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USA TODAY Opinion

Online clinics show abortion access can survive state restrictions and Roe v. Wade threat

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Rachel Rebouché and Ushma Upadhyay

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[Near-total bans on abortion](#) became law recently in Arkansas and South Carolina, suggesting a dire future for abortion rights if the Supreme Court overturns Roe v. Wade — a possibility that seems more likely than ever before. But the road ahead will not be shaped by anti-abortion legislators or Supreme Court justices alone. A different path to abortion access has emerged.

Over the past year, new virtual clinics have begun delivering medication abortion entirely remotely. Last July, a [federal court suspended](#) a Food and Drug Administration rule that requires patients to obtain the first drug in a medication abortion at a health care facility during the pandemic. That drug, mifepristone, is the [only one of 20,000 FDA-regulated medications](#) that requires in-person dispensation but can be taken at home.

The ruling created an opening for virtual clinics like [Choix](#), [Hey Jane](#) and [Just the Pill](#) to offer “no touch” services for people less than 10 weeks pregnant. Patients complete a medical history form online, consult with a clinician over video or telephone, and if eligible, receive two medications from a mail-order pharmacy.

An [ongoing study one of us is leading](#) at the University of California, San Francisco (UCSF) demonstrates that the care offered by virtual clinics is safe and effective. The California-based company, [Choix](#), served approximately 140 patients over two months. Patients were overwhelmingly satisfied with the service. It allowed them to have an abortion with privacy and without having to take time off work, find child care or travel long distances. One grateful patient called it a godsend to be able to go through the process while safe at home.



In front of the White House on March 09, 2021, in Washington, D.C.

The same results bear out for [Hey Jane](#), which provides services in Washington and New York and saw demand double week after week in the first month of operation. "I especially loved the fact that the medication came to my house via mail," said Nicolette Roe, a Hey Jane patient. "I made a plan with my partner about doing it at night, after our daughters were asleep. I had no stress around how to do everything because Hey Jane made it so that the doctor was moments ... away via the app or by calling."

Story continues

At the moment, these virtual clinics cannot use mail-order pharmacies to deliver medications to their patients. That's because in January, the [Supreme Court reinstated the FDA rule](#) while litigation is ongoing. But virtual clinics illustrate the resilience of abortion care even in the face of a hostile Supreme Court or state laws designed to gut abortion rights.

Health care is health care: [My patients shouldn't have to fight this hard for an abortion. Will Biden get in the ring?](#)

After the Supreme Court's order, networks of advocates and providers figured out how to provide abortion outside of brick-and-mortar operations, regardless of a patient's residence. Start-ups have found innovative ways to deliver medication abortion to patients, like [Just the Pill's pop-up mobile sites](#). And nonprofit organizations such as [Aid Access](#) and [Plan C](#) have helped people receive medications by mail regardless of the state in which they live.

Stop unscientific abortion regulation

Remote care is all the more important given the number of states that make gaining access to abortion as difficult as possible and the prospect that the Supreme Court will abandon the core holding of Roe v. Wade. But even if Roe remains on the books, [Americans in roughly half of the country](#) live in states without meaningful access to abortion care. The expansion of medication abortion will help navigate these "abortion deserts," or regions where patients must [travel over 100 miles](#) to reach a clinic. Virtual care can overcome the barrier of distance (and its related costs) by reaching patients at their homes and across state borders.

Follow the facts: [Science prevails in Supreme Court ruling on abortion law that provided no medical benefit](#)

This month, in deciding whether to defend restrictions on medication abortion, the FDA will consider the public health evidence that supports extending virtual services. The UCSF study and others like it provide the proof that remote care is safe and effective — without the financial, social, logistical and interpersonal constraints of clinic-based services. Over the long run, the FDA should allow studies on telehealth for abortion to proceed, enabling a formal review of the safety of direct-to-patient dispensing without the interference of politics. More immediately, the FDA should suspend the unnecessary and scientifically unsupported regulation of medication abortion.

