

Texas Anti-Abortion Law Upheld by Supreme Court—And Met with Resistance

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Women in Texas and around the country were horrified and outraged to learn that the U.S. Supreme Court, meeting in the dead of night on September 1, voted 5 to 4 to uphold a new Texas law that would outlaw abortion for nearly all women. The law bans abortions after a heart beat can be heard, usually at about six weeks, before most women typically realize that they are pregnant. In Texas, before the passage of this law, 85 percent of women who got abortions had them after six weeks. While there are other “heartbeat laws” in other states—Georgia, Mississippi, Kentucky, and Ohio—this law goes further. It makes no exceptions for pregnancies resulting from rape or incest, and very narrowly defines health conditions that might allow an abortion.

The law does not call upon state officials to enforce it, but rather deputizes private citizens to sue anyone who performs an abortion or “aids and abets” a procedure, making it more difficult to declare the law unconstitutional. People with no connection to the patient or the clinic may sue and recover legal fees, as well as a bounty of \$10,000 if they win. Women in Texas will now have to go to other states to seek abortions, an option that is much easier for the well off than for workers and the poor. The law will disproportionately affect Black and Latina women who have fewer economic resources. The law immediately threatens Planned Parenthood, the nation’s and Texas’ largest abortion provider, though there was a court ruling temporarily stopping suits against it until September 17.

The Texas law, which was passed by its Republican dominated legislature and signed by Republican Governor Greg Abbott, will not only affect the seven million women of childbearing age in Texas, but could also become a model for other states, about half of which could conceivably pass similar laws. And it is part of a broader attempt to get the Supreme Court to overturn *Roe v. Wade*, the 1973 Supreme Court decision that upheld women’s abortion rights, later defined as pregnancies up to 24 weeks.

The Texas law and the Supreme Court decision are tremendous blows to women's right to make decisions about their own bodies and their own lives. Abortion rights, culminating in *Roe v. Wade* in 1973 was won by the women's movement of the 1960s and 70s through educational campaigns, mass protests, and political pressure, and still today a majority of Americans support women's abortion rights. According to a national media poll in 2019, "A total of 77% say the Supreme Court should uphold *Roe*, [though] 26% say they would like to see it remain in place, but with more restrictions added; 21% want to see *Roe* expanded to establish the right to abortion under any circumstance; 16% want to keep it the way it is; and 14% want to see some of the restrictions allowed under *Roe* reduced. Just 13% overall say it should be overturned."

In response, President Joe Biden denounced the law as "unleashing unconstitutional chaos" against women and promised that his administration would "launch a whole-of-government effort" to try to check the law. Planned Parenthood, NARAL Pro-Choice America, and women's groups will be pushing the Democrats to pass new, comprehensive abortion rights legislation, though it would have little chance of passage at the moment given the divided Congress.

Resistance to the new law began at once, led by ordinary women and by women's organizations. When Texas Right to Life established a website, Prolifewhistleblower.com, to act as a tip line to turn in abortion providers or those helping women seeking abortions in Texas—both of which are now crimes—women and men began using Tik Tok to flood the site with accusations that Governor Abbott was seeking an abortion, that Marvel Avengers wanted abortions, and bots regularly filed fake reports. The Texas law could spark a new women's movement, letting people know that Women's Lives Matter.