

# How Alabama's government stays broken

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It doesn't take a rocket scientist — or even any kind of scientist — to figure out that Alabama's state government is broken.

I mean, really, just look around. At the poverty, the poor education, the racism, the arrested public officials, the in-your-face public corruption and the complete disregard for the welfare of the majority of the people in the state.

But, while the overall awfulness of Alabama's governance might be easy to diagnose, the underlying causes — the daily examples that explain just how it stays so broken — are far harder to put your finger on. Because they are mostly wrapped up in mundane occurrences that take place within the walls of the State House or the capitol or the Supreme Court chambers or some other government building.

Things like SB117/HB140.

Those are the official names for a bill in both the senate and house that will “clarify existing law relating to disposal of solid waste.”

Sounds innocent enough, right? Just gonna get this minor landfill situation straightened out. No biggie.

Ah, but see, SB117/HB140 is the prime example of Alabama's broken government.

It is the prime example of how your lawmakers aren't working for you. It is the perfect encapsulation of everything that is wrong in this state.

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Basically this landfill bill would make it OK to cover existing landfills with artificial covers, instead of the six inches of earth that is currently required.

Now, this still doesn't sound like a big deal. And it won't be one if you don't mind third-world diseases, the smell of rotting meat, frequent fires, coyotes and feral dogs roaming your streets and rats. Lots and lots of rats.

Applying six inches of earth each day to cover the garbage dumped at landfills prevents those things, the EPA figured out long ago. And it set those parameters in the rules it recommends to states. Alabama agreed, and the state adopted that rule, along with others, into law several years ago.

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Regular landfills have to cover with six inches of earth every day. Construction landfills have to do so once per week.

This is a simple law.

But if you operate a landfill, it's an expensive one. And a time consuming one.

Ah, but luckily, those laws are environmental laws. And in Alabama, we figured out long ago that environmental laws can be cumbersome and expensive, so we set up a bit of a ... let's just call it a workaround.

The Alabama Department of Environmental Management.

You'll find we do this a lot — set up an entity that lies somewhere between the laws and the enforcement of the laws whose only job it seems is to give free passes to the bigwigs and corporations who violate those specific laws.

We do it with the Ethics Commission. With the Public Service Commission. And with ADEM.

It's genius, really. The laws are still on the books and no one has to overtly roll back protections that would lead to rotting garbage attracting disease carrying rodents by the thousands.

Instead, just get ADEM to quietly stop enforcing the law.

Which is exactly what ADEM has done in this case. It was allowing landfills all over the state to cover garbage with tarps and various other materials. The tarps and other covers inevitably got holes in them, and a Noah's Ark-level of animals descended upon the landfills to dine and spread the garbage all over adjoining neighborhoods.

The neighbors, tired of the smell and the disease and the roaming animals, sued, citing in their legal filing horror stories of living near these maggot farms that smelled like death.

They sued ADEM for failing to do its job, and for essentially rewriting the law to allow businesses to do whatever they wanted to do.

And lo and behold, the Alabama Court of Civil Appeals agreed with them. In a lengthy, detailed decision entered last October, the five-judge panel noted that ADEM didn't have the authority to rewrite the law.

The case is now before the Alabama Supreme Court, but everyone knows that the Appeals Court judges are correct.

But why bother with trying to win over judges when you can instead just change the laws through the crooks in the Alabama Legislature?

And so, here we are, with a handful of lawmakers in both chambers of the legislature willing to attach their names to legislation that will allow businesses to ignore the standards imposed by the EPA, ignore the standards that are commonplace in most other states and change Alabama law to benefit a handful of landfill owners at the expense of thousands of Alabama citizens.

And this, kids, is how Alabama's government stays broken.

Are you ready for a good ol' fashioned Trump-off?

If not, well, prepare yourself for four weeks of an endless stream of TV ads, radio commercials and candidate interviews in which Jeff Sessions and Tommy Tuberville try to convince you that one of them definitely loves Trump the most.

It's like "The Bachelor," except instead of roses you get coronavirus.

This month-long living hell was made possible by Tuberville's surprise win on Tuesday, taking 33 percent of the vote in a race that Sessions was predicted to win fairly comfortably. A runoff was likely always in the cards, but the conventional wisdom heading into Tuesday was that it would be Tuberville and Bradley Byrne who would be fighting for second.

Instead, it was Sessions, who has to be wondering just what the hell is going on. How can a guy who held this seat for 20 years, who went to work for Trump as U.S. Attorney General, who has always been the racist, xenophobic representative of Confederate values that so many ALGOP voters cherish, possibly lose to a first-time candidate who just two years ago was cutting videos talking about how much he loves living in Florida?

Rural voters. That's how.

