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“To compel a man to furnish funds for the propagation of ideas he disbelieves and abhors is sinful and tyrannical.”

Thomas Jefferson

Alabama Supreme Court Judge Stands for Marriage

Alabama’s Supreme Court Chief Justice Roy Moore is making headlines for his stand to uphold his state’s 1998 law and 2006 constitutional amendment (passed by 81%), both of which define marriage as between one man and one woman. Two weeks ago, U.S. District Judge Ginny Granade [ruled](#) in two cases that the statutes were unconstitutional. Judge Moore quickly responded to protect Alabama state sovereignty by issuing several statements declaring his judicial opinion that the rulings should not be considered a blanket directive requiring all Alabama judges to begin issuing marriage licenses to same-sex couples. In a letter to Governor Robert Bentley shortly after Granade’s first ruling, Moore [wrote](#), “Be advised that I stand with you to stop judicial tyranny and any unlawful opinions issued without constitutional authority....As you know, nothing in the United States Constitution grants the federal government the authority to redefine the institution of marriage....I will continue to recognize the Alabama Constitution and the will of the people overwhelmingly expressed in the Sanctity of Marriage Amendment.” This week, Judge Moore sent a memorandum to all of Alabama’s probate judges in which he offers a thorough analysis of the ruling and an in-depth explanation supporting his belief that the judges are not bound to follow the decision of the federal judge. Furthermore, he instructs the probate judges that he believes they would “be acting in violation of their oaths to uphold the Alabama Constitution if they issued marriage licenses prohibited under Alabama law.” Judge Granade did issue a stay in her ruling to allow for an appeals process; however, the 11th Circuit Court declined to issue an appeal, which means the ruling will go into effect on February 9 when the stay is set to expire. Alabama Attorney General Luther Strange has sent a petition to the U.S. Supreme Court to issue an additional stay, stating, “The confusion that has been created by the District Court’s ruling could linger for months until the U.S. Supreme Court resolves this issue once and for all.” His petition will go to Justice Clarence Thomas who hears petitions from Alabama, Georgia, and Florida. To date, same-sex marriage is legal in 36 states, but only [3 of these states](#) have legalized gay marriage through legislation or by a vote of the people. The other 33 states have had the decision imposed on them by judicial activism overruling marriage laws or amendments. Justice Kennedy has indicated that the real test for the constitutionality of marriage should be the effects that such a union has on children. To that end, the adult child of a gay parent has written an [open letter](#), succinctly arguing that same-sex marriage is indeed harmful to children even when they have loving parents.

Strong Pro-Life Bill Moving Forward in States

Despite stalling on the federal level, legislation that would prohibit abortions after 20 weeks is advancing on the [state level](#). Based on evidence that shows unborn babies [can feel pain at 20 weeks](#), the Pain-Capable Unborn Child Protection Act has been introduced in South Carolina, Virginia, and West Virginia, and pro-lifers in two more states—Ohio and Wisconsin—are working to get similar legislation introduced. Ten additional states have already passed laws to protect babies at 20 weeks. On the federal level, legislation introduced by Rep. Trent

Franks (AZ) and Rep. Marsha Blackburn (TN) has received strong support. However, the bill failed to garner the necessary momentum to receive a vote after Rep. Renee Ellmers (R-NC) claimed the bill was too narrow and led an effort to oppose the bill in the U.S. House of Representatives. A national [poll](#) shows that 64% support legislation that protects babies at 20 weeks from pain by prohibiting abortions. Such legislation would have far reaching effects, a point that is not lost to National Organization for Women president Terry O’Neill who supports abortion and [noted](#) the legislation would basically be overturning “*Roe v. Wade* completely, period.”

New York Considering School Choice Scholarship Program

New York Governor Cuomo is receiving accolades from the school choice community for including a tax credit program in his recent proposal for education reform. The same day he announced his plan, the New York Senate [passed](#) a bill to establish the Education Investment Tax Credit which would provide a tax credit for donations to public schools, improvement programs for public schools, and educational scholarship organizations that provide aid to parochial schools. The bill also provides a personal income tax credit to teachers—including those in private, religious and home schools—for expenses they incur for instructional materials. The program has strong bipartisan [support](#) and the backing of 17 labor unions who say the program will help the children of their members. Not surprisingly, the teachers union opposes the measure, calling it a backdoor voucher program and claiming it will hurt public schools. The bill is now being considered by the New York Assembly. Also included in the Governor’s proposed reforms were stricter teacher accountability measures and expansion of charter schools, and the Governor promised an increase of \$1.1 billion for education funding if the legislature approved his proposal.

In Case You Missed It:

[Weekly Market Update](#) provided by Jeff Beach of the [AACCS Investment Team at Merrill Lynch](#)

[Senator Lamar Alexander: The Future of School Choice](#)

[Freedom is the Best Way to Help Low-Income Students](#)

[NYC Mayor Denies Worship Service in Public Schools](#)

[What Obama Got Right and Wrong in His 2016 Budget Proposal](#)

[CA Supreme Court Attempts to Ban State Judges From Volunteering for Boy Scouts](#)

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