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## **Republicans: Sanctuary cities bill agrees with federal law, not anti-Hispanic**

by Andy Hogue

The bill doesn't violate federal law.

It's nowhere as strict as the infamous "Arizona Law."

And it gives law enforcement additional leeway when apprehending illegal immigrants.

Why, then, are so many Democrats, police groups and racial watchdog groups upset with the resurrected anti-Sanctuary Cities bill?

The special session's SB 9, by **Tommy Williams** (R-The Woodlands), chairman of the Senate Transportation and Homeland Security committees, passed on a party-line vote of 19-12 Tuesday.

It now heads to the House, where support is likely to be strong, 100 GOP reps having voted for a similar measure during the regular session.

The new SB 9 contains the anti-sanctuary cities provisions from the regular session's HB 12. In addition, it contains elements from the previous incarnation of SB 9: compliance with the federal Secure Communities program (*LSR* 06/10/11), authority for the Department of Public Safety (DPS) to verify whether someone is lawfully in the U.S. before issuing a driver's license, and permission for DPS to comply with portions of the national REAL ID program.

Williams said the bill is necessary because the federal government has "ignored our pleas to defend the southern border" and has not enacted successful

citizenship verification policies. The result: Border violence and a greater threat to national security.

Democratic opponents conjured up five major objections, which we review, along with Republican responses.

### ***'Police do not support the bill'***

"It makes sense for me to listen to their advice and counsel over your recommendation," an impassioned Sen. **John Whitmire** (D-Houston) told Williams.

Whitmire said there have been multiple law enforcement associations against the bill.

Williams said he and various police associations disagree over "the reasoning why this may be a problem."

Sen. **Rodney Ellis** (D-Dallas) echoed the cry from many law enforcement officials from larger cities. Houston, San Antonio, Dallas, and El Paso officials spoke at a hearing on Monday in opposition to the bill.

SB 9, Ellis said, "would make their jobs more difficult, that it is an unfunded mandate, and would erode the public safety they are charged with keeping."

Williams said drug cartels are "at war" on the border, and that "by creating a uniform, statewide standard ... we propagate safer neighborhoods."

"It's argued that this type of legislation could deter illegal aliens from reporting crime ..." Williams said. "However, officers have a duty to their communities ... this bill does not *require* an officer to inquire about citizenship status."

Sen. **Steve Ogden** (R-Bryan) addressed a national concern: 21 illegal immigrants launched the 9/11 terrorist attacks. "[They] ran around our country for two years preparing to knock down the World Trade Center," Ogden said, "and we act like improving our ability to better identify those people who are illegally here -- and are trying to do us harm -- is bad policy. It is not."

Ogden said the first duty of government is "to provide order and protect its citizenry."

"I don't like standing in the lines and the hassle of going to the airport," he added. "It's a necessary evil in this time," he added.

### ***'Sanctuary cities do not actually exist'***

While enough Republicans share with Democrats the doubt that sanctuary cities exist, most Republicans were convinced the bill contains other, important provisions.

Sen. **Florence Shapiro** (R-Plano) and Rep. **Burt Solomons** (R-Carrollton) are examples of bill proponents who have publicly doubted that Texas has sanctuary cities.

But add that to a list of reasons Democrats oppose the bill. Ellis said that "not one proponent of this legislation has been willing to identify" a true sanctuary city in Texas.

"Maybe that is because there are no sanctuary cities in Texas," he said. "The term is a paper-thin distraction from the state's unaddressed economic crisis. Instead of finding solutions to even come close to fulfilling our moral obligation to provide an adequate education to our children, we point the finger at one of our most vulnerable populations and say they are at fault. This is a blatant abdication of responsibility by the Texas legislature."

Ellis said a lack of consensus led to the bill's failure in the regular session.

### ***'It's racist'***

Many Senate Democrats, including Sen. **Mario Gallegos** (D-Galena Park), seemed worried "rogue police officers" would misuse the law to pull over anyone of a darker skin color.

"We're fixing to impact every Hispanic citizen in the state of Texas -- documented and undocumented," Whitmire said.

