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Calendar notes

ISSUE BRIEFINGS

Mobile 6:30 pm Mon., Nov. 14,
Providence Outreach Senior
Citizens' Center, 35 N. Cody Rd.

Birmingham 12 noon Wed., Nov.
16, Greater Birmingham Ministries.
Sack lunch discussion of Arise
legislative agenda.

Mobile 8 am Thur., Nov. 17,
Captain's Table Restaurant –
breakfast discussion of Arise
legislative agenda, sponsored by
Gulf Coast Homeless Coalition.

Auburn cluster 12 noon Thur.,
Dec. 1, Auburn UU Busch Center.

ARISE MOVIE FUNDRAISER

**“Wal-Mart: The High Cost of
Low Price,” Montgomery** 7 pm
Nov. 17th, Capri Theatre, 1045 E.
Fairview Ave. Special premiere
showing of the new documentary
by the director of “Outfoxed.”
Tickets \$20 (\$10 for students). All
proceeds benefit ACP. To reserve
tickets, call Brenda at (800) 832-
9060 or email brenda@alarise.org.

Staff position open

Policy analyst on tax and
poverty issues in Alabama.
Requires economic expertise
and strong writing skills. Health
and retirement plan. Affirmative
action/equal opportunity
employer. Send resume, writing
sample to ACP, Box 1188,
Montgomery, AL 36101.

Report

This newsletter made possible by the members of Arise Citizens' Policy Project
Vol. 8, No. 7

November 4, 2005

“Clawback” begins in January

Medicaid takes Medicare hit

By Mary Weidler, senior policy analyst

For the first time since the two programs began in 1965, state Medicaid agencies will begin making direct payments to support Medicare, the federal health insurance program for those 65 and older. This is a fundamental change in Medicaid, a jointly funded state and federal health insurance program for low-income people.

The Medicare Part D Prescription Drug Benefit will cost the Alabama Medicaid Agency about \$5 million per month beginning in January 2006, when the program is implemented. This equals 90 percent of what Alabama would have paid had it continued its state Medicaid drug program for 88,000 so-called “dual eligibles” – low-income elderly and disabled who are enrolled in both programs.

Medicaid Commissioner Carol Herrmann estimates at this time that the so-called clawback (or cost recovery) will not cost Alabama more than Medicaid would have paid to continue providing dual eligibles' drugs. The clawback formula is based on 2003 drug expenditures, a year before Alabama implemented a preferred drug list and limited brand-name prescriptions to 4 per month, policy changes that reduced the growth of our prescription drug program.

Critics note that Medicaid has long been saddled with costs that should fall to Medicare. These include paying premiums for dual eligibles to be covered under Medicare, paying for the dual

eligibles' drug costs and providing long-term care for Medicare beneficiaries.

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In Memoriam

Rosa Parks (1913 – 2005)

By Kimble Forrister, executive director

For Alabama activists, Rosa Parks is a reminder that we don't have to preach like Dr. King. She simply refused to stand up, and she ignited a movement. By “walking the walk,” ordinary people called the bluff of an oppressive system.

Here's an irony: Fifty years ago, Montgomery's bus system was a target of Black protest because it collaborated with Jim Crow racism. Today, our bus system has become a victim of racism. When Montgomery's leaders in the 1990s wanted to get African Americans off the streets downtown, they moved the transfer point to a remote location, and ridership plummeted.

We've seen similar racial dynamics at the state level. One White senator argued against transit funding by calling it a “Black urban issue.” Alabama Arise views public transportation as an issue that's Black and White, rural and urban, rich and poor, for the able and the disabled. We urge our legislators to honor Mrs. Parks' memory by passing the Jubilee Transit Amendment next spring.

A few words from Kimble —

“Fifty years ago God chose Montgomery, Alabama, as the place to start a freedom movement. People in many nations started their own freedom movements because of what happened here. My question to you is, ‘Have you considered the idea that fifty years later, God might use Montgomery again?’”

Dr. James Forbes, pastor of Riverside Church in New York City, was more than a great keynote speaker for our “Healing Our Nation” conference. Forbes *engaged* the capacity crowd in a way I’ve never seen before, moving up and down the aisles and sitting next to people, posing challenges that we couldn’t ignore.

His complex message could take us in any of several directions. One proper reaction would be to wait and listen, as Habakkuk did, to discern what God will do next. Another possible path would be to take courage in our advocacy for tax reform. Forbes said, “Racism was bad 50 years ago, but class is worse today,” and “Poverty is a weapon of mass destruction.” Oh, I know it’s shaky ground, thinking your issue is God’s issue. But I also think something is wrong if people of faith are too timid to assert that our tax system is immoral . . . especially when a Republican governor is not afraid to say it!

