

EXHIBIT 27

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

Georgia Latino Alliance for Human
Rights, et al.,

Plaintiffs,

v.

Governor Nathan Deal, et al.,

Defendants.

Case No. 1:11-cv-01804-TWT

DECLARATION OF MOLLY LAUTERBACK

I, Molly Lauterback, hereby declare:

1. I am a legal assistant for the American Civil Liberties Union Foundation Immigrants' Rights Project. Except where indicated, I make this Declaration based upon my personal knowledge.

2. Attached as Exhibit A is a true and correct copy of a Reuters news article by Matthew Bigg, "Obama criticizes new Georgia immigration law," dated April 26, 2011. I obtained the document by visiting the Reuters website, <http://www.reuters.com/article/2011/04/26/us-obama-immigration-georgia-idUSTRE73P7QD20110426>, on June 7, 2011.

3. Attached as Exhibit B is a true and correct copy of the transcript of the "Debate on HB 87 Before the Senate" from April 14, 2011. This transcript was prepared and attested as to its authenticity by Christina Hamilton, a freelance QA analyst.

4. Attached as Exhibit C is a true and correct copy of a News Release issued by the Office of the Lieutenant Governor entitled "Speaker

Ralston and Lt. Gov. Cagle Announce the Creation of the Special Joint Committee on Immigration Reform,” dated September 29, 2010. I obtained the document by visiting the official website for the state of Georgia, http://ltgov.georgia.gov/00/press_print/0,2669,2199618_130107341_163595867,00.html, on June 7, 2011.

5. Attached as Exhibit D is a true and correct copy of a News Release issued by the Governor of Georgia entitled “Deal signs immigration reform: Legislation protects taxpayers, employers while upholding rule of law,” dated May 13, 2011. I obtained the document by visiting the official website for the state of Georgia, http://gov.georgia.gov/00/press/detail/0,2668,165937316_170988643_171299710,00.html, on June 7, 2011.

6. Attached as Exhibit E is a true and correct copy of the transcript of the “Debate on HB 87 Before the House,” from March 3, 2011. This transcript was prepared and attested as to its authenticity by Sheila Miller, a senior paralegal with the National Immigration Law Center.

7. Attached as Exhibit F is a true and correct copy of the transcript of the “Debate on HB 87 Before the H. Comm. on the Judiciary,” from February 8, 2011. This transcript was prepared and attested as to its authenticity by Judith K. Headrick, the owner of the Able Transcription Company.

8. Attached as Exhibit G is a true and correct copy of the Declaration of James B. Steinberg, filed in United States v. Arizona, No. 2:10-cv-01413-SRB (D. Ariz., filed July 6, 2010). I obtained a copy of the declaration by downloading it from the federal courts’ PACER website on June 7, 2011.

9. Attached as Exhibit H is a true and correct copy of a News Release issued by the Mexican Secretaría de Relaciones Exteriores entitled “The Mexican Government Regrets the Enactment of HB 87 in Georgia,” dated May 13, 2011. I obtained the document by visiting the official website for the government of Mexico, http://www.sre.gob.mx/csocial/contenido/comunicados/2011/may/cp_157a.html, on June 7, 2011.

10. Attached as Exhibit I is a true and correct copy of the Declaration of Michael Aytes, filed in *United States v. Arizona*, No. 2:10-cv-01413-SRB (D. Ariz., filed July 6, 2010). I obtained a copy of the declaration by downloading it from the federal courts’ PACER website on June 7, 2011.

11. Attached as Exhibit J is a true and correct copy of the Declaration of David V. Aguilar, filed in *United States v. Arizona*, No. 2:10-cv-01413-SRB (D. Ariz., filed July 6, 2010). I obtained a copy of the declaration by downloading it from the federal courts’ PACER website on June 7, 2011.

12. Attached as Exhibit K is a true and correct copy of the Declaration of David C. Palmatier, filed in *United States v. Arizona*, No. 2:10-cv-01413-SRB (D. Ariz., filed July 6, 2010). I obtained a copy of the declaration by downloading it from the federal courts’ PACER website on June 7, 2011.

13. Attached as Exhibit L is a true and correct copy of the Declaration of Daniel H. Ragsdale, filed in *United States v. Arizona*, No. 2:10-cv-01413-SRB (D. Ariz., filed July 7, 2010). I obtained a copy of the

declaration by downloading it from the federal courts' PACER website on June 7, 2011.

14. Attached as Exhibit M is a true and correct copy of the Washington State Licensing Department's Proof of Identity Requirements for Obtaining a Drivers License. I obtained a copy of the document by visiting the official website for the State of Washington, <http://www.dol.wa.gov/driverslicense/idproof.html#identity>, on June 7, 2011.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED this 8th day of June, 2011 in New York, New York.


Molly Lauterback

EXHIBIT A



» **Print**

This copy is for your personal, non-commercial use only. To order presentation-ready copies for distribution to colleagues, clients or customers, use the Reprints tool at the top of any article or visit: www.reutersreprints.com.

Obama criticizes new Georgia immigration law

Tue, Apr 26 2011

ATLANTA (Reuters) - President Barack Obama criticized on Tuesday a new immigration bill passed by Georgia's senate that would give police authority to question suspects about their immigration status.

Obama also defended his administration's record on securing U.S. borders and reiterated his call for comprehensive immigration reform.

The Georgia bill is similar to one passed by Arizona last year that sparked a national debate on state attempts to crack down on illegal immigration.

Arizona's law criminalizes illegal immigration by defining it as trespass and allows local law enforcement agencies to question anyone they suspect lacks correct immigration papers.

Asked about the Georgia bill, Obama said: "It is a mistake for states to try to do this piecemeal. We can't have 50 different immigration laws around the country. Arizona tried this and a federal court already struck them down."

"The truth of the matter is that we've done more on enforcement than any previous administration. We have more border patrols. We have been engaging in serious crackdowns on employers who are hiring undocumented workers," Obama said in an interview with WSB-TV, which is based in Atlanta.

Georgia's Senate passed the bill this month but stripped out a requirement for many private employers to check the immigration status of newly hired employees on a federal database called E-Verify.

It is unclear whether Republican Governor Nathan Deal will sign the bill into law.

A U.S. appeals court this month agreed with an earlier court ruling that blocked parts of Arizona's controversial immigration law from going into effect.

That included a provision that would require police to determine the immigration status of a person they have detained and suspect is in the country illegally.

Arizona-inspired immigration measures also are proceeding through legislatures in other states including Alabama, Indiana, Oklahoma and South Carolina.

Utah has passed and the governor signed an Arizona-inspired measure which also included other provisions such as a guest worker program.

(Writing by [Matthew Bigg](#), editing by Peter Bohan)

© Thomson Reuters 2011. All rights reserved. Users may download and print extracts of content from this website for their own personal and non-commercial use only. Republication or redistribution of Thomson Reuters content, including by framing or similar means, is expressly prohibited without the prior written consent of Thomson Reuters. Thomson Reuters and its logo are registered trademarks or trademarks of the Thomson Reuters group of companies around the world.

Thomson Reuters journalists are subject to an Editorial Handbook which requires fair presentation and disclosure of relevant interests.

This copy is for your personal, non-commercial use only. To order presentation-ready copies for distribution to colleagues, clients or customers, use the Reprints tool at the top of any article or visit: www.reutersreprints.com.

EXHIBIT B

Declaration of Christina Hamilton

I, Christina Hamilton hereby declare:

1. I am older than 18 years. I make this declaration based on my personal knowledge. I am a freelance QA analyst.
2. The audio has been listened to repeatedly in the process of transcribing.
3. I transcribed the April 14, 2011 Georgia Senate floor debate of HB 87, which is published by Georgia Public Broadcast at the following URL:
<http://www.gpb.org/lawmakers/2011/day-40-sine-die>. I transcribed the entire Senate floor debate of HB 87, which commences at the beginning of the recording labeled "Afternoon Senate Session 2" at the above web address, and continues until the two-hour and one-minute mark of that recording. Attached hereto as Exhibit A is the transcript I personally prepared after listening to the audio/video recording of the Senate floor debate on HB 87. Exhibit A is an accurate transcription of that audio/video recording.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed on this 27th day of May at Córdoba, Argentina.


Christina Hamilton

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 President: (0:00 -0:05) Chair recognizes the Senator of the 30th.

2 Senator from the 30th: Thank-you Mr. President. I move that the Senate agree to the House
3 amendment to the Senate substitute to HB87

4 President: Is there objection? Without objection. Secretary read.

5 Secretary: House Bill 87 Representatives Ramsey of the 72nd and others. The Bill to
6 be entitled to enact the Illegal Immigration Reform and Enforcement Act
7 of 2011 and for other purposes. Senator Hamrick of the 30th offers the
8 following amendment: Amendment 1 to HB87 to amend the House
9 amendment to (...) version of HB87 by inserting after on borderline 37
10 the following: to establish the study of the impact of immigration reform
11 on Georgia's agricultural industry within the Department of Agriculture,
12 etc. Senators, Senator Rogers of the 21st offers the following.

13 President: Suspend. Was your motion to agree as amended or agree?

14 President: Was your motion to agree or agree as amended?

15 Senator from the 30th: To agree as amended

16 President: Okay. To agree as amended. ... Well, we'll have time. Okay, read the
17 caption.

18 President: Okay, we are ready for debate. Chair recognizes the Senator from the
19 30th.

20 Senator from the 30th: (0:06-0:12) Thank-you Mr. President. There are several changes to House
21 Bill 87 that has come back from the version that we passed out at the



State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 senate, and so I'm going to in my comments to focus on the changes.
2 Obviously we had a long description section by section and I answered a
3 lot of questions about all the other areas, and ah I won't go into those
4 again, but I will mention the changes. On page 12 lines 390 through 397
5 um the House added some language about evidence of illegal immigrant
6 status in court, basically, and we ah in an effort to not have federal law
7 enforcement officials have to show up in court and testify to what a
8 document that is a certified public document says, which is kind of
9 redundant. Ummm... We are trying to just clear that up and make it
10 where the document speaks for itself. On page 3, excuse me, page 16
11 lines 543 through 596 is the House's addition back into the Bill of the e-
12 Verify provision which did not make it out of the Senate in the Senate
13 version. It is the e-Verify for greater than ten employees, companies with
14 greater than ten employees and the companies must, the employees
15 must be full-time employees which is defined as 35 hours, working 35
16 hours in a week and an Affidavit must be presented to local government
17 authority to get a business license testifying to the fact that the business
18 used an e-Verify in order to get a business license. The other change is
19 page 12 line 404, we went back to our language on the criminal
20 investigation and took, just basically took the word felony out, so it could
21 be cause for, if there is probable cause to investigate a criminal offense

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 including a misdemeanor, then the immigration status of a person could
2 be checked if certain conditions are met as we outlined earlier. The
3 amendment is, has several just changes with the House version on the
4 evidence that I talked about earlier and trying not to duplicate what a
5 public document says we needed to fix the language there, so that's the
6 language on line 5 of the Amendment. We also wanted to have the
7 Attorney General come up with the form affidavit as opposed to, I believe
8 was the Department of Audits that may have been in the previous bill, so
9 that language is being inserted and it is now the Attorney General's office
10 that creates the standardized form affidavit. And, there was a concern by
11 businesses that they could have basically one strike and you are out in
12 terms of the penalties for not following the requirement to e-Verify, so
13 on the amendment, page 3 lines 82 through 87, we insert language that
14 gives a business 30 days to demonstrate to the Attorney General that it
15 has come into compliance with the law. And then also add some
16 language that if it is an employee that has caused the problem for the
17 business, then the Attorney General will look into the conduct of the
18 employee that caused the business to get in trouble over the issue. Then,
19 there is a new section, section 20.1 that authorizes the, or requires the
20 Department of Agriculture to study the issue, the agricultural issue, and
21 make some recommendations about how the seasonal worker programs

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 are working and we've heard a lot from the agricultural community that
2 those don't work very well, and so we want to look at that issue. And that
3 is the description of the changes in the Amendment Mr. President, and
4 I'll take a few questions, and then I'm sure there will be some discussion.

5 President: Chair recognizes Senator from 33rd for a question

6 Senator from the 33rd: Does the Senator yield?

7 Senator from the 30th: I yield

8 Senator from the 33rd: Senator do, umm... This is "as passed" as amended by the Senate,
9 the House amendment is amended by the Senate, is that right?

10 Senator from the 30th: That's right

11 Senator from the 33rd: Right, do we have that in front of us, what you are explaining to
12 us right now?

13 Senator from the 30th: I believe there was a... the House "as passed" version should be in your
14 notebook I would think and then the amendment that I was describing
15 was passed out and should be on your desk.

16 Senator from the 33rd: Okay... We got it? Thank you.

17 President: Chair recognizes Senator from the 36th

18 Senator from the 36th: Does the senator yield?

19 Senator from the 30th: I yield

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 Senator from the 36th: So, we appear to be on the... you are asking us to vote to adopt
2 amendment 1a to amend amendment 1, that would be the first thing we
3 are voting on. We will vote on amendment 1 a) to adopt?

4 Senator from the 30th: I believe its amendment 1 that we will vote on.

5 Senator from the 36th: What's before us on the board is adoption of amendment 1a. To
6 amend amendment 1. So we will start with the main amendment first? Is
7 that your understanding?

8 Senator from the 30th: That is my understanding, yes.

9 Senator from the 36th: (0:12-0:17) I am interested to know, since we've heard for the last three
10 months, three and a half months, extensively from the business interests
11 around the state, that they feel like we're going down a road, passing a
12 bill that will threaten jobs in our state and will threaten our agricultural
13 economy and will threaten our tourist and convention business in the
14 state. Were those who crafted this language in consultation with the
15 leaders in the agricultural community and the tourism and convention
16 industry?

17 Senator from the 30th: It is my understanding that they have been, and are continually in
18 conversation with them.

19 Senator from the 36th: Is it your understanding that they are in agreement with this version of
20 the bill?

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 Senator from the 30th: I don't know the answer to that question. I don't know if they are in
2 agreement or not, but I think there has been some effort to address their
3 concerns as much as possible.

4 Senator from the 36th: But isn't it true that the convention industry, when the word goes out
5 across the country that Georgia has passed an Arizona type piece of
6 legislation that conventions, people holding conventions, organizations,
7 associations that were scheduled to come to Atlanta, are going to start
8 canceling? They are not going to wonder what was in amendment 1a) or
9 1), they are going to know that we passed a bill, isn't that true, that
10 penalizes an entire demographic sector of our state population, and that
11 e-Verify or not e-Verify is not going to be the thing that halts the
12 convention cancellations? I mean, have we really consulted with our
13 Department of Economic Development and with our trade and tourism
14 industry?

15 Senator from the 30th: There is an amendment 1a I've been handed, so I'll correct my earlier
16 statement it just looks like a technical correction, striking persons and
17 replacing it with employers so, there is an amendment 1a. I believe the
18 author of the bill has worked very hard to address the concerns of the
19 tourism industry and has made some changes to the legislation that were
20 suggested, I don't know if any organization or person who has an interest
21 in this bill has gotten 100% of what they want in the legislation, whether

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 they are for it or against it, but I do believe there has been a monumental
2 effort to work with all, all of the people who had some concern and so
3 there were some adjustments made in response to that concern.

4 Senator from the 36th: And is there any way that we can stand before the public eye and say
5 that this legislation is not going to damage our state's economy, and is
6 not going to lead to convention business being cancelled?

7 Senator from the 30th: I believe that because of the effort, the hard work, that has gone into the
8 legislation, I believe we can say that it is not going to harm our economy,
9 in terms of conventions and tourism. So I am pretty confident that
10 because of the hard work that has been addressed to the extent that it
11 could be addressed.

12 Senator from the 36th: And so people who cast their vote for this legislation as proposed to us
13 today, are willing to take responsibility for placing our state's economy in
14 jeopardy? And putting us all on a list? When in fact, Mississippi, Kentucky,
15 Kansas, Colorado and Arizona have all shelved immigration legislation this
16 year? Isn't it true?

17 Senator from the 30th: I believe the people who vote for this legislation are going to take
18 responsibility for assisting the federal government and verifying that the
19 workers who go to work in our state as in any other country, I mean any
20 other state in the country, are legally authorized to work. And that law
21 enforcement is assisting federal agents and they vote for this bill is, that

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 the people who vote for this bill, are taking responsibility for enforcing
2 the law.

3 Senator from the 36th: Thank-you

4 President: Chair recognizes the Senator for the 45th

5 Senator from the 45th: Will the senator yield?

6 Senator from the 30th: I yield

7 Senator from the 45th: (0:18-0:19) Senator, I know since you are my suite mate, how hard and
8 diligent you've worked on this along with the House author, and we are
9 very appreciative of that work. I just have one question. On line 20 of the
10 amendment you changed it to 35 hours per week, and I was just
11 wondering how you came up with that 35 hours a week, because I
12 thought a part time employee was 32 hours a week. And is it not your
13 opinion that this weakens it, weakens the bill, and allows people to work
14 more hours, was that in acquiescence to the agriculture industry, so that
15 they could work more hours and not be a part time employee?

16 Senator from the 30th: I believe that several people came up with that suggestion and it was,
17 the thought was that a business should not necessarily have to e-Verify
18 part-time employees who don't work a certain number of hours, and just
19 trying to set a standard for what the full time employee would be, that
20 has to be E-verified.

21 President: (0:19) Chair recognizes the Senator from the 27th

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 Senator from the 27th: Thank-you Mr. President. Will the Senator yield?

2 Senator from the 30th: I yield

3 Senator from the 27th: Senator, isn't it true that this bill is a combination of work,
4 combination with another Senate bill, and is over four month's worth of
5 work, and it's not taken lightly at all?

6 Senator from the 30th: That is correct.

7 Senator from the 27th: And isn't it also true that we have consulted with the GMA, ACCG, the
8 Contractor's Association, the Hotel Association, the Georgia Chamber,
9 the agricultural community and the restaurant association on the
10 language in this bill?

11 Senator from the 30th: That is, to my understanding, that is correct. The author and
12 others have worked with any group that was concerned and that took a
13 lot of time and effort and energy and he is to be commended for that.

14 Senator from the 27th: Thank-you very much Senator. I appreciate your help on this bill
15 too.

16 Senator from the 30th: Thank-you

17 President: No further questions, Senator.

18 Senator from the 30th: Thank-you Mr. President.

19 President: The Chair recognizes Senator from the 56th, to speak for the Bill.

20 Senator from the 56th: (0:20-0:24) Thank-you Mr. President. Ladies and Gentlemen of the
21 Senate, guests and fellow Representatives. Folks, our nation is young in

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 its history, but we are amongst the greatest in our prosperity and our
2 very young tenure. Many of the folks in this room, in fact almost half of
3 all Americans came to Ellis Island in order to emigrate to our country,
4 which is considered the great melting pot. As they pulled into New York
5 Harbor they looked up and they saw the Statue of Liberty. Freedom. The
6 American dream of life, liberty and the pursuit of happiness. Then they
7 got off that boat and they were processed legally through Ellis Island in
8 order to meet that American Dream, and they helped build our great
9 nation. Because we are a nation of laws. It is laws that make our nation
10 truly exceptional, which started with the Declaration of Independence
11 founding our nation, to the Constitution and the Bill of Rights. Our state
12 Constitution and all of our local laws is what bids us all together here. To
13 make an argument that it may be good or bad for business is not an
14 argument at all, because if you truly believe that, should we stop
15 prosecuting DUIs? Surely it harms the bars and the liquor stores when we
16 tell people they can't drink and drive? That is not an answer. Will we not
17 prosecute people who commit armed robbery next? That might cause
18 problems with the industry that's trying to put up camera systems for
19 security guards. That is not the right answer, folks. For those that would
20 say e-Verify is too difficult, it is too expensive, those are folks that have
21 never actually used e-Verify, because it literally takes seconds. Continuing

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 on, there is a concern that we will be Arizona. Folks, we are Georgia, and
2 there are 30 other states, let me repeat that, 30 other states right now
3 that are pursuing stronger immigration laws because it is a problem that
4 faces our entire country, not just Georgia, and everyone in this room took
5 a sworn oath to uphold the laws of this great state, and to say that we
6 will let some go, and others not, would be a violation of that very oath.
7 Our Nation and our state is exceptional. The only way that it stays
8 exceptional is to enforce our laws. We can do that by respecting people,
9 but at the same time respecting the law. So I urge that you pass
10 Comprehensive Immigration Law HB 87. I think the folks have done a
11 great job here, and it's going to be a great economic boom for our state,
12 and it's going to be a good thing that we can pass on to our children.
13 Thank-you Mr. President, I yield for questions.

14 President: Chair recognizes Senator from the 40th.

15 Senator from the 40th: No questions.

16 President: No questions.

17 Senator from the 56th: Thank-you.

18 President: Chair recognizes Senator from the 33rd.

19 Senator from the 33rd: (0:24-0:29) Thank-you Mr. President, Ladies and Gentlemen of the
20 Senate. I want to mention something to you, and first of all I want to
21 apologize to the Senator from the 23rd when he was trying to tell me

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 something the other night and I couldn't hear him, I don't hear real well,
2 and I thought that he was telling me that the amendment that I offered if
3 you remember to do, to make sure that those people are indicted and go
4 to prison are those people that possess false papers, stolen social security
5 cards and things like that are the ones that are punished by five and 10
6 years in prison, it was defeated, we only got 20 votes. I think one reason
7 we didn't get the votes is because when I transposed and wrote the
8 second amendment, trying to make it more legible because of my
9 penmanship ... here, I left out the word illegal alien, so when he said it
10 could apply to another citizen with false documentation or some college
11 student or something, he was right, and so I apologize to him, I didn't
12 hear and he was trying to help me. But what I am saying to you is that
13 you can talk all you want to about the illegal aliens and what we are going
14 to do, but until you approach the problem of the business of
15 documenting these folks illegally, stealing social security numbers,
16 providing false documents, that business is one of the biggest businesses,
17 one of the biggest illegal businesses in the country right now, and until
18 you punish those folks with a long prison term you are not really doing
19 anything to stop them from continuing to furnish people who jump the
20 stream to feed their kids. Now, that's the reason I can't support this
21 particular motion, because I don't think it is tough enough, I think this is

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 as tough as you can get if you want to get to the folks that are really
2 really breaking the law, and are providing the documents so that the
3 illegal aliens can come here. But instead we are going to punish the folks
4 that jump the river to feed their children, and I just think it's out of order
5 not to punish these folks first, and then deport the people that came here
6 illegally, because they know they are not legal. But if you are not going to
7 get serious enough to punish the people that are providing the way, then
8 you are not doing anything, really. You're taking a bow? Which is fine
9 with me. And I also got one little problem, I am probably going to
10 disagree with one of the dearest friends I have, that's the Secretary of the
11 Senate. If you, in your Rule Book on page 55 it says that when a Senate
12 passes a bill, when a Senate passes a resolution, and sends it to the
13 House, parliamentary procedures that extend to the amendment process
14 include: the House amends the Bill or resolution and returns it to the
15 Senate. The Senate then may offer an amendment, which is itself
16 amendable one time, like up here, if it were the last time it was here, to
17 amend the amendment adopted by the House, unless the resolution had
18 been engrossed by the Senate. What we are saying is, what this motion
19 ought to be is to insist on our position and it should go back over there
20 and a conference committee should be appointed. We are taking an
21 additional step in admitting it for the second time when it is not really

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 within the rules. In my opinion, now, it is the House bill, you can only
2 amend it one time, and we have done that, as amended by the senate,
3 and you know this is the second time we are going through this and we
4 should insist on our position and get a conference committee report. But
5 I know why all day long people have been using this particular motion,
6 and I don't have anything to do with the politics of the majority party.
7 Inevitably, if they don't agree you're going to have a conference
8 committee appointed anyway, but I will tell you that, and I will say this,
9 that I am told that we have been doing this for the past three or four
10 years, and if the House has been doing it for that length of time also, so
11 we have accepted this for the last three or four years and I quite frankly
12 did not catch it or know it, so I can't say that anybody's breaking a trend
13 that we have, but if it is specifically according to the letter of the rule,
14 then we are not following it. Having said that, I can't vote for this unless
15 you adopt an amendment to really punish folks that are furnishing these
16 poor people with fake passports, visas, stolen social security numbers
17 and things of that nature. We shouldn't turn that amendment down if it's
18 not in here, we are not even addressing the major portion of the battle
19 that needs to be fought. It's lip service in my opinion, although I do feel
20 for the Senator from the 30th because he has worked very hard and I'm

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 not sure it's his favorite place to be right now, but he is a good friend of
2 mine, I admire his integrity. No, not again, this whole process is....

3 President: Chair recognizes Senator from the 39th.

4 Senator from the 39th: (00.29-00.34) Mr. President, members of the Senate. I am going to be
5 quick, but hopefully I will communicate those things that are on my mind
6 in an adequate way. One, I too respect the Senator from the 30th,
7 chairman of the judiciary committee, but in response to a question from
8 the Senator from the 36th he said that he didn't believe, and I hope I am
9 not mischaracterizing and he can correct me by question or when he
10 comes in the well to close, he said I believe that a boycott is not
11 imminent, or there will be no boycott, or he believed there will be no
12 boycott. I beg to differ. I think the boycott is going to happen, particularly
13 with the bill in this fashion. Be that as it may, let it come, that's my point
14 of view. But I disagree with him on that basis, and I agree with the
15 Senator from the 56th that we are a nation of laws, but before we are a
16 nation of laws we are a nation of hopes, and dreams, the old
17 philosophers say that before you can have a law in writing you had to
18 have a law in your heart, natural laws which inform the laws that we
19 create, and one of the things about this country is that we are a nation of
20 hopes and dreams. People come here, legally or illegally, to fulfill the
21 dreams that they have for themselves and their families, so I hope that

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 we would not be so hard-hearted not to understand why hopes and
2 dreams are at the center of what we do here in this body, and what we
3 do as legislators. The only other thing I would like to say is, I am a
4 historian by training, I have been teaching history off and on for the last
5 25 to 30 years, and one of the things that has occurred in print, and
6 sometimes on this floor, the Senator from the 26th has said on occasion
7 he has made analogies between what we are going through now and
8 what went on in the 1950s and 60s in the fight against segregation and
9 disenfranchisement. One of the things that I know is that during the
10 1880s and 1890s and the 1900s there began a stream, a steady stream of
11 segregation laws in Georgia and other states throughout the South, a
12 steady stream of segregation laws that took away the rights of African
13 Americans, took away their voting rights, took away their social rights,
14 and we are in the midst of a similar phase in the history of this country,
15 the history of this state and the history of our people, where we are
16 targeting a certain class of people, and I know the Senator from the 27th,
17 his heart is pure when it comes to how he feels about other people, I
18 know him, and I know he carries no antipathy towards his fellow man,
19 whatever color they may be, and I believe that, but at the same time,
20 whether it is our intent or not, we are in the midst, and we started a few
21 years ago with bills introduced and passed in this body putting

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 restrictions on immigrants, and we are continuing through that phase,
2 and we have reached a high point. The element in this bill regarding stops
3 by the police is just the most egregious element of this bill, it is the most
4 egregious, and I would say anti-American part of this bill, because the
5 fact of the matter is, I said it before and I will repeat myself before I close
6 and take my seat, is that Georgia citizens our fellow-citizens, people who
7 are here legally, will be stopped on the highways and by-ways of this
8 country, of this nation, of this state. Anyone who thinks otherwise is
9 fooling themselves. It happens every day and will increase because of
10 what we do here today at this very hour. So I strongly urge you to be on
11 the right side of history and vote against this bill, and vote against these
12 bad amendments. Thank-you Mr. President, I will relinquish the well
13 unless there are questions from my colleagues.

14 President: One question. Senator from the 26th.

15 Senator from the 26th: Thank-you Mr. President. Does the Senator yield?

16 Senator from the 39th: I certainly do.

17 Senator from the 26th: Did I understand you to say that that section of the bill that this body
18 voted on that would prohibit the unlawful or the, what you have
19 characterized as discriminatory stopping of people was removed from the
20 bill?

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 Senator from the 39th: It was removed, it was, on our side it was that language was
2 removed, then some other language replaced it which I believe made it,
3 replaced felonies, instead of, if you stop someone for a felony that is one
4 thing, but you can't do it for a misdemeanor or another minor offense.

5 President: The Chair recognizes Senator from the 36th

6 Senator from the 36th: (0:35-0:47) Thank-you Mr. President. We are here yet again,
7 debating an issue that other states have looked at, and in their wisdom
8 have decided to turn away from in the best interests of their own
9 economies and of their state's reputation, and with respect for their
10 immigrant populations who are part of the backbone of the economy in
11 the State of Georgia. Yes, our immigrant workforce is part of the
12 backbone of our economy. You go up to Hall County, you go up to North
13 Georgia where all those millions of chickens are being raised, plucked,
14 gutted and processed. We ate some today for lunch. Who do you
15 think...whose hands are on those chickens? We all know whose hands are
16 on those chickens. The hands of Hispanic laborers. Spanish-speaking
17 people who've come here from other nations in search of bettering the
18 lot of their families, and to fill the jobs that are available. Nobody ran
19 people out of jobs in Georgia. The jobs were there available, and you
20 know what, there are going to be more jobs available as all of us grow
21 older, as long term care needs which require heavy staffing. We are an

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 aging nation, and our survival depends, as it always has, on accepting the
2 next wave of immigrants from somewhere around the world. My folks
3 came from Ireland, and they had the signs up “No Irish need apply”; there
4 are even songs about it, I will refrain from humming a line or two, but
5 every immigrant wave has faced alternatively the welcome mat and the
6 opportunity to work, but also had to overcome a wave of discrimination
7 that accompanied that. True leaders stand up in the face of hatred, they
8 stand up in the face of misinformation, they stand up in the face of bad
9 numbers, and they say: We are going to do what is in the best interests of
10 our state, and we have heard, since last September when the first
11 hearings were held, we have been hearing from the business leaders of
12 this state. I could name, I could give you the names of the CEOs of some
13 of the largest corporations, whose footprint extends around the world,
14 they have been in this Capitol, sitting down and meeting with our senior
15 leadership and asking them for moderation and to back off from pursuing
16 this course of action. And we talk about ourselves as a pro-business state,
17 and we talk about ourselves as wanting to grow jobs in this bad economy,
18 and yet we sit here and persist one more time after we worked on this
19 Bill for several hours the other night, with fair exchange of ideas,
20 numbers of amendments and honest discussion and debate and votes
21 that we took as a body, and we amended this Bill and took things out.

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 Now we stand here today with those essential elements of this Bill back
2 in, that we had taken out, and we are preparing to go over the cliff as a
3 state. And I have no doubt in my mind in telling you, if this legislature
4 passes this Bill, sends it to the Governor and has the Governor's
5 signature, and it becomes the law of Georgia, we will live to regret it. We
6 have just begun the bare beginnings of turning our economy back in the
7 right direction. We are all working with the burden of low revenues, high
8 unemployment, and we hear from business: "please don't do this to us."
9 We hear from agribusiness "we beg of you don't do this to us." We hear
10 from employers who have benefited from a workforce of decades now,
11 that are up there making the carpets in North Georgia; they are legal,
12 they are here, they are raising their families, they are contributing to the
13 economy, they are buying homes, they are sending their children to
14 school, they are living the American dream right up there in north-west
15 Georgia making the carpet industry, the carpet industry for the world.
16 That population is going to be negatively impacted by this Bill. We've
17 crafted a Bill that insists on demonizing people of brown skin and people
18 with Spanish accents, and we have done it in the face of the pleas of
19 business: "Don't do this, this will be bad for the economy." And the
20 Vidalia onions are coming in. May is the month, remember? We all wait,
21 await anxiously; some of them are here already, some people will taking

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 home 10-pounder boxes of Vidalia onions tomorrow, and that's the
2 posture we are in here. We could chose to insist on our position, and
3 send this Bill back to the House. We could choose to do that, that choice
4 is before us, so our hands are not tied, and you could choose to go back
5 home and you could say to that small dwindling voice of hate that
6 pounds in some of our communities, and gets on the blogs and sends in
7 the e-mails and videos discussions and our debates here and sits in the
8 balcony and leans over and just absolutely oozes hatred from their pores,
9 in many instances I am thinking of some particular individuals, we could
10 go home and tell the solid citizenry in our communities : "We voted for
11 Georgia's best interests. We are going to insist that the Federal
12 Government fix the broken immigration system and create the worker
13 visas to get the workforce here and the migrant labor here that we need
14 for our economy to do the jobs that are there to be done in Georgia, and
15 we did what's best for our state, what's best for our community." We
16 could choose to do that, you could go back and isolate that small band of
17 haters, but you know, April 23rd up in North Georgia, the Arian Nations
18 Knights have sent out a call for a rally that they're going to have against
19 illegal immigrants. That'll be coming next, and that headline will go
20 around the nation and around the world, along with the headline that
21 Georgia has passed an Arizona-type Bill. And we can stand up here and

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 make speeches about the Statue of Liberty and give me your poor, your
2 tired, your weary masses yearning to be free, and still vote and pass this
3 Bill. Now back when people were coming in to Ellis Island, you said they
4 were coming in legally, people had poured into this nation across all our
5 borders at different points in time in the waves of immigration that have
6 occurred. And we have got a system right now that does not allow people
7 to enter legally. Even people that are here wait, 10, 15, 20 years to get
8 naturalized. So we have a broken system in Washington. That's where
9 this job should be done, that's who we should be addressing, we should
10 take all our collective energies and voices and tell Washington to fix the
11 federal laws on immigration, and get them right, because they are broken
12 and they don't work. We could choose to do that instead of allowing the
13 flames of hate to be fanned, put in a bill that is going to encourage racial
14 profiling and put in a bill that is going to drive out of the state people who
15 are here legally, put into law, into our statutes and law books this
16 measure that is going to cost business money, that is going to kill jobs,
17 that is going to give Georgia a bad name, and go home and say your job is
18 done. I know personally because we all talk, we are all colleagues, we all
19 work together on issues, we maybe on one issue this way and on another
20 issue that way, but we work I believe, Mr. President and the Senate, for
21 collegiality, and to understand each other, and to know each other

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 personally and to agree to disagree, so I know many of you simply
2 understand that there's a lot of hate being whipped up back home in
3 your, among your constituents, and you do not want to go home and face
4 that without an immigration bill, so that is unfortunate. There are times,
5 you know who we remember in history and in politics, and don't you pick
6 up the paper every week and see an obituary for a state legislator, and if
7 you haven't been around long you scratch your head and wonder "Who
8 was that?" Coming down there from this county or this part of the state
9 or that part of the state they served ten years. Well, they are an obituary,
10 but you know whose names live on, and that's the people who
11 demonstrate political courage. That's the people who when the tough
12 decisions are in front of them to be made, and I think of Charles Weltner,
13 who did not go along with the segregationist approach at a time when it
14 was a very popular approach in our state. Those are the names that are
15 remembered, so it is my hope that people can find the political courage
16 to do the right thing, and to stand on the right side of history. This is a
17 vote, and this is a bill, and it will be a law if passed, that we regret, that
18 has negative consequences, and that we will have to correct. It may be, it
19 is certainly the most important vote you are making this year, it may be
20 the most important vote of your career. We should send this Bill back to
21 the House with an insist, and finally, in addition to standing on the right

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 side of history, we ought to try and follow our own rules. The rule on
2 amendments and special orders is that we cannot amend the House bill
3 twice. Now that's the rule. Now, have we chosen in addition to
4 everything else, to throw our own rules out the window in this frantic
5 fever to pass an immigration bill? That's, that's deeply troubling to say
6 the least, and the gentleman from the 33rd has pointed out the fact that
7 we cannot amend a House bill twice, and having done so doesn't make it
8 right. It's in the rules that that is not allowed, and the House will be
9 breaking the rules if they accept a bill that we send back amended twice,
10 so I am going to ask the part – the Secretary, you can see how long I was
11 in the House – I am going to ask the Secretary of the Senate to read the
12 rule on amendments and special orders when I return to my seat, so we
13 can all be clear about the vote this choice has placed before us today, and
14 whether or not we are complying with our own rules. Thank-you Mr.
15 President, if there are no questions I will yield the well.

16 President: Chair recognizes Senator from the 36th. What rule was that?

17 Senator from the 36th: Mr. President, I would like to request that the Secretary of the
18 Senate read the rule on amendments and special orders. Thank-you.

19 Secretary: Senate Rule 7.1.10. (a) The questions which arise before the Senate
20 respecting actions taken by the House are, in order of precedence: A
21 motion to agree to the House amendment as amended by the Senate.

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 This motion shall be considered to be out of order if the bill or resolution
2 has been engrossed by the Senate pursuant to 6.9.1.

