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# TEXAS ABORTION CLINICS PLEAD WITH COURT: SAVE OUR LIVES!

112

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19



by LANA SHADWICK | 15 Jun 2015 | 123

Parties for the abortion clinics in *Whole Woman's Health, et al.* at the U.S. Court of Appeals for the Fifth Circuit, have filed a letter stating that 11 clinics will be forced to close down if the Court does not grant the abortion clinic's motion to stay the Court's June 9th opinion. The abortion clinics ask the Court to rule on their motion by June 19<sup>th</sup> because ruling by this date would permit them to appeal to the United States Supreme Court before the July 1<sup>st</sup> date to close the clinics.

On June 9<sup>th</sup>, the Fifth Circuit upheld the strict abortion clinic restrictions passed into law by the Texas legislature during the 2013 session. The restrictions are those which Democrat Texas Senator Wendy Davis temporarily blocked during her 13-hour filibuster. Under the law, abortion clinics must now meet the same operating room standards as hospitals.

On June 10<sup>th</sup>, the abortion providers filed a motion to stay the Court's June 9<sup>th</sup> mandate.

The Fifth Circuit issued a letter on June 11<sup>th</sup> directing the abortion providers to file a letter by June 12<sup>th</sup> with the Court stating what clinics "would be 'forced to close' (as asserted in the Motion to Stay) if [their] Motion to Stay the Mandate were denied."

Abortion clinics and abortion proponents complain that meeting hospital standards would cost millions of dollars and put them out of business. They complain this would once again cause major closures of clinics in the state of Texas. They argue that closing these clinics down will limit access to abortion facilities by women.

As reported by *Breitbart News*, pro-abortion groups call the strict laws in Texas "sham laws" and complain they "are shutting clinics down and placing countless women at risk of serious harm." Only seven abortion clinics in Texas meet the requirements. These are operated by Planned Parenthood.

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Joe Pojman, Executive Director for Texas Alliance for Life, told *Breitbart Texas*, “The purpose of HB 2 is to assure that abortions are not done in a manner that endangers the health and safety of women.”

The Texas Alliance for Life Director continued, “We believe that women undergoing elective abortion should not be subject to a lower standard of care than anyone else would receive for comparable outpatient procedures at an ambulatory surgical center.”

“These smaller abortion facilities should have raised their standard of care years ago to the level of ambulatory surgical centers,” Pojman continued. “Because HB 2 is a well-drafted law, we believe it has an excellent chance of being upheld by the Supreme Court.”

The letter sent by counsel for the abortion facilities, Stephanie Toti, states: “Prior to the enactment of the challenged requirements, Texas had 41 licensed facilities providing abortion services on a regular basis. By the time of trial, that number had fallen to 20. Today it stands at 19.”

The lawyer for Whole Woman’s Health facilities continues, “The initial factor driving the reduction in abortion facilities was the admitting-privileged requirement. Shortly after its enactment, 8 facilities that could not comply ceased providing abortion services.”

The counsel for the abortion providers said that 11 more facilities were closed after a “preenforcement challenge to the admitting-privileges requirement was unsuccessful.”

“Since then, several more facilities have had to cease providing abortion services permanently or during long intervals as hospitals have declined to renew their doctors’ admitting privileges,” Toti states.

The abortion providers urge the Court to grant their motion to stay because “of the 19 facilities currently providing abortion services in Texas on a regular basis, only eight would be able to continue providing those services as of July 1, 2015, if [their] motion for a stay is denied.” They argue that a clinic in El Paso would not be able to reopen, and a clinic in McAllen would be shut down for an indefinite period of time.

In a statement obtained by *Breitbart Texas*, Texas Right to Life counters, “Since the passage of HB 2, abortionists have attempted to campaign on the premise of caring about the medical needs of women. Yet, unyielding, the abortion industry continues to advance unwarranted scrutiny against a law that not only protects Life, but also regulates an industry that cuts corners and hides medical information and reporting data. HB 2 simply requires abortionists to integrate into the larger medical community and finally adhere to rational standards of patient care.”

The statement from Texas Right to Life continues, “Through the passage and defense of HB 2, Texas has shown the need for competent personnel under conditions insuring maximum safety for the woman. This prudent and thoughtful regard for the health and safety of women stands in stark contrast to the strategies launched by the abortion industry to protect their bottom line, not the health and safety of Texas women.”

