



Office of Senate President Pro Tempore Del Marsh  
Press Clips  
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## **WAITING TO DIE: Proposed measure would speed up death penalty process in Alabama (Decatur Daily)**

On Jan. 16, Jordaan Stanly Creque joined seven other Morgan County men in his new home on Holman Correctional Facility's death row near Atmore.

It's where he will eat, sleep and plan his appellate cases with attorneys until either his execution is carried out or an aspect of his case is overturned.

But even if Creque's death sentence is upheld through state and federal courts, the 23-year-old capital murder convict's short, dark hair could begin to gray long before his execution is scheduled.

A fellow inmate at Holman, Arthur Lee Giles, was convicted of capital murder and sentenced to death by a Morgan County judge on Aug. 18, 1979. More than 34 years later, Giles still has no execution date.

Since records began in 1927, seven inmates from Morgan and Limestone counties have been executed by the state. Including Creque, nine now spend their days on death row. None are from Lawrence County.

According to Montgomery-based non-profit legal firm Equal Justice Initiative, Alabama has the highest per-capita death-sentencing rate in the nation, and — in 2013 — the only states to issue more were Texas, Florida and California.

The state also has the highest per-capita death row population with more than four death row inmates per 100,000 Alabama residents. The next highest, Nevada, has less than three per 100,000 residents.

Morgan County District Attorney Scott Anderson said those numbers are indicative of a severe clog in Alabama's legal system, and it's why the Alabama District Attorney's Association supports a bill in the Legislature that would combine two phases of appeal and "streamline" the process for death row defendants.

"Right now, the average defendant is on death row for 16 years, if their sentence is not overturned," he said. "This bill, by our calculations, would reduce that down to eight."

The bill, sponsored by Sen. Bill Holtzclaw, R-Madison, received a favorable report in committee and is awaiting placement on the Senate calendar.

If approved, it would join the hearing on the merits of the defendant's trial with the Rule 32 motion, which claims the defendant was not given a fair trial because his appointed counsel was incompetent.

"It only makes common sense to me to do those at the same time," Anderson said.

Creque, who was convicted of three counts of capital murder in October in the 2011 killings of two Krystal employees, was the second defendant for whom Anderson requested the death penalty. The other was Markeze Taron Smith, convicted and sentenced in 2012.

Equal Justice Initiative director Bryan Stevenson said his organization represents almost all death penalty defendants in the state.

He agrees with Anderson that it can take a long time for the process to run its course, but that was the only concession he would make.

"It's a terrible idea," he said. "It's not going to streamline; it's just going to slow the system down even more."

Stevenson said Alabama is the only state that provides no legal aid for death row inmates, which is why EJI operates on a volunteer lawyer system that he said is "extremely inefficient."

"This bill is going to make it even harder to find lawyers willing to take these cases and make it even less fair for people convicted of a capital offense," he said.

"If this bill passes," he said, "what we're going to have to ask ourselves is, 'Are we going to permit people to be executed without the legal assistance needed for an appeal?' If the answer is no, then it's not going to speed up anything. If the answer is yes, then that is very, very wrong."

Anderson said Morgan County has many willing and able criminal defense attorneys who could take those cases, and he doesn't believe arguing similar motions simultaneously would cause havoc for them.

"And this bill was modeled after a bill in Texas," he said, "which has been tested and deemed constitutional.

"I think what the people who are against this legislation fail to see is that this more efficient process provides greater protection of legal rights for the defendant."

He said when the system is faster, witnesses are less likely to die or move away, and evidence is less likely to be lost or destroyed.

Stevenson said court costs make a death sentence "five to 10 times" more costly to the state than a life sentence. He said life without parole is easier on families of victims as well, as defendants have less incentive to pursue appeal and the case can become less visible.

Anderson disagreed.

"In my experience, victims are more concerned with justice being done and are willing to endure the legal process to see that it happens," he said.

Stevenson, however, said Alabama's death penalty process is severely flawed.

"For every one person executed, there's been three or four who have had their death sentences overturned," he said.

Ten percent of defendants sentenced to death nationwide, he said, are later proven innocent, including Gary Wayne Drinkard, who was sentenced to death in Morgan County in 1995 and exonerated in 2001. Many of those not exonerated, are given lesser sentences.

Reasons stem from a range of legal issues such as suppression of evidence, lack of adequate defense funding and racially unbalanced juries.

“Over 25 death penalty cases in Alabama have been reversed after appellate courts or federal courts found racial discrimination in jury selection” Stevenson said. “The U.S. Supreme Court has made clear that racial minorities cannot be excluded from serving as jurors because of their race, but it remains a serious problem in Alabama, especially in death penalty cases.”

According to a report on EJI’s website, about 65 percent of murder victims in Alabama are black, but 80 percent of death row inmates were convicted of killing a white victim. Black on white crimes constitute only six percent of Alabama murders, but represent more than 60 percent of cases receiving the death penalty.

Creque was convicted by an all-white jury of killing one white and one Hispanic man. A challenge from his attorneys on the jury selection was denied when prosecutors gave non-race related reasons — such as a professed inability to recommend the death penalty — for striking black jurors.

Morgan County Circuit Judge Glenn Thompson, who presided over Creque’s trial, said the jury make-up is a point that will likely be argued again in favor of a new trial, but that the jury selection process was fair.

“We have a system in place in Morgan County where it is impossible for racial bias to be programmed into it,” he said, describing an electronic program that sends subpoenas randomly from a housing and drivers license database.

“There’s also systems in place to ensure neither side can systematically strike jurors based on race,” he said, adding if motives for a struck juror are called into question, the judge can personally decide whether to place a him or her on the final panel.

One of the biggest issues, Stevenson said, is a practice allowing circuit judges the ability to “arbitrarily” override a jury recommendation in capital cases. In 91 percent of overrides in Alabama, the judge changed the sentence from life without parole to death.

