



Nebraska Report

There is no Peace without Justice

NOVEMBER/DECEMBER 2002

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NFP/PAC Endorsements

The Nebraskans for Peace PAC submitted questionnaires to the current candidates in the Attorney General's race and the District 2 Congressional race in Omaha. Mike Meister, the Democratic candidate for Attorney General, and Doug Paterson, the Green Party candidate for 2nd District seat in Congress, were both unanimously endorsed by the political action committee based on their responses, which are reproduced below. (Jon Bruning, the Republican Attorney General candidate did not respond, nor did incumbent Republican Lee Terry or Democratic challenger Jim Simon in the congressional contest.) NFP/PAC endorsements were also issued in races for the Nebraska Public Power District and Omaha Public Power District boards of directors. The names of these endorsed candidates are printed on Page 3. The General Election is November 5.

Mike Meister for Attorney General

1. Defense of Marriage Amendment

Do you believe that the Defense of Marriage Amendment can survive legal challenges in the court system?

I do not believe the Defense of Marriage Act can survive a constitutional challenge, as it is far too broad in scope. I did not support the amendment when it was proposed and in fact voted against its adoption. That being said, people have to understand that as attorney general I would have an obligation to defend this amendment as reprehensible as I believe it to be. There is no mechanism for the attorney general to challenge a voter-initiated constitutional amendment. The nature of the profession is that sometimes attorneys are required to advocate for things they do not believe or agree with. I put this caveat in this answer because I do not want people to be misled into thinking that there is anything I can do to avoid defending this very bad law.

conclusion on page 3



Mike Meister

Doug Paterson for 2nd Dist. Congress

1. Corporate Accountability

Do you think that compensating CEOs with unexpensed stock options is one of the causes of the current corporate scandals? Why did the recent bill from Congress fail to address this matter and what would you propose instead?

Of course, not incurring stock options as a future expense is a corrupt practice that corporations, and their auditors, have used for years to gorge CEOs' already excessive compensation packages. Omaha's own Warren Buffet has been making this and similar indictments for years. And yes, this is one of the causes of the current corporate scandals, but only secondarily. Though very important, stock options are a method of compensation that was used in the past, and now with the scandals, new devices will be found. These we will learn about 10-20 years hence, while the national

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Doug Paterson

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PORT, P.2



Latin America Briefs

compiled by Sarah Disbrow



School of America (SOA) Graduates in the News

Peruvian death squad leader Vladimiro Montesinos was sentenced to nine years in prison for abuse of power and crimes against humanity. An SOA-grad, Montesinos was known as the corrupt former President Fujimori's "most trusted counselor."

Two Salvadoran generals were fined \$54.6 million by a U.S. federal jury in Florida for brutal torture of three Salvadoran plaintiffs during the 1980s. Former Minister of Defense and Public Security Jose Guillermo Garcia received counter-insurgency training at the SOA in 1985. As defense minister he refused to investigate the El Mozote massacre and the murder of four U.S. churchwomen. The second defendant in the trial, Carlos Eugenio Vides Casanova, had been a guest speaker at the SOA in 1985. He was cited by the United Nations Truth Commission Report for ordering the murder of the U.S. churchwomen.

In Venezuela, charges were dismissed against the four military officers, two of them SOA grads, who led the failed coup against President Hugo Chavez in April. After months of consultations with U.S. officials, including Otto Reich, who sits on the SOA board of visitors, the coup leaders replaced President Chavez with businessman Pedro Carmona, claiming that Chavez had resigned. Within 48 hours the coup was reversed by military forces loyal to Chavez and overwhelming street demonstrations. Lawmakers have accused the high court justices who dismissed the coup charges of following orders from the pro-business opposition.

Nicaragua recently sent 11 soldiers to be trained at the School of the Americas, with plans to double the number in 2003. Under Somoza's brutal dictatorship, 4,700 members of the National Guard were trained there. Until this year, no Nicaraguan had been sent to the SOA since Somoza was deposed. In August, a delegation of North Americans visited General Javier Carrion on a mission to persuade him to stop sending military officers to the SOA.

Protestors will return to the gates of Fort Benning, Georgia, from November 15 to 17 to call for a closure of the School of the Americas. See www.soawatch.org for more information.

A Big Step Back for Human Rights in Guatemala

On October 8, Guatemala's court of appeals overturned the 2001 conviction of three Guatemalan military officers and a Catholic priest in the murder of human rights advocate Bishop Juan Gerardi Conedera. Last year's verdict had been hailed by human rights advocates around the world as a "huge step forward" for Guatemala's judicial system. The Gerardi case was the first in which high-ranking officers, whom many believed to be "above the law," received long jail terms for human rights violations. The case will now have to be tried again.

Bombing Exercises Stepped Up on Vieques

The effects of September 11 are having a negative impact on the tiny island of Vieques. Bombing exercises began again last year on September 23, the day Puerto Ricans commemorate El Grito de Lares, the anniversary of the uprising against Spanish colonialism. Since the U.S. colonized Puerto Rico, that day has become a rallying point against Washington's domination. The second round of bombing exercises took place in April 2002—the same month as the accidental killing of civilian guard David Sanes in 1999 by a Navy bomb. Sanes's death sparked a new wave of struggle to end the U.S. Navy's occupation of Vieques. A third round of war exercises began in August of this year.

Environmental lawyer Robert F. Kennedy Jr., nephew of former president, John F. Kennedy, served 30 days in prison for trespassing on federal land during an attempt to stop the Navy exercises in April and May. Kennedy said he was embarrassed by the Navy's actions: "I grew up with the Navy and it's been painful for me to oppose a service that was really an icon of my childhood... But in this case, what the Navy is doing here is wrong, and it's arrogant and it's bullying and it's the worst face of America." After serving his sentence in a federal prison outside San Juan, Kennedy immediately flew to Vieques.



Don't Forget To Feed The Kitty

Mike Meister, conclusion

2. Death Penalty

Given the cost issues and problems with new evidence of innocence, would you support life without parole as the maximum sentence for first-degree murder?

I have said from the outset that I have no moral objection to the death penalty. I have also made quite clear that I will not advocate for the death penalty. If the legislature decides to eliminate the death penalty tomorrow I can live with that. Frankly, from a purely economic standpoint it makes perfect sense to switch to a life-without-parole maximum sentence. I do not believe it is the role of the attorney general to be involved in policy debates. I believe the role of the attorney general is to assist the policymakers in effecting policy which is fair and just.

3. Whiteclay

What would you propose that Nebraska do to resolve the situation in Whiteclay, where state liquor laws are not being enforced and more than 11,000 cans of beer a day are sold to a reservation clientele that has no legal place to drink it?

I have proposed entering into an inter-local agreement with the Oglala Sioux Tribe to allow tribal police authority to enforce liquor laws in Whiteclay. Whiteclay has become a very volatile subject and I was the first candidate for any office to have had the courage to stand up and propose a solution. My solution would allow for enforcement of liquor regulations by tribal police. The storeowners would still receive the protection of due process, as all infractions are processed through the Nebraska Liquor Control Commission and the Nebraska Courts. In this fashion, we empower the tribe with the ability to help solve what is a troubling and vexing problem for them.

4. Initiative 300

Do you feel that more efforts are needed to enforce the Family Farm Amendment, I-300?

Absolutely. I supported and voted for I-300 when it was proposed. My reasons were based upon the environmental impact I perceived corporate farms having on Nebraska's land and water resources. As I have become more involved in this campaign, I have come to a better understanding of the plight of the family farm as it relates to monopolistic practices in the agricultural sector. I have proposed the development of a farm section in the attorney general's office, whose role will be to handle not only I-300 enforcement provisions, but, all agricultural-related issues such as land use and water rights. Nebraska is the fourth-largest agricultural economy in the United States, and we currently have only one assistant attorney general handling all agricultural-related issues in the state. This is wrong.

