

# THE OKLAHOMA Observer

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## RIPE FOR ABUSE?

*Millions Are Spent Each Year On Rural Water Systems. Some Improvements May Be Way More Expensive Than Warranted.*

BY ARNOLD HAMILTON

**T**hirty-four years ago, Oklahoma was rocked by scandal.

A federal investigation implicated county commissioners in 60 of the state's 77 counties in kickback schemes and other official corruption that cost taxpayers hundreds of millions in artificially inflated prices for roads, bridges, equipment and materials.

Today, Oklahoma could be sitting on a similar powder keg — more than 900 small town water systems and rural water districts that cannot afford professional expertise to ensure new construction and maintenance programs they've been assured they need are truly necessary.

In fact, some consultants say privately they've seen multiple cases where big engineering firms have sold Mercedes-style upgrades to small water systems when what they really needed was the equivalent of a Hyundai.

They call it "speculative engineering."



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So then to all their chance, to all their shining golden opportunity. To all the right to love, to live, to work, to be themselves, and to become whatever thing their vision and humanity can combine to make them. This seeker, is the promise of America.

- Adapted from Thomas Wolfe

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## Observations

### State-Sanctioned Killing

It was disheartening, but hardly surprising the U.S. Supreme Court gave Oklahoma its blessing to resume executions using the controversial sedative midazolam.

We knew where the court's four hard-core conservatives and four liberals stood. The only question: What would Justice Anthony Kennedy do? While occasionally sympathetic in death penalty cases, Kennedy sided this time with the court's pro-capital punishment wing – just as he backed Kentucky's execution protocol in a similar 2008 challenge.

So, Oklahoma's back in business when it comes to state-sanctioned killings. The ink was barely dry on the court's ruling before Attorney General Scott Pruitt took steps to get the next execution scheduled – perhaps as early as Aug. 5.

This battle was lost, but the war to end the death penalty is far from over.

As the state's fiscal crisis worsens and as more wrongful convictions are exposed, Oklahomans may soon come to understand capital punishment is both financially and morally indefensible.

Nebraskans figured it out. It costs way more to execute than imprison. Even worse, what if an innocent is put to death? There are no do-overs when imposing the ultimate punishment.

No doubt other death penalty challenges will reach the U.S. Supreme Court, giving hope Oklahoma will be forced to end a barbaric practice. But rank-and-file Oklahomans are not mere bystanders in this debate. They will be given the opportunity next year to directly voice their feelings on the eye-for-an-eye Old Testament decree.

A Legislature-generated referendum on the 2016 general election ballot – SQ 776 – asks voters to give the green light to “any method of execution” not specifically prohibited by the U.S. Constitution.

Like past referenda on Sharia Law and same-sex marriage, this was sent to the ballot in part because legislative Republicans believe it will

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## THE OKLAHOMA Observer



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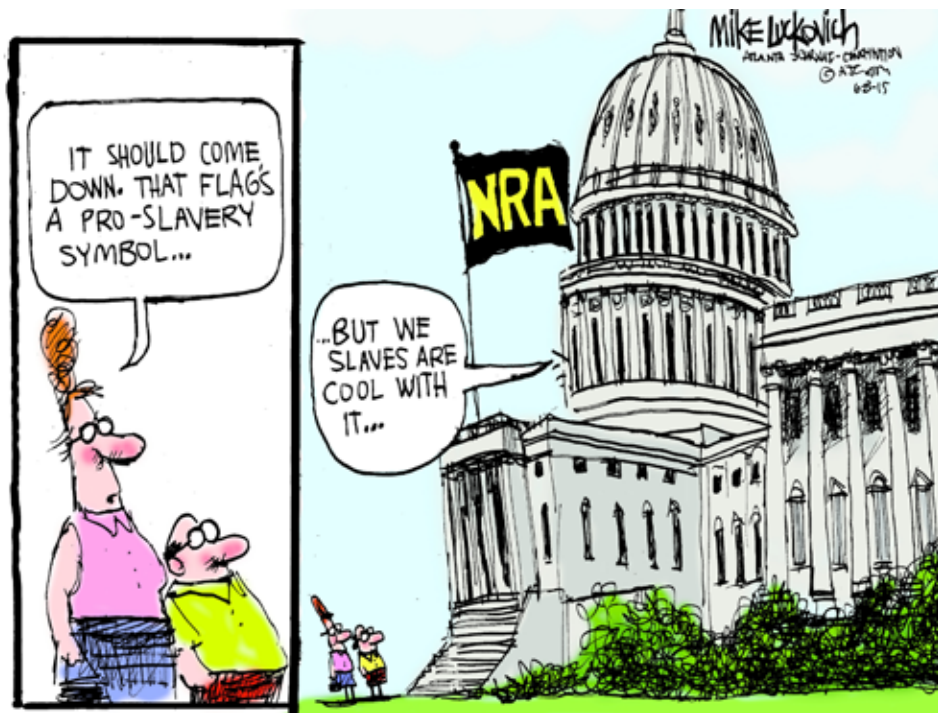
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**Laurel:** To OK Supreme Court, ordering Ten Commandments removed from Capitol grounds. The justices stood firm *against* political and religious pressure and for the state Constitution.

Congratulations to Cherokee Nation Chief Bill John Baker, easily capturing a second term without a runoff. He's a superb leader and powerful progressive voice.

**Dart:** To ex-state Rep. Wayne Pettigrew, wailing over U.S. Supreme Court's ObamaCare ruling. He now peddles health plans and knows ACA helps Mom-and-Pop shops bypass the insurance middle-man.

**Sen. Rick Brinkley's** rise to power flamed out spectacularly, accused of bilking \$1 million from his ex-employer, the Better Business Bureau. He was in line to be next Senate president pro tem.

**Laurel:** To activist Bree Newsome, who snatched Confederate stars and bars from the South Carolina Statehouse flagpole. It's not only a racist banner, but also anti-American, promoting secession.

President Obama finally won fast-track authority for the Trans-Pacific boondoggle, a Pyrrhic victory. Siding with the 1% over workers will tarnish his legacy.

**Dart:** To billionaire Harold Hamm, suing fellow oilman Mickey Thompson for allegedly defamatory Facebook comments on earthquake research. It's a nuisance suit, pure and simple.

The Democratic State Convention will reconvene July 25 in OKC to discuss opening the party's primaries to registered independents. Some Republicans fear it could be a game-changer.

**Laurel:** To Speaker Pro Tem Lee Denney, seeking an interim study into ways to create a healthier Oklahoma – new nutritional standards, perhaps? You can bet Tea Partiers will howl about Nanny State creep.

Ex-political director T.C. Ryan is gone from the state GOP, but the breach remains between state Chair Randy Brogdon and the party's elected leaders.

**Dart:** To the Oklahoma Hall of Fame, which can't seem to make room for late U.S. Rep. Mike Synar. He served 2nd District with distinction for eight terms and was honored with 1995 John F. Kennedy Profile in Courage Award.

State Superintendent Joy Hofmeister hosts a summit July 7-9 at OKC's Cox Convention Center, free to all Oklahomans interested in education. By June's end, 5,000 already had signed up. Visit [engage.ok.gov](http://engage.ok.gov) for details.

**Laurel:** To OKC attorney Jerry Fent, the taxpayers' best friend when it comes to challenging the Legislature's fiscal shenanigans. His latest target: the constitutionally dubious raid on the Unclaimed Property Fund in order to balance the budget.

Sainthood nears for Oklahoma priest Stanley Rother, murdered in 1981 in Guatemala where he ignored death threats to serve the poor. A Vatican commission formally recognized the Okarche native as a martyr.

**Dart:** To Sen. Jim Inhofe, suggesting the Pope butt out when it comes to climate science. We trust the Pope and his record of advocating for the poor over Inhofe, a Big Oil toady.

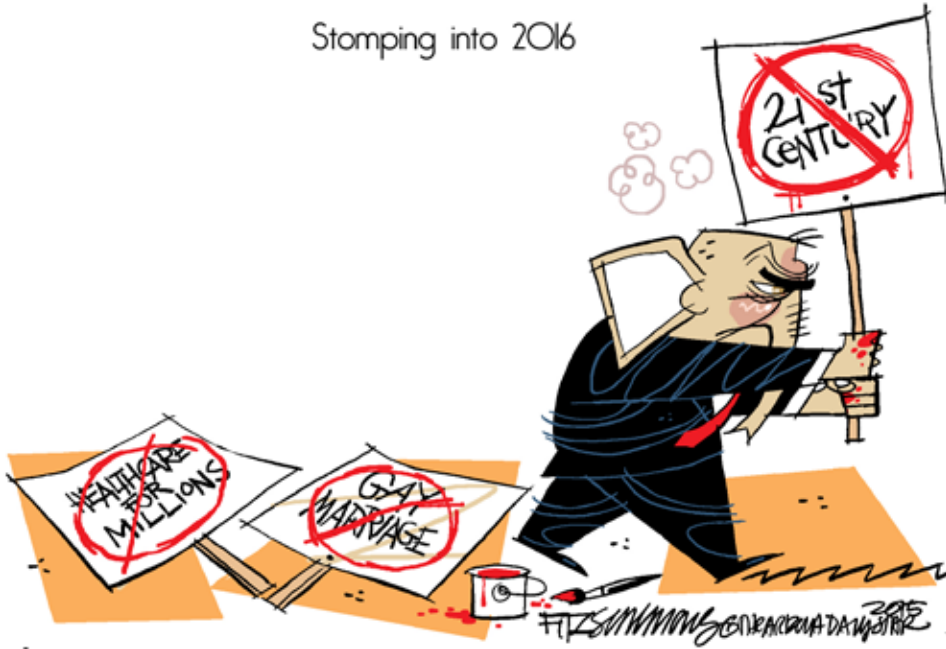
U.S. Sen. James Lankford's crystal ball isn't working. In Senate floor speech he predicted the Supreme Court would block health care subsidies. Maybe the Baptist minister should consult his Ouija board next time.

**Laurel:** To our dear friends Willa Johnson and Kathy Taylor, inducted into OKC Public Schools Foundation's Wall of Fame. OK County Commissioner Johnson graduated from Douglass, former Tulsa Mayor Taylor from John Marshall.



# Letters

Stomping into 2016



Editor, The Observer:

Hope, AR, presidential candidate Mike Huckabee predicted civil disobedience if marriage equality permitting gay couples to marry became the law of the land. He pledged to “protect religious freedom in America” as president, at all costs.

Huckabee should know that religious freedom in America already protects the right of any house of worship or religious leader to refuse marriage to any couple. In 1967, the Supreme Court ruled that laws prohibiting interracial marriage were unconstitutional. That did not force any church or minister to marry interracial couples.

Separation of church and state protects the right of churches and ministers to follow their conscience on this and other matters. Gays wanting to marry typically prefer churches and pastors who support them, not ones preaching that they are sinners.

Nathaniel Batchelder  
Oklahoma City

Editor, The Observer:

In Joseph Carter's book review

of Kent Frates' new book, *Oklahoma's Most Notorious Cases*, Carter disputes the author's claim that many Democrats opposed Gov. David Hall's 1971 tax hike. Carter claims the only Democrat “no” vote in the House was Rep. David Boren. Yet the front-page headline of the April 21, 1971 *Daily Oklahoman* reads, “Income Tax Bill Squeaks Through House as Privett Has to Cast Deciding Vote.” With the Dems holding a 3-1 majority in the House in 1971, the headline proves Frates's point that “many” Democrat reps [close to a third, actually] voted against the tax hike.

Larry Floyd  
Yukon

*Joe Carter responds:*

Thanks to the writer from Yukon for caring about history. Regretfully, the least reliable source of truth about the Hall Administration is the *Oklahoman*. The bias in the day-by-day reporting was dreadful, slanted and inaccurate, as I recall in my better moments.

The two absolute “no” votes on the tax bills were, indeed, state Sen. Clem McSpadden and state Rep. David Boren, whom while I later stood by Gov. David Hall,

thanked Hall for the tax bills that made his administration prosperous enough to repeal some taxes and made Boren into a political hero. Boren is a great guy and high achiever. I like David – his Dad, former U.S. Rep. Lyle Boren, was one of my very close friends.

There were antics at the time hardly worthy of noting. As I recollect, Rep. Bill Poulos, D-Tulsa, voted “no” but after some long talks and maybe some promises never personally heard, he voted “yes” on the emergency clause making the bill veto proof. I recall that my old pal Poulos once, in a floor speech, said that a bill would “cost us millions and millions – but that's only an estimate, of course.” For more on Bill Poulos, read Sen. Finis Smith's memoirs.

Rep. Gordon Beznoska, a Democrat [appropriately] from Geronimo, “hit the door” when the vote came and reportedly went to a rock concert.

Two interesting insights that I recall – both more important perhaps than the antics of those two members – are:

First, not a single Republican voted for these responsible, reasonable tax increases that were critically needed for education. Winston Howard, Gov. Dewey Bartlett's budget guy and head of the income tax division at the Tax Commission under Gov. Hall, had become my friend while I was a Capitol newsman. Howard told me that Gov. Bartlett knew state coffers were inadequate to support a civilized state [like exists today] and he was tortured by the need to raise taxes if he had been re-elected.

Second, not a single Democratic legislator was defeated in his bid for re-election. Hammering the tax program McSpadden and Boren both ran against Hall in the 1974 election.

Finally, the small tax on oil and gas didn't dent the industry. And

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## *A Wing[nut] And A Prayer*



**L**eave it to Oklahoma lawmakers to turn prayer into a political football – literally.

Rep. Bobby Cleveland and the Legislature's Theocratic Caucus are [self-]righteously indignant these days that the Oklahoma Secondary School Activities Association would dare ban prayers over the public address system at high school playoff events.

It doesn't seem to matter that the OSSAA rule has been in effect 23 years or that it hews to the law of the land – multiple U.S. Supreme Court rulings that such prayers violate the Constitution's Establishment Clause.

The legislators are simply on a crusade to return the Almighty to what they view as his rightful place amid the pomp, pageantry and head knocking of prep sporting events.

What they don't seem to understand is this: the OSSAA rule is not contrary to Oklahoma values – it's respectful of American values.

The First Amendment protects freedom *of* and freedom *from* religion, which is why the court has determined on more than one occasion that public prayers at taxpayer-funded public school athletic events are a no-no.

Still, Cleveland wants a formal between-sessions review to determine how the OSSAA rule can be overridden – perhaps by folding the athletic governing body into the State Department of Education.

House Speaker Jeff Hickman, R-Fairview, will decide by July 10 which of the so-called “interim studies” will be approved. On this issue, he should punt. It's another guaranteed loser for the taxpayers.

State lawmakers have proven themselves quite adept at helping enact unconstitutional laws – often by putting referenda on the statewide ballot. Nearly every one of these flats are overturned in federal court – but not before it costs state taxpayers thousands, if not millions of dollars defending the indefensible.

Two recent examples: Sharia law and same-sex marriage.

Why is it so hard for some Oklahoma lawmakers

to understand you can't impose your brand of religion on everyone else in a public taxpayer-supported venue?

Cleveland's reasoning is particularly baffling – he simply doesn't accept the fact the U.S. Supreme Court has ruled on this issue.

“The Supreme Court has never said that student-led prayers at school sanctioned events are unconstitutional,” he said, conveniently ignoring high court decisions in 1992 and 2000.

“These are not the OSSAA's contests. They do not own our high-school activities. The OSSAA does not own a single softball field, baseball field, football field, track or basketball fieldhouse. That is all taxpayer-funded and owned property. It's time to examine why they feel they have standing to attempt the regulation of student-led prayers.”

Cleveland doesn't always reside in an alternate universe. He proved to be a serious legislator when he championed criminal justice reform, acknowledging what many of his law-and-order colleagues ignore for political reasons – our current lock 'em up, throw away the key approach isn't working and, worse, is helping bankrupt the state.

He also did yeoman's work forcing the OSSAA – which oversees interscholastic activities for nearly 500 member schools statewide – to be more transparent and adhere to the state's open meetings and records laws.

But his apoplexy over the OSSAA's prayer policy suggests a vendetta – not a sober, clear-eyed protection of taxpayers' rights.

Cleveland and his legislative colleagues are on a fool's errand if they believe the state can override the U.S. Supreme Court and force public prayer at high school athletic events.

Frankly, they better be careful for what they wish – they just might get it.

Can you imagine their outrage if they were forced to listen to a Muslim or Hindu prayer – or, heaven forbid, a *liberal* Christian prayer – being recited over the PA system before a ball game?

## Dads

*This Best of Frosty column first appeared in the July 10, 2008 Oklahoma Observer:*

One of the joys of my youth was getting up at 5 a.m. with my Dad on Saturday, going with him to Troy Cleaners at 9 East Choc-taw in McAlester. He started the boiler for the steam lines, then we cut through the alley to the White House Café.

I was one of eight brothers so we took turns going with Dad. It was a really big deal.

He and his fellow businessmen drank coffee and chatted and I got to order pancakes!

I would listen intently to my Dad because he was very witty and usually cracked up the assembled coffee drinkers.

A small thing you say? No it wasn't. The point is that I had a father and he paid attention to his children. Hunting, fishing, boxing and family excursions. And discipline.

One of the great social tragedies of America today is the tens of thousands of young men [and lately young women] who join gangs.

One of the primary reasons is protection. Not being beaten up to or from school. Not being bullied at school. Not being afraid to be on the street alone. There was safety in numbers. No Dad to protect them.

My Dad saw to it that we protected each other.

One of my favorite memories is at supper when my brother Johnny showed up nursing the beginning of a shiner.

"Who did it?" my Dad asked.

Johnny told him.

"He bigger than you?"

"Yes, sir."

"How big?"

"As big as Kevin."

"He still down there on the corner?"

"Yes, sir, he was when I just came home."

My Dad looked at Kevin and barked the order: "Go take care of it."

Fifteen minutes later Kevin was back. He had a sly grin as he slid into his chair. Mom took his plate out

of the oven. Not a word was spoken.

One percent of Oklahoma City's population belongs to gangs – 5,000 of them. There are thousands in Tulsa, Lawton, Muskogee and other communities. They are running out of control, with drive-by shootings the order of the day.

Gangs are representative of the decline of the family, especially among the poor. Barack Obama spoke to this tragedy and pledged to work to stop it. After Harvard he was a community organizer in the toughest neighborhoods in Chicago.

On a recent weekend Chicago had 37 shootings. As of July 1, 19 youth had been killed in gang-related murders.

Youth unemployment stands at 34% this summer, thanks in part to the Bush Administration's slashing of the Summer Teen Employment program.

How do we take back the streets? Law enforcement is hurting badly since George Bush canceled the 100,000 "Cops On The Street" program launched by Bill Clinton.

Cops alone won't solve the problem. We need to restore the highly successful after-school program canceled by Bush. We need early intervention in families in trouble – special help for unwed teen mothers.

I'm not putting down single moms. I know several and their struggle to make ends meet.

Public schools are barely scraping by thanks to unprecedented unfunded mandates such as No Child Left Behind. The NCLB testing mania has driven thousands of kids out of schools and into the streets.

Just remember, good dads make all the difference in the world.



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*Illustration courtesy of thefreethoughtproject.com*

# *Ending Law Enforcement's Reliance On Asset Forfeiture Gimmickry*

**BY ARNOLD HAMILTON**

**O**ne of the dirty little secrets of the starve-government movement is that it encourages law enforcement to pursue something called “asset forfeiture.”

Ask 10 Oklahomans what asset forfeiture is and you'll probably get at least eight blank stares.

Go a step further and explain that asset forfeiture means their personal property can be seized – and never returned – just on the mere suspicion of criminal wrongdoing, they'll likely scoff.

This is America, after all. Innocent until proven guilty.

That may be true for individuals, but it's no longer true for an individual's property – mostly because cash-starved local law enforcement agencies are increasingly forced to rely on asset forfeiture to keep cops on the beat, squad cars fueled up and the office lights burning.

Remember the days when you rarely saw anyone other than an Oklahoma Highway Patrol trooper cruising our interstate highways? Not any more. Now

it's common to see county sheriff or local police vehicles strategically positioned on the state's concrete arteries.

