

SOUTHEAST LAW INSTITUTE™

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Dear SLI Supporter:

This is the first full year of Southeast Law Institute's existence. We are glad to report we were able to continue our RIA work with only a name change. Your support has made this possible.

We cannot tell you enough how valuable your support is. We do it at the end of every year and we want to never neglect to show our gratitude.

Each year we remind you of a few things we accomplished during the year. We gave a fairly extensive summary in our August newsletter. In addition, we are happy to report a pro-life victory (see litigation memo enclosed). As the year wore on, we came to realize that most of our efforts were directed toward helping churches and church schools to deal with efforts of local officials to interfere with or in some way regulate ministry. There was a marked increase of such activity in the last few months:

- The Marshall County Board of Education attempted to regulate church schools.
- The Bibb County Board of Education placed unlawful restrictions on church school students transferring to public schools.
- The Department of Industrial Relations tried to collect unemployment tax from a church school.
- A city attempted to stop a church's building program with a zoning regulation.
- There were numerous home school related problems.

We believe all of these have been favorably resolved, or will be in the near future. In virtually every case we used the Alabama Religious Freedom Amendment (approved by voters in 1998) to protect religious freedom. Also, we have had good relations with and help from state officials and agencies.

All of this is to say that our many years of toil in working on state laws and developing relationships with government decision-makers is paying off. The climate for protecting religious freedom, parental rights, and similar values is substantially different than it was ten years ago. By God's grace we hope to continue our efforts.

We again remind you that it is the end of the year. As with most non-profit organizations, a substantial part of our budget is due and we need to make it up at this time. Please make your tax deductible contribution to SLI before December 31, 2000. Remember, we are private practice attorneys who give part of our time to provide these services without charge.

We hope this month's educational memo is of value to you. We hope you enjoy this wonderful season. With our sincerest regards, we are,

Yours Very Truly,

Yours Very Truly,

A. ERIC JOHNSTON

HARRY O. YATES

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

To: SLI Supporters
From: A. Eric Johnston
Date: Christmas, 2000
Re: "God Is Too Big For Just One Religion"

The title of this month's memo was recently seen on a bumper sticker. Democratic vice-presidential candidate Joe Lieberman spoke of "God" in the sense of a generic and tolerant being. However, for presidential candidate George W. Bush to speak of Jesus Christ as God carried a singular intolerance. The bumper sticker supports the idea that we can find God in many ways as suggested by Senator Lieberman, but we should not look for him in singular ways as suggested by presidential candidate Bush.

Being this is the end of the year, the end of this millennium, it is a good time to make a national assessment. Also, since we are approaching the first year in the beginning of the third millennium from the birth of Christ, it is a good time to make a personal assessment.

SLI gives 100% support to religious freedom and rights of all religions. At the same time, we believe Christianity is the true religion and Jesus Christ is the Messiah. As Christians, we have a right to believe that and we have a right to insist upon following the teachings of Christ. Others have their beliefs which they may insist upon. To insist upon one's belief is not intolerance, it is a statement of right. It is improper to be intolerant of the individual's right to insist upon his religion. Yet, because Christianity insists upon Christ as the Messiah, it is deemed intolerant. The secularization of religion is beginning to show. Generic religion is okay, but reference to particular religion is not. Most of our cases and those of organizations like us deal with discrimination against Christians. That is intolerance of Christianity and not *vice versa*.

Yet, Christians have actually become quite tolerant. Looking back over the last year what do we see as the major moral events in our nation: (1) approval of infanticide by the U.S. Supreme Court by finding unconstitutional the partial birth abortion ban; (2) the U.S. Supreme Court's finding student prayer at a public high school game to be unconstitutional; (3) the approval of the "abortion at home" abortifacient RU-486 by the Food and Drug Administration; (4) the approval of "stem cell research" by the National Institutes of Health which would permit use of fetal tissue for research and to treat diseases of born persons.

Also, this year was the "Millennium World Peace Summit of Religious and Spiritual Leaders" at the United Nations. There were one-thousand participants from seventy world faiths, but with little evangelical representation. Richard Cizik of the National Association of Evangelicals remarked that "it felt a little like the circumstances of Daniel, pluralist theologically (each of his own god," Daniel 1:2) and monolithic in its opposition to true biblical faith (Daniel 3:6)." Ted Turner spoke of Christianity as "very intolerant" and Joan Brown Campbell (formally

with the National Council of Churches), purporting to be a Christian, stated that “proselytizing must be renounced”.

