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## Looming: Civil Rights Status for Sexual Orientation & Gender Identity

*H.B. 630 gives civil rights protection to pedophiles, peeping toms, cross-dressers, flashers and those practicing bestiality or necrophilia (sex with corpse). The American Psychiatric Association (APA) lists these and other acts as deviant and abnormal sexual behaviors. They are chargeable offenses under Georgia law, as well.*

### H.B. 630 Requires Workforce "Balance" Based on Sexual Orientation & Gender ID

The *American Psychiatric Association Diagnostic and Statistical Manual of Mental Disorders* categorizes many sexual orientations and variant gender identities as deviant and abnormal behaviors. Although homosexuality was dropped from the list in 1974, after activists stormed an APA conference, it will be among almost two dozen sexual orientations and other gender identities that would be elevated to civil rights status in Georgia, if H.B. 630 passes.

Since H.B. 630 proposes a drastic shift in public policy, results of its passage must be carefully examined. Discussions of H.B. 630 must include the following highly relevant facts: (a) Sex and gender are *not* synonymous terms. (b) Sexual orientation and gender identity fail the three-pronged test used to determine civil rights status. (c) Sexual identity is a biological fact evidenced by the perineum. (d) Gender identity is self-determined and self-assumed.

Representative Karla Drenner introduced H.B. 630 with only three days left in the session, so it would be carried into the 2012 session. Her strategy was to recruit as many co-sponsors as she could before introducing it March 31<sup>st</sup> with 70 co-sponsors – 58 Democrats and 12 Republicans, who must be unaware of the transformation such a law would enforce on society.

H.B. 630 would classify "sexual orientation" and "gender identity" as civil rights, without defining the terms. So, two broad undefined behavioral groups would get civil rights status and special protection. Affirmative action would give them preference in public employment and offenders could not be charged for actions they could blame on sexual orientation or gender ID.

H.B. 630 would require the state, its counties and municipalities to give employees claiming variant sexual orientations and/or gender identities, all the benefits and special provisions of federal laws concerning civil rights, equal employment, age discrimination, and rehabilitation. Ultimately or immediately, the state, municipalities and counties would be required to hire, fire, train, compensate and promote using affirmative action to achieve workforce "balance" based on variant sexual behaviors and gender identities. Staff in public daycare and public schools – teachers, counselors, substitutes, aides, principals, superintendents, custodians, security guards, cafeteria work – would be "balanced," according to sexual orientation and gender identity.

**ACTION – Ask the following 12 Republican to remove their names as co-sponsors of H.B. 630. Below are their names, towns, capitol phones, local phones and fax numbers if available. 58 Democrats may be contacted later.** Ellis Black, Valdosta, 404 656-0287, 229 251-0303; Sharon Cooper, Marietta, 404 656-5069, 770 951-2841, fax 770 956-9693; Harry Geisinger, Roswell, 404 656-0254, 678 777-6010, fax 770 594-1510; Gerald Greene, Cuthbert, 404 656-0202, 229 732-2750; Ben Harbin, Evans, 404 656-3949, 706 869-1953, fax 706 863-8959; Mike Jacobs, Atlanta, 404 656-0152, 404 441-0583; Alan Powell, Hartwell, 404 656-0202, 706 376-4422; Kip Smith, Columbus, 404 656-0213, 706 315-8532; Richard Smith, Columbus, 404 656-6831, 706 442-3480; Ron Stephens, Savannah, 404 656-5099, 912 966-5665, fax 912 964-9699; Wendell Willard, Sandy Springs, 404 656-5125, 770 481-7100, fax 770 481-7111; Roger Williams, Dalton, 404 656-3904; 706 278-0390

## ***Court Decision was Right-On: Charter Schools Commission is Unconstitutional***

On May 16<sup>th</sup> shock waves reverberated across the state, after the *Georgia Supreme Court ruled correctly* that the Charter Schools Commission created in 2008 by the General Assembly is unconstitutional. The 4-3 ruling agreed with complainants that the Commission established competing State-created general K-12 schools under the guise of “special schools.” The Court did not rule on the constitutionality of charter schools *per se*. But, clearly, had they done so, they would have ruled those schools unconstitutional, as well.

