

National

# Alabama Senate passes nation's most restrictive abortion ban, which makes no exceptions for victims of rape and incest

By [Emily Wax-Thibodeaux](#) and

Chip Brownlee

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MONTGOMERY, Ala. — Alabama lawmakers voted Tuesday to ban virtually all abortions in the state — including for victims of rape and incest — sending the strictest law in the nation to the state's Republican governor, who is expected to sign it.

The measure permits abortion only when necessary to save a mother's life, an unyielding standard that runs afoul of federal court rulings. Those who backed the new law said they don't expect it to take effect, instead intending its passage to be part of a broader strategy by antiabortion activists to persuade the U.S. Supreme Court to reconsider the landmark 1973 *Roe v. Wade* ruling, which legalized abortion nationwide.

"This bill is about challenging *Roe v. Wade* and protecting the lives of the unborn because an unborn baby is a person who deserves love and protection," Alabama state Rep. Terri Collins (R), the sponsor of the bill, said after the vote Tuesday night. "I have prayed my way through this bill. This is the way we get where we want to get eventually."

Senate Majority Leader Greg Reed (R) said the legislature was carrying out "the express will of the people, which is to protect the sanctity of life," noting that Alabama voters approved declaring the state officially pro-life. The bill, he said, "simply recognizes that an unborn baby is a child who deserves protection — and despite the best efforts of abortion proponents, this bill will become law because Alabamians stand firmly on the side of life."

Governors and lawmakers across the country are rushing to pass highly restrictive abortion bills in hopes of attracting the attention of what they see as the most antiabortion U.S. Supreme Court in decades.

Sixteen states have passed or are working to pass bans on abortion after a doctor can detect what they call "a fetal heartbeat in the womb," usually at about six weeks, before many women know they are pregnant. That includes Georgia, where Republican Gov. Brian Kemp signed a "heartbeat bill" into law on Tuesday.

In a countermove, lawmakers in a growing number of states are racing to amend their constitutions to provide a backstop for the possible overturn of *Roe v. Wade*.

The Alabama bill, which passed 25-6, is even more restrictive than prior state-level abortion laws, and it includes a penalty of up to 99 years in prison for doctors who perform abortions. Six of the Senate's Democrats

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voted against the bill — one abstained — and they staged a filibuster into Tuesday night after debating the bill for more than four hours, with senators discussing the role government should play in legislating what a woman can do with her body and the definition of life.

After a Democratic amendment to the bill that would have provided exceptions for victims of rape and incest failed 21-11, Democrats railed against the prospects of young crime victims having to carry the resultant fetuses to term and having to then live with their assailants' children for the rest of their lives.

Republican Lt. Gov. Will Ainsworth said in an interview before the vote that the debate was about the idea of “personhood” and whether a fetus has rights from the outset.

“Is it a life?” Ainsworth said. “I believe it is, and if it’s a life, you can’t have any exceptions.”

Collins said she has empathy for survivors of rape and incest, but she also wants to make sure the law is strong enough to force federal court intervention — something she and others hope will lead to national restrictions on abortion.

While no Republicans voted against passage of the bill, four voted for the amendment that would have made exceptions for rape and incest, including Sen. Del Marsh, the top Republican and president pro tem. Marsh [had asked senators to take pause](#) over the weekend and talk to their constituents about the matter and said he was not comfortable with laws that would force a woman to carry a baby conceived through rape and incest.

Alabama Sen. Clyde Chambliss, who shepherded the bill through the chamber, opened the tense and at times dramatic session by saying the bill could have national ramifications. “When is a person a person? When does a life become a life?” he said, opening the debate on the Senate floor Tuesday afternoon.

“I believe that if we terminate the life of an unborn child, we are putting ourselves in God’s place,” Chambliss said.

After Democratic Sen. Rodger Smitherman questioned Chambliss about what would happen when women are victimized — he used an example of a 12-year-old girl who is raped by a relative — Chambliss said the victim should get help right away. He said the law specifically bars abortions when a woman is “known to be pregnant,” indicating that victims of crimes could get “treatment” ahead of a pregnancy test. The Plan B pill, for example, can prevent a pregnancy if taken shortly after sexual contact.

Smitherman countered that rape and incest victims typically are scared to report the crimes and often take months or years to speak about their abuse. He also said that it is unfortunate that lawmakers want to punish women for the sake of a political movement.

“It’s like a racehorse in the Kentucky Derby — blinders on all sides — they just keep on this *Roe v. Wade* thing,” Smitherman said.

Sen. Vivian Figures (D) introduced a series of amendments, with one requiring lawmakers who voted yes on the bill to pay for any legal fees it might cause — which would almost certainly draw immediate legal challenges — and another to make vasectomies a felony, noting that there are no laws regulating what a man can do with his body. Both failed.

Alabama already has a case in the federal courts over a restrictive abortion law passed in 2016. The state has lost in federal courts, which have blocked the law, but it is appealing to the U.S. Supreme Court. That lawsuit came after the state was forced to pay the ACLU and Planned Parenthood \$1.7 million in 2016 after a law requiring abortion providers to have hospital admitting privileges was struck down by federal courts.

“They know it’s unconstitutional,” Figures said of the new bill. “We have so many other pressing issues before us that we don’t give the proper time and energy to. We are not even adequately funding public education, yet they are going to pass this bill.”

Democrats fear that if the bill were to take effect, it would exacerbate an already precarious health-care situation for poor women in Alabama, where just half of the state’s 67 counties have an obstetrician, according to the American Congress of Obstetricians and Gynecologists.

“If I were them, I would be making plans to leave Alabama,” Figures said in an interview before the bill was considered. “Who is going to stay in a state like this?”

Similarly restrictive abortion bans in Kentucky and Mississippi already are before the courts, and lawmakers in Alabama are fully aware that judges are likely to intervene. Figures said the state — which routinely flirts with budget shortfalls — doesn’t have the money to spend.


She received cheers and clapping from a packed gallery, which was overlooking the Senate floor, largely filled with activists who support the right to have an abortion.

Those protesting the bill said Alabama might be antiabortion but is not pro-life because it fails to support children once they are born, said Susan Pace Hamill, a law professor at the University of Alabama.

“The antiabortion carnival show currently going on in the legislature is hypocritical grandstanding,” Hamill said. “They love to champion themselves as defenders of children by fighting to make abortion illegal, but when it comes to education, health care and other concerns, especially of our most vulnerable children, wealthier Alabamians and the Legislature couldn’t care less.”

*Brownlee is a freelance journalist based in Alabama.*

### Emily Wax-Thibodeaux

Emily Wax-Thibodeaux is a National staff writer who covers national news, with a focus on gender issues and social movements for the America desk. She is an award-winning former foreign correspondent who covered Africa and India for nearly a decade. Follow 



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