These are only a few, though perhaps among the most important of moral events. These are end results and not isolated events. Are Christians and other persons with traditional values tolerant of these moral events? Are we to merely tolerate and be tolerated? The national assessment is poor. How is your personal assessment? Have you carried out God’s instructions to help widows and orphans and carry Christ’s message of hope to the world?

Christmas is a season of hope. Christ’s birth was the hope of the world. Two thousand years later we still have that hope. Our culture of 224 years (officially counting) shows great strain. Join with us to pray for the future and for SLI’s efforts to be light and salt in the legal and political arenas. While we wish to be appropriately tolerant of the rights of others and permit them to believe as they wish, we must not permit ourselves to be tolerant of laws and actions which rob us of our spiritual and cultural heritage. We believe in a certain truth and a certain set of values which compel us to protect our God given rights and the value of all human life.

**A LITIGATION UPDATE FROM
THE SOUTHEAST LAW INSTITUTE, INC.**

To: SLI Supporters
From: A. Eric Johnston

Date: December, 2000
Re: The Post-Viability Abortion Ban is Enforceable in Alabama

In 1997 SLI was responsible for drafting and providing legal assistance in the legislature for Alabama’s Post-Viability Abortion Ban Law and the “Partial-Birth Abortion” Ban laws. Both were signed into law. Recent court action has resulted in the former being enforceable in Alabama, but not the latter.

The recent U.S. Supreme Court decision in *Stenberg v. Carhart* held that Partial-Birth Abortion Ban laws are unconstitutional, though they may be saved by having a very broad health exception. Such a health exception might include even the “psychological” health of the woman. We do not see this as necessary or appropriate for these laws. Such an exception would make the law unenforceable. Knowing this, we did not include health exceptions in our law on the basis that 600 fetal and maternal physicians and experts said the procedure was never medically necessary. Nevertheless, the “left-leaning” Supreme Court found a way to authorize this procedure which is actually “infanticide”.

Although *Roe v. Wade* legalized abortion on demand, its dicta recognized the state had an increasing interest in the life of the unborn child over the term of the pregnancy, particularly when the child might live outside the womb, i.e., at viability. Though it has been difficult to establish states’ rights to regulate abortion, we have always felt a Post-Viability Abortion Ban law should be constitutional and enforceable.

The Post-Viability and Partial-Birth Abortion Ban laws were passed at the same time. While we thought the latter would do very little to stop abortions, it would serve as a good educational tool. However, the former, would be a recognition of the personhood of the unborn child and would be a significant step in the direction of even better education of the public, the legislature and the courts of the importance of protecting unborn life.

Shortly after these laws were passed by the Alabama Legislature and signed into law by the Governor, the New York pro-abortion group, The Center for Reproductive Law & Policy filed a lawsuit in the federal court to enjoin both as being unconstitutional. While *Stenberg v. Carhart* has resulted in the unenforceability of the Partial-Birth Abortion Ban law, the Post-Viability Abortion Ban law is constitutional and not affected by that court decision. On October 31, 2000 the Plaintiffs in the Alabama lawsuit agreed to dismiss their lawsuit against the Post-Viability Abortion Ban law. It will now be enforceable in Alabama. It is up to the various district attorneys and the Attorney General to oversee this enforcement. It is up to citizens and patients to report any knowledge about infanticide that will permit criminal prosecutions against those who would kill babies who are otherwise capable of living outside of the womb.

The Alabama Post-Viability Abortion Ban law requires that a medical test for viability be performed after the nineteenth week of pregnancy. It contains an appropriate health definition that permits the abortion to be performed only if it would prevent the mother's death or "a substantial and irreversible impairment of a major bodily function." It is a carefully written law to not only protect the lives of viable unborn children, but to avoid any loopholes which would permit abortionists to get away with murder.

Your support of SLI was important to the passage of this law and ultimately to its enforceability. We are very glad to report this victory to you and it is a wonderful conclusion to a very good year.