Mike Moore, former editor of The Bulletin of the Atomic Scientists and author of Twilight War: The Folly of U.S. Space Domination (2008), will speak in Omaha October 7-8. (See the schedule on page 3 for times and locations). Moore’s visit will coincide with the “Strategic Space and Defense 2008” conference, annually held in support of StratCom’s mission of militarizing space. The following article by Moore, which appeared in the March 6, 2008 Washington Times under the title “An Arms Treaty Nears Orbit,” conveys just how dangerous our current course of action is.

For more than 25 years, the United Nations General Assembly has been on record, nearly unanimously, favoring a ban on all space-related weapons. The United States has opposed such a treaty.

Last October, for example, former New York Gov. George Pataki, a U.S. public delegate to the world body, explained America’s position. Though the United States is fully committed to the “peaceful uses of space,” he said, it believes “discussions regarding the merits of treaties to prevent the so-called ‘weaponization’ of outer space would be a pointless exercise.”

Every presidential administration since the early 1980s has taken a similar position. And yet, while asserting there is no need for a treaty, the United States has been actively developing both the doctrine and hardware needed to “control” space in a time of conflict and—possibly—to place weapons into orbit.

Canadian Corporation Seeks Uranium Mining Expansion in Nebraska
2009 Cat Lovers Against the Bomb Wall Calendars
Mike Johanns, Global Warming Skeptic
What’s HOT in Global Warming

Mike Moore

Peter B. Teets, then Air Force undersecretary and director of the National Reconnaissance Office, which operates intelligence-gathering satellites, presented the classic rationale for such a policy in 2002: The U.S. military needs space for “collection of all kinds of intelligence, precision navigation and… for weapons delivery, communication and transmission of information to users worldwide.”

“If we do not pursue control of space,” Mr. Teets added, “then someone else will. If we do not exploit space to the fullest advantage across every conceivable mode of war fighting, then someone else will—and we allow this at our own peril.”

He had things backward. Others may pursue space weapons not because the United States fails to do so—but because the United States insists on doing so.

Consider China. Just a year ago, on Jan. 11, 2007, China destroyed an obsolete Chinese weather satellite orbiting some 500 miles above Earth, creating a debris cloud that will circle the globe for decades and threaten other satellites in similar orbits. It was the first space weapons test since 1985, when a U.S. “kinetic-kill vehicle” was used to destroy an old U.S. scientific satellite, Solwind. The United States, of course, recently matched the Chinese accomplishment, destroying a crippled U.S. spy satellite.

The Chinese test drew protests from a host of other nations, including the United States, which owns more than half of the world’s 800-plus scientific, commercial, and military-oriented satellites.

The test was seen by some as the beginning of a new arms race, this time in space. More likely, the Chinese were telling us that if we don’t sit down at the negotiating table in Geneva, they will challenge us in space. For many years, the Chinese have taken the lead in reminding the world that the 1967 Outer Space Treaty only bans space-based nuclear weapons and other weapons of mass destruction. The Chinese, along with most other nations, say it’s time to prohibit all space weapons.

The Chinese government may be corrupt and repressive but it is not collectively stupid. China learned a live-or-die lesson from the collapse of the Soviet Union: In a direct arms competition with the United States, the United States wins.

The Soviet Union sought to create an alternate universe, a socialist paradise with Muscovite characteristics. It failed. In contrast, China has chosen, cautiously, to join the global community, and it expects the payback for that will be at least a modest degree of national prosperity.

China has no real interest in a Cold War-style military competition with the United States; it would distract them from their main business, the Wal-Marting of America. China wants a new space treaty—not a costly High Noon-in-space showdown.

While Americans have reasons to be concerned about China’s military ambitions, we should take comfort in the fact that China—along with virtually every other space-faring nation in the world—supports the proposed “Prevention of an Arms Race in Outer Space” (PAROS) Treaty.

Ours is a law-abiding nation that seeks to influence the world by example. We should heed China’s warning and seize the opportunity to lead the fight for this long-overdue international agreement. Verifying and enforcing such a treaty would be hugely difficult but would be much more productive than a new-age arms race.
Nebraska Report
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KEEP SPACE FOR PEACE WEEK

by Mary Beth Sullivan,
Global Network Against Weapons & Nuclear Power in Space

Back in 1999, the U.N. General Assembly declared October 4-10 “World Space Week” to increase awareness of the “benefits of the peaceful uses of space sciences and technology for sustainable development.” Soon thereafter, the Global Network Against Weapons & Nuclear Power in Space also began to organize events in early October, which it called “Keep Space for Peace Week.” While some have organized activities such as star parties and rocket-modeling competitions for World Space Week, Global Network (GN) members have held vigils, forums, demonstrations and video viewings to bear witness to the ways in which space has become militarized.

In the first Gulf War, the U.S. initiated the use of space satellites to direct guided missiles to their targets. Since then, the U.S. military has grown increasingly dependent on satellite-directed military operations, and continues to research putting weapons in space. As the U.S. militarizes space, other nations are compelled to do the same.

The Pentagon’s 1998 Space Command publication, “Vision for 2020,” documents the plans for U.S. spaced-based weapons and sophisticated satellite-directed systems to implement “full spectrum dominance;” to “capture and maintain the high ground;” to dominate any battlefield in order to “protect U.S. interests and investments;” and to “deny” other nations the use of space.

Recently, we witnessed the signing of agreements between the U.S. and the Czech Republic and Poland to put Star Wars “Missile Defense” facilities in those countries—one for deployment of radar bases; the other for “interceptor” missiles. In both countries, a majority of the citizens opposed these deployments. The ink on the signatures was barely dry when reports emerged that nearly $4 billion in contracts would be awarded to aerospace corporations to deploy these systems over the next few years. Cost overruns on space projects are so common that none can say what the actual costs will be. Since its inception, the U.S. has spent at least $150 billion on Star Wars systems research and development.