Telehealth may well be the future of more affordable and more accessible abortion care in the first 10 weeks of pregnancy. The Biden administration must act now to help realize that future.

Rachel Rebouché (@RRRebouche) is the associate dean for research and James E. Beasley Professor of Law at Temple University School of Law. Ushma Upadhyay (@UshmaU) is an associate professor and researcher with Advancing New Standards in Reproductive Health at the University of California, San Francisco, and director of research at the UC Global Health Institute's Center of Expertise on Women's Health, Gender, and Empowerment.

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The Daily Beast

[Here's How Fox News and Trump Ended Up on Flip Sides of the Free-Speech Fight](#)

Photo Illustration by The Daily Beast/GettyAfter letting its hosts make wildly false claims about how Donald Trump's political opponents supposedly "stole" the election from him, Fox News is facing potentially catastrophic lawsuits seeking billions in damages from election systems companies Dominion and Smartmatic. That's why the former president's personal propaganda network is now trying to raise the shield of legal protections for the press that Trump has spent years smashing. "I'm gonna open up the libel laws," he said in 2016, so that "when they write hit pieces, we can sue them, and they can lose money." Once elected, he whined that, "Our current libel laws are a sham and a disgrace and do not represent American values or American fairness." How Fox News Primetime Jacked Up Trump's 'Big

