



Speaker's Press Clips
Tuesday, March 25, 2014

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FULL TEXT

Bill makes tampering with communication a felony

Anniston Star

March 24, 2014

Brain Anderson

A bill awaiting the governor's signature would target those who clog potentially live-saving lines of communication, making it felony to tamper with public safety communications.

The bill, sponsored by Rep. Randy Wood, R-Saks, passed the Alabama legislature last week. It makes interference with official communication between law enforcement agencies, fire services and 911 communications a class C felony. Under Alabama law, a Class C felony is punishable with up to 10 years in prison.

The bill includes radio broadcasts, telephone communication and electronic channels allocated by the Federal Communications Commission.

Kevin Jenkins, director of Calhoun County 911, said the agency wrote the bill and was instrumental in getting it pushed in Montgomery. Jenkins said it's needed to keep lines of communication open that first responders depend on to do their jobs.

"These communication channels are their lifeline," Jenkins said. "You ask any law enforcement or emergency service, and they will tell you that."

The legislation is broad, and would include everything from interfering with police phone calls, to disrupting emergency signals, such as tornado sirens. Jenkins said it would also include tampering with encrypted communication between officials.

Jenkins said two-way communication between first responders has become more prevalent in the last decade, and is a tool that safety officials depend on. Tampering or interfering with that communication can cause serious problems for public safety, he said.

Although the law is new to the state, interfering with public safety communication is already a federal offense. But Jenkins and Wood said that to the best of their knowledge, no cases, local or statewide, have involved tampering with public safety communication.

"We're trying to be proactive and not reactive," Wood said. "If this happens down the road, we want to be ready with this law."

Jenkins and Wood said Alabama's laws are similar to other states'. Meghan McCluskey, who handles media relations for the Association of Public-Safety Communications Officers International, a group that advocates for communication officials, said the organization does not comment on state or local issues. Attempts on Monday to reach officials with the association's Alabama chapter, including the chapter's president, Amanda White of the Florence Police Department, were unsuccessful.

Mike Fincher, director of safety and security for Calhoun County Schools, said federal regulations don't provide enough enforcement, and said this bill gives local law enforcement the ability to prosecute cases quickly.

"This expedites the process," Fincher said. "It gives the state leverage in dealing with this."

Fincher serves as a board member for Calhoun County 911, and prior to joining the school system, worked for the Anniston Police Department. He said he couldn't recall a particular incident in his career that involved tampering with communication, but said the bill is an important way of protecting the interest of public safety and the officials who use the communication.

"It's just a tool to make sure public safety officials can keep those airwaves open," Fincher said. "We depend on those, and you just can't have someone interfere with them."

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Bill would limit sex offenders on school campuses

Anniston Star

March 24, 2014

Tim Lockette

MONTGOMERY — A bill before the Alabama Legislature would require registered sex offenders to warn principals before they enter K-12 school campuses, and would give school systems the power to monitor them while they're in a school.

The bill's sponsor, Rep. Steve Hurst, R-Munford, said he was surprised to find that sex offenders aren't already banned from campuses entirely.

"Most people think this has already been done," Hurst said.

Under Alabama law, it's a felony for a sex offender to "loiter" within 500 feet of a school. Hurst says school systems have far less power to block a sex offender who can state a reason for being on campus — particularly if the offender has children who attend the school.

"If they're not loitering, they can just walk in and say, 'I came here to see so-and-so, eat lunch with my grandchild,' even go on a field trip," Hurst said.

Hurst's bill, which passed the House of Representatives 95-0 earlier this month, would require adult sex offenders, if their offense was against a minor, to report to the principal any time they set foot on the school. The bill would allow school systems to establish policies for supervising sex offenders whenever they are on campus.

A similar bill, sponsored by Sen. Vivian Figures, D-Mobile, is working its way through the Senate. One of those bills will have to pass both houses to reach the governor's desk.