We are busy negotiating a new tax reform strategy. We’re talking with key players, running focus groups and opinion polls to assess voter attitudes, and of course continuing to promote *The Alabama Tax & Budget Handbook*. We got 50 more requests this week. Tell your friends: It’s free for the asking!

With peace,

Members to promote legislative agenda

By Ron Gilbert, policy analyst

“No one in my district has mentioned that issue to me.” Those are the words that we too often hear in the State House hall during the legislative session. In an effort to avoid that disclaimer in the 2006 Regular Session, Arise has adopted a strategy to bring our issues directly to legislators across the state.

Arise members approved a Legislative Agenda during the Annual Meeting in September. Since that time, staffers have

worked to develop background material on each of the policy issues included in the agenda and to secure volunteers to visit with each House and Senate member prior to the beginning of the session.

A copy of the agenda is available at www.arisecitizens.org. Not all legislative districts are covered at this point. If you would like to become involved in this grassroots effort to inform and educate our legislative leaders, contact either your Arise organizer or ron@alarise.org.

NOTE: The following editorial endorsing the Arise legislative agenda appeared in The Anniston Star on October 23rd under the headline “How to Arise.”

Anniston Star editorial

A blueprint for progress in Alabama

Want to see a plan that would make Alabama a model as a progressive state? Contact Alabama Arise (www.alarise.org) and ask for a copy of its 2006 Legislative Agenda.

Alabama Arise is a statewide citizens’ organization through which some 140 faith-based groups promote policies that would improve the lives of low-income Alabamians. And since almost everything in this state is political, they know they have to lobby the Legislature if their goals are to be met.

And what are those goals?

How about “a fair, adequate and accountable tax system?” And maybe protecting funding for Medicaid, ALL Kids, child care and education? And why shouldn’t the state provide funding for public transportation? Or pass a law that defines the rights and responsibilities of landlords and tenants (we are one of only two states without one)? And why shouldn’t we declare a three-year moratorium on the death penalty to give us time to study “the fairness of our capital justice system”?

Alabama Arise is also lobbying for an amendment to remove racist

language from our current Constitution and will push “a proposal for a constitutional convention to write a new state constitution.”

In the area of government accountability, Alabama Arise will support a bill to prohibit PAC-to-PAC transfers and a bill that would require “issue organizations (such as Alabama Arise) to disclose their lists of donors supporting efforts to influence public votes or legislation.”

But Alabama Arise and those who support its agenda know that there are mighty forces, with deep pockets, out there ready to stop them. Despite all the talk about “returning Alabama to the people,” the fact remains that even though polls show that “the people” want reforms such as these, opposition lobbyists have more influence than the rest of us.

Now you know what it would take to make Alabama a progressive state. And when these issues come up in the Legislature, you can see who is for them and who is against them. Then you can better understand who actually calls the shots in Montgomery.

Proposed cuts threaten safety net

By Mary Weidler, senior policy analyst

Arise is monitoring Congressional proposals that would slash the safety net for low- and moderate-income families by cutting funding for a number of important programs. The budget cuts loom at a time when Alabama needs financial help paying for health care for Katrina evacuees through its Medicaid program. At press time, final federal action was expected the week of November 7. As you watch news coverage of this unfolding story, use the list below to judge whether the outcome is harmful to our less fortunate citizens.

Did Congress cut the following programs?

- **Medicaid** – Proposals included increasing cost-sharing, co-payments and premiums and curbing benefits. Projected cuts in targeted case management programs could sap as much as \$36 million from Human Resources, Mental Health and Public Health.
- **Child Support** – Proposals included reducing federal matching funds to operate state programs. DHR's caseload is over 300,000.
- **TANF and child care** – Proposed \$500 million increase in child care over 5 years won't be enough to offset inflation and meet the need for increased TANF work policies
- **Food stamps** – Nationwide as many as 300,000 may lose benefits
- **SSI** – Proposals would require additional layer of review for adult disability determination; pay retroactive awards over a longer period of time.
- **Foster care children**
- **Student loans**

Did Congress authorize payment of 100 percent of Mississippi's, Louisiana's and Alabama's Medicaid costs for Katrina evacuee health care?

Did Congress modestly increase funding for the Low Income Home Energy Assistance Program (LIHEAP)?

Did Congress pass the \$70 billion in tax cuts for the well-off while cutting programs that benefit the less fortunate? This is the first time the Bush Administration has sought huge tax cuts for the wealthy in the same year it proposed to cut low-income programs dramatically.

