

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

**To:** Interested Persons  
**Date:** November 6, 2018 General Election  
**From:** A. Eric Johnston  
**Re:** Proposed Alabama Constitutional Amendments - Alabama Sanctity of Unborn Life

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Another important constitutional amendment which will be voted on at the time of the general election will be a proposed constitutional amendment recognizing the sanctity of unborn life in Alabama. The text of that amendment reads as follows:

- (a) This state acknowledges, declares, and affirms that it is the public policy of this state to recognize and support the sanctity of unborn life and the rights of unborn children, including the right to life.
- (b) This state further acknowledges, declares, and affirms that it is the public policy of this state to ensure the protection of the rights of the unborn child in all manners and measures lawful and appropriate.
- (c) Nothing in this constitution secures or protects a right to abortion or requires the funding of an abortion.

The complete proposed amendment will not appear on the ballot. This is what you will see on the ballot:

“Proposing an amendment to the Constitution of Alabama of 1901, as amended; to declare and otherwise affirm that it is the public policy of this state to recognize and support the sanctity of unborn life and the rights of unborn children, most importantly the right to life in all manners and measures appropriate and lawful; and to provide that the constitution of this state does not protect the right to abortion or require the funding of abortion.”

Since 1973, abortion has been legal in the United States. A decision by SCOTUS in *Roe v. Wade* opened the door for virtually unlimited abortion. Through the years, subsequent SCOTUS cases have upheld *Roe* and enlarged on it. In some cases, certain regulation has been permitted. Through the work of the Alabama Pro-Life Coalition (“APLC”), a significant number of regulations have been passed that reduce the number of abortions and protect women’s healthcare, as much as legally permitted, from the substandard care they receive in abortion clinics.

The unique thing about the *Roe* decision is that opposition to it has never gone away. *Roe* was a very badly decided case with no legitimate constitutional underpinnings. The case was based on “an exercise of raw judicial power” as then Justice Byron White said in a dissent to the case.

The pro-life community continues to work toward the day when abortion will again be outlawed. Abortion is based on the terrible concept that the unborn child is not a person within the meaning of the U.S. Constitution. Because we amend the Alabama Constitution to recognize personhood will not undo *Roe*.

However, with President Trump’s nomination of Brett Kavanaugh as a Justice to SCOTUS, we see the possibility that *Roe* may be reversed. Judicial, political and popular opinion opposition to *Roe* has remained constant for 45 years. Because it was such an illegitimate decision, our hope and expectation are that *Roe* will be reversed and sanity concerning the sanctity of life will be restored.

Therefore, this proposed constitutional amendment is a very important public policy statement for Alabama. We cannot say for sure how SCOTUS may rule if it reversed *Roe*, but the chances are it would either reestablish personhood of the unborn child or return the issue to the states. In either event, with approval of this constitutional amendment, the State of Alabama would be obligated then to enact statutes to criminalize the act of abortion. Therefore, the importance of this constitutional amendment is significant and is a very good strategic move in the fight to protect unborn life

SLI supports this amendment and urges a yes vote on it. SLI looks forward to the time when it will be able to work with APLC to rid the State of Alabama of this horrific murdering of her children.