

THE OKLAHOMA Observer

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SILENT SPRING

*No 'Festival' Fundraiser. No Help From
Lawmakers. What Is Future Of OETA?*



DARYL CAGLE MSNBC.COM

Special Report begins on page 6



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OUR MOTTO

To Comfort the Afflicted and Afflict the Comfortable.

OUR CREDO

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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LETTERS TO EDITOR

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Observations

Opioid Settlement

It's not often – maybe once a generation – that visionary public policy and smart politics coalesce into a game-changer that benefits all Oklahomans.

Twenty-plus years ago, it was the deal that produced the Tobacco Settlement Endowment Trust [TSET] which not only helps smokers kick the habit, but also funds cancer research, anti-obesity and nutrition initiatives, and other public health programs.

Last month's \$270 million settlement with OxyContin maker Purdue Pharma offers similar potential – a vehicle to not only combat the state's opioid crisis, but also position Oklahoma as a national leader in addiction research and treatment. Key word: "potential."

Attorney General Mike Hunter was wise to strike a deal that commits the bulk of the court-approved settlement – \$197.5 million – to the Oklahoma State University Center for Health Sciences Center in Tulsa.

That would seem to guarantee the money is devoted to opioid treatment and research – no small matter when considering half the state's overdose deaths last year were attributed to pharmaceutical drugs and eight in 10 non-fatal overdoses involved prescription opioids.

What is worrisome, however, is that settlement proceeds are not constitutionally protected like TSET's.

You may recall that in November 2000 Oklahoma voters approved SQ 692, effectively putting most of the tobacco settlement funds in a lockbox for spending on tobacco cessation programs and health related issues – in other words, for its intended purpose.

It is true 18.75% of the state's annual tobacco settlement payment goes to the Legislature to spend and another 6.25% to the attorney general's office. But the lockbox has helped create a \$1.2 billion endowment for important health-related initiatives that benefit all Oklahomans.

Given the vicissitudes of the state's oil and gas-dominated economy,

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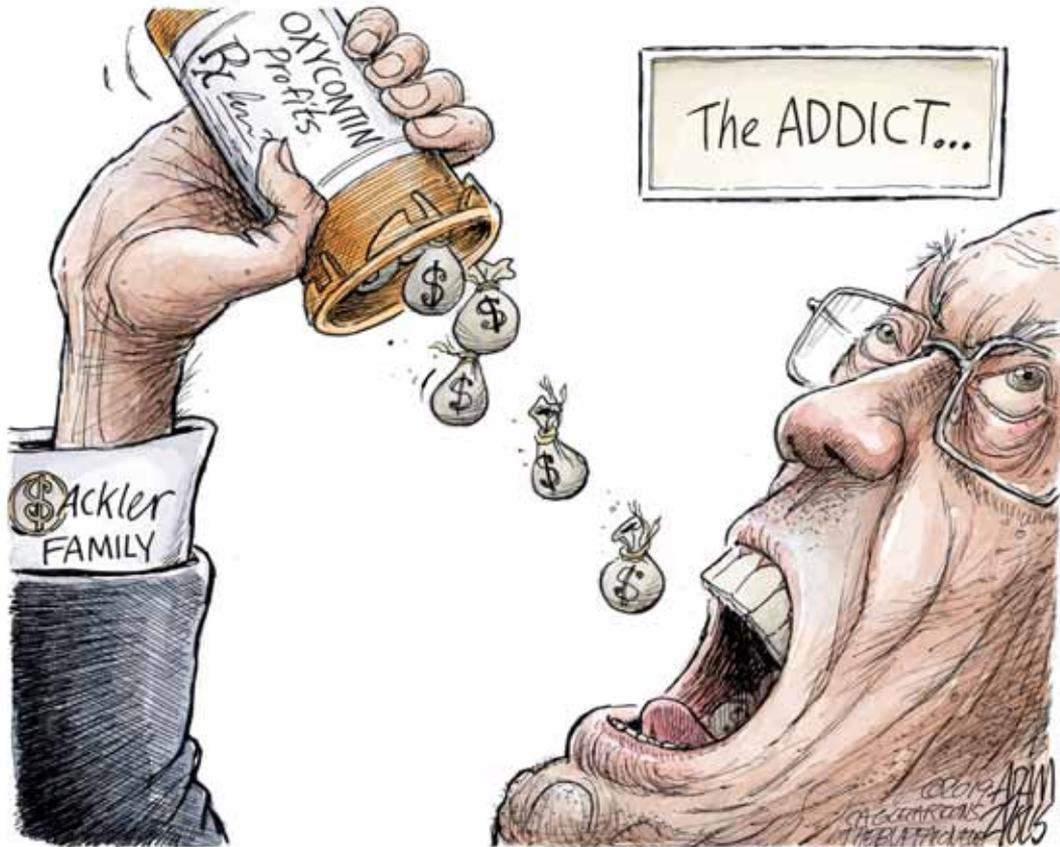
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Observerscope



You won't want to miss April 11's Observer Newsmakers with House Democratic Floor Leader David Perryman and Oklahoma Hospital Association President Patti Davis discussing state's health care crisis. See back cover for details.

Laurel: To Cherokee Nation, donating \$25,000 to Special Olympics Oklahoma to defray costs of May 15-17 games in Stillwater. Cherokee generosity contrasts with Trump Administration indifference to Special Olympics.

A federal jury convicts ex-zoo-keeper and gubernatorial wannabe Joe Exotic of 19 counts in a murder for hire case. And Texas thinks it's political figures are zaniest.

Dart: To Republican statehouse leaders, failing yet again to fund public education by April 1. Remember when they annually excoriated Democrats for missing the statutorily mandated deadline? Physician, heal thyself.

Keep an eye on the redraw of Oklahoma Supreme Court districts. This is the statehouse GOP's latest effort to permanently tilt the judicial playing field toward Big Bidness.

Laurel: To our friend David Blatt, leaving OKPolicy after a decade of building it into a public policy powerhouse. He hasn't settled on his next challenge.

For the record: \$59.5 million from the Purdue Pharma settlement will go to private law firms that worked the case – 57% to Texas-based Nix, Patterson and Roach, 33% to OKC's Whitten Burgence, and 10% to OKC's Glenn Coffee and Associates.

Dart: To Senate President Greg Treat, seeking to appease anti-abortion zealots with a statewide referendum that would etch in stone there is no constitutional right to an abortion. Still deploying the wedge issues.

OKC's Commonplace Books, 1325 N. Walker Ave., is now carrying The Observer. Stop by, browse, grab a bite to eat, and say hello to owner Ben Nockles.

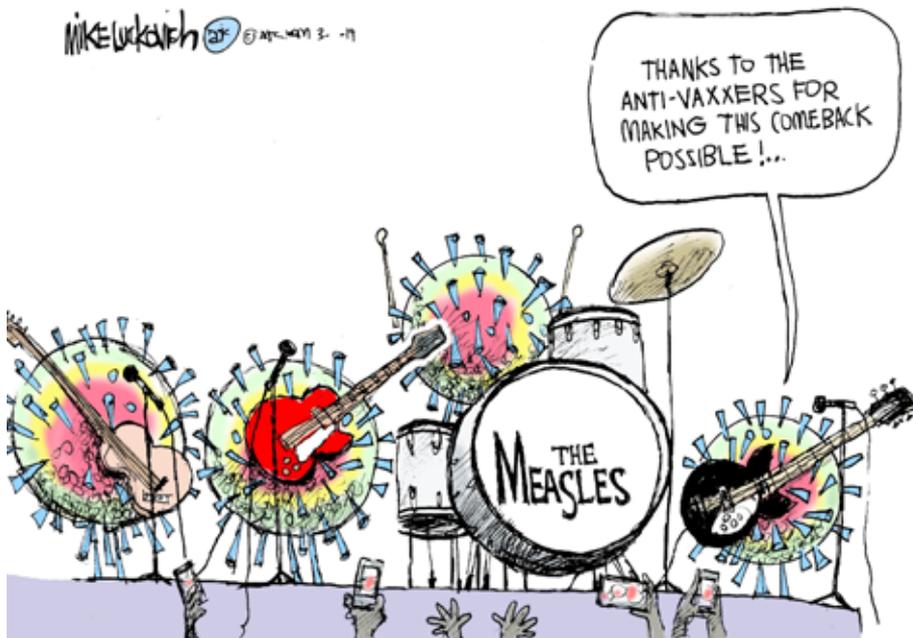
Laurel: To U.S. Rep. Kendra Horn, voting for House Resolution 271 condemning Trump's efforts to strike down the Affordable Care Act. Oklahoma owns nation's second highest uninsured rate and is a bottom feeder on health outcomes.

Freedom Oklahoma's former exec Troy Stevenson is new manager of The Trevor Project's 50 Bills, 50 States campaign aimed at ending "conversion therapy."

No joke – this appeared in Politico on April 1: "... For the first time in memory, a minority has exploited procedure to systematically obstruct a president from staffing up his administration." – Senate Majority Leader Mitch McConnell

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Letters



Editor, The Observer:

Re: February Observerscope

I am shocked that you would only remark on one side of the issue of vaccines in the U.S. That's not how the Observer usually operates. You usually give facts! Where was the information about the Vaccine Injury Fund that is given to just a few of the families whose children have a bad reaction to vaccines? It is funded by the purchase of each vaccine. We wouldn't have a U.S. government-run Vaccine Injury Fund unless there were some injuries.

I'd also like to hear about the issue of adult vaccines. How many adults get booster shots on the recommended timetable?

Here's an article by Peggy O'Mara who is a very well-respected child care expert explaining the issue more fully than just your quick "Dart." [<https://www.peggyomara.com/2019/02/05/measles-reality-check/?fbclid=IwAR1TVJKA7EbXI2BJgHSEdAhA-frV-d9jjJ-7Ap17ZcEEfKXxfHIK9qMR1WG0>]

Please put a fully researched article in the next issue on this topic to educate those who just respond out of fear.

Marilyn Sears Lindsey
Shawnee

Editor's Note: For 51 years, The Observer clearly has identified itself as "an independent journal of commentary." Observerscope offers a mix of fact and opinion. When it comes to vaccinations, we choose to embrace science which all but eradicated plagues, such as measles, until social media era helped spread a plethora of oft-dubious anti-vax narratives and drive down vaccination rates. There is not sufficient space here to litigate every claim, so we urge all to review research distributed by the Centers for Disease Control, the World Health Organization, and other science-centric agencies. As parents and grandparents, we are not oblivious to parental concerns about vaccine safety, but the evidence is clear: Not vaccinating is far riskier. It is mindboggling, in the 21st century, we allowed measles to re-emerge as a public health scourge – more U.S. cases in the first three months of 2019 than in all of 2018. The MMR [measles, mumps, rubella] vaccine is 97% effective at preventing measles, but at least 93% of us must be vaccinated – "herd immunity" – to prevent the kinds of outbreaks we're seeing. As one of 17 states that allow parents to

opt out of vaccinations for philosophical reasons, we Oklahomans are lucky we've dodged the worst of the recent measles flare-up.

Editor, The Observer:

It would be nice to be able to go back to sleep. AG Bill Barr has just emboldened Trump. Regardless of him saying that Trump isn't exonerated, Trump will do what he always does – he will get worse. He will use Barr as his battering ram.

Barr has just obstructed justice himself. Barr may try to reign Trump in; his son is now a law advisor to Trump and they will try to calm him down; but he will now think he actually can do anything he feels like.

Trump knows he is not innocent and he thinks, "Wow, I have gotten by with it again and the GOP will always have my back." Just wait until you see what the evangelical right – with people like Oklahoma Sen. James Lankford – say that God is leading Trump to do. Lankford will back all of it. Remember when he wanted to amend the tax bill to say if it didn't work we will increase taxes?

Trump supporters, including Lankford, are now completely against "the least of these" and they will take this opportunity to try to get rid of all the things they have always been after: Medicare, Medicaid and Social Security.

God, according to Lankford and the GOP, is now completely on the side of "their beloved rich old ruler" and "the least of these" are on their own.

Karen Webb
Portland, OR

Editor, The Observer:

Mueller barreling down the track
Constantly looking back
He found no collusion
Also, no absolution
As we continue going clickey-clack.

Tom Birbilis
Tulsa

CONTINUED ON PAGE 45



Papers, Please?

The more things change at the state Capitol, the more they remain the same.

Cynical? Nope. It's a fact.

Even though nearly half its members are brand spanking new, the state House proved this week it remains remarkably adept at embracing a solution in search of a problem.

Case in point: Hominy Rep. Sean Roberts' HB 2429 which would require the Oklahoma State Election Board to periodically search for "potential non-citizens" on voting rolls.

"This bill would help restore faith in the electoral process," Roberts said, "by verifying only those prescribed by law are voting."

Restore faith?

Let's consider the facts: In 2018, Oklahoma set a modern record for the number of candidates filing for office. Moreover, voter turnout in last June's primary was higher than the 2014 general election – which included gubernatorial and U.S. Senate races – and the 2016 presidential primary.

Finally ... drum roll, please ... the 1,185,185 who cast ballots in last November's general election represented 56 percent of eligible voters – highest turnout in 22 years.

As State Election Board Secretary Paul Ziriak put it, "Good voter participation is a sign of a healthy democracy, and Oklahomans should be proud of their engagement in the election process this year."

Even more to the point: there is no evidence Oklahoma elections are threatened by widespread voter fraud.

Remember, it was only two years ago the State Election Board investigated alleged voter fraud in the 2016 presidential election and turned up next to nothing – 18 questionable cases involving more than 1.4 million votes. That's an infinitesimal .001%.

Of additional significance: No one was prosecuted for voter fraud. Why? Because authorities looked into each case and determined charges were not warranted.

The Tulsa-based online news service The Fron-

tier, for example, reported two of the cases involved elderly voters who submitted absentee ballots then also attempted to vote in person. One of the men had been diagnosed with dementia.

State officials also turned up one case involving a non-citizen who attempted to register to vote. Repeat: *attempted* to register.

No system is perfect, of course. Casual voters can turn up at the wrong precinct. Volunteer election officials can misapply the law. And sometimes, state law is just not clear on voter eligibility.

That's why Tulsa Rep. Regina Goodwin's HB 2253 – already approved in the House and now being considered in the Senate – is so important. It would solve an actual, not a made up, problem by clarifying that voting rights are restored once a felony sentence is fully served.

Roberts' measure would require the State Election Board to audit its voter database every two years, checking it against federal and state records that could help verify citizenship. Questionable cases would be turned over to the local district attorney to investigate.

Let's be clear: Roberts' focus on alleged voter fraud is the stuff of rightwing conspiracies, born of the fear that "others" are taking over the "real" America. Sadly, this is a canard spread by the president himself.

It's worth noting, of course, the most serious recent case of organized voter fraud occurred in a North Carolina congressional race last year – and involved the Republican nominee's campaign. The scheming to thwart Democrats' absentee ballots – undoubtedly involving many people of color – resulted in a new election being ordered.

The fate of Roberts' bill in the Senate remains to be seen. But know this: the statehouse herd mentality is strong. Only four House Republicans dared vote against what is now an article of faith among many in the GOP base – that widespread voter fraud threatens our democracy.

What's next? Papers, please?



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The Fight For Public Television

BY ARNOLD HAMILTON

Call it the Oklahoma Educational Television Authority's Silent Spring.

For the first time in decades, there was no "Festival" – the annual on-air spring fundraiser that's helped the OETA Foundation generate more than \$67 million in support of the state's public television network.

The fundraising void is the result of a ferocious state court battle for control of the foundation's assets, reported to be about \$41 million.

Earlier this year, OETA's board formally cut ties

with the foundation and established a new fundraising arm, Friends of OETA Inc. Last month, Attorney General Mike Hunter asked a state judge to appoint a receiver to ensure OETA Foundation funds are properly distributed.

The contentious divorce didn't develop overnight, of course. Nor does it reflect a simple disagreement about how donated funds are being spent.

But it does leave longtime OETA supporters and viewers perplexed and fearing for Oklahoma public television's future – with good reason.

To fully understand the crisis, it's worth reflecting on OETA's place in Oklahoma life. Like many states with far-flung rural populations, Oklahoma has struggled to create a sense of connection in its most remote environs. Years ago, an oft-told Panhandle yarn involved a teacher asking her students to name the governor. All identified Dolph Briscoe, who was indeed governor ... of Texas. The students were getting their news from Amarillo TV – Oklahoma City signals didn't reach much of the Panhandle.

OETA not only helped bridge a cultural divide – giving viewers in remote areas access to performance art, science and educational programs like Nova and

Deborah Astley

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Sesame Street – but also, in the mid-1970s, a civics gap by establishing a weeknight newscast that included first-rate, full-time Capitol reporting.

According to insiders, the OETA Foundation's arrival in 1982 helped augment state funding and allowed the network to upgrade programming – election nights were must-see for political junkies and decision-makers.

The relationship between OETA and the foundation began fraying after Republicans seized statehouse control in 2010.

Some of the newly elected legislators simply did not regard OETA as a core government function. Others viewed it through a hyper-partisan, rightwing lens that regarded OETA, PBS and NPR as the foremost purveyors of liberal bias.

The new-look Legislature quickly took a meat cleaver to OETA's budget – especially when the state's oil- and gas-dependent revenues tanked.

State records show a decline in budget appropriations to OETA from \$4,468,468 in FY 2010 to \$2,779,283 in FY 2019 [though FY '19 was \$97,265 more than the previous year].

It could have been worse: OETA supporters rebuffed more than one legislative attempt to erase public television from the state budget.

“They [GOP lawmakers] thought it was too progressive and too critical of Republicans in power,” said former House Democratic Leader Scott Inman. “They did a damn good job of neutering it.”

