

March 2015

Dear Friends and Supporters,

Last month we reported on the federal district court in Mobile holding unconstitutional Alabama's traditional marriage amendment and statute. Unfortunately, the trial court stay expired and neither the Eleventh Circuit Appeals Court, nor the U.S. Supreme Court, granted a stay. There was a strong dissent by Justice Thomas, who, in effect, said this is an indication the U.S. Supreme Court plans to strike down all traditional marriage laws in its decision expected in June 2015.

The probate judges in Alabama's 67 counties were thrown into confusion. The only probate judge over whom the Mobile court actually obtained jurisdiction was for Mobile County, where an injunction was issued requiring him to issue licenses to same sex couples. At the same time, an increasing number of probate judges in other counties began issuing same sex marriage licenses, due to confusion and inconsistency in the Alabama legal environment. In the objective legal mind, only a judge who is a party to the Mobile action would actually be under that court order. The other judges in the state are not. With conflicting advice, some judges began issuing the same sex marriage licenses.

Realizing the confusion that was being visited on the good probate judges of this state, we joined with Liberty Counsel in filing an Emergency Petition for Writ of Mandamus on behalf of the Alabama Policy Institute and the Alabama Citizens Action Program (ALCAP). Our goal is to provide relief to any probate judge not covered by the federal court order, by requesting the Alabama Supreme Court to instruct those judges to abide by Alabama's laws until a court of competent jurisdiction, in this case and circumstance the U.S. Supreme Court, rules on the issue. That case is in process and it would not be proper for us to comment further at this time. When we are able, we will give a complete report.

In the meantime, no employee of a state office can be required to do something in conflict with his or her conscience, such as issue a same sex marriage license. Religious discrimination is prohibited. If anyone has a question or problem, he or she should contact us.

On a different issue of religious freedom, this month's Educational Update discusses school board prayer. The prayer for guidance in the welfare of our children is of significant importance.

All of this activity has placed a significant burden on our finances. We are committing significant amount of time and effort to this. Please send us as generous a contribution as possible. We are grateful for your continuing support.

Yours very truly,

A. Eric Johnston