

Judge sets hearing to consider blocking Texas abortion ban

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16 September 2021

On Wednesday, US District Judge Robert L. Pitman scheduled a hearing for October 1 to consider temporarily blocking the Texas law that almost entirely outlaws abortions in the state, which the US Supreme Court allowed to go into effect earlier this month.

The US Department of Justice (DOJ) filed for an injunction Tuesday to stop the implementation of Texas' new anti-abortion bill, known as Senate Bill 8, which prohibits any state resident from "aiding" or "abetting" in an abortion once doctors can detect a so-called fetal heartbeat—in reality the beginning of electrical activity within the cells of an embryo as early as six weeks into a pregnancy, before a heart has even been formed.

Instead of immediately taking action, Pitman granted the state's request to hear arguments before issuing a ruling. The law will have been in effect for one month by the time the hearing is held.

In their filing, the Justice Department gathered testimony from women's health clinics, health care providers, abortion rights advocates and women who have already been impacted by the draconian law.

"S.B. 8 has gravely and irreparably impaired women's ability to exercise their constitutional right to an abortion across the State," the DOJ stated in the motion.

As a result, women are "being forced to travel hundreds—and sometimes thousands—of miles to obtain an abortion under harrowing circumstances in the middle of a COVID surge," the motion said.

The Justice Department cited the harrowing experience of a minor who was raped by a family member and forced to travel eight hours, from Galveston, Texas, to Oklahoma, for an abortion. The barbaric law only allows exceptions for abortions in cases of medical emergencies.

In response to criticisms of the law's lack of exceptions for cases of rape, Texas Governor Greg Abbott absurdly claimed that victims of rape would have six weeks to get an abortion and that Texas would prosecute and "eliminate" all rapists in the state.

One woman drove a 1,000-mile trip alone "because she didn't have paid time off work and couldn't afford" to miss a shift. Another "piled her children into her car and drove over 15 hours overnight to obtain a medication abortion in Kansas" because she could not raise the money needed for airfare or child care.

Patients must travel an average of 650 miles each way to find abortion clinics in neighboring states. The logistical challenges of traveling so far "have made it such that some women are no longer eligible for a medication abortion and instead are subjected to more invasive procedural abortions," the DOJ reported.

Clinics throughout the Southwest, including in Oklahoma, Kansas, New Mexico and Colorado, have reported increased volumes of Texas residents seeking abortion services, with clinics in Tulsa and Oklahoma City in particular seeing an "overall staggering 646 percent increase" in Texan patients compared to the first six months of the year. Clinics also reported scheduling backlogs of several weeks, while others cannot accommodate the large influx of out-of-state patients.

Many Texas abortion clinics risk closure for good under the law, and some have even stopped offering abortion services altogether, for fear of being sued. Staff also expressed concerns over the threat of lawsuits.

In a court hearing Monday, Julie Murray, the attorney for Planned Parenthood Federation of America, told the judge that the organization is currently "complying with the law precisely because of the overwhelming

threats of litigation” and that a temporary injunction “will not restore abortion services ... but it will prevent and reduce the litigation exposure and constitutional harms that [Planned Parenthood] will experience.”

Whole Woman’s Health, which staffs 17 doctors across its three abortion clinics in Texas, reported that only one doctor “unconditionally agreed to work” after SB8 went into effect, according to court documents.

The bill was intentionally written to complicate legal proceedings, empowering private citizens, rather than state officials, to file lawsuits against anyone who may help a person get an abortion that is illegal under the law, with a \$10,000 reward if they sue successfully.

The law has also “emboldened vigilante activities” against abortion providers, including yelling at, recording and trying to follow health care workers home. The harassment compelled a Texas state judge to issue an injunction against the state’s largest anti-abortion group, Texas Right to Life, on Tuesday.

The injunction, issued by Judge Karin Crump of the Travis County court, bars anyone associated with Texas Right to Life from filing a lawsuit against abortion clinics and health care providers for any violation of SB8. It will remain in effect until at least April 2022, when a trial is scheduled on the case.



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