The only other states that allow judge overrides, Florida and Delaware, impose a specific set of standards that must be met in order to change a jury sentence to death, whereas the requirements for changing a death sentence to life without parole are less stringent. Alabama leaves the decision at a judge’s discretion.

About 20 percent of current Alabama death row inmates were put there by a death sentence contrary to a jury’s recommendation.

Six jury recommendations in Morgan County for life without parole were changed to death by the presiding judge. The only override against a death sentence from a local court was the 2001 case of Gabrien Birdsong in Limestone County.

Thompson, whose death sentence against Creque matched the jury's vote, overrode a jury recommendation when he sentenced Daniel Wade Moore to death in 2003.

Moore was granted a new trial in appeal when it was found that the state withheld evidence. He was acquitted in 2009.

Thompson said the weight of a jury recommendation is "substantial," and "cannot and should not be ignored," but a judge must also weigh all the facts and factors of a case when arriving at his sentence.

Of Moore's case, he said, "My thinking was this was the most atrocious, heinous crime that has ever been committed in Morgan County."

But overrides may not always be possible.

"I'm sure at some point, somebody will take that issue to the U.S. Supreme Court, and someone may find that procedure unconstitutional," Thompson said.

He said Alabama's partisan judge elections are "absurd," and could make politics a factor in some judges' decisions, but even if the system shifted toward non-partisan elections, politics would be inevitable.

"It's either that judges are appointed and you have backroom politics of who contributed most to the governor, or you have grassroots politics where you take it to the people," he said.

"I've always preferred the grassroots politics," he said. "But no one's ever brought that case to the Supreme Court."

## **Constitution revision panel's proposal draws criticism (Montgomery Advertiser)**

The mandate of the Constitutional Revision Commission was fairly limited: Look at just 11 of the state Constitution's 16 articles, and don't touch the governing document's severe limits on taxation.

The only major issue they could look at was home rule for counties, and the commission's proposals on that matter, after months of debate, were largely limited to a proposal to increase the threshold by which lawmakers could send local constitutional amendments to statewide votes.

Nonetheless, that idea drew anger from a handful of critics Wednesday at a joint meeting of House and Senate constitutional committees, which held a public meeting on the proposed change.

"We continue to move more and more away from constitutional government," said Ken Freeman, a critic of the change. "This is definitely a move toward home rule."

The Constitution of 1901, which disenfranchised blacks and poor whites, centralizes most political power in Montgomery and requires many issues of local governance to be approved through the constitutional amendment process. Currently, a single negative vote from one of the state's 140 representatives and senators is enough to send a local constitutional amendment to a statewide vote.

As a result, Montgomery residents may find themselves voting on proposals that have no bearing on the River Region. In 2012, local voters were asked to vote on the fate of a water system outside of Mobile.

The move also was used frequently for matters related to alcohol and gambling.

Under the proposal, sponsored by Sen. Linda Coleman, D-Birmingham, a local amendment could go to a statewide vote with three or more negative votes from senators, or nine or more no votes from representatives. Coleman has sponsored similar bills in the past, predating the Constitutional Revision Commission, which began work in 2011.

The move had the support of the Association of County Commissions of Alabama.

Sonny Brasfield, the executive director of ACCA, said the intent was "to allow local votes on purely local constitutional amendments."

However, Joe Godfrey, executive director of the Alabama Citizens Action Program (ALCAP), which opposes gambling, said that local votes on matters such as bingo set precedents for the whole state.

"I think there's a reason why the Constitution applies to all counties and localities equally," he said.

There also were objections raised to the whole idea of revising the Constitution.

Bill Anthony of Tallahassee said he saw no need to revise the state's governing document, comparing it to an attempt to revise the Bible.

"There ain't nothing wrong with the Bible, and there ain't nothing wrong with the 1901 Constitution," he said.

The commission did not vote on the proposal Wednesday.

Sen. Bryan Taylor, R-Prattville, the chairman of the Senate Constitution and Elections committee, indicated that he would seek an amendment to Coleman's proposal, possibly excluding gambling matters. Taylor is an outspoken opponent of gaming operations in the state.

## **Tracking the 2014 session: Summary of action in the Alabama Legislature (AP)**

A summary of action in the Alabama Legislature on Thursday, the 11th meeting day of the regular session:

### HOUSE:

— Approved a bill to give deployed military members extra time to renew their vehicle registration. Goes to Senate.

— Approved a bill to specify that write-in votes will only be counted if there are enough votes to impact the race, or if there is a request. Goes to Senate.

### SENATE:

-- Approved a House bill to allow cities in Jefferson County to issue car tags to help alleviate long lines at the Jefferson County Courthouse. Goes to governor.

— Passed a bill to allow state agencies to purchase personal property from vendors not on statewide contract, if the purchase price is at least 10 percent less than the statewide contract. Goes to House.

—Joined with the House for a joint session honoring members of the military.



AGENDA:

— House meets at 1p.m. Tuesday and Senate at 2 p.m.

## **More students moving to private schools with Alabama Accountability Act scholarships (AP)**

MONTGOMERY, Alabama — More students are moving from public to private schools with the help of scholarships provided by groups that were able to raise the maximum amount of money allowed by Alabama law.

The leader of one of the most successful scholarship groups said the number of students taking advantage of the Alabama Accountability Act has swelled in the second semester because of more donations. Birmingham lawyer Jenny McCain, president of Scholarships for Kids, cited 16 students who recently enrolled at Churchill Academy in Montgomery using scholarships from her group.

She said the students' parents had wanted to transfer them from public schools — some rated as failing and some not — but they didn't have the money for the private school that helps students with special needs. "The only reason they are able to be at the school is the Alabama Accountability Act," she said in an interview.

The Legislature passed the Alabama Accountability Act in February 2013, and it kicked in with the fall semester. It allows students in the 78 public schools rated as failing by the state Department of Education to move to any non-failing school or to a participating private school. It provides parents with a \$3,500 annual tax credit to help cover their costs.

