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LDF Media
212-965-2200 / media@naacpldf.org

LDF Submits Amicus Brief Highlighting Unconstitutionality of Texas' S.B. 8

This week, the NAACP Legal Defense and Educational Fund, Inc. (LDF) filed an amicus brief in *Whole Women's Health v. Austin Reeve Jackson*, a consequential case before the Supreme Court regarding Texas' Senate Bill 8 (S.B.). The brief emphasizes the danger S.B. 8 poses to the rule of law by empowering private citizens to sue others for accessing their constitutional right to abortion. It also notes that by structuring the law so that responsibility for enforcement lies with private individuals, rather than state officials, Texas seeks to ignore Court precedent allowing individuals to seek redress through the federal courts.

LDF has historically been at the forefront of efforts to enforce the Fourteenth Amendment's promise of equality — including through successfully arguing the landmark desegregation case, *Brown v. Board of Education* (1954) — and advocates for the right of all people to have access to safe abortion care. The brief references this history to highlight the established precedent of the Court stepping in when States attempt to deny federal rights or evade federal decrees, including through permitting injunctive relief against state officials when necessary. The brief additionally points out that when States attempted to evade *Brown v. Board of Education*, the Court ruled that no matter how “evasive,” or “ingenious” the method, states cannot, directly or indirectly, nullify constitutional rights.

“The outcome of this case will define the future of our constitutional democracy,” said Sam Spital, LDF's Director of Litigation. “Absent the Supreme Court's intervention, S.B.8's model for openly defying precedent set by the highest court in our land will metastasize—and not just with respect to abortion rights. Many of our constitutional rights will be in grave danger.”

“The Fourteenth Amendment, as well as the Civil Rights Act, makes it clear that our federal courts are the key forum for vindication of federal constitutional rights,” said Mahogane Reed, LDF John Appellate. “But the State of Texas is seeking to subvert the core purpose of the Fourteenth Amendment in order to deny citizens their constitutional right to abortion care. The Supreme Court must rule decisively and unequivocally in the face of this undeniable threat to our rule of law, constitution, and duly established judiciary.”

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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](#).