Besides the questions you have asked, I think it is also important to note that I have proposed a Domestic Violence Program to train law enforcement and county attorneys in the prosecution of domestic violence cases. I have also advocated for funding for the law enforcement section of the attorney general's office. This section provides invaluable resource to the small counties when they are struck with a major crime. If this section goes away, then the majority of Nebraska counties are left without sufficient resources to protect their populations adequately. If I can answer any more questions for you, please let me know.

Doug Paterson, continued

amnesia and the media's fixation on reporting "today's urgent news only" will barely touch on this current scandal.

The current scandal is caused by two fundamental conditions: (1) The primary responsibility of a CEO of a public corporation is to make money for the stockholders. This is a matter of law. And prime stockholders are always the various corporate officers. If money can be made with a good product, good. If it can be made with a mediocre or poor product, good. If it can be made honestly, good. If it can be made dishonestly, good. There is no fundamental morality of the capitalist corporation except to increase capital holdings so that stockholders will make money. As long as this is the case, raiding the national commonwealth will continue to be a national obsession of the rich in their ruling circles.

I mention the national amnesia because of the second fundamental condition: (2) During our current outrage, not a single mention has been made nationally of the Savings and Loan scandal of the '80s. (Let us not forget that the Bush brothers were involved in this scam as well.) And the conditions for a \$300,000,000,000 theft were made possible by the **rampant deregulation** of the S&L industry in the Reagan years. In fact, the Reagan deregulations were central to creating the entire current corporate scandal.

But no one seems to remember. What we need is not Deregulation, but first DeReaganation, and then extensive re-regulation of corporate practices.

But re-regulation is only a short-term solution. In turn, the recent corporate reform bill is only a spilt in the wind of the corporate storming for profits. A CEO's signing off on the company's books is merely a matter of plausible deniability, with "plausible deniability" now to become a new hot major at all Ivy League business schools. Nor will any significant number of corporate robber barons do any jail time. The legal process will drag on for years, and in the end I imagine it will be a result similar to that of the Savings and Loan case—

identifying one central crook and several minor crooks, making a media circus of their trials and pre-ordained convictions, and it will be back to business-as-usual in a year. You heard this prediction first here, at Paterson for Congress.

A long-term solution is essential—one that addresses the current and the extended crisis of corporate capitalism. The long-term solution is Economic Democracy.

Economic Democracy begins with a long-term process whereby the people of the United States engage in an extensive dialogue about Economic Democracy—what might it look like, do we want it, if so how do we get there? At the same time, we must adopt public funding of all federal and state elections, with no private, PAC, soft, or hard private money allowed. And, in the short term, it will require stringent regulation of corporate action so as to protect the public from what is now a kind of genetic predation on the part of the corporate elites.

I do have some notions about what I would like to see in an Economic Democracy. These include, for all citizens: decent housing, safe neighborhoods, decent clothing, good nutritious food, national health care (including dentistry, mental health, disability accommodation and access, and senior care), free public education through at least two years of college, and a good job with a living wage for all people capable of work. This is not a comprehensive list, and is also open to analysis. Clearly there is a need for extensive discussions.

It is necessary to say, however, that an Economic Democracy requires deep respect for the people who know how to get things done in a well-managed fashion—business people. I am not and never have been anti-business, though I think the change to Economic Democracy will change substantially our view of what business people do. A new, just economy will require the manufacture of goods and their distribution, the growing of food and its distribution, the enhancement of communication,

continued on page 4

Public Power District Endorsements

NFP/PAC has endorsed six candidates for positions on Nebraska's Public Power District boards—three in the OPPD and three in the NPPD subdivision races. The endorsements were based on the candidates' support for developing renewal wind energy (to transition away from a dependency on oil and other fossil fuels) and their views regarding the trading of pollution emission credits (OPPD) and the safety and management of the Cooper Nuclear Power Plant (NPPD).

OPPD Metro Subdivision (vote for two)

Tom Foster
Frances Mendenhall

OPPD North Subdivision

Sid Sidner

*(none of the three OPPD incumbents—
Anne McGuire, Del Weber or Geoff Hall
—responded to the survey)*

NPPD Subdivision 2

Mary A. Harding

NPPD Subdivision 7

Ken Kunze

NPPD Subdivision 9

Larry G. Kuncl

Doug Paterson for Congress, conclusion

education and environmental enterprises, to name just a few. My work is in theatre, and it would be simply out of the question to expect actors to be competent in business practices, just as business people would likely not desire to be actors.

But at the base of our Economic Democracy is a knowledge of, appreciation of and respect for human work. Acting is work. Business is work. Farming, assembly line and checker clerking is work. Work is our most basic social relationship to each other. Workers—all of us—will form the foundation of an Economic Democracy free of the ravages of corporate predators. Indeed, the very definition and operation of corporations will require thorough transformations.

What will I plan to do about this if elected? I've given myself a tall order. But I'm willing to begin the process, which is really a continuation of what has been going on in the U.S. for all its life—building conditions for democracy. We can't as a people get anywhere, especially now with the full corporatization of all our life, without knowing clearly where we are going. And we can't know where we are going until we talk freely and openly on a national scale about our real hopes and desires. I want to be one of the people initiating this current dialogue.

2. Tax Cuts

In light of the current budget deficits, do you agree with the attempt of some in Congress to make last year's ten-year tax cuts permanent? In general, what would you propose to balance the federal budget?

The first lesson we need to learn is this: The Republican Party never has been opposed and is not opposed now to deficit spending. What they learned in the Reagan years is that they can put the country deeply into debt—especially with massive defense spending that enhances thousands of their portfolios—and then, in times of recession, convince the population that everything but defense must be cut to save the country from deficits. Failing this, the Republican Party, always an enemy of any government that does not subsidize corporate elites, is entirely content to risk U.S. government bankruptcy as a price for people-centered programs or, contrariwise, to risk bankruptcy for military expansion.

Making the Bush ten-year tax cuts permanent would be tantamount to conceding defeat to the corporate elite that desire a stranglehold on working people in the U.S. and around the world. We must be clear—this tax cut is a global issue, not just one of U.S. privilege. In the short term, the Democratic Party must stand for something, and if it can't at the very least stop this shift of the national tax burden to the poor and middle classes, then the Green Party and similar peace and justice networks must begin to challenge the Democratic Party's very existence. Immediately.

The tax burden has shifted from property, corporate, and income tax—where the rich and privileged must dodge wildly to avoid their fair share—to fees, payroll taxes, gas taxes, cigarette and alcohol taxes, and onerously to keno, lottery and casino taxes. Elites engage in these activities, but either at an equal or much lesser degree than do working class, poor and middle income people. There have been no tax cuts for working and poor people in the last 25 years since California's notorious Proposition 13. We get less money in real dollars, have fewer dollars in savings, are deeper in debt and are paying more taxes.

We must always remember: When the Republican Party talks about deregulation and tax cuts, it is ALWAYS referring to deregulation of their corporations and their taxes, not to small business and the mass of workers. That the Democratic Party has allowed this, without a peep of public analysis and protest, is a testament to where the allegiances of that party now are.

In order to balance the federal budget, I have called for a massive global dialogue with people and governments around the world and a corresponding cut in the U.S. defense budget over ten years to 50 percent of current expenditures. In turn, I would enact new regulation to be sure corporations—and here I am speaking mainly of mega-corporations and multinational conglomerates—and their managements and elites pay a fair share of the national tax burden.

I would also eliminate all taxation on families with less than \$35,000 per year in income.

Expenditures need to be expanded in the areas of health care, education, civil rights, the arts, environmental defense and public transportation, to name a few. Ironically, all of this can happen with the defense reductions outlined above and there will still be multi-billions left over for life enhancements of the people of this country.

3. Iraq

Would you support the military invasion of Iraq to overthrow Saddam Hussein? Do you feel that the president should be allowed to start a war without congressional authorization?

No, I do not support this trumped-up war against Iraq. If we were truly against terrorism, we would have invaded the anti-abortion movement in the U.S., disconnected entirely from the domestic arid foreign policies of Ariel Sharon in Israel and ceased support for regimes in Peru, Brazil, Colombia, Indonesia, the Philippines, South Korea, Saudi Arabia and Kuwait. Moreover, we would have aided Africa in its fight against the terror of AIDS.

