



Nebraska Report

There is no Peace without Justice

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“Teach Peacemaking” McCarthy Tells Annual Conference Audience

by Bud Narveson

Colman McCarthy, for many years a columnist for the *Washington Post* and now and for many years a volunteer teacher of nonviolence at Washington, D.C.-area high schools and universities, brought his message of nonviolence to the 2002 Annual Peace Conference in Omaha February 16. The event was co-sponsored by the UNO School of Social Work and Nebraskans for Peace.

Speaking to a crowd of 250-plus, McCarthy posed the question “How does one become an effective advocate of nonviolent solutions to disputes?”

McCarthy focused on three general non-exclusive ways of acting. He first recommended a commitment to prayer—not conventional prayer of the religious sort, though he had nothing to say against that—but rather the sort that invokes cooperation. Conventional prayer, he said, quoting Dietrich Bonhoeffer, is “cheap grace” if it merely leads to a good feeling rather than to action.

The prayer of the French philosopher Albert Camus, an atheist who, McCarthy stated, was yet a “deeply spiritual man,” took the form of asking “How do I use my gifts better?” Simone Weil, another French philosopher who was Christian, posed the question, he said, merely as “What is love?” To answer her question,

she spent a year as a worker on an assembly line in an automobile factory. Her answer: Love is a commitment to action.

McCarthy’s second call was for a commitment to service. Opportunities for service abound, he said. “Go volunteer—experience sticks with one, theory does not.” He told of college students who volunteered to teach literacy and came away with transformed social attitudes. Between the White House and the Capitol, he said, is the homeless belt of Washington. Good people bring carloads of food and clothing to the homeless centers, but more important is if they bring themselves. Often the homeless are most hungry for the personal attention of another human being. “Laws,” McCarthy stated, “represent the failure of love.” It is easy, he said, to be “an NPR liberal.” We are not all called upon to do great things, he said, but we are all called upon to do small things in a great way.

The third call, McCarthy says, is to what he calls “exorcism.” His own course of exorcism is to go to an area high school to teach nonviolence. “We all,” he says, “graduate from school as peacekeeping illiterates.” We have learned algebra, for example, but outside of school nobody talks

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Former *Washington Post* columnist Colman McCarthy was the keynote speaker at the 2002 Annual Peace Conference February 16 in Omaha co-sponsored by the UNO School of Social Work and Nebraskans for Peace. Over 250 people filled the sanctuary of First United Methodist Church to hear his talk on “Peacemaking in a Time of War.” It was the largest conference in more than 20 years.

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Latin America Briefs

compiled by Sarah Disbrow

House Bill Expands U.S. Role in Colombia

Republicans drafted a resolution in the House last month that crossed the line for the first time from counter-narcotics to counter-insurgency. Up to now Congress has insisted that U.S. military aid to Colombia be used solely to fight drug trafficking. The Colombian military's notorious record on human rights prohibited Congress from openly providing military aid to counter-insurgency.

Rep. Henry Hyde, chair of the House International Relations Committee, was a sponsor of the new bill. A version of the resolution reflecting the views of leading Democrats was approved. Democrats cited both the left-wing guerilla group known as FARC and the right-wing paramilitary group known as AUC for their "unprecedented campaigns of terror against the people and the democratically elected government of Colombia."

Oilgarchy Rules, Oilé!

The White House asked Congress for military aid to protect a private company's oil profits in Colombia last month. The Bush administration made a request for \$250 million more in aid to the Colombian military, almost half of it (\$98 million) to help protect a pipeline owned by a U.S. corporation, Occidental Petroleum. Congress had approved \$1.3 billion in aid for "Plan Colombia" two years ago to fight drug trafficking. Under U.S. law, military aid to Colombia can only be used against narcotics operations, not counter-insurgency.

Between 1995 and 2000, Occidental Petroleum spent more than \$9 million on lobbying and \$1.5 million in donations to political campaigns. Much of the money was used to persuade the United States to pour military aid into Colombia. A fourth of all Colombian troops in the field is already assigned to protect the company's assets. Occidental Petroleum built the Caño Limón pipeline in spite of Colombia's ongoing civil war. Even as it was being built, it came under attack by guerilla forces opposed to oil drilling and to the presence of a foreign corporation in their region.

Secretary of State Colin Powell testified before Congress on the administration's new position: "We thought a \$98 million investment in Colombian brigades to help protect this pipeline is a wise one and a prudent one. What makes this pipeline unique is that it is such a major source of income." Anne Patterson, the U.S. ambassador to Colombia and apparent spokeswoman for the oil company, echoed Powell's sentiments. "It is something we have to do," she said. "It is important for the future of the country, for our petroleum supplies and for the confidence of our investors."

Colombians Know Which Way the Wind Blows

With their finger to the wind, Colombian military officials have been careful since September 11 to call the guerilla forces in their country "terrorists" instead of "narco-guerrillas." Though the guerillas are fighting the same war, the so-called war on drugs has lost its currency. Joining the "international war on terror" may prove to be more profitable, if not more justifiable. Right-wing paramilitary groups backed by the Colombian army have been responsible for most of the mass killings in recent years.

Human Rights Groups Oppose Expanded Aid to Colombian Army

Human rights, policy, and church groups have urged the Bush administration not to expand US aid to the Colombian army. In a letter to Secretary of State Colin Powell the 31 groups—including the Washington Office in Latin America, Global Exchange, the Center for International Policy, and the National Council of Churches—called on the administration to "use all possible means to ensure" that the civilian population in the DMZ was protected against possible reprisals by the army and paramilitary forces."

"We call on the United States government to clearly express its support for a negotiated settlement," the letter said. "Both sides are convinced of their own ability to win a war; however the most likely outcome is an intensified stalemate with devastating consequences for the civilian population."

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Three of NFP's "grand old men" who helped found the organization in 1970 reunited at this year's 2002 Annual Peace Conference. Pictured from left to right are Dwight Dell, Merle Hansen and Arlo Hoppe.

Teach Peacemaking, conclusion

about algebra. On the other hand, outside of school everybody constantly deals with conflicts. Yet we learn nothing in school about resolving conflicts.

He asked for a show of hands of those who were taught algebra in school. Nearly every hand went up. He then asked for the hands of those who were taught nonviolence in school. One or two hands went up.

The leading victims of injury in homes are women beaten up husbands or boyfriends. Women, he says, understand violence better than men, because they are more likely to experience it. All schools need to devote time and effort to teaching conflict resolution.

Our lack of societal interest in nonviolence, McCarthy emphasizes, is clearly illustrated by the money we spend on violence ("defense"). The "defense" budget is \$900 million a day, \$11,000 a second, and will soon be over \$1 billion a day. "If you want to know what we as a society value," he says, "follow the money." This is not to blame the military. "The military is not the problem; we are."

The place to work on the problem of violence, McCarthy says, is in the schools. We all leave school knowing the names "Washington," "Jackson," "Lee," "Grant," and other generals. We are less likely to know the names of peacemakers. We are taught to honor war makers above peacemakers. This needs to change.

The magnitude of the problem may be illustrated by noting that at present 59 wars or violent armed conflicts are going on in the world, with 40,000 being killed every day. McCarthy would like to replace the word "war" with the word "slaughter." He finds it noteworthy that of present hawkish political and governmental leaders in the U.S., Bush, Cheney, Gingrich, and Buchanan did not as young eligible men go to Vietnam,

but rather in some cases sought out ways to avoid the fighting.

McCarthy notes that in the present U.S. climate, anyone who advocates nonviolent solutions is immediately posed the question "What about 9/11?" Immediately after 9/11, he reminded his listeners, our national leaders went to the national cathedral "and uttered war whoops." As so often in the past, he said, our country then went to poor nations and killed or threatened to kill people. We resort to the "-izes." "We theorize, demonize, victimize (bomb), and moralize."

McCarthy discussed four possible reactions to violent acts: military, political, legal, and moral. In the case of 9/11, the U.S. has resorted to military action. But to others in similar situations, the U.S. has often recommended political action, as in the case of Russia and the Chechnyans. In the case of Milosevic, the international community is now making use of a legal reaction, an international court. We have also seen moral reactions in resorts to violence. Violence, he pointed out comes in two different sorts, hot and cold. The World Trade Center and Oklahoma City bombings were hot violence, carried out in anger. Cold violence—examples of which are the 40,000-a-day dying of hunger, and legal executions—on the other hand, is a product of moral indifference. But all violence, whether hot or cold, is evil.

