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[Three Arise issues affected –](#)

Court actions prove need for citizen advocacy

If you have been away this summer, you missed four court decisions that had implications for Arise issues. For years Alabama advocates have looked to the courts for relief when their governors or legislators would not respond. Recent decisions force us to rely less on judicial strategy and more on citizen advocacy. Although the U.S. Supreme Court offers signs of hope for reform of death penalty administration, Alabama courts have been disappointing.

Judge Reese's surprise ruling: "Payday loans are not loans"

Montgomery Circuit Judge Eugene Reese has ruled that payday loans are not subject to the state's Small Loan Act. The June 21 ruling came four years after the case was originally filed. Pressure was building on the judge. Several newspapers called on Reese to rule, as did letters to the editor by Arise members.

The court case started in 1998 after more than 150 cease and desist orders were issued to payday lenders by the State Banking Department. The Department contended that the lenders were violating the Small Loan Act. In turn, the Alabama Check Cashers Association, the group representing payday lenders, sued the State Banking Department.

Reese's June ruling means that payday lenders do not have to abide by the Small Loan Act's annual interest rates of 36%. In his opinion, Reese stated, "The State Banking Department is attempting to have the courts do that which the Legislature has declined." Legislation to limit payday lenders to interest rates of 459% has been repeatedly blocked by members of the Legislative Black Caucus and Arise because we considered 459% too high.

Governor Don Siegelman, Attorney General Bill Pryor, and the State Banking Department have filed an appeal to the State Supreme Court. Reese's June ruling eliminated even the 520% cap in his 1998 consent order, but once the appeal was filed, he re-imposed the cap.

– Karen Brown

Supreme Court passes the buck; No more bucks for school kids

Alabama's Supreme Court has left the state's schoolchildren in legal limbo by blocking a remedy to the ten-year-old suit for equity and adequacy. While the court agreed that the state's school system provides "a less than minimally adequate education," it refused to order any further judicial remedy for the public school system's constitutional violations. The May 31 decision leaves that responsibility in the hands of a Legislature that has consistently demonstrated its inability (or unwillingness) to meet the needs of Alabama's children.

It has been almost a decade since Judge Eugene Reese issued his liability order declaring that children's constitutional right to an equitable, adequate education is being violated. Since the 1993 liability order, the Legislature has refused to take responsibility for the faltering public school system. It failed to adopt a new funding system required by Reese's 1993 Remedy Order, and to date has taken only a few small steps toward improving public education. Meaningful progress toward a remedy was also stalled by the court appeals of Gov. Fob James, prompting the Alabama Supreme Court to agree with Reese's ruling that Alabama children's constitutional rights are being violated.

What began in 1991 with a challenge to racism – eliminating the state's racially-motivated constitutional amendment that removed any "right to education at public expense" – culminated in a historic court fight to demand the basic educational needs of *all* children in Alabama's public schools. The liability order required that education funding be equitable among all public schools and that all public schoolchildren be provided an adequate education.

Today, the liability order remains in effect, but without enforcement. The liability order is reaffirmed in the Supreme Court's recent decision on the remedy order. The governor and the Legislature remain obligated to provide all public school students with an equitable and adequate education. But with each branch of state government ducking responsibility – and the courts refusing to order a remedy – it will take pressure from citizens to translate that obligation into a meaningful, urgent priority.

– Kwamena Blankson

U.S. Supreme Court gives hope to moratorium supporters

Two rulings handed down by the U.S. Supreme Court this summer offer hope to supporters of a moratorium on executions. In

Arise Health Caucus will meet 10:00-noon Fri, Sept. 20, Bell Bldg. conference room, 207 Montgomery St., Montgomery

Atkins v. Virginia the court ruled that the execution of mentally retarded persons violates the U.S. Constitution's ban on cruel and unusual punishment. This decision struck down Alabama's law allowing mentally retarded persons to be executed. The court's decision validates the action taken by 16 states that had banned the execution of the mentally retarded since 1989.

A second Supreme Court ruling may have significant impact on Alabama's capital punishment system. In *Ring v. Arizona* the high court ruled that juries must decide both the defendants' guilt or innocence and their sentencing in death penalty cases. This decision directly affects several states where juries have no part in deciding the sentence of a person convicted of murder. Alabama's situation is somewhat different. Here a jury can make a recommendation in the sentencing phase, but the judge does not have to follow the jury's recommendation. As Arise has pointed out, it is disturbing that judges, who are frequently elected on "tough on crime" platforms, are allowed to override a jury's rejection of a death penalty.

It is unclear how the *Ring v. Arizona* decision will affect Alabama.

Attorney General Pryor says it will not because Alabama's system allows the input of the jury in the sentencing phase. Advocates for a moratorium on executions contend that the jury should have final authority in determining whether a defendant will be executed and a judge should not be allowed to override jury's decision. More litigation is expected before this issue is resolved.

In the big picture, the U.S. Supreme Court seems to reflect the public's serious misgivings about the way the death penalty is administered in America. These two decisions are encouraging in our effort to obtain a moratorium on executions in Alabama.

