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FULL TEXT

3 of 5 Ala. abortion clinics open under new law
The Associated Press
June 30, 2014
Phillip Rawls

MONTGOMERY, Ala. (AP) — Alabama will have half the abortion clinics it did two years ago, with three still planning to operate when a new law state kicks in Tuesday that sets stricter building standards for clinics.

In 2012, Alabama had six clinics licensed by the state Department of Public Health. The three remaining are in Tuscaloosa, Montgomery and Mobile, health department attorney Brian Hale said Monday.

The number started dwindling when New Woman All Women Health Care in Birmingham surrendered its license to the health department in May 2012 after two patients had to be rushed to a hospital by ambulance. A doctor started performing abortions again at the facility without a state license, but the health department got a court order closing it in August 2013.

Huntsville's one abortion clinic closed Friday because it is going to have to move to a new location to meet the new building requirements, which include wider halls and doorways to accommodate gurneys and improved fire safety measures. Hale said that will require the clinic to get a new state license, and there is no timetable of how long that will take. He said the operator has submitted building plans for the new facility, but its architect has not yet responded to questions the health department had about the plans.

Birmingham's clinic, operated by Planned Parenthood Southeast, closed in January after firing two staff members for selling an abortion medication to a person in the clinic's parking lot. Nikema Williams, vice president of Planned Parenthood Southeast, said the clinic has kept its state license while closed, and it has met all the new building requirements. She said the clinic has hired new staff and is training them in anticipation of getting approval from the health department to resume services within a few weeks.

The building requirements are part of a law the Legislature passed in 2013. The law also requires doctors at abortion clinics to have approval to admit patients to nearby hospitals. That part of the law is on hold while the America Civil Liberties Union of Alabama and others challenge it in court.

Susan Watson, executive director of the ACLU of Alabama, said the restrictions and other abortion-related laws passed by the Legislature are designed to limit access to safe abortions.

"Alabama's Legislature, like many states in the South, believes that it must be involved in a woman's most personal health choice decisions and has its sights set on chipping away at her rights to make her own choices," Watson said.

The Rev. James Henderson, executive director of the Christian Coalition of Alabama, said Huntsville had three clinics 20 years ago when he and others started organizing sidewalk protests, and now there are none. He attributed it to prayer and by exposing conditions in the clinics.

"We don't fee jubilation. We feel sadness for the 30,000 lives lost here in Huntsville," he said. Henderson and others are planning a memorial service Tuesday outside the closed clinic. They are also trying to keep the new location from opening because of its closeness to a middle school.

In 2012 when Alabama had six clinics, the health department reported there were 9,076 abortions performed in Alabama. The six clinics accounted for 9,009 and hospitals did the rest. West Alabama Women's Center in Tuscaloosa was the largest clinic, performing 3,503 abortions. The now-closed Huntsville clinic, All Women's Center for Reproductive Alternatives, was second with 1,451. The closed Planned Parenthood clinic in Birmingham was third with 1,342. Planned Parenthood's clinic in Mobile was just behind at 1,275. Montgomery's Reproductive Health Services had 968 and the now-closed New Woman All Women Health Care in Birmingham had 470 in a partial year of operation.

Clinic numbers are not yet available for 2013, but the total number of abortions recorded by the health department declined in 2013 to at 8,485.

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Contraceptive mandate halted for Alabama-based Catholic broadcaster EWTN
The Associated Press
June 30, 2014

ATLANTA | Citing a U.S. Supreme Court opinion issued Monday, a federal appeals court temporarily barred the federal government from forcing an Alabama-based Catholic broadcasting network to comply with a law requiring it to cover contraceptives for women.

A federal judge last week dismissed a lawsuit filed by Eternal Word Television Network maintaining that requiring employers to include contraception in their health care coverage is unconstitutional. The broadcaster appealed the ruling, and a three-judge panel of the 11th U.S. Circuit Court of Appeals in Atlanta issued an order Monday barring enforcement of the requirement pending the outcome of the network's appeal.

The 11th Circuit said it was granting the injunction in light of the Supreme Court's opinion, which held that corporations can hold religious objections that allow them to opt out of the new health law requirement.

U.S. Supreme Court Justice Samuel Alito wrote in his majority opinion, over a dissent from the four liberal justices, that forcing companies to pay for methods of women's contraception to which they object violates the 1993 Religious Freedom Restoration Act. He said the ruling is limited and there are ways for the administration to ensure women get the birth control they want.

The 11th Circuit order said the judges had “no views” on the merits of EWTN's appeal. But Judge William H. Pryor Jr. wrote in a concurring opinion that it seems likely the network will succeed in its appeal.

The network is among dozens of church-based organizations across the country that have sued over the contraception requirement in the health care law. The broadcaster argues contraception, drugs that induce abortion and voluntary sterilization are not part of health care and, therefore, the government shouldn't force the network to provide them as part of its employer-sponsored health plan.

Alito wrote that the U.S. Supreme Court decision is limited to contraceptives. “Our decision should not be understood to hold that an insurance-coverage mandate must necessarily fall if it conflicts with an employer's religious beliefs,” he said.

He suggested that the government could pay for pregnancy prevention or could provide the same kind of accommodation available to religious-oriented, not-for-profit corporations.

When those groups say providing the coverage violates their religious beliefs, their insurer or a third-party administrator pays for the birth control. The employer doesn't have to arrange for the coverage or pay for it, and the government reimburses insurers through credits against fees owed under other provisions of the health care law.

That accommodation is the subject of separate legal challenges, and the court said Monday that profit-seeking companies could not assert religious claims in such a situation.

The network said it was pleased by the Supreme Court decision.