Briscoe Cain, In-House Counsel for Students for Life America, provided a statement to *Breitbart Texas*:

Dear Stephanie Toti,

True Texans only regret that we have yet to shut down all abortion facilities.

*The pro-death lobby now finds itself grasping at straws. However all the Fifth Circuit can give them is a postponement of the inevitable.*

The pro-life movement has been steadily gaining ground since 1992. For 37 straight

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Gallup Polls, a majority of Americans believe abortion should be illegal in all or most cases. Monthly we hear of abortion clinic closures across the US because of the enactment of laws similar to those we have enacted in Texas.

*The humane thing for the Court to do is to deny the reprieve and sentence the 10 plus clinics to death.* The closure of these clinics is certain, whether it is today or next session.

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Board certified appellate lawyer Leif Olson from Houston told *Breitbart Texas*, “This is just the next procedural step in the case. It’s not a surprise. Losing parties frequently ask the Court to press ‘pause’ on its judgment so they have time to ask the Supreme Court to review the case.”

Olson added, “They are repeating the arguments that they already made. Those arguments already lost, and they’re not likely to convince the Court to change its mind now. That said, most courts prefer to avoid disrupting the parties’ same real-world positions unless a ruling is final. So even a granted pause, whether by the appellate court or the Supreme Court, doesn’t tell us much about a possible Supreme Court ruling.”

*Lana Shadwick is a contributing writer and legal analyst for Breitbart Texas. Follow her on Twitter @LanaShadwick2*

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I'm puzzled why poll results have been offered, repeatedly, claiming to show the Jeb Bush is a leading contender for the Republican Party 2016 nomination for President. Any Republican or Conservative magazine or web site I have seen suggests he the among the least favored candidates. Can any one explain this cognitive discrepancy?

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[jwcody](#) → [Shmalkandik](#) • 2 days ago

Brainwashing by propaganda.

7 ^ | v • Reply • Share &gt;

[Mr. G.](#) → [Shmalkandik](#) • 2 days ago

A GOP friend of mine who sometimes does campaign consulting says, "Jeb can NEVER get elected"

-

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[uhnonuhmuhs](#) → [Shmalkandik](#) • 2 days ago

If you really don't know the answer to this you might be a moron. Polls this early are essentially name ID polls.

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[wabansia](#) → [Shmalkandik](#) • 2 days ago

Don't believe what you hear and read in the liberal media. No one wants another Bush.

2 ^ | v • Reply • Share &gt;

[bill1942](#) → [Shmalkandik](#) • a day ago

It's called "MSM Steering of Sheeple Voters". Pay no attention. Vote your conscience and your heart.

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[DaughteroftheConfederacy](#) → [Shmalkandik](#) • a day ago

Because they lie about the results. I took a Fox News poll and Ted Cruz was the leader with Rand Paul and Scott Walker also in the top 3. Jeb Bush had so few votes that he didn't get out of the 0%. Yet the next day, Fox lied that Bush won the poll.

^ | v • Reply • Share &gt;

[The\\_Heretic70](#) → [Shmalkandik](#) • an hour ago

The poll is by the same people that say that Obama is still above 50%. All crap.

^ | v • Reply • Share &gt;

[jwcody](#) • 2 days ago

The liberals are more concerned losing control of peoples lives than that of actually taking life.

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[Eli](#) • 2 days ago

these clinics, not even equipped appropriately, make their money by killing off life; mind you, by not being equipped appropriately, they also endanger the patient's life - & now they're fighting for their own "life" - how ironic

8 ^ | v • Reply • Share >

[ArmchairMike](#) • 2 days ago

Save our lives so we can kill other lives is the liberal mantra.

10 ^ | v • Reply • Share >

[What's it 2 u](#)

Beta-males using baby avatars saves lives.

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[Mr. G.](#) → [What's it 2 u](#) • 2 days ago

Those are the Master-betas?

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[anotherday](#) • 2 days ago

Putting people out of work just because they are in the business of killing children seems selfish. They could remain in business if maybe they could just kill the kids of liberals though.

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[TXladyrebel](#) • 2 days ago

Go to hell, PP!

Wait...you already are!