The law also allows the creation of scholarship organizations to award scholarships to children to attend private school. Until Sept. 15 of each year, the scholarships are targeted for children leaving failing public schools. After that, money can go to parents making less than 150 percent of the median household income, no matter where their children have been enrolled. That figure is about \$62,000.

The law gave businesses and individuals a 100 percent tax credit for donations to the scholarship organizations, and it capped the tax credits at \$25 million per year. The state Revenue Department reports business and individuals committed the \$25 million limit for 2013.

Scholarships for Kids reported raising \$6.3 million in 2013. McCain said donations picked up after school started and more people learned about the law. She predicts her organization will have 700 to 1,000 students on scholarships by May. She said about 80 percent of them would likely qualify under the low-income provision.

An attorney for the Alabama Education Association, which is challenging the law in court, said it's deceptive to describe the money raised as contributions because the donors get every dollar back through the tax credits. "There is no philanthropy," Bobby Segall said.

For the fall semester, the state Department of Education reported 52 students left failing public schools to attend private schools under the Alabama Accountability Act. Figures aren't available for the spring semester, but supporters of the law expect a dramatic growth for the 2014-2015 school year.

"I have schools calling me every week," McCain said.

But first, the law has to get past legal challenges.

A federal judge heard arguments Tuesday in a lawsuit filed by the Southern Poverty Law Center, and a state court judge heard arguments Thursday in a lawsuit filed by AEA, the state teachers' organization.

Montgomery Circuit Judge Gene Reese gave attorneys two weeks to submit proposed orders and said he will rule afterward.

AEA's attorneys said the state Constitution allows only one subject in a bill, while the Accountability Act has two subjects. They said one subject gives public schools flexibility in complying with state regulations, and the other provides tax credits to parents moving children from failing public schools to private schools.

An assistant state attorney general, Will Parker, argued the bill has only one subject.

"All the provisions in the act relate to education," he said.

**[Should lawmakers get football tickets at face value? Ethics bill says no, Bentley says it's fine \(al.com\)](#)**

MONTGOMERY, Alabama -- When the Alabama Senate amended a bill that would ban lawmakers from lobbying the Legislature, it roped into the bill a laundry list of other ethics reforms, including one dear to the hearts of many Alabamians – football.

Or more specifically, the ability of state lawmakers, among other public officials, to buy Alabama and Auburn football tickets at face value.

On Thursday, Gov. Robert Bentley said that he's comfortable with the way things are now and that how universities handle their tickets should be left to universities.

"They are at least paying something for them," Bentley said. "They are paying face value. They aren't being given those things."

If you're not an elected official, getting tickets to the Iron Bowl or an SEC championship can be daunting, unless you belong to one of the two major boosters' clubs. Remarketers online and scalpers on the street can charge much more than what they paid for the tickets.

"They are at least paying something for them," Bentley said.

Face value and real value are often two different things, and even if public officials must now pay face value, some believe that's an unfair privilege the general public doesn't have.

The amended revolving door bill would make that benefit to Alabama lawmakers illegal.

On Thursday, Bentley said that the face-value ticket benefit could be useful to state officials for promoting Alabama to businesses.

"If they are going to the ballgame and dealing with economic development and things of this nature, I have no problem with them doing that," Bentley said. "But it has to do somehow with promoting our state, if I allow anyone in the executive branch to use those tickets – at face value. They still have to pay for them."

## **[Committee passes bill for electronic attendance at meetings \(Montgomery Advertiser\)](#)**

The House Ethics and Campaign Finance Committee approved a bill Wednesday that would allow members of government boards and commissions to participate in public meetings electronically.

Meetings still would be required to have a physical location and a physical quorum. Those participating in the meeting electronically would not be able to participate in executive session.

"You can't just have an Internet meeting," said Rep. Terri Collins, R-Decatur. "(The meeting) has to comply with the open meetings law."

Collins said Alabama is one of few states that forbids the practice of electronic participation.

The bill would only allow members of the body to participate, not members of the public who may wish to speak during a public hearing or comment portion of the meeting.

Members who participated electronically wouldn't be eligible for travel cost reimbursement, which would save money, Collins said.

Mary Pons, an attorney with the Association of County Commissions, said that the original intent of the bill affected governmental bodies that have statewide jurisdiction that may have members traveling from different counties.

Pons said the amendment that the committee passed would make that clear and prevent city councils, county commissions and other local governmental entities from being able to participate in a meeting remotely.

Rep. Mary Moore, D-Birmingham, voted against the bill, saying there's no way to know who is really on the line.

"We can dress it up any kind of way we want, but it leads to additional corruption," Moore said, adding that there are no checks and balances with this bill.

"It's a flawed concept," she said.

"You open up a can of worms when you put this law in place. ... Someone will figure out how to get around it."

The committee also passed a bill that will allow the state Ethics Commission to redact personal information, such as home addresses and children's names, from past statement of economic interest forms for state employees and public officials that are available to the public online.

Rep. David Standridge, R-Hayden, said a bill was passed last year that prohibited current personal information on public records from being available to the public, but did not address past information.

"It would keep it from being online, but it would still be in the record," he said.

"For some people, it can cause retribution. This would remove certain things from that report that could be a danger."

## **[Legislature passes bill to allow Jefferson County cities to issue car tags \(al.com\)](#)**

A bill that would allow municipalities in Jefferson County to issue car tags for the county has gone to Gov. Robert Bentley for approval after passing the second house in the Alabama Legislature Thursday.

If Bentley signs the bill into law, cities could choose to issue license plates for the county, adding as much as a \$5 service fee to recoup their costs.

Rep. Paul DeMarco, R-Homewood, said that about a dozen cities have expressed interest in such a program.

Since Jefferson County lost its occupational tax after a years-long court battle, the county has struggled to staff its revenue office with enough personnel to handle car tags and lines have often stretched out of the courthouse and into Linn Park.