Meanwhile, few believe the Bush/Cheney Administration’s expressed intent for these systems: to protect Europe from a nuclear missile attack from Iran. Credible scientists and political analysts have disputed this pretext, identifying these U.S. systems as offensive in nature and intended to threaten Russia. Thus, while the U.S. operationalizes its plans for “full spectrum dominance” of the planet, Global Network members ask: Whose ‘interests and investments’ will these deployments actually be protecting?

Since 1967, the U.N. Outer Space Treaty has provided the structure for international space law. Now, with the increased militarization of space, there is a need for an updated Treaty to “Prevent an Arms Race in Outer Space” (PAROS). During ‘Keep Space for Peace Week,’ we need to unequivocally demand, as citizens of the world, that the heavens be preserved for peaceful purposes.

In the U.S., the wake-up call of global warming makes clear that real ‘homeland security’ can only be addressed by building an alternative energy infrastructure, with decreased dependence on fossil fuels. The whole world will benefit when the U.S. understands its collective resources need to be refocused away from Star Wars and military domination, and put toward developing the technology to tap the energies of the sun, wind, tides and earth.

KEEP SPACE FOR PEACE WEEK

‘Keep Space for Peace Week’ Schedule of Events

**Tuesday, October 7**
7:30 – 8:30 a.m. Protest at the “Strategic Space and Defense 2008” conference, Qwest Center in downtown Omaha
3:30 – 5:00 p.m. Mike Moore, former editor of The Bulletin of the Atomic Scientists and author of Twilight War: The Folly of U.S. Space Dominance, on America’s coming war with its own values speaks at Creighton University, Room 105 in the Skutt Center; free and open to the public
4:00 – 5:30 p.m. Protest at the “Strategic Space and Defense 2008” conference
7:00 – 8:30 p.m. Mike Moore speaks at Dana College in Blair, in the Durham Classroom Center Forum; free and open to the public (Ice Cream Social following)

**Wednesday, October 8**
3:30 – 5:00 p.m. Protest at the Strategic Space and Defense 2008 conference
7:00 – 8:30 p.m. Mike Moore speaks at the University of Nebraska-Omaha, Dodge Room in the Milo Bail Student Center; free and open to the public

Mike Moore’s book will be for sale at each of his public addresses with a book-signing.

International Week of Protest to Stop the Militarization of Space

Since the Korean War, the Korean Peninsula has experienced continuous military confrontation and the possibility of all-out war. The aggressive nature of the South Korea-U.S. alliance has heighten during the Bush/Cheney Administration. U.S. and South Korean authorities are planning a new military alliance against North Korea, as well as expanding operations ‘out of area,’ beyond the Peninsula. Participation in “Missile Defense” (MD), a StratCom mission, will destroy peace on the Korean Peninsula and cause a new Cold War in Northeast Asia. China is the real target of U.S. Missile Defense. Deployment of the MD system must be prevented to preserve peace on the Peninsula and in Northeast Asia. Until U.S. forces are completely and permanently withdrawn, it will be impossible to establish peace on the Korean Peninsula.

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Senate Candidate Questionnaires

Last summer, the Nebraskans for Peace Political Action Committee sent out questionnaires to the Republican, Democratic and Green Party candidates seeking Chuck Hagel’s U.S. Senate seat. Of the three candidates, only Steve Larrick of the Green Party returned a survey.

NFPPAC has declined to make an endorsement in this important senate race, but is reprinting Larrick’s responses because they constitute a kind of benchmark for what the Peace & Justice community would hope to see in its federal representatives.

As a 501(c)(4) organization, Nebraskans for Peace is legally permitted to “provide candidate-related information to...members, endorse specific candidates, urge the election or defeat of a particular candidate, and encourage contributions to a candidate.” NFPPAC has historically deferred candidate endorsements to NFPPAC, opting to focus only on education. In 2008, the compelling Peace & Justice issues are (1) the wars in Iraq, Afghanistan and on the Pakistan border—including the economic cost; (2) the threat of conflict with Iran and Russia; (3) StratCom’s hair-trigger capacity to start nuclear or conventional war and ignite a space arms race; and (4) the growing danger of global warming.

Describe your position regarding a future American military presence in Iraq.
Steve Larrick: Most Iraqis have wanted the U.S. military out of Iraq for a long time. I will work to respect Iraqi sovereignty by withdrawing all American combat troops and private military contractors as soon as safely possible. The goal would be to return Iraq to the Iraqis within six months. In the longer term, we have a responsibility to help reconstruct Iraq if we are invited to help in that process. Hopefully, we will be able to provide peaceful redevelopment aid in cooperation with the United Nations, the Arab League, non-governmental organizations, and whoever else the Iraqis invite to help.

Under the White House’s “Doctrine of Preemption” and the Pentagon’s CONPLAN 8022, U.S. Strategic Command is now authorized to offensively attack any place on the face of the earth within one hour (using either conventional or nuclear weapons) simply on the perception of a threat to America’s national security. In your view, does this new executive branch policy challenge Congress’ authority under the Constitution and the “War Powers Act” to decide matters of this nature?
Steve Larrick: Fortunately, CONPLAN 8022 has apparently been rescinded since this questionnaire was sent out. It was an unconstitutional threat to Congressional authority under the Constitution and the “War Powers Act.” Dismantling CONPLAN 8022 is a good first step towards dismantling the “Doctrine of Preemption.” This monumental disaster the Bush/Cheney Administration initiated in Iraq should be a strong lesson that war is not to be jumped into on a whim. The U.S. invasion of Iraq was initiated based on a series of false premises that has cost countless lives and resources and has caused a great deal of unnecessary suffering and destruction.