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[hillaryLiedAmericansDied](#) → [TXladyrebel](#) • 2 days ago

OMguhness!---Now, that was funny!;D

Almost as funny as what the little old nun said to the anti-Christian hater complaining about nuns:

'Why don't you go to hell? There are no nuns there.'

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[Mountainmouth](#) • 2 days ago

Ironic that the Abortionists are interested in saving lives. These hypocrites speak words that have no meaning

4 ^ | v • Reply • Share >

[1heartonfire](#) • 2 days ago

Abortion is murder.

12 ^ | v • Reply • Share >

[CherryTheTart](#) → [1heartonfire](#) • 2 days ago

Go say that on Raw Story. See what happens.

1 ^ | v • Reply • Share >

[provemewrong](#) → [CherryTheTart](#) • 2 days ago

Uh, sure. Whatever.

^ | v • Reply • Share >

[Snitch\\_in\\_Time](#) → [CherryTheTart](#) • a day ago

Abortion is murder. The premise is not effected by the venue.

^ | v • Reply • Share >

[CherryTheTart](#)

Premise? That is logic. Prove abortion is murder. Objectively.

And if you say this irrational stuff on Raw Story, you will be instantly banned. I love it. Real discussion without bomb throwing.

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[Controse](#) • 2 days ago

Save our lives so we can end the life of babies.

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[Morris Minor](#) • 2 days ago

"We believe that women undergoing elective abortion should not be subject to a lower standard of care than anyone else would receive for comparable outpatient procedures at an ambulatory surgical center."

"These smaller abortion facilities should have raised their standard of care years ago to the level of ambulatory surgical centers,"

++++

Fly by night sham businesses don't care about raising their level of care. They care about money. And if anything goes wrong, call 911 and dump the patient on whoever responds.

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[Snitch\\_in\\_Time](#) → [Morris Minor](#) • a day ago

This is the best post on today's topic.

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[Controse](#) • 2 days ago

Once our nation gets its soul back Planned Parenthood will melt away.

5 ^ | v • [Reply](#) • [Share](#) >

[hillaryLiedAmericansDied](#) → [Controse](#) • 2 days ago

I prefer to say: planned"parent"hood will meet its own DEATH:)

...planneDparEnthoodplAnnedparenTHood...

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[Dr\\_\\_P](#) • 2 days ago

Regulations have costs - this is apparently news to the liberals.

The concept of safe, legal and rare - only means legal. Safety and rarity are just for show.

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[Mr. G.](#) → [Dr\\_\\_P](#) • 2 days ago

I thought objecting to regulations that provide no safety and do no good was a GOP thing. I guess liberals have to carry that banner for you for awhile if you won't.

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[Snitch\\_in\\_Time](#) → [Mr. G.](#) • a day ago

The regulations are doing exactly what was intended. Closing butcher shops masquerading as minor surgery centers. Enjoy your dwindling abortion industry. "We're melting! Ooooooh nooooooo!".

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[Mr. G.](#) → [Snitch\\_in\\_Time](#) • a day ago

It's done nothing but force women to go to more effort and expense to obtain their abortions. Business is booming in NM and Mexico. The rich don't mind. Poor women struggle but you can't stop them. ;-)

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[DaughteroftheConfederacy](#) → [Mr. G.](#) • a day ago

Why don't the clinics simply up their standards? Why would you be in favor of substandard medical care?

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[Mr. G.](#) → [DaughteroftheConfederacy](#) • a day ago

Are you in favor of government regulations that "up standards" without providing any upping of benefit? Your "substandard medical care" meme is a red herring. People who are qualified to make those calls - i.e. physicians - tell us that the new regulations provide no measurable benefit. Do you want a standard that says your dentist has to have admitting privileges at a nearby hospital? Why not? A first trimester abortion has a risk that parallels that of having a tooth pulled.

^ | v • Reply • Share >

[DaughteroftheConfederacy](#) → Mr. G. • a day ago

Wrong. If the clinics can't meet the standards, then they shut down. If a restaurant can't meet local standards it is shut down. Stop crying that murder clinics aren't given a pass on standards that every other surgical center must adhere to.

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[Mr. G.](#) → [DaughteroftheConfederacy](#) • a day ago

Different types/levels of surgical clinics have different standards. Since abortion isn't murder, you're offering a false equivalence as an assertion. That's a complete logical fail.