These aren't your father's speed traps. They're on the lookout for anyone that fits the “profile” of a mule transporting illegal drugs.

If an officer suspects any illegal activity, vehicles, cash and other personal property can be seized and kept by authorities – even if no arrests or convictions result.

Surely this is rare, you say? Not necessarily. According to a 2010 Institute for Justice report, Oklahoma law enforcement collects more than \$10 million annually from asset forfeitures.

Some, yes, is from drug trafficking – exactly what the program was designed to do. Hit the cartels where it hurts: in their pocketbooks.

But state policymakers and civil libertarians suspect far too much of it is legalized booty – property seized from innocent individuals who simply can't afford to fight the system to get it back.

Thankfully, state Sen. Kyle Loveless, R-OKC, has come to the rescue. He is proposing legislation that would tighten up existing law and protect innocents from having their assets unfairly – illegally – confiscated by authorities.

Loveless' measure, SB 838, would only allow personal assets to be forfeited *after* conviction.

This is a Blue Moon moment in Oklahoma policy-making. It's not often the conservative Loveless is championing legislation cheered by groups more often associated with the political left – in this case, the American Civil Liberties Union.

"It's very good news it's coming to a head," says Brady Henderson, the ACLU-Oklahoma legal director. "It's something that is getting worse."

Not surprisingly, some who benefit most from the current system vehemently oppose any changes.

The loudest critic is Canadian County Sheriff Randall Edwards, who regards Loveless' measure as "completely asinine." He contends Loveless simply wants to shift control over the spoils generated by local law enforcement to a budget-strapped state government.

It is the argument of an empire builder – more concerned about protecting turf than protecting civil liberties.

The fact is, neither the Canadian County sheriff's department nor any of Oklahoma's law enforcement agencies should be put in a position where their day-to-day duties to protect and serve depend on asset forfeitures.

As Henderson put it, "It creates a direct conflict of interest and the potential for corruption for those involved" – law enforcement decisions being "influenced by the fact my livelihood depends on seizing these assets."

Closing loopholes to ensure personal property cannot be seized on a whim – and kept – not only protects the public and keeps faith with the Constitution, it also protects law enforcement ... which has had enough bad publicity in the last year.

Loveless' bill is an important step – but it's only a step. He and other lawmakers also must accept the challenge to ensure law enforcement is adequately funded – without being forced to rely on dubious gimmickry.

# *Flat Funding Still Means Cuts To State's Core Services*

BY DAVID BLATT

**I**n crafting a budget in the face of a large drop in available revenue, lawmakers this year made a sincere effort to minimize cuts to key agencies in the areas of education, health, and safety.

Whereas most agencies took cuts of .25% to 7%, the Department of Education received flat funding, and the Oklahoma Health Care Authority, Department of Corrections, Department of Human Services and Department of Mental Health and Substance Abuse Services received modest funding increases.

Yet even these agencies weren't funded enough to keep up existing services when faced with growing caseloads and enrollment, rising costs, reduced funding from other sources, and other factors. As a result, most will need to make cuts to next year's budget.

Here is next year's budget outlook for five of the largest state agencies that got flat funding or increases:

- The Oklahoma Health Care Authority, the state's Medicaid agency, got the largest dollar increase of any agency for next year, \$18 million. However, Medicaid enrollment growth, rising health care costs, and a drop in the federal Medicaid matching rate still leaves OHCA some \$40 million short of what they need to maintain Medicaid at existing levels. With the loss of federal matching funds, OHCA is moving ahead with \$111 million in proposed cuts, which include reduc-

ing payments for hospitals and nursing homes, eliminating benefits, and other measures.

- The State Department of Education received flat funding for FY 2016 of \$2.484 billion. Support for the state aid formula will remain flat even as schools face another year of growing student enrollment. Since 2008, enrollment has grown by some 50,000 kids but state aid funding is down 8.4%.

This year the department requested \$15 million to cover increased health care costs for teachers and support staff, but the budget appropriates only \$8.7 million more for that purpose. While the exact amount of health care costs won't be known until October, the shortfall will have to be covered from agency carryover, while the department will have to cut \$8.7 million from other lines in its programs and activities budget.

"Schools are closing, teacher layoff notices have gone out and class sizes will grow across Oklahoma because of the state's standstill education budget," according to State Superintendent Joy Hofmeister.

- The Department of Human Services received an overall increase of \$4 million, but that combines a \$15.9 million increase for the child welfare reform plan with a \$12 million cut for the rest of its budget.

DHS needed \$33 million in additional appropriations for a stand-still budget because of the costs of



caring for more children in DHS custody, heavy use of one-time carryover in this year's budget, and a declining federal matching rate.

It now faces \$45 million in cuts. Most of this will be squeezed out of its administrative budget and reduced contracts, but cuts in reimbursement to private providers of home- and community-based waiver services may be necessary.

- The Department of Corrections received an additional \$14 million, of which \$9 million will be used for increased medical costs and to replace used up one-time revolving fund revenues. The remaining \$5 million increase will be divided between physical plant repairs, rising utility costs, additional staff, and additional beds to deal with projected growth of 1,200 inmates.

DOC is operating at 112% of inmate capacity but has less than 70% of authorized staffing positions filled. The department had requested an additional \$84.5 million for employee pay raises and other priority needs, far lower than what they receiving the final budget.

- The Department of Mental Health and Substance Abuse Services received \$2 million more for FY 2016. Although the department originally projected it would need a \$10 million increase to avoid cuts, a big bump in the federal Medicaid matching rate leaves it with only a \$2.5 million shortfall.

DMHSAS expects to make minor adjustments to balance its FY 2016 budget. Last year, despite over \$2 million in additional funds, DMHSAS faced a \$20 million shortfall and had to implement serious cutbacks in behavioral health services for children and adolescents.

Rather than assume that agencies can operate with flat funding year after year, Oklahoma needs to grapple with the real cost of providing services.

One promising budgeting technique, already used by some two dozen states and the federal government, is to develop a current services baseline projection, or current services budget. The baseline projection "measures how much it will cost a state in an upcoming budget period to deliver the same quantity and quality of services to residents it is delivering in the current period budget." It takes into account the impact of factors such as inflation, changes in utilization [such as Medicaid or school enrollment, or prison populations], and previously enacted rule changes in establishing a baseline for future years.

If Oklahoma is ever to have honest conversations about the state budget, we need credible data about what it costs to provide services, and how we will pay for them. Developing a current services budget, along with better revenue forecasting, would be an important step in that direction.

*David Blatt is executive director of the Oklahoma Policy Institute. An earlier version of this essay appeared on the OKPolicy blog. You can sign up for OK Policy's e-mail alerts and daily news digest at <http://okpolicy.org>*

# The Writing Is On The Wall

BY DAVID PERRYMAN

Seeing the "handwriting on the wall" simply means understanding what is inevitable. The metaphor can be traced King Belshazzar in the fifth chapter of Daniel watching a disembodied hand write on the wall of his Babylonian palace. After the King's wisest men were unable to decipher the writing, Daniel, an Israelite, successfully interpreted its meaning.

Nowhere is the phrase more timely and appropriate than the predictable situation Oklahoma will face based upon what is now happening in Kansas.

Both Kansas and Oklahoma have relentlessly pursued cuts in the rates of state income tax under Republican legislative supermajorities.

In 2012, Kansas' income tax rate was cut by 25% and many corporations and businesses were totally exempted from paying income tax. A year later, those who still paid income tax received additional incremental decreases of 20% over a number of years.

Not to be outdone, Oklahoma adopted rounds of cuts exceeding 30% of the state's income tax rate with an additional triggered cut of 0.15% set to begin the first of July next year.

Heads up. The chickens have come home to roost in the Jayhawk State.

The very ability of Kansas state government to operate became questionable.

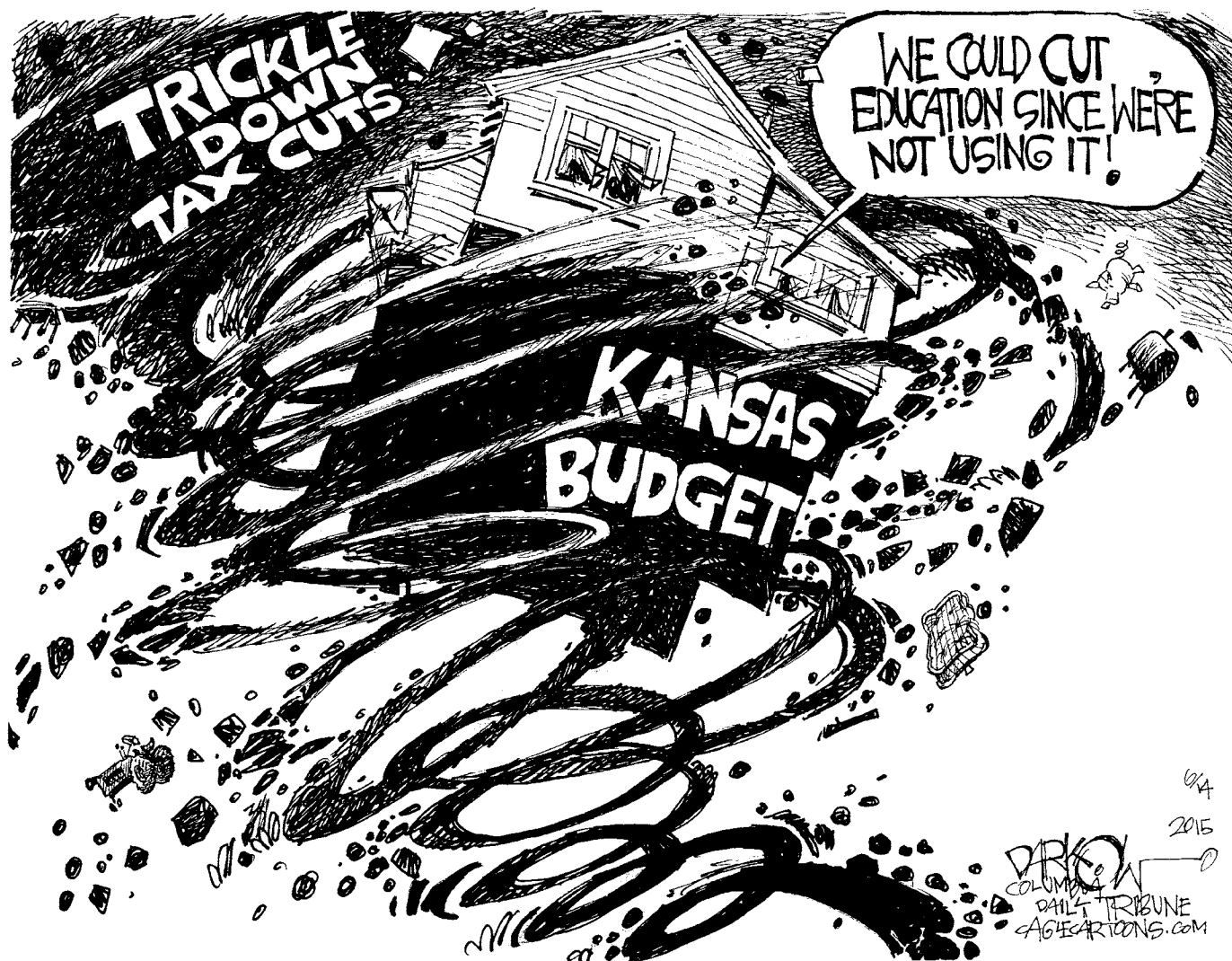
Kansas began a process known as "tax shifting," a process of cutting funding to towns, schools and counties requiring them to increase property and sales taxes on the local level. By 2014, more than three-fourths of all Kansas counties were forced to increase property taxes by as much as 5.7%.

Recently, the "writing on the wall" in Topeka became obvious. Gov. Sam Brownback faced a budget shortfall of more than \$800 million. When money was not available to adequately fund education, roads, bridges, corrections and other services, he made one-time transfers from revolving funds and swept money from the transportation fund to cover half the gap.

Then at 1:30 a.m. on June 12 came a shootout, not at the OK Corral, but on the floor of the Kansas House. The Republican governor threatened that if additional revenue was not found, massive budget cuts and layoffs would begin immediately.

The Wichita Eagle reported that legislators wept. No incidents of teeth gnashing, but the environment was appropriate.

By 4 a.m., amid the smell of burning sulfur, the Kansas House voted to increase the state sales tax to 6.5 cents, take away half the mortgage interest and



property tax deductions, eliminate other personal deductions, and increase the cigarette tax.

The bill did not re-impose the income tax on businesses or corporations, did not cut off any of the millions of dollars in tax breaks or credits enjoyed by “small” businesses like Koch Industries, but it did give additional tax breaks for private school tuition. The Senate followed suit.

Plain and simple, Kansas’ quest to cut income tax was realized by burdening working Kansans with increased sales taxes, taking away their personal tax deductions and forcing counties, cities and schools to impose increases in property and sales taxes to simply survive.

Oklahoma faced a \$611 million budget hole and swept massive amounts of money from transportation and education budgets and raided revolving and rainy day funds. Next year when Oklahoma’s projected deficit will be \$1 billion, those one-time funds will not be available.

Kansans currently pay 253% more of their personal income on property taxes than do Oklahomans. Kansas’ state sales tax rate is 62.5% higher than Oklahoma’s.

Those differences will increase because Kansas has cut funding to schools, counties and towns that

will be forced to increase property and sales taxes themselves.

Will Oklahoma follow the same path Kansas has taken or will we see the writing on the wall?

Daniel’s literal interpretation of the writing on the wall, “Mene, Mene, Tekel, Upharshin” was “Numbered, Numbered, Weighed and Divided” meaning Babylon’s destruction was imminent. Let us hope that Oklahoma fares better than Babylon.

*David Perryman, a Chickasha Democrat, represents District 56 in the Oklahoma House of Representatives*

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# Slashing Taxes Further Isn't Path To A Strong Economy

BY GENE PERRY

**W**hen any company leaves Oklahoma, it can mean hard times for the employees and their families. As a state and a community, we should offer support to those families and make sure workers have what they need to move on in their careers.

What we shouldn't do is let one anecdote be used to manipulate us into making policy changes that aren't thought through. The recently announced shutdown of Apache Corp.'s Tulsa regional office is a good example.

The company's new CEO said it is shutting down the office as part of a company-wide streamlining that will reduce Apache Corp.'s regional offices from seven to three. In the announcement, the CEO said nothing about taxes or a lack of support from the state of Oklahoma. In fact, Apache Corp. was recently awarded up to \$6.6 million in Quality Jobs subsidies from the state for its jobs in Tulsa.

Unfortunately, that hasn't stopped a prominent Oklahoma anti-tax lobbyist from trying to use these moves as an excuse for more tax cuts. OCPA Impact's Dave Bond wrote, "This is yet another example of how higher-tax states tend to lose out, over time, to more favorable low-tax locales."

Except that's not happening. The most recent large-scale study into the relationship between state taxes and economic growth found that neither tax revenues nor top income tax rates have a stable relationship to employment across states or over time.

In other words, whatever is causing differences in states' prosperity, it's not taxes.

Consider this finding from the Center on Budget and Policy Priorities: "Four of the six states that cut personal income taxes significantly in the 2000s have seen their share of national employment decline since enacting the cuts."

Oklahoma was one of the few states that saw our share of employment grow after tax cuts, but it shouldn't be difficult to see that the run-up in gas prices and the fracking boom were the real determining factors behind this growth.

The evidence shows that migration of companies isn't significantly motivated by state tax rates, and migration of people isn't either. Take it from another oil company leader who in recent years moved his corporate headquarters from Oklahoma to Houston.

Conoco-Phillips President Jim Mulva said in 2011, "I will tell you that state income tax had absolutely no impact in terms of the decision of merging the

company and where the corporate headquarters is located."

Or from Wes Stucky, CEO of the Ardmore Development Authority, who said, "For 24 years, I've been conducting interviews with executives of companies that we tried to recruit to Ardmore that ended up locating elsewhere. Not once in all those years did a company that rejected Ardmore base its decisions on taxes."

Tax rates had little to do with our prosperity, but Oklahoma went ahead and slashed taxes during the good times. The result is a huge budget gap that is devastating our schools, infrastructure, public safety, and other services that are critical for keeping Oklahoma prosperous and a great place to live.

Going further down that road when we can afford it even less is no recipe for a strong economy.

*Gene Perry is policy director for the Oklahoma Policy Institute. An earlier version of this essay appeared on the OKPolicy blog. You can sign up for OK Policy's e-mail alerts and daily news digest at <http://okpolicy.org>*

## On Command

It was entertainment night at the senior center.

Claude, the hypnotist, exclaimed: "I'm here to put you into a trance; I intend to hypnotize each and every member of the audience."

The excitement was almost electric as Claude withdrew a beautiful antique pocket watch from his coat.

"I want you each to keep your eye on this antique watch. It's a very special watch. It's been in my family for six generations."

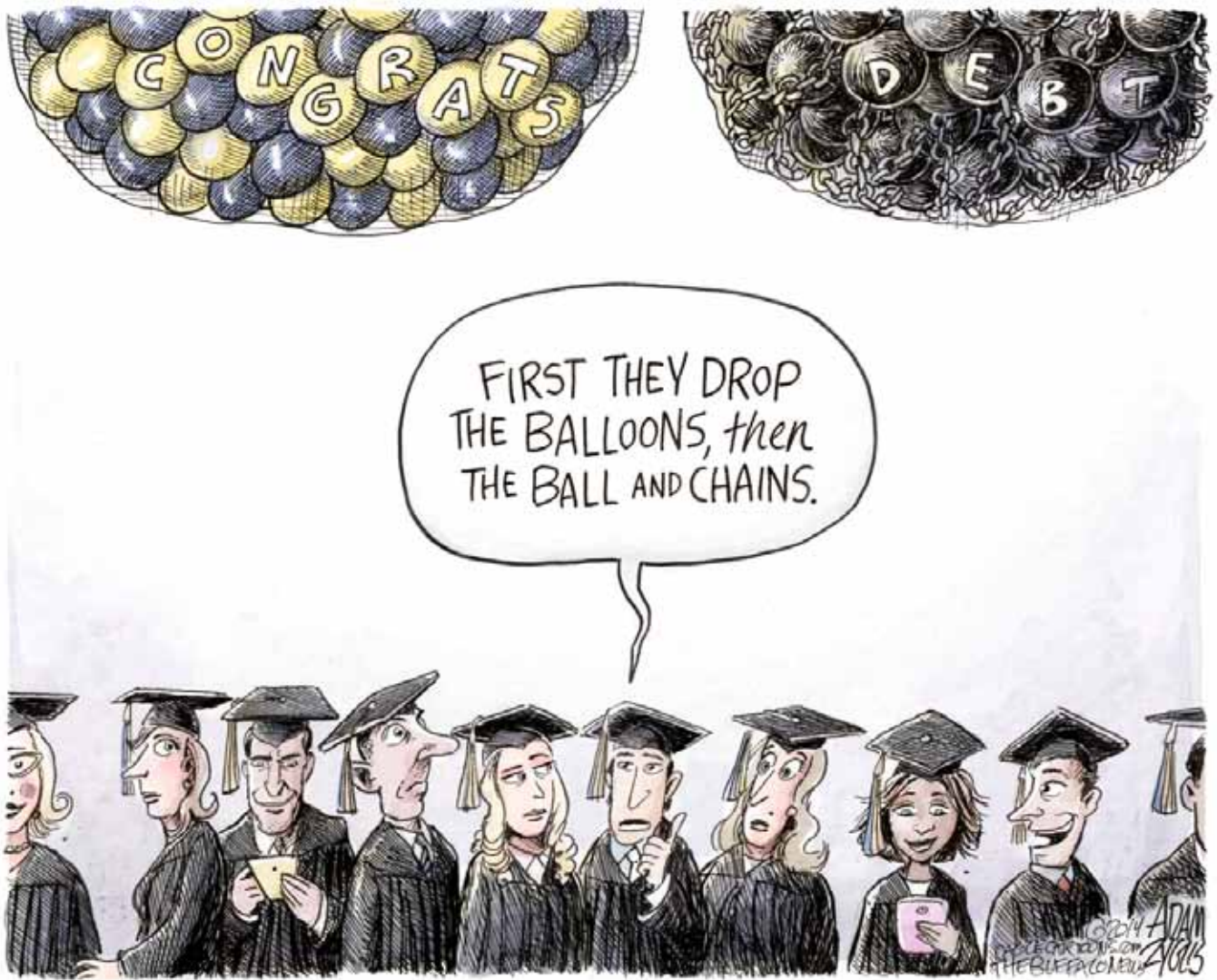
He began to swing the watch gently back and forth while quietly chanting, "Watch the watch, watch the watch, watch the watch ... "

The crowd became mesmerized as the watch swayed back and forth, light gleaming off its polished surface. Hundreds of pairs of eyes followed the swaying watch, until – suddenly – it slipped from the hypnotist's fingers and fell to the floor, breaking into a 100 pieces.