This is not a war against terrorism. It is a war for safe appropriation of oil for insatiable and constructed U.S. energy needs. It is also a war of public family honor for the Bush family. Since the family has no public honor, a war against Iraq seems futile indeed.

I will not support this war if I am elected to the U.S. House of Representatives, and I will not support it if the Congress gives its approval. But at the very least, the war should get the support of the Democratic Party in order to go forward. Given their collapse in the face of 9/11 and their stampede to pass the USA PATRIOT Act, we can expect them to fall meekly into line this fall as the U.S. conducts its first-ever publicly-advertised invasion for imperialist aims.

4. Climate Change

What should the U.S. do to mitigate the causes of global warming? Do you support the ratification of the Kyoto Protocol?

I completely support the ratification of the Kyoto Protocol. That the U.S. corporate elite were able to turn our government against this essential piece of international solidarity for environmental sustainability is indicative of many dangerous agendas: (1) The corporate CEOs' time frame of improving profits in a 3-5 year period, with no responsibility whatsoever for the future 50, 100, 2000 years; (2) Corporations'

willingness to chance the effects of global warming for their own short-term profits; (3) the corporatization of the media, which has the mountains and oceans of research that show global warming is under way and is partly if not largely caused by human activity, but which has treated global warming on a par with the occasional flood (has anyone heard global warming and western forest fires mentioned in the same report?); (4) the energy monopoly's desire to sell every drop of oil, every gram of uranium and every lump of coal on the planet before shifting to alternative, non-carbon reactive fuels.

We must quit using fossil fuels as quickly as possible. This must be a national priority. At the same time, we must fund extensive research to discover useable sources of sustainable fuels.

We must stop using nuclear fuel immediately.

We must also pay very close attention to the depletion of global water supplies. Given current usage, this catastrophe may cripple the planet before global warming has a chance to.

By the way, Nebraska is proud to have skipped global warming completely and moved directly to "global roasting." This has been done, too, without the words global or warming or roasting having passed the current governor's lips.

5. Health Care

Do you think our country can and should provide universal health care to all its people?

I am fully committed to working for Universal Health Care whether or not I am elected. As Ralph Nader so accurately observes; "All of Europe by the late 1940s was able to pass national health care for all the people of Europe, and this in a region that was totally devastated by WWII. Yet this nation, with no injuries or damage on its own soil, and now the richest nation on earth by light years, cannot offer the same to its citizens." This abomination of public policy must be reversed immediately.

6. Labor

Do you support the expansion of union development and worker rights in Nebraska? If not, why? If so, what do you propose to make this happen?

An initial observation: The Democratic Party has given up on labor, and merely strings along the labor aristocracy so that the party can get labor votes and win elections for their increasingly tight connections with the U.S. corporate elites. Yes, I support the expansion of union development and worker rights in Nebraska. There are several actions we can take immediately: (1) Repeal Nebraska's pro-corporate, pro-management "Right to Work" provision from the State Constitution; this will require at the very least renaming this deceptively titled policy—in the interest of the democratic process, we need to fight this language war; (2) Raising the minimum wage in the U.S. over five years to \$15 an hour—about \$1.75 per year over the next five years; (3) Put substantial pressure on all meatprocessing and packaging plants to unionize their labor, and to increase the use of Spanish in all labor organizing.

But perhaps most important at this stage, we must resist the recent national movement inaugurated by the corporate elite to enact a National Right to Work law. This must not happen, and every action at our disposal must be taken to stop it, including civil disobedience and national demonstrations.

The Medical Consequences of Attacking Iraq

by Helen Caldicott, M.D.

This article originally appeared in the October 10, 2002 edition of the San Francisco Chronicle. Dr. Helen Caldicott will be the featured speaker at the February 15, 2003 Annual Peace Conference to be held in Lincoln at Nebraska Wesleyan University.

As the Bush administration prepares to make war on the Iraqi people—and make no mistake, it is the civilian population of that country and not Saddam Hussein who will bear the brunt of the hostilities—it is important that we recall the medical consequences of the last Gulf War. That conflict was, in effect, a nuclear war.

During the 1991 Gulf War, the United States deployed hundreds of tons of weapons, many of them anti-tank shells made of depleted uranium 238. This material is 1.7 times more dense than lead, and hence when incorporated into an anti-tank shell and fired, it achieves great momentum, cutting through tank armor like a hot knife through butter.

What other properties does uranium 238 possess? First, it is pyrophoric: When it hits a tank at high speed it bursts into flames, producing tiny aerosolized particles less than 5 microns in diameter that are easily inhalable into the terminal air passages of the lung.

Second, it is a potent radioactive carcinogen, emitting a relatively heavy alpha particle composed of 2 protons and 2 neutrons. Once inside the body—either in the lung if it has been inhaled, or in a wound if it penetrates flesh, or ingested since it concentrates in the food chain and contaminates water—it can produce cancer in the lungs, bones, blood, or kidneys. Third, it has a half-life of 4.5 billion years, meaning the areas in which this ammunition was used in Iraq and Kuwait during Gulf War will remain effectively radioactive for the rest of time.

Children are 10 to 20 times more sensitive to the effects of radiation than adults. My fellow pediatricians in the Iraqi town of Basra, for example, are reporting an increase of 6 to 12 times in the incidence of childhood leukemia and cancer. Yet because of the sanctions imposed upon Iraq by the United States and United

Nations, they have no access to drugs or effective radiation machines to treat their patients.

The incidence of congenital malformations has doubled in the exposed populations in Iraq where these weapons were used. Among them are babies born with only one eye or missing all or part of their brain.

The medical consequences of the use of uranium 238 almost certainly did not affect only Iraqis. Some U.S. veterans exposed to it are reported, by at least one medical researcher, to be excreting uranium in their urine a decade later. Other reports indicate it is

being excreted in their semen. (The fact that almost one-third of the American tanks used in Desert Storm were themselves made of uranium 238 is another story, for their crews were thereby exposed to whole-body gamma radiation.)

Would these effects have surprised the U.S. authorities? No, for incredible as it may seem, the American military's own studies prior to Desert Storm warned that aerosol uranium exposure under battlefield conditions could lead to cancers of the lung and bone, kidney damage, non-malignant lung disease, neurocognitive disorders, chromosomal damage and birth defects.

Do George W. Bush, Dick Cheney, Paul Wolfowitz, Condoleezza Rice, and Donald Rumsfeld understand the medical consequences of the 1991 war and the likely health effects of the next one they are now planning?

If they do not, their ignorance is breathtaking;

even more incredible though—and alas, much more likely—is that they do understand, but do not care.

Helen Caldicott has devoted the last 25 years to an international campaign to educate the public about the medical hazards of the nuclear age. She spoke in San Francisco recently in a benefit for the Nuclear Policy Research Institute, which she founded.



Original artwork by Omaha NFP member Marylyn Felion

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Whiteclay Interim Study Hearing...

Liquor Commission Chair Publicly Attacks NFP

by Byron Peterson

Has the Nebraska Liquor Control Commission become so invested in defending the licensing of alcohol sales in Whiteclay that it has lost the ability to objectively see Whiteclay for what it is?

Has the commission's capacity to make a proper examination of the evidence been so compromised that it cannot even see that there is something seriously amiss with the sale of alcohol there?

So that now, through their cumulative actions—and inactions—regarding Whiteclay, the commissioners have effectively backed themselves into a corner, from which they now find themselves hard put to gracefully extricate themselves?

Upon taking the stand, he simply introduced himself as chair and then immediately relinquished his position to have the commission's executive director, Forrest ("Frosty") Chapman, explain the commissioners' conduct regarding the beer sales in this Reservation border town.