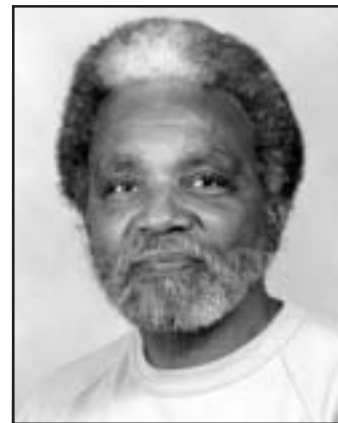
The imperative for each of us, said McCarthy, is to do something. As examples of simple things that each of us can do, he cited decreasing our consumption of oil and becoming vegetarians, opposing the death penalty, and—most important—volunteering to teach nonviolence in the schools.

McCarthy concluded by noting that we may not agree with what he says. What is important, he says, is peaceful dialogue. "We may not see eye to eye," he said, "but I hope we can speak heart to heart."

Peacemakers of the Year

NFP Omaha Chapter Marylyn Felion and Sen. Ernie Chambers were honored February 16 as the 2002 Peacemakers of the Year. As Sen. Chambers was unable to attend, UNL Foundation Professor Paul Olson presented the award to him in advance with the following citation.

Nebraskans for Peace's motto is "There is no Peace without Justice." Sen. Chambers has lived that motto. Early in his career, in the film "A Time for Burning," he made clear the injustice of Lutheran complacency about Omaha segregation; at about the same point in his career, he led nationally in the effort to overcome school indifference to cultures having an origin other than Europe, administrative indifference to the corporal punishment of children in schools, government complacency about impossibly bad teaching in schools for the poor, and civic indifference to the police murder of Vivian Strong and other minority children. Early in his career he also influenced the Kerner Commission. A psychologist with the Kerner Commission has indicated that Sen. Chambers' testimony to that commission was crucial to its finding that America was becoming "two nations, one black and one white, separate and unequal." Kerner was the turning point in one stage of the Civil Rights struggle.



Sen. Ernie Chambers

As a senator, Sen. Chambers has stood for the cause of peace. He has been one of the few Nebraska elected officials to stand against the war in Vietnam, the Gulf War, and the Afghanistan War. He led the fight that made our state the first to pass a law requiring divestiture from South Africa. He has stood for the rights of the oppressed at home: African American, Chicano, and Native American rights; women's rights, especially in his fight to have spousal rape included in the definition of rape; gay and Lesbian rights; and the rights of farmers destroyed by the farm crisis of the 80s. He created various forms of district representation

in Lincoln and Omaha to insure that those locked out of government by city-wide representation would have a voice in what our cities do.

Justice for Sen. Chambers has meant accepting no lunches from lobbyists and refusing no request from the downtrodden. It has meant stopping at least ten bad pieces of legislation per session. It has meant enduring spoken racism and insult year after year and perennially living with a more insidious silent hatred. It has meant growing grey in the fight for peace and justice without growing stale in it. We shall not look upon his like again in Nebraska.



NFP Omaha Chapter President Marylyn Felion

The War Is Over, Long Live the War

A Progress Report on the War on Terrorism

What began with such ostentation as an international “War on Terrorism” in the days following 9/11 ended up inside a month as a bombing campaign against the poorest country on earth. The math is still too fuzzy to quite add up, but somewhere along the line “Terrorism” in general got equated with Saudi Arabian Osama bin Laden, who became equated with the “Taliban,” with the upshot being that Afghanistan got turned into target practice.

And then we declared victory.

suspect presidency into political gold. Despite the Enron scandal and the sorry state of the national economy, our victorious “war-time president” was riding a tidal wave of popularity in the polls.

The victory, however, was not only sweet—but short. Despite our smashing triumph in Afghanistan, the terrorist threat, a grim-faced Bush Administration announced this past January, was greater than ever. Whereas last fall the CIA had estimated that the al-Qaida network had some 15,000-20,000 members

dedicated to the destruction of civilization as we know it. Three barbarous belligerents—Iran, Iraq and North Korea (with, incidentally, a combined military budget of *less than \$12 billion annually*) were imperiling the future of the Free World. The War on Terrorism, he solemnly intoned, would have to widen. As commander in chief, he was, accordingly, asking Congress for a \$48 billion increase in defense spending up to \$379 billion for Fiscal Year 2003 to thwart this threat and protect our national security.

Praise for the president’s speech gushed from both sides of the congressional aisle. Finding a Democrat willing to publicly dissent against any of this wild talk was like searching for an albino fly in the vat of milk. And when the White House let out **two weeks later** that the decision had already been made to take out Saddam Hussein—the only question still up for discussion being *how, not whether*—the Democrats fealty to the Bush Administration’s war policy was complete. In his first major policy speech since losing the election, Al Gore, for example, actually congratulated the president on his “Evil Axis” label, calling them “bold words” and comparing them to Ronald Reagan’s “evil empire” reference. Stating that Iraq remains a “virulent threat in a class by itself” and he “deeply regrets” that Saddam Hussein remains in power, Gore said “we must be prepared to go the limit” in any new campaign against Iraq.

Welcome to the one-party state.

Now, backtracking a bit, not everything the administration put out the past six weeks as unvarnished gospel has gone unchallenged. Many of our European allies, thankfully, made it known in no uncertain terms that “taking out Saddam” was totally unacceptable politically and they would have no part of it. Germany’s Foreign Minister Joschka Fischer angrily stated, “The international coalition against terror is not the foundation to carry out just anything against anybody, and particularly not on one’s own.”

Lots of people, in fact, have had a field day with the “Evil Axis” notion, if for no other reason than its patent absurdity. Iran and Iraq are sworn enemies who fought a war against each other in the mid-1980s. Even fellow Republican Chuck Hagel was galled by the linking of Iran with Saddam Hussein, since Iran had cooperated with the U.S. in the war in Afghanistan. The president’s choice of words, the Nebraska senator fretted, only served to bolster the voices of reaction in Iran.

NFP Statement on Iraq

On February 14, Nebraskans for Peace issued a news release criticizing the Bush Administration’s announcement that it was now prepared to use any means necessary to remove Saddam Hussein from power in Iraq. Despite the fact that virtually no politicians in Washington were speaking out against such a move, the media apparently did not find our views “newsworthy,” as not a single news outlet in Nebraska picked up our statement. Printed below is the text of the news release that was distributed statewide.

Nebraskans for Peace adamantly opposes unilateral action by the United States to topple Saddam Hussein. Despite being the world’s only remaining superpower, the U.S. is not a law unto itself. We live in an international community, with international laws, and as members of this community are rightly obliged to operate according to the laws of that community.

How on earth can the Bush Administration expect other nations of the world to abide by international law if we, the most powerful nation on the planet, blatantly refuse to do so? The appropriate body to deal with this situation is the United Nations, which for more than half a century has been located on our own shores in New York City.

The United States should not unilaterally attempt to topple Saddam Hussein, either clandestinely through the CIA or through military action. We should not even be out recruiting allies for a U.S.-led coalition to attempt the same. Without exception, we should be seeking solutions through the United Nations and the World Court, which—it should be noted—is at this very moment engaged in prosecuting Slobodan Milosevic for war crimes.

We must, as Abraham Lincoln stated in 1860, “have the faith that right makes might.” And not the reverse. Only by seeking the sanction of the U.N. can we be assured that a military venture such as toppling Hussein is not simply a ploy by the Bush Administration to divert attention from the Enron scandal and from the economic recession afflicting our nation.



It was, in strictly military terms, an odd thing to be getting very pumped up about. Osama bin Laden, the nominal point of the war, had eluded capture. The Taliban had, for the most part, merely retreated up into the mountains or over the border into Pakistan to (as we now know) fight another day. Warlords with a raft of human rights violations were now in charge of Afghanistan. And, according to Secretary of Defense Donald Rumsfeld, the al-Qaida terrorist network still had operations in over 50-60 countries around the world. But amid much hoopla and self-congratulation, we declared victory anyway.

In three short months—just in time for Christmas—George Bush, Jr., had turned his

worldwide, now—*after the decisive defeat of the Taliban*—their numbers had actually mushroomed. White House estimates now put al-Qaida’s strength at 100,000 people in 60 countries around the globe. Instead of being vanquished, they seemed to be proliferating by a factor of five. Imagine the national dismay, particularly after having thought that victory was ours. It was enough to make you want to watch the Olympics.

But even worse news awaited. In his State of the Union address, President Bush starkly laid out the new threat surrounding us. Borrowing terminology right out of the Second World War, the president warned that America was under siege from an “Evil Axis” of nations

Global Peacemaking

by Bill Sulzman

The brother of NFP State Board Treasurer Jeanette Sulzman, Bill Sulzman has spent the last 34 years as a full-time peace activist and is currently the Director of Citizens for Peace in Space in Colorado Springs, Colorado. On August 9, 2001, "Nagasaki Day," he was arrested on the charge of trespassing for trying to serve a "citizen's arrest warrant" on Gen. Ralph Eberhart, Commander of Peterson Air Force Base—the home of the U.S. Space Command—in protest of the hundreds of nuclear missiles that remain in the Midwest. Bill was subsequently found guilty and is scheduled to be sentenced this month.