“The Supreme Court decision in the Hobby Lobby case was a great affirmation of the constitutional right to freedom of religious expression,” network chairman and CEO Michael P. Warsaw said in an emailed statement. “While the Hobby Lobby decision did not directly resolve EWTN's case, this afternoon's injunction from the appellate court allows us to press forward without facing the government's crushing fines.”

The network is relieved and encouraged by Monday's court actions and looks forward to making its case before the 11th Circuit, Warsaw said.

“The fact that the Supreme Court believes that the government has an obligation to use the least restrictive means of accomplishing its goals is very helpful to the EWTN case,” he said. “EWTN has raised similar arguments with regard to the government's 'accommodation' scheme for faith-based organizations.”

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State Republicans claim victory in Hobby Lobby ruling
Montgomery Advertiser
July 1, 2014
Brian Lyman

Alabama Republicans engaged in a virtual crossfire of celebratory statements after Monday's Supreme Court decision that companies owned by five or fewer individuals did not have to provide insurance coverage for birth control methods if they had religious objections to the procedures.

House Speaker Mike Hubbard, R-Auburn, tweeted that he "stood with Hobby Lobby," while Alabama Republican Party chairman Bill Armi-stead said Hobby Lobby demonstrated that the nation is "the home of the brave."

"I am thankful for companies like Hobby Lobby who run their business based on biblical truths," he said. "It is gratifying to see that the Supreme Court upheld this truth. America continues to be 'the land of the free,' and as Hobby Lobby has demonstrated, it is also 'the home of the brave'.

"This issue was not just about the morality of birth control and its use, it was a reiteration that Americans do not surrender their religious freedom when they open a family business. The constitutional right to religious freedom does not stop at the church doors. I thank God for this victory and pray that it becomes the first step in restoring our constitution that President Obama has trampled time and again."

Rep. Mike Rogers, R-Saks, also proclaimed it a victory for the religious rights of business owners.

"I was pleased today to see the highest court in the land uphold our religious freedoms and values," Rogers said. "Business owners should not be forced to compromise their beliefs for an overreaching government program like Obamacare, and I am relieved to see this strong affirmation for some of our nation's most important principles."

U.S. Rep. Martha Roby, R-Montgomery, said it was a ruling against Obama and that she hoped it was the first of many.

"I hope this ruling helps correct the Administration's bad habit of using agency-level rule-making to interpret laws in such a way that fits its own pet policies," Roby said. "This time they ran square into the First Amendment's very clear protection of Americans' free exercise of religion.

"However, there are many more instances in which the Obama Administration has attempted to accomplish through executive fiat what it could not enact legislatively. I hope we will see more willingness from the Judicial Branch to affirm the separation of powers that is so fundamental to our government."

Democrats were largely silent on the decision. A spokesman for House Minority Leader Craig Ford, D-Gadsden, said Ford would not have any comment.

But other groups were critical.

"Although religious freedom is a fundamental right, it does not include the right to impose your beliefs on others," said Susan Watson, executive director of ACLU of Alabama, in a statement. "Today's Supreme Court ruling is totally unprecedented, and the majority got it wrong."

Because the decision was specifically tailored to "closely held" companies with five or fewer owners, it was unclear what immediate impact it could have in the region.

Chick-fil-A, a company that reflects its owners' strong Christian beliefs, fits the definition of a closely held firm and operates five outlets in the Montgomery region. But a spokeswoman for Chick-fil-A declined comment on the case Monday.

Baptist Health released a statement that did not indicate whether the ruling would have any effect on its insurance coverage for employees.

"While we do not openly discuss our employee benefit plans as we feel that is an agreement between employee and employer, Baptist Health evaluates employee benefit plans annually in accordance with the law," a hospital release said.

Asked if this meant Baptist Health would consider coverage of certain contraceptives, Baptist South Public Relations Manager Merrill South responded "It means Baptist Health does not discuss our employee benefit plans publicly."

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Alabama lawmakers praise Supreme Court's decision in Hobby Lobby case as 'important step towards restoring religious freedoms'
Al.com
June 30, 2014
Leada Gore

Alabama lawmakers are lauding today's Supreme Court decision that allows employers with religious objections to opt out of providing contraceptive coverage under the Affordable Care Act.

Here's reaction from Alabama's Senators and Representatives:

"Hobby Lobby is a family business that objected to a federal government mandate requiring them to pay for drugs like Plan B and Ella, which they argued was a violation of their pro-life religious views. Today's ruling is an important step towards restoring the religious freedoms that the President's health care law suppressed. And it is yet another rebuke for an Administration that does not recognize the limits on its power."

Sen. Jeff Sessions, R-AL, whose committee assignments include serving as senior member of the Senate Judiciary Committee

"Obamacare is bad health care policy, but it also runs roughshod over deeply-held religious and moral beliefs. America is a nation that traces its beginnings to the principle of freedom of conscience. The government gets into very dangerous territory when it tries to compel individuals to act in ways that violate their religious freedom. In the floor statement I gave when I voted against Obamacare, I stated my concern that the law could force people to fund abortions against their religious and moral convictions. Today's Supreme Court decision ought to cause the Obama Administration to reassess a long list of policies that many of us consider hostile to the full and free exercise of religious belief."

Rep. Spencer Bachus, R-Birmingham, a cosponsor of the Health Care Conscience Rights Act, which would prohibit the ACA from requiring individuals to buy health insurance coverage that pays for abortions and other services that conflict with their religious beliefs

"I hope this ruling helps correct the Administration's bad habit of using agency-level rule-making to interpret laws in such a way that fits its own pet policies. This time they ran square into the First Amendment's very clear protection of Americans' free exercise of religion. However, there are many more instances in which the Obama Administration has attempted to accomplish through executive fiat what it could not enact legislatively. I hope we will see more willingness from the Judicial Branch to affirm the separation of powers that is so fundamental to our government."

