

# SOUTHEAST LAW INSTITUTE™

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February 2003

Dear SLI Supporter:

Quite a bit of attention has been given to the anniversary of the *Roe v. Wade* court decision which legalized abortion-on-demand. This month's educational memo is a brief historical reminder of what happened and where we are. One of the main objectives of SLI is the protection of innocent life, whether it is the unborn, the handicapped, or the elderly.

We began this year with a great deal of encouragement with the expectation of being able to accomplish many good things. In our January Educational Update we gave a brief analysis of national and local elections. Some of our worst fears have materialized, but we still have reason to be encouraged.

Senator Barron was elected to the position of President pro-tem of the Alabama Senate. New rules have concentrated in Senator Barron more power the Senator has ever had. Lieutenant Governor Lucy Baxley has effectively even less power or control than former Lieutenant Governor Steve Windom. Governor Riley made an effort to establish a conservative coalition with which to administer the Senate, but he was not successful. Our hope and prayer is that the relationship between Governor Riley and Senator Barron can be mended and they can establish a working relationship. Realistically, that will be extremely difficult.

At the same time, those who attended the inauguration and related activities saw a lot of reason to rejoice. The recurring theme of Governor Riley's inaugural events was "there is a new day in Alabama". We believe Governor Riley brings the state significant Judeo-Christian values. We believe he will establish these values in his executive orders and legislative efforts. Alabama family groups look forward to working with him on a multitude of issues.

We see very many opportunities. However, without adequate funding, we are not able to do everything we can. If SLI had the funding, I could work full-time as well as pay other attorneys to accomplish many needed things. Someday, we hope to reach that goal.

One of our most immediate needs is for a car for travel to Montgomery during the legislative session (February through July). Either contribution of a car to the ministry, or just part-time use would be helpful and is tax-deductible. The car need meet no other particular requirement other than being serviceable, safe and roadworthy. Please call me if you can help.

We appreciate your financial gifts and what it enables us to do. Please put us on your support list this year. We are always grateful for your support.

Yours Very Truly,

A. Eric Johnston

AEJ/mc

**AN EDUCATIONAL UPDATE FROM**

## THE SOUTHEAST LAW INSTITUTE™, INC.

**To:** SLI Supporters  
**Date:** February 2003  
**From:** A. Eric Johnston  
**Re:** *Roe v. Wade; The Thirtieth Anniversary*

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### Introduction

The case of *Roe v. Wade*, 410 U.S. 113 was decided by the United States Supreme Court on January 22, 1973. I am dedicating this month's educational update to that thirtieth anniversary. As I think about what to say, I do so with a heavy heart knowing that thirty years has elapsed since abortion-on-demand was made legal in the United States and there have been lost approximately forty-five million lives. In 1983 President Ronald Reagan wrote *Abortion and the Conscience of the Nation*. He began his book saying:

*"The tenth anniversary of the Supreme Court decision in Roe v. Wade is a good time for us to pause and reflect. Our nationwide policy on abortion-on-demand for all nine months of pregnancy was neither voted for by our people nor enacted by our legislatures - not a single state had such unrestricted abortions before the Supreme Court decreed to be the national policy in 1973. But the consequences of this judicial decision are now obvious: Since 1973, more than fifteen million unborn children have had their lives snuffed out by legalized abortions. That is over ten times the number of Americans lost in all our nation's wars. Make no mistake, abortion-on-demand is not a right granted by the Constitution. No serious scholar, including one disposed to agree with the Court's result, has argued that the framers of the Constitution intended to create such a right."*

What President Reagan said twenty years ago has not changed. Notwithstanding continuous and valiant efforts to change this heinous court ruling, abortion-on-demand remains the law in the United States today.

### Other Supreme Court Decisions

Following *Roe v. Wade* there were efforts by state legislators to restore laws against abortion. In Alabama, Section 13A-13-7, *Alabama Code*, first enacted a prohibition against abortion in 1852. Public policy never changed that, but *Roe v. Wade* did. The strategy to reverse *Roe v. Wade* was expected to take twenty years.

