

APLC

ALABAMA PRO-LIFE COALITION, INC.

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June 14, 2021

Honorable Steve Marshall
Attorney General
State of Alabama
Attorney General's Office
501 Washington Avenue
Montgomery, AL 36104

Dear Mr. Attorney General:

On May 15, 2019 the Alabama Legislature had passed and Governor Kay Ivey signed into law the Alabama Human Life Protection Act, Section 26-23H-1 *et seq.*, 1975 Code of Alabama. Shortly thereafter, a lawsuit was filed testing its constitutionality.

We anticipated the law would be tested in federal court. The case was assigned to Judge Myron Thompson. While we know Judge Thompson always improperly delays ruling on Alabama abortion laws, most of which randomly come to his court, the time for him to rule on this law is past due. The purpose of this letter is to request a report on the exact status of the law and to encourage your office to take whatever actions are necessary to properly move it through the process.

Our Legislative partners passed this law exactly as we asked. The purpose was to have a clear challenge to the *Roe v. Wade/Planned Parenthood v. Casey* reasoning supporting the right to abortion before viability. We have recently seen a number of laws passed by other states that have raised this issue, in various ways, and those have been matriculating through the federal courts. Some have made it to the intermediate appellate level and the U.S. Supreme Court recently agreed to review one.

All this time, our law sits dormant. Legislators and citizens alike ask me constantly where are we with our law. Solicitor General Edmund LaCour, Jr., has been kind enough to give me updates from time to time. However, it is becoming a bit like "Groundhog Day," in that nothing changes. We know we are not privy to the strategies and nuances of the case. Yet, even so, we remain at a standstill and have no explanation why Judge Thompson has not moved the case along as you normally expect in the otherwise efficient federal judicial system.

We know Judge Thompson will strike down the law. He is obligated to do so because of the *Roe/Casey* precedents, along with his favor for abortion. We know he will rule unfavorably as he possibly can with a lengthy opinion. We expect no less from him.

So, would it not be proper to request a Petition for Writ of Mandamus to the Eleventh Circuit Court of Appeals to require him to move the case? If there is an explanation of why this or other action cannot be taken, let us know. Myron Thompson is only a trial judge. He does not and cannot make law. We cannot let him refuse to do his job.

If we can do anything, let us know. We are glad to meet with you. We are glad to assist you in any way possible. However, we know that defense of this law is the job of the Attorney General's office.

Every state must put forth its best effort and, hopefully, the proper one will make it through the process. We do not care whether the Alabama statute or another state's statute brings the appropriate case before the U.S. Supreme Court. We do care that it gets done. These efforts are not for us, but are in memory of the millions of unborn babies that have been sacrificed on the alter of sexual freedom and the millions more who will die if the law is not changed.

We appreciate you as Attorney General and your fine staff. This is one issue that cannot be left to die, for death it is.

I look forward to hearing from you. On behalf of those listed below, the citizens of this state and its unborn citizens, I am,

Yours very truly,

A. Eric Johnston

Cc: [Via Email](#)

Governor Kay Ivey
Solicitor General Edmund LaCour, Jr.
Katherine Robertson, Chief Counsel
Representative Terri Collins

Representative Rich Wingo
Senator Greg Reed
Senator Clyde Chambliss
APLC Members
Anonymous Others