Rep. Martha Roby, R-Montgomery. Roby, an attorney, said she hopes today's ruling indicates more willingness on the part of the court to rein in executive overreach.

"I was pleased today to see the highest court in the land uphold our religious freedoms and values. Business owners should not be forced to compromise their beliefs for an overreaching government program like Obamacare, and I am relieved to see this strong affirmation for some of our nation's most important principles. Obamacare is one of the worst laws passed in our lifetimes. Families and seniors are paying skyrocketing premium increases all while facing fewer doctor choices. This law must be repealed, and Congress must not give up that fight."

Rep. Mike Rogers, R-Saks. Rogers, a longtime critic of the president's signature healthcare plan, recently said he fears there's almost no chance the law will be overturned.

"Today's Supreme Court decision is a major victory for religious freedom and family businesses. I hear from people across Southwest Alabama almost every day who are worried that our nation's moral foundation is eroding. The federal government should not be able to mandate a family business abandon the Judeo-Christian foundation on which their business is built. Today's decision affirms that very principle. I will continue to push back against the Obama administration's efforts to grow the federal government's influence in our everyday lives. I hope today's ruling serves as yet another judicial rebuke of the idea that our nation's laws can simply be overlooked to advance a political agenda."

Rep. Bradley Byrne, R-Fairhope. Byrne has co-sponsored legislation to try and limit the reach of Obamacare.

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Luther Strange praises Hobby Lobby contraceptives decision by U.S. Supreme Court
Al.com
June 30, 2014
Jim Stinson

Praise for a Supreme Court decision on Monday continued to come from Alabama's top officials, who said the court's Hobby Lobby 5-4 decision has expanded religious liberty.

Attorney General Luther Strange was quick to praise the U.S. Supreme Court decision's in Burwell v. Hobby Lobby.

The Supreme Court struck down a mandate within 2010's Affordable Care Act, aka Obamacare, that would force coverage of contraceptives.

Hobby Lobby objected, saying some of the contraceptives cause pregnancies to terminate.

Strange said the decision protects family businesses from government mandates that violate their religious beliefs, and that the court's ruling is a victory for the free exercise of religion.

"Alabama has a history of safeguarding our freedom of religion. In 1998, we were the first state to amend our constitution through popular referendum to forbid the state from burdening the free exercise of religion unless there was no other way to accomplish a compelling state interest," said Strange. "If the federal government believes free contraception is vital, then surely it can find another way to implement it than by forcing family businesses and religious broadcasters and others to violate their religious beliefs."

Strange also mentioned Eternal Word Television Network of Irondale, Alabama, which his office joined in October 2013, in filing a separate lawsuit against the U.S. Department of Health and Human Services over the Obamacare contraceptive coverage mandate. EWTN is the largest Catholic media company in the world.

The Catholic company could face $10 million in fines for failure to comply with the Obamacare contraceptive mandate.

Earlier this month, an Alabama federal circuit judge ruled against EWTN, and Strange said his office would stand by the religious broadcaster through the appeals process.

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Alabama Public Safety Director Hugh McCall retires
The Associated Press
July 1, 2014

MONTGOMERY, Alabama -- Alabama Public Safety Director Hugh McCall has retired after more than 30 years in state law enforcement.

McCall's retirement was effective Monday. A spokeswoman for the governor says he's named John Richardson to fill-in as director until the Department of Public Safety merges into the new Alabama Law Enforcement Agency in January. Richardson has been serving as assistant director of the law enforcement division of the Alabama Alcoholic Beverage Control Board.

Gov. Robert Bentley appointed McCall to lead the department at the start of his administration in January 2011. McCall began working for the department in 1980. The department says that as director, he oversaw 1,500 employees and administered an annual budget of more than $180 million.

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Grants up dual-enrollment opportunities
Decatur Daily
June 30, 2014
Deangelo Mcdaniel and Bayne Hughes

Two 21st Century Workforce grants are expanding dual enrollment opportunities for local high school students.

Decatur City Schools received a $357,000 grant to establish a cyber security dual enrollment program with Calhoun Community College and Athens State University.

The grant will allow students from the six school systems in Lawrence, Limestone and Morgan counties to participate. The program is not expected to begin until 2015.

The goal is to put students on track so when they graduate high school, they will be ready to obtain a bachelor's degree in cyber security from Athens State, Decatur curriculum supervisor Dee Dee Jones said.

Bethany Shockney, Calhoun dean of technology and workforce development, said students will start with the basics and take primarily 300-level college classes as seniors.

State Superintendent Tommy Bice said DCS can use the grant funding to purchase equipment "directly related" to implementing the program.

Jones said the funding will go to purchase software, servers, work stations and routers so classes can be offered online at Decatur's Entrepreneurial Center on Fourth Avenue Southeast.

Athens State will offer a class at the university for Athens High students, said Ronnie Knox, ASU development director.

Jones said sophomore and junior students will be restricted to Level 1 and 2 classes offered through Calhoun Community College.

Nick Agrawal, chairman of Calhoun's Computer Information Systems and Business Department, on the Huntsville campus, announced in March that the college is seeking state approval to offer a two-year associate degree in cyber security.

Classes would be taught on the Decatur and Huntsville campuses and the goal is to offer the degree starting in spring 2015.

The average starting salary for the Decatur area is $40,000 to $60,000 annually, Agrawal said.

Jones said the $357,000 grant was the second for DCS from the state's 21st Century Workforce bond issue.

