

GLOBAL LIFE CAMPAIGN™

Louisiana Constitution & Law v. U.S. Supreme Court (Part 1)

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Last week, the U.S. Supreme Court issued a decision that egregiously exceeded its lawful authority in the case of *June Medical Services LLC v. Russo, Interim Secretary, Louisiana Department of Health and Hospitals*. The State of Louisiana acted lawfully to protect pregnant mothers from harm or death due to a botched or unauthorized abortion. The GLC Series this week, focusing on the *Sanctity of Human Life*, reviews what is the God-ordained purpose of civil government in protecting human life, how that was affirmed in the *U.S. Declaration of Independence* and *Constitution of Louisiana*, and how the Louisiana law in question was consistent with this lawful purpose. Next week we will examine the Supreme Court ruling itself.

GOD-Ordained Duty of Civil Government to Protect Human Life. From the beginning, intentionally taking the life of an innocent person violated the Law of God and is murder. When Cain murdered his own brother Abel, God Himself confronted and judged him, for God alone was Lawmaker, King and Judge of the earth (Genesis 4:3-12). After the Great Flood, the “Supreme Judge of the World” (*U.S. Declaration*) partially delegated His authority for justice to mankind, particularly when someone “sheds man’s blood” (Genesis 9:5-6). When He later gave His written Law through Moses, He declared this Law as one of the foundational Ten Commandments: “You shall not murder” (Exodus 20:13). For application, He said, “If men . . . strike a woman with child so that she has a miscarriage, yet there is no further injury, he shall surely be fined as the woman’s husband may demand of him; and he shall pay as the judges decide. But if there is any further injury [to the mother or the baby], then you shall appoint as a penalty, life for life” (Exodus 21:22-23). These provisions protected both mother and baby, their health and lives. God gave this high legal standard because of His exceptionally high value of every human life, “for in the image of God He made man” (Genesis 9:6).

Last week, in the “The Glorious U.S. Declaration of Independence,” I documented that the original justification for creation of the United States as an independent nation was founded in “the Laws of Nature and of Nature’s God.” The claims in our national charter were based on the existence of Almighty God, His sovereignty over nations, and His Law as authority above British law and government. The very first purpose of creating the nation, as stated unanimously by the authorized representatives from all the original states, was to protect “unalienable Rights” given by the Creator, beginning with the right to Life.

Louisiana Government Duty to Protect Human Life. Through the Preamble and first two sections of the *Constitution of Louisiana*, the people of Louisiana publicly affirmed that true civil rights and liberties come from Almighty God, and the duty of civil government begins with protecting “individual rights to life.”

“PREAMBLE: We, the people of Louisiana, grateful to Almighty God for the civil, political, economic, and religious liberties we enjoy, and desiring to protect individual rights to life, liberty, and property; afford opportunity for the fullest development of the individual; assure equality of rights; promote the health, safety, education, and welfare of the people; maintain a representative and orderly government; ensure domestic tranquility; provide for the common defense; and secure the blessings of freedom and justice to ourselves and our posterity, do ordain and establish this constitution.

“§1. Origin and Purpose of Government

“Section 1. All government, of right, originates with the people, is founded on their will alone, and is instituted to protect the rights of the individual and for the good of the whole. Its only legitimate ends are to secure justice for all, preserve peace, protect the rights, and promote the happiness and general welfare of the people. The rights enumerated in this Article are inalienable by the state and shall be preserved inviolate by the state.

“§2. Due Process of Law

“Section 2. No person shall be deprived of life, liberty, or property, except by due process of law” (<http://senate.legis.state.la.us/documents/constitution/>).

The State of Louisiana was “instituted to protect the rights” of every person within their state, and “its only legitimate ends are to secure justice for all,” including “justice to ourselves and our posterity” [babies born and to be born], and ensure that “No person shall be deprived of life,” which God Himself expects and commands to include children in the womb (posterity).

Louisiana Act No. 620. In 2014, the Louisiana state government approved Act No. 620, to protect pregnant mothers from harm or death during or after an abortion, and from “unsafe” abortions by unauthorized persons or procedures. The original bill, House Bill No. 388, was sponsored by Rep. Katrina Jackson and 51 of her fellow legislators, plus 5 senators. The final bill was approved in the House by 85 yeas, with 6 nays; and in the Senate by 34 yeas, with 3 nays.

Here are excerpts from Act No. 620. It is short. I encourage you to read it so you know exactly the law they enacted – which a simple majority of 5 members of the U.S. Supreme Court arbitrarily ruled against. After the opening paragraph, where Section 1 begins, the plain text was existing law, and the underlined text were additions amending the law by this bill in 2014.

“To amend and reenact [current laws] relative to abortion; to provide for requirements of physicians who perform abortions; to require delivery of certain information concerning health care facilities and services to a pregnant woman prior to abortion; to provide relative to penalties; to provide regulations for the practice of inducing an abortion through use of drugs or chemicals; to provide for definitions of terms in the Outpatient Abortion Facility Licensing Law; to provide for penalties; to provide for application of laws; to provide for legislative intent; and to provide for related matters.”