3 President: The Chair recognizes the Senator from the 45th.

4 Senator from the 45th: *(0:49-1:04)* Thank-you Mr. President, members of the Senate. I
5 had no idea that I was coming up here this morning, and everything I am
6 saying comes from my heart, it's not prepared, but I can tell you I've been
7 elected as a Senator for a long time, I served in the House of
8 Representatives, I served as the mayor and a county commissioner, and
9 the number one issue and the number one complaint over the years that
10 I have gotten from my constituents has been about illegal immigrants, so
11 I had to take this opportunity to come up here and talk just a little bit,
12 and I want to be brief, but let me just give you a background. I come from
13 a county that when I grew up had 40,000 people in the county, its 25
14 miles north-east of Atlanta, Gwinnett County. Now that county has
15 almost a million people, and I have watched as I grew up and then as an
16 elected official as, this county changed dramatically. When I grew up and
17 graduated from Berkmar High School in 1972 there was one African
18 American person in my school, one. And when I became a mayor
19 Gwinnet started to change, it changed dramatically, and now our county
20 is the most diverse county in the State of Georgia, Gwinnett County, and
21 now I can go into districts, senate districts like senate district 9 in the

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 bottom, in the southern end of my county, and in one school, one school
2 100 different languages are spoken in that one school. You may say that
3 that is a good thing, and we have enveloped these people, these people
4 that come legally we welcome them with open arms, but unfortunately
5 all the people that have come have not been legal, and as a matter of fact
6 the majority of the people have been illegal. English as a second
7 language, I did not even know what that was when I was the mayor of a
8 small city, and the school system had to put that in. Our school system
9 has 160,000 kids now, it is the largest school system in the State of
10 Georgia and one of the largest school systems in the whole nation, it's
11 incredible how it has grown. But unfortunately we are absorbing all of
12 those illegal kids, and it's us the taxpayer, and when I say that my
13 constituents call me, it's just incredible how they call me, one of the main
14 things they call me about is the hospital emergency room. They cannot
15 get into the emergency room, and the reason they tell me why they
16 cannot get into the emergency room is because of illegal immigrants, and
17 they are very, very, very angry, because they have supported that
18 hospital, they have helped that hospital to grow, and then when it is their
19 time to have their heart attack, that they need that stent, or their child
20 needs emergency treatment in the middle of the night, they can't get
21 into that hospital emergency room. Now the hospital has grown

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 exponentially, it's a beautiful hospital, but let me tell you about that
2 hospital. That hospital for as long as I've been around has been in the
3 black, they've operated with a positive profit, for the first time ever, one
4 of the most prosperous counties in the nation; Gwinnett County, the
5 Gwinnett County Medical Center is operating in the negative, and one of
6 the reasons they are is because people are not paying their bills, and that
7 includes the illegal immigrants. When they show up at the door, because
8 they have that Hill-Burton Act, they have to take care of those people,
9 and they are going to take care of those people. But it's me and my
10 taxpayers and my constituents that are having to foot the bill, and they
11 are very, very, angry, and the Senator for the 36th, she can throw out all
12 these inflammatory words like the Arian Nation or all of these hate
13 groups and people spewing hate, I can ask you, of all the Senators in this
14 room, there is probably no-one in here that is more compassionate that I
15 am. I am a former registered nurse, I spent most of my nursing career
16 right down the street at Grady Hospital taking care of the poor, taking
17 care of the homeless. I know what disparity is, I know what life and death
18 is. There is no person that could be more compassionate, that could
19 spend the years that I've spent at Grady Hospital, working in an
20 emergency room too. So I can tell you that it is easy to talk about these
21 immigrants that are doing all this free labor or low-cost labor for us in

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 Gainesville that's right up above my district, the chicken, splitting the guts
2 out of the chicken, but let me tell you, they're illegal, they're going to use
3 our services. It costs us to use those services, we are footing the bill. My
4 constituents have a right to complain about that. We don't mind taking
5 care of people, let's just take care of our own people, our own people
6 that are here legally. So you can throw out those words, the
7 inflammatory words about spewing hate and not caring about people, I
8 truly care about people, but I want to take care of our people, I don't
9 want to take care of Mexico's people that are here illegally, and I can tell
10 you that I have one of the best sheriffs in the State of Georgia, and I think
11 that just about everybody in this room will agree, Sheriff Butch Conway,
12 because he had the foresight, because he knew as an elected official, that
13 he had to do something about the problem too, and he enacted the
14 federal program, I think it's called 287G. He went in and I think he was
15 the second county in the whole of the State of Georgia to enact this. And
16 let me tell you, it was a good thing, it's a great thing, that program has
17 been so successful, I think Cobb County did it first, and then Gwinnett
18 County did it second and they have done a marvelous job with, and I am
19 very proud of my sheriff, and I can tell when I ride down the street I don't
20 see as many people that are foreign because they have scattered, they're
21 scared to death to be there in Gwinnett County now because they have

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 got a sheriff that does his business. He is putting people into the jail and
2 seeing if they are here legally, and if they are not here legally he is doing
3 something about it, he is turning it over to the Feds. The problem with
4 the system is, DeKalb County and Fulton County don't have that program.
5 So what has happened? People who are afraid to be in Gwinnett County
6 just move, they just pack up and move 20 miles away, or ten miles away,
7 or if they are down in Norcross, they just move over the county line, they
8 don't go into Gwinnett County. I'm grateful they don't go into Gwinnett
9 County. I can tell you when I grew up the crime was very, very, low. Now I
10 have my constituents routinely calling me up: "I am moving out of
11 Gwinnett County. I am tired of taking people, taking care of people and
12 supporting people that are here illegally." I don't blame them! I don't
13 blame them at all. They pay a lot of money on those big houses, they pay
14 a lot of money and I don't blame them. So the Senator that talked about
15 spewing hate, that's wrong! I'm not spewing hate, I'm talking about
16 reality. I don't think there is any person in here that would disagree with
17 me. I know what it's like, hatred, because I am Jewish. I was a Jewish
18 mayor, I know what it's like. I had the KKK demonstrating outside of my
19 house, I know all about hatred. I'm just talking about reality. I am going to
20 vote for this Bill. It's not because I like the Bill, I understand it's a
21 compromise, I understand that the Senator that's in the suite that shares

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 with me, he understands my concerns, he agrees with my concerns, he
2 has compromised on this Bill, I understand that and I appreciate his
3 dedication, I know he has taken a lot of heat for it, he doesn't deserve
4 that heat, he has done the best that he could do, and I am very, very
5 appreciative. He's a lawyer, I'm not a lawyer, he knew how to look into
6 the federal immigration laws, I know that he contacted immigration
7 officials in Washington, he has done his due diligence and I am very very
8 grateful to him. There's a lot of loopholes in this law, and I understand
9 why they are in there because of the changes that were made with the
10 agricultural industry I want it e-Verified and I want to go on record, and I
11 want my constituents to know I wanted e-Verify for every single person, I
12 did not want any exclusions, I wanted it to be zero, I wanted everyone to
13 be e-Verified, I wanted the 32 hours a week, I wanted the felonies. I want
14 to talk just a little bit, and I do like the Attorney General getting involved,
15 I think that is a great thing, because I think people are afraid of Attorney
16 Generals, I know a lot of people are, and I think that's a good thing to get
17 the Attorney General and we have a great new Attorney General in the
18 State of Georgia. One of the things I want to talk about is these two
19 amendments. Now I've been called out there in the hall "vote against
20 this, vote against this." Let me tell you all something, I'm voting for 1a, by
21 our majority leader, I'm voting for that one, but let me tell you what I am

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 most surprised about. My friends across the aisle, the Democrats, I have
2 worked with them on numerous issues because I do most of the social
3 issues for the Republican Party here in the Senate, and I am so surprised
4 on this amendment 1b. I ask you to vote against it, and the reason I ask
5 you to vote against it, let me just read you this little laundry list. Now I
6 told you I am not an attorney, but I am so surprised. Listen to this:
7 Spousal abuse, I have worked with you guys so much on domestic
8 violence, it's incredible, my whole career, child endangerment, DUI
9 convictions, drug possession, theft, shoplifting, battery, the first two
10 offences are misdemeanors, family violence, the first act is a
11 misdemeanor, simple assault, stalking, criminal trespass, so what we are
12 saying with this amendment, that yes, if the person is arrested for those
13 crimes that I just read off to you, shoplifting, drug possession, child
14 endangerment, spousal abuse, but let me tell you, that person goes to
15 jail, they serve that term, they are here illegally, they never, ever get
16 checked, they go right back into the community, and that is why I am so
17 surprised that the Democrats come up with this amendment when all of
18 these key issues that we've worked on, domestic violence, spousal abuse,
19 and you are willing to put somebody in jail, but oh no, no, no, we are not
20 going to check their papers. But if you're in Gwinnett County and you are
21 under Sheriff Butch Conway, your papers are going to be checked, and

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 you are going to be shipped back to where you came from, with the
2 federal program, so I encourage you please, please, if you have worked
3 on these issues with me, please consider what you are doing, because the
4 person who abuses that wife, serves their time, and goes back into the
5 community, we all know what happens when you abuse the wife the
6 second and the third and the fourth time, they usually end up murdered.
7 They usually end up doing it in front of their children. It is a travesty, I ask
8 you not to do that. I just want to close out, and if you will please give me
9 just another minute, I want to close out from a press release that was
10 written by the Arizona State Senate, and it's a State Senator Russell
11 Pearce, President of the Senate in Arizona, and this letter, this press
12 release is an endorsement of us making changes. Unfortunately the
13 federal government won't step up to the plate; the states are having to
14 do it. We regret we have to do it, it pits us against you, we don't want to
15 do it but we are forced to do it. I am forced to do it because my
16 constituents are complaining to me every single day. I'm going to
17 respond to my constituents. This letter says, I'm just going to read one
18 paragraph, it's a long one, it's a press release: "There are great savings to
19 taxpayers here in Arizona from Senate Bill 1070, such as over \$400
20 million in K through 12. For the first time in State history we have a
21 declining prison population from a historical growth from 70 to 140

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 inmates per month in growth. Arizona's violent crime rate has dropped
2 over three times that of the national average. Media reports indicate
3 100,000 illegal aliens have left the state since Senate Bill 1070 went into
4 effect. Arizona's state motto of "attrition by enforcement" works. Jobs
5 for Americans, lower crime rates, reduced costs to taxpayers and a
6 respect for the rule of law will be noted in Georgia soon after the law
7 goes into effect." So I ask you, did Arizona want to do it? No. Does
8 Georgia want to do it? No. But we are forced to do it because the federal
9 government won't do it. So I ask you to please vote for this Bill. Mr.
10 President, I will answer any questions if there are any.

11 President: Just a couple of questions. Senator from the 26th is recognized for a
12 question.

13 Senator from the 26th: Thank-you Mr. President. Does the Senator yield?

14 Senator from the 45th: Yes I will.

15 Senator from the 26th: Do you have any estimate of how many people would be,
16 presently in Gwinnett County who would be affected by this legislation?

17 Senator from the 45th: How many people would be affected?

18 Senator from the 26th: In Gwinnett County.

19 Senator from the 45th: I don't know, but I am sure the sheriff of Gwinnett County could
20 answer that question, I do not know.

21 Senator from the 26th: Senator, a further yield?

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 Senator from the 45th: Yes.

2 Senator from the 26th: Do you have any estimate of how many people would not use the
3 hospital service in Gwinnet County if this legislation was passed?

4 Senator from the 45th: No, I don't know, but I can tell you that I do have a lot of experience with
5 emergency rooms, I've worked as an emergency room nurse, I have spent
6 a lot of time in them, I know that what my citizens, my constituents are
7 telling me is accurate, I've been involved in the healthcare delivery
8 system for a number of years, and I know that it is true.

9 Senator from the 26th: A further yield?

10 Senator from the 45th: Yes

11 Senator from the 26th: Would this bill prohibit the hospitals from providing services to any
12 person who showed up for those services?

13 Senator from the 45th: No, it would not. Any person who shows up to the hospital door has to
14 be taken care of, and that's why I think my constituents are so angry, it's
15 because we have to take care of these people. They are footing the bill,
16 they are footing the bill every day. The State of Georgia is footing the bill,
17 and we don't have enough money. We don't have enough money right
18 now. Everybody's going broke, and I think that is why we have come to a
19 boiling point right here, because there is no money to take care of legal
20 people or illegal people, but especially the illegals that don't belong here.
21 Mr. President, I'll yield the well. Thank-you.

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 President: Chair recognizes Senator from the 44th.

2 Senator from the 44th: (1:06-1:09) Thank-you very much Mr. President, and my
3 colleagues in the Senate. I will be very brief here. We've been around the
4 country, this state for the last few months with hearings on immigration,
5 and we have heard from many persons. Two points I just want to make,
6 and one is that this bill will be bad for business in Georgia, and will hurt
7 Georgia's economy. We had many immigrants who said that they owned
8 businesses in Georgia and they pay taxes. I am convinced after listening
9 to all of these hearings, and in my own convictions that this bill will be
10 bad for Georgia's economy and for the citizens of Georgia, and then the
11 second point I really want to make, which is the one that really gets me,
12 is that this bill will increase racial profiling. We can argue all day whether
13 it is legal, we can argue all day about it being morally right and what is
14 fair, but African Americans endured 400 years of slavery, when we were
15 brought to this country on slave ships, then years of lynching, especially
16 here in the South, and now years of racial profiling: it's just driving while
17 you are black. Now, I do not want to see any group subjected to racial
18 profiling like I have seen black people, especially black males. I have been
19 in their cars, even when I was a Senator, and the only reason that car was
20 stopped was because black people were in there, so this bill is not in the
21 best interests of Georgia. Now in my district I know there is a mobile

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 home, and a lot of immigrants live there, but I know it is racial profiling
2 when the sheriff stops people and they are walking, it can't be nothing
3 but racial profiling, they are not even driving, so I really do not want to
4 see any group subjected to this racial profiling, so I urge you to please
5 vote "no" on this bill. Mr. President, I will the yield. I wield the yell. I yield
6 the well. (Laughter)

7 President: Chair recognizes the Senator from the 5th.

8 Senator from the 5th: (1:09 - 1:24) Well, I was hoping that we would be at a different point
9 today and that we would be moving towards, on other bills while a
10 conference committee was at work on this. And one of the reasons that I
11 was hoping that "calmer heads and saner heads" would prevail, and
12 there would in fact be a conference committee on this is because even
13 though the Senator, from what I believe was from the 30th, that brought
14 forward this bill on the motion to agree as amended by the Senate, with
15 these amendments 1 and 1a), and most of the discussion has been about
16 basically two changes, the issue that has been bouncing back and forth
17 about the e-Verify system and the issue that has been bouncing back and
18 forth about what to do about code violations, ordinance violations and of
19 course misdemeanors, that's gotten a lot of discussion, including
20 discussion by the Senator from the 45th just recently as she was speaking
21 in the well very passionately about her side of this. But the reality is that

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 more than 2 dozen changes were made to this bill when it left this
2 Chamber and went over to the House, and in fact, those changes were
3 being drafted before this bill, before our version of the bill, as passed by
4 the Senate, ever even passed the Senate. The Representative carrying
5 this bill in the House was already working with legislative council on what
6 that Representative was going to dictate to the Senate that we pass, and
7 instead of the Senate saying that no, in fact, we have spent hours and
8 hours on this bill. We have looked at these amendments, and we in fact
9 have a voice in this, we have apparently been dictated to by one House
10 member, exactly what this bill should be and what it should contain, and
11 while there is an amendment and an amendment 1a) it is really just
12 window dressing, it doesn't do anything substantive. When I came in the
13 well, I think it was two maybe three days ago, talking about the fact that
14 you could put lipstick on a pig, and you could dress a pig up and it would
15 still be a pig, and that even if you bought a new ball dress at Saks it would
16 still be a pig in a dress, and if you took and got it the most expensive
17 lipstick you could get, from the Nordstrom's make-up counter, it would
18 still be a pig. Well, I guess we have gone on instead of going over to Saks,
19 "well Saks won't do" so "let's go down to Nordstroms, or let's go to
20 Bloomingdales" but it is still a pig in a dress folks, and maybe instead of
21 going to the Origins counter they went to the Lancôme counter to buy

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 some fancy lipstick but it is still a pig in a dress with lipstick. And no
2 matter how much money I spend on lipstick and dresses, it is still a pig,
3 and we are still being dictated to by the House, about what we will and
4 will not pass in this body, and our voices are not heard and apparently
5 people here don't have the courage to stand up and insist, and say that a
6 conference committee should take a look at this because there were
7 more than two dozen changes drafted, not two, two dozen. I am going to
8 go through a few of them because I, that raise at least some concern to
9 me. One of those is that if you all would look, for those of you who are
10 actually still looking at this bill, because I think most of us have made up
11 our minds, and I don't see a person with the bill out, but if you would
12 actually look at the bill and apologies to the Senator from the 29th if he
13 looked up and was looking at the bill amendments, but we've basically
14 passed a section of our law saying that we are not going to recognize
15 driver's licenses from other states, if you look at section 5 on page 5 lines,
16 looks to be 162 till about 169, if those states don't verify citizenship we
17 won't recognize their driver's license. That violates the US Constitution.
18 We've already been talking about the cost of this going to court, and
19 whether or not this was going to court. If we had put this in a conference
20 committee and had some lawyers looking at that maybe somebody might
21 have been mentioning the fact that you can't do that. If you are trying to

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 draft a bill, that is not going to get up in the court, you've already created
2 one more amendment, one more change that's going to get into the
3 courts and get struck down. Going through and further along, you've got
4 section 5 that creates this crime of giving false documents for work, and I
5 could be, and I just want to point out it's a felony with a 100, with a 250
6 thousand dollar fine and a 15 year sentence. The senator from the 45th
7 who cares so much about trafficking and minors might want to note that
8 paying for sex with a 16 year-old only carries with it a five year penalty,
9 yet giving false papers to get a job, is going to get you, and mind you that
10 might be a 15 year old trying to get a job at "Del Taco" because he or she
11 wants to go to work, without..., not because there are not a citizen but
12 because they can't get the work permit from their school but they need
13 to work, or they want to work. They are guilty of a felony with a 15 year
14 sentence. 15 year sentence, that is section five on page 8 of the Bill, and
15 paying for sex with teenagers carries only a five year penalty. Now the
16 next thing, because we have been dealing a lot with this is, what happens
17 to the "church bus" and so these, the supposed solution that they have
18 come up with, that keeps coming back and forth is this, transporting
19 someone if you are lawfully hired, a term that is not defined anywhere in
20 the code, go find it, and it's not defined in this bill, and a privately funded
21 social service which basically means that if someone is getting a bus ride

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 to the church, or from the church, this is not the church that is 501C3
2 that is doing English as a second language class or Moms morning out, or
3 doing some kind of work. This means people going to and from church
4 and that church bus transporting those folks is pulled over, everybody on
5 board, and the bus driver, and the church are liable, because privately
6 funded social service, is not defined in the bill, it is not defined in the
7 code, and it is in fact a 501C3, not every church has one of those, not
8 every church is engaging in privately funded social services. So I just want
9 to point that out. The last thing I want to point out is this section 20 this
10 big long thing of creating this commission for immigration enforcement
11 review board. I brought this up last time on questioning the Senator from
12 the 10th because we have this issue for the first time I ever seen it in the
13 code, you have to be a registered voter to make a complaint. Not only
14 does that probably bring the Voting Rights Act into question here, but
15 that is also an unconstitutional provision, and that's on page 24 about,
16 lines, let's see, lines 827, 28, 29 again you are basically eliminating a
17 person's constitutional right to a redress of grievances, it's another, just
18 because they have chosen not to register to vote, a voluntary act. Again
19 another unconstitutional provision, and I'm not sure if anywhere, where
20 we have gone out and created these type of independent enforcement
21 review boards. What this creature is or whether it is even constitutional,

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 or whether in fact it is more of an usurpation of the Attorney General's
2 constitution powers and the Executive branch's constitutional powers, it
3 is just, this independent board, that I'm not sure, that does not appear to
4 be constitutional, and someone should have taken a look at that, and
5 someone should have probably taken that out of the bill, but we won't
6 get that done because no one felt that they needed to have a conference
7 committee on a bill that was drafted on the fly on the last days of the
8 session. And then I just want to point out at what slippery slope we are
9 on, and I know that the Senator from the 45th is off the floor and I, but I
10 am going to comment on the Senator from the 45th speech, because I am
11 going to point out something. The Senator from the 45th this is the
12 dangerous precipice we are on with regards to racial profiling, and really
13 getting into the police state. The Senator from the 45th through, who I
14 have known her for years and I understand she stood here in the well
15 talking about having been a Jewish mayor. If she is sitting up there
16 basically racial profiling in her speech on the floor, by commenting that
17 well, there used to be only English spoken in my schools, but now there is
18 one school with 100 languages and that's a reason for having a Bill about
19 immigration, because well, there are 100 languages spoken, there must
20 all be illegal. I mean, that is the general assumption that has been made
21 from that speech or because now she drives down the road there are

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 fewer foreigners, and that was her words in this well, just before I left,
2 that somehow that means that there are fewer illegals because the folks
3 from Bulgaria and Serbia and other places that are in my district on
4 overstayed visas, and I know they are, they look like me. But because
5 they are fewer people that don't look like her, or don't look like me,
6 that's the very kind of racial profiling, we just saw that happening here on
7 the floor of the House by someone, by an incredibly well meaning
8 compassionate Senator, as she pointed out supposedly the most
9 compassionate person here seems to think that we are not going to have
10 racial profiling when it is being done in the very well of this House just
11 two speakers before I spoke. That is what this Bill is encouraging, it is
12 encouraging constituents to do that, it will be encouraging law
13 enforcement to do that. If you think that "quote unquote" seeing fewer
14 people that don't look like you on the street is a way to prove that a bill is
15 running off undocumented, illegal, unlawfully present whatever word
16 euphemism you want to use for it. If that is your justification for, if that's
17 your litmus test for whether the Bill is working or not, that is racial
18 profiling. Point blank. And that is what we were supposedly trying to
19 avoid and this is a patent example of why this should be in a conference
20 committee, folks. We can do that, no one here has to go home and say
21 they have not voted for something, everybody has gotten their 'yes'

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 votes or their 'no' votes, but we can disagree, we can vote down
2 amendments 1b) and 1a) and whatever other amendments are on here,
3 vote this down so that we can get to a point where we can assist, we can
4 get this into a conference committee and we can strip out these
5 provisions that are just going to get us in court, just going to lead to the
6 very kind of racial profiling that we are supposedly at least saying in the
7 Bill that we can't do. And we can get this done right, we can get it done
8 before any one of us have a primary opponent. We can get it done before
9 anyone of us will have a single person write a 400 dollar check to qualify
10 against us if we can just stand another couple of hours of nasty e-mails.
11 But, to sit and say and quote "pseudo science" and say, well they are
12 costing us money when there are no legitimate source saying exactly how
13 much money is being cost and netting it out, and that we can't, citing the
14 same urban myths that have basically got us to this point stoking those
15 fears of hate, that have gotten people thinking that we have to do
16 something. Well, this is not the thing to do. Stoking those fires even
17 further is not the thing to do. We need to vote this down, we need to get
18 this into a conference committee. Remember, voting it down is not a
19 vote against final passage, for those of you who feel you've got to vote
20 for something, it is a vote to get this into a conference committee so that
21 these 24, 25, 26 odd changes can be looked at, so that we can actually

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 have real live input, from the real live business community, whether it is
2 the agricultural community or the “metro” chamber or the Georgia
3 chamber as to how to deal with this, and then if what you want is make
4 sure, you know, the only other issues is if you really want to deal with the
5 issues that were brought up by the Senator of the 45th, we actually
6 should be putting money in the budget for more counties to adopt 287G.
7 If that’s really what you all want to do, because that was effective,
8 whether you like it or not it was effective. This is not that, and saying that
9 4, 287G worked in my county so let’s go do something else that is
10 unconstitutional and is going to cost jobs, going to cause boycotts, is not,
11 that’s saying, well because X is happening, because X worked, I want to
12 do A, that doesn’t make any sense. We should send this to a conference
13 committee and unless there are questions I will yield the well.

14 President: There are questions. Senator from the 22nd? Not on the floor. Senator
15 from the 33rd?

16 Senator from the 5th: I yield

17 Senator from the 33rd: Senator, in addition to the 20 odd changes that you talked about that
18 were made, is it not true that with correct “verbiage” we might be able to
19 visit punishing those who would be in the business of providing such
20 documents as I described earlier to illegal immigrants?

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 Senator from the 5th : If...Absolutely, it this were on a conference committee the issue of
2 the social security card mills, the places that print fake papers, could be
3 put on the table and dealt with, absolutely.

4 President: Chair recognizes Senator from the 36th for a question.

5 Senator from the 36th: Thank-you Mr. President. Does the Senator yield?

6 Senator from the 5th: I'll yield

7 Senator from the 36th: Does the Senator share my concern that I have understood from
8 the Hall that the hotel industry has not been involved at all in this Bill, has
9 not been consulted, and has not seen the Bill, and has not been allowed
10 input on this version? Would you share my concern on hearing that?

11 Senator from the 5th: Well, I believe you have shared your concern, and I know you are
12 passionate about what you are saying. I certainly agree that the retailers
13 weren't involved, the hoteliers weren't involved, there was nobody at the
14 table.

15 Senator from the 36th: The restaurant owners.

16 Senator from the 5th: The restaurant owners; there was nobody at the table except one House
17 member.

18 Senator from the 36th: Exactly, and as an attorney, you could possibly have an opinion on
19 what it is going to take for an Attorney General to suddenly be expected
20 to staff up at a level to have this public in-pouring of complaint and calls

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 for investigations. What's your opinion on what sort of scenario we could
2 be facing with these measures in this Bill?

3 Senator from the 5th: Well, I have no doubt that we have an able-bodied Attorney-General who
4 will try to do his best, but we have already passed the Budget, it has not
5 allotted any extra dollars for any of these folks that are going to be
6 needed to do this. That means that like any boss, and the Attorney
7 General is a boss, he will have to make decisions about how to prioritize
8 stuff, and if this is the priority, other stuff like drug trafficking, other stuff
9 like prostitution rings, other stuff like pornography rings, other stuff like
10 Rico violations, will not, other stuff like gang violence will not get done,
11 and the reality of this is that he can certainly ask his able-bodied Assistant
12 Attorney Generals, and to the extent that he can stretch his budget, he
13 can hire special Attorney Generals, outside counsel to deal with some of
14 these cases. The reality is that at some point these folks get so
15 overworked that they will go work for other states and other places that
16 will pay them more. The Attorney-General cannot adjust the pay of the
17 folks, we have already passed the Budget. What will end up happening is
18 overworked people will end up leaving, and then even more work will not
19 get done. Work that needs to be done on behalf of the people of Georgia,
20 stopping violent crimes.

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 Senator from the 36th: And so it is safe to say that in passage, passing this bill we would
2 be incurring greater fiscal responsibilities for state agencies without
3 question.

4 Senator from the 5th: Absolutely. Without question and without funding. We already passed
5 the budget. This isn't...forget about the fact that there is or isn't a fiscal
6 note for this, it was not anticipated in the budget. Period. There is
7 nothing in the entire budget that indicates any part of it was anticipated
8 in how they funded or staffed positions.

9 Senator from the 36th: Thank-you.

10 Senator from the 5th: If there's no other questions...

11 President: Senator from the 42nd, your light is on, did you have a question?

12 Senator from the 42nd: Thank-you Mr. President, does the Senator yield?

13 Senator from the 5th: I'll yield.

14 Senator from the 42nd: Senator, you made a reference to non-profits, church vans and so
15 forth. Where is that in the Bill that we have before us?

16 Senator from the 5th: It's Article 5, it starts on page 9, starting with line 308, I mean that's the
17 section where you have the privately funded, this concept of privately-
18 funded social service deliverer.

19 Senator from the 42nd: Can you direct me to that...

20 Senator from the 5th: (1:29) Let me get you to it. It's line 339 on page 10. "A person providing
21 privately funded social services." Understand, Senator from the 22nd,

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 since you are in fact a minister, that means providing rides to and from
2 church services, is not exempted.

3 Senator from the 42nd: Okay...

4 Senator from the 5th: And if it is not a privately-funded social service it's not exempted, and
5 that's not defined, but I can tell you it's not going back and forth to
6 church.

7 Senator from the 42nd: I guess I am confused Senator. In line 330 "this code section shall
8 not apply to", and if I drop down to line 335 "a person providing
9 privately-funded social services."

10 Senator from the 5th: That is correct.

11 Senator from the 42nd: Would that apply to non-profits, 501C3 organizations, religious
12 places of worship?

13 Senator from the 5th: It's not defined. There is no definition of that in the code. So we won't
14 know until after you all are arrested and the court decides. Does that
15 answer your question?

16 Senator from the 42nd: Thank-you.

17 Senator from the 5th: An Appellate Court decides, to be more correct.

18 President: No further questions. Chair recognizes Senator from the 42nd.

19 (1:31) Senator from the 21st? Where's the Senator from the 21st? Senator
20 from the 21st is he going to speak to his amendment? No, amendment 1a.

21 Chair recognizes Senator from the 21st.

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 Senator from the 21st: (01:32-0:1:35) Thank-you Mr. President. Amendment 1a simply corrects a
2 technical feature found in Amendment 1. If you will join me on line 39,
3 Federal Government can assign and force eligibility verification system
4 user numbers, but they do so to employers, as opposed to persons, which
5 is found in line 39, so this simply clarifies that particular word and
6 corrects it. Now I want to say one other thing before I leave the well. I
7 want to thank the Senator from the 30th who has put an incredible
8 amount of work into this, I want to thank the Senator from the 27th who
9 also put in an enormous amount of work into this, and I want to thank
10 Representative Ramsey from the House. As someone who went through
11 this process five years ago, I understand what he has taken on and it is
12 probably something a little different from just about any other legislator
13 unless you have engaged on this issue. When you delve into this area, and
14 perhaps you have noticed I really don't do it any longer, you are going to
15 be called names you never thought you would be called, you are going to
16 be accused of things you never thought you would be accused of. I will
17 never forget one time at Kennesaw State University talking about this
18 issue, and someone, of course who does not think much past their nose,
19 accused me of hating children because I was dealing with illegal
20 immigration, so I said "Well, that's funny, because I've got four of them,
21 you would have thought that if I hated them I'd stop after number one."

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 But those are the type of things that are thrown out, and of course you
2 have safety issues that you have to deal with, personal safety issues, and I
3 know he has had to deal with that, so I want to publicly state my thank-
4 you to a Senator, to Senators and a Representative who would take on an
5 issue of this type of importance, and go through what you have to go
6 through to deal with this issue, and the way that he has done it, he has
7 worked with everyone that has come to him, and deserves a lot of credit
8 for working on that. And I want to correct two things that were said from
9 this well earlier. It was suggested in some way that the United States is
10 somehow because of legislation like this “anti-immigrant,” which on its
11 face is silly, but is also factually incorrect, because the United States
12 allows more people to immigrate into our Nation than any other nation
13 on Earth. Any other nation on Earth! We have nothing to apologize for.
14 The fact that we have a process that we ask you to go through is not any
15 different than any other country, and yet we allow more people into this
16 country every year, than any nation on Earth. And the second thing that is
17 often in this debate and is somewhat confusing is that people tend to
18 take the words “illegal alien” and then take ethnicities or nations of origin
19 and use those back and forth as if they were the same thing. Lawful status
20 is lawful status. It doesn’t matter what country you are from, its lawful
21 status. And in fact, if you look at the numbers you will find a large

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 percentage of the people that are unlawfully in the United States are not
2 from Latin American countries, they are not from other North American
3 countries, they are actually from all over the world. So if you are going to
4 talk about this issue, and we seem to be talking about it a lot, let's at least
5 agree on the things that are factual, and not use these inflammatory
6 terms like hate, and certain ethnicities and certain nations of origin as if
7 they can encompass the entire universe of people that happen to be in
8 our country unlawfully. So with that, Mr. President, if there are no
9 questions, I yield the well.

10 President: There are no questions. Chair recognizes Senator from the 42nd.

11 Senator from the 42nd: (01:36-01:42) Thank-you Mr. President. Members of the Senate. I rise to
12 speak to Amendment 1a for this reason. As I understand the rules, if 1a is
13 defeated, then we will be able to vote on 1b, which I have proposed, and I
14 call your attention, there have been multiple drafts of 1b, the one that is
15 the appropriate draft says 1b and has a check-mark in the corner, and it
16 amends the amendment by ensuring that the language that the Senate
17 voted for on last night, or two nights ago, that would restrict the police
18 state elements of this law "substantially", and it would prevent lawful
19 people from being caught up in the net that we are creating. It would
20 prevent people from being caught up because of tail-lights being out on
21 their car, because of routine traffic violations and it would limit the police

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 powers of this new law just to those instances in which the person is a
2 subject, a suspect in a felony or commits a felony, and I would urge you to
3 support, to vote against amendment 1a so that we can adopt amendment
4 1b and take the same position, the same strong pro-business position
5 that the Senate took two nights ago. This body voted 31 to 17 two nights
6 ago to limit the police powers of this bill in this way, and it was a good
7 idea then, it is a good idea now. Nothing has changed, and it is very
8 important to the business community in this state, to me, to you, and to
9 your children that our state sends a clear message that we are not trying
10 to capture legal Americans in this process, we are not trying to harass
11 legal Americans in this process and we don't want to risk that, we don't
12 want to send that message in any way, and we don't want to put on the
13 backs of law enforcement the obligation of distinguishing between, as the
14 Senator from the 21st mentioned, we don't want people to have to raise
15 suspicions or determine things on the basis of national origin or anything
16 else, and there are people in my Party with whom I disagree with regard
17 to this, there are people from the other Party with whom I disagree, but
18 we are unified as a group of folks that care about Georgia, who care to
19 say that this state is not the kind of state that wants to catch legal citizens
20 in this net over and over and over again in a discriminatory way. Senator
21 from the 45th, who I have great respect for, talked of this amendment

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 briefly, and I want to be very clear. Under the current Federal law, and
2 under the law in virtually any jurisdiction in this state that wants it, if
3 somebody is booked into jail, they can have their immigration status
4 checked, now, today, so we are not talking about folks that go to jail, we
5 are talking about whether or not, you are talking about routine traffic
6 violations, and other things that would not land you in jail; not a DUI, not
7 something else. The question is, what type of discretion do we give, and
8 what type of pressure do we put on our local law enforcement to enforce
9 the federal immigration laws in a way that is going to be incredibly
10 burdensome for them and incredibly burdensome on the legal American
11 population of this state. I would also like to mention one thing. I'm glad
12 that we have spent time over the last few days talking about this, and I
13 am glad that the Senator from the 30th has done such a thorough job with
14 his amendment in the phase-in process with regard to e-Verify, and many
15 other people, the Senator from the 27th has spent an enormous amount
16 of time, and I recognize the Representative from the 72nd as well, as did
17 the Senator from the 21st, that people have spent time and thought about
18 this process, but I would say one final thing. To the extent that this Bill
19 has caused controversy, to the extent that there are people in this
20 building and in this state who know that this bill will kill jobs, or who are
21 fearful that it will, to that know that this will have a reputational impact

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 on our state, the one aspect of this bill that we cannot undo is the
2 reputational damage to our state that would come from passing, from
3 agreeing to put a police state in force to enforce what is undeniably a
4 broken federal system. That is the one aspect of this law, that
5 reputational damage cannot be undone, and that is why the business
6 community is in the hallways, is in the streets and is everywhere they can
7 be, to let folks in this room know that we cannot turn back in this regard.
8 We can turn back in various other ways, but we cannot turn back, and let
9 me say this, Arizona has tried. The Senator from the 45th mentioned and
10 quoted from a press release from Russell Pearce, the President of the
11 Senate in Arizona. He introduced five Bills this year, five Bills in Arizona
12 dealing with immigration. Every one of them was defeated by the Arizona
13 Senate, voting against the President of their Senate. The following states
14 have considered the similar police state law that we are voting on:
15 Colorado, Kansas, Kentucky, Nebraska, and Mississippi have all turned
16 back from this element, this one element, and so I am asking you to do
17 what we did the other night. We made our business community proud,
18 we made the next generation of Georgians proud, by voting to say we do
19 not want a police state that captures legal people, we do not want to put
20 that pressure on our local law enforcement, and we do not want to have
21 the reputational damage to our state, to our big, important parts of our

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 country, we don't want to deepen the Savannah Harbor and then have
2 people from Panama that come through that canal say that they don't
3 want to come here. So I urge you to vote "no" on Amendment 1a and to
4 vote "yes" then on amendment 1b, and with that Mr. President, I will
5 yield the well.

6 President: Chair recognizes Senator from the 21st.

7 Senator from the 21st: Thank-you Mr. President. Does the Senator yield?

8 Senator from the 42nd: Yes, Mr. Leader

9 Senator from the 21st: You speak of this reputational damage at the same time you reference
10 the so-called police state. Would you...I don't know if you have a copy of
11 the bill, I could possibly give you one but would you point out to me in the
12 bill the sections that you believe create as you termed it a police state?

13 Senator from the 42nd: Yes, in fact they are referenced on my amendment 1b. The sections that
14 are amended by line, after line 312 which indicate that you harbor an
15 illegal immigrant or transport an illegal immigrant while committing
16 another criminal offense. If we don't pass this amendment, then
17 somebody who crosses a double yellow line, or has a tail light out can be
18 arrested, and there could be probable cause that they have knowingly
19 transported an illegal alien, and we have no idea what that will do as we
20 have mentioned to church buses, to our average everyday person, to our

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 friends and neighbors at home who drive folks around. That's the type of
2 capturing that I'm dealing with. The second, I'm happy to stop.

3 Senator from the 21st: Does the Senator further yield?

4 Senator from the 42nd: Yes Mr. Leader.

5 Senator from the 21st: You reference Church buses. I'm looking on line 339 and I see "a person
6 providing privately-funded social services." Would a Church not be
7 somebody providing a privately-funded social service?

8 Senator from the 42nd: I suspect some churches would, but I don't know whether or not a law
9 enforcement officer on the street would be able to determine, standing
10 there, whether or not a person has full private funding, whether there is
11 any public funding or not, whether it's a social service under the law, and
12 the question is, do we want to put the pressure on the local law
13 enforcement and the pressure on lawful people transporting people for a
14 variety of reasons to have to deal with that type of scrutiny and that risk
15 of criminal liability.

16 Senator from the 21st: Does the Senator further yield?

17 Senator from the 42nd: Yes Mr. Leader.

18 Senator from the 21st: Do you consider Georgia to be a police state today?

19 Senator from the 42nd: (Laughs) I think there are some aspects of Georgia that I would like to
20 see less power in, but I do not consider it to be a police state, in fact I
21 celebrate our freedoms every day.

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 Senator from the 21st: Senator, are you further aware that the laws against harboring and
2 transporting illegal aliens have been federal law, which would of course
3 apply to our state, since 1996.

4 Senator from the 42nd: I believe that the Senator knows of what he speaks.

5 Senator from the 21st: If we are not a police state today, and this is the federal law and we are
6 simply putting it into state law, how would that then, explain the logic to
7 me of how that would take us to be a police state. I am not sure how that
8 makes us a police state.

9 Senator from the 42nd: Thank-you for the question. If we are taking it from the federal
10 enforcement authorities and distributing it out to every single law
11 enforcement agency in this state, we have taken the current net and
12 refined it and brought it down to bear in a much more aggressive way,
13 and I certainly don't believe, and I know that the Senator from the 21st
14 would agree, we don't want all federal laws to be state laws, and we
15 don't want our state and local law enforcement officials to enforce every
16 federal law. I mean, it's just we would not want to put that burden on
17 them as local law enforcement, and I don't think we would want to put
18 that burden on any other community.

19 Senator from the 21st: Does the Senator further yield?

20 Senator from the 42nd: Absolutely.

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 Senator from the 21st: I want to make sure I heard what you said: you don't want the federal
2 government or state governments enforcing federal laws that we just
3 suggested?

4 Senator from the 42nd: No. My point is this, Mr. Leader, and again I appreciate your question,
5 the work you have done in this area and your deep knowledge of the
6 subject. My point is only this: if we make this state law, and we create a
7 new state crime, then we are asking our state and local law enforcement
8 to enforce a new state crime. If the position is that this does nothing,
9 then I guess, because it is already the law, then I would just ask why we
10 are putting it on there anyway.

11 Senator from the 21st: No further questions.

12 Senator from the 42nd: Thank-you Mr. Leader.

13 President: You only have one question. Would you like to take it, or do you want to
14 yield the well?

15 Senator from the 42nd: I'll take it.

16 President: Senator from the 36th is recognized.

17 Senator from the 36th: Thank-you for your comments from the well, and your efforts to try to
18 ameliorate some of the most offensive areas of this bill. You talked about
19 reputational damage, and I believe that the Senator, the Leader just
20 asked you that question again. Would you respond to both him and me in

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 terms of underscoring the reputational damage that you feel we are at
2 the risk of creating?

3 Senator from the 42nd: I think the reputational damage is the type that has befallen the state of
4 Arizona, and it is the type that will befall the State of Georgia or not, but
5 that could befall the State of Georgia if we pass a bill that does not
6 respect the rights of our legal American citizens and could have grave
7 impact on our business community, in my city and across the state. With
8 that, I yield the well. Thank-you Mr. President.

9 President: Thank-you Senator. Senator from the 29th is recognized to speak to the
10 Bill. Then the Senator from the 35th, that's all the lights I have, and if we
11 can keep it to that it would be helpful.

