

EXHIBIT "5"

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

HISPANIC INTEREST COALITION)
OF ALABAMA; et al.,)

Plaintiffs,)

v.)

CASE NO. 5:11-CV-2484-SLB

ROBERT BENTLEY, in his official)
capacity as Governor of the State of)
Alabama; et al.,)

Defendants.)

RT. REV. HENRY N. PARSLEY, JR., in)
his official capacity as Bishop of the)
Episcopal Church in the Diocese of)
Alabama, et al.,)

Plaintiffs,)

v.)

Case Number: 5:11-CV-2736-CLS

ROBERT BENTLEY, in his official)
capacity as Governor of the State of)
Alabama; et al.,)

Defendants.)

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

Case Number: 2:11-CV-2746-LSC

STATE OF ALABAMA;)
GOVERNOR ROBERT J. BENTLEY,)

Defendants.)

AFFIDAVIT OF ROGER H. BEDFORD, JR.

My name is Roger H. Bedford, Jr. I am over the age of 19 years and am competent to give this affidavit. I have personal knowledge of the matters stated herein. This affidavit is submitted in support of a motion for preliminary injunction filed by Plaintiffs in Case No. 5:11-CV-2736-CLS, styled *Rt. Rev. Henry N. Parsley, Jr., etc., et al., v. Robert Bentley, etc., et al.*

I am in my sixth term as the Alabama State Senator for the 6th District, which encompasses part or all of Colbert, Fayette, Franklin, Lamar, Lawrence, Marion, and Winston Counties. I serve on the following Senate Committees: Banking and Insurance; Confirmations; Education; Finance and Taxation, General Fund; Governmental Affairs (Vice Chairperson); and Rules. I am also the Senate Minority Leader.

On March 23, 2011, State Senator Scott Beason introduced SB 256 in the Alabama State Senate ("Beason Bill"). As introduced, the Beason Bill did not exempt the actions of religious organizations undertaken as a part of their ministries from being criminalized.

On April 21, 2011, I offered an amendment to SB 256 to protect certain actions of religious organizations from being criminalized by Beason's Bill ("Bedford Amendment"). The Bedford Amendment provided that on page 30, after line 2, after "law" the following new language would be inserted into the Beason Bill: "Nothing in this subdivision shall be construed to prevent a bona fide religious organization from transporting persons to and from church functions."

God does not decide if you are legal or illegal. He decides if you are saved or unsaved. I offered the Bedford Amendment to make it very clear that it would not be against the law for a church to go out into the community and bring people in for a religious event or take them back after that event was over. I wanted to ensure that there was no gray area where a church could get into trouble for reaching out to the lost.

On April 21, 2011, the Bedford Amendment was adopted by Roll Call 339. The Roll Call vote was as follows:

- o Aye:
 - Gerald Allen [R, 21]
 - Billy M. Beasley [D, 28]
 - Roger Bedford [D, 6]
 - Dick Brewbaker [R, 25]
 - Ben Brooks [R, 35]
 - Paul Bussman [R, 4]
 - Linda Coleman [D, 20]
 - Gerald Dial [R, 13]
 - Priscilla Dunn [D, 19]
 - Vivian Davis Figures [D, 33]
 - Rusty Glover [R, 34]
 - Jimmy W. Holley [R, 31]
 - Tammy L. Irons [D, 1]
 - Marc M. Keahey [D, 22]
 - Greg Reed [R, 5]

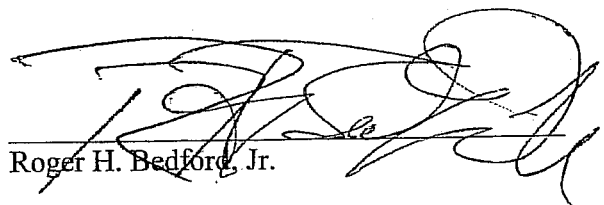
- Clay Scofield[R, 9]
- Bobby D. Singleton [D, 24]
- Harri Anne Smith [I, 29]
- Bryan Taylor[R, 30]
- Cam Ward [R, 14]
- Phil Williams[R, 10]
- Nay:
 - Paul Sanford [R, 7]
- Absent:
 - Scott Beason [R, 17]
 - Trip Pittman [R, 32]
- Pass
 - Slade Blackwell[R, 15]
 - Jerry Fielding[D, 11]
 - Bill Holtzclaw[R, 2]
 - Del Marsh [R, 12]
 - Shadrack McGill[R, 8]
 - Arthur Orr [R, 3]
 - Quinton T. Ross [D, 26]
 - Hank Sanders [D, 23]
 - Rodger M. Smitherman [D, 18]
 - J. T. Waggoner [R, 16]
 - Tom Whatley[R, 27]

On May 24, 2011, the Beason Bill, as amended, was referred to the House of Representatives Committee on Public Safety and Homeland Security. When the Beason Bill left the Alabama Senate, it contained the Bedford Amendment, which would have permitted a bona fide religious organization to transport persons to and from church functions without fear of criminal prosecution under the Beason Bill.

Upon arrival in the Alabama House, the Beason Bill was referred to a Conference Committee. When the Beason Bill reappeared from the Conference Committee on June 2, 2011, the protections provided by the Bedford Amendment were conspicuously absent from the first Substitute that was offered by the Committee. Later on June 2, 2011, Senator Beason moved to Concur In and Adopt the first Substitute; through Roll Call 1035, the first Substitute was concurred in and adopted by the Alabama Senate.

Despite my efforts to insert language into the Beason Bill that would have protected our churches and church members from fear of criminal prosecution from doing their Christian duty to love their neighbor, the final Beason-Hammon Alabama Taxpayer and Citizen Protection Act does not include such protections.

Further affiant sayeth not.


 Roger H. Bedford, Jr.

STATE OF Alabama)
COUNTY OF Franklin)

Before me, the undersigned notary public in and for said county in said state, personally appeared Roger H. Bedford, Jr., who is known to me and who, being by me first duly sworn, did depose and state that he has read the foregoing Affidavit and the statements contained therein are true and correct.

Given under my hand and official seal on this the 15th day of August, 2011.

[Signature]
Notary Public

[SEAL]

My Commission Expires: 6/24/15