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Dear Friends and Supporters,

As you probably know, former Attorney General Bill Pryor is now a federal judge for the Eleventh Circuit Court of Appeals. It is clear that Governor Riley must appoint a worthy successor. The Attorney General of Alabama is the state's top law enforcement officer. That applies to not only criminal laws, but civil laws as well. Therefore, the decisions the Attorney General makes and the way he handles cases probably have more to do with our rights than the actions of the Governor and the legislature. Please be in prayer for the one he appoints.

Speaking of the legislature, we have been very busy working on several legislative bills. Detailed reports on these bills are not possible right now. Hopefully, by next month, we can give some encouraging information, but here is a summary:

- Our primary efforts have been focused on an amendment to the Alabama Constitution to prohibit same sex marriages. See this month's Educational Update.
- We are providing legal drafting assistance and testimony on the "Violence to Unborn Children's Act". This gives protection to unborn children for assault and homicide. Unfortunately, it cannot prohibit abortion.
- The Academic Freedom Act would give an affirmative right to teachers to teach origins alternative to evolution. It would protect students' rights to believe.
- A so-called campaign reform bill burdens free speech rights of non-profit organizations who engage in "issue advocacy". The U.S. Supreme Court has protected that right. Yet some legislators insist on taking it away. This is directly related to gambling efforts.
- The gambling bills have laid low. However, they are making some movement and we know that ultimately they will consume more and more of the legislature's time.

Senator Richard Shelby and Representative Robert Aderholt introduced a bill in Congress to protect the acknowledgment of God by government officials. This is the direct result of Roy Moore's effort. It is an appropriate way to limit jurisdiction of the federal courts.

Every year at this time we spend a great deal of our effort on legislative bills, providing legal assistance and testimony. We will provide you updates on all of the above. We hope you are participating in the legislative process. Please be sure to communicate with your elected officials on these and other issues.

Thank you for your continuing support for SLI. Without your support we could not do the things we do. God bless you and with best wishes, I am,

Sincerely,

A. Eric Johnston
General Counsel

AEJ/mc

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: March 2004
From: A. Eric Johnston
Re: Homosexual Marriage and America: A Union Who's Time Has Come ?

The states of Massachusetts and Vermont are the cradles of American independence and liberty. These were the strength of the "Union". Yet, along with several cities, these are pulling at America's moral fabric by recognizing homosexual marriage or civil union. This crisis is being ignited by the U.S. Supreme Court decision of *Lawrence v. Texas* (see SLI's Education Update August 2003), where the court struck down laws which criminalized sodomy. It opened a door for homosexuals to claim "equal rights". Similarly, polygamists in Utah have filed a federal lawsuit stating if sodomy is legally acceptable, than so is polygamy. The next thing you know, bestiality will be normalized. After all, Alabama legislator Alvin Holmes has suggested that is alright to marry a mule. This is no kidding matter. The only way to stop this pogrom of marriage is to amend the United States Constitution and the sister states' constitutions. These are drastic steps, but drastic action is required.

The Federal Situation

The Defense of Marriage Act signed into law by Bill Clinton recognized marriage is between one man and one woman. However, as a federal statute, it would only apply to the application of federal laws, would not effect the states' laws and is subject to the whims of activist judges. Therefore, an amendment to the United States Constitution is necessary. If the U.S. Constitution provides that marriage is only between one man and one woman, it will control the entire country and will resolve the situation. Every state will be subject to its limitation. It is the best possible remedy. However, it is very difficult to amend the U.S. Constitution, requiring two-thirds approval of both the U.S. House and Senate, and then approval of two-thirds of the state legislatures. This may take quite a long time.

The Alabama Situation

In the meantime, states are well advised to protect themselves. Some states, like Massachusetts and Vermont, may decide to legalize some type of homosexual relationship. In 1998, Alabama passed its Alabama Marriage Protection Act, Section 30-1-19, *Code of Alabama* 1975. This may not be enough, however, to protect Alabama from court challenges by homosexuals or being forced to give "full faith and credit" to the law of a sister state, as required by Article IV, Section 1 of the U.S. Constitution. Our 1998 law must be taken one step further. Presently, in the Alabama legislature there are pending three bills to amend the Alabama Constitution.

Two bills are by Representative Gerald Allen (R-Tuscaloosa) and one by Yusuf Salaam (D-Selma) with all doing virtually the same thing, but with different wording. SLI has worked with the Attorney General's office to come up with what we believe to be the best wording for an amendment to the Alabama Constitution. We are hopeful this language can be substituted for one of the pending bills, or included in a new bill.

To be known as the "Alabama Marriage Amendment", it will define marriage as a unique relationship between one man and one woman, a matter of strong public policy in Alabama. The words "marriage" and "spouse" as used in our laws will refer to the one man one woman relationship and to husband and wife. Specifically, the language prohibits same sex relationships as a marriage and the

attempt to create a marriage in another jurisdiction will be of no legal effect in Alabama. Further, in order to avoid any idea of a "civil union" type relationship, by whatever label it may have, carefully worded language prohibits the application of marriage legal benefits to any such relationship. Finally, common-law marriage is abolished.

Conclusion

An amendment to the U.S. Constitution can prohibit same sex marriage and unions throughout the country. Until that happens, states, including Alabama, must act to prohibit it locally. Without the former, we may have legal same sex relationships in some states, but not in others.

SLI has long advocated the necessity to protect marriage. We have worked on various legislation and issues over the last decade while observing a steady march toward the crisis we now face. The media even suggests to us America is evenly divided on whether to accept same-sex marriage. We believe this is patently untrue and is a deceptive effort by destructive forces in America to provide a very vocal and well-heeled minority with what they could not otherwise hope to achieve any other way. The issue is not really the strength of America's marriage, but of America's union - is it strong enough?