

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

**To:** Interested Persons  
**Date:** June 2021  
**From:** A. Eric Johnston  
**Re:** “It is with a heavy heart that I take up my pen to write...”

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Doctor John Watson spoke these words when he believed his friend, Sherlock Holmes, had died. We speak not of the apparent death of a person, but of the apparent death of the Alabama Legislature. We have worked there for over 35 years on issues of morality, *viz.*, sanctity of life, religious freedom, gambling, parental rights, sexual and marriage issues, *et cetera*. There have been many successes. But increasingly, we see a departure by the legislature from recognizing its duty to do the right thing for its people.

All of the usual and necessary bills were passed for continued operation of the state. There were a number of more or less non-controversial bills that were passed, *e.g.*, Second Amendment gun rights, sex separation in student sports, prohibiting vaccination passports. There were, however, a number of bills seriously considered that has diminished the stature of the Alabama Legislature and the Governor’s office as branches of government working for the good of the people. Here are some examples.

**GAMBLING.** The mantra of the Legislative and Executive leadership was that Alabama has extensive gambling so why not regulate it. Members believed this lie. One of the motivations was the prospects of significant income to the state. Ultimately it is a regressive tax and little was said that this income is derived principally from the lower economic strata of taxpayers.

Rather than pass laws that sufficiently criminalize illegal gambling, for example increasing the penalty from a misdemeanor to a felony, they proposed to remove all of Title 13A, the Criminal Code of Alabama, to permit every extreme form of gambling. There were proposed six major casinos in the state to be overseen by commission which was not subject to the general laws of the state.

There are 13 published Alabama Supreme Court opinions explaining that only simple paper card traditional bingo is permitted in the state. Electronic bingo continues to prosper. Perhaps, that is the gambling which leadership thought needs to be regulated. It was regulated at one time when criminal penalties were enforced. The executive and the legislative have chosen not to assist the Attorney Generals’ office in prosecuting those cases, but compromised their values to bring the gambling bills to within a hair of passing. There was a valiant effort by a handful of Republicans to oppose these bills. The main bill was a Constitutional Amendment removing all restrictions on gambling, proposed to be voted on by the people in November 2022. While that bill did not pass this session, it may come back in a special session and if not, then in the regular session early in 2022, so that it is likely to be on the ballot later in November 2022.

It was not the responsible conservative leadership of the legislature that defeated these bills. There was a falling out among thieves. The bills were defeated by greed. Black Democrats wanted certain counties to share in the gambling fraud, but the other gambling interests would not compromise. Those gambling interests wanted a monopoly. Our fear is that in the months ahead the warring parties will come to an agreement and when these gambling bills return to the legislature, they will pass. Then, millions of dollars of ads will flood the airways and other media telling the citizens of all the virtues and advantages of having regulated gambling in Alabama.

**MEDICAL MARIJUANA.** Medical marijuana has now been approved for Alabama. As with the gambling bill, there was fierce opposition from right minded legislators who pointed out the fallacies in the proposals that medical marijuana is somehow good for the citizens. The new law will permit the sale of medical marijuana, a drug which is not FDA approved and in fact remains an unlawful controlled substance under federal law.

While marijuana may not create the “reefer madness” originally believed in the days of its early use, it is a mind-altering drug which is often a gateway to the use of harder illegal drugs. The many concerns for legalizing this drug were debated for hours in the House, yet the bill ultimately passed.

The Wall Street Journal reported in an article on May 10, 2021 entitled “Cannabis – Industry Advocates Broaden Their Base,” that banks, tobacco and alcohol companies are weighing in on liberalizing cannabis use. It was reported in 2019 they spent eight million dollars to hire more than 130 registered lobbyists for that purpose. 36 states now have medical marijuana. 17 states now have recreational marijuana. The obvious conclusion is that amoral economic interests are moving to legalize and expand the use of marijuana. Alabama legislators fell for another lie.

**VULNERABLE CHILD COMPASSION AND PROTECTION ACT (VCAP).** Last year VCAP was almost through the session when the Covid pandemic hit. It was introduced again this year. The bill has been overwhelmingly approved by five legislative committees and the Alabama Senate. Yet, when it reached the Alabama House, it was not considered. It was put on two special order calendars in the last two days of the session, but at the bottom of a three page list. For those who understand the legislative process, this was simply a PR move to

demonstrate the House leadership appeared to support the bill, but in reality did not want VCAP to be considered, knowing it was the death knell for the bill.

