

SOUTHEAST LAW INSTITUTE™

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Dear SLI Supporter:

Last month we ended our newsletter with a postscript about the man who sued McDonald's, Burger King and others because of his obesity. By now, you have probably seen a number of articles about that lawsuit. SLI condemns such lawsuits. We hope our supporters know SLI is committed to protecting important constitutional rights. We never engage in "legal fictions" in order to create a *de facto* method of suing someone.

For example, in 1995, we represented the interest of a comatose lady whose family wished to disconnect her from life support. At that time, she did not have a valid living will and there was no statute in Alabama permitting others to make this decision. Those who wished to disconnect her wanted to base their claim on "substituted judgment," that is, by some judicial construct of legal fiction the family would be permitted to decide whether to end her life. Our history and foundation of law should not permit us to engage in such legal gymnastics.

Similarly, when we create "rights" to sue because of obesity or because of deliberate indulgence in the use of tobacco, both of which result in bad health, we are diminishing the status of our law and resorting to a law based on pop-culture. SLI is concerned with protecting individual choices and responsibility. Individuals must order their priorities. When deliberate wrongdoing has taken place, for example, if an additive in tobacco or food is causing addiction, that should be addressed. However, the class-action lawsuits which have resulted in phenomenal judgments and settlements are not protecting our way of life, but diminishing it.

One of SLI's priorities is the sanctity of life. A legal fiction was created to make unborn persons not protected citizens under the constitution. But, no legal fiction is necessary to protect life, only the national will to do so. We are glad we can report to you the first fruit from the Alabama Woman's Right to Know Act which became law in this year's legislative session. Our educational update this month reports what is happening with that law.

We really need your financial assistance. We have had very low contributions during the summer. This is not unusual, but we always wish to remind you of our needs. Now that everyone is getting back on schedule, we encourage you to send in your financial contributions. We encourage you to ask others to participate also. Let us know anyone we can add to our mailing list. We very much appreciate your support.

Until next time, I am,

Yours Very Truly,

A. Eric Johnston

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P.S. Have you reserved your "Choose Life" car tag? Time is running out. Go to your local county tag office and fill out the form.

AN EDUCATIONAL UPDATE FROM

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

THE SOUTHEAST LAW INSTITUTE™, INC.

To: SLI Supporters
From: A. Eric Johnston
Date: September 2002
Re: The Woman's Right to Know Act Brings Changes

Introduction

The Woman's Right to Know Act ("Act") was finally passed by the Alabama Legislature and signed into law this year. For thirteen years, the Alabama Pro-Life Coalition, Inc. and its constituent groups had been working to pass this law. When the original version of the Act was drafted by SLI in late 1989, the hope was that not only would the number of abortions decrease in Alabama, but that women who still elected to go through with the procedure would have a higher level of skilled healthcare provided to them.

Once the Act became law, it had two immediate impacts. First, regulations applicable to abortion clinics in Alabama would be rewritten to comply with the Act and, more importantly, a descriptive booklet would be published to be distributed to women who come to abortion clinics. SLI is pleased to report the passage of the Act has paid off and the Health Department has worked conscientiously with us to change regulations in the spirit of the Act and produce a booklet which accomplishes the goals we originally set.

The Regulations

The *Alabama Administrative Code* is a set of rules which are passed by government agencies. This rule-making authority is given to the agency by statutory law passed by the legislature. The Woman's Right to Know Act is a statute. The rules used by the Health Department to carry out the purposes of the statute must be in conformity with the provisions of the Act. Temporary regulations have been prepared which will go into effect immediately. These will remain in effect until the next regular change in the rules which will come up later in the year.

The regulations as currently proposed are virtually verbatim from the Act. While we do not have authority to dictate to the Health Department how the final version will appear, through a series of meetings we have insisted that the terminology of the Act be used, such as using the term "unborn child" in place of such words as "fetus". We believe to a significant extent that is going to happen.

The Booklet

The most significant thing the Act requires is the publication by the state of a booklet. That booklet must be printed in a scientific, medical, objective and non-judgmental fashion. That is fine with us. If the information is provided in that manner, it is overwhelmingly persuasive without the need for political rhetoric. Obviously, we are not all satisfied by what has been done. Some of us are more insistent on pro-life terminology. This is off-set by opposition from abortion clinic operators who want to dilute the truth of the booklet. In the end, we believe the booklet will do a good job providing the information.

Words cannot describe the pictures the booklet will contain. The Act requires the booklet to show the development of the unborn child at two-week intervals. From its embryonic through fetal stages, the color pictures demonstrate the issue is about a child and nothing else. The pictures are so compelling it should dissuade any reasonable person from having an abortion.

When this information is made available to women, along with the opportunity to view an ultrasound image of their child, we believe there will be a significant reduction in the number of abortions in Alabama. The booklet must be given to women at least 24 hours before the abortion procedure would take place. This time period gives them an opportunity to reflect upon the information provided to them. In addition to the pictures and description, the women are also given information concerning paternity rights, that is the ability to have the father help

support the child, and the option of adoption. Information about state and private agencies that can help them is provided.

Conclusion

Having viewed a draft of the booklet, we are hopeful all of our work has produced significant fruit. If the final version contains that which we have seen to this point, along with our further suggestions, we would have accomplished a significant victory.

The State Health officer, Dr. Donald Williams, and his staff, under the leadership of Rick Harris, have been very helpful in working through this process. They deserve our thanks. If you have the opportunity, please express your appreciation to them.

We have asked for copies of the booklet so that we may distribute them. If sufficient numbers are produced at a reasonable cost, we will make an effort to provide you with copies. At this time, we do not know if the booklets will be available for such distribution. Obviously, we want the booklets to go to the clinics where they are most needed. SLI requests your prayer for the final product and its value to the unborn children and women of Alabama. Thank you for your patient support through these years which have helped bring this victory to us all.