



# Nebraska Report

*There is no Peace without Justice*

JANUARY 2003

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## NFP 2003 LEGISLATIVE AGENDA

Three times this past year (twice in Special Session), the Nebraska Legislature convened to cut the state budget to the tune of nearly \$300 million. Nearly everything got hit. Social services. K-12 education. Higher ed. Rural programs.

It was awful.

But the bloodletting, it would seem, is far from finished. The Legislative Fiscal Office is projecting a monumental \$673 million shortfall in revenue over the next two years that will almost certainly necessitate a whole new round of spending cuts (and—if we're 'lucky'—tax increases that will put more money in the state coffers and thus soften the blow of the budget axe).

Nebraska though is not the only state that's being rocked. Virtually every other state in the union is in the same financial fix. The National Governors Association has gone so far as to call the current crisis in state finances "the worst since World War II," with the end nowhere in sight.

Various explanations have been put forth to account for the states' present fiscal woes, with a lot of finger-pointing and buck passing thrown into the mix. But basically the reasons are these:

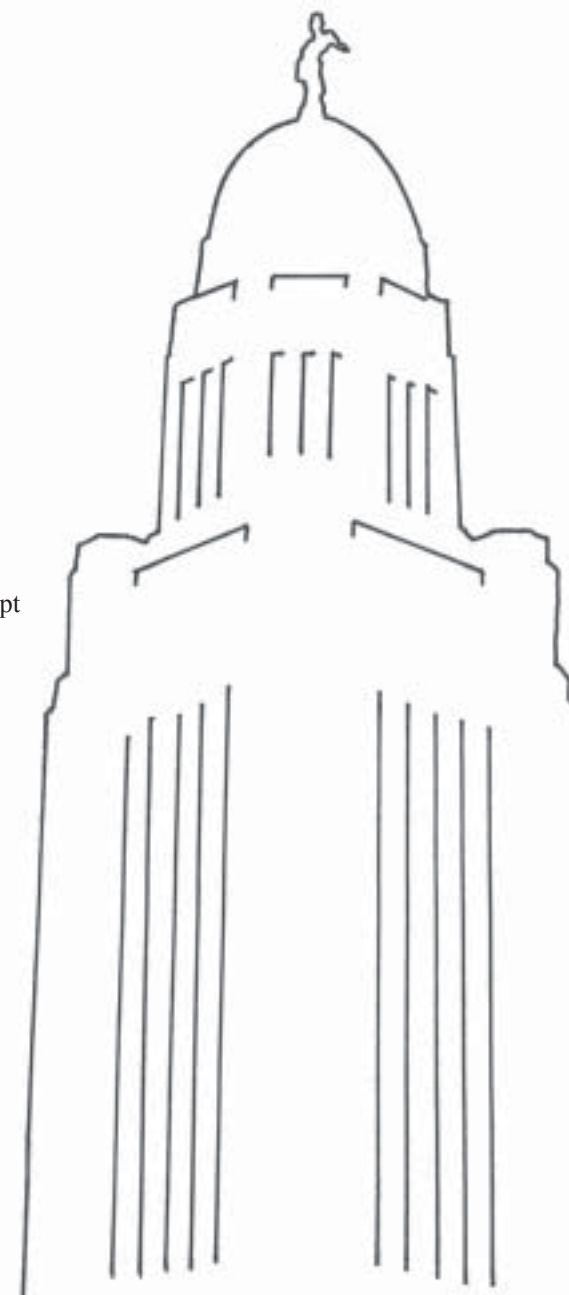
- 1) The economic recession and sour economy have caused state tax receipts to plunge precisely at the moment that the costs of Medicaid and other human services programs have soared.
- 2) 9/11, the "War on Terrorism" and the subsequent spike in military spending (the Pentagon is now spending more than

a billion dollars a day) have diverted tight federal funds from domestic uses to the defense budget.

- 3) President Bush's huge tax cut for the wealthy (including the abolition of the estate tax) managed to simultaneously bankrupt both federal and state treasuries. Since the majority of states (Nebraska included) had their state tax rates in some way coupled to the federal code, the drop in the federal tax revenues meant a corresponding drop in state tax revenues. But the damage to the states, alas, didn't end there. With the federal government once again running a deficit, federal aid to states dried up and the states were stuck on their own.

All of these reasons, in and of themselves, could have easily accounted for the states' current budget crises. But there's a fourth culprit and state governments can't blame Washington or federal policy decisions for this one. Between 1994 and 2001, the *Washington Post* reports, "43 states enacted major tax cuts that are now costing the states \$40 billion in lost revenue each year, three-fifths of the current shortfall." In the case of Nebraska, that would include corporate tax giveaway programs like the "Micron bill" and its reincarnation the "Union Pacific bill" (virtuously titled the "Invest Nebraska Act"). To get a true picture though of the utter hemorrhage these corporate welfare programs have constituted for the State of Nebraska, you have to factor in the cost of the oldest of these so-called "incentive"

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## Latin America Briefs

compiled by Sarah Disbrow



### Left-leaning Lula Wins Landslide Victory in Brazil

A member of Brazil's Workers Party, Luiz Inácio Lula da Silva (Lula for short), defeated Wall Street favorites in Brazil's presidential election this fall. The Worker's Party, called "the party without bosses" when it was founded in 1980, has been committed to labor rights, human rights, sustainable development, and democratic processes. According to the party's economic adviser Marcos Arruda, director of a nongovernmental organization called Policy Alternatives for the Southern Cone, the Lula victory "will build on exciting innovations in municipalities and states governed by the Worker's Party, and it will boost Brazil as a base of planning and experimentation for alternatives to corporate-dominated globalization."

The day after elections, Lula declared that ending hunger among 23 million Brazilians (approximately one-seventh of the country's population) would be his No. 1 priority. The World Bank and the U.N. Food and Agricultural Organization informally committed to spending \$5 billion on the campaign against hunger over the next four years. Lula also campaigned for government programs to help poor families keep their children in school, bring about agrarian reform and support agricultural cooperatives.

Lula's immense popularity in Brazil owes something to the legacy of former President Cardoso, whose free-market policies were disastrous to Brazil's economy. Cardoso privatized healthy state industries, cut social programs and held down inflation at the expense of employment, and incurred a huge foreign debt.

### Lula Claims U.S. Free Trade Plan NOT Free

Brazil's incoming president, Luis da Silva (Lula), has criticized the Free Trade Area of Americas Agreement (FTAA), Bush's linchpin policy for Latin America, for favoring U.S. economic domination of the hemisphere. The FTAA is a business deal negotiated in secret to create the world's largest "free-market" zone. (Members of the U.S. House of Representatives are calling on the Bush Administration to release the text of the trade agreement.)

The FTAA calls for all the countries of the hemisphere (except Cuba) to start reducing trade barriers in 2005. In his critique of the FTAA, Lula pointed to U.S. protectionist measures that run counter to authentic free trade. Twenty of Brazil's leading export products face stiff U.S. tariffs.

Winning on a platform of economic independence and alleviation of hunger, Lula is working to shore up trade agreements with countries in South America. He wants Mercosur, the regional trade block that includes Argentina, Chile, Paraguay, and Uruguay to take priority over other trade agreements. Lula has called for a common Mercosur currency in order to reverse Latin America's trend toward using dollars.

### Right-Wing Republicans Find "Axes of Evil" Whenever They Look Left

Some GOP leaders are claiming that the election of leftist leaders in Latin America has created an "axis of evil" there. Rep. Henry Hyde, chairman of the House International Relations Committee, wrote a letter to President Bush asserting a "Lula, Castro, Chavez axis of evil," referring to Brazil's president-elect, and presidents Fidel Castro of Cuba and Hugo Chavez of Venezuela. Hyde called da Silva a "pro-Castro radical" posing "as a moderate." He claimed da Silva had joined Castro for 10 years in "a silent partnership" in an organization known as the Sao Paulo Forum that includes "Latin American, European and Middle Eastern terrorist organizations." Another letter to Bush written by 10 Republican legislators, including Rep. Ileana Ros-Lehtinen of Miami, used similar language.

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# 2003 AGENDA, continued

programs: LB 775. Since 1987, LB 775 has cost the state anywhere from \$1.3 to \$1.5 billion, depending on which numbers you use and how you crunch them.

Nebraska taxpayers have shelled out a minimum of \$1.3 billion to some of the wealthiest people in the history of the earth, allegedly “to create jobs”, the vast majority of which, according to the legislature’s own study, would have been created anyway. In just the past two years alone, LB 775 has cost the State of Nebraska a sum almost identical to the \$298 million the legislature had to cut to balance the 2001-2002 budget.

And yet, LB 775 stands alone as essentially the only state program to have escaped the budget knife. And according to Governor Johanns, is to again be exempted from any cuts when the Unicameral convenes January 8.

Money issues, just as they’ve been the last year and a half, will be at the heart of the 2003 legislative session. They’ll dominate the agenda, determining not only where spending will be cut and or revenue (*if we’re so lucky*) will be raised, but how much time will even be available to talk about anything else. Which means, against the governor’s stated wishes, repealing (or at least restricting) LB 775 must unquestionably be the first order of business.

