

## Legislative Session—the Good and the Bad

Eagle Forum of Alabama participated in a very productive regular legislative session this year. While we were disappointed in the special session that passed a huge gas tax increase against the will of the people, the regular session saw a number of Eagle Forum priorities passed into law. Prior to the beginning of the session a number of Eagles came together to establish our priorities and goals for the session. President Eunie Smith, Vice President Elaine Little, Becky Gerritson, Executive Director, Legal Counsel Margaret Clarke, and Legislative Analyst Lu Rivera, all met numerous times to establish our goals for the session. We determined that we would concentrate on the following issues: **Pro-life bills**, especially the Alabama Human Life Protection Act, **Repeal of Common Core**, **Campus Free Speech Bill**, stopping **gambling bills**, stopping **female genital mutilation**, and **human trafficking bills**.

We were successful in some of these efforts and will need to continue to educate legislators on others. Here is a rundown on the bills we supported as well as those we worked to help stop.

### **Alabama Human Life Protection Act: HB314**

This bill, which is the most restrictive abortion ban law in the United States, passed on May 14, 2019 and was signed into law by Governor Kay Ivey on May 15, 2019. The stated purpose of the bill, sponsored by Rep. Terri Collins, is to challenge *Roe vs Wade* at the Supreme Court level. It was written to establish the personhood of the unborn child, since *Roe* declared that the unborn is not a person under the law. The law was written by Eric Johnston, head of the Alabama Pro-life Coalition, of which Eagle Forum has long been a member. We are pleased that the bill passed in the House by a vote of 74-3 and in the Senate by a vote of 25-7. As predicted, the law is being challenged in federal court. So the expected process has begun.

### **Born Alive “Gianna’s Act”: HB491**

This bill would require a physician to exercise reasonable care to preserve the life of a child born alive after an abortion or attempted abortion. The bill passed the House on May 21, 2019 by a vote of 66-18. The bill was not reported out of the Senate Healthcare committee.

### **Campus Free Speech Bill: HB498**

Eagle Forum is very proud of the passage of this bill which requires state two and four year colleges and universities to protect and uphold free speech rights for students and faculty, and provides a cause of action for violations. We have seen too many instances across the nation, including here in Alabama, of student groups being denied the rights protected by the 1st Amendment to our Constitution. Violations vary from shout downs, to having speech restricted to safe places in order not to offend others who take exception to opinions they do not favor, to having schools charge more for conservative groups holding events on campus than they charge to other groups. This issue was originated by discussions among Eagle Forum members who decided to pursue it. Margaret Clarke took ownership of this issue, researched it and made contacts with national leaders such as Stanley Kurtz, senior fellow at the Ethics and Public Policy Center, who had written a model campus free speech bill in conjunction with the Goldwater Institute. Kurtz has worked to get such legislation passed in a number of other states. Prior to the start of the legislative session Margaret Clarke, Elaine Little, and Becky Gerritson met with Rep. Matt Fridy, District 73. He readily accepted the challenge of sponsoring this needed legislation. Fridy worked with Clarke, Kurtz and other national organizations on the final bill. He also met with representatives of the college and university community.

*Legislative session continued on page 2*

The bill passed the House on May 22, 2019, on a vote of 62-27. It passed the Senate on May 30, 2019, on a vote of 24-1 with one amendment. We are disappointed in the amendment which delays the implementation by one year. The House concurred on the amendment, also May 30, 2019 with final approval at 73-26 for final passage. We commend Rep. Fridy for his work on this bill. We will be vigilant to see that it is not further weakened during the next legislative session.

**Gambling: SB220**

This lottery bill passed the Senate on April 25, 2019 on vote of 21-12. Since that time it has been in committee in the House. We are thankful that the bill died in the House Rules committee this session. It would have legalized Class III gambling in the state, opening up the state to all types of gambling including casinos.

**Female Genital Mutilation: HB421**

Another of our priority bills, HB421 would establish the crime of female genital mutilation, which is common among the growing Muslim residents of the U. S. including Alabama. The bill was sponsored by Rep. Rod Scott. It is estimated by the Centers for Disease Control and Prevention that approximately 513,000 women and girls in the United States were at risk for this procedure in 2012. HB421 stalled in the House Judiciary Committee. We will continue to educate legislators on the need for this bill and work to pass it next year.

**Human Trafficking: HB260, HB261, HB262, HB264**

Eagle Forum is proud to be among the many groups which have supported these much needed bills to help reduce this evil from our state.

HB 260 Training for certain health care employees in recognizing and reporting possible human trafficking. The bill failed in the House.