12 Senator from the 29th: (01:48 -01:51) Thank-you Mr. President. I am not going to take long, I
13 know that everyone is ready to vote and knows how they are going to
14 vote, but I have had quite a few constituents call me over the course of
15 this session as we have had several debates on this issue, and asked "Why
16 don't you stand up and say something. Everyone that's opposed what you
17 are all trying to do is in the well talking about this issue, why haven't you
18 spoken on behalf of those of us that want to see this reform take place,
19 so that's why I'm here today. And I just want to start out by saying that
20 we are a nation of laws, not men, a nation of laws, not men and if you
21 look at the US Constitution there are precious few things that our federal

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 government is supposed to do, but one of the things it is expressly
2 commanded to do, is to secure our borders and provide for a common
3 defense, and I submit to you, Ladies and Gentlemen of the Senate, that
4 the federal government has failed miserably in that constitutional
5 obligation it has abdicated its responsibility, they have walked off the job,
6 and so what are we supposed to do? We're supposed to just throw up
7 our hands and say "Well, the federal government is not exercising its
8 responsibilities, so we are just going to suffer the consequences." At a
9 certain point, you have to take action, and that's what happened in
10 Arizona. Phoenix was becoming the kidnapping capital of the United
11 States. Criminal activity was rampant. The expenses that have already
12 been talked about eloquently by the Senator from the 45th, and all the
13 legislation before us does is enforce existing federal law. I would submit
14 to those of you who would like to see the federal law changed to contact
15 Washington, to see about having that changed, but we are not doing
16 anything but enforcing the federal law on the books that the federal
17 government refuses to enforce, and the overwhelming majority of
18 Americans and Georgians, particularly people who are first-generation
19 legal immigrants to this country, want to see our laws obeyed, and our
20 laws honored, and that is what this debate is about. As far as law
21 enforcement enforcing these laws, I know a lot of the law enforcement

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 folks in my district, I know the sheriffs, I know the chiefs of police, and I
2 know the rank and file folks in law enforcement, and they're not bigots,
3 they're not racists, they're well trained to enforce the law, and they will
4 be well trained to enforce this law. There is no question in my mind that
5 adoption of this legislation is going to address in a meaningful way, the
6 very serious problem of illegal immigration in the State of Georgia. And
7 how are we going to do it? Very simply, by honoring and enforcing our
8 laws, because we are a nation of laws, not men, and that's what this
9 debate should be about. On that Mr. President, I yield the well.

10 President: Senator from the 35th, you are the last speaker.

11 Senator from the 35th: (01:52-01:57) It's been a long debate about a very serious, serious issue.
12 Yes, we have problems with immigration in the United States of America,
13 but it is unnecessary, and many of the speakers who are for this bill have
14 stood at this well and said how it is already the law, so why won't those
15 people who are calling them call their Congresspersons and make them
16 enforce the law that this bill is supposed to be putting on Georgia's law.
17 It's already a law. It's unwarranted besides being unnecessary because so
18 many of the people who are stopped are legal immigrants, and I know,
19 because I am a former commentator of Radio Asian Voice radio program
20 which was a weekly broadcast for four hours every Sunday. For four and a
21 half years I have been on that station, and I get calls long before Arizona

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 put their law in, I was getting calls sometimes for one or two hours from
2 people who said they were stopped and detained, had lost their jobs
3 because they were from another country, and they had to prove that they
4 were legal, or that they were working on their green cards, or they were
5 here properly. This is a real serious problem, and many of these people
6 have to pay big money for lawyers, they have to prove who they are. Yes,
7 in this country I heard somebody say earlier that you are innocent until
8 been proved guilty. Hah! This law would only allow the horror stories that
9 I hear over and over again to continue to happen. I have regular town hall
10 meetings throughout my district, and especially in Haysville and some
11 other cities I have to have an interpreter to interpret what I am saying
12 because we have a lot of people from other countries. You cannot assume
13 that because they are from another country that they are not legal. But
14 that is what most people are probably doing, saying "Well, they don't
15 speak the language yet, they are here, they are working, many of them
16 paying taxes and they will do jobs that some of you would never do in a
17 million years. We need to be compassionate, to all of the workers and the
18 people who live in this country. This country is built by immigrants, and it
19 welcomed immigrants, "give me your tired, your poor, your huddled
20 masses yearning to be free", isn't that on the Statue of Liberty? That's
21 what this country is built on, but we are turning our backs and our hearts

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 on people. For what reason: for some legislation that is already on the
2 books on the federal level? I say that Senate Bill, House Bill 87 is too
3 costly for local governments, it's an unfunded mandate, it's too costly for
4 the State of Georgia because the court costs will be phenomenal, and it's
5 clear that it is not in the best interests of this great State of Georgia, so
6 why are we opening up a can of worms, because there are too many
7 elements for abuse in this law, there are loopholes after loopholes, so we
8 will be going to court for a long time when we pass this nonsense. Yes,
9 granted something needs to be done, but it's on the federal level, so let's
10 not waste the people's time here in the State of Georgia talking about
11 "much ado about nothing" that we on the state level should be even
12 talking about. We have so many important bills and laws that directly
13 impact us. These are the things that I think we should be dealing with,
14 and we should not open, create a hodge-podge of new legislation here in
15 laws that we will have to deal with and that our local governments will
16 have to deal with. And in closing, I say the same thing that I guess the
17 Congressman from the 5th District always says: "This is a land of
18 immigrants. You can search through your background and you can find
19 out where your folk came from." And then he says, "We all may have
20 come here on different boats, but we in the same boat now." So let's
21 vote against Senate Bill, House Bill 87. Thank-you.

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 President: OK. This is posture in which we are in. The question is on the adoption of
2 the floor amendment authored by the Senator from the 21st, which is 1a.
3 Is there objection? There is objection. Shall the ayes and nays be
4 sustained? Clearly having five voted, the ayes and nays shall be sustained.
5 All of those in favor of Amendment 1a authored by the Senator from the
6 21st will vote “aye”, those opposed “no” and the Secretary will unlock the
7 machine. Senator from the 45th, for what purpose do you rise?

8 Senator from the 45th: (1:58) May I make an inquiry?

9 President: State your inquiry.

10 Senator from the 45th: Isn't it true, Mr. President that for the safety of all Georgians we should
11 vote in favor of 1a.

12 President: The Senator has great passion for this issue, I am confident of it.
13 (1:59) On Amendment 1a the “Ayes” are 32, and the “Nays” are 23, and
14 Amendment 1a has been adopted. And now we go to the motion which is
15 to agree to the House Amendment as amended. All those in favor will
16 vote “Aye” all those opposed “No,” Secretary will unlock the machine.
17 This is the amendment to the House that came over. Senator from the
18 41st.

19 Senator from the 41st: Parliamentary inquiry, Mr. President.

20 President: State your inquiry.

State of Georgia – 2011 General Legislative Session

Senate Floor Debate Afternoon Session 2 (Day 40)

Hearing Date: April 14, 2011

1 Senator from the 41st: In it not true that if this fails the bill is not necessarily dead, someone else
2 could come back with another amendment and another motion, agree to
3 amend in a different form?

4 President: I think. Well, the answer to your question is yes, that would be correct,
5 with the assumption that it fails. It is my opinion that it will not fail.
6 Senator from the 11th.

7 Senator from the 11th: Parliamentary inquiry

8 President: State you inquiry

9 Senator from the 11th: Mr. President, isn't it true that the author of this House Bill worked real
10 well with us during in the day-to-day to try to address all of the needs, I
11 may not have gotten everything I wanted, but then again at the end of
12 the day, we have really had a lot of cooperation and work to come
13 together on this piece of legislation.

14 President: (2:00) The Senate has worked hard on this issue, no question. I'll pass to
15 the bill, the "Ayes" are 37, the "Nays" are 19, and this bill therefore
16 received requisite constitutional majority, the House, forgive me, the
17 Senate has agreed. The Senate has agreed in the hope that the House will
18 agree as well.

19

20

EXHIBIT C

georgia.gov™



Office of the Lieutenant Governor
Lt. Governor Casey Cagle

PRINT

CLOSE

Speaker Ralston and Lt. Gov. Cagle Announce the Creation of the Special Joint Committee on Immigration Reform

Wednesday, September 29, 2010

Contact: Ben Fry (404) 656-5030

ATLANTA— House Speaker David Ralston and Lieutenant Governor Casey Cagle today announced the creation of the Special Joint Committee on Immigration Reform.

"The creation of this joint committee was inspired by the federal government's continued failure to deal with the problem of illegal immigration and its drain on taxpayer resources in Georgia," said House Speaker David Ralston. "I expect this committee to look at every legislative solution available to the General Assembly that picks up where Washington D.C. has let us down."

This 14-member joint committee will work to draft legislation that stems the flow of illegal immigration activity in Georgia. Rep. Matt Ramsey (R-Peachtree City) and Sen. Jack Murphy (R-Cumming) will serve as Co-Chairmen of the Special Joint Committee on Immigration Reform.

"A respect for the rule of law is one of the basic founding tenets of our state and nation. If the federal government continues to neglect its responsibility to enforce the law, we're going to use every option at our disposal to lessen its impact in Georgia," said Lt. Governor Cagle. "The members of this committee will take a broad, in-depth look at ways to confront this problem and offer concrete solutions to improve the regulations we have on the books already."

Speaker Ralston also named to the joint committee State Representatives Katie Dempsey (R-Rome), David Casas (R-Lilburn), Rick Austin (R-Demorest), Michael Harden (R-Toccoa), Greg Morris (R-Vidalia), and Stephen Allison (R-Blairsville).

Lt. Gov. Cagle appointed State Senators Johnny Grant (R-Milledgeville), Jeff Mullis (R-Chickamauga), Chip Rogers (R-Woodstock), Bill Heath (R-Bremen), Butch Miller (R-Flowery Branch) and John Bulloch (R-Ochlocknee) to the joint committee.

###

EXHIBIT D

georgia.gov™



Governor Nathan Deal
Office of the Governor



PRINT

CLOSE



Deal signs immigration reform: Legislation protects taxpayers, employers while upholding rule of law

Friday, May 13, 2011

Georgia Gov. Nathan Deal today signed the Illegal Immigration Reform and Enforcement Act of 2011, which passed both houses of the Georgia Legislature by overwhelming margins.

"Georgia is a welcoming state with vibrant immigrant communities and a highly diverse population," Deal said. "These are strengths that enrich the culture of Georgia and expand our economy. There's no better way to promote the quality of life of all who live here and no better way to protect taxpayers than upholding the rule of law.

"This immigration reform measure fulfills my promise to Georgians to crack down on the influx of illegal immigrants into our state. Georgia has the sixth-highest number of illegal residents, and this comes at enormous expense to Georgia taxpayers. Those who claim that this law will have a negative financial impact on Georgia completely ignore the billions of dollars Georgians have spent on our schools, our hospitals, our courtrooms and our jails because of people who are in our state illegally.

"In Georgia, we learned from the state laws elsewhere that raised objections from the federal government. We do not wish to go to war with the federal government. We wish to partner with the federal government to enforce the current law of the nation. Let's remember: It's already illegal on every inch of U.S. soil to hire someone who is in this country illegally. What we've done in Georgia is create a level playing field for all employers. The use of E-Verify means everyone plays by the same rules – and it protects employers by giving them a federal stamp of approval on their workforce. This also protects workers because those who live in the shadows of our society lack legal protections and they're vulnerable to fraud and abuse. This legislation was expertly crafted by state Rep. Matt Ramsey to assure that our state protects the constitutional rights of all who live here. Rep. Ramsey knows, as I do, that there's no better way to promote the rights of individuals than by protecting the rule of law.

"Illegal immigration is a complex and troublesome issue, and no state alone can fix it. We will continue to have a broken system until we have a federal solution. In the meantime, states must act to defend their taxpayers."

EXHIBIT E

DECLARATION OF SHEILA MILLER

I, SHEILA MILLER, declare as follows:

1. I am employed as a Senior Paralegal with the National Immigration Law Center, co-counsel of record for plaintiffs in the instant action. I make this declaration based on my personal knowledge (except where expressly noted herein) and, if called upon as a witness, I could and would testify competently as to the matters set forth below.

2. Attached hereto as Exhibit A is a transcription of excerpts of a March 3, 2011 AM hearing before the Georgia State Legislature – Georgia House of Representatives Floor debate of HB 87, which is available at the following URL http://mediam1.gpb.org/ga/leg/2011/ga-leg-house_030311_AM.wmv. This transcript was personally prepared by me after listening to the audio recordings of the debate found at the Georgia State Legislature website.

3. Attached hereto as Exhibit B is a transcription of excerpts of a March 3, 2011 PM hearing before the Georgia State Legislature – Georgia House of Representatives Floor debate of HB 87, which is available at the following URL http://mediam1.gpb.org/ga/leg/2011/ga-leg-house_030311_AM.wmv. This

transcript was personally prepared by me after listening to the audio recordings of the debate found at the Georgia State Legislature website.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed the 7th day of June, 2011 at Los Angeles, California.



SHEILA MILLER

EXHIBIT A

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_AM

Hearing Date: March 3, 2010

1 **Mr. Speaker:** Pursuant to Rule 33.3 the Rules Committee has passed an order limiting
2 debate on HB 87 to a total of three hours. Time to be allocated at the
3 discretion of the Chair. The Chair is going to allocate time equally
4 amongst those that have signed up to speak for the bill and those who
5 have signed up to speak in opposition to the Bill. The Chair recognizes, to
6 present the bill, Representative Ramsey from the 72nd District of our prior
7 agreement, will have 20 minutes to present the bill. Representative
8 Ramsey.

9 **Rep. Ramsey (R):** Thank you Mr. Speaker. I rise today to present to you HB 87 Illegal
10 Reform and Enforcement Act of 2011. This is the result of months of
11 work, of study, of committee hearings of revisions to the bill all aimed at
12 addressing the social and economic consequences of our Federal
13 Government's failure to live up to their fundamental obligation to secure
14 our nation's borders. Make no mistake that's why we are here today
15 folks – our federal government; our federal government has failed us. I
16 want to give you a few statistics. Georgia ranks number 6th in the country
17 with about 425,000 illegal aliens by the most recent estimate. The
18 Department of Homeland Security estimates that over the last ten years
19 Georgia leads the country in terms of the percentage increase of a
20 percentage of our population of illegal aliens -- about 115 %. Arizona
21 with less illegal aliens their population only increased about 42 %. Official

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_AM

Hearing Date: March 3, 2010

1 and very, very optimistic estimates tell us that we are only able to catch
2 about 1 out of every 4 or 5 individuals that illegally cross our borders. A
3 GAO study that just came out estimates that we only have about 44 %,
4 our border patrol only has about 44 percent operational control of our
5 southern border. No doubt about it, our federal government has failed
6 us and our citizens in Georgia are suffering the consequences. Now, we
7 are at a crossroads. We have two roads we can go down. The first road
8 is we can just continue to stand idly by. We can continue to throw our
9 hands up in the air and say and just wait and wait and wait for our federal
10 government to take serious a problem that has grown more pressing and
11 more pressing every single year. Or, we can go down the other road and
12 that's what supporters of this legislation intend to do today. We can act
13 within our scope as state legislatures, within the bounds of the U.S. and
14 state's Constitution to take aggressive action to address this problem that
15 is affecting *every* segment of our state. If we want to effectively address
16 illegal immigration we can't wait for our federal government to act –
17 we've got to do it ourselves. Now, what this bill doesn't do and what we
18 can't do as a state is secure our nation's borders – that's within the
19 federal government's exclusive province. We don't have the authority to
20 deport illegal aliens that we identify – that's exclusively in the federal
21 government's province. But, what we can do within the bounds of the

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_AM

Hearing Date: March 3, 2010

1 U.S. and the Georgia Constitution and within our existing laws is we can
2 remove every single incentive that we possibly can that lures illegal aliens
3 to come to Georgia. Of individuals that come into our country illegally
4 and make the decision to come here the incentives that our tax payers
5 are footing the bill for we can remove those as state policy makers and
6 that is exactly what HB 87 proposes to do. Now, before I go into the bill
7 and walk through the bill and provide why I think you should vote for it, I
8 want to take a minute and talk about the process that lead us to this
9 point. This is hands down the most inclusive, thorough process I've ever
10 been involved as a state representative down here on any piece of
11 legislation. It started last summer when Speaker Ralston and the Senate
12 leadership recognizing this is a pressing problem that we had to address,
13 impaneled a special Joint Committee on Immigration Reform. I was
14 honored to be chosen as the House Chairman of that endeavor. Over
15 the next four months we had numerous public hearings. Every hearing
16 started with a request and a solicitation to the public – if you have an
17 interest in this issue whether you are on the left, whether you are on the
18 right and anywhere in between. If you are a government official, state or
19 local. If you are a member of the law enforcement community. If you
20 are a member of the business community. If you just have an interest as
21 a citizen – we want to hear from you. We spent hours and hours and

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_AM

Hearing Date: March 3, 2010

1 hours hearing testimony from constituents and from citizens of Georgia.
2 It was an incredible opportunity to hear from folks their view of this
3 issue. We heard from law enforcement officials that told us about the
4 burden that they are straining under to address adjudicating cases
5 involving those that are in the country illegally. We heard from school
6 officials that said about how the quality of the education in their school
7 systems has been materially diminished as the population of illegal aliens
8 coming into our State has increased. We heard from hospital officials
9 who said that “we’re struggling to keep up our emergency rooms are on
10 the verge of breaking” and this is certainly exacerbating the problem. We
11 heard from all manner of individuals. Some opinions we agreed with.
12 Some we didn’t. But through that process it led to the introduction of
13 the piece of legislation at the beginning of this session. But that wasn’t
14 the end of it. Then Chairman Golick went about holding what I believe is
15 the most thorough committee process, committee vetting of a bill that
16 I’ve ever seen, multiple public hearings. He said on every hearing
17 anybody that shows up at this capital and signs up to speak on this bill
18 they are going to be given the opportunity to do so. And that’s exactly
19 what happened. Finally, on the last of hours and hours of public hearing
20 he looked down at his sign-up sheet and there was nobody else there.
21 Anybody who wanted to speak was given an opportunity to be heard. In

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_AM

Hearing Date: March 3, 2010

1 the interim, over the last month when not in committee, I have
2 repeatedly said over and over “if you want to come in and talk about this
3 bill whatever the group, whatever you represent, I want to hear from
4 you.” And, I can tell you a lot of folks have taken me up on that. I’ve had
5 a virtual revolving door for that last month. We’ve made *numerous*
6 revisions in working to improve the bill, in working to hear concerns from
7 groups that are potentially affected. And I think that has resulted in what
8 I believe is to be one of the very best products that has ever come out of
9 the Judiciary Non-Civil Committee because we’ve had so many people
10 contribute to this effort. From the Attorney General’s office, to the
11 members of the committee, to every manner of group that’s standing out
12 in the hall right now and from private citizens. We feel confident in the
13 product that we put forward today. So, I want to talk to you a little bit
14 about the bill now. Now it’s 22 sections, 22 pages. I am not going to be
15 able to go line by line we just don’t have the time to do that. But, I think
16 the bill does break into kinda’ three distinct categories and I want to hit
17 on some high points of the bill and tell you a little bit about what it does.
18 The first section of the bill is a follow up on an effort that was started
19 four years ago dealing with the area of public benefits. Now, four years
20 ago the general assembly passed SB 529. It was an effort to eliminate
21 access to public benefits by those ineligible to receive them. We’ve

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_AM

Hearing Date: March 3, 2010

1 passed several provisions in that bill aimed at getting at that problem.
2 Two of them. Two of the most important was a requirement that state
3 and local governments that dispensed public benefits enroll in the
4 Federal Save program. And the other is that public works contractors
5 agencies that let public works contractors, state or local, at the point of
6 application for a public works contract they collect a E-verify affidavit
7 swearing that that company is enrolled in the E-verify program. The
8 problem with that effort was when that law was passed there was no
9 enforcement mechanism. There was no penalty in place for failing to
10 enroll in these programs and comply with what's been the law of the
11 state for four years now. And, what we have found through the hearing
12 process is we're not getting uniformed compliance. We have a large
13 percentage of governments that have not even enrolled in the Save
14 program. That is intended. That provision of the law was intended to
15 protect your citizens, your tax payers from bearing the burden of
16 providing publicly funded benefits to those that are by law ineligible to
17 receive them. So, we had to come out of this effort with an effective
18 enforcement mechanism. We can't continue to have a law without a way
19 to hold those that violate the law accountable. And what we've come up
20 with is the ability to bring citizens, our citizens to put eyes on their
21 government and bring action to seek injunctive relief against a

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_AM

Hearing Date: March 3, 2010

1 government that's not complying with that section of the law. Now,
2 we've continue to hear of these wild claims about frivolous lawsuits,
3 frivolous lawsuits and we're sensitive to that. So, over the last month
4 we've worked with local government groups to address the process by
5 which this litigation can be brought to force compliance with these
6 sections of the law. We have drafted into the bill and subsequent
7 revisions a 30-day notice requirement borrowed from the [unintelligible]
8 provisions in our State code that will give our government. So, anybody
9 that wants to bring a claim under this will first have to give their local
10 government or state government whoever they believe is not complying
11 with these requirements in the code the opportunity to state with
12 specificity what they believe is the nature of their non-compliance. Then
13 the recipient whether it be the state government or local government
14 will have the opportunity to get into compliance. Now, this isn't a difficult
15 process. Either you are enrolled in the Save program or you are not
16 enrolled in the Save program. Either you are collecting E-verify affidavits
17 at the point of public works contract applications or you're not. So, you
18 get that 30-days to demonstrate that you are in compliance with the law.
19 Only then if they're still not in compliance and there is a good faith bases
20 to go forward can litigation be brought. We have also provided an
21 additional mechanism if the recipient, the defendant in that lawsuit still

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_AM

Hearing Date: March 3, 2010

1 believes this is a meritless claim. We have put a 45-day stop on all
2 discovery activities in the event a motion to dismiss is filed. Now, for the
3 non-lawyers, a motion to dismiss is a motion that is filed very early on in
4 litigation if you as a defendant believe that what is stated in the claim is
5 meritless. It gives you the opportunity to test the sufficiency of the
6 pleadings. And, we have provided that a judge must rule on that in 45-
7 days. That is security that any meritless claim will get rooted out without
8 any excessive cost of litigation being run up. Not to mention will still
9 have, the defendants, if there is a meritless lawsuit brought, they still
10 have every sanction that's available in the Civil Practice Act for the
11 bringing of frivolous lawsuits available to them. This is a, the best
12 solution we could come up with to provide an effective enforcement
13 mechanism to give citizens the ability to put eyes on their government to
14 make sure they are complying with the law that's been the law of this
15 state for four years. This isn't a new requirement. This is something that
16 has been required of our government for four years. Also, in the area of
17 public benefit we have heard over and over again about the desperate
18 number of identifications that are provided to our state and local
19 government for official purposes. Whenever an identification is required
20 to be presented. We have, borrowing language from other states, are
21 going to beef up what type of identification you can provide to present to

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_AM

Hearing Date: March 3, 2010

1 your government for official purposes. We are going to ask the Attorney
2 General's office similar to the way they develop a list every year of public
3 benefits to help enforce the Save provisions to develop a list of what are
4 defined as secure and verifiable identifications. We want to get out
5 those types of documents that we know are most commonly forged.
6 We've heard over and over from the law enforcement community the FBI
7 even about how easily forged these matriculate counselor cards and their
8 rampant use. We want to make sure that there is confidence in the
9 identification that's being presented to our government and we believe
10 this gets at that. Second, kind of broad section of the bill is providing
11 new tools to law enforcement. Now, we have heard over and over and
12 over again about the burden being placed on our law enforcement
13 community. And we have provided several new tools aimed at first
14 aimed at getting at those that are knowingly transporting, harboring and
15 inducing illegal aliens to come into coming into our state which ultimately
16 results in our taxpayers footing the bill. Now, we have heard these
17 absurd stories of well my church is going to end up getting, up my
18 mission group is going to end up getting prosecuted or the church bus
19 driver is going to get prosecuted. That's patently absurd. We have
20 borrowed this language from federal code. Nobody -- I challenge people
21 to do this. Nobody is ever going to show me where a domestic violence

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_AM

Hearing Date: March 3, 2010

1 clinic or a bus driver has been prosecuted. But, what we have done is we
2 have built it. And, I encourage you to read the bill. Because a lot of these
3 complaints clearly are grounded in a person who has not read the bill to
4 being with. But, in order to be prosecuted for transporting an illegal
5 alien, first you have to be proven you know they are an illegal alien.
6 Anybody that's ever dealt in criminal law know that's a tough standard
7 right there proving knowledge that you know they are an illegal alien.
8 Second, you have to prove that they are committing a crime, another
9 crime while doing it. So, another predicate act has to be committed it.
10 Third, you have to prove they are doing it for the purpose, for the
11 purpose of furthering their illegal presence in the United States. Now,
12 these provisions exist in federal law to give prosecutors another tool to
13 go at what we are called in the media the mules and the coyotes, the
14 people that are profiting. We talked a little about trafficking yesterday.
15 This is the type of people that this is intended to go after. There's not
16 examples out there where a church bus driver or a minister who's
17 ministering to his parishioners or providing a social service has been
18 prosecuted under this theories. It's just overheated political rhetoric and
19 it's just not true. And this is going to give our prosecutors the ability to
20 go after folks that are preying on these individuals, bringing them into
21 our state for their own profit and ultimately to the detriment of our tax

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_AM

Hearing Date: March 3, 2010

1 payers. We have also heard a lot about the immigration status check
2 piece of this bill. Everybody keeps jumping up and down saying, "Arizona
3 copycat. Arizona copycat." Which I, clearly they haven't read the bill and
4 read what they did out there. But, what we have provided in terms of a
5 new tool to law enforcement officers is what we believe to be very
6 common sense tool. Right now in Georgia every time a person is arrested
7 for a felony they are booked into the jail and their immigration status is
8 checked. That's been the law of our state for several years. We are now
9 going to expand that to misdemeanors. If you are booked in on a
10 misdemeanor your immigration status is gonna' check. We have also
11 expanding that to the criminal investigation process. What it says simply
12 is this – if you are a criminal suspect. If you, if an officer have probable
13 cause, probable cause to believe you've committed another crime –
14 whether it's murder, reckless driving or anything in between and you
15 cannot provide the law enforcement officer evidence as to your identity.
16 Now, I want you to think about this -- when has there *ever* been a
17 criminal investigation in the history of criminal jurisprudence where a law
18 enforcement officer didn't attempt to determine the identity of the
19 suspect? It's just commonsense. It's what happens every day. And what
20 it says -- if you can't provide evidence of your identity – we list a whole
21 host of documents – a driver's license, the secured and verifiable IDs that

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_AM

Hearing Date: March 3, 2010

1 the Attorney General list is going to be developed or just information as
2 to your identity where the officer can go and independently identify who
3 you are – pull your name down from the DMV database. If you can't do
4 any of that all we are saying is that the law enforcement officer shall be
5 authorized at that point as part of the investigation into the suspect's
6 identity to do an immigration status check. Why wouldn't, in an effort to
7 keep our citizens safe, our communities safe, give our law enforcement
8 community every tool possible to identify criminal suspects? It's just
9 commonsense. It is a perfectly objective criteria. There is no subjectivity.
10 We don't have the provision notice that says you have to have a
11 reasonable suspicion to believe they are in the country illegally. It's truly
12 about your ability as a criminal suspect to demonstrate your identity in
13 the context of a criminal investigation. Finally, the third portion of the
14 bill and what I believe is the most critical provision of the bill deals with
15 private employment. Now, we have heard a lot of debate about this.
16 And, we know beyond a shadow of a doubt what the root cause of illegal
17 immigration is and that's illegal employment. We know why they are
18 coming here. They are coming here for jobs. And, if we do an
19 immigration bill, and immigration reform bill and we don't get at private
20 employment it's like trying to cure cancer with an aspirin. I mean it's a
21 sham. We have got to get at the root cause. Now, I continue to hear a

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_AM

Hearing Date: March 3, 2010

1 lot of rhetoric from the other side on this and they keep talking about
2 how this bill is going to damage our economy, it's going to be bad for
3 jobs, it's gonna' damage tourism. And I want to deconstruct that a little
4 bit. They talk a lot in code and they talk a lot in circles. But, when you
5 get right down to it – what they're really saying is, is that we as a state
6 cannot prosper economically. We depend, economically. We can't go
7 forward as a state economically without relying on those that crossed our
8 borders illegally and came into the country. You will never convince me
9 that that's true. I believe in our state. I believe in our state's citizens.
10 We can prosper economically. We don't have to look the other way. We
11 don't have to settle for the status quo and, and, and just acquiesce to this
12 notion that our state can't prosper economically without those that came
13 here illegally. That broke the law to come into our country. Now, how
14 are we going to get at it? What we propose to do in this bill is require
15 private employers to enroll in the E-verify program. It is a simple efficient
16 program. I've enrolled my own business in it. It takes a matter of
17 minutes to enroll and adds just a few seconds to the hiring process. It is
18 hands down the very best tool available to us to verify the eligibility of
19 our state's work force. It is the only tool we have candidly. It, it, it. I
20 keep hearing misnomers about how it is inaccurate. Ninety-seven
21 percent of every query sent to the federal government to be verified

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_AM

Hearing Date: March 3, 2010

1 comes back in a matter of seconds as verified. For the small percentage
2 that comes back as tentative nonconformance they are given an
3 opportunity to appeal that finding. There's a due process function that is
4 built into it. And, of course there is an opportunity for those with good
5 enough false identification to beat the system. There is no doubt about
6 it. But that's exactly why we drafted another provision into the bill.
7 What we kept hearing over and over again from employers is well; we're
8 having a hard time deciding what is a fake ID and what isn't a fake ID.
9 What fraudulent and what's not fraudulent. Well, what we have done is
10 provided employers, in this bill, and prosecutors an additional tool to get
11 at those that are trying to pass off fraudulent identification for the
12 purpose of obtaining employment. Under our aggravated identity fraud
13 statute we are going to add a new specific theory in the law. A specific
14 provision that allows tough new penalties to be brought to bear on those
15 that jeopardize our employer, you are putting an employer in a tough
16 legal spot if they are found to be employing an illegal alien. If you, in an
17 attempt to obtain that employment try to pass false identification it's
18 gonna' be a good deterrent and it's going to provide prosecutors with an
19 important new tool. Now, I think when we talk about private
20 employment -- I saw a story on the front page of the Atlanta Journal and
21 Constitution today and I think the timing of it is just perfect for this

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_AM

Hearing Date: March 3, 2010

1 debate. It announced today that our state right now has the highest
2 unemployment in its history, 10.4 %. And, I keep hearing from folks that
3 illegal aliens are doing jobs that citizens won't do. Well, they haven't
4 talked to my constituents. They haven't talked to the people that are
5 unemployed in my district that are struggling to put food on the table.
6 That is absurd. I just met with a hotel owner last week. He told me that,
7 he owns a large hotel chain, that last year when they enrolled in E-verify,
8 several, a number of employees left, he believed, because they feared
9 being detected as being in the country illegally. Within a matter of days
10 those jobs were filled by legal workers. People that are eligible to work.
11 Don't tell me that they are only doing jobs that will only be done by
12 illegals and won't be done by citizens. I don't know about y'all but to me
13 if there is one Georgia citizen, one Georgian out there that's going
14 without a job because a person that came across our border illegally is
15 holding it -- that's one too many for me particularly in this tough
16 economic time. Now, that's a lot of the What about the bill. Now I want
17 to talk about the Why. I think there are many, many reasons compelling
18 the enactment of this legislation but I want to talk about the two most
19 important to me. And, first that's our responsibility to our taxpayer. For
20 the last three years we have been making awful choice after awful choice
21 in the budget. Every single service that we have funded has been

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_AM

Hearing Date: March 3, 2010

1 impacted. Our schools are drowning. Our law enforcement community
2 is doing more with less. Our health care infrastructure is to the breaking
3 point. We know statistically that it is costing our taxpayers \$2.4 billion
4 dollars per year to fund the presence of 425,000 illegal aliens. Don't . . .

5 **Mr. Speaker:** Gentleman's time has expired. So, I will ask you to head to the finish line
6 quickly.

7 **Rep. Ramsey (R):** Thank you Mr. Speaker. I am gonna' close with this – you're gonna' make
8 a choice in about three hours. And, you are gonna' get a choice to
9 decide. Are you gonna' side with the status quo. Are you gonna' side
10 with looking the other way while our citizens go without jobs. While our
11 taxpayers fund benefit after benefit? Or are you gonna' side with the
12 rule of law? We swore an oath to uphold the laws of this state and the
13 U.S. Constitution and the Georgia Constitution. This bill is a
14 representation of that oath that we are not going to accept the status
15 quo. We are not going to look the other way anymore. We are going to
16 address a pressing problem and we are going to start today. Thank you,
17 Mr. Speaker. I yield the well.

18 **Mr. Speaker:** Gentleman had questions but his timing is expired and he did go over the
19 limit a little bit and I will make an adjustment in other speakers who are
20 speaking in favor of the bill so that we keep it fair. Chair recognizes to
21 speak to the bill Representative Casis. Representative Casas.

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_AM

Hearing Date: March 3, 2010

1 **Rep. Casas (R):** Thank you, Mr. Speaker. Ladies and gentleman of the house, uh, I rarely
2 come to the Well as you know to speak on someone else's bill. But, felt
3 compelled in this instance. I will let others speak specifically on the
4 provisions of this bill. But, I want to address just some things about it
5 that I think will be a benefit as you make a decision. See, I understand
6 this issue from many different perspectives. Uniquely, as that. Unique in
7 the fact that I am a first generation immigration. My parents and I are
8 indebted to the Nixon administration and to our Congress who opened
9 the doors to Cuban refugees who escaped the island of Cuba and were
10 able to come to the United States. And, we did so in 1974 when I was
11 two years old and we came straight to Atlanta. So, I am not just the son
12 of an immigrant. I am an immigrant. But, I am also unique in the fact
13 that most of you probably have to answer the AJC or have to answer
14 other media outlets but for the last eight weeks I have been chased by
15 Mundo Hispánico, Univision and CNN en Español because they want a
16 quote and I haven't spoken to them. So, if they are watching this is the
17 quote and you are about to get it. I am also unique in my experience in
18 the fact that I was a target of mistrust in my past primary. Not because
19 of my solid conservative record. But, because of my last name. To where
20 my volunteers had doors slammed by my constituents in my party who
21 said I am not voting for someone that doesn't belong here. So, I

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_AM

Hearing Date: March 3, 2010

1 understand the issues. Neither side can tell me I don't. I was here for the
2 debates of 529 and I casted my support and my vote. And, I am here to
3 tell you that HB 87 is a good bill. It is something that has been needed
4 and it is something that we have to do. And, I commend Representative
5 Ramsey for his work and the work in the open process that we have had
6 throughout this time. We are finally addressing identity theft which I felt
7 that 529 lacked. We are finally addressing private employment
8 provisions which I felt that 529 lacked. The fact is we have this problem
9 because our businesses are hiring illegal immigrants. You see it with the
10 quotes that are sitting on your desk. Last night two legislatures I admire
11 spoke about zero based budgeting. One said to the other, "whatever you
12 do with this bill keep it real." And I tell you that that is what we face with
13 this topic. Not just this bill but this topic because this is our second
14 attempt. Until we address America's need for hard working, responsible
15 labor and demand that businesses hire legal labor we will not completely
16 solve this problem. Now, DA King who has been an advocate of this issue
17 was quoted that "[the] purpose of HB 87 is that illegal immigrants leave
18 Georgia." Well, I tell you with this bill just like 529 they will leave. But,
19 they are not going to go back to their countries. They are going to go to
20 Alabama. They are going to go to Tennessee. They are going to go to
21 Florida and whatever states right now will hire them. Why? Because the

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_AM

Hearing Date: March 3, 2010

1 conditions in their countries compel them to stay and to come. I was at a
2 pastor's conference in Mexico City quite a few years ago and there I
3 found out how their police force treats their own citizens. Where you are
4 pulled over at night and abused and maybe even beat up by your own
5 police force who wants to steal your wallet. That's not conditions that
6 any civilization can grow and prosper. And, so therefore they are
7 compelled to feed their children and feed their families to cross the
8 border even if it means illegally. There is where our problem lies. I had a
9 message sitting on my desk yesterday from a "Vivian" from District 21 she
10 tells, she told me vote for HB 87 because Americans want their borders
11 closed. Vivian, I am sorry to tell you that HB 87 is not going to do that.
12 But, that is the problem. What we are doing with HB 87 is sending a
13 message to President Obama to secure our borders. To our
14 congressional members to make real comprehensive immigration reform.
15 It is time for our federal government to do so. I see the light here on
16 telling me my time is up but I want to finish real quickly with just two
17 stories. There's a couple that were married in 1999 and during the New
18 Years Eve they were driving and they were hit in the back from a drunk
19 driver who was illegally in this country. Their mother was in the back
20 seat. The couple was in the front seat. The accident was terrible. Thank
21 God nothing happened to them. There was another couple that was on

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_AM

Hearing Date: March 3, 2010

1 their way to the 7th District convention in 2003. They were expecting
2 their first child. They were also hit in the back from an illegal immigrant
3 who was here driving. You know who that couple was? That was me in
4 both instances. God protected my family in those instances and so I tell
5 you that we have to support HB 87. I understand both sides. But, it's
6 time to protect our citizens if our federal government will not do so. But,
7 do not think our work is done. We need comprehensive immigration
8 reform. Mr. Speaker, thank you. I yield the Well.

9 **Mr. Speaker:** Gentleman has yielded the Well and did his allocated time and that
10 adjustment will be made by others speaking on the same side of the
11 issue. The Chair recognizes to speak to the bill Representative Atwood.
12 Representative Atwood.

13 **Rep. Atwood (R):** Thank you, Mr. Speaker. Ladies and gentlemen of the house I stand
14 today to support our national sovereignty. To support our state
15 sovereignty. To support the rule of law. And, I enthusiastically ask your
16 support of HB 87. I submit to you that we cannot be a sovereign nation if
17 we don't protect our borders. And, that includes the borders of the state
18 of Georgia. Some have said that we should leave illegal immigration
19 enforcement to the federal government and respectfully, I submit they
20 are wrong. As some of you know, for a large period of my life I have
21 served as a federal agent with the United States government. I have also

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_AM

Hearing Date: March 3, 2010

1 served as an attorney. I have served as a magistrate judge. I appreciate
2 the need for effective enforcement of our laws. I appreciate that that
3 must be balanced by constitutional standards. And, I welcome and
4 support legal immigration into our country and state. As a federal agent,
5 I worked alongside some of the most dedicated and patriotic people I
6 have ever known. We worked to combat illegal smuggling enterprises,
7 primarily illicit drugs, organizations that operated with a degree of
8 sophistication you can only imagine. But, we could not do it alone. Often
9 working alongside of us were police officers and state agents from
10 municipal and county law enforcement agencies. This same assistance
11 should be given at least to the degree that is allowed in this bill to the
12 enforcement of immigration laws. This bill hits to the heart of those who
13 profit on illegal immigration. It attacks the use of falsified documents. It
14 gives local police the authority and additional tools to assist in the effort
15 to combat illegal immigration. It does a myriad of other things to assist in
16 this effort without overburdening business, agriculture, tourism and it's
17 the right thing to do. As you consider this legislation, I want to leave you
18 with one thought. I know that we are limited on time and I am cutting
19 my comments short. I want to tell you about a fella', two men indeed,
20 one was Louis Dixon. He was 35 years old. He was married to Celeste.
21 He had a stepdaughter. He had been with the North Carolina State

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_AM

Hearing Date: March 3, 2010

1 Highway Patrol for 14 years. His partner was Charlie Chuck McKinskie.
2 He was only in his 20s. He was a young kid. He was a bachelor. He was
3 a good man. He had spent several years as a sky marshal. And, both had
4 joined my old agency and were posted around Nogales, Arizona which
5 was a hotbed of smuggling, of drugs and illicit alias from Mexico into the
6 United States at that time. After they surprised a smuggler as he drove a
7 pickup truck north away from the Mexican border, Bud and Chuck gave
8 chase and were soon involved in a running gun battle. As they ran off the
9 road and the man slammed on his breaks, the agents burst out of the
10 dust and Chuck McKinskie was killed immediately. Bud Dixon pulled his
11 mortally wounded partner out of the line of fire and then he was killed.
12 The man who did it later died from his wounds. They were joined in the
13 fight. It's time now ladies and gentleman, I'll submit to you that we join
14 in the fight to do what we can to helping this effort, to stand by the rule
15 of law, to protect the sovereignty of our nation and our state and I ask
16 that you pass this bill. Thank you, Mr. Speaker. I yield the Well.

