

Supreme Court Ruling Ends Most Abortion in Texas

High court denies plaintiffs' request for emergency relief; Plaintiffs will continue to fight to block the law

09.02.2021 – (PRESS RELEASE) Late last night, the U.S. Supreme Court [denied](#) an [emergency request](#) to block Texas' radical [new abortion ban](#) (S.B. 8), which took effect yesterday, September 1, and forced almost all abortion in Texas to come to an abrupt stop. This ruling allows the law to remain in effect. The case will now proceed before the Fifth Circuit Court of Appeals.

The law bans abortion as early as six weeks into pregnancy—before many people even know they're pregnant. Approximately 85 to 90 percent of people who obtain abortions in Texas are at least six weeks into pregnancy, meaning this law will decimate abortion access in the state. The law includes a bounty-hunting scheme, encouraging private individuals to sue anyone in Texas who violates the law. A reward of at least \$10,000 will be given to anyone who successfully sues a doctor, health center worker, or any person who helps someone obtain an abortion after six weeks of pregnancy. Lawsuits may be filed against a broad range of people, including abortion funds providing financial assistance to patients, health center staff, and even a member of the clergy who assists an abortion patient.

The average one-way driving distance for pregnant Texans seeking an abortion will now increase 20-fold, from 12 miles to 248 miles, according to new [research](#) from the Guttmacher Institute. Many neighboring states — where pregnant Texans will be forced to travel for care — have existing abortion restrictions that will compound the already-complex web of barriers to abortion care even for those who have the means to travel.

Twelve other states have passed bans on abortion early in pregnancy, but all have been blocked in court and none have been allowed to take effect until now. Texas' ban is different because it allows private individuals to enforce the ban rather than state officials. Anti-abortion politicians designed the law this way to try to insulate it from federal court review. This is the second time abortion has been unavailable in Texas since *Roe v. Wade* was decided in 1973 — it was previously unavailable for a period of approximately one month during the [COVID-19 pandemic](#) due to an executive order halting all abortion procedures.

People struggling to make ends meet, people of color, and those living in rural areas, who already face the largest barriers to accessing health care, will be most harmed by this law, as traveling out of state for care will require additional expenses related to hotel stays, transportation, childcare, and lost wages. For many, this abortion ban will force people to carry their pregnancies to term against their will — a burden that will fall hardest on Black women given the stark [disparities](#) in maternal mortality rates in Texas.

The plaintiffs in this case include Whole Woman's Health and other Texas abortion providers, Texas abortion funds and support networks, doctors, health center staff,

and clergy members. Plaintiffs are represented by the [Center for Reproductive Rights](#), Planned Parenthood Federation of America, the [Lawyering Project](#), the American Civil Liberties Union, the ACLU of Texas, and Morrison & Foerster LLP. The defendants include every state court trial judge and county clerk in Texas, the Texas Medical Board, the Texas Board of Nursing, the Texas Board of Pharmacy, the attorney general, and the director of Right to Life East Texas, who has already openly called for people to sue their local abortion providers under S.B. 8.

Timeline of the case:

- May 19: Texas Gov. Greg Abbott [signed](#) Senate Bill 8 into law.
- July 13: Plaintiffs [filed](#) the case in federal district court.
- August 4-5: The defendants filed four motions to dismiss, asking the district court to end the case.
- August 12: The federal district court judge scheduled a preliminary injunction hearing for August 30 to determine whether to block the law before it takes effect on September 1.
- August 25: The federal district court judge [denied](#) the defendants' motions to dismiss the case. Defendants immediately filed a notice of appeal with the Fifth Circuit, as well as a motion to stop all proceedings in the district court, including canceling the district court's preliminary injunction hearing.
- August 27: The Fifth Circuit Court of Appeals issued [an order](#) stopping all proceedings in the district court, including canceling the district court's preliminary injunction hearing. The court also denied the plaintiffs' request to expedite the appeal of the defendants' motion to dismiss. Without expediting the appeal process, the law could be in effect for months before the Fifth Circuit issues a decision.
- August 29: The plaintiffs filed for emergency relief with the Fifth Circuit, which was quickly [denied](#).
- August 30: The plaintiffs filed [an emergency request](#) with the U.S. Supreme Court, asking it to block the law before it can take effect on Wednesday or allow district court proceedings to resume.
- September 1, 12:00AM: SB 8 took effect after the Supreme Court did not respond to plaintiffs' request before the law's effective date.
- September 1: (Last night) The U.S. Supreme Court [denied](#) the plaintiffs' emergency request to block the law and allowed Texas's six-week abortion ban to remain in effect. The case will now continue at the Fifth Circuit Court of Appeals.

You can read the full complaint [here](#).

Quotes from plaintiffs and litigators:

Rupali Sharma, Senior Counsel and Director at the Lawyering Project:

“Late yesterday, the Supreme Court permitted Texas to halt virtually all abortion care in the state. This is nothing short of devastating, particularly for the countless Texans who will now have to leave the state for critical healthcare or be condemned to continue a pregnancy against their will because they lack the means to make a lengthy, unexpected and expensive journey that rips them away from their families and communities when they deserve nothing but love and support.”

Amy Hagstrom Miller, president and CEO of Whole Woman’s Health and Whole Woman’s Health Alliance:

“We are devastated by today’s ruling. Our patients are scared and confused and desperately trying to figure out what they can do to get an abortion. We don’t know what will happen next. Our staff and providers are so afraid. We are complying with the ban, and our four Texas clinics are still open. But let me ask you: Is this how you want someone you know and love to experience abortion? Please join us to fight back. Texans deserve better.”

Nancy Northup, president and CEO of the Center for Reproductive

Rights: “We are devastated that the Supreme Court has refused to block a law that blatantly violates *Roe v. Wade*. Right now, people seeking abortion across Texas are panicking-- they have no idea where or when they will be able to get an abortion, if ever. Texas politicians have succeeded for the moment in making a mockery of the rule of law, upending abortion care in Texas, and forcing patients to leave the state – if they have the means – to get constitutionally protected healthcare. This should send chills down the spine of everyone in this country who cares about the constitution. We will keep fighting this ban until abortion access is restored in Texas.”

Alexis McGill Johnson, president and CEO, Planned Parenthood Federation of America:

“The Supreme Court has ignored 50 years of precedent and set back the hands of time, essentially allowing Texas to be a pre-Roe state. This is a travesty for the nearly 7 million women of reproductive age, and everyone who supports access to safe, legal abortion. The impact of this heinous abortion ban cannot be understated, overwhelmingly harming Black and Latinx people, people with low incomes, and people in rural areas, who already face immense barriers to health care access. This is the loudest alarm yet that abortion rights are in grave danger, in Texas and across the country. Planned Parenthood and its supporters are listening, and we will continue fighting for patients, their providers, and their loved ones.”

Adriana Piñon, policy counsel and senior staff attorney at the ACLU of Texas:

“This is a devastating blow for Texans and their ability to determine their own future. Every day this abortion ban is in effect, countless Texans lose their constitutional right to access abortion. As a result of the Supreme Court’s terrible decision, many Texans — and disproportionately people of color and people with low incomes — will be forced to carry pregnancies to term against their will. This is especially horrific given the severe maternal mortality crisis in Texas that has impacted Black women the most. We will do everything in our power to put a stop to this cruel and dangerous law.”