



## DEPARTMENT OF THE ATTORNEY GENERAL

**DAVID Y. IGE**  
GOVERNOR

**CLARE E. CONNORS**  
ATTORNEY GENERAL

For Immediate Release  
October 21, 2021

News Release 2021-60

### **Hawaii Attorney General Connors Joins a Coalition of 24 Attorneys General Urging the U.S. Supreme Court to Halt Unconstitutional Texas Abortion Ban**

HONOLULU – Attorney General Clare E. Connors joined a coalition of 24 attorneys general urging the United States Supreme Court to invalidate the unconstitutional Texas abortion ban, Senate Bill 8 (S.B. 8), by vacating the Fifth Circuit Court of Appeals' stay of a District Court order blocking the ban from going into effect.

The coalition filed an amicus brief with the U.S. Supreme Court in the case of *United States of America v. State of Texas et al.*, supporting a challenge by the U.S. Department of Justice (DOJ) and calling on the Court to invalidate the Texas law's flagrant disregard of nearly a half century of precedent.

"The Texas law violates a well-established constitutional right," Attorney General Clare Connors said. "We urge the Supreme Court to vacate the Fifth Circuit's stay and prevent further irreparable harm."

According to the brief, S.B. 8 not only unconstitutionally bans almost all abortions in Texas, it attempts to thwart judicial review and insulate Texas from accountability through a private enforcement scheme. Specifically, Texas created a structure within its state court system that requires courts to award at least \$10,000 as well as injunctive relief to claimants who bring cases against those who "aid or abet" persons seeking constitutionally protected care. As such, the law threatens potential liability for anyone who so much as gives a patient a ride to an abortion provider.

In accordance with the ban, providers in Texas have largely stopped providing abortion care to their patients. This has affected not only patients in Texas, but clinics and patients in states like California, Colorado, Illinois, Kansas, Nevada, and Oklahoma. In New Mexico, in particular, an influx of patients from Texas already has strained provider resources and made it more difficult for New Mexico residents to receive timely care.

"Most patients now must travel out of state, which makes abortion for many people too difficult, too time-intensive, and too costly," the brief states. "Consequently, many will now be forced to carry unwanted pregnancies to term, resulting in negative

health and socioeconomic consequences for both them and their children. And the harms caused by S.B. 8 are rippling well beyond Texas into other states, as people are forced to seek care elsewhere, in many places overwhelming capacity and threatening our own residents' access to care.”

The brief urges the Supreme Court to stop S.B. 8 from inflicting further irreparable harm. It cites to past examples from our Nation's history, particularly related to some states' resistance to desegregation, and argues that the Court should not permit states to violate constitutional rights through state laws ostensibly enforced only by private parties. The Court “should not permit Texas to ‘nullif[y] indirectly’ the constitutional rights recognized in Roe and Casey through the ‘evasive scheme’ that it has created in S.B. 8,” the brief argues.

Joining the brief, led by Massachusetts Attorney General Maura Healey, are AG Connors and the attorneys general of California, Colorado, Connecticut, Delaware, the District of Columbia, Illinois, Maine, Maryland, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, Washington, and Wisconsin.

A copy of the brief can be found [here](#).

###

For more information, contact:  
Gary H. Yamashiroya  
Special Assistant to the Attorney General  
Department of the Attorney General  
425 Queen Street  
Honolulu, HI 96813