

UPDATE: Appeals court again reinstates Texas abortion law

WASHINGTON (CNS) – A U.S. court of appeals again reinstated the Texas abortion law Oct. 14, refusing a request from the U.S. Department of Justice to allow a lower court ruling blocking enforcement of the Texas law to stand.

The state law prohibits abortions after six weeks of pregnancy.

The 2-1 decision issued in the evening by the 5th U.S. Circuit Court of Appeals extends its previous order, where it also sided with the state.

Many are saying the Justice Department is likely to appeal this ruling to the Supreme Court.

On Oct. 8, the same appeals court had temporarily stayed the recent injunction on the Texas abortion law while it reviewed the state's request to reinstate the ban on abortions after six weeks of pregnancy.

That order was issued just two days after a U.S. District Court judge had temporarily blocked Texas from enforcing the abortion law. The appeals court accepted the request of Texas state officials to temporarily set aside the ruling by U.S. District Judge Robert Pitman.

“Great news tonight,” Republican Texas Attorney General Ken Paxton tweeted Oct. 8 after the appeals court ruling. “I will fight federal overreach at every turn,” he said.

Pitman's 113-page order Oct. 6 said that once the new abortion law in Texas “went into effect, women have been unlawfully prevented from exercising control over their lives in ways that are protected by the Constitution.”

"This court will not sanction one more day of this offensive deprivation of such an important right," he added.

The judge also criticized the means of enforcing the new law, saying lawmakers had "contrived an unprecedented and transparent statutory scheme" with its emphasis on private citizens bringing civil lawsuits in state court against abortion providers.

Texas Right to Life called Pitman's ruling "wildly broad, preventing Texas state officials from enforcing the law, including the shocking prevention to stop Texas elected officials and every Texas judge and court clerk from even receiving lawsuits filed by citizens against the abortion industry."

They said the latest temporary ruling by the appeals court "optimistically signals how the court may rule on the merits of the case."

"This is an answered prayer" said Kimberlyn Schwartz, director of media and communication for Texas Right to Life.

She said the state's new abortion law "saves approximately 100 lives from abortion per day and we're grateful that this tremendous impact will continue."

She added that the organization expects the Biden administration to appeal to the Supreme Court on this case and that "Texas will continue to defeat these attacks on our life-saving efforts."

On Sept. 1, the Supreme Court ruled against blocking the Texas abortion law, which sent the case back to the lower court. The Texas Catholic Conference, the public policy arm of the state's Catholic bishops, said this action marked the first time since *Roe v. Wade* that the nation's high court "has allowed a pro-life law to remain while litigation proceeds in lower courts."

The Supreme Court has consistently ruled that states cannot restrict abortion before 24 weeks of pregnancy, when a fetus is said to be viable.

On Oct. 12, the Supreme Court heard oral arguments on a procedural question about Kentucky's abortion law, considering if Kentucky's attorney general could defend an abortion law from three years ago that has been struck down by the lower courts.

On Dec. 1, the court will take up a ban on abortions after 15 weeks of pregnancy in Mississippi.