## LB 775 Legislation

Last year, Sen. David Landis’s bill to repeal LB 775 outright provided an important context for examining the tax break law generally. Although the repeal bill never made it out of the Revenue Committee, it did raise the expectation that LB 775 beneficiaries (at least as a gesture of ‘good faith’) should be doing something in exchange for the program’s having survived untouched. That gesture will probably be greater disclosure about how much individual companies have benefited from the program. To date—during the 15-year life of the program—that information has been strictly confidential. Now however, after all the public pressure and the bad publicity over the program’s fiscal immunity during the budget crisis, not only Governor Johanns, but the State Chamber of Commerce itself, has apparently consented to share some of this data. Out of concern that “proprietary” business and investment information might fall into competitors’ hands, any of the data disclosed is likely to be at least three years old.

Repeal this is not. And Nebraskans for Peace will continue to push for all-out termination of the program.

That being said, greater disclosure is a step in the right direction. It’s evidence of what well-timed and well-placed organizing can accomplish, and it will enable the legislature to precisely gauge where in the state the benefits have gone and what the economic impact has been.

Agreeing to disclose three-year-old data does not constitute a contribution to the state budget crisis, however. The state needs more than ‘data’ to pay its bills. It needs ‘dollars’. And Big Business—for who money is the bottom line—should know that better than anybody. If, in the midst of this upcoming budget bloodbath, the state senators are going to allow LB 775 to remain on the books for another year, they should consent to do so only if the five following conditions are met:

- 1) Allowing for a three-year delay on the disclosure of ‘proprietary’ information, all other beneficiary information by individual company dating from the

*conclusion on page 4*

# GOODYEAR Shows Where LB 775 Went Wrong

by Steven M. Virgil  
*Nebraska Appleseed Equal Justice Fellow, focusing on tax and economic development accountability*

On October 19 of this year, the *Omaha World-Herald* reported that Goodyear was set to cut 480 jobs in Lincoln by 2003 and move these jobs to the state of Chihuahua, Mexico. The article went on to report that Goodyear was taking this step because it wanted to find cheaper ways to make its products. And in contrast to paying Nebraska workers a decent wage of \$18.00 or so an hour in Lincoln, the soon-to-be-hired Mexican workers can expect to earn \$12.77 a day.

Goodyear has been in Lincoln since 1943. In 1988 and again in 1996, Goodyear started to receive tax credits under LB 775 with the expectation that the company would create new jobs in Nebraska. Because of the secrecy provision in LB 775, it is impossible to know how much money tax-paying Nebraskans gave Goodyear under LB 775. It is also impossible to know whether Goodyear created jobs paying \$18.00 an hour or \$9.00 an hour due to the LB 775 credits. If Goodyear took full advantage of LB 775, credits would also have been available against city and state sales tax as well as property tax. Goodyear may have also elected to use the “single sales factor” available under LB 775, an election that allows a Nebraska corporation to avoid tax liability by being treated as a non-resident corporation. Whatever benefit Goodyear gained due to LB 775 cannot be known. But it might be fair to can assume that Goodyear, as a corporation interested in finding cheaper ways to produce products, would have taken all the credits to which it was allowed under the law.

We can know, however, that after investing hundreds of thousands or millions of dollars in Goodyear under LB 775, 480 Nebraskans and their families find themselves out of work just in time for Christmas. The rest of us are left wondering how it is possible for a corporation like Goodyear, a venerable citizen of Lincoln for nearly 60 years, to take advantage of Nebraska’s tax credits, avoid paying unknown amounts in taxes to the City of Lincoln and the state, and then move 480 jobs to Mexico in an effort to find cheaper ways to make a product by paying lower wages.

Unfortunately, most Nebraskans are too familiar with what has happened at Goodyear. For more than 20 years corporations have taken tax credits, grants and handouts from the public, then turned around and moved to another state or country. It has become part of the game, for both corporations and state economic development programs. And we as citizens have come to expect it. We all know that the money we give to corporations under programs like LB 775 doesn’t mean the

corporation will stay in Nebraska; it only means we hope that it will. The more money we throw at these corporations, the more we show how much we hope they will stay—a cycle that begins with public money being used to sway corporate decision-making and ends with working families losing jobs anyway.

Once Goodyear’s jobs are gone, they are never coming back, that is, at least until Nebraska’s workers are willing to work for less than \$12.77 a day. These skilled production jobs are simply lost to Nebraska’s economy. The 480 Lincoln families who are being downsized are now faced with finding new jobs that pay living wages and enable a parent to support a family, a task that many are finding hard to do in this economy.

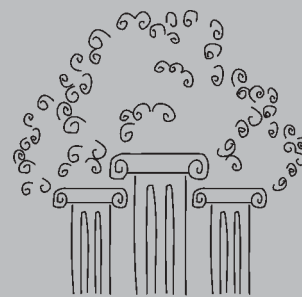
It is time to stop this. It is time to stop subsidizing corporations that take money from taxpayers and then move jobs to another state or country when it is convenient or cost effective for them to do so. LB 775 (and programs like it) focuses on creating corporate wealth, not on developing human capital or improving communities. LB 775 assumes that by creating wealth for corporations, these corporations will want to stay in Nebraska and create jobs for Nebraskans. In a world where workers would not work for \$12.77 a day—or

less, such an approach might work. In our world, where goods travel freely between countries under NAFTA, but workers can be left behind, the incentives under LB 775 don’t work. Even after receiving untold amounts of tax subsidies under LB 775, Goodyear is moving jobs from Lincoln to Mexico.

Nebraska tax dollars should not underwrite the profits of corporations when there are no guarantees that the investment will result in good jobs for workers in Nebraska. Instead of underwriting corporate profits, Nebraska should pursue public policies that create wealth and opportunities for individuals

and families. Instead of focusing on corporate subsidies, Nebraska should subsidize education, help workers wanting to gain new skills and assist families who need help with medical, food and housing costs. In short, the state should focus on the people who live here and who will stay here.

We should not fall for the argument that if we don’t give the corporations tax credits, they will leave Nebraska. Even after benefiting from LB 775 Goodyear is moving 480 jobs to Mexico, and hundreds more are already gone from Avaya and Worldcom, both beneficiaries of LB 775. If we invest in people through education, housing and medical care, we create an optimal environment for creating individual capital. And if our government is to bet on anything to create prosperity and opportunity for Nebraskans, it should bet on its people first.



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# 2003 LEGISLATIVE AGENDA, conclusion

initiation of the program in 1987 up through fiscal year 1999 should be disclosed immediately. Unless the legislators have access to this company-specific data now (and are able to make informed decisions about the efficacy of the program), they may be needlessly permitting LB 775 to continue bankrupting the state treasury throughout the current budget crisis. All of this information, it's important to note, is already on file with the Nebraska Department of Revenue; it's simply 'classified'.

- 2) LB 775 should be officially placed in the budget as an expense—not kept off-budget as it currently is. As with any other program, senators should be able to see at a glance how much this particular program is costing the state, just as they now can readily see the cost of the state childcare subsidy.
- 3) LB 775 wage levels must constitute a 'living wage' (see the article on p. 5). When the State of Nebraska is in the process of downsizing its own public sector workforce because it can't afford the labor costs, the last thing it should be doing to subsidizing the creation of low-end and modestly paying jobs.
- 4) Governor Johanns' proposal during the 2002 Session to postpone the reimbursement of LB 775 tax credits (which he jettisoned as soon as Big Business balked) should be resurrected, and the legislature should delay the reimbursement of all LB 775 tax credits until the state's revenue numbers improve. Last year, LB 775 reimbursements cost the state over \$130 million worth of money the state didn't have (not including the \$30 million local governments had to pay).
- 5) Finally, in exchange for letting LB 775 live to see another year, the legislature should demand the State Chamber of Commerce's support for an increase in the state income tax. To raise more revenue, the senators need to go where the money is. And the only people left in the state with any money are the wealthy—middle-income and poor people don't have it. Gambits like increasing the sales tax or 'vice taxes' like tobacco and alcohol should also be rejected, as they disproportionately impact working families and those at the bottom, while once again excusing the rich from paying their fair share.

Short of outright repeal, the five points above constitute a minimum standard of what needs to be done to limit the fiscal

fallout of LB 775 and exact some element of fairness in dealing with the budget crisis. But 'sharing the pain' is not simply a matter of justice. Unless the legislature takes these intermediate steps to both cut its losses and raise more revenue, the savaging of the state budget that will inevitably ensue will be too hideous to contemplate.

### Everything Else

After having been slipped in last January a mere 15 minutes before the bill introduction deadline passed, Whiteclay is poised to command much more attention this time around from the legislative process. Last year's bill requiring an alcohol-free, five-mile buffer zone around dry Indian Reservations will again be introduced at the personal request of newly reelected Oglala Sioux Tribal President John Yellow Bird Steele. But in the wake of the General Affairs Committee's Interim Study Hearing on Whiteclay in Rushville October 8, three other proposals treating the problem there have emerged. One would merely streamline statutory language covering "inter-local agreements" between state and tribal governments to in turn permit Oglala Sioux Tribal Police to provide law enforcement in Whiteclay.

