

Political Grab Bag

By Steve Bagby, Sr., Political Action Committee Chair

IT IS ALMOST TIME!! January 20, 2021, is almost here! Now that the Electoral College has “confirmed” the will of the people in the popular vote by “electing” the President and Vice President with 306 electoral votes (270 required), the Inauguration of President Joseph Biden, Jr. and Vice President Kamala Harris is just a few weeks away. We embrace this time with renewed spirit and hopefulness. What possibilities exist for our nation and ourselves with a new administration in office? Although there is another procedural process that will take place before the Inauguration, which will allow the Republicans to try to “flex” again and focus on their continually discredited cries of election fraud, the “handwriting is on the wall” and the forthcoming outcome is within our sight! In an addendum to the December Political Grab Bag article, I referenced the process that will take place on January 6th before the Inauguration. I will refer to it again in this article for ease of reference by setting forth information prepared by the *Associated Press* (AP) in November 2020:

- **Jan. 6, 2021:** The House and Senate hold a joint session to count the electoral votes. If one ticket has received 270 or more electoral votes, the president of the Senate, currently Vice President Mike Pence, announces the results. (Biden already has won enough states to be awarded more than 270 electoral votes.)
- Members of Congress may object to returns from any state as they are announced. Objections must be made in writing by at least one member of the House and one in the Senate. If the objection meets certain requirements, each chamber meets separately to debate the objection for a maximum of two hours. Afterward, each chamber votes to accept or reject the objection. Back in joint session, the results of the respective votes are announced. Any objection to a state's electoral vote has to be approved by both houses in order for any contested votes to be excluded.
- If neither presidential candidate receives at least 270 electoral votes, the House would decide the election based on the 12th Amendment to the Constitution. If required, the House would elect the president. Each state delegation has one vote and it takes 26 votes to win.

Even if, as reported, several Republicans decide to continue their efforts on January 6th to challenge the legitimacy of the election, i.e. the electoral votes, their efforts will fail because, as explained above, based upon a process that has been in place for numerous years, it would take both the House and the Senate to agree to exclude any contested votes and we know that won't happen because the House is controlled by Democrats.

The Republicans are persistent, however, and have now come up with another scheme to try to challenge the election. It was recently reported on December 28th in an online news report by *theweek.com*, that the Republicans have come up with another ploy to attempt to derail the Inauguration of Joe Biden. "Despite President-elect Joe Biden's victory in battleground states like Arizona and Georgia, Republican electors held their own votes earlier this month in a move to disrupt the official process." As such, in a Complaint for Expedited Declaratory and Emergency Injunctive Relief, Vice President Pence has been sued by Rep. Louie Gohmert (R-Tex.) and eleven other members of the Republican party in a "last-ditch" effort to overturn the election. Plaintiffs ask Judge Keremy Kernodle, a Trump appointed federal judge in Texas, to find that "Pence who, by law, is slated to preside over the counting of the electoral votes in Congress on Jan. 6, is authorized to pick pro-Trump electors on January 6." They ask the court to "grant Pence the sole authority to overturn Trump's defeat in key battleground states, rather than to simply oversee the Electoral College vote tally and to recognize the Republican electoral votes rather than the actual Democratic votes." They allege in the lawsuit that "[u]nder the Twelfth Amendment, Defendant Pence alone has the exclusive authority and sole discretion to open and permit the counting of the electoral votes for a given state, and where there are competing slates of electors, or where there is objection to any single slate of electors, to determine which electors' votes, or whether none, shall be counted." Several legal scholars in Election Law say the lawsuit "has next to no chance of yielding the outcome hoped for by the plaintiffs," even though it will be heard by a Trump appointee. Some have said that "it won't work," while another has said that "it is insane." It should be noted that, per an online *Bloomberg* news report on December 29th, prior to filing the lawsuit "plaintiffs' counsel made a meaningful attempt to resolve the underlying legal issues by agreement, including advising the Vice President's counsel that plaintiffs intended to seek immediate injunctive relief in the event the parties did not agree," Gohmert said. "Those discussions were not successful in reaching an agreement and

this lawsuit was filed.” Thus, despite having lost the popular vote, the Electoral College and “59 court cases seeking to overturn the will of the voters,” the Republicans still press forward. They are single-minded in their efforts to retain the Presidency, however, they are fighting a losing battle!