This past December, Bill was invited to participate in an international peace gathering in Tokyo, Japan sponsored by "Linking Peace with Life" and the national Japanese peace group, Zenko. He delivered the following address, "Global Peacemaking," as part of panel that included speakers from the Philippines, Okinawa, and South Korea. The text may seem a bit sketchy since it was prepared for the purpose of translation.

I am here today representing the War Resisters League, which is a national and international peace group. My own group, Citizens for Peace in Space, is a local chapter of WRL working especially on preventing and reversing the arms race in outer space. I also represent the Global Network against Weapons and Nuclear Power in Space. These maps show the global dimensions of the arms race in space and list the countries, including Japan, where there were demonstrations against this arms race in space on October 13, 2001.

Our organization is also part of the Abolition 2000 campaign to abolish nuclear weapons. The Air Force Space Command located in Colorado Springs has command of the Minuteman III and MS missiles located in the U.S. Forty-nine of these ICBM missiles are stationed in Colorado and remain on 24-hour alert. In Nebraska there are currently 82 loaded ICBM missiles. For that reason I joined two others from our group in a civil disobedience action on August 9 of 2001 and am awaiting my trial set for February 8, 2002.

I want to emphasize how difficult it has become to work on all these issues since September 11, but I also want to say that all peace organizations are continuing their work despite the difficulties. We live in a country which has become fearful and motivated by revenge in its war in Afghanistan. The news media have become strong supporters of the war and do not

report much about peace movement activities. Efforts to stop the war are going on across the country. There have been large gatherings in Washington D.C., New York City, and on the West Coast. Elsewhere the crowds are not large, but there is dedication to stopping the war and getting back to the real nonviolent work for justice and peace. For example, in Colorado Springs, we have vigils with banners every Thursday and once a month we have a rally in a park at the center

"In a world where 20 percent of the world's population consumes 86 percent of the resources, there is a constant war against the poor. It is just plain wrong for the U.S. with 4 percent of the world's population to claim the right to dominate the world economy and political structure, and yet that is precisely what the U.S. Space Command says in its own documents."

— Bill Sulzman

of the city. This is in a city which has five military bases!

By way of e-mail I hear about similar activities all across the United States. We all know how critical it is for us to speak out at this time. I want to mention one example of a peace demonstration which happened on the East Coast—a walk from New York to Washington, November 25 through December 2, 2001. In that walk behind a banner, which read "Our Grief is not a Cry for War," marched three persons who had lost a loved one in the attacks of September 11. Amber's husband was killed at the Pentagon, David's brother and Colleen's brother were both killed at the World Trade Center. These folks have been a particular inspiration to us as we continue our work.

And now we turn to the war itself, where the U.S. is dominating the battlefield and the loss of life is very one-sided. We will talk some about the structure of that battlefield and mention some of the ways that bases located in Japan already have a role in carrying out the destructive bombing.

It is an aerospace battlefield that has several layers to it. At 23,000 miles up there are a series of satellites which look down on the battlefield from a stationary position. Some of these space platforms play a key role in war communications. Others collect signals intelligence from enemy forces. At 11,000 miles up we find the Global Positioning Satellites (GPS) which are key to directing many of the bombs to their

targets. Cruise missiles and many of the bombs dropped from airplanes depend on these satellites to accomplish their missions. All land- and sea-based U.S. forces also rely on GPS for their daily functioning.

In the area 200-400 miles high, we find satellites which take very detailed pictures and others which listen to the communications on the ground. Still others have head sensors on board. This information is then analyzed with extensive use of computers and targets are selected for

the next bombing missions. According to Intelligence expert Jeffrey Richelson, the base at Misawa, Japan was heavily involved in collecting this type of data for the earlier war in Afghanistan. It is assumed that once again those resources are used in this current campaign.

In the atmosphere itself there is another layer of important aircraft which use many of the same devices as space platforms. The only difference is that they are closer to the battlefield. This layer includes planes like the U-2, the RC135 Rivet Joint, the Global Hawk, and the Predator. These last two are actually drones or UAV's (unpiloted aerial vehicles). This multi-layered battlefield is the key to "stand-off weapons" which kill and kill and do not expose the killers to any major threat. The Air Force Base at Kadena, Okinawa is one of the bases in the Rivet Joint Network. The Rivet Joint system would also have a key role to play in plans for National Missile Defense (NMD) and Theater Missile Defense (TMD) aimed at China or North Korea. Another local war-related facility is the naval base at Yokohama, which sent an empty aircraft to the war zone in the early stages of the war.

As we get to the ground level, we see the effects of these weapons systems. Bombs ranging in size from 500 pounds to 15,000 pounds blow everything to bits. Many bodies are never found. They become part of the debris of the battlefield. And when a bomb

goes off-course, many innocent civilians are killed and maimed.

Many Americans are quick to celebrate the overwhelming success of standoff weapons and the aerospace superiority that makes this "success" possible. They seem to forget the revenge is a two-way street. One day revenge tastes sweet. The next day we face revenge in the form of events such as September 11. We have a clear example of this in the Arab-Israeli conflict.

Finally, I want to talk briefly about the next stage of space warfare, the move to put battle platforms in space—a program which is sometimes called Star Wars. People must unite from around the world if we are to prevent the deployment Theater Missile Defense and National Missile Defense. This development is not a defensive move but an attempt to make U.S. nuclear weapons secure for decades to come. The alternative is to work for real nuclear abolition and to work to keep space for peaceful purposes.

As you know, the Japanese government is being pressured to become part of a deployment of these weapons against China. There are treaties in place which should prevent this development: the Outer Space Treaty, and the ABM Treaty. But the U.S. is ignoring these treaties in the same way that it ignores the Kyoto accords on Global Warming.

In closing, I would like to say again how dangerous the U.S. has become. I live in a country which often acts like a global bully and glutton. During the Vietnam era, a U.S. senator called this attitude an "arrogance of power." To stop this behavior, we need the rest of the world to help those of us who work from within the belly of the monster. We need to work together for social justice and environmental sanity in the world at large. All of us who work for peace know that we must work for justice too. In a world where 20 percent of the world's population consumes 86 percent of the resources, there is a constant war against the poor. It is just plain wrong for the U.S. with 4 percent of the world's population to claim the right to dominate the world economy and political structure, and yet that is precisely what the U.S. Space Command says in its own documents.

My overall impression from all this is that all of us must continue our work for peace and justice. Along with bad globalization, there is good globalization. Communication can keep us in touch with concerned brothers and sisters throughout the world as we do our local work for a just and peaceful world.

WHITECLAY COMES

In the four years that the problems at Whiteclay have been in the public eye, the discussion has centered almost exclusively on the issue of enforcement, and the law-making body of the state—the Nebraska Legislature—has never been involved. That changed in January when, at the request of Nebraskans for Peace, Sen. Don Preister of Omaha introduced LB 1306 to establish a five-mile buffer zone around dry Indian Reservations. The bill was heard in the General Affairs Committee February 25 and over the course of the two-and-a-half-hour-long public hearing, more than a dozen people from a broad cross-section of the state testified in favor of the legislation. The only two opponents officially testifying against the legislation were lobbyists for the state beer wholesalers and the licensed beverage association. Printed below and on the adjacent page is the testimony of just two of the supporters—Sen. Preister and NFP State Board member Byron Peterson. As of press time, the bill was still in committee.

Good afternoon, Senators and members of the General Affairs Committee. I am here today to talk about the problems associated with the \$3 million alcohol trade in Whiteclay, an unincorporated village of 14 people just 200 feet from the dry Pine Ridge Reservation.

Over the past three years, since the protest marches over the unsolved murders of two Lakota Indian men—Ronald Hard Heart and Wilson Black Elk, Jr.—Native Americans and Nebraskans for Peace have been actively pursuing non-legislative solutions to the problems at Whiteclay.

They have repeatedly raised this issue with the State Liquor Control Commission, the Nebraska State Patrol and with Governor Johanns himself. They have attended and spoken at public hearings, met personally with all of these entities, and worked directly with the Oglala Sioux Tribal government to remedy the inherent problems of selling alcohol in this former Agency town.

What they have been told repeatedly by state officials is that “it is legal to sell alcohol in Nebraska” and there is essentially nothing that can be done without a change in state law.

Explanation of the Bill

Having exhausted every other recourse, Nebraskans for Peace came to me and asked if I at least would be willing to draft some pilot legislation that could begin to address this situation.