The other two bills would appropriate \$250,000 a year (the amount of money the State of Nebraska annually collects from liquor and sales taxes from the sale of alcohol in Whiteclay) for a combination of alcohol treatment and permanent law enforcement in this 14-person border town. For both bills, it's a simple case of having state government put back what it's been taking out of Whiteclay (or, more accurately, out of the Pine Ridge Reservation) and getting the State of Nebraska out of the business of profiting from Indian misery. All four bills have been endorsed by the Nebraska Indian Commission, and the Nebraska Liquor Control Commission itself—for the first time ever—has officially requested that the legislature appropriate funding for law enforcement "during the hours that alcohol is sold."

As for the "Turn Off the Violence" campaign, Sen. Marian Price of Lincoln has agreed to reintroduce the "Firearm Safe Storage Act", which would require that all

firearms in the state within access to children 16 years of age and under to be safely locked up. This is just a common sense bill intended merely to keep guns out the hands of unsupervised children. It's not about restrictions or rights. It's about safety and storage, and it in no way impinges on anybody's right to bear arms. Hopefully, this being the third time it's been introduced, the third time will be the charm. We can bet though, on the other side of the fence, that the NRA and the Gun Lobby will make yet another attempt to repeal the state's 127-year-old concealed weapons ban. NFP will of course again oppose any such ill-conceived move by the legislature. As panicked as people now are about terrorism, the last thing we need on the streets, in stores and public places are more guns.

We will also be once again supporting legislation to protect Lesbian and Gay Nebraskans from housing and employment discrimination. That the State of Nebraska—which touts as its motto, "Equality before the Law"—continues to sanction bigotry and discrimination against a targeted group is unbelievable. Perhaps now that the governor has been reelected and so many of the senators are term-limited, they will find it less politically necessary to flaunt their anti-Gay bias. We can only hope this is the year.

And as always, Sen. Chambers will be introducing a death penalty abolition bill to stop this abomination once and for all. Capital punishment proponents are sure to bring legislation authorizing the use of lethal injection to keep the state in the execution business. Nebraskans for Peace will gladly join its friends at Nebraskans Against the Death Penalty in opposing all efforts to change the method of execution.

The 2003 legislative agenda is an advance over last year's record level of activity. It covers baseline issues of economic justice, nonviolence and human rights. It is, in short, everything one would hope a Peace & Justice organization would stand for—or against. How effective we are in implementing, however, depends entirely on how much input (and pressure) the senators get from our members. Ever hopeful, we're hoping they'll be getting a lot.

*Contributions to the Nebraska Peace Foundation are tax-deductible & won't finance the upcoming War on Iraq*

# New Report Identifies How Much Income Nebraska Families Require for Basic Needs

by Steven M. Virgil  
Nebraska Appleseed Center

How much does it take to get by in Nebraska? The answer is sure to surprise many, although probably not the many thousands of working Nebraska families. A new report entitled *The Family Economic Self-Sufficiency Standard* for Nebraska, released this past November by the Nebraska Appleseed Center for Law in the Public Interest shows that Nebraska's families need a great deal of money to get by. In most cases, families need at least three times the federal poverty measure to pay for their basic needs.

*The Family Economic Self-Sufficiency Standard for Nebraska* found that a single mother with one pre-school and one school-age child, living in Lincoln, needs an annual income of \$34,364 to meet her family's most basic needs. That same family would need \$37,357 in Douglas County. Although the same family would need less in more rural counties, the amount is still substantially more than the federal poverty measure. The report found that the same family would need \$23,228 in Adams County and \$22,063 in Platte County.

All of the examples above are far in excess of the federal poverty line of \$15,020, and even farther above what a parent working full-time at minimum wage would earn in Nebraska—\$13,898. The report compares the Self-Sufficiency Standard for Nebraska to the federal poverty line, minimum wage, and median family income. It demonstrates that for most families,

earnings above the official poverty line actually fall short of what is needed to meet their basic needs. To bridge the wage gap, the report recommends several basic strategies: provide access to job training and education programs for low-wage workers; reduce costs through work supports, such as child care, housing, food security, and health care; and provide livable wages. The federal poverty measure for a family of three is less than 50 percent of the actual need for this family in Lancaster County. According to the report, a working mother working full-time earning minimum wage would earn roughly 40 percent of the cost of her family's needs.

In developing these standards, the Nebraska Appleseed Center worked with Wider Opportunities for Women (WOW), a nation-wide advocacy organization based in Washington, D.C. that serves as advocate for working women and their families. Dr. Dianna Pearce of the University of Washington authored the report and provided the research that led to its surprising conclusions.

The Family Economic Self-Sufficiency Standard was derived by researching the actual cost families must pay for the goods and services they need. Using publicly available data from local, state and federal sources, Dr. Pearce calculated the actual cost of the goods and services families need to support themselves. Data was collected on the costs of housing, child-care, food, transportation, health care and miscellaneous expenses. With this data in hand, more than 70 different family types were considered in each of Nebraska's

93 counties and the actual costs of meeting basic needs was calculated for each family type. What resulted was a number based on the realities facing thousands of Nebraska families when trying to get by each month.

The FESS standard is a vast departure from traditional measures of poverty. For more than 60 years, state and federal policies addressing working poor families have used the federal poverty measure to determine whether families qualified for support. Not only does the federal poverty measure not take into account the cost of child-care or transportation, it is the same whether a family lives in New York City or McCook, Nebraska. The FESS addresses these problems by looking at the actual cost of all the goods and services needed by a family as well as geographical differences across Nebraska.

"The Family Economic Self-Sufficiency Standard shows the difficulty that many Nebraska families face when trying to get by each month," said Steven Virgil, an Omaha attorney with Nebraska Appleseed who coordinated the research and release of the report. "Even when working full-time, families are not able to pay for their most basic needs, such as food, housing and medical care."

Over the last year, Nebraska's Unicameral has cut funding to vital programs that thousands of Nebraska families have relied upon to make ends meet each month. With an impending \$673 million revenue shortfall in the new legislative biennium, these programs seem likely candidates for further cuts in spending.

"In recent months, the state has dramatically cut spending on critical programs, like child care assistance and health care assistance, that enable families to move towards economic self-sufficiency," said Virgil. "Oftentimes, these budget decisions are driven by political concerns, and not the concerns of working families. We hope that this new information can be used by legislators to understand the impact cuts in these vital programs have on hard-working, low-income families, and particularly on children. We need to understand not only what the cost is for providing our citizens with these services, but also what cost our citizens face without crucial government and community supports."

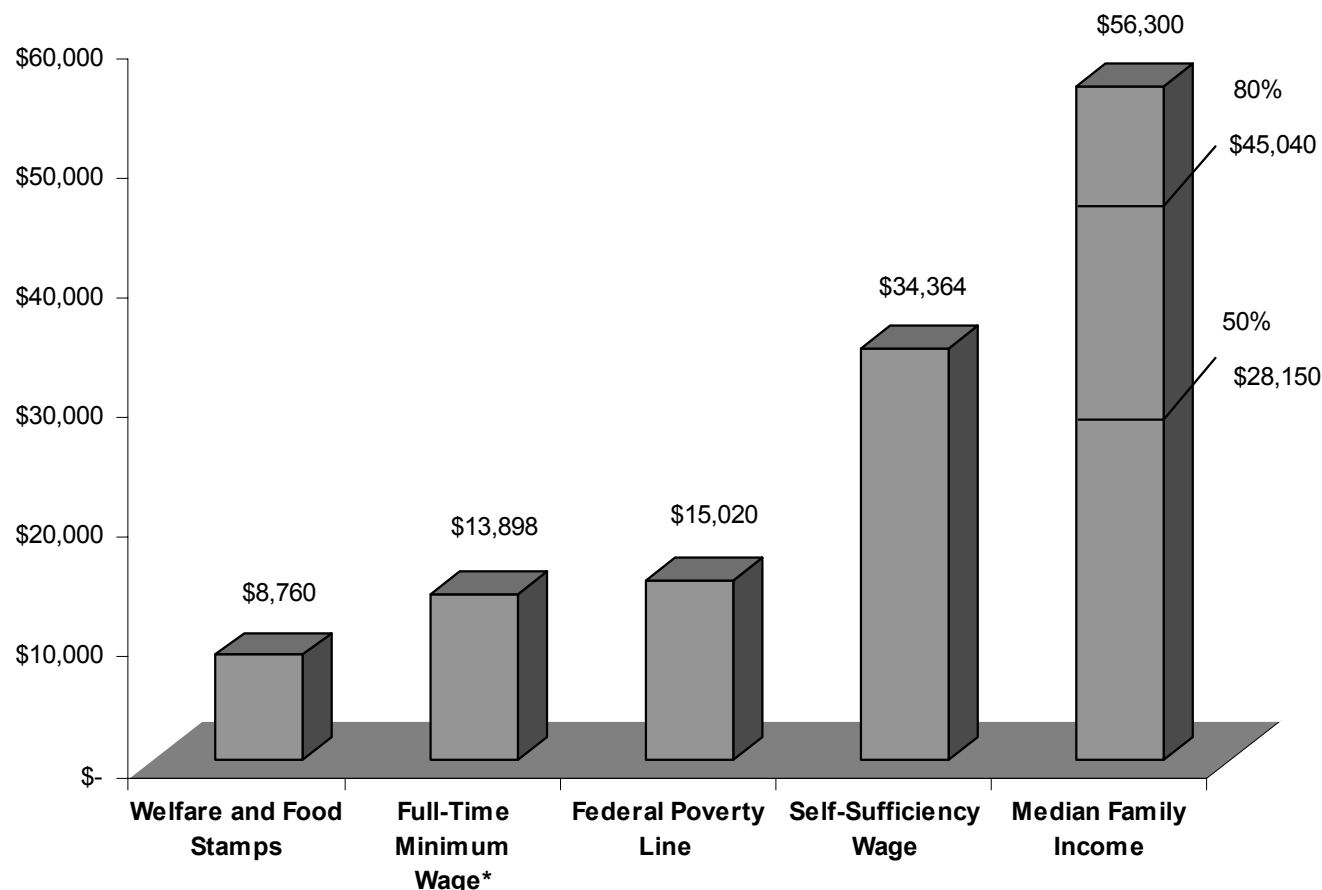
The Self-Sufficiency Standard is an effective tool for designing sound public policy, developing programs, counseling low-income families about education and training options, and providing realistic information about whether Nebraskans are truly able to make ends meet.

