



PRESS RELEASE

APRIL 7, 2022

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### GOVERNOR WHITMER'S BASELESS ABORTION LAWSUIT

Governor Whitmer, with the assistance of Attorney General Dana Nessel, today filed a lawsuit against thirteen county prosecutors in a back-door attempt to invalidate Michigan's criminal abortion statute (MCL 750.14) enacted in 1931. Great Lakes Justice Center asserts this is a frivolous and baseless lawsuit with absolutely no justification or merit.

**First**, Governor Whitmer has no authority under Article 5, Section 8, of the Michigan Constitution to attack a state law as being unconstitutional. She only has authority to force the prosecutors to obey a law, or to stop them from violating a law. Neither has occurred here. She has no "delayed veto power" to attempt to rescind a law over 90 years after its enactment, simply because she disagrees with that law.

**Second**, none of the defendant prosecutors have prosecuted anyone for violating this statute. No woman or doctor has been prosecuted under the statute in the past fifty years. Therefore, no case or controversy exists for a court to decide. Contrary to the Governor's claims, no pressing need exists requiring a court issue an injunction to stop something that is not happening.

**Third**, the law in this area is settled and clear. Contrary to Governor Whitmer and Attorney General Nessel's claims, there is no Michigan Constitutional right to an abortion. No such right exists anywhere in the language of the Michigan Constitution, and no Michigan case law even suggests otherwise. After *Roe v Wade* was decided, the Michigan Supreme Court affirmed MCL 750.14 as constitutional after the first trimester. *People v Bricker*, 389 Mich 524 (1973).

**Fourth**, no need exists to clarify a law which is already clear. The Governor has proclaimed her support for a petition drive to amend Michigan's Constitution to add her desired new right to an abortion right up to the point of birth. Why is there a need to amend the Constitution via petition to add a right that she now claims in this lawsuit already exists? The answer is obvious. Governor Whitmer knows the Michigan Constitution does not include a right to abortion.

Also, it is interesting to note that the Governor and AG have retained a progressive law firm from Washington, D.C. and New York City to bring this lawsuit. How many tax dollars are being spent to pay their friends in D.C. to bring such frivolous lawsuits?

The other lawsuit filed today in the Court of Claims by Planned Parenthood against Dana Nessel is another attempt to invalidate the same law (MCL 750.14); this is also a sham. Ms. Nessel has already stated she will not defend the law. Ms. Nessel and her office must be recused from acting as an attorney to defend the very law she is advocating should be overturned in the Governor's case against Michigan prosecutors. Moreover, Planned Parenthood has no standing to attack the constitutionality of a law with which it simply disagrees.

David A. Kallman, Senior Legal Counsel with the Great Lakes Justice Center, stated, "Governor Whitmer should not be wasting her time and taxpayer dollars to bring such irresponsible lawsuits. And Attorney General Nessel should not be enabling her in an attempt to circumvent the legislature and the will of the people."

For further information, please contact David Kallman.