Eric Mackey, director of School Superintendents of Alabama, said the bills were sparked by a recent incident in which a woman, convicted in the past of a sex offense, entered a school to apply for a position as a substitute teacher.

Mackey didn't disclose the name of the school to The Anniston Star. He says he did share the story with other superintendents — and was surprised to find that a number of them had encountered similar problems.

"We know of about six cases in the past 24 months," Mackey said.

A former superintendent of Jacksonville City Schools, Mackey said he never saw a similar incident in Jacksonville, and he didn't know of an incident in any school system in Calhoun County.

Bills to limit sex offenders' access to schools have to be crafted carefully, Mackey said, because past lawsuits have struck down sex offender bans.

"It's become very difficult, because of the constitutional rights the courts have recognized," he said.

As a result, Hurst's bill would apply only to sex offenders who, as adults, committed offenses against minors. Mackey said the offenses-against-minors provision would narrow the bill to comply with past court rulings.

Mackey said educators also wanted to exempt juvenile sex offenders from the bill, in part because of "Romeo and Juliet" cases in which two juveniles have sex even though both are too young to legally give consent.

Attempts to reach Susan Watson, executive director of the American Civil Liberties Union of Alabama, were unsuccessful Monday. ACLU branches in other states have challenged sex offender "banishment zones" in some instances.

The bill has support from crime victims' advocates, including Ohatchee resident Krystena Shuler. Shuler told The Star she was attending an Ohatchee High School football game in 2009 when she encountered a man who, eight years earlier, had pleaded guilty to raping Shuler.

"It completely derailed my recovery," she said.

Shuler was an adult at the time of the sexual assault, and she acknowledges Hurst's bill wouldn't have covered the 2009 incident. She said the bill could help someone else, though.

"It's a step in the right direction," she said.

In most cases, The Star doesn't identify victims of sex crimes by name. Shuler contacted The Star to tell her story.

Hurst's bill will have to jostle for time on the Senate floor when the Legislature resumes its session on April 1. There are only three days of deliberation left before the 2014 legislative session ends.

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Al Benn's Alabama: Secretary of State Bennett still getting out the vote

Montgomery Advertiser

March 25, 2014

GEES BEND — Jim Bennett is a man of many talents, so many in fact that he could well stand alone at the top of a long list of distinguished Alabamians.

He's been a political reporter, a legislator, author of seven books, a public relations executive, a spokesman for a hospital and a college, state labor commissioner and currently serves as chairman of Jacksonville State University's board of trustees.

His most prominent public position has been secretary of state, a job he first filled as a Democrat and then as a Republican. He became the first Republican to guide that important department since Reconstruction.

The secretary of state's office is virtually his second home with good reason. He's the only person in Alabama history to serve in that post four times either through elections or gubernatorial appointments.

Bill Stewart, University of Alabama Political Science Professor Emeritus, has watched Bennett's steady climb up the ladder of success in Montgomery and can't say enough good things about him.

"Jim is an outstanding public servant," said Stewart, who followed him when he was a reporter for the now-defunct Birmingham Post-Herald, the Legislature and as a constitutional officer. "He's done so many things to help our state."

Bennett has attended numerous national political events and came to know presidents and governors, but he gets his biggest kick out of meeting those who don't have much in the bank, but haven't given up on the American dream.

His love of history was evident recently when he drove from Montgomery to a landing on the Alabama River where he waited to board a ferry and go back in time to isolated Gees Bend.

It was a chilly, windy late winter morning in Wilcox County, but he was there to promote his latest public service venture — Alabama's Photo Voter ID Law.

Honest voting has been his passion during decades of political efforts to remove from the rolls the names of those who shouldn't be on them. He often uses a number to cite just how successful those efforts have been.

"Through the years we've been able to remove at least 500,000 illegal names from those voter rolls," he said. "Most were deceased but still "eligible" many years after they died. Others no longer lived in Alabama but were still listed as voters.

That's the reason he has pushed photo ID cards to make sure that the person waiting in line to vote has a voter registration card with a picture to prove it.

