

THE ARISE REPORT

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Town Hall Tuesdays keeping Arise connected

By Presdelane Harris, organizing director | pres@alarise.org

Listening is often an underdeveloped skill, yet it is critical for mutual understanding and working together for meaningful change. That's why Arise is committed to listening to our members, to our allies and most importantly, to those directly affected by the work we do together. We depend on what we hear from you to guide our issue work and our strategies.

This year's COVID-19 pandemic challenged us to be creative in finding ways to listen. Instead of our usual face-to-face meetings around the state, we hosted a series of six statewide online Town Hall Tuesdays. We held events every two weeks, starting in June and ending Sept. 1. We averaged 65 attendees at each session. Here's some of what we heard from members and supporters:

- Affirmation for Medicaid expansion, untaxing groceries and other current Arise issues (*see pages 3-6*) as important for achieving shared prosperity.
- Empathy for those who were already living in vulnerable circumstances further strained by the pandemic.

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Online annual meeting to chart Arise's 2021 course

By Chris Sanders, communications director
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Grassroots democracy will be on display in a new way when Alabama Arise members choose our 2021 issue priorities at our annual meeting **Saturday, Oct. 3**. For the first time ever, we will hold the meeting online via Zoom. (*See Page 2 for more details.*)

As a member, you have the power to select the legislative priorities we will pursue in 2021. Two new proposals will compete with five current priorities for five slots on next year's issue roster.

Inside, you'll find more information on the annual meeting, along with member groups' summaries of new and modified issue proposals. You'll also find our policy staff's overviews of the current issue priorities and updates on our two permanent priorities: adequate state budgets and tax reform.

We hope to see you in October as we gather virtually to renew our shared commitment to building a better Alabama for all!

Things to know for our annual meeting

When:

Saturday, Oct. 3, 2020
10 a.m. to noon

Where:

Online via Zoom. Attendance is free! To get the link, register at alarise.org/annualmeeting2020.

Voting rules:

Member groups may cast up to 42 votes for issue priorities. Before the annual meeting, groups may designate up to six representatives to get seven votes each. Individual members get five votes each. (A person can vote as an individual or as a member group's representative, but not both.)

Groups must be current on dues to be eligible to participate. Individual members must have given between July 1, 2019, and Sept. 4, 2020, to be eligible.

Voting for issue priorities will be conducted online. Eligible voters will receive a link and instructions after the meeting. If Arise doesn't have your email, you will receive a postcard with voting information.

For more information:

If you have questions or need to update your contact info or group voters, call 334-832-9060 or email info@alarise.org.

New issue proposals

Legal malpractice protections

Submitted by Rev. Ramona Russell, Mission Possible Community Services, Inc.



Far too many lawyers provide clients with substandard advice or representation. Alabamians who live in poverty, work for low wages and have little legal knowledge are more often victims of malpractice. The victim may lack the funds to retain another lawyer to file a civil damages case against a lawyer who committed malpractice. The Alabama State Bar mandates yearly continuing legal education (CLE) for most attorneys. A Client Security Fund also exists to assist malpractice victims, but its benefits are limited and often inadequate to cover the amounts lost.

Alabama requires automobile insurance to help ensure victims of careless drivers receive compensation. And a legal malpractice insurance requirement would prevent asset-shielding schemes from precluding recovery for malpractice. This requirement could have the same exceptions for lawyers who don't take private clients, such as governmental and in-house attorneys, that now exist for CLE.

Universal broadband access

Submitted by Anna Pritchett, AARP Alabama



Broadband can facilitate access to services and activities that improve quality of life and contribute to successful aging. These include health care services, social contacts, employment, recreation, civic engagement and entertainment. To have these options, high-speed networks must be available and affordable, and they must support bandwidth-intensive applications for a rapidly growing user base.

Broadband is especially difficult to deploy in rural areas. It is easier to lay down new communications lines in urban areas with higher population density. Even in urban areas, broadband is not always available in neighborhoods with high concentrations of people living in poverty. Slow, expensive or unavailable broadband creates frustration for consumers. This has prompted a growing number of communities to seek out other options. Dozens of American cities and towns have launched their own fiber-to-the-home networks.