– Nathan Morgan

Calendar

Make plans to bring a friend to our Annual Meeting on Sept. 7! You can get a front row seat to observe how Arise operates. You can count on vigorous discussion of proposed issue priorities, and member analysis of our legislative strategy. This year it will be at **St. Stephen's Episcopal Church in Birmingham**. Mark your calendar now for 10:00-3:00 on Saturday, September 7, and watch for directions in our upcoming newsletter.

There's also spirited discussion in our local listening sessions. These strategy conversations feed into the Annual Meeting. You can set your own listening session or attend one of these:

Florence: 6 pm Mon, Aug 19, Florence Housing Authority, 309 Lincoln St., hosted by Mustard Seed of Faith Community Development Inc.

Birmingham: 7 pm Tu, Aug 27, at board meeting of Greater Birmingham Ministries (call GBM at 326-6821 for location)

Huntsville: 7 pm Tu, Sept 3, Holy Spirit Catholic Church, 625 Airport Rd

Tuscaloosa: 6:30 pm Th, Sept 5, University Presbyterian Church, 1127 Eighth St.

A few words from Kimble –

Isn't it strange. . . how a broad range of interest groups can agree that a historic tax reform effort is inevitable early in 2003. . . but the candidates for governor can campaign blithely along, hardly saying the words "tax reform"? I really believe that dozens of Arise members keep up with the issue well enough to discuss it more intelligently than the candidates did in their debate. Siegelman pretends that a lottery and a crackdown on business tax cheats would provide the money our education system needs. We know it would provide, at best, about a quarter of the needs of K-12 alone. Then Riley offers a minimal list of proposed changes, which were costed out by the *Birmingham News* at about \$400 million, again about a quarter of what we need. And of course that doesn't address the needs of higher education or the General Fund. In her article on Page 4, Mary Weidler touches the most obvious of our budget problems. (She would fill pages if we would let her.)

What should we do? I still think one of our least-used, most-available tools is the letter to the editor. I want to challenge you to write one letter a month between now and the election, and do your part to change the tone of the conversation toward candor and responsibility.

With peace,

Kimble Forrister

***More good news on
foundation grants***

The Ford Foundation has approved a capacity-building grant to Arise Citizens' Policy Project. The idea of this grant is to "move us to scale," taking us to a new level of effectiveness. With this grant we will be able to accomplish some of the 2004 goals in our strategic plan two years early. The grant pays for our development director and contract writing, and we commit that we will raise the funds to hire a fourth organizer. The grant works out to \$85,714 a year for three and a half years, after which we will support the new program areas with member support and Alabama foundation grants.

We're also flattered that the Unitarian-Universalist Veatch Program at Shelter Rock increased their grant for Arise organizing from \$40,000 to \$45,000.

State faces budget crisis

The worst budget crisis in modern times will face our governor on Inauguration Day. Education funding remains below 2001 levels, and the 2003 General Fund Budget was built with \$100 million in one-time money, just over 8% of the total. This cannot be sustained into 2004.

The budget impact will be painful for low-income people. For example, the state has left \$10 million in federal child care funds sitting on the table in Washington for lack of a \$3 million state match this year – and expects to lose the same amount in 2003. Prisons, the Medicaid program, the Departments of Human Resources, Public Health, and Mental Health have needs that have been long postponed. Funding for ALL Kids, the children's health insurance program, must be addressed for 2004 now that a record 52,000 children have been enrolled.

Alabama must find new revenue – unless, of course, we choose a faster revolving door for inmates; cutbacks in the health care of

730,000 citizens who rely on Medicaid; postponement of *R.C.* child welfare reforms; cutbacks in child support collections; a reduction in child care; a waiting list for the ALL Kids program (and possible curtailment of renewals); fewer services for emotionally distressed children; and a failure to provide the community services required by the *Wyatt* settlement. Then there's the judicial system, Public Safety, and more.

Further compounding problems for both the General Fund and the education budget are federal tax changes that will reduce revenue to both funds. (*See Arise fact sheets on bonus depreciation and the estate tax.*) These tax breaks for high-income people and corporations will hit budgets already suffering from the recession – and school budgets that have not rebounded from last year's proration.

In the education budget, the Finance Director wants to prevent proration by tapping a capital improvement fund to pay down bond debt (and free money for operating); he may raid counties' 16th section land funds, which may be illegal. Since Amendment One passed in June, the governor can tap the \$250 million rainy day fund created from the oil and gas revenue in the Alabama Trust Fund. If he does so, the General Fund loses a significant amount of interest from the Trust. All this would only keep FY 2003 funding at the FY 2001 level. The State Board of Education says we need another \$1.6 billion to provide an adequate, equitable education system. Neither gubernatorial candidate is advocating for more than about a quarter of this amount.

How much longer can this house of cards stand?

