

## **Alabama Lawyers for Unborn Children, Inc.**

By Julian McPhillips

When I graduated from Columbia Law School 40 years ago, New York City was in the forefront of the so-called "sexual revolution." The Big Apple was a great place to "play the field," but not as good for "marriage material," people said.

That axiom was broken in 1973 when I met a tall, beautiful blonde at an East Side Manhattan party. Within a year, we were married. A year later, after four years practicing law on Wall Street, we returned to Alabama.

The abortion issue was only beginning to raise its controversial head at the time. Instinctively, and characteristic of free-thinking young people, pro-choice seemed to me a reasonable extension of American democracy, and a maintenance of freedom, if and when needed.

By 1978, at age 31, I was running for Alabama attorney general, probably the most liberal of the nine candidates in the field. I was deemed acceptable by the pro-choice crowd.

But some strange things happened in the next 20 years. First, some fellow church people helped me see that the only problem with pro-choice was that it was "no choice" for an unborn child. And that a baby in the womb was more than an "it," or just a "fetus" without a name. In my spirit and mind, I could not shake that perception, which became a conviction. It was, and is, still a child, albeit an unborn one. Moreover, scientists and doctors agreed that, inside the womb, there was a living being, capable of experiencing great pain, especially when aborted.

Secondly, in 1990, at the last moment, I managed to talk a young couple out of an abortion. Four months later, that unborn child became my only son, with the name of David. With daughters 13 and 10 and two miscarriages in recent years, David instantly became a joyous addition to our family.

Meanwhile, my pro-life views grew geometrically as I defended pro-life activists, paid for anti-abortion billboards, and became a State board member of Alabama Lawyers For Unborn Children, Inc. and a national board member of Anglicans for Life. Topping it off, in 1998, Montgomery Circuit Judge Mark Anderson appointed me guardian-ad-litem to represent an unborn child whose 17-year-old mother wanted a judicial bypass of her parents' consent to her abortion.

Judge Anderson concluded that, under Rule 17(c) of the Alabama Rules of Civil Procedure, he could appoint an attorney to represent the interests of the unborn child. Historically, the rule had been used to protect the property interests of the unborn. If so, Judge Anderson reasoned, "Why not the life interests as well?" Indeed, "which is greater: life or property?" Judge Anderson reasoned. For without life, one cannot enjoy property. I strongly agreed with Judge Anderson, and happily accepted the appointment.

And thus, this nationally-famous case, namely **In re Anonymous, a minor**, 720 So.2d 497 (Ala. 1998), made it all the way up to the Alabama Supreme Court, where, in a hotly-disputed 4-4-1 decision, the high court ruled that the 17-year-old was "mature enough" to have the abortion, but that a guardian-ad-litem could properly be appointed to represent an unborn child. Justice Ralph Cook was the swing vote, constituting a majority on both issues.

After that ruling, Judge Anderson and Montgomery County Circuit Judge John Capell both started appointing local attorneys to represent unborn babies in future judicial bypass actions. Regrettably, despite their legality, such appointments have trailed off in recent years.

Nonetheless, a band of 330 attorneys, known as the Alabama Lawyers for Unborn Children, Inc. (Alaw-Life) has been active in the pro-life arena for years. It is a tax-exempt, non-profit corporation. Founded in 1987 by senior attorney Tom Maxwell of Birmingham, the board members include Timothy Grogan of Mobile, currently our president, Dean Johnson of Huntsville, Paul Spain of Birmingham, and myself of Montgomery.

Alaw-Life encourages our members and other Alabama attorneys to support the pro-life cause with legal action. We also raise money that is given to such pro-life groups as Sav-a-Life and COPE.

One Alaw-Life attorney recently successfully represented an 18-year-old father and the paternal grandmother in a case where a 17-year-old mother was being forced by her parents to have an abortion against her will. They alleged that the minor mother was herself being subjected to child abuse by a forced abortion. In a juvenile court proceeding, an Elmore County judge issued a restraining order and had DHR officials pick up the 17-year-old girl from her parents' home, temporarily placing her with a grandmother, and ordered a hearing two days later. At the hearing, the parents of the 17-year-old surrendered, impressed by their daughter's conviction. The unborn child was saved and born as a healthy baby boy six months later.

With all the other issues flying around on national, state and local levels, and given a desire to avoid confrontation on this emotional hot button issue, it is easy for vigilance to backslide, especially among busy attorneys. When that happens, precious lives of children are lost, and a silent holocaust continues.

Combating this, Alabama Lawyers For Unborn Children, Inc. earnestly seeks broader support among the Alabama Bar and the public at large. They strongly feel that "one life lost is one life too much." If you, the reader, would like to help, please send your contribution (and/or offer to volunteer legal time) to Alaw-Life at 1420 Sunshine Drive, Birmingham, AL 35213 (telephone number - 205-595-7897).

Please act now on your impulse to help. Do not hesitate. It is never too late to try to save one more life. Who knows...it may become your only son.