

Near-total abortion ban goes into effect in Texas

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1 September 2021

Legislation banning abortions as early as six weeks into pregnancy took effect in Texas at midnight after the US Supreme Court did not act on an emergency appeal by Texas abortion providers Tuesday.

Senate Bill 8, ushered through the Republican-dominated state legislature and signed into law by Governor Greg Abbott, prohibits abortions whenever an ultrasound can detect a “fetal heartbeat,” a purposely misleading term, since there is neither a fetus nor a heart at that stage of development. There is only an embryo, not a fetus, and only weak electrical charges can be detected in groups of cells that will eventually form the heart.

The American Civil Liberties Union, Planned Parenthood Federation of America, and the Center for Reproductive Rights filed a lawsuit against the bill in July, writing that the law would deny 85 percent of Texas women access to abortion care, as most are not even aware they are pregnant as early as six weeks.

A federal district court denied a motion to dismiss the case, sought by the defendants in *Whole Women’s Health v. Jackson*—the state of Texas and several judges in state courts—and scheduled a hearing for Monday, August 30 on the plaintiffs’ motion for a preliminary injunction against the new law.

The defendants instead appealed to the Fifth Circuit Court of Appeals in New Orleans, dominated by ultra-right judges. A three-judge panel of the Fifth Circuit, two of them appointed by Donald Trump, banned the hearing by the federal district court, using Hurricane Ida as a pretext, but effectively allowing the law to take effect, while the plaintiffs continue to fight the case in the district court.

The plaintiffs then filed an emergency appeal with the US Supreme Court, but the high court declined to act before the law took effect, without issuing a written

opinion or any indication of the line-up on the issue among the nine justices.

While a dozen other Republican-dominated states have passed similar “heartbeat” bills, they have all been blocked in court. However, Texas’ new law is intentionally designed to make legal challenges more difficult. Instead of government officials enforcing the law, it incentivizes private citizens to bring civil suits against anyone who “aid or abets” in an abortion.

Under the draconian law, physicians, clinic nurses, abortion fund workers, domestic violence and rape crisis counselors, or even a family member who offers a car ride to the clinic could now face a lawsuit from anyone, encouraging a type of vigilante justice. Individuals who file the suits are not required to show any connection to those they are suing, and are entitled to a minimum of \$10,000 in damages, plus attorney fees, if they win in court.

Texas abortion providers said the law “immediately and catastrophically reduces abortion access in Texas” and will likely force many abortion clinics to close. Planned Parenthood and Whole Woman’s Health clinics announced they would be forced to comply with the law, or else they could be quickly bankrupted by legal fees and penalties.

Health providers at Whole Woman’s Health clinics continued to provide abortion care until just before the law took effect and said their waiting rooms were “filled with patients and their loved ones,” while anti-abortion protestors harassed them from outside.

Marva Sadler, senior director of clinical services at Whole Woman’s Health, told the *Texas Tribune* the organization’s clinic in Fort Worth was “engulfed” with over 100 patients scrambling to undergo abortions before the law took effect.

Texas is already infamous for its stringent abortion

laws, and its politicians have made multiple attempts to eliminate access to abortion over the past decade. It is home to the highest number of cities in the United States where a patient must travel at least 100 miles for abortion care.

House Bill 2, a 2013 measure that was eventually struck down by the Supreme Court, required abortion clinics to meet standards previously applied only to full-scale hospitals, which slashed the number of such clinics in Texas from more than 40 to just 19 by 2016. Governor Abbott utilized the COVID-19 pandemic in March 2020 to bar most abortion procedures, causing the number of patients who traveled out of state for care to jump by almost 400 percent.

President Joe Biden feigned outrage at the new law's implementation Wednesday morning.

“My administration is deeply committed to the constitutional right established in *Roe v. Wade* nearly five decades ago and will protect and defend that right,” Biden said in a speech, but did not specify any course of action.

This echoes Biden's inaction at the passage of restrictive voting laws he called a threat to American democracy, such as the controversial Texas voting rights law, which is now headed to the governor's desk.

While his Republican “friends,” as Biden calls them, threaten the democratic rights of the poor and disadvantaged, the Democrats have shown they do not intend to put up any fight against the assault.



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