17 **Mr. Speaker:** Gentleman yielded the Well. The Chair recognizes the Chairman of the
18 Banks and Banking Committee, Chairman Morris to speak to the Bill.

19 **Chairman Morris(R):** Thank you Mr. Speaker. Ladies and gentlemen of the House, I rise in
20 support of HB 87. I must say I rise with some regret. Not because I think
21 there is deficiency in the bill. I think it accomplishes what we want to

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_AM

Hearing Date: March 3, 2010

1 accomplish. The regret is the bill is necessary at all. Uh, as most of you
2 know, I represent the Vidalia area. Home of the famous sweet Vidalia
3 onions. World famous sweet Vidalia onions. It's a \$60 million dollar
4 industry so I don't take this lightly. I want to quickly clear up two
5 misconceptions. That the growers in my area want to break the law.
6 They do not. None have encouraged me to make it available or make it
7 so that they can break the law. What they want is the federal
8 government to have a workable H28 program so they can bring migrant
9 workers in, get the crops and then go home. That's what they want.
10 They want to follow the law. The second misconception is that every
11 migrant worker that's in my area wants to live in this country. Most of
12 'em have families. They love their families. They need work. They come
13 here to make money. They want to go home to be with their families
14 when the work is done. I live on 260 acres, our family farm. I put my
15 house right in the middle of it. I farm part of it. Sixty acres is leased to
16 Hernan Farms who grow some of the greatest onions, uh, that you'll see.
17 I have the pleasure every spring of watching that harvest in my front
18 yard. And, let me tell you something it is a pleasure to watch the migrant
19 workers work and they work. You know I have more in common with
20 those folks than I do of many of my contemporaries. You see because
21 even though I've got a continental, urban accent – don't let that fool you.

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_AM

Hearing Date: March 3, 2010

1 I come from sharecroppers. My daddy was a sharecropper. My
2 grandmother was a sharecropper. They worked in the same fields in that
3 same hot sun. That same toil. They were picking cotton. Cropping
4 tobacco and dipping tar. So, for me to even look down in any kind of way
5 on these people would be denying my own heritage. I love to see those
6 people work. I am a living manifestation of the American dream. My
7 grandmother worked. My father worked and worked out of the fields
8 and worked hard and lived the American dream to have a better life for
9 their son and grandson and I am that manifestation. What is sad though
10 is the American dream has been traded. What we traded the American
11 dream and we traded it for a society of entitlement. It's not that the
12 workers are being exploited. Do you know those workers can make \$400
13 a day picking onions? But, now you gotta' work. I don't believe any of us
14 can stay with 'em. You gotta' work and you gotta' do it. But they can
15 make it. What we got. They trouble we got. And, Mr. Speaker, let me
16 say this – is we've always got some half-baked social worker standing at
17 the end of the field who wants to sign them up for everything they can
18 give 'em and instead of living the American dream we want to trap them
19 in the cycle of exploitation that so many Americans are in. It's regretful
20 that we have to have this bill. The American dream should allow that.
21 We are anti-immigrant. Don't blame the migrant workers. It's our fault

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_AM

Hearing Date: March 3, 2010

1 for allowing our society to become a entitlement society. Not one that
2 the American dream that my daddy, uh, had for me. Thank you, Mr.
3 Speaker. I yield the Well.

4 **Mr. Speaker:** Gentleman has yielded the Well. Chairman recognizes Representative
5 Pak.

6 **Rep. Pak (R):** Thank you Mr. Speaker. Members of the House of Representatives, I rise
7 today in support of HB 87. To continue what Representative Casas has
8 said I could even go further. I am an immigrant. I am a first generation
9 immigrant in this country legally. I rise today to speak on the rhetoric
10 around, surrounding this debate. There has been much misinformation
11 regarding what this bill does. Specifically, I want to talk about the
12 opponents of the bill claiming that this bill legalizes racial profiling. With
13 all due respect to those who disagree with sponsors of this bill. The
14 statement that we are legalizing racial profiling is preposterous. Let me
15 initially note that the opponents and the rhetoric surrounding this debate
16 has characterized and confused the issues by calling this legislation
17 somehow anti-immigrant. It is not anti-immigrant. They failed to
18 distinguish between what is an illegal immigrant and a legal immigrant.
19 Of course, the purpose is not a good one. The purpose is to couch this,
20 this legislation as something that the Georgia legislature and the state of
21 Georgia is somehow targeting people who are here illegally. Let me be

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_AM

Hearing Date: March 3, 2010

1 clear, the bill does not create a state law crime for someone who's here
2 illegally or someone who is out of status. But, that's what been
3 perpetuated out in the world and also in the papers that we are
4 receiving. I ask you as a member of the immigrant community please
5 stop. Because it is intentionally or unintentionally inciting unnecessary
6 fears in our community and the public at large. I think I could pretty
7 much say this that no one in this chamber no matter which side of the
8 political isle that you are on wants racial profiling. It's a bad thing. When
9 you ask the people that claim that this bill increases the chance of racial
10 profiling, you ask them what provision does that, they can't cite you on.
11 Specifically, the statute, the proposed statute outlaws racial profiling.
12 How much more clear could we get in sending a message that we are not
13 going to accept racial profiling. Unlike the Arizona law and there is
14 rhetoric out there calling this bill an Arizona copycat. There is no
15 language like Arizona bill in HB 87 allowing a police officer to stop
16 somebody based on a reasonable suspicion. Unlike the Arizona law
17 there is no state law [unintelligible] crime making it a trespass for
18 someone to be here illegally. I implore you to just read the bill. It
19 provides clear guidance on the police officers and law enforcement
20 exactly when they can investigate the status of a person and exactly
21 when they cannot. They also claim that it will discourage immigrants

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_AM

Hearing Date: March 3, 2010

1 from reporting crimes when they are victims or witnesses. The bill once
2 again specially addresses this. It says when they are calling as victims or
3 witnesses the police cannot investigate the immigration status of the
4 person calling. How much clearer can we get? But, of course, if you read
5 the minority report it overlooks that fact and undermines that specific
6 language in the legislation. Above all I think the argument that somehow
7 traffic stops are often a pretext to racial profiling is an insult to law
8 enforcement. There are good men and women out there protecting us
9 from the danger. And, I truly believe that when they stop somebody in a
10 dangerous situation that the first thing in their mind is, whether or not,
11 the reason they stopped that person isn't because that person driving
12 while they are Hispanic or black. There might be some bad apples out
13 there but I refuse to believe that that is the case. There is no facts or
14 logical reasoning backing up the argument that we are somehow
15 legalizing racial profiling in this bill. With no facts or support or even the
16 law all you have is rhetoric and political theatre. Let me close with one
17 story that I have. I served for a pretty long time as a federal prosecutor in
18 the United States Attorney's office here in Atlanta, Georgia. By virtue of
19 that position I had the honor and the opportunity to preside over a
20 naturalization ceremony. And, I made the motion to make all of the
21 individuals who waited long years to become citizens of the United States

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_AM

Hearing Date: March 3, 2010

1 and I made the motion for them to take the oath. We also took the oath
2 when we were sworn in as state representative. We must defend the
3 Georgia and the United States Constitution. All this bill is doing is
4 protecting those values that we have. I ask for favorable consideration of
5 Chairman Ramsey's bill. And, with that Mr. Speaker, I yield the Well.

6 **Mr. Speaker:** Gentleman has yielded the Well. We will not have any audible outbursts
7 for or against on the speakers. Chair recognizes Representative Setszler
8 to speak to the bill. Representative Setszler.

9 **Rep. Setszler (R):** Thank you Mr. Speaker . . . I rise to do three things. I rise to demonstrate
10 that there is rampant identity fraud in Georgia perpetrated both by
11 individuals and businesses and that that fraud is the specific responsibility
12 of this general assembly to address. Secondly, I plan to demonstrate that
13 illegal workers are taking jobs from Georgians in our districts [and] in our
14 communities. Thirdly, I plan to demonstrate that public funds used in our
15 schools and our public institutions are being channeled to illegal
16 immigrants and to illegally businesses and it's our job to address that.
17 And, lastly I'll demonstrate that E-verify works and it was created by our
18 federal government to address the issues we are addressing today. If the
19 clerk would play the video. I would like to share with you a 2 minute 55
20 second video and then Mr. Speaker, I will be glad to close and leave to
21 this to the Augusta body.

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_AM

Hearing Date: March 3, 2010

1 Unidentified Fox 5 News video shown to house members

2 **Rep. Setzler (R):** Ladies and gentlemen, it is the responsibility of this general assembly to

3 ensure that felony identity fraud both by businesses and individuals

4 cannot thrive in this state. What you saw here on Fox 5 News is my high

5 school. That is Northcobb High School in Kenasaw, Georgia. Where

6 public tax dollars and our [unintelligible] is funding these fraudulent

7 businesses and illegal individuals. It is the responsibility of this general

8 assembly to deal with facts not with fiction and not with hyperbole.

9 There is misuse of our tax dollars right before us. And, I would argue with

10 you friends its our responsibility -- not the federal government's

11 responsibility to deal with these kinds of things. That's exactly what HB

12 87 does. Lastly, Mr. Speaker and I will close. The E-verify system is a

13 powerful system that is opposed not because it doesn't work but

14 precisely because it does work. Friends, the federal government

15 empowered us to have that system precisely to do these things. This is

16 our job to fix, friends. And, I would ask you to support HB 87 because

17 there are specific state issues not federal issues that is the pure

18 providence of the general assembly. And, I would ask this body to act

19 unanimously and overwhelming in support of HB 87 for these reasons I

20 provided today. Thank you, Mr. Speaker. I yield the Well.

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_AM

Hearing Date: March 3, 2010

1 **Mr. Speaker:** The gentleman has yielded the Well. Just for members' planning
2 purposes we are going to take a little lunch break here today. We've got
3 a lot of speakers yet to go but we are going to get just a few more in and
4 then we are going to break for lunch and come back this afternoon.
5 Chair recognizes the chairman of the Agriculture and Consumer Affairs
6 Committee, Chairman McCall to speak to the bill.

7 **Rep. McCall (R):** Thank you, Mr. Speaker. I'm be real quick. What I wanted to do was
8 express my thanks to Representative Ramsey and the Speaker for all the
9 time that has been put in this and adjusting it to fit more palatable to the
10 growers of agriculture products in the state of Georgia. There is an
11 amendment with probably 30 signatures on it that it will help that. Uh, I
12 would hope that you would vote on that amendment when it comes up.
13 But the real thing I want to talk to you about for a second is on January
14 10th each and every one of us put our hand on a bible and took an oath to
15 uphold the Constitution of this state and United States. The fourth word
16 in the preamble of this bill is "illegal." And, I think when we took that
17 oath it commanded us as a body to not do anything to support any kind
18 of illegal activity. I would appreciate y'all considering voting for this.
19 And, again to Representative Ramsey, thank you for all your hard work.

20 **Mr. Speaker:** Gentleman has yielded the Well. Chair recognizes Representative
21 Dempsey to speak to the bill. Representative Dempsey.

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_AM

Hearing Date: March 3, 2010

1 **Rep. Dempsey (R):** Thank you, Mr. Speaker and thank you for appointing me to the Joint
2 Study Commission this summer. We sat there and we listened and we
3 listened and I want to tell you that I listened quietly. I didn't say one
4 word or ask one question. I wanted to know what the roomful of
5 passionate and personal stories really were each day that we met. But, I
6 rise today because I can no longer stay quiet to deal with the reality that
7 our state faces in this very challenging time. As a mother and a
8 grandmother that reality in my mind comes most focused in a practical
9 way on education. I thank those teachers that get up every day right
10 now and go in that classroom and are compelled to teach every student
11 that is there. No matter what has brought them to their classroom. No
12 matter what walk they or their parents may have taken. But today in our
13 classrooms all across our state 175,000 students, nearly 10 percent of our
14 K thru 12 students are illegal aliens or are children of an illegal alien.
15 What that means is that \$1 billion dollars of our state QVE money is going
16 toward those children. And, that the local match. The absolute burden
17 on our local government is \$3,000 dollars per student. That's a reality I
18 cannot step away from. We cannot continue to put this burden on those
19 teachers while they also ask, "please don't furlough me" "please don't
20 make my classroom larger." This is how we do it. We take those real
21 dollars and we put them back into those classrooms where they really

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_AM

Hearing Date: March 3, 2010

1 belong. I care very much about everyone who is in our state and that
2 they have the best opportunity allowed but we must deal with this
3 reality. I ask you to join me today to vote in favor of this legislation.
4 Thank you, Mr. Speaker – I yield the Well.

5 **Mr. Speaker:** The lady has yielded the Well. Chair recognizes Representative Dougan.
6 Representative Dougan.

7 **Rep. Dougan (R):** Thank you Mr. Speaker. I shall be very brief. We do need to step back
8 and think about what this is really about. This is about the rule of law
9 and our country founded almost 250 years ago was based on a rule of
10 law. And, are founding fathers were divinely inspired. And, we are sitting
11 here inheriting the prosperity, economic and worldwide success because
12 of that. And, I knew we had fallen as a country when I saw a headline on
13 my TV screen last year that said, “Arizona makes illegal aliens illegal.”
14 That is where we have gone. And, unfortunately we have to address
15 something today and it will be consequences to what we do today. And,
16 there will be difficulties for some Georgians, let’s be honest about that.
17 But I feel that the side effects of not doing anything or even worse to the
18 core values of our country. For our duties as legislatures, duties of
19 patriots [and] duties as Americans to support this difficult decision and
20 vote for HB 87. With that I yield the Well.

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_AM

Hearing Date: March 3, 2010

1 **Mr. Speaker:** Gentleman has yielded the Well. Chair recognizes Representative
2 Harden. Representative Michael Harden to speak to the bill.

3 **Rep. Harden (R):** Thank you, Mr. Speaker. My friends, I think all of you know that I am a
4 huge supporter and proponent of agriculture in this state. And, I am also
5 a business owner. But it has disappointed me greatly to hear the biggest
6 argument in all the dozens of documents that have been put on my desk
7 this morning – the argument that’s being made is that we cannot afford
8 it. We cannot afford to do the right thing. Friends, this is a matter of
9 right and wrong. You know it was just a few days ago that we debated
10 the issue of sex trafficking. And, for those of you who don’t support this
11 bill I am thankful that you were asleep that day because if we had had
12 the pimps in this chamber maybe they had made the same argument. I
13 am financially benefiting from this. I know it’s wrong but this is about a
14 buck. My friends, there’s no difference. About 150 years ago folks in our
15 very chairs and those like it across the country debated a very similar
16 issue. Is it about the dignity of a human being or is it about the dollar.
17 You know, we have a shortage of engineers in this state. We have a
18 shortage of math and science teachers. The question is should we go into
19 our prisons and find those and let them out and give them a free pass
20 because they’re beneficial to society? That’s a stupid question, isn’t it?
21 And, yet every time I ask that question the answer is overwhelmingly,

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_AM

Hearing Date: March 3, 2010

1 “No.” And the answer is this – it’s because it’s wrong. If you break the
2 law there is consequences there is no difference. Do we teach our
3 children make yourself irreplaceable that way you can get away with
4 anything? No we don’t. We tell them to live by the rule of law and to do
5 the right thing. A few short weeks ago we took an oath as we placed our
6 hand on the bible and we pledged to do the right thing -- to protect and
7 defend the citizens of this state without exception. Well, Georgia today
8 we are going to find out who meant it. I urge you to vote for this bill.
9 Thank Chairman Ramsey for his dedicated and unwavering just
10 amazement on this bill. I urge you to vote for this bill. Do the right thing.
11 And, Georgia watch and see how we act. Thank you.

12 **Mr. Speaker:** Gentleman yields the Well. Chairman recognizes Representative Kumer
13 to speak to the bill. Representative Coomer.

14 **Rep. Coomer (R):** Thank you, Mr. Speaker. I rise to speak to this bill and to address
15 concerns of those who have claimed that God himself is somehow
16 opposed to this bill. We’ve heard the bill is unchristian, immoral and
17 opposed to the principals of scripture. And, there are in fact scripture
18 references to aliens and immigrants throughout the holy scripture. First,
19 there are those scriptures that address the protection and good
20 treatment of aliens. Among those we find Psalm 146:9 that says “God
21 watches over the alien or sojourner.” Exodus 23:9 which is often quoted

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_AM

Hearing Date: March 3, 2010

1 in this debate says “do not oppress an alien. You yourselves know it feels
2 to be aliens because you were aliens in Egypt.” Now, we are nation of
3 aliens and immigrants. And, my personal ancestry includes immigrants
4 from Germany and Ireland and we’ve got some Cherokee Indian and
5 probably some other things that didn’t get written down for prosperity,
6 uh, that make up our ancestral heritage. And some of you probably have
7 better blood lines than that but the bottom line is we all have ancestry of
8 immigration and immigrants in this country. And, you may not
9 remember the discrimination you faced by your ancestors but you know
10 the history and you know the discrimination they faced by virtue of not
11 being from around here. You know they suffered it. Scripture
12 admonishes us to remember and to refrain from allowing other aliens
13 and immigrants to be treated that way. This is one reason I support HB
14 87. This bill would discourage the predatory and abusive practices taken
15 against immigrants. It would operate to protect those most vulnerable
16 by discouraging those who want to take advantage of people who can’t
17 demand a fair wage. Protecting people who won’t report they have been
18 raped or beaten or abused or imprisoned for fear of reprisal from people
19 who [unintelligible] them into the country -- people who find themselves
20 in the hands and at the mercy of brutal criminals. And, when the
21 government is complacent in that heinous conduct, HB 87 gives private

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_AM

Hearing Date: March 3, 2010

1 citizens who care for the welfare of immigrants a private right to seek
2 redress in the Superior court and to aid in halting discourage against
3 those who really cannot defend themselves. We are a nation of laws and
4 not of men and that means we do not rely on our bloodlines to
5 determine whether or not we are Americans and Georgians. Instead, we
6 rely on the law that governs us all to make us all Americans and
7 Georgians. If you believe in the rule of law then I ask you to join me as a
8 descendent of immigrants. As a lawyer who has studied and loves the
9 law. And, as a Christian that holds scripture as the highest director for
10 life. And, I implore you to vote in support of this bill. It's the right bill at
11 the right time. Mr. Speaker, I yield the Well.

12 **Mr. Speaker:** Gentleman yields the Well. Chair recognizes Representative Ferguson to
13 speak to the bill.

14 **Rep. Ferguson (R):** Thank you Mr. Speaker. This is a very interesting debate but I am a little
15 confused. I have several reports here that have been placed on our desk
16 this morning. The first is from the Asian American Legal Advisory Center
17 that talks about SB 1070 from Arizona. The second one is from a Dr.
18 Russell and I quote from him, "please do not disregard the efforts of
19 these immigrant workers." The third is a information sheet that discusses
20 undocumented immigrants. The reason that I am confused is because I
21 think that we are getting bogged down in rhetoric. Let's get to the facts

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_AM

Hearing Date: March 3, 2010

1 of this bill. Let's look at line one of the bill. Line one. Specifically, the 4th
2 and 5th word – "illegal immigration." That's what this bill deals with it
3 deals with illegal immigration. I would like to reiterate the words of my
4 good friend, Representative Pak. He had some very wise words for us
5 this morning. This is not about profiling. This is not about scare tactics.
6 This is about *illegal* activity. Let's get past the rhetoric. The best way
7 that we currently have for employers to verify that they are hiring legal
8 workers, whether immigrants or U.S. citizens, is E-verify. It's a very
9 simple and quick solution. There's been a lot put on your desk about the
10 burden that it will cause businesses. I know firsthand that it is not a
11 burden. It a very minor way and a very minor task to ensure as best as
12 we can today that we are obeying the law in this state. I'd like to give
13 you a quick parallel of a similar electronic verification that I am very
14 familiar with and it works wonderfully. And, that is the FBI background
15 check for firearm transfers in this country as a part of the Brady Act. That
16 has been in place multiple years now and it has worked extremely
17 effectively online to ensure that criminals are not purchasing firearms
18 illegally. It takes about 4 minutes to proceed with this check. And, most
19 of the time well over 90 % those background checks come back in less
20 than 4 minutes. This is a very similar platform as one that we have
21 already have that has been proven in an industry time and time again

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_AM

Hearing Date: March 3, 2010

1 that makes our state and our country safe. I see no difference with this.

2 In conclusion

3 **Mr. Speaker:** Gentleman's time has expired.

4 **Rep. Jerguson (R):** Thank you Mr. Speaker. I ask that you vote favorable for this bill and I
5 thank Representative Ramsey for his hard work.

6 **Mr. Speaker:** Gentleman has yielded the Well. Chair recognizes Representative
7 Spencer to speak to the bill. Representative Spencer.

8 **Rep. Spencer (R):** Thank you, Mr. Speaker. I rise today before this body and to voice strong
9 sentiments from the District 180 in support of HB 87. The sovereign
10 people of the 180th have grown impatient with the federal government's
11 ineptitude in enforcing the Constitution of the United States and the
12 federal immigration laws. The failure has cost this state more than \$2.4
13 billion dollars a year. Not only that, the federal government's
14 incompetence has cost us our state's sovereignty. This surrender of
15 sovereignty is the most costly consequence of all. The author of this bill
16 is doing his duty. He is duly responding to the will of the people of his
17 district and of this state. No government has the right to resist the
18 regularly expressed will of the sovereignty which created it. Either for
19 the purpose of retaining its power or continuing its existence against the
20 will of the people. The government of this state exists to protect the
21 people's lives, liberties and properties against violence and fraud. An

EXHIBIT B

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_PM

Hearing Date: March 3, 2010

1 **Madam Speaker:** We are back on the Rules calendar. The Chair recognizes Representative
2 Peak to speak on the bill. Rather, the Chair recognizes Representative
3 Dollar.

4 **Rep. Dollar (R):** Thank you Madame Speaker. I don't think I have too much to add that
5 hasn't already been said here today but I still felt compelled to come up
6 and just say a few words. I had intended to ask the author a couple of
7 questions but obviously we ran out of time. A number of years ago when
8 we had some landmark legal immigration legislation come through here
9 we addressed an issue of proper ID. Something that is the author
10 referred to as secure and verifiable. At that time I had obtained a
11 matricular consular card. In fact, I had obtained two. So, I am glad to see
12 that that easily obtained identification is addressed in this bill. Here is
13 what it looks like In case you never seen one. It's my name, and my
14 photo and my birth date. It says I was born in Guadalajara. Another item
15 I would like to address is , uh, we've gotten a lot of things on the desk
16 relating to the business community. I have one regarding Kia. A couple
17 of other businesses here in Georgia have been referenced. To those
18 industries, I would, I just would like to reiterate what already has been
19 said and that this is not an anti-immigration bill this is an anti illegal
20 immigration bill. My next door neighbor is from Uruguay, South
21 American. The bank teller at the bank I go to is from Croatia. And, just

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_PM

Hearing Date: March 3, 2010

1 yesterday I met the head of the PTA at Eastside Elementary School in my
2 district who is from Turkey. Her children are from Turkey and when she
3 brought them over here she taught them not their native tongue but
4 English, primarily. And, I just think that it is incredibly hypocritical and
5 insulting for you to tell these people who are immigrants and who
6 worked very difficult, you know very difficulty, very diligently to become
7 citizens in this country to look at them and say it is for not. It is for
8 nothing. Um, some of the immigrants I have talked to. Several of which
9 have stood up here today are actually, probably feel stronger about this
10 bill than many of us who will be voting for it. And, I just want that to be
11 acknowledged and remembered because I think it's important. And, with
12 that Madame Speaker, I yield the Well. Thank you.

13 **Madame Speaker:** The Chair recognizes Representative Crawford to speak on the bill.

14 **Rep. Crawford (D):** Thank you Madame Speaker. Ladies and gentleman I will be but a
15 moment. My purpose today is to keep the word that I have given to my
16 constituents. The legislation before us is imperfect. There are parts of it
17 which certainly do concern me. And, there are parts of it that will create
18 issues as we go forward. Nonetheless, at the end of the day my county is
19 a very economically depressed area. We have very high systemic
20 unemployment. We rank on the top tier of economic development
21 incentives. And, I have been repeatedly contacted by constituents of

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_PM

Hearing Date: March 3, 2010

1 mine who are out of work and have been for some time. And they have
2 reported to me incidents where they have applied for work and been
3 denied jobs based on what they consider to be questionable
4 circumstances. In response to their concerns I gave them my word that if
5 presented with the opportunity to vote for E-Verify that I would do so. I
6 come today to keep my word that I have given to them. I will vote for
7 this bill so that we may implement E-Verify to protect all of our citizens.
8 Particularly, in this time of high unemployment. I will not belabor the
9 point. I think everyone knows what they are going to do. I am here
10 today simply to keep my word. And, I yield the Well.

11 **Madame Speaker:** Chair recognizes Representative Peake to speak to the bill.

12 **Rep. Peake (R):** Thank you, Madame Speaker. I rise today in support of HB 87 with a
13 couple of points. One, I want to commend my friend and colleague Matt
14 Ramsey. You have done a great job with this bill -- open, transparent the
15 way legislation ought to be done. And, uh, thank you for that hard work.
16 Many of you may know the Georgia Restaurant Association has opposed
17 this bill. Georgia Restaurant Association's \$14 billion dollars of revenue,
18 17,000 restaurants, 375,000 jobs in this state. The largest non-
19 government employment sector in the State. And, they have opposed
20 this bill. Well, a couple of things -- I am a restaurant owner. I own 18
21 restaurants across the state. I am a member of the Georgia Restaurant

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_PM

Hearing Date: March 3, 2010

1 Association, for now. They have had no discussions with me. Not one
2 word. Not one phone call. Not one email to discuss this bill. I am a
3 restaurant owner. I am a member of the Georgia Restaurant Association
4 and I support this bill. The argument that it is a federal – their argument
5 that this is a federal issue and should be left to the federals is not valid
6 when you realize the cost to our state is over \$2 billion dollars. The
7 second point I want to make is regarding E-Verify. We have heard a lot
8 about how difficult it is. It is not accurate. We can't – as a restaurant
9 owner and a small business owner and a small little staff of 3 or 4 people
10 that take care of my business, I can sit here today, stand here today and
11 tell you that E-Verify, the E-Verify set up was simple and easy to use. It
12 took about 15 minutes to set up. We have about 15 to 20 new
13 employees each week that come through our little business. It takes
14 about 30 seconds to input their name, social security number, date of
15 birth to find out if whether they are a valid citizen in this state. We get
16 immediate results to find out if it kicks out a problem with their date of
17 birth, name and social security number. And, then we give the
18 opportunity to our employees to correct that. And, so I am here tell you
19 that the argument that the E-Verify system would be a hindrance to
20 business is not a valid one and not a valid argument. I urge you and

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_PM

Hearing Date: March 3, 2010

1 encourage you to support HB 87. Thank you Madame Chair. I yield the
2 Well.

3 **Madame Speaker:** The gentleman has yielded the Well. The Chair recognizes the Majority
4 Chairman. Caucus Chairman Representative Sheldon to speak to the bill.

5 **Rep. Sheldon (R):** Thank you, Madame Speaker and members of the house. Today I rise in
6 full support of HB 87. on January 21 – on January 12, 2001, the Gwinnett
7 County Sheriff Department Immigration Custom Enforcement or ICE
8 began a 26-day search at the jail to check all inmates for their
9 immigration status. At the end of 26 days ICE had placed detainers on
10 914 foreign inmates in order to begin deportation proceedings. These
11 numbers reveal that 68 % of our foreign born population at the jail is
12 here illegally. Charges included dozens of violent offenses such as
13 murder, rape, armed robbery and child molestation. Fifty-four percent of
14 the 914 had a previous criminal history. The vast majority of those with
15 prior criminal histories had previous criminal histories in Gwinnett. No
16 one has ever been deported from the US of A -- USA for a traffic offense
17 or any other minor offense. The singular reason for deportation is a
18 violation of American immigration laws. Border patrol agents risk their
19 lives to secure our borders. Not using any and all available federal tools
20 given to us by the feds to help locate the illegal aliens who escaped
21 capture and make it to Georgia, it's a dishonor the work of the brave

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_PM

Hearing Date: March 3, 2010

1 border patrol agents. The rich tradition of legal immigration in our nation
2 inviolate the oath of office we took and hold in the state of Georgia and
3 the US Constitution. The Gwinnett Sheriff's Department testified at a
4 joint committee hearing that in addition to removing thousands of illegals
5 from the county our 287 G use has resulted in fewer illegal aliens being
6 arrested and a lower population of foreign born inmates and an overall
7 savings to Gwinnett taxpayers. Similar reports are flooding in from
8 jurisdictions using 287 G is a proven deterrent to illegal and I repeat
9 illegal immigration. We are proving daily the commonsense axiom that
10 enforcement works. This bill will expand on the tried and true notion and
11 give our law enforcement additional tools to better enforce the law all
12 across the state. Nobody in Georgia can reasonably say that we need
13 more illegal aliens or that we shouldn't do all possible to protect real
14 legal immigrants and the Georgia citizens from the crime of illegal
15 immigration. Use of E-Verify to stop illegals from being hired and the use
16 of 287 G to help locate the illegals in our jails can only serve to protect
17 jobs and increase public safety. I yield the Well.

18 **Mr. Speaker:** The lady has yielded the Well. The Chair recognizes to speak to the bill
19 the Speaker pro Tem of this House. Speaker pro Tem Jones.

20 **Speaker PT Jones(R):** Thank you Mr. Speaker. We are a generous country and nation. The US
21 has welcomed more legal immigrants for each of the last 30 years than

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_PM

Hearing Date: March 3, 2010

1 the rest of the entire world put together. In fact, in recent years half of
2 our new legal immigrants have come from Mexico. We welcome them as
3 fellow citizens. This is not merely an illegal immigration issue it's an
4 education problem that goes to the heart of our ability to provide quality
5 education to *our* state's children. How can we afford to not address the
6 economic burden placed on core services by those that come to our
7 nation in circumvention of federal law? There are more than 64,000
8 school aged illegal aliens and 90,000 US born school aged children of
9 illegal aliens in Georgia's public schools. We are funding them at an
10 average cost of \$7433 per student in state and local funding. Without
11 raising taxes by one red cent Georgia could devote 10 % more in per pupil
12 funding if not for illegal immigration. Additionally, 50 % of illegal
13 immigrant adults have not completed high school. Eight-five percent of
14 adult Americans over the age of 25 have completed high school. Illegal
15 immigration is costing state taxpayers, our public schools and local
16 property taxpayers. It's compromising our state's prosperity and we
17 cannot afford it. As state legislatures we don't have the authority to
18 enforce our country's borders. We can though make Georgia less
19 attractive as a haven for illegal immigrants by voting for HB 87. Thank
20 you and I urge you to vote for the bill. I yield the Well.

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_PM

Hearing Date: March 3, 2010

1 **Mr. Speaker:** The lady has yielded the Well. The Chair recognizes the whip of the
2 majority party caucus Representative Lindsey to speak to the bill.
3 Representative Lindsey.

4 **Rep. Lindsey (R):** Thank you Mr. Speaker. Last night as I was slowly falling asleep or trying
5 to fall asleep, I decided to reach for some fiction to help me along my
6 way. So, I reached and grabbed for the minority report to HB 87. Now,
7 I'll tell you this it doesn't have a whole lot of action to it but it does have
8 a great amount of fantasy. Let me sort of walk you through real quickly
9 the problems with this minority report. On economic impact what it
10 totally, totally ignores is the \$2.4 billion dollar impact that illegal
11 immigration has on the state of Georgia. That includes a \$1 billion impact
12 on our K - 12 education. Their only argument in favor of the negative
13 economic impact in Georgia is based on fear and distortion as to what
14 exactly is in this bill. And, for those of us who received the emails
15 regarding HB 87 that oppose it. We understand what that means. How
16 many of you have received emails in which what is in this bill is totally
17 and completely distorted? I have gotten a new way of dealing with it – I
18 simply shoot back a link to the bill and say read it and then email me
19 back. And, yet to have someone come back yet. Therefore, if we get
20 folks to stop demonizing this bill and read it, I do not worry about the
21 economic impact. Secondly, the minority report talks about the impact

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_PM

Hearing Date: March 3, 2010

1 on local government. Keep in mind that this bill only allows lawsuits
2 against local governments if they do one of three things: If they fail to
3 use E-Verify when it comes to contracts, government contracts. In other
4 words, if they fail to police to make sure that only businesses that
5 operate legally can do business with the local governments. Number
6 two, if the local governments fail to do the proper investigation to make
7 sure that only folks that are entitled to receive benefits actually receive
8 those benefits. In other words, if local governments fail to protect the
9 taxpayer's hard earned money then a suit can be filed. And, number
10 three of course, if a local government decides to create a sanctuary city.
11 Those are the only three instances in which a lawsuit can be filed. And,
12 Representative Ramsey has already talked about the various hurdles.
13 The very difficult hurdles that have to go through before the lawsuit can
14 move forward. And, number three regarding E-Verify. They say that it is
15 a 50 % inaccuracy rate. A total and complete fiction. The fact of the
16 matter is 97 % of the time when someone's name is plugged into E-Verify
17 it comes up green that they can, that they are entitled to work. Only 3 %
18 are rejected. And of those 3 % there is a process in place a due process
19 process in place for those folks who are legitimately here in the United
20 States to clear up the record so that they can get a job. The only thing
21 that this minority report cites to in regards to the questioning the

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_PM

Hearing Date: March 3, 2010

1 accuracy of E-Verify is the amount of documentation which is fraudulent.
2 The fact of the matter is this bill tries and in fact does attack just that
3 issue. The fourth thing it talks about is community impact. In which the
4 opening line is this bill as structured will legalize racial profiling. Probably
5 the greatest single state of fiction that is contained in this minority
6 report. It has absolutely no basis whatsoever and all it's doing is creating
7 fear mongering. The fact of the matter is as Representative Ramsey very
8 clearly pointed out – all that is allowed in this bill is that as part of a
9 criminal investigation if the local law enforcement agent cannot
10 otherwise verify who they are dealing with they can then check on that
11 individual's immigration status. That is commonsense. Now, all of us
12 who have been here even the freshman have come to recognize that
13 there is a difference between citing a reason for opposing a bill and citing
14 an excuse. And, the fact of the matter is this minority report is merely an
15 excuse. Those who oppose this bill do so for one simple ideological
16 reason – they do not agree with the immigration laws of the United
17 States and they do not believe that they should be enforced. That's the
18 bottom line. For those of us who favor this bill our reason is simply this –
19 we believe in the rule of law. We believe that businesses that are
20 following the law in terms of who they are hiring and making sure that
21 they are only hiring legal residents should not have to compete unfairly

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_PM

Hearing Date: March 3, 2010

1 with those who are not. Who are instead siphoning in illegal residents
2 and cheap labor. Businesses who are doing it right should not have to
3 compete with those who are not. Furthermore, taxpayers, voters the
4 folks who sent us here should not be required to bear the burden of a
5 failed federal government's enforcement policy when it comes to making
6 sure that only their hard earned taxpayers, their own hard earned tax
7 money is actually going to those people who are legally entitled to
8 receive it. Those are the reasons why I support this bill. Those are the
9 reasons why I believe that the overwhelming majority of his house
10 supports this bill. We should not allow these excuses cited in the
11 minority report to dominate here today. Mr. Speaker, I yield the Well.
12 This is a good piece of legislation. This is a legislation that has been
13 vetted and worked on exhaustingly before session and during the
14 session. It is an important step forward for this state and it is an
15 important call to the federal government – do your job. Mr. Speaker, I
16 yield the Well.

17 **Mr. Speaker:** Gentleman has yielded the Well. Chair recognizes the majority leader of
18 this house. Majority Leader O'Neal to speak to the bill.

19 **Rep. O'Neal (R):** Thank you Mr. Speaker. Ladies and gentlemen. We are a country that
20 that makes law of its people by its people. Law is not made by a dictator
21 or regime in America. We are a country that has a long history of respect

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_PM

Hearing Date: March 3, 2010

1 for its rule of law. We do not have a history of condoning for any reason
2 violations or violators of our law. We all know legal pathways to
3 citizenship exist in this great nation. And, everyone here is a direct or
4 indirect evidence of that fact. We all know legal means for obtaining
5 seasonal labor assistance exist. I respectfully submit to you that if we as
6 a nation continue to ignore our own law for convenience sake we
7 undermine the fundamental integrity of our law. It's often said that the
8 Devil is in the details. In the case of illegal immigration the details have
9 been the Devil to our citizens. Ladies and gentlemen freedom as we
10 know it cannot sustain lawlessness. We must act now and decisively.
11 The decision before us fundamentally is truly whether or not we respect
12 our own rule of law. If you do respect our law join me and vote Yes on
13 HB 87. Mr. Speaker, I yield the Well.

14 **Mr. Speaker:** The gentleman has yielded the Well. That concludes the list of speakers
15 of those who have signed up for 90 minutes in favor of passage of the bill.
16 We will now go on to those that have signed up to speak, I think by
17 previous agreement, except for the minority report, for 11 minutes each.
18 The Chair recognizes Representative Marin to speak. Representative
19 Marin.

20 **Rep. Marin (D):** Thank you, Mr. Speaker. Good afternoon. Buenos Aires. For the record
21 allow me to say that, yes the United States has not adequately and

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_PM

Hearing Date: March 3, 2010

1 sufficiently addressed the issue of immigration. Our federal government
2 has yet to adopt legislation to correct many of the policies and
3 problematic challenges that could bring relief to our families, universities,
4 public agencies and businesses. I recognize we have a situation that
5 requires thoughtful and substantive action. It requires our federal
6 leaders to think strategically about the long term implications of any
7 course they intend to take. We also recognize the frustration many of us
8 have at the state and local levels due to the federal government
9 remaining disengaged. This level of frustration has lead to many states,
10 counties and municipalities establishing policies that they believe are in
11 the best interest of their government and constituents. As legislators we
12 all feel compelled to act when conditions exist that impact our economy,
13 institutions and overall quality of life. I can safely say that immigration
14 does indeed fit with the aforementioned category. The question is how?
15 How are we going to respond to challenges that confront us? How are
16 we going to ensure our decisions are based on fairness, justice and acting
17 with the best intentions? How are we going to guarantee what we will
18 do today will not come back and haunt us tomorrow? In examining the
19 provision within HB 87, I would question whether this is the appropriate
20 response our state should have on the issue of immigration. I strongly
21 oppose this bill due to its lack of moral decency by forcing human beings

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_PM

Hearing Date: March 3, 2010

1 to be regulated to a second class status. Its willingness to enforce a new
2 version of the Fugitive Slave Act of 1850 where neighbors become duty
3 bound to notify authorities if they suspect someone of being illegal. And,
4 it being extremely burdensome to local governments who must expand
5 their responsibilities without a penny of state funding being appropriated
6 for staffing, training, processing or holding of captured human beings.
7 During a time when our economy is desperately trying to improve. Our
8 unemployment rate is in double digits. Many of our children will not
9 enjoy the full benefits of full scholarships and grants. Foreclosures
10 continue to plague many of our communities and people are finding it
11 more difficult to pay for medical service. Do we really believe now is the
12 time to create a Gestapo state where every person who looks, sound or
13 have the surname of an immigrant must provide papers as in South Africa
14 to prove their citizen or legal residence? It is creating a culture of fear
15 and distrust. The best way we can effectively respond to the present
16 issue of the day is No. No. No. If the authors of HB 87 think this is some
17 peninsula that will cure all of our ills as a state you are sadly mistaken. I
18 know how easy it is to identify a group of people and dump all of our
19 frustrations on them. We see it happen every election cycle. "Let's
20 blame the immigrants for all our problems." "If every brown and black
21 skinned people whose undocumented left Georgia then our economy

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_PM

Hearing Date: March 3, 2010

1 would improve.” “Our test scores would increase.” “Everybody would
2 have a job.” My apologies but I support policy that deals with reality. HB
3 87 does not represent the ideals and values of Georgia and will not
4 relieve our state from the challenges of immigration. All it does is
5 confirm that some of my colleagues have no real plan to help our citizens.
6 Only a policy of distraction, disillusion and despair. Thank you, Mr.
7 Speaker. I yield the Well.