"SH-T!" said the hypnotist.

It took three days to clean up the senior center.





## *Higher Education: Oklahoma's Toothless Tiger*

BY CAL HOBSON

**E**ven that description seems too menacing. More accurate perhaps is Timid Tabby or Cornered Kitty.

Only a melodious meow or contented purr can be heard from the cloistered halls and manicured campuses sprinkled across our Sooner landscape.

Clearly, the educated elite that study, teach and conduct research at our 27 colleges and universities must be either afraid of or happy with their political masters – also known as the 149 current members of the Legislature.

How else to explain the deafening silence pouring forth from our best and brightest scholars, scientists, doctors, administrators and even regal regents as they endure the noxious neglect dissed their way

by indifferent lawmakers.

Year after year, during both good and bad economic cycles, less state revenue is allocated to Chancellor Glen Johnson and his nine governor-appointed state regents for allocation throughout the system.

At the same time more students enroll each semester expecting and deserving a quality higher education experience. After all, they have paid for it via annual tuition and fee increases designed to partially offset budget cuts imposed by diffident lawmakers.

Unfortunately, what too many of them encounter instead are overcrowded classes, limited curriculum, dilapidated buildings, and out of date technology.

So just how has it come to this, especially in a state that dramatically lags the rest of the country in col-

lege graduates? In a state where business leaders proclaim repeatedly an educated workforce is their No. 1 economic development tool? In a state that is especially lacking skills in the hard sciences known as STEM – science, technology, engineering and math?

The only answer must be that our current crop of elected policymakers are all descendants of Helen Keller. They can neither hear or see.

These rudderless rubes adjourned the 2015 session by not just ignoring higher education but actually harming it through an additional \$24 million *reduction* in funding. This unconscionable action drops state support to a miserly 16% share of operating budgets compared to nearly 60% during the term of former governor and now University of Oklahoma President David Lyle Boren.

For reasons beyond my comprehension DLB, who in all likelihood will eventually be recognized by historians as the state's most accomplished and productive citizen, is almost *the lone voice of dissent* concerning the disinterest and damage delivered annually to what could and should be our greatest economic engine – a cogent, cooperative, accessible and comprehensive system of advanced learning.

Molly and David Boren have spent, from their own personal resources, untold thousands of dollars urging, pleading and, indeed, begging decision-makers to at least display some understanding of the value and worth of a college education – not just for its specific recipients, but to a civilized citizenship in general.

At the June meeting of the OU regents, the president bluntly told them “if we think education is expensive just compare it to the cost of ignorance.” Clearly our lawmakers have chosen the latter over the former.

As David and Molly labor daily to generate support for our schools, whole flocks of other influential and/or wealthy constituencies who should bring pressure to bear on budgeteers for adequate funding and resources choose silence, acquiesce or accommodation rather than confrontation and commitment.

Regents, especially due to their financial generosity in the form of maximum campaign contributions, could with little effort impact monetary decisions made annually at NE 23rd and Lincoln Blvd. – but very few lift a finger to do so.

And why you ask? Because, in my almost 30 years of service in the Legislature, I found most prominent Okies nominated to be members of campus governing boards to be interested primarily in one thing – getting confirmed by the Senate to same.

Subsequently, Interest No. 2 is getting re-nominated by the current governor, or

a future one, so ingratiation and supplication of the “powers that be” become paramount. Grimy policy decisions about budgets and resources? That's better left to school presidents and the political class.

Anyway, even for a regent, getting a parking place at the Capitol to lobby [a dirty word to most of them] during the session is a hassle, so why be hassled?

Footnote: The maddest any regent ever was at me during my stint as Senate pro tem was when I terminated his unwarranted – and in my judgment unearned – parking privilege awarded him by a previous leader.

Unfortunately, this arrogant millionaire is still a regent, still making maximum campaign contributions, and still unable to utter a single syllable of support that might send additional resources to the very system he supposedly oversees. The Observer's Founding Editor Frosty Troy coined an apt description for guys like this – all hat and no cattle – and, yes, he always wears a cowboy hat. Don't know about the cattle part.

Further complicating the funding challenge for higher education, in general, and its many sincere advocates is the fact they are too often ineffective lob-



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byists. Deans, professors, administrators and others who are rightly revered in classrooms and on their campuses don't receive similar respect and deference at the Capitol.

Many House and Senate members, especially the new ones in office following imposition of term limits, don't perceive higher education as a core government service. They remain convinced it can always absorb whatever cuts are imposed; that students apparently have unlimited financial resources; or that wealthy donors will always make up the difference.

Finance Director Preston Doerflinger said just that in June while justifying the 3.4% cut colleges will take during the upcoming fiscal year.

On a personal level I like Preston. Before becoming the money czar at the Capitol, he was the non-partisan elected auditor for the city of Tulsa where he did a good job, was respected by members of both political parties, and earned a reputation as a responsible, progressive, straight shooting budgeteer.

Currently – and unfortunately – his true talents are being muzzled by the Tea Party adherents who dictate policy in Fallin's failing executive branch. Their American Legislative Exchange Council [ALEC]-dictated agenda is as simple as it is phony: Deviously claim the creation of a smaller and less intrusive government, push for irresponsible tax cuts, balance budgets through unsustainable Ponzi funding schemes, and always bash the federal government even as Oklahoma rakes in much more money from Washington than it sends to the federal treasury.

Speaking of taxes, effective Jan. 1, a bare majority of Sooners will indeed finally receive a reduction in their personal income assessment. For a family of four making about \$40,000 annually the quarter-percentage-point cut will add \$31 dollars to its bottom line while simultaneously subtracting from the state's operating budget about \$141 million during calendar year 2016.

Due in no small part to this "Kansas model" of irresponsible governing, regents at all colleges have approved tuition increases of about 5% which means on average each student will pay about \$400 more per year commencing this fall.

Smaller government? Lower taxes? No way Jose. Or John, Julie, Jarnarious, Jevon or Jang or any other of the 230,000-plus students soon to flood into our ivory towers searching for a better future.

In closing – and hopefully without gloating or saying I told you so [even though I am currently gloating that I repeatedly told you it would be so] – two freshly-minted decisions rendered by the U.S. Supreme Court deserve brief commentary because they directly impact the health, safety and happiness of thousands upon thousands of Okies.

The final arbiter of law ruled 5-4 that gay and lesbian Americans have the right to marry those they love regardless of their own sex. Oklahoma voters had overwhelmingly banned the practice in 2004 after the Legislature placed a question on a statewide bal-

lot during an election year, knowing full well it would attract a large plebiscite. It did.

During heated and emotional Senate debate to send the proposal forward to the voters, I, as pro tempore, argued against and then-Minority Leader Jim Williamson, R-Tulsa, spoke in favor. My side lost that day by a landslide – 35 aye, only 7 no – and I closed remarks by opining "this will go down in history as a very dark day in the Senate." It proved to be but that past murky midnight of a moment has been replaced with a lifetime of sunshine for so many of our fellow citizens, thanks to a conservative court that concluded the Constitution means what it says.

A second landmark ruling, by a 6-3 vote, was issued on June 25, declaring the Affordable Care Act – aka ObamaCare – to be legal, thus finally ending five years of fruitless, baseless and costly court battles.

Our attorney general, Scott Pruitt, wasted millions of your tax dollars trying to deny health care to nearly 100,000 of his fellow citizens while those same folks were paying for – and still do – his gold-plated insurance.

However, my friend Scotty has one usually admirable trait: He's consistent. Unfortunately for us, he's usually consistently wrong about public policy.

Maybe he should have continued to run a baseball team rather than squander foolishly and haphazardly our precious tax dollars that could be better spent on, say, perhaps our colleges.

*Cal Hobson, a Lexington Democrat, served in the Oklahoma Legislature from 1978-2006, including one term as Senate President Pro Tempore.*

## Jarring Experience

A doctor ordered a sperm count test as part of the physical exam for his 85-year-old patient.

The doctor handed the man a jar and said, "Take this home and bring back a semen sample tomorrow." The next day the 85-year-old patient reappeared at the doctor's office and gave him the jar, which was as clean and empty as on the previous day.

The doctor asked what happened, and the man explained.

"Well, doc, it's like this – first I tried with my right hand, but nothing. Then I tried with my left hand, but still nothing. Then I asked my wife for help. She tried with her right hand, then with her left, still nothing. She tried with her mouth, first with the teeth in, then with her teeth out, still nothing. We even called up Arleen, the lady next door and she tried, too, first with both hands, then an armpit, and she even tried squeezin' it between her knees, but still nothing."

The doctor was shocked! "You asked your neighbor?"

The old man replied, "Yep, none of us could get the jar open."





# *Snowball Jim And The Land Of Disenlightenment*

**BY BOB BEARDEN**

**A**nd the rains came again. I had 19 inches at my house just in the month of May – a record. The official record for May at Will Rogers World Airport is now over 20 inches, an all-time record for OKC for *any* month since they started keeping records.

Climate change? No! No! First of all, I think our flat-earthers in the state Legislature may pass a law that makes it illegal to say the words “climate change” in Oklahoma. They are good at passing laws to keep the people from telling anyone that the emperor has no clothes.

Pity the poor kid in the fairy tale if he had lived in *Oklahoma: the Land of Disenlightenment*.

Of course, if we follow the thinking of the far right in this scenario, they – like Jerry Falwell tried to do against the LGBT community when the AIDS epidemic broke out in the 80’s – would be saying God has proclaimed a pox on Oklahoma for denying climate change and the cause of earthquakes and He [they don’t believe God is a she even though we know a man would never have had the imagination to invent all this] is venting his wrath upon us here.

At the very least it gives new meaning to the old

## PUBLIC FORUM

Julie London song *Cry Me A River*. Just don't make it the street in front of my house, please.

Our flat-earthers who swept into office proclaiming they were for states' rights and local control have done their damndest to make sure that we at the local level don't have any say or control in what we do locally.

For instance, we now can't ban fracking by a city, county or municipal decree. Cities, towns and counties in Oklahoma can't raise the minimum wage above that of the state wage even if we get enough signatures on a petition that says we want to vote on it locally. So much for their pledge to return local rule to the locals.

Where have we seen these types of laws? Ah, it would require people to quit watching junk TV programs and read up on history, but it was a facet of fascism as enacted by Hitler and his minions in Nazi Germany. Of course, it is also the way despots and dictators – like the emperor in the fairy tale who paraded before his people sans clothes – ruled their nations.

Climate change is agreed upon by 97% of the earth's scientists, but Big Oil and Big Gas, benevolent protectors of our flat-earthers, don't want to hear it so they pay to elect people who will deny that even the moon is stilton, when we all know the reason we quit sending people to the moon is because the dairy industry feared losing their edge to a moon full of edam and stilton.

Of the top industrialized nations only the USA is behind the curve on climate change. "Denial," as Mark Twain once said, "Ain't just a river in Egypt!" No, denial of climate change pays big bucks to a lot of Flat Earth-Know Nothings. We have one such person right here in Oklahoma and his name rhymes with Idiot. Anyone ever heard of "Snowball" Jim, who conclusively proved that climate change was a hoax by successfully carrying a snowball onto the Senate floor and tossing it at another senator?

In Oklahoma our state Legislature and governor's office and most of state government has been taken over by the Flat Earth-Know Nothing crowd who, yes, believe it or not [as Ripley might say], will deny to anyone who will listen that the moon is not made of stilton nor edam and that fracking ain't in no way shape or form causing the increase in earthquakes that Oklahoma has seen over the past several years at or near where all the fracking is taking place. They believe this is true to the point of passing laws forbidding the people at the local level from passing laws that say otherwise. And that in Oklahoma low wage workers are doing just fine scratching out a living on \$7.25 an hour, thank you very much.

In Oklahoma, Mama don't allow no naysayers around here. And wind power? Mama don't like wind power, neither, so the state Legislature has passed a

law to essentially take away incentives for wind power. This is the state whereby we have more available wind than any place on earth. How cool is that – or should I say how stupid is that?

Oklahoma, where day by day, week by week, month by month we are becoming the Ma and Pa Kettle of the world. Even lowly Arkansas is surpassing Oklahoma. We are now on level with Mississippi as the most backward looking state in the union.

New slogans for Oklahoma to soon be placed on the welcome signs as visitors enter our state from all directions: *We are dumb and proud of it. Oklahoma: Where We Charge Anyone Who Tries to Build a Windmill to Make Clean Energy and Fracking Is a F--king Good Thing! Oklahoma: Home To "Snowball Jim," The Man Who Exposed Climate Change For the Hoax He Knows It Is!*

What's the matter with Kansas? Same thing that is the matter with Oklahoma. We have leaders today who are desperately seeking to take us back to them good ol' days of yesteryear. Hi Ho Silver, Away! The Earth Is Flat! The Earth Is Flat! Did I mention that the earth is flat, but only in Oklahoma, because that is what happens when the wind comes sweeping down the plains or you deign to elect a group of flat-earth idiots to be in charge of your state! But I repeat myself [sorry, Mark, for stealing from your line]!

*Bob Bearden is secretary of the Oklahoma State Association of Letter Carriers and a member of Mayflower Congregational Church, UCC, in Oklahoma City.*

## Majority Rule Doesn't Protect Civil Rights

BY KAREN WEBB

**I**f I have to put up with Citizens United then Texas Sen. Ted Cruz has to put up with gay marriage.

The Supreme Court is there to interpret the Constitution, not the Ted Cruz, Rick Scarborough or any other person's version of the King James Version of the Bible.

There are reasons why this country should never be a theocracy – which is what these people want. There are as many interpretations of the Bible as there are people reading it and your version is not any more valid than anyone. They are not just saying they want this to be a theocracy; they are saying that they want their interpretation of the Bible to rule this

# PUBLIC FORUM

theocracy.

I am going to attempt to say this one more time and I do not speak for every pro-gay rights person. I am an old straight woman who has been married for 39 years so I know a bit about the good and bad things in the law with respect to marriage. I do not believe that gay couples that love each other want to destroy your church or your marriage. I do not believe they care much about what you say or do in your church as long as you keep it out of the Constitution or the law books.

There are thousands of laws on the books where whether you are married or single makes a lot of difference and some of them involve life and death. Every time you fill out a form that has you check whether you are married or not means something.

If you are married you can file jointly on your tax return. If you are not married you will likely pay the highest rate. I marked married on my job application and on my deduction card. If I should become unconscious they will call my husband and not, as in the cases of gay people, the mother who called you every name in the book and said she would rather you were dead than alive to decide what to do with you.

I read yesterday about a couple in their 80s who at the beginning of their very long term same-sex relationship had to adopt each other so they could make decisions for each other.

When my husband and I buy a house or rent an apartment, when we move because we are married, our incomes go together on the lease or the purchase agreement. In many states if we were not married we would each have to prove that we could, on just our own income, pay for the place. Why? Because being married makes people think you are more stable in your relationship because you have made it legal.

If either of us were to die today, the other one would automatically get all of our assets whether or not we had a will. If we had minor children the survivor would get the children. If something were to happen to my husband I would get his retirement and his Social Security, if it is higher than mine, and we don't even have to have will.

When you get married you assume all of your spouses former debts or any debts he might incur from his insane gambling addiction or all of those DUIs she might have. Not all of the responsibilities of marriage are all that pleasant.

One of the couples in Oklahoma that filed suit a couple of decades ago was two men who had been together for several decades. They owned a house, but it could be in only one of their names. It turned out the one that paid for most of the house was not the one whose name was on the deed. It was in the name of the guy who took care of the house. Kind of like a married couple, but they could not be married.

It so happened that the one who's name was on the

*Editor's Note: For more on the Supreme Court's historic marriage equality decision, see Christiaan Mitchell's analysis – Mission Accomplished? – on page 26.*

deed passed away without a will. What happened was the family of the deceased got the house, even though they had severed all contact with their gay son. I hope you see where this is going. Gay people do not get married just to ruin Sally Kern's, Rick Scarborough's or Ted Cruz's day.

I am not speaking for the gay community, but I would appreciate it if these people would stop saying they "love gays dearly" because they don't even understand the issue. It is not love if you want taxpayers to pay the highest tax rate, be denied thousands of benefits and responsibilities just because your message isn't reaching them.

Just because you can't win someone over to your religion with your preaching is no reason to put your sermon into the Constitution.

Oh, and you do not love gay people dearly.

Oh, and don't ever say that all sins are the same because so far there is no law against unbridled self-righteous sanctimony, but there needs to be.

Oh, and since they keep saying that God sends hurricanes, tornadoes and all kinds of stuff to punish countries, states and cities for sins, then the only sin that Oklahoma or Texas has enough of to warrant continued tornadoes would be unbridled self-righteous sanctimony.

Another thing: majority rule does not work with civil rights and never has. Had they left it up to a majority of the adults allowed to vote in Mississippi, most of the state's adults – the ones of color – would still not be voting. In this country you do not get to decide by popular vote the happiness of others with regards to which consenting adults can marry.

I wish I were as sweet, nice and patient as some people think I should be, but Rick Scarborough, Ted Cruz and all the rest, including anyone attempting to share their views with me, can just put on your filthy rags and take your self-righteousness where somebody cares.

Texas Rep. Louie Ghomert, move to Canada and take your Canadian friend, Ted, with you and – surprise, surprise – Louie and Ted could have gotten married in Canada 10 years ago. They can also get universal health care and, as far as I can, tell Canada is doing better than we are with regards to the wrath of God in the form of catastrophic weather events.

P.S. It is a lot easier and less expensive just to call it marriage and say consenting adults can marry than change all of the wording in all of those laws.

*Karen Webb lives in Moore, OK and is a frequent contributor to The Oklahoma Observer.*





## *Evil Employers Can Lay You Off, But You Don't Have To Go Quietly*

**BY TED RALL**

You've seen it in movies: Gangsters are going to kill a guy. But before they do, they force him to dig his own grave. Who would go along with that? Why, during their final moments alive, doesn't the victim avail himself of the chance to die defiantly, with dignity, going to his death with the small pleasure of knowing that his assassin will at least be inconvenienced by the disposal of his body?

That was the question running through my head as I read a story that made my blood boil: Disney World

in Orlando, FL, recently laid off 250 tech workers and had an Indian outsourcing company supply their lower salary replacements with foreign recipients of H-1B visas. This disgusting practice, which is becoming increasingly common and is the subject of a congressional investigation and at least one lawsuit, is illegal. H-1B visas are only supposed to go to highly educated foreign workers brought to the U.S. to work for employers who can't find American citizens to do the job – but with three out of four American techies

# **PUBLIC FORUM**

un- or underemployed, that's never the case.

Disney, which had a profit of \$7.5 billion last year, could easily have afforded to obey federal immigration law.

If found guilty of visa fraud, Disney should be treated the same way that individual criminals get slammed by three-strikes laws. And 250 felony counts? This rogue company is too big not to be failed. It should be nationalized and its executives sent to prison for life.

The part that really got my goat was that Disney pressured its laid-off workers, many of whom had received such glowing performance evaluations that they anticipated a promotion when they were called in to meet with their bosses, to train their replacements.