The assault on OETA may be far from over. Some legislators clearly intend to piggyback on new Gov. Kevin Stitt's promise that state agencies will deliver leaner budget requests next year. Forcing OETA to rely completely on donations would fulfill a GOP privatization goal – and make it less likely the statewide network could undertake the kind of aggressive reporting of state affairs that often caused Capitol leadership to bristle.

The threat that state funding eventually could be all but wiped out intensifies the stakes in the legal fight for control of the OETA Foundation's pot of gold.

As OETA's lawyers recently noted, OETA “cannot survive without private funds.”

For years, the OETA and the foundation worked mostly in harmony. In court documents and public statements, the foundation argues it still is fulfilling its mission – including, for example, prepaying OETA's full 2019 PBS schedule of programming.

But the two entities clearly no longer see eye-to-eye when it comes to OETA's mission, especially production of local content and programming decisions. The legal war of words has been intense, even as both parties live under the same roof in northeast OKC.

Whether a divorce is approved – or the parties agree to reunite – remains to be seen. The two sides were scheduled to return to state court for another hearing in early April.

Whatever the outcome, public television devotees and supporters have little choice but to turn the heat

up on lawmakers who would like to pull the plug on OETA.

The Legislature-imposed budget cuts since 2010 decimated what once was a vibrant OETA news department, arguably one of the best in local public television – particularly in the southwest.

Since 2007, OETA news and public affairs has borne the brunt of partisan-driven starvation budgets, down from 16 staffers to four.

With newspapers and commercial TV stations trimming staffs and reducing coverage of public affairs, a return to robust OETA coverage – including restoration of a nightly newscast – is important for citizen engagement.

Of course, lawmakers and their special interest benefactors aren't keen at such a prospect. They prefer operating in darkness.

Don't buy the claim that putting floor sessions and some committee hearings online is just as good. First, most Oklahomans don't have hours to devote to gavel-to-gavel coverage. Second, professional journalists know what to look for and what questions to ask. Trained watchdogs help keep the powers-that-be honest.

Meanwhile, OETA is striking a hopeful tone the ongoing court battle will yield a positive outcome.

“OETA is delaying its spring fundraising campaign – Festival – while it completes the organizational formation of a new cooperating charitable foundation called Friends of OETA Inc.,” it said in a prepared statement.

“To protect donors and charitable funds and the investment of Oklahoma's taxpayers, OETA has suspended soliciting new donations until Friends of OETA Inc. is fully operational. OETA will turn over governance and control of Friends of OETA Inc. to an independent board of philanthropic and respected Oklahomans who will serve OETA donors in support of life-enriching, educational public broadcasting.”

If it works out as OETA hopes, reviving Festival no doubt will top the agenda. But so should fighting [with the public's help] for better state funding and a revival of – and commitment to – serious news and public affairs programming.

Otherwise, rank-and-file Oklahomans could soon rue the day they let public television slip away.

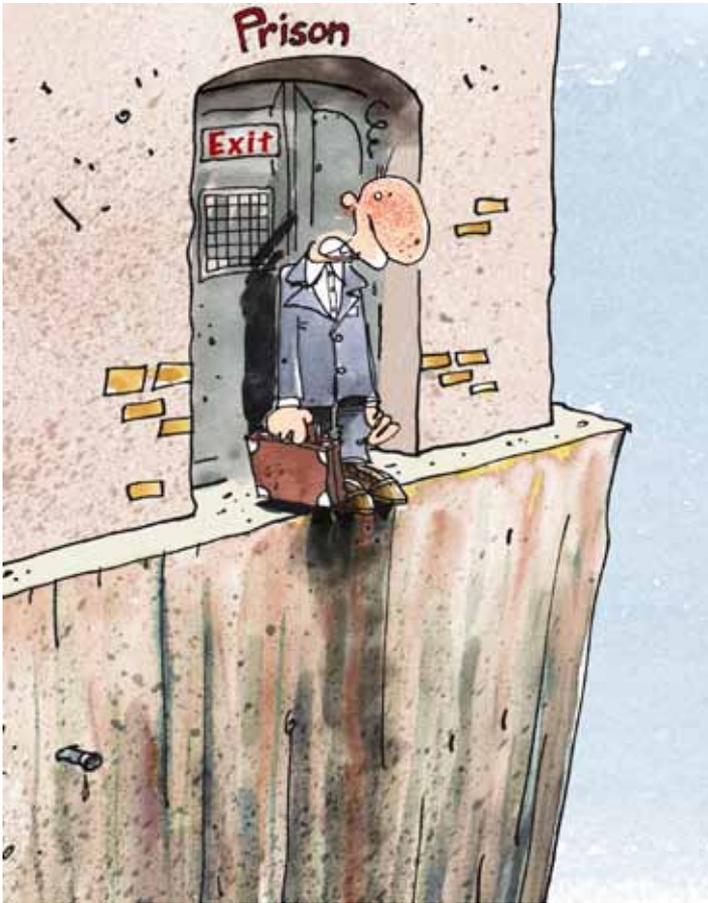
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RESTORING HOPE

Proposed Reforms Take Aim At Punitive Licensing Barriers That Illogically Block Ex-Cons From Some Higher Paying, Skilled Jobs



BY BRETT DICKERSON

It didn't matter that I have mostly gray hair and only ordered iced tea for a drink. If I am sitting at Alyssa Scott's bar in Picasso's in Oklahoma City, I have to show my ID. I get a good laugh out of getting "carded," but to her, it's no joke.

Scott has been bar-tending in Oklahoma City for 10 years. It's a good job that helps pay the bills. How important is keeping her license?

"If I ever lost my license, it would just set me back to square one," the mother of a two-year-old said. "A lot of times people get really mad when I ask them for their ID, but, it's really important. I could lose my license if I don't."

That's just one example of how important licenses

can be for working people.

And for many years, if anyone had any kind of record or didn't meet what a board considered to be the "moral turpitude" test and had a prior conviction of any kind, a license would be denied resulting in a much more difficult time for a worker to get a good-paying job.

For those who have convictions in their background, but now possess the training, skills and discipline, a license is the key to moving from low-wage, temporary jobs to higher-paying skilled occupations and even pensions.

For those who have worked hard to reform and pay their debt to society the costs have been high for the rest of their lives.

But leaders in both parties are beginning to see moral and economic reasons to bring about reform.

NATIONAL AND STATE CONCERNS

Leaders in both national and state parties are beginning to see the trap of keeping someone who has paid their debt to society out of a good-paying job.

And it's not just a problem for the individuals who want better occupations. Business organizations are starting to push for reforms in licensing to provide more skilled labor at a time of low unemployment rates.

President Barack Obama weighed in with a white paper on the subject. It was intended to start the discussion about denying licenses to otherwise good workers just because of their past convictions.

Early in his administration, President Donald Trump encouraged the process of re-evaluation to go forward, stepping to one side of his normal trend of disdain for all things Obama.

STATE TAKING ACTION

At present, there are 382 different trade and professional licenses in Oklahoma, according to a new database built by the Occupational Licensure Commission that was established in the waning years of Gov. Mary Fallin's administration.

All of those licenses and certifications are controlled by a menagerie of independent entities. Each one has a different set of standards for who can apply and what the standards will be for receiving a license.

The commission is chaired by the state Labor Commissioner, Leslie Osborn, who won the election for

the post only months ago in the 2018 election. Previously, she was a state representative known for taking stands that were not always in accord with her Republican Party leadership.

Its purpose is to provide research and input to the Legislature on changes to licensure that will allow more people to get licenses in a broad spectrum of work.

In a recent interview, she talked with us about the push for reform.

“What we want to do is make sure that the licenses are not impeding job growth – they’re not being protectionist,” Osborn said. “And on the other hand, there is a reason for some licenses in the view of public safety.

“We want to make sure that an embezzler, and repeat embezzler, is not owning a title company. There may be a reason if it’s in your purview, but do we want to castigate somebody that had a DUI 22 years ago as a blanket offense?”

TWO REFORM MEASURES

Two bills that originated in the Oklahoma House of Representatives are meant to lower the barriers to employment while maintaining high standards for those who seek licenses.

One, HB 2134, by Rep. Cyndi Munson, D-OKC, establishes an appeals process that would allow applicants to show “mitigation” and “rehabilitation” if they are denied a license because of prior convictions.

Her concern is to start unwinding the effects of the “tough on crime” trend of previous decades.

“That whole idea of being tough on crime and being afraid of certain people, that’s where these policies have come from,” Munson said. “That if we can keep them out of work, out of housing, out of our communities, then we’ll be safer. But that’s actually not the



Rep. Cyndi Munson

truth.”

She said both parties are showing concern for the people themselves in this issue about who can make a good living with their skills and determination.

“I think ... this is just a unique issue that both sides are looking at regardless of where they’re coming from,” said Munson.

“Whether it’s the economic standpoint or from a human standpoint ... where Republicans and Democrats can come together is looking at the family piece, too.”

She said families benefit from having a parent who is making a good living and providing a stable life for the family.

The other measure, HB 1373, by Rep. Zack Taylor, R-Seminole, affects the front end of the application process stating that entities overseeing occupational licenses “ ... shall explicitly list the specific criminal records that would disqualify an applicant from receiving a license or certification.” It also provides for

a challenge process.

We caught up with Taylor at the Capitol and asked his reasoning behind the push. It was considerably different from Republican thinking over the last few decades.

“I think for both sides of the aisle, but, in particular for the Republican Party, there’s a new approach and it’s more towards being smart on crime,” Taylor said. “If you have repeat offenders that are truly a threat to society, of course they need to be put away. But the people that just made mistakes, they need ways to reintegrate into our society.”

He gave some spiritual reasons for reforms, too.

“If you want to go back to even Biblical principles, you’ve got to forgive and allow them to move on – to prove themselves and prove that they deserve a second chance.”

Both bills are intended to eliminate vague “moral turpitude” and “character” tests sprinkled throughout the current legacy requirements. And both limit disqualifying convictions to those that directly relate to the occupation.

The measures both won overwhelming House support – Munson’s HB 2134 was approved 85-6 and Taylor’s HB 1373 96-2.

NOW IN THE SENATE

The Senate sponsor of Taylor’s bill, Sen. Julie Daniels, R-Bartlesville, explained why she supports the licensing reform effort.

“The value is that we need to get people post-conviction back to work,” she said. “And if we’ve put up unnatural barriers to make it more difficult for them to succeed, then we face the problem of recidivism when what we really want is productive tax paying citizens.

“We want them to be able to go back to their families in some cases, support their families, support themselves.”

Daniels pointed to employment numbers being so high as another reason for trying to get more skilled laborers into the workforce.

“With such low unemployment, we’re desperate for people to apply and take these jobs,” she said. “So, if there’s a job going and there’s somebody over there who could do it, but for this problem, then we’re helping them. We’re helping the economy and we’re helping in many ways, small businesses, which we know are the backbone of the economy. And those are the ones that I think probably hurt the most when there’s low unemployment.”

Edmond GOP Sen. Adam Pugh, HB 2134’s Senate sponsor, did not respond to repeated in-person and telephone requests for comment.

VALUE IN LOWER BARRIERS

Jerry Hovarter, the Sheet Metal Workers International Union Local 124 business manager, offered perspective on the positive outcomes for those who are allowed to recover from prior convictions and become licensed members of a trade.

Sheet metal workers, for example, are generally iso-

lated from the general public and from any kind of money or securities when they are on the job. That has allowed them to be licensed even as convicted felons when other trades may not have allowed them to be licensed.

So, that particular union has extensive experience that other trades may not have had. Their results have been very good.

“Our contractors will work them,” said Hovarter. “I don’t know of any circumstances in the nine years that I have been business manager that we’ve ever had a felon that has created an issue with one of our contractors.”

Asked what the jobs did for sheet metal workers who had prior convictions, Hovarter said: “They’ve achieved something that they actually have above a minimum wage job. They have a living for their family. They’ve got insurance, not just for them, but for their family as well. They’re building on a pension, so when they’re 65 and can retire, then they, can live very well ...

“That means the world to them, whatever their past might have been.”

Photos: Brett Dickerson



“[I]f we’ve put up unnatural barriers to make it more difficult for them to succeed, then we face the problem of recidivism when what we really want is productive tax paying citizens.” – Sen. Julie Daniels

16 Key Criminal Justice Reforms Alive As Session Enters Final Two Months

BY JAN NEW

In July 2016 then-Gov. Mary Fallin issued an executive order establishing a bipartisan 21-member Oklahoma Justice Reform Task Force charged with “developing criminal justice and corrections reform policy recommendations.”

Based on Task Force review of “evidence-based” practices and evaluation of Oklahoma’s current position, the Task Force proposed 28 policies aimed at reducing growth in the prison population by 7% through 2026 – allowing Oklahoma to avoid \$1.9 billion in additional capital and operating costs.

In November 2016, while the Task Force continued its work, Oklahoma voters passed SQs 780 and 781. These ballot measures required a significant change in response to non-violent, low-level drug possession offenses. SQ 780 made simple drug possession a misdemeanor, while SQ 781 created a means of using savings from alternatives to incarceration to fund rehabilitative programs, mental health and substance abuse treatment programs.

Among the original Oklahoma Justice Reform Task Force members was Kris Steele, the former state House Speaker who now is executive director of The Education and Employment Ministry [TEEM] and director of Oklahomans for Criminal Justice Reform

[OCJR].

Last November, at the Oklahoma Chapter Annual Meeting of the National Alliance for Mental Illness, Steele previewed the principal areas for reform that would be the focus of this year’s OCJR legislative agenda to advance the purposes of SQ 780 in reducing Oklahoma’s incarceration rate: 1. reducing unnecessary prison terms; 2. keeping families together; 3. ensuring fairness in our courts; and 4. providing information to better inform future policymaking.

OCJR’s four reform areas include 14 specific reforms and 38 proposed bills sponsored by a bipartisan group of legislators. Of those measures, at least 16 bills met the Mar. 14 deadline for Third Reading and have been approved in their house of origin. The deadline for Third Reading in the opposite house is Apr. 25.

The Oklahoma Policy Institute and among several groups advocating and encouraging others to advocate for many of these same bills, including several additional measures [two in italics] not listed in OCJR’s agenda.

A summary of the 16 bills appears below. Some may be approved by the end of the session and may become law – generally when the governor signs them.

Space permits only a brief description, but if you're committed to alleviating Oklahoma's prison population problem by continuing to advocate for reform of its criminal justice system, and you want to find out more about a specific bill, go to www.okhouse.gov or www.oksenate.gov. Under the "Legislation" drop-down menu, select "Basic Bill Search" and insert the bill number as shown below. You'll be able to access history and current status, a bill summary, the actual text, and votes taken.

- HB 1019 clarifies evidentiary requirements for preliminary examinations and removes the district attorney as the arbiter determining the release of law enforcement reports prior to the hearing.

- HB 1100 defines intent to transport with intent to distribute or dispense controlled dangerous substances and also possession with intent to manufacture, distribute or dispense; establishes quantity thresholds and reduced maximum sentences for initial, second, and third convictions; establishes minimum sentences for those using the services of a person less than 18 to distribute, dispense, transport; prohibits defined activities within a 2,000-foot perimeter of public facilities; establishes sentences and fines.

- HB 1269 establishes resentencing procedures for persons, who had they committed the same crime after July 1, 2017 would have been guilty of a misdemeanor.

- HB 1294 requires a defendant be brought to court within 48 hours of custody with right to counsel at initial appearance and provision of a copy of the charge against him or her.

- HB 2009 – reduces maximum sentence for certain subsequent offenses to the maximum sentence plus one-fourth [rather than the current "twice"] the maximum sentence.

- HB 2273 modifies parole calculations, allows for discharge credits, converts collection of fines, fees, and costs to a civil action after termination of parole supervision.

- HB 2310 allows a person convicted of a crime to select either the jury or the judge to assess punishment.

- HB 2458 requires every misdemeanor warrant to include a date of expiration, provided it is no longer than three years after the date of issuance.

- *SB 249 authorizes Oklahoma district courts to establish a drug court program pursuant to the Oklahoma Drug Court Act with all funds received by a drug court being credited to the county treasurer's special "Drug Court Fund" and dedicated to its operation.*

- SB 252 clarifies the term "violent offense" and further provides that bail not be set in an amount higher than the court determines is necessary to ensure the person's return to court; requires that money bail be set only after finding that the person has the present ability to pay.

- SB 341 requires every misdemeanor warrant to

include a date of expiration, provided it is no longer than three years after the date of issuance.

- SB 421 defines intent to transport with intent to distribute or dispense controlled dangerous substances and possession with intent to manufacture, distribute or dispense; establishes quantity thresholds and reduced maximum sentences for initial, second, and third convictions.

- SB 616 requires the Pardon and Parole Board to state on the record the reason for a denial of parole; remedial actions for the inmate in preparation for the next parole consideration; prohibits a prisoner from waiving consideration for parole; and provides earning discharge credits for compliance with parole supervision.

- SB 618 assesses indigents based on discretionary income; requires the courts to waive outstanding fines, court costs and fees under certain circumstances; requires district attorneys to waive supervision fees in hardship cases; provides guidelines for modifying probation; caps community supervision programs for deferred judgments.

- *SB 694 creates a revolving fund for the Supreme Court to be designated the "Dispute Resolution System Revolving Fund comprised of funds collected from a \$7 fee and associated court costs in all civil cases.*

- SB 974 modifies court procedures for determining bail and personal recognizance; requires charges be filed at an initial court appearance and modifies penalties for failure to appear.

This is a summary of salient legislation still alive this session. Legislating is a dynamic process. Not all bills will be heard, and bill status can change daily.

