

# SOUTHEAST LAW INSTITUTE™

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Dear SLI Supporter:

This month we have the most extraordinary good news to report. Although you have probably heard about it, the Woman's Right to Know bill has now become law that will soon go into effect. This month's educational memo gives an explanation of what happened.

In addition to this, other legislative results are that the proposal amendment to add "sexual orientation" to Alabama's "Hate Crimes Law" did not pass. Unfortunately, the "Historic Documents Act" (requiring postings of the Ten Commandments, Magna Carta, Declaration of Independence and Bill of Rights) died in the House after having passed all committees and the Senate.

With the conclusion of the legislative session, we will now turn to other matters, which have come to us. Since it is an election year, it is doubtful there will be a "special session" of the legislature to deal with any issue. There was some talk of having a special session to deal with the issue of whether Alabama needs a new constitution. I believe it is safe to say that legislators are not interested in that issue and hopefully we will avoid a special session. We should however, keep informed and on top of the constitution issue. If you need information please call or email.

SLI is always blessed to be a part of the legislative process. As a 501(c)(3) organization, we do not lobby. However, our expertise on constitutional issues involving religion, sanctity of life, parental rights, education issues, and related matters is very important for drafting legislative bills and providing testimony and assistance to legislators and officials.

At the same time, while the legislative sessions absorb a good deal of time, we continue our other efforts to represent individuals, churches and others who have problems. One of the problems we will turn to immediately is the issue of teacher background checks. Some teachers are also daycare workers. There are separate laws for each. When we assisted in the drafting of these laws, we included provisions that only one background check is necessary. However, these people are being required to have both checks. This is expensive and burdensome to church schools and church daycares.

Thank you very much for your continuing support. We are approaching the summer which means contributions will fall. Please keep this in mind and do not forget us. Please recommend us to your friends. We will be glad to add to our mailing list. If you have any comments or criticisms, never hesitate to let us know.

Yours Very Truly,

A. Eric Johnston

AEJ/klw

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

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

**To: SLI Supporters**  
**From: A. Eric Johnston**  
**Date: May 2002**  
**Re: The Woman's Right to Know : Law at Last**

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### **When It Began**

In 1989, the Alabama Pro-Life Coalition, Inc. (APLC) was formed to support legislation that would prohibit or regulate abortion. A U.S. Supreme Court opinion opened the door for regulation and, perhaps, prohibition. In response, APLC asked us to draft legislation that would take advantage of the court ruling. That legislation was first introduced in 1990, and it included the basis for the Women's Right to Know bill.

In 1992, the U.S. Supreme Court decided the case of *Planned Parenthood v. Casey*, which indicated that abortion could not be prohibited, but upheld the constitutionality of an informed consent law. That law was very similar to the Woman's Right to Know bill APLC had introduced. We made minor adjustments to the bill and it was re-introduced in 1993 as the Woman's Right to Know bill. Since then, minor adjustments were made to reflect questions raised by different organizations and elected officials. For the last three or four years, the bill remained basically unchanged.

### **The Legislative Process**

During the first years the bill was introduced, it passed the Alabama House without problem. However, it did not ever pass the Alabama Senate. The problem was that the bill was always assigned to the Senate Judiciary Committee, which was evenly divided in its votes on the bill. Consequently, it never got out of committee.

When the Senate was reorganized after the last election, a unique leadership process was instituted. Lt. Gov. Steve Windom, a supporter of the bill, could not assign it to just any committee. If the President Pro Tem, Senator Lowell Barron, disagreed with Lt. Gov. Windom's assignment, the bill would then go to the Rules Committee for assignment. Also, the Senate Judiciary Committee had been reconstituted under the leadership of Senator Roger Smitherman. The bill was always reassigned by the Rules Committee to the Judiciary Committee where Senator Smitherman even refused to bring the bill up for consideration by the Committee. There were sufficient votes on that Committee during those years to have voted it out. However, Senator Smitherman's refusal to permit the vote acted to defeat the bill year after year.

During that time, the House leadership said they would not waste any more time on passing the bill until the Senate had done so. For several years APLC struggled under those constraints. During this time, SLI continued to address concerns, make minor adjustments and modifications required by special interest groups, while at the same time, preserving the strength of the bill.

During this 2002 Regular Session, the Senate sponsor of the bill was Senator Phil Poole. By a series of circumstances that could only have been God ordained, the bill actually came to pass in the Senate. First, Senator Barron did not notice the content of the bill when it was given to him for assignment and he let it go to Senator Poole's Committee, the committee chosen by Lt. Gov. Windom. The bill passed out of Senator Poole's Committee without debate.

The next step was so crucial and important. Would the Rules Committee permit the bill to come up for a vote in the Senate? Although Rules Committee Chairman, Senator Jim Pruitt, had promised to put the bill on the senate calendar for a vote (which is the job of the Rules Committee) if supporters had enough votes to cut off debate (cloture), there was great pressure not to put the bill on the calendar. However, with the very strong leadership of Senators Tom Butler, Bobby Denton, and others, the bill was placed No. 1 on the calendar. It was then brought to the floor for debate and additional Senators Bill Armistead, Steve French and others, took to the floor and the bill was passed by the Senate.

Once that was done, Speaker Seth Hammet kept his promise to bring the bill to the floor of the House and with the leadership of Representative Mary Sue McClurkin and the support of Representatives Blaine Galliher and

others, the bill passed. Governor Don Siegelman kept his promise to APLC that he would sign the bill into law, which he did on April 17, 2002.

### **The Women's Right to Know Law**

The Women's Right to Know Law will go into effect 180 days from the Governor's signature. This will give the Health Department an opportunity to prepare the written materials the law requires. These materials will give women the necessary informed consent upon which to make the important decision of whether to have an abortion and will increase the standard of health care for them. This will result in many lives saved and a decrease in injuries to women and in their living with the terrible consequences of bad and uninformed decisions. SLI has asked to assist in the development of those materials. If any lawsuit is filed, we believe the law will be found constitutional.

### **Conclusion and Acknowledgment**

This is the conclusion of the battle for APLC. While many of the constituent groups of APLC participated, there were two men who deserve the acknowledgment and praise for their efforts. Senator Albert Lipscomb first joined the Alabama Senate in 1990 and was "the stalwart supporter of pro-life legislation". He never wavered and he was with us until the end. In fact, this is his last year since he is retiring from the Alabama Legislature to run for a congressional seat. Secondly, without the expert lobbying ability and tireless efforts of Dan Ireland (ALCAP) the bill would not have passed the Senate or the House. Dan's knowledge of and relationship with members of the Alabama Legislature is unparalleled.

If any one would like further information on the Woman's Right to Know Law, please communicate with us and we will be glad to respond or supply you with information. We are gratified by this conclusion. We give God thanks because without His support of those involved by providing patience and wisdom, and particularly, without His intervention in the affairs of men in this past Session, the events described above would not have happened.