

Texas: The Abortion Ban Road Not Taken

“The control of women and babies has been a feature of every repressive regime on the planet.”

Margaret Atwood: The Handmaid’s Tale (from introduction to the 2017 edition)

The State of Texas had a chance to take the road less traveled in the way it tried to prevent Kate Cox from obtaining the abortion her physicians said she needed because her fetus was not viable and her own health was threatened. They could have treated her and her family with love. Instead they chose the path of cruelty.

The State of Texas could have promised Ms. Cox that as she carried this difficult and dangerous pregnancy the Lone Star State, with all its vast resources, would walk beside her every step of the way.

Instead, the callous cruelty of the state’s Attorney General and Supreme Court, who threatened Houston hospitals with “civil and criminal liability for violating Texas’ abortion laws, including first-degree felony prosecutions” put a wall between Ms. Cox and her medical team.

The state could have asked the attending physicians to show Mr. and Ms. Cox a detailed treatment plan for how she and her newborn would receive the highly-specialized care mother and infant would require, including treatment to assure the health and future reproductive capability of the mother and palliative care for the infant should it survive.

Instead, they threatened doctors with prison sentences if they performed the abortion they believed to be medically necessary.

The state could have promised Mr. and Ms. Cox that, especially since they were forcing her to carry the pregnancy against their wishes and against the advice of her doctors, the state would help to cover her medical expenses, which would have been well into six figures¹, thus taking away one burden from the family.

Instead, they would have saddled the family with a lifetime of financial distress from medical expenses for a newborn who would most likely not have lived to see the outside of a NICU incubator.²

The state could have offered to provide Ms. Cox and members of her family with counseling support to help them navigate the emotional minefield of this devastating tragedy.

Instead, they threatened to sic Texas’s newly enabled anti-abortion vigilante snitches on her husband with bounty hunter lawsuits alleging so-called abortion trafficking.

The state could have reassured Mr. and Ms. Cox that they would help their other children cope with the emotional trauma the state was inflicting upon the family.

Instead, their actions demonstrated that they could not have cared less about the emotional trauma and moral injury being suffered by the Cox family as a result of the state’s judicial callousness.

With this one case, the State of Texas could have shown the world that their abortion ban really was pro-life and not just anti-abortion.

Instead of choosing the road less traveled and treating the Cox family with love, the State of Texas chose to barrel down the highway of cruelty by seeking to stigmatize the patient and criminalize her caregivers.

In the choices they made for enforcing their draconian abortion ban the State of Texas chose cruelty over compassion. The Republican abortion ban politicians of Texas stopped caring about the life of Ms. Cox the moment she became pregnant, and would have stopped caring about the life of her fetus the moment it became a baby.

1. Jonathan Muraskas Kayhan Parsi: “The Cost of Saving the Tiniest Lives: NICUs versus Prevention” *AMA Journal of Ethics*, October 2008.

2. D.E. Cortezzo et al: “Perinatal Outcomes of Fetuses and Infants Diagnosed with Trisomy 13 or Trisomy 18” *The Journal of Pediatrics*, August 2022