In January, Decatur received a $500,000 grant to expand the dual-enrollment welding program at Calhoun by purchasing portable welding stations and a virtual welder that will introduce students to the program.

A recent workforce study for Region 2, which includes Morgan and six other counties, identified 155 job openings for welders, with an average starting pay of $28 per hour.

Because of limited space, Decatur schools had 25 to 27 students in Calhoun's introductory welding class last year.

Jones said the portable welding stations at Calhoun will have 15 to 18 booths and a virtual welder. This will allow 75 students from Decatur and Athens to take classes at Calhoun.

A class for 20 students in Hartselle will be established.

The Alabama Commission on Higher Education approved a for-credit welding program at Calhoun, which will start in the fall.

That means classes students take will count toward a degree if they decide to enroll at Calhoun or any Alabama college that offers welding as a degree program.

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Desegregation judge drops hammer on Huntsville schools, "Court cannot find conclusively that the Board does not operate a dual system."
Al.com
June 30, 2014
Challen Stephens

HUNTSVILLE, Alabama -- The judge ruled late today in Huntsville's months-long desegregation dispute, clearing the way for federal attorneys to roll up their sleeves, dig deeper and and stay longer.

U.S. District Judge Madeline Hughes Haikala didn't approve the city's plan to redraw school zones.

And she didn't approve the Justice Department's plan.

Instead, she appointed Chief Magistrate Judge John Ott to oversee months of mediation between the two as they examine all aspects of racial disparities across Huntsville City Schools.

She also called for appointment of Special Master to oversee the court's ongoing fact-finding in the case.

The judge's 107-page ruling, complete with dozens of attachments, questioned whether Huntsville school officials have acted in good faith in recent months and whether the city has done enough over the years to blame inequities on housing patterns.

haikala.jpg
U.S. District Judge Madeline Hughes Haikala

She held Huntsville did little to prepare black students for AP courses and then blamed the students for not taking them. She found the board's commitment to the Johnson High magnet to be "lukewarm." She castigated Superintendent Casey Wardynski for moving around application deadlines and "chiseling away" at court-ordered transfers that allow black students to switch to majority white schools.

She ordered the board immediately remove from its web site a PowerPoint presentation criticizing those majority-to-minority transfers and immediately remove another asserting the system had met the desegregation requirements regarding teaching staffs. She said the board did not meet any requirement until the court had ruled.

And she didn't accept the hurried "community conversations" as adequate community participation in the city's rezoning efforts. She wrote the meetings were held days before the plan was submitted and Wardynski himself acknowledged no changes were made as a result of meeting with the public.

"Thus, the Board provided little opportunity for meaningful community feedback after it announced its school assignment plan."

This year's contest in the 51-year-old desegregation lawsuit, Hereford v. Huntsville, stemmed from the system's attempt to redraw zone lines. The U.S. Department of Justice remains the plaintiff in the 1963 suit that ended a dual system based on race.

And the Justice Department had objected to Huntsville's rezoning efforts, arguing the city combined to majority black high schools and placed more students in more segregated environments. Huntsville on Feb. 7 opted to seek the judge's approval, despite federal opposition.

That plan officially and dramatically backfired.

Judge Haikala took particular exception to much of Wardynski's testimony, from finding his comments on federal grants untrue to finding insubstantial his objections to the federal rezoning proposals.

"The Court strongly suspects that the district has chosen not to share many of the reasons for the choices that it made as it shaped its student assignment plan. The Court got a glimpse into the superintendent's thinking when the United States's cross-examined him about his objections to the government's rezoning proposals. When asked whether Hereford (Elementary) students would not benefit from attending Huntsville High, the superintendent, in an unguarded moment, replied '[t]hey [would] be going into schools that are not accustomed to dealing with students who are below grade level.'

She also admonished the Justice Department, but only to say they were being far too lax.

"From the record, it appears that years of relative calm and inactivity have lulled the government into a habit of checking in only when the district proposes actions that require the government's review. The government should be more proactive. Based on the current record, the Court does not know when inequities in educational programs arose in the district; however, standardized test scores from 10 years ago demonstrate disparate results among racially identifiable schools. Had the government been keeping an eye on that sort of information, it could have brought it to the Court's attention more quickly and enabled the Court and the district to address the issue in a timely fashion. "

Haikala writes that the system had asked for an answer by the end of June, and while her ruling arrived at the end of the day on June 30, deeper issues remain at play. She said she can't rule on zone lines yet, not without getting to the bottom of related issues of educational programming.

"Thus, the Board provided little opportunity for meaningful community feedback after it announced its school assignment plan."
She said zoning should be addressed through mediation, while the system considers course offerings and teacher and all other aspects of the system related to desegregation.

Haikala expects by the end of the calendar year to have a plan on rezoning, as well as a roadmap to unitary status in all areas. (A judge declares unitary status when a former dual system has been found to be one, retiring the desegregation order. That may happen in pieces, such finding a system to be unitary in student assignment but not yet unitary in faculty assignment.)

Haikala clearly favored the Justice Department plan, but sees obstacles there as well.

"The student assignment plans that the United States has proposed have much to offer," she writes. "In particular, the government's plan moves Hereford Elementary School, a predominantly African-American school, into the feeder system for Huntsville High."

She writes repeatedly that school officials published misleading information about the Justice Department plan when the board revealed that an early version would split numerous feeder patterns. That plan was never submitted, she notes, and therefore never proposed in court. That can create confusion in the community, she writes.

She also dismisses Huntsville's objections to the federal rezoning plan, which would send more black students to Huntsville High and rezone more white students to Lee High.

"The Board posits that the government's proposed reassignment plans are 'infeasible;'" she writes, "however, the Board's criticisms of the government's proposals boil down to a simple preference for the district's policy choices."

