



Office of Senate President Pro Tempore Del Marsh  
Press Clips  
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**[Alabama senator to testify before Congress on 'conservative solutions to prison overcrowding \(Yellowhammer News\)](#)**

Alabama state senator Cam Ward (R-Alabaster) has been asked to testify before the U.S. House Judiciary Subcommittee on Crime, Terrorism, Homeland Security and Investigations on the State of Alabama's approach to prison reform.

House Judiciary Committee Chairman Bob Goodlatte (R-Va.) submitted the invitation to Ward in a letter Tuesday morning.

"I'll be discussing conservative solutions to prison overcrowding and how Alabama is ground zero in the states to solve this problem," Ward told Yellowhammer via email.

The request for Ward to testify comes as the State of Alabama is in the midst of a prolonged prison overcrowding crisis that some experts have suggested puts the state at risk of Federal intervention.

California serves as an example of what can happen when the Federal government is forced to intervene in a state's prison system.

In the 2011 Supreme Court case *Brown v. Plata*, the Court required the State of California to remove 46,000 criminals from its prisons by forcing The Golden State to cut its prison population to 137.5 percent of "design capacity."

The Public Policy Institute of California found that property crime increased by 7.6 percent the year after the mass releases. Car thefts rose almost 15 percent. In short, 24,000 more people had their car stolen in California in 2012 as a result of the state not being able to get its prison overcrowding problem under control.

Alabama's prisons are at roughly 190 percent capacity, 50 percent higher than the level the Court mandated for California. The Yellowhammer State currently houses over 25,000 inmates in facilities designed to hold approximately 13,000.

Alabama has also seen a 95 percent increase in the cost per inmate over the last two decades. As of 2008, the state was spending \$15,178 per inmate each year. That's \$41.47 for each inmate every single day.

The top officials in all three branches of Alabama's state government came together in early June to announce the launch of the Justice Reinvestment Initiative (JRI), a comprehensive study of the state's criminal justice system aimed at finding solutions to the serious issues facing Alabama's underfunded, overcrowded prisons.

Sen. Ward was tasked with leading the initiative.

"This is the biggest challenge our state has ever faced," Ward said. "Alabama has to start being not only tough on crime but we have to be smart on crime. This effort represents a unified effort by all three branches of government to accomplish this goal"

Ward is scheduled to testify on July 15th at 10 a.m. in room 2141 of the Rayburn House Office Building on Capitol Hill.

## **[Young illegal immigrants won't be housed in Anniston, Rep. Mike Hubbard says plan shows Obama is 'absolutely incompetent' \(AL.com\)](#)**

The Department of Health and Human Services has shelved a plan to house illegal immigrants and children at a Federal Emergency Management Agency facility in Anniston, a move being praised by Alabama lawmakers.

The reversal happened just hours after U.S. Rep. Mike Rogers, R-Saks, said he received an email about the plan to move illegal immigrants, mostly unaccompanied minors, to the building which serves as a training facility for first responders.

Here's a look at what we know so far:

On Tuesday afternoon, Rogers' office received notification the Center for Domestic Preparedness in Anniston, would be used to house minor children who have come to the U.S. without their parents. Rogers, who the week before had called on the president to use National Guard troops to protect the borders, responded with a letter to Health and Human Services Secretary Sylvia Burwell and Department of Homeland Security Secretary Jeh Johnson.

The letter said the facility was not designed to be used as housing, especially for minor children. It's unknown how many children were intended to be housed at the Anniston facility, but other temporary shelters being used on military bases have as many as 1,200 minors.

Late Tuesday, HHS said while it had originally planned to conduct an assessment of the Anniston site as part of a "broad review" of possible temporary housing options, it was no longer doing so. In a letter to Rogers, HHS said the site is no longer under consideration and no additional steps will be taken related to the FEMA site. HHS cited the lack of available housing facilities at CDP for its removal from consideration.