To stress the importance of honest voting, Bennett decided to use his position as Alabama's top voting official by going to Gees Bend to prove how easy it is to get a photo ID card to be used on election day.

"Our efforts are not aimed at suppressing the vote but making sure the ballot box is available to everyone and that voters have confidence in the outcome of the elections themselves," he said, in a statement issued in conjunction with his trip to Wilcox County.

He used Gees Bend as an example of what can happen when blatant efforts are used to stop honest elections. Whites in the county once made sure that the ferry from the isolated area was “unable” to take passengers to Camden to vote.

Voting for black residents was virtually impossible in the early '60s anyway since they first had to be registered to vote. White officials found ways to keep them from applying.

When the ferry was put out of commission, those living in predominantly black Gees Bend were faced with a long drive around the river to get to Camden.

Blacks occupy most of Wilcox County's political positions today so voter ID cards aren't quite as important as they once were, but Bennett wants to make sure that fraudulent efforts are stopped regardless of race.

When he was in the Legislature in 1985, he introduced the first voter ID bill, but got nowhere. It took years to gain passage, but it's the law of the land today, thanks to Bennett who once served in the House and then the Senate.

“You need a photo ID card to get on a plane, so why not have to show one when you go to the polls?” he said rhetorically. “Voters can go to any county board of registers and get one. It's that easy.”

During his visit to Gees Bend, Bennett chatted with residents who didn't have a photo ID for one reason or another and several ID cards were issued on the spot.

It's not usual for Bennett to ask a stranger if they are registered to vote. If they aren't, he'll urge them to get a photo ID card as soon as possible. He's 74 but shows no signs of slowing down, especially when it comes to urging people to vote.

A few days ago he was at a Montgomery restaurant for lunch when he found out his waitress was not a voter.

It wasn't long before he personally delivered a voter registration form to the restaurant and she proudly held it up for all to see.

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Judge gets more time to rule in Alabama abortion suit that challenges law requiring doctors have admitting privileges at local hospitals

The Associated Press

March 24, 2014

Phillip Rawls

MONTGOMERY | A federal judge is delaying enforcement of an Alabama law regulating abortion clinics for one more week while he tries to rule on a lawsuit challenging the law.

At issue is a law passed by the Legislature in 2013 that requires doctors at abortion clinics to have approval to admit patients to local hospitals.

Abortion clinics and the Alabama Civil Liberties Union challenged the law in court, and U.S. District Judge Myron Thompson issued a temporary restraining order against its enforcement that ran through Monday. The judge told attorneys last month that he anticipated ruling by then, but he has issued a new order extending the prohibition against enforcement through April 2 to give him more time to rule.

The plaintiffs say three of Alabama's five licensed abortion clinics will have to close because they use traveling doctors, and the doctors don't have enough patients to get admitting privileges at local hospitals. Those clinics are in Montgomery, Mobile and Birmingham. The other clinics are in Huntsville and Tuscaloosa.

The state attorney general's office is defending the law and says it protects women's health.

Another part of the 2013 law setting stricter building requirements for abortion clinics was not challenged.

The judge's ruling will coincide with the Alabama Legislature considering additional restrictions on abortions. A bill passed by the House and awaiting a vote in the Senate would extend the wait for abortions from 24 hours to 48 hours after a woman receives information from the clinic about the risks of abortion and adoption options. The Senate's vote on the bill could come as early as April 1.

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Kansas case could affect Alabama voter registration

The Associated Press

March 24, 2014

Phillip Rawls

MONTGOMERY — A court ruling in Kansas could lead to Alabama enforcing part of its immigration law that has never been used.

The 2011 law required people registering to vote in Alabama for the first time to present evidence of citizenship. Such proof could include a birth certificate, passport, driver's license or a non-driver ID card issued by Alabama or another state that requires proof of residency to issue the license.

