “Questions and Answers on Mifepristone for Medical Termination of Pregnancy Through Ten Weeks Gestation,” U.S. Food and Drug Administration, updated April 8, 2026, <https://www.fda.gov/drugs/postmarket-drug-safety-information-patients-and-providers/questions-and-answers-mifepristone-medical-termination-pregnancy-through-ten-weeks-gestation>; Ingrid Skop, “Immediate Physical Complications of Induced Abortion,” Charlotte Lozier Institute, December 8, 2022, <https://lozierinstitute.org/immediate-physical-complications-of-induced-abortion/>. The last article highlights that while death can occur in any ectopic pregnancy, if it is undetected, death is 30 percent more likely in women seeking abortion “because she may interpret the warning signs of pain and bleeding as signs the chemical abortion pills are working rather than a warning sign that her life is in danger.”
- ¹³ Michelle McCaskill, “Army Officer Pleads Guilty During Trial at JBLM to Killing His Unborn Child,” U.S. Army, June 26, 2026, https://www.army.mil/article/293539/army_officer_pleads_guilty_during_trial_at_jblm_to_killing_his_unborn_child?utm_source=chatgpt.com.
- ¹⁴ “Notice of Summary Suspension and Opportunity for Hearing,” State Medical Board of Ohio, November 5, 2025, <https://dam.assets.ohio.gov/image/upload/med.ohio.gov/formala/57249399.pdf>.
- ¹⁵ Alliance Defending Freedom, *State of Missouri, et al. v. United States Food and Drug Administration, et al.*, Appendix in Support of Proposed Intervenor-Plaintiffs Rosalie Markezich and the State of Louisiana’s Motion to Intervene, Volume D (September 19, 2025), <https://adflegal.org/wp-content/uploads/2025/09/missouri-v-fda-2025-09-19-plaintiffs-motion-to-intervene-appendix-volume-d.pdf>.
- ¹⁶ “Amici Curiae Brief of 2,794 Women Injured by Abortion,” the Justice Foundation and Its Center Against Forced Abortions, the National Association of Christian Lawmakers, and the National Institute of Family and Life Advocates in Support of Respondents, Nos. 25A1207 and 25A1208, *Danco Laboratories, LLC v. State of Louisiana* and *GenBioPro, Inc. v. State of Louisiana* (U.S. Supreme Court filed May 7, 2026), https://www.supremecourt.gov/DocketPDF/25/25A1208/408304/20260507153805845_25A1207%2025A1208%20Brief.pdf.