

Georgia insight

Sue Ella Deadwyler
4168 Rue Antoinette
Stone Mountain, Georgia 30083
www.GeorgiaInsight.org
“She hath done what she could.”
Mark 14:8a

Explicit Sex Laws Necessary in This Topsy-turvy World

When Georgia’s incest law was written, it addressed only opposite-sex intimate contact with related individuals. Judges could discern when to apply the incest law to same-sex relationships and, no doubt, did so. Now, it’s necessary to pass a specific law prohibiting same-sex incest. So, in 2007, Senator Preston Smith introduced S.B. 54 prohibiting intercourse and sodomy with relatives of *either* sex. It passed the Senate, but died in the House. So, he’s trying again.

S.B. 439, introduced March 8th, requires gender neutral incest laws, stating that a *person* commits incest when engaging in sexual intercourse or sodomy with a *relative*. Defines incest couplings as follows: father with child or stepchild; mother with child or stepchild; whole or half sibling with whole or half sibling; grandparent with grandchild; aunt with niece or nephew; uncle with niece or nephew. Passed the Senate 42 – 0, March 18, 2010 and goes to the House.

ACTION – Support. Call House Judiciary Committee Representatives Willard, Ch., 404 656-5125; Jacobs, 656-0152; Allison, 656-0177; Golick, 656-5943; Wilkinson, 656-8143; Bruce, 656-0314; Crawford, 656-0265; Dobbs, 656-7859; Hatfield, 656-7859; Lane, 656-5087; Lindsey, 656-5024; Maddox, 656-0109; McKillip, 656-0220; Nix, 656-0177; Oliver, 656-0265; O’Neal, 656-5103; Powell, 656-0177; Stephenson, 656-0126; Teilhet, 656-0568; and Weldon, 656-0152.

H.B. 1183 introduced by Representative Neal on February 17th is exactly the same bill as S.B. 439 outlined above. If it passes the House as S.B. 493 has passed the Senate, it will become law. It remains in the Non Civil Judiciary Committee that has not acted on it at this writing.

ACTION – Support. Call Non Civil Judiciary Representatives listed under H.B. 1201 below.

H.B. 1201 continues the theme of same-sex offenses by expanding the definition of rape to include same-sex offenses. While current law addresses only male against female rape, this bill expands the law to “a person forcibly and against his or her will; or a person who is less than ten years of age.” Note that sex neutral words will replace he, she, female, and male in the law.

ACTION – Support. Call Non Civil Judiciary Representatives Golick, Ch., 404 656-5943; Hatfield, 656-0109; Levitas, 656-0202; Abdul-Salaam, 656-0325; Abrams, 656-0220; Bearden, 656-0287; Byrd, 656-0298; Cole, 651-7737; Collins, 656-0188; Cooper, 656-5069; Everson, 656-0188; Franklin, 656-0152; Knox, 656-0188; Lunsford, 656-0213; Mangham, 656-0127; Ramsey, 651-7737; Randall, 656-0109; Setzler, 656-0177; Stuckey Benfield, 656-7859; Thompson, 656-6377.

Polygamy, the Norm for the Future?

Last fall, President Obama¹ appointed lesbian law-school professor Chai R. Feldblum his Equal Employment Opportunity Commissioner (EEOC). Although she had signed a manifesto in 2006 endorsing polygamous households “in which there is more than one conjugal partner.”

His Regulatory Czar, Cass Sunstein urged in his 2008 book *Nudge: Improving Decisions About Health, Wealth and Happiness*, that “the word marriage would no longer appear in any laws, and marriage licenses would no longer be offered or recognized by any level of government.”

The ACLU’s feminist president, Nadine Strossen speaking at Yale University in June 2005, said the ACLU defends “the right of individuals to engage in polygamy.” She, also, stated on October 15, 2006 that the ACLU supports the right to polygamy. On November 18, 2006 the ACLU’s executive director confirmed the ACLU’s support of polygamy.

¹ “Obama Makes Polygamy a 21st Century Issue,” by Phyllis Schlafly, EagleForum.org

United States Flag: To Display or Not

S.B. 333 was introduced January 28th by Senator Judson Hill to limit the infringement of a subdivision covenant or a property owners' association upon a lot owner's right to display flags of the United States and Georgia. Current Georgia law allows subdivisions and property owners' associations to grant or deny *any action* by one or more lot owners to change the exterior appearance of any lot or building on it. This bill continues to allow an association's architectural control committee to decide which actions to approve or deny.

However, passage of this authorizes lot owners to display the official flag of the U.S. and the official flag of Georgia on their property. No property owners' association or a covenant could prohibit such displays. Displayed flags must be attached to a structure on the lot or on an erected pole no more than 20 feet high and must not obstruct sightlines at intersections.