8 **Mr. Speaker:** Gentleman has yielded the Well. The Chair recognizes Representative
9 Kendrick. Representative Kendrick to speak to the bill.

10 **Rep. Kendrick (D):** Thank you, Mr. Speaker. Most of you know I don't speak much unless I
11 have something really, really important to speak today. Today I rise in
12 opposition to HB 87. And, let me clarify a few things before I begin. I am
13 not in support of illegal immigration. I know a lot people may come up
14 here and make it seem that if you are opposition to this bill you are in
15 support of illegal immigration. That is not the case. Mentioned also. It
16 has also been mentioned about the rule of law as is those that are in
17 opposition to this bill do not understand the rule of law. Many of you
18 know that I am a practicing attorney. And, although I have only been
19 practicing for a few years, I do understand the rule of law. But, I also
20 understand that there are civil rights and many supporters of this bill will
21 point to the fact that this bill is based on immigration law but they fail to

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_PM

Hearing Date: March 3, 2010

1 mention the civil rights law side of it. We don't get to choose in this
2 country what type of law is going to be held above others. And now that
3 I have clarified that, I want to tell you that I am up here in opposition to
4 this bill representing small to medium sized businesses owners because I
5 am a business attorney. And, this is my passion and I have concerns
6 about the effects it is going to have on this group of people. Now, many
7 in this room are small business owners so I am speaking specifically to
8 you. And one question that I have to ask is what about jobs? If this bill
9 passes it will stifle tourism. If tourism is stifled small to medium size
10 business owner revenues will suffer. If small to medium size business
11 owner revenues suffers employees are going to suffer through
12 termination and cut in hours. Now many of you ran on this platform of
13 economic development. I ran on the same platform. Unemployment in
14 this state is at 10.4 %. So, I just want to give you some interesting facts
15 about our small to medium size business owners in Georgia. According to
16 the SBA small businesses those that employ less than 500 employees
17 account for almost 90 % of the workforce. In order to employ this many
18 people small to medium size business owners need money. And one of
19 Georgia's biggest money makers is tourism. Creating 541,500 jobs and
20 \$6.9 billion in residential income. As of today the Secretary of State has
21 registered over 87,000 new businesses in Georgia not including general

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_PM

Hearing Date: March 3, 2010

1 partnerships and sole proprietorships. As of today this year the Secretary
2 of State has registered almost 16,000 new businesses. The Congressional
3 Budget Office predicated that because of the E-Verify system that took
4 place in Arizona that what happened is many businesses would hire
5 workers off the books and would not pay the crucial payroll and other
6 taxes to their state and local governments and this is exactly what is
7 happening in Arizona. Who wants to drive to a state for fear that they
8 will be pulled over and asked to show papers for fear of being jailed for
9 any length of time? No one. Who wants to ride through a state that
10 penalizes riding in the car with a friend that may be illegal? No one. Who
11 wants to start a business, continue and grow a business, or bring clients
12 to a state that profiles individuals no matter what the author may claim?
13 No one. What this bill does is harm businesses. It harms my business. It
14 harms your businesses. It harms Georgia's businesses who are already
15 suffering under these economic conditions. I ask you to oppose HB 87
16 and before you push that button ask yourself, What about the jobs?
17 Thank you, Mr. Speaker.

18 **Mr. Speaker:** The lady has yielded the Well. Chair recognizes Representative Drenner
19 to speak to the bill. Representative Drenner.

20 **Rep. Drenner (D):** Thank you Mr. Speaker. Ladies and gentleman of the house, I rise today
21 in opposition to HB 87. And let me say before I go into my prepared

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_PM

Hearing Date: March 3, 2010

1 remarks. Let me say that I am a law abiding christen American citizen
2 and I do not support illegal immigration. Let me say this again, I am a law
3 abiding christen American citizen and I do not support illegal
4 immigration. However, I do believe that this is a federal issue – not a
5 state issue. For those who would say that our federal government has
6 failed to act, I agree. But the reason is a federal issue is simple.
7 Immigration is complex and not easily addressed through state legislation
8 that cannot address the root causes. I want to draw your attention to
9 section 11 of the bill. And, before I do that let me just tell you that for
10 the last 6 terms I have had the privilege. And, let me just say the
11 privilege of representing one of the most diverse areas in the state of
12 Georgia – the city Clarkston. The city of Clarkston has approximately 20
13 different nationalities and 51 different dialects -- 20 different
14 nationalities and 51 different dialects. And, so I would like for you to pull
15 section 11. Section 11 deals specifically with the provision of the Arizona
16 law that the federal judge found the most problematic – empowering law
17 enforcement to investigate the immigration status of a person who they
18 believe is undocumented. The law tries to change the language of the
19 Arizona statute by saying “the law enforcement officer must have
20 stopped the criminal suspect and have probable cause to believe the
21 person committed the crime before giving them cart blanche to then

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_PM

Hearing Date: March 3, 2010

1 seek to verify the suspects immigration status. If the suspect cannot
2 produce one of the documents listed in the code section 50:36:2 or a
3 driver's license or state ID card or proof of legal status or a federally
4 issued ID document or other information to independently identify the
5 suspect." The sponsor of the bill maintains that by taking out reasonable
6 cause to believe a person is undocumented that he has cured the
7 constitutional defect in the legislation. But contrary. He has made the
8 law even more unconstitutional because he has removed what could
9 have been the basis for determining legitimate immigration inquires and
10 turned it into a completely arbitrary process. And while he has also
11 exempted individual police officers from liability he has not exempted
12 county or local governments who will be the subject of that fictitious
13 profiling lawsuits that we were told about earlier from liability. I would
14 not want to be a police officer who has to enforce this law because he
15 has either has to ask *every* driver he stops about their immigration status,
16 regardless of what status the person appears to have or he has to ask
17 *none* of them. Any action in between will be subject of a lawsuit. More
18 importantly, this particular part of the Arizona law was struck down
19 because it was preempted by federal law in that it impermissible
20 burdened the federal immigration authorities and thus could not be
21 enforced. Nothing about this version of the law changes that analysis.

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_PM

Hearing Date: March 3, 2010

1 And by passing this legislation the legislature would be setting the state
2 up for a lawsuit to defend. A lawsuit it will lose. Further, this section
3 expands the definition of a criminal related stop to now include *traffic*
4 *offenses*. So, if you thought speeding was a simple traffic violation think
5 again. It is not a criminal offense in Georgia. And, what about
6 passengers in vehicles or other occupants of a house or other people at
7 the business? This provision has long reaching and very severe
8 implications for anyone who is a friend of the Constitution. I ask you to
9 do the right thing and vote against HB 87.

10 **Mr. Speaker:** The lady has yielded the Well. Chair recognizes Representative Neal.
11 Representative Yasmin Neal to speak to the bill.

12 **Rep. Neal (D):** Thank you, Mr. Speaker. I do respect both sides of this debate. But, this
13 is my reason for opposing this bill. I am speaking in reference to the law
14 enforcement piece of this bill. As a police officer and as a state
15 legislature, I can offer some insights my colleagues cannot. First, HB 87
16 creates a one-size-fits-all approach to law enforcement which ignores the
17 cuts and cutbacks to public safety. Because undocumented populations
18 vary widely across the state, local law enforcement requires some ability
19 to deal with situations on a case by case basis. Not everyone can drive
20 the 4 hours to an ICE location or immigration location and wait for
21 processing. Along with that, it puts officers in dangerous positions

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_PM

Hearing Date: March 3, 2010

1 because over the past few weeks I have been advised that this bill does
2 not criminalize being an illegal immigrant. But, as of today on line 510 -
3 512 35-6(d) it does indeed give authority to police who arrest for being
4 an illegal immigrant. With that officers will be allowed to arrest an illegal
5 immigrants. But, each time an encounter is made with an illegal
6 immigrant, officers are going to be put in positions where they may have
7 to fight for their lives each time because the illegal immigrants may be
8 fighting for their freedom each and every time if this bill leaves this
9 capital. As a matter of a personal reference it may not matter to some
10 but I myself have been in some serious fights with people who did not
11 want to go to jail. With persons that did not want their freedom taken
12 away. And, ladies and gentleman that can seem like the longest 5, 10 or
13 15 minutes of your life. Freedom is all that a person has left but this
14 battle is not ours at this moment. Law enforcement does not have the
15 numbers nor the amount of resources on the county or city level nor the
16 funding. And, the fact that my fellow police officers are about to be put
17 into some very dangerous situations and a war is about to be raised in
18 our streets deeply, deeply concerns me. With the shortage of officers
19 already and the lack of funds available to fund officers in departments
20 that are short staffed as well this will be offices in a very, very dangerous
21 position. A position that they are not equipped to handle. A position

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_PM

Hearing Date: March 3, 2010

1 where they may be in a dangerous altercation and help will be too far
2 away or worse due to being short staffed not have the backup available
3 at all. Until we are able to adequately equip our police officers with the
4 money and a force big enough to handle the immigration issue, I feel that
5 this attempt of this bill should be exhausted until such time when the
6 state can afford to fund the effort. I am not saying that I don't under that
7 immigration is a problem. While it is there is another way to fix it and fix
8 it in a manner where the state can handle it and the time is not right
9 now. Also, a vague reference to – immunity is referenced in the bill but it
10 doesn't explicitly state, explicitly state that officers are released from all
11 liability from lawsuits for a failure to act. A failure to act because county
12 agencies should be able to use their own discretion based upon their staff
13 and resources and not be subjected to lawsuits if they cannot afford or if
14 they aren't staffed well enough to handle the effort. Mr. Ramsey advises
15 that there are 425,000 illegal aliens in Georgia. There are only as of 2009
16 per the Georgia Peace Officers Standards and Training Counsel 58,818
17 police officers in this state. We are outnumbered 8 to 1. Also, ICE
18 immigration does not come at the drop of a hat, ladies and gentlemen.
19 They come when they can. The jails will stay crowded and severely cost
20 taxpayers more money per inmate. Also, it's easy to say let law
21 enforcement handle it when people are saying you don't' have to put on

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_PM

Hearing Date: March 3, 2010

1 that bullet proof vest everyday and go into the streets. To conclude, by
2 the grace of God -- God has seen me through some bad situations
3 because I know what it feels like to be in a fight with someone who will
4 not give up and will not to jail easily. I have been in a position where we
5 have been short staffed and I have had to keep fighting and wait for
6 backup and continue to yell on the radio for help to keep coming and still
7 continue to fight until they got there. So, with that being said we are
8 treading into dangerous waters. Like I mentioned before I am not saying
9 I don't under that immigration is a problem while it is there is another
10 way to fix it and fix it in a manner where the state can handle it. And, the
11 time is not right now. So, if you will join me I will be voting no on behalf
12 of the men and women in blue who protect our streets everyday that
13 cannot be in this position right now. Thank you.

14 **Mr. Speaker:** The lady has yielded the Well. Chair recognizes Representative Williams
15 of the 165th task district to speak to the bill.

16 **Rep. Williams (D):** Thank you, Mr. Speaker. I was getting worried earlier in this session that
17 this was going to be a boring session. I am so glad that we stepped it up
18 today. My goodness. I was getting so much love around here, I was
19 afraid to come back. And, while I've been listening to this debate I wrote
20 so many notes until I don't know where to start. Well, I can say this; I
21 came up with some mathematical answers. We solved the problem with

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_PM

Hearing Date: March 3, 2010

1 hope because if this bill does what it says it'll do just 25 % of the way --
2 I've found \$600 million new dollars since its costing \$2.4 billion now 25 %
3 of that we've got \$600 million dollars. *We don't have a problem with*
4 *hope. We have ended it with this bill. It's been a miraculous day. It's a*
5 *moving moment. I. also . . . I have been so impressed and moved with all*
6 *of these good things said by E-Verify. In the last two years it's the first*
7 *good thing I heard said about the federal government. If the government*
8 *is as bad as I have been hearing for two years, E-Verify ain't gonna work.*
9 *How did they get so good overnight? Interesting. You know, I left a*
10 *couple of things on my desk by mistake. I just wanted to share them.*
11 *We've heard some great immigrant experiences. So, you can empathize*
12 *with me because I have some experiences too. See, my experiences are*
13 *not as an immigrant, but, just four generations ago my folk didn't come*
14 *as immigrants. We didn't have to clear customs because most of the*
15 *times we came in illegal and were given documents where we could walk*
16 *from one plantation to the other. Probable cause -- you could be*
17 *stopped and asked for your papers and you had to produce them.*
18 [Representative is handed documents from unidentified person]
19 This one [referring to an unidentified document] is letting everybody
20 know that Shelly here is owned by a gentleman and he has approved her
21 moving around with this paperwork. I am a little worried about probable

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_PM

Hearing Date: March 3, 2010

1 cause when my friends, and I love everybody in here. I had a great time.
2 I loved the minister this morning because he reminded me about the
3 meaning of love regardless to disagreement. But I am a little concerned
4 about our ability to write fair legislation when two years later we can't,
5 we still can't decide or we still have not decided the President is a citizen
6 himself. How in the world are we going to decide who is citizens in cars!?
7 My goodness. It's an interesting scenario here. Now, how in the world
8 are we going to find the cost, the counties and cities to enforce this?
9 When we've got state patrol cars breaking down. Because they got so
10 many miles on them. How they gonna' chase somebody? When cars are
11 falling apart. I mean, we've got. We've got unfilled post in the state
12 patrol. We have got. The GBI can't even turn around autopsy reports in
13 a timely manner because we have cut their budgets so severely. Who in
14 the world gonna' enforce this? Oh! let's just pass it down the same way
15 we do to city and county government and let them take the blame.
16 That's exactly what we talking about. We are telling counties and cities.
17 And then we talk about federal government abdicating it's responsibility.
18 Yes, it's a federal job. Yes, it should be done. But, might I remind my
19 friends across the aisle only 10 of the last 31 years have been in
20 Republican hands. You had a lot to time to solve this on a federal level. I
21 don't know why we think all this problems just came over the last two

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_PM

Hearing Date: March 3, 2010

1 years! My goodness it didn't just start. And, last time I checked we
2 weren't bordered by Mexico. I am so glad, so glad that the people who
3 are fleeing the tyranny of a desperate dictator in Libya today don't have
4 us at the borders because we want to check the papers. You can't come
5 until we find out that you are legal. Die at the border. Nobody ever
6 thinks about these terrible illegal aliens when I watch a pickford (?) up at
7 the corner to paint your house. Rake your yard and cook the meals. You
8 always – no questions about their papers then. *Don't change the*
9 *inscription* on the Statue of Liberty. We are a great country because we
10 are a country that has always invited those that yearn for freedom to
11 come to our shores. And, we're still that county. That emblem still
12 means something. Give me your poor. You're yearning to be free. Still
13 the same inscription. Just because the entry changed from Ellis Island to
14 the Rio Grande it hasn't changed. Folks want the same things. They use
15 to run ads about the lousy Irish. The no good Italians. Coming here, I saw
16 the sign "Go back to Africa." We've always gotten hot in hard economic
17 times. But this is still America. Read one little piece and I am finished –
18 and this little piece said, "America deserves a just immigration policy.
19 One that begins with securing not closing our borders. One that provides
20 a temporary guest worker program and one that offers a pathway for
21 earned legal citizenship a temporary residency." This comes from the

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_PM

Hearing Date: March 3, 2010

1 ultraliberal Dr. Richard Lane, President of Ethics and Legal Committee,
2 Southern Baptist Convention. Mr. Speaker, I yield the Well.

3 **Mr. Speaker:** The gentleman has yielded the Well. Chair recognizes Representative
4 Paren to speak to the bill. Representative Paren.

5 **Rep. Paren:** Thank you Mr. Speaker. I rise today to discuss the implications of HB 87
6 on the economy of Georgia. I really appreciate the hard work of the
7 committee and know that this bill is very well intentioned. And, there are
8 parts of it that I absolutely agree with. But, at its heart passing it is just a
9 bad idea. We have heard from our agriculture industry. The number one
10 industry in Georgia – that its impact will be devastating to our ability to
11 maintain our dominance in agriculture. But that is not why I rise. I rise to
12 discuss the phenomenon of unintended consequences. We ignore
13 these consequences at our peril and these unintended consequences do
14 need to be discussed today. Let me be clear – I do not and the house
15 democrats do not support illegal immigration. As an officer of the court
16 and as a member of this body that has sworn an oath to uphold the laws
17 of this state and this nation. I do not believe that illegal immigration
18 should be tolerated. I do however believe that it is a federal issue and
19 not a state issue. Despite the good intent to improve our state – HB 87
20 will have the likely result of harming our citizens by costing them jobs in a
21 down economy and damaging our state's reputation that could last for

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_PM

Hearing Date: March 3, 2010

1 years to come. We know that agriculture is Georgia's largest industry.
2 What many may not know is that tourism and lodging is our second
3 largest industry. Here are the numbers – Georgia's hotels are an
4 important segment of the state's economy. Two hundred and forty one
5 thousand five hundred jobs in the state are directly or indirectly related
6 to the lodging industry. With hotels, motels, resorts or lodges generating
7 \$4.2 billion in tax revenue for state and local governments. That industry
8 reaches far beyond just providing hotel rooms and convention spaces.
9 Tourism is interlinked with many other industries such as transportation,
10 restaurants, agriculture, manufacturing and recreation. Supporting \$20.9
11 billion in total sales throughout the state. Let's talk about these numbers
12 – 241,500 lodging jobs in 2009, \$6.9 billion in employee wages, \$4.2
13 billion in state taxes. In 2009, the hospitality industry had \$20.9 billion in
14 sales in Georgia. HB 87 as proposed can devastate this industry. How?
15 By sending a signal to foreign visitors that they are not welcomed.
16 Because if we pass this bill to encourage racial profiling, as this legislation
17 does, its intent alone sadly cannot prevent the reality of racial profiling.
18 Georgia will join a short and dubious list with the state of Arizona. A list
19 that says the welcome mat has been rolled up and the welcome sign is
20 off. Now, the author and supporters will protest that this bill does not
21 support racial profiling. It will be said that all it allows is an inquiry into

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_PM

Hearing Date: March 3, 2010

1 immigration status when another crime is committed. But, the problem
2 is that the crime in which a person may be accused can be simple as an
3 improper lane change or driving a couple miles over the speed limit.
4 Imagine this – at that moment a traveler from Korea or India or Brazil
5 here for a convention to learn about our growing and burgeoning biotech
6 sector may be pulled over and asked to show his papers. Papers that
7 may be with him or they may be at the hotel down the street. But,
8 because he can't sufficiently prove himself to an officer untrained in
9 immigration law he might be courted off to a detention facility while
10 awaiting processing. But the trouble for us as Georgians and for our
11 economic development begins when he is released. When he makes it
12 back to the convention center and tells his colleagues, business men and
13 women scouting Georgia for, we hope, a new facility and new
14 investment, that if they bring their families here they'll have to worry
15 about being stopped by officers and detained. And, unfortunately, in the
16 era of the internet all it takes is one cell phone video to ruin this
17 economy. A You Tube video that is auto-tuned to tell international
18 travelers to stay away. If you think this scenario is farfetched we can look
19 at what's already happened. In Arizona, the state's convention business
20 has lost \$45 million in 2011 in two months. No one in that state disputes
21 that business was hurt by its version of HB 87 known as HB 1070. I am

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_PM

Hearing Date: March 3, 2010

1 sorry SB 1070. A study commissioned by the convention businesses in
2 Arizona says that potential future effects of fewer convention bookings
3 could mean Arizona will receive an overall hit of more than \$750 million
4 to their industry. They have reported that they have lost 40 conventions:
5 4,236 jobs, \$217 million in lost direct spending and \$388 million in lost
6 economic input. Please consider the words of Debbie Johnson, the CEO
7 of the Arizona and Lodging Association and the Arizona Tourism Alliance.
8 Forty meetings were canceled – that was in the first few months after
9 they passed SB 1070 – forty meeting were canceled and that’s just the
10 start that translates into \$90 million. Our phones are not ringing. They
11 negative impacts will likely be felt for years to come. As an industry in
12 our state we are now partnering to create a national public relations
13 campaign and are inviting meeting planners, travel media and business
14 leaders to experience our destination first hand in order to change the
15 tone of the dialogue related to Arizona. Is that what we want to subject
16 our state to? The sad fact is that we do act here at our peril. In Georgia
17 we have worked hard to be an international state. We have the world’s
18 busiest airport that is about to open its new international terminal. We
19 should not let HB 87 empty that terminal. Or worse, become a pit stop
20 on the way to Nashville, Charlotte or Miami. Georgia does deserve
21 better. Thank you Mr. Speaker. I yield the Well.

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_PM

Hearing Date: March 3, 2010

1 **Mr. Speaker:** The lady yields the Well. The chair recognizes Representative Hokem.
2 Representative Hokem to speak to the bill.

3 **Rep. Hokem:** Thank you Mr. Speaker. I oppose illegal immigration. Let me be clear – I
4 oppose illegal immigration. It undermines the rule of law. It increases
5 risk to our security and it rewards those who break the law. But, I
6 understand why people move to try to seek better opportunities for
7 themselves. I have been all over the world and I have spent time in war
8 torn places where hope for a better life doesn't even exist. As a result, it
9 has always troubled me that the simple arbitrary fact of where we are
10 born largely determines whether or not we live a good life. But it is not
11 compassion that compels me to speak against HB 87. I oppose this bill
12 because it does not and cannot solve the problem of illegal immigration.
13 The only way the issue of illegal immigration can be solved is for the
14 federal government to act. Immigration is a federal responsibility and we
15 need federal action. The language of the bill proves that immigration is a
16 federal issue. HB 87 repeatedly defines "illegal alien" as a person who is
17 verified by the federal government to be present in the United States in
18 violation of federal immigration law. As a nation we cannot have a
19 patchwork of 50 different state laws on immigration. We need a national
20 policy on immigration because immigration concerns the crossing of
21 people over national borders. Immigration is a national federal

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_PM

Hearing Date: March 3, 2010

1 responsibility and it is time for the federal government to overhaul our
2 dysfunctional immigration laws and to make America safer and more
3 competitive. My vote against this bill is not a vote to avoid state and
4 local responsibility. Rather, it is a vote to assign responsibility for
5 immigration to our federal government – where that responsibility lies.
6 Do you hear that Washington? DO YOUR JOB! I also find it fascinating
7 listening to this debate that the same people who want the federal
8 government to stay out of state business want to extend the reach of
9 state government into federal business through this legislation. That
10 doesn't make much sense to me. Besides believing that this is a federal
11 issue that needs to be handled at the federal level, I also have two
12 practical concerns about this legislation. First, our state and local
13 governments has faced dramatic cuts over the last few years and face
14 even more cuts this year. In DeKalb County -- my home county -- the
15 police have been cut back and we are asking them to do more with less.
16 Through this legislation we are asking to them do even more with even
17 less. Again, I believe that we should demand that the federal
18 government do its job instead of assigning federal responsibilities to our
19 state and local authorities. Finally, I oppose HB 87 because it is going to
20 open the flood gates to the court houses. This bill gives private rights of
21 action. In other words, the right to sue our state and local governments.

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_PM

Hearing Date: March 3, 2010

1 When our state and local governments are bleeding red ink why would
2 we enact a law requiring our state and local governments to defend
3 allegations that they didn't perform tasks that should have been
4 performed by the federal government? That doesn't make any sense to
5 me. And, even worse, if they lose they not only have to pay their own
6 cost of defense they have to pay attorneys fees for the winning party.
7 Does this make sense? Not to me. In fact, it seems this bill would be
8 better titled the Lawyers Employment Act of 2011. In conclusion, I
9 applaud the effort to reform our immigration policies. I reject HB 87
10 because it is not the way to do it. Thank you Mr. Speaker and I yield the
11 Well.

12 **Mr. Speaker:** The gentleman has yielded the Well. Is there any objection to the
13 previous question being ordered? The chair hears none. The previous
14 question is ordered. There is a minority report. There is a minority
15 report to HB 87. The chair recognizes the Minority Leader of this house,
16 Representative Abrams to speak to this report.

17 **Rep. Abrams:** Mr. Speaker with your permission, I am going to yield the first ten
18 minutes to Chairman Emeritus Calvin Smyre.

19 **Mr. Speaker:** So ordered. The chair recognizes Chairman Smyre.

20 **Chairman Smyre:** Thank you Mr. Speaker and members of the house. First to outset let me
21 say to the members of this body that I for one and like a lot of the other

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_PM

Hearing Date: March 3, 2010

1 members before me do not support illegal immigration. And, as a
2 gentleman from the 165th had stated several days ago we debated hope
3 and I really wanted to speak on that issue and took ill. But, in listening to
4 the debate that's one of the issues on the economic standpoint I think it
5 brings back some of the testimony we talked about on Tuesday. And,
6 working with both sides of the isle we were able to come up with a way
7 to pass a bill. And, uh, I just want to say that regardless of how you feel
8 on this issue. As I told a group of freshman the other day that tolerance,
9 tolerance the difference of opinion is what makes this democracy what it
10 is. And, I just want to say at the outset that immigration reform does not
11 belong to any one political party. This is a national issue. And, I think
12 some people feel compelled to act because of the failure of Congress to
13 act. But, as others have said, this is not the state's responsibility. Again,
14 this issue does not belong to any political party. If you recall five years
15 ago in 2006 there was a national effort to pass a comprehensive
16 immigration reform bill that would secure the nation's borders, promote
17 a strong economy and provide a blueprint for humanitarian treatment on
18 undocumented workers now living within our borders. At that time
19 Barack Obama was not President -- George Bush was. And, I didn't hear
20 all this secure our borders from this state's legislature. I just didn't hear
21 it. This issue belongs in the United States Congress and they should act.

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_PM

Hearing Date: March 3, 2010

1 And, we ought to push them to act. But, if you think for one minute that
2 passing a HB 87 is going to secure the borders of America then you've got
3 another thing coming. National security in my opinion is a crucial
4 element in any national informed effort. National security plays a critical
5 part in all of our everyday living. And, any element of national reform
6 must have that in it. And, then there are many, many other concerns
7 that have been eluded to here today. We must have a national
8 immigration policy that acknowledge that we are both a nation of
9 immigrants but yet a nation of laws. And, I feel very strongly. A lot of us
10 have echoed this. We have talked about it. And, we have sent messages
11 as strong as we can and we must continue to do so. That immigration is a
12 national issue. The federal government has abdicated its responsibility
13 but we as a state are overstepping our boundaries. And, lastly as a
14 business person, I have not talked to many business people that will tell
15 you this is a good idea. I have not talked to many. In fact, I have not
16 talked to any that says this is a good idea. From an economic standpoint,
17 I think we ought to exercise caution. We haven't heard from any of our
18 business leaders – well, we have but all of 'em say this is bad, this is bad
19 business. This is bad news. But it seems like to me politics is trumpeting
20 economic development and securing increasing of jobs in our state. It is
21 no doubt in my mind that if we pass HB 87 [and] it becomes law Georgia

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_PM

Hearing Date: March 3, 2010

1 businesses will be at a disadvantage with those in our neighboring states
2 while addressing this important issue. We see what happens when you
3 do these types of things. It's just not an incentive for a business to want
4 to come and do business in this state. Look at Kia. Look at all of the
5 international business that we have gotten in the last few years. And, all
6 of the business leaders that I've talked to are speaking out against this
7 immigration. This bill. And, lastly, I want to say this. This came from the
8 Georgia chamber. It says we need comprehensive immigration reform in
9 this country. And, we need it badly. But it has to be a federal program
10 and not one at the state legislative level. You can't have 50 different laws
11 in 50 different states and call it immigration reform. What you have is a
12 hodgepodge of state laws that say different things. So, in closing I would
13 implore you that this is a step in the wrong direction. And, we are
14 allowing politics to trump policy. And, I would say that we are not doing
15 what I think is the best interest of our state. Mr. Speaker, I would yield
16 the Well. Thank you.

17 **Mr. Speaker:** The gentleman has yielded the Well. The chair recognizes the Minority
18 Leader Representative Abrams for the balance of the minority report
19 time.

20 **Rep. Abrams:** Thank you Mr. Speaker. As my colleagues have stated there is not a
21 single person who stands in this chamber who supports illegal

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_PM

Hearing Date: March 3, 2010

1 immigration. Unequivocally, we oppose illegal immigration as we oppose
2 any illegal act in this body. However, we are called upon as legislators
3 not to merely examine the laudable intent of a bill but to understand the
4 real implications thereof. I will take the author at his word that the bill is
5 designed to improve our state. I do not question his motive. I question
6 method. And, I question outcome. Because as a wise man once told us
7 they road to Hell is paved with good intentions. In earlier speeches from
8 the Well members of this body have asked for facts and figures. And, I
9 am pleased to know that my minority report has provided some rest for
10 the majority. I appreciate the close reading of the report and the intense
11 desire to understand where this comes from. As probably one of the few
12 members of this body who writes both fact and fiction, I can tell you that
13 this report is contained with fact. In fact, I would [ineligible] to say that it
14 is one of the few minority reports that contain citations that cite to other
15 citations because I understand the difference between fact and fiction.
16 And, I will tell you that racial profiling is a fact. Racial profiling exists
17 when the police use their powers to target persons of certain
18 backgrounds. It doesn't have to be the intent of this bill to create racial
19 profiling in order to have the effect of legalizing it. But, as one of the
20 members of this body asked earlier, "where is it found"? It is found on
21 section 11, page 13 and page 14, lines 404. The specific section is section

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_PM

Hearing Date: March 3, 2010

1 11 and this is why we have a concern. Certainly the author has been
2 careful to state on lines 451 through 453 that no peace officer can
3 consider race or color or national origin in implementing the
4 requirements of this bill. However, as every attorney knows it's not
5 simply the presence of a clause in a bill, it's the context. Line 451 tells
6 officers not to look at race or color or national origin. And, lines 462 and
7 466, as another representative has pointed out, does state that if
8 someone has to report a crime they will not be held responsible. Yet,
9 these mild disclaimers buried in the center of the bill ignore the 450 lines
10 that precede it and the 250 lines that follow. The ones that give private
11 citizens and peace officers unprecedented power to use this bill as a
12 cause for demagoguery. That imbalance could reasonably undermine
13 any thinking person's belief that this does cause racial profiling. It is a
14 legal equivalent of hearing that whispered voice at the end of a
15 pharmaceutical commercial telling you that there are some causes and
16 effects that you may want to know about. These are the lines of the
17 whispered references to side effects such as these laws might cause
18 moral blindness or social ostracization of legal immigrants and economic
19 paralysis across this state. How is this true? As evidenced by authorities
20 as [discussed] as the federal bureau of investigation. A traffic stop has
21 often been the legal pretext for racial profiling because it is the most

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_PM

Hearing Date: March 3, 2010

1 subjective of criminal activities and the hardest to disprove. There is no
2 documentary proof required for failure to maintain a lane or for failure to
3 yield. There need not be a victim or even a witness. There need only be
4 the reasonable suspicion that this traffic crime has been committed as
5 determined by the officer in charge. And, yes, this bill no longer uses the
6 dreaded language "reasonable suspicion." But again, good lawyers know
7 how to use different words to accomplish the same purpose. I would
8 simply point out that Georgia has better drafters than Arizona. More
9 importantly, we are concerned not simply with the act of racial profiling
10 but the mere capacity to do so. Because it is that capacity that will lead
11 international visitors to avoid Georgia as they now do Arizona.
12 Perception more than reality determines human behavior. Indeed, we
13 are in the chamber today because voter perceptions more than the
14 exhaustive review of our actual behavior got us here. And we vote on
15 bills based on our perception of what these bills do rather than the
16 reality. Indeed, today and yesterday we have seen a stream of names
17 disappear from a bill perceived to accomplish one end only to discover
18 that the reality was quite different. If legislators have not read bills
19 closely enough to know their impact it is unreasonable to image that
20 others will do better. This bill despite hours of testimony and tweaks
21 suffers from a fatal internal flaw. It attempts to use the limits of state

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_PM

Hearing Date: March 3, 2010

1 government to solve a wholly federal problem. With this body being
2 called upon to demand action from a Republican House of
3 Representative, and a Democratic US Senate and a Democratic President
4 in our nation's Capital. I dare to say that we will have unanimity in our
5 request in 191, well maybe not, 180, 179 signatures. But, instead we are
6 attempting to fix a broken system with tools that will simply destroy that
7 which we seek to improve. HB 87 will cost us on every level. From local
8 governments facing homemade class action lawsuits, to families cowering
9 in the shadows afraid that their papers won't stand up to muster, to
10 tourists and international businesses who realize that Charlotte and
11 Nashville want their businesses and their families. To law enforcement
12 officers afraid to stop because they know that they may face danger,
13 more danger than we are willing to protect them from. Because while
14 the author has faith in Georgia, as do I think all of us in this house the
15 perception that we are anti-immigrant, nativists and unwilling to
16 understand the mistakes that we are making will prove itself to be a
17 reality when business and jobs turn away from Georgia. A vote for HB 87
18 is a vote for the most significant anti-jobs bill that we will consider this
19 year. Anti-jobs. If you want to see Georgia move forward, I urge you to
20 join me in voting no on HB 87. Mr. Speaker, I yield the Well.

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_PM

Hearing Date: March 3, 2010

1 **Mr. Speaker:** The lady has yielded the Well. We are down now to the final 20 minutes
2 for the Chair of the Committee. The Chair understands that Chairman
3 Golick of the judiciary non-civil committee yields the first 2 minutes of his
4 time to the Chairman of Transportation Committee. The second 10
5 minutes of his time to Representative Ramsey and will reserve the final 8
6 minutes. Chair recognizes Chairman Roberts to speak to an amendment.

7 **Rep. Roberts:** Thank you Mr. Speaker. I rise today to bring an amendment before this
8 body. First, before I do, I want to thank the chairman of the committee,
9 Chairman Golick and Representative Ramsey for working with us on this
10 piece of legislation. As my good friend, Representative Morris said
11 earlier, you know we shouldn't be dealing with this. This is a federal issue
12 but because the federal government has decided not to act we're having
13 to take measures today to do so. So, what my amendment simply does is
14 on page 19 on line 618, 619, 636, 637 and 639 is just take it out to, if
15 you'll read it says on 618: being effective on September 1, 2011 as to
16 employers with 500 or more employees on July 1, 2012 and as to
17 employers with over 100 or more employees on December 31, 2012.
18 When we passed the last immigration bill we did the same thing. We
19 gave the people an opportunity to understand the law and to put
20 measures in place and that's simply what this amendment does today. I

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_PM

Hearing Date: March 3, 2010

1 ask for your favorable consideration and appreciate your help in passing
2 this amendment. Thank you Mr. Speaker. I yield the Well.

3 **Mr. Speaker:** Gentleman has yielded the Well. The Chair recognizes, as part of the
4 Committee Chair's time has been yielded, Representative Ramsey.
5 Representative Ramsey.

6 **Rep. Ramsey:** Thank you Mr. Speaker and thank you Mr. Chairman for yielding some of
7 your time to me to close here today. First, I want to speak to Chairman
8 Robert's amendment. I support that amendment. I cosigned that
9 amendment. Some friends of ours with had some concerns about the bill
10 and we worked very closely with it. They just asked for a little bit more
11 time to make sure they can educate their constituents about what we are
12 doing here before the provisions regarding private employment come
13 into place. We have done that in previous bills in the past and I think it's
14 a good amendment. Now, before I make my remarks. And, I have a great
15 deal of respect for the minority leader and all of my friends on the other
16 side of the isle. And, one after another came up here and said we oppose
17 illegal immigration. We oppose illegal immigration. And, I think it bears
18 pointing out through all of the months of hearings both before we came
19 into session and during session in the judiciary non-civil committee.
20 There was never one proposal put forward. Never one suggestion put
21 forward. Never one amendment offered in committee put forward by a

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_PM

Hearing Date: March 3, 2010

1 member of the minority party. They tell you they are serious about illegal
2 immigration. They oppose it. But, they're not willing to offer even one
3 word to address the burden that it is placing on our state citizens. Now,
4 you have heard all the rhetoric now. You've heard it from both sides.
5 We've been here a long time and it's almost time to vote. And, I spoke
6 earlier about the financial burden placed on our state by illegal
7 immigration. I still don't know how anybody can stand up here with a
8 straight face and say this is exclusively a federal issue when you talk
9 about the fact that 425,000 illegal aliens are placing a \$2.4 billion dollar a
10 year on state and local tax payers. I am not sure how you can say this is
11 exclusively a federal issue. But, I don't want to close by speaking about
12 dollars and sense. I want to talk about an issue and about a notion that I
13 believe you just can't put a price on. And, that's our oath of office. The
14 oath that we swore to protect the laws of this state, and uphold the US
15 and National Constitution. Now, you have heard a lot of rhetoric from
16 the other side about how this is an anti-immigrant bill. And, they
17 continue to blur the line. I think a very important distinction they keep
18 losing in all this-- the line that between immigrants and those that came
19 to our country illegally. To do so is a slap in the face to our nation's rich
20 history. There is no country in the world more welcoming to immigrants
21 in the United States. While America is not the only country in the world

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_PM

Hearing Date: March 3, 2010

1 to offer immigrants improved employment opportunities and a better
2 standard of living than their nation of origin. No other country offers
3 what we offer – the chance to become fully American. Every year our
4 country naturalizes more than 1 million new citizens. And another 1.5
5 million come here legally on work visas. But, with great privilege comes
6 great responsibility. The most basic of which is the responsibility to
7 adhere to the rule of law. It is the keystone of an orderly society that
8 makes America desirable for those that flee their country of origin and
9 come to our shores. And, as Americans now know we have experienced
10 a complete and total breakdown with respect to our nation’s federal
11 immigration enforcement. None of us could possibly begrudge
12 somebody trying to make a better life for their families. But to do so
13 outside of legal channels is simply unacceptable. How could that practice
14 ever be defended as fair when you consider the fact right now, all of the
15 world in some of the most desperate places on the planet people are
16 waiting their turn in line for the American dream. They are waiting right
17 now sometime 5, 10 years for their immigration paperwork to come
18 through. Meanwhile, we continue to sanction the presence of the line
19 jumpers. The folks that didn’t bother to come here through legal
20 channels. The folks that came here in the dark of night in circumvention
21 of our nation’s laws. And, folks this is not a gray issue. It’s a black and

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_PM

Hearing Date: March 3, 2010

1 white issue. The law is the law. The cornerstone that has sustained our
2 Republic for 200 years is a notion that we as people will submit to and be
3 governed by laws. And, there is a consequence for breaking those laws.
4 Now, you are gonna' make a choice in a couple of minutes. And you have
5 heard a lot of speeches. And, now I believe we have a pretty crystal clear
6 choice to make. If you vote 'No' you're gonna' be tellin' the state and the
7 country that Georgia is not serious about the rule of law. That Georgia is
8 going to continue the status quo in what amounts to a *de facto* state
9 amnesty for illegal aliens. I hope that's not the choice you make. The
10 authors of this bill refuse to put a price on the rule of law and we are
11 resolute in our determination to protect jobs and taxpayers by helping to
12 discourage illegal aliens from coming to our state. I know that siding with
13 the law and the majority of the American people is the right thing. I urge
14 your favorable consideration of HB 87. Thank you Mr. Speaker. I yield
15 back the Well.