"This should reduce the lines, so it should be a win for everybody in Jefferson County," DeMarco said.

## **[House Rules Committee Chair Mac McCutcheon: Recovery from heart bypass surgery 'on track,' aiming for quick return to Montgomery \(al.com\)](#)**

State Rep. Mac McCutcheon, who is recovering from Jan. 24 heart bypass surgery, says he expects to return to Montgomery for the second half of the legislative session.

McCutcheon, R-Monrovia, also revealed in a Thursday news release that he recently had his gallbladder removed.

"Thanks to Alabama's world-class hospital system, great doctors, and devoted nurses, both procedures went very well and my recovery is on track," said McCutcheon. "The fact that a patient can undergo major heart surgery and be back on his feet so quickly is a testament to the Alabama medical community."

Elected in 2006, McCutcheon is nearing the end of his second term representing parts of northwest Madison County and eastern Limestone County. His District 25 seat includes the Monrovia and Capshaw communities as well as a chunk of the Madison city limits.

McCutcheon is also chairman of the powerful Alabama House Rules Committee. State Rep. Ronald Johnson, R-Sylacauga, has been presiding over committee meetings in his absence.

Your prayers are working, and I am getting stronger every day.

McCutcheon said he and his wife, Debbie, have been "overwhelmed" by the outpouring of support and prayers for his recovery.

"We are grateful for the kind words from friends, family, and colleagues, and also from countless Alabamians across the state," he said. "Your prayers are working, and I am getting stronger every day."

McCutcheon told AL.com Thursday that he has "every intention" of running for re-election this year to a third term in the state House. He reported a campaign account balance of \$135,903 in a Feb. 1 filing with the Secretary of State's office.

He is currently unopposed, although potential challengers have until 5 p.m. Friday to qualify for the June 3 primary election.

## **[Anniston lawyer Stewart seeks to unseat GOP's Marsh \(Anniston Star\)](#)**

by Tim Lockette

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02.06.14 - 09:26 pm

MONTGOMERY — Anniston lawyer Taylor Stewart has entered the race for the District 12 seat in the Alabama State Senate, challenging incumbent and Senate President Pro Tem Del Marsh, R-Anniston.

"I think it's time for a change for the district," said Stewart, 43, who qualified this week to run for the seat as a Democrat.

Qualifying to run in the 2014 elections ends today for both Democrats and Republicans.

Stewart, an Anniston High School and Jacksonville State University graduate, earned his law degree at Birmingham School of Law. Since 2006, he has practiced in the law firm run by his father, former U.S. Sen. Donald Stewart. The younger Stewart worked with the firm as a clerk when it pursued and won a class-action lawsuit against Monsanto for the PCB contamination that affected much of western Anniston.

He said he wanted to focus on problems in Anniston that aren't getting enough attention from the Senate, including education, the economy and health care.

"I'm concerned about people's health, about their ability to take care of themselves," Stewart said. He said he wasn't yet ready to take a position on the expansion of Medicaid under the Affordable Care Act. Republican Gov. Robert Bentley has refused to expand the program, and many Democrats have made expansion a talking point in their campaigns.

Stewart said he wanted to spend time talking to people in the district before discussing detailed policy proposals.

Marsh, a member of the Senate since 1998, has become one of the most powerful figures in the Legislature since the Republicans won a supermajority in 2010. He is perhaps best known as the architect of the Alabama Accountability Act, a law that created a tax credit for parents who pull their children out of the state's lowest-performing schools.

Marsh is also former owner of Aerospace Coatings International, an Oxford business that refurbishes worn or broken airplane parts.

"When I ran for office back in 1998, I wanted to see a better business climate in this state," he said. Marsh said he wasn't sure what issue was driving Stewart to run.

"I would ask Mr. Stewart what it is about my leadership that he doesn't like," Marsh said. "We've reduced the size of government, we've improved ethics and we haven't raised taxes."

Stewart said he is just beginning fundraising for the race. Marsh, on the other hand, had \$201,000 at the beginning of February, according to campaign finance reports.

While qualifying for the 2014 elections doesn't end until today, a number of challengers to local incumbents have already made their candidacies official. Alexandria Democrat Ted Copland has qualified to run against Rep. Koven L. Brown, R-Jacksonville. Etowah County coroner Michael Gladden has qualified to run as a Democrat against Rep. Becky Nordgren, R-Gadsden.

At the statewide level, Gov. Robert Bentley faces a challenge in the Republican primary from former Morgan County commissioner Stacy Lee George and businessman Bob Starkey.

So far, sports equipment company owner Kevin Bass is the only Democrat to qualify in the governor's race. Two other rumored candidates, Rep. Craig Ford, D-Gadsden and Sen. Billy Beasley, D-Clayton, announced this week that they would seek re-election to their current positions rather than run for governor.

## **[State Sen. Billy Beasley running for re-election to Senate, rather than for governor \(al.com\)](#)**

State Sen. Billy Beasley of Clayton announced today he would run for re-election to the Alabama Senate rather than for governor.

Beasley said he thought the people in his Senate district need him and he wants to continue to serve them. He said it was a difficult decision that came after talking with his family and those who had encouraged him to run. He said he did not make up his mind until Wednesday afternoon.

"If I was campaigning all across the state, I'd be away from my wife too much," Beasley said.

Beasley, 73, is a pharmacist and is serving his fourth term in the Legislature. He is the brother of former Lt. Gov. Jere Beasley.

Beasley would have become the second candidate for the Democratic nomination in the June 3 primary. Kevin Bass of Fayette announced his candidacy in December.

Former Congressman Parker Griffith of Huntsville has said he was considering a run, but would probably not seek the office if Beasley decided to run.



On the Republican side, Gov. Robert Bentley is running for re-election and has two Republican challengers so far – Stacy Lee George of Morgan County and Bob Starkey of Scottsboro.