Rogers said the Obama administration's immigration policies opened the floodgates for the tens of thousands of undocumented immigrants. "President Obama is not following our immigration laws resulting in a national immigration crisis. We should be working with the nations of origin to return these children back to their homes safely," Rogers said.

The Anniston site was apparently one of several across the nation under consideration by HHS as temporary housing. Among the sites reportedly being considered include empty school buildings, warehouses and even an old Wal-Mart building. As news of the plans leaked out, protests over the relocation of minors have grown.

Alabama Speaker of the House Mike Hubbard said the plan showed that President Obama "is absolutely incompetent." Shortly after the plan to move the children to Anniston was announced, Hubbard, R-Auburn, said the president "failed to secure the border, and is now trying to send illegal immigrants to Alabama rather than their home country." After announcing the unaccompanied children would not be coming to the site, Hubbard advised caution. "As with everything in this Administration, we must be vigilant in ensuring that they keep their word."

Many of the undocumented minors are currently being housed at U.S. military bases. Fort Sill, Oklahoma is housing as many as 1,200 such children and other shelters are open at Lackland Air Force Base in San Antonio, Texas and Naval Base Ventura County in Southern California. On Wednesday, Oklahoma Congressman Jim Bridenstine said he was prohibited from entering the housing facility at Fort Sill.

Since October, more than 52,000 unaccompanied children from Central and South America have entered the U.S. through its southwestern border. The children are in the custody of the Department of Health and Human Services Office of Refugee Resettlement.

## **[Alabama Medicaid spending isn't growing that fast -- but it's still a major challenge \(AL.com\)](#)**

Medicaid spending in Alabama has not grown all that much compared to what's happened in other states.

While Medicaid spending has increased by about 4 percent annually nationwide since 2000, Alabama's annual growth rate has been closer to 3 percent, according to a new analysis of state spending data conducted by the Pew Charitable Trusts.

Pew published a comprehensive look at what states spend on Medicaid on Wednesday. The chart below shows how states compare when it comes to annual growth in Medicaid spending since 2000.

Pew also reported on the percentage of state spending that Alabama dedicates to Medicaid -- in other words, from the entire pie of state spending, the size of the slice used to pay Medicaid bills.

medicaid logo.JPG

According to Pew's numbers, Alabama compares favorably to other states: about 11 percent of all state spending goes to Medicaid, which puts it in the bottom 15 of states. New York spends the largest share of its own funds on Medicaid, at 26 percent.

But Pew's analysis does not account for the fact that Alabama allocates government money through two funds: the general fund, and the education trust fund. This makes Medicaid's impact on Alabama governance much more complicated.

According to the state of Alabama's comprehensive financial report for the 2013 fiscal year, Medicaid spending tied up more than 40 percent of all expenditures out of the General Fund.

In his 2014 State of the State address, Gov. Robert Bentley warned that expanding Medicaid could eventually require that funds be diverted from education to pay for the increased costs.

## **[Where can't you carry? Activist group unveils crowd-sourced database of gun-free businesses \(AL.com\)](#)**

Since Alabama in August 2013 overhauled some of the state's gun laws and clarified others, some of the Yellowhammer state's many gun owners have been left wondering where their weapons are welcome.

Alabama Act 2013-283, the new law governing firearms in the state, has left some with questions about where guns can be banned, and the landscape is always shifting -- American retailing giant Target announced Wednesday morning that they now ask gun owners to not carry firearms into their stores.

If an initiative by the state's largest gun right's organization takes off, there won't be any guesswork left for people packing pistols about where they can and can't carry in Alabama.

Last week, BamaCarry, the largest gun rights organization in Alabama, unveiled a crowd-sourced database of businesses all around Alabama that have posted signage asking gun owners to keep their firearms out of the building.

The database lists the name and address of the business that's banned guns alongside a picture of the sign posted on their property.

Eddie Fulmer, the president and director of BamaCarry, said the pictures eliminate the possibility of hearsay and ensure that each business listed has actually asked its patrons to leave their guns at home or in their vehicles.

