

Georgia insight

Sue Ella Deadwyler
4168 Rue Antoinette
Stone Mountain, Georgia 30083

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

2009 Georgia General Assembly Convenes January 12th

Ready or not, 2009 is here. Ready or not, the legislative session begins the second Monday in January. Ready or not, old laws will be modified and new laws will pass.

Changes for 2009

When it convenes for its annual 40 law-making days, 26 new members will join 210 returning incumbents. So, preparation includes knowing the cast of characters and the power structure.

The 56-Member Senate

The Senate has five new members, but the number in each party is the same – 34 Republicans, 22 Democrats. Democrats elected three changes – Lester Jackson replaced Regina Thomas in District 2, Freddie Sims replaced Meyer Von Bremen in District 12 and Gail Buckner replaced Gail Davenport in District 44. Republicans elected two changes – John Crosby replaced Joseph Carter in District 13 and Jim Butterworth replaced Nancy Schaefer in District 50.

As the majority party, Republicans retain control of the Senate. No one in leadership was demoted, but Senator Eric Johnson chose to step down as President Pro Tem. That vacancy created the opening that allowed Senator Tommie Williams to move from Majority Leader to President Pro Tem and Senator Chip Rogers to become the new Majority Leader. Continuing in their previous leadership positions are Senator Dan Moody, Majority Caucus Chairman; Senator Don Balfour, Rules Committee Chairman (a.k.a. "the gatekeeper"); Senator Jack Hill, Appropriations Committee Chairman and Senator Mitch Seabaugh, Majority Whip.

The **governor** exercises his executive power on legislation *via* floor leaders, which he appoints. His 2009 Senate Floor Leaders are Senators Bill Heath, Bill Cowsert and Ronnie Chance. One or more of their names on legislation, usually, indicates the governor's support of the bill.

The 180-Member House of Representatives

Democrats in the House of Representatives picked up two additional seats. That reduced the Republican majority from 107 to 105 and increased the number of Democrats from 73 to 75.

Enjoying that majority, Republicans control the House and easily elect fellow party members to all leadership positions. Officers reelected to serve in their previous roles are Speaker of the House Glenn Richardson, Speaker Pro Tem Mark Burkhalter, Majority Leader Jerry Keen, Majority Caucus Chairman Jay Roberts, Majority Caucus Vice Chairman Donna Sheldon and Majority Caucus Secretary/Treasurer Jeff May. The only change in the House leadership came when Jan Jones was elected Majority Whip to replace Barry Fleming, who previously served in that position.

The **governor's** floor leaders appointed to carry his legislation in the House are Representatives Rich Golick, Jim Cole and Jimmy Pruett. Their names on bills indicate the governor's support.

2009, The Legislature And You

“If you don’t tell me what’s wrong with a bill, you can’t hold me responsible for my vote!”

– Richard Chamberlin, Representative, House District 73, 1979

The above statement was made to me 30 years ago and I’ve never forgotten its impact on my lobbying. Representative Chamberlin was an attorney, a Christian who attended a Baptist church in Henry County. His pastor was so convinced that Christians should influence government that he asked Chamberlin to run for office, which he agreed to do and was elected.

His election strategy was simple – a door-to-door campaign in Butts and Henry counties to rally voters who wanted Christian representation in the General Assembly. He won and they got it!

Your first reaction to Chamberlin’s statement might be to accuse him of being unwilling to do his job or of passing the buck or shirking his duty as a representative. But there are several valid reasons for his comment.

The sheer volume of a legislator’s work is staggering. At least 2,500 bills and resolutions are introduced during the 40-day session and some legislation is extremely long. For example, the governor’s budget recommendations are published in a bound book with hundreds of pages and the appropriations bill introduced in the House is a half-inch thick. There’s no limit to the length of a bill or resolution or the number that can be introduced during the 40 legislative days.

Based on subject, each bill is assigned to a committee where members debate and kill it or send it to the floor for a vote. There’s no limit to the number of bills a committee gets and legislators are on three or more committees. Some legislators are assigned to as many as eleven committees, including ex-officio appointments.

So, do the math. Legislators don’t have time to study or even read all 2,500 bills. They rely on other legislators to explain bills in other committees. With so little time to study bills, they wouldn’t, necessarily, know about bills that concern you or me ... unless you or I tell them.