## **[From the courthouse to the State House: Attorney Gayle Gear running for open Dist. 17 state senate seat \(al.com\)](#)**

BIRMINGHAM, Alabama -- Attorney Gayle Gear has qualified as a candidate for the District 17 State Senate seat.

Gear filed as a Republican, seeking the post being vacated by Republican Scott Beason, who is not seeking reelection. Gear is a resident of Gardendale.

"I think it's important at this time," Gear said about her decision to run. "I'm excited about it. Many people have asked me through the years, 'Why are you not in Montgomery?'"

District 17 includes parts of Jefferson, Blount and St. Clair Counties.

Gear, who practices in downtown Birmingham, said her daily job involves speaking out and protecting the rights of clients. Running for elected office is a similar task on a larger stage, she explained.

"I think I can do that. I think I have a duty to try," she said.

Gear said she intends to improve public trust in elected officials by enhancing communication and bringing more civility to the State House.

"Alabamians want to trust their government, but they also want their government to trust them," she said. "I am here in Gardendale, Alabama and I see the need for somebody to point this out."

In contrast to partisan fights on the state and national levels, Gear said most people want their government to provide basic services and create an environment for them to make their own way.

"They don't want an environment for people to take care of them, they want an environment where they can take care of themselves," Gear said. "We all have the same goal. We just need to step aside from the partisan bickering."

## **Montgomery Democrat Hubbard to challenge Strange for attorney general (al.com)**

MONTGOMERY, Alabama -- Arguing that Alabama Attorney General Luther Strange has been invisible when it comes to violent crime and public corruption, Rep. Joe Hubbard, D-Montgomery, announced today that he would challenge the incumbent Republican.

Hubbard, 32, a Montgomery lawyer and graduate of the Cumberland School of Law, has served in the Alabama House since 2010.

On Thursday, Hubbard said that Strange had been soft on violent criminals while pursuing political targets, including illegal gambling operations in Alabama and legal electronic bingo casinos on Poarch Creek Indian reservations.

"People are asking, 'Where's Luther on crime? Where's Luther on public corruption?' he said.

Strange, who achieved wide recognition for his "Big Luther" political ads when running unsuccessfully for lieutenant governor and successfully for attorney general in 2010, has kept a low profile throughout much of his term. Much of his office's work has focused on the state's civil legal work, including litigation over the BP oil spill.

However, in recent weeks, Strange has become more publically vocal regarding bread and butter, tough-on-crime issues that have appealed to Alabama voters. Last month he backed a bill to quicken appeals of death row inmates to shorten the time between conviction and execution.

## **Is former Congressman Parker Griffith the Democratic Party's last, best hope for unseating Gov. Robert Bentley? (al.com)**

MONTGOMERY, Alabama -- State Sen. Billy Beasley's decision not to run for governor leaves the Democratic Party without a high-profile challenger to Republican Gov. Robert Bentley.

But former U.S. Rep. Parker Griffith of Huntsville remains a possibility.

Griffith said he expected Beasley, a four-term state lawmaker from Barbour County and brother of former Lt. Gov. Jere Beasley, to enter the governor's race. But with Beasley announcing Thursday morning that he will instead run for re-election to the Senate in 2014, Griffith has barely 24 hours to decide if he wants to challenge Bentley.

Friday afternoon is the deadline for candidates to qualify for the June 3 party primary elections.

"Frankly, I was very surprised" by Beasley not running for governor, Griffith told AL.com Thursday. "I've got to regroup, get my thoughts together and talk to some people in the (Democratic) party who are influential.

"There's going to be a lot of talking back and forth today."

Griffith was elected to North Alabama's 5th District congressional seat as a Democrat in November 2008 but switched parties less than a year later. At the time, he said there appeared to be no place in the national Democratic Party for a "pro-business, pro-life, pro-Second Amendment" congressman.

But GOP voters never embraced Griffith as one of their own: He lost his bid for re-election in 2010, finishing more than 12,000 votes behind then-Madison County Commissioner Mo Brooks in the Republican primary.

He tried to reclaim the 5th District seat from Brooks in 2012 but fared even worse, despite pumping more than \$568,000 of his own money into the campaign.

Last fall, Griffith briefly explored the idea of challenging Brooks as an independent candidate. He recently rejoined the state Democratic Party and said earlier this week that most people have been "gracious" about his return.

Griffith, 71, said he needs to consult with his brother and business partner, Tom Griffith, as well as key Democrats across the state before deciding whether to enter the governor's race.

"It's going to revolve around support," he said. "It could be very good, and it could be zero. I don't know. I know that Billy (Beasley) had a lot of support lined up."

Kevin Bass, a former minor league baseball player from Fayette County, is currently the only announced Democratic candidate for governor.

Bass, 34, ran unsuccessfully for mayor of Fayette in 2012. He reported a campaign account balance of \$581.28 in a Tuesday filing with the Secretary of State's office.

## **Bob Starkey of Scottsboro joins race for Republican nomination for governor (al.com)**

MONTGOMERY, Alabama --- Bob Starkey of Scottsboro has qualified to seek the Republican nomination for governor.

Starkey, 67, joins Gov. Robert Bentley and Stacy Lee George in the June 3 primary.

Starkey is an Auburn University graduate who ran his own software company for more than 30 years before retiring last year.

He said his business focused on helping other businesses become more efficient, and he wants to apply the same effort to state government.

"I think I have a lot to offer trying to redo the business side of state government," Starkey said. "I think there's an incredible amount of inefficiency that could be automated to reduce the cost of government."

Asked about the difficulty of taking on an incumbent governor who is raising a lot of campaign money, Starkey said that hopes his candidacy will generate productive debate.

"I think I have a real chance to put some ideas on the table," he said.

Starkey ran as a write-in candidate in for District 23 in the state House of Representatives in 2010. He came in third in the race for mayor of Scottsboro in 2012.