Fulmer, a Northport man, said the public database can be used however folks see fit. Some gun rights activists will boycott businesses that don't allow them to carry their firearms, while other gun owners will use the system to know in advance if they should leave their weapons outside.

Fulmer said he'd be avoiding the businesses in the database, and he's asking the members of BamaCarry to do the same. For a sense of the weight of that request, that group has more than 8,000 followers on Facebook.

The system, which was made public last Monday, is still in its infancy. Because it is crowd-sourced, some areas have been charted more than others.

On the page for Walker County, for instance, 14 businesses are listed beside pictures of their signs banning guns. In Tuscaloosa County, the second largest in the state by land mass, only six places have been added to the database.

Fulmer said as more people become aware of the database and use it themselves, it will grow in size and become a more valuable tool for gun owners, which will attract more users who will continue its growth ad infinitum.

No matter what the people of Alabama choose to use the database for, it's online now and Fulmer said he and the rest of BamaCarry hope to see it grow in scale and in usage.

[Click here](#) to access the new database and see what businesses near you ban firearms.

## **After 29 years, \$300 million, discrimination case against Alabama DOT not over yet (AL.com)**

MONTGOMERY, Alabama --- A racial discrimination lawsuit filed against the Alabama Department of Transportation when George Wallace was governor is at a standstill, one of the lawyers says, and he has asked the court to break the logjam.

"The case is stuck in the same place as it was in 2007," said Ray Fitzpatrick, a lawyer for more than 200 non-black employees who still have claims in the federal lawsuit Reynolds vs. DOT, filed in 1985.

State lawyers disagree, saying the 29-year-old case is progressing, although slowly, and that major issues have long been resolved.

In 2001 settlements, the state paid more than \$40 million to the black plaintiffs and \$8 million to the non-blacks who intervened.

A consent decree requiring DOT to revamp hiring and promotions expired Dec. 31, 2006, so those are no longer under court control.

Alice Ann Byrne, a lawyer for the State Personnel Department, said the lawsuit has cost the state more than \$300 million. That includes payments to the plaintiffs and intervenors, fees for lawyers, experts and consultants, contempt of court fines and other costs.

The court is holding about \$14 million in contempt fines paid by the state years ago, and the state has asked the court to return the money to help pay for recruiting and training programs started because of the lawsuit.

Fitzpatrick believes some of that money should be used to pay his client's claims and his legal fees. Read his latest request to the court.pdf

Rusty Adams, who represents more than 500 black plaintiffs who have remaining claims, wants some of the fine money to go to their claims.

"We would like to see the case resolved as quickly as possible and are willing to try to sit down and talk about it and try to get it resolved," Adams said.

Lawyers for the state say they won't discuss further settlements with the groups. Their position is that each claim must be must be considered individually.

So far, 30 of the African American's claims have been chosen as "test cases" said Christopher Weller, a private lawyer hired by the state. None have succeeded. Either the state has prevailed or the claim was dropped.

"The reason it's taken so long is that there are very fact-specific individual claims," Weller said.

Byrne, the State Personnel lawyer, said at some point the others might decide their claims are not worth pursuing.

Fitzpatrick said his non-black clients, who intervened in the case in 1994, lost income because the state was late in fulfilling the consent decree, which required many changes in the way DOT recruited, tested and trained employees.

The state failed to meet a deadline to change job classifications and pay to fit the work employees actually performed.

That meant his clients went underpaid, Fitzpatrick said. The 2001 settlement compensated for that up until that year, but not during the several years after when Fitzpatrick says the underpayments continued.

In his latest motion, he gave the state a list of 10 intervenors chosen at random that he says lost an average of about \$5,000 in pay.

Fitzpatrick wants to discuss a settlement that would draw from the \$14 million in fine funds since it was the state's contempt that he says caused his clients to lose income.

"The state wants to turn this into an individual trial for everybody and drag this out for a couple of hundred years," Fitzpatrick said.

Byrne said the state should not owe the plaintiffs or intervenors any more money.

"We think we've paid out enough," she said.