Sen. **Bob Deuell** (R-Greenville) said the intent is not racial discrimination and that the law must be enforced without regard to skin-color.

"We're a nation of immigrants ... but we're also a nation of laws," Deuell said. "Among some of the icons of justice is a lady blind-folded, because justice is blind and does not discriminate."

SB 9, he continued, addresses undocumented immigrants "not because they're Hispanic, but because they're illegal."

### ***'It may violate federal law'***

No, it does not violate federal law.

U.S. Code (8 USC 1373 -- see our blog for a link to the exact statute) says a "state, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual."

The law also precludes any government worker or officer from prohibiting the exchange of information between local law enforcement and federal immigration authorities. It requires that the feds respond to inquiries from the local and state levels regarding immigration status of detainees. Left up to the states is how strictly immigration law is enforced.

Arizona's anti-sanctuary cities law has drawn criticism for being too strict -- requiring officers to enforce federal immigration laws. But Williams said his bill is by no means an "Arizona Law," and gives local law enforcement the option to pursue such a matter further. This hasn't stopped protesters from massing at the Capitol with handwritten protest signs reading, "Don't Turn Texas Into Arizona" and mass-produced placards reading "SB 9" with a red slash mark through it.

As for potential legal challenges, Whitmire said there are already lawsuits pending to remove DPS rules that require proof of citizenship before obtaining a standard Class "C" driver's license. SB 9 may exacerbate that, he said.

Stricter provisions in SB 9, Williams countered, would give Texas the statutory authority that most states already have. Texas, he said, is one of a few

states that can grant an illegal immigrant a license to that issued to citizens and legal visitors.

In 2008, we covered a rule enacted by DPS to place the words "Temporary Visitor" on non-citizen driver licenses (*LSR*, 10/03/2008). Such licenses would also be oriented vertically, like under-21 licenses, and feature a more prominent expiration date. The new rule requires non-U.S. citizens to present proof they are in the country legally before being issued an original, renewal or duplicate Texas driver license or identification card.

Sen. **Eddie Lucio Jr.** (D-Brownsville) expressed reservations that the bill does not prohibit citizen arrests. While the U.S. Constitution's Fourth Amendment does not forbid citizen arrests, many states have fine-tuned that power. Texas, Lucio said, lacks a law that would prevent citizen abuse of an anti-sanctuary city law. He did not specifically address border watch citizen groups such as the Minutemen movement.

### ***'It's a distraction'***

Ellis said the effort may distract officers from enforcing other laws, leading to more dangerous communities.

Williams, however, says it can't get any more dangerous than near the Rio Grande, lately.

Williams countered that unlawful presence in the U.S. means that one is an *illegal* immigrant. When an officer takes an oath to "uphold the Constitution and the laws of this state, so help me God," that includes immigration law.

"Attorneys, both members of the Senate and witnesses, attested to the bill's dangerous lack of clarity," Ellis said. "If we did not hear the pleas of the overwhelming number of religious leaders, advocates, students, and victims of domestic violence that testified in opposition to the bill, how can we not hear the grave concerns of those charged with keeping us safe?"

Other Democrats charged SB 9 would clog the court systems and result in a larger number of detainees in jails.

Williams countered it would not be the responsibility of district attorneys to enforce immigration laws through prosecution. Nor would SB 9 authorize officers to "check immigration status on the streets."

Deuell said Texas spent \$200 million on border security in the last biennium. "9/11 changed a lot of things," he said, urging for additional statutory assistance to an ongoing effort to secure the border region.

An attempt by Sen. **Carlos Uresti** (D-San Antonio) to stall the bill due the cost of driver's license-reading machines (arguably, a distraction from other budgetary priorities) fell on deaf ears.

"Some say that there's not an illegal immigration problem. But there is," Deuell said. "It's probably not as bad as some think, but it's also worse than what some people think."

## **Analysis: House handled big ticket items efficiently**

by William Lutz

Back in January, the controversy over the House leadership dominated the headlines. But once Speaker **Joe Straus** got re-elected, things quieted down, and members began accomplishing the business of the day.

