



Eagle Council 54

Saturday, 9/26/26

10:20 AM

Speaker: J. Marc Wheat is the General Counsel for Advancing American Freedom. He has filed 146 Friend of the Court (Amicus Curiae) Briefs in Federal courts, including 87 in the Supreme Court, representing over 400 organizations and scholars across the full spectrum of the conservative movement. Eagle Forum has been a close partner in these legal battles, having been represented by Mr. Wheat 86 times.

Mr. Wheat has extensive experience working in and around the Federal government. He was a legislative assistant in a personal office in the U.S. House of Representatives, counsel to the House Energy and Commerce Committee, and staff director and chief counsel to the Subcommittee on Criminal Justice, Drug Policy and Human Resources. He has also served as a senior advisor in the U.S. Department of State and for Republican commissioners at the U.S. Securities and Exchange Commission. He is a member of the board of Faith and Law, a Christian ministry serving principally House and Senate staff, and is an officer of the Virginia Society of the Cincinnati, founded by George Washington's officer corps in 1783.

He holds a Bachelor of Arts degree in Spanish from the University of Illinois at Urbana-Champaign and a law degree from Scalia Law School at George Mason University in Virginia.

Title: *Abortion Pill and the Law – What Are They Hiding and How Can We Now Protect the Unborn Post-Dobbs?*

Outline:

- For 26 years, the U.S. Food and Drug Administration has delayed safety reviews for the dangerous chemical abortion drug mifepristone and defied every attempt to subject the drug to normal medical scrutiny. In fact, rather than subject mifepristone to a standard review process when it approved the drug in 2000, the FDA wrongly approved mifepristone under Subpart H.
- It is clear that the FDA prioritized politics over women's health. What is not clear, however, is why the French drug manufacturer repeatedly refused to allow mifepristone to enter the U.S. market, what happened in years of closed-door meetings between the FDA and the French manufacturer that resulted with mifepristone's introduction in the U.S., and what political pressures were applied to approve mifepristone.
- Thanks to an AAF Freedom of Information Act request and subsequent lawsuit we have some hints. Though AAF has yet to receive confirmation from the FDA, the agency at

one point informed our counsel, Judicial Watch, that it had identified 125,000 pages of responsive documents.

- The FDA redacted much in these pages. What remains, however, suggests that pro-abortion activists supplied the FDA with tools and detailed blueprints for inflicting political pressure and to help ensure that mifepristone be introduced into the United States.
- When the FDA approved mifepristone in 2000, it implemented corresponding safety protocols, called the Risk Evaluation and Mitigation Strategy (REMS), to mitigate mifepristone's adverse effects. Though not perfect, these protocols at least provided women with *some* protection but have been almost entirely repealed by the Obama and Biden FDAs.
- Because of the FDA's weakened protections, pro-life states are not able to enforce their own laws banning abortion against abortionists that mail mifepristone from other states. Several pro-life states, including Louisiana, are currently litigating against the FDA.
- The FDA claims, as it recently told the Fifth Circuit during oral arguments in *Louisiana v. FDA*, pro-life states such as Louisiana lack standing to sue the agency over its chemical abortion regulations.
- Rather than deliver on its promises to review mifepristone, the FDA has continued to stonewall, approved a new generic chemical abortion pill, and now is fighting pro-life states in the courts. Since the executive branch refuses to act, we propose solutions through the judicial and legislative branches.
- First, the Courts could and should rule for pro-life states in these cases to ensure they are able to enforce their own pro-life laws. Second, the Senate could question FDA Commissioner-Nominee Heidi Overton about her robust pro-life record and confirm her if she remains committed to her pro-life statements.
- Finally, as liberty must always be safeguarded, some may be called to make protecting life the "great object" of their life. This route is the hardest of the three but one of the greatest things we can do.

Action Items:

- Urge the courts through friend of the court briefs to rule for pro-life states, which would enable them to enforce their pro-life laws.
- Urge the Administration and Senate to bring pro-life personnel into the FDA, beginning with FDA Commissioner-Nominee Heidi Overton.
- Gather public support to urge the FDA to make available all of the mifepristone documents.
- Encourage conservatives to view the pro-life cause as a "great object" that is worthy of pursuit.