Alabama's chief election official, Republican Secretary of State Jim Bennett, said the requirement was not put into effect because of litigation over similar requirements in Kansas and Arizona.

A federal judge in Wichita, Kan., ruled last week that federal officials must help Kansas and Arizona enforce laws requiring new voters to document their U.S. citizenship. District Judge Eric

Melgren ordered the U.S. Election Assistance Commission to immediately modify a national voter registration form to add special instructions for Arizona and Kansas residents about their states' proof-of-citizenship requirements.

One of the authors of Alabama's immigration law, Republican Sen. Scott Beason of Gardendale, said he was glad to see the decision. "It's a good ruling. We must ensure citizens are the only ones who votes if we are to have honest elections," Beason said.

Bennett said he had been cautiously optimistic that Kansas and Arizona would prevail. He said no decision has been made yet about what to do in Alabama, and that will depend, in part, on whether the Kansas ruling is appealed.

"It would seem that Alabama would have the same strong footing regarding this issue in our state," Bennett said.

Kansas Secretary of State Kris Kobach, who consulted with Alabama legislators on the state's 2011 immigration law, said last week he believes the ruling "has paved the way for all states to enact proof-of-citizenship requirements."

One of the attorneys who successfully challenged parts of Alabama's immigration law, Sam Brooke of the Southern Poverty Law Center in Montgomery, said the proof-of-citizenship part was not challenged because the state wasn't trying to enforce it. He said the wise approach would be for the state to continue to keep that portion of the immigration law on hold while an anticipated appeal is pursued in the Kansas and Arizona case.

If Alabama does proceed, a new suit could be file challenging the law as a hindrance to voting, he said.

Until Alabama tries to enforce the proof-of-citizenship requirement, people can register to vote by giving their Alabama driver's license number or the last four digits of their Social Security number.

Alabama's next election is the primary election on June 3, which will feature contests ranging from governor to county offices.

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Roby vows to explore troubling allegations that labor unions are teaming up with OSHA

Yellowhammer News

March 24, 2014

Cliff Sims

US Rep. Martha Roby, R-AL02, has vowed to get to the bottom of allegations that union officials are accompanying federal Occupational Safety and Health Administration (OSHA) inspectors during visits to non-unionized businesses.

OSHA's stated purpose is "to assure safe and healthful working conditions for working men and women by setting and enforcing standards and by providing training, outreach, education and assistance."

According to an article by Patrick Howley of The Daily Caller, when OSHA, which is a division of the Obama Administration's Labor Department, receives a report of a rules violation at a non-union company, Service Employees International Union (SEIU) representatives will often come along with them to investigate. Their hope, presumably, is that they will be able to influence workers to unionize in response to whatever workplace violations are found.

"This raised a red flag with me," Roby said in a Facebook post Monday. "If workers wish to unionize, they have a right to. They also have a right not to be coerced into unionizing, which is why OSHA inspectors teaming up with labor reps is alarming. I'm keeping an eye on this issue, and I'll let you know what develops."

Roby linked to Howley's Daily Caller article, which detailed numerous instances of union officials using their OSHA connections to get into non-union businesses.

"Union representatives from the Service Employees International Union (SEIU) are now accompanying federal government safety inspectors on site visits to review labor complaints at nonunion private businesses," Howley wrote. "SEIU and other labor unions can accompany the government inspectors on site visits due to a quiet and contested Obama administration rule clarification issued last year in response to a request from a union representative."

One of Rep. Roby's oversight areas on the House Appropriations Committee is the Labor Department. A spokesperson for Roby told Yellowhammer News that they are researching the issue and would likely have more to say in the coming days.

What do you think about union officials teaming up with Obama Administration officials to infiltrate non-union businesses? Let us know in the comments below, or by tweeting @YHPolitics.

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Another Alabama Education Association shadow ad buy?

Yellowhammer News

March 24, 2014

Dale Jackson

Let's all be shocked!

Another new "shadow group" is forming in Alabama. We have already seen a few of these fake organizations lately....