She rejects the board argument that the city system long ago desegregated, people moved around and there was nothing the board could do to remedy imbalances created by housing patterns.

"The record in this case is not as clear as the Board suggests, and the fact that the district integrated the student bodies of many of its schools in the early 1970s does not automatically lead to the conclusion that the district does not currently operate a dual system," she writes.

She finds there are many ares that are well-suited to being addressed by school officials, such as disparities in course offerings between racially identifiable schools.

"At the hearing on the Board's student assignment motion, the district tried to blame the students at Butler and Johnson for the absence of accelerated courses in those schools. The district administrator who determines which courses will be taught at the district's schools each year testified that all of the courses listed in the district's course catalogue, including all of the 27 AP courses, are offered to all of the students at all of the high schools in the district, but the district only teaches a handful of AP courses at Butler and Johnson because students at those schools have not requested other AP courses ... The uncomfortable truth is that in a high school in which only 33% of the students read at or above grade level, many students probably are not prepared for the rigor of college level AP courses. Students who do not read at grade level need not only encouragement but also remedial help to take an AP course."

In short, Haikala held: "On the record before it, the Court cannot find conclusively that the Board does not operate a dual system."

She ends on an up note, complimenting enthusiastic teachers, looking to the engaged community members who wrote her letters and spoke at the federal hearing.

"There are many reasons to believe that the district will meet the challenges that it currently faces and will expand educational opportunities for all of its children," she concludes.

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Gov. Bentley appoints John Richardson as acting Director of Public Safety
WSFA
July 1, 2014

MONTGOMERY, AL (WSFA) -
Governor Robert Bentley is announcing this Tuesday that John Richardson has been appointed to serve as the acting Director of the Alabama Department of Public Safety.

"For nearly three decades, John Richardson has been a dedicated law enforcement officer," Governor Robert Bentley said. "He is a strong leader and brings a wealth of knowledge and experience to the Alabama Department of Public Safety. I appreciate his willingness to serve and continue our efforts to streamline Alabama's law enforcement agencies into one efficient department."

Richardson began his career in state law enforcement in 1988 as an agent with the ABC Enforcement Division. He was assigned then to the Narcotics Bureau. Most recently, he served as the Assistant Director of ABC's Enforcement Division.

"I want to express my sincere appreciation to Governor Bentley for his confidence in me and for affording me the opportunity to lead the Department of Public Safety," Richardson said. Since 1935, the department has played a pivotal role in state law enforcement and the protection of Alabama citizens. As we move forward with the consolidation of state law enforcement in the coming months, I pledge to continue this longstanding commitment to the citizens of Alabama, while working toward providing a more effective and efficient department."

On Monday officials with the ALDPS are confirmed the former Department Director Colonel Hugh McCall announced his retirement. The announcement was made in an email that was sent to all employees.

McCall served as the state's second African American Public Safety Director and served for 34 years with Alabama State Troopers. His retirement will be effective immediately.

WSFA 12 News will keep you up to date with the latest information on air and online. Check back for more updates.

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Alabama colleges raising tuition again
Dothan Eagle
June 30, 2014
Jim Cook

Tuitions at many colleges and universities in Alabama will go up again for the 2014-2015 academic year, as they continue to deal with rising costs and a decline in state funding.

Gregory Fitch, executive director of the Alabama Commission on Higher Education, said that colleges and universities in Alabama have endured a significant decrease in state support since the onset of the Great Recession in 2008. Rises in tuition have accelerated since then as a result.

“Historically, some colleges and universities were above 50 percent in state funding, now they’re down to 28, 27 or 21 percent,” Fitch said.

According to the Center on Budget and Policy Priorities, between 2008 and 2013, Alabama cut support to public four-year colleges and universities by about 39.8 percent. According to the College Board, the price of attending a four-year public college or university, even after accounting for increased federal financial aid and tax subsidies, has grown much faster than median income growth over the last two decades.

Fitch said that in addition to cuts in state funding, salary and benefits costs and other operations costs have contributed to the need to increase tuition.

Locally, Troy University will increase tuition by 3 percent for the 2014-2015 school year.

John Dew, senior vice chancellor for student services and administration, said Troy’s recent tuition increase is in line with increases other colleges and universities in the state are making. Dew said the increase was necessary to cover the costs of operating new buildings on campus. Dew said the university has worked to reduce some costs, eliminating about 70 administrative positions through attrition.

Dew said the university currently gets about 20 percent of its funding from the state. He said university leaders are concerned about costs, but also strive to provide quality education to students.

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Auburn University board re-elects Jimmy Rane for second term as president pro tempore
Al.com
June 30, 2014
Evan Belanger

AUBURN, Alabama -- The Auburn University Board of Trustees has elected Jimmy Rane to a second term leading the board as president pro tempore.

Rane, who serves as chairman, president and CEO of Great Southern Wood Preserving Inc., was first appointed to the board in 1999. He was reappointed to a second seven-year term in 2012.

Known popularly as the "Yella Fella" for his ads promoting his lumber company, Rane will be responsible for appointing committees for the coming year.

He is also charged with leading the direction of the board and will be the board member assigned to work most closely with University President Jay Gogue.

University officials have also announced the Trustee Charles McCrary has been elected vice president pro tempore.

Both votes were unanimous and both men will serve one-year terms.

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Madison County District Attorney Rob Broussard named president of Alabama DA's association
Al.com
June 30, 2014
Brian Lawson

HUNTSVILLE, Alabama -- Madison County District Attorney Rob Broussard has been named president of the Alabama District Attorney's Association for the 2014-15 term.