16 **Mr. Speaker:** The gentleman has yielded the Well. The chair now recognizes the
17 Chairman of the Judiciary Non-civil Committee Chairman Golick for the
18 last word.

19 **Rep. Golick:** Thank you Mr. Speaker and ladies and gentlemen of the house. I'll be
20 brief. Debates like this are good for the state and I think they are good
21 for the body. Because I think it forces us to make a very clear choice.

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_PM

Hearing Date: March 3, 2010

1 And, in this case it forces us to make a very clear choice about our
2 approach to our laws. On the one hand, we can choose to make sure
3 that ours is a culture of enforcement or we can choose to be a culture of
4 excuses and entitlement. I think if you go to the vast majority of our
5 districts across the state: city, suburban, exurban, rural, costal,
6 mountain, the vast majority of our districts: democrats, republicans,
7 black, white -- across the board. And you ask the question should we
8 seek to enforce the law or should we wait on an act of Congress? I think
9 what you will find in the vast majority of our districts. The *vast* majority
10 of our districts is that the people of this state across gender lines, across
11 partisan lines, across racial lines would want us to act to enforce the law.
12 And, Mr. Smyre is right Congress has failed both parties. That's no secret.
13 Democrats in Washington failed. Republicans in Washington failed. And,
14 where Congress fails it is inevitable. It is *inevitable* that states will step
15 into the breach and lead. And, that is what we are doing here today. We
16 are leading. We choose to lead because that is what it is going to take to
17 make Congress act. And, the fact of the matter is as said so eloquently
18 and simply and succinctly by the Chairman of the Agriculture Committee,
19 Tom McCall earlier, our oath of office dictates nothing less. Thank you
20 for your time. Thank you Mr. Speaker, I yield the Well.

State of Georgia – 2011 General Legislative Session

House Floor Debate HB 87 (Day 23) - ga_leg-house-030311_PM

Hearing Date: March 3, 2010

1 **Mr. Speaker:** All those in favor of passage of HB 87. On the passage of HB 113/56.

2 Bill passed.

3 **CONCLUSION OF PM SESSION**

EXHIBIT F

Declaration of Judith K. Headrick

I, Judith K. Headrick hereby declare:

1. I am older than 18 years. I make this declaration based on my personal knowledge. I am the Owner of Able Transcription Company.

2. I transcribed the February 8, 2011 Georgia House Judiciary Non-Civil Committee hearing in which HB 87 was discussed, which is published by the House Legislative Network at the following URL:

http://www1.legis.ga.gov/legis/2011_12/house/Committees/judiciaryNonCivil/judyncArchives.htm. I transcribed the entire House Judiciary Non-Civil Committee hearing about HB 87, which is available at the above web address. Attached hereto as Exhibit A is the transcript I personally prepared after listening to the audio/video recording of the Senate floor debate on HB 87. Exhibit A is an accurate transcription of that audio/video recording.

3. I have reviewed the above-described document in its entirety upon completion of same.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed on this 7th day of June, 2011 at Atlanta, Georgia.


Judith K. Headrick

State of Georgia – 2011 General Legislative Session

Georgia House of Representatives Judiciary: Non-Civil re HB 87

Hearing Date: February 8, 2011

1 Chairman: Good morning. We're going to continue our consideration of House Bill
2 87. I think what will be most constructive is if we – today we've got –
3 there's a fairly long list of people and/or organizations; I think what might
4 be most constructive today we focused on organizations, by that I mean
5 business organizations, local government organizations, religious
6 organizations, certainly issue advocacy organizations and what I'd like to
7 do is sort of try to confine it to that 10 to 15 minutes each. I would ask
8 the folks who are called forward to testify if they could limit any remarks
9 that they have to about 5 minutes because what that will do is allow a
10 window of time for members to ask questions, if there are any of that
11 particular speaker. That way, we can hear from folks who are interested
12 in the issue from an organizational standpoint and those various again,
13 the variety of organizations and then – but also keep the wheels on the
14 track in terms of moving the process forward. I would anticipate the
15 possibility of – and looking at the list and the amount of time to be
16 allotted which I hope is realistic, looking at the list I think it's going to be
17 likely we'll go ahead and continue this for a final hearing on Friday
18 morning at the same time, 9:30 until noon. We will be out of here at
19 noon today and if we do a hearing on Friday which I think appears likely
20 we'll go ahead at 9:30 and that will conclude the public hearing portion of
21 consideration for legislation. Any questions from members about that?



1 There are more members that are stuck in traffic right now but I want to
2 go ahead and start on time for purposes of having a good hearing and
3 they'll come in as they arrive.

4 With that let me – I've got you know this list of organizations and I'll just
5 go ahead and start with the Georgia Chamber of Commerce, David
6 Raynor who is Senior Vice President of Government Affairs. Mr. Raynor,
7 welcome. I look forward to your testimony. I'll admonish everybody as
8 we go along that you can confine remarks to 5 minutes, we can allow for
9 questions if any that will be helpful to us. Let me also ask before I forget if
10 we can just put all cell phones on silent or vibrate that would be most
11 courteous to our speakers. Mr. Raynor.

12 Raynor: Yes Mr. Chairman my name is David Raynor; I'm the Senior Vice President
13 of Government Affairs for the Georgia Chamber of Commerce and
14 certainly appreciate the opportunity to be here today. On behalf of the
15 Georgia Chamber of Commerce and our statewide constituents who have
16 businesses of all size and across all industry we certainly appreciate the
17 ability to comment on this important issue. First I wanted to publicly
18 thank Representative Ramsey for his willingness to continually work with
19 all stakeholders as this issue moves forward. The Chamber feels that
20 reforming the immigration system is necessary as we see more of the
21 State's resources consumed at the expense of having tax paying citizens
22 as well as the business community. I would however caution the

1 Committee as you deliberate on this issue to please be mindful of the
2 unintended consequences on business that could compromise our future
3 economic vitality. I don't think anyone here today would argue that
4 businesses who knowingly employ illegal labor should be penalized. I
5 would stress the importance of compliance however to create a level
6 playing field for businesses and citizens. Out of this process – I guess the
7 number one thing that the Chamber would like to see is that employers
8 would be provided with uniform standards and procedures for employee
9 verification and then indemnify those employers when they make good
10 faith efforts to follow the law. The reason for indemnification we believe
11 is mainly due to the fact that there are some inaccuracies that exist
12 within pilot programs such as E-Verify. The State's business community
13 should not be subjected to penalties and sanctions because an
14 undocumented worker has gained the system to receive employment.
15 That's all I really have at this point. We certainly again appreciate the
16 opportunity and I'll be happy to entertain any questions.

17 Q: What is your sense on the error rating on E-Verify and when I say your
18 sense I assume that's being backed up by some sort of documentation. If
19 you don't have it there I understand.

20 Raynor: I don't have it Mr. Chairman in front of me today, I know that we've seen
21 you know quotes from different reports that have shown anywhere from

1 50% all the way up to in excess of 80. I know there is going to be folks
2 here to testify today that would have more information along those lines.
3 Q: Okay we'll look forward to hearing that from whoever may have it. If not
4 today then we'll get it from somewhere. Any questions from the
5 committee? Mr. Vice Chairman.
6 Q: You mentioned indemnification, who would provide the
7 indemnification?
8 Raynor: Well we would just hope that employers would be held harmless when
9 they make good faith efforts to comply with – if the Committee's will is to
10 move forward on the E-Verify we just don't want to see any criminal civil
11 sanctions brought against these employers.
12 Q: So what you're really saying is that they should be immune or exempt as
13 long as they make a good faith attempt.
14 Raynor: Comply with the law, right, in good faith.
15 Chairman: Mr. Raynor, thank you. We appreciate your time and attention this
16 morning. Let me call on Todd Edwards representing the Association of
17 County Commissioners of Georgia. Mr. Edwards I'll go ahead and
18 admonish you like I have everybody else.
19 T. Edwards: I should be fairly quick Mr. Chairman.
20 Chairman: You're a seasoned professional, I understand.
21

1 T. Edwards: Well I don't know about that. Thank you. I certainly would be testifying
2 long enough before this Committee. Again, I'm Todd Edwards. I'm with
3 the Association of County Commissioners of Georgia and as far as the
4 question of compliance which, was asked earlier, currently we have as
5 you know state, local government, cities, school boards are currently
6 required to use either FIN Save. As of February 1st, 158 out of 159
7 counties were signed up for E-Verify. We have 87% complying with the
8 Save requirements. We'll work with you, whatever is passed by the
9 General Assembly, in fact we have over the past few years through our
10 webinars, workshops, training and tools on our website to insure that
11 counties (a) knew that this was the law; and (b) try to make them come
12 into compliance with it. We're not all there yet. We're getting better and
13 as we move forward whatever legislation is passed we shall continue with
14 those efforts. We too wanted to express our appreciation to
15 Representative Ramsey for working with us so far and addressing some of
16 our concerns. Obviously, as was mentioned earlier by the Georgia
17 Chamber we would like to insure that those counties that are working in
18 good faith effort do not come over some of the penalties either in this
19 proposed Bill or in others. I mean if there is a clerical error, if the
20 information is not provided to them correctly, if there was something
21 that you know to lessen those or not subject them to a liability we would
22 certainly appreciate that. A couple of points in the Bill, the substitute,

1 several of them were addressed; I'll just go over them down the list right
2 quick.

3 The Private Right of Action still is a major concern to Georgia counties to
4 subjecting us to several lawsuits whether or not they're based on fact.
5 Substantive evidence, those sorts of things as well as if they are what it
6 would do to our courts, the taxpayer resources at the local level. We will
7 continue to work with Representative Ramsey in that regard but that is
8 the major concern of local governments. Another one is the standard
9 which is applied for sanction. Finding that any agency has violated or
10 failed to advise the language that follows throughout, it goes back to if
11 there could language possibly inserted from knowingly, blatantly, I don't
12 know if knowingly, I don't want to shield them but again if they were
13 working in good faith I'd like to have some consideration given them not
14 to be subjected to the standing, the penalties, etc.

15 Another area is Paragraph H in Section 8, it gives law enforcement
16 officers immunity under this but it doesn't necessarily protect the law
17 enforcement agency. If there were some – you know some language
18 perhaps that can be considered in that regard that would be appreciated.

19 Paragraph 4 of Section 9 mandates that counties include measures for
20 entering and the methods of understanding with the federal government
21 with the 287G program; it also requires us to put these in our
22 comprehensive plans. These plans are not updated except every 5 or 10

1 years so language to say when updated. As far as all counties complying
2 with the 287G I don't think that's required in the Act but as we do or
3 move in that direction then please keep in mind that the federal
4 government at this point it's still very difficult. We have several on the
5 waiting list and whatever barricades or obstacles are you know – we
6 encounter with the federal government that that's taken into
7 consideration with compliance with anything that may make it through
8 finally in this legislation.

9 Another area is the verification requirements. The Bill does not include
10 the state in the list. To make it as broad as possible if indeed that is the
11 intent of the author this Committee and the General Assembly you might
12 want to take into consideration expanding the reach to all corporations
13 required to register with the state. Title 43, they do licensing for
14 engineers, architects, etc., and there is also a great deal of special
15 licenses that are issued by state agencies such as the Departments of
16 Revenue, insurance and agriculture which are not included in this Bill.

17 Section 16 I just have two more Mr. Chairman and I'll be done. Section
18 16, the AGS task with providing the list of acceptable securer and
19 identifiable documents so that we know as local governments that these
20 may change over time. We do appreciate –

21 Chairman: Could we get a little bit of order as someone is actually sitting here
22 testifying? Thank you. I apologize.

1 T. Edwards: Yes sir, Mr. Chairman, I appreciate that. Section 16 the Attorney General
2 has been tasked and this was the language we had originally
3 recommended with providing a list each year of what is a secure and
4 verifiable document. Should this go into – and we appreciate that – but
5 we would ask for a month or so leeway or time in advance like before the
6 law was to take effect, say it was July 1st as is currently in this Bill, if we
7 could have our local governments, our clerks that would be administering
8 this that list one month in advance of the effective date I think that would
9 make it more efficient and maybe further insure we're better able to
10 comply with the law.

11 And last, Section 16 again refers to part of what you know, presenting a
12 secure and verifiable document as for a license, permit or official
13 document, we're not quite sure what is an official document. If the Bill
14 could somehow provide some definition and make it clear, I mean say is
15 this for a marriage license, are they going to have to present this for a
16 gun permit or what sort of open records request from a county, is that an
17 official document? But again we will work with the General Assembly,
18 with Georgia counties to come into compliance. I'm here to present you
19 recommendations for making sure that we facilitate that process, make it
20 more efficient and ultimately you know make it easier for us to comply
21 with what may pass.

1 Chairman: On the Private Right of Action there have been some conversation about
2 you know and this is not my sense of it from the author and as a co-
3 sponsor, myself it's not meant to be punitive on local governments but
4 really to drive compliance more than anything else. It strikes me just
5 speaking personally that an opportunity to cure if there is a non-
6 compliance for x period of days prior to litigation kicking in and some
7 context might be constructive for everyone. It drives compliance; it
8 certainly will lessen any kind of litigation costs, attorneys fees are
9 certainly on the table in terms – for frivolous litigation. That's something
10 the cities need to be fortified on and the counties excuse me so I mean I
11 assume that's something that you would see as a constructive middle
12 ground in terms of . . .

13 T. Edwards: We would very much welcome that as a constructive improvement on
14 this proposed legislation sir.

15 Chairman: Mr. Franklin.

16 Q: Thank you, I wanted to also address that Private Right of Action. You
17 were expressing concern that if a citizen were to bring – to bring an
18 action because of the county's non-compliance that would clog up the
19 courts and be undue financial burden on the counties if I understood that
20 correctly but don't you also believe that if the counties act unlawfully
21 that a citizen of the county should be able to remedy that or to begin to
22 address that in a lawful manner?

1 T. Edwards: If a county is willfully non-compliant with the provisions of existing law or
2 whatever may pass then there should be remedy and if the – I think our
3 major concern was whether or not there is any proof being brought
4 forward, is there any evidence, is there – I mean to validate this so they
5 don't get . . .

6 Mr. Franklin: Isn't that what a trial is for is to look at evidence and let the trier – the
7 trier of the facts determine whether that evidence is sufficient?

8 T. Edwards: By that point you're already engaged in significant county resources. If
9 we could somehow before those resources are engaged in this process
10 with a trial and I'm not an attorney so forgive me, I do –

11 Chairman: You're better off.

12 T. Edwards: Yeah. This is always rather tough but it's just an area of concern, the
13 major one by counties. If there is some sort of evidence we're not going
14 to defend the county; I'm not up here to defend any county that's
15 willfully non-compliant with the Act. I would offer that removing their
16 qualified local government status would also achieve those objectives. As
17 far as the citizens, again we're continuing to work with the author to
18 address that but I certainly understand the other point of view is to be
19 able to file a complaint or an issue or bring it to the attention of when a
20 government is not acting in good faith to comply with the letter of the
21 law sir.

22 Chairman: Mr. Ramsey.

1 Mr. Ramsey: And I apologize for missing the beginning of your presentation and I just –
2 I really don't have a question, just want to say publicly I appreciate the
3 opportunity I've had to work with you and the counties from the time I
4 introduced the Bill to now and I'm committed to continuing to work with
5 you. We may end up having some philosophical kind of we're going to
6 have to agree to disagree but I will continue to work with you to address
7 clarifying technical – technical concerns and to the extent that you have
8 your recommendations in writing please provide them to me.

9 T. Edwards: I will and just to recap my initial remarks were expressing our sincere
10 gratitude to you Mr. Ramsey for working with us in this process and I will
11 do so.

12 Chairman: Ms. Abrams.

13 Ms. Abrams: Thank you. Would it be effective, going to your concern about Private
14 Rights of Action, would it be appropriate or effective to include a
15 provision that penalizes false accusations so that there is a heightened
16 standard if someone is going to engage in a Private Right of Action.
17 Currently I see there is a penalty for the county or city if its found to be in
18 non-compliance but there is no penalty for any person who tries to take
19 advantage of this but submits a false accusation or somehow tries to use
20 this new Private Right of Action to create harm or concern. Would you
21 have a reaction to that type of proposal?

1 Unidentified Speaker: Any proposal in that regard I think would be appreciated by members
2 whether or not the – you know it works both ways with the loser paying
3 the attorneys’ fees, court action, that sort of – to protect us against
4 mounting – they may not be frivolous but without merit. I think we would
5 welcome what I would consider enhancements in that regard.

6 Ms. Abrams: Thank you.

7 Chairman: Mr. Edwards, thank you. We appreciate your time. Let me call Mark
8 Woodall with the Associated General Contractors. Mr. Woodall, there he
9 is. Welcome, good morning.

10 Mark Woodall: Mr. Chairman. Mark Woodall with Associated General Contractors. We
11 are a statewide organization comprised of 600 member firms throughout
12 the state representing the commercial construction community. First of
13 all I want to thank you for the opportunity to be part of this discussion
14 and specifically recognize the sponsor for his willingness to meet with us
15 to address some of the concerns that we raised with the earlier drafts of
16 the Bill and we’re going to continue to hopefully work with the sponsor;
17 we commit to you that we understand this is a tough issue for everybody
18 and we want to be part of that discussion. For the record, I want to state
19 what our official position is on immigration reform. For the record our
20 position, we support comprehensive federal reform; we support reform
21 that strengthens our national security; we support reform that is fair and
22 consistent and uniformly applied and lastly we hope our market turns

1 around and we support reform that hopefully addresses our future of
2 workforce needs. Having said that we understand the frustration that
3 you as elected officials in the State of Georgia are going through,
4 everybody in the state and our country is going through for our federal
5 government's inability or unwillingness to address this issue at a federal
6 level. So as our state and other states go forward with addressing this
7 copy at this state level we would urge you to use caution that we don't
8 do something that puts us in a position of again Mr. Raynor mentioned it,
9 we're trying to comply with a complex federal law to the extent that
10 we're addressing it at the state level or local level not putting business in
11 harms way by potentially violating federal standard to comply with a
12 state law.

13 Mr. Chairman, just real briefly we want to get the Committee up to speed
14 on what our current status is as public works contractors in the State of
15 Georgia. In 2006 with Senate Bill 529 we passed legislation in the State of
16 Georgia that requires our public employers to participate in E-Verify,
17 cities, counties, state agencies. We also required our public works
18 contractors' mandatory participation in federal E-Verify and that
19 requirement flows down the stream for all contract parties,
20 subcontractors, sub-sub. Last year we passed some legislation that
21 actually was needed. Although the definition of subcontractor include
22 every tier there really wasn't a mechanism to assure public owner has the

1 obligation to participate. They secure an affidavit from the prime
2 regarding their participation in E-Verify. The prime has an obligation to
3 secure an affidavit from their first tier subs, your plumber, your
4 electrician, whatever that they're participating but if that first tier sub
5 contracts down the stream there really wasn't a mechanism to verify that
6 that party is participating. A situation occurred last year that brought
7 that to light and now the law is abundantly clear, anyone in the chain of
8 contracts has to comply and has to participate. And we currently are the
9 only sector of our economy that is subject to penalty for willfully and
10 intentionally violating or falsifying public documents and we can support
11 that but we would echo Mr. Raynor's comments as well that folks that
12 are trying to comply with this tough confusing law that they be given, you
13 know the benefit of the doubt if they make an honest error in trying to
14 comply as opposed to a willful and intentional violation.

15 Chairman: Let me just make sure it's clear. A good faith effort is not to be ignored
16 nor will it be. I just want to make sure that that's abundantly clear but
17 you know a good faith effort has to pass a straight face test. I'm not
18 saying that it won't. An example of the contractors or anybody else
19 frankly but no one should walk away from this morning thinking that
20 good faith effort is just somehow invalid. It absolutely is.

21 Mark Woodall: Again, we appreciate the opportunity to work with the General Assembly
22 on the prior activities on this, we can continue; we want to continue to

1 be at the table, but again if we are going to go forward as a state we
2 believe this should be uniform application. My industry is not the only
3 industry that is impacted by this debate and it should be applicable to all
4 industries and segment of our economy and not just the commercial
5 construction industry.

6 Chairman: Mr. Ramsey.

7 Mr. Ramsey: Thank you Mr. Chairman and I'm sorry I missed Mr. Raynor's
8 presentation as well and I will – I will direct this question to him and you.
9 I would just encourage you to the extent that you believe there is a
10 provision in the Bill that would expose a business acting in good faith to
11 liability; I would ask you to point it out to me. You can have privately, you
12 can send it to me in writing, I don't believe that exists in the Bill but I
13 want to work with you. If you believe – if you believe there is an
14 opportunity for a company acting in good faith to be exposed to liability
15 so just – that's just an open invitation. I know I've expressed that to you
16 on numerous occasions and again to reiterate what I said to the – to the
17 Associated County Commissioners of Georgia I look forward to working
18 with you as we move this process forward.

19 Mark Woodall: You certainly have and we sincerely appreciate it.

20 Chairman: And just to make sure it's clear to audience members and members alike,
21 you know it's an evolving document as we all know and that there maybe
22 concerns expressed by individuals that maybe two or three drafts ago for

1 those of us that are working on the issue and more importantly listening
2 to concerned constituencies on it, so – and we understand that so, if
3 there maybe issues that are being addressed that may not have quite
4 come into the public conversation yet so I would ask folks you know err
5 on the side of caution, let us know but also know that those comments
6 aren't lost on us since we are looking at an evolving draft. Mr. Sussman.

7 Mr. Sussman: Thank you Mr. Chairman. Again Mr. Woodall appreciate you being here
8 today and I appreciate what your industry does for the state and I also
9 appreciate your industry's commitment to comprehensive federal
10 immigration reform. I think most folks in this room would recognize
11 there needs to be comprehensive meaningful reform. However, with our
12 role as state policy makers having jurisdiction of state law would you
13 agree that even if the federal government were to act in a
14 comprehensive way, we as a legislature do have a responsibility to make
15 sure laws enforcing identity theft, fraud, misrepresentation of documents
16 through contracts, those kinds of things, would you agree are within the
17 purview of the state legislature?

18 Unidentified Speaker: Certainly.

19 Mr. Sussman: And I think you – again I think you would also obviously agree that you
20 know we've got to make sure that as there are advances in people's
21 understanding of how to sidestep the law and get around the law and
22 you know, violate this long-standing law as a state we as a legislature

1 have to make sure that we're closing loopholes and gaps and I know you
2 agree with that, I wanted to just hear you, get your opinion on the fact
3 that there are elements within the immigration debate that are
4 specifically state issues. The federal governmental loom can't handle
5 without some involvement by the legislature.

6 Unidentified Speaker: Representative Sussman we did not oppose and I think Mr. Edwards said
7 the same thing but any party that is willfully and intentionally violating
8 the laws should be held accountable. We don't want to have someone
9 caught up in a gotcha for an honest error.

10 Mr. Sussman: Thank you very much.

11 Chairman: Mr. Franklin.

12 Mr. Franklin: You had mentioned the desire for some comprehensive federal
13 immigration reform. Looking at the United States Constitution I don't see
14 where the states delegated any particular authority to the federal
15 government over immigration. I see where we gave them the ability to
16 establish uniform rule of naturalization. I don't see anything in the
17 United States Constitution where the states authorize the federal
18 government to have any policy on immigration which would mean under
19 the Tenth Amendment that immigration is reserved to the states so don't
20 you – wouldn't you agree then that immigration is a state issue not a
21 federal issue?

1 Unidentified Speaker: Representative Franklin [unintelligible] my pay grade to respond to some
2 of that but we are bound and governed by Federal Employment law that
3 dictates what we can and cannot do to determine eligibility status for
4 hiring [unintelligible]. It's federal law. We also have people that not only
5 work in Cobb County or the State of Georgia, they work throughout the
6 country and to the extent that they can't be bound to comply with
7 potentially fifty different state requirements – who knows how many
8 county or municipal requirements so the notion that the requirements
9 that businesses go through to determine valid eligibility status we do
10 believe federal governments rule and we cannot be placed in a position
11 of violating a federal employment law in order to comply with a state
12 standard and that's what I was trying to address.

13 Chairman: Thank you for the statement and just to make sure it's clear the intent
14 behind the legislation of course, intent is not what matters, what matters
15 is the words on paper is that any law that does pass will be in compliance
16 with the federal law because if we don't do that we will have spent a
17 whole lot of time and a lot of resource for naught. That is not our
18 intention, that's not the way we're operating under this Bill. That being
19 said you know getting good guidance from those both on the Committee
20 and not on the Committee who have more of a background and good
21 subject matter understanding of the issues that are presented in terms of
22 that compliance helps us fashion a better Bill frankly and we're all ears

1 and all eyes when it comes to that. We'd be foolish not to go ahead and
2 welcome that input and that includes your organization as well. So thank
3 you.

4 Unidentified Speaker: Thank you very much for the opportunity.

5 Chairman: Let me call on Bryan Tolar with the Georgia Agribusiness Council. Is he
6 here? Mr. Tolar?

7 Unidentified Speaker: Mr. Chairman I believe he's in another room watching.

8 Chairman: With no doubt the audio not working in there if I had to take a wild guess
9 about that. Okay. Let me go ahead and let me ask Ms. Bazemore if you
10 might be able to identify him in the overflow room if you could or if we
11 have a contact number for him maybe and we'll – and we'll come back.
12 Was there a representative from the Georgia Municipal Association that
13 wanted to be heard? I know we heard from Mr. Edwards of ACCG earlier.

14 Unidentified Speaker: Yes sir I'd like to wait until the Friday hearing if that's possible.

15 Chairman: It would be the Committee's preference to go ahead and have
16 organizations such as yours to go ahead and take your time today. Don't
17 get me wrong that doesn't preclude your ability to go ahead and have
18 another meeting you know either privately or otherwise or submit
19 written materials. It's not a one-time shot but for purposes of the
20 hearing that would help us expedite matters. And let me go ahead and
21 admonish you as well. If you could confine your remarks to 5 – no more

1 than 5 minutes in order to allow for questions. And, Mr. Patel if you could
2 put the microphone closer to you. Thank you.

3 Rusi Patel: I'd like to thank the Committee here and Representative Ramsey for
4 hearing our remarks. My name is Rusi Patel, I'm with the Georgia
5 Municipal Association and first I'd like to read our policy statement for
6 immigration and it's pretty simple. GMA will seek to insure that any state
7 laws placing mandates on cities related to immigration enforcement are
8 practical, unambiguous and reasonably administrable. GMA has been
9 working with Representative Ramsey pretty consistently on this Bill and
10 we plan on continuing to work with him. He's been very forthright in
11 listening to our questions and comments and sometimes we agree and
12 sometimes we don't but that's the process there. Our major issue with
13 the Bill is related to the litigation aspect and we've worked with
14 Representative Ramsey on that issue and he has definitely listened to our
15 ideas, and moving forward we hope to get something out in this Bill that
16 will work for both organizations, the state and so on and so forth.
17 Basically when it comes to the litigation we are greatly concerned that
18 cities will be faced with a burden of litigation costs that they're not
19 prepared to handle. As the language is currently written in the Bill
20 anyone over the age of 21 can file a lawsuit, and that might lead to
21 litigation that is unwarranted. Obviously the intent of the Bill is to allow
22 individuals to file these lawsuits and certainly there will be instances

1 where there are lawsuits that are valid. However, our concern is this
2 opens the door for a large amount of lawsuits that aren't valid and so
3 working with Representative Ramsey I believe he understands that
4 concern and has been working on this Bill to alleviate those concerns and
5 moving forward we continue to hope to do so.

6 Further on in the Bill in Section 8 there are immunity provisions for police
7 officers. As our associate, our colleague at the ACCG has pointed out we
8 would like to see that extended to law enforcement agencies as well. It
9 just helps law enforcement officers. I was previously a city solicitor in
10 Brunswick, I know police officers tend to get the feeling that they're
11 being targeted sometimes in these kind of cases and we want to make
12 sure that they don't have that fear and that they're able to perform their
13 duty as public safety officers and protect the public. And on that note
14 back to the litigation part, back to the litigation part we are concerned
15 that officials, public officials maybe targeted with litigation. We feel that
16 it should be the agency, the city that is targeted if there is a litigation
17 portion. We also believe that perhaps the Attorney General or District
18 Attorney would be a better source for potential litigation. That would
19 reduce the potential for frivolous lawsuits; the DA or Attorney General
20 would be able to discover which ones were actually valid claims and
21 move forward with those. And on that note also officials – if we're going
22 after officials it might not create an atmosphere where certain officials

1 feel like they're able to perform their duty. An official could include a
2 police officer so.

3 Chairman: Mr. Patel, let me interrupt you and just say – I'll tell you the same thing
4 that we told Mr. Edwards and that is that you know the purpose of the
5 Bill, the author can speak for himself certainly is compliance. It's not a
6 punitive – it is ultimately not going to be a punitive measure against local
7 governments or local officials or law enforcement officers individually in
8 any way, shape or form. It's about compliance. We don't want to have –
9 we understand the recessionary effect isn't felt here at the state level, we
10 know it's the local level as well and probably more impactful at the local
11 level now that we're talking about it. And, we certainly don't want to
12 offer any sort of chilling effect for individuals to step up and to surf. If
13 there is one thing we do know about it's public service is a sacrifice. It's a
14 willing, voluntary sacrifice, no one puts a gun to our head but it is a
15 sacrifice nonetheless. Very challenging to be a local official. That is not
16 lost on us. Many of us here in this body were local officials so the walk
17 has been walked by many of us around here so I want to make sure it's
18 clear to you and of course Mr. Edwards and other officials including my
19 own city at home. I represent the City of Smyrna; the author represents
20 Peachtree City and so forth, we understand the balance there and it's
21 about compliance, it's not about a punitive nature and my sense is that
22 the Committee substitute ultimately will reflect that. Ms. Abrams?

1 Ms. Abrams: As a former solicitor, I'm going to raise the same question I raised for Mr.
2 Edwards which is do you believe that it would be beneficial to include a
3 penalty for false accusations or false – frivolous lawsuits where there's a
4 threshold issue so that you could discourage individuals from taking
5 advantage of the Private Right of Action? My concern would be that if the
6 only consequence is court costs, that's sort of the solving the problem
7 after you've already expended the resources, but if there is an earlier
8 threshold issue where a person knows that if they institute a false action
9 they could face a misdemeanor or some penalty that that may serve as a
10 caution to their behavior. What would you respond to that?

11 Rusi Patel: I would certainly believe that any sort of penalty that could be issued on
12 a person that filed a frivolous lawsuit would be useful but the problem
13 with court costs and attorneys' fees is a court can order those. The
14 person might not actually comply with paying those fees. So we would
15 have an issue there but the main issue is the litigation and from the
16 Chairman and Representative Ramsey, they do seem to be wanting to
17 work towards making sure that this is not a punitive Bill so.

18 Ms. Abrams: Thank you.

19 Chairman: Mr. Ramsey.

20 Mr. Ramsey: To your point about potentially subjecting law enforcement officers in
21 the Private Right of Action you would agree the way the Bill is drafted
22 now it is narrowly limited to the three code sections the requirement

1 that public agencies enroll and participate in the Save, the Save program,
2 requirement of public agencies to collect E-Verify affidavits at the point
3 of application of public works contracts and the prohibition against
4 sanctuary cities. None of those three code sections is going to be
5 something that a law enforcement officer is in any way participating in, in
6 compliance or enforcement of it. Isn't that true?

7 Rusi Patel: Yes sir.

8 Mr. Ramsey: Okay and I guess to my colleague, Representative Abrams point, isn't
9 there in the law right now and I am committed to continue to work with
10 you on the Private Right of Action and addressing some of the concerns
11 but in the law right now there exists in the Civil Practice Act sanctions
12 available that a judge can order for truly frivolous suits. Isn't that correct?

13 Unidentified Speaker: That's correct and that's why that's not really a large concern right now
14 for the GMA.

15 Chairman: Mr. Sussman.

16 Mr. Sussman: Appreciate you coming today. Would you agree if you know in the
17 broader effort to enforce the laws of the state that if there were a city or
18 a county that were – that was willfully ignoring immigration law, both the
19 federal level or the mandates put out in 2006 in Senate Bill 529 to use an
20 E-Verify program for employees and for contractors, would you agree
21 that if cities and counties were either willfully ignoring it or just being

1 generally unconcerned, sort of passive neglect, do you agree there would
2 be a material, a potential material effect on compliance with state law?

3 Rusi Patel: Willful ignorance of any law that's already been passed in this Bill were to
4 be passed, GMA does not condone that at all. Willful ignorance of the
5 law is something that we should all go after. GMA has been working with
6 our member cities trying to get them, the ones that are not fully
7 compliant with E-Verify or Save, to get them up to speed. We have
8 employees going to the cities to show them to them. In a few weeks I'm
9 actually giving a presentation on how to – walking people through the
10 Save process because as I'm sure everyone on this committee is aware, E-
11 Verify and Save are very different in signing up. E-Verify is rather simple
12 compared to Save. Save involves many steps and sometimes, especially
13 in smaller communities folks are having a hard time understanding how
14 to go from step to step so GMA has been working with our member cities
15 and I agree that willful disobeying any of these laws, Save, E-Verify or
16 anything that may come forth from the state is not something that GMA
17 is willing to accept from our members.

18 Unidentified Speaker: Briefly please.

19 Unidentified Speaker: I just wanted to comment once again, existing law does require that
20 again public works contractors comply with certain provisions of the law.
21 Would you agree that for contracts that are being executed for cities on

1 city contracts it is in fact the city's requirement to insure enforcement of
2 that provision?

3 Rusi Patel: Cities are required to get an affidavit from those contractors. Whether
4 the contractors are falsifying those affidavits or the subcontractors or
5 sub-subs that's something that we can't fully go after. They're testifying
6 on the affidavit that they are E-Verify compliant.

7 Unidentified Speaker: I understand but broadly under Georgia law it is the responsibility of
8 cities to insure compliance with the law on contracts which they're
9 executing with their vendors.

10 Rusi Patel: Right, we're supposed to make sure they sign that affidavit and that they
11 say that they're E-Verify compliant.

12 Unidentified Speaker: So you would agree with the proposition that there is a rule for cities in
13 this process in insuring compliance.

14 Rusi Patel: I completely agree with that. Thank you sir.

15 Chairman: Thank you Mr. Patel, we appreciate your coming down this morning. We
16 have located Mr. Tolar with the Georgia Agribusiness Council, thank you.
17 Mr. Tolar I'm going to tell you what I've told other witnesses. If you could
18 confine any statement you have to five minutes that will go ahead and
19 allow us to go ahead and have a few questions before the time has
20 expired.

21 Bryan Tolar: Absolutely. Glad to, thank you Mr. Chairman; I'm sorry I was located in
22 the Senate.

1 Chairman: Yeah, not a problem. You shouldn't be sorry about that. I was about to
2 forgive you but not anymore. We appreciate you taking the time. We
3 understand this is an important issue for the [unintelligible] of the
4 community and look forward to working with you on the issue.

5 Bryan Tolar: Great. Real quickly my name is Bryan Tolar; I'm the President of the
6 Georgia Agribusiness Council. We're a statewide trade association; we
7 represent over 700 companies representing all parts of agriculture,
8 everything from the farm to the table and the clothes on your back so
9 we're very proud to do that. We're certainly the State's largest industry,
10 \$68.8 billion and we want to grow and we want this legislation to do
11 everything except hinder us from growing. So I will first say that I know it
12 is the mission of the members of this body and certainly the author of
13 this legislation, Representative Ramsey who I consider, always have and
14 always will to be a great friend and loves the State of Georgia just as we
15 all do. This is a very delicate issue for agriculture because being the
16 largest industry and representing economic impact in all 159 counties, we
17 have a lot at stake in this. We are in the midst of trying to grow our
18 industry in several ways one of which we've heard the governor talk
19 about it and many of you have probably waited on it, the expansion of
20 the port in Savannah. We want those large container ships to come to
21 Georgia to carry agricultural products out not bring agricultural products
22 in. In the system that we have in place now with the technology that's in

1 place, with the natural resources that are abundant to our great state we
2 are poised to grow this industry because commodity prices have finally
3 reached a point where people are not talking about what do I have to
4 plant to make a profit but what can I plant so I can make the most profit.
5 And, when we look at that we need to have a labor force to be able to
6 harvest that product and we want obviously, want to utilize and do utilize
7 a legal workforce.

8 The federal government puts in place the parameters for hiring a legal
9 workforce. If we have employers now whether they're agricultural or
10 otherwise that are not completing the I-9 then they're already in
11 violation of federal law. We can't help them, this Bill can't help them, I'm
12 not going to try to help them but when we look at the E-Verify portion
13 that really is the part of the Bill that gives us the most challenge and
14 you've heard from others and there is certainly different parts that give
15 people challenges of their own. But for ours it's the E-Verify requirement
16 and I apologize, I have not seen the latest draft to know where we are on
17 the E-Verify part so I'll wait to get details on that later. But, if we require
18 the E-Verify then we are putting another layer of government on an
19 already challenged workforce that's out there for agricultural production
20 and I'm talking getting your hands dirty workforce. Very difficult to find
21 those workers no matter where you are and over two-thirds of our
22 counties agriculture is either the number one or the number two industry

1 in those counties so we're not talking about small beans here. We're
2 talking about real economic impact. So as we move forward we need to
3 see and it is a federal issue, I know you've heard that time and time
4 again, it is a federal issue and Representative Franklin I'll say and I heard
5 your comment earlier about the Constitution that we don't have any
6 Georgia citizens, they're also U.S. citizens and so we have to operate
7 because the U.S. is the one that provides us – federal government
8 provides us the Visas that we need to get those workers in a guest worker
9 program, to get those citizenship papers so that we can have those legal
10 citizens here. And that's what we're trying to comply with, we're trying to
11 comply with the federal system that also provides a federal outlet
12 through Visa programs through H2A which many of you maybe familiar
13 with and H2B and I'll touch on them very quickly.

