

APLC

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MEMORANDUM

TO: Supporters of Life

FROM: A. Eric Johnston

DATE: May 10, 2019

RE: **HB314 – The Alabama Human Life Protection Act**

HB314 was approved by the Alabama House as a bill to criminalize abortion by making it a Class A felony. However, when the bill reached the Senate Judiciary Committee, a rape and incest exception was added. It was subsequently removed by the Senate, but the bill will be debated on Tuesday by the Senate and the possibility exists that the amendment will be re-added.

The purpose of the bill is to save the lives of unborn children. It follows Amendment 2 to the Alabama Constitution approved by voters last November, that unborn children in Alabama are entitled to protection of its laws.

Roe v. Wade (1973) prohibits states from prohibiting or regulating abortion prior to viability, when the child can live outside the womb. Therefore, Amendment 2 and HB314 conflict with *Roe*. The purpose of the bill is to save unborn lives, but this cannot be done without a court challenge.

To do that, the prospective law cannot permit exceptions for rape and incest, which have been proposed. Regardless of the manner of conception, *viz.*, consent, accidental, rape, incest, artificial insemination, all create a person.

We are approaching the issue on the basis of personhood. If the Supreme Court reverses *Roe v. Wade*, it could hold the unborn child to be a person entitled to protection under the U.S. Constitution. How could we then argue some people are not persons?

It is likely there will be an effort to add the rape and incest exception. HB314 must be passed without this exception. To do otherwise will kill the legislation and its goal of protecting unborn children. I believe this exception amendment is the strategy of our opponents to kill the bill.

If you believe the unborn child is a person, you must contact your Alabama Senator and ask him not to support the rape and incest exception. While this exception provokes strong emotions, it is not the child's fault and his or her life should not be taken as a result of it. Senators need to know from their constituents that voting for the exception will be a vote to continue abortion in Alabama. They must vote no to the rape and incest exception and vote yes to the bill without that exception.

Here is how to identify and contact your Senator: go to www.legislature.state.al.us. Click on "Find My Legislator." Complete the fields in "My Elected Officials." This will give you their names, including the state Senator. Click on his name and it will give you contact information for him.

For some Senators, you will get an office number. Leave a message for the Senator to call you, but also leave a message, that you want him to vote no on the rape and incest exception, and vote yes for HB314 without it. If you have personal contacts, use those to contact a Senator.

All Senators need to be contacted. Good ones need reinforcement. Those who are still questionable and need specific attention are:

Tom Butler – Limestone and Madison Counties

Sam Givhan – Madison County

Garlan Gudger - Cullman, Lawrence, Marion and Winston Counties

Steve Livingston – DeKalb, Jackson and Madison Counties

Del Marsh – Calhoun and Talladega Counties

Jim McLendon – Shelby, St. Clair and Talladega Counties

Randy Price – Chambers, Clay, Cleburne, Lee and Randolph Counties

Clay Scofield – Blount, DeKalb, Madison and Marshall Counties

David Sessions – Mobile County

Cam Ward – Bibb, Chilton and Shelby Counties

Tom Whatley – Lee, Russell & Tallapoosa Counties

Jack Williams – Mobile County

AEJ/pmm