

Georgia insight

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"She hath done what she could." Mark, 14:8a

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S.B. 39 Chartering Entire School Systems

Unconstitutional chartering of schools may swallow entire school systems.

Instead of giving parents more control over their children's education, a charter with the state, actually, takes control from local school boards that live in the district and gives it to the state. Charter schools became all the rage in the early '90s when they were "sold" as the perfect way to put parents back in charge of education. National organizations convinced conservatives that charters would be parent-friendly and restore excellence to mediocre education.

In Georgia, the problem with chartering schools is found in the State Constitution, requiring control to remain in each school district. Article VIII, Section V, Paragraph II says, "Each school system shall be under the management and control of a board of education...elected as provided by law...[and residing] within the territory embraced by the school system...."

When two of us reminded S.B. 74's author that charters take away local control, he replied, "We're redefining local control." But, that never happened because they didn't amend the Constitution. Instead, they ignored that paragraph and local school boards have been transferring their power to the state ever since.

When S.B. 74 was debated on the Senate floor, then-Lieutenant Governor Mark Taylor was asked whether it contradicted parents' right to control their children's education. His response was, "Parents are just another layer of bureaucracy." When the bill went to the House, a representative asked someone to explain what a parent would do if he didn't want his child in a charter school. The governor's House floor leader said, bluntly, "Move out of the district."

Two facts about chartered schools have not changed. They are unconstitutional because the state constitution requires local schools to be managed and controlled by locally elected school boards, not by a state contract with input from appointed councils. Fact two: school councils were supposed to empower parents but the state charter is the controlling factor.

S.B. 39 is a giant leap toward the ultimate chartering of a majority of Georgia public schools, if not all of them. Current law allows individual schools to be chartered, but S.B. 39 allows *entire school systems* to be chartered and governed by the state under the auspices of a new Charter Advisory Committee to be created under this bill. The bottom line is this. Local school boards, though constitutionally charged with managing and controlling schools, are relinquishing their authority. If S.B. 39 passes, the local school board's sole duty will be to make policies about student and school needs. They will have no power over the curriculum, activities or personnel, because they are unconstitutionally giving away their own authority.

ACTION – Oppose. Call House Rules Committee Representatives Ehrhart, Ch., 404 656-5141; Parrish, 656-0213; Mills, 656-5099; Barnard, 656-5138; Bridges, 656-5143; Burkhalter, 656-5072; Casas, 656-0254; Channell, 656-7856; Coan, 656-6801; Cooper, 463-8142; Fleming, 656-5024; Golick, 651-7737; Keen, 656-5052; Lane, 656-5115; Lewis, 656-9198; Lunsford, 656-7146; Millar, 656-5064; Ralston, 656-5943; Rice, 656-5912; Roberts, 656-5025; Austin Scott, 656-5132; Vance Smith, 656-7153; Lynn Smith, 656-7149; Bob Smith, 463-2247; Stephens, 656-5122; Len Walker, 656-5139; Willard, 656-5124; Hugley and Porter, 656-5058; Cheokas, 656-0325; Hanner and Shaw, 656-7859; Jacobs, 656-0152; Mosby, 656-0287; Parham, 656-0202; Randall, 656-0109; and Smyre, 656-0116

Bills Poised to Pass: Critical Background Checks

S.B. 23 authorizes background checks to determine citizenship of criminal aliens.

This is a bill whose time has come. Federal auditors found that, since 1988, the Immigration and Naturalization Service had not done routine background checks on criminals that entered the U.S. from other countries. Illegal aliens tagged for deportation often disappear into the populace upon receipt of a summons to report and pick up their one-way ticket back home. That's particularly frightening since 72 law enforcement officers died at the hands of foreign terrorists in the September 11th Trade Center attacks and many others have been killed by illegal aliens that continue to roam the U.S. without fear of deportation.

Such tragedies were suddenly up close and very personal to his friends and family when 50-year-old 25-year veteran Los Angeles police officer Russell Kuster was killed October 9, 1990, while having an off-duty dinner in his Hollywood, California precinct. Kuster died a year shy of retirement. Though he was mortally wounded, Kuster was able to kill the shooter with a shot to the head.

