Georgia insight

Sue Ella Deadwyler
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"She hath done what she could."
Mark 14:8a
"…and having done all … stand."
Ephesians 6:13c

H.B. 849 Unisex in Public Accommodations

Separate Restrooms for Males and Females would be Illegal in Public Facilities

H.B. 849, "The Georgia Civil Rights in Public Accommodations Act," was introduced January 27th by Representative Rich Golick, and assigned to his House Judiciary Non Civil Committee.

It requires nondiscrimination on the basis of race, color, religion, sex, or national origin in any place of public accommodations. H.B. 849 was introduced, specifically, as a means to add sexual orientation as a protected civil rights status. That was done in committee when the word "sex" was added. Meaning, it will require sex neutral public accommodations in Georgia.

Exception is Ambiguous

H.B. 849 "shall not apply to a private establishment, *except*[1] to the extent that facilities of such private establishment perform as a place of public accommodation."

Conversation with the author of H.B. 849: "What will you do if someone tries to amend H.B. 849 with 'gender,' 'gender identity' or 'sexual orientation'?" His reply, "No gender, no gender identity, but I don't know about sexual orientation." Then he was asked, "Does sexual orientation include gender and gender ID?" He didn't answer, but, yes, it does. Currently, 58 identifications are acknowledged sexual orientations. Some of the 58 are listed in footnote 3.

The U.N. is lobbying for five[2] genders; Australia's Human Rights Commission acknowledges 23 genders; Facebook and the Australian Broadcasting Commission recognize 58[3] genders.

Background. In the February 8th subcommittee meeting, Representative Taylor Bennett proposed amending H.B. 849 to prohibit discrimination based on "religion, national origin, sex, disability, sexual orientation, gender identity, age, or veteran's status." The subcommittee defeated that amendment 6-4, but he offered it again the next day. Then, Representative Beskin offered "sex" as a one-word amendment and it passed. Then, the full committee voted 8-5 to pass the amended bill into the Rules Committee *where sex should be deleted*, because its multiple genders (behaviors) have been expanded far *beyond* natural male/female contact.

Give this message to the Rules Committee: "Delete the word 'sex' from H.B. 849 or defeat the bill."
Note: See page four to learn about students' right to privacy in restrooms, etc.

ACTION – Oppose. Call any or all on the following list and ask them to defeat the bill or remove the word "sex."
House Rules Committee Representatives Meadows, Ch., 404 656-5141; Harrell, V-Ch., 656-0254; Richard Smith, Sec., 656-6831; Abrams, 656-5058; Ballinger, 656-0254; Benton, 463-3793; Burns, 656-5052; Cooper, 656-5069; Dempsey, 463-2247; Dickson, 463-2247; Drenner, 656-0202; Ehrhart, 463-2247; Evans, 656-6372; Fleming, 656-0152; Golick, 656-5943; Greene,656-0202; Hugley, 656-5058; Jackson, 656-0314; Jan Jones, 656-5072; Knight, 656-5099; Morris, 656-5115; Parrish, 463-2247; Peake, 656-5132; Alan Powell, 463-3793; Jay Powell, 656-7855; Ramsey, 656-5024; Rice, 656-5912; Carl Rogers, 656-7855; Terry Rogers, 651-7737; Setzler, 656-7857; Sims, 656-7857; Lynn Smith, 656-7149; Smyre, 656-0116; Stephens, 656-5115; Weldon, 656-5105; Willard, 656-5125; and Al Williams, 656-6372.

[1] Does that exception include (a) public facilities at religious events held in public buildings or (b) nonreligious events held in facilities owned and operated by religious entities?

[2] Male, female, asexual, transsexual, and hermaphrodite

[3] Included in the 58 genders: agender, androgyne, androgynous, bigender, cisgender, cis female, cis male, gender fluid, gender nonconforming, gender questioning, gender variant, genderqueer, intersex, neither, neutrois, non-binary, pangender, transgender, trans person, transfeminine, transmasculine, transsexual, transsexual female, transsexual male, transsexual person and two-spirit.

The Hemp/Marijuana Connection

H.B. 704 allowing the cultivation of industrial hemp presents a major problem, because hemp and marijuana are products of the same marijuana plant. The difference between the two is the amount of THC in the plant. No certified seed is available to produce plants low enough in THC to guarantee hemp production, and no viable hemp seed is documented or has been legally imported in decades. Fact: Georgia law enforcement opposes growing marijuana.

ACTION – Oppose H.B. 704. Call House Judiciary Non Civil Com. members listed for H.B. 722 at the end of this page.

S.B. 254, introduced January 12th by Representative Harold Jones, reduces to a misdemeanor the penalty for possessing *any amount* of marijuana. Punishment would be a year in prison and/or a $1,000 fine. *The unlawful possession of marijuana law would be repealed*.

