

Resolution to Hold Abortionists Accountable

Whereas, the 2020 Platform of the Republican Party of Texas asserts that “All innocent human life must be respected and safeguarded from fertilization to natural death” (Plank 328); and

Whereas, the 2020 Platform of the Republican Party of Texas asserts that “It is our solemn duty to protect innocent life and develop responsible citizens” and civil enforcement of Pro-Life laws are an essential way to ensure both of these noble goals are met simultaneously; and

Whereas, the use of civil enforcement in has proven to be effective in the Texas Heartbeat Act (SB 8), which became the strongest Pro-Life law to be enforce since *Roe v. Wade* despite many attempts to block and otherwise nullify this historical law; and

Whereas, many district attorneys and attorneys general across the country cannot be relied upon for the prosecution of those who violate Pro-Life laws—since many have publicly refused to enforce the Pro-Life laws even if *Roe v. Wade* is overturned; and

Whereas, there are many more ways that civil enforcement can be used to ensure that Life is protected throughout Texas from fertilization to natural death. This is including but not limited to cases of illegal abortion, attempted starvation or removal of care from a patient, discrimination against unborn children because of fetal abnormalities or any other characteristic, and the illegal use of abortion-inducing drugs; and

Whereas, the future of Texas as a leader in the Pro-Life movement vitally depends upon this state’s ability to ensure that we pass and are using the boldest enforcement mechanisms to save preborn lives and hold the abortion industry accountable;

Therefore, be it resolved that the Republican Party of _____ County recommends the Platform Committee of the State Convention adopt a new Platform Plank that reads:

____. The Republican Party of Texas fully supports the Texas Heartbeat Act (Senate Bill 8, 87th Regular Session), including the enforcement mechanism that relies upon civil liability rather than criminal or administrative penalties. Furthermore, we support extending the private cause of action used in the Texas Heartbeat Act to all Pro-Life laws and policies in Texas.

Adopted this _____ day of _____, 2022, at the Precinct Convention of Precinct # ____ of the _____ County Republican Party of Texas.

Resolution to Hold Abortionists Accountable

Background:

The passing of SB 8, the Texas Heartbeat Act, marked a historic moment in the Pro-Life movement the likes of which had never been seen between now and the decision reached in *Roe v. Wade*. Since the passage of this act, **the Texas Heartbeat Act has faced dozens of challenges** all of which have been withstood due to the unique legal nature that has allowed this act to persist—**largely because of the use of civil enforcement**. This uniquely crafted act has not only survived but thrived and served to weaken and chip away at the foundation of *Roe v. Wade* and other devastating court decisions.

It is crucial for the future of the Texas Pro-Life movement that the state legislature does not cave to the anti-Life pressure, and instead, **affirms the use of civil enforcement in not only the Texas Heartbeat Act but also other pieces of life affirming legislation that have and are to come**. We are closer than ever before to achieving the ultimate victory of ending elective abortion in Texas, and now is the time to take bold and clear legislative action to affirm and encourage the life-saving work that has been accomplished thus far.

What is a Civil Cause of Action? A civil cause of action (as opposed to a criminal cause of action) is a legal case where a complaint was filed involving private parties. This means that a case is prosecuted privately instead of by the government; a private citizen will be the one who brings the issue to court rather than a public prosecutor or district attorney.

Although criminal penalties cannot be levied in cases such as these, the benefits of such an approach are numerous:

1. With civil enforcement, the Pro-Life movement will **no longer be reliant on public officials or law enforcement** who might have other political pressures or commitments causing them not to hold abortionists accountable through criminal charges.
2. This method of enforcement also incentivizes everyone to **keep their fellow citizens accountable to the law** thereby significantly increasing the difficulty in attempts to **obscure violations of this law**.
3. The burden of proof for civil cases is lower than that of criminal cases, allowing for even greater **financial disincentive to violate laws** that use such enforcement methods.

How will this work? Similar to the Texas Heartbeat Act, use of civil enforcement means that citizens can bring civil lawsuits against those violating Pro-Life laws if there is credible evidence of the violation. This effective enforcement method does not currently apply to all Texas' Pro-Life laws and policies, but is a promising tool to ensure preborn Texans are protected.

Why now? In October of 2020, more than 60 district attorneys and attorneys general [proclaimed they would not prosecute violators of Pro-Life laws](#) throughout the United State even if *Roe v. Wade* is overturned. No matter the action of the Supreme Court, the Pro-Life movement cannot rely upon public prosecutors for the enforcement of just and rightfully passed legislation. Therefore, civil enforcement is both a prudent and effective solution to protect Life.

Solution: The Republican Party of Texas should endorse and encourage the use of civil cause of action in both the Texas Heartbeat Act specifically and in all Pro-Life legislation.