

May 2020

Dear Friends and Supporters,

Throughout history, national emergencies and events such as the coronavirus pandemic, require significant and sometimes severe actions. In an effort to protect our citizens, federal and state governments have taken many protective steps, some of which, however, impinge on constitutional rights. Our April Educational Update addressed the issue of regulating church services. In the coming months, particularly after the pandemic eases its grip, we will see how many of those restrictions will be rolled back and whether there are unconstitutional restrictions that may remain in place requiring action.

Another facet of the pandemic has been the slow down of the economy resulting in the loss of revenues. In an effort to stimulate the economy and provide for citizens, the federal government approved the CARES Act, which included two financial programs which would provide aid to persons and entities to get over the financial hump. Included in the potential recipients for those funds are churches. This month's Educational Update addresses potential problems for the church receiving support from the government. It has been a very difficult decision for churches to face, some feeling they had no alternative. However, the repercussions for accepting those funds, while now unknown and perhaps not egregious, could be substantial in the future.

On March 19, 2020, the state health officer and Governor issued an order that all but essential services should be closed down. On March 25, 2020, the state health officer determined that elective abortions were essential services. We immediately wrote the Governor and the state health office informing them elective abortions did not fit that category and should be permitted only for the life or health of the mother, or if the pregnancy was approaching the post-viable time when abortions would be prohibited. Subsequently, the state health officer amended his position and prohibited the elective abortions. The ACLU filed a lawsuit. The federal court upheld the right to abortion, which was then appealed to the Eleventh Circuit, which affirmed the order. If there existed a proper physician/patient relationship, this would not be an issue and physicians could determine when abortions should be done without routinely performing them early in the pregnancy. The issue became moot on April 27, 2020 when Governor Ivey lifted her order that did not allow elective surgeries.

Thank you for your continuing support during this difficult time. As you can see, the work for religious freedom, sanctity of life and other constitutional issues does not "shelter in place" until the pandemic is over.

Yours very truly,

A. Eric Johnston