According to news reports, the only thing that the continued Republican “squawking” is doing or will do is further their fund raising efforts which are said to basically benefit Trump by raising a substantial sum of money to support whatever he wants to do in the next four years. Based on what has transpired so far, one thing we feel is clear that he *won't* be doing in the next four years, starting on January 20, 2021, is serving in the capacity as the President of the United States!!!! We eagerly await the transition to the new administration of President Joseph R. Biden and Vice President Kamala Harris with all of its hopes and possibilities. We also look forward to the approval by the U.S. Senate of Biden's Cabinet selections so that this nation can move forward toward its stated goal of establishing “a more perfect union” as well as re-establishing our country as “the” leader in the global arena.

GEORGIA SENATE RUN-OFF -

In referencing the U.S. Senate above, we know that there are two highly significant Senate elections coming up in Georgia which will take place on January 5, 2021, that will impact the U.S. Senate. The large Democratic voter turnout in Georgia for the November 3rd election resulted in two Senate races subject to a run-off election. In one race, J. Ossoff (Democrat) is running against D. Perdue (Republican - Incumbent) and in the other Senate race, Rev. R. Warnock (Democrat – African American) is running against K. Loeffler (Republican). If both Democrats win the run-off elections in their respective jurisdictions, then the Senate would have the same number of Republican and Democratic Senators (50-50) when the transition occurs, which would place Vice President Kamala Harris (who would be presiding over the Senate as part of her duties as the Vice President) in a position of being the tie-breaking vote, thus giving Democrats control of the Senate. Consider what it would mean to have a Democrat controlled Senate which could, more readily, advance the ideas of Joseph Biden and Kamala Harris. Per the *L.A. Times* news report on December 29th, many Californians are volunteering their time to assist in “getting out the vote” in Georgia by writing postcards, sending texts, phone banking, hosting Zoom meetings and donating money. Some have called the effort “canvassing from your couch.” For those of you who have not already

done so, there are still a couple of days left for you to assist in this critical Georgia run-off election to make sure that there are enough resources available to “get out the vote.” To read more about Rev. R. Warnock (Democrat - African American) and to otherwise donate to his run-off election, access his website at warnockforgeorgia.com. To read more about J. Ossoff (Democrat) and to otherwise donate to his run-off election, access his website at electjon.com. It is important that we all do our part to continue what was started on November 3rd . . . a change in the administration . . . and now we have an opportunity for a change in the U.S. Senate. Wouldn't John Lewis, former Congressman from Georgia, be thrilled at the potential that exists in Georgia at this time? Let us continue to honor his legacy by getting in “good trouble” as we do our part to help ensure the outcome of the January 5th election.

APPOINTMENT OF NEW U.S. SENATOR AND NEW SECRETARY OF STATE -

We now know that Governor Newsom appointed Democrat Alex Padilla, the former Secretary of State, as the new U.S. Senator from California. This was a controversial appointment as many advocated that the Governor should replace Kamala Harris, the only Black woman currently serving in the U.S. Senate, with another Black woman so as to continue the same level of representation in the Senate . . . Karen Bass, U. S. Representative for the 37th District –Los Angeles and Barbara Lee, U.S. Representative for the 13th District—Oakland . . . were in consideration for the position. Some African American officials expressed their disappointment with the appointment of Padilla. Per the *AP* online news report of December 22nd, Democrat London Breed, the first African American woman to be elected Mayor of San Francisco, called the decision “unfortunate.” “This is a real blow to the African American community, to African American women, to women in general, and I think it's really challenging . . .” Per the *Nation* online news report of December 22nd, a representative of Higher Heights, an advocacy organization for Black women, stated “[w]e made a major step forward with the election of Kamala Harris. This appointment is a giant step backward.” “So today we double down and accelerate the work to expand the number of women and elect Black women to the US Senate.” A political consultant took a more middle of the road approach stating, “I am both disappointed having no Black women in the US Senate and happy for Alex Padilla who will no doubt serve my home state of California well.” Per the *AP* news report, the appointment of Alex Padilla