Legal fees have been a controversial part of the case. At one point, the state was paying fees for lawyers on all sides, regardless of whether they prevailed on particular issues.

That ended in about 2005. The 11th U.S. Circuit Court of Appeals said at the time that the arrangement may have been "the kerosene that has fueled the litigation fires that have raged out of control in this case."



Fitzgerald said he hasn't been paid for his work on the case since the consent decree expired more than seven years ago. He says he has put in more than 1,000 hours since, which he said would come to a legal bill of \$300,000.

He said he's willing to compromise on that and on his clients' contempt claims.

"But at some point the state has got to stop saying nothing," he said. "And that's all they're saying is nothing."

In his latest motion, Fitzpatrick asks U.S. District Judge Myron Thompson, who is in charge of the case, to allocate the \$14 million in fine money "with apportionment between all parties to resolve the individual contempt claims and other appropriate matters."

The lawsuit has outlived Johnny Reynolds, one of the original plaintiffs, who sometimes talked out about it was dragging on.

Reynolds, who became a DOT district engineer, died almost a decade ago. Reynolds and other black employees filed the lawsuit 29 years ago, alleging discrimination in hiring and promotions.

"A lot of money has been spent to correct a wrong that never should have been allowed to go this long," Reynolds told the Birmingham News when the settlements were reached in 2001.

In a 2007 story, Phillip Rawls of the Associated Press wrote about the case and its impact. That was just after the consent decree expired, a milestone in the lawsuit.

In 1994, when the consent decree was entered, 9 percent of DOT's professionals and 10 percent of its technicians were African Americans. By 2003, 31 percent of the professionals and 25 percent of its technicians were black.

As of 2007, the state had paid \$206 million in litigation costs, Rawls reported.

Fitzpatrick, borrowing from a court filing in another drawn out case, quoted a passage from a Charles Dickens novel to emphasize his points about how the marathon case has stalled.

In "Bleak House," Dickens wrote about an interminable lawsuit called "Jarndyce and Jarndyce."

"This ... suit has, in course of time, become so complicated that no man alive knows what it means. ... Innumerable children have been born into the cause, innumerable young children have married into it;

innumerable old people have died out of it. Scores of people have deliriously found themselves made parties ... without knowing how or why ... (It) still drags its dreary length before the court."

## **Alabama income tax revenues almost flat, sales taxes barely up (AL.com)**

Tax revenues that support Alabama's Education Trust Fund and General Fund are essentially flat three-quarters of the way through the fiscal year.

Net income tax receipts are down 0.4 percent this fiscal year compared to the same period last year. Net sales tax receipts are up 3.1 percent.

Income taxes are the biggest source of dollars for the ETF, and sales taxes are the second biggest.

Overall, net tax receipts to the ETF are up 0.7 percent, while net receipts to the General Fund are up 0.4 percent.

Despite the small amount of growth, acting Finance Director Bill Newton said the state is on track to end the year with balanced budgets.

In June, there was an uptick in income tax collections. Net receipts rose by 7 percent compared to the previous June.

But net sales tax receipts dropped 9 percent in June.

For the fiscal year, October through June, net receipts to the ETF stand at \$4.294 billion, \$30 million more than last year.

Net receipts to the General Fund are \$1.273 billion, \$5 million more than last year.

## **'I go to work and think of a way to sue Obama Administration,' Alabama Attorney General Luther Strange says (AL.com)**

Alabama Attorney General Luther Strange was one of the many candidates in the primary election choosing the anti-Obama campaign strategy, as if the president were actually running for an office in the state.

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U.S. Rep. Mo Brooks, speaking, and state Attorney General Luther Strange address the Republican Women of Huntsville 7.1.14 at The Ledges.

Paul Gattis | pgattis@al.com

On Tuesday, Strange even began a speech to the Republican Women of Huntsville by saying:

"I have the best job in politics in Alabama," Strange said. "As the attorney general I just go to work every day and think of a way to sue the Obama Administration. If you don't think that is fun, that is a full-time job."