Here's our take on how the House operated this session:

*Conservatives' worst fears about Straus weren't realized.* At the beginning of the session, he was radioactive among conservative grass roots operatives. By the end of session, much (but not all) of the controversy had died down.

Straus adapted his management style to the House's new, more Republican look. He appointed more Republican chairmen, in response to the election results. This including putting a Republican in charge of the tax-writing Ways and Means Committee.

Concerning this year's big-ticket items: conservative Gov. **Rick Perry** got his legislative priorities out of the House intact; the House didn't spend too much of the Rainy Day Fund and didn't raise taxes; and pro-life and pro-gun bills passed.

Straus – whose family owns the Retama Park racetrack in San Antonio, allowed gambling to remain on the

back burner and did not pick fights on that issue in public. In fact, Straus has made significant inroads with the pro-life community, winning over some pro-life leaders who initially opposed his re-election as speaker.

This is not to say the session was perfect. Conservatives are upset over redistricting, particularly over the way East Texas was drawn in the state House map, where the most conservative members often wound up with the least favorable districts.

Also, the Ways and Means committee did not rein in property taxes and give voters more rights to control rising local property taxes. The effects of this failure were mitigated by the anemic state of property values, which are keeping local government somewhat limited for the time being. But once the real estate market turns back up again, keeping Texas competitive for business would require taking on the high taxes lobby and reining in government growth.

*Lots of points of order occurred, despite more forgiving interpretations of House rules.* It seemed a lot of committee clerks didn't know how to write a bill analysis this session. Even with using the "substantial compliance" rather than "strict compliance" interpretation of House rules, lots of bills got popped on points of order. Perhaps the turnover of members or staffers had something to do with that.

Particularly annoying to Republicans was the Democratic practice of letting the House debate a bill for an entire day, *then* and only then calling a valid point of order.

House members may consider an amendment to the rules, specifying a time limit for calling points of order.

*House floor management was much better this session.* Republicans confined their agenda largely to bills approved by large numbers of GOP primary voters, and they campaigned on those issues.

This time, when Democrats attacked, Republicans didn't stand there, inert. They responded. They put their arguments on the record.

Also, whether by accident or intention, the GOP leadership did a good job of stage-managing the budget. When Democrats had amendments to transfer stuff to Medicaid, nursing homes, K-12 education, etc., Republicans had amendments of their own – taking money away from family planning (read: planned parenthood).

*Hispanic Republicans really made a difference.* Democrats are used to playing the race card unchallenged. This time when a Democrat tried to argue against a bill in Spanish, Rep. **Jose Aliseda** (R-Beeville) responded in Spanish. Having Hispanic Republicans helped neutralize the Democrats' non-stop attempts to play the race card.

*Democrats had no leader, and to the extent they had strategy, it annoyed even the moderate Republicans.* The immigration bill, which banned so-called sanctuary cities was watered-down. It isn't even close to the Arizona bill. But one wouldn't know that from the way Democrats behaved at the Capitol. They used every parliamentary trick in the book to slow things down, including calling points of order after long debates on bills.

In the past, Democrats would work with moderate Republicans to take the sting out of legislation they didn't like. During the reign of Speaker **Tom Craddick**, the working relationship between moderate Rs and Democrats gave leadership fits. Democratic antics this session alienated even the moderate Republicans.

Eventually, the Republicans got fed up and started suspending rules and shortening debate. Bipartisanship doesn't have to mean Republican capitulation.

Like last session, the end of this session helped bring the factions of the GOP together, reminding them they have a lot more in common with each other than with the Democrats.

*Will the House leadership get credit among Republicans for their accomplishments?* There's always a temptation in politics to be more upset about what hasn't been done than grateful for what has been done. If the priority items for the special session pass, then the House leadership will have a record that one can campaign on in a Republican primary. But how will the GOP grassroots interpret this session? That's still an open question.

Some items on the conservative agenda remain unaddressed. And – as happens every session – some duly enacted bills go over poorly with significant elements of the grass roots. Cases in point: The House and State Board of Education redistricting maps.

