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Matthew J. Clark
President

June 30, 2022

Dear Attorney General Marshall,

Yesterday, *The Washington Free Beacon* reported that Danny Carr, the District Attorney for Jefferson County, signed a letter joined by over 80 other district attorneys saying that they would not enforce their states' laws concerning abortion after the Supreme Court overruled *Roe v. Wade*.¹ The letter was written by Fair and Just Prosecution, a liberal nonprofit funded by George Soros, who has been accused of funding campaigns of liberal district-attorney candidates that are soft on crime.² The letter states, "we decline to use our offices' resources to criminalize reproductive health decisions and commit to exercise our well-settled discretion and refrain from prosecuting those who seek, provide, or support abortions."³ District Attorney Carr's name appears on the first page of signatures.⁴

It appears to the Alabama Center for Law and Liberty that the law gives you the authority to override D.A. Carr's decision. Section 36-15-14 of the Alabama Code provides you with the authority to superintend and direct the prosecution of any criminal case in this state, even before indictment, and requires D.A. Carr to assist you if you do. Section 36-15-15 also permits you to "direct any district attorney to aid and assist in the investigation or prosecution of any case in which the state is interested, in any other circuit than that of the district attorney so directed." Thus, if we are reading the law correctly, you have the authority to not only direct and supervise the prosecution of anyone who breaks Alabama's abortion laws in Jefferson County, but also the authority to appoint other district attorneys to assist you if D.A. Carr is unwilling to do his job.

Since a Planned Parenthood facility exists in Birmingham that had been providing abortion until at least March,⁵ it is possible that abortions could resume quickly unless law enforcement sends the message that physicians who violate the Alabama Human Life Protection Act will be prosecuted. Moreover, while we do not

¹ Robert Schmad, *Soros-Funded Prosecutors Pledge to Defy Pro-Life Laws*, *The Washington Free Beacon* (June 29, 2022, 3:35 p.m.), <https://freebeacon.com/latest-news/soros-funded-prosecutors-pledge-to-defy-pro-life-laws>.

² *Id.*

³ Joint Statement from Elected Prosecutors 1, *Fair and Just Prosecution* (last updated June 29, 2022), <https://fairandjustprosecution.org/wp-content/uploads/2022/06/FJP-Post-Dobbs-Abortion-Joint-Statement.pdf>.

⁴ *Id.* at 2.

⁵ Hadley Hitson, *Planned Parenthood Temporarily Halts Abortion Services in Alabama, Cites Staffing Issues*, *Montgomery Advertiser* (Apr. 29, 2022), <https://www.montgomeryadvertiser.com/story/news/2022/04/29/alabama-planned-parenthood-clinics-temporarily-stop-abortion-services/9583391002>.

know the intentions of the other Alabama district attorneys who have abortion clinics in their jurisdiction, they might follow suit if they are pro-abortion unless the Attorney General's Office steps in and sets a precedent. The Alabama Center for Law and Liberty therefore respectfully asks you to override D.A. Carr's policy immediately and ensure that the lives of unborn children are protected in Jefferson County.

Thank you for your steadfast defense of life and for acting so quickly to have the injunction on Alabama's pro-life law lifted the same day that *Dobbs* was decided. If the Alabama Center for Law and Liberty can be of service in any way in this matter, please let us know.

Sincerely,

A handwritten signature in black ink that reads "Matthew J. Clark". The signature is written in a cursive, flowing style.

Matthew J. Clark
President, Alabama Center for Law and Liberty