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[DaughteroftheConfederacy](#) → Mr. G. • a day ago

It is surgery. You can call it not murder if you want, I don't care what you think about the outcome, but it is still surgery. This was a state decision. If you don't like it tough - move to a place that wants to commit genocide of minority babies.

^ | v • Reply • Share >

[Mr. G.](#) → [DaughteroftheConfederacy](#) • a day ago

Having a tooth pulled is also surgery. Rather than move, I think I'll stay here and 1) continue to support Planned Parenthood and 2) continue to vote to remove politicians who think they're qualified to practice medicine without a license from office.

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[rightisright](#) → Mr. G. • 14 hours ago

Are you seriously equating an abortion to pulling a tooth?. Wow!!

^ | v • Reply • Share >

[Mr. G.](#) → [rightisright](#) • 14 hours ago

In terms of surgical risk, they are functionally equivalent. If you don't think your dentist needs to have admitting privileges at a nearby hospital, why would your abortion provider need those privileges?

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[rightisright](#) → Mr. G. • 13 hours ago

Do you know for sure if dentists aren't required to have admitting priveleges?

^ | v • Reply • Share >

[Mr. G.](#) → [rightisright](#) • 13 hours ago

Yes, I do. Dentists are not required to have admitting privileges at a hospital in Texas to perform extractions.

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[rightisright](#) → Mr. G. • 14 hours ago

Vote against politicians who think they are qualified to be a physician? This coming from a person who most likely supports obamacare. So when the fda regulates a drug does that mean they are practicing medicine without a license.

^ | v • Reply • Share >

[Mr. G.](#) → [rightisright](#) • 13 hours ago

Another false equivalence. Health insurance is not practicing medicine either.

Regulating a drug is not the same as prescribing it for a patient. For that matter, regulation of drugs should not be based on political /moral considerations of politicians but on clinical efficacy and safety of the drug for the patient for whom it's prescribed.

^ | v • Reply • Share >

[rightisright](#) → Mr. G. • 13 hours ago



If you think Obama care only has to do with health insurance you are delusional. If a drug is never approved then it cant be prescribed

^ | v • Reply • Share >

Mr. G.  • 

The FDA approval process is still not practicing medicine. What, in your imagination, does Obamacare have to do with other than health insurance?

^ | v • Reply • Share >

rightisright  Mr. G. • 13 hours ago

Neither is requiring doctors to have admitting privileges to a hospital. It is not my imagination. It s reality. Obama care places many regulations on how physicians and hospitals get reimbursement from Medicare and Medicaid. Private insurance companies usually follow the standards set by CMS. That effects how physicians and hospitals conduct their business. For example A physician May think I need a certain procedure for a problem. However that physician May know that procedure has a very low reimbursement and doesn't preform the procedure.

^ | v • Reply • Share >

Mr. G.  rightisright • 5 hours ago

Obamacare is the 1st step away from a business model that everyone with a brain - especially those in the healthcare business - recognized as no longer sustainable. The fee-for-service model is being replaced by an outcome-based model. There's another side of the story you describe about a physician not ordering a procedure because the reimbursement is too low to suit his business model - it's the more common one where patients are subjected to unnecessary tests, etc. to run up the pay-for-service tab. If your doctor is doing either of those because he's more concerned about his bottom line than your health, I suggest you find a new doctor.

1 ^ | v • Reply • Share >

Dr\_\_P  Mr. G. • a day ago

No, it is NOT about the regulations, or lack of regulations, as much as having the PROPER regulations.

Otherwise we have Gosnell types all over.

The grand jury report from 2011 says the "people who ran this sham medical practice included no doctors other than Gosnell himself, and not even a single nurse," yet they still made diagnoses, performed procedures and administered drugs.

This put the WOMEN at risk, and not just the fetuses to be aborted. The walk in clinics today are the "back alley" abortion mills that the liberals decried.

^ | v • Reply • Share >

rightisright  Mr. G. • 17 hours ago

We finally found a regulation liberals don't like.

^ | v • Reply • Share >

Mr. G.  rightisright • 16 hours ago

Liberals have always liked regulations that promote the health and safety of people. For conservatives, the money seems to be the issue - in cases where they oppose regulations, it's so businesses can pocket more money - in cases where they want to punish women, it's so women have to pay more.

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