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LDF Issues Statement on Supreme Court Decision in Case Involving Texas Abortion Law

Late last night, a 5-4 majority of the United States Supreme Court issued an unsigned, one-paragraph opinion in *Whole Woman's Health v. Jackson* allowing Texas' new law banning the vast majority of abortions in the State to stand and, as a result, depriving millions of women of their constitutional rights.

Texas's law is both unconstitutional and unprecedented because, as Justice Sotomayor explained in dissent, the Texas "Legislature took the extraordinary step of enlisting private citizens to do what the State could not" by authorizing "any private citizen to file a lawsuit against any person who provides an abortion in violation of the Act, 'aids or abets' such an abortion (including by paying for it) regardless of whether they know the abortion is prohibited under the Act, or even intends to engage in such conduct."

Moreover, the Court yet again issued a momentous decision impacting fundamental rights through the so-called shadow docket, rather than through more traditional and transparent processes.

In response, **Sherrilyn Ifill, President and Director-Counsel** of the [NAACP Legal Defense and Educational Fund, Inc.](#) (LDF), issued the following statement:

"There is no way to minimize what the Court has allowed by this decision. Thousands of women—disproportionately poor, young, and women of color—will lose access to abortion in Texas. There can be no doubt about the message sent by the majority's cavalier treatment of the constitutional right of these women to abortion access. I expect the Court's action to encourage other states to use the Texas law as a blueprint for infringing on abortion rights without judicial review.

"We should not expect this to be limited to abortion rights. We should expect states to use this model to target other constitutionally protected civil rights. The consequences are potentially catastrophic for democracy. Deputizing members of the public—incentivized by the hope of \$10,000—to terrorize fellow citizens from exercising their constitutional rights is a template for mob rule."

Added LDF's **Director of Litigation, Samuel Spital**:

"The Supreme Court's decision to let the Texas law stand deprives women in the state access to a fundamental constitutional right, while allowing the state to permit private citizens to act as bounty hunters enforcing an unconstitutional law. This is an invitation to

further lawless action threatening core constitutional principles that protect the civil rights of all Americans.

“As Justice Kagan wrote in her dissent, the Supreme Court’s use of the shadow docket is increasingly ‘unreasoned, inconsistent and impossible to defend.’ These decisions, taking place without the Court hearing oral arguments or receiving full briefs, fail to provide the transparency that one should expect from the nation’s highest court.

“LDF will remain vigilant in our efforts to ensure the civil rights of all Americans and continue support our fellow civil rights allies in this effort. We also urge Congress to take action to defend and protect the constitutional rights of the American people.”

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Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation’s first civil and human rights law organization. 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. 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 NAACP Legal Defense Fund or LDF. Follow LDF on [Twitter](#), [Instagram](#) and [Facebook](#).