HB 261 Training for those enrolled in certain truck driver training on recognition, prevention, and reporting suspected human trafficking. The bill passed the House on 5/22/2019 and in the Senate on 5/31/2019.

HB 262 To allow for the disclosure of certain person's photograph after an arrest for procuring prostitution. The arrest of these "Johns" would become public records with the intent of deterring this behavior. Passed in the House on 5/22/2019 and in the Senate on 5/31/2019.

HB 264 Increase the penalty for failure to post human trafficking hotline information in certain establishments and establish which agencies are responsible for enforcement of the act. Passed the House on 5/22/2019. It was brought up in the Senate on 5/31/2019, but after a motion to reconsider, the bill failed.

**Repeal of Common Core: SB119**

This straight forward bill to repeal Common Core, sponsored by Senator Del Marsh, passed the Senate on April 21, 2019, on a vote of 23-7. It stalled in the House Education Committee and failed to get a vote.

Other bills we followed:

**Medical Marijuana: SB236**

Eagle Forum has no problems with people using CBD oil for their health as it has shown to be effective especially in pediatric epilepsy cases. However, almost every state that has allowed for medical marijuana has opened the door to full blown recreational use. We think this issue needs more study. The bill passed the Senate on May 9, 2019, by the vote of 17-6. It passed 80-19.

**Appointed Superintendents: SB222**

Some Alabama county superintendents of education are elected and some are appointed. This bill would have required that all county superintendents would be appointed, thus removing the right of the people in those counties to vote for their superintendent. The bill passed in the Senate, but failed in the House.

**Yoga Bill: HB449**

The bill would have allowed school districts to offer Yoga to students in grades K-12. EF testified against this bill as it is impossible to separate the Yoga exercises from the Hindu religious experience the exercises

represent and thus are too close to teaching religion in public schools. If parents wish their children to do Yoga it should not be in public schools. The bill failed to come to the floor of the House for a vote.

**Legislature votes to Disband the Elected State School Board  
by passing SB397 (but only if approved by the people)  
*Requires national standards called by name other than common core.***

A Constitutional Amendment will be voted on by the people on March 3, 2020. This amendment will, if passed, disband the elected Alabama Board of Education and replace it with a 9 member Commission on Elementary and Secondary Education appointed by the Governor and confirmed by the Senate for staggered 6 year terms. The present Superintendent would be replaced by a Secretary who would be appointed by the Commission and also confirmed by the Senate. The new Commission would be responsible for overseeing the Department of Education which will continue to coordinate with local school boards.

While the Commission is expressly charged in the amendment with creating a comprehensive educator certification program, a comprehensive professional development program for educators, a comprehensive assessment system, and a comprehensive accountability system. (accountable to the legislature, not the citizens), the most egregious part of the entire plan is in the first charge to the Commission.

The Commission is charged with adopting **“Course of Study standards that ensure nationwide consistency and the seamless transfer of students from within and outside of the state, in lieu of common core.”** These words will, if approved by the voters, enshrine in our Alabama Constitution acceptance of national education standards, just not called Common Core. As most citizens who have followed the battles to stop Common Core from the beginning know, two of the central propaganda points were “national consistency” and the “seamless transfer of students”. This cannot be done without a single set of standards used across the states. It is the “consistent framework” (the core) that remains the problem in Alabama and the other 40 states, most of which have changed the name but still admit that they align with common core. **The Alabama Constitution would require our adherence to whatever national standards are in place by whatever name so long as it is not called Common Core.** We would be locking the state into a common set of standards comparable to what we have now. Whoever controls the governor’s office will control education. Education policy is far more likely to be responsive to political interests favored by that administration, than to parents or classroom teachers.

Eagle Forum leaders met with bill sponsor Senator Del Marsh, his staff and other bill supporters. We specifically objected to tying the state to national standards by adding it to the Constitution. We explained that the main purpose of education is not to be seamless among the various states but to educate children to reach their highest potential. We offered a revision to this section of the bill. It stated: “Course of Study standards designed to equip Alabama students with academic excellence and with sufficient knowledge of American Constitutional principles to be responsible American citizens, in lieu of common core.” Our concerns and suggestions were summarily rejected.

**Eagle Forum does not question the intent of legislators to improve education. However, knowing how unpopular Common Core is with the people of Alabama, bill framers apparently put the provision purportedly to eliminate Common Core, at least by that name, in the Constitutional Amendment for only one purpose - as a bait and switch tactic to get the voters to give up their right to elect those who would govern the education of their children.**

There is no way the public will have any recourse with an appointed Commission of Education any more than we have with the other numerous nameless and faceless Commissions in the state today. The Legislature considers the present Board to be dysfunctional, but instead of working to elect members who would in their opinion be “more functional” or just legislating the replacement of Common Core with sound standards, they have voted to disband the Board and take away the people’s right to cast their vote for education policymakers who would be answerable to the voters rather than to the Governor and the Senate.