Once the legislating gets done, the next and very interesting issue is how well House members loyal to the Speaker will be able to sell this session to the folks back home.

## Analysis: Change happens, even in Texas Senate

by William Lutz

Senators are proud of their chamber's history, traditions, and well-known green carpet. But even the Senate has to adapt to changing times. Nowhere was that more apparent than in the current session.

Here's our take on how the Senate operated:

*On items Republican primary voters really care about, the two-thirds rule is no longer an excuse for failure.*

Sen. **Dan Patrick's** (R-Houston) main legacy to Texas may be the weakening of the Senate's tradition of requiring a two-thirds vote before debating a bill. Formerly Republicans would use the rule as a crutch, blaming Democrats for bills they might tacitly oppose despite their popularity with Republican primary voters.

Then Patrick came along and campaigned against the so-called two-thirds rule. He didn't kill it, but his victory has made a difference.

When Republican voters feel really strongly about an issue (e.g. Voter ID), the two-thirds rule is no longer acceptable as a death certificate explanation. Those who vote for retaining the two-thirds rule now become responsible to the voters for the legislation it kills. That's why Voter ID was passed by a simple majority. It's also why Republican senators chose to go around the Democrats to pass the budget, rather than increase spending the way they wanted. "We had to spend the money because we needed a two-thirds vote to pass the budget" just isn't acceptable to the voters anymore.

Patrick may not be the most popular guy at the Capitol, and he may not pass the most bills, but his campaign made a lasting change in the way the Senate operates.

*For a change, Senators didn't get rolled on the budget.* In 2003, Speaker **Tom Craddick** dominated budget negotiations. This session, senators insisted on their numbers for public education spending and nursing home reimbursement rates.

For the most part, they got their way. House Republicans swallowed, or in some cases embraced, the smoke-and-mirrors accounting (or "non-tax revenue") proposed by Senate leaders.

There are a lot of reasons the budget looked more like the Senate version. Many House members didn't support the cuts in their chamber's budget but voted for the

process rather than for the substance of the bill. It seemed clear Republican senators were actually willing to force a special session over school funding if the House didn't come closer to their way of thinking. And there are several other reasons.

The bottom line is, the budget looks a lot more like the Senate's measure than the House's. That's a dramatic change from just two sessions ago.

*As in the House, Democrats overplayed their hand.* Democrats messed with bills moderate Republicans needed to pass to win re-election (voter ID, a no-new-taxes budget, sanctuary cities). So the GOP went around them. That must have been hard for tradition-minded Republican senators to swallow. Swallow it they did.

The two-thirds rule is a two-way street. It works only when both sides are committed to making it work. All too often the Capitol press corps defines "bipartisan" in a way that really amounts to conservative surrender. If Democrats want a meaningful role in the process in a majority-Republican state, they need to allow bills to go through that at least the GOP moderates need to get through primaries in their districts.

*Lt. Gov. David Dewhurst had a rough session.* We have often argued that Dewhurst is more conservative than he is given credit for in Republican circles. Particularly in 2003, he has skillfully navigated the maze of Senate traditions to get key conservative legislation out intact.

That said, this session did not help Dewhurst's case. For all the controversy over Speaker **Joe Straus**, Dewhurst constantly got upstaged in the conservative department by Straus.

For example, Dewhurst's staff got caught encouraging moderate Republican members of the State Board of Education to raid the constitutionally-dedicated Permanent School Fund to provide more cash to balance the budget. Straus (and SBOE conservatives) opposed the raid.

Dewhurst put Sen. **Judith Zaffirini** (D-Laredo) in charge of higher education policy. She proceeded to use that pulpit to attack Gov. **Rick Perry** and the conservative Texas Public Policy Foundation's common-sense ideas for higher education reform.

The splitting of the education committee in 2009 was viewed by many in Republican circles as an unfair slap at Sen. **Florence Shapiro** (R-Plano), who once considered whether to run for the open U.S. Senate seat that Dewhurst also coveted. Some Republicans saw political motives in Dewhurst's decision to remove higher education from Shapiro's education committee.