Major investments are a challenge for any community, and high-speed networks are no different. These projects require millions of dollars and years of planning to complete. The major commercial internet providers present another challenge. Many oppose local government involvement, and they have persuaded at least

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Modified issue proposal

Criminal justice reform

Submitted by Dillon Nettles, ACLU of Alabama



Alabama's criminal justice system operates as an oppressive trap for thousands every year. Courts and various other systems are funded on the backs of people convicted of crimes, even though a criminal conviction severely diminishes a person's work prospects. Alternative court programs are expensive for participants and are too often unavailable. The court system criminalizes many people who need mental health care instead. And nonviolent crimes can result in life imprisonment under Alabama's cruel, overly punitive Habitual Felony Offender Act (HFOA).

Arise has been working to reform the state's criminal justice system by increasing access to alternative courts, diverting people who aren't a threat to others from incarceration, and removing shortsighted policies that try to squeeze every dime from people who can't afford to pay a penny. This year, the ACLU of Alabama urges Arise to add a specific sentencing reform to this issue: Repeal the HFOA.

The HFOA is Alabama's three-strikes law. It lengthens sentences for a felony conviction after a prior felony conviction, even when the prior felony was nonviolent. Like other mandatory minimum sentencing laws, the HFOA results in horrific, manifest injustices. Hundreds of people in Alabama are serving life sentences for non-homicide crimes, and thousands of Alabamians have had sentences increased because of the HFOA. The HFOA is so broken that five convictions for marijuana possession for solely personal use could result in a life sentence. Repealing the HFOA would relieve Alabama's prison population and end some of the state's most abusive sentencing practices.

Alabama's criminal justice system needs reform in areas beyond incarceration as well. Court fees and fines impose heavy burdens on many struggling families. Driver's license suspensions over unpaid fines can cause Alabamians with low incomes to lose their jobs. Cash bail for minor offenses imperils families' economic security. And multiple fees can stack up, making it impossible to move past a conviction because consequences never end. In Alabama, people are subject to 63 separate criminal justice system fees – including even a \$1 fee for paying fee installments. On top of that, a 30% surcharge goes to district attorneys' offices when a person can't pay their fines and fees quickly enough.

Arise also has worked to eliminate civil asset forfeiture under the umbrella of criminal justice debt. This practice allows police to seize cash or other assets if

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P-EBT, rapid school actions keep Alabama children fed

By Celida Soto Garcia, hunger advocacy coordinator | celida@alarise.org

Six months ago, COVID-19 forced school officials to reinvent public education on the fly. For more than 400,000 Alabama students, the stakes were more than academic. School closures also threatened their daily nutrition.

Schools' responses were encouraging and fast. Last spring, Alabama quickly adopted federal options to serve multiple meals at once and offer them outside of the usual group settings. Child nutrition professionals hustled to provide school meals at local "grab-and-go" sites or by home delivery. Community eligibility, which lets schools with high poverty rates opt to provide no-cost meals for everyone, eased distribution by removing cumbersome eligibility verification.

In April, Alabama was one of the first states to adopt a new USDA plan called Pandemic EBT. P-EBT sends the value of school breakfasts and lunches (\$5.70 per day) directly to eligible families on an EBT card. Payments were retroactive for March and April and continued through May 29. Families still can spend P-EBT credits through Dec. 31.

This summer, schools provided ongoing nutrition support through the regular Summer Food Service Program and Seamless Summer Option. The USDA has allowed both programs to continue through Dec. 31. But the best solution would be for Congress to extend P-EBT through the 2020-21 academic year. It's less complicated and more effective than forcing schools to figure out how to get meals to children learning remotely.

Current Arise issue priorities

Death penalty reform



Alabama's capital punishment system is unjust, unreliable and often racist. Our state

hands down death sentences at nearly double the average national rate.

Alabama is the only state that doesn't fund legal aid to death row prisoners. And state laws offer insufficient safeguards against executing people who are mentally incapable of understanding their actions.

Alabama is the last state sentencing people to death via non-unanimous jury sentences. In April, the U.S. Supreme Court ruled that Louisiana's practice of allowing guilty verdicts from a non-unanimous jury violates the Sixth Amendment. By that logic, Arise believes a death sentence issued without agreement from the entire jury is also unconstitutional.