*The Family Economic Self-Sufficiency Standard for Nebraska* is part of a nationwide effort by WOW. "Today our Nebraska partners join activists, advocates, and policymakers in 29 other states and Washington, D.C. in taking a fundamental step toward ensuring that low-income families are getting on the path to self-sufficiency," Maureen Golga, Self-Sufficiency Project Organizer for WOW, said at the November 20 news conference when the report was released. "Most significantly, this report illustrates that no one group can bear the burden of moving families to economic independence. Government, business, advocates and families themselves all have a responsibility for and a role in reducing poverty in our country."

The full report, as well as other relevant research and information, may be seen at [www.neappleseed.org](http://www.neappleseed.org). Steven Virgil may be contacted at the Abrahams Legal Clinic in Omaha for more information.

## The Self-Sufficiency Standard Compared to Other Benchmarks, 2002

Based on the Self-Sufficiency Standard for a Family with One Adult, One Pre-Schooler and One School-Age Child in Lancaster County, Nebraska.



# Abolition Update

## Special Session A Baptism Under Fire

by Jeanne McClymont

State Coordinator, Nebraskans Against the Death Penalty

My first weeks on the job as the new NADP State Coordinator were a handful. I started work, with the help of out-going coordinator Christy Aggens, just days before the start of the Special Session of the Legislature.

Together, we quickly organized a “Rally for Abolition” on the west steps of the Capitol to present the NADP/CAN (Coalition for Abolition in Nebraska) petition calling for the maximum sentence of Life without Parole (LWOP). Coalition member Nebraskans for Peace was a co-sponsor of the rally and I had the pleasure of meeting several NFP activists at the rally, including NFP President Carol McShane, who was one of the featured speakers.

I registered as a lobbyist and visited many senators about alternatives to the death penalty with the help of NADP’s wonderful lobbyist, Ken Winston. I testified about LWOP before the judiciary committee and spent the rest of my time organizing the testimony of others for the hearings.

The Special Session was both a triumph and a disappointment for those fighting for abolition. LB 2, which attempted to change Nebraska’s manner of execution from the electric chair to lethal injection, thankfully did not pass. But LB 1, which sought to address the constitutionality issues raised by last summer’s ruling in *Ring vs. Arizona* requiring that juries—not judges—must make the critical findings that determine life or death, did. The bill that was adopted, however, has many problems with it, not the least of which was that it was passed in a session that may have been unconstitutional.

With all *that* behind us now though, I am excited to face the new year and start work on my goals for the future of NADP. In the coming legislative session, the Unicameral will likely again attempt to change Nebraska’s method of execution from the electric chair to lethal injection. Death penalty proponents are hoping to pre-empt any future court challenges on Nebraska’s death penalty on the basis that it is “unusual”. Nebraska is one of ten states still using the electric chair but the only state using it as its sole method of execution.

NADP is ready for this challenge.

There is compelling medical evidence that lethal injection is quite cruel. Medical experts have argued that the paralytic agent given to the condemned before they are administered the potassium chloride (which causes heart attacks) masks the intense pain and suffering of the condemned. Many medical personnel refuse to participate in the act of execution as it violates the Hippocratic Oath. Lethal injection only appears painless and humane, because the condemned are trapped inside their own paralyzed bodies as they suffer slow strangulation and eventually the heart attack that will kill them.

NADP, along with ACLU Nebraska, is considering convening a conference early in the new year to discuss the future of the death penalty in Nebraska. We are considering several nationally known experts in the field of abolition to invite as a keynote speaker and plan to hold seminars about a variety of death penalty related topics. Strategies for strengthening relationships with abolition-minded senators, and working out a coordinated strategy to propose legislation and see it through the legislative process, will be a key goal of the conference. We intend to invite all senators and their legislative aides to the conference. Activists and interested parties from NFP will be of course welcome and more information will be forthcoming as plans progress.

In the mean time, let me take this opportunity to introduce myself and tell you about my plans for the future of NADP. My name is Jeanne McClymont. I have a BA in Religious Studies from UNL, and my previous political experience includes working for Project Vote Smart/Young Voters Program in the role of Public Relations Manager and for the State Democratic Party in any capacity that they needed me. I have a history of volunteerism with NADP dating back to 1998. As the State Coordinator of NADP, I’m hoping to raise the profile of NADP in the legislature, in the media, in Lincoln and the state at large.

NADP faces many challenges and as state coordinator I have identified a number of goals on which to focus in the coming year:

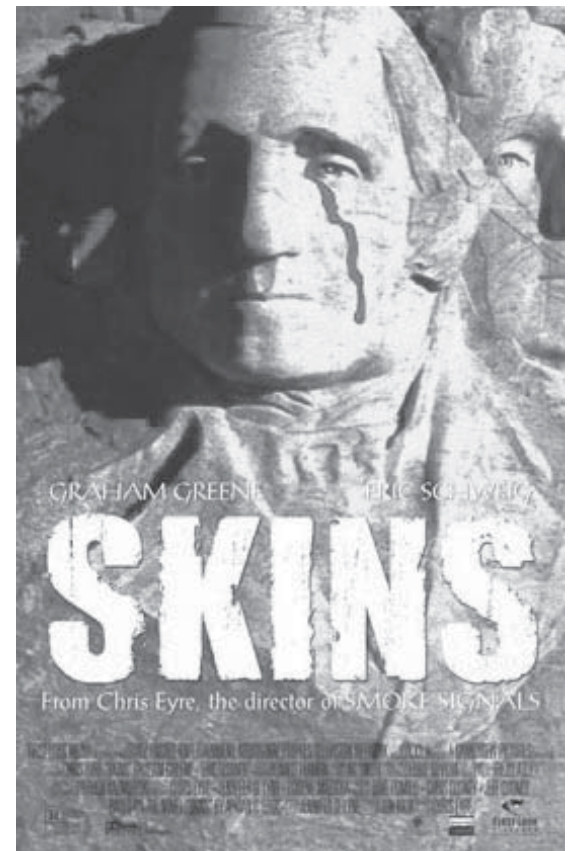
- 1) Continuing to take an active role in lobbying the senators as I did in the Special Session.
- 2) Researching the latest information related to all aspects of the death penalty and providing condensed versions of the information to the senators in hopes of continuing their education on this issue.
- 3) Promoting rallies and other media-worthy events to take our message of LWOP to the people. Studies around the country have consistently shown that when given the option of LWOP, support for the death penalty drops to around 60 percent, and in some cases even lower.
- 4) Sending new releases and giving interviews to any interested media outlets in the effort to spread the word about the alternatives to the death penalty.
- 5) Networking to establish NADP chapters on every college, university and high school campus in the state. It is key to work closely with chapter organizations on campuses that share our goal of abolition. This is a great source of volunteers with whose energy and help much can be accomplished.

conclusion on page 11



New NADP State Coordinator  
Jeanne McClymont

## Filmed in Whiteclay!



Opens January 10, 2003

Mary Riepma Ross Media Arts Center  
13th and R Streets in Lincoln

Call 402-472-5353 or visit the website  
[www.rossfilmtheater.org](http://www.rossfilmtheater.org)

Starring Graham Greene, Eric Schweig & Gary Farmer  
Produced by Jon Kilik Written by Jennifer D. Lyne  
(Based on the novel by Adrian C. Louis)  
Directed by Chris Eyre

In the shadow of Mt. Rushmore, one of America’s favorite tourist attractions, lies one of her poorest counties, The Pine Ridge Indian Reservation. For police officer Rudy Yellow Lodge, the painful legacy of Indian existence is brought home every night as he locks up drunk and disorderly Indians, which frequently includes his own alcoholic brother, Mogie.

Rudy has always looked up to Mogie, a former football star and Rudy’s childhood hero, but the brothers have undergone a role reversal, and now it’s Rudy who is the strong one, the survivor. And though Mogie would like to be able to care for his 17-year old son, Herbie, he’s regularly drunk and in trouble with the law, making him a persistent source of embarrassment to his younger brother. Rudy’s frustration with the alcoholism on the ‘rez’ leads him to take the law into his own hands, but his trail of vengeance ends tragically when he unwittingly injures Mogie.

Ironically, their relationship achieves redemption after Rudy’s tragic error in judgment, and the brothers begin the process of mending their fractured relationship. Ultimately, Rudy is able to honor his big brother, as well as his people, with one exhilarating and life-affirming act of defiance, revealing the redemptive power of the love between the two brothers.