"I just couldn't believe they could fly people in to sit at our desks and take over our jobs exactly," one of the H-1B outsourcing victims, a 40-something American who has been unemployed since his last day at Disney on Jan. 30 told the New York Times. "It was so humiliating to train somebody else to take over your job. I still can't grasp it."

Why didn't the 250 fired workers tell Disney to go to hell, and refuse to train their replacements?

Why did they dig their own graves?

The answer is, they got paid. But not much.

Disney "offered a 'stay bonus' of 10% of severance pay if they remained for 90 days. But the bonus was contingent on 'the continued satisfactory performance of your job duties.' For many, that involved training a replacement. Young immigrants from India took the seats at their computer stations," reported the Times.

How much cash are we talking about?

Obviously, there's the 90 days of pay. Nonmanagerial workers laid off by Disney receive one week of pay for every full year of service. So if you worked 10 years, you'd get 10 weeks severance, plus one additional week – 10% – for the so-called "stay bonus," for a total of 11 weeks. But to assess the net benefit, you subtract the \$275 a week in unemployment benefits most workers receive in the state of Florida, as well as the 10 weeks severance the laid-off employees would have received even if they'd refused to train their replacements.

According to the corporate salary site Glassdoor, Disney tech jobs at Orlando start at about \$61,000 a year. So let's assume that the average salary of the poor suckers pushed out the door in favor of the new guys from India was \$80,000.

Disney paid the laid-off Americans \$20,000 – minus income taxes, so more like \$15,000 – to dig their own graves.

Look, I get it. Most Americans are living paycheck to paycheck. That \$15,000 looks very important when you're about to lose your job, especially when you are an older worker in technology, a field where age dis-

crimination isn't merely tolerated, but gleefully celebrated.

At the same time, how much is your dignity worth?

Victims of oppression have a responsibility not only to themselves, but also to those who are suffering at the same hands, and to the next generation of victims, to resist and throw their bodies on the gears of bloodthirsty corporate capitalism. What if every worker refused, as a matter of course, to train their replacement? The resulting disruption would create a cost for the company.

What if the standard response of a laid-off employee in the United States was not to leave quietly, but to sabotage computers with viruses, trash their office, break as much equipment as possible, and go out kicking and screaming? What if every employer who tried to replace their American workers with outsourced foreigners on fraudulent H-1B visas could count on a big fat class-action lawsuit? Some employers might think twice before behaving with such disgusting impunity.

Auschwitz survivor Primo Levi wrote that the Nazis' great triumph in their oversight of death camps was to reduce their Jewish inmates to animals, so that they would turn against one another in their desperate struggle to subsist. Levi was haunted by the horror of what he witnessed, and how easy it was to decivilize human beings. On the opposite side of the spectrum, we celebrate the heroes of the uprisings in the Warsaw ghetto and at Sobibor death camp because, though they knew they were going to die, they fought to the end.

Comrades! Don't dig your own graves.

Not for \$15,000.

*Ted Rall, syndicated writer and the cartoonist for The Los Angeles Times, is the author of the upcoming book Snowden, the first biography of NSA whistleblower Edward J. Snowden. It is in graphic novel form.*

## **Watch What You Eat**

A tough old cowboy from Montana counseled his granddaughter that if she wanted to live a long life, the secret was to sprinkle a pinch of gunpowder on her oatmeal every morning.

The granddaughter did this religiously until the day she died – at age 103.

She left behind 14 children, 30 grandchildren, 45 great-grandchildren, 25 great-great-grandchildren, and a 40-foot hole where the crematorium used to be.

– Thanks to A.J. Henshaw for sharing

# *Vigilant Pursuit Of What Is Right*

BY BARBARA BANNON

I recently came across a quote by Thomas Paine that inspired me to think about my life habits and how often I have done what he describes. It left me with both a sense of sadness and hope: “A long habit of not thinking a thing wrong, gives it a superficial appearance of being right.”

What a powerful and insightful observation! I can’t count how many times in my life I’ve accepted “what is” in place of “what could be” or “what is right.” No one physically or apparently forced me to do so – I guess I wasn’t able or ready to see the difference!

As a nation we’ve also suffered from this type of behavior. Historically there are many examples, including slavery, the repression and abuse of women and minorities, child labor, and most recently the theft of workers pensions to address the mismanagement of cities and corporations, or the use of taxpayer monies to spare the investor class accountability for their fraud and manipulation of the financial systems that brought us, our country, and the world, to near economic collapse.

This Paine quote succinctly describes what it is like when you realize you may have passively accepted such dubious “truths” as:

- Preparing for war is the same as preparing for peace.
- Democracy can be imposed by force, so killing hundreds of thousands of people to do so is moral and patriotic.
- We can only elect leaders who lie to us and play gotcha games instead of addressing our nation’s real problems.
- Only the poor receive “entitlements.”
- Redistribution of income and wealth is bad unless the economic and political systems take money from the poor and middle class and give it to the wealthy through predatory and unjust systems.
- Rewards for investors should be unlimited; rewards for workers should be minimized.
- Vote suppression is an acceptable hardball political tactic versus undermining of democracy.
- Lying is acceptable in the public arena and no one should be held accountable for being untruthful.
- Money equals free speech, and corporations have the same constitutional rights as flesh-and-blood persons.

In the 21st Century, acceptance of these “truths” has ushered in destructive systems and actions we don’t have to – and should not – accept as valid. Progressive tax systems have been replaced with sales

or other regressive taxes, and civil fines that have restored debtors’ prisons.

Public functions such as prisons, roads, and communications have been privatized in ways that enriched a few at the expense of taxpayers and deteriorating public services.

Endless, useless warfare has been made acceptable by ending the draft so only a few [mostly disadvantaged] families will experience the pain, loss of freedom, health or life, and none of the wealth generated by an economy built by war.

The costs of war have been masked by suppressing images of both our war dead coming home, and the innocent civilians we have killed or maimed.

And one of the most antithetical actions to free speech and democracy is the court ruling legalizing the takeover of our elections by the ultra-rich to spend unlimited amounts of money to elect leaders accountable only to them.

When I asked myself, when did we [this nation] begin to accept these lies as truth, I realized, in reflecting on our history, we’ve always been this way and the real struggle for this country will continue to be in seeking a more honest, moral and humane society.

Our founders experienced it when they compromised on slavery while writing the Constitution, and we continued to build this country on the backs of slave labor, different groups at different times.

Lincoln understood and addressed it during the Civil War when he expressed fear that the release of the slaves would lead to a system of “wage slavery,” and it did. We are still addressing this system today, a system that contributes greatly to inequality in this country.

The Lincoln quote that sums up his brilliance, foresight and insight in relation to the economy of this country is “labor creates capital, there is no capital without labor” and still we’ve turned the system on its head to create one that continues to rationalize hierarchical, autocratic systems where those on top of the pyramid reward themselves with the bulk of the capital and leave crumbs for the labor who created it.

Many people have tried to prevent the subversion of our democracy, including Teddy and Franklin Roosevelt, William Howard Taft, Martin Luther King Jr., Elizabeth Warren, Bernie Sanders, and Pope Francis, to name only a few. But their efforts have often been impeded by “this long habit of not thinking a thing wrong so it has a superficial appearance of being

right.”

There must be a term for this dysfunctional habit – mental laziness, moral cowardice, cognitive dissonance, unconsciousness – whatever it is I’ve been stuck there and I don’t know for sure what it will mean to get unstuck but, in relation to the idea of habit, I’m pretty sure it could mean some discomfort and change of habit on my part.

As usual, and as is true most of the time in my life, I don’t have all the answers and, additionally, it isn’t

always about having the answers, it can be more important to ask the right questions. I hope the questions I’ve surfaced for myself, and have begun to express to others, can lead us to move in a more moral and humane direction together.

Which reminds me of a quote from Thomas Jefferson: “When injustice becomes law, resistance becomes duty.”

*Barbara Bannon lives in Tulsa where she is a human resources consultant.*

# Obama’s Lonely Road

BY FROMA HARROP

Americans were perilously close to losing their right to health care when the Supreme Court offered a reprieve. Few were more grateful than the conservative politicians who had been railing against the Affordable Care Act while praying they would not have to face the political consequences of its collapse.

For progressives, guaranteed health coverage is a political triumph, the greatest addition to the social safety net in decades. And ObamaCare would not have happened without the man it was named after.

All this makes the current left-wing revolt against President Obama so hard to fathom as well as so unfair. Many on the left are now branding Obama as a toady of big business interests uninterested in the struggles of working Americans. Their stated reason? His support of a trade agreement among Pacific Rim countries.

This is the president who led the country out of the most frightening economic crisis since the Great Depression. He saved the American auto industry – and by extension the industrial Midwest – from collapse. And he did it against an impenetrable wall of right-wing opposition. For several terrifying months, a government bailout of Detroit was by no means a certainty.

But that was five minutes ago. What has he done for us lately?

Obama’s political skills are notoriously weak. He has not been a great reacher-outer to egos on either the left or the right. Wish it were otherwise, but backslapping is never going to be part of the Obama package.

Foes of a Trans-Pacific Partnership argue that it would ignore environmental and labor standards. Actually, it would impose rules that did not exist before. They say it would let companies sue governments. Actually, they already can [though it almost never happens].

And they portray this accord as hastening the loss of American blue-collar jobs to low-wage countries,

such as China. Actually, the purpose is to help its 12 members compete with China.

Fast-track authority to negotiate this deal was eventually passed, thanks to Republican votes. But the mutiny against Obama by his erstwhile allies has left him a diminished presence on the world stage.

No magic wand will bring back the 1960s, when American factories could employ huge numbers at handsome wages. Global competition and computerized manufacturing are here to stay.

The fairest way to address today’s reality is to have the economic winners help those not winning. That means programs preparing Americans for the good jobs there are. It means enhanced economic security for those experiencing job loss or stagnant wages [ObamaCare again].

Does anyone – other than Obama’s sternest Republican critics – recall his success in raising taxes on the well to do? Under Obama, the average federal tax rate on households in the top 1% has gone up over six percentage points. The rich are paying higher taxes on investment income and for Medicare. And the top income tax rate is now 39.6%, up from 35%.

Yet some on the left now engage in the kind of Obama conspiracy-against-us talk that has characterized the right.

“The government doesn’t want you to read this massive new trade agreement,” liberal crusader Sen. Elizabeth Warren writes in her blog. “It’s top secret.”

Oh? Every word will be revealed for congressional approval or rejection.

Compare that with the recent statement by a blond yakker out of the Fox News factory that ObamaCare had been “negotiated in secret.” The Affordable Care Act had fewer secrets than Kim Kardashian.

Obama now looks gaunter and grayer than the youthful senator elected in 2008. That tends to happen to presidents after years of political battle. For Obama, though, the road to the finish line has been especially lonely.

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The result is that some water systems struggle to repay construction loans – many secured through state and federal programs – despite significantly raising rates to customers.

At least one would-be whistleblower reports meeting with the FBI on multiple occasions, sounding the alarm about suspicious projects. But it's not clear whether a formal inquiry is underway.

Some worry that Justice Department higher-ups are resistant to turning FBI agents loose, fearing the trail could lead to politically well-connected Oklahomans. U.S. attorneys are political appointees, after all.

Typically, water systems need significant construction and maintenance investments about every eight years, meaning annually about 110 such projects are launched statewide.

In communities of 10,000 or more, the Oklahoma Water Resources Board is the big player – about \$20

Arkansas, by contrast, gets all stakeholders together monthly to review the projects – a “much more comprehensive” approach, according to one consulting engineer who requested anonymity. “There’s a planning downfall in Oklahoma, something terrible.”

The closest Oklahoma comes to gathering the stakeholders is the quarterly meeting of the Funding Agency Council, which includes such groups as USDA Rural Development, the Oklahoma Rural Water Association, the Oklahoma Water Resources Board and Oklahoma Department of Environmental Quality.

The agencies, however, look at which of them is best positioned to help make the project a reality – not at the technical aspects to determine if the project is realistic and warranted.

Sometimes neighboring water systems don't know what the other is doing – or what it's costing.

For example, two adjacent Locust Grove-area water

At least one would-be whistleblower reports meeting with the FBI on multiple occasions, sounding the alarm about suspicious projects. But it's not clear whether a formal inquiry is underway.

million in projects annually.

Improvements in the smallest, most impoverished areas often are financed with federal loans – about \$15 million annually – administered by U.S. Department of Agriculture Rural Development. The agency also handles about \$10 million yearly in water project grants that do not have to be repaid.

A major concern is that – much like the set-up that led to the county commissioner scandal – Oklahoma's small town water systems and rural water districts often operate in a vacuum, technical checks and balances absent.

According to some engineering consultants and water system experts, local operators often rely primarily on the expertise of engineers that want to build projects. Fox guarding the henhouse?

State and federal agencies, if consulted, tend to operate independently of each other, meaning everything from environmental concerns to capacity issues to engineering proposals are rarely reviewed holistically.

In addition, it appears no hydrogeologists are consulted or employed to ensure there is sustainable, quality water available for the life of each project – a problem that has plagued more than a handful.

systems built projects within about a year of each other recently – both using roughly the same amount of pipeline, the same sized pipe and the same specs. One cost \$6 million, the other \$12 million, according to a water systems consultant who also asked not to be identified.

In Lincoln County, the expert said, a water district spent \$125,000 drilling a well that turned out to be too high in iron and magnesium to serve the 300 residential users.

Drilling a test well would have tipped officials to the problem, but it apparently wasn't done. The only alternative to salvage the well was to build a \$2 million to \$3 million water treatment plant.

The stories conjure bad memories of the county commissioner's scandal that burst into public in 1981.

Heralded as the nation's biggest corruption case, the federal investigation resulted in 230 convictions or guilty pleas, including 110 sitting county commissioners charged with federal crimes.

When the case finally wrapped up, then-U.S. Attorney Bill Price claimed prices of equipment that counties purchased had dropped as much as 42% – or \$200 million in the four years after the probe was

launched.

A series of state-initiated reforms, aimed at preventing such future mischief, included establishing a county purchasing office, requiring counties to use the state's central purchasing and requiring all county officers to attend county government training.

Further, counties were urged to retain the services of an engineer and to engage in long-term planning.

Ryan McMullen, a former state representative who is state director of USDA Rural Development, said his agency works primarily with the smallest, most impoverished towns and water systems – no communities above 10,000.

A primary goal, he said, is to keep “them from buying more of a system than they need ... that makes our loan riskier.”

Among the factors considered: “What the possibility is of growth or the possibility of continued population decline ... I wouldn't call it adversarial. We are the check in that check-and-balance to make sure they're not buying more of a system than they need.”

McMullen said only “a handful” of the agency's loans are currently in default – on average “maybe one or two a year.” Most times, he said, the agency can re-amortize the loan so water systems can afford the payments.

Some independent consultants and water system experts say, however, they believe neither the federal agency nor state officials have the manpower in these lean economic times to give each proposal as thorough a review as needed.

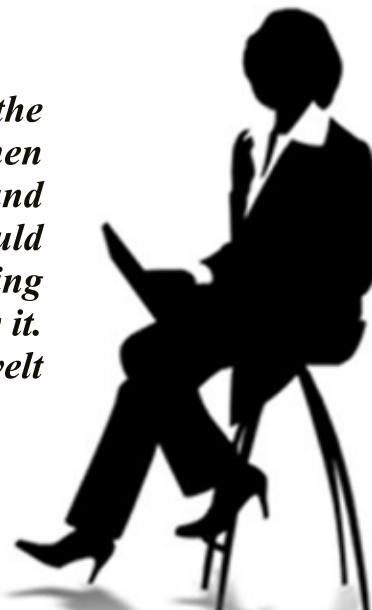
Indeed, McMullen concedes he's lost a third of his workforce to budget cuts over the six years he's been USDA Rural Development's state director. His agency now administers \$700 million-plus in programs annually with a staff of only 64.

The concerns expressed by consulting engineers and other experts cry out for further, systematic review – to ensure the taxpayers and ratepayers aren't being taken advantage of.

Otherwise, Oklahoma could experience déjà vu, all over again.

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*The battle for the  
individual rights of women  
is one of long standing and  
none of us should  
countenance anything  
which undermines it.  
~ Eleanor Roosevelt*



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# OKLAHOMA TREASURE

**U.S. Sen. Robert S. Kerr's Home  
Has Hosted Five Presidents,  
From JFK To Bush 41. It's An  
Irreplaceable Piece Of State  
History That Must Be Saved.**

**BY MARION HILL**

**A**top a peak in the breathtakingly beautiful Kiamichi Mountain foothills, a few miles from Poteau, is a treasure that few Oklahomans – including Democrats, who arguably should be especially aware – know they have.

This is Kerr Mansion, the home that U.S. Sen. Robert S. Kerr built of local rock and timber for his family and that was visited by five U.S. presidents.

I confess I didn't know about it until the state Democratic Party's biennial Second Congressional District convention this spring. [I was an alternate delegate to the convention from our county and carried the voting proxy of Marilyn Alexander, outgoing chair of the Bryan County Democratic Party.]

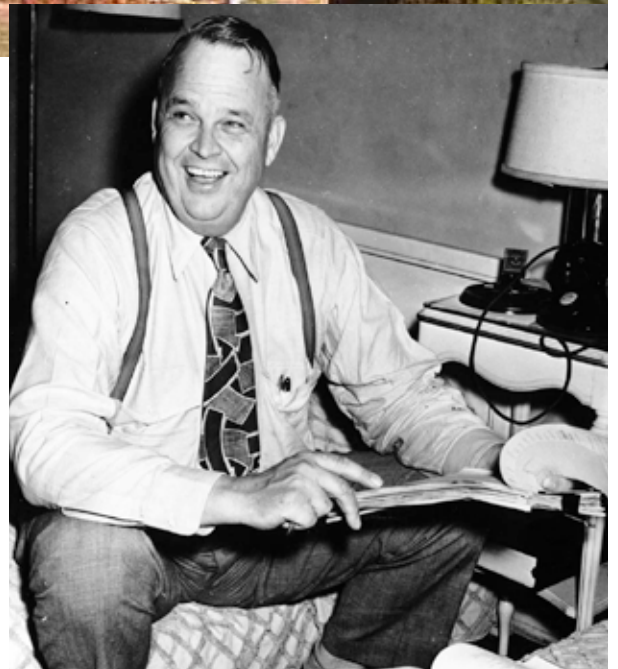
It's always a rich, enjoyable experience to meet with other Democrats, and this convention proved no exception. Our district met to elect new officers, adopt

resolutions, and generally look ahead to the state party convention in late May and to electing Democrats in future elections, including national, state, and down-ballot races.

I came away encouraged by the dedication and determination I saw on the part of our newly elected district officers and of my fellow foot soldiers in the Second District counties.

It felt absolutely right to be having discussions about the fate of Oklahomans and of our nation in a venue where momentous legislation and policies were discussed by our leaders decades ago. But this jewel of a locale was almost lost to Oklahomans and Democrats.

A bit of background: Robert S. Kerr was the first native-born Oklahoman to serve as the state's governor. He went on to be elected three times to the U.S.





Senate and wielded such power that the Saturday Evening Post magazine referred to him as the “uncrowned king of the Senate.”

He left huge legacies in the areas of conservation, agriculture, oil and gas, and space. For example, as Senate Majority Leader, he pushed legislation through Congress that led to the nation’s putting a man on the moon. It was his vision that led to making the Arkansas River navigable from the Gulf of Mexico to Tulsa’s Port of Catoosa, a system of 17 locks and dams formally known as the McClellan-Kerr Arkansas River Navigation System. He also owned Kerr-McGee Oil Co. along with partner Dean McGee.

Sen. Kerr died suddenly of a massive heart attack on Jan. 1, 1963. In 1978, the Kerr Foundation donated the mansion and about 40 acres [out of 50,000 acres that had once comprised the Kerr Ranch] to the state, specifically to the Oklahoma State Regents for Higher Education.

It was developed into a hotel and conference center [remodeling completed in 1998] and was operated as such for a few years by Carl Albert State College [CASC].

