



Written by [Bob Adelman](#) on October 11, 2021

Appeals Court Rebuffs Lower Court Ban of Texas Heartbeat Law

The U.S. Fifth Circuit Court of Appeals [made short shrift](#) of Obama-appointed judge Robert Pitman's ruling on Wednesday that stopped enforcement of Texas' so-called Heartbeat Law, S.B. 8. Late Friday night, the court "temporarily held in abeyance" Pitman's ruling, ordering the Biden administration to "respond" no later than 5:00 p.m. tomorrow.

There's little doubt that that "response" will reiterate Pitman's claim in his [vituperative ruling](#) that a "pregnant person" [he never used the word "woman" in his ruling] has a guaranteed right to kill her child at her convenience in the U.S. Constitution. After all, he wrote, the Supreme Court ruled in *Roe v. Wade* that it was so in 1973 and the high court affirmed its error in *Planned Parenthood v. Casey* in 1992.

It therefore, in Pitman's mind, created a precedent that shall not be overruled, even if made in error. Wrote Pitman:

Fully aware that depriving its citizens of this right by direct state action would be flagrantly unconstitutional, the State contrived an unprecedented and transparent statutory scheme to do just that.

Ignoring the fact that S.B. 8 had been carefully and deliberately crafted by members of the Texas state legislature, Pitman wrote that the so-called heartbeat law — abortionists are proscribed from performing an abortion if a fetal heartbeat is detected — was instead "meant to empower anti-abortion vigilantes."

When Pitman's ruling came down last Wednesday, the Texas abortion industry cranked back up. At least six of the state's two dozen abortion clinics began killing babies again on Thursday and Friday. Prior to the start of the new law on September 1, the Texas abortion industry was killing an estimated 100 babies a day.

Most abortionists, however, are abstaining. The new law allows private citizens to bring action against them if they perform an abortion. The law also applies to anyone assisting doctors performing abortions, including staff and even drivers bringing the pregnant mothers to the clinics. Violations are punishable by a minimum of \$10,000 per abortion, as well as whatever additional injunctive relief is deemed "sufficient to prevent the defendant from violating [the law] or in engaging in acts that aid or abet violations."



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Appointments for abortions scheduled for the weekend were canceled, and pre-born babies are being allowed, once again, to enjoy the right to life stated in the Declaration of Independence.

The momentum for declaring and affirming that right to life continues to gain traction. Back in May, Texas abortionists and their supporters filed numerous lawsuits seeking to prohibit S.B. 8 from becoming effective on September 1. No court intervened, including the Supreme Court, which allowed the law to remain in place.

Although most attention is focused on the Texas “heartbeat law,” the real threat to the abortion industry — and the savior of millions of lives of unborn children — is the Mississippi case *Dobbs v. Jackson Women’s Health Organization*, which is currently before the high court. It deals with a 2018 Mississippi law that bans abortions after 15 weeks. The Supreme Court has agreed to take the case on appeal from lower courts that ruled the Mississippi law violated the “rights” conferred to pregnant mothers under *Roe v. Wade*. Specifically, the high court will consider “whether all pre-viability prohibitions on elective abortions are unconstitutional.”

Oral hearings on *Dobbs* are scheduled to begin on December 1.

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