

# SOUTHEAST LAW INSTITUTE™

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Dear SLI Supporter:

Christmas! What a wonderful holiday. The undercurrent of excitement, the busyness, the food, the celebrations of faith, the gatherings of family and friends, the sheer pain and pleasure of the season make us more mindful of all for which we give thanks. It is usually this time of year in which we here at SLI think about and report on what we have been able to accomplish over the past year and the good we have done. This year, however, our reflections give way first of all to the men and women who are away at war and the threat of danger here at home. This year, more than ever, we are ALL challenged to re-think our commitments and values and find ways to put our faith to work.

We are pleased to take this opportunity to report that SLI has had a productive year. This month's educational memo recaps our many activities and the things we have been able to accomplish with your support. We are hoping the report will help you see how even small efforts can sometimes make a big difference and how God blesses His people's efforts in the affairs of church and state.

We are always mindful of the simple truth that SLI would not exist without your financial and prayer support. As a legal services organization all of our work is done by attorneys, either through court cases, or in the public sector dealing with legislative or executive issues. Very little goes to pay actual attorney fees and even then fees are extremely reduced. In fact, although it varies from year to year, generally less than 10% of SLI's expenditures are for attorney's fees. We do not charge anyone for our legal services. As you can see, your generous participation with us is a necessary ingredient in all that we do.

In addition to thanks for your prayers and financial support, we would want to give thanks to our two volunteers. In particular, we give thanks to Ms. Terry Cantrell for help in editing our monthly newsletter. Terry takes the "lawyer language" and expresses the thoughts so they make more sense; also, to Jennifer Johnston who does the bookkeeping.

After you read the educational memo please take a few moments to reflect on the importance of our calling and the work we do in pursuing that call. Please prayerfully consider whether it might be your calling to make a generous year-end contribution. With your renewed assistance, we will begin the new year with our work in the Alabama Legislature and will be prepared to help those who come to us for assistance.

With best wishes for a Blessed Christmas and a Happy New Year, we are,

The Southeast Law Institute,

AEJ/dcw

A. Eric Johnston

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

<b>To:</b>	<b>SLI Supporters</b>	<b>Date:</b>	<b>December, 2001</b>
<b>From:</b>	<b>A. Eric Johnston</b>	<b>Re:</b>	<b>End of Year Report</b>

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The Southeast Law Institute (SLI) provides free legal assistance to persons and organizations, such as schools and churches, on issues in its priority areas. Those areas include religious and speech rights, sanctity of life, parental rights, and a variety of moral issues in the courts and in public policy, whether legislative or executive. This month's memo is a brief overview of some of our activities during the past year. In order to protect clients' privacy, names of individuals are not generally used in our reports.

**Religious Freedom**

This year we saw an eight year legislative and court battle come to a good ending. In 1993, SLI drafted an Alabama statute, § 16-1-20.3, which recognized the **constitutional rights of students** to pray and engage in religious speech on public school premises. That statute resulted in a lawsuit in 1996, *Chandler v. James*, which attacked student religious activity in public schools. A devastating decision in the trial court virtually obliterated religious freedom in Alabama public schools, however, the Eleventh Circuit Court of Appeals, with the blessing of the U. S. Supreme Court, entered a final order clearly stating that students are entitled to religious freedom, even in public schools. An SLI attorney represented Governor James on the issues that laid the foundation for this ruling. This ruling will now be used as precedent to oppose further attempts which the ACLU or others may make to restrict students' religious freedom.

One of the main areas where we have seen attacks on religious freedom has been through attempts to regulate **church daycares**. This year's attacks included an attempt to improperly regulate through criminal background checks of teachers at church daycares and a lawsuit seeking to find unconstitutional the exemptions church daycares enjoy as a result of our religious freedom. SLI was able to amend a proposed Alabama law, but the entire bill failed. Although we have not heard from the court on the other issue, we believe there will be a favorable ruling, which should end that case. We do not expect there to be more court action, but we certainly expect additional legislative action. We believe there is a well planned and concerted effort to diminish the protection for church daycares.

On a related issue, we are monitoring state school board efforts to remove methods of **accreditation used by some church schools**. The board has determined that only accreditation by the Southern Association of Colleges and Schools be applicable. Many church schools use other accreditation standards. There is great potential for harm. The issue will carry well into next year.