Do you believe the case for the human role in global warming has been scientifically established, or is it your view that more research is needed before the U.S. commits itself to an international agreement requiring the reduction of greenhouse gas emissions?
Steve Larrick: Scientific evidence from the International Panel on Climate Change, representing 2,000 top scientists from around the world, has made a strong case that human actions are contributing to global warming. At the University of Nebraska-Lincoln, researchers have been collecting polar ice core samples for many years that contribute to this finding. The longer we wait to reduce global warming gases, the more damage will be done and the more costly and difficult remedial actions will be in the future. We need to move quickly to redirect our economy away from burning carbon-based fossil fuels. We need a massive commitment to developing the fullest potential of clean, renewable energy sources such as wind, solar, geothermal and biofuels. Energy conservation should be the highest priority, especially to reduce high energy costs for the poor.
Mike Johanns, Global Warming Skeptic

by Tim Rinne

Just when we’re looking for the political leadership to confront the human role in climate change, U.S. Senate candidate Mike Johanns decides to side with the global warming skeptics.

On page 8 of his campaign document, “Here’s Where I Stand,” Johanns states, “While we know that the earth has experienced a period of warmer temperatures, we do not yet have a scientific explanation upon which scientists agree.” And in a July 1, 2008 interview on NPR NET, he said, “We certainly understand today that there has been some changes in our climate. We’re seein’ some warmer temperatures, that sort of thing. There is just a very, very significant debate about what role man plays in that.”

As evidence for his contrarian view, Johanns cites a February 2008 article published by the “Heartland Institute,” disputing the conclusion by the United Nations Intergovernmental Panel on Climate Change that global warming is very likely caused by human activities. The Heartland Institute, though (which bills itself as the “marketing arm of the free-market movement”) hardly qualifies as an objective scientific source. A March 4, 2008 article in New York Times described the institute as “a Chicago group whose anti-regulatory philosophy has long been embraced by, and financially supported by, various industries and conservative donors.” ExxonMobil, for instance, has provided $676,500 in funding to the institute since 1998, and the institute’s board of directors has included executives from ExxonMobil, Amoco and General Motors.

In publicly siding with the skeptics on global warming, however, Senate candidate Johanns has not only chosen to go against the international scientific consensus on climate change—he’s snubbing the research produced by his own Department of Agriculture during his tenure as Ag Secretary.

Johanns’ USDA served as the lead agency for the September 2007 report, “The U.S. Climate Change Science Program Synthesis and Assessment Product 4.3.” The report’s blunt assertion that “robust scientific evidence showing that human-induced climate change is occurring” stands in stark contrast to the Heartland Institute’s claims—and Johanns’ position as a candidate. And while, as a politician, the former governor and Ag Secretary is free to pursue whatever political agenda he chooses, he is not entitled to confuse politics with science.

“Climate change,” he asserts in his campaign document, “has been made into a political football.” And yet Johanns has been the first one in the campaign to play ‘smash mouth’ with the issue on the political gridiron. Claiming that his “opponent in this Senate race has it all wrong,” Johanns chastised Democrat Scott Kleeb for supporting a climate change bill that, he charged, would have “hammered consumers” by raising the gas tax on a gallon of gasoline. “You’ve got the potential here to literally bring consumers to their knees; I mean, could you imagine adding a buck fifty to the price of a gallon of gasoline which is what Scott Kleeb supports by supporting this bill.” Propo-

As of October 2008, the Iraq War has cost Nebraskans

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October 2008 Nebraskans Report, p.5
What’s HOT in Global Warming?

by Professor Bruce E. Johansen

Limbaugh Feasts on Ignorance

Rush Limbaugh is losing no sleep over the fate of the polar bears. The notoriously rich and obnoxiously famous radio commentator draws a weekly audience of about 14 million. With customarily self-pitying hyperbole, he inflates the audience to 20 million, permitting the “confiscatory” (his word) advertising rates that earn him a $40 million annual salary.

Limbaugh regularly lambastes human-caused global warming as a ruse and a hoax perpetuated by government scientists aiming to fatten themselves at the public trough. In his own life, however, Limbaugh is scarcely one for skimping. Though he lives alone (he does have a cat), he is described in the July 6, 2008 New York Times Sunday Magazine as owning a beach-front estate at Palm Beach, Florida that includes five homes (the largest, with 24,000 square feet, is his principal residence). And he regularly flies in style on a $54 million Gulfstream G550. Anyone who might complain about Al Gore’s carbon footprint can rest assured that Limbaugh makes Gore look like a hobo.

In a sane society, Rush Limbaugh’s lifestyle would be illegal. In ours, saying such a thing might get me labeled a Commie—and no doubt would, if Limbaugh ever read the Nebraska Report.

I am not holding my breath. Limbaugh, who lost his hearing several years ago, is deaf (in more ways than one).

Drought and Deluge

In the meantime, as Limbaugh relishes his riches, the steady drumbeat of global-warming bulletins continues in the rest of the world. Distortions of the hydrological cycle became more obvious. During June 2008, large parts of California suffered its worst drought on record (since 1895), provoking a record number of wildfires. At the same time, flooding rains repeatedly doused large parts of the Midwest, including Indiana and Iowa, both of which spent part of June one-third under water. And Florida and the Gulf Coast have been repeatedly battered by a one-two-three punch of Fay, Gustav and Ike.

As daily news reports homered home extremes of deluge and drought, a scientific report put the reports into context. The frequency of torrential rainstorms in the Midwest has jumped 20 percent since the late 1960s, according to Amanda Staudt, a climate scientist with the National Wildlife Federation. “Global warming is making tragedies like these more frequent and more intense,” Staudt said. “As climate continues to warm and we have even more moisture in the air, the trend toward increasingly intense weather events will continue. These are not random events,” she said. “We are getting a systematic pattern of floods larger and more frequent than estimated by those calculations.”