## **Retired Air Force Col. Hobbie Sealy of Montgomery seeks GOP nomination for state auditor (AP)**

MONTGOMERY, Alabama — The Republican field for state auditor has grown to three candidates.

Retired Air Force Col. Hobbie Sealy of Montgomery announced he is running in the GOP primary on June 3.

Sealy was assistant state conservation commissioner under former Gov. Bob Riley. Before that, he spent 21 years with the Air Force and was director of marketing for the United States Automobile Association.

Sealy has an accounting degree from the University of Tennessee. Sealy says he has the professional experience and management skills to be auditor.

He joins two other Republican candidates, Anniston attorney Ray Bryan and Adam Thompson, who works in the secretary of state's office. Miranda Joseph of Birmingham is running as a Democrat.

The current auditor, Republican Samantha Shaw, is not running this year.

## **[Automotive supplier to invest \\$16.5 million in Auburn, hire 160 workers \(al.com\)](#)**

AUBURN, Alabama -- A German manufacturing company plans to invest \$16.5 million in a new 60,000-square-foot facility in Auburn that will bring 160 new jobs.

Kemmerich Group, an automotive supplier, will build its North American headquarters for Kemmerich USA at the Auburn Technology Park West.

Gov. Robert Bentley and other state and local officials were at the site to make the announcement on Wednesday.

"It's a pleasure to be back here in the Auburn-Opelika area," Bentley said, during the event, the Opelika-Auburn News reported. "This area truly is growing. It's part of a state that has been easy to recruit industries to. We have so many things that are going right in this part of the state."

Auburn Mayor Bill Ham said Auburn University was the critical asset to recruiting Kemmerich.

"Its presence is one of the reasons Kemmerich chose Auburn, Alabama. Auburn University will be an even greater factor in years to come as companies depend on the research capabilities of major research institutions like Auburn."

WTVM reported Kemmerich has a 100-year history of metal work and their new plant will help them better serve its customers including BMW, Ford, GM, Mercedes and Volkswagen.

While ground was just broken on Wednesday, the news station reported operations are expected to begin in August.

## **Medical college breaks ground in Auburn (Opelika-Auburn News)**

Officials and supporters of a new medical college at the Auburn Research Park at Auburn University broke ground on the project Thursday.

The Edward Via College of Osteopathic Medicine (VCOM) facility will be a state-of-the-art, four story building with more than 90,000 square feet adjacent to Auburn University's main campus. Osteopathic physicians are licensed across the U.S. to practice the full scope of medicine, according to VCOM. They emphasize the body's ability to heal itself, and therefore focus on disease prevention and nutrition.

VCOM has campuses in Blacksburg, Va. with Virginia Tech and in Spartanburg, S.C. with Wofford College. The Auburn campus will be its third.

The ground-breaking ceremony Thursday was attended by local and state leaders.

"When you look at what the college of osteopathic medicine is going to bring to us, it'll be an opportunity for students, faculty and the public and private sector in all walks to work collaboratively at Auburn University," said Dr. John Mason, president of Auburn Research and Technology Foundation. Mason said health science is one of Auburn's many interdisciplinary initiatives, so the entire campus can interact with and benefit from the new college.

Dr. Jay Gogue, president of Auburn University, believes adding another medical college in Alabama will help bring much-needed doctors to the state.

"I'm not an expert at all in health science or in the medical field, but I want you to think about in Alabama every day, the number that shocks me, 61 of the 67 counties are without the appropriate number of doctors," Gogue said. "... VCOM offers an enormous opportunity in the state of Alabama to

help our people. As a land-grant university, it's absolutely critical that we have a responsibility to the people in our state and beyond.

"This is a dream of ours that we at Auburn could not do. It's only through a private partner that allows us to provide the kind of interaction and service that we know is important."

The Auburn Research and Technology Foundation, Auburn University and VCOM first signed the collaborative agreement to establish the college in 2012. VCOM is building the facility, which will allow for collaborations with Auburn University programs and Alabama hospitals. The college is scheduled to admit its first class in 2015.

Dr. James Wolfe, president of Edward Via College of Osteopathic Medicine, also spoke Thursday about the possibilities the partnership will create.

"I want to emphasize two major things," Wolfe said. "First, how grateful we are for this association with Auburn and the opportunities it provides for both partners, and secondly, how this branch campus will assist in our mission by meeting the growing need for physicians in Alabama and the surrounding rural and underserved areas."

Wolfe said he looks forward to the economic benefits and healthcare improvements the college can provide the state.

"We will be preparing doctors who will play a major role in satisfying what I personally think to be a moral imperative of this country," Wolfe said. "In my mind, that moral imperative is the provision of healthcare for all of our citizens, no exceptions, no excuses."

## **Supporters gather at AL State House to protect coal industry jobs (WSFA)**

MONTGOMERY, AL (WSFA) -

The Alabama Coal Association and United Mine Workers of America are announcing a new initiative to go up against those who they say want to destroy coal jobs in Alabama.

Dozens of miners and their supporters from all over the state traveled to the Alabama State House Thursday morning.

Among those in attendance were Alabama state senator Greg Reed and state representative Bill Roberts.

The meeting's key goal is to protect and promote Alabama jobs within the coal industry.

"The EPA is trying to limit what we do and basically phase out the coal mining industry," says John Box, a coal miner from Tuscaloosa. "I'm a 3rd generation coal miner," he adds. "We've been benefiting this country for well over 100 years. We have to make sure our jobs don't get phased out in the meantime."

Organizers argue that legislation backed by Public Service Commissioner Terry Dunn could affect nearly 16,000 families in Alabama.

## **[Public Service Commissioner Terry Dunn wants to ban PSC candidates from taking campaign money from coal, other utility suppliers \(al.com\)](#)**

MONTGOMERY, Alabama --- Alabama Public Service Commissioner Terry Dunn is calling for legislation to ban commissioners and PSC candidates from accepting campaign contributions from wholesale suppliers of coal, natural gas and electricity to utilities regulated by the PSC.

