

Texas bans abortions under “heartbeat” bill, executes man on same day

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Texas Governor Greg Abbott signed a reactionary “heartbeat” abortion ban into law on Wednesday de facto banning abortions, on the very same day that Quintin Jones was executed following a rejection by the Texas parole board to spare his life and Abbott’s decision to ignore Jones’s plea for clemency. The Republican governor’s actions mark a definite escalation of the assault on democratic rights in the United States.

Jones was convicted in 2001 for the murder of his great-aunt, Berthena Bryant. Bryant’s sole surviving sibling forgave Jones in a clemency petition, and both she and Jones’s twin brother asked the governor and the state pardons board to commute his sentence. Abbott and the pardons board ignored these appeals. Notably, media were not allowed to witness the execution, the first time reporters have not been present at a Texas execution in over 40 years. The Texas Department of Criminal Justice later apologized, claiming that it was an error and the result of miscommunication.

Serious questions as to whether Jones had an intellectual disability that exempted him from the death penalty were raised in legal filings by Jones’s lawyers, who argued that the psychologist testifying for the state was using a discredited psychopathy checklist. A Texas A&M professor speaking to the *Texas Tribune* called the checklist “unreliable, unscientific, and misleading in capital cases because [it] cannot reliably predict behavior in prison.”

The draconian anti-abortion bill approved by Abbott has no exceptions for instances of rape or incest, instead claiming that “public and private agencies provide...emergency contraception for victims of rape or incest.” Justifying this, the bill’s sponsor, Republican Senator Bryan Hughes, stated cynically,

“Let’s harshly punish the rapist, but we don’t, we don’t punish the unborn child.” That is, if someone gets raped in Texas, she will be forced to have the rapist’s child under threat of the state.

The state government has overseen the deaths of more than 50,000 Texans from COVID-19, and has now executed a person on the same day as it enacted the anti-abortion law. The government has no moral standing whatsoever to be claiming to care about the lives of anyone.

The legislation allows for civil charges and a \$10,000 fine to be brought against those providing abortions after the detection of a “fetal heartbeat.” This also applies to anyone connected to the abortion, including anyone who “knowingly engages in conduct that aids or abets the performance or inducement of an abortion, including paying for or reimbursing the costs of an abortion through insurance or otherwise,” opening the door for a flood of lawsuits by conservative activists and anti-abortion organizations. This threatens already heavily defunded abortion clinics with bankruptcy as well as most who are seeking abortions, with Texas abortion funds decrying the bill as a clear effort to put their organizations and affiliates in legal jeopardy.

Amanda Williams, an executive director of one of these funds—the Lilith Fund—stated to CNN that “If we were to be hit by frivolous lawsuits left and right, I mean, this would really prevent us from doing our work in a lot of ways,” noting that no legal budget existed in the fund.

The reason for the provisions in the law that allow for civil suits against those connected to abortions was elaborated by State Senator Hughes, who stated it was “to encourage people to bring these claims. So the Legislature has made it, has determined that illegal abortions should be discouraged, and so enabling

private citizens to bring those suits is one way to do that.” He also stated that it was calculated to be useful against higher court challenges.

Texas joins 13 other states, including South Carolina, Oklahoma, Idaho, Ohio, and Tennessee, where “fetal heartbeat” abortion bans have been signed into law, though none of them have yet taken effect. The bills are part of an obvious attempt to overturn the landmark 1973 Supreme Court decision in *Roe v. Wade* that established the legality of abortion under the 14th Amendment.

Underlying the seriousness of the attacks on abortion, the 6–3 extreme-right majority Supreme Court, led by the far-right Amy Coney Barrett, who is against abortion, has elected to take up a 2018 Mississippi anti-abortion law that limits abortions to up to 15 weeks after being struck down by a federal judge in Mississippi in 2018 and being upheld in 2019 by the Fifth US Circuit Court of Appeals, with the case scheduled to start in October and end in June 2022.

The Associated Press (AP) reports that the concept of “fetal heartbeat” was coined by Ohio anti-abortion activist Janet Folger Porter. The notion advanced by conservative activists of “fetal heartbeat” conflicts with medical science, conflating embryonic heartbeat with that of a fully formed child that can survive outside of its mother. Dr. Michael Cackovic, a maternal fetal medicine specialist, explained to the AP that “heartbeat laws” utilize “our amazing technological advances” that allow the detection of embryonic cardiac activity “and nothing else.” Cackovic also stated, referring to the “flutter” described by anti-abortion activists like Porter who claim “abortion stops a beating heart,” that “you cannot hear this ‘flutter,’ it is only seen on ultrasound.”

A 2013 study from the University of Leeds found that while four chambers could be identified as early as the eighth week of pregnancy, this remained a “disorganized jumble of tissues” until at least the 20th week. A guide from the British National Health Service states that only babies born at 24 weeks have a chance of survival, while those before “this time cannot live because their lungs and other vital organs are not developed enough.”

A parent information guide for babies born 20 to 22 weeks old by the South Australian Department of Health notes that “A normal pregnancy lasts for about

40 weeks. Babies born after only 20 to 22 weeks are so small and fragile that they usually do not survive.” It continues to point out that “Their lungs, heart and brain are not ready for them to live outside the womb.” The implication of this is that at this stage the fetus cannot be considered a child, as it lacks the developmental characteristics that set a fetus apart from a child—sufficient development of the brain, lungs, and heart such that it can exist independent of the mother.



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