You can receive e-mail alerts on upcoming actions of the U.S. Congress and the Alabama Legislature. To sign up, go to www.arisecitizens.org and click on "Join the Arise e-mail list."

New ACLU/Arise report finds

Alabama death penalty fatally flawed

By Jim Carnes, communications director

According to a major new report, structural and procedural flaws in Alabama's criminal justice system stack the deck against fair trials and appropriate sentencing for capital defendants. The report, released on October 19th by the American Civil Liberties Union (ACLU), Alabama Arise and nine other organizations, details unfair and discriminatory practices in the state's administration of the death penalty.

Broken Justice: The Death Penalty in Alabama identifies six major areas of concern:

inadequate defense, prosecutorial misconduct, judicial override of jury recommendations, execution of the mentally retarded, racial discrimination, and geographical disparities.

"Our state is failing to provide the basic legal safeguards to people facing the death penalty," said Olivia Turner, executive director of the ACLU of Alabama. "The capital punishment system is broken in Alabama, and we have to fix it before more people are killed by mistake."

Alabama has the sixth-highest execution rate and the sixth-highest death-sentencing rate in the U.S., according to the Death Penalty Information Center. Yet there is no statewide public defender system, and 95 percent of current death row inmates can't afford representation, says the new report.

Other findings include:

- Lack of a statewide public defender system creates wide disparities among circuits in their standards of representation of defendants who can't afford private legal counsel.

- Alabama is among the few states that allow judges in capital trials to override jury recommendations for lesser sentences and impose the death penalty.
- Eighty-one percent of those executed in Alabama since 1976 were convicted of killing White people, yet only 35 percent of all murders in the state involve White victims.
- Between 1973 and 2003, nineteen Alabama death penalty cases were reversed because of prosecutorial misconduct.
- The 2002 U.S. Supreme Court decision prohibiting execution of mentally retarded offenders left it to the states to define mental retardation. In failing to issue its own definition, Alabama places mentally retarded inmates at risk of unconstitutional execution.

"It is our responsibility to document the unfairness and inconsistency that plague the death penalty system in Alabama, and it is the state's responsibility to do something about it," said Rachel King, an attorney with the ACLU's Capital Punishment Project and an author of the report. "Our strongest recommendation is that Alabama implement a moratorium on executions to allow a thorough review of the system."

Arise state coordinator Kimble Forrister noted that public support for such a measure is strong and growing. "A July 2005 poll by the Capital Survey Research Center found that 57 percent of Alabamians would support a moratorium," Forrister said. "It's time for legislators to act on this life-and-death issue."

The full report is available online at www.aclualabama.org. To request a hard copy, contact the Arise office.

We appreciate our contributors!

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Advocates seeks local safeguards for tenants

By Ron Gilbert, policy analyst

Securing basic rights for Alabama tenants in state law remains a key concern of the 2006 Arise Legislative Agenda. But Arise staff members and other advocates are also pursuing non-legislative avenues for providing tenant protections.

Staffers from Arise, Alabama Appleseed and the Southern Poverty Law Center (SPLC) recently testified before a committee of the Montgomery City Council on the lack of state legislation regarding the rights and responsibilities of Alabama landlords and tenants. Planning and development committee members, including chair Janet May, expressed an interest in crafting an ordinance to expand tenant rights in the city.

SPLC legal fellow Rebekah Young is taking the lead in drafting an ordinance for the committee to consider. She is using as a model the Uniform Residential Landlord-Tenant Act, which Arise and Appleseed proposed in the last legislative session. Arise will support such municipal reform efforts while we continue to promote statewide legislation on this important issue.

Medicaid changes

[Continued from Page 1]

Enrollment in the private drug plans begins November 15. Advocates are concerned that the automatic enrollment of dual eligibles into private plans may compromise services. For example, will the drugs offered include the ones they are currently taking? Will the plan include a conven-

iently located drugstore? Those automatically enrolled can switch to different plans, but changes may take a month to process, and many patients will need advice from caretakers, physicians or family members.

Commissioner Herrmann advises dual eligibles to choose a plan that meets their needs rather than waiting for the government to enroll them automatically. "Too many believe the CMS (Centers for Medicare and Medicaid Services) is carefully examining their medical records and selecting a tailored plan. This is a strictly random process," she stressed.

Herrmann estimates that the Alabama Medicaid Agency will need \$90 million in new state dollars for Fiscal Year 2007. This figure does not include any of the cuts Congress is currently proposing (see "Washington update," p. 3).