# NFP Calls for Removal of Liquor Commissioners

Nebraskans for Peace and Winnebago Tribe member Frank LaMere publicly called for the resignations of Nebraska's Liquor Control Commission at a State Capitol news conference December 3. Nearly 50 people turned out to hear LaMere announce that Governor Mike Johanns had until March 1—Statehood Day—to take meaningful action on the situation at Whiteclay before the American Indian Movement (A.I.M.) convenes a national protest march in Lincoln and ushers in a “Year of Atonement” on the issue. A.I.M. has not had a formal presence in Nebraska since the Wounded Knee trials in Lincoln in 1975, and the organization's decision to return now on the 30<sup>th</sup> anniversary of the Wounded Knee occupation signifies that the Whiteclay issue has attained national prominence.

Sen. Ernie Chambers also lent his voice at the news conference and assured the audience that their efforts to shut down the alcohol trade in Whiteclay will succeed “one way or another.” If the kind of problems so much in evidence at Whiteclay were taking place in a white community in Nebraska, Chambers said, state government would have resolved the issue years ago, or the place would have been “burned down, bulldozed over and the earth salted” so that nothing like it would ever spring up there again. Printed below is the statement NFP delivered to the media and the “catalog” of the commission's record of “Negligence, Malfeasance & Resistance” provided to substantiate the demand.

For two solid years, dating back to December 2000, Nebraskans for Peace has used the mechanisms established under our democratic system of government to see that the laws of our state are upheld in Whiteclay.

Following the rules, working through the existing channels, we have exhausted every legal means known—and then some—to get the Nebraska Liquor Control Commission to stop the criminal activity there...

We have formally petitioned the commission with our concerns.

We have offered advice and volunteered our services.

We have brought the leadership of the Oglala Sioux Tribe to Lincoln to personally meet with the commissioners.

We have made the trips to Whiteclay and Pine Ridge—to do their job when they were remiss.

We have cajoled, badgered and begged them to exercise their authority, to take an active, assertive role in resolving this issue.

And when courtesy and cooperation led nowhere...

We publicly warned them that they faced the threat of legal action—likely lawsuits over their malfeasance and their double standard in administering state liquor law.

And when still they did nothing to solve this wretched situation...

We resorted to civil disobedience—drinking beer on the commission's own premises to see how they liked it when people deliberately and brazenly flouted the law.

And it turns out they didn't like it much. (Not that it changed their behavior any.)

For the past two years, we've done all this. We've put up with all this.

But we will not put up with it any longer.

They have gone too far.

When they resort to slander against innocent Nebraska citizens...

When Commissioner Bob Logsdon will stand up in a legislative hearing, speak out of order and publicly accuse a member of Nebraskans of Peace—who has been doing the commission's footwork for them—of paying Indian patrons to stage illegal activities so he can photograph them...

When the chair of the highest body in the state charged with upholding Nebraska's liquor laws will publicly spread lies about a citizen—and then, when challenged about this misconduct, adamantly refuse to retract his allegations, correct the record and apologize...

... Things have gone too far.

It's time this entire commission is removed from office.

All three members of this lazy, spineless and verbally abusive commission should be dismissed by the governor.

For over a year, we have suspected that they were lackeys for the alcohol industry—not protectors of the public trust.

Now we know, however, that to preserve their positions, the \$3.2 million alcohol trade in Whiteclay and the state's quarter of a million annual tax take, they are willing to slander and defame the very public they are statutorily directed to serve.

It is time for Governor Johanns to clean house at the commission. Can the whole lot.

And replace them with three people of integrity who have a commitment to public service.

The commission works for the governor. He appoints them. And unless he too wants to be publicly identified with such unprofessional, undemocratic and legally suspect behavior, Governor Johanns needs to fire all three of the current commissioners immediately...

Because they speak for him.



Liquor Commission Chair Bob Logsdon publicly repeated an unfounded allegation at an October 8 legislative hearing that NFP State Board Member Byron Peterson had paid an Indian patron to pose for a picture like this one, showing an open container on the premises of an off-sale dealer in Whiteclay.

## Catalog of the Nebraska Liquor Control Commission's Record of Negligence, Malfeasance & Resistance Regarding Whiteclay

(December 2000 to the present)

- 1) Despite two unsolved murders and protest marches that garnered national and international media, the commission only bothered to request increased law enforcement in Whiteclay after Nebraskans for Peace publicly badgered them into acting (January 2001)
- 2) Declined to go to Whiteclay to meet with representatives of the Oglala Sioux Tribal government to discuss the problem of alcohol sales there (May 2001)
- 3) Prior to the hearing on the fourth serious liquor violation by the Arrowhead Inn in just the past three years, the commission's chair publicly announced that the commissioners would “play it by the book” on Whiteclay and no license would be canceled unless a dealer had four serious violations **of one kind** (July 2001)
- 4) Permanently **'revoked'**—not just 'canceled'—the liquor license of Studio 14 in Lincoln, although the downtown nightclub **did not have** four violations **of one kind** (July 2001)
- 5) Acquitted the Arrowhead Inn of two counts of selling to an intoxicated person, even though the State Patrol had recorded blood alcohol levels twice the legal limit (September 2001)
- 6) Although previously informed that the State Patrol was not meeting—and could not meet—the commission's request to provide full-time law enforcement “during all the hours that alcohol is sold,” the commissioners went ahead and renewed all three of the existing licenses and even granted a new 'replacement' license in Whiteclay (January 2002)
- 7) By officially sending queries to the State Patrol about the 'adequacy' of law enforcement and to state health inspectors about the sanitary conditions in Whiteclay, the commission essentially conceded that it had failed to consider either of these factors (and to uphold the state liquor code) when granting and renewing licenses to Whiteclay dealers (April 2002)
- 8) After Nebraskans for Peace activists drank beer at a commission meeting and the Governor's Office, the commissioners finally made their first official visit to Whiteclay—but went at the end of the month when alcohol sales are at their lowest, never met with Oglala Sioux Tribal representatives and basically attempted to 'whitewash' Whiteclay's public image (May 2002)
- 9) Repeating the unfounded allegation of a Whiteclay merchant, the commission's chair publicly accused Nebraskans for Peace State Board member Byron Peterson at the legislature's Interim Study Hearing on Whiteclay of paying Indian patrons to commit alcohol violations so that they could be photographed (October 2002)
- 10) Not once in the past two regularly scheduled legislative sessions has the commission ever proposed or promoted legislation that would enable state government to more effectively enforce the law in Whiteclay (December 2000 to the present)

# Q & A's on Lesbians & Gays

## (Civil Rights Thereof, That Is)

**Q: Are gay rights an NFP issue? Why is NFP working on this?**

**A:** Yes, because anti-gay bias is rife in Nebraska, as was heartbreakingly proved by the 70-30 percent approval of Initiative 416 in 2000. Initiative 416 revealed the magnitude of bigotry facing GLBT Nebraskans, and galvanized us into action against it ever since.

**Q: So what are we doing?**

**A:** We are working in coalition with four Nebraska gay-rights organizations in a dialectical program which alternates **legislative work** with **public-education work**. We concentrate on trying to pass anti-discriminatory legislation during the legislative session, then switch to offering public educational programs ("roadshows") in the fall. We like this alternation—it feels right.



*D. Moritz  
GLBT Roadshow Facilitator*

**Q: What is NFP's role in this coalition?**

**A:** NFP has a statewide membership, whereas the gay-rights organizations are concentrated in Omaha and Lincoln. What that means is that when one needs to generate constituent contacts with a senator from greater Nebraska, it is NFP who has, for

example, 24 members in LD 24. When the gay-rights organizations are more fully muscled, NFP's support may not be needed. But we're an important ally now.

**Q: What legislation did we work on last session?**

**A:** We worked primarily on LB 19, which banned employment discrimination based on sexual orientation. Gay-rights groups first introduced the bill in 1993, and have re-introduced it virtually every year since then. There is at present no legal protection, national or state, against arbitrary firing because one is gay or perceived to be gay.

**Q: Did we succeed?**

**A:** We did not succeed in getting LB 19 passed, but we did get it advanced from the Judiciary Committee and onto the floor of the Unicameral (General File) for the first time. In the last week of the session the bill was filibustered to death by Sen. Mike Foley of Lincoln, in the name, he said, of his religious principles.

**Q: What legislation will we work for this session?**

**A:** LB 19 again, this time under a new bill-number, and a bill banning housing discrimination based on sexual orientation. Other bills are under development.

**Q: Where do the roadshows come in? Do they help us pass needed legislation?**

**A:** In one sense the roadshows are an end in themselves, because they enhance public understanding of what anti-gay bias is and the damage it does. In another sense, however, they are a means to the end of improving our grassroots lobbying for civil rights legislation.

**Q: What ARE our roadshows—what is their content?**

**A:** Our roadshows, named On the Road to Fairness: Nebraska's Journey from Anti-Gay Bias, are touring educational programs which teach what anti-gay bias is and why it should be dispelled. They are two-hour evening programs in which the first hour is instructional, the next 20 minutes a panel discussion, and the last 40 minutes questions and answers.