Of particular interest was the way in which Chapman addressed the issue of what constitutes "adequate" law enforcement in Whiteclay. Chapman recounted that the commissioners, in an effort to address concerns over illegal behavior, have repeatedly called for an enforcement presence in Whiteclay "during all the hours alcohol is sold." He also, to his credit, acknowledged that neither the Sheridan County Sheriff's

Department nor the Nebraska State Patrol has to date provided this level of enforcement. But then, in a bald display of political spin meistering, he went on to excuse this discrepancy in coverage by noting that neither the Sheriff's Department nor the Patrol had ever indicated that enforcement in Whiteclay was "inadequate", totally ignoring the fact that it is the responsibility of the commission—not law enforcement—to set the standard of "adequacy" and that the commission has already done so by requesting enforcement there "during all the hours that alcohol is sold." It was yet another example of the kind of 'passing the buck' and 'shifting the blame' that we have come to expect from this body appointed by the governor.

Following the completion of the executive director's comments, I stepped up to testify on behalf of Nebraskans for Peace. I refer you to my accompanying testimony to draw your own conclusions on the effects it may have produced as it fell on the ears of the commissioners seated in the audience just two rows behind me. It would be safe to say though, I think, that the heat over the commissioner's conduct had already begun to build.

I had just finished delivering my testimony and was in fact still in the testifier's chair when Commissioner Logsdon, clearly violating legislative procedure, stood up in the audience and began to try to discredit what I had just reported regarding the "mess" in Whiteclay. Even though the content of my remarks to the senators had pretty well established that the periods of serious violations were by and large confined to the first few days of the month, when Family and Disability assistance checks arrive, Logsdon seemingly sought to counter this by injecting his own impressions from the commission's one official visit to Whiteclay on May 24. During the commissioners' visit, he contended, they had witnessed no illegal activity and had conversed with a number of the white merchants, all of who provided favorable reports on the situation in Whiteclay.

The commissioner's rebuttal though then took the form of a personal allegation. Utterly out of the blue, Logsdon asserted that one of the white merchants had observed me paying patrons to make illegal alcohol buys so that I could photograph them as they came out. While his attempt to 'whitewash' Whiteclay's image tended to fall short—given the testimony I'd just presented on the illegal activities in the town the first of the month, and the recognition by the senators that the commissioners had simply arrived too late to make a relevant appraisal—Logsdon's accusation that I was creating vs. simply recording happenings in Whiteclay continued to hang there.

Before I could respond however, Sen. Ray Janssen, the chair of the General Affairs Committee, announced that hearing protocol did not allow for comments from the audience and Commissioner Logsdon finally retired to his seat. With order restored, I then stated for the record that exhibits of such unprofessional behavior spoke to the desperation of those who would keep Whiteclay just as it is.

The testimony that followed also reflected poorly on the commissioners. Oglala Lakota Tribal President John Yellow Bird Steele intimated that, having made numerous trips to Lincoln over a span of years to meet with the commissioners about addressing the problems in Whiteclay—all to no avail, he would not meet with them again.

Marguerite Vey-Miller of the High Plains Community Development program in Chadron further documented the gravity of the situation in Whiteclay by sharing the results of a recent study conducted by her agency. The study's model, which has been used to measure some of the most notorious "skid row" areas in large cities throughout the U.S., confirmed Whiteclay as "Nebraska's skid row."

As the hearing began to break up, I wanted to satisfy my curiosity about whether Commissioner Logsdon truly believed the story about my paying people to pose for pictures in Whiteclay. I approached him as he stood with others in the hallway just outside the hearing room and simply asked him point blank. To my surprise, he said that "he sure did," and went on to berate me and NFP for in effect doing more harm than good and causing others a lot of trouble on this issue.

So there you have it. Now the question becomes what is to be made of this? What, if anything, should be done about it? Have I and NFP been slandered? Does Commissioner Logsdon owe us all a public apology? Beyond that, is further review of both his unprofessional behavior and—more to the point—his objectivity in making determinations as a commissioner called for?

These questions are no doubt being considered by the senators on the General Affairs Committee, who were confronted both with a serious breach of conduct by a public official, as well as charges of malfeasance in the service of the public trust. Having heard it for themselves now, the senators have no excuse for not acting to halt the obscenity going on in this village where solutions have been so slow in coming despite the concerns of so many.



Sen. Ray Janssen and members of the Legislature's General Affairs Committee listening to the testimony at the Interim Study Hearing on Whiteclay in Rushville October 8.

In the three years that I have been working on the Whiteclay issue, I confess that such thoughts have privately crossed my mind. But let me share with you what has caused me to publicly pose these questions now, after all this time.

It was the unprofessional behavior of the commission's chair, Bob Logsdon, toward me personally, and by extension also toward Nebraskans for Peace, at the Legislature's Interim Study Hearing on Whiteclay held in Rushville, Nebraska, the morning of October 8 that has finally driven me to speak out.

As the chair of this three-member, appointed body that is charged with enforcing the state's liquor laws, Commissioner Logsdon was invited to testify from the outset about the commissions' take on and work with the issues associated with Whiteclay. For all intents and purposes, however, he ducked the opportunity.

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Following the completion of the executive director's comments, I stepped up to testify

If you would like to make a donation to defray the costs of the fines for the seven Whiteclay protestors found guilty of drinking beer on the lawn of the governors mansion, send a check to the NFP office at:

941 'O' Street
Suite 1026
Lincoln, NE 68508

NFP Statement at the Legislature's Interim Study Hearing on Whiteclay

by Byron Peterson
Nebraskans for Peace State Board

Senators and others, I am glad you came this far, but am disappointed that you arrived at the wrong time and convened in the wrong place to see firsthand what we as a state are condoning in Whiteclay. I understand that the wish was for you to meet in Whiteclay and to do so on the first of the month when the alcohol trade is at its peak.

In your absence, I went there myself a week ago today, just as I have done on previous occasions, to take a bunch of pictures of the illegalities to be seen there. (See attached newspaper article.) I had hoped to share those pictures with you today. But, alas, my camera failed. A shutter problem.

So, instead, I will simply tell you what was there to be seen had you been there yourselves during the two hours I was in Whiteclay:

- The total absence of any Nebraska law enforcement personnel. (Tribal Police, who have no jurisdiction there, passed through twice.)
- Two people drinking beer while seated against the building and within two feet of the front door of the Arrowhead Inn.

- Two people urinating on the premises at the Arrowhead Inn. (There are no public restrooms.)
- Two clearly intoxicated panhandlers making successful buys at the State Line Liquor Store.
- One person making a successful buy of a pint of Gibson's Muscatel from a bootleg source located immediately west of main street. (Whiteclay is only licensed to sell beer.)
- Three intoxicated people laying prone on the cold pavement along main street.

That is what I saw in just two hours. That is what my camera failed to record. And you know what I did when I found my camera failed to function as it should. I immediately took it in to have it fixed. But you know what? If it continues to not work, I swear to you that I will spend the money needed and make the effort to replace it, so that I have something in place that does work as it should. And that is exactly what I expect you all to do about this mess we have had to endure so long in Whiteclay.

I want to remind you that my organization, Nebraskans for Peace, has been working to get this mess fixed for three straight years now. As you know,

we have repeatedly taken this matter to the Liquor Control Commissioners, the State Patrol and even the governor himself. We convened an encampment at Whiteclay, and called a meeting of the key players from Lincoln and here in Sheridan County to discuss how to solve this problem. But no one came.

We developed and shared a survey soliciting a review of the enforcement data and asking for an opinion on the enforcement adequacy in Whiteclay compared to the towns the survey recipients frequented or resided in. No one filled it out and returned it as requested. Not a single one—not the Liquor Commission, nor the State Patrol, nor the responsible Sheridan County officials, nor even the local church units.

We watched in shock last fall as the Liquor Commission found the Arrowhead Inn 'not guilty' of selling to two intoxicated patrons, even though the State Patrol had recorded a blood alcohol level of .215 for the first and of .16 for the second—twice the current legal limit. And yet the commissioners, almost in the same breath, turned right around and revoked—**not just 'canceled', but revoked**—the liquor license of Studio 14 in downtown Lincoln, because it was such a blemish in our State Capital.