If approved, a House bill [HB] is engrossed and moves to the Senate for consideration. If approved, a Senate bill [SB] moves to the House. In either chamber, a bill can be and often is referred to one or more committees. Committee amendments can further delay or stop consideration, and a Conference Committees can be appointed to achieve consensus. You can find your Legislators on the House and Senate home pages. When you call or write, share your concerns, and thank your legislators for helping to implement SQs 780 and 781.

In 2018 Oklahoma was incarcerating 1,079 out of 100,000 people while the U.S. average was 698. According to OCJR, without continued criminal justice reform Oklahoma's imprisoned population will continue to grow to as many as 31,000 by 2028.

Incarcerating more people and building new prisons will not ensure public safety. Encourage your representative and senator to continue needed criminal justice reforms, evaluate progress, and move forward as needed. Other states have succeeded. Let's continue investing in healthier, stronger, more resilient people who will help build Oklahoma's future.

Jan New is a retired public administrator of municipal, state, and federal programs, with private industry and national trade association background.



130 Years Old ... And Still Not Grown Up!

BY CAL HOBSON

Who could that be? Well, in many measurable ways, it is the cumulation of all of us today. Say what?

Yep, April 22 will mark the 130th anniversary of the Land Run of 1889, the largest and most significant in Oklahoma's history. At least 50,000 folks from locations near and far flooded into what currently are six of our 77 counties – Canadian, Cleveland, Kingfisher, Logan, Oklahoma and Payne.

By midnight on that date, both Guthrie and Oklahoma City had populations exceeding 10,000. Just one year later, the Organic Act pieced together western Oklahoma and our Panhandle, which later merged with Indian Territory creating the 46th star of these United States.

No other state – or even country – has ever been

formed in such a haphazard, herky jerky and unpredictable fashion. However, settlement here and elsewhere was clearly energized by the Federal Homestead Act of 1862 which stipulated that adults could “homestead” 160 acres for free and eventually receive title if they stayed on the land and made improvements thereto – no easy task for pioneers anywhere, but especially in the profoundly disorganized, often lawless and multi-cultural “unassigned lands.”

Making things even more complicated when statehood arrived in 1907, the governing documents of both Indian and Oklahoma Territories were scrambled together to create Oklahoma's Constitution, second largest in the world at that time and a dubious title we still hold today. Only Alabama's is

longer.

With all this mayhem as a background, it should come as no surprise that too often we still act like, think like, function like and govern like frontier times when it comes to running a 21st century state of nearly four million citizens.

Some say it's quaint. Others just crazy. What is really is ... is hard, while trying to provide key governmental services. Following are four areas that especially challenge us:

HEALTH CARE

If you get seriously – or even not so seriously – sick, you better plan on a trip to our urban health centers where medical specialists mostly can be found. Even if you just catch a bad cold, some counties have no hospital for treatment and that disturbing trend is headed in the wrong and more deadly direction.

A major reason for this situation is a distrust of the federal government, often viewed as the enemy and a punching bag, just to be disparaged and demagogued. This is especially true concerning the expansion of Medicaid, specifically written for uninsured children and the disabled.

Currently, only 14 states have not accepted its benefits and unless reversed soon the odds are we'll stay in the cellar when it comes to our health indicators such as soaring signs of cancer, diabetes, heart disease, obesity, smoking, accidental death and just about every other consequence that shortens life expectancy.

Unfortunately, on this strongly held bias toward Big Brother in DC, Gov. Kevin Stitt now sounds more like our first speaker of the House, Alfalfa Bill Murray, who despised the feds during his long and colorful career. Stitt must become a knowledgeable and progressive 21st century and accept all of our own tax money earmarked for health services ... but especially that currently blocked from rural areas.

INFRASTRUCTURE

Okies, no different than most folks, have always hated taxes and particularly those imposed on gasoline and diesel fuel. Until last year, ours was the second lowest in the nation for nearly 30 years while behaving as though the cost for building roads and bridges was also static.

Only Pennsylvania has more dangerous bridges; many of us still drive on county gravel pathways; and our little state is second in the nation in per capita turnpike stretches which cost seven times more per mile than on state operated arterials.

Surely that proves there are no free roads just as there are no free lunches ... except perhaps for lawmakers when dining with one or more of the 600 lobbyists plying their trade on 23rd Street.

Further making a mess of things, mass transit is almost non-existent, bus service in rural areas more scarce out yonder than hospitals, and subways locally are only known for sandwiches. In fairness, you can catch a train to Fort Worth to visit the

stockyards, but why would you? We have plenty of our own in south OKC and the nearby Cattlemen's Café has great cowboy grub and there you don't have to listen to Texans brag about themselves.

PUBLIC EDUCATION

Fact is, except when prices for energy are high, legislators of both parties only talk about the importance of providing, as our Constitution requires, a free public education.

A major exception was the bipartisan work that created and funded HB 1017 in 1990 which, unfortunately, the Republicans have spent the better part of the last decade undoing.

At statehood, Oklahoma had almost 3,000 school districts, during the 1950s still nearly 1,000 and today over 500. For Republicans, abolishing or reducing the number of superintendents ranks right up there with finding a cure for cancer when, in reality, the money saved would be less than a proverbial drop in the bucket.

Symbolic, yes. Substantive, no.

But this rallying cry against funding public schools fits nicely on bumper stickers in OKC and Tulsa. After all, who wants to admit that in teacher salaries and per capita student spending we usually rank down there with Mississippi, Alabama, West Virginia and probably with eastern bloc countries. It's much easier to castigate some unknown super in Soper who also coaches, drives the bus, cleans the bathrooms and subs as a teacher when necessary.

Oh yes they do.

A final word on this topic. Unbelievably, our state has seen the exodus, retirement or career change of at least 30,000 educators in the last six years. Driven by their feet, age or opportunity, teachers have spoken loud and clear that if lawmakers give only lip service to their profession, why should they continue to give their all to it?

CRIMINAL JUSTICE

We've forever been known as a "law and order" state, but generally have experienced an abundance of lawlessness and disorder even though always ranking among the Top 10 in incarceration.

Our forefathers – shoot first and ask questions later types – adopted the so-called Dakota or Badlands Code of the 1880s when designing our punishment system.

Generations of lawmakers have



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tinkered with it endlessly, usually adding longer sentences for the same offense or creating new ones often based on the crime story du jour that ran on the 6 p.m. news.

Only when money played out did decision-makers turn to alternatives such as drug treatment, education, early release or other so-called “soft on crime” options.

The end result of more than a century of “tough on crime” mentality? We rank first in the world in warehousing both men and women, the majority for non-violent offenses and yet our overall crime rate remains in Gov. Stitt’s favorite cliché: Top 10 or higher.

However, to his credit, our new leader has appointed three progressives to the Pardon and Parole Board; has said he wants second chances offered for offenders; knows education and job skills must accompany punishment and accountability; commended former Gov. Mary Fallin for her initiatives in this arena, and did hire some felons to work for his company, Gateway Mortgage.

Two additional, but much more controversial actions should be undertaken in this complicated category of criminal justice: [1] adopt a “cap” law which would freeze inmate population at 95% of capacity [there have been two in the past, but were repealed under pressure from Gov. Frank Keating] and [2] force private prison vendors to bid against each other for bodies to fill their beds.

Per diem rates will come down as the cap initiative makes a predictable impact on incarceration just as occurred previously in the mid-90s.

Texas has closed dozens of lock ‘em ups over the last 15 years. If the cowboys in Baja Oklahoma can do that, surely we can shutter one or two.

In summary, Oklahoma is a century and three decades old. Our state is also two months into the legislative session and, therefore, halfway to adjournment.

So far, Gov. Stitt has: signed a constitutional carry law and five bills to restructure, as well as strengthen, allegedly, his role in agency oversight; promised to sign any abortion bill that hits his desk; asked for more tax credits and incentives to lure businesses here; named a cabinet made up primarily of white guys from Tulsa; promised a modest teacher pay increase; met President Trump and declared he liked him.

And repeatedly, our leader has said “Top 10” more than any human in history, except Howie Cosell.

Now comes the hard part and for that context I offer the following from Mr. Webster:

Definition of saying: To say.

Definition of doing: To do.

Therefore, it’s time to do.

Just sayin’.

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

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Why It's Critical To Restore State's Earned Income Tax Credit

BY COURTNEY CULLISON

In Oklahoma's tax code, there are multiple tax breaks for high-income individuals and businesses. But just three tax credits are targeted at low-income Oklahomans, and one of those – the Earned Income Tax Credit [EITC] was slashed in 2016 to help balance the books during a severe budget crisis.

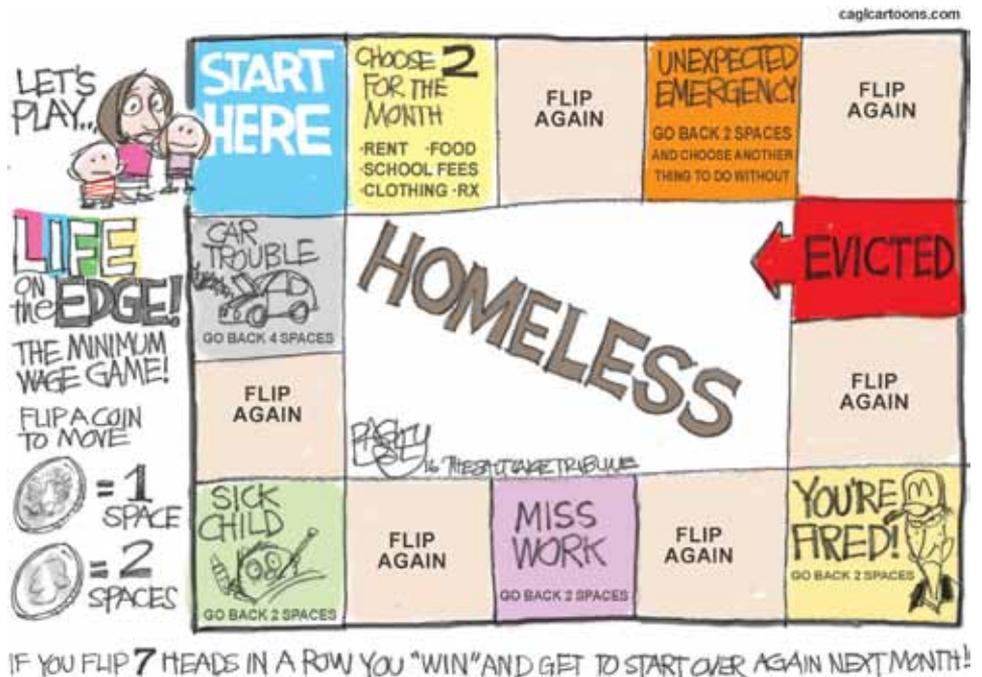
That move to undercut a key poverty-fighting tool with a long history of bipartisan support was one that many lawmakers regretted at the time and still regret today. Now that the state's budget outlook has improved and lawmakers are looking at a healthy surplus, the Legislature should focus this year on correcting that mistake by restoring the EITC.

The EITC most benefits the working poor – people who are working hard in low-wage jobs trying to get ahead and support their families. The credit is designed to encourage work and help low-income families avoid poverty. The credit grows along with a family's income up to a certain threshold and then gradually phases out so that it never becomes a disincentive to earning more money.

The state EITC is still available in Oklahoma, but it's no longer refundable – that means it doesn't help working families nearly as much as it used to. Since 2016, if a family's state EITC is larger than the amount they owe in income taxes, the balance is no longer refunded to them.

This cut resulted in more than 200,000 Oklahoma families losing some, or all, of the value of their state EITC. Statewide, low and middle-income working families lost nearly \$28 million due to the cut. That's an average of \$121 per family, and many low-wage families lost even more.

This cut is a substantial loss for low-income families, but it's also a loss for our communities. Households that receive the EITC use a large portion of their tax refunds to purchase basic needs, like food and clothing, or bigger-ticket items they've been putting off – replacing a broken appliance, for example. Those purchases put money right back into the local economy to support local businesses and generate sales tax revenue for state and local governments.

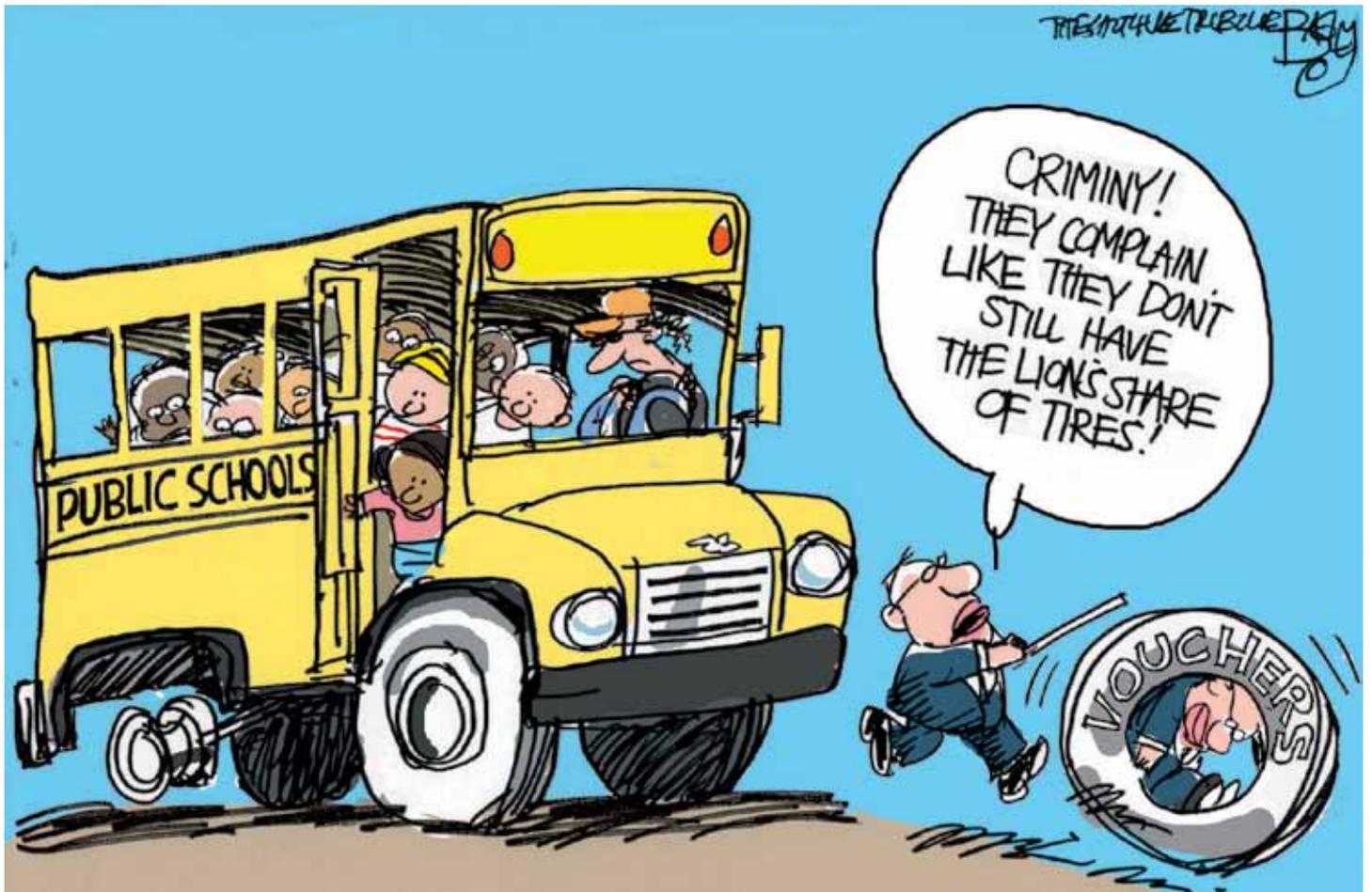


The EITC also improves the overall health and well-being of the families that receive it, according to a wide body of research. Children perform better in school and are more likely to graduate from high school. Mothers are more likely to receive prenatal care and have healthier babies. And families can save some of the money as a safety net that prevents them from slipping into poverty, alleviating a great deal of stress from parents.

The Legislature has been close to a bipartisan agreement to restore the EITC in the last two legislative sessions, but it was dropped from the final budget deal in both years. This session, a total of nine bills to restore the refundable state EITC were introduced in the Legislature. None of these bills were taken up by their respective committees before the committee deadline, but that doesn't mean this proposal is dead.

Restoring the EITC could still be included in the budget package and added to legislation that can be introduced at any time through the Joint Committee on Appropriations and Budget.

You can get more information about how cutting the EITC affected your county and what you can do to advocate for a restored EITC by going to oksays.com. Courtney Cullison is an economic opportunity policy analyst with Oklahoma Policy Institute; www.okpolicy.org.



Increasing Scholarship Credit Hurts Public Schools, Benefits The Affluent

BY REBECCA FINE

In 2011, the Legislature passed the Oklahoma Equal Opportunity Education Scholarship Act, which grants tax credits to individuals or corporations who make a donation to a scholarship granting organization [SGO] or an educational improvement grant organization [EIGO].

SGOs award scholarships for students to attend participating K-12 private schools, and while much less utilized, an EIGO awards grants to qualified public schools.

Currently, the total amount of tax credits that donors can claim per fiscal year is \$5 million; however, SB 407 By Tulsa Sen. Dave Rader would increase this amount to \$20 million. Passing SB 407 would mean backtracking on progress made last session, which increased tax dollars for public education.