He noted that part of his oath of office compelled him in that pursuit. He also reminded that U.S. Attorney General Eric Holder had taken an identical oath, but suggested he was much less than diligent in his pursuit of those ideals.

On a number of occasions, Strange said, "don't get me started on..." only to get himself started on topics that ranged from immigration to same sex marriage to profligate spending to the Hobby Lobby case to incompetency in Washington.

But, as he flatly acknowledged, his appearance -- during which Rep. Mo Brooks also spoke -- was a campaign speech.

Though Strange was relentless in mentioning Obama in campaign ads, he did not name his opponent in this fall's general election by name. That's Campaign Strategy 101. It only adds to name recognition for one's opponent.

The opponent is Joe Hubbard, a Democrat from Montgomery.

"He's raised \$5,000 from ordinary people in the state of Alabama. His father is supporting me," Strange said.

"He has gotten a check for \$1 million from the Indian games casino. One million dollars," Strange continued. "Go back and check about who supports Indians gaming casinos. You'll find it's the Obama administration. ... These things are not by accident."

It was reported in May by AL.com that Hubbard had received three checks for \$250,000 each from a PAC that represents the Poarch Creek Indians, with a previous donation of nearly \$250,000.

Strange's office in 2013 sued the Poarch Creek for what he said was illegal bingo operations on its land.

He did issue a warning that the upcoming campaign wouldn't be pretty. He's warned friends and family that attacks from Hubbard will be forthcoming.

"The kind of people we're running against will do just about anything," Strange said.

## **AG race: Hubbard, Strange close on funds (Montgomery Advertiser)**

The attorney's general's race might be the only statewide contest where the Democrats are in shouting distance of their opponent.

Campaign finance reports filed Tuesday showed that Rep. Joe Hubbard, the Democratic nominee for the office, has about \$914,000 on hand — behind Attorney General Luther Strange, who has more than \$1 million, but closer to his opponent than the party's nominees for any other statewide office.

However, Strange outdistanced Hubbard in overall fundraising last month, raising \$81,000 to Hubbard's \$9,000. Hubbard has been buoyed by large contributions from the Poarch Band of Creek Indians, who operate casinos in Atmore, Montgomery and Wetumpka and have clashed with Strange over electronic bingo at those facilities.

Hubbard, currently a state representative from Montgomery, said in an interview Wednesday that the campaign had "commitments outstanding" for the program.

"We're focusing on taking this campaign to the voters in November," Hubbard said Wednesday. "At the end of the day, it's not the contributions that determine elections."

An attempt to obtain comment from the Strange campaign Wednesday was unsuccessful. Hubbard has been criticizing Strange for his activities in filing friend of the court briefs in federal cases, accusing him of not paying attention to crime in the state. Strange has stressed his work in that area and his ongoing legal actions against BP over the 2010 Gulf oil spill.

Candidates for the July 15 GOP runoff reported weekly activities on Monday. Former Greene County Commission chairman Chip Beeker, seeking the GOP nomination for Republican Terry Dunn's seat on the Public Service Commission, reported raising \$30,000 — about \$10,000 from the Alabama Farmers Federation — and had \$87,911 on hand. Dunn, whose campaign is largely self-financed, reported about \$62,000 on hand.

In the race for secretary of state, Rep. John Merrill, R-Tuscaloosa, reported raising \$29,000 last week and had about \$121,000 on hand. Former Montgomery County Probate Judge Reese McKinney reported raising \$22,000 for the race, and after spending about \$31,000. McKinney had about \$67,000 on hand.

The Republican candidates for state auditor — Jim Zeigler and Dale Peterson — both reported \$13,000 on hand. Democrat Miranda Joseph reported just over \$2,000 on hand for the race.

Gov. Robert Bentley reported raising \$229,000 in the month of June and had just under \$3 million on hand. Democratic gubernatorial nominee Parker Griffith, a former congressman, reported raising no money and spending about \$10,000 last month, with just under \$17,000 on hand.

