

March 27, 2017

*Moses came down the mountain after a recent anniversary visit.
He smiled thinking about what an achievement bore his name
On the way down he met a batch of Alabama politicians all smiley
“Where are you headed” he inquired
We’re going up to get rid of Commandment 8 and replace it
Moses, shocked replied, “be careful y’all lest ye be judged
Nooo problem they chimed, “We’re replacing it with ‘The judge says what the law is’”*

“Perspective” by Bob Friedman in response to Mr. Solomon Crenshaw, Jr.’s article appearing in WELD’s March 23rd, 2017 issue:

So....in response to Mr. Crenshaw’s piece, here are some overlooked facts:

In 2015, Reps. Cairns and Robinson attempted to grab hold of the \$100 million in annual county school tax revenue, most of which is slated to pay off the billion dollars we borrowed in 2004 to build schools for the county. They passed Act 226 which is illegal in that it attempts to change the nature of the original county school tax legislation – meant for all counties in Alabama – into a local tax...illegal because that effort calls for a vote of the people of Jefferson County under the laws of the Alabama Constitution.

They get sued...twice. First because they broke the law. Secondly, because they violated their own legislative rules when it comes to the order in which legislation can be voted on. A constitutional amendment in 1984 voiced the wishes of the people of Alabama that the legislature pass the budget first, before any other legislation was passed, and that if they wished to bypass this process, there was a formula based on numbers of legislators present at a session, that would have to pass muster before moving ahead with other legislation. You guessed it. Cairns and Robinson didn’t follow their own rules either.

The county, the primary beneficiary of this Act 226, sued in an attempt to validate Cairns and Robinson’s bill. Judge Graffeo ruled that they had not followed their own rules and that the act was invalid. He did not rule on the more serious law suit, namely, the legislature’s attempt to create a new local tax law without a vote.

The county appealed Judge Graffeo’s decision to the State Supreme Court, but...and here’s the real ballsy and expensive move...they also created Amendment 14, a public referendum designed TO INVALIDATE THE 1984 LAW THEY HAD VIOLATED IN 2015. They ran a fear campaign to get folks to vote yes on Amendment 14 threatening that hundreds of bills would be invalidated and there would be chaos in the state. It was like saying, I have this stolen merchandise and the police are coming, so can you hide it in your car, or your pocket, or whatever. **Amendment 14 was illegal in that it violated Sections 95 and 43 of the State Constitution, which basically states that you cannot overturn a sitting judge’s decision (Judge Graffeo) with legislation, which is what a referendum is and would do. Further, it violated the separation of powers because it attempted to prevent the judiciary from ruling.**

The bamboozle worked and last week, they got their “yes” vote, and the Alabama Supreme Court ruled that the passage of Amendment 14 meant that Cairns and Robinson broke no laws. “The judge says what the law is.”

Now, a quick synopsis of what the \$3.6 million dollars per year mentioned in Crenshaw’s piece is all about. You take 18 Jefferson County legislators and give them \$100,000 a year for “public purposes. Then, you give eight Jefferson County state senators \$225,000 per year “for public purposes.” That’s \$3.6 million.

And finally, for our schools in Birmingham. This bill gives Birmingham schools \$4 million per year. If we had taken the tax money, paid off the debt, removed a penny countywide, which we could accomplish by 2021, Birmingham could pass the penny on its own and raise \$40 million annually...10 times what this county commission is offering. Hats off to the President of the Hoover City Council who spotted this rip off realizing that his schools could get \$20 million instead of \$2 million annually.

I can only assume that Mr. Crenshaw is new to county politics but what level of morality did you expect from the crowd that closed Cooper Green Hospital, sold the beds of the Ketona Nursing Home, and cosyed up with JP Morgan to foist a \$14.4 billion dollar debt on the sewer users of Jefferson County. That’s mainly District 1 and 2 of the county. I leave that to our readers to research where that is.