- The Chairman of the Alabama Democratic Party, Judge Mark Kennedy, quits and starts some splinter group called The Alabama Democratic Majority.

- Bradley Byrne formed Reform Alabama, to much fanfare. He is now in Congress, and now I have no idea if it even exists.
- Parker Griffith formed Alabama Strong, also to much fanfare. He is now running for Governor.

The latest is the “Alabama Foundation for Limited Government,” founded by former State Senator John Rice and it just made a \$350k ad buy. We will get to that soon enough.

The goals of the new group, as usual, seem OK.

But most are unneeded:

- Term Limits for Politicians: Set term limits on state legislators to no more than two consecutive terms, or eight years in either chamber, and no more than a cumulative lifetime total of 12 years in either the state house or the state senate, or limited to four more years for legislators that have already served 12 years.

Some are probably unenforceable:

- End Campaign Donation Pay-to-Play: Ban individuals and corporations who have contracts with the state from making political contributions to state elected officials. (No one who donates money can get state contracts? Sounds great, never happening.)

Stop Politicians from Double Dipping on Taxpayer-Funded Salaries: Ban state elected officials and their immediate family members from double dipping by earning additional income or payments from state agencies that they have budget authority over. (Officials yes, which oddly enough the AEA fought, but good luck on the families.)

Some have already been addressed:

- Close the Politician/Lobbyist Revolving Door: Require former legislators to wait at least two years after their term before being able to lobby members of the legislature. (Will pass this year)
- Outlaw Fundraising During Session: Prohibit state elected officials from raising any political campaign contributions while the legislature is in session (Done, except for 120 days before an election)

Which leaves us with:

- Ban Gifts from Lobbyists to Politicians: Ban state elected officials, their staff, and their family members from accepting any gifts such as travel, meals, and football tickets from individuals and special interests, as well as banning purchasing football tickets from special interests.

- Require a Public Notice for all State Contract Lobbying: Require anyone who meets to influence the Governor's office, the legislature, or any state department or agency regarding contracts to register as a lobbyist and publicly report their clients.

I am game on 2 of those, neither of which the AEA wants.

Now we come to the funding...

– ALABAMA FOUNDATION FOR LIMITED GOVERNMENT AD BUYS –

Ad Buys

Why the AEA?

Let's look at the current politicians that have signed on to this new groups' pledge and how much each has taken from the AEA...

- Stan Cooke, Republican candidate for Lieutenant Governor
- Sen. Harri Anne Smith, (I-29) (\$150,000)
- Sen. Marc Keahey (D-22) (no filings but he has received at least \$25,000)
- Rep. Todd Greeson, (R-24), candidate for Senate District 8 (\$50,000)
- Rep. John Robinson (D-23) (\$25,000)
- Josh Pipkin, Republican candidate for State Representative, District 91

As with most of these groups, we will find out who is behind this later but we already know it's the AEA.

Now, the bigger question is, "Why?" The goals don't seem to be traditional AEA goals of accountability and good government.

And it's odd for a new group to have all that money. Let's go back to 2010 and the AEA front group True Republican PAC...

A teachers' union headed by Democrats bankrolling the True Republican PAC? And that PAC blanketing the airwaves with ads attacking Republican gubernatorial front-runner Bradley Byrne for associating with – Democrats?

[...]

As for the ads bashing Byrne, the True Republican PAC by late April had paid out about \$570,000 for the "Peas in a Pod" ad, which attempts to link Byrne to Bill Clinton and Barack Obama. And that was before a new commercial featuring a quacking duck began running.

The AEA is an unprincipled group and they have 1 goal: eliminate the Republicans' super-majority.

They don't care about anything except beating Republicans, who have been killing them for 3 years.

Look forward to more of the same from the AEA this year.

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Activists block the entrance to detention center

Times Daily

March 24, 2014

Wayne Smith

GADSDEN — A Russellville woman and six other undocumented Alabama residents and supporters locked themselves together Monday to block the entrance of the Etowah County Detention Center.