The five-mile buffer zone contained in the bill is based on the original five-mile-deep buffer zone established by President Chester

Arthur in 1882, and later passed into law by an act of Congress in 1889, to stop whiskey peddlers from preying on the inhabitants of the Pine Ridge Reservation. LB 1306 would prohibit the sale of alcohol within five miles of a “dry” Indian Reservation, or as the statutory language reads, “Indian Country.”

To protect the economic interests of the four existing dealers in Whiteclay (none of whom actually live in Whiteclay) the bill grandfathers in their liquor licenses, but precludes the Liquor Control Commission from issuing new licenses. That provision should answer any constitutional concerns regarding “takings.”

As we understand it, no other dealers in the state, regardless of their proximity to a federally designated Reservation, would be impacted by the bill, because all other “Indian Country” in Nebraska is currently “wet.”

I have been asked the following questions in connection with the bill:

WON'T THIS CREATE A PROBLEM IN PLACES LIKE LINCOLN WHERE THE PONCA TRIBE OWNS PROPERTY, FOR EXAMPLE?

The answer is: Only if it meets both provisions established in the bill:

It has to be Indian Country; AND

The tribal council has to have acted to ban the sale and consumption of alcohol within the borders of that specific Indian Country.

DOESN'T THIS GIVE THE CURRENT LICENSE HOLDERS A MONOPOLY?

The answer is: No. A license is not transferable, assignable or inheritable. It also ceases upon the death of the licensee, except:

If it is part of a partnership or limited liability company it may continue to operate until the expiration of the license (1 year), unless the license would have expired in 2 months, then it can be renewed for 1 more year, or

If the license is issued to a husband and wife as co-licensees with right of survivorship, the survivor can exercise his or her rights as before, or

In case of insolvency or bankruptcy, the trustee may continue the business under the order of the court until the expiration of the license—one year.

So, at most, a spouse who is a co-licensee with a right of survivorship, may be able to continue the license until his or her death.

Seriousness of the Problem

The leadership of the Oglala Sioux Tribe has banned the sale, consumption and possession of alcohol on the Reservation in an effort to control the social, economic, cultural and health-related damage this drug is causing to their people. And yet the Pine Ridge Reservation has one of the highest alcohol mortality rates in the entire United States—a condition the State of Nebraska is only aggravating through the licensing of alcohol sales at Whiteclay.

In addition, as the poorest federally designated county in the nation—a notoriety it has carried for at least the last 35 years—there are no treatment facilities any-where on the Reservation or in Whiteclay.

Nebraska's deliberate issuance of four liquor licenses on the Reservation border is directly contributing to unlawful activity both in Nebraska and on the Reservation. Of the 4.1 million cans of beer annually sold in Whiteclay, the vast majority of them are to

residents of Pine Ridge, who for all practical purposes have no legal place to drink it. With all the establishments being licensed for off-sale, there is no place in this all-white, 14-person village for the Indian patrons to legally consume what they buy. They can't drink the beer in Whiteclay, nor can they legally take it back onto the Reservation. It's a Catch 22.

And finally, it is obvious by now that we as a state do not have the means to provide statutorily required local law enforcement (see box below) in Whiteclay to ensure that the laws of Nebraska are being obeyed and that criminal activity is being effectively interdicted.

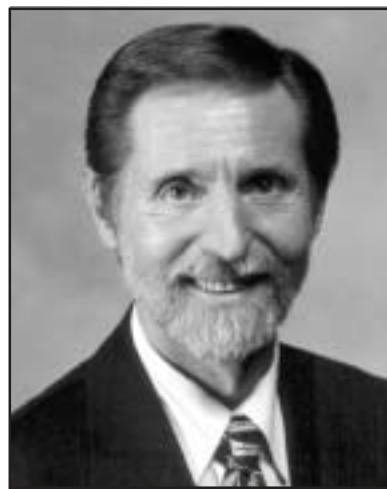
In effect, we as a legislature are sanctioning a lawlessness that not one of us senators here today would tolerate in our own communities. And we are doing so to the social, economic, medical and cultural detriment of our Oglala Sioux Tribal neighbors.

Additional possible solutions

I want to tell you today that I am absolutely open to suggestions on how this piece of legislation might be improved. I urge you to see it, first and foremost, as a vehicle for starting the legislative discussion on what can be—and needs to be—done in Whiteclay.

But that legislative discussion needs to begin—and I believe it needs to begin in earnest yet this year. I want to work with you to hear your thoughts and ideas about what can be done.

continued on page 9



Sen. Don Preister

§ 53-132. Retail, bottle club, or craft brewery license; commission; duties.

- (2) A retail liquor license... shall be issued to any qualified applicant if the commission finds that... the issuance of the license is or will be required by the present or future public convenience and necessity.
- (3) In making its determination... the commission shall consider...
 - (c) The existing population of the city, village, or county and its projected growth;
 - (d) The nature of the neighborhood or community of the location of the proposed licensed premises;
 - (e) The existence or absence of other retail licenses, bottle club licenses, or craft brewery licenses with similar privileges within the neighborhood or community of the location of the proposed licensed premises...
 - (g) The adequacy of existing law enforcement...
 - (j) Whether the type of business or activity proposed to be operated in conjunction with the proposed license is and will be consistent with the public interest.

POPEYE WINE & BEER

by Byron Peterson

Good afternoon. My name is Byron Peterson. I live in Minatare, Nebraska in the Nebraska Panhandle, and I am here today as a representative of the State Board of Nebraskans for Peace. I have been directly involved in the Whiteclay issue for nearly three years, and have spent thousands of hours researching and documenting the activities in and policies surrounding this unincorporated village of 14 people with four off-sale beer dealers selling 4.1 million containers per year just 200 feet from the dry Pine Ridge Reservation.

Out of the sizable store of information that I have accumulated on this tragic place, I want to focus this afternoon on just one example of the legal confusion the State of Nebraska has exhibited toward the sale of alcohol in Whiteclay. A confusion that has led to the application of a double standard for the dealers in Whiteclay that virtually no other liquor licensee in the state is permitted to practice.



Photo Exhibit A

Almost any time you happen to drive through Whiteclay, you can pretty much bet on seeing patrons drinking on the premises of the off-sale establishments there. Indeed, the day-to-day presence of groups of people being allowed to openly drink beer while milling around the building and even standing at the dealer's doorway led Nebraskans for Peace to conclude that the dealers in Whiteclay were being allowed to violate this law—and perhaps many others—with impunity.

With no on-sale establishments in Whiteclay, and with residents from Pine Ridge legally prohibited from bringing alcohol back onto the Reservation, drinking on the premises is a common phenomenon in Whiteclay. And yet, a check of the citation history revealed that only two citations have ever been written to the current dealers for this offense. One

(which incidentally was the only citation recorded for Sheridan County Sheriff Terry Robbins on any of the four dealers) was written on the Arrowhead Inn on 4/7/98. The second was written on the H&M Mini-mart a full three years later on 5/21/01 by the State Patrol.

Disturbed by this pattern of illegal behavior and non-enforcement, Nebraskans for Peace met with the Nebraska State Patrol and Governor Johanns exactly one year ago this month about the lack of law enforcement in Whiteclay. We showed this photo (Photo Exhibit A) taken in January 2001, of a man—as you can see—drinking an open container just five feet from the door of the Arrowhead Inn. Clearly, we believed, a violation of the statute prohibiting the consumption of alcohol on the premises or adjacent areas of an off-sale licensed establishment.

On seeing this photo, Governor Johanns, to his credit, immediately ordered increased enforcement by the State Patrol. When this same photo was shown to the State Patrol, however, the officer responsible for the state's liquor law enforcement and the Patrol's representative to the Liquor Control Commission disputed whether the situation depicted in the picture constituted being “on the premises.” That was not, he said, illegal. As you might imagine, we were dumbfounded by this response, as just previously, to clarify this matter for ourselves, we had posed the question of what legally constituted premises to a liquor licensee in Lincoln. Was it legal, for example, for us to pop the top of a beer we'd purchased from him in his parking lot? Absolutely not, we were told. Allowing such activity “would cost him his license.”

Realizing there was a great deal of confusion—at least with respect to enforcement in Whiteclay—we turned to the Liquor Control Commission for clarification on the matter. But we received nothing definitive or even particularly illuminating in response.

An August meeting in Pine Ridge between representatives of the Oglala Sioux Tribe, Nebraskans for Peace, the State Patrol and Sheriff Robbins revealed that a clearly defined standard of what constitutes drinking on the premises was still missing at Whiteclay.

Follow-up meetings in both August and September with the Liquor Control Commission to address this matter were held. Nebraskans for Peace itself developed and submitted formal premises definitions as

a way of getting the Commission to determine the legality of the specific drinking patterns being allowed in Whiteclay. But the commission's only response was that the Patrol already knew what constituted a premises violation.