Another 500-year flood? Didn’t we have one of those in Iowa 15 years ago, in 1993? Maybe Limbaugh will get the point when his beach slips into the sea following a direct hit by a tropical storm or hurricane goosed by warming sea water. Or not. A guy like him is perfectly capable of ignoring the obvious right down to the last ice cube.

Speaking at the annual meeting of the American Geophysical Union in San Francisco during December 2007, Richard Alley, of Pennsylvania State University/State College surveyed the major—and accelerating—effects that a relatively small amount of warming (compared to what is anticipated for the rest of the century) is having on the melting of ice in the Arctic and Antarctic. “If a very small warming makes such a difference,” asked Alley, “it raises the question of what happens when more warming occurs.”

At the same meeting, Josefino Comiso of NASA’s Goddard Space Flight Center in Greenbelt, Maryland, said that “the tipping point for perennial sea ice has likely already been reached.”

Oilman Pickens Gets the Drift

Someone who is richer than Limbaugh has his ear to the ground. I’m not talking hear about Warren Buffett, although I could be. He has become an advocate of wind power. Instead, my stalking horse for environmental awareness is Texas billionaire T. Boone Pickens, who made his fortune in oil. This past summer, Pickens undertook a massive campaign in favor of alternative energy, most notably wind power, to break the United States’ dependency on petroleum. Pickens, 80, told a press conference in New York July 8, 2008: “I’ve been an oil man all my life, but this is one emergency we can’t drill our way out of. But if we create a new renewable energy network, we can break our addiction to foreign oil.”

In 1970, said Pickens, the United States imported 24 percent of its oil. In 2008, that figure was 70 percent and growing. At $135 a barrel, the United States will spend $700 billion on oil exports in one year, more than four times the annual cost of the Iraq War.

The United States, with 4 percent of the world’s population, consumes 25 percent of its oil production. Pickens started a media campaign advancing his plan to cut U.S. oil consumption one-third in 10 years. Much of the plan calls for massive development of wind energy. Pickens himself already has invested heavily in wind. He knows the future when he sees it, while Limbaugh feasts on (and encourages) ignorance.

Bikes on New York City’s Mean Streets

And there’s more. Turn off the radio, put Rush Limbaugh in the Fossil Fuel Museum and consider New York City, where bicycles are getting a boost on what used to be some of the meanest urban streets in the country. Limbaugh should invest in a bicycle. He might learn something, and lose a few pounds at the same time.

In 2008, New York City opened protected bicycle lanes in a few parts of the city to make commutes less treacherous, after an average of 23 riders died annually in collisions with cars and trucks for seven years. Despite the risky nature of riding, bicycle use in New York City has increased 75 percent since 2000, to about 130,000 commuters a day. “We’ve run out of room for driving in the city. We have to make it easier for people to get around by bikes,” said Janette Sadik-Khan, the city’s transportation commissioner, who rides a bike to work herself. Manhattan-based Vogue magazine called bicycles “the hottest accessory” and said that “two wheels and a wicker basket [has] become the perfect complement to the smart urban girl’s spring style.”

The city installed covered bike racks that look much like bus shelters, distributed free helmets and expanded a 400-mile network of bike lanes. Chicago also has created hundreds of miles of bike lanes, created a station with valet parking, showers and indoor racks, and has established penalties of as much as $300 for motorists who endanger cyclists. Both cities are emulating Paris, which by 2008 had a bicycle-sharing program with 200,000 bikes.

Bruce E. Johansen is the Frederick W. Kayser Professor of Communication at the University of Nebraska-Omaha and author of The Global Warming Combat Manual (Greenwood Press, 2008).

OCTOBER 2008 NEBRASKA REPORT, P.6
Not Content with Just One Nebraska Uranium Mine...

Canadian Corporation Seeks License to Expand

by Lynn Moorer
Environmental Attorney

At a prehearing conference July 23 in Chadron before a three-judge panel of the Atomic Safety and Licensing Board of the U.S. Nuclear Regulatory Commission, attorneys argued two key questions:

• Does it matter when a company that seeks a permit from the United States government to mine uranium in Nebraska is controlled by a foreign-owned corporation?

• Is it relevant that this foreign-controlled corporation deliberately failed to disclose its foreign ownership in its permit application to the NRC?

Attorneys for Crow Butte Resources, Inc. (CBR) and the NRC argued the answer to both questions is no. In contrast, attorneys for the Western Nebraska Resources Council, Owe Aku/Bring Back the Way, and Debra White Plume argued that the answer unquestionably is yes.

CBR applied in May 2007 to expand its 2,840-acre in-situ leach mining operation near Crawford by adding a satellite facility—the “North Trend Expansion Project”—four and one-half miles northwest of its existing facility. In-situ leaching mining involves injecting a leach solution of chemicals into groundwater wells to extract uranium for ultimate precipitation, drying and packaging into solid yellowcake uranium.

At the prehearing conference, the panel of judges heard arguments regarding issues the panel must decide before CBR’s licensing hearing is scheduled. WNRC (a group protecting Western Nebraska natural resources), Owe Aku (an organization preserving and revitalizing the Lakota way of life), and White Plume (who lives downwind of CBR’s proposed expansion site) participated in the proceedings as intervenors.

Oglala Sioux Tribe Participation

The Oglala Sioux Tribe requested permission July 23 to participate in Crow Butte Resources’ uranium mining expansion licensing proceedings.

Noting that the 41,000-member Oglala Sioux Tribe is federally recognized, attorney Elizabeth Lorina said the tribe is a sovereign nation having several treaties with the United States government. “The NRC, a federal agency, has a duty higher than [what] it owes to Crow Butte Resources,”

Citing the “Winters Doctrine” of reserved tribal water rights, attorney Lorina explained, “Since the rights of the tribe were recognized before the State of Nebraska, their rights are superior to anyone else’s. Their needs for water must be met before anyone else’s.”