The blockade was part of the national campaign demanding that President Obama use his executive authority to stop deportations and the separation of families.

The seven were arrested for unlawful assembly and were meeting with court officials Monday afternoon.

"I decided to take action today because I am no longer afraid to speak up," said Evelyn Servin of Russellville. "My family and I have endured the pain and emotional trauma family separation brings, and I am here to tell President Obama to stop the deportations.

"I will continue to work tirelessly until no child is torn from his father and no husband is taken away from his wife like my husband was taken away from us. Alabama is no longer afraid and will not continue to live in the shadows anymore."

The Etowah County Detention Center is part of the largest immigrant detention infrastructure in the world. The U.S. government locks up and deports more immigrants than ever before, officials with the Alabama Coalition for Immigrant Justice said.

The agency said it continues to call on Congress to pass immigration reform with a path to citizenship. The agency said as Congress stalls on immigration reform, Alabama families and families across the country continue to pay the price as more than 1,100 people are deported each day.

The Obama administration has been deporting immigrants at a rate of over 1,100 a day, according to the group. The agency said the administration is set to make history this week when it hits the 2 million mark on deportations.

"Two million is too many," said Kyle Tharp, communications organizer for the group. "Members of the Alabama Coalition for Immigrant Justice believe that the president has the legal authority

and the moral obligation to stop separating families by taking administrative action, while still continuing to pressure Congress to take action on immigration reform."

A live stream video of the blockade can be found atnotonemoredeportation.com/2014/03/24/alabama/. Other information is available at acij.net.

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Eleven blacks on the ballot as Republicans in Alabama's June primary

Al.com

March 24, 2014

Mike Cason

MONTGOMERY, Alabama --- The Alabama Republican Party says 11 black candidates are running in the GOP primary on June 3, and officials say that shows the party is making strides with African Americans.

State Republican Party Chairman Bill Armistead, who hired a full-time minority outreach director last year, said he thinks the GOP can build on the number.

"It's by far the largest we've ever had," Armistead said. "Is it where we want to be? No. We will have more in the future."

Republicans hold every statewide office in Alabama and a majority in the Legislature, but none of those seats are held by black Republicans.

Joe Reed, longtime leader of the Alabama Democratic Conference, said blacks won't move to the Republican Party on any significant scale because of GOP opposition to programs such as Obamacare, raising the minimum wage, extending long-term unemployment benefits and other "bread and butter" issues that Reed said help working families.

There are five black Republican candidates for the state House of Representatives, one for the Public Service Commission, two for sheriff, two for seats on county commissions and one for a county school board seat, according to Troy Towns, minority outreach director for the state GOP. Another black Republican is running in a special election to fill a vacant House seat in Birmingham to complete a current term..

Towns said there was only one black Republican in the 2010 primary and one in 2012. He thinks this year's number is not a fluke, but a sign of things to come.

"The thing that makes this so impressive is that it destroys the paradigm that blacks cannot be Republicans or run for office as Republicans," Towns said. "I think that's big news in a state like Alabama."

Some of the black Republicans are recent converts.

B.J. Major, 33, who is running as a Republican for the Cherokee County Board of Education, said he has always considered himself a conservative but did not become a Republican until the last year.

Major said he became a Republican because he saw the nation tilting too far to the left, an opinion based partly on what he said was a growing dependence on government programs. He said he believes the majority of blacks are church-going conservatives who oppose abortion and same-sex marriage.

"I believe the majority of blacks actually side with conservative views," Major said. "They just don't realize it."Katrina Wallace.jpg

Katrina Wallace

Katrina Wallace, 66, a retired teacher, is running for the Escambia County Commission, her first political race.

She grew up in Alabama but lived in New Jersey for 42 years, where she taught school and her husband was a minister and educator.

She said they were Democrats during the time in New Jersey, but after moving back to Alabama in 2008 changed parties when they got involved with some of their new neighbors who were Republicans and were politically active.