ACTION – Support. Call Rules Committee Senators Balfour, Ch., 404 656-0095; Hamrick, 656-0036; Seabaugh, 656-6446; Adelman, 463-1376; Butler, 656-0075; Jack Hill, 656-5038; Hooks, 656-0065; Moody, 463-8055; Mullis, 656-0057; Pearson, 656-9221; Rogers, 463-1378; Shafer, 656-0048; Smith, 656-0034; Thomas, 656-6436; Tolleson, 656-0081; Unterman, 463-1368; and Williams, 656-0089.

U.S. Flag NOT Flying in Haiti

On Monday, March 15th the *Navy Times* published an article by Gomez and Dorell of *USA Today*, entitled, "Flap flies in Haiti over U.S. flag absence." It seems the Obama administration told U.S. relief forces in Haiti NOT to fly the U.S. flag over its own military compounds, because it will "send the wrong message."

How could the flying of the U.S. flag over U.S. installations in Haiti offend Haitians who are receiving billions of dollars in aid from the U.S.? All other nations are flying their flags, even the coat of arms of Croatia flies outside its base, but the U.S. flag was removed. Despite this: U.S. aid to Haiti far exceeds that of other nations. As of January 19, 2010 the U.S. had spent \$130,864,571 on aid to Haitians and by January 25th had increased the amount to \$179,883,065.

Former Army Delta Force operator Don Hollenbaugh said, "Everybody in the world knows the U.S. is there. So by not flying the flag, we're not changing anyone's mind about anything."

Christianity Targeted for Eradication

"**Navy dismisses chaplain who prayed 'in Jesus' name'**," was the headline of the January 12, 2007 column by Bob Unruh. The chaplain was court-martialed after delivering a public prayer in Jesus' name at a White House rally. He was convicted of failing to follow a lawful order because his superior didn't want him praying in Jesus' name. He said, "This fight cost me everything. My career is over, my family is now homeless, we've lost a million dollar pension, but Congress agreed with me and rescinded the Navy policy, so chaplains are free again to pray in Jesus' name." His access onto all military installations within Navy Region Mid-Atlantic terminated January 31, 2007.

"**U.S. military says Afghan Bibles have been destroyed**," headlined a May 5, 2009 *Reuters* report. The article began, "Bibles in Afghan languages sent to a U.S. soldier at a base in Afghanistan were confiscated and destroyed to ensure that troops did not breach regulations which forbid proselytizing." After the Bibles were seen on Al Jazeera television in Qatar showing soldiers at a Bible class, the Bibles were collected by the chaplains and later destroyed. His church back home had sent the Bibles to the soldier, but they were never distributed.

Microchips: Tracking Humans, Animals, Vehicles

Humans. S.B. 235 requiring personal consent before a microchip can be implanted in a human being passed the Senate 47 – 2 with 5 excused on February 4th. It's now in the House Judiciary Committee, which has promised a hearing within ten days or so.

ACTION – Support. (a) Call Non Civil Judiciary Representatives Golick, Ch., 404 656-5943; Hatfield, 656-0109; Levitas, 656-0202; Abdul-Salaam, 656-0325; Abrams, 656-0220; Bearden, 656-0287; Byrd, 656-0298; Cole, 651-7737; Collins, 656-0188; Cooper, 656-5069; Everson, 656-0188; Franklin, 656-0152; Knox, 656-0188; Lunsford, 656-0213; Mangham, 656-0127; Ramsey, 651-7737; Randall, 656-0109; Setzler, 656-0177; Stuckey Benfield, 656-7859; Thompson, 656-6377.
(b) Attend the hearing that's been promised, with date, time and place to be announced.

Animals. H.B. 1106 introduced February 8th by Representative Gene Maddox empathizes with owners' love for their pets. His bill requires animal shelters and other facilities operated for the collection and care of stray, neglected, or abandoned animals to scan each animal with a microchip reader in order to locate any identifying microchip. The *first scan* must be done within 24 hours, or as soon as possible, if the owner is not known. If a microchip is found, the operator would make a reasonable effort to contact the owner of the animal. Before euthanizing a dog, cat, or other large animal traditionally kept as a household pet, any facility referred to in this subsection would *make a second scan* with a microchip reader to locate any microchip ID. However, shelter and facility employees that fail to find the chips would not be liable for the death of the animal or failure to contact the owner. Also, shelter personnel would not be required to scan animals deemed too vicious or dangerous to safely handle.

H.B. 1106 passed the House 150 – 0 on March 17th and, now, goes into a Senate committee.

ACTION – Support. Call Agriculture & Consumer Affairs Senators Bulloch, Ch., 404 656-0040; Hudgens, 656-4700; Hawkins, 656-5378; Goggans, 463-5263; Heath, 651-7738; Lester Jackson, 463-5263; Orrock, 463-8054; and Powell, 463-1314.

H.B. 16, Tracking Vehicles, Died in Last Year's Session

Could the death of H.B. 16 be attributed to the inclusion of the following prohibition?

