

Georgia insight

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

40th Day: The Most Dangerous Day of the Session

Representing thousands of individuals is a job in itself and the 40-day legislative load is always pressure-packed! On the first day of the 2008 legislative session, the work load was already 999 bills and resolutions held over from 2007. Add to that the 2,533 pieces of legislation (1,644 in the House; 889 in the Senate) introduced in 2008 and the work load for this year's 40-day session totaled 3,523 bills that legislators could ignore, research, debate, pass or defeat.

Each Senate bill and resolution is assigned by subject to one of 31 standing Senate committees and each House bill and resolution is assigned by subject to one of the 37 standing committees in the House. Committees study, debate and decide which bills to hold and which to send to the House and Senate for passage or defeat. Of the 1,655 bills handled in this year's session, 421, actually, passed, along with a whopping 1,675 of the 1,877 resolutions that were introduced. Most resolutions honor groups or individuals or name bridges and roads. Others could change the state constitution, because constitutional amendments must be introduced as resolutions.

A Major Problem: Balancing the budget, the General Assembly's biggest responsibility, is left unresolved until just before adjournment. Though the House Appropriations Committee begins work months before the session convenes in January, the budget is never finalized until the last week, if not the last day. It's the largest legislative committee and the 70 members are divided into subject-groups so each can determine how much funding is needed by a specific division of government. Each group hears and considers requests from one of eight categories – economic development, education, general government, health, human resources, higher education, public safety and special projects. Then, each group recommends how best to allot the revenue.

Another Major Problem: Legislators cannot abolish certain standing programs. To no avail, some have suggested that legislators annually scrutinize *everything* the state funds. Ironically, sacrosanct programs consuming 90 percent of the budget remain off-limits, except for minor funding adjustments. So, legislators take 40 days to decide how to allot 10 percent of the budget, while yearning to cut programs that are out-dated, unsuccessful or redundant.

Action on a Different Bill Every 2½ Minutes

On April 4th, the 40th day of the session, the House and Senate convened at 10:00 a.m., had a final roll call at 11:59 p.m. and adjourned *sine die* at, precisely, one minute later – midnight.

During those 14 hours, the Senate acted on 296 bills and resolutions and the House acted on 326. If time-outs taken by the Senate for lunch, dinner and other recesses are subtracted, an average of 2½ minutes was spent on each bill. The number and length of recesses taken in the House are not available. But if they took only 30 minutes for lunch and 30 minutes for dinner, less than 2½ minutes would be the average time representatives spent on each of 326 bills.

With that in mind, it's easy to understand (a) why the last day is dubbed "the most dangerous day of the session," (b) why some bills that pass the last day would die if details were openly debated and (c) why final results of that day aren't known for weeks. Such is the case this year.

Federal Law Says Giving Sanctuary to Illegal Aliens is ILLEGAL!

L.A. became “an asylum for illegal aliens, a place where all could come to escape the law.”

- Los Angeles Daily News

Providing sanctuary to illegal aliens is “nullification” of federal laws against giving shelter and aid to illegal aliens. Sanctuary is accomplished by “don’t ask, don’t tell” policies that forbid questioning a person’s immigration status and prohibits the reporting of illegal aliens.

Whether sanctuary is provided by a government, business, organization, church or individual, it’s illegal. In 1996 Congress passed two laws – the Illegal Immigration Reform and Immigrant Responsibility Act and the Personal Responsibility and Work Opportunity Reconciliation Act. The Court of Appeals upheld both laws in *New York v. U.S.* in 1999.

Since 1980, cities have used sanctuary policies to create safe havens for illegal aliens. Such policies prohibit questioning a person’s immigration status, even when he breaks the law. The situation became clear in Los Angeles when the city council told the city police commission to issue Special Order 40 to stop officers from “...initiating police action where the objective is to discover the alien status of the person.” The *Los Angeles Daily News* reported, “The effect has been to make L.A. an asylum for illegal aliens, a place where all could come to escape the law.”