– Mary Weidler

TANF REAUTHORIZATION :

UNDER THE MAGNIFYING GLASS

One-Day Conference

September 19, 2002
Birmingham Jefferson Civic Center
9 a.m. until 4 p.m.

Featuring
Pamela Holcomb

from the
Labor and Social Policy Center,
Urban Institute
in Washington, DC

Sponsored by:
The Central Alabama Task Force For Self-Sufficiency,
Jefferson County Department of Human Resources
and United Way of Central Alabama, Inc.

For information please contact (205) 458-2056



Lift Arise issues in the campaign

As we move into the fall election campaign, Arise members can lift the profile of tax reform and constitutional reform in the campaign debate. We can write letters to the editor on these issues and ask questions at campaign events, such as:

Do you support tax relief for low and middle-income families?

Will you support the Knight Plan to make the income tax fairer?

Will you vote to let voters decide to have a constitutional convention?

If you like to write letters to the editor, get in touch with Karen Brown, our policy analyst who can't quite get the journalism bug out of her system. Karen can give you tips, and she would also like to get in touch with you when we need a letter written on an urgent topic. Karen can be reached at (334) 832-9060 or karen@alarise.org.

Spread the word about Arise – Share brochures!

Do you have friends who share your concerns for low-income people in Alabama? We're looking for people who understand that bad state policies cause hardship for hundreds of thousands of our neighbors. We constantly meet people who agree with us on our issues, but never heard of Arise. Our membership brochure is designed with those individuals in mind.

Arise's best link to our next member is you! Personal relationships are our strongest resource. Take a moment to think about friends you might recruit to our ranks.

While it's on your mind, please put the enclosed brochures where you will

remember to take them with you to share with friends. Of course, if you need more brochures, just contact Jamie Keith at (800) 832-9060 or jamie@alarise.org .

You might even photocopy pages of your group's or congregation's directory, and circle names of people you think might respond to a letter from us. We won't add them to our mailing list unless they respond that they're interested.

Thanks to our contributors!

Thanks very much to these givers who contributed in May and June toward the goal of hiring a fourth organizer. We have now passed the halfway mark on our way to the \$50,000 we want to have in place before we advertise the position.

When we put the fourth organizer in place, addressing the swing list we have identified as critical for passage of tax reform will be his or her front-burner task. . . shared with three colleagues, of course. In those rural districts Arise has few contacts, but just a handful of calls can sway a legislator. We're grateful to our friends who put their support for change on the bottom line!

David Adkisson, Birmingham
Laura and Will Anderson, Birmingham
Virginia Beckham, Opelika
Martha Warren Bidez, Birmingham
Cathy Brechtelsbauer, Sioux Falls, SD
Albert P. Brewer, Birmingham
Karen Brown, Montgomery
Chip and Charlie Busch, Muscle Shoals
Lisa Christopher, Birmingham
Carolyn Coker, Auburn
Harris L. Cornett, Montgomery
Robert Cowan, Montevallo
Rev. Jay Croft, Birmingham
Margie Alice Curry, Birmingham
Ilse Diasio, Birmingham
Annie Dixon, Birmingham
Lynn Douglas, Birmingham
Doreen and Tom Duley, Birmingham
Debbie Elliott-Taylor and Stephen Taylor, Orange Beach
Calli Patterson and Kimble Forrister, Montgomery
Tom Forsee, Birmingham

Jim Gatling, Montgomery
Duncan L. Gibson, Montgomery
Barbara Grant, Montgomery
Heidi and Jack Hataway, Montgomery
Marge and Leo Hirth, Auburn
Rosamond W. Hobart, Sylacauga
Peter Horn, Birmingham
Della Huber, Birmingham
Stan Johnson, Birmingham
Jamie Keith, Montgomery
Kathleen Liles, Birmingham
Sen. Ted Little, Auburn
Carolyn and Frank Maddux, Nashville, TN
Ron Manning, Brierfield
Minnie Manning-Murrell, Alabaster
Doris Martin, Enterprise
John McKee, Cottondale
Steve Orel, Birmingham
Dr. Gwendolyn Patton, Montgomery
Louise Pittman, Montgomery
Lynn Pratt, Birmingham
Barbara and Frank Propst, Eufaula
Julie Reardon, Birmingham
Jerome R. Redus, Huntsville
Paul M. Rilling, Anniston
Frank Romanowicz, Birmingham
J. Wayne Sellers, Guntersville
Ruthie Sherrill, Tuscaloosa
Anna and Norman Singer, Tuscaloosa
Catherine H. Smith, Birmingham
Henry A. Spears, Sr., Montgomery
Paul Stuart, Northport
Sylvia Sutton, Clay
Elaine E. Vancleave, Birmingham
Willa Vial, Rogersville
John Keith Wade, Huntsville
Josie and Bill Walsh, Auburn
Donna Ware, Trussville
Alex Woodall, Bessemer
Robert Woodrow, Birmingham

Avondale United Methodist Women, Birmingham
Our Lady Queen of Peace Church, Selma
Sisters of St. Joseph of Rochester, Pine Apple