Law enforcement later learned that the dead man was an illegal alien from Hungary who entered the U.S. through San Diego in 1981. That murder was the last entry in his already long criminal history in the U.S., where he had continued his previous way of life. Before leaving Hungary, he had been arrested for robbery, blackmail, rape and theft.

S.B. 23 allows the court to inquire whether the person is lawfully present in the U.S. before any sentencing to jail or prison. If an illegal alien is sentenced to probation, the court may consider whether to deport or require probation to be served in the U.S. The same process is extended to matters of parole. In determining whether to grant parole, the board would be authorized to inquire about the citizenship status of the prisoner. If the prisoner is an illegal alien and subject to deportation, the board would determine what's in the best interest of the state – whether to retain or deport the prisoner.

If S.B. 23 passes, it becomes retroactive, stipulating that these conditions may be applied to offenses committed before its effective date, unless retroactive application is judicially prohibited. If that provision is eliminated, the remainder will continue in effect.

ACTION – Support. Call House Non-Civil Judiciary Representatives Ralston, 404 656-5943; Mumford, 656-0254; Bearden, 656-0287; Byrd and Mangham, 656-0126; Cole, 651-7737; Collins and Everson, 656-0188; Cooper, 463-8142; Franklin, 656-5087; Knox, 656-7855; Lunsford, 656-7146; Setzler, 656-0177; Abdul-Salaam, 656-0325; Abrams, 656-0220; Benfield, 656-7859; Levitas, 656-0116; and Randall, 656-0109.

S.B. 61 requires criminal background checks for applicants seeking to adopt a child.

In adoption cases, current law *allows* a criminal records check, but does not require it. If one is done, the petitioner must pay for it. This *requires* petitioners seeking to adopt to send a fee *and* their fingerprints to the Georgia Crime Information Center that will initiate a records search and promptly forward the fingerprints to the FBI and other agencies that will search their records, also. A final report, including any derogatory findings and/or conviction data, will be sent from the Georgia Crime Information Center to the court.

ACTION – Support. Call House Judiciary Committee Representatives Willard, Ch., 404 656-5125; Lindsey, 656-0296; Hatfield, 656-0109; Bruce, 656-0314; Crawford, 656-0213; Fleming, 656-5024; Golick, 651-7737; Jacobs, 656-0152; Lane, 656-0109; Oliver, 656-0265; O'Neal, 656-5103; Stephenson, 656-0126; Teilhet, 656-0298; Thomas, 656-0314; Tumlin, 656-0177; (ex-officio) Wilkinson, 463-8143.

These Bills are in the House Non-Civil Judiciary Committee

S.B. 98 helps curb pornification of the U.S.

Time was when parents, librarians and businesses, effectively, prevented minors from obtaining obscene material. That was when phones were on ground lines attached to rooms at home, phone sex was difficult for minors to access and sex offenders couldn't use tax-payer-funded computers in public libraries to log onto pornography. All those things are still in place, but children can now access pornography through those once-innocent portable cell phones.

The situation is so bad that Senator Bill Hamrick introduced S.B. 98 to amend the Computer Pornography and Child Exploitation Act of 1999 to prohibit pornography on cell phones and other electronic devices. The 1999 law didn't include picture-taking cell phones, but S.B. 98 does. It, also, expands GBI authority to identify and investigate sexual exploitation of minors whether on computers, cell phones, thumb drives, video games, or other electronic devices.

Violation would be a felony and those convicted could get one to ten years in prison, a fine up to \$10,000 or both. That penalty, also, applies to violators caught in sting operations by undercover agents posing as children. But, just as in state sex crime laws, the current law against computer pornography makes it's only a misdemeanor if a 14- or 15-year-old receives pornography from a person no more than three years older. This bill allows that to continue.

ACTION – Support. Contact Non-Civil Judiciary Representatives listed below.

Pictures in Public, Pictures in Prison

S.B. 1 was introduced by Senator Eric Johnson to make it a misdemeanor of a high and aggravated nature for registered sex offenders to make a picture using film or digital camera, motion picture film or videotape of anyone under 18 without the consent of the child's parent or guardian.

ACTION – Support. Contact Non-Civil Judiciary Representatives listed below.

S.B. 34 introduced by Senator Tommie Williams is another law about pictures. Any person in prison or on probation who displays, hides or carries a picture of the victim could be charged with a misdemeanor. Pictures are powerful and in the wrong hands they can be powerfully harmful.