To make matters worse, Dewhurst appointed an oversight committee over higher education in a thinly-disguised attempt to defend the status quo and the UT administration. He kept the most conservative senators (and just about all the higher education system's critics) off the committee. By carrying water for the UT administration, Dewhurst now becomes responsible for what those administrators do -- including setting up a student-fee funded "Gender and Sexuality Center" and removing the words "American" and "Western" from the former Program in Western Civilization and American Institutions. By contrast, Straus's appointments to the oversight committee showed some balance.

And, of course, the icing on the cake was the spat over the Transportation Security Administration bill. Patrick blamed Dewhurst for the death of his bill making it a crime for Transportation Security officials to touch private parts without probable cause. He then proceeded

to announce his own exploratory committee for the U.S. Senate.

Granted, a letter from the U.S. Department of Justice was almost certainly correct in asserting that the bill is pre-empted by federal law. But the way this matter was handled made it look as though Dewhurst were bowing to pressure from the Obama administration. It's not the end result that is the problem. It was how the Senate got there. This issue strikes a chord with a lot of GOP primary voters and needed careful handling.

Dewhurst can recover from all these mistakes. Taken as a whole, he has a good record on conservative issues. But he may find the 2011 session was more of a headache than he had envisioned.

*While some of the procedures weren't pretty, the end result should help senators back home.* In the end, the Senate passed a no-new-taxes budget, pro-life bills, Second Amendment legislation, Republican-friendly redistricting bills, and lots of other conservative priorities.

When all is said and done, most rank-and-file Republicans had good sessions and have developed a record that will help them in campaigning for re-election.

## **A few key flashpoints await resolution**

by William Lutz

For the most part, the special session has proceeded smoothly for the GOP. But there are a few minor flashpoints that need resolution before everyone can go home. Here are the key issues needing resolution, as of press time Thursday, June 16:

*\*Damages in TWIA Lawsuits* -- The Texas House passed HB 3 -- the Texas Windstorm Insurance Association (TWIA) reform bill -- June 16. The Association is a state-created insurance company that provides coastal coverage for wind damage. Recent lawsuits regarding Hurricane Ike caused lawmakers to want to redo the Association's legal structure and claims-handling practices.

From both the House debate on the bill and the Senate Committee hearing, it's clear one of the big flashpoints on TWIA is the level of damages a court can award. The House bill limits damages to actual damages and attorney's fees.

During House debate on the bill, Rep. **Pete Gallego** (D-Alpine) tried to allow for award of treble (three times)

damages in cases where TWIA knowingly or intentionally deceived a policy-holder. This is the law for most private businesses.

But during the debate, Reps. **Larry Taylor** (R-Friendswood) and **John Smithee** (R-Amarillo) noted that TWIA is unlike any other business. Smithee said most private companies pay damages from profits, but if TWIA has to pay large damage awards, it comes from other policy holders, especially along the coast. TWIA is a non-profit entity.

The Gallego amendment was soundly defeated.

But it may have life in the Senate. (see *LSR*, June 3, for a more detailed description of the differences between the two chambers in regular session). At the June 15 hearing on the bill, Sen. **John Carona** (R-Dallas) pledged that he wanted to work with all Senators to come up with an agreed bill. But he also issued a pointed warning to his colleagues. "If we fail, as a committee, to move this bill because we can't get a product that is a good product, albeit not a perfect one, I feel confident this bill will

simply be placed into another committee where a favorable vote will occur and the bill will proceed," Carona said.

Any bill that is too friendly to the plaintiff's bar will not be acceptable to Taylor, Smithee or Gov. **Rick Perry** -- who will likely keep the Legislature in session until this issue is solved. But any bill too unfriendly to the plaintiff's bar or coastal policy holders will have trouble passing the Senate. Negotiations are currently ongoing on this issue. Both Smithee and Carona want a bill both can accept, with the hopes of avoiding a conference committee.

*\*Extraneous matters on SB 1* -- The House had a marathon session on SB 1 -- the fiscal matters bill that makes the budget balance. House members added all kinds of provisions that have absolutely nothing to do with balancing the budget, and might actually make the budget worse.

