

The Delray Democrat

Sue Thy Neighbor

Why All Americans Should be Very Afraid of Texas' Anti-Abortion Law¹

June Sandra Neal

Since the advent of Trump's neo-Fascist ideology in 2015, we've smelled menace in the air, a sense that our hard-won human rights and social justices, though still works in progress, could be eliminated. And as the Supreme Court convenes this month, that sense of menace has transmuted into fear that women's reproductive rights are precariously on the block.

Advocates are gearing up. On October 2, Delray Beach joined cities across the nation hosting Women's March rallies to demonstrate resistance to the Republicans' latest war on reproductive rights.

Given that the Republican neo-Fascists are replicating one another's anti-democratic laws faster than their conspiracy theories, Texas SB 8 should scare the hell out of all of us. Indeed, a Sue Thy Neighbor monster is incubating right now in Tallahassee.

After years of Republicans testing different recipes to deprive women of the rights afforded them by the 1973 Roe v. Wade decision, Texans think they've perfected it: an abortion law you can't knock down because it isn't controlled by the Constitution because the state doesn't enforce it. Pro-choice advocates' hopes fell when, on September 1, the Supreme Court refused an emergency request to block the Texas statute. In a 5-4 majority opinion (Chief Justice John Roberts went with the good guys), they determined: "...it is unclear whether the named defendants in this lawsuit can or will seek to enforce the Texas law against the applicants in a manner that might permit our intervention." Oh, please.

Legal experts told the Texas Tribune that *"...the measure is part of an emerging trend in Republican-dominated governments that find it difficult to constitutionally prohibit cultural grievances. Instead, they empower civilians to sue for civil remedies."*

Yes, Texas leaves that filthy enforcement task to its citizen vigilantes. Although they can't sue the patients, they can sue anyone who performs, or assists with, an abortion, even the Uber or Lyft drivers transporting patients to clinics.

In other words, they can sue people who have done them no harm.

If the bounty hunters win in court, they get a minimum cash prize of \$10,000, plus "costs and attorneys (sic) fees." If the defendants win, they get nothing.

The law prohibits abortions after six weeks of gestation, with no exceptions for rape or incest other

¹ *The Delray Democrat*, [October 2021](#), p. 3.

than medical emergencies. However, the American Pregnancy Association notes that, after the first missed period, "...a pregnancy test would come back positive, but women with irregular cycles may not suspect they are pregnant." And when they do find out, it's too late.

These punishing laws are also disproportionately hard on poor women forced to travel to other states.

The threat of these statutes reaches beyond abortion rights, reminiscent of other ugly eras: "Are you now, or have you ever been...?" "Do you reject allegiance to the Japanese emperor?" "Can you name others?"

They open the portal to the horrifying social changes that have occurred historically when authoritarian governments assumed power and fearful citizens believed that "turning in" their neighbors would protect them from the sound of jackboots and a knock on the door in the middle of the night.

Leah Litman, law professor at the University of Michigan Law School, says the danger with the Texas law is that "...it creates a new way to circumvent constitutional rights and opens the door for other states to follow suit."

Here comes Florida. Since January 1, 2021, Florida has allowed abortions up to 24 weeks; after that, only in cases that threaten the life or health of the mother. Other restrictions include mandated counseling, including information to discourage the patient from having the abortion; limiting payment by the Affordable Care Act to cases of life endangerment, rape or incest; parental notification and consent for minors; and an ultrasound which the patient is "offered" a chance to see.

However, on September 21, Republican State Rep. Webster Barnaby introduced a bill that would ban most abortions after six weeks, allow members of the public to sue anyone who helps end a pregnancy beyond that point and fine physicians \$10,000 for each abortion they perform after the 24-week limit.

Although the patients can't be sued, think of what those women will endure under these medieval statutes. Abortion is a crisis, and for most, it is agony. Forcing a woman to relive the experience by suing those who helped her—and exposing her private life to the public—is ruthless and sadistic.

On October 6, U.S. District Judge Robert Pitman issued a forceful temporary injunction blocking Texas from enforcing its anti-abortion law, which the State of Texas will appeal. Pitman was appointed by President Barack Obama.