Today, public schools have 54,000 more students than they did in 2008, but due to tax cuts and budget shortfalls, they have \$180 million fewer dollars to serve those students. Last year's teacher pay raise

was a great step forward, but Oklahoma schools still have far to go to be properly funded. This is not the time to take tax money away from public schools, and increasing the cap on scholarship tax credits would do just that.

Advocates for opportunity scholarship funds are not sheepish about advertising how donors can profit from scholarship donations, and some private schools explicitly market these generous tax incentives. A Christian school in Oklahoma City told prospective donors that "by redirecting your tax dollars, you can directly support scholarships ... at little, and sometimes NO, net cost to you." And this is true.

Individuals and businesses receive a 50% tax credit for a one-time donation and a 75% tax credit for a two-year donation on top of the standard state and federal charitable tax deduction. Individuals can claim up to \$1,000, married couples can claim up to \$2,000, and businesses can claim up to \$100,000.

As such, the law benefits affluent Oklahomans who

have the means to donate thousands of dollars and take full advantage of the tax credit.

Currently, a perk in federal tax law allows families earning over \$200,000 a year to actually make a profit on their donation by getting more in tax credits and deductions than they donate.

In short, the tax incentive favors Oklahoma's wealthiest families and businesses under the guise of helping those most in need.

Because opportunity scholarship funds lack basic oversight, there is a lot we don't know about the program. There is no provision that requires SGOs to report who receives the scholarships or how much they are awarded.

In 2017-2018, the state's three main SGOs granted scholarships averaging \$1,800. With private school

tuition and fees that can exceed \$10,000, it is unclear how much low-income families must contribute to make up the difference.

Proponents of SB 407 claim that the Opportunity Scholarship Fund provides a lifeline for students forced to attend a struggling public school. However, the solution to this problem is not to siphon off tax dollars that could be invested in Oklahoma's woefully underfunded public school system.

Ensuring that all Oklahoma children have the opportunity to receive a high-quality education begins with adequate and equitable funding, and increasing the Opportunity Scholarship Fund tax credit would chip away at this promise.

Rebecca Fine is an education policy analyst with Oklahoma Policy Institute; www.okpolicy.org.

America's Late, Great Public Schools

BY BRUCE PRESCOTT

Thomas Jefferson was convinced that democracy depended on a well-educated citizenry. He was right.

Our nation's founders rejected the rule of divinely ordained aristocratic elites. We were to be governed by the common consent of the people. That meant every citizen would need an education.

All of us needed to be able to comprehend the issues and weigh the opinions necessary to render an informed decision whenever we are called upon to fulfill our civic duties.

The duties of free citizens are not responsibilities that anyone should take lightly. They range from voting in elections, to holding public office, to serving on juries that make decisions over matters of life and death.

To assist our fledgling democracy, Jefferson founded the University of Virginia and developed extensive plans for making education available and affordable to all citizens.

He was especially concerned that the poor and disadvantaged be offered opportunity to rise in life by their merits – on the basis of their abilities and hard work.

In his day, the wealthy sent their daughters to finishing schools and their sons to private academies that prepared them for college.

Other children, however, if they were fortunate enough to receive an education, attended “petty schools” where, at best, they learned to read and write. Few were educated beyond the fifth grade.

Jefferson envisioned a system of public education that would take any bright, hard-working young person all the way through college – even if their parents could not afford it.

Since the days of Jefferson, public education in America has advanced the values of both equality and democracy.

Our best educators have advocated giving all children an equal chance to learn the skills by which they can elevate themselves by their own abilities and hard work.

Our finest teachers have worked tirelessly to transmit to each generation the values that sustain our democracy – freedom of conscience, freedom of expression, respect for minorities and equal rights for all persons.

Public education in America has done a remarkable job.

For two centuries, it has been teaching the children of tens of millions of immigrants, speaking hundreds of foreign languages, how to speak, read and write in English.

Schools have been the single most effective institution in our society for equipping immigrants and the children of immigrants with the skills necessary to find a place in our society.

They are one of the few institutions consistently encouraging immigrants, minorities and the disadvantaged to aspire to accomplish more than had previously been thought possible within America's network of social, civil and economic systems.

Public education's success may also prove its undoing.

When this nation was being torn apart by racial divisions, the schools were pressed into service to solve our differences.

The courts ruled that “separate, but equal” schools were inherently “unequal.” They were. So, segregation ended and all of America's public schools were integrated.

Soon, after only a few courts had to issue orders sending school buses to collect children and integrate schools, it looked like the public schools had solved our racial problems.

In places they did, but in too many places the problem merely took on another guise.

Religion in the South played a big role in segregation. In time, it learned to shift the frame of reference for its beef with public education from race to culture.

After integration, middle-class whites moved to the suburbs and took the tax dollars that paid for public education with them.

At the same time, conservative churches started private religious schools; an entire home-school movement blossomed.

Meanwhile, affluent whites went on putting their children in private academies and complained all the more about the tuition they were paying to see that their children had the advantage of a superior education.

After a while, minorities began advancing socially and started moving to the suburbs where the schools were funded and still considered “good.”

Then, demands for school “vouchers” began to swell and more conservative churches started private religious schools.

As middle-class suburban schools became more and more integrated, political movements were launched to protest taxes, starve the schools of funding, take control of school boards and regulate public school systems into oblivion.

Through it all, “conservatives” have droned on and on relentlessly about America’s supposedly failing public schools.

Today, calls for “vouchers” can be heard everywhere you turn. If present trends continue, “vouchers” for private education will soon be replacing the system of public schools that our nation has been developing for two centuries.

A “voucher” system will dramatically change the character and values of education in America.

No market exists for “secular” schools. Schools that teach the values of democracy, equality and pluralism are what Americans have been told are failing.

Most private religious schools have no desire and little incentive to teach democratic values.

Their fundamental concern is to assure that their particular religious worldview prevails through the clash of cultures that is already taking place within American society.

Most elite private schools already give little more than lip service to egalitarian values.

Their fundamental concern is to assure that the children of their affluent clients acquire whatever skills, attitudes and aptitudes are necessary to sustain and preserve their financial and social advantages.

Neither system of voucher schools bodes well for the future of public education or for democracy.

The confluence of wealthy elites and religious culture warriors that currently dominate our political life charts a path with a trajectory for education that

differs from what most people expect.

Americans will probably have to learn by their own bitter experience that conflict between religions can prove to be much more intransigent and explosive than differences over race and ethnicity.

Editor’s Note: Norman resident Dr. Bruce Prescott is a member of the Oklahoma Observer Advisory Board and former executive director of Mainstream Oklahoma Baptists. This essay was first published by Ethics Daily in 2006 and again recently during Public School Week. We wanted to share it with our readers because it is as timely and important as when written 13 years ago.

Making Sense

BY SHARON MARTIN

On a well-meaning education program, a reading expert stressed why a child should be reading on grade level by grade three: too many of the kids who cannot eventually drop out of school. What the expert missed was that few schools offer reading remediation after third or fourth grade. Too often there’s a get-it-now-or-forget-it attitude.

The panelists discussed clever ways parents could prepare their children for reading. They had no advice, however, for parents who are poor readers. Attitudes and fears get passed down.

Reading and family experience are intertwined.

The expert offered her advice on explicit phonics instruction. I’m all for phonics, but some kids will never get it, no matter how explicit the instruction.

My son figured out phonics just by reading and being read to. Before he got to school, I could decipher his phonetic writing.

My daughter never got it, despite all the little books we created, despite all our snuggly reading sessions. She is why I returned to graduate school to become a reading specialist. I had proof that two kids with the same instruction do not respond in the same way.

Not getting phonics didn’t stop her from learning to read.

Learning is messy. Learning to read is more complicated for some students than it is for others.

Here are a few things that I wish the panelists had said:

1. Students come with their own learning styles. What works for one kid won’t necessarily work for the kid in the next seat.

2. Students come to school with a vocabulary. Those who enjoyed lively conversation and who

heard and handled dozens of books before they came to school have a larger vocabulary, as much as four times larger.

3. Vocabulary is key to understanding. It should be taught in every class, in every subject. Every teacher is a reading teacher.

4. Reading books and stories aloud benefits students of all ages. Students who can't decode because of a reading disability or who are playing vocabulary catch-up benefit most when the teacher [or a good guest reader] reads aloud.

5. Highly visual students, students with certain reading disabilities, and the ADHD kids need a physical copy of the material during read-aloud so they can follow along with their eyes.

6. Some of the brightest minds in the classrooms struggle with decoding. When the teacher reads aloud, the dyslexic kids are often the first to get the

point, understand the nuances, and make connections.

7. Likewise, some of the best decoders have understanding issues. They benefit most from discussions about the text. Asking students to respond to text orally or with a couple of written sentences will help the teacher catch misunderstandings.

8. Reading intervention should not stop after elementary school. Sometimes it is a ninth grader who finally gets it. Sometimes it is an old woman in a nursing home who cries as she says, "I never thought I could learn to read."

Oilton resident Sharon Martin's latest book, Not A Prodigal, is available through Barnes and Noble. Her recent children's book, Froggy Bottom Blues, can be purchased in hardcover or paperback from Doodle and Peck Publishing and in paperback from Amazon.

'Seven Buds For Seven Brothers'

BY JOSEPH H. CARTER SR.

In the tiny town of St. Louis, OK [population 158], four of Rich Stanley's sons "grew up in poverty" in a two-bedroom trailer while their father helped "expand the Southern Baptist Church. Mr. Stanley was committed to Christianity."

Meanwhile, "the children's mother had to drag all of them to the church every morning to collect drinkable water ... "

The family later moved into a three-bedroom house in nearby Shawnee where they "had tap water but often couldn't afford to pay the electric bills." Even so, five more children were born before Mr. Stanley left in 1997.

Using select quotes for clarity, the three paragraphs are this writer's condensed version of some 600 words of vivid reporting within the much longer Style section lead story in the March 7 New York Times.

Pulling no punches, the Times spotlights the life of a real family living in religious, rural Oklahoma – the state that's afloat with oil and gas that has produced multitudes of millionaires.

Meanwhile, millions of underclass [15.8%] have struggled with poverty amid limited public services and underfunded education. Oklahoma ranks eighth among the most religious states, based on the recent Census.

While informed readers worldwide can detect the tragic reality, the Times story doesn't go into such stark contrasts within Oklahoma.

Reporter Alyson Kreuger instead colorfully relates the early Oklahoma years of the seven Stanley brothers – now grown ups – whose Colorado company now grows marijuana and daily produces 50,000 bottles of CBD.

"Seven Buds for Seven Brothers" sings the head-

line in the dazzling half-page color photo of the seven macho Stanley men standing tall, older and richer amid marijuana plants. Their Boulder, CO firm – dubbed "Charlotte's Web" – expects sales over \$170 million this year. It is listed with investors and its CBD is sold in 3,700 stores nationally.

Acclaimed the biggest producer in the world, the company's lone product is cannabidiol [CBD], a marijuana derivative.

CBD is part of the juice squeezed from the flowers and leaves of the hemp plant – the part that doesn't produce a high but rather is acclaimed for medical uses. The firm guarantees its CBD contains less than 0.3% THC, the intoxicating part of marijuana. Others talk about its health benefits.

The Stanley brothers are Josh, 43; Joel, 39; Jesse, 37; Jon, 36; Jared, 32; and J. Austin, 27. Their family also includes four sisters and their mother, Kristi Stanley Fontenot, is 65.

Their father now drives for Uber in Denver. He uses Charlotte Web five or six times weekly and is quoted by the Times as saying "it has made a noticeable difference in my cognitive thinking and joint health." Rich Stanley was not quoted about religion.

Josh, the CEO, has faced "protesters, many from a right-wing Christian coalition group, holding signs saying Jesus was against him." Josh also had problems because banks wouldn't lend money.

Gaining other sources for blessings, last September in Canada, Charlotte's Web raised \$100 million in an initial public offering.

Joseph H. Carter Sr. is author of President or Precedent: Carl Albert's History Changing Choice [Amazon], Never Met A Man I Didn't Like: The Life and Writings of Will Rogers [HarperCollins] and The Quotable Will Rogers [Gibbs Smith Publishers].

HOW LAWS ARE MADE

HERE'S A SACK OF MONEY TO PASS THIS BILL THAT WILL MAKE ME EVEN MORE MONEY.



THIS IS CALLED "QUID PRO QUO" AND IS ILLEGAL

WRONG!

HERE'S A FREE SACK OF MONEY.

HERE'S A BILL THAT WILL MAKE ME... ER... EMBODIES FREE MARKET PRINCIPLES!



THIS IS CALLED BUSINESS AS USUAL

CORRECT

'SHOW ME' ETHICS

What Oklahoma Can Learn From Clean Missouri

BY JOHN WOOD

More than 20 years ago, during my more adventurous youth, I remember finding myself anxiously waiting with my friend in a car just outside the busy Juarez bus station.

We were there to take a long bus ride to Puebla, Mexico the next day. Luckily, my friend was fluent in Spanish as a police officer requested a bribe. I didn't exactly have to tax my rusty eighth-grade Spanish abilities to decipher the officer's gesticulations on how to properly palm the \$20 bill.

I remember this like it just happened because it was rather shocking to me. I guess when it gets real, you remember it.

Readers will no doubt point out that Mexico has a palpable history of corruption, backed up by Transparency International's Corruption Perception Index [CPI] rating as 138th worst, as opposed to the five least corrupt: Denmark, New Zealand, Finland, Singapore, and Sweden.

Unfortunately, we in the United States have nothing to boast about: we are No. 22 – right behind France and down four spots from three years ago. Moreover, a State Integrity Investigation ranked Oklahoma 40th nationally in its comprehensive assessment of state government accountability.

COMMONPLACE BRIBERY

Lest we forget Oklahoma's history, from the early 1900s to about 1980, bribery was commonplace statewide.

Just a decade after my encounter with a relatively surly Mexican police officer, IRS agents challenged an Oklahoma lumberyard owner, who informed the IRS about how her county commissioner was defrauding the state government. She later became a state informant.

Through months of undercover work, investigators nabbed all of the vendors involved in the scheme and, initially, the names of nearly all 231 of Oklahoma's county commissioners who were taking kickbacks

from bogus purchases. For years, these commissioners made a dime for every tax dollar spent buying heavy equipment, lumber, paving, gravel and numerous other materials and supplies.

“And, why not?” they explained to the FBI. As a full-time county commissioner, by God, “the job doesn’t pay enough.”

Not surprisingly, this scandal was considered “the largest local corruption investigation in American history,” according to *Bad Times for Good Ol’ Boys: The Oklahoma County Commissioner Scandal* by Holloway and Meyers. I’m sure Ayn Rand would have applauded such bold “rational selfishness” on display in most of Oklahoma’s first century.

Not long after, the largest corporate fraud case in U.S. history brewed mostly under our noses: a former Southwestern Bell attorney was convicted of bribing Oklahoma Corporation Commissioners [OCC] during a rate case 25 years ago. The OCC favored the deal 2-1. Commissioner Bob Anthony, who just won re-election last year, was the lone dissenting voice and an FBI informant to boot. Anthony was offered a \$10,000 “contribution” – can’t we just call it a bribe? – but didn’t take it. Thanks for your courage, Bob!

The Tulsa Beacon reported that Oklahoma citizens, just three years ago, sought to overturn the Corporation Commission’s decision in order to return more than \$16 billion, including compounded interest, in excess revenue created through the Southwestern Bell [now AT&T] bribery scandal. That’s around \$10,000 per person, according to *Oklahomans Against Bribery*.

The case was appealed but it was not reopened at the state Supreme Court level and the U.S. Supreme Court ignored the plea. In response, Anthony said: “The Supreme Court has redefined the ‘Oklahoma Standard’ to mean fraud and corruption are simply how business is done in this state.”

I guess the status quo wins again.

In both these major scandals, it came down to stealing taxpayer dollars. For county commissioners, it was skimming off the top. For Southwestern Bell, now AT&T, it was bribery to leverage our taxpayer dollars again.

SERVING THE PEOPLE?

Nearly a decade ago, what frustrated both opposite extremes – Tea Party and Occupy Wall Street – were both public and private institutions that were seen as overstepping their bounds, driven by self-interest and no longer serving the “American people.”

There have been various other major Oklahoma corruption scandals: Oklahoma’s first governor, Charles Haskell, was indicted while in office by a federal grand jury in Tulsa. He avoided trial on charges that he only stole land from the Creek Nation. Wow ... that worked? Times certainly have changed.

More recently: the 1960s Supreme Court bribery scandal; former Gov. David Hall’s 1975 extortion and bribery conviction; the 1993 campaign violation guilty plea of then-Gov. David Walters; the 1994 brib-

ery conviction of former Corporation Commissioner Bob Hopkins; the 2003 federal campaign fraud guilty plea of former state Sen. Gene Stipe; the 2006 embezzlement and 2009 bribery convictions of former Insurance Commissioner Carroll Fisher; and the 2008 corruption conviction of then-State Auditor and Inspector Jeff McMahan.

Don’t get me started on GOP Rep. Randy Terrill’s ill-fated offer of a high-paying state job to Democratic Sen. Debbe Leftwich. She took it knowing it would open up and effectively flip her seat.

Not surprising that the public’s perception of government is generally negative. The Pew Charitable Trust reports we trust Congress only 18% of the time. That’s pretty low historically.

Research shows that cynicism about government is widespread as people lament the influence of money in politics – big contributors laser focused on shaping laws and policy to their benefit. When this money creates power and it corrupts, the scandals bubble up. We can do better.

MODELING MISSOURI

Perhaps conservative Missouri could act as model of transparency.

As you might recall, Missourians last November approved what they call Constitutional Amendment 1, nicknamed Clean Missouri. The vote wasn’t even close – 62% to 38%. In some circles, that would constitute a mandate.