In 1997 a federal district court ruled *against* New York City’s sanctuary policy and in 1999 a three-judge U.S. Circuit Court of Appeals called the policy an unlawful refusal to enforce federal immigration laws. But the policy continued. The result: by 2002 a reported 400,000 illegal aliens were living as citizens of New York City and were never tracked, except for 24-percent of them that were convicted of crimes and sent to prison. Then, they were tracked.

At that time, New York City’s Mayor Michael Bloomberg assured “undocumented” aliens that they should not “worry about city government going to the federal government.” He promised to continue the aliens’ free health care and education for their children, plus “anything else we can do,” in open defiance of federal immigration laws. His actions, as well as those of former New York City officials, are prime examples of “nullification.”

Churches providing sanctuary are, also, breaking federal law. Homeland Security arrested Elvira Arellano, an illegal alien from Mexico, for possession of false documents and using a fake Social Security number on her job at O’Hair International Airport. To evade deportation, she requested sanctuary at Adalberto United Methodist Church in Chicago that let her live in an apartment on the upper floor. After traveling to Los Angeles for a speaking engagement, she was arrested, deported to Mexico and her appeal to stay in the U.S. was rejected in November 2007. In February 2008 Canada refused entry to Elvira, who was scheduled to speak at a forum on Sanctuary and Migrant Justice and join an immigration march on the U.S./Canada border.

The same Chicago church gave sanctuary to Flor Crisostomo, an illegal alien who paid a smuggler to drive her across the border into the U.S. in 2000. She arrived in Chicago a month later and found a job. She was among 1,100 employees that were arrested when 40 IFCO Systems work sites were raided in 2006. IFCO manufactures wooden crates and pallets. She was ordered to return to Mexico, but asked the Board of Immigration Appeals to let her stay in the U.S. Instead, they upheld the deportation order, which she evaded and remained in the U.S.

DEAD: S.B. 340, Could've but Didn't Prohibit Sanctuary for Illegals in Georgia

Its death gave campaign fodder to candidates on both sides of the illegal alien issue.

S.B. 340 was a good bill with “teeth in it” when Senator Chip Pearson of District 51 introduced it the second day of the session. It explained a sanctuary policy as any regulation, rule, policy, or practice a local governing body (city, county, municipality) adopts to prevent or tend to prevent officials or employees from communicating or cooperating with federal officials or law enforcement officers concerning the immigration status of anyone contacted during work hours.

As introduced, the original wording of S.B. 340 (a) prohibited sanctuary policies by local governments or (b) any initiative, referendum or other process to implement a sanctuary policy. (c) Non compliant local governments would lose their state funding, as well as federal funding administered by the state. That’s the language that passed the Senate. Then, it went to the House Judiciary Committee, where the bill was totally rewritten and its “teeth” extracted.

Representative Wendell Willard’s Judiciary Committee highly diluted the original and passed a substitute bill. Instead of requiring action against sanctuary policies, that committee’s version, simply, allows one person, (and one person only) the attorney general, to challenge sanctuary policies *if he chooses to do so*. The attorney general is authorized to use “his or her discretion” to decide what to do about violators. That’s the version that passed the House.

Those House changes sent S.B. 340 back to the Senate where Senators Pearson and Rogers amended it to, at the very least, allow private parties to file suit against sanctuary policies local governments may implement. Again, that change sent it back to the House for the second time, where it died instantly when the *House disagreed with the tiny “tooth” the Senate inserted*. It took 39 days to kill it, but S.B. 340 whimpered and died on April 4th, the last day of the session.

There are several problems¹ with the death of this bill. First, it’s alarming that local governments (a) thumb their noses at federal immigration laws and (b) take sides with illegal aliens (c) at the expense, literally and figuratively, of U.S. citizens. Such defiance is called “nullification.” That’s the term for interfering with the operation and enforcement of U.S. law.

Second, it’s wrong for powerful officials to side with illegal aliens in order to *neutralize and kill* S.B. 340, which the vast majority of citizens support and legislators passed overwhelmingly – in the Senate 45 to 2, February 7th; in the House 129 to 11, April 2nd. The Senate made the final change on April 2nd. It was a good change, but House leaders disagreed with it on April 4th.