A bill to prohibit non-unanimous sentencing was introduced last year, but the COVID-19 pandemic cut the session short soon after its introduction. Arise also recently has supported bills to impose an execution moratorium, increase transparency in lethal injection procedures, and make retroactive the 2017 ban on judges overriding a jury's life sentence recommendation.

Alabama's death penalty practices reflect deep racial inequities. Before the judicial override ban, judges

imposed death against a jury's determination more often when victims were white. The state argued as recently as 2016 that it should be able to kill a prisoner even when a judge explicitly cited race at the sentencing hearing. Much work remains to modernize Alabama's justice system and prevent unjust executions.

Payday and title lending reform



Every year, high-interest loans trap thousands of struggling Alabamians in a cycle of deep

debt. Payday loans are short-term (usually two-week) loans charging high annual percentage rates (APRs), most commonly 456%. Auto title loans charge up to 300% APR and also carry the risk of repossession of the vehicle.

These high-cost loans strip wealth from borrowers and hurt communities across Alabama. Payday lenders are on track to pull approximately \$1 billion in fees out of Alabama communities over the next decade, with most of that money flowing to out-of-state companies. Predatory lending practices disproportionately target people of color and exacerbate the economic challenges in struggling rural and urban communities.

Arise is part of a statewide coalition promoting interest rate caps on payday and title loans. In 2020, we supported legislation to give payday borrowers a 30-day repayment period – the same as

other monthly bills – up from as few as 10 days now. But early in the session, the Senate Banking Committee canceled a planned public hearing without notice and then voted 8-6 to kill the bill. Heavy citizen engagement will be needed to overcome the lending lobby's deep pockets. Legislators voting to protect predatory lenders instead of Alabamians often receive large amounts of money from industry lobbyists, and the opposition to lending reform is well-financed.

Public transportation



Our state's jumble of local transportation systems fails to meet the needs of many

people in rural, suburban and urban areas. Alabama is one of just five states with no state public transportation funding. For seniors, workers with low incomes and people with disabilities, the transit gap is a barrier to daily living. Many folks can't get to work, school, or the doctor's office in a reasonable amount of time. And during the pandemic, activity restrictions and business closures have reduced fare revenues nationwide. Alabama should respond by funding public transportation at the state level.

Alabama took a good first step in 2018 by creating a state Public Transportation Trust Fund. But the law did not allocate state money,

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CURRENT PRIORITIES

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even though it would be a high-return investment. Each \$1 million in public transportation funding creates dozens of high-wage, full-time jobs. Those jobs would fuel economic recovery and improve quality of life in our communities. By not funding public transit, Alabama leaves millions of federal matching dollars on the table.

The General Fund remains the key potential state funding source for public transit. An option that would bring in much less revenue but help raise awareness would be to allow Alabamians to donate all or part of their income tax refund to the trust fund. The state already allows such contributions for mental health care, foster care and other public services.

Voting rights



Alabama's legacy of white supremacy has resulted in a voting rights structure hostile to democratic participation. The state still creates and preserves barriers that prevent otherwise qualified citizens from voting. One recent example was Alabama's attempt (abandoned under pressure) to close driver's license offices in the Black Belt soon after creating a photo ID requirement for voting. Another is the requirement for people convicted of certain crimes to pay all fines and fees before they can regain their right to vote.

Arise seeks to remove these systematic barriers to democracy by creating

automatic voter registration (AVR) and ending the modern poll tax of ordering people to pay fees before voting. Both issues saw legislation introduced last year. AVR would save the state millions of dollars compared to registration by hand and likely would increase turnout rates significantly. Georgia's turnout rate increased more than 10% in the 2018 midterms compared to 2014 after the state implemented AVR.

A bill to remove fine and fee repayment requirements was moving in the Senate Judiciary Committee before the session was cut short. An unfavorable federal circuit court ruling this month over efforts to undermine a 2018 Florida referendum restoring voting rights for people with convictions underscores the need for legislative action.

Compiled by Dev Wakeley, policy analyst

CRIMINAL JUSTICE REFORM

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they find probable cause to link the property to a crime. But the process doesn't require a criminal conviction, or even a charge.

A philosophically diverse coalition is seeking to end abusive forfeitures in Alabama. After a comprehensive reform bill slowed in 2019 amid law enforcement opposition, legislators passed a more incremental change, mandating public reporting of property seizures. The Alabama Law Enforcement Agency has delayed statewide implementation of the requirement, but public opinion still strongly favors eliminating forfeiture. That momentum continues to build.