“gives a new level of representation to Latinos, who make up the . . . single largest demographic group [in the state] at nearly 40% of the population of almost 40 million.” “Karen Bass, who had been vocal about the need for the Senate to have a Black woman, congratulated Padilla a fellow Los Angeles Native with whom she served in the Legislature.” She said Padilla “would be a champion following a distinguished line of individuals who have shattered glass ceilings and hurdled obstacles in their way.” Padilla will have to run for election in 2022 for a six year term so a lot can happen within that time period.

Governor Newsom also appointed Democrat Shirley Weber, former Assemblymember from San Diego, as the incoming Secretary of State to fill the position that will be vacated by Alex Padilla. Assemblymember Weber, an African American woman who is a fierce advocate for civil rights, educational opportunities and voting rights, is a great choice for the position. She, too, will have to run for election in 2022 and is likely to have challengers for her position. Notwithstanding the issues associated with the ethnicity of the two appointees, we all hope that they will work hard in their respective offices to advocate for positions that are favorable to ALL citizens in the state.

BLACK LIVES MATTER -

Legislation Introduced by Assemblymember Chris Holden (D-41) -

Per a *Los Angeles Sentinel* online article dated December 10, 2020, Assemblymember Chris Holden recently re-introduced AB26, “The George Floyd Law.” AB 26 establishes clear guidelines for police responsibility and accountability when witnessing excessive force by another member of law enforcement. “We are calling for responsibility and accountability,” said Assemblymember Holden. “Instituting these core values is paramount to building public trust that has eroded between law enforcement and communities across California.”

Per the *L.A. Sentinel* article, “California law requires police officers to intercede when present and [when they] observ[e] . . . another officer using force that is beyond that which is necessary, but there are no universal measures used to determine that an officer has in fact interceded. (In the case of George Floyd, a lawyer for one of the accused junior officers argued that there was intervention because the junior officer asked the supervising officer if they should turn Floyd on his side.)”

“AB 26 provides a selection of techniques to establish that an officer has in fact attempted to intercede. The bill also expands on current law to disqualify a person from being a police officer if they used excessive force that resulted in great bodily injury or death or . . . failed to intercede in that incident.”

“If AB 26 becomes law, police officers would be required to intercede when witnessing excessive force under the updated guidelines and report the incident in real time to dispatch or the watch commander. Failure to intercede by a police officer would make them an accessory to any crime committed by an offending officer. The officer’s due process will be protected as the employing agency would review evidence and determine if the offending officer met the standard for intervention. Retaliation against officers that report violations of law or regulation of another officer to a supervisor would be prohibited.”

AB 26’s first committee hearing will likely be in the Assembly Public Safety Committee, which is chaired by our own Second Baptist Church member, Assemblymember Reginald Jones Sawyer (D-59).

“Given the widespread public outcry for police reforms right now, we have another opportunity for California to lead on this issue,” said Holden.

Legislation Introduced by Assemblymember Reginald Jones-Sawyer (D-59) –

Per the Assemblymember’s website, on December 7, 2020, Assemblymember Jones-Sawyer introduced AB 89, “The Peace Officer Education and Age Conditions for Employment (PEACE) Act,” a bill that would require new recruits for police departments and prison guard service to obtain a bachelor’s degree from an accredited institution or reach age 25 before serving as a peace officer or prison guard in California. “This legislation was crafted in line with studies and brain development science that collectively concludes an officer’s age and education level are key determinants in the likelihood that an officer will use excessive force.”

“State law only requires a minimum standard of peace officers being 18 years of age and having a high school degree or test equivalent. Departments are able to have standards above the state minimum, but those standards vary across the state and are often below the minimum standard proposed in this legislation.”