Unfortunately, the center proved costly to operate – about \$500,000 a year according to one estimate. In 2013, the state regents offered the facility to CASC, but the college declined to accept ownership, citing the expense of operation. Furniture from the facility was sold at auction, and the historic site languished unused until a non-profit called Friends of the Kerr Mansion Inc. was formed and began developing a plan to save it.

The house is more than a football field in length and originally contained seven bedrooms, six fireplaces, and 14 bathrooms. A playroom used by the Kerr children is designed like the inside of a submarine.

A plaque on one bedroom door indicates that President John F. Kennedy stayed in that room when he visited the Kerr Ranch in 1961, and plaques on other doors note associations with other U.S. presidents.

Presidents Lyndon Johnson, Gerald Ford, Jimmy Carter, and George H.W. Bush all stayed at the Kerr home at various times.

Outside decks and almost every room of the house offer stunning views of the surrounding hills. Amenities available for conferences, reunions, weddings, and other gatherings include a large dining room, three meeting rooms, a swimming pool and sauna.

During the Second District convention, one room was dedicated as the Fred Harris Room, honoring another of Oklahoma’s illustrious leaders who served as U.S. senator from 1964-1972, having been appointed to fill the office left vacant at Kerr’s death. Harris unsuccessfully ran for president in 1972 and 1976.

Harris had been expected to keynote Saturday evening’s banquet, but weather grounded his airplane at Dallas/Ft. Worth Airport. He spoke to the assembled Democrats by speaker phone, noting his regret that he couldn’t be there physically to accept the honor.

David Walters, who was governor from 1991-95,

stepped in at the last minute to deliver a keynote address in which he listed actions needed by Oklahoma Democrats to take back control of state government from the Republicans.

Kenneth Corn, a former state senator and outgoing chair of the Second Congressional District Democrats, presided over the events. He also serves as president of the Friends of the Kerr Mansion Inc.

While presiding at the convention, Corn shared information about the mansion and the Friends’ plans for it, including the fact that one young man, a plumber by trade, so believes in the need to restore the historic house that he’s donating his time to do all plumbing repairs needed in the large structure after its period of disuse.

The facility currently has no paid staff to run it. Everything is done by volunteers, who donate time and effort to help save the historic home.

The Friends group is seeking grants from foundations to help restore and update the house and also will be hosting fund-raisers and educational events there.

In talking with other Bryan Countians who attended the CD2 convention, I realized that we all had the same response: It would be a travesty to let such a special place, with so much history – important not only to Democrats but to all Oklahomans and to the nation – fall into disrepair and ruin.

I seldom wax eloquent about places, although I have a special love for several with historical ties, but I really think we need to help save the Kerr Conference Center and Museum for ourselves and our posterity.

Good causes abound. I donate to quite a few that I consider worthy. But here’s one I’m adding to the list of charities I support. I’d love to see all Oklahomans, and especially Democrats, adopt this special place as a priority.

For more information about the Kerr Mansion, call 918.647.9929.

*Marion Hill lives in Durant.*







# MISSION ACCOMPLISHED?

*Marriage Equality Was Long Overdue, But Much Work Remains To Secure Full LGBT Rights*

BY CHRISTIAAN MITCHELL

Unfortunately, being a good progressive too often means you have to be a fly in the ointment. Progress is hard work, and those of us who take perfecting our Union seriously find ourselves frequently playing the role of Debbie Downer whenever there's been some great leap forward. "Yeah this is great, but ..."

Let me start by voicing a completely unequivocal support for same-sex marriage. This decision has been long in coming, and despite its obvious justice is the culmination of decades of heroic efforts by community organizers and advocates. Justice Kennedy's opinion was even inspiring and uncharacteris-

tically pleasant to read. But ...

Justice Antonin Scalia makes a point in his dissent that we all need to take seriously. Whatever you or I may think of his politics, the man is a brilliant jurist and his opinions are well worth taking the time to think through.

In back of his typical apoplexy and entertainingly scathing language, Scalia's criticism of the Obergefell decision comes from a place of genuine concern for democratic institutions. His dissent echoes his criticism of *Roe v. Wade*: the Supreme Court has interjected itself into, and thereby shutdown, an ongoing political debate.

On some level, there is a tacit acknowledgement in Scalia's writings both here and on *Roe* that conservatives like himself are losing the "culture war" on these issues.

When major companies like Tylenol take out national television ads that seem to have no message other than "we support same sex couples – buy our headache pills," it's safe to say that the tide has turned.

And there is something to be said for the argument that had this discussion been allowed to play itself out in the demos rather than in the courts, the ultimate change would be more stable, deep, and enduring.

This does little for those whose lives are being daily ruined by the system while we're all waiting on it to change, but we do have to admit that the change itself would be less controversial if it had been allowed to happen on its own.

On the flip side, there is a real danger that this decision could hamper the equality movement's efforts. By taking the question of same-sex marriage out of

This necessarily meant that the fight over minutiae was going to have to be done in the myriad district courts.

While the *Obergefell* decision doesn't have that particular problem, we shouldn't delude ourselves about the scope of what has been accomplished.

Amidst all of the "we did it" crowing, it's important to note that the decision itself didn't actually do much in the fight for equality. Its shortcomings on that front are a result of the way the court decided to protect the right of same-sex couples to marry.

This is a little simplistic, but there were basically two ways for this issue to get resolved under the 14th Amendment. The court could either find that denying same-sex couples the right to marry violated a fundamental right, or that it discriminated against a legally protected class of individuals.

The court opted for the former, recognizing the legal protection of LGBT individuals with respect to a fundamental right to marry but leaving open a panoply of other modes of discrimination. This is why the

There is a real danger that this decision could hamper the equality movement's efforts. By taking the question of same-sex marriage out of the hands of the political process, the court has removed a powerful symbol of inequality that was driving people into political activism.

the hands of the political process, the court has removed a powerful symbol of inequality that was driving people into political activism.

Too many of us Facebook activists are going to be prone to throwing up a "Mission Accomplished" sign and heading home for the day when there is still so much work to be done.

There are echoes here of *Brown v. Board of Education*. When the opinion was issued, the nation [or at least, the not overtly racist part of it] celebrated an end to legally sanctioned American apartheid. But there was a portion of the Civil Rights activist community who felt that *Brown* actually took a lot of wind out of the movement's sails.

Rather than dismantling the structures of segregation through the political process, the fight was now left to the courts. Much of the energy that had been put into community organizing and political activism was now being expended in legal battles over how to implement the now-accomplished act of legal desegregation. And many of the movement's allies could now claim a victory and head home.

In *Brown*, much of that had to do with the way the Supreme Court "solved" the problem. In essence it declared segregation was over and told the lower courts, "So, go ahead and ... uh ... figure that out."

court's discussion was long on the sanctity of marriage, and short on the many ways that LGBT individuals are subjected to discrimination and unfair treatment.

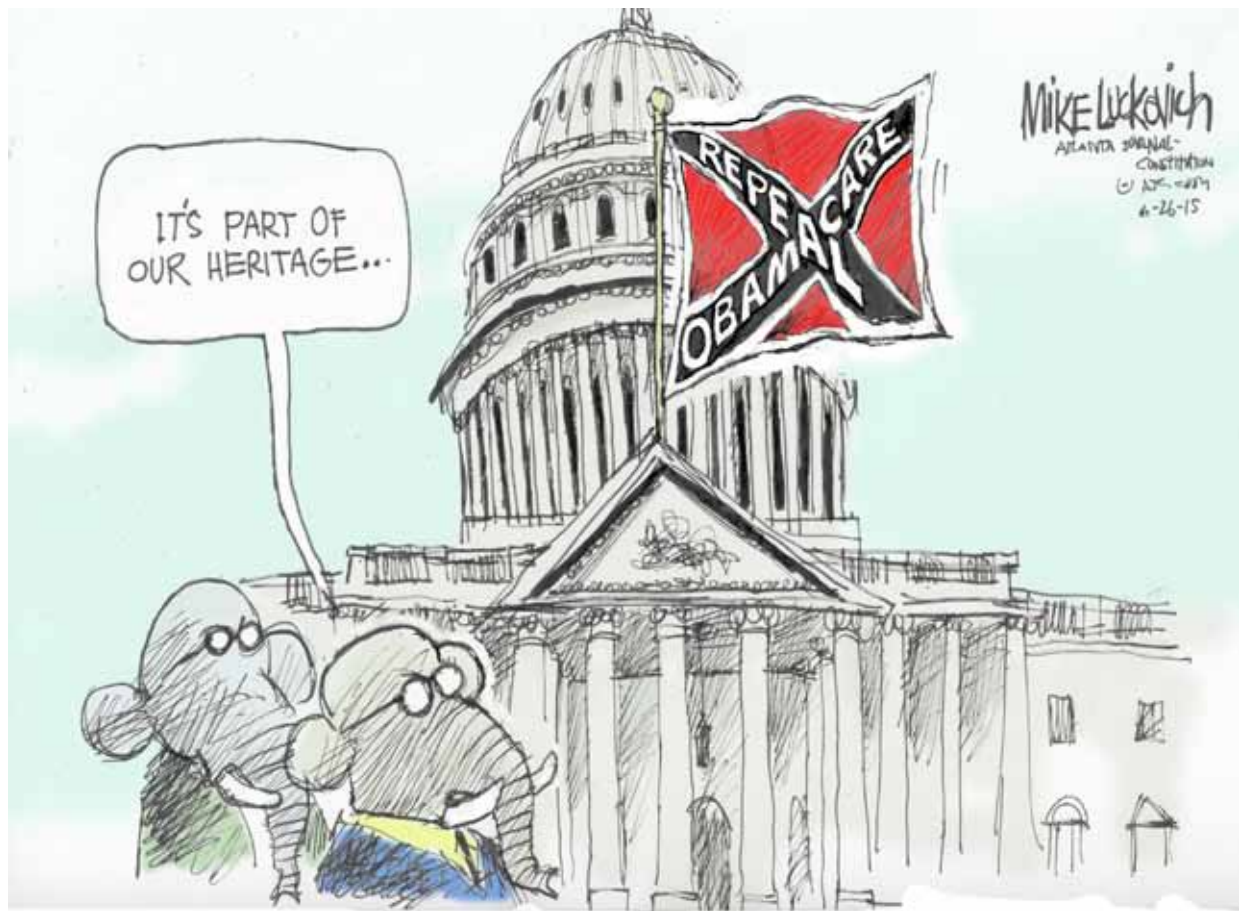
The decision protects a single right, albeit a hugely important one.

June 26 will live on in our nation's history as a great day in the struggle for equality. But make no mistake, the fight is far from over.

By refusing to find that the LGBT community should be treated as a protected class, this decision has guaranteed years of struggles in state courts and legislatures all across the country over same-sex inequality. And it is worth pointing out that conservatives control the majority of those institutions.

Scalia's instincts about the danger of taking this away from the electorate are right, if pointed in the wrong direction. Battle-hardened equality advocates hardly need to be told this, but the rest of us have to be on guard against the *Obergefell* decision giving us a pass to simply pack up and go home. We did it, we won. But there is still a very long and hard road before us.

*Christiaan Mitchell is a lawyer who holds master's degrees in philosophy and education. He lives in Bartlesville.*



# *Did ACA Ruling Save The GOP?*

BY THOMAS MAGSTADT

**T**he Supreme Court's 6-3 decision to affirm a critical part of the Affordable Care Act [aka ObamaCare] comes as welcome news for millions of U.S. citizens who would otherwise stand to lose health insurance coverage.

The fact that Chief Justice John Roberts wrote the majority decision and Anthony Kennedy who frequently joins with the Justice Antonin Scalia and the other three conservative justices underscores the historic significance of this decision.

Indeed, it's likely that *King v. Burwell* will rank with such landmark cases as *Brown v. Board of Education* and *Roe v. Wade*.

Much has been written about the disruptive effects the opposite ruling would have had on the insurance industry, hospitals, clinics, and the broader economy, as well as the most vulnerable segments of society. By upholding the ACA, SCOTUS ruled not in favor of Barack Obama or "the liberal agenda" or "socialism" – as the extreme right will claim – but rather in favor of social and economic stability, prosperity, and, to quote the Pledge of Allegiance, "liberty and justice for all."

Roberts distilled the essence of the majority opinion into a single sentence: "Congress passed the Af-

fordable Care Act to improve health insurance markets, not to destroy them."

At nearly 20% of GDP annually, the slice of the economy devoted to health care spending in the United States is nearly double that in Japan, Sweden, Finland, Norway, New Zealand or the United Kingdom. That is appalling on its face, but a very good reason for the chief justice [appointed by George W. Bush] and the "swing vote" [Justice Kennedy, appointed by Ronald Reagan] to vote for country and common sense even if it meant incurring the wrath of a rabid Scalia [another of Reagan's gifts to the nation].

Bottom line: killing the Affordable Care Act would be devastating to the economy, not unlike killing Social Security and Medicare, which until recent times even conservative Republicans did not countenance – at least not publicly.

Thankfully, six of the nine Supreme Court justices are not too blinded by ideology or beholden to the Koch Brothers to join hands when the public interest is clearly on the side of upholding a good law.

Unfortunately, a whole raft of wannabe presidents on the right don't get it. Or at least they're pretending not to, denouncing both the president and the Supreme Court, and ignoring the facts.



What *are* the facts? In a nutshell, notes economist Paul Krugman, “states that have implemented the act in full and expanded Medicaid, show the uninsured falling from more than 16% to just 7.5% – that is, in year two we’re already around 80% of the way there.”

Never mind the facts – U.S. Rep. John Fleming, R-LA, has called the ACA “the most dangerous piece of legislation ever passed.” Others have claimed it will lead to “Armageddon.” One New Hampshire state legislator called it “as destructive to personal and individual liberties as the Fugitive Slave Act” – you know, the law that let people who looked like George Wallace and Lester Maddox get people who looked like Barack and Michelle Obama back as their slaves!

A Michelle of another color – former Rep. Michele Bachmann, the hysterical mouth that roared from Minnesota – has warned that ObamaCare had better be repealed “before it literally kills women, kills children, kills senior citizens.”

Can a party that has gone off the rails so routinely

and recklessly long survive in a country where the overwhelming majority of voters are moderate, middle-of-the-road, and decent? The answer is probably “yes,” but not unless its leaders return to the principles that have sustained it since the 1860s.

The Supreme Court decision was not only good news for country, but, as Barbara Morrill points out at the Daily Kos, “it’s also good news for the Republican Party, who, despite being the drivers of the lawsuit, were facing the prospect of being responsible for those millions losing their coverage, without having any plan in place to fix the law had the Supreme Court gutted the subsidies. So now they can get back to their usual ‘repeal and replace’ talking points without ever having to act.”

In a country where a young white racist can still feel righteous and justified in killing nine citizens in a church in South Carolina, let’s hope the electorate never again puts reactionaries in a position to act.

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## *What Courts Do Best*

BY SUSAN ESTRICH

**S**ometimes what courts do best is the same as what second-grade teachers do best: clean up sloppy sentences. You know what the student meant to say, but what they actually did say doesn’t quite make sense.

Six words: If you can’t afford health coverage, subsidies are available through “an exchange established by the state.”

But what if the state didn’t set up an exchange and instead is relying on the exchange set up by the federal government? Do you then *not* get a subsidy?

The majority opinion referenced “more than a few examples of inartful drafting,” but concluded that “the context and structure of the act compel us to depart from what would otherwise be the most natural reading of the pertinent statutory phrase.”

In other words, Congress meant for the act to work, not to fail, and so the court, recognizing the frenzied state of drafting and redrafting mid-election, decided to read the bill so that it would work. It decided to read the bill so that poor people would get subsidies regardless of whether their state created an exchange.

Congress was trying to help people who needed help, and the Supreme Court, as it has done in the past [maternity leave being an example of a gendered law that was upheld], has cleaned up the inartful language that would bar precisely what Congress was trying to provide.

So what’s everyone yelling about? Simple. This was never about principle. This wasn’t a dispute about the separation of powers or abuse of executive power or anything like that. This has been a fight about politics, fair and square. Plenty of elections turning on it. But all politics.

So the people from the states that “weren’t entitled” to subsidies actually wanted the subsidies – they were just against the law. You won’t see many people sending those subsidy checks back in the mail, or insisting that their 20-something kids not be covered, or – imagine – excluding people from buying insurance precisely because they are sick. What could be more ridiculous?

I hope someone has tallied up the amount of time the Republicans have wasted filibustering and coming up with votes sure to fail in an effort to thwart their political defeats. And then what do they do? They go running to the courts to demand that the judiciary, known as unduly active when they’re against you, become the staunch defenders of constitutional government when you’re out to crush Congress.

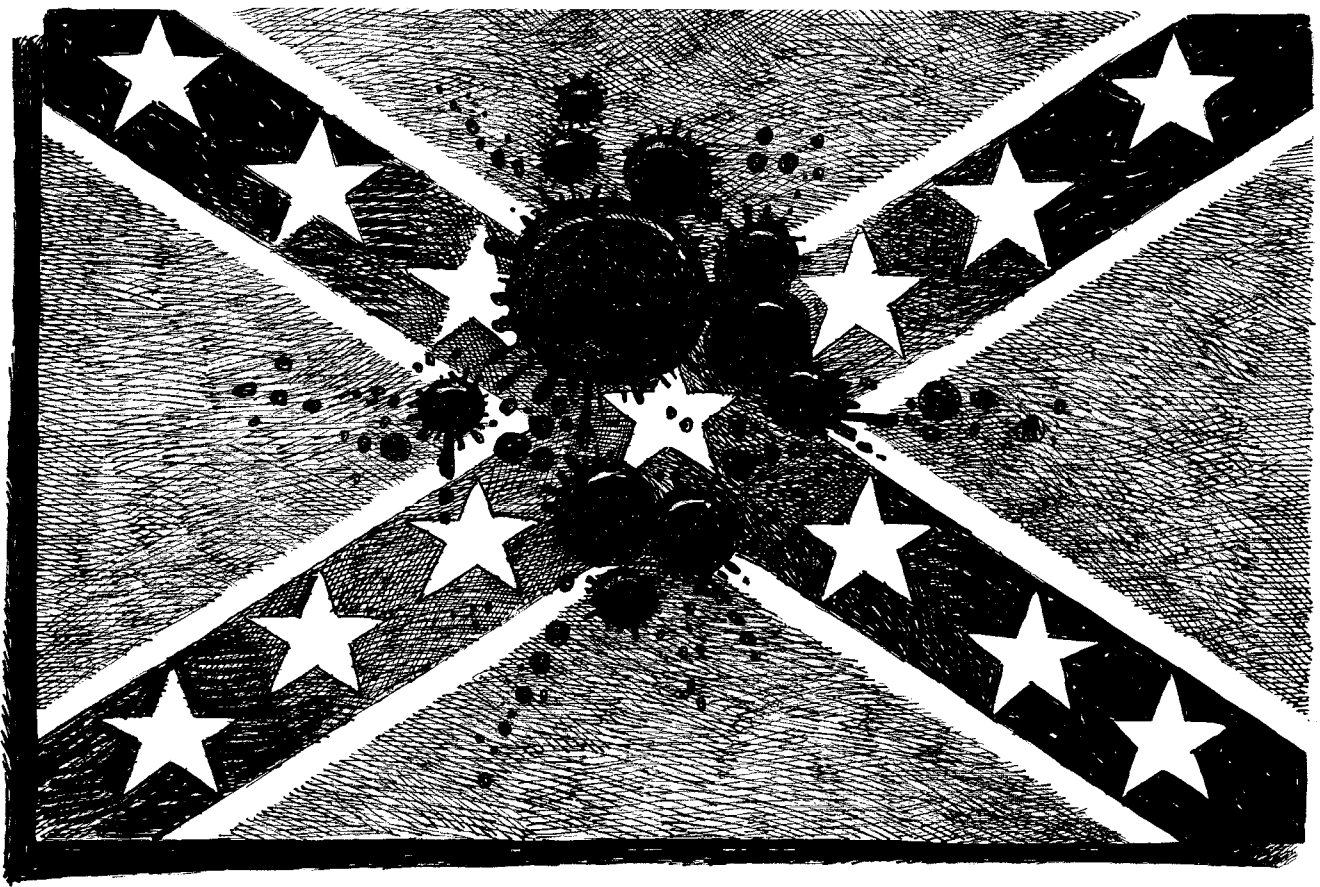
In his dissent, Justice Antonin Scalia said: “We should start calling this law SCOTUScare.” By Scalia’s lights, the court has saved the law twice now from its sloppy drafting – or unconstitutional abuse of power, which is how he would have it.

