



Written by [Bob Adelman](#) on October 7, 2021

## Liberal Judge Blocks Texas Heartbeat Law

Obama-appointed liberal Judge Robert Pitman issued an injunction — [a restraining order](#) — on Wednesday prohibiting anyone from enforcing Texas’s “heartbeat law,” S.B. 8.

His bias was clear from the beginning of his 133-page opinion:

A person’s right under the Constitution to choose to obtain an abortion prior to fetal viability is well established.

That is the basis upon which the entire abortion issue rests: that somehow the contrived “right” of a woman to kill her unborn child created by the Supreme Court in 1973 and affirmed in 1992 now serves as a bedrock certainty that such a “right” exists. And the judge takes umbrage at Texas’s attempt to restore sanity and the right to life of an unborn child:

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.

The State created a private cause of action by which individuals with no personal interest in, or connection to, a person seeking an abortion would be incentivized to use the state’s judicial system, judges, and court officials to interfere with the right to an abortion.

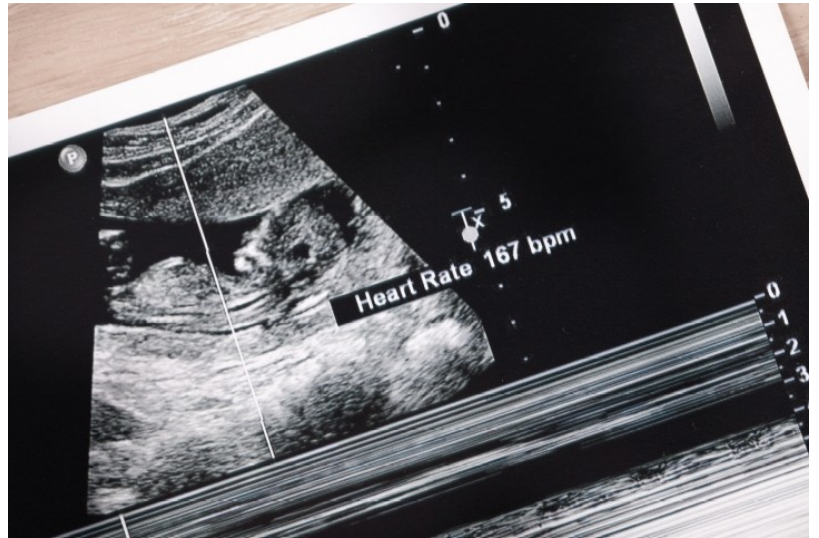
Rather than subjecting its law to judicial review under the Constitution, the State deliberately circumvented the traditional process. It drafted the law with the intent to preclude review by federal courts that have the obligation to safeguard the very rights the statute likely violates.

Judge Pitman wrote that since abortion is safe, it must therefore be legal:

The Court finds that abortion is a safe and common medical procedure, based on the credible declarations of abortion providers founded on their education and experience.

Perhaps it is safe to the “pregnant person” (his words), but fatal to the child she is bearing. But no ink is spent in defending his or her right to life in Pitman’s opinion.

Besides, he writes, since abortion is now legal and constitutional, any reason to kill the unborn child is sufficient: “[Supporters of abortion] describe a host of reasons why people might obtain an abortion:



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commonly arising out of medical, financial, and family planning concerns.”

“Others seek abortions after fetal anomalies are diagnosed, which such diagnoses may result in severe disabilities, or death.” This is, plain and simple, the judge’s justification for murder. Chillingly, it lays the groundwork for the argument that if a child suffers such “fetal anomalies” before birth and may therefore be killed, why cannot the “pregnant person” — now a mother — kill her child after birth?

Those who wrote and now support S.B. 8 are “vigilantes,” wrote the judge:

S.B. 8 imposes an almost outright ban on abortions performed after six weeks of pregnancy as well as other anti-abortion measures meant to empower anti-abortion vigilantes and target those who support abortion care in Texas.

Unbelievably, the judge writes of the “irreparable harm” imposed on those “pregnant persons” who cannot rid themselves of the inconvenience of a child:

People seeking abortions face irreparable harm when they are unable to access abortions.... These individuals are entitled to access to abortions under the U.S. Constitution.

Pitman received a Bachelor of Science from Abilene Christian University, where his classmates voted him student body president. After that, he earned a Juris Doctorate from the University of Texas School of Law, and then a master’s degree in international human rights Law from Oxford. So he is no fool.

But he cannot see, or refuses to see, the enormous affront to the Creator of life his ruling supports and defends. Instead, he sees any efforts to protect the lives of unborn children as the work of “vigilantes!”

His ruling makes certain that no one may bring an action against an abortion provide in Texas:

It is ordered that the State of Texas, including its officers, officials, agents, employees, and any other persons or entities acting on its behalf, are preliminarily enjoined from enforcing [S.B.8].

In other words, he enjoins any private citizen from bringing legal action against an abortionist under S.B. 8.

Kimberlyn Schwartz, a spokeswoman for pro-life Texas Right to Life, also sees the entire case for abortion resting on the false “right” to kill the Supreme Court conjured in *Roe*:

This is ultimately the legacy of *Roe v. Wade*, that you have activist judges bending over backwards, bending precedent, bending the law, in order to cater to the abortion industry.

These activist judges will create their own conclusion first: that abortion is a so-called constitutional right and then work backward from there.

The powers-that-be were delighted with Pitman’s order. White House Press Secretary Jan Psaki erupted:

Tonight’s ruling is an important step forward toward restoring the constitutional rights of women across the state of Texas.



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The fight has only just begun, both in Texas and in many other states across this country where women's rights are currently under attack.

U.S. Attorney General Merrick Garland lauded Pitman's decision, declaring it a "victory for women of Texas."

Nancy Northrup, president and CEO of the pro-abortion Center for Reproductive Rights, exuded that Pitman's order "is a critical first step in restoring abortion rights and services in Texas."

The good news in all of this is that babies aren't being aborted in Texas, despite his ruling. Abortionists remain afraid of lawsuits, resulting in a more than 80-percent reduction in the ghastly procedure since September 1 when S.B. 8 took effect.

And lawyers defending the Texas law immediately announced they will appeal Pitman's ruling to the U.S. Court of Appeals for the Fifth Circuit, which enjoys the reputation as being, as Katherine Hamilton wrote at Breitbart, "the most conservative federal appeals court in the nation."

From there, it's one step to its final destination: the Supreme Court.

By the time the case gets there, however, the issue may be moot. The high court is hearing the Mississippi case *Dobbs v. Jackson Women's Health Organization* which directly challenges *Roe v. Wade* and its conjuring of a fake, vicious, and deadly "right to kill." A favorable decision by the high court reversing *Roe* (decision to be announced next June) would preclude the necessity of bringing the present case to their attention.

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