As stated by Assemblymember Jones-Sawyer, who serves as Chair of the Assembly’s Public Safety Committee, “[e]xcessive force at the hands of law

enforcement that leads to grave injury or death not only tears apart families and communities but erodes trust in law enforcement. My community, like many others, is all too familiar with police violence and physical force.” “This data-driven bill relies on years of study and new understandings of brain development to ensure that only those officers capable of high level decision-making and judgment in tense situations are entrusted with working in our communities and correctional facilities.”

"The evidence is clear--the prefrontal cortex of the brain is not fully developed until age 25. It is with similar logic that youth must be treated as youth by our criminal justice system," said Esteban Nuñez, Director of Advocacy at the Anti-Recidivism Coalition (ARC). "This legislation will reduce the risk of unlawful or impulsive use of force by requiring law enforcement officers to have more full brain maturation before entering high-stress, high-stakes situations."

Per the website, “[t]he new standards will transform departments across the state and mark a transition in addressing the root causes behind excessive use of force by focusing on a trainee’s ability to utilize critical thinking in dangerous situations.”

Legislation Introduced by State Senator Steven Bradford – (D-35)

I also want to point out that we have another legislator in office who is responding to the current issues relating to policing culture. State Senator Steven Bradford, who has recently been appointed as Chair of the California Senate’s Public Safety, has introduced legislation on this issue. As stated by Assemblymember Jones-Sawyer, it should be noted that his appointment as Chair “marks the first-time in our state’s history that both the Senate and Assembly Public Safety Committees are chaired by African Americans.”

Per the Senator’s website, on December 7, 2020, Senator Bradford introduced SB 2, the “Police Decertification” bill which would “increase accountability for law enforcement officers that commit serious misconduct and illegally violate a person’s civil rights.” “California is able to revoke the certification or licenses of bad doctors, lawyers, teachers, and even barbers, but is unable to decertify police officers who have broken the law and violated the public trust. It’s time for California to join the majority of the nation and create a process to decertify bad officers,” stated Bradford.

Per the website, “SB 2 will create a statewide decertification process to revoke the certification of a peace officer following the conviction of serious crimes or termination from employment due to misconduct. Additionally, SB 2 will strengthen the Tom Bane Civil Rights Act to prevent law enforcement abuses and other civil rights violations.”

“California is one of only five states in the nation that does not have the authority to decertify law enforcement officers who have committed serious misconduct. Other states, such as Florida and Georgia, have led the nation in police officer decertification by inquiring into misconduct without regard to conviction for certain offenses.” SB 2 is sponsored by a coalition of community organizations including, amongst others, Black Lives Matter Los Angeles!!!

We applaud Assemblymen Jones-Sawyer and Holden, as well as Senator Bradford for their efforts in introducing legislation critical to the safety of African Americans who are confronted by the police. They have listened and responded to the outcry of the members of the community whose voices seek a change in the policing culture of this country. We thank them for being mindful of and sensitive to the rallying cry of *Black Lives Matter*, a social movement dedicated to fighting systemic racism and police brutality against African Americans.

In closing, 2020 has been a very challenging year for most of us in light of the ongoing pandemic. We are so very grateful for the leadership of Pastor Epps and the other ministers who ably lead us as well as for all the members of the various committees who have worked tirelessly to keep us together and moving forward through their efforts related to the radio broadcast, Communion, Sunday School, informational meetings via Zoom, emails, newsletters, articles, robo calls, the website and various social media forums, church business meetings, church maintenance, grief recovery sessions, voting outreach, Angel Tree, Thanksgiving and other mission outreach, and by otherwise reaching out to our members on a collective as well as an individual bases. We are mindful of all of the effort involved in “keeping the church together” during this time and want to say thank you to all involved as we truly appreciate all of your dedication and your hard work. We look forward to all the possibilities that the New Year can bring. As we negotiate our way through the New Year, we will continue to “hold onto God’s unchanging hand.”

Thank you for reading!
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