For example, one amendment created a congressional-style earmark aimed at the University of Texas allowing it and other universities with projects deemed "strategic investments" to go into debt, with the state paying debt service four years from now. These kinds of public works projects are identical to the philosophy that underlies **Barack Obama's** 2009 "stimulus" bills (for example, Austin's new federal courthouse was funded from stimulus dollars).

Another budget matter that frustrated Perry is the addition to SB 1 of a sales tax bill spawned by a recent case involving amazon.com. The bill clarifies when a company has nexus and has to collect Texas sales tax. Perry opposes the provision and publicly called for its removal, but House leaders strongly support it.

Will any of these extraneous amendments remain on the bill, and could they jeopardize the bill with points of order or costing the bill votes?

SB 1 is currently in conference and the conferees are Sens. **Robert Duncan** (R-Lubbock), **Robert Deuell** (R-Greenville), **Juan "Chuy" Hinojosa** (D-McAllen), **Florence Shapiro** (R-Plano), and **Tommy Williams** (R-The Woodlands) along with Reps. **Jim Pitts** (R-Waxahachie), **Rob Eissler** (R-The Woodlands), **Charlie Geren** (R-Fort Worth), **John Otto** (R-Dayton), and **Mike Villarreal** (D-San Antonio).

*\*Testing* -- Key House leaders, including Eissler, want to respond to the budget crisis by lowering accountability and testing standards in the public schools. This has

drawn opposition from Shapiro and the business community.

The attacks on standards in public schools come in two forms. First, Eissler added a provision to the computer hardware lobby's electronic materials bill -- SB 6 -- that declares that most of the new state end-of course exams will not count toward school accountability ratings in the first two years. This is similar to HB 500 from the regular session and has been opposed by the Senate in the past.

Also, Rep. **Dan Flynn** (R-Van) put a provision on SB 1 that allows local school districts to declare a two-year moratorium on standardized testing.

The fact that Republicans are carrying these measures show how unpopular parts of the state's testing program have become with some parents. The 2009 omnibus accountability and testing bill is designed to address some of these concerns, but it has not been fully implemented yet.

The impasse over testing may make it difficult for some of the omnibus bills to which testing provisions are attached to pass.

Speaking of SB 6, the underlying bill has issues of its own. The bill makes it easier for electronic materials to enter Texas classrooms. And for most of the electronic materials, the bill complies with the Republican Party of Texas platform by allowing the elected State Board of Education to reject bad books. But a provision of the bill relating to computerized instructional materials (formerly textbooks) allows so-called open source materials to get into classrooms without SBOE approval if they are written by college professors. This provision violates the Republican Party of Texas Platform. An amendment added June 16 on the House side allows the SBOE to review but not reject the materials.

*\*School district flexibility* -- Several bills floating around the process provide local school districts with greater discretion and less state oversight over personnel decisions. These bills (the most noteworthy of which is SB 8) are opposed by the state's teacher unions and professional organizations.

Just about all the Democrats and some Republicans oppose these bills. But they have substantial support among leadership. Some form of educator flexibility is likely to pass, but the exact contours of that flexibility remains to be carved out by the leaders of both houses

## OPINION: Kids don't benefit from lower standards

by William Murchison

How'd the public schools fall so far so fast?, is the question my generation keeps asking between sips of Geritol and tryouts for the Wheelchair Olympics. Mostly, I'd venture, through good old egalitarian guilt concerning achievement-level differences educators found embarrassing in an egalitarian age. If everybody couldn't be a genius, anybody could be a shnook, knowing next to nothing, but so what, if we get rid of educational "elitism."

No wonder **Bill Hammond** is exercised. Anti-elitists want the public schools to get even less serious than they are right now about raising performances and outcomes to something like the levels prevalent when that ol' boy Kennedy, or whatever his name was, was president. Hammond, head of the Texas Association of Business, implores the Senate to kill a House-passed provision allowing a two-year moratorium on end-of-semester testing.