Sessions did well in Alabama's major cities, where the GOP establishment resides. His highest vote percentages came in Madison County, and he did well in Montgomery and Mobile.

Tuberville, in the meantime, sucked up votes pretty much everywhere else, except for a small area around Mobile and along the Florida panhandle.

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The former football coach, who has never uttered a word of policy ideas or provided a specific plan for doing anything if elected, apparently connected with voters by riding around in a large bus with Trump's name on the side and telling everyone he was Trump's best friend.

Apparently, if you're a struggling farmer or live in a county where your rural hospital just closed, that's enough to get your vote.

Unless your name is Bradley Byrne.

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Byrne tried a similar tactic as Tuberville, invoking Trump's name as often as possible and then following it with awful comments about decent people.

No one bought it. And now the guy who was once the sane option in the state GOP will be sitting at home with no ID at all.

Sessions will be back in the fight with Tubs, and praying that Trump doesn't send a tweet about him. Because no matter how much Sessions grovels and begs, it is widely known that Trump hates his little guts with the same white-hot passion Trump normally reserves for exercise and paying his bills. All because this one time Sessions did the appropriate, legal thing and didn't break the law for the president.

And for that, the rural Alabama voter hates him.

It's a weird state, man.

Perfect example: Jeff Coleman won the race for Alabama's 2nd congressional district, but he was forced into a runoff (apparently) by Barry Moore. (Only 96 percent of the vote was in by late Tuesday night.)

If you're wondering why that's weird, well, here's why: It was widely reported during the campaign that Coleman's moving company was caught defrauding the U.S. military a few years ago and paid \$5 million to settle the charges. The details were ... quite awful.

Not to be outdone, Moore, a former state representative, was arrested on felony perjury charges a few years ago after prosecutors said he lied during the Mike Hubbard investigation. Moore was eventually acquitted by a jury, but ... you know, there's not guilty and then there's innocent.

Coleman picked up just under 40 percent in the seven-person race, which would ordinarily be an almost insurmountable advantage. But the voters for the other candidates, and the other candidates themselves, were so united against Coleman, it is unlikely that Coleman can pick up many of them. That could make it a very competitive runoff.

It likely will not be more competitive than the race in the 1st Congressional district, where, at the end of the night, Jerry Carl led Bill Hightower by just over 1,000 votes in a race where almost 100,000 votes were cast.

There was a reason for the split.

Carl is a county commissioner in Baldwin County and a small business owner and entrepreneur, and his website says he wants to build that wall along the southern border. Hightower is a former state senator and successful businessman who is a super-Christian, and his website doesn't say anything about the wall or Trump or immigrants.

Hightower is more qualified, but he was out-Trumped.

And in this state, where Republicans have ruled for a decade without even a semblance of a plan, that's all that's really left.

Tommy Tuberville's former players have no idea who this current version of Tommy Tuberville is.

Bradley Byrne's longtime friends in the Alabama Legislature have been bewildered by Byrne's full-on embrace of fear tactics and hate-mongering.

Jeff Sessions' longtime supporters are confused by his spineless groveling to a president who quite clearly can't stand him.

So, here they are, Alabama: the frontrunners for the GOP nomination for the state's second U.S. Senate seat.

A pack of lying, phony, weak men who have been willing to turn their backs on everything they've ever done or believed in, became unrecognizable to the people who know them well and turned this race into a contest of who could win the favor of the man who will forever be viewed as not just America's worst president but as the flaw in the Democratic process that will serve as a cautionary tale for all of time.

Quite the field.

And really, you have to ask yourself: What do these candidates say about you?

What does it say about you, as a conservative voter, that these men believe they have to behave as they have for the past six months to win your vote?

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Does the racism of Byrne's ads make you like him more?

How about Tuberville's racist and xenophobic rhetoric about immigrants?

What about Sessions' pleas for love from a man who has publicly humiliated him over and over and over?

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Do these things make you want to vote for them? Do they make you think they'll serve the state and the country well as a United States senator?

Because these men, and their highly paid campaign staffs and advisors, believe these are exactly the things that will win your votes. That's why they've dumped every ad dollar into these themes. And not a single, solitary dime into explaining to you how, in any way whatsoever, these men will solve any actual problem.

Nothing on health care.

Nothing on workers' wages.

Nothing on climate change.

Nothing on public corruption.

In ads and in public appearances, these guys just hammer the same things over and over: Trump is great, immigrants are bad, some famous non-white people don't love America, Trump is great. Close with a video of them walking and carrying a gun and wearing a red hat.

Are y'all really this shallow and stupid?

These people don't believe any of this crap. But they're shoveling it as fast as they can because they believe it's what you're buying.