No person could be required to submit to an implanted tracking device under this Code section.

Vehicles. H.B. 16 introduced January 15, 2009 worked through the process for 2 ½ months but failed to pass because the House and Senate would not agree on the conference committee version that was under consideration the last few minutes of the final day of the 2009 session.

H.B. 16 would regulate the use of tracking devices and prohibit the tracking of the location or movement of another person without the other person's consent, except in certain instances. A tracking device was defined as an electronic or mechanical device which, when placed or installed upon a person or object, permits others to remotely track the position and movement of the individual or object.

Exemptions to consent requirements. Consent would *not* be required in these circumstances: (a) official tracking by law enforcement officers; (b) by U.S. military police on official duty; (c) by a parent, legal guardian or person in loco parentis to locate a child or other legal relative; (d) by a family member or caregiver for locating mentally ill patients; (e) by a facility trying to locate a medically needy person; (f) by a licensed private detective who is authorized by the superior court to use tracking devices; or (g) by commercial services, such as mobile telephone services, when locating customers.

Violators could be charged with a misdemeanor, *if this bill had passed.*

Firearms Manufactured in Georgia

H.B. 1238 introduced February 18 by Representative Jerguson exempts from federal law or federal regulation any Georgia-manufactured firearm (one person can carry), accessory or ammunition, provided no basic material used to make them was imported from another state. The legislature declared that unmachined steel and unshaped wood used in firearms, firearm accessories and ammunition are not under congressional authority or regulation as interstate commerce. They are raw material – not guns, accessories or bullets – when they enter Georgia.

A firearm manufactured or sold in Georgia under H.B. 1238 would have “Made in Georgia” clearly stamped on a central metallic part, *i.e.*, the receiver or frame. This applies to firearms, firearm accessories, and ammunition manufactured and retained in Georgia after July 1, 2010.

ACTION – Support. Call House Judiciary Committee Representatives Willard, Ch., 404 656-5125; Jacobs, 656-0152; Allison, 656-0177; Golick, 656-5943; Wilkinson, 656-8143; Bruce, 656-0314; Crawford, 656-0265; Dobbs, 656-7859; Hatfield, 656-7859; Lane, 656-5087; Lindsey, 656-5024; Maddox, 656-0109; McKillip, 656-0220; Nix, 656-0177; Oliver, 656-0265; O’Neal, 656-5103; Powell, 656-0177; Stephenson, 656-0126; Teilhet, 656-0568; and Weldon, 656-0152.

Health Care Choice Protection in Georgia

H.R. 1086 proposes a constitutional amendment adding a new section to the Constitution of Georgia – Section V, Health Care. Paragraph I would define the terms used and Paragraph II explains that the purpose of the amendment is “to preserve the freedom of citizens of this state to provide for their health care.” The provisions of that paragraph are:

- No law, rule or regulation could compel directly or indirectly any person, employer, or health care provider to participate in any health care system.
- Individuals and employers could pay directly for lawful health care services and could not be penalized or fined for doing so. Also, health care providers could accept direct payment.
- This could not affect which health care services a provider or hospital is required to perform or provide or the health care services permitted by law.
- It would not affect workers’ compensation laws enacted by the General Assembly.
- Laws or rules in effect as of January 1, 2009 would not be affected.

As a proposed constitutional amendment, this requires 120 votes (two-thirds) to pass in the House. If it gets 120 or more votes, it will be on the November ballot for voters to decide.

STATUS: This resolution passed the House Rules Committee March 18, 2010 and will be on the House floor for a vote Monday March 22, 2010.

ACTION – Support. Call your representative Monday morning and ask for a YES vote on this critically important bill. If you don’t know his phone number, call 404 656-5015 and ask to be connected to his office or call the public library and ask for the number. If you don’t know which is your representative, the library can tell you, if you give your home address.

Gets Another Vote: Senate Health Care Freedom of Choice

S.R. 794 introduced by Senator Judson Hill would allow a November vote to protect choice and freedoms in health insurance plans. The 34 – 19 Senate party-line floor vote March 17th, was less than the 2/3rd majority required to pass a proposed constitutional amendment. However, a motion to reconsider the vote passed the Senate March 18th. That kept the resolution alive.

ACTION – Support. Call Rules Committee Senators Balfour, Ch., 404 656-0095; Hamrick, 656-0036; Seabaugh, 656-6446; Adelman, 463-1376; Butler, 656-0075; Jack Hill, 656-5038; Hooks, 656-0065; Moody, 463-8055; Mullis, 656-0057; Pearson, 656-9221; Rogers, 463-1378; Shafer, 656-0048; Smith, 656-0034; Thomas, 656-6436; Tolleson, 656-0081; Unterman, 463-1368; and Williams, 656-0089. **Note: please call the underlined members first.**

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