Georgia insight

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

Confederate Monument Bills Prefiled for 2018 Session

"During the period which begins on November 15 of each calendar year and ends on the Friday before the second Monday in January of the following calendar year, bills and resolutions considered for introduction in the General Assembly may be prefiled with the Secretary of the Senate and the Clerk of the House as authorized in this Code section."
– O.C.G.A. 28-1-17, Prefiling Law, 1994

At this writing, one Senate[1] bill and three House[2] bills have been prefiled for the next session of the Georgia General Assembly, which convenes January 8, 2018. Although prefiled bills receive permanent identification numbers, they must be officially introduced during the session. Then, they are assigned to committees for appropriate action. Two of those prefiled bills alter current laws that protect Georgia's Confederate monuments and memorials.

Prefiled Legislation, Confederate Monuments, State Symbols

S.B. 302, Public Monuments, prefiled by Senator Elena Parent on November 15th, and **H.B. 650, State Symbols**, prefiled November 15th by Representative Mary Margaret Oliver, change current law as follows: (a) A state or local governmental agency or department that owns a monument, plaque, marker, or memorial, may not remove, alter, or conceal it from display until a resolution is adopted to authorize the change. (b) Also, if a private entity owns a monument, plaque, marker, or memorial that's located on public property, the public property owner may remove such object from display and return it to the private owner. A lawsuit may be filed by any person or entity that suffers injury or damages as a result of violations.

ACTION – Contact your senator and representative in the Georgia General Assembly to comment on this issue.

City of Atlanta's Committee on Public Monuments

On October 18, 2017 Atlanta's eleven-member[3] Committee on Public Monuments met for the first time and for three subsequent meetings – October 30, November 6, and November 13. They worked with a preliminary draft of 17 EXISTING[4] City of Atlanta street names and 12 FORMER[5] City of Atlanta street names associated with the Confederacy.

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[1] Senator Elena Parent's **S.B. 302** "Public monuments; local governments may relocate, remove, conceal, obscure, or alter certain monuments"

[2] Representative Mary Margaret Oliver's **H.B. 650** "State symbols; local governments may relocate, conceal, obscure or alter certain monuments," and **H.B. 651** "Georgia Firearms and Weapons Act"
Representative Robert Trammell's **H.B. 652** "Elections; certain electors list maintenance activities; eliminate"

[3] The six appointed by the mayor and five appointed by the city council include the following historians, civil rights and business leaders: Sheffield Hale, Chair, elected by the board; Douglas Blackmon; Regina Brewer; Larry Gallerstedt; Nina Gentry; Sonji Jacobs; Derreck Kayongo; Dan Moore, Brenda Muhammad; Martha Porter Hall; and Shelley Rose.

[4] Existing names of streets under consideration for change: Cleburne Ave., Cleburne Terrace, Confederate Ave., East Confederate Ave., Forrest St., Gordon Place, Hardee Circle, Hardee St., Holtzclaw St., Lee St., Manigault St., Pickett St., Pickett Alley, Stovall St., Walker St., Walthall Court, Walthall Dr., and Walthall St.

[5] Street names that have been changed, already: Ashby St. (now Joseph E. Lowery Blvd.), Bedford Pl. (now Argonne Ave.,) Bedford Pl. (now Central Park Pl.), Calhoun St., (now Piedmont Ave.), Forrest Ave. (now Ralph McGill Blvd.), Forrest Ave. (now Central Park Pl.), Gordon St. (now Ralph David Abernathy Blvd.), Jackson St. (now Charles Allen Dr.), Jackson St. (now Parkway Dr.), Rolling Mill St. (now Boulevard), Sewell Rd. (now Benjamin E. Mays Dr.), and Walker St. (now Centennial Olympic Park Dr.)

Recommendations by Atlanta's Committee on Public Monuments

Downloadable Audio and Video of Meetings Available at City of Atlanta Website

"The plan is for Mayor Kasim Reed to act on the recommendations, but it remains to be seen if any of the actions will fall to the next mayor, either Keisha Lance Bottoms or Mary Norwood."

– "Atlanta's Confederate Monuments Committee Holds Final Meeting," by Baker Owens, November 17, 2017

Concerning monuments not recommended for removal, Sheffield Hale, President and Chief Executive Officer of the Atlanta History Center and Chair of the Committee, suggested that "contextualization" of their historical significance may be applied. Meanwhile, the Committee recommended a number of new monuments and markers to be erected, such as one to Booker T. Washington at Piedmont Park, where the Peace Monument is scheduled for removal.