"[W]e cannot afford to roll back standards, limit accountability, and threaten the career and college readiness of Texas students," Hammond protests. Meaning just because a bare 17 percent of Texas high schools graduates are ready for college, we ought to care?

Only a couple of days ago, New York State officials were wringing their hands over new data showing, according to the *New York Times*, that a mere 37 percent of "students who entered high school in 2006 left adequately prepared for college, with even small percentages of minority graduates and those in the largest cities meeting that standard." Thirty-seven percent may not be much, but it sure beats 17.

"At stake is the Texas workforce, one that is sufficient in both size and quality to meet the long-term needs of business," says Hammond, who is well-known for speaking up on every possible occasion in behalf of more rigorous schooling. He wants Texas students to "receive the quality education they deserve and that Texas employers expect in their future workers."

You might suppose the matter to be a non-brainer. If sloth, lassitude, and fear of failing to affirm the low-achiever are holding us back, what you want in their stead is industriousness and commitment to excellence. Think the House's two-year moratorium on testing is going to advance that objective? Not when it feels so

good to sleep through the wakeup call – the objective proposed in essence by Rep **Dan Flynn** (R-Van) in the mischievous amendment Hammond hopes to bring down.

It would be a mistake to understand end-of-semester testing as the great educational be-all and end-all. The key to the progress we need is slogging it out day after day in the classroom: prodding, stimulating, challenging, and, even at that, failing to eradicate natural differences among students. There'll always be unequal outcomes, but the outcomes in general don't have to be so low as American – not just Texan -- education have encouraged and permitted. You don't get from A to Z by skipping G because it was hard and the Legislature said you could skip it.

A good educational system should inspire poets and doctors and inventors, but as Hammond recognizes there's also the mission of just making sure people can read instructions in a manual and perform medium-level mathematical computations. In the old days, there were farms and ranches and assembly lines to which the semi-educated (who existed even then, yes!) could repair for jobs. Such situations are few and far between in an age ever more dependent on technical understanding and knowledge. An education system supplying mainly recruits for farms and ditch-digging assignments isn't quite what you would call an education system for the 21<sup>st</sup> century. Yet such a system America is in grave danger of embracing more tightly than ever.

"What we have," says Hammond, "is the makings of a workforce crisis that stands to threaten our state's economic prosperity and long-term competitiveness." Duh, as a modern student might respond when asked why Abraham Lincoln was an important figure. The National Assessment of Educational Progress – from which the moratorium would exempt Texas schools – tells us this week most fourth graders don't know the answer to that not-exactly-difficult question. Mr. Lincoln, well, er, uh, isn't there some kind of car named for him?

We're in trouble all right. A good thing Bill Hammond knows it. A pity the Texas House seems neither to know nor care.

## On The Lone Star Report's blog this week

by LSR Staff

Here are a few select news items from this past week, viewable on our publicly accessible blog at [www.lonestarreport.org](http://www.lonestarreport.org).

### ***Anti-groping bill clears committee, gathers enough support to pass -- June 16***

While the Governor hasn't placed a bill to criminalize TSA's "advanced pat-down" procedures on the special session's agenda, much progress is being made by supporters. Oh, and it now has enough support to pass both chambers. <http://tinyurl.com/6cfhx57>

### ***Opinion: Obama-style public works spending added to SB 1 -- June 14***

What were the hallmarks of President Barack Obama's stimulus bills? Going into debt spending our grandchildren's money on big, earmarked public works projects. Sadly, some want the Texas Legislature to adopt a stimulus plan of its own. Guess what just happened on the omnibus fiscal matters bill in the House Thursday night? The University of Texas lobby succeeded in adding a provision that authorizes new earmarked debt for Obama-style public works projects at state universities. <http://tinyurl.com/6k4gq3j>

### ***House passes key fiscal bills, mandate relief -- June 13***

The House and Senate made substantial progress in the past few days accomplishing the items on the governor's call for the special session. After a marathon debate, SB 1 – the fiscal matters bill – has passed the House and is probably headed for a House-Senate Conference committee as early as Tuesday. <http://tinyurl.com/63d4f3z>



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