



Written by [Dave Bohon](#) on September 1, 2011

Federal Judge Blocks Texas Pro-Life Sonogram Law

A federal judge has temporarily blocked enforcement of a law, passed by the Texas legislature in May, that requires a woman seeking an abortion to receive a sonogram at least 24 hours before the procedure so she can see the baby's features and hear its heartbeat. U.S. District Judge Sam Sparks (left) of Austin ruled that the law, set to go into effect on September 1st, "compels physicians to advance an ideological agenda with which they may not agree, regardless of any medical necessity, and irrespective of whether the pregnant women wish to listen."



In his August 31st injunction, reported the [Baptist Press News](#), "Sparks wrote that the law's requirements expand beyond medically necessary information and 'are unconstitutional violations of the First Amendment right to be free from compelled speech.'" Specifically, continued the BP news story, "Sparks argued that the First Amendment rights of doctors and patients are violated in the law's requirements that doctors show the patient an ultrasound of the baby, make the heartbeat audible and give a verbal description of the child."

The judge, who has a record of defending abortion and those who profit from it, called the measure's requirements "onerous" and predicted that they would "surely dissuade or prevent many competent doctors from performing abortions, making it significantly more difficult for pregnant women to obtain abortions."

Added the pro-abortion judge, "Forcing pregnant women to receive medical treatment from less-skilled providers certainly seems to be at odds with 'protecting the physical and psychological health and well-being of pregnant women,' one of the Act's stated purposes."

[Reuters News](#) reported that in addition to the measure requiring women to undergo a sonogram, Judge Sparks "also took a dim view of a provision that would force women pregnant from rape or incest to certify that in writing if they do not wish to hear a doctor's explanation of the sonogram images." Wrote Sparks in his ruling: "The Court need not belabor the obvious by explaining why, for instance, women who are pregnant as a result of sexual assault or incest may not wish to certify that fact in writing, particularly if they are too afraid of retaliation to even report the matter to police."

Abortion activist groups applauded the decision, with Julie Rikelman, an attorney for the pro-abortion [Center for Reproductive Rights](#), which had filed a class-action lawsuit against the measure, declaring: "What this law assumes is outdated stereotypes that women are too immature or incompetent to make important decisions." The group's president, Nancy Northup, called the ruling "a huge victory for women in Texas and a clear signal to the state legislature that it went too far when it passed this law. Politicians have no business telling doctors how to practice medicine or meddling in women's private medical decisions."

Among those criticizing the judge's decision was [Texas Governor Rick Perry](#), who said in a statement:



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“Every life lost to abortion is a tragedy, and today’s ruling is a great disappointment to all Texans who stand in defense of life.”

Perry pointed out that the Sonogram Law “ensures that every Texas woman seeking an abortion has all the facts about the life she is carrying, and understands the devastating impact of such a life-changing decision. I have full confidence in Attorney General Abbott’s efforts to appeal this decision as he defends the laws enacted by the Texas Legislature.”

BP News recalled that last January “Perry placed the bill on emergency status at the start of the legislative session, which gave it priority consideration over other bills.”

Joe Pojman of [Texas Alliance for Life](#) expressed his pro-life group’s disappointment in the ruling, saying “The intent is to raise the standard of care for informed consent for abortion to the level of any other medical or surgical procedure.” He said he was optimistic that “this case will be appealed to the 5th Circuit Court of Appeals, which will allow it to be fully enforced. Until then, women considering abortion will not have the full benefit of the protections intended by the Legislature and Governor Perry.”

Elizabeth Graham of [Texas Right to Life](#), which had worked closely with state lawmakers to craft the Sonogram Law, called it “a common sense piece of legislation [ensuring] that women receive all the medical facts prior to making a life-changing decision to abort an unborn child. To delay this law taking effect is to further jeopardize the health of women entering abortion clinics.”

As reported by [LifeNews.com](#), in an e-mail before Sparks’ ruling Graham said that “an activist federal judge dismissed our amicus brief submitted to the court in defense of our new Texas Sonogram Law. The well-known pro-abortion judge claimed that he’s not going to allow politics in his court. I guess what he really meant was any politics that differ from his own.”

Graham called the law “simple, straightforward, and common sense. But the abortion industry fears sonograms,” she added, noting that “moms choose life when they see their baby’s face, or toes, or thumbs. Since *Roe v. Wade*, there has never been a more powerful tool to change a mother’s mind than seeing the face of her pre-born baby.”

Looking with optimism to Attorney General Greg Abbott’s appeal of the injunction, Graham said that the Sonogram Law “is the best chance we’ve had in decades to take pregnant girls right out of Planned Parenthood and shut down their filthy, evil business. And Planned Parenthood knows this — they know the threat of the truth, of women looking through the window to the womb.”



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