**Q: A whole hour of instruction sounds really long and boring.**

**A:** It's not though, because it is highly interactive. The charismatic facilitator, D. Moritz, is a retired Omaha school counselor

with many years of experience in presenting programs on gay-related topics. She explores what "Nebraska – the Good Life" means, then confronts the contradictions posed by anti-gay bias, bantering all the while, but also providing terminology in which the issue can be discussed, myths dispelled and understanding enhanced.

**Q: Why have a panel?**

**A:** Because they are irresistible. For many people it is almost a conversion experience to encounter real GLBT's talking about their struggles, or their families talking about the struggles of their gay members. Personally, I always remember the poignant statement of a panelist one time that her gay adolescent son said that he would rather God had given him cancer than made him gay.

**Q: Where did the roadshows go this fall?**

**A:** The roadshows toured Wayne, Hastings and Kearney, Nebraska.

**Q: Why do the roadshows tour greater Nebraska? Why don't we present in Omaha and Lincoln?**

**A:** Because the voting patterns on Initiative 416 showed that the non-metro communities in Nebraska were the seats of heavy anti-gay bias.

**Q: How do we attract an audience?**

**A:** By forming local hosting committees, sending in advance teams, and using local media.

**Q: How do we form hosting committees in targeted towns?**

**A:** We start either with NFP members or the grapevine—one way or the other we recruit a coordinator who in turn convenes a hosting committee. Sayre Andersen served this function in Wayne, Judy Sandeen in Hastings and Paula Rieder in Kearney. The hosting committee then meets with a couple of roadshow people who describe the project and ask for support. If agreeable, the hosting committee thus becomes a local sponsor of the roadshow. The hosting committee assembles a mailing list of local opinion-shapers—influential people who should receive individual invitations to attend. It also provides a list of local media contacts. The roadshow committee mails invitations to those on the mailing list and also sends news releases to the media outlets. All expenses are borne by the roadshow project.

**Q: What do advance teams do?**

**A:** Advance teams for the roadshow usually consist of two people who visit about

6-7 influential people in a targeted community (a series of 20-minute appointments in one day). The team describes the roadshow, gives a written invitation, and generally attempts to assure the person of the need for the program and its beneficial result. In the three communities we have toured, we have visited with editors of newspapers, news directors of TV stations, college presidents, bank presidents, presidents of local chambers of commerce and a few ministers. Many thanks to Sayre Andersen of Wayne, Jane Marsh and Sandra Block of Hastings, Rich Maciejewski of Shelton, and John Damon of Kearney for their assistance with advance work.

**Q: How many people attended the roadshows?**

**A:** In Wayne 62 people attended, in Hastings (an evening of freezing rain, sleet and snow) 35 people, and in Kearney 170 people, including the new UNK chancellor, Doug Kristensen.

**Q: How did they like us?**

**A:** It is hardly news that the topic of gay rights is a hot-button issue, but our audiences have been courteous and attentive. There are listeners who have a great deal of resistance—one attended in Hastings—and there are people who are strongly opposed to our message—about 20 came to Kearney in a bus from a Cozad church, though during the program they were not disruptive—but most people seem visibly to grow. Most people leave happy.

**Q: Do we leave any resource materials for people in these communities?**

**A:** Yes, we offer a wide variety of materials each time on a resource table at the rear of each roadshow auditorium. Strategically, leaflets with voting profiles of the local state senator on gay-related issues are available, along with more general bibliographies and brochures.

**Q: What happens next?**

**A:** Back to the legislative session. During this session we will contact many of the people who attended the roadshows when we need their help in support of our non-discrimination bills. Time will tell whether this schedule of alternating public education and grassroots lobbying is effective in producing lasting structural change in Nebraska law. But we're optimistic.

*Prepared by Virginia Walsh  
NFP State Board*



# The Bus Trip to Washington

## 5 Perspectives on the October 26 Anti-War Rally

*Forty-seven people made the bus trip from Nebraska to Washington, D.C. to represent NFP at the "Anti-War Rally" in the nation's capital October 26. Well over 100,000 people assembled on the Washington Mall for the largest anti-war protest since the Vietnam War. The busload from Nebraska though stood out in the crowd. Viewed as evidence that even "the heartland" opposed war on Iraq, the NFP contingent got cited in the Washington Post and New York Times articles on the rally, and pictured on CNN. As a memento of this historic event, we have asked five of the participants (all of whom are students) for their impressions of the experience.*

Standing in the midst of 150,000 or so people, I was searching. Not yet was I searching for a reason, an explanation as to why the humyn condition seems never to evolve out of what may be a primal violent aggression against itself. No, I was searching for my roommate. She was lost, and probably crying.

Before this I had of course, realized that there were a lot of people gathered in Washington, D.C. for the protest. Yet, it wasn't until I was frantically pushing through to crowd, with my Nebraskans for Peace sign held as high as possible—that I suddenly could not believe that this many people had come together for essentially the same purpose.

There was a war going on, that has been going on for countless years, and all that seems evident is that it is only going to become more tragic. Did our innate aggression stimulate our innate empathy for us as a collective? Here there are conflicts, reactions to conflicts and cycles of violence. I absolutely do not trust the politicians of this world to answer my questions. The heart of the problem is best described by the poets of the masses, and the masses themselves. The answers are universal, simple, and are brought forth through "us" as a collective.

Melissa Mosier  
Student, 20

I dislike President Bush and his policies on just about everything. It was extremely frustrating seeing everyone with power going along with all the decisions he was making without thinking. This aspect about the politics in this day and age really scared me. I am living in Nebraska, and being only a sophomore at the University, I felt as though I could do nothing to really voice my opinion. Being reared in a household with pretty liberal views, and then in a state that has traditionally conservative views, I was feeling very smothered. There were not a lot of outlets that I could go to where I felt comfortable to voice my discontent with this war and this administration. Although I have



found organizations and teachers on campus that have allowed me to express my opinions, I still needed something else. In learning about this rally, I knew that this was the event that I was looking for. To be able to go to Washington, D.C. and be in a large group of people with the same thoughts on this war that I had was just what I needed to firmly plant myself in protest against this war. Going to the rally has given me the strength to stand up for what I believe is right.

Amy Swoboda  
Student, 19

The anti-war rally in Washington D.C. was a memorable experience. When I saw the initial number of people in the park, I did not know what to expect. As the speeches proceeded, the emcee for the rally indicated that the people flocking to the protest were blocking traffic in the city and my feet left the ground. When she stated that there were 150,000 in attendance, I was in disbelief. Nonetheless, when I stepped onto Constitution Avenue and we began to march, I realized that it had to be true. There were people in front of me and behind me as far as I could see, and I was filled with an overwhelming sense of hope.

The most remarkable aspect of the march was the sense of camaraderie exhibited among the protestors. There was a singularity of purpose in each individual's heart and mind. I sang songs and shared my thoughts with a grandfather from Seattle and fellow students from Pennsylvania. That night I carried away a great love for my country and a new sense of responsibility. We are the true instruments of freedom and are now called, more than ever, to safeguard it.

Jonathan Jones  
Student, 20

Just recently, after a dedication ceremony of art based on the United Nations Declaration of Human Rights, an older woman told a friend and me that she was so happy "to see young kids involved in the peace movement." It has come to my attention that many older Vietnam War activists are worried that younger people are not stepping up against the endemic wars that come with each new generation. For many of them, seeing young people was like a sigh of relief, like finally seeing a bridge completed.

I look now at the Nebraskans for Peace University of Nebraska-Lincoln Chapter, which historically has only existed every once and while, but today is full of committed

students. This is really exciting for all of us. But I found myself asking the same question that my older activist friends were asking, "where is the bridge" between Vietnam-era activists and younger kids who are concerned about the world we have inherited? It was fitting then that as I stepped off the bus in Washington, D.C. with 50 fellow Nebraskans, many who were my age and younger, one of the first things I saw was the Vietnam Memorial. It was not an insignificant moment. What else could possibly contextualize my own passion against the war in Iraq better than a memorial with close to 60,000 names of men and women

who gave their lives in a war that history has largely rendered criminal?

Andy Witkowski  
Student, 24

Participation. The act is something that is very subjective, but in many ways directly effects those around us. How do we choose our level of participation? What is it we participate in? Within our democratic system the ideal is that all citizens participate in politics like all members of a team in a soccer game. But the reality is that not all people choose to participate in the political arena. This leaves the capacity for the gross neglect of many voices—minority, labor, elderly, student, even the majority. I've asked myself many times why and what is my participation? I once heard Native American activist Winona LaDuke speak at Nebraska Wesleyan University. During her lecture she discussed those "things" that demand of her a greater level of political participation and activism. As she so eloquently put it, "Don't wait for them to do it." Her words were well received, and it has been my goal for the last two years of my life to seek out and define those "things" with which I choose to engage monetarily, politically and spiritually.

My personal need for participation led me to a bus full of Nebraskans heading to Washington D.C. to protest a possible U.S.-led war on Iraq. The experience is one I will never forget. Coming from Lincoln, Nebraska, it was nothing new to be around 100,000 people armed with a sign and a song and sharing one unifying objective. But this was no Saturday game day; these were people of Peace. The electricity and raw emotion that permeated each individual in downtown D.C. was like none felt anywhere else. The participation was from youth, wisdom, diversity and democracy. Our energetic song was PEACE and COMMUNITY. The October day brought the beauty of an unimpaired blue sky and warming sun—I have been inspired again.