Chief Oliver Red Cloud, whose grandfather signed the Fort Laramie Treaties of 1851 and 1868, and Alex White Plume urged the panel to honor the tribe’s treaty rights. Noting CBR’s history of spills and accidents, Tribal President John Steele cited fear that the Oglala people may “vanish as a people from this earth if they are contaminated by this uranium mining.”

Evaporation ponds at the Crow Butte in situ leach uranium mine near Crawford, Nebraska.

Federal law prohibits issuance of a commercial atomic energy license to any corporation owned, controlled or dominated by a foreign corporation. Nor may a license be issued to any person within the United States if its issuance would be “inimical to the common defense and security or to the health and safety of the public.”

WNRC attorney David Frankel contended that CBR—which failed to disclose in its application that it is wholly owned by Cameco, Inc., a Canadian corporation—is “using up and contaminating vital water supplies at a time of drought for its profit to the detriment of the people, wildlife and land in Crawford, Nebraska” and surrounding areas. These include Chadron and Pine Ridge Indian Reservation in addition to other users of the High Plains Aquifer. Moreover, Frankel argued, “There is no assurance that yellowcake uranium products from the CBR operation go to U.S. nuclear power plants.”

CBR’s Canadian owners may divert the uranium products to buyers in China, India, Pakistan, Russia, North Korea or Iran.

There is no assurance that yellowcake uranium products from the Crow Butte Resources mine go to U.S. nuclear power plants, WNRC attorney David Frankel said.

CBR’s Canadian owners may divert the uranium products to buyers in China, India, Pakistan, Russia, North Korea or Iran.

Alleged violation of Nebraska law

WNRC attorney Frankel noted that foreign ownership of land in Nebraska violates state statutes. In 1989, the Nebraska Attorney General threatened the company—then called “Ferret Exploration Company of Nebraska, Inc.”—with forced dissolution and extinguishment of its Nebraska permits because of violation of the alien ownership of property provisions in state law.

In response, the company said it restructured its board of directors and share ownership such that a majority of the stock was American-owned and a majority of the directors were American citizens. The Attorney General concluded in 1990 as a result that the company no longer violated state statutes.

WNRC attorney Frankel contended that the information submitted to the Attorney General failed to disclose that three of the U.S. corporations that acquired stock in the rearrangement were themselves owned by foreign people. As a consequence, he said, the Attorney General’s reversal was based on the company’s “incomplete disclosure.”

Administrative Judge Frederick Oliver asked whether the Nebraska law against foreign ownership is still on the books and, if so, how the law is not being enforced. Frankel replied that the law is still in effect and that he believed it has not been enforced because of “active concealment of foreign ownership by an applicant from the Nebraska regulators.”

The company’s current violation of Nebraska statutes is relevant to the NRC proceeding. Frankel said, because each applicant for a federal nuclear materials license must be competent to receive the license. He asked, “If they don’t have the legal right to mine uranium why the law is not being enforced. Frankel replied that the law is still in effect and that he believed it has not been enforced because of “active concealment of foreign ownership by an applicant from the Nebraska regulators.”

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Conclusion on next page
Canadian Corporation Seeks Expansion, conclusion

Robust Discovery Procedures
Attorneys for WNRC, Owe Aku and Debra White Plume requested use of legal discovery procedures in the licensing proceedings for Crow Butte Resources’ uranium mining expansion application.

The procedures, which CBR and NRC attorneys opposed, would include use of subpoenas, depositions, examination by experts and other procedures.

NRC rules allow robust discovery procedures where “the credibility of an eyewitness” may be at issue or the “motive or intent” of a party or witness is material to the matter’s resolution.

Bruce Ellison, attorney for Owe Aku and White Plume, argued such discovery was essential to bring all the facts to the board. Besides CBR’s failure to disclose its foreign ownership, Ellison contended that much of the geologic information CBR submitted in its state license application was misleading or “just outright incorrect.”

Crow Butte attorney admits nondisclosure of foreign ownership
CBR attorney Smith admitted that the company did not disclose its foreign ownership in its application. But he defended CBR’s nondisclosure, arguing that foreign ownership of a license applicant is not relevant when a license amendment—rather than an initial license—is requested.

NRC attorney Andrea Jones echoed CBR’s position using strikingly inconsistent statements. First arguing that CBR’s foreign ownership is not relevant, Jones stated that no regulation requires CBR to disclose such information. However, when pressed by Administrative Judge Young, she acknowledged that a federal regulation requiring submission of “complete and accurate” material information applies to CBR’s application.

Jones later stated ownership and corporate control is relevant to the NRC’s license amendment proceedings. She then noted, though, that the agency had been aware of the company’s alien ownership and overseas shipment of mined uranium as far back as 1989, and had dismissed WNRC’s concerns over the issue as “not subjects considered in the issuance of a source material license.” Then, completely ignoring the WNRC complaint, she straight-facedly claimed that the NRC had not received any information regarding foreign ownership and control that would trigger enforcement concerns.

“Inimical to the common defense and security”

WNRC attorney Frankel argued that, even without considering the foreign-ownership prohibition, the federal regulations which prohibit license issuance if it were “inimical to the common defense and security or to the health and safety of the public” are relevant.

Moreover, he contended, the analysis of what is inimical to the common defense and security is very different in a “post-9/11 world” as compared to “pre-9/11.” “What troubles us here as much as foreign ownership is the concealment” of the company’s true ownership, he said.

Frankel emphasized that the point is not which country is involved but whether the legal principle would support “an abusive situation.” If a Canadian uranium mining licensee can acquire a company without telling anyone about it, “why is that not okay for a Libyan, or a Liberian, or an Abu Dhabian or a Jordanian?” he asked.