The commission couldn't abide former Husker Lance Brown's antics with Studio 14, but 11 months went by—from August 1 of 2001 to July 1, 2002—before Nebraska law enforcement could trouble itself to issue a single new citation against any of the dealers in Whiteclay—in an unincorporated village where a violations can be seen hourly. Given the commissioners preferential treatment towards the licensees there though, on a certain level, you can almost understand if the State Patrol has developed a "Why bother?" attitude. The commission would probably just let them off anyway.

Disgusted and frustrated by this legal "double standard" (one for Indians, another for white people), I was one of seven who drank beer on the governor's front yard. I was appropriately charged, found guilty and fined, as indeed I should have been, because what I did was patently illegal.

Now I charge you—all of you—either at long last fulfill your responsibilities in this matter, enforce the state's liquor laws in Whiteclay with the same appropriate vigor as is done in Lincoln on the governor's lawn. Or admit your complicity and, in the name of decency, vacate your offices, for you will have knowingly and willingly violated the founding principle of our state—"Equality before the Law."

Response to Special Session on the Death Penalty

by Marylyn Felion with contributions
from Mary Ann Zimmer and Kelly Keller

Nebraska's Governor Mike Johanns has called a Special Legislative Session, (scheduled to begin November 7) to resuscitate a death penalty that, for all intensive purposes, is quite well dead.

In June the U.S. Supreme Court handed down a decision that juries, not judges, must make critical findings that determine life or death. Previously in Nebraska, judges made such determinations. In addition, since Nebraska is now the only state to retain the electric chair as its sole means of execution, there is a good chance that the Supreme Court will declare this method of execution cruel and unusual.

Nebraskans for Peace asks, "Why resuscitate it?"

The state's budget is in trouble and two special sessions have already been called to deal with these financial woes. Why another special session which, like the previous two, will cost over \$8,000 a day? How can we spend more money for a third session when health care for children and funding for our universities was cut in the previous session in order to help balance the budget?

Is it more important to be able to legally kill a human being than to provide health care and education for our children?

The governor insists this call was not made solely because of the terrible events in Norfolk. But the call came within days of the tragedy, even though the U.S. Supreme Court decision which put Nebraska's death penalty on hold came down in June.

This perceived "lynch mob" mentality has prompted the Mexican-American Commission to send a letter to state officials objecting to the special session because of the appearance of racism. Many Nebraskans are feeling the same concern.

Obviously there is no one on either side of the death penalty issue who would want to minimize the terrible suffering caused by recent criminal acts in Norfolk. Natural and understandable outrage or desires for revenge are not, however, a fitting basis for public policy that decides who will live and who will die.

While there is no quick fix for Nebraska's death penalty laws, there is much that needs to be done to persuade our state senators that it is not in our best interests to try to "fix" that which is irrevocably broken. **We must convince at least 17 senators to refuse to**

be hastily pressured into bad public policy at great cost to a state already burdened by budget crises.

We need face-to-face visits with our senators, as well as letters and phone calls.

- Tell your senator that the legislature was correct when it determined that juries were too arbitrary to trust with the sentencing of life versus death, AND the Supreme Court was correct when it determined that judges deciding who gets life and death amounts to the defendant not having a "trial by jury." Since both are correct, then logic holds there is no way to make the sentence of death non-arbitrary and, therefore, solidly constitutional. The death penalty needs to be abolished.
- Tell your senator that the best way to ensure that the next set of legal decisions from the Supreme Court does not make this expensive special session moot is to abolish the death penalty.
- Tell your senator to change the sentencing language from "life" to "life without parole" as a separate category for sentencing, so Nebraskans will understand

that this sentence means what it says.

- Tell your senator that tinkering with bad laws is not the best use of legislators' time. It is unfair to limit the discussion to but one side of the coin without any mention of the opposite side. A maximum sentence of life without parole needs to be on the table for discussion. The death penalty needs to be abolished!

Our senators MUST feel the support of their constituencies as they ponder the task before them. As an October 11 *Omaha World-Herald* editorial pointed out, "For many if not most of Nebraska's legislators, this could well be the most important (and most perilous) lawmaking they will ever do. It's essential to get it right."

And it's essential they hear from us.

We also need lots of strong letters to the editor. More information will be forthcoming. To keep abreast of the situation and to learn more about how you can help, please check frequently at www.nadp.inetnebr.com. This web site of Nebraskans Against the Death Penalty will be continuously updated as we approach the Special Session.

THE CORRECTIONAL SYSTEM

AND WHAT WE SHOULD HAVE LEARNED IN KINDERGARTEN

by John Krejci, Emeritus Professor
Sociology and Social Work
Nebraska Wesleyan University

A version of this article appeared in the September 2002 issue of the Nebraska Criminal Justice Review, a quarterly publication of Holy Family Church in Omaha.

We have all read the delightful poem, "All I ever needed to know I learned in kindergarten." It suggests the behaviors appropriate for successful human interaction: Share everything. Play fair. Don't hit people. Put things back where you found them. Clean up your own mess. Don't take things that aren't yours. Say you're sorry when you hurt someone. Live a balanced life. Play and work some every day. I am suggesting these same behaviors for all of us who are involved in the improvement of corrections in Nebraska.

Good People At Work But Problems Not Resolved

As I stated in "Prison Overcrowding: Can We Build Our Way Out?" (*Nebraska Report*, February 2002), there are many good people working in or toward the betterment of our correctional system: Department of Correctional Services (D.C.S.) employees, members of the State Legislature, probation and parole officers, judges and their staffs, employees in the many programs and a myriad of volunteers, including the families and friends of inmates. What strikes me as peculiar is that, if we have so many good and dedicated people, why are there still the same serious, unaddressed problems in our correctional system?

To mention a few: the exploding prison population and chronic overcrowding; inadequate drug, alcohol and mental health programs; the diminishing use of parole; the ever-decreasing education and work programs leading to the warehousing of idle, angry inmates; and finally, the skyrocketing costs of corrections. (The D.C.S. budget has more than doubled since 1996-1997 to \$124 million in 2002-2003. It is projected to double again

by 2008!) Yes, there have been many studies, task forces, interim reports, working groups and committees... the latest being the Community Corrections Working Group (made possible by a grant from the Vera Institute). Most have clarified the problems. But the problems have not been solved; some have not even been seriously addressed.

In fairness, I should mention that inmate health care seems to be moving in the right direction. But it took an inmate's death and the courageous whistle blowing by the State Ombudsman's Office to initiate this movement. And there is still some concern



about the contracting of medical services for the new prison at Tecumseh. The Office of Community Justice was supporting community corrections programs, albeit with very modest resources, but it fell victim to recent budget cuts. However, a number of small community corrections programs are still in place in Nebraska.

I recently read a 1932 study of prison education in New York state. It lamented the over-emphasis upon discipline and the punitive aspects of correctional work, and the failure due to the over-emphasis on the construction

of buildings, involving huge outlays of money, while education of inmates is sorely neglected. Somehow it seems that nothing change, despite our efforts. We know the problems. We even know some critical elements of the solutions. We have good and intelligent people working in the system. Why don't things change for the better? We should have learned the answer in kindergarten. Translating the simple words of the poem (play fair, don't hit, clean up your own mess, say you're sorry) we can say, "cooperate, work together, coordinate activities, compromise... maybe even try to be congenial."

The Situation In Nebraska

A few examples of what has been happening in Nebraska will help illustrate the situation:

In 2001, the Legislature authorized an interim study of correctional issues (LR 190). This past December, a 50-page document was circulated that made a number of useful recommendations for future study, many of which had been made before and were not news to those familiar with corrections. Instead of recognizing the value of the study and building on it, the Department of Corrections took exception to the study because they were

not adequately involved, wrote a 30-page "critique" of it and circulated it to interested parties. (In defense of the Department, its participation was indeed peripheral—most likely because of friction between Sen. Dwite Pedersen of Elkhorn and Director Harold Clarke.) If the lessons of kindergarten had been learned, the State could have saved some money and moved to solve some of the problems listed for future study.