Finally, convinced that the commissioners were either not able or willing to provide clarification or that individual enforcement officers were not clear on this issue, a formal request was submitted to the Patrol's Central Office staff in November 2001. Failing to get a response within a couple of weeks, Nebraskans for Peace placed a call to check on the status of the request. It turned out that a ready definition of premises was not presently available, but that several staff were engaged in developing one. About two weeks later, a letter from State Patrol Col. Nesbitt was received, stating that drinking on the dealer's parking lot or sidewalks would be considered a premises violation. This decision was then shared by Nebraskans for Peace with all enforcement players and the Oglala Sioux Tribal government.

So now, nearly one year later, the Liquor Control Commission and the State Patrol know what virtually every other dealer in Nebraska outside of Whiteclay already knew: premises extend beyond the actual building to include parking lots and sidewalks. And open containers are prohibited in these areas.

The question now is: will this clarification of the law make any difference in Whiteclay?

On 2/4/02 I made another unannounced visit to check on any progress had occurred since the notification had been sent to law enforcement.

What I witnessed was absolutely appalling. As the second photo before you shows (Photo Exhibit B), a group of four men were gathered in the parking lot of the Arrowhead Inn, next to the front wall and easily within 10 feet of the main entrance. The men were drinking. The men were drunk. One man was loudly making pontifical pronouncements and raising rhetorical questions to which another was begrudgingly responding with “I don't know.” A third man sitting on the pavement broke into tears and could be clearly heard sobbing in anguish from a distance of at least 50 yards. Another man suddenly slumped to the paving where he remained for over an hour before he was able, with considerable

struggle, to gather himself up from the cold pavement and again stand erect.

The scene I have just described depicts at least four clear violations of Nebraska law in a three-hour period. Law enforcement resources responsible for Whiteclay both from Sheridan County and the State Patrol were clearly absent. Of even greater significance though are just the two citations in the past four years to dealers for allowing drinking on their premises. This fact, in and of itself, clearly shows that those responsible for enforcing the law in Whiteclay are guilty of gross under-performance, if not sheer neglect.

So how do we fix this? Do we fault all enforcement players from the Governor on down to the line officers, at both the state and county levels, for failing to provide the enforcement needed in Whiteclay? The State Patrol told Nebraskans for Peace point blank last August that it currently does not, nor can it, provide on-site enforcement in Whiteclay for all the hours that alcohol is sold. When



Photo Exhibit B

pressed to put this writing to the Liquor Control Commission, we were told “they already know it.” So do we instead fault the Liquor Control Commission for its failure to recognize that the enforcement services required to legitimize these licensures in Whiteclay are not available?

There are, as you can see, problems with selling alcohol in Whiteclay that stretch through the entire structure of government in Nebraska. Problems that Nebraskans for Peace now believes cannot be addressed short of an outright ban on alcohol sales in that village. As a first modest step forward, the State of Nebraska needs to prohibit the issuance of new licenses in an area we obviously lack either the will or the ability to enforce. Nebraskans for Peace urges you to advance LB 1306 to the floor for full debate.

Sen. Chambers on Gay Rights

Last April, Sen. Ernie Chambers spontaneously seized upon an opportunity to propose an amendment to a state real estate bill prohibiting discrimination against gays and lesbians. In Nebraska, it is legal to refuse to rent, sell or show residential property to people based on their actual, presumed or suspected sexual orientation. Much to the amazement of both his colleagues and legislative watchers, his amendment was adopted.

As he later wrote, "When the vote went up on the board and showed the amendment was adopted 26-8, an almost palpable sense of surprise and exhilaration rippled through the Chamber as the Senators realized that something stunning had happened. They had done an act that was eminently just and proper. Frankly, I was quite proud of them. If LB 215 becomes law, it will be the first time that Nebraska has banned discrimination based on sexual orientation; but more important, it will be an instance of the State being a powerful moral example of what it preaches through its motto: Equality before the Law." Sadly, Governor Mike Johanns vetoed the bill on the last day of the session and the legislature was unable to muster the necessary 30 votes to override.

Despite the disappointing outcome, this episode is indicative of the kind tactical brilliance, moral leadership and jaw-dropping, flat-out eloquence Sen. Chambers has consistently provided during his 32-year legislative career.

Printed below are excerpts from the impassioned statement Sen. Chambers delivered on the floor of the legislature that April afternoon on behalf of Gay and Lesbian equal rights. As he himself expressed it, "During the less than half-hour which I used to make my case, the Chamber was hushed, and the Senators were extraordinarily attentive."

Members of the Legislature, for too long in Nebraska, too many people have had their noses in other people's crotches. They are concerned about what consenting adults do behind closed doors. I have no concerns with that. I have concerns about human beings.

When I was growing up, people who were gay were not known by that term, not even always by the term 'homosexual'. There were pejorative, insulting, demeaning terms... the 'f' words: faggot, fruit, fairy, funny—but there was no humor in it. It was always designed to characterize people as being something less than human.

I didn't always feel about gay people and their rights the way I feel now. When I was

growing up, I didn't even know what being gay meant. In churches, they preached about people who were 'funny' or homosexual; and that's what they were. But I wouldn't have known one if I saw one. As you grow a little older, they told you it's a man who carries a limp wrist [or] a woman who cuts her hair short and wears pants.

When I would see pictures of women working at the bomber plant, they had on pants, and most of them had their hair short, so all of them were homosexuals. You have to be careful about the generalizations you give to children. So, instead of these people being those who were working the war effort and doing great things, whatever being homosexual was, that's what they were; and they couldn't be good.

When I became aware of the hatred directed toward these people that would escalate into violence and even homicide, it became crystal clear to me that society owed a responsibility of protection to these people who were mistreated in this terrible way, not for anything they have done but because of the way they were born. And I think that is shameful for a society to do...

All that has to be answered is the following question: Is a gay man a human being, is a lesbian woman a human being? If the answer is yes, and it is for me, every right and privilege that any human being has in this country should be guaranteed to them and protected to the same extent it is for others. And when they are identified because of their sexual orientation and marked for discrimination and sometimes death, they should be a protected class. We create protection around classes because they, by virtue of being a member of that class, are subjected to wrongful treatment, violence and even deprivation of life. I cannot be comfortable with that while I'm a lawmaker...

[We] can look at simple principles of social justice and realize that every person should have the right in a democracy to obtain a place to live. Shelter is one of the basics. And all that I am saying is that, in a bill of this kind where we are protecting people from discrimination that would be directed against them because of their sex, national origin, ethnicity, race, religion, marital status, we should not hide from the fact that people suffer an even more insidious and vicious discrimination because of their sexual orientation or their alleged sexual orientation.

What my amendment says is that these are human beings, and if we believe there is any human decency within ourselves; and if we believe that every human being is entitled to self-respect and to proper and fair treatment,

we cannot knowingly allow people to be discriminated against because of their sexual orientation or alleged sexual orientation...

Some of you who have not suffered discrimination because of what you are, probably cannot relate to what I'm talking about because it never happened to you. It won't happen to your children, you hope. But when things happen to me that are wrong, I learn from that, and I don't want anybody to suffer what I've suffered. I don't want anybody to ever feel what I feel on a daily basis...

I often think of a movie I saw called 'The Elephant Man.' It was about a man named [John] Merrick. He had these growths that would develop and disfigure him horribly. They caused his skull to be misshapen. A sack with an eyehole was made to cover his face because of the way human beings will treat somebody like that. He was put on display in freak shows, sideshows, circuses; and people made money off his deformities. He was called the Elephant Man.

There was a scene where—he was in London, I believe—he was trying to get away from some boys who were harassing him. He had trouble walking because he was somewhat crippled. So he was moving as fast as he could, half-shuffling, half-stumbling. People were looking as he came by.

Then he bumped into a little girl, and people became infuriated. This mob began to chase him. He went down a flight of stairs, ran along a corridor, came to a metal gate which he could not open. So he turned around and confronted [the mob]. They were all screaming at him and saying what terrible things ought to happen to him. Somebody pulled the mask off, and people fell back in horror. And [Merrick] said: 'I am a human being! I am a human being!' And [the mob] stopped.

What I am saying here is that these people are human beings. We have an obligation as lawmakers to protect them against unjust, unfair discrimination. What I am offering is what I told the Judiciary Committee [when presenting a bill to ban employment discrimination based on sexual orientation], this is a plea for human decency and respect. [The committee advanced the bill, LB 19, to the floor of the Legislature.]

...When you go to church, when you listen to prayers every morning [before the Legislature convenes] does none of that have any impact? Does none of this mean anything? Jesus often said, 'If you do good to those who do good to you, what thanks are you entitled to? Even the worst people do that, but I'm bringing you a better way.' That's what he said.