VCAP would criminalize sex-change operations on minor children. Gender identity is the latest effort on the LGBTQ+ agenda to normalize aberrant sexual behavior. Important healthcare professionals and organizations oppose these procedures. There are similar healthcare proponents. This is a very new thing. It is not a proper medical procedure to take care of a new disease. Children who may be suffering from gender dysphoria need emotional, physical and spiritual counseling to help them understand the nature of their biological sex, not to encourage them to try to change what nature has provided to them.

Perhaps, of all the missteps of the Alabama Legislature this year, this one is the most heinous. Frankensteinian procedures on young children is not a proper or acceptable medical standard of care. Unlike some of the other bills mentioned in this Update, most of the members of the legislature acted responsibly. Leadership let the children of Alabama down. Members did not object. They fell for another lie.

**PRACTICING YOGA IN PUBLIC SCHOOLS.** Since 1993, Alabama Administrative Code regulations for education prohibited the teaching of Yoga in public schools. Yoga is an integral and central part of the Hindu religion. We opposed this bill because it is an unconstitutional establishment of religion in Alabama public schools. It was supported by President Rajan Zed of the American Hindu Society. While yoga is widely practiced in western culture as exercise, the reality is that it cannot be separated from its religious and spiritual parts. The mental aspects of it were touted by its sponsor. Though we put amendments on the bill to remove the meditation, emotional and spiritual aspects, that will not remove the spiritual gateway Yoga may open for unsuspecting children. We also proposed and was added an amendment that required parents to sign a disclaimer they recognized Yoga as part of the Hindu religion. That was ultimately edited over our objection to say part of the “eastern culture.” This is a deceptive misstatement of fact passed by the legislature and signed by the Governor.

This ignorant, misinformed or arrogant reasoning to not recognize the facts of Hindu religion, calling it merely a part of eastern culture, is a slap in the face to Hindus and a slap in the face to the children and their parents who may not know the difference. Legislators have an obvious lack of spiritual discernment. In today’s “light,” people cannot see the implications of trying to separate physical from spiritual. It cannot be done. Man is a spiritual being. Yoga is an important part of the Hindu religion, one of the world’s great religions with millions of followers. How can the reality of this be ignored when clearly presented, which it was? Perhaps, this lack of spiritual discernment is what has allowed legislators to believe gambling, marijuana and transgender surgery on minors are all good for the people of Alabama. Not seeing the truth, they fell for another lie.

### **SOME FINAL THOUGHTS**

The pandemic necessarily restricted access to legislative activities. The Alabama State House is rather confined, making social distancing difficult. No one disagreed or disagrees with that. Lobbyists were promised, however, that there would be ready access to members through email and telephone. That did not happen. We know from experience they seldom reply or answer. This year was to have been different in view of the pandemic, but no provision was given for those interested in legislation to interact with members. In normal times, lobbyists have unrestricted access to members, even then time is often limited. Lobbying works because you can be there in person and use the hallways of the State House as an office. Yet, this year, legislators took the advantage of being pretty much on their own and ignored lobbyists efforts to reach out to them. Many complicated things are presented to the legislature. Members are not omniscient and need the input of those who understand the issues, both pro and con.

Legislative committee hearings remain a joke. Usual procedure on even important and complicated legislation is to permit three to five witnesses to have two to three minutes each to explain a bill. Based on that, the committee votes. That is why lobbying activities in the hallways and offices is so important. This year, testimony before committees was even more limited. For example, when the Yoga bill was considered by the Senate Judiciary Committee, the public hearing began before the committee had a quorum (that is not all the members were there), and four or five witnesses total were allowed to speak one minute each. Perhaps, their ignorance about Yoga is why that committee passed the bill. They did not take the time to listen and learn.

So, with limited personal access and limited testimony, apparently legislators believed they could do what they wanted. Like adulterous men and women, they think their dark actions are invisible. Those who stray must be held accountable for their indiscretions. We expect voting records to be published on many of these contentious bills. Those who are interested may wish to challenge adulterous legislators in the 2022 elections. It is obvious Alabama needs more committed, informed and conservative leadership. Constituents must voice their displeasure to their respective Senators and Representatives, and to the Governor.

Later, Doctor Watson learned that Sherlock Holmes had not died. He had suffered a terrible incident that from all appearances, he had in fact died, but he recovered. We can only pray that our legislature has suffered a terrible incident, but it will recover to return to its civic duty. The analogy is not completely parallel. Holmes represented the fight for good over the evil Professor Moriarty, who did die. Which does the Alabama Legislature represent?