Tuberville is so phony that his former players, even a Republican, no longer recognize him, several former players told the Washington Post. His words of late — criticizing immigrants and drag queens and using fear and hateful rhetoric — don't mesh with the coach they knew and kept in touch with even after leaving Auburn.

Hell, his words don't even match the guy he was when the campaign first started — the guy who was critical of Trump's treatment of veterans and critical of the effect Trump's tariffs were having on Alabama farmers.

But somewhere along the way, Tuberville came to believe that his pathway to victory was this current version that leans heavy on hate and never, ever criticizes Trump.

Not to be outdone, Bradley Byrne has been willing to alienate even his church to win the "Trump voter" in Alabama.

Byrne drew national attention when he aired a TV ad that featured the faces of prominent minorities seemingly burning in a fire. He drew the wrath of his church when he told people at a campaign stop that Democrats aren't "Christians like us." (In his defense, Jesus also wasn't a Christian like conservative Christians.)

Once considered a moderate Republican who held across-the-aisle friendships with numerous Democrats, Byrne has transformed into almost a conservative caricature — it's so phony and off-putting that even most Republicans see through the facade.

"It's like Bradley's trying to play a role — like he has this idea of what a Trump voter wants and he's tried to put all those traits into this character that he's playing," said a longtime colleague who served with Byrne in the Alabama Legislature. "Anyone who knows Bradley ... this ain't him. And he ain't foolin' no one."

Speaking of fools ... perhaps the most surprising transformation has been that of 20-year U.S. Senator and former U.S. Attorney General Jeff Sessions, who has become a groveling, sniveling, begging weakling in an effort to convince everyone that he loves Trump and Trump loves him. (Although, clearly, neither of those things is true.)

And no one — absolutely no one — can understand why.

Why this man, at this point in his life, would subject himself to this level of public humiliation, which could end with him losing to a first-time candidate that football fans nicknamed "wingnut," for a seat he already held for two decades.

But regardless of why he's doing it, you should still take note that this is *how* he's doing it.

And really, the how is the most important part of this race, for all of the candidates. And particularly for the voters. Because the how of their campaigns is how they believe they'll best connect to you.

These shallow, hateful, idiotic, groveling campaigns.

Is that who you are?

The education of police officers' kids isn't worth any extra effort.

Same for the kids of nurses and firefighters. Ditto for the kids of preachers and social workers.

No, in the eyes of the Republican-led Alabama Legislature, the children of this state get what they get and lawmakers aren't going to go out of their way to make sure any of them get a particularly good public education.

Except, that is, for the kids of active duty military members stationed at bases in this state.

They matter more.

So much so that the Alabama Senate last week passed a bill that would create a special school to serve those kids — and only those kids. To provide those kids — and only those kids — with a quality education.

An education better than the one available right now to the thousands of children who attend troubled school systems, such as the one in Montgomery.

The charter school bill pushed by Sen. Will Barfoot at the request of Lt. Gov. Will Ainsworth carves out a narrow exception in the Alabama Charter School law, and it gives the right to start a charter school located at or near a military base — a school that will be populated almost exclusively (and in some cases, absolutely exclusively) by the kids of military members.

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The explanation for this bill from Barfoot was surprisingly straightforward. On Tuesday, Ainsworth's office sent information packets around to House members to explain the necessity of the bill.

In each case, the explanation was essentially this: the Maxwell Air Force Base folks don't like the schools in Montgomery and it's costing the state additional federal dollars because top-level personnel and programs don't want to be in Montgomery.



And in what has to be the most Alabama response to a public education problem, the solution our lawmakers came up with was to suck millions of dollars out of the budget of the State Education Department budget and hundreds of thousands out of the budget of a struggling district and use it to build a special school that will provide a better level of education to a small group of kids simply because it might generate more federal tax dollars.

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And because having your name attached to a bill that supposedly aids the military looks good, so long as no one thinks about it too hard.

But in the meantime, as this special school is being built, the hardworking, good people of Montgomery — some of them veterans and Reservists themselves — are left with a school district that is so recognizably bad that the Legislature is about to build a special school to accommodate these kids.

Seriously, wrap your head around that.

Look, this will come as a shock to many people, but I like Will Ainsworth. While we disagree on many, many things, I think he's a genuine person who believes he's helping people.

The problem is that he is too often surrounded by conservatives who think every issue can be solved with a bumper sticker slogan and screaming "free market!" And who too often worry too much about the political optics and too little about the real life effects.

And Montgomery Public Schools is as real life as it gets.

Right now, there are nearly 30,000 kids in that system. And they need some real, actual help — not the window dressing, money pit BS they've been handed so far through LEAD Academy and the other destined-for-doom charters. And they sure as hell don't need a special charter for military kids to remind them that the school system they attend isn't good enough for the out-of-towners.