Lie'But the First Amendment limitations on defamation liability that Trump and other right-wingers have long railed against well could be the only thing standing in the way of Fox News facing as much as \$2.7 billion in damages in suits brought by voting technology companies that Trump and his favorite Fox hosts falsely accused of fraud in the wake of the November election. The network's chief lawyer, Viet Dinh—who reportedly “runs the company day-to-day” and serves as a “kind of regent” for Rupert Murdoch's most valuable media property—has publicly shrugged off the suits, declaring that the “First Amendment” will “protect” the broadcaster from liability. Dinh's assertion that Fox will get off scot-free is based on a series of Supreme Court cases, beginning with the 1964 decision in *New York Times v. Sullivan*, that impose stringent limitations on the ability of certain plaintiffs, particularly those deemed to be “public figures,” to bring defamation lawsuits. The Supreme Court's defamation precedents are grounded on a recognition that the public interest is best served by allowing a wide berth for discussion about individuals, and matters of public concern—and that permitting public figures and officials to recover damages for unknowing and unintentional falsehoods would place an intolerable chill upon public discourse, and particularly upon journalism. The facts of the *Sullivan* case are emblematic of the rationale for imposing constitutional limits on defamation liability. The case arose from a lawsuit brought against the *New York Times* for carrying an advertisement critical of misconduct by segregationist local officials in Alabama. After an Alabama jury assessed \$500,000 in damages against the paper, a unanimous Supreme Court, in a decision by Justice William J. Brennan, Jr., ruled in the *Times*' favor, announcing that a public official suing in defamation must not only prove that the challenged statement was false, but must also demonstrate that the defendant acted with “actual malice”—meaning with actual knowledge that the statement was false, or acted with reckless disregard as to its truth. During the ensuing decades, the constitutional protections afforded by *Sullivan* and later related rulings have proven critical to permitting journalists, particularly those not affiliated with large media companies, with the ability to report upon—as well as citizens' ability to criticize—prominent individuals, companies and government officials, without fear that unintentional errors could subject them to potentially catastrophic liability. Some public figures have, however, chafed at their limited abilities to chill public discussion and criticism with in terrorem threats of defamation liability. One of the loudest complainers is Donald Trump, who entered the presidency promising to “open up” defamation law. As his presidency proceeded, and his antagonism to all forms of non-fawning press coverage become more pronounced, Trump's focus on constraining and punishing unwelcome speech became even more all-consuming for Trump. Predictably, many on the right joined Trump in attacking the Supreme Court's *Sullivan* rule, as well as the statutory protection against defamation liability afforded to internet enterprises that republish the words of others under Section 230 of the Digital Millennium Copyright Act, arguing that such protections unfairly benefited only the right's ideological adversaries. If Trump Loosened Up Libel Laws, He Would Get Sued Into Oblivion Trump's railing against constitutional limitations on defamation law was always, however, more than a bit ironic, given Trump's own absurdly frequent utterances of potentially defamatory falsehoods. Furthermore, when Trump was sued for defamation—including by alleged victims of his own past sexual assaults and harassment—Trump's own lawyers did not hesitate to invoke every even remotely colorable argument for avoiding liability, including by asserting that Trump's alleged falsehoods were protected by the First Amendment. Yet Trump, of course, has never been one to be concerned with either hypocrisy or inconsistency. But such hypocrisy is becoming all the more untenable in a network that comprises the very center of right-wing media. Fox News' “regent” Dinh is a major star in the right-wing legal firmament, who after clerking on the Supreme Court went on to serve as the chief architect of the Patriot Act in the George W Bush Justice Department. After stints in academia and private practice, he joined Fox as chief legal and policy officer in 2018. Dinh's first major step on the vocational ladder toward his current position of prominence was his service as a law clerk, to D.C. Circuit Judge Laurence Silberman, a Reagan appointee who is sometimes described as the Federalist Society's favorite judge. Silberman is always a good weathervane of prevailing right-wing legal views, and most recently he has been on a Trump-like rampage against the constitutional limitations on defamation liability. Last month, Silberman penned a dissenting opinion on the topic that read much like a Fox News segment. Silberman derided *Sullivan* as a “policy-driven decision masquerading as constitutional law”; he claimed that the precedent was part and parcel of an “ever-expanding sphere of influence for the Judiciary at the expense of the policymaking branches” of government. But Silberman's real grievance was not with the Supreme Court's legal reasoning, but rather with the latitude the court has purportedly afforded to the “liberal media”, which he claimed dominates the airwaves and newspaper pages. The judge contended that the “*New York Times* and *The Washington Post*, are virtually Democratic Party broadsheets.” He also asserted that “Democratic” dominance of the press and airwaves is so complete that it might amount to the first step toward a “potential authoritarian or dictatorial regime. Silberman went on to contend that, given the grave danger the free press allegedly poses to democracy, it is time to strip journalists of the protections they have long enjoyed against defamation suits by public figures and officials. Silberman's opinion, predictably, received fawning coverage from Fox, which highlighted the judge's claim that “it is a profound mistake to stand by unjustified legal rules that serve only to enhance the press' power.” Silberman's right-wing clarion call to the right to rise up in favor of voiding First Amendment protections against defamation liability in the name of preserving democracy and defeating the supposed hegemony of the Democratic Party comes at a peculiar moment, however. During the months and weeks following the November election, the coverage of Fox News and other right-wing media outlets was crammed full of elaborate claims of voter fraud, including an elaborate conspiracy theory hatched by certain of Trump's lawyers positing that two private voting technology companies, Dominion and Smartmatic, had fabricated votes and otherwise manipulated the outcome of the election in Biden's favor. As soon became clear, these claims were mendacious, and not based in even a modicum of fact. Dominion and Smartmatic have since brought defamation lawsuits against a range of Trump-related individuals, such as Rudy Giuliani, as well as several media outlets, including Fox. Given that Fox faces the very real possibility of catastrophic damages liability in these suits, one can hardly blame Fox lawyer Dinh for putting to one side the legal (and ideological) objections that Judge Silberman and other right-wingers have to the *Sullivan* rule, and—like Trump—instead make use of any potential constitutional (or other) defense available in an effort to avoid potentially catastrophic liability. America, You Really Don't Want Donald Trump's Libel Laws Dinh's purported confidence that the Supreme Court's defamation precedents will leave Fox in the clear may, however, be misplaced. The First Amendment does not categorically shield all defendants who make false and defamatory statements about public figures from liability.