Clean Missouri’s website says its goal was to create a better Missouri – a “more transparent” state government by limiting “the power of big money in our legislature” and ensuring “we’re able to hold legislators accountable when they fail to act in the public interest.”

The Clean Missouri law does five things to clean up government:

- Requires that legislative records be open to the public.
- Eliminates almost all lobbyist gifts beyond \$5.
- Requires politicians to wait two years before becoming lobbyists.
- Creates a bipartisan commission to fairly redraw legislative boundaries.
- Tightens campaign contribution limits.

Oklahoma could certainly follow Missouri’s lead – it struggles in these areas, too. Take the Open Meetings/Records Act, for example.

In December 2014, the Tulsa World and its then-reporter Ziva Branstetter filed a lawsuit for access to public records related to the botched execution of Clayton Lockett.

The governor’s office and the Department of Public Safety violated the Oklahoma Open Records Act by failing to provide timely access to the records, withholding them for more than two years. Delay is essentially denial, according to the courts.

A 2007 National Freedom of Information Coalition study graded state responsiveness to FOI requests, giving Oklahoma 41 points out of a possible 100, a

letter grade of “F” and a ranking of 38 out of the 50 states.

LIMITING LOBBYISTS’ GIFTS

Also, consider the growth of lobbyist gifts to state lawmakers – a record \$485,000 in 2017. Unlike dozens of other states, Oklahoma doesn’t require lobbyists to reveal what bill or topic they are discussing when wining and dining state legislators. Lobbyists also don’t have to list which client they are representing when they buy legislators meals or drinks or provide gifts ranging from lapel pins to Oklahoma City Thunder tickets.

By the way, the number of lobbyists in Oklahoma has grown from 375 to 411 in recent years. The problem isn’t going away.

Missouri now limits each gift to \$5. You can’t buy much with that beyond a trinket. In Oklahoma that would mean no more Thunder tickets or free meals and booze to influence our legislators.

Like Missouri, Oklahoma unfortunately has a “Revolving Door.” Former Reps. Pat Ownbey, Josh Cockroft and Bobby Cleveland registered as lobbyists within a few months of finishing their terms last November. These newly minted lobbyists are arguably among the most powerful in the state thanks to their familiarity with and connections to their former legislative colleagues.

What’s particularly troubling is that the Ethics Commission voted 5-0 last year to establish a “cooling-off” period, but the Legislature blocked it. It’s understandable a person who had been making \$35,000 as a legislator would want a six-figure salary once leaving office, but is it right?

POLITICIANS CHOOSING THEIR VOTERS

When it comes to gerrymandering, Oklahoma has

a bipartisan redistricting commission, but it only assembles if the Legislature can’t agree on the new lines by the post-census deadline. Like that’s not going to happen – especially with Republican supermajorities in both chambers!

We need to take the Legislature out of the process and establish a permanent, non-partisan redistricting commission that represents rank-and-file Oklahomans, not the political elite. That would ensure we, the people, choose our representatives, not the other way around.

In Oklahoma, it might not be possible to have equal party representation in the Legislature, but we can at least make it more closely reflect Oklahoma’s actual population. Democratic representation is under water in both chambers – 23% of House and 18% of Senate members – compared to 38% of registered voters.

Add in nearly 15% registered as independent or Libertarian and you discover 53% of registered voters are not Republican. Makes you think we could do better.

Winning politicians from both parties do not question how they got there and how they end up staying there. That seems to be our job. I believe that faith in the electoral system can be restored as voters see that candidates are accountable to them, rather than to wealthy special interests.

Why can’t Oklahoma follow Missouri? Clean Oklahoma, anyone?

Missouri reforms deserve to be unpacked. I will elaborate on each in the coming months. Watch this space.

John Wood is an associate professor of political science at the University of Central Oklahoma. The views he expresses are his and not necessarily the university’s.

Absent In Oklahoma: Pharmaceutical Phairness

BY DAVID PERRYMAN

In 2017 there were approximately 464 independent community pharmacies in Oklahoma. Today there are fewer. I know that because one community in the rural house district that I represent lost its pharmacy last year. There were six and there are now five. That represents a decrease of over 16% in one house district alone.

Some would say that businesses closing in rural Oklahoma are simply a way of life and a sign of the times. However, when a country drug store that has existed for generations as one of the primary businesses in a community closes, the severity of the impact on the town begs answers as to why.

Whether a drug store sells gifts, dry goods, or any of a miscellany of non-pharmaceuticals or even if it

houses a fountain or snack bar, the driving force behind its existence and the primary generator of foot traffic is the filling of prescription drugs and other pharmaceuticals.

Of course, this is America and our economic system is based on concepts of supply and demand and theoretically based on the premise that well managed businesses that compete in the marketplace will succeed while others will fall by the wayside.

However, underlying those concepts are assumptions of fairness and equality. That is, an assumption that retailers have access to wholesale markets, pricing structures and incentives that are non-discriminatory and do not undermine a retailers ability to compete.

TYRANNOSAURUS RX



DAVE GRANLUND © www.davegranlund.com

For years, Oklahoma's community pharmacists have sought more transparency in the wholesale price that they pay and the reimbursements that they receive. While this is a problem that is limited to Oklahoma retailers, Oklahoma's elected officials, including the legislature, the governor and the state's Insurance Commissioners have failed to level the playing field, to the detriment of locally owned pharmacies.

As a result, the cost of medications for both small town Oklahoma pharmacies and the citizens they serve continues to skyrocket as out-of-state Pharmacy Benefit Manager [PBM] corporations make multi-billion-dollar profits. PBM corporations continue to squeeze local pharmacies by inequitable drug pricing and a reimbursement process that favors certain large pharmacy chains often owned by the same parent corporation as the PBM itself.

Each time an attempt is made to require the mega-corporations to allow local pharmacies to purchase products at the same price as the favored corporate drug retailers, the PBM's and their lobbyists threaten that the action will make drug prices skyrocket. Newsflash ... inaction has not resulted in any price decreases.

PBMs continue to alter pharmacy contract terms, suppress reimbursement rates to community phar-

macies and redefine what pricing benchmarks are utilized to reimburse pharmacies for their services. This session Oklahoma community pharmacists are back at the state Capitol respectfully requesting support for HB 2632 and SB 841. These bills take needed steps to ensure a transparent and sustainable medication delivery system that is not tilted in favor of mega-corporations and against our local pharmacies.

Time and again these out-of-state PBMs oppose small, business-friendly legislation in Oklahoma, with their claims that any transparency will result in cost increases to the system.

When these baseless scare tactics prove to be successful the only result is that Oklahoma small businesses make less, the cost of medication for patients increases, yet the PBMs continue to record multi-billion dollar profits.

The result is invariably the closing of community pharmacies that are essential to Oklahoma's economy. When the playing field is level, community pharmacies and their excellent customer service with a personal touch results in Pharmaceutical Phairness, stores stay open and Oklahomans win.

Chickasha Democrat David Perryman represents District 56 in the Oklahoma House and serves as minority floor leader.



Environmental Issues ‘Irrelevant’ In OKC’s Raid On Kiamichi Water

BY MIKE W. RAY

To southeastern Oklahomans, the Kiamichi River is a source of recreation and inspiration.

The river begins in eastern LeFlore County – its headwaters are in the Ouachita Mountains near the Oklahoma/Arkansas state line – and flows in a south-southeasterly direction to its confluence with the Red River below Hugo Lake.

Along its 170-mile meandering route the river attracts visitors and sportsmen to cabins and campgrounds. The river is popular with hunters and anglers, canoeists and kayakers and rafters, urban dwellers seeking some quiet solitude, a place to commune with nature and to relax after a hectic work week.

The Kiamichi is a major economic development engine in southeastern Oklahoma.

But the river’s aesthetic qualities, the wildlife it sup-

ports, and the tourists and sportsmen it attracts were virtually ignored by the Oklahoma Water Resources Board on Oct. 10, 2017 when it granted Oklahoma City a stream water permit to siphon up to 115,000 acre-feet – nearly 37.5 billion gallons of water annually – from the Kiamichi River and Sardis Lake, an impoundment of a tributary of the river.

Those facts are acknowledged in legal briefs the OWRB and the City of Oklahoma City filed on last month in Pushmataha County District Court. [You can read the briefs at <http://www.oscn.net/dockets/GetCaseInformation.aspx?db=pushmataha&number=CV-2017-32&cmid=38184>]

The municipality and the state agency were responding to a “brief in chief” that Norman attorney Kevin Kemper filed on Jan. 17 in support of the lawsuit he brought against Oklahoma City and the Water Resources Board on Nov. 8 in behalf of seven indi-

viduals who own land or businesses along the river.

The petitioners – Dale Jackson of Clayton; Justin Jackson; Debbie Leo, dba Miller Lake Retreat; Larinda McClellan; Louise A. Redman Trust; Walter Myrl Redman; and Kenneth Roberts, a Tulsa University professor – have asked the Pushmataha County District Court to overturn the OWRB decision or order a rehearing “to receive and consider more evidence.”

Environmental Impacts Are ‘Not Considered’ By OWRB When Evaluating An Application

The Oklahoma Supreme Court “mandates the consideration of environmental factors when the OWRB considers a permit application,” Kemper wrote in his brief in chief.

The OWRB and OKC, though, argued that Kemper misinterpreted state statutes.

Oklahoma stream water law “sets out four elements that must be satisfied” for the OWRB to approve an application to take and use stream water:

- Unappropriated water must be available in the amount requested.
- The applicant must have a present or future need for the water.
- The applicant intends to put the water to beneficial use.
- The proposed use does not interfere with domestic or existing appropriated uses.

Environmental impacts “are not a statutory element to be considered” by the Water Resources Board when approving an application, the agency asserted.

Kiamichi Known For ‘Aquatic Biodiversity’

Among those who testified in August 2017 during a hearing on OKC’s application, which was conducted by Administrative Law Judge [ALJ] Lyn Martin-Diehl at the OWRB headquarters in Oklahoma City, was Dr. Caryn Vaughn of the University of Oklahoma. She “has worked extensively” in the Kiamichi River Basin and is “a renowned expert” about freshwater mussels, Kemper said.

The Kiamichi River is “known for its high aquatic biodiversity,” Vaughn wrote in 2000. The river is home to more than 86 species of fish and 30 species of freshwater mussels. Mussels provide important habitat and other services for other river organisms, such as insects and fish, Vaughn wrote in 2006.

While testifying before the administrative law judge, Dr. Vaughn admitted “that she has not conducted an instream flow study” of the Kiamichi River and “did not offer an opinion on what a proper instream flow would be, based on studies conducted by others,” the OWRB pointed out.

The petitioners also erred in criticizing the ALJ for excluding a letter from the U.S. Fish and Wildlife Service [FWS] dated 10 April 2017, Oklahoma City asserted.

The FWS “submitted a letter raising concerns about the environmental effects” of the water use permit sought by OKC “on native species and habitats that are protected as federal trust resources of the Kiamichi River; species of conservation concern,

i.e., variably recognized vulnerable species; and sport species.”

The FWS sent another letter to clarify that its previous message “was submitted as comments on the pending application and not as a protest or objection to the permit,” and the FWS “explicitly acknowledged that it was not a party to the proceeding,” Oklahoma City noted.

OKC Water Withdrawals ‘Irrelevant’ Because Kiamichi Is Not ‘Scenic’ Or ‘Outstanding’

The petitioners were wrong when they claimed that environmental factors such as aesthetic value, aquatic wildlife, and tourism constitute “beneficial uses,” Oklahoma City wrote. In this case, beneficial use considerations “primarily arise in determining whether the City intends to put the water to beneficial use.”

Further, OKC argued that ensuring adequate instream flow to support mussels in the Kiamichi was “irrelevant” because Oklahoma’s statutory requirements for approval of a stream water application “do not include consideration of the potential environmental effects of a proposed permit” on streams such as the Kiamichi River “that have not been designated as a ‘scenic river area’ or ‘Outstanding Resource Waters.’”

A Tulsa attorney thinks a federal judge might disagree.

Jeopardizing Endangered Species May Yield Federal Lawsuit

The mussel population in the Kiamichi River has declined markedly since Sardis and Hugo lakes were built [1982 and 1974, respectively], research indicates. Two of those mussel species are “federally designated endangered species: the Ouachita rock pocketbook ... and the scaleshell,” according to Tulsa attorney David Page. “A third endangered mussel species, the winged mapleleaf ... has also been reported to inhabit the [Kiamichi] River, but its current status there is uncertain,” Page continued. These freshwater mussel species “are only able to inhabit flowing



water systems [streams] of a certain size, with seasonal changes and permanence of living conditions.”

Page wrote those observations in a “Sixty-Day Notice of Intent to Sue for Violations of the Endangered Species Act” dated Dec. 19, 2018. The notice was mailed to Julie Cunningham, executive director of the Water Resources Board; Oklahoma City Mayor David Holt, who also chairs the Oklahoma City Water Utilities Trust; then-Gov. Mary Fallin; Ryan Zinke, then-Secretary of the U.S. Department of the Interior; the deputy director of the U.S. Fish and Wildlife Service; Bill Anoatubby, governor of the Chickasaw Nation, and Gary Batton, chief of the Choctaw Nation of Oklahoma.

Page said he intends to file his lawsuit in the Federal District Court for the Eastern District of Oklahoma, at Muskogee.

The two tribal leaders were included because in 2016, after five years of litigation and negotiation, the city of Oklahoma City, the state of Oklahoma, plus the Choctaw and Chickasaw tribes, signed a Settlement Agreement that “resolve[d] disputes relating to Sardis Lake and the Chickasaw Nation’s and Choctaw Nation of Oklahoma’s claims to water and to water rights ... ”

In a footnote to its legal brief, Oklahoma City pledged that “a more detailed mussel survey will be completed prior to final siting” of the point at which water from the Kiamichi River will be diverted to Oklahoma City’s water transportation system in southeastern Oklahoma.

Groundwater Available To OKC Was Not Considered By OWRB

OKC and the OWRB both also acknowledged that the water board “may at its discretion consider alternative sources” of water, such as subterranean groundwater.

ALJ Martin-Diehl, though, wrote in her “Findings of Fact and Conclusions of Law” that Oklahoma City “has shown that groundwater of good quality is unavailable in the central Oklahoma area from which to draw needed water.” And in its latest legal brief, the OWRB wrote that OKC “demonstrated that there are no other sources of water that are sufficiently reliable to meet the needs of the City and its customers.”

The OWRB declined to respond when asked whether any evidence was presented that Oklahoma City performed any kind of detailed research to calculate how much groundwater “of good quality” is available in the central Oklahoma area.

A report prepared in 2012 by Kyle Murray, a hydrogeologist with the Oklahoma Geological Survey, related that the Central Oklahoma Aquifer “has an extent of approximately 1.85 million acres [2,890 square miles]” underlying all of Cleveland and Oklahoma counties and parts of Canadian, Kingfisher, Lincoln, Logan, Payne, Pottawatomie, and Seminole counties.

However, the “effective recharge area” of the aquifer is closer to 1.28 million acres, and typical annual precipitation in that area would result in almost 198,800

to 396,500 acre-feet of recharge to the aquifer each year, Murray wrote. [An acre-foot is 325,851 gallons of water, enough to inundate one acre of land to a depth of one foot.]

Some wells in the Central Oklahoma Aquifer are tainted with naturally occurring arsenic. Nevertheless, much of the aquifer is potable. Several municipalities, including Chandler, Del City, Edmond, Guthrie, Midwest City, Nichols Hills, Norman and Shawnee, “draw some portion of their water from the Central Oklahoma aquifer,” Murray wrote in his report.

Because fresh water is “readily available” from Sardis Lake and the Kiamichi River, “it is not necessary to consider the availability of groundwater as an alternative source” for the water sought by Oklahoma City, Martin-Diehl wrote.

The OWRB declined to answer when asked why it was “not necessary to consider the availability of groundwater” when evaluating Oklahoma City’s application.

Model Used Data From 48-93 Years Ago

Another point of contention is that the OWRB relied on “the Kiamichi Model” when evaluating and approving Oklahoma City’s stream water permit.

Requests submitted to the OWRB on three separate occasions for information about the Kiamichi Model were ignored, and a similar request submitted to Oklahoma City was refused.

Nevertheless, Oklahoma City’s 61-page response on Mar. 18 to Kemper’s lawsuit provides several essential details.

The Kiamichi Model is “dynamic hydrology model software” created by CDM Smith. It incorporates [1] U.S. Geological Survey hydrological data, including flow records from “the historical Belzoni gauge” that was located downstream from Moyers Crossing but later was inundated by Hugo Lake, [2] basin precipitation runoff, and [3] evaporation from Sardis Lake and offsetting precipitation on the reservoir.

The Belzoni gauge was employed for the critical variable of flow data “because it provided 45 years of varying historical data between 1926 and 1971,” predating construction of Sardis Lake and showing “how the Kiamichi River basin existed under natural stream conditions,” Oklahoma City reported.

Kemper observed that data for the Kiamichi Model was collected “well before Sardis Lake was built and started to affect the data downstream.” Thus, the “primary data” for Oklahoma City’s stream water permit “is over 40 years old.” Kemper also contends that the Kiamichi Model should have been developed with data collected “within five years” of the OWRB decision in October 2017.

Sardis Built For Flood Control, Water Supply

Sardis Lake, an impoundment of Jackfork Creek, was constructed in Pushmataha County by the U.S. Army Corps of Engineers “for the primary purposes of flood control and water supply,” OKC wrote in its legal brief. The reservoir has been considered as a “water supply alternative” for Oklahoma City “since

at least 2003” and became “part of the City’s water supply portfolio” in 2010, when the Oklahoma City Water Utilities Trust inked a storage transfer agreement with the OWRB.