"They kind of welcomed us with open arms, and that was a change, being friendly and just open-minded," Wallace said.

Wallace's husband, Coleman Wallace Sr., was elected to the Escambia County Board of Education in 2012.

Bill McCollum, 65, who is running for Fayette County sheriff, joined the GOP in 2000. A retired railway special agent, McCollum lost a run for sheriff in 2002. He has been vice chairman of the Fayette County Republican Party executive committee for more than 10 years, according to Joe Acker, the committee chairman.

"He's got a good shot at being the next sheriff of Fayette County," Acker said.

McCollum said having the 11 black candidates in the GOP primary was a milestone. He said it would be historic to have a black Republican elected sheriff in Alabama.

The influence of groups like the ADC has waned and black voters are more independent, McCollum said.

"They're hard working people, and they'd love to see their money stay in their pockets as opposed to being wasted on taxes and social welfare programs and things of that nature," McCollum said.

But the ADC's Reed says low-income whites are the ones who should switch parties.

"There's no reason in the world for a poor white person to be aligned with the Republican Party," Reed said. He said poor whites and poor blacks have much more in common than they realize. "And they've got to know who the enemy is -- anybody who votes against working folks needs," Reed said.

Jess Brown, professor of government and public affairs at Athens State University, said he thinks the increase in the number of black GOP candidates is noteworthy. He said Republicans have typically gotten 10 percent or less of the black vote.

"You've got to give them credit," Brown said. "They really don't have much of an incentive to go out and recruit African-American candidates. And African-American candidates haven't had much incentive to run as Republicans."

Brown said the dominance of the Republican Party in Alabama could be one factor to draw aspiring black politicians to the GOP.

"If they're going to go to Montgomery and be an insider, they're going to have to have an R next to their name," Brown said.

Population trends could also be driving Republican Party outreach efforts, with blacks and Hispanics expected over time to gain ground on whites as a proportion of the electorate, Brown said.

Black candidates who are running in the Republican primary on June 3.

-- Tijuanna Adetunji, House District 78 (Montgomery)

-- Pamela Blackmore-Jenkins, House District 46 (Birmingham area)

-- Phillip Brown, Public Service Commission Place 2

-- Ralph Carmichael, House District 103 (Mobile)

-- Darius Foster, House District 56 (Birmingham area)

-- Bill McCollum, Fayette County sheriff

-- BJ Major, Cherokee County Board of Education

-- Sam Rowlin, Autauga County sheriff

-- Randy Taylor, Morgan County Commission

-- Katrina Wallace, Escambia County Commission

-- Ron Wilson, House District 85 (Henry County)

Willie Casey is running in the April 1 special election in House District 53 to complete the term of Demetrius Newton, who died.

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Contraception coverage heads to SCOTUS

Politico

March 25, 2014

Jennifer Haberkorn

Obamacare goes back before the Supreme Court on Tuesday, in a closely watched challenge that mixes controversies over the health care law, contraception and religious freedom.

The justices will hear two related cases seeking to overturn the Affordable Care Act's requirement that nearly all companies with more than 50 employees provide various forms of birth control in their employee health plans at no charge. The outcome won't topple the whole health care law, but it could become a political thorn in the side of both parties before the November midterm elections.

The companies at the center of the cases are national craft store chain Hobby Lobby, which is owned by evangelical Christians, and Pennsylvania cabinet maker Conestoga Wood Specialties, which is owned by Mennonites. Their owners say that providing contraception would require them to violate strongly held religious beliefs against the use of certain forms of contraception. They want to be exempt, like churches.

(Also on POLITICO: ACA enrollment hits 5 million)

More than 100 institutions have filed similar lawsuits. Lower courts have given temporary reprieves from the requirement to almost every company that has asked for one in anticipation of the Supreme Court weighing in.