All Committee recommendations are subject to the approval of Mayor Kasim Reed and the City of Atlanta Council, but targeted memorials include (a) the Peachtree Battle monument on Peachtree Battle Avenue for removal; (b) the "as soon as possible" removal of street names, including Confederate Avenue, plus as many as 30 additional streets that honor Confederate Generals Robert E. Lee, Nathan Bedford Forrest, John B. Gordon and Howell Cobb; (c) move Oakland Cemetery's Lion of Atlanta and Confederate Obelisk monuments from the City of Atlanta to the Historic Oakland Foundation, and (d) supply supporting contextualization data.

Stone Mountain Memorial is Legally Protected

O.C.G.A. 50-3-1 (4) (c) protects the Confederate Memorial engraving on Stone Mountain as part of a 2001 compromise that removed a segregation-era state flag in Georgia. The law states: "Any other provision of law notwithstanding, the memorial to the heroes of the Confederate States of America graven upon the face of Stone Mountain shall never be altered, removed, concealed, or obscured in any fashion and shall be preserved and protected for all time as a tribute to the bravery and heroism of the citizens of this state who suffered and died in their cause."

174 Public Places[1] in Georgia Have Confederate Monuments

Current Georgia law says that no publicly owned military monument may be relocated, removed, concealed, obscured, or altered unless such action will preserve, protect, or provide reasons for its placement. However, S.B. 302 and H.B. 650 were prefiled to authorize local governments to adopt resolutions for handling monuments.

Confederate Monuments, Recently Targeted, as of August 18, 2017

The names of targeted areas are in italics, followed by the number of Confederate memorials recently removed or trashed. *Annapolis*, MD, one; *Helena*, MT, one; *Bellingham*, WA, multiple signs gone, highway markers smeared with red or black paint; *Arlington*, TX, one (Six Flags removed Confederate flag); *New York*, multiple changes include removal of subway tiles, General Robert E. Lee plaques at a now-closed Brooklyn church, and a request for Fort Hamilton Army personnel to rename streets that honor two Confederate generals; *Durham*, N.C., two; *Leesburg*, VA, one; *Madison*, WI, one; *Phoenix*, AZ, two; *Baltimore*, MD, four; *Knoxville*, TN, one; *Birmingham*, AL, one; *Los Angeles*, CA, one; and *San Diego*, CA, one.

[1] **Georgia's Confederate memorials or names are found in** 50 courthouses; 51 additional cities/towns have public monuments, some have multiple memorials; 4 cities have private monuments; 10 counties and two towns are named in honor of Confederate soldiers; Muscogee has Stonewall Jackson Dam; 61 roads with Confederate names are sprinkled throughout 29 Georgia towns and cities; 4 schools – one each in Atlanta, Hazlehurst, Thomaston, and Trenton; one state symbol – the current (2003) Georgia State flag that includes the Confederate Stars and Bars with the addition of the state's symbolic arch between the stars.

Held-Over Bills

Bills introduced during the 2017 session remain alive for 2018, unless they were defeated in 2017. Many held-over bills will expire for lack of action at the end of the 2018 session, while other bills from 2017 will be discussed in their respective committees and, ultimately, proceed to the House or Senate floor for passage, defeat, tabling, or recommitment.

Marijuana

H.R. 36 is a proposed constitutional amendment authorizing the General Assembly to pass laws that legalize the sale of medical cannabis (marijuana) and cannabis (marijuana) growing in Georgia. If H.R. 36 were to pass, the following question would be on the ballot in 2018:

"Shall the Constitution of Georgia be amended so as to authorize the General Assembly to provide by general law for the regulation of the production of cannabis and sale of medical cannabis to certain individuals and further provide that the net revenue of the fees from such production be dedicated to a department and state sale taxes be dedicated to a fund to support drug treatment programs within this state?"

Although six additional medical conditions became eligible for the medical marijuana patient registry, H.R. 36 did not pass to authorize in-state growing of marijuana, but remains alive for 2018. So, Representative Allen Peake is leading a working group to get it passed in 2018.

H.B. 465 that would allow marijuana to be grown in Georgia to produce hemp is a problem. Growing hemp means growing marijuana, because hemp is made from marijuana.

Casinos

H.B. 158, The Destination Resort Act by Representative Ron Stephens, and Senator Brandon Beach's **S.B. 79** create an appointed five-member Gaming Commission to license and regulate casinos, but there's a proviso: If S.R. 249 fails to pass, H.B. 158 and S.B. 79 cannot be enacted. Originally, S.B. 79 and H.B. 158 authorized two casinos. S.R. 249 raises that number to six.

Georgia casinos would operate 24 hours, 365 days each year and would be located in densely populated counties. The first would be put in a county[1] of over 900,000 residents, and the licensee must be able to invest $2 billion in the project. The second site would be in a county of 250,000 – 900,000 residents, and the licensee must be able to invest at least $450 million.