The engineering firm CDM Smith in 2009 identified Moyers Crossing, about 31 miles south of Sardis Lake on the Kiamichi River, “as the best of three delivery alternatives for Sardis Lake water,” OKC recalled in its brief. Water from the Kiamichi would be siphoned from one of five diversion points on the river, according to an exhibit attached to OKC’s legal brief.

OWRB Claims Kiamichi Provides 235 Billion Gallons A Year

The 2016 Settlement Agreement mandates that OKC must allow at least 50 cubic feet per second [32 million gallons per day] of river water to flow downstream past the Moyers Crossing diversion point, for local use. The city “will install measuring devices” at that location, the OKC brief states.

Also, a condition for receiving its stream water permit mandates that Oklahoma City is prohibited from diverting more than 250 cubic feet per second [nearly 81.5 million gpd] “at any time.”

During dry periods, when the river’s flow at Moyers Crossing is low, Oklahoma City will be required to withdraw water from its own storage in Sardis Lake rather than directly from the Kiamichi River. OKC concedes in its legal brief that there is not a constant flow of 50 cfs in the Kiamichi at Moyers Crossing “during extreme droughts.”

Interestingly, the OWRB’s response brief file on Mar. 18 states that Oklahoma City’s entire 115,000 acre-feet allotment “can be satisfied by the 721,258 acre-feet of water at the diversion point ... ” The agency provided no explanation how it arrived at that number.

OKC Projects ‘Increased Demand’ By 2060

Oklahoma City is a water retailer and wholesaler that draws water from two systems: the North Canadian River System and the Southeastern Oklahoma System. Sources of water in the North Canadian River System are Canton Lake in northwestern Oklahoma, and lakes Overholser and Hefner in Oklahoma City. The Southeastern Oklahoma System is comprised of Atoka and McGee Creek lakes, whose water is processed at OKC’s Lake Stanley Draper Water Treatment Plant.

The two systems provide the city with “a total dependable yield” of 181,667 acre-feet of water per year. However, the North Canadian River System has experienced “a decline in dependable yield that needs to be replaced,” OKC reported.

The Oklahoma City Water Utilities Trust supplies treated water to Oklahoma City, The Village, Warr Acres, Blanchard, Cashion, Newcastle, Purcell and Tuttle.

The OCWUT “anticipates additional demand” for treated water from nine regional cities and water providers “to meet some of their future growth needs and to replace a portion of their current supplies” be-

cause of “increasingly stringent federal water quality standards. Those entities include the Central Oklahoma Water Resources Authority, Chickasha, Del City, Edmond, Midwest City, Moore, Norman, Seminole and Shawnee.

Consequently, by 2060 Oklahoma City “will face an increased demand for water in the amount of” 115,225 to 184,516 acre-feet per year, the city projects.

Mike W. Ray spent 45 years as a journalist on newspapers in Oklahoma and Texas, two years in public relations with Southwestern Bell Telephone, plus 19 years as a media director at the Oklahoma House of Representatives.

Will ‘Power’

BY JUAN COLE

Scotland added another 6% of green energy in 2018, so that nearly 75% of its annual gross electricity consumption came from renewables, chiefly wind, solar and hydro. Scotland’s population is 5.4 million. The increase in green energy came mainly from new offshore wind.

New offshore wind also allowed the UK to get 33% of its electricity from renewables in 2018. Although the UK is far behind Scotland in the green energy transition, it is nearly 12 times more populous, at 66 million, and so for it to get fully a third of its electricity from green sources is in real numbers a much bigger deal. British carbon emissions fell 3% last year.

Scotland and the UK have further big plans for new floating offshore wind turbines a technology pioneered off the coast of Scotland by Shell. Britain as a whole wants to get 30% of its electricity from wind alone by 2030.

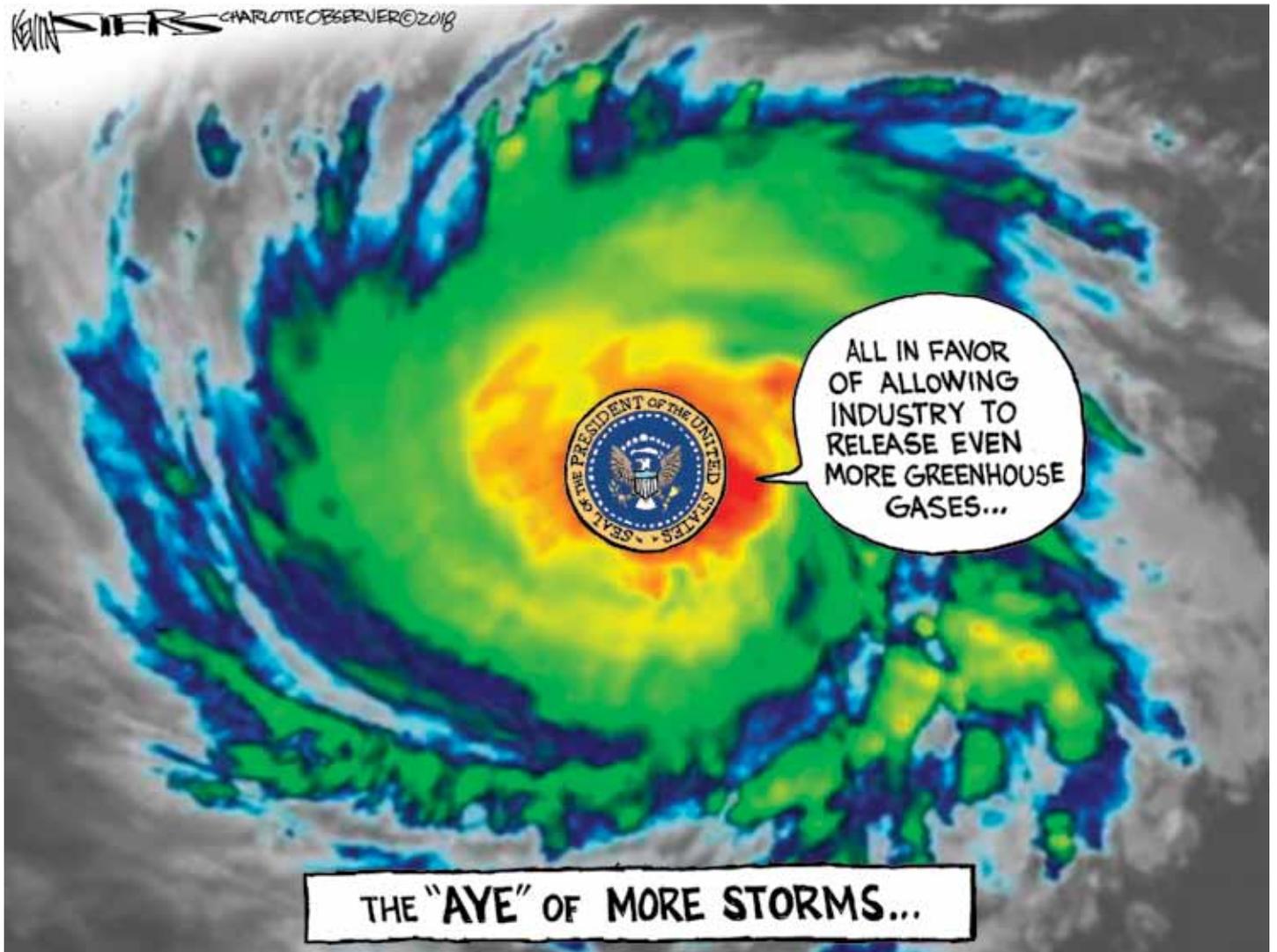
Scotland is also doing groundbreaking research and development on wave and tidal energy, which has the advantage of being steady [unlike wind and solar]. A small demonstration project is already powering 2,600 homes in Scotland, and there are near-term plans to expand it.

People who talk about our finding future solutions to the climate emergency are just out of date. The solutions exist, it is just a matter of implementing them, of political will.

Scotland has that political will. [Truth in advertising, my maternal grandfather was a McIlwee, which I take it makes me an honorary Glaswegian].

Scotland also has plans for car parks that charge electric vehicles, having called for the end of gasoline-driven cars by 2032. The Scotsman says, “Revolutionary vehicle-to-grid [V2G] technology will also be employed at the hubs, allowing charged cars to feed electricity back to the smart grid where it can be used to power homes and businesses.”

Juan Ricardo Cole, a public intellectual and essayist, is the Richard P. Mitchell Collegiate Professor of History at the University of Michigan.



Fossil Fueled Fascism

BY MARK Y.A. DAVIES

There are at least four things about which our current president is quite consistent:

1. He is anti-immigrant and anti-refugee in relation to non-white immigrants.
2. He is anti-Islam, except in the case of Saudi Arabia and its allies.
3. He supports Christian Fundamentalism.
4. He supports the fossil fuel industry.

These four things contribute to Trump's deep and abiding support among racists, xenophobes, white supremacists, Christian fundamentalists, industrial agriculture, the fossil fuel industry, and the petrochemical industry; and it is their interconnected interests that have brought Trump to power and which are working to keep him in power.

Racists, xenophobes, white supremacists, and Christian fundamentalists support Trump primarily for ideological reasons; but the industrial agriculture, the fossil fuel industry, and the petrochemical industry [all of which depend heavily on fossil fuel]

support Trump primarily for financial reasons.

Trump's ideological base and the fossil fuel industry are mutually supportive of each other and mutually dependent on one another. The need each other to maintain power, and they know it. Trump knows it, too.

Racists, xenophobes, and white supremacists tend to subordinate any concerns they might have for the environment to their more immediate concern of making America white again, so climate change is easily discarded as a concern of the opposing "globalist" team.

From their nationalist perspective, they are easily convinced that increased fossil fuel development for the sake of energy independence is in both the national and nationalist interest.

Christian fundamentalists, few of whom are explicitly racist, xenophobic, or white supremacists, are nonetheless willing to overlook Trump's popularity among these groups because Trump is supporting

their most important agenda items of ending access to legal abortions and protecting what they understand to be their religious freedom – even if that freedom calls for discrimination of other persons in the public sphere.

As long as Trump continues to appoint judges who will support their agenda, they will never stop supporting Trump, and given that a very large percentage of them literally believe the world will end in their lifetime, climate change is of little concern to them.

They are much more focused on uncritical support for Israel [another point Trump knows how to work] less out of concern for the Jewish people who are living in Israel than as a means to bring about the Second Coming [yes, they really are working for this]. This is why Trump moved the U.S. embassy in Israel to Jerusalem.

Ideological support for Trump is crucial to his success, but without the financial and organizational support of the fossil fuel related industries, Trump would likely not have come to power. Trump has rewarded these industries mightily with a massive rollback of environmental regulations and a withdrawal from the Paris Climate Agreement.

Trump's problematic ties to Russia are not a problem at all to the fossil fuel industry as there are hundreds of billions of dollars to be made on drilling agreements with Russia. This is likely why Rex

Tillerson, former CEO of Exxon, was appointed as Secretary of State.

To Tillerson's credit, he could not bring himself to continue working under Trump, but his initial appointment was a testament to how closely the fossil fuel industry is connected with this president.

Most fossil fuel executives are likely not racist, xenophobic, or white supremacists; and they are probably no more likely to be Christian fundamentalists than any other segment of society.

Most fossil fuel executives probably don't see themselves as being pro-Putin or even pro-Russia, but their desire to cash in on the trillions of dollars worth of fossil fuel yet to be exploited has led them into a mutually reinforcing and mutually beneficial relationship with Trump's ideological base. The relationship is becoming stronger and more inextricable to the point that, whether consciously or not, the fossil fuel industry is supporting dangerous right-wing nationalist ideologies around the world.

The existential danger we are currently facing is that this collaboration of convenience to further ideological and financial interests seems to be leading us down a pernicious path to fossil fueled fascism with dire consequences for people and the planet. *Mark Y.A. Davies is the Wimberly Professor of Social and Ecological Ethics and director of the World House Institute for Social and Ecological Responsibility at Oklahoma City University.*

The Climate Change Revolution

BY BOB D. ROUNSAVELL

The question of the day is, What's it going to take?

The Environmental Defense Fund [EDF], a national organization, has stepped up and taken on one of mankind's biggest challenges: climate change.

Largely caused by human behavior, the scientific community warns it is a real threat to our very survival. But a few politicians apparently are not convinced. The EDF's mission is to educate them – and the nation – on the need for quick and decisive action.

It will definitely take a huge grassroots movement to rise up and confront the climate change deniers and to utilize science in dealing with the complicated problems presented by climate change. It's going to take all of us, you and me and everyone we know, to unite and begin speaking with forceful and determined clarity that climate change denial and inaction is totally unacceptable.

The only outcome of sticking our collective heads in the sand is losing this battle for human survival. Folks, we have only this choice. Either fight and win or sit back and watch our planet become uninhabitable. What will we choose and how soon will we all get involved?

It will indeed require an ambitious and intelligent

plan that is bold enough to help us solve this global environmental threat to our very existence. The threat of climate change is the biggest and most serious threat we have ever faced and it is not going away.

Yes, the clock is ticking faster and faster each day. A recent United Nations report starkly warns that we must act now and alter the way we produce and use energy to ensure a more stable climate future.

Actually we don't even need to see the scientific models, reports or projections. All we have to do now is turn on the TV news and there we see the shocking and heartbreaking images of California communities going up in flames, lives terribly cut short, tens of thousands of lives upended. And these wildfires will keep on coming with more frequency and intensity until there is nothing left to burn.

For most of us it's both harrowing and infuriating when all our national administration can do is blame Californians for the fires. The president asks why didn't they rake the leaves in the forests and the woods? This is the height of cynicism and hypocrisy in an administration actively trying to undo the climate progress the country has already made and blaming the state that has, by the way, done the

most to advance climate solutions.

I'm writing about this revolution because I want us all to be aware that EDF, along with other organizations, has made fighting climate change the top concern of the nation. We all need to realize that climate change is the most critical issue of our time and, if left unsolved, our children's children will have no future.

The folks at EDF are doing everything they can to challenge the Trump administration's anti-climate actions. EDF is filing suits in courts, testifying at Congressional hearings, providing scientific and economic analysis on the costs of climate change, and training local groups to advocate for climate action with elected leaders at the national and state levels.

EDF is doing the important work that the Trump people refuse to do: reducing the greatest volume of greenhouse gas emissions in the shortest time and thus mitigate the worst effects of climate change. It's creating partnerships with states, cities, businesses and other countries to accelerate the transition from dirty fossil fuels toward a clean energy future.

In California, EDF worked collaboratively with multiple stakeholders and helped secure an extension of the state's cap-and-trade program, which helps California continue to drive down its climate pollution. Even though it suffers from massive wildfires and drought, California continues showing the world how to cut pollution while it grows its economy.

In North Carolina, EDF staff is working hard to help implement Gov. Roy Cooper's executive order which sets a statewide goal to slash carbon emissions 40% by 2025.

In Illinois, EDF worked with volunteer activists to convince former GOP Gov. Bruce Rauner to sign a monumental clean energy development package that will cut the state's power sector carbon emissions in half by 2030.

EDF's decade-long work with WalMart helped reduce carbon emissions and embrace clean energy by helping pave the way for its bold commitment to reduce a billion tons of carbon pollution from its global supply chain by 2030, more than the annual emissions of Germany.

EDF's carbon market experts have been working on the ground in China for over 20 years and its success in China's announcement of its national carbon trading system, the largest in the world. EDF is leveraging market-based mechanisms to put China on a path to reach peak emissions by 2025 and then begin to drive them down – five years earlier than its commitment under the Paris climate accord.

Many of us are concerned about what President Trump is doing and is not doing. And concerned we should be. But it is climate change that is the biggest culprit in the world today, not some uninformed politician, perhaps unconcerned as well.

As many of you know, I am engaged in seeing that

passenger rail service will be established to connect Tulsa and OKC, as well as the communities in between. That is important because of the number of vehicles that may get retired with that commuter train between our two largest cities, including our state capital. Even more important is what I commit in writing about climate change so that future generations will be around to enjoy passenger rail service.

In case you haven't yet realized how completely climate change affects us, let me mention 10 effects that clearly show how all encompassing it is:

MARINE ECOSYSTEMS ARE DYING. For instance, one of the worst ecological disasters is one of the world's greatest natural wonders – the Great Barrier Reef, off the coast of Australia. As oceans warm, colorful corals are being bleached white.

TICK-BORNE DISEASES ARE SPREADING in New England and warmer temperatures are contributing to the range, expansion and severity of diseases such as Lyme disease and Powassan virus.

NATIONAL SECURITY IS BEING THREATENED. The impacts of climate change are expected to act as a "threat multiplier" in many of the world's most unstable regions. In these regions droughts and other natural disasters are exacerbating food, water and other resource shortages that may spur mass migrations.

SEA LEVELS ARE RISING resulting in warmer temperatures that cause glaciers and polar ice sheets to melt and increasing the amount of water in the world's seas and oceans. As our oceans and seas begin to swell they will eventually overwhelm coastal cities like New Orleans and New York and other important cities like Manila and Tokyo and islands like Hawaii and Singapore all around the world. Some small island countries have started meeting undersea to prepare for that eventuality, others have already made agreements to evacuate to their neighbors.

ALLERGIES ARE WORSENING. Allergy sufferers beware: Climate change could cause pollen counts to double by 2040. Allergy season is now much longer from an extended growing season due to higher temperatures. Oklahoma is now at least 10 degrees warmer than a decade ago.