I don't see where Jesus ever made these distinctions. Do you know why I'm invoking the

name of Jesus today? Because that is what is done almost every morning when prayers are offered [in here]. And I would dare say, without attempting to boast, I probably come closer in my day-to-day life—in the issues that I fight for, the people I try to help—I come closer to what Jesus talked about than some of my colleagues here. I am not religious. I don't pretend to be a Christian. There are just some things that I think we all would believe and act on if our brains are working...

There is a way we don't want our children mistreated; we wouldn't want our spouse mistreated; we don't want our siblings mistreated; our parents. Suppose they happen to be homosexual, and we know the terrible things this society has not only said but will do to people who are homosexual. How do you think that makes family members feel? Whether you realize it or not, you may have members of your family who are homosexual.

But they cannot tell you because they may have heard things you have said. Instead of being able to go to those who mean the most to them, to those to whom they should mean the most, they cannot do that. So they are just out there.

All that I'm asking for in this amendment is that we guarantee people the right to have a place to live. It is a pathetic society which knows that an identifiable group of its citizens is being mistreated in a way that others are not, and that society will not fashion a remedy.

Why is it that in America, people have to conceal what they are to avoid discrimination, and then there are lawmakers who won't come to their aid? Why did we take an oath? Do you know why I put my hand up when they said, take an oath, and I said, I affirm? Because it's a promise based on my sense of personal honor that I'm going to do all I can as a lawmaker to protect the rights of people who have no place to turn.

We might be the last stop on the road to Perdition. We might be the last one before somebody, whose feet are stumbling, will fall over a cliff, and the only one who can save them is us. And we say, rather than extend a hand to help: 'I will stand aside and let them topple over the cliff and, thank God, my child is not a homosexual like that!'

If you are a homosexual, you should be homeless. You should have no place to work. You should have no place you can lay your head to rest. There should be no place of earth on which you can set your foot and find peace...

As long as these injustices prevail, we have a responsibility and an obligation, pursuant to our oath of office, to do something to remedy the problem. And I hope that's the way you vote this afternoon. Thank you, Mr. President.

Link Hands & Start a Chain Reaction

by Melissa Rigney, Secretary
& Stacie Schultz, Executive Committee Nebraska
Coalition for LGBT Civil Rights

The Nebraska Coalition for Lesbian, Gay, Bisexual and Transgender Civil Rights is urging Nebraskans to break the silence of inequality by joining hands around the State Capitol Wednesday, April 10 at 3:00 p.m.

“The Human Chain for Freedom and Equality” will draw attention to Nebraska’s continued discrimination against LGBT citizens. The Human Chain is being held in response to the LGBT community’s need for a safe, secure living environment, freedom from employment discrimination, and respect for diversity, individual rights and values.

Why is there such a need for this peaceful demonstration? In particular, Nebraska has proven, through legislation passed by its own citizens, the ignorance and misconceptions that surround LGBT peoples. More specifically, Initiative 416 was submitted to Nebraska voters at the November 7, 2000 General Election and was approved by an overwhelming of 70 percent of the vote. Initiative 416 was added to Section 29, Article I of the Constitution of the State of Nebraska on December 7, reading as follows: “Only marriage between a man and a woman shall be valid or recognized in Nebraska. The uniting of two persons of the same sex in a civil union, domestic partnership, or other similar same-sex relationship shall not be valid or recognized in Nebraska.”

This constitutional amendment was patterned after legislation passed in 33 other states, with one exception: the language of this amendment goes farther than any other law in denying an already marginalized group of people the civil rights they are entitled to under the United States Constitution. In addition, the specific language (“the uniting of two persons of the same sex in a civil union, domestic partnership, or other similar

same-sex relationship shall not be valid or recognized in Nebraska”) of this amendment goes well beyond any other similar legislation in denying LGBT peoples the right to form legal and binding ties whether personal, legal, or economic.

The especially harsh language of this amendment was spurred by fears stemming from Vermont’s passage of a Civil Union Bill. This groundbreaking piece of legislation gave the LGBT citizens of Vermont the right to form specific legally recognized and validated civil and domestic unions between same-sex couples. Vermont is the only state in the union to have this kind of legislation. Initiative 416, on the other hand, stands in direct contradiction to Nebraska’s own state motto, “Equality Before the Law”.

Significantly, the Initiative 416 petition drive was quickly and efficiently promoted throughout the state of Nebraska by outside proponents and organizations. People living outside of the State of Nebraska came across our borders and gathered petition signatures in order to put this amendment on the ballot. Stereotypes and confusion led many Nebraska citizens to place their names on those petitions, later regretting that they did so. If outside groups and individuals promoting such unjust initiatives and issues can so quickly enter our state and add legal binding legislation to our constitution, one only wonders what could happen next. Will we allow our state to be used as a litmus test for discriminatory laws which lead to ignorance, fear, stigma, and violence?

Currently, the Nebraska State Legislature has taken

action on LB19, an amendment to the Nebraska Fair Employment Practice Act designed to prohibit discrimination in employment based on sexual orientation. LB19, which has been advanced out of committee, will ensure that all employees are judged on their individual job performance, and not on the basis of prejudice. In addition, it will provide fair grievance procedures for victims of discrimination. It is important that Nebraskans voice their support for this crucial piece of civil rights legislation. It is important, in the wake of 416, that Nebraskans continue to support legislation that will foster equality for LGBT citizens. Don’t let our legislators assume that Initiative 416 speaks for all Nebraskans. It is not too late to undo the fear and damage that 416 has wrought on our state.

For these reasons it is important that the citizens of Nebraska come out in force on April 10 and join the Human Chain for Freedom and Equality. The Human Chain is a powerful and peaceful way to show your commitment to truth, justice, and equality. The Human Chain is sponsored and organized by the Nebraska Coalition for LGBT Civil Rights, a grassroots organization formed as a resource for the Nebraska LGBT community and its allies. The Coalition seeks to improve the civil rights of lesbian, gay, bisexual and transgender lives through education, political action, and community and youth outreach.

Participants in the Chain should assemble at the North Steps of the State Capitol on Wednesday, April 10 at 3:00 p.m. The actual linking of hands to encircle the Capitol is scheduled to occur between 3:45-4:00 p.m. Speakers and a reception will follow the main event.

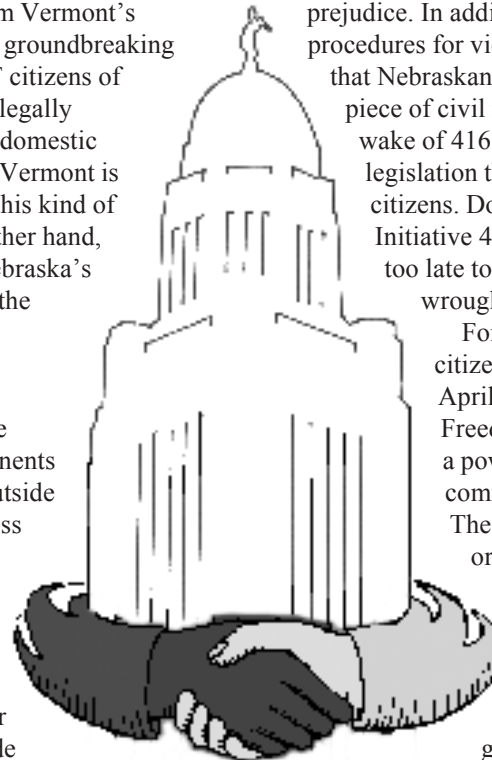


photo courtesy of Unicameral Information Office

Oglala Sioux Tribal President John Yellowbird Steele testified before the General Affairs Committee February 25 in favor of LB 1306. Within 24 hours of the bill’s introduction last January, the Oglala Sioux Tribal Council had unanimously endorsed Sen. Preister’s bill.

WHITECLAY, conclusion

It is my understanding that the annual sales and liquor excise tax revenue generated from sales at Whiteclay are about \$150,000. Several ideas we might consider to try to positively address this situation are to earmark these revenues for alcohol treatment for Native Americans in this area or to pay for full-time law enforcement at Whiteclay.

A third alternative is to place the money into a fund in order to constitutionally condemn and “take” the liquor licenses, in other words, reimburse the licensees for the present value of their licenses. Though it is not much money, it would be more than we have been committing to resolve any of these problems.

As both a senator and a citizen of this state, it is unacceptable to me—given the human devastation caused by alcohol on Pine Ridge, the Oglala Sioux Tribe’s decades-old policy of prohibition, the sheer volume of alcohol sales in that border town and the absence of law enforcement there—that the

State of Nebraska’s position is that, legally, we have no choice but to exploit these Indians and profit from their misery. That is an unacceptable conclusion. And as a lawmaking body, we have a moral and political responsibility to do better.

