



*Remarks: Andrea Young, executive director of ACLU of Georgia, spoke to the media on Tuesday, July 26, 2022, following the [filing of a new challenge](#) to the six-week abortion ban in state court.*

Good afternoon, everyone. My name is Andrea Young, and I'm the executive director of the ACLU of Georgia, one of the legal organizations representing physicians, reproductive health care providers, and advocates in the case filed today in state court against Georgia's six-week abortion ban.

Last week, a federal appeals court gave Gov. Brian Kemp and his political allies permission to enforce H.B. 481, a ban on abortion at six weeks of pregnancy — just two weeks after a missed period, so early that few women know they are pregnant.

This abortion ban sends the disturbing message that Georgia is closed to women seeking equal opportunity and basic rights to make private decisions about their future.

This abortion ban makes even worse the barriers Georgians already face when seeking essential reproductive health care.

1. The ban prohibits medically appropriate care for some patients experiencing a miscarriage — elevating their medical risk.
2. The limited and vague “medical emergency” exception to this ban would force patients to the brink of death before they could get the care they need.
3. And if continuing a pregnancy is life-threatening because of a *psychiatric* illness, the ban explicitly forces that person to continue the pregnancy.

The cruelty of this law will fall hardest on Black women, who are disproportionately poor and at risk of serious health issues associated with forced pregnancy. The ban requires victims of rape and incest to involve law enforcement in their health care decisions as a condition of ending a pregnancy.

In addition to the serious health risks, Gov. Kemp's abortion ban ignores the real-life circumstances of women who need an abortion. Forcing women to carry a pregnancy against their will has many life-altering consequences, including making it harder for them and their family to escape poverty, derailing people's education and career plans, and making it more difficult to leave an abusive partner.

With the U.S. Supreme Court's decision to take away our federal right to abortion, it's more important than ever that Georgians' right to be free from government-mandated forced pregnancy is correctly recognized under our state constitution. Gov. Kemp's abortion ban must be stopped, and our lawsuit today is aimed at putting an end to the nightmare. Too much is at stake to allow politicians to control our bodies and futures.

In today's lawsuit, we also outline how Gov. Kemp's abortion ban was void under Georgia judicial precedent from the very moment it passed because it was in clear violation of federal law when he signed in 2019.

Georgia state courts have been clear that laws are unenforceable if they violated federal law under the prevailing court interpretations of that time, and when the six-week ban was enacted, it defied half a century of unbroken Supreme Court precedent. Last month's

Supreme Court decision doesn't revive it; the Legislature would have to reenact a six-week ban in order to enforce it.

There are no two ways around the state constitution's strong protections against invasive attempts to take away our fundamental right to privacy and against attempts to allow politicians to interfere with the deeply personal medical decisions that are best left to patients and their providers. This includes protecting our private medical records, which prosecutors have access to without any legal protections under Kemp's ban.

In the lawsuit, we ask the court to block H.B. 481 before it causes more harm in the state.

No one should be forced to carry a pregnancy against their will and face the life-altering consequences of being denied this essential health care. To our horror, that is the reality the governor and his allies want to force on us, but we won't let them without a fight.

In courthouses and statehouses, through protest in the streets, and at the ballot box, we must fight back against these cruel attacks on our ability to control when, whether and with whom to have or expand a family. To anti-abortion politicians we won't stand idly by as our rights are taken away.