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Nearly 130 Criminal Justice Leaders Urge Supreme Court to Block Extreme Texas Abortion Ban

DAs, law enforcement leaders and former judges and DOJ officials stress the Texas law and its vigilante enforcement mechanism erode the rule of law and undermine trust and public safety

Today, a bipartisan group of 128 current and former elected prosecutors and law enforcement leaders, and former state attorneys general, federal and state court judges, U.S. Attorneys and Department of Justice officials filed an [amicus brief](#) as the latest effort in ongoing litigation urging the United States Supreme Court to block Texas' six-week abortion ban. These national leaders have banded together to call out Texas' enactment as "perhaps the most blatant attempt to subvert federal authority since the Jim Crow era" and bring a unique law enforcement and criminal justice lens to two related cases the Supreme Court has now set for oral argument on November 1. The brief argues that the new Texas law is a *threat to public safety* by embracing a vigilante system that disregards well-settled judicial precedent, erodes trust in the criminal legal system and undermines the rule of law.

The Texas statute in question, S.B. 8, bans abortions after six weeks, before many women even know they are pregnant, and turns enforcement over to everyday citizens. The *amicus* brief was filed as the Supreme Court prepares to consider the legality of this enforcement mechanism and whether it is subject to judicial oversight. The signatories to the brief emphasize that the law is "nakedly designed to override this Court's existing precedents by deputizing private citizens as bounty hunters tasked with enforcing laws the State could not enforce itself, and then disclaiming responsibility before the courts."

"Texas S.B. 8 is not only an infringement on the longstanding constitutional right to abortion but also a dangerous violation of federal law that could open the door for state legislatures to infringe on numerous constitutional rights," said **Miriam Krinsky, Executive Director of Fair and Just Prosecution**, the organization that coordinated the brief. "Regardless of whether one personally supports the right to abortion or not, we should all be concerned by this dangerous subversion of the rule of law. If the Court allows it to stand, it will erode trust in the entire criminal legal system, which would have dangerous and lasting implications for public safety."

Amici emphasize that trust in the criminal legal system, which is critical to promoting public safety, would be severely damaged by putting enforcement in the hands of average citizens who are not obligated to follow the same policies and ethics as actual law enforcement officials: "The justice system is intended to be a shield through which victims can obtain redress for harms, not a sword that arms unaffiliated private citizens to go after their neighbors for personal gain. S.B. 8 turns the justice system on its head, incentivizing these 'deputized' citizens to use overzealous, intrusive, and abusive

measures.... These tactics create the potential for unchecked vigilantism and will necessarily undermine public safety.”

“Ignoring longstanding Supreme Court precedent and allowing subversion of federal law deeply erodes faith in the rule of law and the role of judicial review in our constitutional system,” said **former Solicitor General Seth Waxman**, a signatory on the brief.

“Permitting state legislatures to disregard judicial precedent and trample on federal law undermines trust in the legal system and government itself,” said **former Deputy Attorney General David Ogden**, another signatory to the brief.

Amici stress the urgency of the situation and the damage resulting from the Texas law and its unprecedented vigilante structure and failure to respect established Constitutional rights. The brief notes that S.B. 8 “cannot—and should not—be allowed to remain in place for a single day longer. The erosion of trust and damage it has created, and will continue to create, should be of great concern to all who value a system of laws and who seek to promote the well-being of our communities.”

“Any law that jeopardizes fundamental rights and erodes the rule of law is a threat to the justice and safety that I work every day to promote as an elected prosecutor,” said **Bexar County, Texas District Attorney Joe Gonzales**, a signatory to the brief. “Bypassing the role of police and prosecutors and turning enforcement over to everyday citizens is unprecedented and undermines the already fragile trust between law enforcement and the communities they serve.”

“As a law enforcement leader, I know that public safety and trust in the criminal legal system are deeply intertwined, so it is extremely worrisome to see state legislatures deputize untrained private citizens to do the work of law enforcement officers. This will only make us all less safe,” said **Washtenaw County, Mich. Sheriff Jerry Clayton**, a signatory to the brief.

Amici are represented by a team of attorneys from Fair and Just Prosecution and the law firm of **Weil, Gotshal & Manges LLP**, including John Mastando, Lauren Bernstein, Melissa Rutman, Tania Matsuoka, Frank Ungerer and Lauren Wands.

Read the brief [here](#) and see below for a complete list of *amici*.

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Fair and Just Prosecution is a national network of elected prosecutors working towards common-sense, compassionate criminal justice reforms. To learn more about FJP’s work, visit our [website](#) and follow us on [Facebook](#), [Twitter](#), and [LinkedIn](#).

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