## **Alabama shuts down church's sex offender housing (AP)**

CLANTON, Ala. — Believing it was his calling to reach out to people Jesus called “the least of these,” Pastor Ricky Martin built a little church and opened a camp out back for some of society's most unwanted people: Sex offenders.

With the help of some former inmates convicted of rape, sodomy, child sexual abuse and other crimes, Martin raised a gray-block chapel in a rural patch of central Alabama in 2010, and parked old campers and recreational vehicles behind it to house the men. More than 50 convicted sex offenders have lived there since.

The camp came to an end Tuesday, when a law passed by the Alabama Legislature earlier this year shut down Martin's sex offender refuge.

Martin said he will make the remaining men leave the half-dozen campers parked behind the church, although he doesn't like it.

"It's about like it's against my constitutional rights," he said Monday. "This is a state coming against a ministry."

Prosecutor C.J. Robinson, who pushed for the local law that legislators passed to close down the camp, said Monday he doesn't doubt the sincerity of Martin's religious beliefs. He said no one living at the camp has been arrested for additional sex-related crimes. And, he said, sex offenders do need a place to live.

If not behind a tiny church in an agricultural county with about five dozen people per square mile, then where?

Robinson said he doesn't know. But having so many ex-convicts with similar criminal records in one place is a public safety threat, he said, and Martin doesn't have the specialized training and credentials to deal with them.

## **[First A320neo rolls off Airbus assembly line, prepares for first flight in September \(AL.com\)](#)**

Airbus celebrated a huge milestone Tuesday with the completion of its first A320neo, announcing the aircraft's flight test campaign will begin in September.

The assembly, which began in March in Toulouse, France, concluded with the painting of the jetliner and the mounting of Pratt & Whitney PW1100G-JM engines. The narrow-body plane, known as MSN6101, is slated to enter service in the fourth quarter 2015.

Specifically, the first of Airbus' "new engine option" aircraft is equipped with extensive flight test instrumentation for handling qualities, performance and engine tests, along with the high-altitude, and hot- and cold-weather campaigns.

The A320neo "new engine option" incorporates many innovations, including latest generation engines and large Sharklet wing-tip devices, which together deliver 15 percent in fuel savings and a reduction of 3,600 tons of carbon dioxide emissions per aircraft per year.

A total of eight aircraft will comprise the NEO flight-test fleet, including two A320neos, one A319neo and one A321neo for each of the new engine choices: Pratt & Whitney's PW1100G-JM and the CFM International LEAP-1A.

"We have optimized the flight-test program – building on our family concept – to progress through this process as efficiently as possible," Sandra Bour-Schaeffer, project flight test engineer for the NEO program at Airbus, said in a prepared statement.

According to a press release issued by the company, once MSN6101 takes flight, Airbus will launch initial development and aircraft flight manual tests, before proceeding into its A320neo development and certification phase and maturity campaign, designed to ensure the A320neo fully meets customer requirements at service entry.

In addition, a second Pratt & Whitney-powered A320neo aircraft will join the developmental fleet later this year – fitted with lighter flight-test instrumentation for noise, functionality, reliability testing and regulatory approval.

More immediately, Airbus will begin a "virtual flight-test campaign" this summer, which includes simulator-based evaluations of flying scenarios and aircraft systems.

Incorporating its new engine choices, along with the application of Airbus' fuel-saving Sharklets wingtip devices, the NEO shares over 95 per cent commonality with its A320 "current engine option" aircraft.

According to a statement issued by Airbus in March, it takes about one month to complete final assembly of an A320 family aircraft, with one leaving one of three current final assembly lines – in Toulouse, Hamburg or Tianjin, China – every seven hours.

Airbus is currently building its first A320 assembly line on U.S. soil at Mobile Aeroplex, expected to figure prominently in the company's ability to efficiently fill the mounting backlog for the popular single-aisle aircraft. The \$600 million facility is slated to come online in July 2015, deliver its first Mobile-assembled aircraft the following year and employ about 1,000 people when it reaches full annual production of 40 to 50 aircraft by 2018.