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To: Interested Parties

From: NARAL Pro-Choice America

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Texas Senate Bill 8: What it Means and How We Got Here

At midnight in Texas, a **horrifying law (SB 8) went into effect banning abortion before many people know they're pregnant.** This extreme ban has thus far evaded legal challenges by using a novel enforcement approach: deputizing any person to act as a bounty hunter, spy on their neighbors, and secure a \$10,000+ reward for successfully suing someone who helps a person seeking abortion care after about six weeks of pregnancy.

Federal courts, including the U.S. Supreme Court, failed to take action to block the law from going into effect, and **overnight, millions of Texans effectively lost access to abortion care after six weeks of pregnancy.** The impact is immediate and devastating and will be especially felt by Black, Indigenous, and other people of color, LGBTQ people, and people with low incomes.

How did we get here?

The anti-choice movement, a major component of a larger conservative extremist movement called the Radical Right, has waged a multi-decade campaign to end the legal right to abortion. This dystopian law in Texas is the latest development in their longstanding efforts to impose their regressive agenda and block social progress by any means necessary.

It's important to understand that the Radical Right didn't always oppose abortion. **Before Roe v. Wade, conservatives were largely indifferent or neutral on the issue of abortion.** School segregation was the core issue that the conservative political movement organized around initially. But as the Right started losing support on that issue, they needed a new issue to galvanize their political operation.

The Radical Right settled on abortion: an issue that they could weaponize to evoke a powerful emotional reaction against the cultural changes underway. It tapped into the deep societal wells of racism or misogyny without coming off to the public as obviously racist or misogynistic. And for decades, they've ridden this wave, capitalizing on it to gin up their most fervent supporters determined to elect candidates to impose a rigid, backwards agenda.

Though 8 in 10 Americans support the legal right to abortion and the anti-choice movement does not enjoy public support, they've nonetheless been able to advance their cruel agenda by:

- **Methodically installing judges hostile to reproductive freedom** at all levels of the federal judiciary and tipping the balance of the Supreme Court to an anti-choice supermajority;

- **Preying on Americans' discomfort with talking about issues related to sexuality and reproduction**, turning silence into stigma and drowning out the majority who support reproductive freedom; and
- **Undermining our very democracy by backing legislation that rolls back the freedom to vote**, including egregious voter suppression tactics and fomenting the January 6 insurrection. It is notable that Texas also passed a sweeping voter suppression bill (SB 1) before SB 8 went into effect.

One of the anti-choice actors behind the abortion ban in Texas, Mark Lee Dickson, is the perfect example of how this movement utilizes these tactics. Two years ago, he lobbied for a Texas bill that would have [criminalized abortion without exception](#) and threatened people seeking abortion care with the death penalty. Then he tried to turn the tables on a progressive agenda by co-opting the idea of “sanctuary cities” for immigrants to ban abortion at the municipal level, passing so-called “sanctuary cities for the unborn” in [37 cities](#). In yet another example of how the Radical Right has attacked our democracy to advance their agenda, he participated in the harrowing assault on the U.S. Capitol on January 6. (Read our full memo on Mark Lee Dickson [here](#).)

What's next?

This attack on reproductive freedom in Texas was designed to withstand legal challenges, and **so far, the U.S. Supreme Court has not acted to block the law. Abortion is now largely inaccessible in Texas, and many people will be forced to travel out of state to access care.** Anti-choice lawmakers in the Texas House of Representatives also recently passed SB 4, which attacks access to medication abortion care. The bill has already passed the state Senate and will next go to Governor Abbott for approval.

When anti-choice Republicans in Texas attempted to ban abortion in 2020 amid the COVID-19 pandemic, it resulted in a [1,200% increase](#) in Texans visiting Planned Parenthood clinics in Colorado. The Guttmacher Institute estimates that SB 8 going into effect will increase one-way driving distance for abortion services from [12 miles to 248 miles, or 20 times as far](#).

The ramifications of this law will reverberate across the nation. Not only will people—especially Black, Indigenous, and other people of color, LGBTQ people, and people with low incomes—face tremendous barriers to accessing care that will block them from their freedom to make the best decisions for themselves and their families, but **other states determined to restrict reproductive freedom could soon follow suit, using SB 8 as a blueprint to roll back abortion access in their state.** (Watch our ad about the SB 8 “domino effect” [here](#).)

NARAL Pro-Choice America and our partners will continue to sound the alarm and help everyone understand what's at stake. **We need to hold to account the senators who voted to confirm Trump's justices to the Supreme Court**, paving the way for these unprecedented attacks on the legal right to abortion. And now, more than ever, **we need Congress to pass the Women's Health Protection Act (WHPA)**, which would protect the right to abortion throughout the United States and prevent these kinds of extreme attacks on reproductive freedom at the state level.