Citizen Lobbyists, Professional Lobbyists & Government Lobbyists

There’s still another very serious angle to this business of lobbying. I’m a volunteer and I’m a conservative. On any given day during the session I’m greatly outnumbered by well-paid liberal lobbyists and government employees that earn tax-paid salaries as they lobby.

Most liberal lobbyists are professionals that are hired to further a specific agenda. Government lobbyists promote their departmental projects, which, often, contradict the desires of a majority of taxpayers that pay their salaries. That fact became painfully clear a couple of years ago, when parents were disturbed about the incremental movement toward year-round schools.

Family vacations were/are interrupted; summer jobs, suddenly, became impossible for students; football players had/have heat strokes during July practice; students have no block of “down-time” from school. A bill introduced to fix the problem was considered by the House Education Committee, that dutifully listened to a standing-room-only crowd of parents beg for a traditional school-start date, but committee members sided with education lobbyists and killed the bill.

The Remedy: More Voters Pressuring Legislators to Represent the People, Not Government

Edmund Burke said it in one sentence: “All that is necessary for the triumph of evil is that good men do nothing.” If we want conservative decisions, more conservatives must get involved in politics. Could it be that “politics is dirty” because good people won’t get involved?

H.B. 32, Death Penalty, Pre-filed for 2009 Session

Jury nullification is hard to prove, even if it occurs in cases with no question of the defendant's crime or guilt or intent. Since Georgia law requires a unanimous jury vote for a death sentence, nullification by only one juror is possible. Nullification thwarts justice where there's no doubt of guilt, the defendant shows no remorse and death is the logical and just sentence.

This is not a new issue here. In 2007 Representative Barry Fleming, an attorney in District 117, introduced H.B. 185 to allow imposition of the death penalty in cases involving one or more aggravating circumstances and at least ten of the 12 jurors agree to the death penalty. Passing such a law would often avoid a hung jury. That bill passed the House but died in the Senate.

By pre-filing H.B. 32 for the 2009 session, Representative Tim Bearden of District 68 is trying again to prevent jury nullification. As did Fleming's bill, H.B. 32 allows a death penalty if an aggravating circumstance is proven and ten of 12 jurors recommend death. H.B. 32 might pass, since Brian Nichols confessed to four murders, but escaped death by a 9 – 3 jury vote.

ACTION: After the session begins and H.B. 32 is officially introduced, I'll provide the names and phone numbers of representatives to contact in the committee that will handle the bill.

Will Brian Nichols' Sentence affect the Death Penalty Law?

March 11, 2005 was a day like no other. As I approached the parking lot adjacent to the Capitol just after 9:00 a.m., it was apparent that something was very wrong. Capitol staff shared the news with us in the hall. Brian Nichols, on trial for rape, beat Deputy Cynthia Hall almost to death, took her gun, stole a second firearm and made a bee-line for the judge he wanted to kill.

On a deadly rampage, Nichols first went to courtroom 8H where a civil case was in progress and his own trial would resume. With deliberate point-blank precision, he murdered Superior Court Judge Rowland Barnes, the presiding judge in the Nichols case, and court reporter Julie Ann Brandau. Outside the building, Nichols shot and killed Sheriff's Deputy Hoyt Teasley.

But the horror didn't end there. Nichols car-jacked several vehicles before leaving downtown Atlanta on a MARTA bus to Buckhead. After committing other assaults before dark, he used a gun again to rob and murder David Wilhelm, a 40-year-old off-duty U.S. Customs agent, who was working on the house he and his wife were having built just blocks from Lenox Mall. As Wilhelm lay paralyzed and dying, Nichols robbed him of the contents of his wallet and drove off in his pickup truck, where the federal agent had left his badge.

Days later, Nichols was captured, confessed, charged with multiple offenses, including four counts of murder, assaults, car-jackings and escape from custody. In a taped phone call in jail, Nichols said, "I'd do it again," but would shoot victims on the prosecutors' floor the next time.

The Nichols Case: Jury Nullification or Misplaced Compassion?