But there is another way to see it, which is simply this: The court did its job. It cleaned up some drafting and interpreted the law as a good-faith effort to accomplish what its drafters set out to do, which is expand affordable access to quality health care. No small job and not done perfectly, certainly not this time.

But if we would spend half as much time figuring out how to fix the law, which is here to stay, as we have playing games that would neither destroy nor fix it, Americans might be better off in more ways than one.

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## The Intersection of Guns and Racism

# Confederate Flag's Real Meaning

BY JOE CONASON

**I**n the intensifying debate over the Confederate flag, important clues about the true meaning of this seditious symbol are staring us in the face.

Dozens of those clues were posted by an angry, glaring Dylann Storm Roof on the “Last Rhodesian,” website, where the confessed Charleston killer pays homage to certain flags – notably those of apartheid-era South Africa and Rhodesia, as well as the old Confederacy – while he enthusiastically desecrates another.

Pictures of Roof burning, stomping and spitting on the Stars and Stripes are interspersed among the photos of him grasping and waving the Confederate battle flag, sometimes while holding a gun. “I hate the sight of the American flag,” he raged in a long screed on the site. “Modern American patriotism is an absolute joke.”

What this racial terrorist meant to express, in crude

prose and pictures, is a lesson that the diehard defenders of the Confederate flag should no longer ignore: To uphold the banner of secession is to reject patriotism – and has never meant anything else.

For many years after the Civil War, the symbols of the Confederacy were not much seen outside local museums and burial grounds. The late Gen. Robert E. Lee, a reluctant but revered Confederate hero, rejected any post-war fetishizing of the Stars and Bars, which had actually originated as the battle flag of his Army of Northern Virginia. Lee believed it “wiser ... not to keep open the sores of war.”

But such admonishments were cast aside by the exponents of white supremacy, whose own patriotism was certainly suspect. When the Ku Klux Klan and the Knights of the White Camellia were revived as racial terror organizations in the 1930s and 1940s, carrying out a spree of cowardly lynchings, their grand

wizards found natural allies among the leaders of the German-American Bund – whose funding and fealty were eventually traced to Nazi headquarters in Berlin. Indeed, the Klansmen burned their towering crosses alongside swastika banners at rallies sponsored by the Bund to attack President Franklin D. Roosevelt.

In the years following the Second World War, the Dixiecrats – led by South Carolina politician Strom Thurmond and the “uptown Klan” known as the White Citizens Councils that supported Thurmond’s movement – appropriated the Confederate flag as their own standard. Among its greatest enthusiasts was a young radio reporter [and future U.S. senator] named Jesse Helms, whose fawning coverage of Thurmond’s 1948 third-party presidential bid marked him as a rising star of the segregationist right.

As for the White Citizens Councils, those local groups were ultimately reconstituted into chapters of the Council of Conservative Citizens – a notorious hate group that has embarrassed many Republican politicians caught fraternizing with its leaders, and that ultimately inspired Roof with its inflammatory propaganda about black crime and the endangered white race.

Headquartered in St. Louis, MO, the CCC festoons itself and its works with the Dixie flag, as does the neo-Confederate League of the South, which still openly advocates secession.

Meanwhile, racist, anti-Semitic agitators such as David Duke and Don Black – both Southerners prominent in Klan and neo-Nazi organizations for decades – have never ceased to manifest their reverence for the Confederacy.

Stormfront, the notorious neo-Nazi website founded by Black, continues to promote the mythology and symbolism of the Southern cause, declaring in a June 23 podcast that the Civil War had nothing to do with slavery – and that “the attack on southern symbols and heritage such as the Confederate Flag are actually part of an overall Jewish-led attack on European Americans.”

Owing to Duke’s influence, in fact, the Confederate flag has long served as a substitute for Nazi banners in demonstrations, often violent, by “white nationalists” in Europe – where the symbols of the Third Reich are widely outlawed.

Obviously, not every American who has displayed the Dixie flag endorses the treason and bigotry that it now represents to so many other Americans. There are sincere patriots, like former Sen. James Webb of Virginia, who insist that it is only a remembrance of the valor of their ancestors. But over the decades, its appropriation by traitors and bigots has provoked little noticeable protest from the more innocent exponents of “respect” for Southern heritage.

Today, the Charleston massacre has left it standing irrevocably for the most brutal and criminal aspects of that heritage – and it is more deeply irreconcilable with American patriotism than ever.

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# ***After Charleston, Our Obligations***

*An open letter to the Emanuel AME Church,  
Charleston, SC:*

Dear Friends:

What “goes without saying” needs to be said. People of conscience everywhere are shocked and disturbed by the horrible, hateful shootings that occurred in your congregation and our sympathy is unquestionable. Our hearts and minds, however, tell us that we need to do more than just be sympathetic.

As children, nearly all of us heard the advice that “sticks and stones can break my bones, but words will never hurt me.” All of us should have learned that such advice is NOT valid. Words can hurt. Words can incite hatred. Words can lead to violence. History has shown this progression over and over again. What a person has the legal right to say may be wrong in all other ways.

The violent actions of the young man in question undoubtedly involved the combined effects of some ingrained propensity toward hatred, given significant impetus and direction by the hateful, ignorant, and prejudiced words of others.

The important question, then, is, “What can we in Oklahoma do usefully to go beyond sympathy? What can we do in our communities not only to help heal a shared wound, but to bring us together more effectively and to help prevent future acts of hatred?”

We of The Interfaith Alliance of Oklahoma have obligations, obligations that should be pursued by all of us.

We have the obligation to be vigilant in recognizing words of hate and prejudice and making it clear that, regardless of legal right of expression, they are wrong and should stop. We have the obligation to remind all of us of the need for mutual respect and true equality.

We have the obligation to work not just for tolerance and coexistence, but to work together across lines of race, religion, ethnicity, and gender, going beyond coexistence in seeking to know each other better and to improve our communities.

The pursuit of these obligations is not new to us; it has been and is real and concrete. At times such as this we need to pledge to ourselves that we will continue these ideals and projects and that we will intensify our efforts in Oklahoma as we hope others will in their communities.

Please accept these heartfelt words.

*Yours truly,*

*Carl J. Rubenstein, MD*

*President, The Interfaith Alliance of Oklahoma*

*Noel Jacobs, PhD*

*Vice-President, The Interfaith Alliance of Oklahoma*



## *The Donald Show*

**O**h, joy! Oh, goody! Oh, happy day! For those of us who love the loopy side of American politics, our dream of some serious loco for 2016 has arrived: Donnie Trump in the race! For president. Of the United States. No, really!

"Wow," exclaimed a beaming Donald Trump as he stepped onstage, basking in the cheers of a throng that had assembled for his launch into the 2016 presidential race. "That is some group of people," he gushed. "Thousands."

He announced his candidacy from – where else? – Trump Tower, the luxury skyscraper on tony Fifth Avenue in Manhattan. The celebrity billionaire, who has splashed the Trump brand on casinos, hotels, resorts, condos, neckties and even steaks, now wants to put it on the Republican Party.

Indeed, The Donald declared that he should be our president because, "We need somebody that can take the brand of the United States and make it great again."

There you go – the U.S. is a brand, like a Big Mac, the Nike swoosh or Vidal Sassoon hair spray.

As for qualifications, Trump brandished his wealth, exclaiming that only someone "really rich" has what it takes to be America's CEO. This view that one's net worth is the measure of one's worthiness squares with an earlier self-assessment by Donnie: "Let me tell you, I'm a really smart guy."

Of course, smart is as smart does, so what does Mr. Smarty-pants propose to do as president? He claims he has "a foolproof way of winning the war with ISIS," the barbaric terrorists marauding through Syria, Iraq and elsewhere. Excellent! What is his plan? It's a secret, he says, "I don't want the enemy to know what I'm doing."

The announcement was a showbiz extravaganza. Literally. The crowd was there to cheer the self-promoting hypester who wants to be president – but not necessarily to support him. That's because some of these over-the-top enthusiasts were actors! Yes, hired at \$50 a pop to do a three-hour performance as Donnie's "crowd."

An outfit named Extra Mile Casting had been re-

tained to puff-up the audience: "We are looking to cast people for the event to wear T-shirts and carry signs and help cheer him," said Extra Mile in an email to its list of actors who work as extras in films, TV shows, ads, etc.

When The Donald Show was done, the actors were seen dumping their signs in the trash and going on to their next show-biz gig.

For his part, Trump gave a rambling, bumbling, almost-incoherent 40-minute rant. Citing his chief qualification for the highest office in the land, he said: "I'm really rich. ... And by the way, I'm not even saying that to brag. ... That's the kind of thinking you need for this country."

And his immigration policy is simply, well, simplistic. He "would build a great wall" on the Mexican border to stop all the rapists and other criminals who, he claims, are streaming into the U.S. in droves. "And nobody builds walls better than me, believe me."

Wow, apparently he's going to build the wall himself! Then he added a jingoistic gringosim to this Good Neighbor policy, declaring, "And I'll have Mexico pay for that wall."

And what's his economic policy, you ask? It's a whopper: "I will be the greatest jobs president God ever created," he bellowed.

No, no, Donnie – don't even try to blame God for creating you or your nuttiness. You truly are a self-made man, spawned from the fumes of your own gaseous ego. Yet you're a godsend for people seeking comic relief in politics.

Such goofiness explains why Trump is starting his run for the White House with some 70% of voters [including more than half of Republicans] viewing him Unfavorably.

But, as a brand-name celebrity, The Donald will qualify to be in the GOP's presidential debates – so let the lunacy begin!

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# *Big Food, Hotel Giants Peddle Plastic 'Authenticity'*

**N**ear my home in Austin, TX, there is a great, old refurbished motel that I recommend to people when they come to visit our fair city. It not only is right on the famed Congress Avenue but also has a keep-it-real attitude that is expressed right on its iconic marquee: "No additives, no preservatives, corporate-free since 1938."

The good news is that more and more businesses across the country are adopting this attitude, providing a buy-local, un-corporate, anti-chain alternative for customers. Food shoppers and restaurant goers, for example, have made a huge shift in recent years away from the likes of McDonald's, Pepsi and Taco Bell, preferring upstart, independent outfits with names like "The Corner," "Caleb's Kola," and "US Taco Co."

But uh-oh, guess who owns those little local alternatives. Right – McDonald's, PepsiCo and Taco Bell. Leave it to ethically challenged, profiteering monopolists to grab such value-laden terms as "genuine," "local" and "honest," empty them of any authenticity, then hurl them back at consumers as shamefully deceptive marketing scams.

In Huntington Beach, CA, US Taco Co. poses as a hip surfer haunt, with a colorful "Day of the Dead" Mexican skull as its logo. The airy place peddles lobster tacos and other fare at \$3 or \$4 each – very un-fast-foody. Nowhere is it whispered that this is a big-chain outlet, created by a group of Taco Bell insiders. They even usurped the enterprising word "entrepreneur," stripped it of its outsider connotation, and twisted it into an ugly corporate vanity, calling themselves "intrapreneurs."

Fast-food restaurants are not the only ones that play this profitable imitation game. As everyone who travels a lot soon learns, when you stay in the hotels of the big chains, it's easy to forget where you are, since they are all so alike, offering all the charm of Noplace, USA.

This disorienting sameness has become even more dizzying in recent years as the chains have merged and conglomerated.

Wearied travelers might choose to stay overnight in one of the Residence Inn hotels, a Courtyard, the TownePlace Suites or even splurge for a night in a

ritzy Ritz-Carlton. In fact, though, whichever one you choose, you're in a Marriott – the \$14 billion-a-year combine that owns all of the above chains, along with 15 others. Marriott is among the world's 10 largest hoteliers that have a combined 113 different chains in their crowded stable of brand names.

Naturally, as uniformity and conglomeration have taken over the industry, a consumer rebellion has erupted, with more and more travelers – especially younger ones – seeking out independent hotels, unique inns and local B&Bs.

They prefer the un-corporate places that have cool names like the Moxy, Canopy and Vib. But oh, crud, guess what. All three of those are chains of "hip" hotels that opened in the past year and are owned respectively by Marriott, Hilton and Best Western.

Known in the industry as "lifestyle hotels," these fake-independent lodgings are the hot new niche for mega-conglomerates trying to nab travelers in search of authenticity.

"The big hotel chains are in the business of pretending they aren't big chains," says Pauline Frommer, editor of the well-regarded Frommer's travel guides. "They want you to think they are boutiques."

Sneaky, sneaky! But the real problem with these fabricators of corporatized authenticity is that reality will win out in the end.

Small and local has a genuine feel and flavor that the imitators can't sustain as they sprawl out into 1,000 and then 10,000 stores. And as they do that, it becomes obvious to customers that they've been duped – and that's not a good marketing strategy.

We dupes will not only quickly see that we're being sold plastic "authenticity" but also be ticked off about it. – *Jim Hightower*

## *The Real Scandal In Hastert's Life*

**W**ashington's establishment of politicians, lobbyists and media sparklies are shocked – shocked to their very core! – by the scandalous sexual revelations about Dennis Hastert.

The portly Republican, who'd been speaker of the House a decade ago, was an affable, non-descript Midwesterner who was popular with his fellow lawmakers. A former high school wrestling coach in rural Illinois, Hastert was viewed as a solid salt-of-the-Earth fellow embodying Middle America's moral values.

So his recent indictment for paying \$1.7 million in hush money to a man he apparently molested during his coaching years has rocked our Capitol City.

"I'm shocked and saddened," said the current GOP speaker, John Boehner. Likewise, former colleagues from both sides of the aisle were dismayed that "our



Denny” would have been engaged in child molestation and now caught in an illegal financial cover-up of that abomination. “This has really come out of nowhere,” exclaimed Rep. Peter King, a longtime ally of the man whom all of Washington considered a straight arrow.

Washington’s gossip mill is spinning furiously over the revelations. Before we join these officials in wailing about Dennis Hastert’s alleged long-hidden molestation, however, let me note that while they are bewildered by his sexual impropriety, they find it not worthy of mention – much less condemnation – that Denny has long been immersed in the immoral swamp of Washington’s game of money politics.

The guy they profess to love as a paragon of civic virtue – “the coach,” as Rep. King hailed him – was one of the most corrupt speakers ever. What about the filthy, backroom affair he has been openly conducting with corporate lobbyists for nearly two decades?

During his tenure as House speaker, Hastert turned the place into the Willy Wonka Chocolate Factory of corporate favors. By putting campaign cash into Republican re-election coffers controlled by him and his top hit man, Majority Leader Tom DeLay, corporate interests gained entry into Denny’s psychedelic playhouse.

With Hastert himself singing Candy Man, the favor seekers could help themselves to the river of chocolate running through Congress’ back rooms.

Remember “earmarks,” the sneaky tactic of letting congressional leaders secretly funnel appropriations to favored corporations and projects? Earmarks became the trademark of Hastert’s regime, sticking

taxpayers with the tab for such outrages as Alaska’s “Bridge to Nowhere.”

Indeed, Denny grabbed a \$200 million earmark for himself, funding an Illinois highway near land he owned – land he then sold, netting millions in personal profit.

When he left Congress, Hastert moved just a short limo ride away to become – what else? – a corporate lobbyist. Trading on his former title, personal ties to House members and knowledge of how the chocolate factory runs, he has been hauling in a fortune as a high-dollar influence peddler for makers of candy-flavored cigarettes, Peabody Coal Co., land developers and other giants.

And guess what his specialty is? Getting “riders” attached to appropriations bills, so public money is channeled directly to his clients.

Hastert openly traded legislative favors for campaign cash, including profiting personally from his powerful position. And when he was squeezed out because of the corruption, he didn’t return to the home folks – he became a K Street lobbyist, continuing to profit to this day by doing corporate favors. That’s how he got so rich he was able to shell out \$1.7 million in hush money to the student he abused.

Good ol’ Denny has always thought he was above the law. Just as Hastert should be held accountable for the deep personal damage his alleged molestation would’ve done to his former student, so should he also pay for his abominably-indecent abuse of office, his self-gratifying groping of public funds and his repeated, sticky-fingered violations of the American people’s public trust. – *Jim Hightower*

# ‘CHANGE IS IN THE WIND’

## *No More Coming In Second And Winning The Presidency?*

BY RALPH NADER

**I**n the history of the United States, four presidential candidates who came in second in the popular vote were “elected” president [John Quincy Adams in 1824, Rutherford B. Hayes in 1876, Benjamin Harrison in 1888, and George W. Bush in 2000]. This inversion of democratic elections was due to the 50 states’ winner-take-all laws and the absurdity of the Electoral College. To political observers in other democratic countries, the U.S. is the laughing stock for their failure to change this system that rejects the popular will.

Change is in the wind. A remarkable civic move-

ment is taking on this overlooked issue.

The “National Popular Vote” is successfully pressing for an interstate compact, whereby states pass laws declaring that they will give all their electoral votes to the winner of that national popular vote for president.

Presto! Therefore, there is no need for a Constitutional amendment to repeal the Electoral College. What the compact does is align the electoral vote with the popular vote since the Constitution exclusively accords the states the authority to select the manner of choosing its presidential electors.

Remember from your history book, voters do not vote for presidential candidates directly; they vote for a slate of presidential Electors who then vote for the real candidates.

So far, led by philanthropist Steve Silberstein and his colleagues, 10 states [and the District of Columbia] possessing 165 electoral votes together – or 61% of the 270 electoral votes necessary to prevail – have enacted laws for this interstate compact. They are Rhode Island, Vermont, Hawaii, Maryland [the first to do so], Massachusetts, Washington, New Jersey, Illinois, New York and California.

[Visit [nationalpopularvote.com](http://nationalpopularvote.com) for state-by-state details and the list of their bi-partisan advisory board with both retired Republican and Democratic members of the Congress.]

There are numerous other benefits of this long-overdue reform that is backed by public opinion polls in the past few decades [<http://www.gallup.com/poll/2140/americans-support-proposal-eliminate-electoral-college-system.aspx>].

With such a reform, presidential candidates will become more likely to campaign in more states, regardless of whether they are “blue” states, “red” states, or closely divided states. Presidential elections will no longer be focused in a tiny number of “battleground states,” such as Florida, Ohio, Virginia, and Iowa.

In 2012, a majority of the general election presidential campaign events were just in those four states. That means most Americans never see these candidates in their states to meet, question, support, or oppose them.

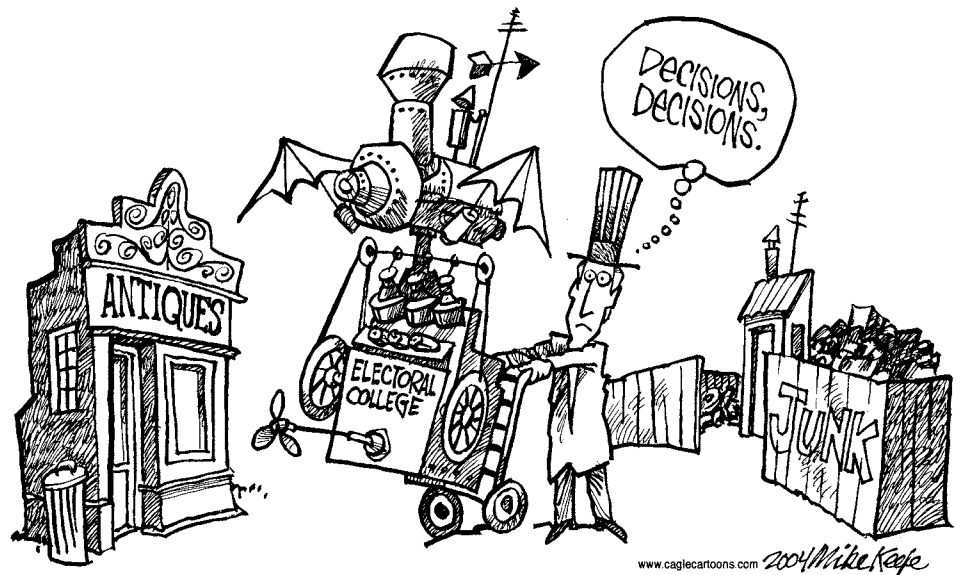
Mitt Romney did not campaign in California or New York; while Barack Obama did not campaign in South Dakota or Texas.