On April 23, 2019 Alabama Governor Kay Ivey signed an historic resolution declaring that Alabama not only celebrates last year's move of the U. S. embassy in Israel to Jerusalem, but that Alabama recognizes Jerusalem as the "eternal undivided capital of Israel." The resolution adds to Alabama's history of being in the forefront of supporting Israel. In 1943, the Alabama Legislature was the first U. S. body calling for the establishment of a Jewish state, five years before Israel's independence.

*From Isrealinsightmag 4/27/2019*

*LifeNews.com* reported the following: "On May 2, the National Day of Prayer, President Donald Trump issued, through the Department of Health and Human Services, new rules that further protect doctors, nurses and other medical professionals who do not wish to be forced to do abortions or to refer for them. These rules are to more effectively enforce existing federal laws that protect the conscience rights of healthcare providers. Despite current law that has protected conscience rights for over 30 years, the lack of regulations resulted in confusion and a lack of awareness within the healthcare community, leaving healthcare personnel vulnerable to discrimination and forcing them to drop their specialties.

Family Research Council President Tony Perkins said: "President Trump's efforts reflect a long history in American constitutional law about the morality of conscience rights. Unfortunately, the previous administration had little concern for protecting those rights for medical personnel".

*LifeNews.com 5/2/2019*

Over the past 10 years in New York City, overall abortion totals declined from 121,278 to 82,189 in 2016 (the last year reported). In a state that has 218 abortion-committing facilities and taxpayer funded abortions, who exactly is "lacking access" to abortion? Only 15.6% of those having abortions in the Empire State pay out of pocket, according to the New York Department of Health. The rest are paid through insurance or Medicaid. In fact, 51% (or 28,893) of New York's 82,189 abortions in 2016 were paid for by taxpayers through Medicaid. "Pro-choice" has morphed into government mandated participation in the killing of innocent human lives in a Gosnell-style abortion utopia where no one is accountable, violence brings "equality" and women's health is put in jeopardy. Gosnell's House of Horrors was not a morbid lesson to be learned, apparently, but a model to repeat.

*From Townhall, Feb. 3, 2019*

Los Angeles is going down the drain. The city, with a population topping four million and a broader metropolitan area with many millions more, is awash in massive problems — overcrowding, lack of housing, and high demand for free services among them. But other far more serious problems are lurking, Dr. Drew Pinsky said on Thursday. "We have a complete breakdown of the basic needs of civilization in Los Angeles right now," Pinsky told *Fox News* host Laura Ingraham. He cited airborne disease due to rodents and the breakdown of basic sanitation. *From Fox News as reported by Conservative News. May 31, 2019*

President Calvin Coolidge warned in a speech given May 15, 1926 at the College of William and Mary. This is certainly even more true today as we see the organized progressive groups that confront us and our government officials:

He said: "there is another...recent development., the greatly disproportionate influence of organized minorities. ...Artificial propaganda, paid agitators, selfish interests, all impinge upon members of legislative bodies to force them to represent special elements rather than the great body of their constituency."

He went on to say: "The result is an extravagance on the part of the Government which is ruinous to the people and a multiplicity of regulations and restrictions for the conduct of all kinds of necessary business, which becomes little less than oppressive..."

After speaking of the "autocratic bureaucracy that sets up the pretense of having authority over everybody and being responsible to nobody..." he added:

"We must also recognize that the national administration is not and cannot be adjusted to the needs of local government...The States should not be induced by coercion or by favor to surrender the management of their own affairs. The Federal government ought to resist the tendency to be loaded up with duties which the States should perform. It does not follow that because something ought to be done the National Government ought to do it."

*From the American Minute.com  
May 15, 2019*

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## The Status of Electromagnetic Pulse Protection, Part II

By Theresa Hubbard, Eagle Forum of Alabama and National Eagle Forum Chair for Terror Issues

Edited by Tommy Waller, Center for Security Policy

### A Re-Introduction to the Topic

You may remember our last newsletter which described the type of impacts we could experience if America were hit by an Electromagnetic Pulse (EMP) attack. Several events have taken place over the past several months that emphasize the need for continued discussions on protecting our electrical grid and other critical infrastructure from all hazards, and especially from EMP. One is a promising Executive Order by the President, another is a problematic “study” by the electric power industry that seems to be an effort to derail this executive order, and the third is a press conference that draws a distinction between these two. Let me explain...