In September 2008 a jury of eight women (six black, two white) and four men (two black, one white, one Asian) began hearing the case. All 12 swore under oath they could give Nichols the death penalty, if he were convicted. But three reneged. Though he was convicted on all counts November 7th, three jurors balked at the death penalty and deadlocked the jury. Since Georgia law requires a unanimous jury vote before death can be imposed, Judge James G. Bodiford gave Nichols the maximum. For four murders he got eleven life sentences, four without parole. For the long list of other charges, he was sentenced to another 485 years to be served consecutively.

Say NO to a Constitutional Convention (Con-Con), It's Dangerous **In 2004, all nine Georgia calls for a Con-Con were rescinded¹. Don't call for another one.**

After reaching the same conclusion, former Chief Justice of the U.S. Supreme Court Warren E. Burger, former Associate Justice of the U.S. Supreme Court Arthur J. Goldberg, and other leading constitutional scholars issued a warning. A Constitutional Convention may propose sweeping changes to the Constitution that would create an imminent peril to the well-established rights of citizens and the duties of various levels of government, regardless of any limitation or restriction purportedly imposed by the states in applying for such a convention.

The specter of a Con-Con is extremely dangerous to the present form of government in the U.S. Proposing a Con-Con is a dramatic way to get attention, but it's very unwise. Constitutional amendments have been made 26 times in 220 years, without putting the entire document at risk.

However, despite the danger, John Oxendine is basing his gubernatorial campaign on a notion fraught with dire consequences. He wants to convene a Con-Con to get rid of the income tax, abolish the IRS and establish a "fair tax." Though he's running for governor in Georgia, he's traveling to other states seeking support for a Con-Con, since one cannot be convened without a call from 34 states. On September 4, 2008 Oxendine attended a fair tax rally in Minneapolis, Minnesota. Later in Georgia on October 6, 2008, he made his Con-Con plans crystal clear at a fair tax rally in Gwinnett's Justice and Administration Center, when he stated:

"I am honored that our Fair Tax leader in Georgia and DC, Congressman John Linder, the author of the Fair Tax, is supporting this effort. We are going to bring the voices of all Fair Tax supporters to bear on our state legislatures and ask for only one thing: to call a Constitutional Convention to repeal the 16th amendment and pass a Fair Tax amendment!"

Background. The first and only Con-Con held replaced the existing government with a new one. The clarion call as the first Con-Con convened could have been "out with the old, in with the new," because that was the outcome. On September 13, 1788 the Continental Congress proclaimed that the Constitution had been ratified by the necessary states and ordered the new government to convene on March 4, 1789. Since that time, 26 amendments have been added, without a Con-Con. The first ten comprise the Bill of Rights, ratified in 1791, and 16 additional amendments have been ratified, the last in 1971, which gave 18-year-olds the right to vote.

Poised and ready to go is the *Proposed New Constitution for the Newstates of America*. Before you think our constitution couldn't possibly be replaced, consider this. In 1964 a tax-exempt foundation, the Center for the Study of Democratic Institutions, began writing a new U.S. constitution. It took ten years, input from over 100 people and a \$2,500,000 annual grant from taxpayers. The preliminary work published in 1970 gave way to the final version, quietly published in 1974 in Rexford G. Tugwell's book *The Emerging Constitution* (Harper & Row). Under this covertly proposed tax-funded plan, our 50 states will be replaced with regions called "newstates," and our constitutional republic will ooze into a "New World Order."

ACTION – OPPOSE. Alert your legislators to Oxendine's plan and explain the dangers of a Con-Con. If Oxendine or anyone else has a resolution introduced to call for a Con-Con, it must be defeated.

¹H.B. 1343, passed in 2004, rescinded all Georgia's proposals for a Con-Con. They are:

1952 Resolution Act No. 53 about treaty powers & Resolution Act No. 61 about limiting taxation; 1955 Resolution Act No. 2 about independence of state schools; 1959 Resolution Act No. 45 about independence of state schools; 1961 Senate Resolution 39 about Supreme Court authority; 1965 Resolution Act No. 89 about independence of state schools; 1967 Resolution Act No. 96 about refunding federal taxes to states; 1976 Resolution Act No 93 proposing a federal balanced budget; 1991 House Resolution 105 about disrespecting U.S. flags and state flags. (Note: there were three separate proposals about independence of state schools.)

Georgia Insight is a conservative publication financed entirely by its recipients.