

September 2020

Dear Friends and Supporters,

This month's Educational Update continues our analysis of recent SCOTUS cases. This month we review the court's expanding the religious exemption in employment for teachers, as well as, ministers. Based on this, we have been assisting churches in developing employment policies which will, hopefully, protect them against some discrimination claims.

Last month's Educational Update warned that the SCOTUS expanded definition of "sex" (including sexual orientation and gender identity) in employment law would be extended to other laws. On August 26, the Fourth Circuit Court of Appeals applied that new definition in Title IX cases (a federal law requiring equal treatment of sexes in public education) requiring transgender use of restrooms in Virginia public schools. There will be more than one shoe to drop.

The pandemic and the opening of church schools and day cares has presented some unique problems for us. We have been providing advice on a general basis available to all at no charge. Sometimes, unique questions go beyond what we provide as a non profit organization and we refer those to participating attorneys for private advice.

Many persons are concerned with encroachment on our constitutional liberties such as requirements to wear face masks, future vaccinations, contact tracing, and other measures to deal with the pandemic. There is a fine line between protecting one's individual liberties, while appropriately responding to the health care crisis. We have tried to advise, while suggesting options depending on one's personal choice.

The Planned Parenthood abortion facility has opened in Birmingham. To our knowledge it is not yet doing surgical abortions, but may be doing telemed abortions (prescribing abortifacients over the telephone) in violation of Alabama's Womens Health and Safety Act. While a recent court ruling suspended the FDA's in person examination requirement due to the pandemic, this does not affect Alabama's laws. The Trump administration, consistent with its support of unborn life, has asked SCOTUS to reimpose the FDA regulations. We are doing research for those investigating this.

Thank you for your continuing support. With personal regard, I am,

Yours very truly,

A. Eric Johnston