

SOUTHEAST LAW INSTITUTE™

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Dear Friends and Supporters,

On January 14, 2005, four new Alabama appellant judges were sworn in. Tommy Bryan was sworn in as a judge on the Alabama Court of Civil Appeals, and Patti Smith, Mike Bolin and Tom Parker were sworn in as associate justices of the Supreme Court of Alabama. The investiture ceremony was indeed a blessing. Without exception, these four new judges acknowledged their reliance on God, their humility for being entrusted by the people with these positions of importance, and their desire to meet the needs of the people of Alabama. We are indeed fortunate to have such dedicated, qualified people to serve in these high positions.

The 2005 Regular Session of the Alabama Legislature has begun. It went into Session on February 1st and will continue its business through May. The Legislature meets each Tuesday and Thursday during that time, with committee days on Wednesdays. There will be breaks from time to time such as the Spring holidays. Otherwise, the legislators will be engaged in the people's business each week.

As in past years, SLI will be providing legal assistance to legislators on a variety of issues. Our work begins during the Fall of the year preceding and then continuing throughout the legislative session. We begin by advising legislators on various issues and in the drafting of legislative bills. The bills are usually introduced when the legislature first goes into session. At that time, our work is far from done. We then assist in drafting amendments to bills during the legislative process, providing legal opinions on various issues that arise, and testifying in committees.

SLI's work covers a wide variety of areas, but it is usually related to our primary purposes, such as, religious rights, sanctity of life, parental rights, education issues and general family issues. Our Educational Update this month describes several of the bills for which we have rendered primary assistance.

We believe the issue of same sex marriage and civil union is one of the most significant issues facing the nation today. This includes Alabama. It is important a law be passed using the strongest possible language to protect the sanctity of marriage. A bill will be introduced to accomplish this. We expect there to be political shenanigans between republicans and democrats. Our hope is this will not imperil the effort. Please be in prayer that differences can be put aside and a good protective constitutional amendment passed.

The Educational Update also discusses two pro-life bills. There are other issues which will come up during the Session and we will keep you informed. At any time you have questions or need an update, please feel free to call or email our office.

In the coming months, I will spend a great deal of time away from my law practice on these efforts for SLI. It is important SLI have the financial ability to continue meeting expenses while this is going on. Therefore, please be as generous as possible in your support for SLI. We particularly need regular monthly support. Your contributions are tax-deductible. We appreciate your support. Until next month, I am,

Yours very truly,

A. Eric Johnston

The Southeast Law Institute, Inc.™ is a 501(c)(3) organization providing legal counsel on constitutional and public policy issues.

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

To: SLI Supporters
Date: February 2005
From: A. Eric Johnston
Re: The 2005 Regular Session of the Alabama Legislature

Introduction

The year 2005 is the penultimate year before the next general election. The chances for passing good legislation increase the closer you get to an election year. Lobbying groups are hopeful for a good year. SLI expects to be providing legal assistance on a number of these issues. There will probably be bills to expand gambling at existing gambling facilities, which include not only the four racetrack type facilities, but also efforts to expand charitable gambling under eighteen existing constitutional amendments permitting bingo. As these and other bills appear, SLI will provide information on them. In the meantime, we can report on three bills on which we have been working.

The Alabama Marriage Amendment

The Alabama Marriage Amendment, also called the Sanctity of Marriage Amendment, is a proposed amendment to the Alabama Constitution. It will require a vote by the people. Such a law will prohibit same-sex marriage and civil unions. The substantive provisions of the bill provide that marriage is a unique relationship between a man and a woman to promote the stability and welfare of society and its children; marriage may be entered into only by one man and one woman; there can be no common law same-sex relationship; marriage between persons of the same sex is prohibited in Alabama and is against its "strong policy"; and Alabama will not recognize same-sex marriage or civil unions of persons from another state.

Some bills may not prohibit "civil union," which is an effort to circumvent a prohibition of same-sex marriage. The bill SLI has drafted provides that no benefits of an otherwise "legal marriage" may be extended to persons of the same sex. One of the dangers in the legislative process may be to pass a weak bill which prohibits only same-sex marriage, but does not address the civil union question. Finally, the bill states in the strongest possible language that Alabama will not give full faith and credit to laws or proceedings from any other state that extends the benefits of legal marriage to marriage or a civil union of persons of the same sex. There will be several versions of a marriage amendment, but in the end, our goal will be to assure the one passed has the necessary provisions to protect the institution of marriage in Alabama

Fetal Protection Act

The purpose of this bill is to change Alabama law to provide protection to the unborn child against criminal acts. It is a "Laci and Conner Peterson" type law. We are all familiar with the proceedings in California which resulted in the conviction of Scott Peterson for the murder of not only his wife, but his unborn child. The simplicity of this legislation is merely to change the definition of "person." Current criminal law requires a person to be born alive before a crime can be committed against him. This law would cover "an unborn child at every stage of gestation in utero from conception to birth, regardless of viability." Therefore, the unborn child would be capable of being assaulted or murdered. The assault on or murder of an unborn child will carry the same criminal penalties as that of any other person.

Wrongful Death of an Unborn Child

Under present Alabama law, unless an unborn child can survive outside the womb, it cannot be the subject of wrongful death. Wrongful death is a civil penalty for improperly taking a person's life. This bill would correct existing law to permit a mother, father or other appropriate person to bring a civil action for damages if an unborn child is killed at any time during its life. The child is defined as "a fetus at every stage of gestation in utero from conception to birth, regardless of viability."

Conclusion

SLI will provide a more indepth analysis of these three bills in coming months, as well as keep you up-to-date on their progress. We believe the work we have done will be constitutional under any measure of the law, including the United States Constitution. We also believe the enactment of these bills into law will be significant benefits to the family in Alabama.

This statement is for educational purposes only. It is not intended to provide legal assistance. We hope if you have questions or know of those who do, you will contact us and we can assist through referral to one of our cooperating attorneys.