TOWN HALL TUESDAYS

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- Concern about barriers to voting, especially during the pandemic.
- Passion and concern about many other issues, including housing; living wages and pay equity; prison and sentencing reform; gun safety; juvenile justice reform; defunding the police; the Census; environmental justice; quality and funding of public education; and food insecurity and nutrition.
- Willingness to take informed actions to make a difference in the policies that impact people's lives.
- Hope that Alabama can be a better place for all our neighbors to live despite systemic issues and ongoing challenges.

We didn't stop listening just because the town halls ended. Please let us continue to hear from you! Reach out to your local organizer and share your thoughts and suggestions:

- Pres Harris (pres@alarise.org): Southwest Alabama and Mobile.
- Stan Johnson (stan@alarise.org): Northwest Alabama, Birmingham and Tuscaloosa.
- Mike Nicholson (mike@alarise.org): Southeast Alabama, Auburn and the Wiregrass.
- Debbie Smith (debbie@alarise.org): Northeast Alabama and Huntsville.

Arise counts on you to stay active and engaged in this work. And we count on you to encourage other folks to join our movement as we work together to build a better Alabama for all!

Permanent Arise issue priorities

Adequate state budgets



The cloud of the COVID-19 recession hangs heavy over Alabama's budgets.

The recession cost nearly 200,000 Alabamians their jobs and reduced income and sales tax collections beginning in March. The revenue losses endanger funding for education, public health and other services at a time when we need them most.

Revenues from most state taxes have declined significantly during the recession. But General Fund revenues this year are up 7% over 2019 for two main reasons: higher-than-expected revenues before the pandemic and rising internet sales tax collections.

The Education Trust Fund (ETF) budget relies heavily on income and sales taxes, which are more likely to drop during recessions. Income tax revenues have declined sharply since March, but sales taxes have held up relatively well so far. Overall, the ETF will squeak through 2020 with an anemic 4% increase over 2019.

These inadequate budgets fail to make key investments in Alabama's future. Universal pre-K is one unmet need that the Fairhope Unitarian Fellowship has urged Arise to address. Another is Medicaid expansion, which would cover more than 340,000 Alabamians and create thousands of jobs, a UAB study found before the pandemic.

Medicaid expansion would be a lifeline for Alabamians who lost their coverage due to layoffs or other factors. It would boost economic recovery, stimulating \$2.9 billion a year in new economic activity and \$148 million a year in ETF revenues. And those benefits would be a bargain at the price: With a 9-to-1 federal match, the 10% state share would be \$168 million in year one and about \$25 million a year thereafter.

Tax reform



As the recession continues, revenue likely will fall short in 2021. The Legislature can and should avoid devastating cuts to schools, public health and other vital services. Here are some solutions:

- Eliminate the regressive state income tax deduction for federal income taxes. About 80% of the deduction's benefits go to the top 20% of households.
- Reject corporate tax cuts and adopt combined reporting to prevent corporate tax avoidance.
- Eliminate the state sales tax on groceries and replace that revenue through progressive income tax changes. Alabama is one of three states with no grocery tax break.
- Increase property taxes on large landowners and raise taxes on items like tobacco, vaping products or sugary soft drinks.

Compiled by Carol Gundlach, policy analyst, and Jim Carnes, policy director

UNIVERSAL BROADBAND

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20 states to prevent or discourage cities or towns from owning or operating high-speed networks.

- Alabama policymakers should ensure that all communities maintain the right to own, operate or deploy their own broadband network and services. Those networks should be allowed to expand to new areas.
- Policymakers and the private sector should ensure universal access to affordable and reliable high-speed broadband throughout the state, including for underserved populations.

- Policymakers should support targeted and transparent state or local tax credits to promote broadband to underserved populations.

Approximately 10% each of Black and Latino households have no internet subscription, compared to 6% of white households. A disproportionate share of Black and Latino households rely on a smartphone for internet connectivity. The pandemic presents a significant opportunity to address racial equity and protect public health while enabling telemedicine, distance learning and online access to the workplace and marketplace from the home. Depending on the local library for access is not the answer.