With wisdom and respect for their oath of office, the four justices based their decision on the State Constitution and ruled, “Authority is granted to county and area boards of education to establish and maintain public schools within their limits. ... [T]he line of constitutional authority, unbroken since it was originally memorialized in the 1877 Constitution of Georgia, granting local boards of education the exclusive right to establish and maintain ... exclusive control over general K-12 public education.”

The decision explains that Commission schools are *not* “special schools,” but compete for students with locally controlled K-12 schools. Georgia law identifies special schools as “vocational trade schools, schools for exceptional children, and schools for adult education.” Special schools enroll only students with certain special needs, *e.g.*, adults, deaf or blind children, and teach special courses, *e.g.* vocational trade schools with jobs-oriented curricula.

Further, the Court explained that Art. VIII, Sec. V, Par. II of the State Constitution “cannot be interpreted either as a relinquishment of the historical exclusivity of control vested in local boards of education over general K-12 schools or as a *carte blanche* authorization for the General Assembly to create its own general K-12 schools [to compete] for the same pool of students educated with the same limited pool of tax funds.”

Consider this June 18, 1981 quote from Speaker Tom Murphy, a member of the Constitutional Revision Committee of 1977-1981, who clarified the intent of Art. VIII, Sec. V, Par. VII (a): “The reason for this paragraph in the constitution is it allows the General Assembly to establish schools for the blind, deaf, or people of that nature ... [W]e’ve got one in Atlanta, we’ve got one in Cave Springs, and we might need to establish one in south Georgia.”

**Conclusion.** People often say parents control charter schools, but charter applications prove that to be untrue. Charter schools are controlled by appointed advisory councils that always include one, two or three parents, who are outnumbered by administrators, educators and other professionals. Parents have token input, but not control. So, appointed charter school councils replace elected boards of education, meaning local control over education is completely gone.

If legislators who passed charter school laws had honored their oath of office, they would not have forced an unconstitutional system of education into existence. They would have valued the Constitution and acknowledged the authority of local school boards, along with the many years of success local schools had in graduating students who could read, write, spell, and do math without a calculator ... until government took over.

America became great with schools that were first under parental control, then community control, then under locally elected school boards. Charter schools were created to destroy local control, with this devastating result: out-of-control group-based *inferior education*.

## ***Got Suggestions About Political Districts? Speak Up at Hearings***

### ***“Did-You-Knows” You Need to Know***

Did you know political district lines are currently being redrawn? Did you know political districts must be adjusted every ten years, to reflect federal Census numbers sent to the states? Did you know the senators and representatives elected to serve in the Georgia General Assembly are responsible for drawing district lines based on the number of people in the state? Did you know a special redistricting session is scheduled for August 15<sup>th</sup> in Atlanta?

Did you know the Constitution requires districts to include almost exactly the same number of people? Did you know that equally populated districts must be configured to assure equal representation for every resident? Did you know some districts in the past have resembled squiggly snakes and reached from the Tennessee border to the Port of Savannah? Did you know that gerrymandering means drawing lines irregularly to increase party power? Did you know that the residents of some counties are districted into four or more neighboring counties? Did you know that the cultural aspects of the residents are not the deciding factor used to determine where district lines are drawn?

Did you know Georgia had only three congressmen in the 65-member Congress representing the 13 colonies? Did you know membership in Congress is now set at 435? Did you know that each of the 50 states, regardless of population, is assured at least one seat in Congress and the other 385 seats are proportionally divided among states based on population to assure equal representation?

**Reapportionment and redistricting must be accomplished this year.** That means redrawing legislative and congressional district lines. Over the last decade, the state population has grown to 9,687,653. As a result, just over 53,000 people will be in each of Georgia’s 180 State House districts; roughly 173,000 will be in each of the 56 State Senate districts; and about 692,000 will be in each of 14 congressional districts. That’s up from 13, due to a 20.1 percent increase in the population of Georgia – one of eight states with sufficient growth to warrant at least one more member of Congress. Ten states lost population and will lose seats in Congress, accordingly.