Slowly, an effort to reverse *Roe v. Wade* began to materialize. The Supreme Court would provide some protection for the unborn: only doctors would be permitted to do abortions; abortion could be prohibited after viability (that is the child can live outside the womb); Medicaid funds could not be used for abortion; parental consent would be necessary for abortion; the women should be given information upon which to make an informed decision. However, these cases did little to stop the liberal application of laws continuing to

permit abortion-on-demand. Finally, in 1989 *Webster v. Reproductive Health Services*, 492 U.S. 490 recognized the right of a state to make a value judgment concerning abortion and seemed to lay the groundwork for reversing *Roe v. Wade*.

The strategy in these cases was documented in the book *Abortion and the Constitution, Reversing Roe v. Wade Through the Courts*, Georgetown University Press, Washington, D.C. 1987. It seemed that the twenty year strategy to reverse *Roe v. Wade* was on track. Pennsylvania had a very extensive regulatory statute requiring informed consent providing other protections to the unborn, and it was headed to the Supreme Court. Arguments were prepared and the hope was *Planned Parenthood v. Casey*, 505 U.S. 833(1992) would reverse *Roe v. Wade*. The decision was handed down, it upheld the regulatory requirements (those upon which the recent Alabama Women's Right to Know Act were based), but reaffirmed the so-called "right to abortion". The twentieth anniversary was a sad one.

### **The Present**

Since the *Casey* decision, efforts have focused on restricting abortions, rather than prohibiting it. Efforts to pass a constitutional amendment recognizing the person of the unborn child have failed and lost momentum. The makeup of the United States Supreme Court to this date does not suggest the probability of reversing *Roe v. Wade*.

Efforts have turned towards laws like the "Partial Birth Abortion Ban". This ban would prohibit a particularly gruesome method of abortion (extracting the body of the living child, aspirating the brains, crushing the skull, and extracting it) and stop the traffic in baby body parts (the reason for this type of procedure). It was hoped this law would cause people to recognize the humanity of the unborn and renew the debate. Some state bans passed but were held unconstitutional by the Supreme Court. Alabama's law was among those. A federal ban has not yet passed, though it is expected to in the 2003 Congress.

Alabama has passed four regulatory laws: a parental consent law, partial birth abortion ban, post-viability abortion ban, and the Women's Right to Know Act. The Parental consent law requires at least one parent to give consent for a girl under eighteen to have an abortion, although the girl can get permission from a judge (judicial by-pass). This law is in dire need of updating and strengthening. The post-viability ban law is in effect and deters late-term abortions.

The Women's Right To Know Act is being litigated in federal court, but there is a very good chance it will be substantially enforceable. It has compelling information, including beautiful photographs of the unborn child, which should deter many abortions and provide a high standard of health care to women. There has been a decrease in Alabama abortions which we believe is due to these laws. However, they are not enough.

## **The Future**

Ronald Reagan said in his book "I am concerned that there is no outcry". If that was ten years ago, it is three times as true today. Recently, on Sanctity of Life Sunday in a large church, the congregation was urged to become involved. A sign up sheet for the Alabama Pro Life Coalition, Inc. was provided. Only eight people signed up.

Perhaps, the call is not clear enough. Perhaps, we have grown accustomed to the idea that abortion-on-demand is appropriate and even necessary. Perhaps, a new generation of adults have lived with it all their lives and do not recognize the inherent evil.

The thirtieth anniversary of *Roe v. Wade* is certainly a time to "pause and reflect". This is a time for a "public outcry". The Alabama Pro-Life Coalition, Inc. will make a concerted effort this year to renew its effort to support legislation to regulate abortion in Alabama in every way it possibly can. However, it cannot be done without a public outcry. Ultimately, the battle will be won in the hearts of men. Prayer is the first step and a continuing process. Second, we must take the fight to the enemy. We must realize the unborn child is a person who deserves a chance to live. To deny that, even by our inaction, is a denial of God. "The sanctity of life is, of course, a religious or transcendental concept, it has no meaning otherwise; if there is no God, life cannot have sanctity" - Malcolm Muggeridge.

SLI commits to keep you updated this year. Will you commit to do all you can do to demonstrate you believe in God and that God believes in the sanctity of life?