Presently, a new interim study is underway (LR 402) and I understand that the Dept. of Corrections is more involved this year. To go back and understand the rift between Sen. Pedersen and Director Clark, however, one has to know of the commitment of Sen. Pedersen to "work release" as a form of community-based corrections. According to Sen. Pedersen, Director Clark made an informal commitment to support several new work release sites if Sen. Pedersen would lend his support to building the new \$72 million Tecumseh maximum security facility. Once the prison was approved, however, the commitment for the work release sites was forgotten. Sen. Pedersen has never forgotten that.

Recently, the Dept. of Corrections was criticized for not applying for \$2 million in Federal money to aid in the transitioning of violent offenders back into society. As it turned out, 49 states were funded and, in hindsight, it was an obvious mistake for the Department to not apply. Instead of admitting his department's mistake, however, Director Clarke took objection to the criticism and attempted to explain the lapse, saying Nebraska was more ethical than the others who applied. He should have learned to say "I'm sorry" in kindergarten!

Sen. Pedersen receives voluminous mail from inmates, some conning, some venting, but a good proportion expressing legitimate grievances. The common thread that runs through the grievances is a tendency of prison policies to be "arbitrary and capricious," with some seeming to arise from a single incident. Another characteristic is fluidity and change—the lack of predictability. An additional troubling fact is that Sen. Pedersen's mail

conclusion on next page

comes not only from inmates frustrated with these capricious policies, but also from guards and other corrections staff who are also frustrated with the caprice of it all. The word is that morale is low and turnover high.

Rather than cooperate, coordinate, compromise, and be cordial, the corrections world in Nebraska is characterized by a number of, for the most part, good people working at cross purposes. "Wisdom is...there in the sandbox... Share...play fair, don't hit, clean up your own mess, say you're sorry..."

Some Hopeful Signs Of Progress

Can the various players and stakeholders in Nebraska learn the lesson of the sandbox? As one senator quipped, "Can they stop peeing on each other long enough to work together?" Last year the Vera Institute project (currently called the "Community Corrections Working Group") offered some hope. Despite its current closed meeting policy and the uncertainty of funding for a second year, this group has brought together many of the principal players in the corrections game. Legislators and corrections officials are talking at the same table, albeit sometimes in loud and cross voices. The Governor's office, the Parole Board, representatives from the courts and the Crime Commission have joined legislators in the discussions. (I suggested that a representative from Families and Friends of Inmates be asked to serve on the Working Group to broaden the representation and the dialogue. But so far that has not happened.)

The goal of the Working Group is to strengthen community corrections and promote alternatives to incarceration for nonviolent offenders. Examples of these would be: intensive probation or parole, community services day fines, electronic monitoring, residential treatment, halfway houses and drug courts. Some of these already exist in Nebraska but not on a scale of adequate size and number. The positive side of community corrections is that it is one cost-effective way to control prison populations while at the same time making offenders responsible to their victims and to the community. As James Jones of OASIS likes to say, "Offenders should learn to clean up their mess."

If the Vera Working Group does nothing more than initiate a cooperative attitude between the Legislature and corrections, it will have served a worthwhile function. Whether they like it or not, Director Clarke and Sen. Pedersen owe it to the State to work together. We are spending too much on corrections and these days of tight budgets makes cutting prison growth even more crucial. Sen. Kermit Brashear of Omaha has the unenviable task of keeping the dialogue positive and leading the group to what will probably not be an ideal solution but perhaps a pragmatic compromise. I think we have learned that we cannot build our way out of this problem. Maybe we can learn that building bridges between people and institutions is cheaper than building more prisons. We'll be watching the legislation proposed in the 2003 Legislative Session.



Community Leaders Support Meatpacking Unionizing Drive

by Mark Baldrige

Bones and scraps of meat fall from a second floor conveyor belt into an open truck at street level. Every so often, a forklift operator dumps heaps of skins or gallons of liquid blood and offal into the same truck. When this one is full, another truck will immediately take its place—one would almost think the sole purpose of this factory was the production of blood and broken bones.

This is Nebraska Beef in South Omaha, and the United Food and Commercial Workers (UFCW) union contends that it is exactly the broken bones and the blood of the largely immigrant workforce on which the company runs.

Attempts to unionize the plant last year met with failure when Nebraska Beef managers interrogated employees concerning their union sympathies and threatened them with job losses or loss of benefits if they selected the union as their collective bargaining representative, according to National Labor Relations Board official Francis A. Molenda of Tulsa, Okla.

After the vote, at least 20 employees were fired for having been involved in the unionization efforts, said Sergio Sosa of Omaha Together One Community (OTOC) who is again involved with current efforts to unionize the plant. "One man has already been fired for signing a union card," he reported, among other efforts by management to quell the new vote.

Before a vote to unionize can be taken, union organizers need 30 percent of employees to sign cards authorizing the UFCW to represent them for the purpose of collective bargaining. In the case of Nebraska Beef, this figure has already been met, but organizers are working to achieve a higher percentage before calling for a vote, perhaps by the end of October.

Meatpacking workers face a high rate of crippling repetitive stress injuries which managers are apt to treat as "pre-existing" or "personal" injuries, often resulting in the dismissal of the worker. Unions are necessary to protect workers from this and other abuses perpetrated by a management driven by profits, to the exclusion of the human interests of their employees.

The work is grueling and wages comparatively low, resulting in a high turnover in labor, often as much as 100 percent per year. The industry survives at its current level by exploiting the labor of those new to this country or here illegally, sometimes specifically targeting illegals as an easily disposable workforce, even to the point of picking them up near the border in large truckloads for transport to Nebraska as labor.

Meatpacking employers often use intimidation and misinformation to thwart unionization efforts. They capitalize on the fact that large percentages of their employees speak little or no English and may not understand their rights.

They also prey on the fear many undocumented workers have of being reported to Immigration and Naturalization Services. To be returned forcibly to their home countries means, for many, disruption of their families, loss of income and a future without the hope of the freedom so often touted as a unique quality of life in the United States.

In spite of managerial tactics of threat and suppression, however, recent efforts to unionize other Omaha plants have met with success and organizers are optimistic that this time around, Nebraska Beef will be organized. Their long and difficult struggle may be about to bear fruit.

Unionization efforts became more public beginning October 12, when OTOC, in an effort coordinated with the UFCW, began a week of solidarity actions, including leafleting of workers exiting the plant and the public appearance of clergy as well as political candidates in support of organizational efforts.

Green Party Congressional hopeful Doug Paterson made appearances throughout the week. The resistance of the owners to workers' organizations is a time-honored tradition in the United States, he said. Historically, "If you don't like the work, there's the door" has been the motto of non-union shops," he added. "What a labor union offers you is protection."

Democratic hopeful Jim Simon also showed his "support of the individual to organize," as did clergy from First United Methodist Church (UMC), St. Cecilia Cathedral, Temple Israel, Heartland UMC, St. Benedict and Dietz UMC.

Rev. Stephen Griffith of Dietz said, "Every church should be interested in justice," and called the behavior of Nebraska Beef during last year's vote "appalling."

The impact of all this on the average worker was difficult to ascertain. Though many have signed the union cards, and receive the literature of the organizers gladly, they were reluctant to speak to reporters, even where language posed less of a barrier.

Certainly, the large trash barrels mockingly stenciled "Union Fliers" by Nebraska Beef Management and stationed near the plant exit remain nearly empty—a good sign and one that may cast unintended irony on the scene of the upcoming vote.

ConAgra Gives Up Plans for World Domination

Opts To Make Huge Profits Instead

After years of bragging that it “operated across the food chain,” involved in everything from selling fertilizer to farmers to slaughtering cattle to manufacturing frozen food, Nebraska’s homegrown multinational conglomerate has given up its dreams of domination of the world food system in exchange for something more profitable.

Gone forever, it would seem, is the investment strategy of the world’s most vertically integrated food-processing giant to control every link in the food chain—from fertilizer to fast food—from seedbed to dessert tray—from laboratory to late-night snack—or, as the company’s own corporate slogan so quaintly put it, “from farm gate to dinner plate.”

