

Georgia governor signs “heartbeat” anti-abortion legislation

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On Tuesday, Republican Governor Brian Kemp of Georgia signed a reactionary “heartbeat” bill into law, which, beginning January 1, outlaws most abortions once a doctor detects what it describes as “a fetal heartbeat in the womb.” Such a “heartbeat” is usually detectable as early as six weeks into a pregnancy, before many women are even aware they are pregnant. Georgia currently bans abortions after 20 weeks of pregnancy.

Kemp’s signature on the “Living Infants Fairness and Equality Act” marks a new stage in an orchestrated campaign by the Christian right and supporters in the Republican Party to outlaw abortion, a constitutional right upheld in the 1973 *Roe v. Wade* US Supreme Court decision.

Directly exposing the religious bias of the legislation, the governor said at the signing ceremony, “We must protect life at all stages. We must remember our higher calling.” The name of the bill also reveals its anti-scientific basis by referring to fetuses and embryos as “living infants,” when infants are generally referred to in medicine as babies from birth to 12 months of age.

Supporters of new restrictive “heartbeat” and other anti-abortion legislation in states across the nation hope opposition to these measures will bring one of these bills before the Supreme Court, where two new Trump-nominated members, Neil Gorsuch and Brett Kavanaugh, currently sit. A decision in their favor would potentially outlaw a woman’s right to choose when and if to have a child.

Medical lobbies, civil rights organizations, women’s rights leaders and some celebrities have been speaking out against the measures for months. “The Handmaid Coalition of Georgia” protested outside the Georgia Statehouse Tuesday dressed in red cloaks and white bonnets. Shouting “shame” and “dissent” they hoped to draw a parallel to the “The Handmaid’s Tale,” a book and television series that depicts a future where women

are enslaved to rear children.

Doctors who oppose the legislation say that what appears to be a heartbeat at six weeks is simply a vibration of developing tissues, called “embryonic cardiac activity,” which cannot exist without the mother. Under the Georgia bill, women would be required to undergo an invasive transvaginal ultrasound in an effort to detect this “heartbeat.”

The bill says that “no abortion is authorized or shall be performed if the unborn child has been determined to have a human heartbeat.” Unlike other states’ legislation, Georgia’s says a fetus is a “natural person” and “human being” once a heartbeat is detected. The unstated but obvious aim is to set a precedent for ruling an abortion homicide and charging women undergoing them and doctors performing them as murderers.

Leana Wen, president of Planned Parenthood Action Fund, which will be filing a lawsuit to stop the legislation, said, “It is so extreme that it criminalizes doctors who provide lifesaving care, and it even allows the state to investigate women for having miscarriages.”

The bill does include some exceptions for situations where the mother’s health is at risk as well as in cases of rape or incest before the 20-week mark. To claim that a pregnancy is the result of rape or incest a woman must file an official police report, further forcing women to bring a very personal concern before the forces of the state before she can seek an abortion.

The Georgia Right to Life group withdrew its support for the bill precisely because it included some exceptions to a ban on abortion. Genevieve Wilson, executive direction of the group, said such exceptions are “discriminatory and wrong” and create “a two-tiered framework for determining which children in the womb are allowed to live and which are not.”

On its website, the Georgia Right to Life writes that the legislation “Ensures abortionists will have the ability to

continue imposing the death sentence on children for the sins of their fathers; because of their abilities; and their manner of conception.”

Georgia is the fourth state in 2019 to enact a “heartbeat” bill. Similar legislation was passed this year in Kentucky, Mississippi and Ohio. A federal judge has already blocked Kentucky’s law and other courts struck down similar laws recently enacted in Iowa and North Dakota. Similar bills are being considered by legislatures in Missouri, Tennessee, Florida, Illinois, Louisiana, Maryland, Minnesota, New York, South Carolina and West Virginia.

Eight of the states that have enacted or are considering “heartbeat” legislation are in the bottom third of states with the worst rates of infant mortality, according to the Centers for Disease Control and Prevention. Seven of them have five or fewer abortion clinics, as states have imposed laws making it difficult or impossible for providers to operate their facilities, according to the Guttmacher Institute.

Almost a decade ago, the human rights organization Amnesty International declared a “maternal health care crisis in the USA” and said Georgia ranked worst of all the states, with a rate of 20.5 maternal deaths per 100,000 live births in pregnancy, childbirth or the weeks afterward. Georgia Department of Public Health data show this rate nearly doubled to 37.2 deaths per 100,000 in 2016, worse than Uzbekistan.

Talcott Camp, deputy director of the ACLU Reproductive Freedom Project, in a statement following passage of the Georgia bill, said, “In a state with a devastatingly high maternal mortality rate, particularly for black women, politicians should be focused on improving health care access for all women, not banning abortion before most women know they’re pregnant.”

Enactment of Georgia’s “Living Infants” act and similar legislation in other states will undoubtedly worsen the already deplorable conditions faced by American working class women and their children, particularly in the South and in rural areas.



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