

Texas enacts sweeping abortion restrictions

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On July 7, the Texas Legislature, in a second special session called by Texas governor Rick Perry, passed an anti-abortion law that threatens the closure of nearly all abortion providers throughout the state.

Senate Bill 5, introduced at the last minute during the first special legislative session called by Perry two weeks ago, criminalizes all abortions performed after 20 weeks of pregnancy. It also imposes requirements so burdensome on clinics and doctors that it is expected 37 of the state's 42 abortion providers will shut down.

This makes Texas the latest state to adopt extremely restrictive anti-abortion measures. Earlier this year, North Dakota enacted almost identical legislation, placing the fate of its sole remaining abortion provider in question. Less than one month later, Kansas followed suit, passing a bill that defines life as beginning at fertilization. The Texas law brings these extreme anti-abortion measures to a state of 26 million people.

These efforts and others are part of a well-orchestrated attempt by the religious right to substantially weaken and ultimately overturn the right to obtain an abortion as recognized in the landmark Supreme Court case of *Roe v. Wade*. The intent is to regulate clinics and abortion doctors out of existence, overturning the right to an abortion in fact, if not in law, and then counting on the Roberts Supreme Court to shut down legal challenges.

In addition to banning all abortions after 20 weeks of pregnancy, the bill requires that abortion clinics upgrade to ambulatory surgical centers and that all abortion providers have admitting privileges at a hospital within 30 miles of their facility. The distance requirement is an impossibility for many institutions in isolated rural communities, while upgrading to full ambulatory surgical centers—requiring such measures as widening hallways and installing waiting rooms—will be ruinously expensive.

Proponents of the legislation claim that these requirements are necessary for the safety of women. In response, both the American Medical Association (AMA) and the American College of Obstetricians and Gynecologists (ACOG) point out that in abortion procedures, complications requiring surgery are exceedingly rare, occurring in well under 1 percent of cases. In a statement on its web site, the ACOG further objected that abortion services were being specifically singled out and treated differently from other outpatient services. Procedures such as colonoscopy, which have equal or greater risk, have no such requirement imposed.

Abortion rights groups have also pointed out that the admitting privileges requirement effectively gives veto power to hospitals over who is able to perform abortions. Mississippi, which recently passed similar legislation, is being sued by abortion providers after no hospitals in the state were willing to grant such privileges.

The impact of the law will weigh most heavily on the working class and those who are living in or near poverty. While the wealthy will always have the means to travel in order to seek whatever care is needed, workers in large portions of the state will need to embark on up to a full day's travel by car and make overnight accommodations just to be seen in any of the few abortion clinics that might remain open.

The legislation comes on the heels of the state budget cuts of 2011, which slashed the funding for family planning clinics by two-thirds, resulting in the closure of 60 clinics and leaving some 150,000 women without access to care. That same year, Planned Parenthood and other reproductive health clinics were cut from the state Medicaid program.

Texas already ranks at or near worst among the states in numbers of teen pregnancies, people without health insurance, and women in poverty. It also ranks near the

bottom in numbers of women who receive prenatal care and in benefits paid to women, infants, and children. The anti-abortion bill will only make these numbers worse.

The law also underscores the extent to which the principle of separation of church and state has eroded within the political establishment. Perry assiduously cultivates support in the religious right, appearing at prayer rallies and other religious events throughout his tenure as governor.

There is in fact little support in the working class for Perry's blend of pro-corporate policies and religious obscurantism—a poll by the University of Texas and the *Texas Tribune* indicates that only 38 percent of Texans support making abortion laws stricter. When word of the special session got out, thousands of protesters hastily organized at the state capitol to oppose the bill.

Lt. Gov. David Dewhurst said earlier that law enforcement would squash the protest if chaos erupted during the debate. “We’re going to have strict enforcement. If there are any demonstrations, we are going to clear the gallery,” Dewhurst said Thursday. “I hope we don’t get to that point but if we do, we do.”

The Senate Democrats played their usual cynical role. Pressured by protesters and outraged constituents, they responded with a parliamentary maneuver doomed from the outset, mounting a filibuster led by Senator Wendy Davis of Fort Worth.

From the beginning, this was little more than a public relations stunt. But the filibuster had its intended effect, allowing liberal and pseudo-left groups to provide cover for the Democratic Party. For example, *Socialist Worker*, publication of the International Socialist Organization, exulted, “The Democrats have regained so much credibility from Davis’ heroic filibuster.”

In fact, after the Democrats took credit for “defeating” the bill, Governor Perry simply called a second special session, which the Democrats quickly acquiesced to, claiming that the bill’s passage was inevitable.

Under the Texas Constitution, the Legislature only meets in regular session for 140 days every two years, beginning on the second Tuesday of each odd-numbered year. The regular session thus began on Tuesday, January 8, 2013, and ended on Monday, May 27. However, the governor has the prerogative of calling the legislators back for special sessions of up to

30 days each for consideration of issues that only the governor can set. In addition, the governor can call as many special sessions as he wishes.

Following the regular session, Perry called a special session. However, he did not add the abortion bill to the agenda until late in the session, which left Republican members at something of a tactical disadvantage and gave the Democrats an opportunity to burnish their image as champions of women’s rights by scuttling the bill via the filibuster.

The Texas House Democrats held up the bill nearly all night on Sunday, May 26, preventing the bill from reaching the Senate until 11 a.m. on Monday, the last day of the first special session.

The Democrats were outnumbered by Republicans 19-11, but still had just enough votes to block the bill from moving forward. As the end of the first special session approached, the Democrats mounted a filibuster to run out the clock on the session, hoping to kill the bill, with Sen. Davis undertaking to make the 13-hour speech that would do the deed.

Davis was cut off after 11 hours by an obscure parliamentary maneuver, but the Democrats were still able to prevent a vote before the time ran out at midnight on May 27.

The “victory” of the abortion bill’s opponents was short-lived. Immediately upon the close of the first special session, Perry called a second one, this time not failing to place the bill at the top of the agenda. On a party-line vote, the Republicans, by Wednesday, sent the bill to the full Texas House for a vote. They refused to consider any amendments put forward by Democrats, and took strong security precautions against protesters. This time, there was no scope for any filibustering.



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