

AN EDUCATIONAL UPDATE FROM THE SOUTHEAST LAW INSTITUTE™, INC.

To: Interested Persons
Date: December 2024
From: A. Eric Johnston
RE: The Right to Life and the New Year

Southeast Law Institute has been honored to work with the prolife community defending life. Since the 1980's, we have provided legal assistance on many sanctity of life related issues. Until the SCOTUS *Dobbs* decision in 2022 overruling the abortion rights given under *Roe v. Wade*, there was litigation over how much regulation SCOTUS would allow. The focus was on drafting laws and regulations that would decrease the number of abortions and provide women better healthcare within the strictures that SCOTUS had made. Alabama passed about a dozen regulatory laws, but then in 2019 passed the Alabama Human Life Protection Act prohibiting abortion. *Dobbs* let it go into force. Since then, the issue remains the same, the protection of unborn human life, but the needs and challenges are different.

You may know that hundreds of millions of dollars were just spent in this last general election on the abortion issue. By far most of that money came from the pro-abortion lobby and industry seeking to neutralize the effects of the *Dobbs* decision. *Dobbs* returned the issue to the states and many states moved to restrict and prohibit abortion. The pro-abortionists are interested in keeping that from happening and participated in a significant way in the election. As it turned out, abortion was not the all-important issue as the Democrats charged. But we should not underestimate their tenacity, and it remains a very important and well-funded issue for the left.

We are grateful for the American electorate's rebuffing those efforts. We believe the polls that most Americans would favor some measure of abortion. That means the prolife community must continue an educational effort to have everyone recognize the unborn child is a person.

With the election of President-Elect Donald Trump, there is a pleasant uncertainty, rather than the unpleasant certainty of the Biden-Harris years. The uncertainty to some extent is because of the Republican's party weakening its prolife platform plank. For the first time since a prolife plank was in that platform, it was weakened. Trump campaigned on the basis that the issue should remain with the states. That is essentially what is happening. However, with Republicans in control of the Presidency and the Congress, there could be efforts to federalize abortion regulation. We must be vigilant.

We are hopeful that issues like the FDA trying to send abortifacients into every state will be stopped. See the SLI July 2024 Educational Update. At the same time, we must address the mail order drugs from other countries and from states like California and Massachusetts that have "shield laws," meaning they will not extradite people there who send abortifacients into Alabama in violation of our law. The Alabama Prolife Coalition had a bill ready for addressing this issue last session. It would have provided mechanisms to restrict internet transactions and purchases for the drugs. See the January 2024 Educational Update.

That bill was due to be filed and considered by the Alabama Legislature, but the gambling issue and the intervening Alabama Supreme Court IVF decision sucked all of the air out of the session, so a reasonable consideration was not possible. This coming session, the Alabama Prolife Coalition plans to introduce the drug bill. At the same time, IVF regulation must be addressed. See our April 2024 Educational Update. These issues are not mutually exclusive. Both implicate the protection of life.

When the Alabama Legislature passed stop gap legislation giving IVF clinics total immunity for civil and criminal liability, there were caustic comments from a group or person accusing the Alabama Legislature of not being prolife. Leadership was offended. Leadership must recognize, however, that the IVF measure was only stop gap. Reasonable regulation of that process is necessary. We do not oppose IVF, but no one is above the law. We hope the Legislature will pass meaningful IVF regulation.

We are hopeful the Alabama Legislature will continue to be a prolife leader. It will have an opportunity in the coming Session to once again protect life this year. SLI is available to provide legal explanation and assistance without charge.

Visit the SLI website, www.SoutheastLawInstitute.org, for links to the articles mentioned above.

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