“Be it enacted by the Legislature of Louisiana:

“Section 1. . . . §1299.35.2. Abortion by physician; determination of viability; ultrasound test required; exceptions; penalties.

“A.(1) Physician requirements. No person shall perform or induce an abortion unless that person is a physician licensed to practice medicine in the state of Louisiana and is currently enrolled in or has completed a residency in obstetrics and gynecology or family medicine. Any outpatient abortion facility that knowingly or negligently employs, contracts with, or provides any valuable consideration for the performance of an abortion in an outpatient abortion facility by any person who does not meet the requirements of this Section is subject to having its license denied, non-renewed, or revoked by the Department of Health and Hospitals in accord with R.S. 40:2175.6.

“(2) On the date the abortion is performed or induced, a physician performing or inducing an abortion shall:

“(a) Have active admitting privileges at a hospital that is located not further than thirty miles from the location at which the abortion is performed or induced and that provides obstetrical or gynecological health care services. For purposes of this Section, ‘active admitting privileges’ means that the physician is a member in good standing of the medical staff of a hospital that is currently licensed by the department, with the ability to admit a patient and to provide diagnostic and surgical services to such patient consistent with the requirements of Paragraph (A)(1) of this Subsection.

“(b) Provide the pregnant woman with all of the following before the abortion is performed or induced:

“(i) A telephone number by which the pregnant woman may reach the physician, or other health care personnel employed by the physician or facility at which the abortion was performed or induced, who has twenty-four hours per day access to the woman's relevant medical records so that the woman may request assistance related to any complication that arises from the performance or induction of the abortion, or to ask health-related questions regarding the abortion.

“(ii) The name and telephone number of the hospital nearest to the home of the pregnant woman at which an emergency arising from the abortion would be treated.

“(c) Whoever violates the provisions of Subparagraph (2)(a) of this Paragraph shall be fined not more than four thousand dollars per violation.

“§1299.35.2.1. Drugs or chemicals used; penalties

“A. When any drug or chemical is used for the purpose of inducing an abortion as defined in R.S. 40:1299.35.1, the physician who prescribed the drug or chemical shall be in the same room and in the physical presence of the pregnant woman when the drug or chemical is initially administered, dispensed, or otherwise provided to the pregnant woman.

“B. The drug or chemical shall not be administered, dispensed, or otherwise provided to the pregnant woman by a physician or any person acting under the physician's direction, whether in a licensed outpatient abortion facility, private medical office or any other facility, unless the physician has obtained the voluntary and informed consent of the pregnant woman pursuant to the provisions of R.S. 40:1299.35.6 and the requirements set forth in that Section.

“C. If a physician prescribes, dispenses, administers, or provides any drug or chemical to a pregnant woman for the purpose of inducing an abortion as defined in R.S.

40:1299.35.1, the physician shall report the abortion to the Department of Health and Hospitals as provided in R.S. 40:1299.35.10.

“D. In addition to the requirements of reporting complications to the Department of Health and Hospitals pursuant to R.S. 40:1299.35.10, if the physician knows that the woman experienced a serious adverse event, as defined by the MedWatch Reporting System, during or after the administration or use of the drug, the physician shall also report the event to the United States Food and Drug Administration through the MedWatch Reporting System not later than the third day after the date the physician learns that the event occurred.

“E. The Louisiana State Board of Medical Examiners may take disciplinary action as authorized in R.S. 37:1261 et seq. or any other applicable provision of law against a physician who violates any provision of this Section.

“F. Any person not under the direct and immediate supervision of a physician who knowingly performs or attempts to perform an abortion using chemicals or drugs in violation of this Section shall be subject to penalties pursuant to R.S. 40:1299.35.19. No penalty may be assessed against the woman who undergoes the abortion”
<http://www.legis.la.gov/legis/BillInfo.aspx?s=14RS&b=ACT620>).

Concluding Remarks: Louisiana Act No. 620 was consistent with Louisiana’s governmental authority, jurisdiction and responsibility to protect the lives and health of pregnant women within the state. That responsibility remains theirs regardless of the U.S. Supreme Court decision to the contrary last week in *June Medical Services v. Louisiana*. The Louisiana Constitution declares: “The rights enumerated in this Article are inalienable by the state and shall be preserved inviolate by the state.” The Supreme Court ruling went beyond its lawful authority, violating the Tenth Amendment to the *U.S. Constitution*: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” Next week we will review that Court decision.

One final thought: the erroneous Court decision, and the portions of Act No. 620 and prior existing state law that permit elective abortion, all violate the universal Law of God requiring protection of human life; and violate the *U.S. Declaration*, *U.S. Constitution*, and the *Louisiana Constitution*; and permit living babies to be murdered. That is injustice!

SDG and for the sanctity of human life,

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