

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

To: Interested Persons
Date: April 2019
From: A. Eric Johnston
Re: A Brief Preview of the 2019 Alabama Legislative Session

Southeast Law Institute has reviewed and drafted a number of bills to be considered in this year's regular session of the Alabama Legislature. We are always available as a resource on issues of religious freedom, sanctity of life, gambling, and other issues that impact our faith and family. In the following paragraphs we will give a brief overview of several bills. We will provide additional and more detailed information on these issues later.

GAMBLING

This year, only one lottery bill has been introduced, but more are expected. The lottery bill is SB116 with a companion bill SB130. These are constitutional amendments to permit, regulate and tax a lottery.

These bills do not only provide that you can buy paper lottery tickets at local convenience stores. They permit what is called "video lottery terminals" to be located at the four not-Indian gambling venues in Alabama, *viz.*, Mobile, Macon, Jefferson and Greene Counties, and in Lowndes County. We suspect these "VLT's" will become the center of attention by gamblers for expanding gambling, similar to expanding "bingo" from the simple bingo that it started as, to be a multimillion dollar slot machine industry.

Also, the term "lottery" in Alabama law means any game of chance. It would be classified under the Indian Gaming Regulatory Act as Class III gaming. If Alabama voters approve this so called "lottery," it would give the Poarch Indians the right to demand a compact which would allow them to have complete casino gambling. Many say the Indians do not want the lottery bill because the VLT's would compete with their very profitable enterprises. It is also said that a more Indian friendly lottery bill will be filed.

THE HUMAN LIFE PROTECTION ACT

Over the last few months we have said that a law to test *Roe v. Wade* should be passed. Amendment 2 was overwhelmingly passed by voters last November giving the unborn child in Alabama protection of all its laws. This is in conflict with the central holding of *Roe* that the unborn child is not a person within the meaning of the U.S. Constitution. Therefore, it is necessary to test *Roe*.

The Alabama Human Life Protection Act has been drafted and by the time you receive this Educational Update will have been filed as a legislative bill. This Act will make performance of an abortion a Class A felony, the strongest punishment in criminal law. The bill utilizes many definitions already in Alabama laws including what is an abortion, what is a serious health risk to the unborn child's mother, what is a medical emergency, *etcetera*. We have worked with the Medical Association of Alabama and the Alabama Hospital Association to avoid conflict with healthcare interests. We are hopeful the only opposition to the bill will be the abortion industry. We must keep in mind this is not a women's rights issue. This is an issue about protecting human life.

ALABAMA RELEASED TIME CREDIT ACT

The U.S. Supreme Court has upheld the constitutionality of released time programs for religious instruction during the public school day. Students are released from the public school campus to go to a local church or other facility where they receive Bible instruction. For this, they will receive an elective credit toward their graduation requirements. Because Bible reading and prayer have been removed from public schools, some parents have an interest in providing such instruction as part of their children's educations. This bill would in no way violate the Establishment Clause and permits students to get qualified Bible instruction without the restrictions on religious education in the public schools. This bill is different from the next one discussed below. We believe it is an important bill to protect religious freedom and make religious education a part of a student's overall development.

BIBLE STUDY IN PUBLIC SCHOOLS

SB14 will permit public schools to offer elective courses in the study of Bible in grades 6 to 12. It provides that a student will get elective credit for studying the Bible. It focuses on law, history, government, literature, art, music, customs, morals, values and cultures. It does not permit the Bible to be taught as religion. A teacher may not favor or disfavor religion. There is a question about whether this law is actually needed. There is already a very good approved Bible textbook being taught in over 200 Alabama public schools. While the bill has good intentions, it could have undesirable consequences such as a legal challenge which may harm the existing teaching or result in the use of misleading textbooks or approaches to the subject. It is a well-intended bill, but must be carefully considered in all dimensions as it makes its way through the legislative process.