



Written by [Bob Adelman](#) on September 1, 2021

Supreme Court Inaction Grants Major Pro-Life Win

By allowing the midnight deadline for Texas' Heartbeat Act to pass [without taking action against it](#), the Supreme Court has granted an enormously important win for pro-life advocates in America.

Under the law, which became effective at midnight, no Texas physician may now "knowingly perform or induce an abortion on a pregnant woman if the physician detected a fetal heartbeat for the unborn child ... or failed to perform [such] a test."

This is strikingly similar to other states' "heartbeat laws," but with this difference: Planned Parenthood and pro-abortion activists cannot sue to stop it from going into effect. That's because "any person ... may bring a civil action against" physicians or others providing such now-illegal abortion services. Such a person, prevailing in court against a physician or other abortion provider, will be granted damages of not less than \$10,000 for each abortion performed that violates the law, plus court costs and attorneys' fees.

Pro-abortion Vox claimed the law was "drafted to intentionally frustrate lawsuits challenging its constitutionality." And the consequences are unequivocally enormous:

The stakes in this case are astronomical. Six weeks into a pregnancy is often very soon after a pregnant person misses their first menstrual period. So they may not even be aware that they are pregnant until it is too late.

According to the abortion providers who are suing to block SB 8, at least 85 percent of abortions in Texas take place after the sixth week of pregnancy. Those abortions are now illegal under SB 8.

Even before the passing of the midnight deadline all 11 of Texas' Planned Parenthood clinics stopped scheduling abortions after the sixth week of pregnancy in mid-August. Other abortion providers, frightened of the financial and public relations costs, "will," lamented Vox, "almost certainly cease doing so" now that the Heartbeat Law is in force.

As Vox noted, "If no state official [can be] charged with enforcing the law, there's no one to sue in order to block the law. Checkmate, libs!"

Pro-abortion mouthpiece the *Washington Post* noted that "the law effectively eliminates the guarantee



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in *Roe v. Wade* and subsequent Supreme Court decisions that women have a right to [abortion] before viability.”

The Texas Heartbeat Law sets the stage for the next act: the Supreme Court’s consideration of the Mississippi heartbeat law — *Dobbs v. Jackson Women’s Health Organization*. That state’s law is similar to Texas’ except it prohibits abortions after 15 weeks of gestation.

It also will likely give great encouragement to those states whose “heartbeat laws” have been tossed by courts that claimed they violated the precedents set by the Supreme Court in *Roe v. Wade* and *Casey*.

The die is cast. Claimed Supreme Court Justice Clarence Thomas, “*Roe* is grievously wrong for many reasons, but the most fundamental is that its core holding — that the Constitution protects a woman’s right to abort her unborn child — finds no support in the text of the Fourteenth Amendment. The idea that the Framers of the Fourteenth Amendment understood the Due Process Clause to protect a right to abortion is farcical.”

In the long war the elites and the abortion industry have conducted against the Constitution and the Declaration (“We hold these truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life...”), and by inference the Creator of life Himself, the passing of the midnight deadline for the Texas Heartbeat Law is one of the most important battles that pro-life forces have won.

Now it’s up to the Supreme Court to confirm it in *Dobbs*, to be decided by June 2022.



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