



P E R S P E C T I V E S

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Hypocrisy...to Murder?

Cold. Politics trumps safety in Texas yet again.

By now anyone who follows the news knows Governor Greg Abbott of Texas contracted Covid-19 even though he has had both the regular two vaccine injections, and to almost everyone's surprise, has already received a third booster shot. He received the extra shot despite possibly not being in a category authorized to receive it yet. Within hours of testing positive, Abbott was put on Regeneron's incredibly effective monoclonal antibody treatment. This is the same drug that was "experimental" when it saved Donald Trump's life last year, and which very few in the US even know where to get. Seems like the Governor sought, and has received, special treatment many dying citizens in his state will never live to see.

The Governor received such good treatment that he was already testing negative for Covid as of Sunday. Turns out Covid was no big deal for Abbott, which may be why he carelessly disregards the health of the citizens of his state, particularly children, who need to get vaccinated (when possible) and wear masks, if they are to keep the Texas hospital system from collapsing. Instead of supporting these important public-health actions, Abbott is forbidding any officials from requiring them. What hypocrisy!

Unfortunately for Texans, and frankly the rest of us Americans, Abbott has engaged in this type of hypocrisy for political advantage for decades. When asked about his main objectives as Texas Attorney General before being elected governor, he sniped "I go to the office in the morning, sue Barack Obama, and then I go home." In fact, he filed an amazing 31 suits, 44 if you add the ones he authorized in his first term as governor, against the Obama Administration.

He sought to kill the Affordable Care Act despite personally having free healthcare for life; to challenge the Environmental Protection Agency even though Texas disproportionately suffers from environmental disasters; and, argued before the US Supreme Court in a key case involving separation of Church and State seeking to permit the display of a large version of the Ten Commandments at the Texas capitol. In keeping with his track record of pandering to the Koch Brothers and his other major donors, he blocked the state from issuing its "Tier II Inventory Reports" listing dangerous chemicals that Texans could be accidentally exposed to. The donors got what they wanted – secrecy to engage in poisoning the public – and the citizens he represents will pay the price with their health. Yet, he claims to represent the people of Texas! What hypocrisy.

In his latest act, this Texas hypocrite-in-chief has issued mandates against wearing masks even for school children who can't yet be vaccinated. Fortunately, major school districts in Austin and Houston are defying Abbott's order as the cases of infected Texas children skyrocket due to the far more transmissible Delta variant.

From July 1 through August 9, children hospitalized in Texas from Covid numbered 783. By August 12th, the rate of new pediatric hospitalizations was running at 40 per day and climbing quickly.

Because masks are so effective, and because the risk to students and their families is so high, the brave school superintendents and principals in 58 separate school districts in eight separate counties, including Houston's massive Harris County, have insisted on some form of mask mandate despite the ban. Developments in Texas are advancing rapidly as several state courts, including the State Supreme Court last Thursday, have refused up to this point to uphold the Governor's "no mask" mandate.

Abbott is a cold political player, but he is no fool. He knows wearing masks in indoor settings (e.g., schools) will, not may, reduce background infections. He knows a percentage of the hundreds of children who have already gotten infected, and the many hundreds more to come, will be hospitalized, and that a number have already died. He knows his anti-mask mandate ensures that more children will die.

Given the certainty of the data that vaccinations would save thousands of Texas lives, and that an Abbott "no mask mandate" is increasing the rapid spiking of Covid in the last few months, it seems to this neutral observer that it is time to call Governor Abbott's conduct something beyond hypocritical. It is time to start calling it what it really is: Child Endangerment. There actually is a Texan Child Endangerment statute (Texas Penal Code Section 22.04) under which Abbott's crimes could be prosecuted and receive a sentence of two to twenty years in prison.

What about manslaughter? Technically, manslaughter is the crime of killing a human being without malice aforethought, or otherwise in circumstances not amounting to murder. Candidly, I do think Abbott is engaging with "malice aforethought" as he is maliciously looking to sacrifice the safety of Texas children for his own political gain. He knows refusing to let school districts mandate masks is sentencing hundreds of children to illness, and potentially hospitalization or death. Sounds malicious to me. Given his three-dose vaccination and his keeping tabs on where the nearest Regeneron was stashed, sounds like "aforethought" to me. If convicted of the manslaughter of one person, you can receive up to 20 years in a Texas prison (Texas Penal Code Section 19.04). I wonder how a judge would sentence Abbott for the manslaughter of many children. Indeed, his venal and ugly crime requires a new legal term – let's call it "Child Slaughter."

While current Texas Attorney General Ken Paxton will likely never bring those state charges for his own political reasons, it doesn't mean Abbott will necessarily walk free. President Biden ordered the US Department of Education to take legal action against governors who have banned universal masking in public schools, and to "get tough" on any governor who is trying to "bock or intimidate" local school authorities. That is not an idle threat. Under Title 42 of the United States Code annotated, Section 1983 permits civil suits to be filed against organizations or individuals, that can carry large punitive damages, for violating the civil rights of those children. Shouldn't we draw a Federal legal line to prevent Child Slaughter? Think about it, folks!

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