### Our Nation’s MOST Critical Infrastructure – The Electric Grid

Our electric grid is the world’s most complex and our nation’s most valuable technological system. It is made up of a series of “generators” that generate electricity (ranging from nuclear power plants to wind turbines), a “transmission” system that moves the electricity over long distances from these generators to the large population centers, and a “distribution” system that provides the electricity to the end users.

Critical components of our electric grid’s transmission system are "Extra-High Voltage (EHV) Transformers." These transformers “step up” or “step down” the voltages of electricity so that it can be transported over long distances throughout the country. We can flip a switch and like magic, the light comes on, without any of us thinking about it or even caring where that electricity comes from, how far it traveled, or how many of these EHV transformers it passed through. We pay our electric bill each month and our electricity stays on.

These EHV transformers are very large, weigh hundreds of tons, cannot be mass produced, and cost millions of dollars. It takes approximately 18 months to make one transformer, and only two countries produce them: Germany and South Korea. Because of the special craftsmanship it requires to make an EHV only 200 a year can be produced. The electric grid in the United States is home to about 2,000 of them. The transformers are interconnected throughout the Nation's power grid, and it would only take a few power companies to be poorly protected to expose large parts of the Nation to risks of power outages. In fact, the Federal Energy Regulatory Commission (FERC), which oversees the transmission part of the grid, found that a successful attack on the EHV transformers in just NINE of the “right” electric substations could cause a cascading collapse of the entire nation’s electric grid and a blackout that could last more than a year!

### President Trump Addresses the Threat of EMP

Russia, China, North Korea and Iran are all working on improving methods of cyber attacks against our critical infrastructure. More worrisome is that all these adversaries consider a form of cyber warfare to be Electromagnetic Attack, specifically through a High-Altitude Electromagnetic Pulse (EMP) attack. Decades worth of government-sponsored and independent studies confirm that such an EMP attack would cause a nationwide and long-lasting blackout that could result in the deaths of up to 90% of our population. Furthermore, attacking the U.S. with EMP is part of the warfighting doctrine of ALL of these adversary nations.

President Trump understands all of this, and on March 26, 2019, he signed *Executive Order (EO 13865) on Coordinating National Resilience to Electromagnetic Pulses*. In EO 13865 the President emphasized the need to improve the Nation's resilience to the effects of an EMP type of event.

Dr. Peter Vincent Pry's book, *Black Out Wars*, discusses the difficulties in coordinating efforts between Departments of Defense, Homeland Security and Energy and the lack of leadership between these departments in taking on responsibility for handling the EMP issue. The President clearly outlines who is responsible for what in EO 13865, stating exactly which department is in charge of what function and with whom to coordinate. It emphasizes risk assessments, R&D, information distribution, credible threats, intelligence collection, resilience of the nation's infrastructure to such an attack or event, development of new technology, guidelines to protect and harden critical infrastructure as well as training and exercises. Each department is also given a specific timeline of what information is due when, with all departments coordinating through and reporting to, the Assistant to the President for National Security Affairs (APNAS), and in consultation with the Director

*EMP Protection continued on page 6*

of the Office of Science and Technology Policy (OSTP).

The Executive Order also directs DHS, DOD and DOE to update their plans based on the results of the completed tasks and where possible, to ensure that information is being shared across each agency. This will ensure that, as EO 13865 states, the US will be able "to plan, organize, equip, train, and exercise to build and sustain the capabilities necessary to prevent, protect against, mitigate the effects of, respond to, and recover from those threats that pose the greatest risk to the security of the Nation." EO 13865 stresses that it is the responsibility "of the Federal Government to lead and sustain the Nation before, during and in the aftermath of a catastrophic emergency, such as an EMP that adversely affects the performance of Government." (I would add that an EMP adversely affects more than just the performance of the Government, but would be catastrophic to the lives of all our citizens and daily way of life!) EMP protection is one area where our government truly has the constitutional responsibility to fund and protect our nation.

### **The Electric Power Industry Attempts to Misinform America about EMP**

The second important event was the release of a report on EMP by the Electric Power Research Institute (EPRI). EPRI is a non-profit research organization that was originally created for a good reason and that has, in the past, done good work (just not on EMP). There are thousands of electric utility companies in America and they are all different sizes and have different operating budgets. Utilities that join EPRI pay dues based on their annual revenue and thereby share in the costs for research and development in a way that is fair and balanced. One problem with this arrangement is that because EPRI is entirely funded by the electric utility industry, it is beholden to the senior leaders in that industry and could be influenced by the desires of these leaders. The second problem is that EPRI's membership is international and includes state-owned companies in countries such as Russia and China – countries that have an interest in America continuing to be vulnerable to EMP.