Rather, as explained, once there is a showing that the defendant was on notice that its statements were false, a public figure may well be able to recover substantial damages in a defamation case. And the public record already provides ample evidence that Trump and his allies, including a number of Fox News hosts, such as co-defendants Jeanine Pirro, Maria Bartiromo, and Lou Dobbs, had ample notice that the wacky conspiracy theories they repeated on air about Dominion and Smartmatic were virtually entirely fictional. Accordingly, Fox's resort to First Amendment defenses may well prove unavailing. Furthermore, these commonsense boundaries on the scope of constitutional protections against defamation liability put to lie many of the assertions that right-wing critics like Trump and Silberman have made against the Supreme Court's First Amendment precedents. The contention that the Supreme Court has erected First Amendment protections that allow journalists to lie without risk of facing legal consequences is itself simply false. Rather, in enforcing the First Amendment's protection of free expression, the Supreme Court has carefully balanced the need to protect journalists from facing catastrophic liability for unintentional misstatements while still allowing public officials and figures to recover damages when they are the victims of knowingly false statements that injure their reputations. Put otherwise, maybe Justice Brennan was right in defining the proper role for the Constitution in protecting the rights of journalists and citizens to report about (and criticize) the prominent and powerful, and the right-wing attacks on the Sullivan rule are wrong. Read more at The Daily Beast. Get our top stories in your inbox every day. Sign up now! Daily Beast Membership: Beast Inside goes deeper on the stories that matter to you. Learn more.

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MarketWatch

Wisconsin Supreme Court blocks Republican-backed purge of voter rolls

Court ruled Friday that the state elections commission should not remove from the rolls voters flagged as possibly having moved, something Democrats fought and conservatives have prioritized achieving for nearly two years.

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Axios

Jill Biden tests red-state messaging in Alabama

Jill Biden's visit to Alabama is an early look at how the White House plans to deploy the first lady to connect her husband's message to struggling Americans, in red states especially. Driving the news: Axios traveled with Biden on Friday to Birmingham, accompanying her to the James Rushton Early Learning Center and a YWCA where Biden spoke about how the administration's \$1.9 trillion stimulus law can help address child poverty. Both centers she visited run Head Start programs that benefit from the law. Get market news worthy of your time with Axios Markets. Subscribe for free. "This pandemic will not break us," Biden said in her remarks. "I know that you would do anything for your child. You want to give them the world. Every parent does." Why it matters: Democrats passed the massive spending package with no Republican support. Now President Biden is seeking to highlight what's in it for Americans in every state, as the administration sets the table for an even bigger infrastructure bill the GOP leadership also has vowed to oppose. The COVID-19 pandemic has hit Alabama hard, disproportionately affecting Black residents and increasing hunger and unemployment across the state. The child tax credit provision in the law could cut child poverty by half, according to the Center on Poverty and Social Policy at Columbia University. Details: Jill Biden, who is continuing to work as a community college professor, brought English papers to grade aboard the flight. Her work as an educator is woven through her speeches and personal interactions. She quoted Mr. Rogers in one set of remarks to community members and elected officials. She grabbed a pipette and joined preschoolers in a science experiment around chemical reactions that involved baking soda. Rep. Terri Sewell, the state's only Democratic member of Congress, introduced her to students by saying, "She's a teacher. She's also the first lady. Isn't that cool?" The big picture: Alabama overwhelmingly backed former President Trump over President Biden last November, with 62% of the vote. But reaching across the aisle and engaging with Republican-controlled states is a key part of the Biden message. Alabama was No. 47 of 50 for education in the latest U.S. News & World Report ranking of states, 45th for health care and 37th for opportunity. Meanwhile, Georgia's pivotal shift to Biden underscores the power of engaging voters of color and progressives in Southern states that once were considered deep red. With Republican Sen. Richard Shelby's decision not to seek reelection next year, some Democrats see Alabama as an opportunity to pick up a seat — though most strategists agree it would be a long shot. Between the lines: Jill Biden made several stops in Alabama during the 2020 Democratic primary campaign, helping her husband compete against rivals Michael Bloomberg — who invested heavily in staffing and ads there as part of a Super Tuesday strategy — and Sen. Bernie Sanders of Vermont. During her previous visits there, she got to know Sewell as well as Birmingham Mayor Randall Woodfin, both of whom were part of the Friday trip. And the Bidens have long been close to Doug Jones, a Democrat and former prosecutor who served as Alabama's senator for three years. Jones was seated after Republican Sen. Jeff