Third, another interesting point is this. In this election year, every senator and representative in the General Assembly can use S.B. 340 as a campaign issue. Supporters of the original bill can, honestly, say, “It’s not my fault we don’t have a law against giving sanctuary to illegal aliens. I voted for it.” Conversely, legislators who wanted the bill defeated may claim victory, too. They can boast that they helped kill S.B. 340. That scenario has been played out before!

What was the motive behind the tedious 14-step 39-day scenario that killed S.B. 340? Was it to (a) pacify constituents by debating the illegal aliens issue, but (b) stop short of outlawing sanctuary, (c) while giving campaign fodder to legislators on both sides of the subject?

¹ Unless orders came from above, a major problem seems to be Representative Wendell Willard’s Civil Judiciary Committee that stripped S.B. 340 of its power to prohibit sanctuary policies. The 17 representatives on the committee are **10 Republicans** (9 lawyers, 1 businessman) and **7 Democrats** (5 lawyers, 1 Human Resources VP, 1 businesswoman).

PASSED: S.B. 350 Requires Nationality Info on Convicted Traffic Violators

There's more to this story than meets the eye. During the 2007 session, S.B. 15 passed, making it a felony to be convicted four or more times within five years for driving without a license. The governor objected to that and S.B. 15 was among the 40 bills he vetoed in 2007.

After the 2008 session, the governor vetoed 17 bills. One of them was H.B. 978 that passed the House 104 to 51 on February 28th and the Senate 32 to 18 on April 4th. But the version that finally passed was totally different from the one introduced by Representative James Mills. His bill authorized law enforcement to declare as contraband and subject to forfeiture any vehicle involved in a traffic accident *if an illegal alien without a valid license was driving it at the time.*

The governor explained the veto this way. "To help address what I believe to be the concerns of this legislation's author, I have already signed S.B. 350, which enhances the penalties for driving without a valid drivers' license. However, because I believe that officers should have discretion to determine when a vehicle should be impounded, and because *I am concerned about how this legislation will impact new residents to Georgia*, I cannot sign H.B. 978."

The problem with the veto is revealed in the italicized words above, because neither the governor nor S.B. 350 differentiates between new residents who are U.S. citizens and illegal aliens that live and drive in Georgia. So, let's look at S.B. 350 to see whether it does what Representative James Mills meant to do in his H.B. 978.

S.B. 350 changed the law to require the keeping of records on an "individual" convicted of driving without a license or being involved in a traffic accident. That's a good amendment. Until now, the law required such records to be kept on a "licensee," a term that does not apply to illegal aliens that cannot get a license to drive in Georgia. Inserting "individual" closed that loophole. *Now records of traffic violations must be kept on unlicensed illegal aliens as well.*

S.B. 350, also, provides for alternative punishment if a violator presents to the court a driver's license that was valid at the time of the violation, though not readily available when the incident occurred. Traffic courts must report names and other identifying information about individuals convicted of driving without a license. For drivers convicted and sent to jail, the bill states that "a reasonable effort shall be made to determine the nationality of the person so confined."

Question. Does S.B. 350, actually, accomplish the intended goal of the original version of H.B. 978? The answer is *no*. The opening paragraph of the original H.B. 978 stated that the intent was "to allow law enforcement officers to seize the vehicles of drivers who are not in the country legally and are involved in a traffic accident." Seized or impounded vehicles would not have been subject to forfeiture until after conviction of the illegal alien who had been driving the vehicle when the accident occurred.

However, the final version of H.B. 978 was changed in the House and rewritten in the Senate before it passed. So, it's fair to conclude that S.B. 350 *does* replace H.B. 978, because H.B. 978 was neutered well before passage. *The veto didn't destroy H.B. 978. Its rewriting did.*

Question. Do I detect a somewhat "official" mindset that laws must blur, if not eradicate, any difference in penalties required of American citizens that break the law and penalties required of those that enter the U.S. illegally and continue breaking laws after they arrive?