Brousssard, 56, has been Madison County's District Attorney since 2009. He was appointed to the job by Gov. Bob Riley following the retirement of Tim Morgan. Broussard joined the DA's office in 1988.

He was elected to a six-year term in 2010.

The DA's association includes the lead prosecutor from each of Alabama's 42 judicial circuits. Broussard will serve a one-year term. Over the past year he served as the association's vice president.

"I'm looking forward to the year," he said. "You have 41 other district attorneys in the state that do exactly what I do. "You'll find some experience certain problems that are peculiar to their area, but more often than not, we're all doing the same thing. We are a state agency, and as such the more coordinated you are the better you fare statewide when it comes to the business in Montgomery

"As president, obviously I view my role as keeping everybody together and kind of looking out for one another.

Broussard has prosecuted more than 20 capital murder cases and 30 other murder cases. Six people he has prosecuted are on Alabama's death row.

Last year Broussard led the drafting of a measure that would speed up the timetable for death penalty appeals in Alabama. He pointed out that Alabama death row cases last an average of 16 years -- while Texas takes about seven years from sentence to execution. The measure would require that so-called Rule 32, post-conviction appeals – which focus on poor attorney

performance, court or juror misconduct and other constitutional violations – would begin at the same time as the direct appeals, rather than after the direct appeals are exhausted.

The measure was endorsed by the Alabama Attorney General's office and approved by both the Alabama House and Senate Judiciary committees, but was not voted on in either chamber.

Defense attorneys and others said the measure would compound problems that already exist in the death penalty system.

Broussard said the DA's association holds a meeting each fall to discuss issues of interest and areas they hope to see the Alabama Legislature address. He said the death penalty measure will be one of the issues under consideration.

"We will look at it and see if we think that this the opportune to bring it back to the legislature," he said. "It's a such a complex apparatus down there in terms of how the legislature works, that it's almost unpredictable on what takes a life of its own and what captures their attention.

"I don't know if I can accurately assess what went wrong on it last session, but any time talking about the death penalty it's a controversial topic."

The District Attorney's Association selected Morgan County DA Scott Anderson to serve as vice president for the 2014-15 term and Walker County DA Bill Adair as secretary-treasurer.

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Harri Anne Smith granted ballot access
Dothan Eagle
June 30, 2014

The Alabama Secretary of State’s office has notified Sen. Harri Anne Smith, I-Slocomb, that she garnered enough signatures to gain ballot access in November.

Alabama law requires independent party candidates to submit signatures from three percent of voters who cast votes in the most recent gubernatorial election in order to gain ballot access. Smith needed less than 2,000 signatures to gain access. Her campaign said Monday that more than 13,000 local residents supported the petition.

“I am so thankful for the people who took the time to sign the petition to make sure they have a choice in November,” Smith said in a written release.

Smith is expected to make an official campaign announcement later this summer. She faces Republican nominee Melinda McClendon, currently the District 4 Houston County Commissioner, in the November general election.

Smith was denied ballot access in 2010 by the State Republican Executive Committee for her public endorsement of Democrat Congressional Candidate Bobby Bright during the 2008 election cycle, which is against party rules.

Smith gathered the necessary signatures in 2010 to gain ballot access as an independent and was re-elected.

State law provides no automatic ballot access for independents, even if the candidate is an incumben

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Secretary of State Jim Bennett talks about featured extra role in 'Selma,' work as journalist during civil rights era
Al.com
June 30, 2014
Phillip Rawls

MONTGOMERY, Alabama --- Alabama Secretary of State Jim Bennett played a reporter in a scene of the movie "Selma" shot in front of the State Capitol on Friday.

The role came naturally for Bennett, who was a 25-year-old capitol reporter for the Birmingham Post-Herald at the time of the voting rights march recreated in the movie.

Bennett did not cover the march when it arrived at the State Capitol on March 25, 1965. He was covering a special session of the Legislature inside the Capitol that day. (One of the bills lawmakers considered would have repealed the statewide poll tax; it did not pass).

But Bennett did cover the 1963 marches in Birmingham, where authorities turned fire hoses and German shepherds on demonstrators, the bombing of the Sixteenth Street Baptist Church that killed four girls and Gov. George Wallace's stand in the door at the University of Alabama.

"Sometimes I feel like Forrest Gump," said Bennett, who said it was not unusual for him to interview Wallace, Eugene "Bull" Connor and Martin Luther King Jr. on the same day.

"Selma" stars David Oyelowo as King. It is about the march that helped spur Congress to pass the Voting Rights Act, which outlawed schemes used to keep blacks from registering to vote.

The movie will be released to a limited number of theaters on Christmas Day before opening nationwide on Jan. 9, 2015.

Bennett said the scene shot Friday, depicting the end of the march, when King addressed about 25,000 people at the foot of the Capitol steps, seemed realistic.

Bennett remembers looking out the window of the State Capitol that day 49 years ago and seeing the throng filling the upper part of Dexter Avenue.

He figures that had to make an impression on Wallace, who refused to meet with the march leaders that day.

"When you've got 25,000 people out your window it has to dawn on you that this was a movement that would not be stopped," Bennett said.

The night before, Bennett had gone to where the marchers camped in west Montgomery. He said it was "wall to wall people" and remembers seeing Joan Baez, Peter Paul and Mary and Tony Bennett perform.

Bennett said it was a great time to be a reporter because of the important stories. But it could be scary, too, because the threat of violence was real, whether you were a marcher, police officer or journalist.

"Reporters and photographers put themselves in harm's way to get the story," he said.

Wallace and Connor didn't make that any easier, he said. Bennett said Connor, the Birmingham public safety commissioner known for calling out the dogs and hoses, mockingly called him "the postman" because he worked for the Post-Herald and made negative remarks about him on a radio show.