ACTION – Oppose. Call Senate Judiciary Non Civil Committee Senators Stone,Ch., 463-1314; Ligon, V-Ch., 656-0045; Kennedy, Sec., 646-9a454; Bethel, 463-1382; Crane, 656-6446; Fort, 656-5091; H. Hill, 463-2518; Jones, 463-3942; McKoon, Ex Officio 463-3931; Parent,656-5109.

"Warning – May be habit forming," Label would be Taken off Marijuana

H.B. 722, this year's marijuana bill, has been debated in at least three committee meetings thus far and is currently a committee substitute that repeals much of the 2015 marijuana law, which legalized the use of low THC cannabis oil for treatment of certain medical conditions.

In addition to low THC oil legalized in 2015, H.B. 722 legalizes the use of "medical cannabis" for 18 conditions, up from eight, with no limit on additions. Medical cannabis is defined as "marijuana that has been processed into a liquid or solid substance," but a liquid or gas form is prohibited. Solid forms may include tablets, pills, capsules, or caplets, or variants of each.

A major goal of H.B. 722 is the legalization of licensed contractors who would grow, prepare, manufacture, transfer, transport, supply, or dispense medical marijuana and provide for use and/or sale any instrument, tool, equipment, apparatus, object, or machine used to introduce medical cannabis into the human body.

The Low THC Oil Patient Registry created in 2015 would be abolished and within the Department of Public Health (DPH) a Medical Cannabis Patient Registry would be created to issue ID cards to patients and caregivers. On June 30, 2016, names on the THC Registry would be automatically added to the Cannabis Patient Registry.

Patients will pay DPH $200 to register and a $200 biennial fee to remain registered. DPH fees for recipients of Social Security Disability or Supplemental Security Insurance will be $50, and $50 biennially. Entities applying for licensure as medical cannabis manufacturers will pay to DPH an application fee of $20,000, and those licensed will pay $20,000 biennially to operate.

Critical Components of H.B. 722

- H.B. 722 removes the terms "cannabis" and "marijuana" from the list of narcotics that must be labeled "Warning – May be habit forming."
- DPH must develop a waiver form advising that (a) the FDA has not approved the use of medical cannabis. (b) Its clinical benefits are not fully known, and (c) it may cause harm.
- To qualify for treatment, all patients and caregivers must sign the waiver.

ACTION – Oppose. Call Judiciary Non-Civil Representatives Golick, Ch., 404 656-5943; Pak, V-Ch., 656-0254; Hightower, Sec., 657-1803; Abrams, 656-5058; Atwood, 656-0152; Ballinger, 656-0254; Coomer, 656-7153; Cooper, 656-5069; Dickerson, 656-0314; Gravley, 656-0325; Kendrick, 656-0109; Ramsey, 656-5124; Randall, 656-0109; Reeves, 656-0287; Setzler, 656-7857; Strickland, 656-0109; Trammell, 656-0314; Willard, 656-5125.

The U.S. is A Representative Republic, Not a Democracy

Republic: In a republic, law is supreme and all men including leaders are subject to it. In a republic the minority has rights which even the majority may not violate.

Democracy[1]*:* In a democracy majority rule is absolute.

Electoral College[2] Elects U.S. President and Veep

What is the Electoral College?

- It is a process established in the U.S. Constitution, wherein the U.S. was formed as a representative republic, within which "we the people" elect government officials.
- No Senator or Representative or person holding an office of trust or profit under the U.S. is eligible to be an elector. The 14th Amendment lists other factors disqualifying appointment.
- Each state appoints electors[3] to equal the state's number of Senators and Congressmen.
- Congress determines when to choose electors and when they vote; dates are always uniform.
- Normally, electors are pledged to support the presidential and vice-presidential candidates that carried their state, but sometimes violate that pledge.
- Electors may be on the ballot, may be chosen at party conventions or by central committee.

Beware of National Popular Vote

H.B. 929, Agreement Among the States to Elect the President by National Popular Vote[4]

With the first three words of its title, H.B. 929 announces a major problem with the national popular vote (NPV). It's an end-run around *The Constitution of the U.S.* that established the Electoral College as the best way to elect U.S. presidents and vice presidents. Therefore, the proper way to change the Electoral College method is through a constitutional amendment.

However, proponents of NPV chose to avoid Congress and solicit support from states until they accumulate 270 of the 538 Electoral College votes. By December 2011, eight states and the District of Columbia had joined the NPV agreement, giving NPV proponents 132 electoral votes, just under half of the necessary 270.

