Texas Supreme Court lifts stay on anti-abortion law

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On Friday, the Texas Supreme Court overturned a lower court order allowing clinics to continue performing abortions. The high court ruling came just days after some doctors resumed seeing patients, following the U.S. Supreme Court's reversal of *Roe v. Wade*.

Clinics in Texas, the second biggest state in the country, with a population of nearly 30 million people, had stopped performing abortions after the U.S. Supreme Court abolished the constitutional right to the procedure. But a Harris County judge last week ruled that clinics could temporarily resume abortions up to six weeks into pregnancy.

Texas Attorney General Ken Paxton quickly appealed to the state's highest court, controlled by nine Republican justices, to reverse the lower court order and allow prosecutors to enforce a 1925 state law criminalizing abortion at any stage of pregnancy.

After the U.S. Supreme Court's ruling, Paxton claimed prosecutors in Texas could enforce the 1925 law, but abortion providers sued, arguing that the law had automatically been repealed in 1973 when the Supreme Court first decided *Roe v. Wade*.

The state high court justices issued a partial grant of Paxton's emergency motion, saying Texas' nearly century-old abortion ban could be enforced in civil courts, making it illegal to perform abortions in the state even before anti-abortion "trigger laws" come into effect.

"These laws are confusing, unnecessary, and cruel," Marc Hearron, senior counsel at the Center for Reproductive Rights, said in a statement. "Texas's trigger ban is not scheduled to take effect for another two months, if not longer. This law from nearly one hundred years ago is banning essential health care prematurely, despite clearly being long repealed."

According to the American Civil Liberties Union (ACLU), Friday's order by the state Supreme Court does not allow for criminal enforcement but permits enforcement in civil court. Harris County Attorney Christian D. Menefee said the order allows Paxton and other state officials to enforce the ban, but local prosecutors are still barred from enforcing the measure.

Paxton celebrated the decision, writing on Twitter: "Thanks to my appeal, SCOTX has slapped down the abortion providers and the district court carrying their water. Our state's pre-Roe statutes banning abortion in Texas are 100% good law. Litigation continues, but I'll keep winning for Texas's unborn babies."

The legal wrangling in Texas—having abortion rights temporarily restored and then lost in the span of a few days—is indicative of the confusion and scrambling taking place across the United States since *Roe* was overturned.

In Florida, a law banning abortions after 15 weeks of pregnancy went into effect Friday, the day after a judge called it a violation of Florida's constitution and signed an order temporarily blocking the law. The order blocking the new anti-abortion measure was signed Tuesday morning, but Florida Attorney General Ashley Moody, a Republican, filed an emergency appeal on behalf of the state, automatically staying the lower court's order.

Last week, a Kentucky judge temporarily blocked the implementation of two trigger laws imposing a near-total ban on abortions, allowing the state's only two abortion providers to temporarily resume seeing patients. Kentucky Attorney General Daniel Cameron asked the state's Supreme Court on Sunday to reinstate the abortion ban, claiming that without an emergency ruling, unborn children would suffer immediate and irreparable harm.

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The threat of prosecution even follows women who travel outside of states with abortion bans in place.

Planned Parenthood of Montana stopped providing medication abortions, the most common method to terminate pregnancy since 2000, to patients who travel from states with bans so as “to minimize potential risk for providers, health center staff, and patients in the face of a rapidly changing landscape.”

On Friday, a South Dakota law took effect that threatens felony punishment for anyone who prescribes medication for an abortion without a license from the South Dakota Board of Medical and Osteopathic Examiners. That means lawmakers may attempt to prosecute medical officials from different states.

Planned Parenthood North Central States, which offers the procedure in Minnesota, Iowa and Nebraska, is telling its patients that they must take both pills in the regimen in a state that allows abortions. The two pills that make up the regimen, mifepristone and misoprostol, must generally be taken 24-48 hours apart.

Alabama Attorney General Steve Marshall’s office said it is reviewing whether it will prosecute individuals or groups helping fund or otherwise aid women traveling to out-of-state abortion clinics. Yellowhammer Fund, an Alabama-based group that helps low income women cover abortion and travel costs, said it is temporarily stopping operations because of the lack of clarity under the state law.

The barbarous implications of criminalizing abortion are already being seen across the United States. According to the *Indianapolis Star Tribune*, just days after the U.S. Supreme Court removed constitutional protections for abortion, Dr. Caitlin Bernard, an Indianapolis obstetrician-gynecologist, reported that a 10-year-old rape victim was forced to travel from Ohio to receive medical attention.

Many American women have rushed to delete period tracking apps from their cellphones out of fear that the data collected by the apps could be used against them in future civil or criminal cases in states where abortion is illegal.

The Democrats, having done nothing to protect abortion rights, are merely seeking to exploit the devastating attack on democratic rights and women’s health to garner votes for the November midterm elections.

Meanwhile, Trump’s fascistic following has been emboldened by the Supreme Court’s series of reactionary rulings, including the decision to strike down a New York law restricting gun carrying. Far-right vigilantes such as the Proud Boys have intervened at numerous protests against the court’s decision, attempting to intimidate protesters by openly carrying firearms.

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