



Written by [Michael Tennant](#) on April 7, 2022

Michigan Governor Sues to Overturn State's Abortion Law

Michigan Governor Gretchen Whitmer is suing to vacate her state's pre-*Roe v. Wade* abortion law so that abortion will be legal in the Wolverine State if the Supreme Court overturns or weakens *Roe*.

"If *Roe* is overturned, abortion could become illegal in Michigan in nearly any circumstance — including in cases of rape and incest — and deprive Michigan women of the ability to make critical health care decisions for themselves," the ardently pro-abortion Democrat said in a [press release](#). "This is no longer theoretical; it is reality."

According to [MLive.com](#), abortion has been illegal in Michigan since 1846; but the current law, which "criminalizes abortion for anybody administering the procedure or drug to produce a miscarriage ... except when abortion is necessary to preserve the mother's life," was passed in 1931. That law, of course, has been unenforceable since *Roe* was decided in 1973.

"When you look at this antiquated law that is on our books, it was written 91 years ago, it was paternalistic in nature, intended to keep women at home, to take women's ability to make their own choices away," Whitmer told the [Detroit Free Press](#). (Oddly, though, the governor had no problem with relying on an "antiquated" [World War II-era law](#) to enforce her various Covid-19 restrictions.)

Whitmer's strategy is twofold. First, she is suing prosecutors in the 13 Michigan counties with abortion clinics because they would be charged with enforcing the 1931 law in the event of *Roe*'s nixing. Second, she is "invok[ing] a little-known gubernatorial power, called 'executive message,' to ask the Michigan Supreme Court to take up her case directly, circumventing the trial court and the state Court of Appeals, and to expedite a ruling," reported the *Free Press*.

There's a third prong to Whitmer's strategy, too. According to the *Free Press*, her office "coordinated" with Planned Parenthood of Michigan to ask the Michigan Court of Claims to enjoin state and county prosecutors from enforcing the 1931 law and to rule that Michigan's constitution guarantees the right to abortion. (A 1997 state Court of Appeals [decision](#) says otherwise.)

Pro-abortion activists are also trying to get an [initiative](#) on the ballot to enshrine in the Michigan constitution the so-called right to abortion; Whitmer has publicly spoken in favor of it.

"We're using every tool available — and this is a unique set of tools — to protect women, and protect our constitutional right to bodily autonomy, to make our own determination and protect our economic freedoms, as well," Whitmer told the *Free Press*, conveniently ignoring that she had [supported](#)



AP Images

Michigan Governor Gretchen Whitmer



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[President Joe Biden's vaccine mandate](#) (so much for "bodily autonomy") and imposed severe lockdowns on her state allegedly to counter the coronavirus (ditto "economic freedoms").

MLive wrote that Whitmer's lawsuit "argues the [abortion] ban violates the Michigan Constitution's due process clause, which provides a right to privacy and bodily autonomy. The ban violates the state constitution's equal protection clause, saying the ban 'was adopted to reinforce antiquated notions of the proper role for women in society,' per the news release."

While Whitmer's press release repeatedly invokes such notions, one word is conspicuously absent from it: *baby*. Indeed, in her remarks to the *Free Press*, Whitmer was quite explicit that the other human being involved in an abortion — the defenseless one who is killed — was not even a consideration. "Proponents [of the 1931 law] who claim that they're focused on something else, it's very clear that the conversation is all about controlling women's bodies," she said.

Abortion proponents, naturally, support Whitmer's lawsuit. Seven of the county prosecutors she's suing, all of them Democrats, even issued a [statement](#) backing the move.

Pro-lifers, on the other hand, had harsh words for the governor.

Genevieve Marnon of Right to Life of Michigan told the *Free Press*, "The governor clearly knows there is no right to abortion[;] otherwise she wouldn't be so vocally supportive of the ... ballot initiative."

The most stinging rebuke, however, may have come from Tudor Dixon, who is seeking the Republican Party's gubernatorial nomination. "If Democrat politicians worked 1/10th as hard on policies to build up American families as they do on policies to promote and allow abortion on demand," she [tweeted](#), "there wouldn't be much demand for abortion."



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