BEETLES ARE DESTROYING ICONIC WESTERN FORESTS as climate change has sent tree-killing beetles called mountain pine beetles into overdrive. The warmer climate allows these killer beetles to produce twice a year producing an extra generation yearly.

FAMINE brought on by climate change threatens our ability to produce enough food to feed the world's population. Currently four countries – Nigeria, Somalia, South Sudan and Yemen – are facing the highest risk of mass starvation due to drought caused by our warming climate.

THE ECONOMIC CONSEQUENCES indicate that



costs associated with climate change rise along with temperatures. Severe storms and floods combined with agricultural losses cause billions of dollars in damages, and money is needed to treat and control the spread of disease.

INFECTIOUS DISEASES are thriving and the World Health Organization [WHO] reports that outbreaks of new or resurgent diseases are on the rise and in more disparate countries than ever before. This includes tropical illnesses in once-cold climates.

AN ANTARCTIC ICE SHELF IS COLLAPSING and scientists are closely observing a crack on the West Antarctic ice shelf. When it does break off, and it will, the iceberg will be the size of the state of Delaware.

There are people and institutions everywhere who respect science and the hard evidence it produces. They know our world is entering – really has already entered – a period of quite dangerous and life-threatening climate instability. Therefore it is mandatory that we do everything possible to alter our present course.

We should all be outraged by the damage done by climate denial. It's a shame to remember our administration's actions to negate or slow the progress made under previous administrations. These include pulling out of the Paris climate accord, attacking clean car standards, and moving to repeal the Clean Power Plan are all at the very least despicable and they require a revolution to correct things as they

now stand.

Make no mistake: climate change is mankind's biggest challenge at this moment in time. Do we overcome this challenge or do we accept it and the inevitable result? Our students made us proud with their climate change rally at the state Capitol, just before St. Patrick's Day. Can we adults do no less?

It's really ours to accept. There are solutions and we need to fight for them.

Oologah resident Bob D. Rounsavell is president of the Carrie Dickerson Foundation. His wife, Paz Maria Rounsavell, serves as his editor.

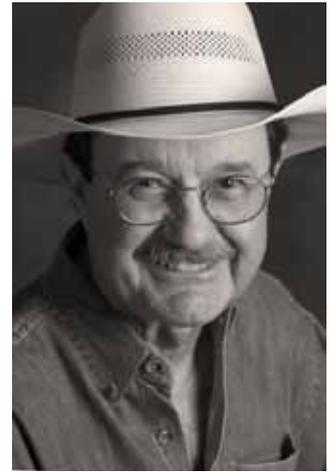
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Jim Hightower



Trumponomics: Batman ... Or Dracula?

It's shocking, I tell you, shocking that some millionaires and billionaires would brazenly lie and cheat in a corrupt nationwide scheme to rig the entrance procedures of top colleges.

As recently reported, these self-entitled elites were gaming the system in order to weasel their undeserving children into prestigious schools, displacing more-qualified students. Where do these privileged grown-ups get the idea that truth and integrity don't matter, that they can just make up facts and bend any rules for their personal advantage?

For one answer, look no further than the Economic Report of the President, which was released at the same time the college admissions scandal was making the news. Rather than real analyses, these annual forecasts by the White House's handpicked economists have become political documents puffing up a president's record. But even by partisan public relations standards, Trump's report is shamelessly grandiose, replete with flagrant fabrications of facts and pretensions that his failed trickle-down policies are record-setting successes.

In particular, the president's voodoo economists tried to pass off his 2017 trillion-dollar corporate tax break as a mighty engine of growth for the working class. Speaking in the ecstatic tongue of voodoo sorcerers, the Trumpsters insist that their massive tax giveaway is producing a surge in corporate investment that – abracadabra! – creates jobs and pay hikes.

Only ... there's been no investment surge. Corporate chieftains simply pocketed Trump's handout.

When the verbal lies of economic scoundrels aren't working, they resort to charts that convert lies into a visual appearance of progress. The Trump report has a dandy chart of deception with a baseline showing slow growth under President Barack Obama and a bright line streaking dramatically higher to show phenomenal growth when proposals such as Trump's bold infrastructure plan are enacted.

Of course, the chart would be more convincing if Trump were to have actually proposed such a plan and were aggressively pushing it through Congress. But he's made no such effort, so the chart is a

double fraud – or, as economist Paul Krugman calls it, “voodoo squared.”

But even a White House report that's a pack of lies can reveal some awful truths.

First, the White House Council of Economic Advisers has issued a national forecast that exposes its members as the Council of Presidential Butt-Kissers. Essentially hailing Trump as genius on a stick, the sycophantish advisers tell us that his amazing set of economic policies will achieve solid growth and prosperity for the people in perpetuity.

In fact, though, he's only been able to get a couple of his policies enacted, and most aren't even being considered – which is why serious policymakers are paying zero attention to this fantastical document. Indeed, some student interns who worked on the report mocked it by slipping in the names of such comic superheroes as Batman, Captain America and Spider-Man, citing them for helping prepare it!

However, on second glance, the report details a radical right-wing deregulation agenda that Trump & Co. are quietly but determinedly pushing under the ruse of stimulating economic growth.

For example, it calls for eliminating minimum safety and educational standards for operators of child care centers. Huh? Yes, the Trump laissez-faire ideologues declare that such regulations to protect children can “increase the cost of obtaining care, thus serving as a disincentive [for parents] to work.”

Yeah, just shoo the little tykes into unregulated corporate hog pens so Mom and Dad can work minimum wage jobs, thus boosting corporate profits all around ... and then call it progress.

Meanwhile, the president's economists also admit that the only way they can get America's economic growth above a dismal 2% a year is for Congress to make two big changes:

1. Roll back labor rules that protect America's workers from corporate exploitation.
2. Pass another round of even deeper tax cuts for corporations and billionaires, as the 2017 cuts didn't work.

Do they think we have sucker wrappers around our heads? Trump's economic report is not written by superheroes like Batman, but by Goofy, Dracula

and Scrooge. When top leaders lie so blatantly for their own gain, we can't be surprised that other narcissists will take it as moral permission to do the same.

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How Much Does Donald Trump Love Farmers?

As a farmer told me, "You can still make a small fortune in agriculture, but the problem is you have to start with a large fortune."

Farmers tend to be optimistic pessimists. They know the odds are against them – the bankers, bugs, monopolists, violent weather and sorry politicians. Yet, they keep at it as long as they can; working long and hard hours, enduring arduous conditions and tremendous stress to nurture the seeds that bring us an abundance of foods.

But sometimes, the odds bunch up. Coping with natural disasters is to be expected. It's the unnatural disasters of rigged economic policies, Wall Street greed and unrestrained corporate profiteering that slam the door on good, efficient family farmers, making it impossible for them to keep producing.

This is one of those times. Aside from the rise of floods, drought, tornados, etc. [hello, climate change], farmers are now in the sixth year of plummeting prices for their crops and livestock. They're producing more than ever but getting less. For example, it costs dairy farmers on average \$1.92 to produce a gallon of milk, but the giant processors pay them only a-buck-32 per gallon.

No surprise then that since 2000, half of America's dairy farmers have been squeezed out of business by monopoly pricing. And now comes Trump's trade spat with China, which has collapsed the market and prices for grain farmers.

Overall, farmers' profits have fallen by almost half in the last five years. Farm debt, bankruptcies, sales and suicides are rising towards the calamitous levels of the 1980s farm crisis, and concentrated corporate power is fast tightening its grip on nearly all food production, prices and policies.

Indeed, a central cause of the spreading farm depression is the increasing monopolization of all the things farmers must buy [from seeds to machinery] and of the markets that buy from them. The big four biotech ag giants, for example, control 63% of all commercial seeds sold in the world; four meat processors control 84% of the U.S. beef market; and

four global traders control up to 90% of the world's grain sales.

Our farmers and their families are hurting, but so far, our leaders, including the president, aren't helping them.

Speaking of the president, have you noticed how often Donald Trump prefaces his policy statements with phrases like "frankly," "honestly," "to tell the truth," and "believe me"?

More than a verbal tic, his constant use of these qualifiers subliminally admits that being frank, honest, truthful and believable is not normal for him. So, like a carnival flimflammer selling snake oil, he strains to convince us rubes that he's not flimflaming: "Really," he claims with lying lips, "in all candor, this time I'm truly telling you the gospel truth. Trust me."

Among those who're learning about the truthiness of The Donald are the farmers who voted for him, having bought his campaign promise to stand up for them and restore farm prosperity. Once in office, though, he quickly sold them out. First, he threw a hissy-fit of a trade war with China that ended up slapping down U.S. farmers by drastically worsening the already-low prices they were getting for their crops. Instead of prosperity, the average farm profit last year was minus \$1,500!

Then, trying to smooth over this betrayal of the heartland, Trump tweeted out a message to ag producers in December that probably didn't warm that many hearts: "Farmers, I LOVE YOU!" he professed in capital letters. [I'm guessing he offered the same sweet insincerity to Stormy Daniels after he ... well, you know.]

Actions speak louder than words, of course. On Mar. 11, Trump then took action to express his true love for farmers: He whacked \$3.6 billion from the safety-net programs that offer a measure of relief to hard-hit producers when crop prices crash. Revealing his plutocratic core, the cuts specifically targeted programs that benefit small farmers – a deliberate manipulation meant to drive more families off the land and increase corporate monopolization of agriculture.

Not satisfied with intentionally injuring family farmers, Trump added insult by calling the dab of support they get from the government "overly generous." This from a real estate flimflammer who continues to rake in millions of dollars in government cash and special tax breaks.

Far from stepping up to stop this robbery of farmers, ransacking of rural vitality and rip-off of consumers, Congress and Trump coddle the monopolistic robbers, ransackers, and rip-off artists. To help counter their insanity, join forces with the grass-roots power of Farm Aid. – *Jim Hightower*

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We Need The Mueller Report, Not Barr's Spin Memo

BY JOE CONASON

Even in a moment of triumph, Donald Trump lied.

Exulting over the summary findings of the Mueller report, as spun by his attorney general, William Barr, President Trump declared that the investigation found “no obstruction” and resulted in “complete and total exoneration.” But according to Robert Mueller’s own words, that boast is utterly false – especially with respect to a conspiracy to obstruct justice.

Or to quote directly from Barr’s four-page memorandum to Congress, “The Special Counsel states that ‘while this report does not conclude that the President committed a crime, it also does not exonerate him.’”

Exactly what that partially quoted sentence means, lifted from a still-secret document that must be hundreds of pages long, remains to be seen. We

will know someday, assuming that the Justice Department or Congress will disclose Mueller’s findings and evidence.

Why was the special counsel unable to clear the president of obstruction of justice – the same crime that led to the ouster of Richard Nixon – and how did he approach that question?

What we do know is that the ultimate decision on whether to charge Trump with obstruction was left to Barr and Rod Rosenstein, the deputy attorney general, both political appointees of the president. But that outcome contradicts the entire purpose of the Special Counsel Act, designed to ensure that conflicted Justice Department officials don’t make prosecution decisions about the president who appointed them.

Barr’s own problem was far worse than the ordi-

nary conflict contemplated by the act, since he was selected for his job by this president specifically because, not long before his appointment, he stated publicly that Trump as president should not be prosecuted for obstruction. More than a few observers thought Barr should be disqualified from confirmation for that expression of bias alone.

Barr's letter to Congress says that his decision on an obstruction charge was not based on his views about the presidency but on Mueller's finding that Trump did not commit the underlying crime of conspiring with the Russians to interfere with the 2016 election. The absence of sufficient evidence to charge on obstruction thus "bears on the President's intent with respect to obstruction."

According to Barr, the Mueller report "identifies no actions that, in our judgment, constitute obstructive conduct, had a nexus to a pending or contemplated proceeding, and were done with corrupt intent ... "

But there are huge holes in that justification. Without interviewing the president, it seems impossible for either Mueller or Barr to determine his intent. And the president, despite his personal promise to submit to a Mueller interview, instead evaded it.

Then there is the glaring fact that the president himself declared he had fired James Comey as FBI director to kill the Russia probe – a declaration of corrupt intent uttered in public more than once.

Even more telling is Barr's attempt to brush aside Trump's dangling of a pardon before Paul Manafort and other defendants. That hinted favor appears to have had an enormous impact on the Russia investigation, because the Office of Special Counsel indicated as much in its sentencing memorandum on Manafort.

The circumstances surrounding Manafort are undoubtedly critical to understanding why the special counsel was unable to prove a conspiracy between the Trump campaign and the Russian government beyond a reasonable doubt. That is the hurdle for a prosecutor to seek a criminal indictment.

But even if the evidence did not support a conspiracy indictment, that doesn't mean Mueller found "no evidence" of such a conspiracy, as some news outlets headlined – or that there was no conspiracy involving bad actors nominally outside the Trump campaign and the Russian government – such as Roger Stone and his friend at WikiLeaks.

As for Manafort, prosecutors accused him of violating his cooperation agreement with them by lying about an event of utmost importance to the special counsel's investigation: namely, his meeting with Konstantin Kilimnik, identified as a Russian government asset by the FBI, where he gave Kilimnik 75 pages of highly detailed Trump campaign polling data.

Manafort also tried to conceal several meetings with Kilimnik to discuss the lifting of economic sanctions on Russia that were imposed after Rus-

sian President Vladimir Putin's invasion of Crimea.

By lying to Mueller in hope of a pardon, Manafort may have erected a stone wall even the special counsel could not surmount.

Americans need to know why, despite the activities of Manafort and scores of other contacts between the Russians and the Trump campaign, the investigation "did not establish that members of the Trump Campaign conspired or coordinated with the Russian government in its election interference activities."

That question cannot be answered without release of the full text of the Mueller report and its underlying evidence. Bill Barr's spin memo is far from sufficient.

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Treasonous? Who?

BY SUSAN ESTRICH

The Mueller report understandably brought great joy to the president.

The report found no actual collusion between Trump and his aides and the Russian government.

I guess that's something to celebrate – no treason on the Trump side. Because collusion might well meet the constitutional requirements of treason, whereas broadsides like the president's – his accusing all of his critics in Congress and the media of treasonous activity – are purely for show, legally speaking.

And when it came to the question of whether the president committed obstruction of justice in firing FBI Director James Comey, even Robert Muller, known for being the tough guy, blinked. He did not exonerate Trump on those charges. He left it to the attorney general, surely knowing what the decision would be.

So after years of castigating Mueller publicly and privately, after all the threats and the bullying and the stonewalling and the Rudy Giuliani of it all, Trump is now embracing those very witch hunters as the ultimate arbiters of his innocence.

I'm not exactly sure what he is innocent of.

The fact that there was no collusion doesn't mean that Trump knew nothing.

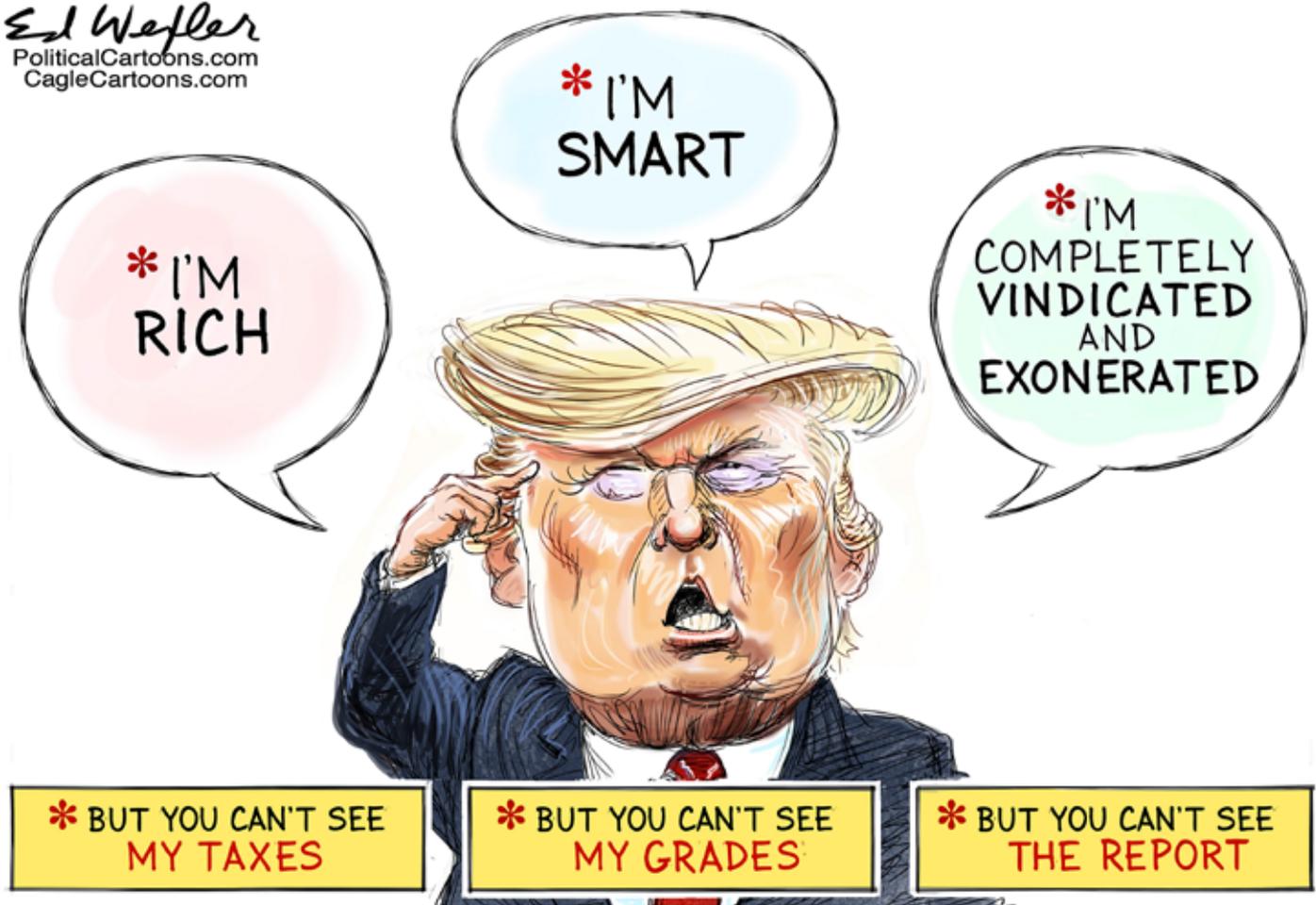
The fact that he was exonerated from obstruction by Attorney General Barr makes Barr the target, not Trump or Mueller. Good strategy. It proves nothing.