"He didn't like anybody covering the marches or any of that," Bennett said. "I guess he thought newspapers should ignore what happened."

Bennett said it was not unusual for Wallace to point the reporters out to less-than-friendly crowds.

"He'd say, 'There they are, right there. Some of them are working for the New York Times,'" recalled Bennett, who did work as a stringer for the Times and for Newsday.

Bennett said he was never roughed up, though other journalists were. He said he got hate mail.

He remembers interviewing King at City Hall in Birmingham and asking him about rumors that there would be violence at an upcoming demonstration.

"We will not touch the hair of a white man's head," King told him.

Bennett said he and the other journalists of the time held to the rule of objectivity for the most part.

"They didn't go off on tangents," he said. "They reported what they saw."

The willingness of the Selma march leaders and their followers to put their lives on the line made their dedication clear, he said. Black voter registration was miniscule at the time in Black Belt counties with majority black populations.

"It's not like the people who had joined the march didn't have a cause," Bennett said. "They were indeed being denied the right to vote."

Bennett said he was paid $64 for his role as a featured extra in "Selma." A featured extra is one who plays a specific character, as opposed to just a face in the crowd, he said.

It's not Bennett's first time on a movie set. He's appeared in seven other movies, with speaking roles in two, including an appearance as an apartment manager in "The Prince," a Bruce Willis film scheduled that Bennett said is scheduled for a September release.

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Craft beer brewers in Southeast now have an Alabama supplier of the key ingredient yeast
Al.com
June 30, 2014
Lee Roop

HUNTSVILLE, Alabama – A new Huntsville biotech company is supplying the growing craft beer industry in Alabama and the Southeast with a critical ingredient: high-quality yeast to keep brews consistent in flavor and quality.

Leavendary, founded by entrepreneur Peyton McNully, is located a Huntsville's HudsonAlpha Institute for Biotechnology. It's the first yeast propagation service in the Southeast, McNully says, and it offers customized yeast to craft brewers.

So, what is yeast, and what is its role in brewing? Yeast cells are living organisms that convert carbohydrates into alcohol through the process of fermentation. Consistent, high-quality yeast affects a beer's flavor and consistency.

Leavendary recently signed Alabama's largest craft brewer, Back Forty Beer Company in Gadsden, as a client. In a statement, Back Forty CEO Jason Wilson, who is also president of the Alabama Brewers Guild, said his brewery is "excited to partner with Leavendary to provide Back Forty with the highest-quality yeast and testing services in the industry, to ensure that our consumers continue to experience our same great-tasting beer, every time."

McNully said his company propagates "pitchable" quantities of yeast, precise amounts for a given batch of beer. The company also does quality testing at microscopic and molecular levels for individual clients.

Craft beer brewing is growing across America and Alabama. There are 29 craft breweries in the state today, and craft beer production jumped 47 percent from 2012 to 2013. That's well above the national average increase of 18 percent.

Leavendary is one of 27 resident associated companies located at the HudsonAlpha Institute for Biotechnology. The non-profit institute's three-part mission is genomic research, education and business incubation.

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Court gave NSA broad leeway in surveillance, documents show
The Washington Post
June 30, 2014

Virtually no foreign government is off-limits for the National Security Agency, which has been authorized to intercept information “concerning” all but four countries, according to top-secret documents.

The United States has long had broad no-spying arrangements with those four countries — Britain, Canada, Australia and New Zealand — in a group known collectively with the United States as the Five Eyes. But a classified 2010 legal certification and other documents indicate the NSA has been given a far more elastic authority than previously known, one that allows it to intercept through U.S. companies not just the communications of its overseas targets but any communications about its targets as well.

The certification — approved by the Foreign Intelligence Surveillance Court and included among a set of documents leaked by former NSA contractor Edward Snowden — lists 193 countries that would be of valid interest for U.S. intelligence. The certification also permitted the agency to gather intelligence about entities including the World Bank, the International Monetary Fund, the European Union and the International Atomic Energy Agency.

The NSA is not necessarily targeting all the countries or organizations identified in the certification, the affidavits and an accompanying exhibit; it has only been given authority to do so. Still, the privacy implications are far-reaching, civil liberties advocates say, because of the wide spectrum of people who might be engaged in communication about foreign governments and entities and whose communications might be of interest to the United States.

“These documents show both the potential scope of the government’s surveillance activities and the exceedingly modest role the court plays in overseeing them,” said Jameel Jaffer, deputy legal director for the American Civil Liberties Union, who had the documents described to him.

NSA officials, who declined to comment on the certification or acknowledge its authenticity, stressed the constraints placed on foreign intelligence-gathering. The collection must relate to a foreign intelligence requirement — there are thousands — set for the intelligence agencies by the president, the director of national intelligence and various departments through the National Intelligence Priorities Framework.

Furthermore, former government officials said, it is prudent for the certification to list every country — even those whose affairs do not seem to immediately bear on U.S. national security interests or foreign policy.

“It’s not impossible to imagine a humanitarian crisis in a country that’s friendly to the United States, where the military might be expected on a moment’s notice to go in and evacuate all Americans,” said a former senior defense official who spoke on the condition of anonymity to discuss sensitive matters. “If that certification did not list the country,” the NSA could not gather intelligence under the law, the former official said.

The documents shed light on a little-understood process that is central to one of the NSA’s most significant surveillance programs: collection of the e-mails and phone calls of foreign targets under Section 702 of the 2008 FISA Amendments Act.

The foreign-government certification, signed by the attorney general and the director of national intelligence, is one of three approved annually by the Foreign Intelligence Surveillance Court, pursuant to the law. The other two relate to counterterrorism and counterproliferation, according to the documents and former officials.