“The dirt-to-dinner concept, which was out there, I dropped that,” said ConAgra Foods CEO Bruce Rohde this past September, just days before the Annual Stockholders Meeting in Omaha.

He had to, Rohde said, because when you got right down to it, it just wasn’t profitable enough. Owning every step of the food system, it turns out—particularly commodities (you know, beef, pork, grains, beans, the stuff you eat)—can really hurt your bottom line. While there’s money to be made in the commodities market (providing you’re an investor and not one of those poor saps on the family farm), you don’t make as much as in “value-added” foods and branded, packaged food products.

And that, Rohde patiently explained, was the deciding factor. With the agricultural recession continuing to keep commodity prices low, ConAgra’s 20-year string of returning a 14 percent increase on earnings per share was finally snapped. And the stockholders—as you can well imagine—were in an uproar. The world’s third-largest food processing giant (behind only Kraft Foods and Nestle) with a record \$27.6 billion in sales last year had its back up against the Wall Street wall. Industry analysts across the board were warning that, unless the company dumped the commodities losers from its portfolio with their low profit margins and low return on capital, it would not be able to regain its status as a “blue-chip” investment.

The long and short of it all is that Rohde and the ConAgra board of directors concluded they had no choice but to change the company’s corporate strategy and unload the poor performing investments. After all, what’s the point of world domination if you’re not making all the money that’s there to be made?

So it came as no surprise this past May when the company publicly announced plans to sell its majority share in its meatpacking division.

But not in time, alas.

No sooner had the announcement been made that ConAgra was selling 54 percent of its share of ConAgra Meats to Hicks, Muse, Tate and Furst Inc. of Dallas, Texas and Booth Creek Management Inc. of Vail, Colorado for \$1.4 billion than the company’s Greeley, Colorado ConAgra Beef plant was linked to an E. coli outbreak that sickened 37 people and killed one. The multinational food-processing giant had to recall 19 million pounds of ground beef for the second-largest meat recall in U.S. history. Although the sale of the meatpacking division was finally completed in September, ConAgra attorneys are still involved in mediation with those sickened in hopes of negotiating an out-of-court settlement.

If there had been any nostalgia on the part of the corporate leadership about giving up the world domination idea, the E. coli episode put an end to that. Between victim damage settlements, all the bad publicity and the successful unionizing drive by immigrant workers at the company’s Omaha meatpacking plant in its own backyard, nobody was more anxious to dump the headache of this food chain thing than the 12 directors of the board—the representative woman and her 11 white male colleagues.

And this is just the beginning. Up next on the sale block, analysts say, after the company ditches the rest of its stake in meatpacking, are its other agricultural subsidiaries—including fertilizer, crop chemical and feed ingredient businesses. Commodity operations are now just 15 percent of the company’s portfolio and falling.

As CEO Rohde told shareholders September 26, ConAgra Foods Inc. has “embarked upon a path to move this company from the notion that it was an

agribusiness giant... toward becoming America’s favorite food company.”

The newly retooled company will now be structured around three primary businesses: retail foods, food service and ingredients. Already the nation’s second-largest retail food supplier (ConAgra products are found in 99 percent of American homes) and the largest food service manufacturer (McDonald’s, Burger King, Wendy’s, Arby’s, Subway, Taco Bell, KFC, Applebee’s and Village Inn are some of its top customers), Rohde assured the audience that they can expect ConAgra to be “very opportunistic” in purchasing packaged food interests in the days ahead. “From farm gate to dinner plate” has been replaced with “from the concert hall to the corner deli, from the drive thru to your dining room.” ConAgra Foods, the promotional language now states, “is proud to set America’s table at home and away.”

This—along with “Homestyle Bakes” (a new line of casserole dishes), “Hershey’s Pudding in a Tube,” Chocolate Reddi-wip and Wolfgang Puck’s new frozen, thin-crust wood-fired pizza—is the face of the multifoed conglomerate’s future. And we could have seen it coming, had we been looking. Already two years ago, the company legally changed its name to ConAgra **Foods** Inc. to emphasize, as the corporate spokesperson explained at the time, that “we are a food company.”

Lest anyone get too distracted by all this marketing and packaging, however (the company spent a record \$668 million on advertising in 2001), the bottom line is still the bottom line. “Being America’s favorite food company may not even be about food,” Rohde told the *Omaha World-Herald* in an interview after the stockholders meeting. “It may be how the company’s performing.”

And that very question of “how the company’s performing” or, more specifically, how the company’s **corporate executives** are performing—was the subject of a stockholder complaint at the annual meeting. Referencing the accounting scandals that have rocked the corporate world over the past year, shareholders Donald Hudgens of Omaha and a former Republican representative of Congress from Iowa, William Scherle of Henderson, Iowa, questioned the multifoed giant company’s accounting of restructuring charges and its adamant opposition to treating stock options

for executives as an expense on financial statements. This past fiscal year, ConAgra Foods issued more than 1,700,000 options, including more than 1,000,000 to Rohde personally, worth about \$5.58 million.

“Corporate America has been in turmoil since we last met,” Rohde acknowledged to the audience. “There’s been scandal after scandal, embarrassment after embarrassment.” Recent headlines, he wrote in the *2002 Annual Report*, call attention to “business ethics—or the lack thereof” and “the essence of bad business: fraud, deception, poor oversight, and the loss of investor confidence.” ConAgra Food’s leadership, he said, understands why investors would be wary in today’s environment. “But,” he went on, “we are mindful that the illegal and unethical acts of a few businesses should not be used as a stereotype for all companies.”

ConAgra Foods, he assured those at the meeting, didn’t do any of those bad things. He didn’t elaborate though on why the company had actually appealed to the Securities and Exchange Commission—**and won**—to block the publicly held corporation’s shareholders from being able to vote on a proposal to have stock options treated as expenses on financial statements.

Rohde’s predecessor and former ConAgra CEO Mike Harper, however, wasn’t going to take this criticism sitting down. The political godfather of LB 775, who in 1987 threatened to move ConAgra out of the state if the legislature didn’t give him the tax breaks he demanded, “stood up from the audience of 1,300 shareholders and employees and forcefully contested Hudgens and Scherle’s criticisms,” according to the *Omaha World-Herald*. “One might gather,” Harper is reported to have said, “that ConAgra’s name is up there like Enron and some others.”

You said it, Mike. We didn’t.

But if the light of day is ever to shine onto ConAgra Foods’ accounting practices so that we know for sure the books aren’t being cooked, we need to start organizing now for next year’s stockholders meeting... and get more stockholders like Don Hudgens and Bill Scherle to attend. The former member of Congress came to the meeting hoping to rally support for a protest campaign. But the only thing the people there came for, Scherle said in disgust, was a free hot dog.

Sally, conclusion

and, according to eye witness accounts, his hair did not move. I am not making this up.

But pretty obviously, Kate Allen did. Allen clearly wished Nelson would act deranged, like the tribal Germanic figure of the “berserker”—a guy who wore a bear shirt, “ber-serk,” and tore the place up—to convince opponents he was capable of anything. Nelson had no motive to fix the license review process, but Allen for her part had a classic motive—to fix the man who fired her, and fix him good. True or not, surely one would have assumed Kopf could see that her testimony might be colored by her experience.

But Kopf’s faith in Allen is childlike, not to mention puzzling and bizarre. It’s his logic in setting aside the scientific evidence, though, that really takes the breath away.

Kopf determined that Nebraska’s Department of Environmental Quality “unfairly” used US Ecology’s own well-logs showing rising groundwater to deny the license.

Long story short, US Ecology produced hydrographs (literally, water writings or well logs) showing depth to groundwater at the site until 1995. About that time the groundwater was recovering from the effects of the worst period of drought in recorded history, so US Ecology quit giving the hydrographs to NDEQ despite repeated requests by the agency. In 1997, NDEQ finally demanded USE turn over the logs, saying they would not use them to make the license determination. In 1998, when the State’s technical reviewers finally saw the long overdue hydrographs, they refused to sign off on the site, and the license ultimately was denied.