Earlier in the year, we concluded a case of **religious discrimination**. A lady employed by a local bank had been discriminated against because of her enjoyment of christian music and witnessing at her place of employment, though neither of the activities interfered with any work policy or the rights of other persons. The lady had been terminated and while she did not seek reinstatement, she obtained a satisfactory monetary settlement.

### **Sanctity of Life**

We began the year with obtaining an opinion from Attorney General Bill Pryor that the abortifacient, **RU-486**, is an abortion procedure covered by the Alabama Parental Consent Law. In other words, if an abortion clinic provides the drug to a minor girl, it must have parental consent. This is a significant and important determination since science is moving us in the direction of non-surgical abortions. SLI prepared the question on behalf of state Senator Albert Lipscomb.

Speaking of parental consent, the anti-life forces initiated attacks against **Alabama's Parental Consent for Abortion Law**. We participated in debates with attorneys who advocated doing away with the parental consent law altogether. SLI has provided draft legislation for several years to strengthen the parental consent law and after these recent attacks, it appears those amendments are more important than ever.

Alabama amended its **Advance Directive for Healthcare (living will) law** in May 2001. You will recall there was a five-year struggle through the legislature and in court to come up with a law that would not diminish life expectations for the elderly, disabled, and infirm. The first version of the law was somewhat complicated in order to address all of the divergent interests. However, after several years of experience, with a genuine good faith effort by all parties, SLI participated in a process resulting in simplifying the law while continuing to protect life interests.

One court case arose during the year involving an **end of life issue**. SLI provided significant research and assistance to the attorneys in the case. Though it was not a precedent setting case, it was a part of our continuing effort to be present and available to all who need our assistance and without charge.

The federal funding of **stem cell research** was one of the first major issues in George W. Bush's first year in office. SLI researched and prepared a position paper filed on behalf of the Alabama Pro-Life Coalition, Inc. and all of its member organizations. This document was submitted to President Bush and to elected federal representatives. It made persuasive arguments, some of which may have had an impact, though we were dissatisfied with the President's final decision. We believe his decision leaves the door open for re-visiting this very divisive and troubling issue.

SLI provided assistance to several groups for the new "**Choose Life**" vanity car tags. These should be available for order in the near future and will be a traveling billboard for protecting the unborn.

### **Other Issues**

Like in the decade preceding, **legislative bills to expand gambling** in Alabama were filed, some extremely misleading. In particular, one bill was touted as exactly what was needed to rid the state of the video gambling machines which were springing up in convenience stores, arcades, and just about everywhere. The deceit of that bill was revealed and it failed. Concurrently, SLI assisted in the drafting of a bill for Representative Arthur Payne that would have genuinely rid the state of video gambling. After a great deal of debate, legal opinions, and negotiations, that bill also failed. SLI fully expects the gambling interests to return next year with similar efforts.

SLI was able to complete an important case affecting parental rights. **Parental rights** are particularly important in the selection of types of education for their children. These rights are inherent in issues like the accreditation discussed above. Many parents choose religious based or private schools instead of public ones. That right must be real. One way it is diminished is by public school officials refusing to accept students transferring from non-public or unaccredited schools at proper grade level. In this particular case, Bibb County would not accept grade reports and test scores from a local Christian school, but required transferring students to take all of the semester's preceding tests without appropriate study materials. The school board had not adopted the applicable state law that SLI was instrumental in writing in 1997. A federal court lawsuit was filed which resulted in the school board adopting the appropriate regulation and accepting the students who wanted to transfer based on their prior records and without penalty. We admire and praise those parents who stood up for their rights.

Every six years the **Science Course of Study for Alabama public schools** comes up for renewal. The bias is toward evolution in the books. Other explanations of origin are omitted. In 1996 and in 2001, SLI provided legal assistance in the preparation and inclusion of an "insert" in the front of each student's book. This year's insert will encourage further inquiry by students and they will have a better understanding of who they are.

In August and September of this year, we experienced more activity on **school related questions** than in any year in the past. They included transfer questions, parental rights, home school issues, religious exercise issues and many variations of those. SLI was pleased to offer free advice to all of those persons and, to our knowledge, there resulted no litigation or penalty to students.

### **Conclusion**

SLI is not concerned with making headlines in every case. We want to set good precedent. But, we are more concerned with helping those who need help. We are able to do so without charge to those persons because of the tax-deductible contributions given by individuals and churches. We look forward to a productive and rewarding 2002.