Dunn has asked the Legislative Reference Service to draft a bill and has consulted with the Alabama Ethics Commission.

State law already bans utilities from giving to PSC candidates. Dunn's proposal would expand that prohibition to the wholesalers.

"Just make it against the law for public service commissioners to receive any political contributions from fuel wholesalers, like coal, natural gas, purchasers of electric power," Dunn said. "I just don't think the commissioners should obligate themselves or feel like they're obligated to a certain fuel because they got a contribution from that fuel."

The idea has not gone over well with some. The Alabama Coal Association and United Mine Workers of America announced today a "Coal Jobs Count" campaign at a news conference where they criticized Dunn's proposal.



"His bill would allow him to take money from environmental groups while restricting the rights of coal miners and their employers from supporting candidates with a different point of view," they said in a news release.

Dunn is running for reelection and has several challengers in the June 3 Republican primary. Any legislation that passed would not take effect during this election cycle, he said.

For months, Dunn has fought accusations of being anti-coal.

PSC President Twinkle Andress Cavanaugh has accused Dunn of being part of a "war on coal" she says the Obama administration is waging through environmental regulations. Dunn says he's not part of any such efforts and says commissioners should not be for or against any fuel source.

"Our job is to make sure the rates are fair and as cheap as they can be for the ratepayers of Alabama, not to get up there and advocate for a certain fuel," Dunn said. "That's not saying I'm against coal. I've said that from the beginning."

Cavanaugh opened this week's monthly meeting of the PSC with almost five minutes of pointed remarks directed at the Obama administration and at Dunn. A video of the meeting is posted on the PSC's website.

"There has been a commissioner here at the commission who has accused his colleagues of picking a fuel source when it is not in the best interest of consumers," Cavanaugh said. "Let me be very clear. The best interest of the consumer is always at the forefront when decisions are made at this podium but also when they are made on a daily basis.

"But what I will not do is join President Obama's war that he has declared on coal in the state of Alabama and across our nation."

Cavanaugh didn't call Dunn by name, but made it clear she was talking about him. Cavanaugh offered Dunn a chance to respond at the meeting, but he declined. Commissioner Jeremy Oden also did not comment.

Dunn and Cavanaugh have been at odds for more than a year, since Dunn called for formal rate hearings for utilities and Cavanaugh opposed the idea.

Cavanaugh received about \$89,000 from the coal industry during her 2012 campaign.

"I was proud to take their contribution," Cavanaugh said. "Hard working coal miners here in the state of Alabama. You betcha."

Cavanaugh said she was advocating for the coal industry in Alabama before taking any campaign money from coal.

"It's the right thing to do," Cavanaugh said. "Just because President Barack Obama and the liberals in this country want to destroy our way of life, they want to destroy our most abundant resource, then you think I shouldn't stand up? You've got to be kidding. I'll continue waging this war against Barack Obama and the liberals until my last breath."

Cavanaugh said she successfully pushed for a restriction several years ago on PSC candidates taking contributions from lawyers and lobbyists who represent utilities, something which she said had been commonplace before.

She said Dunn had not talked to her about his proposal to restrict campaign contributions from coal and other wholesale suppliers of the utilities.

"I am never going to single out our most abundant resource for any type of punishment," she said when asked about the proposed bill.

Dunn said his proposal has precedent in state law. The ethics law prohibits the commissioner of the state Department of Agriculture and Industries and candidates for that office from taking campaign contributions from anybody associated with a business regulated by the department.

In a letter to the Legislative Reference Service about his proposed legislation, Dunn writes that fuel purchases by regulated utilities total billions of dollars a year.

"The Public Service Commission should be fuel neutral, encouraging our state's public utilities to manage their fuel and energy purchases as economically and efficiently as possible, at the lowest possible cost," Dunn wrote.

He said banning the campaign contributions would help ensure that neutrality.

"It's just common sense if you just think about it," Dunn said. "It should be a law."

## **Alabama Chief Justice Moore jumps into gay marriage fight (AP)**

Alabama's chief justice, known on the national stage for fighting to display the Ten Commandments in a judicial building, is jumping into the gay marriage debate with his push for a states-led constitutional amendment defining the institution as a union between one man and one woman.

"The moral foundation of our country is under attack," Chief Justice Roy Moore said in an interview with The Associated Press.

He mailed letters Wednesday to all 50 governors urging them to get their legislatures to call for a convention to add an amendment to the U.S. Constitution saying the only union recognized by state and federal governments is "the union of one man and one woman." He also is setting up a website to rally public support.

Moore said the only way to stop judges who are finding new rights for gay unions is with a state-initiated constitutional amendment.

"Government has become oppressive, and judges are warping the law," Moore said.

Seventeen states and the District of Columbia allow gay marriage. None is in the South, where every state has enacted a ban on same-sex marriage. In Virginia, a federal judge heard arguments this week on a lawsuit challenging the state's ban. Virginia's attorney general chose not to defend the law because he said it violates the equal protection clause of the 14th Amendment.

In Alabama, an openly gay state legislator who married her partner in Massachusetts said she expects most governors to toss Moore's letter.

"He's fighting a losing battle, and he probably knows that," Rep. Patricia Todd, D-Birmingham, said in an interview.

She said the chief justice should recognize Americans' view and the courts' views about the issue and how it has changed in recent years. "Get over it, buddy," Todd said.

But Moore said that "a great majority of the American people want to hold to the definition that a marriage is between a man and a woman," though he acknowledged an amendment would draw opposition from both sides of the political spectrum.

Conservative political analyst Phyllis Schlafly has said a state-initiated convention would be “a prescription for political chaos, controversy and confrontation.”

In the past, U.S. legislators have introduced federal marriage amendments, but Moore said he doesn't think Congress will offer one this year. The only alternative, he said, is going through Article V of the Constitution to get 34 states to agree that a convention is necessary.