14 H2A is a very good program if you can afford it. The federal government
15 says that the minimum wage for H2A workers is \$9.11 and you provide
16 transportation and you provide housing and you cover all the Visa costs.
17 It ends up costing about \$13.50 per employee per hour for those
18 operations. If we could all drive Cadillacs it would be great but everyone
19 can't drive a Cadillac. Some people can, others can't so we don't need a
20 Cadillac system and that's what the H2A program is, it's a Cadillac system.
21 Now let's talk about H2B. This is where we get to our landscape workers,
22 our urban agriculture, the environment we're in right now. That program

1 is capped by the federal government. It was capped in 1990 with 66,000
2 Visas nationwide. In 2004 we reached the cap of that. We can't expand
3 it; the State of Georgia can't expand that cap. All we can do is apply for it
4 and hope like heck that we get the workers because if we don't you're
5 out of business and if we're out of business, if we take a \$68.8 billion
6 industry and we take just a 10% hit we're talking almost a \$7 billion hit to
7 Georgia's economy and that's real. And when those farming operations,
8 when those landscapers, when they go away they don't come back
9 especially in rural Georgia. It's that much more difficult if you're trying to
10 harvest a crop or if you're trying to milk a cow, you're trying to care for
11 chickens, it's a very diverse industry; it's a very complex industry, this
12 problem is a very complex problem and it requires a federal solution.
13 But we understand immigration reform needs to happen and we
14 understand there are things the State of Georgia can do and we
15 recognize that this legislation carries a lot of different components in it
16 that will serve the State of Georgia and will serve the State of Georgia
17 well but we take the biggest challenge if this legislation is with the E-
18 Verify part and mandating that on private employers. And at that point
19 Mr. Chairman I'll take any questions.

20 Chairman: Let me ask you a question that warrants a – probably a 10 to 15 minute
21 answer but I'm going to ask you to do it in 30 seconds, very reasonably I
22 think you agree.

1 Bryan Tolar: Yes sir.

2 Chairman: Where's the line? Where's the line between those folks in the
3 agricultural community who this is perhaps not as big a deal and with the
4 folks where it is? In other words where is that line of you know where
5 compliance with H2A, E-Verify and everything that you talked about,
6 what's the comfort level and I understand that's something of a
7 subjective determination and you know in our minds we take an oath to
8 support and defend and protect the law and we all take it seriously. I'm a
9 little concerned about the fact that what I'm hearing is a message from
10 you that says well we should enforce the law, protect the law and adhere
11 to it but only if we can afford it and that's what I think I'm hearing. Tell
12 me if I'm hearing something differently and then tell me about who is it
13 in your mind just from your industry, intra industry where – who can
14 afford it and who can't and the size of that operation. Talk about the law
15 first and how it is, that's the message that I just heard and I want to make
16 sure I didn't hear it wrong.

17 Bryan Tolar: That's actually a 30 minute answer so I'll do my best.

18 Chairman: I warned you.

19 Bryan Tolar: With regard to who can and who can't take advantage of the H2A
20 program because it is an expensive program the answer is it depends. It
21 depends on what your commodity is, it depends on your locale for where
22 your market is and I know that's a lawyer type answer, I think you all say

1 it depends a lot too but there is no simple answer. It's because the
2 industry is not simple. The solution is not simple and it's not a matter of
3 drawing a line to say well if we get above this point or we're below this
4 point then we're in or we're out. It's all about that individual operation
5 and who they serve and where they provide those products in the
6 market. As far as where do we go and how do we adapt to the system
7 that's in place, well as I said when we put the I-9 out, when the federal
8 government put the I-9 system in place and they created the guest
9 worker program and the guest worker program is flawed. Don't get me
10 wrong I mean it's a nightmare because it is so hard for operations of all
11 sizes to be able to utilize it. We need those outlets for those workers at
12 the critical times whether its harvest or whether its to run a dairy
13 operation because dairy cows, they've got to be milked everyday. I mean
14 they don't wait for harvest season. I mean harvest season is everyday.
15 And so the State of Georgia can certainly look to put different programs
16 in place to put restrictions on private industry on how they go about
17 hiring individuals but they can't provide that outlet. They can't provide a
18 guest worker program. They can't provide a source of individuals and I
19 understand we have a 10.2 unemployment rate here in the State of
20 Georgia but if you go to South Georgia they're welcoming people
21 everyday. So it's not a matter if there is people unemployed, it's a matter
22 of are they willing to be employed in this particular arena and so we're

1 trying to find workers that will go out and will commit to the jobs that
2 need to be done and make a very fair wage so that we can all enjoy the
3 things that we enjoy, so that we can be here today having this discussion.
4 And Mr. Chairman I've tried to address – again a 30 minute answer but
5 really it depends and it depends on a lot of variables but our diversity is
6 what creates those variables and the opportunities for expanding in
7 markets globally also impacts those variables because if we don't
8 produce it somebody else very well may and we're already seeing Brazil
9 and China and others that are taking advantage of those opportunities.
10 But we want to provide our own resources here not just in Georgia but in
11 this country and we want to help do that and we need workers to get
12 that done.

13 Chairman: Understand that we understand that it's a balance; it's a balance
14 between an enforcement responsibility that we feel that we have
15 compared with the understanding and appreciation of the fact that we
16 don't want to be counterproductive as it relates to economic
17 development in a major industry of our state. That's not lost on anyone.

18 Bryan Tolar: I understand.

19 Chairman: But it needs to be understood by all constituencies involved whether it's
20 in your business or without that doing nothing is not an option and
21 relying to our detriment on a federal government that is not going to do
22 anything anytime soon is not a realistic alternative. But we hear, what

1 some of us hear and I'm not saying you're saying this but in general when
2 we hear someone say it's a federal issue let the federal government do it
3 that's really just a euphemism for do nothing and that's not an option at
4 this point.

5 Bryan Tolar: [Unintelligible], and I apologize I haven't articulated; I know we got to the
6 point.

7 Chairman: No I don't take issue with you but . . .shades of that.

8 Bryan Tolar: There are two things I'd like us to do and it does not require legislation to
9 do either one of them. One of them might be a good piece of legislation
10 but one of them not at all. We talked about the expansion, you've
11 probably heard, you probably will hear people talking about how E-
12 Verify, that companies can utilize it now, it's voluntary and that we have
13 companies everyday to sign up in Georgia utilize it and that's great and
14 they didn't need a law to do that. I think we should do more to
15 encourage businesses that want to get into E-Verify. They can do it
16 themselves right now today, sign up, go online and knock it out. It takes
17 just a few minutes, as everyone likes to say, I haven't done it so I don't
18 know. But I think we need to expand that opportunity and encourage
19 business and what can we do as the State of Georgia to encourage
20 businesses to voluntarily do that? Now the other part I would like to say
21 Mr. Chairman is that over this last year, in 2010 we took on a six-month
22 process that ya'll passed legislation last year to examine Georgia's tax

1 code and put together a great panel of great business leaders and
2 economic experts and went on a tour of the State of Georgia and met
3 with business leaders, and met with citizens, met with all different types
4 of groups and got input and we put this stuff together and we talked
5 about how can we, how can we accomplish a goal of making Georgia
6 more competitive, more attractive, more economic and a more viable
7 state. We can do that with this program right here. We can go around
8 the State, we can talk to folks in North Georgia; we can talk to folks in
9 South Georgia; in Middle Georgia and we can get their input and we can
10 talk about with them what would be the impact if we did this to a dairy
11 producer or if we did this to a car dealer, if we did this to an auto
12 manufacturer or construction, I mean all the different private sectors that
13 are out there. We can have that conversation and we can come back and
14 we can synthesize all of that and see if we can't come up with a solution
15 that works for everybody. So I would challenge this group to think about
16 those particular areas to move forward.

17 Chairman: We've gone a little over on your portion but I think it's necessary Mr.
18 Ramsey.

19 Mr. Ramsey: Thank you Mr. Chairman and a good and long-standing friend, we've
20 been working together for a lot of years. I guess I'm trying to get to the
21 heart of your I guess your testimony that the concern from your

1 perspective is the requirement to enroll in E-Verify for employers that
2 have five or more employees, well for any private . . .

3 Bryan Tolar: That's the way it exists . . . that's

4 Mr. Ramsey: That's the way it exists under the Bill.

5 Bryan Tolar: I didn't know how it was . . .

6 Mr. Ramsey: Is it the nature of – is it the nature of the E-Verify program because in my
7 experience I've enrolled in E-Verify, it took a few minutes, it was an
8 extremely easy process. The process of verifying an employee is a very
9 quick process. Is it the nature of the E-Verify program you're concerned
10 about imposing an onerous burden on employers or is it just that it's
11 going to limit – it's going to identify employees that are ineligible to work
12 under federal law? So I'm just trying to get to the heart of what you're
13 suggesting with respect to your concerns on E-Verify.

14 Bryan Tolar: Right and let me do my best to address that. It is not the issue with
15 regard to E-Verify and how do you sign up. I know our folks in agriculture
16 and certainly others all across this state are very capable of handling the
17 registration process for E-Verify. I'm not worried about that. The part
18 that I'm concerned about is where do we go, where do we draw the line,
19 as I stated earlier when the State of Georgia is looking to impose a hurdle
20 for private businesses without providing an outlet for those workers to
21 come in. Just like the federal government with I-9 they put H2A and H2B
22 and other Visa programs in place; they provided a system to bring people

1 in when they didn't qualify under the current structure of that system.
2 And the State of Georgia as you and I have discussed does not have that
3 opportunity to provide that and so that is the challenge because when
4 we talk about farming, we talk about agriculture, we talk about 383,000
5 jobs and those are jobs that I know we all want to keep here. I want to
6 keep them here. And, E-Verify is not going to do anything to enhance
7 that economic viability of that industry or any other industry.

8 Mr. Ramsey: But you're not really answering my question.

9 Bryan Tolar: I'm trying.

10 Mr. Ramsey: If it's not E-Verify ... the nature of the program, is it . . . it sounds to me
11 you're saying it's just going to limit . . . it's going to limit and it's going to
12 provide a process by which employers are able to ascertain whether their
13 employees are eligible to work under federal . . . this is going to protect
14 employers for that matter. In terms of making sure that they're not
15 violating any federal law that prohibits them from employing those that
16 are ineligible to work under federal law. So it seems to me what you're
17 suggesting is, is by . . . by requiring enrollment in E-Verify the concern
18 from your perspective is that it's going to put a mechanism in place
19 where we're identifying. . . identifying employees that are ineligible to
20 work under federal law. Is that . . .

21 Bryan Tolar: And I'm sorry if that's what you're hearing because that's not what I'm
22 saying because there is an assumption that E-Verify is the end all be all

1 for our immigration reform issues and as you well know and as your Bill
2 articulates in a lot of different areas, there is a lot of changes that are
3 recommended for immigration reform in Georgia and so this is one part
4 of it and what we're saying is and I've tried to demonstrate is that where
5 that program is available, is currently available and we should encourage
6 businesses to get into it, not mandate businesses to get into it, that we
7 should tour the State and meet with different types of businesses in
8 different types of climates and different types of business atmosphere so
9 that we can determine what the impact would be, not pass a piece of
10 legislation and sit back and say wow I didn't see that, I didn't see that
11 coming because by then it's too late. And I know that's not your intent, I
12 know that's not your intent but the challenge is do we have the workers
13 to do the jobs we need at the time we need them done and so . . .

14 Mr. Ramsey: What you're suggesting is we should research the impact on the State of
15 Georgia of putting in place a mechanism that will prohibit those that are
16 ineligible to work under federal law from gaining employment in Georgia.
17 That's . . . you're suggesting that we as policy makers should go engage in
18 a process by which we study what the impact will be if we had a process
19 in place that identifies those that are ineligible to work under federal law.
20 I just . . . it's . . . I know we're kind of talking around this here but that's
21 what I hear you say.

1 Bryan Tolar: Well then I guess it's more of a . . . at this point it's more of a
2 philosophical issue too. The issue is do we want to – do we want the
3 State of Georgia to mandate a control mechanism for hiring practices for
4 private employers? It doesn't matter if it's agriculture or what and I say
5 no we don't. And I say that if we pursue that without going through a
6 process of vetting the impact to different industry sectors in different
7 parts of the State that we're setting ourselves up for unintended
8 consequences. Matter of fact I can just about guarantee it.

9 Chairman: Regardless of the fact that we know that if we don't setup a verification
10 mechanism that we know that there will be aspects of that industry that
11 are outside the law.

12 Bryan Tolar: Again we're assuming that E-Verify is the end all, be all to this whole
13 problem and we know it's not – it's not a perfect system either but the
14 challenge we have is maintaining an economic base of workers regardless
15 of whether we have E-Verify mandated or not. We already have an I-9
16 process. It's not like . . . we're not just throwing the borders open and
17 say ya'll come because we're not looking. That's not what we're saying at
18 all. We're trying to follow the federal process and utilize the federal
19 program to be able to bring those workers in when we cannot get
20 seasonal workers under the current hiring practice for getting locals in
21 the door. So that's all I'm saying Mr. Chairman.

1 Chairman: I want to apologize to members. I'm going to have to excuse Mr. Tolar
2 but we're going to reserve the right to ask you to come back if necessary.

3 Bryan Tolar: Sure.

4 Chairman: Because we do . . . we do have to go ahead and move on to other people
5 who want to be heard.

6 Bryan Tolar: I understand.

7 Chairman: Like I said, this is not a one-time process but we'll go ahead and perhaps
8 have you back.

9 Bryan Tolar: Mr. Chairman if I could, this is not an advertisement but the data that I
10 used comes from the University of Georgia in this little Ag-snapshots, I'll
11 be happy to provide us all Ag-economic data as provided by the
12 University of Georgia so it's not my data, it's theirs.

13 Chairman: We understand, we understand your time, we just have the difficulty of
14 the position that you're in, we can only hope that you appreciate the
15 balance that we have to strike as well.

16 Bryan Tolar: Oh, absolutely.

17 Chairman: Mr. Tolar is a fixture in this capitol and so members are free to get with
18 him but we again will . . . as we go on we'll be talking about having other
19 meetings to perhaps hear out individual issues

20 Bryan Tolar: So you need me to stick close right now just for later on during the
21 session? I'll be in the building.

22 Chairman: Thank you. Thank you.

1 Mr. Atwood: If I could just ask Mr. Tolar if he would please get with me offline, I need
2 some statistics from you and . . .

3 Bryan Tolar: Yes sir.

4 Chairman: Thank you Mr. Atwood. Let me also ask just individually if anyone has
5 written materials they want to use as a supplement to their testimony
6 today or in the past or in the future to please get them to Ms. Bazemore
7 and we'll go ahead and distribute that as you know, as a supplement to
8 any comments the people have. Thank you.

9 Ms. Abrams: This is the second time I've had my button pushed [unintelligible] about
10 to ask a question and while I do respect the right of the Chairman and the
11 sponsor of the legislation to inquire of our . . . of those test times before
12 the Committee I think it's only appropriate that at least one question
13 from an opposing view be allowed to be asked of [unintelligible].

14 Chairman: You were recognized in the previous round. We did have a couple of
15 questions that you know I thought I might go ahead and ask a question or
16 two for a change of Mr. Tolar. There is no preclusion on your
17 communicating with Mr. Tolar you know whether it's here or outside of
18 it. What I have to do is strike a balance Ms. Abrams between having a full
19 fair hearing and also making sure that we have people heard from so.

20 Ms. Abrams: Okay. With all due respect this is not simply a conversation with Mr.
21 Tolar, it's a conversation with the audience members who are present to
22 this public testimony and [unintelligible] and I'm not asking that we

1 extend the time but I would ask that if there are only going to be two
2 questions allowed that we try to strike a balance between asking
3 questions that maybe favorable to both sets of opinions that maybe
4 present in this room and whether it's asking me or another member of
5 my caucus or of the other caucus I think it's important that we have a
6 balanced approach to the questioning and this I do not believe has
7 demonstrated a fair balance in terms of questioning in regards to the
8 agriculture as its relating to this legislation.

9 Chairman: Well I appreciate the lady's input and now that we're spending a little
10 more time on it, in the previous hearing when the author went ahead and
11 went through section by section I think we went through a full process of
12 questioning on behalf of . . . from anyone who was actually in attendance
13 at the time not including the minority leader and we went ahead and did
14 strike that balance and certainly the reputation of this Committee and I
15 hope of myself of providing that balance but we do have to keep the train
16 on the track and I appreciate the General Lady's suggestion. Mr. Tolar
17 thank you very much. Thank you. Let me ask D.A. King of the Dustin
18 Inman Society to come on up. Mr. King we would admonish you as well,
19 if you can keep your remarks limited to five minutes. If we need to go
20 longer however as the agricultural industry I don't think anybody will go
21 ahead and begrudge us that and then we'll leave some time for
22 questions.

1 D.A. King: Yes sir Mr. Chairman, thank you very much. Please let me respectfully
2 note that I could easily go as long as Mr. Tolar with a 180 degree different
3 presentation. Good morning, my name is D.A. King, Mr. Chairman,
4 members of the Committee I am president of a self-funded organization
5 called the Dustin Inman Society. We are a group of citizens and real legal
6 immigrants who have taken a pro enforcement position on America's
7 very liberal immigration laws. Because I am limited to five minutes I'm
8 probably not going to use a prepared remarks. This for me is very much
9 like being stuck in the movie Groundhog Day. Mr. Chairman in that I was
10 in this very seat in 2006 when we ran the Georgia Security & Immigration
11 & Compliance Act through this very Committee in this very room. In
12 2006 the State of Georgia passed a law that was intended to create an
13 atmosphere in which everybody in Georgia would not only comply with
14 but local governments would help enforce the existing federal
15 immigration law. I find it very interesting that on the one hand people
16 are saying that this is a federal law and the State of Georgia should leave
17 it alone but then the federal law can be used as a crux sometimes.
18 Before I begin I wanted to point out a couple of facts. The State of
19 Georgia is number 6 in the nation according to the Department of
20 Homeland Security in the population of people in this country illegally
21 who are properly called illegal aliens. We have more people here illegally
22 than does Arizona. We are number 1 in the rate of increase of the

1 population of illegal aliens from 2000 to 2009 at 114%; Arizona's was
2 somewhere around 45%. The Pugh Hispanic Center recently came out
3 with figures that estimates the workforce in Georgia that's illegal is
4 somewhere around 7% and I don't remember the last figures. I'm sure
5 everybody knows better than I but unemployment in Georgia is either 10
6 or 9.4%, I've lost track. My position and most Georgians is that if there is
7 one Georgian going without a job because anybody in Georgia is ignoring
8 the federal immigration laws that are not enforced then it's too many
9 and I respectfully submit that not only does the Georgia legislature have
10 the ability and the right but very respectfully I think the duty to do
11 everything it can including enforce the laws we've already put on the
12 books to protect the American worker and I think equally as important if
13 not more to protect the jobs and the benefits and the services for the
14 real legal immigrants who obeyed our laws and joined the American
15 family lawfully like my sister and while I'm at it, from an experience I can
16 tell you members of the Committee that you will hear people testify and
17 use the word immigrant and what they're really talking about in most
18 cases is somebody here illegally. And it's deeply offensive to me for
19 people to mix the word immigrant with illegal alien. It's insulting to our
20 immigration process.

21 Mr. Chairman, members of the Committee there are many states in the
22 country who are passing laws similar to what Arizona did recently. The

1 whole world is watching. The whole world is watching to see whether or
2 not Georgia is going to become a pro enforcement state on our
3 employment laws and immigration or an anti enforcement state. We
4 cannot be in the middle on this. The federal government has refused to
5 secure our borders and to efficiently enforce our immigration laws.
6 That's not a mystery to anyone. You will hear from many people who will
7 tell you as did your last witness that there are various reasons for not
8 enforcing our laws and they will use E-Verify as an example. I have been
9 an authorized E-Verify user since April of 2005. The concept that E-Verify
10 is not accurate is easily disproven from very recent information from the
11 Department of Homeland Security. The little pie chart paper that I just
12 asked to be passed out that you should have in front of you is also
13 reflected on this graph here. The pie chart shows the efficiency level of
14 E-Verify and I heard somebody a moment ago say that E-Verify was either
15 50 or 80% inaccurate. That is no more true than I might stop on the way
16 home and buy a hair dryer. It is complete fantasy. But it's numbers that
17 are constantly put out both by the media and in the media to throw
18 people off. These numbers are easily recognizable to demonstrate the
19 efficiency of E-Verify and its accuracy. This is a list printed from date of 3
20 September. In very small print, of E-Verify users here in the State of
21 Georgia more than 16,000 companies are listed in that book, again as of 3
22 September of last year of employers who are voluntarily using this

1 system. Now they have put themselves on an unequal playing ground,
2 playing field. They have created a sense of integrity in their own business
3 but they still have to compete with other employers who don't use E-
4 Verify who can hire cheap black market labor, labor that has escaped
5 capture at our borders. I have traveled the state since 2007 when the
6 2006 law went into effect speaking to local governments and official
7 agencies and checking on compliance. I did that at my own expense
8 because there is no oversight agency in the state to monitor or educate
9 local governments on compliance. I'm happy to answer a question on
10 that but I wanted it to be clear that use of E-Verify is a deterrent, it's very
11 effective and the reason that a lot of very powerful lobbying groups don't
12 want E-Verify used is because it is so efficient. Every business that uses
13 E-Verify is bound by the law to have one of these in their office that's in
14 clear . . . it is clearly visible to anyone who comes in. It is a huge
15 deterrent. A very small amount of the people who will get a negative
16 response from E-Verify after being hired ever come back to contest that
17 because they're here illegally and they've been caught and they go down
18 the road to an employer who's not using E-Verify. But this is what goes
19 up in an office and it serves as a deterrent.

20 If I may have one more minute Mr. Chairman, the H2A Visa which has
21 successfully remained a secret for a large part of this debate does not
22 have any limits to it. I want to say that very carefully. The agriculture

1 industry nationwide including here in Georgia has the ability to lawfully
2 import as much temporary legal foreign workers as they would ever need
3 to work in an agriculture business. Mixing up another piece of it does
4 have a limit with the H2A. While it maybe good politics in a rather slick
5 presentation has absolutely no basis in reality. The argument that
6 Georgia somehow cannot afford to enforce the law is insulting to the
7 millions of Georgians who cannot be here today who are howling to be
8 protected by their state government from the ravages of the crime of
9 illegal immigration and illegal employment. That anybody in Georgia
10 would hire illegal labor while our countrymen are standing in the
11 unemployment line says a lot about where we have gone as a country.
12 Again, the world is watching. I hope that not only this Committee but the
13 legislature as a whole will make the decision to become a strict pro
14 enforcement state, protect the American worker, protect the real
15 immigrants and honor the tradition of immigration into our country. I
16 don't know if that was 5 minutes or not but I'm happy for any questions.

17 Chairman: It was actually 10 and as a result your time has expired but we appreciate
18 your coming down here today and offering testimony and we're going to
19 reserve the right as all members should to ask questions and later on
20 offline and to provide us additional information if you see fit.

21 D.A. King: Thank you for your time Mr. Chairman. If I may and I hope this doesn't
22 count on anybody else's time there is a deputy here from Gwinnett

1 County Sheriff's Department who I forgot to make known to the
2 Chairman at the beginning of the meeting and I apologize. His name is
3 John Spears.

4 Chairman: Deputy Spears, wherever you are, thank you for your service. Let me call
5 on Judith Martinez-Sadri. If I'm mispronouncing that I apologize on
6 behalf of GALEO. I'll tell you what, while we're waiting for her let me go
7 ahead and recognize Kyle Jackson with the National Federation of
8 Independent Business. I know Ms. Jackson you were up in the Mezz and
9 came on down and then we'll have Ms. Martinez-Sadri in the on-deck
10 circle.

11 K. Jackson: Thank you Mr. Chairman. I apologize to the members of the Committee.
12 I ran out this morning and forgot copies of my written testimony but I
13 have emailed it to the Chairman's office and I'll be happy to get to all of
14 you either later today or tomorrow. I will be brief. My name is Kyle
15 Jackson, I'm the State Director for the Georgia Chapter of the National
16 Federation of Independent Business. Thank you for the opportunity to be
17 here today to provide interested party testimony on House Bill 87.
18 Before I get to my comments, let me speak briefly to NFIB Georgia and
19 who we represent. We are the nation's and state's largest small business
20 advocacy organization with 8,000 small employers here in Georgia and
21 about 325,000 small employers nationwide. We are a member driven
22 organization in that before we take a position on any piece of legislation,

1 state or federal, we poll or survey our members as to make sure the
2 organization always represents the true position of small business.
3 House Bill 87 is a very large comprehensive and complex piece of
4 legislation and credit to the sponsor, Representative Ramsey as well as
5 this Committee for tackling such a difficult and important issue. The
6 legislation contains many topics that don't have a small business impact
7 and I'm not in a position to comment on those areas of the Bill. I can
8 however provide you with some perspective on the provisions of the Bill
9 that do impact small business. As an organization our members
10 consistently and vociferously oppose efforts by government at any level
11 to enforce mandates on small business. However, my members have
12 identified illegal immigration as an area where they support tougher
13 sanctions on employers who knowingly, key word being knowingly, hire
14 illegal workers. On the 2011 NFIB Georgia member ballot, 77% of
15 respondents supported stiffer penalties on employers who knowingly
16 hire illegal immigrants. This result is consistent with the calls and emails I
17 have received from honest, well-intentioned employers who are
18 competing on an unfair playing field with employers who cut corners and
19 employ illegal labor as a cost cutting measure. That isn't to say I don't
20 have concerns about the legislation, E-Verify while it is an improved, free
21 and online tool is not perfect and mandating its usage does add another
22 layer to the regulatory burden on small employers in this state.

1 Furthermore it is important that the legislation provide ironclad
2 protection for employers who use E-Verify to protect them from future
3 actions in the case of a false-positive in the system. I also recognize and
4 appreciate Representative Ramsey's efforts to exempt employers of 5
5 and under in the Bill.

6 Regulation and compliance are a very serious challenge for the smallest
7 of Georgia's businesses. In closing I would suggest any action taken by
8 the legislature ought to be coupled with an education and outreach
9 program to help insure compliance in the small business community;
10 phasing in employers over time as House Bill 87 would do; does allow for
11 a period of education and I hope the State would be a partner with NFIB
12 in reaching out to the small business community. I know this legislation is
13 a continued work in progress and I appreciate the sponsor's willingness
14 to entertain input and suggested improvements. Thank you again to the
15 Committee for considering small business and allowing me the time to
16 discuss this legislation. I'd be happy to answer any questions.

17 Chairman: Thank you Mr. Jackson. Any questions for Mr. Jackson of NFIB? Mr.
18 Sussman.

19 Mr. Sussman: Thank you Mr. Chairman. This is a question that could be also directed to
20 an agricultural business much like many of your members but when Mr.
21 Tolar was here earlier he talked about his business owners being very
22 capable of signing up for the system, even the small ones, he recognized

1 it's a relatively trivial amount of time to register for E-Verify, maybe 20
2 minutes and maybe 30 seconds per you know, per check per employee.
3 But, looking at this chart that shows the 85% of folks that are identified
4 as not being eligible through the E-Verify system don't pursue action
5 shows a little effectiveness. I wanted you to comment on the capability
6 of a small business whether it's got 6 employees; whether it has 2 or 3
7 employees; aren't they really basically run the same way and isn't it really
8 just the same for a business with 2 or 3 employees as it would be for a
9 business of 6 or 7 employees?

10 K. Jackson: Well to answer your question Representative, all small businesses are
11 unique. There are certainly common themes and trends when it comes
12 to hiring practices. You know it's hard to get in the mind in the
13 operations of a really small business because you keep in mind anytime
14 you're taking a person at a 3 employee, 4 employee, 5 employee shop
15 away from the actual running of their business that's time that they're
16 not spending generating you know tax revenue for the State or jobs for
17 the State. You know it's somewhat of a concern.

18 Mr. Sussman: But given the 30 seconds to do an E-Verify check relative to the other
19 social security registrations and things for employers, wouldn't you agree
20 that the 30 second check is a trivial amount of time?

21 K. Jackson: I don't think that's an insurmountable burden.

22 Mr. Sussman: Thank you.

1 Chairman: I see no further questions. Thank you Mr. Jackson. Has Ms. Martinez-
2 Sadri entered the room? Am I saying that right, Sadri?

3 Ms. Martinez-Sadri: Yes, that's correct.

4 Chairman: Alright.

5 Ms. Martinez-Sadri: You got that right.

6 Chairman: Ms. Martinez-Sadri I know you're speaking on behalf of GALEO. We're
7 allotting everyone 10 minutes if you could.

8 Ms. Martinez-Sadri: That's fine, I'll be brief.

9 Chairman: Limit your comments to 5 and then that would allow a few minutes for
10 questions if you can. That's up to you.

11 Ms. Martinez-Sadri: Yeah I'm speaking on behalf of the Georgia Association of Latino Elected
12 Officials, thank you for the opportunity Mr. Chairman and Committee
13 members. My name is Judy Martinez-Sadri, an entrepreneur and
14 engaged member of the Latino community, a mother and a Georgia
15 taxpayer. You want me to be louder? You want me to start over? Good.
16 That's a good practice. Good morning Mr. Chairman and Committee
17 members. Thank you for the opportunity. My name is Judy Martinez-
18 Sadri, a GALEO Board member, an entrepreneur, an engaged member of
19 the Latino community, a mother and a taxpayer. I'm here to provide
20 testimony on behalf of Jerry Gonzales, Executive Director of GALEO.
21 Unfortunately he's out of town and he cannot be here with us today. This
22 is what he wished to testify before you today. Last Friday this Committee

1 began the consideration of House Bill 87, a copycat version of the
2 controversial Arizona immigration law. Despite the fact that similar
3 legislation across the country is being delayed due to serious economic
4 concerns and that such laws have been challenged by federal courts and
5 the Department of Justice, Georgia's legislators insist on moving forward
6 with their immigration enforcement law. The passage of such a
7 controversial legislation would be fiscally disastrous for our state on a
8 number of fronts. To begin with any state regulatory scheme of
9 immigration enforcement would require a [unintelligible] of resources for
10 implementation. Georgia, like many other states is in a serious fiscal
11 crisis and considering budget cuts. How can the state come up with the
12 resources required for an implementation of such an expensive
13 immigration enforcement law? How much will Georgia will have to pay
14 for the potential litigation costs associated with the future of lawsuits? In
15 addition, Georgia has worked hard to build a business and investment
16 friendly image that would be harmed by passing such as anti immigrant
17 laws. Our state is the home of many, many multi national corporations. It
18 has the world's busiest airport. It has a thirst for expanding international
19 trade and is the cradle of the Civil Right Movement. Passing such a law is
20 a step backward for Georgia. Georgia's economic development efforts
21 rely upon it being seen as a good place to do business. If HB87 moves
22 forward that reputation will certainly be irreparably tarnished. The

1 tourism and convention business is very important to the City of Atlanta
2 and to our state as a whole. It is our state's second largest industry and
3 has the total economic impact of about \$34.8 billion. In 2009, \$1.8 billion
4 was expended in Georgia from foreign travelers in direct expenditures.
5 For every \$1 million spent by international visitors in our state, increased
6 11.5 new jobs; generates over \$330,000.00 in payroll and generates over
7 \$123,000.00 in state taxes. If HB87 moves forward the international
8 community will get the message that they are not welcome into Georgia
9 and therefore our state will not only lose millions of dollars but we'll also
10 be known internationally as a hostile type state towards business and for
11 investors. Georgia's leading industry is agriculture which generates \$65
12 billion annually towards the state's economy and employes 1 of every 7
13 residents. U.S. Senator Saxby Chambliss has estimated that our nation's
14 agriculture workforce is made up of 50-70% undocumented immigrants.
15 Because of this fact the Georgia Farm Bureau has weighed in opposition
16 the consideration of an Arizona copycat legislation for Georgia. In fact
17 Georgia Senator Jack Murphy has opposed . . . proposed accepting over
18 [unintelligible] agriculture industry from any immigration enforcement or
19 regulatory consideration such as HB87. It is a move that certainly points
20 to the hypocrisy of the rhetorical enforcement of the Rule of
21 [unintelligible] and the practical impact on the industry. The solution to
22 our immigration crisis isn't reckless and harmful legislation. It lies here in

1 our gold dome leadership working with Georgia’s congressional
2 delegation and President Obama to help overcome the [unintelligible] of
3 immigration reform and to develop a bipartisan workable solution
4 through Congress that will move our nation forward while also upholding
5 our values as Americans. The Arizona copycat legislation is a job killer for
6 Georgia. My fellow Georgians we can and we must do better than this.
7 Again this testimony is on behalf of Jerry Gonzalez, Executive Director of
8 the GALEO. Any questions that I’ll be asked I’ll be answering as a regular
9 citizen. Like I said an entrepreneur, a business owner and a mother and
10 I’ll just add I hate reading but I had to do it. I just want to tell you that I
11 moved to Georgia 14 years ago and this is my home. I’m originally from
12 Mexico but I made Georgia my home and I’m so proud to be a Georgian
13 and it really hurts me and it bothers me that we’re spending time trying
14 in the 21st Century, trying to discuss such laws that will just take us
15 backwards. Let’s be open like many other cities around the world who
16 are looking for opportunities to expand their business and to be part of
17 this global economy. Thank you.

18 Chairman: Thank you Ms. Martinez-Sadri. Do you want to answer a question or
19 would you prefer not to?

20 Ms. Martinez-Sadri: I will answer a question as . . .

21 Chairman: Okay, you have 3 minutes left so I’m going to call on Mr. Pack.

1 Mr. Pack: Thank you Ms. Martinez. During your written reading of I guess Mr.
2 Gonzalez' testimony you stated that passage of such laws are Arizona
3 copycat laws result in fiscal damage or destruction to the state. The state
4 as I understand it right now on previous testimony that there is already a
5 similar statute just not being enforced in 2006. So what is the basis for
6 the additional supposed economic loss that you're citing? If the law
7 exists all we're doing is to put enforcement mechanisms to a law that
8 already exists?

9 Ms. Martinez-Sadri: Sure well I have to say that I'm no lawyer here so I'm not very familiar
10 with all your lingo and you know the way you guys ask but I'm just a
11 regular citizen like many others out there and I see that our state has
12 many other issues. I mean our teachers are not getting paid; there is a
13 lot of cuts everywhere so where is the money for those laws? In the last
14 legislation other laws were passed that are not even enforced so why are
15 we turning around here just wasting out time trying to implement laws
16 that won't get enforced and where's the money? I mean I would . . .
17 clearly this proposal is a copy of the immigration of the Arizona law, isn't
18 it? Are they successful? No. Why are we following them? Why are we
19 doing something that hasn't given results? Let's let our federal
20 government do what they're supposed to do. Is that okay?

1 Chairman: Thank you Ms. Martinez-Sadri. Your time has expired. We appreciate
2 your taking the time to be here this morning. Let me call on Mr. John
3 Ciancio, Jobs for Georgians. Am I pronouncing that last name properly?

4 John Ciancio: Yes.

5 Chairman: Okay. Two for two. And again, you're under the ten minute rule as well
6 and we appreciate your taking the time to be here this morning.

7 John Ciancio: Yes sir, thank you Mr. Chairman. I appreciate the Representatives. My
8 name is John Ciancio, I'm with Jobs for Georgians and we are a group of
9 Georgian workers mainly construction that have gone around and they're
10 sick and tired of being shut out of work, our work in the State of Georgia.
11 We have gone all over the state and we've exposed Cobb County last
12 year of . . . of just being shut out because we're not . . . we're regular
13 Georgians and taxpaying citizens and I feel, we feel that the . . . the
14 construction industry has really been decimated with these illegal
15 immigration and illegals working on these construction sites, that we've
16 been shut out. Again, we're working with Fox 5, it was on last night.
17 We've uncovered numerous jobs all over the state where these
18 contractors and these general contractors and subcontractors, they know
19 what's going on. I'm not going to sugarcoat it. We are getting shut out
20 because of our wages. They are using these folks, abusing these folks and
21 paying them a lesser wage and this is what's happening all across the
22 State of Georgia right now in the construction industry and we are sick

1 and tired of it and we are not going to stop until this Bill goes through.
2 We are for it; we hope it passes; everybody should E-Verify and that's it,
3 that's who we are.

4 Chairman: We appreciate you taking the time to be here this morning. Would you
5 like to answer questions from members of the Committee?

6 John Ciancio: Sure.

7 Chairman: Mr. Ramsey.

8 Mr. Ramsey: I actually – I pushed the button. In your subsequent testimony you kind
9 of got the point I was going to ask you make but I just appreciate you
10 coming down here. I think you live in my district, don't you?

11 John Ciancio: I absolutely live 30 houses away from you. And I do apologize, I'm usually
12 in this setting and I thank you very much.

13 Mr. Ramsey: No, we're grateful for you to be here and whether it's on your side of the
14 issue or Ms. Martinez-Sadri's side of the issue, we appreciate you know
15 input from across the state. We are where we are, we agree, we
16 disagree, sometimes we agree to disagree. The hope is that we can do so
17 without being disagreeable and represent our constituencies
18 respectively.

19 Chairman: I see no further questions. Appreciate you coming out again.

20 John Ciancio: Thank you very much.

21 Chairman: Let me call Mr. Arnie Geiger representing the American Legion. Mr.
22 Geiger.

1 A. Geiger: Thank you Mr. Chairman.

2 Chairman: No I think the first thing I need to do is thank you isn't it, don't I for your
3 service?

4 A. Geiger: I appreciate that. I just want to thank the Committee for working hard on
5 this and particularly Representative Ramsey. The American Legion
6 opposes any person or persons being in this country illegally regardless of
7 race, sex, creed, color or national origin. We believe that current laws
8 governing immigration should be impartially and equally enforced.
9 However unfortunately the federal government is not doing that and so I
10 see the need for Georgia to come forth with laws under the Tenth
11 Amendment of the Constitution. The American Legion members have
12 served the United States around the world and Americans . . . so that
13 Americans can be safe here at home. They know third world countries.
14 We've seen poverty, we've seen political instability, we've seen disease
15 and we've seen war and the sacrifices that the American Legion
16 members, veterans, American Legion veterans have made gives them a
17 little bit different perspective on national security issues than many other
18 Americans may have. Legionnaires describe the creed to uphold and
19 defend the Constitution of the United States of America to maintain law
20 and order and to foster and perpetuate 100% Americanism. That's not
21 just words those are the things that we veterans do not only when
22 they're in the service but after service. So American Legion has been a

1 leader in monitoring candidates who want to be legal citizens and we've
2 done a lot of work in that particular area. But we are definitely not in
3 favor of illegal immigration. Illegal immigration under the federal laws
4 Title 8 Section 1325 which I'm sure most you are familiar with is very
5 precise and very clear what law is in that and one of the questions that
6 was brought up here earlier today is simply stated in the federal law and
7 this law HB87 is going to simply back that up. The section very clearly it
8 says in that section it says anyone employing or contracting with an illegal
9 alien without verifying his work or authorization status is guilty of a
10 misdemeanor. So we need to have the E-Verify. Unfortunately the cost
11 of illegal immigration they are saying that Georgia is going to lose a lot of
12 money by enforcing this Bill but on the contrary the cost to the state is
13 enormous since the cost of illegal immigration in terms of government
14 expenses, expenditures, excuse me, education, criminal justice and
15 medical care. These costs are staggering. California alone is over ten
16 billion dollars a year. That's half of Georgia's budget. And unfortunately
17 since the states must pay this high cost of providing such services, illegal
18 immigration has become one of the largest unfunded federal mandates.
19 The agricultural concerns in this state, yeah, that's our biggest industry
20 and we certainly appreciate everything they do. I was born and raised on
21 a farm myself and I fully understand farm labor. However, the illegal
22 immigration population overstays their Visa. Over 50% of the illegal

1 aliens in the United States have had a Visa at one time but now they
2 overstay and pay no attention to returning as their Visas have suggested.
3 So we have a real problem with that particular end of the industry. The
4 E-Verify program certainly would help that particular situation. Crime, I
5 don't have to talk about crime. I'm sure that all the people in this room
6 are familiar with the crime that cost, the cost of the crime and the
7 insecurity to the citizens of Georgia that illegal aliens have brought her.
8 Education, education in Georgia is a very sticky point and we have put a
9 lot of money into education and the Supreme Court ruled prior and
10 though in 1982 that we must, as a state we must educate the people, the
11 students of illegal aliens. So the court noted this season that the
12 Congress could reverse that decision if illegal alien students prove to be a
13 financial hardship to the taxpayers and if the students of legal citizens
14 were having their education negatively impacted but unfortunately
15 Congress has never taken that step because that is exactly what is
16 happening in our state today. The proponents to open borders and guest
17 workers amnesty programs say illegal immigrants take jobs that
18 Americans won't do. That is absolutely not true. And what it is that is a
19 demeaning to the general population of this country and it is a
20 demeaning to legal immigrants. People who have come here legally to
21 work are being put out of jobs because of illegal immigration. I feel that

1 we need to go forward with this bill and I believe it is well written and will
2 up stand the constitutional test. Thank you sir.