“We have reckless disregard for contamination, spills [and] regulations,” Frankel asserted, because “there’s no loyalty to the U.S. When faced with the choice between making a huge profit and complying with what seems like a trivial U.S. regulation, if there’s no enforcement on me, why would I go ahead and do that?” Indeed, Frankel said, “Cameco boasts in its annual report that a large percentage of its sales are outside of certain U.S. restrictions.”

NRC might license Iranian company

Administrative Judge Young queried NRC attorney Jones, “Would [the NRC] grant a license amendment to a company that was controlled by an Iranian company and to a company that had concealed to some extent the fact that it was controlled by an Iranian company?” In response, Jones replied, “I can’t say one way or another.”

After this colloquy, WNRC attorney Frankel expressed concern to the panel. “Combat veterans just heard a government official say that they might grant a NRC atomic energy license to enemies of the United States depending on the circumstances.”

Concentration of this fact is irrelevant. “I’m not following why a contention like that might not be admissible if there was enough to raise a genuine dispute,” she said.

After the prehearing conference, the board issued an order requiring the parties to submit briefs addressing several matters. The licensing hearing on CBR’s uranium mining expansion request will be scheduled after the Atomic Safety and Licensing Board decides prehearing issues.

The Contentions

In April 2008, the Atomic Safety and Licensing Board panel ruled that, when it is scheduled, the licensing hearing for the expansion of Crow Butte Resources’ uranium mining operation will examine three contentions.

Contention A. CBR’s license amendment application does not accurately describe the environment affected by its proposed mining operations or the extent of its impact on the environment as a result of its use and potential contamination of water resources, through mixing of contaminated groundwater in the mined aquifer with water in surrounding aquifers and drainage of contaminated water into the White River.

Contention B. CBR’s proposed expansion of mining operations will use and contaminate water resources, resulting in harm to public health and safety, through mixing of contaminated groundwater in the mined aquifer with water in surrounding aquifers and drainage of contaminated water into the White River.

Contention C. Reasonable consultation with Tribal leaders regarding the prehistoric Indian camp located in the area surrounding CBR’s proposed North Trend Expansion Project has not occurred as required under the National Environmental Policy Act and the National Historic Preservation Act.

If the panel agrees to the request argued at the July 23 prehearing conference, the licensing hearing will also examine the additional contention:

Contention. CBR fails to mention it is foreign owned by Cameco, Inc., so all the environmental detriment and adverse health impacts are for foreign profit and there is no assurance the CBR-mined uranium will stay in the United States for power generation.
Paul Olson, conclusion

abroad, the suicide and Post-Traumatic Stress Disorder among our troops in Iraq, and does not say when—if ever—we should get out.

He supports StratCom’s present mission, with its hair-trigger mechanisms for launching nuclear and conventional war and igniting an arms race in space.

Kleeb: Kleeb argues for a “responsible end to the Iraq war,” a multilateral diplomatic approach to a political solution, and setting of proper benchmarks for future work. Benchmarks were part of the original surge ideology that no one remembers; and almost none of the benchmarks for surge success have been met. Kleeb would remove permanent military bases from Iraq and refocus the “War on Terror” to Afghanistan and Pakistan.

In the Middle East, Kleeb believes that we must lead the peace process there while committing to Israel’s right both to exist and to defend itself from threats from Hamas and Hezbollah. He has nothing reciprocal to say about Israel’s settlements in Palestinian sovereign territory or its incursions into Gaza and the West Bank.

As for Iran, he apparently would pursue a diplomatic route now that our intelligence says Iran is not making nuclear weapons. He wants diplomacy with Iran and its inclusion in the World Trade Organization if it foregoes nuclear weapons.

Kleeb also promises to work on fair trade and fair environmental rules constraining that trade, but he makes the protection of StratCom a cornerstone of his policy.

Peace activists will have to decide whether to vote for Larrick, the pure peace candidate, or Kleeb, who’s less hawkish than Johanns. The decision will depend on the closeness of the race in November.

The House Races: Lee Terry is locked in rematch with Jim Esch for the District 2 seat. In 15 votes analyzed by the Friends Committee on National Legislation, Terry voted only once with the FCNL—against more dollars for nuclear weapons. He supported the resolution authorizing the Iraq War and all later resolutions endorsing and funding it, the removal of Saddam Hussein and opposed any schedule for withdrawal. He still argues that we struggle against terrorists there—not against sectarian fighters or those who hate us as an occupying power.

In contrast, Jim Esch argues that our incompetent politicians mishandled the war in Iraq, hurting our international credibility, and that the Iraqis themselves have to decide about democracy: “I will demand that this administration define victory, account for all of the money being spent (and mis-spent), and bring our troops home. We must regain our status as responsible leaders so that we can effectively work for peace and stability not only in the Middle East, but also in North Korea, Afghanistan, India and Pakistan.” Esch also has a good platform concerning alternative energy. What candidate peace people should work for here is clear, and the race is close enough to command energy.

Fortenberry-Yashirin: Fortenberry voted with the FCNL’s stand only four times—two of them non-military issues. He did vote against more money for nukes and against reducing U.S. support for the United Nations. The rest of his record on Iraq, Iran, and military spending is dismal.

Yashirin, an Iraq veteran, concentrates on that country in his statements about the military. He calls for removal of all of our troops in a phased withdrawal, a surge of diplomatic activity, and a surge of donors to provide the resources to rebuild Iraq. Obviously, Yashirin, who has seen the war as a soldier, is closer to NFP’s position. But this race does not appear to be close.

Smith-Stoddard: Adrian Smith, the incumbent, believes that “Iraq was not a mistake because it freed millions of people,” believes “terrorism will succeed if we ignore the problem,” and touts bromides like “the country should defeat terrorists.” In 15 votes, he voted only once with FCNL.