As a presidential candidate, I always thought ignoring states, by so pragmatically reflecting the winner-take-all Electoral College, was disrespectful to the American people of the states who were visited less frequently or not at all. Each time I ran for president, I campaigned in all 50 states, though there was no need for me to be concerned about the winner-take-all rule.

This interstate compact, once it reflects a majority of the electoral votes – enough to elect a president [270 of 538] – assures that, in Mr. Silberstein’s words, “every vote, in every state, will matter in every presidential election.”

When people know that their vote matters, they are going to be more motivated to turn out to vote.

Beyond the aforementioned four instances in which the second place candidate in the popular vote became president, there were more close calls. Mr. Sil-



berstein explains that “a shift of 59,393 votes in Ohio in 2004 would have elected John Kerry despite President Bush’s nationwide lead of over 3,000,000 votes. A shift of 214,393 votes in 2012 would have elected Mitt Romney despite President Obama’s nationwide lead of almost 5 million votes.”

With importance placed on the popular vote over the electoral vote, voter suppression or messing with the counting of the votes in specific swing states [i.e. Florida in 2000 and Ohio in 2004] will not be as likely.

The present skewed system gives more importance to a tiny number of “battleground” states, which tip the election. Politicians favor these states with more visits and more tangible benefits once the candidate is in office.

Perhaps it is a coincidence, but, as pointed out by National Popular Vote, “‘battleground’ states receive 7% more federal grants than ‘spectator’ states, twice as many presidential disaster declarations, more Superfund enforcement exemptions and No Child Left Behind exemptions.”

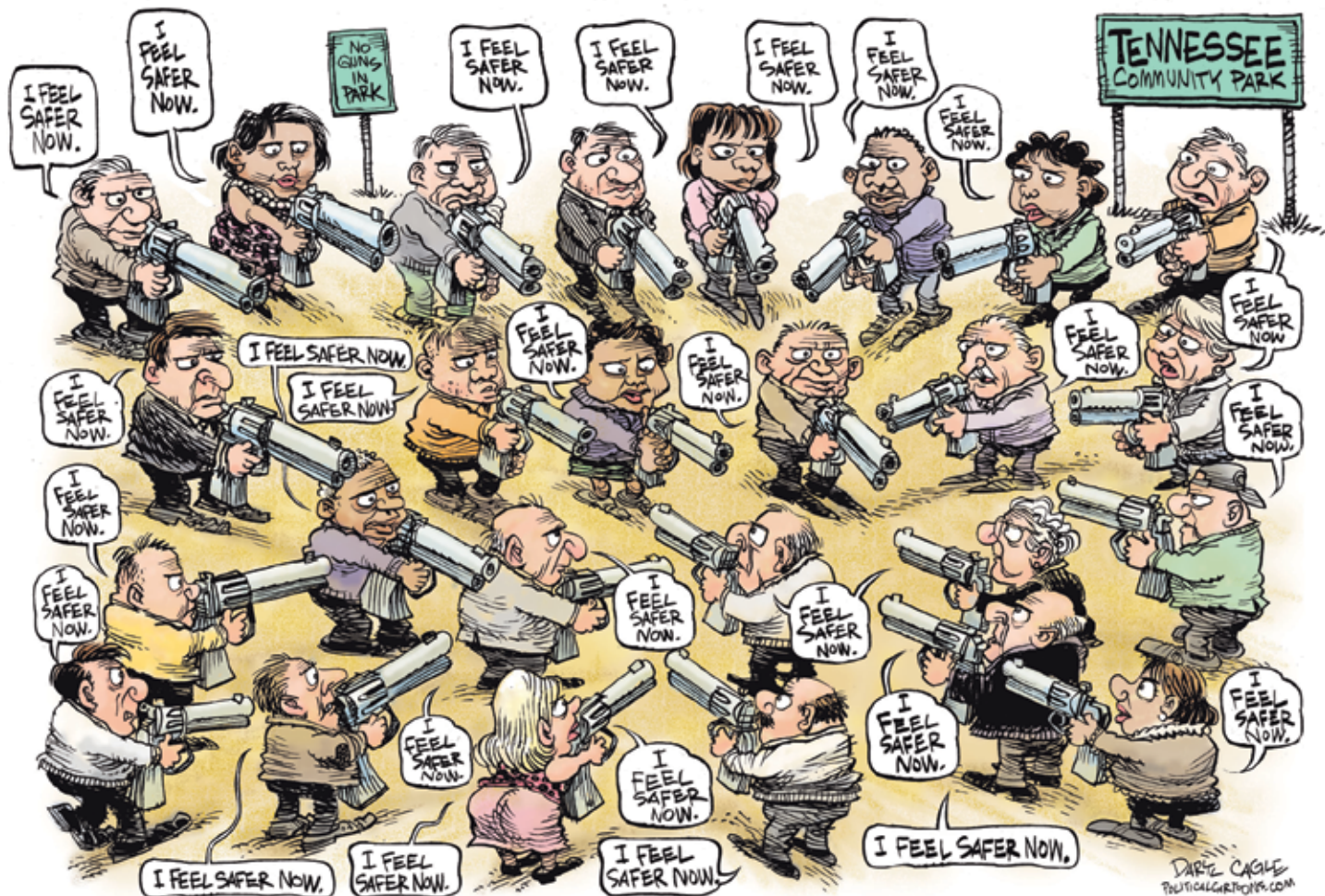
Applying my theory that it takes 1% or less of the citizenry to make major changes in American government [so long as they reflect majoritarian opinion], this tiny group, the National Popular Vote, could be nearing an historic triumph with their educational and advocacy efforts at the state legislative level.

There is a lot of talk these days about growing inequality in the country. That inequality is exacerbated by the lack of direct influence in elections that a popular vote would give those currently underrepresented groups.

This nationwide citizen drive working to reduce inequality among voters could be an important step toward closing the inequality gap.

To join the effort for the national popular election of the president, go to [nationalpopularvote.com](http://nationalpopularvote.com) for clear and crisp guides toward becoming a participant in your state.

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# Islamophobia: A Real Danger To America

BY LAWRENCE SWAIM

**A**fter the harrowing confrontation in Phoenix on May 29, it's time for another look at American Islamophobia, particularly in the southwest and mid-South.

The reason for this was well put by the Arizona representative of the Council on American Islamic Relations [CAIR], Imraan Siddiqi, who referred to the Phoenix incident as the “intersection of Islamophobia and [the] gun culture.”

An armed group of bikers descended on the Islamic Community Center of Phoenix, supposedly to hold a contest to draw the Prophet Mohammad, similar to Pam Geller's ill-advised event in Garland, TX. But it seemed like their rhetoric was so over-the-top that anything could happen.

Furthermore, during the previous week, persons unknown had sent letters to the Phoenix Islamic Center, threatening to kill individuals worshipping there. And the bikers were adamant that their followers should be armed [“Bring Your Guns!”], and were primed for trouble and ready to rumble.

As a result, Muslim leaders ended up advising people – their own congregants and as well as the general public – to stay completely away from that area in downtown Phoenix.

The obscene and hateful bikers were not a “well-regulated militia,” as the Constitution specifies, not a well-regulated anything. [They wore T-shirts that read “F--K Islam,” among other childish articles of apparel.] But TV watchers were treated to an endless

barrage of arguments concerning their right to bear arms, the defenders of which seemed invariably to forget about religious liberty, and the First Amendment guarantee of the “free exercise thereof.”

It was precisely the free exercise of religion that was prohibited in Phoenix. Muslims were kept from exercising their right to worship freely by fear of an armed attack of ignorant, angry white men who had made it abundantly clear that they were [1] well-armed, [2] hated Muslims, and [3] spoiling for a fight.

It was not the first time that Muslim-haters in Arizona have carried and displayed weapons. But on May 29, their weapons, when combined with their violent and hateful rhetoric, were capable of generating enough fear that Muslim families in Phoenix were prevented from the “free exercise” of their First Amendment rights.

This is something the “open-carry” boys in the gun culture don’t like to hear. People who carry weapons may feel powerful and free in so doing, but they generate fear and intimidation in the general public, because people – especially those with children – have no way of knowing what the arms-bearing individual is going to do with the weapons he is carrying.

The right to create fear and to intimidate people with weapons is not guaranteed by the Constitution, and the courts have an overwhelming interest in saying so.

I bring this up because I am afraid that openly carrying weapons may become a fashion in the mid-South – Tennessee and Oklahoma in particular – among those in the extreme right of the Republican base who might wish to intimidate those they dislike.

I consider this a symptom of neo-fascism, and a recipe for tragedy.

We know who the Islamophobes are. First are the evangelicals that believe that religious war against Muslims will usher in the Second Coming of Christ. Then there are people who are passionate about Israel, and think they’re helping Israel by spreading religious bigotry, when actually they are harming the cause of peace in the Middle East. Third, there are sadists and mentally unstable types that get off on terrorizing vulnerable minorities. Fourth, there are the cynical, ambitious politicians, who are only out for themselves.

What is new are the billionaire funders who are bankrolling a substantial part of this violent hate-mongering. The billionaires find it easy to win recruits as long as the money is forthcoming.

This reminds me of the way the corporate upper classes in Europe supported the anti-Semites a century ago. In the beginning, people dismissed the anti-Semitic propaganda as “just rhetoric.” But it wasn’t just rhetoric. Before it was all over, six million died in the Nazi death factories, and Europe was reduced to rubble.

What bothers me is the way people do not see how quickly religious hatred can get out of hand.

There’s also a new factor on the international scene.

Is it not painfully clear that the unthinkable brutal and very public acts of terrorism carried out by ISIS are calculated to inspire fear and hatred of Islam?

The reason for this is clear in their propaganda. They want to turn non-Muslims in the west against their Muslim friends and neighbors, so it can be used for propaganda. That was the strategy of Al Qaeda, and it is now the strategy of its offshoot ISIS/ISIL – to create divisions in the West that are likely to lead to violence against Muslims, so those incidents can be used for propaganda.

And all too often, it works. It works, I believe, because of a very destructive psychological dynamic I call the “near/far fallacy.” This refers to the tendency of people to hold an entire group responsible for the actions of a relatively small group a long ways away.

Because of this fallacy, a man may fling insults at his Muslim taxi-driver in Oklahoma City, because of something done by a terrorist in Iraq. There’s no connection between the Iraqi terrorist and the taxi-driver in Oklahoma City, you understand. But the aggressor makes that connection because he wants – or needs – someone to hate. It’s a particularly irrational form of guilt by association.

Yes, there are people who want a worldwide religious war. Some of them are Christians living in Oklahoma and Tennessee, and some are Muslims in Syria and Iraq. Our struggle is to work within our different religious traditions against these accelerating and very dangerous currents.

A particularly honorable and needed example of this was the recent “listening panels” held by the Oklahoma Conference of Churches at Norman, Tulsa and Oklahoma City.

But I’d like to see a more aggressive emphasis on the First Amendment right of people to worship when, where and how they please.

It’s not because of charity, Christian or otherwise, that we insist on the right of Oklahoma’s Muslim families to worship. It’s because that right is ensconced in America’s most important foundational document: the Constitution and the Bill of Rights.

It’s their right – yesterday, today, forever.

Anyone who seeks to abridge that right is an enemy of America. It’s just that simple.

*Lawrence Swaim, a fourth-generation Kansan living in California, is executive director of the Interfaith Freedom Foundation, a public-interest nonprofit and civil rights organization advocating religious liberty for all.*

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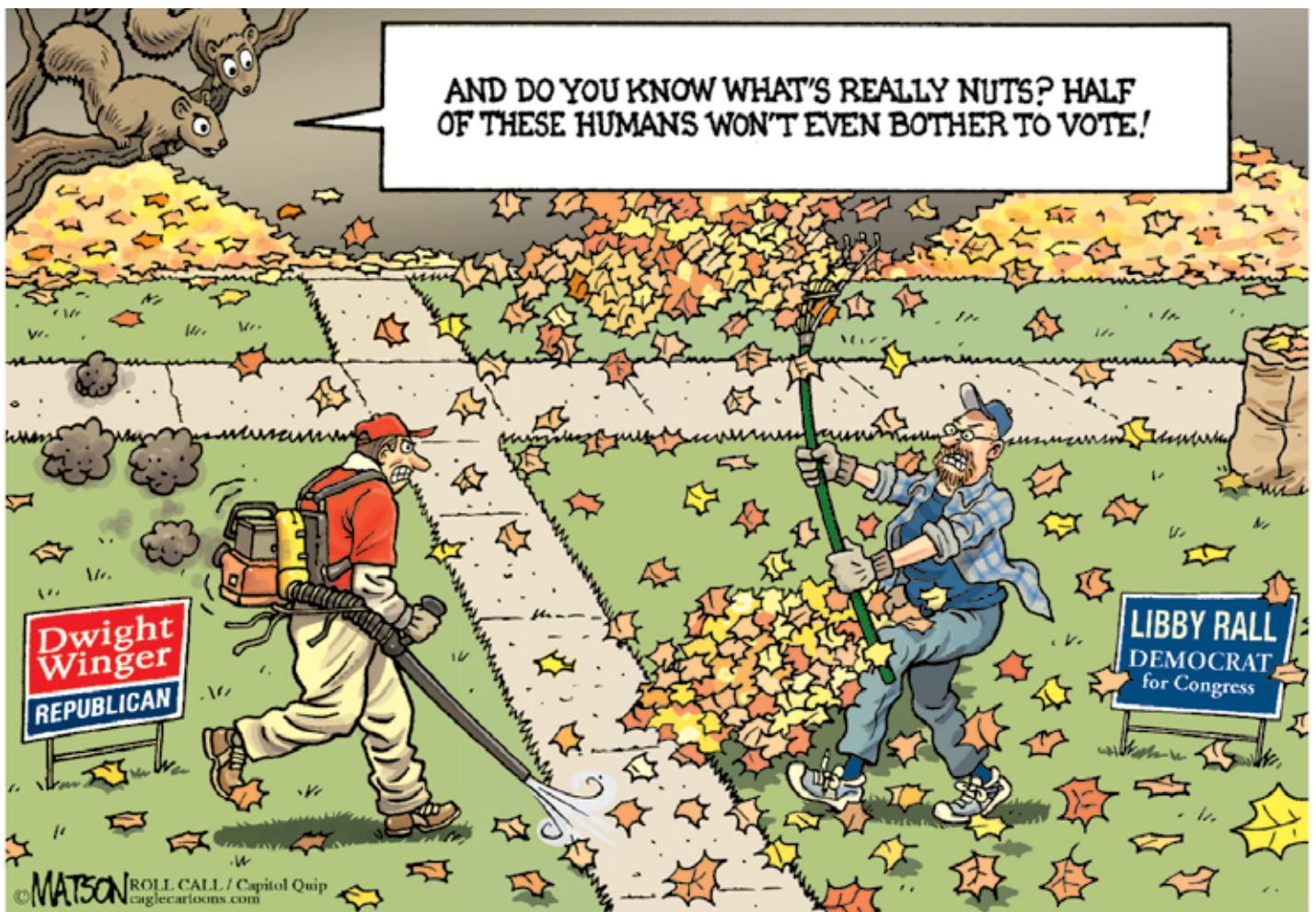
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# *Where's The Political Will To Solve America's Problems?*

BY HAROLD V. SARE

*Third of Four Parts*

**T**oday, we hear from prominent conservative groups that we need to return to a system that encourages self-sufficiency and to reduce government to a size that Grover Norquist states can be “drowned in a bathtub.”

In other words, we have too much government and should starve government for funds, thereby reducing it to almost nothing.

Ayn Rand argues that government should be responsible only for security against foreign invaders and to be available to resolve internal disputes. Rand seems to have replaced Karl Marx as the controversial idealist of today.

Our Founding Fathers both from the large and small states were interested in creating an energetic and powerful central government that could raise revenue and create a capability to protect our national interests abroad, but also one that could take the lead in developing a viable internal economy and protect the

United States against internal rebellion.

The Shay Rebellion [early 1787] in Massachusetts as well as other areas of discontent was on their minds. Also, they were concerned with the vast territories of the west which were being challenged by European activity.

Today, not only do we have internal economic challenges, but we confront major challenges in the development of a viable international economy which will serve our interests in the 21st Century. Internally, we confront a deteriorating infrastructure that we must address. And because it affects the whole country, an energetic government must take the lead in dealing with the problem.

Also, we need a governmental capability to protect our international security interests as we watch other states such as China and India develop. We need a powerful and energetic government that must be both efficient and effective.

The Founding Fathers provided us with the basic el-

ements enabling us to develop a viable constitutional democracy by providing a governmental system of separation of powers, struggling with the concept of federalism, and laying the foundations for organized political power to be derived from the people. And in spite of their conflicts, they set up a system of government that enabled political leaders to apply reason to the affairs of men.

If this system is to work, however, reasonable persons must be elected. Recent elections in the U.S. candidly raise doubts about some political leaders in critical positions.

Our Founding Fathers were, of course, human beings, and in their intense debates they did not adequately resolve all problems that plague us even today. They recognized that the human condition that characterized man by nature was "not altogether good nor altogether evil but a little bit good and little more evil."

Madison believed "human beings are generally governed by rather base and selfish motives, by suspicion, jealousy, desire for self-aggrandizement, and disinclination to more than is required by convenience or self-interest, or exacted of them by force."

Thus, in recognizing individual shortcomings, a system of government was required to provide a reasonable, workable political order.

While they dealt with the racial problem and in their day slavery, they were not able to resolve the problem constitutionally or politically. It plagued the U.S. political order throughout the 19th Century – which resulted in a terrible Civil War. The 13th Amendment was added to the Constitution, which ended slavery, but it did not provide equal rights for blacks. In the 1890s "separate but equal" rights were provided in education and other public activities. I can remember separate restrooms at train stations, a segregated military during World War II, and separate black schools in my hometown.

Finally, the Supreme Court set forth *Brown v. the Board of Education* in the 1950s, which desegregated schools. We have passed federal affirmative action legislation, and in 1965, the Voting Rights Act which provided protection of voting rights for all, including black voters. However, in recent Supreme Court cases [*Fisher v. University of Texas*] affirmative action has been challenged and Sections 4 and 5 of the Voting Rights Act [*Shelby County v. Holder*] have been set aside because the sections did not meet the standard of equality of states since only certain states fell under the jurisdiction of those sections.

Questions are being raised about "stand-your-ground" laws that seem not to be applied equally to all races. Questions of race are serious political issues today, and seem to be an issue within the immigration question.

Another problem that the Founding Fathers did not totally resolve was the issue of "federal ambiguity." Madison, Wilson and Hamilton would have considerably reduced the powers of the states. But the convention voted to leave the states considerable power and authority over their affairs if no national interest was involved.

The system created probably could not have been prevented under the political conditions that existed in the convention. However, there has been constant tension between the national and state authorities. The Affordable Care Act is a case in point.

The convention dealt with the issue of judicial review, but it did not firmly act on the process. That issue was "resolved" by Chief Justice Marshall in *Marbury v. Madison* in 1803, and has been followed as a practice since.

The convention set up the Electoral College for the election of the president. That has resulted in at least four presidents being elected without a majority of the popular vote.

Today, there is discussion within the states about ways to maneuver the system so that it gives a particular party an advantage in presidential elections. One suggestion is that the states count the electoral vote by congressional districts rather than the total state vote for a presidential candidate. This process could favor a minority party.

