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### Opinion: Texas Abortion Law (S.B. 8)

Texas Senate Bill 8, the new law that went into effect in Texas in September, is one of the most restrictive abortion laws currently in effect in the United States and, at the same time, is ineffective in preventing abortions from being performed.

This law bans abortions after six weeks of pregnancy and is carried out through private lawsuits (rather than being enforced by the state) against both abortion providers and anyone who aids in the procedure, including family members and even Uber drivers. Successful plaintiffs will receive a bounty of at least \$10,000 and have four years after the abortion procedure to file a case.

For the woman, six weeks after the beginning of a pregnancy can be only two weeks after she becomes aware of her missed period. To make the decision, find an abortion center, secure funds for the procedure, and schedule an appointment all in two weeks can be impossible.

Boston University public health professor George Annas said that S.B. 8 will likely not decrease the amount of abortions performed but that “it's going to make them less safe and less accountable.”

These types of restrictive abortion laws often accomplish little of what they were written to do, but end up heavily limiting women's freedoms instead. They are often passed with

excessive penalties and unreasonable terms, forcing women to scramble to get an abortion before time runs out, especially in the case of S.B. 8.

Minorities and low-income women will be the most affected, those who can't "afford to go to another state or take time off to drive to a border town," said Annas. This is a subset of people who struggle to afford abortions even when they are legal, according to him, as "it is one of the procedures that's not covered by Medicare or Medicaid or most insurance." However, traveling out of state may not even be an entirely legal option.

"The bounty structure would allow people to sue, even if the abortions are completed somewhere else," said Northeastern University law professor Martha Davis. This means that even women with the time and money to travel may not be safe from S.B. 8, and those without have few options, most of them illegal or dangerous.

The especially concerning aspect of S.B. 8 is that it has no exceptions included for rape or incest. This means that children born out of incest, who often have serious medical issues, will be forced to struggle through life. It also means that victims of sexual assault will be forced to either carry their attacker's child, a demoralizing and traumatizing act, or turn to unsafe methods of termination.

Self-induced abortions may seem like something left behind in the times preceding *Roe v Wade* or reserved for third-world countries, but for some women in the United States dealing with restrictive abortion laws or a lack of healthcare coverage, they may be the only option. These kinds of terminations can end in death or infection, either from unsterilized tools or tissue remnants left in the uterus, and are highly dangerous.

“It seems like it's been effective from the anti-choice perspective in really making the lives of almost all women very complicated in terms of controlling their lives and bodies”, said Davis.

Harvard University law professor David Rosenberg is generally in favor of bounty or whistleblower-style laws, but said that the problematic component of S.B. 8 is that “the state courts are free to follow the law of Texas consistent with S.B.8”, at least until a higher court intervenes. Basically, this means that Texas can do whatever they want until they are told not to.

One of the larger problems with this law is the way it has moved through the justice system. How was this law passed in the first place and why is it still being enforced after two months, if it is so clearly in disagreement with *Roe v. Wade*?

The US Justice Department is currently taking S.B. 8 back to the Supreme Court after a suit to halt it, filed by the DOJ, was blocked by the Fifth Circuit Court. A 6-3 Republican majority in the Supreme Court makes the future of Texan’s abortion rights look bleak, but, as Rosenberg said: “Nobody on the Supreme Court wants to be disempowered, so they're never going to, essentially, sustain S.B.8”.

If these laws are going to be enforced, they must be accompanied by the strengthening of social services to ensure that families, single mothers, and the adoption system are set up for success. The strengthening of social services can eliminate the societal need for many abortions in the first place. Better yet, fund sex education programs and social services *and* let women retain their right to make an informed decision.

## Sources

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