On 30 May 2019, EPRI released a report titled "2019 Technical Report" on *High-Altitude Electromagnetic Pulse and the Bulk Power System: Potential Impacts and Mitigation Strategies*. This report was immediately challenged by a broad range of national security experts, with some of them such as Dr. Peter Pry calling the report outright "Junk Science." Why would the former Chief of Staff of the Congressional EMP Commission use such strong language in his description of the EPRI research? Well, it's because the nation's foremost experts on EMP have witnessed very problematic research by EPRI in the past that does immeasurable harm to the nation's preparedness against the natural form of EMP – geomagnetic disturbances (GMD) caused by solar weather. Industry funded research dangerously underestimated the prospect of damage by GMD and led the government to adopt insufficient standards of protection, enabling the industry to get away with not having to invest in the types of protections recommended by such experts as those on the Congressional EMP Commission.

Dr. Pry, who is also the founder of the EMP Task Force on National and Homeland Security and a member of the Secure the Grid Coalition rightly points out many flaws with the newest EPRI report on EMP in the numerous articles he has authored since April 30, 2019. So have others, such as retired Command Sergeant Major Michael Mabee, who wrote: "EPRI's study was funded by the electric utility industry...to ensure that the requirements placed upon them for EMP hardening are not too stringent or expensive. Since investor owned utilities...provide electricity to two-thirds of the U.S. population, the shareholders' interests-not national security concerns -are driving EPRI's financial supporters and thus influencing EPRI."

The EPRI report made sweeping conclusions about the lack of vulnerability of the electric grid to EMP while its research focused only on a small portion of the grid itself. EPRI tested a certain type of relays in only the transmission portion of the grid and yet made numerous "conclusions" about the resilience of the entire system – conclusions that dangerously understate the gravity of the threat of EMP. For example, EPRI's research completely ignored the "generation" portion of the grid that produces the electricity as well as the "distribution" part of the grid that brings it into our homes. The report even "concluded" that EMP would not harm those very important and almost impossible to replace EHV transformers and yet these EHV transformers have never been properly tested against EMP. These are just a few of the numerous examples of the problems with EPRI's "research" on EMP.

### **Shining a Light on Electric Industry Misinformation**

In Montgomery, AL, on April 29, 2019 – the eve of the publishing of the EPRI EMP report – many of the nation’s most prominent EMP experts held a press conference to discuss the seriousness of the threat from EMP and the problems associated with the EPRI report. You see, these experts had received an advanced copy of the report and were able to begin the process of reviewing its conclusions. Eagle Forum Executive Director Becky Gerritson and I were both honored to participate in this press conference. It is well worth watching and is only 30 minutes long. Just visit: <https://securethegrid.com/>

Rather than taking up any more of your time in my discussion of the EPRI Research, I suggest that you **watch the press conference** where you’ll see Lieutenant General Steven Kwast open up the event with excellent comments about the importance of America protecting itself against electromagnetic spectrum attacks such as EMP. This is exactly why he has initiated an effort within the Air Force to create a joint “Electromagnetic Defense Task Force” (EDTF.) The EDTF’s initial report from last October is by far the most-read academic journal ever published by Air University. (You can find it by just Google-searching Electromagnetic Defense Task Force.)

Provisionally, during that last week of April, the EDTF had the Free World’s foremost experts on EMP assembled at Maxwell Air Force Base and these experts committed to doing a technical “peer review” of the EPRI study. I look forward to sharing with Eagle Forum the results of that technical review and also helping explain some other important, but sometimes confusing, aspects of this topic of protecting the electric grid – namely how the grid is regulated.

In the meantime, I ask for prayers for those good patriots both in and out of uniform and in and out of government who are working hard to protect the nation against EMP and also for more in the electric utility industry to be motivated to do the same thing.

<https://www.whitehouse.gov/presidential-actions/executive-order-coordinating-national-resilience-electromagnetic-pulses/>

<https://www.epri.com/#/pages/product/000000003002014979/?lang=en-US>

Mabee, Michael, *EPRI EMP Report: Selling Snake Oil to America*, April 29, 2019.

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## **INSIDE THIS ISSUE**

*Second Quarter, 2019*

- **Legislative Session—the Good and the Bad**
- **Legislature votes to Disband the Elected State School Board by passing SB397 (but only if approved by the people) *Requires national standards called by name other than common core.***
- **The Status of Electromagnetic Pulse Protection, Part II**