A federal law, The Indian Gaming Regulatory Act of 1988, is causing concern, since it could allow American Indian casinos to be built in Georgia and function under Tribal law as follows:

Class I gaming is traditional Indian gaming, which would be regulated by the Tribe.
Class II includes bingo and card games played in the same place with other players, but not against the house or a player acting as a bank. In states that allow Class II, the Tribe governs.
Class III is "casino-style" gaming that includes all other gambling – slot machines, blackjack, craps, roulette, wagering games and electronic facsimiles of such. Indian Tribes may operate and regulate tribal casinos under these conditions: (a) Class III gaming must be permitted in the state; (b) the Tribe and state must form a compact with approved regulatory procedures; and (c) the Tribe must have a tribal gaming ordinance approved by the commission chairman.

S.R. 249 is a proposed constitutional amendment introduced in 2017 to (a) authorize the licensing of "no more than six" destination resorts (with embedded casinos) "at any given time," and to (b) prohibit all other forms of gaming. (Six triples the two allowed in the bills.)

ACTION – Oppose any of the above bills if they are resuscitated in 2018.

[1] As of July 1, 2016, Georgia's most densely populated counties were Fulton, 1,010,562; Gwinnett, 895,832; Cobb, 741,334; and DeKalb, 734,871. Populations of Chatham, Clayton and Cherokee currently qualify for a second casino.

Compelled Speech and Held-Over Sexual Orientation Bills

Compelled speech is forced speech. Forced speech is not free speech. Compelled speech is presumptively unconstitutional and presumptively illegal. So, why is it mandatory?

H.B. 16 redefines bullying to provide extra penalties for any action deemed to be bullying or thought to be motivated by gender, sexual orientation, gender identity, or gender expression. By implication, it would prompt a "gag order" to prohibit negative comments about sexual behavior or anyone's actual or perceived gender identity. While a gag order may prevent negative comments, a gag-order's flip-side would *compel* the use of preferred pronouns that affirm transgender identities. Since compelled speech is forced speech, it's unconstitutional.

H.B. 492 is a "hate crimes" bill that gives alternate lifestyles <u>civil rights status</u>, then calls for "enhanced penalties for aggravated assault, aggravated battery, criminal damage to property, terroristic acts and threats because of a person's actual or perceived race, color, religion, national origin, gender , sexual orientation, gender identity, or disability." Needless to say, all crimes are motivated by "hate," regardless of lifestyle. Under this bill, the legal system must enhance justice for people in alternate lifestyles. That discriminates against heterosexuals.

S.B. 119, also, gives <u>civil rights status</u> for sexual orientation and gender identity in (a) the Fair Employment Practices Act of 1978, (b) fair housing, (c) commerce and trade, and (d) public accommodations, thereby elevating aberrant sexual behavior to a protected <u>civil rights status</u> alongside race, color, religion, national origin, and disability in government business, government jobs, and public accommodations. Result: simultaneous use of public restrooms and locker rooms would be forced on everyone, whether male, female, or transgender.

S.B. 145 deletes the offenses and penalties for aggravated sodomy and aggravated sexual assault as they apply to victims across genders, gender identities, and sexual orientations. If this were to pass, Georgia law would be purged of all references to the offenses and penalties for aggravated sodomy and aggravated sexual assault. No juvenile or superior court or mental health clinic; no child-, family-, or group-care facility, no computer or electronic pornography entity; no civil or administrative entity; and no person convicted of a felony could be charged with aggravated sodomy or aggravated sexual battery, because all such Georgia laws would be obliterated. Spaces now occupied by those laws would be emptied and labeled "Reserved." Penalties requiring years of imprisonment for those two criminal offenses would vanish.

H.B. 488 prohibits gender screening in private sector and public sector employment. Employers could not use sexual orientation, gender identity, or age to screen applicants for private-sector jobs, government jobs, the sale, rental or financing of dwellings or advertising to fill vacancies. It would apply to entertainment, sports, labor, industry, *housing*, public officers and employees, the EEOC, and service entities. The bill has no religious exemption.

H.B. 629, The <u>Civil Rights</u> Accommodations Act, would prohibit discrimination based on race, color, religion, or national origin in public facilities, *which would not change Georgia's current system*. But, it might have been introduced as a vehicle to be amended with the word "sex." If that happens, <u>civil rights status</u> would be provided for certain behaviors – sexual orientation, gender identity, gender expression, and transgender – and separate male and female restrooms and locker rooms would be transformed into all-gender accommodations.

ACTION – Oppose all of the above bills if they are resuscitated in 2018.