Jay Stoddard, on the other hand, says that he opposes the construction of our vast embassy building in Baghdad, regrets Halliburton’s huge base contracts in Iraq, and does not like any continued American occupation of Iraq. He also says that the war is for oil, and circumvents both congressional authority and the Constitution. He opposes American unilateralism and the rise of untrammeled presidential power in this country. This race is not close.

In summary, we do have elections where change is up for grabs: not radical change but change that may pull us back from the abyss. Peace voters in the Second District have three likely important elections: the presidential, the Senate and the House. For the rest of us, the Senate race is probably the crucial one.
The Wall Street Crisis
How Deregulation Allowed the Stock Market to Run Amok

by Mark Vasina
NFP State Treasurer

The shakeout in American financial institutions triggered by the subprime mortgage crisis is being tempered by a series of bailouts triggered by the subprime mortgage disaster, have an image problem. How to explain this acute failure of the ‘Invisible Hand’ to produce happiness and prosperity for even the rich? And how to rationalize this extraordinary

The ensuing cascade of failures—of mortgage companies, savings banks, hedge funds, investment banks and insurance companies—is only the beginning of the fallout which will certainly land in all sectors of the global economy.

nearly expensive market subsidy? The anti-regulation spin machine is already at work to muzzle calls for stronger regulation of financial markets, and to stifle public awareness that this colossal market failure was enabled by the deregulation agenda steamrolling through the legislative and executive branches of our government at all levels.

One spin tactic being tested is denial: Our economy is basically sound. True or not, this argument sounds more like positive thinking than an intelligent observation. Presidential candidate and deregulation champion John McCain tried this tactic for a day after the announcement of the bailout of insurance giant AIG, but quickly dropped it when met with public disapproval. Nevertheless, some conservative think tank pundits continue to deplore the bailouts as failures of will to let the market work its eventual magic.

A more subtle tactic—soon to be ubiquitous—is to cloak a defense of the bailouts in the mantle of populism. Complain about expensive actions by Big Government while at the same time warning of the hazards of failing to stay the deregulatory course: We can’t really expect those Wall Street moguls to look out for our interests. But when their foolish greed jeopardizes our home mortgages and 401(k) plans… well, we can’t just sit here. Just let’s not fall for the sucker line that new regulations might help prevent these kinds of financial calamities in the future.

This tactic was employed by the Omaha World-Herald in its September 18 editorial. “Wall Street woes leave public fuming fed officials with challenges,” read the headline. The major challenge, according to the editors, is to avoid new regulations which will ‘overcorrect’ the problem, impairing the proper functioning of financial markets and distorting the lessons Wall Street will assuredly absorb from the current crisis.

The editorial warns that “increased regulation offers no magic solution,” since the “operations of the big investment banks and AIG were checked by outside auditors, credit analysts and rating agencies.” No kidding? After the dot-com bubble burst in 2000, newspapers (including the OW-H) were filled with stories of scandals involving rating agencies, ‘independent’ auditors, and leaky firewalls between ‘objective’ securities analysts and sales-driven investment bankers.

Although some concerns were addressed by modest reforms, can we naïvely expect that these private sector watchdogs will now carry out their duties with such ever-present wisdom, skill and integrity that no amount of additional government oversight could improve the situation? And the existence of well-intentioned laws clearly offers no magic solution if government watchdogs strive to provide only politically correct (for the deregulation crowd, that is) lax enforcement.

Policymakers must address critical problems exposed in our financial markets by retooling and redirecting our federal regulators.

• This means tougher interpretation and enforcement of existing regulations and stronger oversight by bank regulators, the Securities and Exchange Commission (which has been conspicuously uninvolved in the recent federal rescue operations) and our other market watchdogs. John McCain has called for the resignation of the head of the SEC. However, without a presidential or congressional commitment to push the SEC in the right direction, replacing the SEC head is merely a shell game.

• This means a careful look at the impact on the current crisis of the 1999 repeal of “Glass-Steagall” firewall provisions which prevented corporate interlocking of commercial banking and investment

Your Foundation Speaks

by Loyal Park, President, Nebraska Peace Foundation

Our upcoming Annual Peace Conference Oct. 18th is a wonderful example of the educational work of NFP—bringing in someone as qualified as Michele Chwastik from New Mexico and presenting ten workshops on important current topics with the best people.

The costs of honoraria for speakers, their travel and expenses, printing literature, arranging for a meeting place—all are educational expenses which could be underwritten by the Peace Foundation. But we do not have sufficient funds from day to day donations to cover anywhere near the whole cost.

When you send in your registration form and pay the registration fee, could you also include a separate check payable to Nebraska Peace Foundation and marked APC-educational fund? You not only will help defray the costs of the conference but may qualify for a tax deduction when you file your 2008 Income Taxes.
Wall Street, conclusion

banking interests. Beginning in 2000, commercial banks were themselves able for the first time to create the securities (including the now worthless subprime mortgage bonds) which removed billions of dollars of mortgages from their balance sheets and reduced the amount of capital reserves they were required to hold as a backstop for the risk of these loans.

- This means re-regulation of mortgage markets to contain imprudent excesses and fraudulent practices by mortgage lenders. Fannie Mae was created by New Deal legislation in 1938 to channel private investment into home mortgages. Originally a federal agency which encouraged the mortgage industry to focus on safe conventional lending practices, Fannie Mae was privatized in 1968 and, in recent years, led the profit-driven charge into the uncharted territories of risky subprime lending.

- This means legislation to enable regulators to identify and control risks in portfolios of esoteric financial derivatives such as credit enhancement swaps, and to require adequate capital reserves against these portfolios. Credit enhancement derivatives were widely used to lay off risk in subprime mortgage bonds and to improve bond ratings. AIG was an exuberant provider of this unregulated form of financial insurance, and this played a major role in the insurer’s demise. Such derivatives were excluded from regulation by the “Commodity Futures Modernization Act of 2000.”

