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**Steve Marshall**  
Alabama Attorney General



For More Information, contact:

Mike Lewis (334) 353-2199

Joy Patterson (334) 242-7491

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## **Attorney General Marshall Announces Support of 21 Other States to Ask U.S. Supreme Court to Hear Alabama's Dismemberment Abortion Case**

(MONTGOMERY) –Attorney General Steve Marshall said he is pleased that 21 other states are supporting Alabama in his petition asking the U.S. Supreme Court to hear a case challenging the constitutionality of Alabama's law banning dismemberment abortions. The State of Louisiana was joined by 20 additional states in an [amicus curiae brief](#) filed today in the case of *Marshall v. West Alabama Women's Center*.

On December 20, 2018, Attorney General Marshall filed a cert petition with the Supreme Court seeking review of the 11th U.S. Circuit Court of Appeals' August 2018 ruling against Alabama's 2016 law which banned the gruesome second-trimester abortion procedure. About seven percent of the abortions performed in Alabama each year are dismemberment abortions. State law allows the use of more humane alternative medical procedures to perform second-trimester abortions.

"The support of these states underscores how significant the national interest is in resolving this issue," said Attorney General Marshall. "At least nine states have enacted similar laws, and litigation is pending in the Fifth Circuit, the Eighth Circuit and multiple state courts."

In a dismemberment abortion, a doctor dismembers a living unborn child and extracts him or her one piece at a time from the uterus using clamps, grasping forceps, tongs, or scissors. Attorney General Marshall argued that Alabama's law is similar to the federal ban on partial birth abortions which was enacted in 2003 and upheld by the Supreme Court in 2007.

Attorney General Marshall noted that federal law already constitutionally prohibits partial-birth abortions and has asserted that the lower courts were wrong to enjoin Alabama from enforcing its ban on dismemberment of a living fetus. "There is no 'meaningful difference' between death-by-dismemberment abortion in the womb and partial birth abortion outside it," Attorney General Marshall wrote in his brief. He argued that the U.S. Supreme Court needs to act to resolve inconsistencies in how the two procedures are treated legally, and to reverse the lower court ruling in Alabama.

Louisiana was joined in the amicus brief by the states of Arizona, Arkansas, Florida, Georgia, Idaho, Indiana, Kansas, Mississippi, Missouri, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Texas, Utah, West Virginia and Kentucky.