Brad Kindler  
Student, 20

# Letters to NFP...

# and an Obituary

How unfortunate that Kate Allen, a friend of the environment, was smeared on the last *Nebraska Report*. Allen's notes taken while she served the Nelson Administration were used against Nebraska by the prosecution on behalf of the Compact in a recent court decision. The author, Sally Herrin, who did not attend the hearing or interview Allen, could well have omitted the attack. The remaining information presented was cogent, relevant, and witty. Furthermore, the denial of the license that the court regarded as "bad faith" happened more than six years after Allen was fired. Ironically, Judge Kopf gave Allen benefit of the doubt where Herrin drew the most damning conclusion: he doubted that Allen used her records to punish the man who fired her. Instead, he merely stated his belief that her notes (from '91 and '92) corroborated Nelson's "intent" to keep the dump out of Nebraska.

The primary player throughout hundreds of meetings and consultations with experts was Randy Wood of the Department of Environmental Control. Wood's agency eventually denied the license in December of '98, six years after Allen's departure, based on site groundwater. That the Compact - who had, for example, promised the dump would not be sited without community consent - should accuse Nebraska of bad faith is outrageous. Nonetheless, the Nelson Administration took a beating in court. Kopf's Preliminary Injunction Opinion, which did not mention Allen, gave nine reasons why he already believed that Nebraska had erred. For the prosecution, Allen's information was an unexpected bonus. They made Allen choose between incriminating herself or possible prosecution for theft. She chose to testify, giving them the best of both worlds. They could portray their old adversary as a thief, but still use her testimony against Nebraska.

There is one person who benefited at Allen's expense in Herrin's article, former Governor Nelson. The judgment was based, not on Allen's testimony, but on Judge Kopf's belief that Nelson "made a promise and kept it." He cited in his summary two statements by Nelson himself, and drew an "inescapable conclusion." Allen's documents and testimony merely afforded "unusual insight into Nelson's actions" (p. 85). Nelson well might want credit for keeping the dump out of our state but not blame for the \$151 million fine. Herrin's emphasis on Allen redirected that blame.

Herrin ran with the pack of journalists who spotlighted Allen's "theft" of "significant" documents. Other questions occur to cooler heads: did Allen's former boss ever request their return? Moreover, had the documents been returned to the administration, wouldn't

they still have become evidence, the administration being obligated, just as Allen was, to turn them over?

Allen's notes reveal many extraordinary efforts required to keep Nebraska from becoming the Nevada of Low-Level nuclear waste. She was fighting on the side of the angels.

The judge's 194-page summary, cited above, is available online:

<http://www.cwwebmail.com/Wolfcreek.pdf>

*Frances Mendenhall*  
*NFP State Board*

I am writing in regards to Sally Herrin's column in the most recent *Nebraska Report*.

I must say I was amazed that someone who has not been involved on a day-to-day basis in the Boyd County fight could actually see so many of the flaws in Judge Kopf's ruling. From what I have heard and read, the evidence was predominantly in Nebraska's favor. The fact that the judge refused the State's request for a jury trial raises a great many concerns.

Ms. Herrin's observations about the groundwater are terrific. Even then she did not mention the seeps in the southwest corner of the site, nor the fact that a dugout further up the hill on neighboring property contains water even in dryer years. The judge referred to 500 feet of shale above the aquifer. The problem with his "expert" opinion is that the water which feeds the springs around the site comes from an aquifer above that shale. It's the upper aquifer that Boyd County uses.

And then lo and behold—the earthquake here in October! The Boyd County Local Monitoring Committee engaged the services of a geologist, Dr. George Shurr, who testified at the administrative hearing about the fractures in the "impermeable" shale. The earthquake corroborates what Dr. Shurr predicted.

Everyone needs to realize that the only information the Nebraska Departments of Environmental Quality and Health had to rely on in the early stages was information from US Ecology. The administrative hearings in Boyd County brought much more information to the table. People from this area and the experts retained by the Monitoring Committee finally got to show the fallacies in the application.

Judge Kopf's decision was made long before the trial, as Ms. Herrin so aptly points out. It was primarily the testimony of one witness that allowed the judge to rule as he did. I know Kate Allen. I like her. But it's important to point out the critical role she played in the judge's ruling that brought liability down on the heads of Nebraska taxpayers.

I have been involved in this process for almost 15 years, off and on as chairman of the Local Monitoring Committee, a position which I still hold today. I can tell the people of Nebraska this: at no time during Ben Nelson's tenure were politics involved in the technical review process. I could go on and on about this, but it would be a long discussion. Anyone who wishes to see the proof can review the Monitoring Committee's files.

Nebraskans must stand behind their state government's decision to deny the license. Not only is the health and safety of Boyd County to be protected, but all of Nebraska.

*Loren Sieh, Chair*  
*Boyd County Local Monitoring Committee*

Thank you to Ms. Herrin for stating the truth so skillfully in her most recent column, and thank you to the editor for printing it.

The truth is that US Ecology selected an unlicensable site which was correctly denied by the Nebraska Department of Environmental Quality. US Ecology managed to convince the Central Interstate Compact Commission that the site was licensable. The CICC, feeling important and acting foolish, bought in to the idea and threw millions of dollars at the project. They refused to accept any information from the local citizens. Worse yet, they treated Nebraska's Commissioner, UNL Professor Dr. Greg Hayden, with total disrespect, ignoring his documented reports on waste flow and economic feasibility. Suddenly the whole scheme fell apart leaving millions spent and compact commissioners from four other states looking very foolish for having spent money without just cause. How to save face? Sue Nebraska!

Judge Kopf has certainly stepped out on an awfully thin limb to help the large corporates regain their ill spent funds, even allowing the Compact Commission to recover the cost of the fine wines with their dinners. And he did it all by ignoring the reality of the site, choosing instead to rely on US Ecology's paid henchmen and his own "expertise."

As for Ben Nelson and his campaign "promise" that if he were elected the dump would "likely" not be built, well perhaps every politician in the United States should be in Kopf's court paying huge monetary judgments for their failure to deliver on their campaign "promises." All Ben Nelson ever did was demand an honest and open licensing process.

Citizens of Nebraska—it is not our fault or the fault of our licensing agencies, but rather the fault lies with US Ecology, the Compact, and behind them both, the biggest energy companies in the world who are very accustomed to getting their way.

*Dr. Charles Zidko, Co-Chairman*  
*Save Boyd County Association*

## Phillip Berrigan

*by Charles Flowerday*  
*Lincoln, Nebraska*

Ah sardines! as my father used to say euphemistically when confronted with bad news: Phillip Berrigan is dead. A Lion in Winter if there ever was one. A lamb forever sticking his head in the lion's mouth. Former Catholic priest turned anti-war and social-justice activist, he was best known for his passionate opposition to the Vietnam War and the arms race, leading a steady stream of actions of civil disobedience during that war and after. With other priests, nuns and religious activists, including brother Daniel, he helped lead protests against government, corporate and majority-culture participation in racism, greed, war mongering and nuclear brinkmanship.

He died in Baltimore Dec. 6, 2002, at 79, of cancer. Surrounded by family and friends, he breathed his last at Jonah House, a community committed to peace and justice he co-founded. Daniel, who officiated at his last rites, was a confidant and partner in dramatizing the lethality of the status quo.

Those of you who are second- or third-generation social activists really should read up on this remarkably prophetic soul and his Jonah House family and friends, which eventually included a friend of mine from Lincoln. In the early 1970s, I began urging this friend to read the Berrigans, as they were transforming my religious vision. From an activist family in Minnesota, Berrigan fought in World War II and became disgusted with war. After graduating from Holy Cross College in 1950, he became ordained as a Josephite priest in 1955. He then worked in an inner city parish in New Orleans and was soon involved in the civil rights struggle in the South, the first priest to be a Freedom Rider.

By 1966, he was serving a church in Baltimore, and in 1967, with three others, poured blood on draft files and awaited arrest. The next year, he, Daniel and six others were arrested for burning with homemade napalm draft files in Catonsville, Maryland. In 1973, he and friends founded Jonah House, and he married former nun Elizabeth McAlister, for which they were excommunicated. The group's focus shifted to a radical critique of and symbolic protests against U.S. nuclear policy. He estimated he had spent 11 years in jail for civil disobedience.

In 2001, he published the last of six books, an autobiography, *Fighting the Lamb's War*. He is also survived by his children, Frida, Jerome and Katherine, and three other brothers, John, James and Jerome.

# Nebraskans for Peace 2003 State Board Slate

Listed below is the proposed slate of nominees for the Nebraskans for Peace State Board of Directors. Any current paid member of NFP is eligible to cast a ballot for each of the board slots up for election this year. Write-in votes are naturally welcome, providing the persons whose names are being written in have given permission and are willing to serve a full two-year term. All ballots must be returned to the NFP State Office, 941 'O' Street, Suite 1026, Lincoln, NE 68508, no later than February 10, 2003.

## At-Large Seats (Vote for two)

\_\_\_\_ Jeanette Sulzman—Currently vice president of NFP, Jeanette taught for many years in Catholic parochial schools before working for in alcoholism and drug addiction treatment and prevention for two decades. She now teaches English as a Second Language classes to immigrants.