As of February 2016, ten heavily Democratic states – California, Hawaii, Illinois, New Jersey, New York, Maryland, Massachusetts, Rhode Island, Vermont, and Washington – had signed NPV legislation, as had the District of Columbia, for a total of 11 signatories. Electoral votes from those states and D.C. total 165, which is about 60 percent of the 270 votes necessary to elect the president. If H.B. 929 passes, Georgia[5] would be voting against the Electoral College.

The preamble to H.B. 929 states as its purpose: "to allow states to join together to establish an interstate compact to elect the president by national popular vote and provide implementation of such compact." The remainder of the four-page bill contains the NPV agreement, verbatim.

ACTION – Oppose. Call Interstate Cooperation Committee Representatives Dollar, Ch., 404 656-7857; Cooke, V-Ch., 656-0188; Duncan, Sec., 656-0189; Belton, 656-0152; Evans, 656-6372; Jeff Jones, 656-0126; Kendrick, 656-0109; McClain, 656-0220; Metz, 656-7859; Reeves, 656-0287; V. Stovall, 656-0314; Waites, 656-0220.

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[1] The national popular vote is a tenet of a democracy, which is majority rule, in contrast to a representative republic.

[2] Dr. John Eidsmoe, *The U.S. Constitution: Its Development, Meaning, Undermining, & Renewal,* A Seminar of the Institute of the Constitution

[3] Authorized and described by *The Constitution of the United States*, Article II, Sections 2-4, Electoral College

[4] A national popular vote would allow densely populated areas to control elections, rendering less-populated areas powerless to elect government officials. NPV is majority rule, in contrast to a representative republic based on law.

[5] Georgia has 16 electors: one for each of 14 Congressmen, plus one for each of two U.S. Senators. Georgia electors are not bound by law to cast their vote for a particular candidate.

Schools and Opposite-Sex Restrooms[1]

"Not only is bodily privacy a constitutional right, the need for privacy is even more pronounced in the state educational system.
The students are almost all minors, and public school education is a protective environment."
– G.G. v. Gloucester Cnty. Sch. Bd., Sept. 17, 2015

(1) No federal law requires public schools to open sex-specific restrooms, showers, and changing areas to opposite-sex students,
(2) Providing such access violates the fundamental rights of the vast majority of students and parents, and
(3) Schools have broad discretion to regulate the use of school restrooms, showers, and changing areas.

Regulations implementing Title IX specifically allow schools to "provide separate toilet, locker room, and shower facilities on the basis of sex 34 C.F.R. Code Section 106.33. No court has ever interpreted Title IX as requiring schools to give students access to opposite-sex restrooms and changing areas, and have always found that schools do not discriminate under Title IX when they limit use of sex-specific restrooms to members of the specified sex.

In March 2015 a Pennsylvania federal court ruled[2] that the University of Pittsburgh's policy of requiring students to use sex-segregated bathroom and locker room facilities based on students' natal or birth sex, rather than gender identity, does not violate Title IX's prohibition of sex discrimination.

In September 2015, a federal judge in Virginia dismissed a Title IX discrimination claim brought by a female-to-male transgender student (represented by the ACLU) who sought access to male restrooms at a public high school[3]. The judge also denied preliminary injunctive relief under the Equal Protection Clause. The case arose when the Gloucester School Board errantly allowed the student to use the boys' restroom for seven weeks.

In response to the concerns of parents and students and after receiving legal counsel, the Board reversed its decision and voted to require all students to use the restrooms corresponding to their biological sex or one of several single-stall private restrooms. Concerning student privacy rights, the court held that "not only is bodily privacy a constitutional right, the need for privacy is even more pronounced in the state educational system. The students are almost all minors, and public school education is a protective environment."

The Ninth Circuit recognized that "shielding one's unclothed figure from the view of strangers, *particularly strangers of the opposite sex*, is impelled by elementary self-respect and personal dignity,"[4] and forcing students into vulnerable interactions with opposite-sex students in secluded restrooms would violate this basic right[5]. The finding: A transgender individual's use of a women's restroom threatened female employees' privacy interests.

Schools should not operate under the mistaken belief that federal law requires them to treat sex as irrelevant to the restroom, shower, or locker room that students may access.

[1] Excerpts from the Alliance Defending Freedom September 23, 2015 report explaining privacy rights of students.
[2] *Johnston v. Univ. of Pittsburgh of Com. Sys. Of Higher Educ.*, 2015 WL 1497753 at *1 (W.D. Pa. Mar. 31, 2015)
[3] *G.G. v. Gloucester Cnty. Sch. Bd*., No. 4:15-cv-00054-RGD-DEM, slip op. at 1 (E.D. Va. Sept. 17, 2015)
[4] *Michenfelder v. Sumner*, 860 F.2d 328, 333 (9th Cir. 1988)
[5] *Sommers v. Budget Mktg., Inc.,* 667 F.2d 748, 750 (8th Cir. 1982)

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