Sessions left his seat early to join the Trump administration and the Republican nominee in the race was beset by scandal. Jones decisively lost his reelection bid last year. What they're saying: Jones, who also was part of Friday's entourage, told Axios that sending the first lady to Alabama sends precisely the message President Biden has sought to convey. "You don't just go to your supporters," he said. "You go to some places where there might be some skepticism." Like this article? Get more from Axios and subscribe to Axios Markets for free.

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USA TODAY Opinion

Biden wants do big things. For America and history, he should get them done any way he can.

Biden seemed like a safe choice. But so far he might as well be wearing a T-shirt saying, 'Freedom's just another word for nothing left to lose.'

6h ago



Scary Mommy

Two Cops Held A Black Army Lieutenant At Gunpoint And Pepper-Sprayed Him

Lieutenant Caron Nazario is now suing the two Virginia cops Caron Nazario, a lieutenant in the U.S. Army Medical Corps, is suing two Virginia cops for holding him at gunpoint, dousing him with pepper spray, and violating his constitutional rights. Nazario, who is Black and Latino, was even dressed in full uniform during the encounter, []

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Orioles allow six homers, including three from J.D. Martinez, in 14-9 loss as Red Sox complete sweep

Much like they treated the starting pitcher they faced Sunday, the Boston Red Sox showed the Orioles how potent they can be when offered another opportunity. After Baltimore opened the 2021 season sweeping the Red Sox at Fenway Park, the Orioles suffered the same fate at their home park, dropping Sunday's series finale, 14-9, for their fifth loss in six games after starting 3-0. Baltimore blew ...

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Associated Press

Fantasy no more: Blackmore 1st woman to win Grand National

A Hollywood fantasy turned into reality on Saturday when Rachael Blackmore became the first female jockey to win Britain's grueling Grand National horse race, breaking down one of the biggest gender barriers in sports. Blackmore is the 20th female jockey to compete in a race that has been a mud-splattered British sporting institution since 1839.

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The State

'We need to come together.' Throngs at SC park mourn the 6 mass shooting victims

People gathered in Rock Hill's Fountain Park to pay homage to the six people killed last week: well-known Dr. Robert Lesslie, his wife Barbara, two of their grandkids and two AC techs from NC.

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LA Times

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Rahm closes with a 66, ends memorable Masters week

Jon Rahm had a great week before even getting to the Masters. Rahm shot a 6-under 66 in the final round of the Masters on Sunday to tie for fifth place at 6 under — four shots behind winner Hideki Matsuyama. Rahm shot even-par rounds of 72 on Thursday, Friday and Saturday.

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Raleigh News and Observer

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INSIDER

The Virginia police officer who was filmed pepper-spraying a uniformed Black Army officer after holding him at gunpoint has been fired

Gov. Ralph Northam of Virginia has also ordered an independent investigation into the traffic stop involving Lt. Caron Nazario.

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INSIDER

A 24-year-old student in Seoul died after a 'ghost surgeon' illegally performed jawline-altering surgery on him

Ghost surgery is illegal, but, as CNN found, the laws around it are weak - and the practice offers clinics a way to maximize their profits.

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A former Minneapolis police officer said he quit days before the Derek Chauvin trial because he thinks protesters will 'burn the city down' no matter the case's outcome

The former sergeant told Insider that he believed there would be rioting at the close of Chauvin's murder trial and that he feared getting killed.

3h ago



USA TODAY

Police officer accused of pepper-spraying Black and Latino Army officer in Virginia fired

A Windsor police officer accused of pepper-spraying a Black and Latino military officer and forcing him to the ground in December has been fired.

1h ago



The Week

Virginia police officer fired after violent stop of Black Army officer. Governor calls for state investigation.