\_\_\_\_ (Write-in Candidate) \_\_\_\_\_

\_\_\_\_ Mark Vasina—Mark was a member of the original management team that founded the Open Harvest Food Co-op in Lincoln in 1975. Still interested in the politics of food, he is currently making a documentary about meatpacking workers at the Schuyler, Nebraska Excel plant.

\_\_\_\_ (Write-in Candidate) \_\_\_\_\_

## Congressional District 1 (Vote for two)

\_\_\_\_ Bob Epp—President of Nebraskans for Peace from 1993-97 and currently State Board treasurer, Bob is a retired Mennonite farmer from Henderson who annually travels to Latin America or the Caribbean as part of peacemaking delegations.

\_\_\_\_ (Write-in Candidate) \_\_\_\_\_

\_\_\_\_ Sue Ellen Wall—Sue Ellen is a former Executive Director of the Lincoln/Lancaster Commission on the Status of Women. An attorney in private practice, she has a special interest in the issues of Welfare Reform, women's civil rights and Gun Control.

\_\_\_\_ (Write-in Candidate) \_\_\_\_\_

## Congressional District 2 (Vote for two)

\_\_\_\_ Henry D'Souza—Henry is an Associate Professor on the faculty of the University of Nebraska-Omaha School of Social Work and has served on the State Board since in 1995. A native of India with a background in political organizing, his focus is economic justice and international issues.

\_\_\_\_ (Write-in Candidate) \_\_\_\_\_

\_\_\_\_ Deirdre Routt—An archivist by profession who was raised in Australia, Deirdre is seeking her third term on the State Board. She and her husband Kevin Graham are active members of OTOC, the Omaha community organization working with Hispanic meatpacking workers.

\_\_\_\_ (Write-in Candidate) \_\_\_\_\_

## Congressional District 3 (Vote for two)

\_\_\_\_ Rich Maciejewski—A Catholic priest from Shelton, Nebraska, Rich is a counselor with Vocational Rehabilitation Services in Grand Island. He was the State Board representative on the bus trip to Washington, D.C. for the October 26 Anti-War Rally.

\_\_\_\_ (Write-in Candidate) \_\_\_\_\_

\_\_\_\_ Del Roper—Del is a retired United Methodist Church minister from Grand Island who during his career served parishes in both Omaha and Greater Nebraska. Concerned about civil rights and environmental issues, he is seeking his second term on the State Board.

\_\_\_\_ (Write-in Candidate) \_\_\_\_\_

# Abolition, conclusion

- 6) Working more closely with religious communities who oppose the death penalty. This has the potential to expand our network for abolition in counties around Nebraska where the people may not know about NADP or even about the teachings of their religious communities regarding the death penalty.
- 7) Growing the budget of NADP through an active campaign of fundraising and grant proposal applications.

With a larger budget 1) We can bring in more experts to inform senators with facts, not opinions, about the death penalty, and 2) NADP representatives can attend national conferences to coordinate with other abolition organizations and learn from the successes and failures in other states. We will have more money to spend on billboards, TV and radio spots and ads in newspapers.

In my work as PR manager for Project Vote Smart, I developed relationships with several reporters and will continue to do so.

I have made some changes around the office and it is my goal to see it staffed by myself and/or volunteers during regular business hours. You are invited to drop by after the first of the year and say hello. I am always interested in hearing new ideas and discussing old ones, so please stop by at Suite 725 in the Terminal Building at 941 'O' Street (just three floors down from the NFP State Office).

I challenge each of you to stay the course for abolition. This is an exciting time with many of the issues surrounding the death penalty in Nebraska in the state of flux. I would like each of you who come to visit NADP to come with some ideas to brainstorm and to work with NADP in 2003! When we abolish the death penalty in the state of Nebraska, it will be through the inspired and creative work of people like you.



**CARLTON B. PAINE, Ph.D.**  
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## 2003 Annual Peace Conference

**Dr. Helen  
Caldicott**

**“The New Nuclear  
Danger”**

**Saturday Feb. 15  
9 a.m. - 4 p.m.  
Nebraska Wesleyan  
University in Lincoln**



Registration information will be available mid-January

## BULLETIN BOARD

Office Hours for the Nebraskans for Peace State Office in Lincoln, at 941 'O' Street, Suite 1026, are 10:00 a.m. to 2:00 p.m., weekdays, except holidays.

January 8	2003 Legislative Session Begins
January 18	March against war in Iraq in remembrance of MLK Jr. 12:30 p.m. Nebraska State Capitol. Activities to follow, contact the NFP State Office for more information and to get involved.
January 20	Martin Luther King, Jr. Holiday
February	African American History Month
February 15	Annual Peace Conference in Lincoln with Dr. Helen Caldicott, sponsored by NFP and the UNO School of Social Work.
March 1	American Indian Movement (AIM) national protest in Lincoln over Whiteclay on Nebraska Statehood Day.

To list an event in the CALENDAR, submit in writing by the tenth of the month preceding the event. Mail to Nebraskans for Peace — Calendar, 941 "O" Street, Suite 1026, Lincoln, NE 68508. E-mail: [nfpstate@aol.com](mailto:nfpstate@aol.com). Announcements published on a space available basis.

# The Dirty Lowdown on Invading Iraq

Money has reckoned the soul of America, the poet Allen Ginsberg once said. But I think it's pushing people around we're addicted to. Money is just one way of keeping score. Wars are another.

I was thinking about this and other paradoxes the other night while musing on the recent announcement by our president Little Lord Fauntleroy (aka the Bushies and their friends in energy trading and raiding) that we would use our weapons of mass destruction, those troublesome nukes we've all heard so much about, against Iraq if they used theirs against us or our allies. I was working with a conceit that says that it's not like the Emperor has no clothes. He's actually being "dressed up" (handled, prompted, scripted, spun) to look fairly presidential. He hardly ever sounds like the village idiot anymore. But while we hope he's not as lost as during his "nomadic" years, he's still a child! A prepubescent with lots of very expensive, very destructive toys!

There is an unmistakable aura of childlike fantasy about this whole escapade: The fantasy that Hussein is continuous with and the next step after assaulting

Al-Qaeda. The fantasy that we've taken care of Al-Qaeda. The fantasy that a war on terrorism has a beginning, middle and, most importantly, an end. The fantasy that if we start it, we can end it.

The fantasy that we'll pull out of the recession soon and in pretty good shape. The fantasy that war, even a quick one, and nation-building in two countries, won't torpedo whatever sickly recovery we have going. The fantasy that the vast majority of this country and most foreign nations are behind this love child of Big Oil and High-Tech War-Making.

But wait, there's more: The fantasy that our military is behind it. The fantasy that it's a just war when the mainstream denominations making up the National Council of Churches have all come out against it before it even starts, when it took them 10-12 years of the nation's young all festooned in body bags to speak as one against Vietnam.

The fantasy that we can wage "containable" wars because we have for the last three (counting pitiful Grenada and Panama), when the obvious lesson from the last century and the one before that is that when a few nation-states go at it, many more become involved. The fantasy that national security is enhanced by even threatening to use nuclear weapons when all manner of

tinpot nations and geopolitical detritus have them or soon will—Iraq, Pakistan, North Korea, not to mention war lords, criminals and terrorists. The fantasy that Armageddon and nuclear winter are fantasies.

It's like peanuts. You can't stop.

Oh, just one more: No. 1 on our Top 100 Reasons Not to Invade Iraq—the fantasy that we do not have weapons of mass destruction (surely more than anyone else on the planet) and have never used them before or threatened others with their use.

And, and in case you've been in Tierra del Fuego for two years, to connect this humble little homily to its humble beginnings: It's about OIL (stupid!) (and pushing people around). It really doesn't matter that a conservative federal judge denied the General Accounting Office—Congress' main investigatory body—access to records of Dick "The Bald Shadow" Cheney's meetings with government wannabes and industry officials on the new energy policy before his administration took office. We don't need the records the GAO was denied. We know that the Bushies and cronies are fixated on Mother Oil. And, not only that, but it's about oil when we have ample number of very promising alternative and renewable sources of energy. If you study it closely, it's becoming an embarrassment of riches. In 20 years

defenders of fossil fuels will look like enemies of the state and child abusers.

We, meaning the anti-war crowd and any who will listen, don't have to think up more or slicker arguments against this war. That's the problem. This war is so ugly and so transparent in its Greater of Two Evils logic (forced inspections vs. pre-emptive strike) that the main issue is that the lies are too big—the kind that are hardest to fight, at first anyway—and there are too many of them.

But on the eve of this dance with dismemberment and death, who'd a thunk we'd see this kind of opposition six months ago? Nothing to do but hit the public venues harder with the dirty lowdown: these guys aren't very smart, but they are callous, greedy and for sale. Yes, it's the same old same old, but it's our fantasy to think it's gone away because we're bored with it.

And finally (after this I'm done—I mean it): as long as we're taking stock in that mirror of the future, let's imagine a land, a world even, where any world leader who even threatens to use nuclear weapons anytime, anywhere, has committed a crime, an impeachable offense in a world court. Anytime, anywhere.

While we're at it, let's imagine a 2004 election in which the liberal rallying cry is:

It's the economy (stupid!) and the stupidity, stupid!

**From the Bottom by Sally Herrin**

**The real political spectrum isn't right to left... it's top to bottom.**