The Obama administration says the provision advances a "compelling" government interest in promoting preventive health care — to allow for healthier mothers and babies in planned pregnancies. The Justice Department argues that the requirement is legal because it is the least intrusive way to provide contraception and doesn't trample on religious freedom.

The 90 minutes of argument Tuesday will come almost four years to the day after the ACA's passage and two years after the court heard the landmark arguments over the law's individual mandate. The latest challenge is also a rematch of sorts for the lawyers in the courtroom: Solicitor General Donald Verrilli again will defend the law, and former Republican Solicitor General Paul Clement will seek to overturn part of it.

(Also on POLITICO: GOP health plan could be on road to nowhere)

Politically, little has changed since 2012. Republicans are defending the companies, and Democrats are backing the Obama administration. Democrats and supporters of the contraception provision call the lawsuits an effort to put bosses in control of women's reproductive choices — and yet another attempt to undermine the health care law. Republicans and others who applaud the lawsuits, including Catholic bishops, say the requirement is another attempt by the White House to violate Americans' constitutionally protected freedoms.

The justices will have to decide whether the owners of these secular, for-profit companies or the companies themselves can claim religious rights under the Religious Freedom Restoration Act — a 1993 law that is stronger than the religious protections in the Bill of Rights — and, if so, whether they are being violated here.

The Obama administration argues that neither the owners nor the companies have any religious right, but even if they did, the requirement does not overstep that.

The Oklahoma-based Hobby Lobby pays money into a fund for employee health costs, and the decision on whether to claim those benefits is made by “independent third parties,” meaning plan participants and beneficiaries, Justice Department lawyers wrote to the court. The owners “are a further step removed from the employees' decision.”

(Also on POLITICO: ACA enrollment rides a bus into Mississippi Delta)

One of those owners, David Green, said the company is not trying to take anyone's rights away. He said employees who want contraception can access it outside of Hobby Lobby's health plan.

“It's our rights that have been infringed upon to require us to do something that's against our conscience,” he said in a YouTube statement last month.

Lawyers for Hobby Lobby and Conestoga say that the government cannot use a private employer to provide a benefit that its owners have a closely held religious objection to using or providing.

Should the companies win, Obamacare's coverage requirement would be weakened, to be sure. Depending on how the court writes its opinion, the result could be that the most controversial contraceptives — Plan B and intrauterine devices — are cut from the requirement. Or employers could decide on whether to provide any contraceptives at all.

The justices' language would be key.

“The Supreme Court could choose to define very specific types of employers where they would be allowed to impose moral beliefs,” said Nicole Stone, a health law expert at Wolters Kluwer Law & Business.

(Also on POLITICO: Full health care policy coverage)

Supporters of the contraception requirement warn that any adverse ruling could lead to a slippery slope, with employers citing religious beliefs as a reason not to cover other medical treatments, such as blood transfusions or vaccines.

Regulations for the health care law require employers to provide all Food and Drug Administration-approved forms of contraception. Hobby Lobby and Conestoga specifically object to Plan B and IUDs, saying both could prevent a fertilized egg from implanting in the uterus — which they argue is akin to abortion.

However, the science could be irrelevant. If the justices agree that the companies or their owners have a religious right not to provide products that they morally object to, it may not matter what the FDA says about whether those products cause an abortion.

(PHOTOS: 25 unforgettable Obamacare quotes)

And since some of the 100-plus other lawsuits filed against the provision object on religious grounds to all forms of contraception, the issue could remain in the courts even after the justices rule on this case.

Many of the cases involve private companies with no religious tie. But religious-affiliated institutions such as Catholic schools and charities are also seeking to overturn the requirement. The University of Notre Dame, for one, lost its request for an injunction to block the policy and says it is now offering contraception under duress instead of paying the law's fines for noncompliance.

It's uncertain how many employers would cut contraception coverage if given the option. Contraception is widely provided in employee health plans today, and Stone said that no Fortune 500 companies have submitted briefs with the Supreme Court on the case. Even some of the companies that have filed lawsuits over the requirement previously provided coverage.