

# SOUTHEAST LAW INSTITUTE™

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April, 2001

Dear SLI Supporter:

One of the most important things SLI does is to provide legal assistance to legislators on important issues. SLI is not a lobbying organization and therefore we do not engage in lobbying. However, before a bill is presented to the legislature for consideration, much legal work has to be done. There is research, sometimes long hours of it, into the legalities of an issue and more hours are spent framing the language of a bill in order to best capture its intent.

Of course, legal assistance is available to Alabama legislators through the Legislative Reference Service (LRS). However, this service does not provide the specialized knowledge about constitutional issues relating to sanctity of life, religious freedom, family rights, and similar matters. This is where SLI stands in the gap, making sure the constitutional process is upheld as it pertains to these and other issues.

If we can provide assistance in the initial drafting of good, sound and constitutional laws, it will go a long way toward preventing lawsuits. If you have ever been involved in a lawsuit, either as plaintiff or defendant, you know the stress, frustration, expense and hurt that often accompanies the process. Good laws reduce problems and free us to concentrate on other important things in life.

In Alabama, we are fortunate to have many good legislators who introduce morals related legislation each year. This month's legislative update highlights two such bills. Last month's update focused on Senator George Callahan's and Representative Greg Wren's "Historic Documents Act". SLI has been actively involved in each of those issues. We have also given several opinions on gambling and related issues and even drafted a bill which would amend the Alabama Constitution to prohibit various forms of gambling.

You can play a vital role too. Here's how. As a citizen, you have the right to expect your legislator to pass good laws which preserve a free and just society thereby making our lives better and easier. You can participate in the political process by contacting your elected officials and expressing your needs, support, and expectations on these and other issues which you consider important. Next to voting, your most important patriotic duties is to follow up with the officials you have elected to be sure they are doing the job you expect. Just clip and save the attached reference card to help you get in touch with them.

If you know someone who is in need of help with a religious freedom, sanctity of life, family, education, health, or other related matter, please refer them to us. Remember, we do not charge for our services. It is your financial contributions that make it all possible, and as always, we want to thank you for your ongoing support of our efforts.

With warmest regards, I am,

Yours Very Truly,

A. Eric Johnston

## LEGISLATIVE CONTACTS

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**A LEGISLATIVE MEMO FROM  
THE SOUTHEAST LAW INSTITUTE**

**To: Southeast Law Institute Supporters**  
**From: A. Eric Johnston**  
**Date: April, 2001**  
**Re: The 2001 Legislative Session: Addressing The Pro-Life Spectrum From Beginning To End**

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**INTRODUCTION**

The Alabama Pro-Life Coalition (APLC) has again this year introduced two important legislative bills. The first bill is the Woman's Right To Know Act which addresses the abortion issue. The other bill is the Prohibition of Assisted Suicide Act which addresses some end-of-life issues. These are the same bills that have been introduced in earlier years. APLC chose these bills as being the most important ones for addressing life issues. There are many possibilities for regulating abortion and other life issues, but legislative processes are difficult and getting any legislation is not always possible.

**WOMAN'S RIGHT TO KNOW ACT**

The Woman's Right to Know Act is patterned on the Pennsylvania law which was held constitutional by the U.S. Supreme Court in *Planned Parenthood v. Casey* (1992). SLI drafted the original version of the bill and has modified it several times in the succeeding years. This Alabama version includes revisions requested by those who have shown opposition to the legislation. The effort is focused on attempting to pass a suitable law that has the lasting effect of improving women's healthcare and protecting the lives of unborn children. This Act has several parts:

- The bill finds that women need to make informed decisions and they do not ordinarily have that opportunity in the abortion clinic environment. There does not exist the usual physician and patient relationship. Since this is such an important decision, a woman should have every opportunity to have necessary medical and psychological information and ask questions.
- The bill requires this information be given at least 24 hours prior to the abortion. Deciding to abort a child should not be a snap decision. In other contexts, a person does not make a decision to have surgery on the same day the surgery is performed.
- Prior to the time the abortion is done, the woman must be told: the name of the physician who will do the abortion; the nature and risks of the abortion method; the probable gestational age of the child and its anatomical characteristics; if the child is viable he may live outside of the womb; an ultrasound may be shown to her and she may not be forced to have the abortion and may withdraw her consent at any time.
- The Health Department will prepare and provide written materials giving objective, non-judgmental and scientific information about the child, medical risks and other matters. All abortion clinics must have ultrasound equipment in order to make the ultrasound available to the woman. Only a physician may perform an abortion. The above information must be given unless there is a medical emergency. That is defined as a condition that threatens death or substantial or irreversible impairment of a major bodily function. This is not diluted health exception supported by most abortion clinics.
- A first offense, violation of the law could mean six (6) months in jail with a third offense becoming a Class C felony with as much as ten (10) years in jail.

States which have similar laws find their abortion rates drop and the quality of healthcare for women increases. That is the goal in Alabama.

*The Southeast Law Institute is a 501(c)(3) organization providing legal counsel on constitutional and public policy issues.*

## **PROHIBITION OF ASSISTED SUICIDE**

At the other end of the life spectrum are persons who are “born” and who because of age, infirmity or disability may be considered candidates for ending their life. In a civilized society, this is not appropriate. The bill provides:

- The legislative intent is to make it a crime to assist someone to commit suicide. We are all familiar with Dr. Kevorkian and his assisting in the ending of the lives of many persons.
- To assist someone to commit suicide is a Class C felony with punishment of up to ten (10) years. It is not a crime for healthcare professionals to administer medication or treatment that may increase the risk of or cause death, unless they intend to cause death. Also, following the directives in a Living Will or Advance Directive for terminating life support under those conditions is not a crime.

The purpose of this legislation is to respect the value of life regardless of the quality. Because some persons may think life is not worth living, they may want to commit suicide. While often times we cannot stop suicide, we certainly do not want to encourage persons to participate in assisting others to commit suicide.

## **CONCLUSION**

SLI is privileged to work on such important bills. We are indebted to Senator “Walking” Wendell Mitchell and Representative Blaine Galliher who are sponsoring the Woman’s Right to Know Act. We are also indebted to Senator Roger Bedford and Representative Perry Hooper for sponsoring the Prohibition of Assisted Suicide Bill. Without these legislators willingness to step forward on these issues it would not be possible to pass laws which are beneficial to our citizens. We are grateful for their commitment.