Under the Section 702 program, the surveillance court also approves rules for surveillance targeting and for protecting Americans’ privacy. The certifications, together with the National Intelligence Priorities Framework, serve as the basis for targeting a person or an entity.

The documents underscore the remarkable breadth of potential “foreign intelligence” collection. Though the FISA Amendments Act grew out of an effort to place under statute a surveillance program devoted to countering terrorism, the result was a program far broader in scope.

An affidavit in support of the 2010 foreign-government certification said the NSA believes that foreigners who will be targeted for collection “possess, are expected to receive and/or are likely to communicate foreign intelligence information concerning these foreign powers.”

That language could allow for surveillance of academics, journalists and human rights researchers. A Swiss academic who has information on the German government’s position in the run-up to an international trade negotiation, for instance, could be targeted if the government has determined there is a foreign-
intelligence need for that information. If a U.S. college professor e-mails the Swiss professor’s e-mail address or phone number to a colleague, the American’s e-mail could be collected as well, under the program’s court-approved rules.

Even the no-spy agreements with the Five Eye countries have exceptions. The agency’s principal targeting system automatically filters out phone calls from Britain, Canada, Australia and New Zealand. But it does not do so for their 28 sovereign territories, such as the British Virgin Islands. An NSA policy bulletin distributed in April 2013 said filtering out those country codes would slow the system down.

“Intelligence requirements, whether satisfied through human sources or electronic surveillance, involve information that may touch on almost every foreign country,” said Timothy Edgar, former privacy officer at the Office of the Director of National Intelligence and now a visiting fellow at Brown University’s Watson Institute for International Affairs.

Those efforts could include surveillance of all manner of foreign intelligence targets — anything from learning about Russian anti-submarine warfare to Chinese efforts to hack into American companies, Edgar said. “It’s unlikely the NSA would target academics, journalists or human rights researchers if there was any other way of getting information,” he said.

A spokeswoman for the NSA, Vanee Vines, said the agency may only target foreigners “reasonably believed to be outside the United States.”

Vines noted that in January, President Obama issued a policy directive stating that U.S. surveillance “shall be as tailored as feasible.” He also directed that the United States no longer spy on dozens of foreign heads of state and that sensitive targeting decisions be subject to high-level review.

“In short, there must be a particular intelligence need, policy approval and legal authorization for U.S. signals intelligence activities, including activities conducted pursuant to Section 702,” Vines said.

On Friday, the Office of the Director of National Intelligence released a transparency report stating that in 2013 the government targeted nearly 90,000 foreign individuals or organizations for foreign surveillance under the program. Some tech-
industry lawyers say the number is relatively low, considering that several billion people use U.S. e-mail services.

Still, some lawmakers are concerned that the potential for intrusions on Americans’ privacy has grown under the 2008 law because the government is intercepting not just communications of its targets but communications about its targets as well. The expansiveness of the foreign-powers certification increases that concern.

In a 2011 FISA court opinion, a judge using an NSA-provided sample estimated that the agency could be collecting as many as 46,000 wholly domestic e-mails a year that mentioned a particular target’s e-mail address or phone number, in what is referred to as “about” collection.

“When Congress passed Section 702 back in 2008, most members of Congress had no idea that the government was collecting Americans’ communications simply because they contained a particular individual’s contact information,” Sen. Ron Wyden (D-Ore.), who has co-sponsored -legislation to narrow “about” collection authority, said in an e-mail to The Washington Post. “If ‘about the target’ collection were limited to genuine national security threats, there would be very little privacy impact. In fact, this collection is much broader than that, and it is scooping up huge amounts of Americans’ wholly domestic communications.”

Government officials argue that the wholly domestic e-mails represent a tiny fraction — far less than 1 percent — of the volume collected. They point to court-
imposed rules to protect the privacy of U.S. persons whose communications are picked up in error or because they are in contact with foreign targets.

In general, if Americans' identities are not central to the import of a communication, they must be masked before being shared with another agency. Communications collected from companies that operate high-volume cables — instead of directly from technology firms such as Yahoo or Google — are kept for two years instead of five. Some of the most sensitive ones are segregated and may not be used without written permission from the NSA director.

Privacy advocates say the rules are riddled with exceptions. They point out that wholly domestic communications may be kept and shared if they contain significant foreign intelligence, a term that is defined broadly, or evidence of a crime. They also note that the rules allow NSA access to certain attorney-client communications, pending review by the agency's general counsel.

Jennifer Granick, the director of civil liberties at the Stanford Center for Internet and Society, expressed concern about the prospect of capturing e-mails and phone calls of law-abiding foreigners. "The breadth of the certification suggests that the court is authorizing the government to spy on average foreigners and doesn't exercise much if any control beyond that," she said.

Some former officials say that the court's role has been appropriately limited when it comes to foreign targeting decisions, which traditionally have been the purview of the executive branch. The court generally has focused on ensuring that domestic surveillance is targeted at foreign spies or agents of a foreign power.

"Remember, the FISA court is not there to protect the privacy interests of foreign people," the former defense official said. "That's not its purpose, however noble the cause might be. Its purpose is to protect the privacy interests of persons guaranteed those protections under the Constitution."

The only reason the court has oversight of the NSA program is that Congress in 2008 gave the government a new authority to gather intelligence from U.S. companies that own the Internet cables running through the United States, former officials noted.

Edgar, the former privacy officer at the Office of the Director of National Intelligence, said ultimately he believes the authority should be narrowed. "There are valid privacy concerns with leaving these collection decisions entirely in the executive branch," he said. "There shouldn't be broad collection, using this authority, of foreign government information without any meaningful judicial role that defines the limits of what can be collected."