This means above all that we must elect policymakers who truly recognize that markets do not exist in a vacuum, but require resilient and transparent institutions—private and public—with proactive legal and regulatory underpinnings. The current disaster is strong evidence that the costs of regulatory actions over the last eight years are certainly on target—much as the deregulatory zeal of the Reagan Administration gave birth to the savings and loan crisis of the late 1980s.

But Democrats have not always been staunch defenders of strong regulation of financial markets. Robert Rubin, former co-chair of Goldman Sachs and Clinton’s Treasury Secretary, supported the repeal of the Glass-Steagall firewalls in 1999, as well as the federal legislation which excluded esoteric financial derivatives from regulation in 2000. Rubin, an advisor to Obama, reportedly now recognizes the need for oversight of these financial instruments by federal regulators.

The voting public must choose leaders who have the courage to support—not vilify—government’s unique and essential role of market oversight, over the objections of business lobbies. Effective government oversight is necessary not only for the safe and sensible operation of our financial markets, but also for the protection of the health and well-being of the American people in our homes, workplaces and public commons.

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During the ‘war elections’ of the late ’60s and early ’70s, the cry of student groups was, “Revolution is in the streets.” And at the tumultuous 1968 Chicago Democratic Convention, the streets were indeed bloodied. (Police violence at the 2008 conventions was pretty bad also). Forty years ago though, the response of establishment commentators to the street revolution mantra was, “If you want change, work on the election.” And sure enough, tens of thousands of students worked in the 1968 Election, even though they had no clear peace presidential candidate. In 1972, they worked ferociously for George McGovern. In Nebraska at the time, local leaders preaching reform emerged in the legislature (e.g. Steve Fowler and Ernie Chambers), and anti-war leaders like Joe Biden got elected to the U. S. Senate. The dialogue between movement organizing and smart electoral politics produced results.

Today, ‘change’ talk again fills our air. Movement organizing fills the streets. But for many activists, the economy—not the war—is the issue. We believe the war is getting short shrift.

Our Stand: Our positions may be informal, but Nebraskans for Peace has consistently opposed the war in Iraq and called for an expeditious withdrawal of our troops. We favored Interpol, regional-style police action to control the Afghan Taliban (an approach recently endorsed by the Rand Institute). We did not address northwest Pakistan, but following Joe Volk of the Friends Committee on National Legislation (FCNL), called for full and multilateral negotiations with Iran. (These negotiations now seem likely to happen since American intelligence agencies have confirmed that Iran has not worked on developing nukes since 2004). We criticized the arming on Georgia and move to include it in NATO.

Most of all we have called for controls on StratCom and a massive reduction in the cost of the 3 trillion dollar war—a foolish expenditure that has made us less secure and helped create our massively unstable economy.

The Presidency: We know how the candidates stand in relation to our issues. At the presidential level, John McCain and Sarah Palin have indicated that, for them, the war in Iraq could go on for a hundred years. They wish to ramp up the fighting in Afghanistan, and they have released an attack ad criticizing Obama for not taking the Iran threat seriously enough. However, unlike George W. Bush, McCain has objected to any bombing of northwest Pakistan. In contrast, Obama has called for a 16-month withdrawal of America’s Iraq troops and favors a transfer of troops to Afghanistan. He favors military intervention in northwest Pakistan, and calls for tough negotiations with Iran.

On the Georgia question, Sarah Palin has called for us to go to war against Russia in behalf of Georgia: both Palin and McCain have emphasized that Georgia on the Russian border should be allowed to join the American-European military alliance, NATO. Obama has emphasized that Russia must observe the cease-fire in the region and endorsed UN intervention there to protect the peace.

Neither McCain nor Obama has been clear about cutting the military budget. Neither has spoken clearly about what he would do with the enormous cost of corruption in the war and the slush money in the billions that goes to private contractors and mercenaries. However, on the major war and peace issues facing the nation, Obama seems closer to the NFP position than does his rival.

Importantly, Nebraska’s 2nd Congressional District is in play in the presidential election, and it yields an important electoral vote. NFP supporters should make up their minds soon and work hard in this campaign, especially in District 2.

The Senate: Johanns and Kleeb: In the senatorial races, the Nebraskans for Peace Political Action Committee did not receive replies to its questionnaires, save for that from Green Party candidate, Steve Larrick (reproduced in full on Page 4). The following positions have been assembled from their public statements.

Johanns: Former governor Mike Johanns favors the Iraq War and argues that Nebraska’s troops believe in it:

Radical Islamic terrorists, who have proven they hate America and have no regard for human life, have declared war on the United States… I do not agree with those who advocate surrender and retreat in Iraq. As Secretary of Agriculture, I traveled to Iraq. I had the opportunity to sit down with Nebraska men and women in uniform and they told me they believe in their mission, that they were seeing progress and that the situation was getting better. They were right then and they are right today.

1. We must support their mission and provide them with the tools to get the job done.
2. Troop levels should continue to decline in Iraq as the situation improves…I will oppose attempts to seek artificial deadlines for the precipitous withdrawal of our troops. All this will do is signal to the terrorists that they only need to hold on until we leave.
3. Iraq should use its oil money to pay for a greater and greater share of reconstruction and security.
4. Our nation must respect and support our military and work for a lasting and stable resolution to win the war against terrorists and extremists who threaten free people and seek to do our nation harm.
5. I will support the current missions at Offutt Air Force Base and will work to expand its importance in fighting the War on Terror.
6. We must stand strong against terrorism, and we can do so while also protecting the civil liberties that are at the core of our Constitution.

Mike Johanns apparently believes that somebody advocates surrender. Who? Obama? Kleeb? al-Maliki? He does not mention that Iraq had no al-Qaida until we invaded it, that sectarian conflict creates most Iraqi violence, and that getting our mitts on their oil is ‘Job #1.’ He does not mention the U.S. declining reputation conclusion on page 9