ACTION – Support. Contact Non-Civil Judiciary Representatives listed below.

S.B. 249 requiring sex offenders to register with the sheriff of the criminal's home county excludes unlicensed childcare from certain provisions. Interestingly, current law did not differentiate between licensed child care facilities and those that aren't licensed. This bill specifies that "private, in-home child day care which is not licensed by this state" may have sex offenders living nearby. S.B. 249, also, adds palmprints to the various ID data registered sex offenders must submit and expands the data required for the State Sexual Offender Registry. An offender may be released from requirements of the sexual offender registry if he's age 75 or over, has been out of prison for at least ten years, lives in a hospice, nursing home, residential care facility or is seriously physically incapacitated due to illness or injury.

You Decide. Call House Non-Civil Judiciary Committee Representatives Ralston, 404 656-5943; Mumford, 656-0254; Bearden, 656-0287; Byrd & Mangham, 656-0126; Cole, 651-7737; Collins & Everson, 656-0188; Cooper, 463-8142; Franklin, 656-5087; Knox, 656-7855; Lunsford, 656-7146; Setzler, 656-0177; Abdul-Salaam, 656-0325; Abrams, 656-0220; Benfield, 656-7859; Levitas, 656-0116; and Randall, 656-0109.

Urgent ACTION, please: Critical Federal Issue Gets Critical-er

Quoted Below: Special alert from Phyllis Schlafly, President & Founder of Eagle Forum
Amnesty is Back! Meet with your member of Congress and tell him to vote NO on any guest-worker/amnesty bill. It has been nearly a year since we saw millions of illegal aliens marching in the streets demanding legal status after crossing the border illegally and breaking a host of laws to stay and work here. The House stood strong to pass a border security bill, but the Senate kowtowed to the illegal aliens and big business, passing a massive guest-worker/amnesty bill. Because of your calls, emails, and presence at local district events, the House stood strong and refused to pass the Senate bill.

Now President Bush and the Democrat-controlled Congress are teaming up for another round of guest-worker/amnesty bills. The newest piece of legislation is the STRIVE Act (H.R. 1645), sponsored by Rep. Jeff Flake (R-AZ) and Rep. Luis Gutierrez (D-IL). The way the open borders crowd will sell the STRIVE Act is the “Touchback Provision,” requiring illegal aliens, though sometimes only the head of a household, to “touchback” across the border, either in Canada or Mexico, for an unspecified amount of time and then return. This provision makes a mockery out of our laws!

Details of the STRIVE Act

Grants legal status to aliens here before June 1, 2006 if they pay a \$2,000 fine, pass background checks and learn English.

Establishes a massive guest-worker plan, allowing low-skilled workers to take U.S. jobs.

Includes the DREAM Act, granting in-state college tuition to illegal aliens.

Requires employers to verify their workers are legally eligible to work in the U.S.

Seeks to establish a “North American” security perimeter around the U.S./Mexico.

Your voice is needed more than ever to stop this costly and dangerous piece of legislation! Congress will be in recess for Easter during the next two weeks¹. **While your representative and senators are at home in the district, you should make an appointment to meet with them and tell them to oppose ANY guest-worker/amnesty bill that comes to the floor!** If you are not sure what to say, check out the January 2006 *Phyllis Schlafly Report*² for details on the dangers of guest-worker programs. Be sure to tell them:

- President Bush signed the Secure Fence Act in 2006, you expect him to build it and Congress to fund it!
- You expect justice for the two border patrol agents, Ramos and Compean, who were wrongly prosecuted for protecting us against an admitted drug smuggler!
- You consider any “touchback provision” equal to amnesty and he should note NO on any bill that includes it.

Be sure to call your representative and senators today to set up a meeting while they are in the district the first two weeks of April. If you cannot meet with them, drop off a *Phyllis Schlafly Report* (available online² to print out) or call them and urge them to oppose any guest-worker/amnesty bills.

Call your representative and senator in D.C. at the Capitol Switchboard 202 224-3121.

¹ The Alert was written April 2. Congress returns to D.C. April 16. Call your congressman in his home district before then.

² Online at <http://eagleforum.org> to print out newsletter. To email: eagle@eagleforum.org to find their district offices.