



Written by [Raven Clabough](#) on September 16, 2016

Oklahoma Senator Introduces Dismemberment Abortion Ban

Senator James Lankford of Oklahoma has introduced a bill that would punish abortionists who end the life of an unborn baby by means of tearing it limb from limb. Though the Guttmacher Institute asserts that 88 percent of abortions in America take place in the first trimester, the Dismemberment Abortion Ban Act would impact 95 percent of abortions that take place in the second trimester.



The [bill](#) defines “dismemberment abortion” as “knowingly dismembering a living unborn child and extracting such unborn child one piece at a time from the uterus through the use of clamps, grasping forceps, tongs, scissors or similar instruments that, through the convergence of two rigid levers, slice, crush or grasp a portion of the unborn child’s body in order to cut or rip it off.”

Lankford’s bill would punish any physician who knowingly performs a dismemberment abortion with a fine or two years imprisonment, with an exception only if it is necessary to save the life of the mother.

“This bill brings to light what actually happens to an unborn child during an abortion,” Lankford told the online Daily Caller. “This bill doesn’t stand alone — it is part of a larger effort to protect innocent life, like redirecting funding from Planned Parenthood to community health centers, prohibiting taxpayer dollars for abortion, prohibiting abortion after twenty-weeks when we know a child can feel pain, and ensuring that a child born alive is given care.”

Roe v. Wade restricts abortions after viability, which was estimated to be anywhere from 24 to 28 weeks, but the latest research reveals that viability may be sooner than that, even as early as 22 weeks gestation if the baby receives the proper care, according to the findings of a German study released earlier this year. The study, which appeared in the *Journal of the American Medical Association Pediatrics*, found that of 106 babies born at 22 or 23 weeks, 86 received “active pre-natal and postnatal care,” and of that number, 58 survived.

“The survival rate was 61% (17 of 28) for infants born at 22 weeks of gestation and 71% (41 of 58) for infants born at 23 weeks of gestation,” according to the online abstract for the study.

Meanwhile, around the same time viability is reached, unborn babies are believed to be able to experience pain as well. For Lankford, limiting abortions so that the fetus does not feel pain should not be controversial. “We disagree on many issues as a nation, including the issue of abortion,” said Lankford. “Surely, we can all agree that dismantling a child in the womb during a late-term abortion is inhumane and is not reflective of our American values.”

Unfortunately, abortion activists have protested dismemberment bans, claiming that they could make second trimester abortions more expensive and riskier for the mother.

Some contest the science of fetal pain, even as research dating back to the 1980s has established that fetal pain can be experienced earlier than 20 weeks.



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In testimony before the U.S. Congress, Dr. Steven Zielinski, an internal medicine physician and one of the first researchers to provide the scientific basis for fetal pain, claimed that a fetus can feel pain as early as eight weeks.

Decades ago, Zielinski and his colleagues Dr. Vincent J. Collins and Thomas Marzen wrote on the subject:

Functioning neurological structures necessary for pain sensation are developed as early as 8 weeks, but certainly by 13 ½ weeks of gestation. Sensory nerves, including nociceptors, reach the skin of the fetus before the 9th week of gestation. The first detectable brain activity occurs in the thalamus between the 8th and 10th weeks.... By 13 ½ weeks, the entire sensory nervous system functions as a whole in all parts of the body.

That testimony was corroborated by Dr. Maureen Condic, associate professor of Neurobiology at the University of Utah, School of Medicine, in 2013, who also testified before Congress that unborn babies are capable of experiencing pain between 8 and 10 weeks into the pregnancy. Dr. Kanwaljeet S. Anand at the University of Tennessee confirmed what experts had been saying regarding fetal pain, in a report commissioned by the U.S. Department of Justice.

“It is my opinion that the human fetus possesses the ability to experience pain from 20 weeks of gestation, if not earlier, and the pain perceived by a fetus is possibly more intense than that perceived by term newborns or older children,” he wrote.

While those committed to protecting life view abortion at any stage as murder, many pro-life advocates recognize the difficulty in passing a measure that would end all abortions and embrace bills such as Lankford’s as an opportunity to bring humanity to an otherwise inhumane practice.

State dismemberment bans have been enacted in six states — Kansas, Oklahoma, West Virginia, Mississippi, Alabama, and Louisiana — and are expected to be introduced in Idaho, Missouri, and Nebraska, according to National Right to Life News. Of the six states in which the bans have been enacted, however, two are currently being held up in [court](#), including in Lankford’s state of Oklahoma. Kansas’ law has also been halted after a challenge by the abortion industry.

Lankford said, “The rulings in those cases were disappointing. As Justice Kennedy pointed out in his dissent in *Stenberg v. Carhart*, ‘the fetus can be alive at the beginning of the dismemberment process and can survive for a time while its limbs are being torn off.’ I believe we should never stop fighting to protect the life of the unborn.”

Unfortunately, Lankford’s bill is not likely to become law, especially not before the current session of Congress comes to an end. As noted by the Daily Caller, its companion bill in the House has not received a vote.

Lankford spokesman DJ Jordan directly called on Congress to continue to work toward passing this bill in the remaining months of its session. “The Congress still has three months to work on behalf of the American people,” Jordan told the Daily Caller. “Senator Lankford intends to continue fighting for the unborn as long as he can during this session.”



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