An Article V convention has never been held, but Moore said, “I think the time is ripe for that to happen with the political atmosphere in Congress. They can't get along or agree on anything.”

A lawyer with the American Civil Liberties Union said the 17 states that allow gay marriage aren't likely to reverse their positions and call for a constitutional amendment. “I think the chief justice has a math problem ahead of him,” said James Esseks, director of the ACLU's Lesbian, Gay, Bisexual and Transgender Project.

Alabama Gov. Robert Bentley said he has no problem with what the chief justice is proposing, but his preference is leaving the issue to the people of each state.

“I am a states' rights person. Marriage licenses are issued by the state. I do believe that most things should be left on a state level,” he said.

When Moore was elected in 2000, he placed a granite monument of the Ten Commandments in the state judicial building. A federal judge ruled that it had to be moved. Moore refused, and a state judicial court kicked him out of office in 2003 for disobeying the court order. Moore became known as “Alabama's Ten Commandments judge” as he traveled the country speaking to churches and conservative groups. Alabama voters re-elected him in 2012. He has not tried to bring the monument back.

Alabama's nine high court justices don't usually get involved in national issues, but Moore said it is appropriate for him to speak out because Alabama has a state constitutional amendment that recognizes a marriage as a union only between a man and a woman.

“Basically, I'm upholding the law,” he said.

Others say attitudes have changed in Alabama since the law's enactment. Last year, the leader of the College Republican Federation of Alabama supported the U.S. Supreme Court's decision overturning the Defense of Marriage Act. That upset the state Republican Party chairman, who proposed a rule change aimed at keeping party leaders from taking public positions contrary to party policy. The state GOP executive committee wouldn't approve it.

“That is a great example of where the country is moving,” Esseks said.

## **EDITORIAL: Obamacare job losses fit the bill (Tuscaloosa News)**

Published: Thursday, February 6, 2014 at 7:00 p.m.

News this week that the Patient Protection and Affordable Care Act, also known as Obamacare, will cost the economy millions of jobs by 2021 shouldn't come as a surprise. Little good has come from this piece of legislation yet, and we expect little good will ever come from it.

The Congressional Budget Office announced Tuesday that workers leaving their jobs and reducing their hours in order to stay eligible for federal subsidies will equal the loss of 2.3 million jobs by 2021. After creating a myriad of other problems, Obamacare now has the distinction of creating a disincentive to work.

The Obama administration tried to dress this pig up with lipstick by claiming nobody's losing their job if they don't want to. They'll just be retiring and reducing their hours voluntarily. Yeah, and you can keep your policy if you like it, “period.”

The ACA has been an unmitigated disaster since its passage. It was so unpopular with the public that voters booted the Democrats out of control of the House of Representatives in 2010 for enacting it. The government website people were supposed to use to buy insurance bogged down and crashed.

About the only people taking advantage of the law's provisions to buy insurance are those who lost the health insurance policies they were largely happy with. And when they buy new policies they get less of what they need, more of what they don't need and pay more for their policies. In the long run, hard-working people who have responsibly taken care of their health care needs are being penalized and asked to subsidize premiums for people who can't afford insurance.

When can we just say, “enough?” Judging from the federal government's past actions, probably never. It has a long history of refusing to give up on failed policies and digging deeper and deeper holes.

President Barack Obama is deeply invested in the ACA. It's the crowning achievement of his administration. All we can say is that if this is the president's signature accomplishment, we wish him well with the history books.

## **21 representatives join letter by Congressman Byrne in support of LCS program (al.com)**

Twenty-one members of Congress – including the entire Alabama delegation to the U.S. House of Representatives – signed on to a letter by U.S. Rep. Bradley Byrne in support of Mobile-made Navy ships.

Byrne, R-Mobile, wrote the letter along with U.S. Rep. Reid Ribble, R-Wisc., to President Barack Obama. In addition to the Alabama delegation, the letter drew signatures from coastal Reps. Steven Palazzo, R-Biloxi, and Jeff Miller, R-Pensacola.

According to reports – which the Navy has not officially confirmed – the administration is considering cutting back the Littoral Combat Ship program from its current order of 52 ships.

“While the current budget environment presents added challenges to the Department and the Navy’s plans to expand the fleet of 306 ships, the LCS program has demonstrated that it can be built on budget and on time,” the letter states. “The LCS truly stands to become, in the words of (Navy) Secretary (Ray) Mabus, ‘the backbone of your Administration’s support of the Navy’s stated requirement of 52 LCS.’”

Byrne made protecting the LCS contract held by Austal USA one of his priorities during his campaign in last year’s special election to finish the term of Rep. Jo Bonner. He joins efforts by U.S. Sens. Jeff Sessions, R-Mobile, and Richard Shelby, R-Tuscaloosa, who joined four other senators earlier this week in writing Obama in support of the program.

According to reports, the administration is considering cutting the LCS order from 52 to 32, which could have a major impact on Austal – Mobile’s largest industrial employer with roughly 4,000 workers.

“I am committed to using every avenue possible to fight for these jobs represented by the Navy contracts at Austal in Mobile. ... We cannot allow the livelihoods of thousands of south Alabama families and the future of the United States Navy to hang in the balance over an arbitrary decision from the administration,” Byrne said in a prepared statement.

Riddle, who district includes a facility building "Freedom-class" LCS vessels, suggested that cuts should fall elsewhere in the Navy's fleet.

"Especially in lean budgetary times our military needs to have this cost-effective vessel as part of its arsenal," he said in a statement. "We should not be sending large, costly destroyers to patrol against pirates and drug runners. It makes little strategic or financial sense."

LCS critics contend the vessel does not meet minimum combat requirements. Supporters, however, argue that the ship will become increasingly important in future conflicts, which some experts predict will be more require fast ships for close-in operations, such as hunting submarines, smaller ships and mines.