



Written by [Bob Adelman](#) on September 17, 2021

Federal Judge Denies DOJ Demand to Halt Texas' Heartbeat Law

Federal District Court Judge Robert Pitman on Thursday [denied](#) the federal government's demand for a restraining order against Texas's Heartbeat Law. He wrote that "this case presents complex, important questions of law that merit a full opportunity for the parties to present their positions to the court."

Texas has until September 29 to present its case. The Department of Justice will have until October 1, two days later, to respond.

The demand from the DOJ was presented on Tuesday, claiming that the Texas law, which became effective on September 1, "prevent[s] women from exercising their constitutional rights," and that the temporary injunction against that law is "necessary to protect the constitutional rights of women in Texas."

Nothing was mentioned about the "constitutional rights" of the unborn and defenseless child whose life is at stake. The way the law stands now is untenable: 30 seconds before giving birth a mother may choose to have an abortionist kill her child. She will be deemed to be a hero, exercising her "constitutional rights."

If she kills the child after birth, she is a murderer.

It's not the life of the child that motivates the DOJ and the Attorney General of the United States, Merrick Garland, but politics. He said:

This kind of scheme to nullify the Constitution of the United States is one that all Americans, whatever their politics or party, should fear.

If it prevails, it may become a model for action in other areas, by other states and with respect to other constitutional rights and judicial precedents.

That's already happening. The Texas Heartbeat Law follows similar "heartbeat laws" passed by more than a dozen states. But it is the first one that liberal courts haven't been able to quash.

By October 1 Texas' Heartbeat Law will have been in effect for a month. That means it is already saving the lives of unborn children who otherwise would have been murdered in their mothers' wombs. As the *Texas Tribune* noted, Texas abortion clinics "stopped offering abortions that were still allowed under the law for fear of being sued."



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However the judge rules, there is sure to be an appeal to the Supreme Court. As *The New American* noted, “Roe didn’t uncover a right of a woman to kill her unborn child. The court created the right out of whole cloth — and political ideology.”

That is the dirty little secret behind *Roe v. Wade* and its sister case decided years later, *Planned Parenthood v. Casey*: The emperor has no clothes. There is no such “right” anywhere in the Constitution. As one of abortion’s most liberal supporters, legal scholar Laurence Tribe, noted: “One of the most curious things about *Roe* is that, behind its own verbal smokescreen, the substantive judgment on which [the decision] rests is nowhere to be found.”

There is an increasing chance that the entire effort to quash the Texas law before it goes national will backfire. The high court could take the appeal under review, and decide that it made a horrendous error in *Roe* back in 1973, and compounded it in *Casey* in 1992. The high court has overturned previous decisions more than 300 times. Those who believe that life, a gift from God, begins at conception, would celebrate such a reversal. It would be one more step towards that joyful day when all courts, state and federal, rule that abortion, at any time, is murder.

Prior to 1973, abortion was murder. It still is.

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