3 Chairman: Thank you Mr. Geiger. Your time is actually expired. I want to thank you
4 for taking the time to be heard this morning and would you share with us
5 where and when you served?

6 A. Geiger: I served during the Viet Nam era. I was not in Viet Nam but I was in
7 England, France, Germany, North Africa, Norway and a few other places.

8 Chairman: Thank you for your time and for your service. Let me call on Frank
9 Mulcahy with the Georgia Catholic Conference. I think I just saw him
10 walk in. Mr. Mulcahy good morning, thank you for taking the time to
11 speak with us, you're under the ten minutes rule like everyone else is and
12 if we have any extra time look forward to the possibility of questions
13 after your comments.

14 F. Mulcahy: Good morning Mr. Chairman. That's fine Mr. Chairman, I appreciate it. I
15 also appreciate the opportunity to have a separate room for some of us
16 to listen by streaming, so thank you for that. My name is Frank Mulcahy.
17 I am an attorney. I am also the Executive Director of the Georgia Catholic
18 Conference. The Georgia Catholic Conference is the spokesperson for the
19 Catholic Bishops of Georgia. We currently have in the range of 950,000
20 Catholic people in the state of Georgia divided into two Dioceses. The
21 Archdiocese of Atlanta with Archbishop Wilton Gregory as the
22 Archbishop and Bishop Luis Zarama as the Auxiliary Bishop and Bishop J.

1 Kevin Boland, Bishop of Savannah. They have asked me to testify this
2 morning and I will give you a brief statement of where we stand on these
3 issues. The Catholic Church has been involved in these issues well for
4 hundreds of years actually. So there is some history there. There is some
5 history there. As far as the current status of legislation we have been
6 very actively involved with federal legislation as some of the previous
7 speakers have said we do support comprehensive immigration reform as
8 a way to solve a very complex problem. We come really in two aspects
9 this morning. First we come because we have a firm belief in the dignity
10 of each and every human being. Whether they have documents,
11 whether they do not. Whether they come from the United States or they
12 come from any other country. Every person has inherent dignity and
13 rights and we support those rights and we would oppose any legislation
14 which would demean a people or any individuals. Secondly we come
15 here because we are a very large provider of charitable services in the
16 state of Georgia. We have schools, we have hospitals, we have night
17 shelters, we have emergency food services, we have pregnancy care
18 centers, we have social workers, we deal with virtually every type of
19 person who may come out. We do not discriminate on the basis nor
20 could we, would we or could we discriminate on the basis of race, color
21 or any other aspect. And so coming from those two places I would like to
22 direct my comments to several provisions of House Bill 87. I think one of

1 our concerns and this is just overriding concern that came to my
2 attention by one of our previous speakers who referred to the
3 employment issue that people are being employed in agriculture and
4 construction and in other industries and the attraction of the
5 undocumented is they don't have any way of enforcing higher wages.
6 We would support any legislation that's not in here we would support
7 into legislation which would increase those wages for all. That would
8 help in solving the human problem and also the immigration problem.
9 Second thing we do have a problem with the term illegal alien. I realize
10 that is a term but certainly in federal law you're talking about at least
11 three different people. We're talking about people who have committed
12 a felony by their presence in the United States. We're talking about
13 people who have committed a misdemeanor by failing to be inspected
14 when they cross the border and thirdly we have people who have
15 overstayed their Visas which is not a criminal penalty it is only a civil
16 violation. But this legislation lumps all three together. Our concern if we
17 look at, I'm looking at my version of Page 6, Article 5 which has to do with
18 the transportation and harboring, I'll lump the two together. This is
19 much, much, much broader than federal law. Federal law as you know
20 limits it to those who are transporting or harboring individuals in
21 furtherance of violations of a federal immigration law. This limits it to
22 people who are acting in violation of any criminal offense which certainly

1 would include a misdemeanor traffic offense. Speeding of course is a
2 misdemeanor traffic offense. Having improper equipment like broken tail
3 lights is a misdemeanor. So any traffic stop could result in those people
4 who are transporting people being arrested under this provision. Now
5 who might that be? It can certainly be people who are taking children to
6 summer camps, we have our confirmation retreats and I know other
7 religions have various activities where parents are asked to transport
8 they would have put their cars at risk. Another area that would be at
9 severe risk is ambulances, private ambulances, ambulances run by
10 organizations other than the City or the County. Example: we run night
11 shelters. Occasionally we will come across night shelters' individuals who
12 have TB. Who have communicable diseases. If the only thing we can do
13 is call the police and the police can't arrest them because having TB is not
14 a violation although it creates a public policy risk, a public health risk,
15 there is nothing we can do because there is no exception for carrying
16 people for charitable purposes, for health services or for any other
17 services of that nature. As you may know our Mercy Hospitals, St.
18 Joseph's Hospital has a Mercy Mobile which is on the streets of Atlanta
19 every night. Every night they are on the street taking people in who are
20 hurt, who are in any way sick. Another area is the harboring I think that's
21 sort of the same principal, it is much, much, much broader than federal
22 law and I think the questions would be raised and not just for our

1 denomination but any church or any organization which has people who
2 may be overstaying their Visa which would be subject to criminal
3 penalties. This is I think is far, far in excess of what this situation really
4 requires. A third area or about my fifth area by my calculations is
5 concerns about other foreign nationals we have on Page 8 under Section
6 8. Those sorts of identification forms of identification which people can
7 use to justify their existence in the United States. Those things are very
8 limited. Certainly Georgia driver's licenses which we have a lot of
9 conferences where we bring people from many other states and from
10 many other countries. And all of them are not required to have Visas.
11 All of them are not required to have these documents. The question
12 would be can we have these conferences in the future and we have some
13 trouble with diplomatic passports. You're not including diplomats in
14 here. Although you probably couldn't enforce that anyway because of
15 federal law. Another area we have a concern is the limitation on the
16 reporting of crimes. Now I realize we do have a limited exception in here.
17 The problem is it only covers certain people. Example: We had this and
18 those of you who may have been at the Violence Against Women
19 conference the other day we had up in the Rotunda, one of the women
20 from our Catholic charities was testifying about a situation which they
21 had where a woman will be abused in a home or a child will be abused in
22 a home, the police will come in and they are worried about grandma in

1 the corner. She wasn't a witness, she wasn't a victim, but the next time
2 that child is abused, the next time that woman is abused, they are not
3 going to call the police. The abuser gets away. And this is what we don't
4 believe should happen. We believe in the human dignity of every person
5 and people who are abused should not be left out in the lurch simply
6 because they may have overstayed their Visa or they don't have
7 documentation.

8 Chairman: Let me ask you to wrap up Mr. Mulcahy if you could.

9 F. Mulcahy: Sure, the last thing I would suggest people may think this law on Page 16
10 on the Bill, you do provide an exemption there for people giving services
11 to infants and children, we also think it is very important to have
12 pregnant women included in there. Mr. Chairman I thank you very much.

13 Chairman: Mr. Mulcahy we appreciate your taking the time to share your thoughts
14 about the legislation this morning.

15 F. Mulcahy: Thank you very much.

16 Chairman: Let me call on Wendell Phillips representing the Presbytery of Greater
17 Atlanta.

18 W. Phillips: Thank you very much Mr. Chairman. And following Frank as I have done
19 a couple of times it's always tempting just to say you know what he said.

20 Chairman: That would be fine.

21 W. Phillips: I know it would. I do want to add a couple of things. But my name is
22 Wendell Phillips, I'm the Public Policy Advocate for the Presbytery of

1 Greater Atlanta which is a governing body of the Presbyterian Church
2 USA. I am an ordained Presbyterian Minister and I really could say pretty
3 much you know what Frank said and just leave it at that, but I do want to
4 add a couple of things that may be at least somewhat unique to the
5 Presbyterian, our Presbyterian General Assembly perspective on these
6 and I'll jump right over the things I was going to say that was going to
7 sway the day and bring everything to a nice conclusion and simply report
8 what our Presbyterian General Assembly has said. As others have said
9 too and as Frank did say with the Catholic Bishops and the conference,
10 the Presbyterian Church USA General Assembly has long held that any
11 laws enacted with regard to immigration including laws governing
12 undocumented immigration and our country must be first of all based on
13 a sense of understanding and compassion. The compassionate desire
14 that families be preserved, that they be kept together and many cases
15 reunited when they are broken apart by occasions when arrests are
16 made. We do have a lot of information regarding when this happens.
17 When children are quite often left alone for long periods of time, when
18 parents are arrested at work. These kinds of things. I would hope that
19 any kind of legislation that is considered here for us would include an
20 understanding of what happens to the families of that veteran involved
21 when the police or ICE or someone else does extend the law to the arrest
22 level and what happens to the families in those cases, especially to the

1 children. Like many other groups our Presbyterian General Assembly has
2 supported for many years, for a number of years at least, the work at the
3 federal level to create a responsible, meaningful immigration reform
4 system that is fair and equitable and comprehensive. We have reams of
5 letters that our General Assembly moderators over a series of years, our
6 steady clerk of our General Assembly has sent to Congress and even to
7 the President urging that comprehensive immigration reform be
8 accomplished. This covers of course as you know Republican and
9 Democratic administrations. And we remain pretty much in support of
10 that taking place. Just one last comment and that is that our last General
11 Assembly, the 219th General Assembly just met last year felt so strongly
12 about these issues especially in light of the fact that during this time we
13 have had the measure from Arizona, Senate Bill 1070, now one in
14 Kentucky very similar to ours I think, Senate Bill 6 I think in Kentucky and
15 now our House Bill 84, House Bill 72 and also Senate Bill 40 that we're
16 looking at. They felt so strongly about this that by a super majority vote
17 the General Assembly asked our entire denomination to refrain from
18 even holding national meetings in states that have enacted such laws.
19 That's not to say that that's a threat from our, you know, General
20 Assembly, when our General Assembly has met in Atlanta has it has on
21 occasion we're not exactly some of the biggest spenders. You know we
22 don't add to the economy as much as some other conferences, other

1 folks and businesses who meet here but we do spend money. It is in
2 moderation of course but we do like to do that. And this is not a threat
3 from our General Assembly to say that if you pass this, you know, we're
4 never coming back. But this is just to show the level of concern and
5 seriousness with which our General Assembly has approached issues such
6 as these. One of the primary fears is that since we are such a
7 multi-cultural denomination at so many different levels and when we
8 lead with our General Assembly we have guests who come from around
9 the world. The General Assembly leadership simply doesn't want to take
10 the risk of them being perhaps harassed or put in some kind of
11 compromising situation because they're in a place where laws of maybe
12 such a nature that they could be impacted upon. So I thank you very
13 much for this opportunity to speak, I especially thank Frank again for
14 preceding me, for making so many good points and I will answer any
15 questions that you may have except for the ones that you were going to
16 ask Frank.

17 Rep. Neil: Thank you Mr. Chairman. And thank you for being here. I just wanted to
18 make a comment or reference to when you reference what would
19 happen to the children. Being a part of law enforcement and just
20 knowing our common practice whether the person is a citizen or not and
21 especially if a clause is not added into the Bill the only option that local
22 police would have I can't speak for federal or GBI or anything of that

1 nature by the only option local police would have if no other family
2 member is available to take the children at the time of an arrest, those
3 children will have to go to DFCS. That is our only option for local police.
4 And from there they will in the DFCS system. They'll go through that
5 process like any other child would whether a child is a legal immigrant or
6 not. Because I'm not sure, I'm not familiar with the practice of where an
7 illegal child stands under this Bill or any other similar Bill that we might
8 have in place already, if there, what is your sense on the error rating on
9 E-Verify and when I say your sense I assume that's being backed up by
10 some sort of documentation. If you don't have it there I understand.

11 W. Phillips: Mr. Chairman may I ask a question of Representative Neil?

12 Chairman: Sure.

13 W. Phillips: Are you I know you're in law enforcement, do you know of any
14 responsibility for informing other family members or taking the time, like
15 when a situation arises, just like you described where a child is left alone
16 or more than one child, does law enforcement, I know they have to take
17 the child to DFACS if there's nobody else present, is there some process
18 about which they can inform other family members so that that step of
19 the way wouldn't necessarily have to be taken.

20 Rep. Neil: Now, when it comes to the DFACS side, I'm not familiar with that because
21 for the most part once DFACS gets involved we're kind of cut off at that
22 point. They handle it based on what their protocol is. But as far as the

1 law enforcement side, like I said if there is no immediate family member
2 to aid in where the child should be or where they should be put that then
3 falls on the DFACS to be responsible for placement with a family member
4 or a non-family member.

5 W. Phillips: I think we would be very happy, you know if there could be some type of
6 inclusion in a Bill such as this that would act as a protector for children in
7 situations like that or for whole families, just an acknowledgement that
8 we know what is possible to happen and it's very seldom good that there
9 be some kind of protection in the Bill such as this because I think
10 somebody said awhile ago that it is a compliance type Bill, it's not
11 necessarily punitive but for the families that are directly affected it is.
12 And for the undocumented immigrant who may be arrested or detained
13 it is punitive. And that would be something that could help us look at this
14 Bill a lot differently.

15 Rep. Neil: I understand, thank you.

16 Chairman: Thank you Mr. Phillips, we appreciate your testimony this morning. Let
17 me call on Dave Allen Grady with the United Methodist Church.

18 Dave Allen Grady: Good morning.

19 Chairman: Good morning. Thank you for being with us this morning and I'll ask you
20 to confine yourself to ten minutes or shorter if you'd like to answer
21 questions after your presentation. That's up to you though.

22

1 Dave Allen Grady: I won't be very long. I commend you all for you all's hard work. It's a
2 daunting task and also to Representative Ramsey for shepherding this
3 process and thank you for the great conversation with me, I appreciate
4 that. There are I could just say ditto and get up and be done. And going
5 after Wendell is kind of like seeing preach after one of your famous
6 preachers. Our denomination has several documents that has been
7 approved repeatedly over the years about immigration and I have
8 forwarded those onto Representative Ramsey as this Bill was put
9 together. I would like to share a resolution that was adopted by the
10 United Methodist that meet in Athens every year. That represent the
11 thousand churches in North Georgia. Just the bullet points, I'll forward
12 the whole resolution onto your office if that's okay. The United
13 Methodist in North Georgia are not for an open borders policy or general
14 amnesty but we are for providing a path to citizenship. Opportunities
15 should be provided for undocumented immigrants currently living in the
16 U.S. to receive work permits and travel permission and access
17 educational opportunities once they undergo background and security
18 checks. There should be fair and consistent process for persons wanting
19 to settle in the United States to pursue permanent residence and
20 citizenship. Protect workers to replace the deadly chaotic and illegal flow
21 of worker to jobs. Let me stop and say that the section on criminalizing
22 the trafficking of human beings is amazing. There needs to be wider legal

1 channels so needed workers can be admitted legally to fill available jobs,
2 to avoid the exploitation and abuses of flawed guest worker programs.
3 The nation needs a worker Visa program that adequately protects the
4 wages and working conditions of the U.S. and immigrant workers. It
5 should also allow workers to change jobs meaningfully enforce both the
6 programs rules and existing labor laws, protect law abiding employers
7 from unscrupulous competitors and provide a path to permanent status
8 reunite families. Immigration reform will not succeed if public policy
9 does not recognize one of the main factors driving immigration as well as
10 one of America's most cherished values, family unity. Restrictive laws
11 and bureaucratic delays too often undermine this cornerstone of our
12 legal immigration system. Those waiting in line should have their
13 admission expedited and those admitted on work Visas should be able to
14 keep their nuclear families intact. And lastly to restore the rule of law
15 and enhance security. Enforcement only works when the law is realistic
16 and enforceable. This can be best achieved by a comprehensive overhaul
17 that combines reform, a path to permanent status for immigrants here
18 and wider channels for those coming in the future with effective
19 enforcement. A viable enforcement regime should include smart
20 inspections and screening practices, fair proceedings, efficient processing
21 as well as strategies that crack down on criminal smugglers, get tough
22 with law breaking employers and reduce illegality. Such a system will be

1 better to enable this nation to know who is already here and who is
2 coming in the future and bringing our system into line with our tradition
3 as a nation of immigrants and a nation of laws, and then, etc. etc., etc.

4 Chairman: Thank you Mr. Brady would you like to answer some questions from
5 members of the committee.

6 Dave Allen Grady: Sure, sure.

7 Rep. Abrams: Thank you Mr. Chairman. I just have two questions. One speaks to the
8 conversation about punitive nature of the Bill. And while I recognize that
9 by in large it is more compliant oriented I draw your attention to Section
10 7 which would require the forfeiture of vehicles used in the
11 transportation of any person captured under this Bill. Would it be your
12 understanding that that would apply to church vehicles or the vehicles of
13 non-profits that are being used to provide services such as domestic
14 violence support, homeless support, those types of charitable behaviors
15 that require the transport of persons that you may know to be
16 undocumented?

17 Dave Allen Grady: Representative Abrams I do not know exactly. I know that pastors, I sit as
18 the Chair of the North Georgia Conferences Advocacy Team and that's
19 why I'm here today and some of the concerns that have been addressed
20 to me by other pastors has been if something like an Arizona stall
21 immigration bill comes into effect in Georgia that the ability to help the
22 stranger, people coming at our doors and knock and seek and assistance

1 might be limited and so I don't know exactly if that would be prohibitive
2 but I do know that there are concerns over what church would be able to
3 do in our longstanding tradition of helping the poor.

4 Rep. Abrams: If I may ask one follow-up question Mr. Chairman? The other concern I
5 would raise is Section 16, the section that provides a safe harbor, would
6 you and your conference as a United Methodist, I'm happy to see you
7 here, would you support a safe harbor that includes victims of domestic
8 violence and persons receiving support from support services from
9 religious and charitable organizations which would essentially exempt
10 those persons from being captured under the provisions of this Bill?

11 Dave Allen Grady: Yeah, other, that hits exactly what the other allegorical piece that I've
12 been e-mailed and phone called about a lot recently is that there are
13 people who are pastors of churches. One of the fastest growing
14 demographics in the state of Georgia is the Latino/Latina community and
15 as such the United Methodist Churches are starting new churches that
16 are for Latino/Latina persons and so one of the things that's being told to
17 me is I've got people that are afraid to come to church.

18 Rep. Abrams: Thank you.

19 Chairman: Mr. Sessler.

20 Rep. Sessler: Mr. Chairman just a quick statement again I would encourage you, I know
21 we in the legislature we debate concepts but we, you know we vote
22 words on a page, would you characterize this as an Arizona-style

1 immigration law? I ask that as a rhetorical question because there is vast
2 distinctions between this and I know in your role of advocate for a church
3 in the denomination in which I was married, I was married in a United
4 Methodist Church, so I appreciate your being here, I would just caution
5 you to be real careful about the quote Arizona-style immigration law that
6 congers up for a number of reasons right and wrong notions of profiling
7 and those kinds of things there is nothing in this Bill that does that and I
8 appreciate your being here, I just wanted to caution your use of that
9 because I think it's not helpful, it's frankly although I know unintentional
10 misleading when really looking to get into the crux of what's really in this
11 Bill.

12 Chairman: Mr. Grady we really do appreciate your coming in.

13 Dave Allen Grady: Can I add one more thing.

14 Chairman: Sure.

15 Dave Allen Grady: Our general commission on religion and race has a campaign going right
16 now that says drop the "I" word and what it's encouraging United
17 Methodists to do is to stop using the word "illegal" as an adjective for
18 persons. There is illegal unemployment, there is illegal immigration, but
19 there is no illegal child of God. Thank you.

20 Chairman: Ms. Melanie Velez with the Southern Center for Human Rights. Thank
21 you very much for appearing this morning. Welcome back we've seen
22 you before and welcome back.

1 M. Velez: Thank you for your time. I appreciate being here. My name is Melanie
2 Velez. I'm a managing attorney with the Southern Center for Human
3 Rights and I wanted to focus my comments today, I realize I must brief,
4 on an area that we've worked on in the Southern Center for about the
5 past 30 years and that's the area of jails and prisons. One of the concerns
6 that we have at the Southern Center about the current draft of the Bill is
7 the potential impact on jail conditions and jail facilities throughout
8 Georgia. We at the Southern Center have monitored a consented
9 that is currently before Judge Shoob in the Northern District of Georgia
10 since about 2004. As many of you may know the Fulton County Jail has
11 had continuous problems regarding the number of people in their
12 custody and we believe that several provisions of the current legislation
13 will contribute to the problems that the Fulton County Jail and perhaps
14 many others are having. I want to focus on a couple of things that we've
15 learned through our time at the Fulton County Jail. Currently, the
16 population at the Fulton County Jail is 3,002 people. Its capacity is about
17 2,500. Fulton County Jail continuously is unable to house all of the
18 individuals in their custody so they must continuously outsource. There
19 are about 330 individuals currently outsourced and by that I mean
20 individuals who are in the custody of Fulton County Jail but must be
21 transferred to be held in the custody of other jail facilities including for
22 example Hall County. The overcrowding issues at the Fulton County Jail

1 breed other concerns that will perhaps and likely be exacerbated by the
2 additional criminal violations that are created by the current draft of the
3 Bill and by encouraging the use of 287Gs. I wanted to highlight three
4 concerns that we've seen again and again at the Fulton County Jail. And
5 that is first security issues, second, public health concerns that we heard
6 stated to you earlier in a different context and a third, due process
7 considerations. With regard to security, the population at the Fulton
8 County Jail as in numerous other jails throughout Georgia is so high that
9 the sheriff and county administrators and jail administrators themselves
10 are continuously challenged at being able to separate individuals that
11 impose a danger to one another. Recently Fox News reported on the
12 beating injuries that a detainee there experienced simply because the jail
13 doesn't always have the capacity to separate out individuals that may
14 pose a danger to one another. Overcrowding feeds this concern. Second
15 with regard to public health. Although the sheriff and others in the jail
16 administration certainly make good efforts to try to process all the
17 individuals that come into their custody very quickly what happens in the
18 sort of there's an area of the jail where someone first comes in where
19 they are detained for a certain period of time while they have TB tests
20 and other mandatory testing that's required by state law, there's often
21 such a backlog that individuals end up sleeping on the floor. There's not
22 the capacity to be able to transfer individuals to beds quickly. And this is

1 certainly exacerbated the higher the numbers go in the jail. Lastly there
2 are due process considerations. The Southern Center has been involved
3 in two suits against the Fulton County Jail. One of these suits was
4 prompted by the jail's incapacity to quickly release individuals once there
5 was no longer a legal basis for detaining them. Our experience has been
6 not only at the Fulton County Jail but in other state jail facilities that once
7 you introduce immigration detainees into a jail facility it becomes quite a
8 challenge and individuals often can be over-detained. I'm not saying this
9 occurs all the time but certainly it's an additional burden on the jail
10 system which in our experience they haven't proven to have a the
11 capacity to handle in facilities that are already overcrowded and
12 overburdened. I will leave my comments at that. We just wanted to
13 highlight the burden of this legislation especially on jails and Fulton
14 County Jail is a classic example of the problems that will be posed.

15 Chairman: Thank you for those constructive comments, that is people can be in
16 different places on a particular issue, but that is, you know, the capacity,
17 the mechanics of the capacity issue as you get into an enforcement look
18 at this particular issue is absolutely relevant and I appreciate your
19 bringing that to the forum. Mr. Vice Chairman did you have something.

20 Rep. Abrams: Thank you. I actually wanted to ask you a question in your capacity as a
21 member of the Southern Center for Human Rights. There was a
22 comment made earlier that this Bill does not contain any capacity for

1 racial profiling. However is it not true that traffic stops which are I think
2 it's Line 243 and 243 allow a peace officer to stop someone for a traffic
3 offense and use that as grounds for invoking this language. Is it not true
4 that traditionally traffic stops have been a common pretext for racial
5 profiling and that has been almost universally seen as the sort of gateway
6 to racial profiling among police officers?

7 M. Velez: You're absolutely correct representative. I think that those provisions in
8 Article 5 beginning at Line 238 certainly pose that concern. And in our
9 read of the legislation and I'm not sure that I have the current one but
10 the line that instructs officers not to consider race or color or national
11 origin are insufficient to address concerns of racial profiling.

12 Chairman: I think it would be very unfortunate to go ahead and cast a really wide
13 net as some sort of universal truth that officers engage in that type of
14 conduct. I don't think that's personally is the truth. Do I believe that that
15 has occurred and does occur and will occur in the future, yes I do, but I
16 don't believe it presents itself as an example of some widespread
17 phenomenon or problem that warrants any action on this issue. Just
18 speaking for myself. I see no further questions I appreciate your time
19 coming in this morning. We really do and look forward to seeing you
20 again, I'm sure we will see you again on other issues.

21 M. Velez: Thank you.

1 Chairman: Mary Kay Woodworth representing the Urban Agriculture Counsel. Okay
2 if she's here and she comes back we can always come back. Mr. Larry
3 Peligrany with the Georgia Latino Alliance for Human Rights.
4 Well, we've got you down here and I mean you're welcome to join us, I
5 know is it Cook, that's fine Mr. Cook, I also take notice that the fact that
6 you are a board member of Gallegos. Is that not correct. Okay we're to
7 go ahead and if we can limit organization to one spokesman in the
8 interest of fairness. I understand but you know the lines do get gray
9 every now and then don't they. Yeah they do, but we err on the side of
10 more information than less. Mr. Peligrany do you want to you're under
11 no duty but you can, Mr. Cook, it's not precluding you but I just want to
12 make sure those lines are clear.

13 Larry Peligrany: Thank you Mr. Chairman and members of the Committee. Like I said I am
14 around a lot. I am here on behalf of the Georgia Latino Alliance for
15 Human Rights and I'm sort of going to go off the original script based on
16 some of the things that I heard here today. It was really good I think to
17 see a progression of people who testified move from some of the more
18 practical issues and technical things that we all have to think about and
19 deal with into some of the effect on people, the human issues and of
20 course how we see each other and the importance of thinking when we
21 get into this kind of legislation that is so controversial about how we
22 affect the fabric of society and so I want to turn to I guess an appeal that

1 we spend as much time thinking about the public policy that comes out
2 of the words on the page and think about how it does affect people. I do
3 feel that having looked at many of the issues from racial profiling to E-
4 Verify to the harboring, right of action, the role of law enforcement, that
5 over the years I've learned a whole lot about this and I would really
6 appreciate the time of meeting with everyone to be in more detail
7 however I want to give sort of an example of what I ran into last week.
8 We did hear from agribusiness and I met with some small farmers. And
9 they were quite alarmed but they didn't really know how to engage in
10 the process so it was really interesting to talk to them that literally
11 they're lives are affected. They're business are affected. And what they
12 wanted to talk about was as how different and they did see this Bill as a
13 model coming from Arizona and they wanted to be sure, they actually
14 had two messages that they asked me to bring. But they wanted to be
15 sure that if that was the model that everyone was aware that very
16 different consideration in Arizona agriculture and especially small farms
17 play a different role. The figures that they had showed that Georgia has
18 three times the number of farms that employ migrant workers than
19 Arizona does, that the size of the farms are eight times larger in Arizona
20 which means that it's more agribusiness rather than family farms and
21 small farms and the number of farms in the 70 to 99 acre range there are
22 11 times more in Georgia. And that message, the point of that for them

1 was that somebody had to say that and I don't speak for the farmers, I
2 speak from a meeting with farmers. But when we talk about our two top
3 industries we do have to talk about impressions and if the impression is
4 that this is something that has to be done because the federal
5 government isn't responding to comprehensive national reform we
6 should be putting our energy of course into trying to make that happen
7 at the same time. To see a dedication from folks to put pressure on the
8 congressional delegation to do comprehensive reform that would
9 eventually solve the problem because what we do here and I realize
10 everybody is searching to see what is within the scope of possibilities for
11 state law but what we do here is just sort of squeeze in the crevices and
12 do what we can and ultimately play for the dedication of folks to see real
13 solutions because some of these things are really not the solutions that
14 we all want to see, because on the federal level is something that is their
15 domain. Some of the people that are going to follow who will talk about
16 E-Verify system and sometimes there's a difference in kind of business
17 and what the error rate is that it's really on all of the issues depending on
18 the legal language it depends the kind of people that are involved, the
19 kind of businesses involved, what the problems are with it and I hope we
20 spend a lot of time talking about that and the impression of people out
21 there the first thing we sort of heard about was the fear that people
22 could not have the same relationship with law enforcement if there was

1 this Bill that would be passed. They would be afraid, that was the first
2 thing that we heard. So like I said I look forward really not to a couple of
3 seconds here but more one-on-one, even if we disagree, to talk about the
4 different affects on people for each of the issues.

5 Chairman: Thank you Mr. Peligrany. Just a couple of quick points. The federal, you
6 know on the federal issue our federal government has failed on the issue.
7 Republicans on the federal side have failed. Democrats on the federal
8 side have failed. So it's not a partisan issue it is a federal versus state
9 issue. You know when the federal government displays its inertia over
10 the course of time; states notice that, states act one other general point
11 because I've heard it throughout this morning there is a lot of
12 sensationalism going, Arizona, Arizona, this type of bill. One of the
13 unfortunate realities of politics is number one, people take someone
14 else's example and just presume that we're going to go ahead and follow
15 a particular example when in fact we are ultimately not and
16 unfortunately one of the other unfortunate realities of this process is that
17 when you have a Bill as introduced which ultimately gets refined over
18 time but then people want to hang their hat on a provision or two and
19 they're more than welcome to do that, that's part of the process as well,
20 to use that as some sort of public whipping boy for lack of a better term,
21 it really just sort of devolves the dialogue. So what where're doing is
22 looking toward a productive piece of work product that will actually be

1 implementable and that will survive scrutiny. That's easier said than
2 done and we're the first ones to admit that but it's important that people
3 understand that we're not Arizona. So.

4 Larry Peligrany: No I understand.

5 Chairman: You know our work product ultimately is what we will be judged by not
6 the rhetoric of frankly people on both sides of the issue.

7 Larry Peligrany: Right and I hope I didn't slip and say.

8 Chairman: No you didn't I just wanted to make sure, no you didn't but I just wanted
9 to make sure that's clear for general consumption. Mr. Vice Chairman.

10 Vice Chairman: Thank you Mr. Chairman. You made the statement something along the
11 lines that people were afraid I think in connection with the harboring and
12 transportation and all that, my question to you is don't you think that
13 somebody who harbors or knowingly harbors, knowingly transports an
14 illegal alien, someone who has intentionally violated our country's
15 borders shouldn't they be afraid? They have assisted in the violation of
16 our borders and the breaking of our law. Shouldn't they be afraid?

17 Larry Peligrany: Well you know it's depends again you have mixed status families and you
18 have people who may not have as we have trouble sometimes
19 communicating with membership and you all with the general public in
20 doing public education about an issue there are different levels of
21 understanding of what's happening. Sometimes the first impression
22 sticks. Even if it changed. And the folks have a fear because they really

1 don't know what to expect. And they fear the worst. And how do we
2 address that, we have to talk to them, they do but I go back to saying you
3 know I must think about how things affect people and that's what I hear
4 and that's what tugs at my heart first.

5 Vice Chairman: Well I understand but I mean we can all sit around and feel and you know
6 sympathize and all this but I mean the rule of law is what we're really
7 talking about here. And you talk about people, mixed families and things
8 like that, those are conditions that were brought about by the people
9 themselves when they came into the country illegally. They knew what
10 they were doing.

11 Larry Peligrany: And if we're going to offer remedies I believe and try to legislate
12 procedures or policies then we ought to really, there are some things that
13 just may not be able to be fixed and how do we address that, we don't
14 want to make a mistake, well like I said I keep going back to are people
15 going to be hurt. So we don't want to make a mistake. So there are
16 some things that probably ought to be left behind if they're issues that
17 we cannot fix but we just want to try at the risk of making a mistake, and
18 that's where the families come in that do have a fear for others that they
19 may be broken up, they may be targeted, all the elements that have been
20 pointed out are controversial on the issue have, it's on the minds of folks.

21 Vice Chairman: Well I can only speak for myself, I'm not speaking for anybody else on this
22 committee but my thought is that you know the way to fix it is if you're a

1 foreign national and you're in this country illegally then the way to fix it
2 would be go back home. Go back where you came from. That would be
3 my answer.

4 Larry Peligrany: Well, we've seen the once again, it depends, we've seen the folks that
5 came here to help us build the Olympics, they were told we have a job for
6 you, bring all your friends and you'll get your paperwork to become
7 citizens and that didn't happen.

8 Chairman: We're a little bit over but we'll let, Mr. Atwood has been quiet the whole
9 morning, so he's got his light on you'd like to be recognized Mr. Atwood.

10 Mr. Atwood: Just a short minute, thank you Mr. Chair. But I truly believe in if you wish
11 to be understood that you first seek to understand and I have
12 appreciated the thoughtful nature of everyone whose testified. I will tell
13 you that I've served as a little magistrate judge and an attorney but a
14 large part of my career I also served Mr. Speaker as a federal agent
15 working for the United States Customs Service. I can tell you that it was
16 extremely frustrating for us, for the good men and women that worked in
17 that organization, I can remember when I was in South Carolina and we
18 had to cover the entire state during the height of the primarily Marine
19 and air drug smuggling that we did and we encountered many folks that
20 were not here legally, they were bringing those drugs in and we had 15
21 agents to cover the entire state and we welcomed local law enforcement
22 to help us, we welcomed that and we needed it. We had two of our

1 young men that were murdered on the southwest border and we did not
2 find them until the next day because we did not have adequate radio
3 communication and we were so spread so thin and covered such a wide
4 area that it was extremely difficult for us to even locate their bodies. And
5 they were shot and killed by a man trying to enforce the law against folks
6 coming in illegally. So just from a personal standpoint I can tell you an
7 experience standpoint that I think that the effort that we're trying so
8 hard to do and to do constitutionally is important for us and where we
9 could elicit local folks I think it's well served that we do that.

10 Chairman: Thank you Mr. Peligrany, thank you. We appreciate it. We have one
11 more witness and that is Dr. Bill Jacks, excuse me, Dr. Bill Hudson
12 representing Georgia Tea Party. And Dr. Hudson I'll go ahead and say the
13 same thing that I've said to everybody else, you're a ten minute rule. We
14 appreciate your joining us this morning and your patience this morning.

15 Bill Hudson: Yes, you're welcome. I got a minute to say good morning Chairman and
16 Committee members. My name is Dr. Bill Hudson, I am here testifying
17 and making comments representing myself and the Georgia Tea Party.
18 First of all I'd like to say that I'm here because I support.

19 Chairman: Excuse me, sorry I'd like you to pull the microphone a little bit closer.
20 Thank you. Thank you.

21 Bill Hudson: Thank you, sorry. First I would like to say that I am here because I
22 support immigration reform legislation in the great state of Georgia. First

1 and foremost the fact that the rule of law of the United States
2 Constitution is being broken with these illegal aliens coming into our
3 country illegally or overstaying Visas that have expired. So they are
4 illegally here in our state and have no rights to obtain social government
5 handout programs or to take jobs away from Georgia citizens that are
6 unemployed and cannot find work. There should be stiff penalties for
7 employers in Georgia for hiring these illegal aliens. These people are
8 illegally here and that needs to end with them being gone sooner rather
9 than later. I realize that this Bill is mostly about compliance but I think
10 there needs to be some penalties in here too to see that compliance
11 happens. After being here on Friday for Representative Ramsey's public
12 debut of his measure it appeared to me that the brunt of the
13 enforcement for this Bill is laid upon the law enforcement agencies across
14 the state. It would seem to me that the enforcement of this legislation
15 should be across all pertinent agencies in the state government.
16 Examples: the Department of Labor, the Department of Education, the
17 Department of Health and Human Services and make sure that these
18 agencies can be trusted the department and assistant department heads
19 would be facing either loss of their employment or jail time if their
20 agency did not obey the finer points of this Bill should it become law.
21 And that's what the federal government did in Sarbays Oxley, that's the
22 reason they are being very careful. The CEO and the CFO will go to jail if

1 their numbers do not jive excluding a mathematical error. And thus, not
2 just have the majority of enforcement dumped into the laps of the law
3 enforcement community that pretty much have all sustained budget cuts
4 and thus manpower shortages or you can have a one stop shop agency
5 that checks with the state program to get reliable immigration status on
6 all immigrants to verify if a person is eligible for government social
7 services assistance. Lastly this enforcement is going to require a cost. So
8 in the stopping the social services support and payouts to these illegal
9 aliens to the tune of approximately 2.4 billion dollars annually which is
10 sure to rise if for no other reason but quantitative easing to by the
11 federal reserve this enforcement is going to require the state to spend
12 some money. One must spend money to make money. And the money
13 made will be the state funds that are not paid out for illegal aliens and to
14 the Georgia families that are unemployed and receiving state funded
15 social services because with illegal aliens not being able to get work in
16 the state the employers in Georgia will be hiring Georgia citizens to fill
17 these vacated positions. Then the Georgia citizens won't be on
18 unemployment and state run assistance programs. Any questions.

19 Chairman: Dr. Hudson, thank you for your testimony this morning. I see no
20 questions. Thank you for taking the time and also for being patient with
21 our process. Along those lines I've made a commitment at the last
22 hearing that if people wanted to be heard they would be heard, one of

1 the curses of this process is the process. And that is that it's sometimes
2 time consuming. And pursuant to that commitment we will go ahead and
3 have a final hearing on Friday morning at 9:30. It will go from 9:30 to
4 noon. Just like today. And we are at 12:03 p.m. right now. So
5 miraculously we have been able to keep on schedule, that will probably
6 never happen again. But I want to thank everyone for their feedback, for
7 their input and for their measured presentations this morning. I think it's
8 been beneficial regardless of what side of the issue folks may be on.
9 We'll be here at 9:30 Friday morning. We will go ahead and limit time as
10 we have today. These are for individuals as opposed to organizations to
11 speak and we'll probably limit that time to five minutes if we end up
12 being more economical with time then we thought we'll try to expand
13 that, we're just trying to do the best we can while keeping the wheels on
14 the process turning. If there are any written materials that people want
15 to go ahead and supplement either their testimony from this morning or
16 in preparation for any testimony this coming Friday that is certainly fine.
17 We welcome that. We would rather have more information rather than
18 less. And we'll march on from there. Just wanted to make sure that's
19 clear. And we're adjourned. Thank you.