Even though this is a problem of long-standing and we as a legislature, to my knowledge, have never yet seriously addressed the problems of Whiteclay—this is a matter of urgency.

We have a full hour’s testimony lined up to speak to you this afternoon in support of the bill. We have representatives from Pine Ridge who have made the eight-hour trip on Highway 2 to get here, as well as Nebraska citizens ready to testify. I know you will listen carefully. And I thank you for your attention on a matter that is impacting the reputation of our state and much worse, destroying lives.

Legislature Targets Corporate Welfare

Critics of LB 775 Lambast Tax Giveaways To Big Business

by Mark Zimmermann
Treasurer, Nebraska Green Party

One of NFP's legislative goals this year has been the repeal of the 1987 Employment and Incentive Growth Act (LB775). Never intended to be permanent, the legislation has lumbered on through the years amassing over a billion dollars in tax rebates to corporations wealthy enough to take advantage of it.

In January, the Legislative Fiscal Office released a report which projected that if the program were to pay out \$700 million over the next seven years in tax benefits, it would only produce \$162 million in new tax revenue by 2020 for a loss of \$538 million. With both state and local governments already facing serious budget shortfalls this year, a few state senators have finally introduced legislation to rein in this sacred cow. While it doesn't appear at this time that they will outright repeal it, there is a good chance for some reforms.

Leading the charge has been Sen. Dave Landis of Lincoln who introduced LB 1037 to prohibit the state from accepting any more applications under the program after two years, effectively repealing it though without removing the language from state law. Landis's LB 1036 would limit the number of applications to nine per year in order to staunch the flow of tax deficits the program is producing. Currently, the Department of Revenue accepts all applications which meet the program's investment and job requirements. There have been 519 approved applications over the 15 years of the program for an average of more than 34 per year.

Although LB 775 is the largest, it is not the only tax incentive program in Nebraska, and LB 1188 sponsored by Sen. Ron Raikes of Lincoln would prohibit applicants from receiving tax breaks under more than one program for the same project.

LB 946, introduced by Revenue Committee Chair Bob Wickersham, would put the Legislature in charge of the size of the four main tax incentive programs by requiring it to allocate funds for each of them during the appropriations process. If

more tax rebates were awarded than there were funds to meet them, corporations would have to get in line and wait until senators appropriated more state money for that purpose. Although this would not limit the number of applications accepted by the Revenue Department, it could help alleviate some of their impact on the state's cash flow. At present, recipients of these tax incentives can wait to claim them until it suits their needs, regardless of how state or municipal treasuries are faring. Treating these tax incentive programs as deliberate appropriations rather than self-perpetuating revenue reductions would be an important philosophical break from the past.

LB 1300, from Sens. Paul Hartnett and Pat Engel, would require that jobs created under the LB 775 program pay at least 125 percent of the average county or 100 percent of the average regional wage. Although two of the similar programs, the Invest Nebraska Act and the Rural Economic Opportunities Act, have wage requirements for new jobs created, LB 775 does not. And because of confidentiality clauses, the public has no way of knowing what the jobs they are subsidizing are paying.

Another perturbing aspect of LB 775 is that most of the information about how it is disbursed is secret. Tallies are released on an aggregate basis (e.g., x dollars went to manufacturing firms), but even basic numbers specific to a corporation—how much it invested, how much it received in tax breaks—are not released to the public. LB 1136, by Sens. Wickersham and Landis, would require that some of this information be made available to the public after three years.

The Revenue Committee heard public testimony on these bills February 7 and 8. One theme that was stressed by opponents of the corporate tax breaks is that they favor Big Business and urban areas at the expense of small business and rural, small town areas of the state. Jon Bailey, of the Center for Rural Affairs in Walthill, noted that incentives for large corporations

outnumbered small business incentives by a ratio of 312 - 1 and at an estimated cost per job of \$30,000 as compared with \$729 per job under the Nebraska Microenterprise Development Act.

He told committee members that "the results of this policy are predictable. Based on the latest federal, per capita income data, rural Nebraska is home to the two poorest counties in the nation and six of the

poorest 16 counties. Meanwhile, many of the urban areas of the state are experiencing unprecedented growth and have some of the highest income levels in the nation; some of the corporations and individuals that are receiving the benefits of the LB 775 program are among the wealthiest in the world. A public policy that perpetuates such extremes is seriously out of balance and must be changed."

George Hasley, who runs Nebraska Aluminum Castings in Hastings, said the tax breaks to large corporations made it hard for small- and medium-size firms such as his to compete. He pointed out that one of the only tax breaks awarded in out-state Nebraska went for a WalMart distribution center in North Platte. Walmart is notorious for driving small town stores out of business. Currently, a third of all jobs and 90 percent of all business firms in Nebraska are those in companies with fewer than 20 employees.

Other witnesses, such as Sally Herrin, representing Nebraska Farmers Union, took issue with the unaccountability of LB 775, emphasizing that "it has never targeted economic development benefits based on need, and because of excessive confidentiality provisions, no one can tell whether LB 775 dollars are in fact helping with meaningful job creation or are just being used to subsidize normal business activity that would have taken place in any case."

In the end, the three strongest measures never made it out of committee. LB 1037, 1036 and 1188 were "indefinitely postponed" by unanimous vote. LB 946, 1300 and 1136 were sent to the floor by 7-1 votes, with Omaha Senator Pam Redfield the only vote against the reform measures. Of these three, LB 946 was chosen by the committee as its priority bill, meaning it stands some chance of being debated. Given the time constraints of a short session, it is doubtful the other two will be considered on their own unless added as amendments to LB 946.

George Kilpatrick of Sen. Wickersham's office said that Landis and Wickersham had to gauge the level of support they felt the various bills would receive from state senators and choose the one most likely to be successful as a reform vehicle. He noted that this year was the first time in at least a decade that any serious attempts have been made to scale back the LB 775 program, and attributed it to both the budget considerations and the inherent merits of the proposals.

Due to a recent change in policy (inspired in part by the activities of Nebraskans for Peace), banners and signs are no longer permitted at news conferences in the State Capitol Rotunda. So for a Rotunda news conference February 6, 11 NFP members wore T-shirts with single letters or numerals on them that spelled out "REPEAL LB 775." LB 775 tax giveaways have systematically robbed the State Treasury to the tune of \$1 billion-plus over the past 15 straight years. This legislative session, for the first time in more than a decade, the Unicameral is finally starting to question this policy.

NFP Statement on LB 775

Retired Henderson farmer and NFP State Board member Bob Epp testified on behalf of the organization at the Revenue Committee hearing on LB 775 February 7. Printed below in their entirety are Bob's comments, which were widely reported in the Nebraska media.

Our state is facing a serious budget crisis.

With the state continuing to endure an economic recession and with the massive diversion of federal funds to the military, projections for the revenue shortfall may well climb higher than Governor Johanns' original \$220 million estimate.

At the very moment the Nebraska Legislature was meeting in special session last October to cut \$170 million from the budget, state government was annually paying out roughly \$140 million in LB 775 refunds.

We were handing out \$140 million worth of tax rebates to the largest and wealthiest corporations in the state at very moment we were cutting social services and slashing millions from higher education because we couldn't pay our bills.

Well, a little homespun wisdom will tell you that: "It's no wonder you're broke when you're giving away the store."

At Governor Johanns direction last October, the Legislature was to take the knife to virtually everything else in the state budget, but raising taxes—or to cutting tax breaks for corporate supporters—was off the table.

Everybody else's ox could get gored, but nobody was going to touch that sacred cow.

With Nebraska taxpayers having shelled out over \$1.5 billion the past 14 years to underwrite this corporate welfare scam, it's time we got these deadbeats off the public dole.

Seven years ago, with the national economy booming, the Nebraska Legislature boldly "ended welfare as we know it" for Nebraska's poor, and gave them just two years to start making it on their own.

Today, with continuing shortfalls in revenue, budget cuts to higher education and social programs, and the state economy in recession, the Nebraska Legislature needs to "end corporate welfare as we know it" for Big Business.

Under Sen. Landis' LB 1037, the ConAgras, the Union Pacifics, the IBPs, the Goodyears would also get two years to start making it on their own without public assistance.

We're expecting no less of them than we are of single moms with two kids.

The War Is Over conclusion

You really have to wonder, given the flap the axis language has generated abroad, if anybody ran that speech past the White House copy editors. Apart from the geo-political fallout, it takes some pretty tortured reasoning, frankly, to put an Islamic fundamentalist regime like the one in Iran in the same camp with a godless, secular, Marxist-Leninist North Korea that believes "religion is the opiate of the masses."