Judge Kopf decided for the technicality. He ruled that Nebraska’s public officials, having made an extorted promise not to use the scientific evidence (AKA the truth) against US Ecology, should have held that bond more sacred than their obligation to protect the health and natural resources of Nebraskans and the Missouri Valley downstream.

The Boyd County site is the only site in the country under review for a low-level nuclear waste dump. The site was not selected because it is a good place to dispose of decommissioned power plants. Boyd County was selected because it is rural and poor, and too far from Nebraska’s television stations to ever appear on the evening news. Never in 10,000 years (the estimated hazardous life of the waste and/or roughly the amount of time humans have been farming on Earth) did the Compact think so few folks in such a conservative state would put up such a fight.

Now, with Kopf’s decision in hand, even if they don’t get to take their dump, the industry intends to make Nebraska a horrible warning to states everywhere.

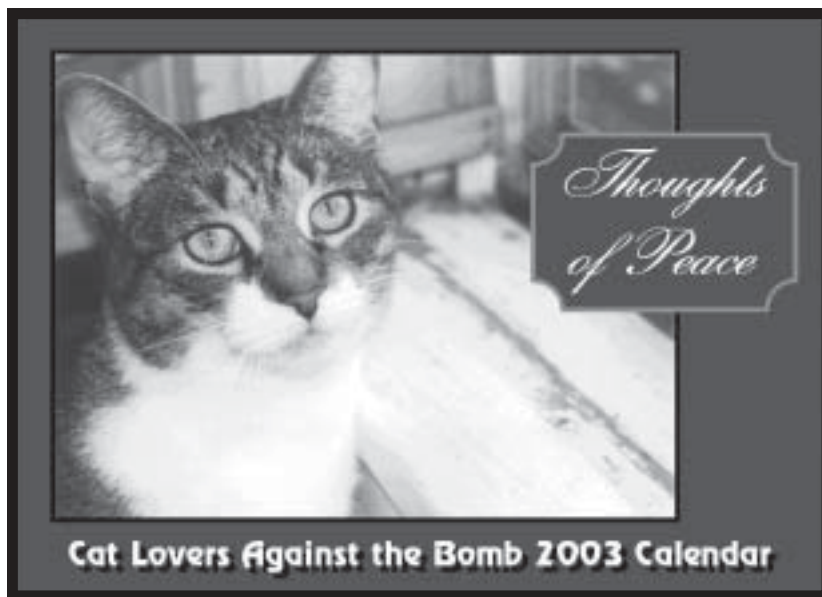
Kopf’s decision is so disappointing because it completely sets aside scientific and political reality, and the testimony of some of Nebraska’s better public servants. Kopf seems by his own admission to have predisposed this case, when he determined at the preliminary injunction stage that the Compact would likely prevail.

The State will appeal to the 8th Circuit Court of Appeals in St. Louis. Perhaps Nebraska’s case can be heard with an open mind there.

As for the \$151 million that Nebraska is supposed to hand over to the Compact, I really wonder whether Nebraska ought to pay. A good deal of that money went for high-end hotel stays, Ray Peery’s cars, even a Rolex watch for the Commissioner from Louisiana. Anyway, before the state can pay the award, the Nebraska Legislature has to vote to do so.

What if we all decided to save Boyd County and the state treasury at the same time? What if our state senators had the guts to stage a filibuster, and what if everybody came?

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The Nuclear Industry Is Terribly Constipated

The fatal flaw in nuclear power always was and will be its extraordinary toxicity over thousands of years. Until now, there's been no reliable way for generators to rid themselves of their waste. Now, with movement at the federal level to make Yucca Mountain a national sacrifice area, it appears the industry may have a place to dump its high-level waste — the spent fuel rods being stored in cooling lagoons at reactors across the country.

In fact, only the spent fuel rods will be stored at Yucca Mountain, because only the rods themselves are classified as high-level waste. The dirty secret rumbling in the bowels of the nuclear industry is decommissioning. Dozens of aging nuclear power plants will shut down in our children's lifetime, and all but the rods will go to so-called "low-level" waste sites.

Generators claim much low-level waste is from beneficial sources like research and medical uses—the same threadbare cover they've used for 50 years. Today, just one low-level radioactive waste facility operates in the U.S., a South Carolina facility that will close for good in about five years. The need for disposal of decommissioning waste by volume is many times greater than the industry's need for Yucca Mountain, which is very great indeed.

The industry is going to have to take a dump. They have to take a dump, because no one is going to give them one. Most certainly the people of Boyd County do not consent to being dumped on.

A recent decision by U.S. District Judge Richard Kopf finds Nebraska acted in bad faith toward the Central Interstate Low-Level Waste Compact and awards the Compact \$151 million in damages. The opinion weighs in at 197 pages, about the length of the whodunnit pulp fiction it so closely resembles. There's even a lively cast of characters listed up front, kind of like a Shakespeare play.

Kopf's primary evidence of Nebraska's bad faith is the testimony and documents of Kate Allen. Dubbed 'Waste Woman' by her co-workers, Allen was a fierce opponent of the proposed Boyd County facility. She worked for Governor Ben Nelson for 18 months assigned to the radioactive waste issue. An attorney, it is a matter of public record that Allen suffers so grievously from mental and physical ailments that co-workers at the State Capitol have given her their sick leave.

After 18 months, Allen's bias on the Boyd County issue was too great for Nelson to tolerate, and she was let go, though allowed to stay on payroll for a few extra weeks so she could obtain benefits she sorely needed. Allen admitted she took, though she testified she could not remember doing so, 19 bankers boxes of research materials, notes, and copies of correspondence from

the Capitol. She kept these files in her basement, telling no one, and brought them forward for this trial only after the State agreed not to prosecute her for the theft.

It is Allen's notes and testimony which Kopf decides are "credible." He mentions he was specifically paying attention when she was saying certain things, and he said he believes she was credible. I wonder if he does not confuse credible with "plausible," which is the best you can say for an attorney who has stolen documents from her client.

Allen admits to memory gaps and emotional struggles. Her notes and her version of events are disputed by virtually every other witness, very many of whom are also attorneys and none of whom testified they stole 19 boxes of their client's documents. But Allen is the one Judge Kopf finds compelling, whose version of events and personalities he chooses to accept without question.

Kopf's alleged conspiracy unfolds fantastically, starring Waste Woman and the "Deranged Governor," named like a couple of comic book characters. Nelson made a feeble campaign comment that if he were elected, the low-level waste dump would "likely" (Nelson's word) not be built. Campaign promises are worth little more than the wind they are written on, and Nelson, a moderate, proceeded to do very little. He sat back, often to the dismay of Boyd County and its sympathizers, and let the system work.

And why not? Talk is cheap, and Nelson, like everyone who knows Boyd County,

knew the proposed site was no place for a dump. The region is defined by three rivers—the Keya Paha, the Niobrara and the Missouri. It is all ridges and river valleys and wetlands, building up to the famous Missouri Breaks. It is one of the great unknown beauties of Earth, mostly in ranches and CRP (the Conservation Reserve Program), rich in hunting and fishing. In spring, it looks like Ireland.

The site purchased for the waste facility is a long slope with its feet in wetlands. The generators have made much of the idea that they would only build on the high end of the property, above ground, where water would never intrude. But everyone with a lick of sense knew if sound science were the determiner, the permit must be denied. There was no need for Nelson—or anyone else—to put in a political fix when the science was on Nebraska's side. That Judge Kopf misses this point shows an amazing political naivete.

Furthermore, I would bet the whole \$151 million that Nelson never ever agreed to—much less conceived of—any such strategy as the Deranged Governor. The words appear in Allen's notes next to the initials EBN (E. Benjamin Nelson) and are damning evidence in Judge Kopf's opinion. Her idea—projection, really—was that Nelson would terrify dump proponents by behaving erratically, or deranged.

Come on, Ben Nelson? This is a man who once spoke in a 40-mph gale at Holmes Lake

conclusion on page 11



From the Bottom by Sally Herrin
The real political spectrum isn't right to left... it's top to bottom.