The town of Windsor, Virginia, said Sunday that one officer has been fired and another disciplined over an arrest in December that went viral on social media over the weekend. Virginia Gov. Ralph Northam (D) said earlier Sunday that video of the traffic stop, in which Army Lt. Caron Nazario was pepper-sprayed at gunpoint by two officers, "is disturbing and angered me," and he said he has directed the Virginia State Police to investigate the incident. Nazario, who is Black and Latino, is also suing the officers, Joe Gutierrez and Daniel Crocker, in federal court. Gutierrez and Crocker pulled Nazario over in Windsor on Dec. 5, 2020, because his brand new SUV did not have permanent license plates. At one point, Nazario, in his Army uniform, told the officers he was afraid to get out of the car, video from Nazario's cellphone and the officers' body cameras show. "Yeah, you should be," one of the officers responded. Gutierrez, who pepper-sprayed Nazario inside his car before arresting him, did not follow Windsor police procedures and was "terminated from his employment," the town of Windsor said in a statement. Nazario was released without charge. In a federal lawsuit filed April 2, Nazario argues excessive force by the officers violated his constitutional rights and says the officers threatened to end his military career if he spoke out about the arrest, The Washington Post reports. He is seeking at least \$1 million in damages. Windsor, a town of about 2,600 about 30 miles west of Norfolk, "acknowledges the unfortunate events that transpired," and "department-wide requirements for additional training were implemented beginning in January and continue up to the present," Windsor officials said in a statement Sunday night. "The Town of Windsor prides itself in its small-town charm and the community-wide respect of its police department," the statement added. "Due to this, we are saddened for events like this to cast our community in a negative light." More stories from theweek.com Trump finally jumps the shark You should start a keyhole garden 7 brutally funny cartoons about Mitch McConnell's corporate hypocrisy

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INSIDER

A former Minneapolis police officer said Derek Chauvin violated protocol kneeling on George Floyd's neck, but he doesn't think the officer committed a crime

The former officer, who spoke with Insider on condition of anonymity, said he believed Floyd died of a drug overdose.

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INSIDER

Police declared an unlawful assembly in Huntington Beach after groups clashed at a 'White Lives Matter' rally

Hundreds of counter-protesters showed up after a "White Lives Matter" rally was announced with Ku Klux Klan propaganda left on people's doorsteps.

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Axios

McConnell praises Biden's response to Myanmar coup

Senate Minority Leader Mitch McConnell (R-Ky.), a longtime advocate of democracy in Myanmar, told Politico Monday the Biden administration is "trying to do the right thing" in responding to the Myanmar military coup. What he's saying: "On the domestic front, I have not yet witnessed something that I've been happy about," McConnell said. "But in this area, I think their instincts are good. I think they're trying to do the right thing." Stay on top of the latest market trends and economic insights with Axios Markets. Subscribe for free. Between the lines: President Biden has consulted McConnell on the U.S.' response to the takeover in Myanmar, which has led police and military to kill over 700 people since February, Politico reports. The Republican senator, an ally to Myanmar's democratically elected leader Aung San Suu Kyi, called on the Biden administration to address the coup at the United Nations Security Council to ensure international attention. "Our ability to influence this from halfway around the world is limited," he said. "But we do have tools." "The lion share of the burden is on the State Department and the administration," he added. "But in any way that congressional action needs to be a part of this: Count me in." A former top State Department official who used to work with McConnell's staff told Politico McConnell has been "frustrated at times that, on both sides of the aisle, the White House and the State Department hasn't always come up with effective Burma policies." The big picture: The Biden administration has meted out a number of sanctions on Myanmar military officials in response, suspending trade engagement and imposing export controls. But the violence hasn't abated in Myanmar. On Saturday, security forces killed at least 82 pro-democracy protesters, according to the Assistance Association for Political Prisoners monitoring group. Go deeper: UN envoy says "a bloodbath is imminent" in Myanmar. More from Axios: Sign up to get the latest market trends with Axios Markets. Subscribe for free.

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