Reapportionment is well under way in Georgia. The Joint Legislative and Congressional Reapportionment Committee of 22 representatives and 16 senators scheduled 12 two-hour public hearings from 5 to 7 p.m., May 16-30, beginning on the eastern side of the state. The dozens of people who spoke in Athens the first evening were not shy about their feelings. Folks from Rockdale, Clark and Oconee counties had definite suggestions about redrawing districts to better suit the population.

Savannah, Albany and Valdosta have hearings May 18-24 and the last seven will be in June – Columbus on the 6<sup>th</sup>, Cartersville on the 7<sup>th</sup>, Macon on the 13<sup>th</sup>; Stockbridge on the 14<sup>th</sup>; Dalton on the 20<sup>th</sup>; Gainesville on the 21<sup>st</sup>; and Atlanta on the 30<sup>th</sup>.

Call the Joint Legislative and Congressional Reapportionment Committee Co-chairmen – Representative Roger Lane, 404 656-5087 and Senator Mitch Seabaugh, 404 656-6446 – to inquire about the locations of upcoming meetings near you. Sign-up sheets for speakers will be available at each location, where you can register upon arrival. This is your once-in-a-decade opportunity to help reconfigure your political districts.

## ***Still in the Works: H.B. 388 New and Higher Taxes***

*H.B. 388 is available on the Internet or by mail from the Clerk's Office at 404 656-5015 or the Office of the Secretary of the Senate at 404 656-5040*  
***No New Tax on Food***

The first proposals from the 2010 Special Council on Tax Reform and Fairness were stunning. Under the title, "Sales Taxation of Services," new taxes in eight categories were proposed.

The Council's chart proposing service taxes includes seven categories, beginning with shoe repair, clothing alterations and/or storage and watch or jewelry repair. That category might have yielded \$2,001,000 per year in new state revenue, but it was dropped from the current bill.

Each category indicated the expected amount of revenue to be collected, with a grand total of \$246,738,000, if all those proposals were implemented. Thankfully, many of the categories were not included in H.B. 388, which is the fourth in a series of bills introduced to handle tax reform. H.B. 388 did not pass, but don't breathe a sigh of relief, yet. It's still in the works.

The chart ended with the seventh category – *auto repair services, towing charges and auto service clubs* – expected to provide the state \$5,829,000 per year in new revenue. That category *remains in H.B. 388*, which itemizes 19 specific motor vehicle services that would be taxed.

Some say H.B. 388 is tax neutral, but it's not. It reduces the state income tax rate to 4.6 percent in 2012 and drops it to 4.55 percent for 2013. But, while doing that, it eliminates personal tax exemptions on everything except dependents and proposes new taxes on two kinds of services.

**Motor Vehicle Services.** Currently, consumers pay a sales tax on parts, chemicals and accessories. But H.B. 388 creates a new service tax on motor vehicle installations, maintenance and repairs. It, also, requires a sales tax to be collected on personal sales of a used car, boat or airplane, unless the sale is to immediate family members.

**Communication Services.** Another unlimited and almost untapped revenue source from communication services is tucked away in H.B. 388. Meaning, consumers will pay service taxes on all electronic transmissions of voice, data, audio, video, or signal to, between or among destination points. Specific electronic services are not listed, to allow future inventions to be taxed without further legislation. All electronic communications devices used by consumers voluntarily will be *taxed seven percent*, except for the Internet (which cannot be taxed at this time) and prepaid calling or prepaid wireless calling services, *e.g.* Tracfone cards, that are sold and taxed at the retail level.

Legislators were so aware of very strong opposition to higher taxes that they devised a special process to pass it without going through the normal committee system. When the final version of H.B. 388 is ready for a vote, no amendment will be allowed. The only action senators and representatives can take on the final version is to vote YES or NO. Suggested amendments must be presented to members of the Special Joint Committee *before* discussions are closed. So, consumers have until mid-August to comment to the Special Joint Committee listed below.

**ACTION – Oppose this massive tax hike. Contact the Special Joint Committee members as follows:**

Co-Chair Senator Heath, 404 656-3943; Co-Chair Representative Channell, 404 656-5103; Senator Williams, 656-0089; Representative Jan Jones, 656-5072; Senator Rogers, 463-1378; Representative O'Neal, 656-5052; Senator Brown, 656-5035; Representative Abrams, 656-5058; Senator Thompson, 656-0083; and Senator Cowsert, 463-1383



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