

Mississippi “fetal heartbeat” law bans abortion after six weeks

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Last Thursday Mississippi became the third US state to ban abortion at the moment when a fetal heartbeat can be heard by ultrasound—a possibility within six weeks of conception, when some women may not even know they are pregnant.

Senate Bill 2116 outlaws “an abortion of an unborn human individual with a detectable fetal heartbeat” except to “prevent the death or serious risk of the substantial and irreversible impairment of a major bodily function of the woman.” The law contains no exception for rape or incest victims and provides that a physician performing such a prohibited abortion is subject to professional disciplinary action or license revocation.

Senate Bill 2116 expressly contradicts established legal precedent permitting abortion within 24 weeks—a reduction in the timeframe for a woman to obtain the medical procedure by 75 percent.

In a signing ceremony in the state capitol of Jackson on Thursday, Republican Governor Phil Bryant praised the abortion ban in explicitly religious terms, saying “we think that this is showing the profound respect and desire of Mississippians to protect the sanctity of that very unborn life whenever possible.”

Republican Lieutenant Governor Tate Reeves touted his administration’s intent to fight any legal challenges to the law no matter the cost.

“There have been threats of lawsuits, and I’m sure that’s going to happen, and that’s O.K.,” Reeves said. “I will put my record of fiscal responsibility up against anyone in this building today, and anyone that’s ever stood in this building before, and I have absolutely no problem supporting strongly whatever it costs to defend this lawsuit because I care about unborn children.”

In 2018 a federal court struck down a milder version of Mississippi’s abortion ban, prohibiting the

procedure after 15 weeks of gestation.

Earlier this month Republican Kentucky Governor Matt Bevin signed into law a similar fetal heartbeat bill, which a federal judge has suspended pending further litigation. In January, a state court in Iowa struck down a fetal heartbeat bill there. The Georgia legislature is debating such a law, with Florida, Missouri, Ohio, Tennessee and Texas likely to approve their own fetal heartbeat measures.

Mississippi has only a single clinic that performs abortions, as does Kentucky.

Fetal heartbeat laws are only the most recent iteration of a decades-long attack on reproductive freedom. They are preceded by proposed laws that would have required spousal notification, parental notification and/or consent to abortion, forced fetal ultrasounds, compelled medical advice about the “dangers” of abortion, and a host of measures designed to cripple reproductive health facilities in the supposed name of patient safety.

Like its earlier incarnations, the fetal heartbeat laws have nothing to do with medical science, women’s safety or child welfare. To take just one example, Mississippi’s infant mortality rate is the highest in the United States, making claims about the sanctity of life or protection of children unabashedly cynical.

Rather, placing ever more draconian limitations on access to abortion has served as part of the Republican Party’s mobilization efforts since the 1973 *Roe v. Wade* Supreme Court decision, which held that the medical procedure is constitutionally protected under the right to privacy. The Republican Party’s “Southern strategy”—stoking racism and religious bigotry—capitalized on evangelical groups’ hostility to the *Roe* decision, describing it as a federal overreach into states’ rights. Anti-abortion forces soon attained

their first major legislative victory with the 1977 Hyde Amendment, banning the use of federal funds for abortion, save for exceptional circumstances.

The “abortion issue” has since occupied a central place in American electoral politics. What should be a settled issue—the right of a woman to terminate her pregnancy without state intervention—serves a double purpose.

For the layers of the ruling class grouped around the Republican Party, abortion provides fodder for their Christian fundamentalist electoral base. Groups like Jerry Falwell’s Moral Majority channel social anger into a reactionary political direction. Claims of a holocaust of the unborn at Planned Parenthood clinics, of “baby killer” doctors and the like poison political discourse, leading to the murder of abortion providers.

The Democrats benefit from this at least as much as their Republican counterparts, if less directly. As the party has moved ever further to the right, the Democratic Party’s sham defense of reproductive rights has provided some political cover for its retreat from liberal reformism. Every four years, the Democrats warn that a Republican presidential victory means a pro-life Supreme Court and the end of *Roe v. Wade* but have done nothing to halt the assault on a basic democratic right.

Unlike anti-abortion laws in the past, a friendly reception at the Supreme Court looms for the recent spate of fetal heartbeat laws. With the Supreme Court already in retreat on reproductive rights by 1992—the *Planned Parenthood v. Casey* ruling upheld the state of Pennsylvania’s 24-hour waiting period and parental consent requirement, among others—the replacement of the swing vote Anthony Kennedy with the anti-abortion fanatic Brett Kavanaugh bodes ill.

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