Stop with the facade and fix the school system.

You people literally have the power and the money to do this. Given the rollbacks of tenure laws and the passage of charter school laws and the Accountability Act, there is nothing that can't be done.

Listen to your colleagues on the other side, who took tours recently of charter schools in other states — charters that work with underprivileged students and that have remarkable success rates. Hell, visit those charters yourself. Or, even better, visit some states that have high performing public schools in high poverty areas, and steal their ideas.

But the one thing you cannot do is leave children behind. Whatever your solution, it cannot exclude some segment of the population. It cannot sacrifice this many to save that many.

That sort of illogical thinking is what landed Montgomery — and many other areas of the state — in their current predicaments. Carving out narrow pathways for a handful of students has never, ever worked.

Let's stop trying it.

Alabamians don't care about ethics.

Just admit it. Or, actually, don't even bother admitting it, because the evidence is quite clear.

You don't really care that much.

Oh, sure, you say you do. Each election, when the pollsters start making calls asking you to rank what's most important to you, you list ethics right up at the top. In most cases, it's the No. 1 issue for voters, according to the polls.

But that's BS.

Your supposed love of ethics is a facade. It's something you say because you think you're supposed to say it. But deep down, it's like bottom five on your list.

And I know this because I see who you vote for.

I see how you fail to punish those who abuse ethics laws, who skirt the rules of campaign finance, who seek to constantly roll back the protections put in place to ensure your government operates fairly and plays favorites as little as possible.

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Not a single person who has attacked Alabama ethics laws or who has been accused of violating campaign finance laws or ethics laws has lost an election in this state in recent years.

Some have gone to jail and been forced to resign, but conservative voters in Alabama have sent exactly zero bad actors packing. And if we're honest, I think we all know that Mike Hubbard — the face of political corruption in this state — would likely win his old House seat back if he ran in the next election.

Because you care more about the R beside the name of a candidate than you do about the quality of the candidate.

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Don't dispute this.

In 2018, when Republicans in the state legislature carved out massive loopholes in the ethics laws, despite corruption prosecutors raising red flags, not a single person who voted for that monstrosity paid a political price. In fact, Republicans who were thought to be vulnerable won easily, despite their support of a bill that went against what was allegedly voters' top priority.

In that same election cycle, Attorney General Steve Marshall, who clearly seemed to have accepted campaign funds that violated Alabama laws, won easily. In the primary, when GOP voters could have chosen another Republican — one with a history of fighting public corruption — they still chose the establishment Republican, and turned a blind eye to sketchy ethical behavior.

The sketchy ethical behavior of the state's top law enforcement officer.

If you don't care about that, there's not much left.

And so, here we are now, with one GOP hack after another whittling away at the ethics laws each and every year.

A couple of years ago, we made broad exceptions for "economic developers." Even as the most sensible and independent members of the ALGOP screamed bloody murder over the extra large loopholes.

Last year, Sen. Greg Albritton tried to essentially remove ethics altogether, with a rewrite bill that was so shockingly brazen that even the party leadership had to turn its back on it.

And this year, there are two more attempts to weaken the laws.

One is from Rep. Mike Ball, who is one of Hubbard's oldest and bestest pals, and a guy who has wanted to rewrite the ethics laws ever since his good buddy was sent to rich-white-guy's prison in Alabama. Which is to say Hubbard is out on bond on appeal forever.

Ball's latest bill might just challenge Albritton's for the most shamefully obvious attempt to undermine ethics laws. Except, instead of rewriting the laws, he just removes the portions that allow district attorneys and the AG's office to prosecute them. Unless the charges go through the Ethics Commission first.

So, the commission that is appointed by the legislature would be the only group that could bring ethics charges against the legislature.

A fox appointed by other foxes to guard the hen house.

But we don't stop there.

In addition to Ball's bill, there's also one from Sen. Garlan Gudger that would get the revolving door swinging again.

As part of the 2010 ethics reform package, lawmakers were prohibited from leaving their elected positions and accepting lobbying work for a period of two years. Gudger's bill would carve out an extensive exception, allowing for former public employees to return to their old job — or ANY OTHER public position — and immediately start lobbying.

Because, you know, just the other day, I passed by a group of people talking on the street about the things that really need fixing around this state, and their top issue was how unfair it was that these folks couldn't work as lobbyists immediately.

This is pathetic.

These are people carving out exceptions for themselves and their buddies — working to rig the game so they can keep sucking up public dollars and making sure hefty contracts go to their pals. It's government handouts for the wealthy and crooked.

And you'd be outraged about it. If you cared at all.