

February 2019

Dear Friends and Supporters,

Focus on the abortion issue continues to sharpen. In our December 2018 Educational Update, we discussed the case of *West Alabama Women's Center, et al. v. Don E. Williamson, State Health Officer, et al.* Two judges of the three reviewing the case on the Eleventh Circuit Court of Appeals were compelled to hold unconstitutional an Alabama law meant to prohibit the dismemberment form of abortion. They grumbled that *Roe v. Wade* did not have a constitutional basis, yet as immediate appellant court judges they were bound to uphold it. State Attorney General Steve Marshall has asked the U.S. Supreme Court to review the case.

The review, however, will not address the abortion issue. The request for review is, in fact, limited to the dismemberment abortion procedure, which the Attorney General compared to the partial birth abortion ban which was upheld in the case of *Gonzales v. Carhart* (2007). The Attorney General's petition specifically states, "This petition does not ask the Court to overturn *Planned Parenthood v. Casey*," the 1992 case that affirmed *Roe*. It only asks the Court to prohibit the dismemberment procedure, because there are other more humane forms of abortion to take its place. How the justices vote on whether to review may give us more insight into the thinking of the Court. If they hear the case, their opinions will be very helpful to our understanding of this Court's position on abortion.

Obviously, this case does not challenge the so-called constitutional right to abortion. Similarly, the recent denial by the Supreme Court to review *Gee v. Planned Parenthood of Gulf Coast* does not address the abortion issue. This month's Educational Update has been written to edify many who are confused about the refusal of the Court to review *Gee*. We hope it removes some of the stress that it has seemed to cause pro-lifers.

These things should not be discouraging, however. We are carefully moving toward a strategic confrontation with *Roe*. The two cases mentioned here are not seen as obstacles to that effort.

We will keep you informed on this issue as we proceed. Thank you for your prayers and your financial support. With personal regards, I am,

Yours very truly,

A. Eric Johnston