And as for the 100,000 al-Qaida members worldwide, as soon as that statistic was released, pundits and experts were openly ridiculing it. One former CIA terrorism analyst, quoted in an *Associated Press* article, actually laughed when he heard the number, "I just came back from a luncheon on terrorism with about 15 specialists. If I dropped that like a rock into a stagnant pool, there would be roars of laughter." Another said of the administration's new 100,000 estimate, "I think that may well be a decimal place too high, especially if you're talking about people who got real terrorist training, rather than just got their picture taken on a knocked-out tank."

It's pretty clear by now that the Bush Administration is doing its best to keep drumming up Americans' fears over our national security by constantly concocting new and bigger enemies to go to war with. Anything, in short, to keep people's minds off of the recession and the state of their pocketbooks. And then, of course, there's still that nasty matter regarding Enron. It's almost a race at this point over which will widen fastest: Bush's War on Terrorism, or Congress's Enron investigation.

In any event, as far as finding new enemies goes, Nebraskans for Peace's own Mohammed H. Siddiq—who grew up in Saudi Arabia and now, because of his political views, can never go home—had the best suggestion yet. While we of course do not sanction any of the warmongering currently going on, you have to admit that Mohammed makes a pretty convincing case for his candidate in a letter to the editor that appeared in the January 28 *Lincoln Journal Star*. Somehow, we doubt that

it will make the Bush Administration's short list. But you never know. War's a funny thing. Yesterday's ally might be today's enemy. Just ask Saddam Hussein and Osama bin Laden.

"If we really mean it when we say we are defending democracy, human and civil rights, and the security of ordinary people from attack or abuse, then Saudi Arabia should be our next target. Why do I say that?"

Osama bin Laden is not only from Saudi Arabia but he planted the seeds of his movement over there. His family connection to the Saudi regime is far deeper than the financial linkages. Osama's father (Mohammed bin Laden) and his family had

1. an amicable friendship with the family of Al-Saud and a business relationship with Ibn Saud, the founder of Saudi Arabia. Ibn Saud and the senior bin Laden were more drawn together by the fact that each man had suffered the loss of one eye.

An influential segment of the Saudi political elite—including an important figure in the royal family—has itself been linked to bin Laden. In this, Prince Turki al Faisal—whose ties to bin Laden and to Mullah Omar were not broken until Sept. 11.

2. Fifteen of the 19 hijackers were from Saudi Arabia.

Three of the five sought-after suspects who delivered martyrdom messages are from Saudi Arabia.

3. Last, but not least, the crimes of the Saudi kings and ruling princes have been chronicled and denounced by human rights investigators with justifiable regularity. They degraded women and sowed terror not just in the hearts and minds of their opponents
4. but throughout Arabia. They have resorted to repression and have jailed many of their opponents without a semblance of due process or fair trial.

If we look the other way or go easy on the ruling amirs of Saudi Arabia, we might as well give up our struggle against terrorism because we are ignoring a major breeding ground for terrorism."



*Gifts to the Nebraska
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are tax-deductible
and don't pay for the
"War on Terrorism"*

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Anti-War Protest at State Capitol



photo by Kat Shiffler

Nebraskans for Peace members reassembled at the State Capitol on the six-month anniversary of the World Trade Center bombing to voice their opposition to the Bush Administration's widening "War on Terrorism." Holding banners saying, "We're NOT Winning a War. We're Breeding MORE Terrorists," over 50 Nebraskans braved the cold to call for an end to this deadly, but ultimately futile policy that is rushing us closer to the brink. Despite the polls, so long as this war goes on, so will the protests.

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.

April 19-21

Alternatives to Violence Project Workshop will be held Friday through Sunday, April 19-21 at First Mennonite Church, 7300 Holdrege St. in Lincoln. Steve Angell of Pennsylvania, who Steve has traveled across the U.S. and to many countries in five continents to lead AVP workshops in strife-torn areas, will be the lead facilitator of the intensive, three-day experiential workshop on conflict resolution. AVP is designed to help people create successful interactions and resolve disputes without arguments, using the techniques used by Gandhi and Martin Luther King. Cost for the workshop in April is \$50 for adults, \$40 for students and senior citizens. Simple meals will be provided for Saturday lunch and supper and Sunday supper. For further information, contact Marge Schlitt, 402-474-0682; margeschlitt@mindspring.com. The workshop is limited to 20 participants.

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. Announcements published on a space available basis.

Real Energy Independence

Senator Majority Leader Tom Daschle's energy bill, under debate in Congress as I write, contains a provision to require a 10 percent renewable portfolio standard for electric generation. It is unlikely that President Bush will permit the RPS to become law, as the administration has sworn to live or die by Arctic drilling and other Pork Fat Things in the interest of the fossil fuels industries.

A renewable portfolio standard, with meaningful tax incentives, is the surest and quickest way to develop renewable energy sources. The coal, petroleum, natural gas, hydro and nuclear power industries have all enjoyed the benefits of government support, over decades and even centuries. That's how energy industries get started.

A renewable portfolio standard could be especially meaningful to the Great Plains, which is often called the breadbasket of the country. With abundant wind, solar and biomass potential, and caught in the worst crisis of farm income since the Great Depression, we are ripe for real rural economic development through renewable energy.

Nebraska is already a leader in ethanol

development. While 25 years of failed export-based farm and trade policy has depressed corn prices to historic inflation-adjusted lows, ethanol has countered that trend as a key to driving domestic consumption. But ethanol development in Nebraska did not just happen. Our state Ethanol Board has provided leadership and advocacy, and our legislature has provided incentives to level the playing field for ethanol, relative to petroleum.

It is inevitable that renewables will grow as a percentage of the energy mix. Opponents of renewable development are, frankly, living in a dream world, where coal is "clean," global climate change is "only a myth," and the only costs are those customers pay at the pump or in our monthly gas and electric bills. In the real world, fossil fuels are only "cheap" when we ignore their real costs—public health costs, decommissioning costs, the cost of foreign wars (not to mention terrorist attacks on our own soil) to protect our access to other peoples' supplies of fossil fuels.

The question is not whether we will set a renewable portfolio standard for energy generation in this country. The real questions

are when, and how. Me, I'd love to see Congress pass the Jeffords amendment to the Daschle energy bill, which would require that 20 percent of electricity be generated from clean, renewable sources by 2020. But I live in the real world, and that's not going to happen this time around.

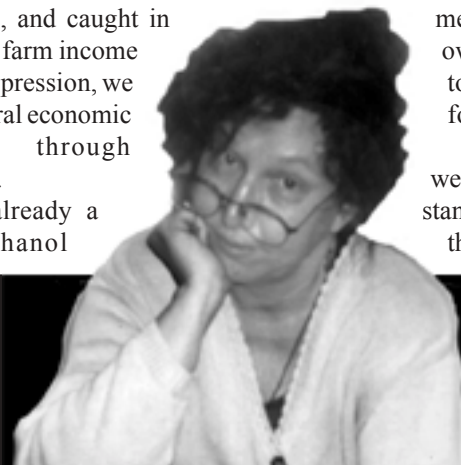
It's too bad. Passage of the RPS, with meaningful incentives, would allow the market to work its magic, and we would all benefit from advancements and refinements in renewable energy that we cannot now imagine. Perhaps more significant, passage of a federal RPS would mean real progress in public policy, instead of years of dinking around, tweaking a regulation here, an incentive there. Soon or late, though, increasing reliance on renewables will come. The alternative is unthinkable.

Ever wonder why so many Haitians are desperate enough to set themselves adrift on "boats" made of little more than two liter bottles strapped together with duct tape? Haiti, once an island paradise, is good for little more than a horrible warning now to the rest of the world of what happens when a country cannot come up with a better energy policy than "burn everything until it is gone." Haiti's forests have been burned for charcoal, its soil is all but gone, and the paradise that

was is now a stone in the sea, pitting like bread left in the rain.

Nebraskans can help achieve a renewable portfolio standard through participating as citizens of a democracy. We can let our senators and representatives know we want public policy that promotes renewable energy because it means real rural economic development, protects public health, and helps correct human-caused climate change. We can take the same message to our state legislators, and urge the Unicameral to adopt the RPS at the state level.

Neither of these is likely to happen, however, until our utilities are on board, and that's where participatory democracy can really shine. As I never tire of reminding you, Nebraska is the only state with 100 percent public power. That means we own it, and as owners, WE elect the directors of our public power districts and rural electric cooperatives. Our public power system takes its mandate from us, the owners. If we want clean, renewable energy, we can make it happen—not through "green pricing" where a few customers pay more for clean energy, but by directing our power districts to expand their portfolios of renewable power generation to benefit us all.



From the Bottom by Sally Herrin

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