



GUIDE TO THE ISSUES

Abortion in Alabama

Introduction

Since the Supreme Court's ruling in *Roe v. Wade* in 1973, abortion has been legal in the United States.¹ Even so, a majority of residents in Alabama do not agree with legalized abortion due to the consequences of the procedure physically, emotionally, and mentally for the mother and the immorality of killing a defenseless child. As a state with over 86% of its residents identifying as Christian, fighting to end abortion has become a standard campaign promise for anyone seeking statewide office.² In 2018, the residents of Alabama voted in support of an amendment to the state's constitution stipulating that Alabama was a pro-life state which recognized the value of all human life, born and unborn.³ In 2019, the Alabama Legislature is considering ending legalized abortion in the state altogether.⁴

History

Roe v. Wade did not invent abortion or begin the use of the procedure in the United States. Prior to the Supreme Court's ruling, abortion was legal in seventeen states and, in previous years, had been even more widely accepted and allowed.⁵ In 1973, however, the Supreme Court ruled in favor of abortion in *Roe v. Wade*, making the procedure legal in all fifty states.⁶ The Supreme Court reasoned that by disallowing abortion, states infringed upon a woman's right to privacy.⁷ In 1992, the Supreme Court addressed the abortion question again in *Planned Parenthood v. Casey*, affirming *Roe* while allowing states to restrict abortions after the point of viability (20 weeks).⁸ Since the Supreme Court made abortion legal in all states, over 60 million unborn children have been aborted.⁹

Laws

Alabama's state-specific abortion laws counteract the ease in which many women could get an abortion. These laws ensure that expectant mothers receive the information they deserve to know before making the decision to abort and that children who could survive outside the womb are not aborted.

ISSUE SNAPSHOT

- 6,768 Abortions took place in Alabama in 2017¹⁰
- 9% of all pregnancies in the state end in abortion¹¹
- There are three abortion clinics in Alabama¹²
- Statistically, eighteen abortions take place every day in Alabama¹³
- As of 2019, the United States Supreme Court, which has the power to change the legality of abortion in the U.S., has a conservative bench, one that might soon reconsider the Court's earlier ruling.

RECOMMENDATION

- Alabama legislators should support legislation to end legalized abortion in the state. While any bill to criminalize abortion would be challenged in court, the United States Supreme Court could rule in favor of the law and Alabama, therefore, could be an active participant in ending the largest genocide in human history.

Viable Pregnancy

The most important Alabama law that helps restrict the amount of abortions in the state is the prohibition of viable pregnancy abortion (an abortion after 20 weeks) unless the mother's life is in danger.¹⁴ If a pregnancy is viable, the child by definition could survive outside the womb. The Supreme Court in *Planned Parenthood v. Casey* ruled that abortion bans past the point of viability were constitutional and the Alabama legislature has appropriately restricted abortion after 20 weeks of gestation.¹⁵

Ultrasound and Waiting Period

All physicians who offer abortions are required to perform an ultrasound and offer a viewing of the unborn child to the mother.¹⁶ Additionally, a waiting period of 48 hours must be



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completed before a doctor may perform an abortion on an expectant mother.¹⁷ These measures attempt to temper any rash or sudden decisions to terminate a pregnancy.

Minors

Alabama's current abortion laws specifically protect minors who find themselves pregnant by requiring parental consent before an abortion is provided.¹⁸ This ensures support for all minors who feel that they need an abortion but do not have the maturity to make such a major decision alone. Requiring parental consent for an abortion for minors helps young women discuss their options with both their parents and doctors who can help them make the right decision.

Telemedicine

Telemedicine, which is the use of communication over the phone or Internet to provide clinical health care from a distance, may not be used to perform an abortion.¹⁹ Telemedicine is often used when an expectant mother cannot afford a proper abortion or cannot let anyone know that she is pregnant. The use of telemedicine to abort a child is extremely unsafe and poses major health risks to both the unborn child and the expectant mother. The prohibition of telemedicine ensures that a woman will only get an abortion in a medical setting, which is safer and more sanitary than any medical care that can be provided over the phone.

Dismemberment Abortion

In 2016, Alabama banned dismemberment abortion, also known as dialtion and evacuation abortion, in the state.²⁰ In 2017, U.S. District Judge Myron Thompson ruled that the law placed an undue burden on women seeking abortions and declared it unconstitutional.²¹ While the 11th Circuit Court of Appeals upheld Judge Thompson's ruling, Alabama Attorney General Steve Marshall filed a brief asking the U.S. Supreme Court to hear the case.²² As of April 2019, the Court has yet to rule.

Providers

There are currently three abortion facilities regularly providing abortions in the Alabama, one in Huntsville, Montgomery, and Tuscaloosa.²³ While Planned Parenthood maintains a presence in both Birmingham and Mobile, they are not currently providing abortions.²⁴

Conclusion

While abortion became legal in all fifty states in 1973, most Alabamians do not agree with the federal government's lenient restrictions to abortion. As a result, the state has passed multiple restrictions that have helped decrease the number of abortions in the state and given expectant mothers the time and information needed to consider such a weighty decision. Even so, thousands of Alabama's children are aborted every year. Alabama legislators could, therefore, do more and, in 2019, their actions may have national impact.



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Endnotes

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- 2 “Religion in America: U.S. Religious Data, Demographics and Statistics.” Pew Research Center’s Religion & Public Life Project. May 11, 2015. Accessed April 16, 2019. <https://www.pewforum.org/religious-landscape-study/state/alabama/>.
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- 5 “Lessons from Before Roe: Will Past Be Prologue?” Guttmacher Institute. September 14, 2018. Accessed April 16, 2019. <https://www.guttmacher.org/gpr/2003/03/lessons-roe-will-past-be-prologue>.
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- 8 *Planned Parenthood v. Casey*
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- 10 INDUCED TERMINATION OF PREGNANCY STATISTICS 2017. PDF. Montgomery, Alabama: Alabama Center for Health Statistics.
- 11 Jatlaoui TC, Boutot ME, Mandel MG, et al. Abortion Surveillance — United States, 2015. MMWR Surveill Summ 2018;67(No. SS-13):1–45. DOI: <http://dx.doi.org/10.15585/mmwr.ss6713a1External>.
- 12 “Find A Provider.” National Abortion Federation. Accessed April 16, 2019. <https://prochoice.org/think-youre-pregnant/find-a-provider/>.
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- 14 The Code of Alabama 1975, Title 26, Chapter 22, Section 26-22-4
- 15 *Planned Parenthood v. Casey*
- 16 The Code of Alabama 1975, Title 26, Chapter 21, Section 26-23A-6
- 17 The Code of Alabama 1975, Title 26, Chapter 21, Section 26-23A-4
- 18 The Code of Alabama 1975, Title 26, Chapter 21, Section 26-21-3
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- 21 Cason, Mike. “21 States Join Alabama in Supporting Ban on Abortion Procedure.” AL.com. February 05, 2019. Accessed April 16, 2019. <https://www.al.com/news/2019/02/21-states-join-alabama-in-supporting-ban-on-abortion-procedure.html>.
- 22 U.S. Supreme Court Review of Petition for Writ of Certiorari in *Alabama Attorney General et al. v. West Alabama Women’s Center et al.* Washington, Office of the Alabama Attorney General. 2019.
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- 24 Planned Parenthood. “Birth Control, STD Testing & Abortion - Birmingham, AL.” Planned Parenthood. Accessed April 16, 2019. <https://www.plannedparenthood.org/health-center/alabama/birmingham/35205/birmingham-center-3253-90330#services-offered>.