Perhaps the Electoral College system has become obsolete in democratic elections. Neal R. Pierce has made a major study of the problem of the Electoral College. He has written that "the experience of the past 50 years ... shows that in an election as close as that between Kennedy and Nixon, there is no better than a 50-50 chance that the electoral vote will agree with the popular vote as to the winner." Should we find another way to elect the president?

We have a great system of government. I have had the privilege of traveling in many countries and studying a number of governments. I would not change ours for any I have studied or witnessed.

We have problems, but we have great capacity for resolving them. We simply have to mobilize the political will to do it.

*Harold V. Sare is regents service professor of political science emeritus at Oklahoma State University.*

### **Oklahoma Friends Meetings (Quakers)**

*Friends believe there is  
that of God in everyone.  
They cannot prove this,  
but when they act as if  
it were true, their trust  
is justified.*

- Author unknown

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## *An Epic Battle Between Science And Unregulated Capitalism*

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**THIS CHANGES EVERYTHING**

**By Naomi Klein**

**Simon & Schuster**

**533 pages, \$30**

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**BY TERENCE MCDOWELL**

**N**aomi Klein's latest book is about climate change and is presented as a battle between unregulated capitalism and planet earth. The book is an in-depth analysis of the politics, government policies and science leading up to our present impasse between climate science and government policies to address the ongoing crisis.

The beginnings of the crisis are discussed in Klein's previous book, *The Shock Doctrine*. She explains how corporate interests have systematically exploited various crises to ram through policies that enrich a small group of elites – by lifting regulations, cutting social spending, and forcing large-scale privatization of the public sphere.

The battle between capitalism and earth is already underway, but right now capitalism is winning hands down. She writes, "Right now, the triumph of market logic, with its ethos of domination and fierce competition, is paralyzing almost all serious efforts to respond to climate change. For any of this to change, a world view will need to rise to the fore that sees nature, other nations, and our own neighbors not as adversaries, but rather as partners in a grand project of mutual reinvention."

Global warming became a topic of talk shows and political speeches after James Hansen's testimony before Congress in 1988. This was followed by the 1992 United Nations convention and the resulting Rio Earth Summit. If those recommended goals had been implemented immediately the current world crisis would be much less severe. However, those

weakly enforced targets never had a chance of being implemented.

These plans were almost immediately overrun by NAFTA, WTO, and other trade agreements which had the backing of large corporations more interested in profit. As the free trade system was put in place and producing offshore became the rule, emissions did more than move – they multiplied. Emissions increases had slowed to about 1% a year in the 1990s, but between 2000 and 2008 the growth rate reached 3.4% per year, shooting past the highest IPCC projection of the day.

The Golden Age of Environmental Law was started by the 1962 publication of Rachel Carson's *Silent Spring* and the 1969 Santa Barbara oil spill. A new kind of environmentalism sprang up that was far more confrontational than the gentlemen's conservatism of the past.

These early groups' unofficial slogan was "sue the bastards," and so they did. The Environmental Defense Fund fought for and filed the original lawsuit that led to the U.S. ban of DDT as an insecticide, resulting in the revival of many species of birds, including the bald eagle.

As Klein explains, this was a time when intervening directly in the market to prevent harm was still regarded as a sensible policy option. Confronted with unassailable evidence of a grave collective problem, politicians across the political spectrum still asked themselves: "What can we do to stop it?" and not "How can we develop a complex financial mechanism



to help the market fix it for us?"

What followed was a wave on environmental victories unimaginable by today's anti-government standards. In all, 23 federal environmental acts became law over the course of the 1970s alone, culminating in the Superfund Act in 1980, which required industry, through a small levy, to pay the cost of cleaning up areas that had become toxic.

Klein explains how the rapid rise of renewables in Germany makes a powerful case for a new kind of utility company. The transition has occurred, first of all, within the context of a sweeping, national feed-in tariff program that includes a mix of incentives designed to ensure that anyone who wants to get into renewable power generation can do so in a way that is simple, stable, and profitable.

Providers are guaranteed priority access to the grid, and offered a guaranteed price so the risk of losing money is low. This law has allowed many cities to take back the electric utility services that they had outsourced to large corporations.

In 2013, 25% of Germany's electricity was coming from renewables, dominated by wind and solar but also including some biogas and hydro – up from around 6% in 2000.

The fossil fuel companies have known for decades that their core product was warming the planet and yet they have not only failed to adapt to that reality, they have actively blocked progress at every turn. These coal, oil, and gas companies are rich because they have dumped the cost of cleaning up their messes onto regular people around the world. It is this situation that needs to change.

Given their track record, it's safe to assume that if fossil fuel companies are going to help pay for the shift to renewable energy, and for the broader costs of a climate destabilized by their pollution, it will be because they are forced to do so by law.

Klein describes the Blockadia movement in great detail. Blocka-

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dia is not a specific location on a map but rather a roving transnational conflict zone that is cropping up with increasing frequency and intensity wherever extractive projects are attempting to dig and drill, whether for open-pit mines or gas fracking, or tar sands and

pipelines.

Resistance to high-risk extreme extraction is building a global, grassroots, and broad-based network the likes of which the environmental movement has rarely seen. After two centuries of pretending that we could quarantine



the collateral damage of the filthy habit, fobbing the risks off on others, the game is up, and we are all in the sacrifice zone now.

The rights of indigenous peoples have become an important component in the Blockadia movement in Canada where the First Nations in British Columbia and Alberta are fighting the expansion of tar sands extraction and the building of pipelines to transport this toxic brew to market in the United States and overseas.

As the indigenous rights movement gains strength globally, huge advances are being made in recognizing the legitimacy of these claims. Most significant was the United Nations Declaration of the Rights of Indigenous Peoples, adopted by the General Assem-

bly in September 2007 after 143 member states voted in its favor. The declaration states that, "Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources."

I think this book is very important for environmentalists, politicians, and policy makers. It explains for everyone how we got into this crisis. The book explains how environmental problems were solved in the 1970s using a common sense approach and why this system has broken down.

It really is a battle between science and unregulated capitalism.

*Terence McDowell is a retired clinical chemist living in Edmond.*

# *For Every Question, Ten Answers*

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## **CIVIL WAR TOP 10**

**By Thomas R. Flagel**

**Bristol Park Books Inc.**

**493 pages, \$9.98**

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**BY JOSEPH H. CARTER SR.**

**A**mong the 30 or so wars the United States has fought, a bloody one pitted brother against brother, killed about 700,000, and officially lasted four years, but reverberates in today's society: The Civil War.

Determining the many factors, folks and facts about the Civil War – or War Between the States in southern lexicon – gets fuzzy. For every question, there seems to be 10 answers.

For instance, while 1861-65 is commonly listed as the war's duration, federal occupation of the defeated South lasted another dozen years. That is the starter.

A history teacher at a Tennessee community college, a writer who lacks the coveted "terminal" doctorate degree, Thomas R. Flagel in his nifty book, *Civil War Top Ten*, creates a numerical system to classify the many issues and complex forces that swirl in history.

In most cases, his daring scholarship makes sense. It involves listing from one-through-10 the top items among some 30 divergent factors of the war. Some of his assumptions are especially daring.

What writer would chance listing 10 similarities between martyred President Abraham Lincoln and Rebel President Jefferson Davis, who was indicted and imprisoned but never tried for treason? Flagel's first nine are amazing factors. No. 10 was that "both were accused of wearing dresses." The book has other light moments.

On the frank side, Flagel declares "there was no

single cause of the American Civil War." That applies to many aspects of the conflict. One through 10, he lists factors highlighted by claim that the South had "\$2 billion in gold" invested in slaves. The 11 seceding states left the Union "in almost the exact order of their percentage of slaves," he noted among other factors that led to "us versus them."

The first of two Battles of Bull Run that Confederates won in the suburbs of Washington, DC, was ruled the war's "most significant" and "Stonewall" Jackson, who led the South's side in that fight, was the war's "best commanding general."

Gettysburg – "the largest and bloodiest battle ever fought in the Western Hemisphere" – was seventh on Flagel's list and he explains why quite logically.

While vicious Civil War battles raged between nations in Indian Territory that three decades later became Oklahoma, those conflicts escape notice in Flagel's book. This reviewer's chagrin is cooled by the fact the fame omission exists in a host of other major histories of that war.

Flagel cites a reason being that most newspapers covering the war were based in the East. Without reporters present, the West was largely ignored.

At the Wilson Creek battle in Missouri that decided the North would control large areas of the land, not even one reporter was present. The battle of Pea Ridge in Arkansas likewise was largely ignored while reporters swarmed battlefields of the East. They

CONTINUED ON PAGE 47

# Observations

CONTINUED FROM PAGE 2

resonate with their base and give legal heft to state leaders' zest for capital punishment.

What better to drive the hard-right masses to the polls than a presidential election coupled with a referendum that cheers the death penalty and pokes a collective finger in the judiciary's eye?

Given that red state Nebraska has outlawed capital punishment, Oklahoma lawmakers could be in for a surprise. It's not a matter of *if* Oklahoma ends state-sanctioned killing. It's a matter of *when*.

## One House – Or Two?

State Auditor Gary Jones didn't make many friends in his own party when he proposed Oklahoma switch to unicameral government.

Oh, sure, most of the state's elected Republicans prattle endlessly about shrinking government. But it's really just a campaign slogan. When they say streamline, they actually mean cutting programs they don't like and steering more money to those that benefit their well-heeled donors.

Principles? It's all about power – getting it and keeping it. And with supermajorities in both legislative houses, what's the incentive to voluntarily give up seats?

Jones, who's a true believer when it comes to shrinking government, understands this. So he turns to what likely will be a more receptive audience – the voters. He intends to circulate an initiative petition that could force a statewide vote on the issue.

Oklahomans already demonstrated their disdain for the Legislature by voting to impose term limits. Why wouldn't they also be inclined to cut the number of lawmakers by half or more?

Especially when they no doubt will be reminded repeatedly that Oklahoma's 149 legislators are among the nation's best paid – \$38,400 a year plus per diem.

Jones figures the state could save \$15 million annually by embracing a one house-style of representative government.

It works in Nebraska. But is it smart for Oklahoma? There's no way to know without giving it a try. One thing we do know: pique voting can be disastrous.

Term limits completely shifted power from the people to the lobbyists. Legislators come and go faster than ever, leaving precious little institutional memory to provide vital context or protect against special interest excesses. More than ever, lawmakers turn to lobbyists for help crafting bills and navigating the process.

Cutting the Legislature to one chamber could make it even easier for well-heeled special interests to dominate the people's agenda. They could spread the same money to fewer candidates. And they'd have

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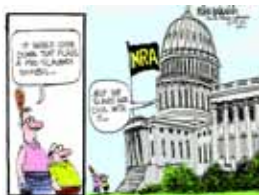
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fewer elected representatives to “manage” during legislative sessions.

Voters dismayed over what's happening at NE 23rd and Lincoln Blvd. need look no further than their mirrors to determine who's responsible. Unicameral government won't solve a problem that's of Oklahomans own making.



CONTINUED FROM PAGE 3

Ex-Tulsa Superintendent Keith Ballard joins University of Oklahoma-Tulsa as professor of Educational Leadership and Policy Studies and director of the Professional Development and Leadership Academy.

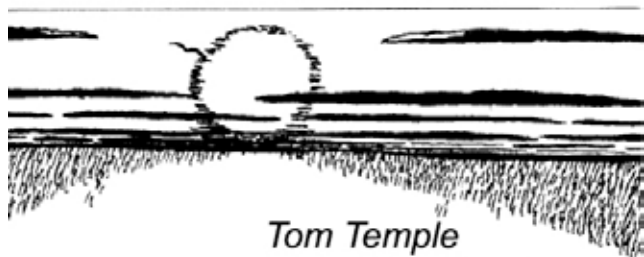
Dart: To the Daily Disappointment, giving wingnut OU Professor David Deming a platform to claim violent crime is down because gun sales are up. Crime was plummeting long before anti-Obama racism spurred gun sales.



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Better late than never: NBCUniversal finally parted company with Donald Trump after his bigoted attack on Mexican immigrants. The Donald is a dunce.

Laurel: To Shiloh Kantz, promoted to director of operations and development for the marvelous Oklahoma Policy Institute. She joined OKPolicy as part-time office manager in 2010.

What does hate get you? Apparently nothing, if you're a state lawmaker hell-bent on destroying teachers unions. HB 1749 was supposed to ban due's check-off – but it's apparently unenforceable.

Dart: To Daily Disappointment, arguing editorially that smart meter "opt outs" are "best handled by the market." What market? In Oklahoma, you have one choice: hook up with the public utility exclusively serving your area or generate your own power.

State Democrats request ethics opinion on Gov. Mary Fallin's privately-financed, 11-day trip to Paris Air Show. Fallin represented the state, an official duty. Her oath of office pledges not to "... knowingly, receive, directly or indirectly, any money or other valuable thing, for the performance or nonperformance of any act or duty pertaining to my office." Stay tuned.

News: USDA projects Americans will drink less coffee for first time in nearly six years. Comment: Researchers clearly didn't interview The Observer staff.

Abortions in Oklahoma declined nearly 19% from 2010-13, far outpacing the nation [12% drop]. Anti-choice crowd claims it's result of tighter laws. Baloney. It's mainly because of longer-acting contraceptives, improved health education and better access to medical professionals.

Catholic Diocese of Tulsa resigns from Oklahoma Center for Community and Justice because it marched in the Tulsa Pride Parade. The anti-LGBTQ tirade hardly squares with the love of Christ.

The world's Jewish population [14.2 million] is nearly as large as before the Holocaust when including 2.5 million with one Jewish parent or who identify as partially Jewish. – Jewish People Policy Institute

# Letters



CONTINUED FROM PAGE 4

repealing the law that allowed shareholders of Oklahoma-based corporations tax exemptions on dividends is what angered rich guys, including some big-time publishers in Oklahoma. From the new funds, 50% went to common schools and 25% to higher education. Colleges and universities never had to raise tuition between 1971-75, as a legacy of the tax program of Gov. Hall that I admittedly helped to draft.

If someone wishes to research the mini-issue of who else voted "no," the archives of the Oklahoma Historical Society may have the answers that are more reliable than this pundit's memory.

Editor, The Observer:

The Pope issued a powerful letter to the world called *Laudato Si*, in which he called upon the people of the world as well as the members of the Catholic church to make saving the planet from environmental destruction the major and urgent focus of our activity in the 21st Century. He highlighted how climate change will be particularly destructive to the poor. In his encyclical message from the Vatican, the Pope made a historic call for action to protect future generations from the dangers of further climate chaos.

We are already paying a high price for rising seas, expanding deserts, blistering heat, withering drought, raging floods, storms and other hallmarks of climate change.

We are past the time for denial. Most of our political leaders here in Oklahoma have chosen to ignore the problem and pretend that we can do nothing in the face of this unparalleled catastrophe. Too many political leaders have played dumb in the face of a mountain of evidence regarding the growing threat that climate change presents.

Those who favor action on climate change are not opposed to capitalism or economic growth. It has been repeatedly shown that responsible economic growth can be done in such a way that it doesn't destroy the environment.

The Pope's message is a call for us to start paying attention and adopt a perspective that recognizes that fundamental care for God's creation is a primary responsibility for all of us. The change in perspective starts with the notion that the earth is central to all human activity. There is no music or literature without the earth. There is no business, industry or technology without the earth. There is no sacred scrip-



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ture without the earth. There are no babies without the earth. There is no stock market or GDP without the earth. The earth is that without which we have no future for our children and grandchildren. The earth cannot be replaced by technology or any type of scientific breakthrough.

To accept the premise that the earth is a central concern does not mean that you must change your

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religious beliefs. It does mean that we recognize the earth as a sacred gift from God. That doesn't mean that we worship the earth as God. It does mean that we care deeply for this sacred gift above all other gifts. Our fate, as humans, is inextricably connected to the earth.

Humans are that part of the earth that seems to be uniquely able to celebrate and reflect upon the wonder of the whole of creation. The people of the 20th Century stumbled upon the fact humans are latecomers in what has been a journey of some 14 billion years of continuous creativity since the big bang. Discovering how this journey unfolded and understanding ourselves as part of this amazing process is one of the greatest accomplishments of human history.

The Pope's plea for environmental sanity and a serious recommitment to the Bible's call for humanity to be stewards of this planet Earth just might make a huge difference by puncturing through the emotional depression that keeps most of the people of the earth paralyzed in face of the growing crisis.

James Stovall  
Oklahoma City

Editor, The Observer:

We are writing as concerned citizens of Oklahoma who are worried that forces in the state are trying to change the judicial system that has served our state well since 1967. It was then that a constitutional amendment changed the system of popularly electing judges to our state's highest courts, which had led to a huge scandal involving bribery and corruption in the Oklahoma Supreme Court.

That scandal was detailed in a 1997 book *Justice for Sale: The Shocking Scandal of the Oklahoma Supreme Court*.

Now, a Judicial Nominating Commission [composed of lawyers and non-lawyers chosen by the governor, members of the bar, speaker of the House of Representatives, and president pro tempore of the Senate] carefully vets potential justices, including questioning them in person and having the OSBI investigate each. The JNC recommends the three most qualified candidates for a high-court post [on Oklahoma's Supreme Court, Court of Civil Appeals, or Court of Criminal Appeals], and the governor appoints one of those.

Oklahoma still elects judges for its 26 judicial districts, which handle most cases in the state. But voters are more likely to know judges and associate judges of a district court personally, or know about cases they have tried. Those seeking to be on the higher courts must campaign statewide, making them susceptible to influence from rich donors who can finance expensive media buys to reach voters.

Let's not trash a system that works well and go back to one that's been proven to lead to corruption.

Members of the Bryan County Federation of  
Democratic Women  
MaryKathryn Hodge, President

# Civil War

CONTINUED FROM PAGE 42

missed juicy bits such as Flagel's claim that absent reliable guns "Native Americans opted from more dependable bows and hatchets."

This reviewer, a Will Rogers biographer, long sought information about wartime actions of Cherokee warrior Clem Rogers, the father of the famed Oklahoma humorist. Research meets mostly dead ends.

Will Rogers' Dad was a captain in the Cherokee cavalry but, according to all accounts, Clem declined to talk about his wartime feats. Where are the letters home and newspaper stories?

It is known that Will's infant sister died after his mother rode horseback 80 miles through a blizzard cuddling the baby to escape dangers at a raging Civil War battlefield north of Tulsa. Will's Mom then spent years in exile in Texas. Where was Clem? The history books and newspaper accounts are largely blank.

The Oklahoma Historical Society performs admirably in gathering tidbits to reconstruct facts about Civil War battles in Indian Territory. This pundit long has believed the roles of Indians deserve national recognition.

On the other hand, as Flagel reports, after the Civil War shooting stopped, "the prewar conquest of Native Americans resumed" as a result of either national or military policy.

In such an atmosphere, writing positive stories about heroic actions by Indians may have been deemed unpopular or worse. Therefore, newspaper

accounts, so essential in historic reviews, are slim or none.

In contrast with Flagel's tome, most Civil War books spotlight particular battles, persons, politics or other impacting parts of the conflict. While Flagel provides ample descriptions, he provides a broader view of the 30-odd factors, including bad food, disease and dumb decisions – each evaluated on the one through 10 scale.

Scholastically backing those rankings are 88 pages listing the author's solid sources, his reading and the basis for his enlightening interpretation – plus a 27-page bibliography. The scholar, who earned his master's degree at Kansas State University, did his home work.

Delineating topics such as "military blunders," "bloodiest battles," and the "Top 10 Worst Commanding Generals" are as enlightening and bold as the harsh example of poor sanitation, primitive medicine, women dressed as men who fought, numbers of human deaths by major battles, and that 300,000 horses died during the war.

Flagel has factors numbered. And arguably correct. *Joseph H. Carter Sr. is a regular contributor to The Oklahoma Observer. Reared in west Tulsa in the 1930-50s era, he is author of the Never Met A Man I Didn't Like: The Life and Writings of Will Rogers [HarperCollins] and The Quotable Will Rogers [Gibbs Smith Publishers].*

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