So do the Democrats just walk away?

The country is more liberal that it has ever been. Democrats need to offer people more than their outrage against Trump. Sadly, after a time, everything becomes so routinely outrageous that I skip half the tweets.

"Unnamed Democrat" is the strongest candidate against Trump. The ones who are actually running

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Trump, Cognitive Biases, And Self-Delusion

BY RANDOLPH M. FEEZELL

“Donald Trump was the dumbest goddamn student I ever had.” – William T. Kelly, Wharton School of Business and Finance, University of Pennsylvania

Trumph’s buffoonish marathon performance at the Conservative Political Action Conference was disturbing on a number of fronts. In his rambling, untutored, and marginally coherent presentation, he became a caricature of himself, revealing what lurks beneath the more scripted surface of numerous public appearances. And the undercurrent is dangerous, “unhinged” as some said.

The metaphor suggests that he is dislodged from reality; from what we have seen in the first two years of his presidency, there’s no hope of return. Some thought he would grow into the role and that he might be shaped into full maturity by the demands of the world and his office. Instead, we see him unable to pierce the veil of illusion constructed by unlimited

self-love.

His moral flaws are obvious, yet they live in a unity of delusion in which his intellectual or cognitive limitations prevent him from seeing the world – and himself – as it is. He is a ridiculous figure unstained by truthful self-knowledge.

One of the most interesting parts of Lee McIntyre’s recent book on post-truth is his discussion of various cognitive biases. His analysis helps us understand why Trump’s 40% remain impervious to persuasion by appeals to facts, objectivity, or what is true. For example, the “repetition effect” asserts that people will believe something if they hear it repeated over and over. “Fake news.” “Enemy of the people.” “No collusion.” “Witch Hunt.”

The “backfire effect” claims that political partisans will sometimes strengthen their beliefs when confronted with evidence that refutes those very beliefs.

Confronted with strong evidence that there were no WMD's in Iraq, some conservatives believed more strongly that there were WMDs.

[An interesting side note: there's some evidence to suggest that conservatives are more susceptible than liberals to the "backfire effect," as well as other cognitive biases, more generally.]

McIntyre's discussion of another bias helps us understand Trump. The Dunning-Kruger Effect is a self-regarding cognitive bias that skews judgments we make about our knowledge, skills, competencies, and abilities. It is a strategy that prevents us from forming true beliefs about our wonderful self.

Social scientists David Dunning and Justin Kruger designed an elegant experiment in which subjects were asked to evaluate their abilities in various areas, including logic, humor, and grammar. What the researchers found was that those with low abilities were most likely to overestimate their abilities. Those who were least competent judged themselves to be highly competent. Sometimes the bias is called the "too stupid to know they're stupid" effect.

A possible explanation for our tendencies to inflate our abilities is not difficult to find. Our big fat ego is inclined to bathe itself in judgments that glorify our qualities but fail to come to grips with our limitations. Spurious comparative judgments of our abilities place us well towards the top of the heap, or at least well above average.

Yet there is a more subtle reason for the propensity to overestimate our abilities. As Dunning and Kruger say, "incompetence robs [people] of their ability to realize it ... The skills that engender competence in a particular domain are often the very same skills necessary to evaluate competence in that domain – one's own and anyone else's."

In other words, when we're just not very good at some task requiring a high degree of competence or knowledge, we are unable to judge ourselves in the relevant hierarchy of excellence precisely because of our ignorance or lack of competence. We don't realize our limitations because of those very limitations.

It goes without saying that sometimes ignorance is not blissful because the overestimation of our abilities can have disastrous consequences. McIntyre mentions the famous example of the small aircraft pilot whose overconfidence in his ability to fly in rough conditions hid an ineptitude that ended in disaster.

Thus we hope that when our leaders are negotiating with leaders of other countries about such issues as nuclear proliferation, climate change, and trade, they have a high degree of knowledge and competence – given the disastrous possibilities at issue.

We need not have waited for contemporary social scientists to discover the Dunning-Kruger Effect, although giving it a name and scientific credentials might aid in its recognition. In one of Plato's early dialogues depicting the historical Socrates we meet a figure who is a pristine exemplar of the "too stupid to

know you're stupid" effect.

In this dialogue – the details of which I don't have space to explain – Socrates examines Euthyphro, who is engaged in an act that is ethically questionable [prosecuting his father for murder because of a death that occurred in ambiguous circumstances]. Yet he is supremely confident that he knows what is right and he is doing what is right.

Socrates, on the way to his famous trial, questions Euthyphro about the foundations of moral rightness. Socrates ironically requests that it would be useful to become Euthyphro's student.

Euthyphro proclaims his deep knowledge of right and wrong and his exceptional status among those confronted with perplexing moral issues. He thinks of himself as a moral expert, willing to teach others. As Socrates' examination unfolds, it is clear that Euthyphro's pompous sense of self-importance prohibits him from recognizing his own ignorance about one of the deepest philosophical questions that we face: What makes a morally right act right? How should we decide what is the right thing to do?

Euthyphro is, in the memorable words of one of my students, a dogmatic fool. He doesn't recognize his own logical incompetence, nor does he recognize his own ignorance. If he were more logically astute – for example, understanding the difference between a definition and an example, or understanding some basics of categorical logic – he would recognize his ignorance.

Euthyphro is also completely baffled by Socrates' critical question about the attempt to define moral rightness by an appeal to a divine ground. Is an action morally right merely because God commands it, or does God command it because it's right? The answer leads to the demolition of attempts to define morality in terms of God's commands.

Euthyphro's self-awareness contrasts with Plato's depiction of Socrates, the Philosopher, whose inquiries into fundamental questions are propelled by an awareness he doesn't have adequate knowledge. In the Apology Socrates defines wisdom as knowing what one doesn't know, the necessary condition for inquiring. If you think you already have knowledge you certainly will not engage in inquiry.

In seeking to answer fundamental questions and to find wise counsel, Socrates questioned Athenians thought to be wise [like Euthyphro?]. Reflecting on the philosophical conversations described in Plato's dialogues, he said the following:

"I am wiser than that fellow, anyhow. Because neither of us, I dare say, knows anything of great value; but he thinks he knows a thing when he doesn't; whereas I neither know it in fact, nor think that I do. At any rate, it appears that I am wiser than he in just this one small respect: if I do not know something, I do not think I do."

Socrates' famous definition of wisdom is a negative one: an awareness of one's ignorance. At least an im-

portant part of wisdom is what I would call epistemic humility, an awareness of one's intellectual limitations.

Whereas we may be inclined to overestimate our knowledge and competencies, there is nothing necessary here. There's no natural law at work. We can be habituated to be more careful in what we claim to know. We can be more suspicious about our tendencies toward self-glorification. Education and training may lead us toward a more accurate assessment of our limitations as well as our talents. Becoming more like Socrates than Euthyphro is a real human possibility – that is, we can become more wise and less foolish.

Against the background provided by considering the Dunning-Kruger Effect, what do we make of Trump's pronouncements about his competence and knowledge?

How does Trump think he's doing as our president? "... Nobody's ever done a better job than I'm doing as President." As reported by USA Today, a survey of 157 scholars rated him, so far, as the third worst president of all time. [That high? He was rated above Andrew Johnson and James Buchanan.]

His incompetence may surprise those who have believed Trump's assertions about how much he knows – assuming that knowledge is intimately related to competence and job performance. According to Trump, he has an extraordinary range of ... let's call it: Super-Knowledge! He commonly says he "knows more about 'x' than anybody" or "nobody knows more about 'x' than I do."

As reported by Axios, here is a list of topics about which Trump has claimed to have super-knowledge: the economy, technology, drones, steelworkers, construction, Democrats, infrastructure, money, taxes, renewable energy, campaign finance, the courts,

trade, the U.S. government system, the visa system, and borders. He also claims to know more about ISIS than expert military professionals [the generals] and offered the remarkable statement that he knows more about a person [Sen. Cory Booker] than the person knows about himself!

What is simply amazing is that he has accumulated this vast amount of knowledge despite his aversion to reading and the enormous amount of time he spends watching television [four to eight hours a day].

As Michael Wolff reports in *Fire and Fury*, "Trump didn't read. He didn't really even skim. If it was print, it might as well not exist. Some believed that for all practical purposes he was no more than semiliterate."

Of course, his claims about knowing more than anybody – *in the world!* – about these topics are ludicrous. Like Euthyphro, he is a conceited fool who has no apparent understanding of his limitations, or if he does, his attempts to conceal his ignorance by claiming super-knowledge come off as pathetic and comic.

Trump is unhinged from reality, perhaps most dislodged from an accurate account of himself. He represents an exaggerated example of one of the cognitive biases that prevent us from seeing the way things are. All of us may need a few benign instances of self-affirming fictions. Trump's self-deception is more perilous, however. It is wrapped in a package of character traits containing narcissism, dishonesty, and xenophobia.

But his cognitive limitations might turn out to be his most dangerous flaw. It's disturbing and even frightening that his decisions are a product of impulse and self-delusion.

Randolph M. Feezell, PhD, grew up in northwestern Oklahoma and is professor emeritus of philosophy at Creighton University in Omaha, NE.

Transforming Our Countries By Tending Our Relationship To Democracy

BY NYLA ALI KHAN

We inhabit a world that has been sinking further into the morass of political unaccountability and cultural repression after the gut-wrenching events of Sept. 11, 2001.

We witnessed the fizzling out of the fragile Peace Pact in Palestine in 2003. We witnessed the reduction of Afghanistan in Southwest Asia to a battlefield on which the former Soviet Union and its Cold War adversary, the United States, fought a proxy war. We witnessed the legitimization of the Taliban vigilantes during that period, and then the brutal regime of the

Taliban. We witnessed the invasion of Afghanistan, the rationale for which was the "liberation" and "emancipation" of Afghan women.

We witnessed the invasion of Iraq, which enabled the ousting and execution of a dictator, who was once an American ally. We witnessed the disbanding of the Iraqi army, growing sectarianism, and political dysfunction in Iraq post-Saddam. We witnessed instances of reckless regime change in Western Asia, Southwest Asia, and the Middle East, which were brought about without careful thought being given

to the repercussions and governance of those topographically and politically circuitous terrains.

We witnessed the installation of purportedly de jure regimes in Afghanistan and Iraq, and the unspeakable degradations the populaces of those countries were subjected to. We witnessed the declaration of a caliphate across northern and western Iraq as well as eastern Syria by ISIS. We witnessed the condemnable distortions of Islam by that militant organization and the egregious atrocities inflicted on not just minorities but on their co-religionists as well but by ISIS.

We witnessed the regressive cultural politics of the Taliban in Afghanistan. We witnessed the Hindutva movement in India, with its privileging the idea of an ethnically pure Hindu nation.

These events were caused by political impetuosity and thoughtlessness, which cause such irreparable damage that their seismic tremors continue to destabilize other regions of the world. In such a complex world, multiple histories, cultures, and subjectivities cannot be pigeonholed, stereotyped, or clubbed together.

In the wake of the massacre at two mosques in Christchurch, New Zealand, I cannot emphasize enough that it is absolutely necessary to be critical of the folly of homogenizing an entire religion as well as an entire region.

Culture inscribes a wide range of experiences which centralizing institutions attempt to render invisible and homogeneous. But people in Muslim countries are positioned in relation to their own class and cultural identities; their own histories; their sensitivity to the diversity of cultural traditions and to the questions and conflicts within them; their own relations to the West; their interpretations of religious law; and their concepts of the role of women and men in contemporary society.

In this current historical and cultural moment, critics and proponents of Islam often speak on behalf of Muslims, while rational Muslim women and men remain silent. It is the need to the day, particularly in the United States, to read and understand Muslim women's and men's writings, in their own words, about their religious practices, their political/feminist practices, and how these practices affect their beliefs, convictions, and perspectives. It also becomes incumbent on these writers, as they attempt to address both the West and speak to their own cultures, to dismantle outdated Orientalist myths.

There is, however, a fine balance between challenging the Western representations of Muslim men and women and avoiding painting an overly romantic picture of the East.

1.6 billion people of the global population subscribe to Islam. No single country or culture defines Muslim life or belief. In the classes that I teach on "Women and Islam," I remind my students that all Arabs are not Muslims, and all Muslims are not

Arabs.

An informed citizenry/readership would compare Muslim women's and men's lives in a wide variety of cultures. In particular, such a citizenry/readership would focus on issues that concern Muslim women and men and that have brought them to the attention of international organizations, such as rights, citizenship, and refugee status as well as the role and interventionist politics of the developed world, the United States and Western European countries, in Muslim countries.

If we were more vigilant and paid attention to the intricacies of history, perhaps history wouldn't repeat itself.

During World War II, Jewish immigrants/refugees were prevented from entering the United States, and now refugees from Muslim countries are going through the same trauma. Globalization has hit a new low.

Such blanket stereotyping and its corollary are oblivious to the aspirations of distinct individuals, societies and to the variations in religious practices and laws from one cultural context to the other.

Such politics can exacerbate cultural and religious fanaticism, globally, by emphasizing a conception of identity between the "authentic" and the "demonic." I observe that the political myopia being manifested during this period in the history of the United States treats the idea of a multicultural/multiracial/multilingual nation as if it were a myth. The immigrant, by his or her status as an outsider, is portrayed to reaffirm the system that requires opposition in order to reassert itself.

Also, subsequent to the disintegration of the former Soviet Union, a homogenized version of Islam replaced the old foe, communism.

It should be inconceivable, in the day and age of a global economy, to spurn the concepts of reason, rationality, and political and moral ethics.

The perpetuation of a politics that emphasizes, reinforces, or creates cultural myopia and monocultural identities, in a society as diverse as that of the United States, would be the bane of our existence, domestically as well as internationally.

Democracy, as Abraham Lincoln, the 16th president of the United States of America, underlined, is "Government of the people, by the people, for the people." A government that protects and promotes vested/oligarchic interests while marginalizing a section of the populace, which includes immigrants, Muslim as well as non-Muslim, leaves a lot to be desired.

Nyla Ali Khan is a member of the Harvard-based Scholars Strategy Network. She is the author of Islam, Women, and Violence in Kashmir: Between India and Pakistan [Palgrave Macmillan, 2010], and Parchment of Kashmir: History, Society, and Polity [Palgrave Macmillan, 2012]. She also is on the advisory council of the Oklahoma Commission on the Status of Women.

Mighty Manure Machine

DEMOCRACY IN CHAINS

The Deep History Of The Radical Right's Stealth Plan For America

By Nancy MacLean

Viking/Penguin Random House

334 pages, \$28

BY JOHN WOOD

A few blocks south on Lincoln Boulevard, in view of the Oklahoma Capitol, sits a nearly 5,000-pound block of granite.

Little more than three years ago, the Ten Commandments monument was displayed on the Capitol's north grounds. Now it rests on the lawn of the Oklahoma Council of Public Affairs [OCPA], as if waiting to be returned to the statehouse grounds.

The OCPA is the same "think tank" that pushes to privatize education, even totally defund higher education, steal pensions, block healthcare reform, restrict workers' rights, roll back environmental protections, create a tax system that benefits most those at the very top level of income, among other initiatives.

Have you ever wondered where the OCPA and other like-minded, far-right [even for Oklahoma] organizations come from?

Me, too!

The picture is clearer thanks to Nancy MacLean's eye-opening book *Democracy in Chains*. MacLean seems to like exploring the dark side of politics. For example, she previously wrote *Behind the Mask of Chivalry: The Making of the Second Ku Klux Klan*.

What I discovered is OCPA was founded in 1993 as a rightwing think tank with the intent to influence Oklahoma's public policy on matters of "free-market," "individual liberty," and "limited government." The OCPA also is on several American Legislative Exchange Council [ALEC] "task forces."

Indeed, the OCPA is part of a 50-state policy network [SPN] known to peddle cookie-cutter "studies" to back their cookie-cutter ALEC agenda. They specialize in spinning that agenda to create the veneer that those ideas are native to the state, giving it the aura of academic legitimacy.

OCPA, along with Americans for Prosperity, is backed by none other than the Koch Brothers, the Cato Institute, DonorsTrust, and Bradley Foundation. This is where MacLean's *Democracy in Chains*

comes in.

MacLean explains in her enlightening book that more than a half a century earlier, a Libertarian economist James Buchanan started cultivating a cadre of like-minded intellectuals with the rather audacious goal of transforming the government and its policy-making in a fundamental way.

Buchanan's Choice Theory and his other ideas eventually filtered to the Wichita, KS billionaire Charles Koch.

MacLean serendipitously learns all about Buchanan through her initial research on Virginia's response to *Brown v. Board of Education*. While Buchanan played an essential role in rightwing thinking and opened the wallets of the Koch Brothers, his legacy was largely forgotten by the mainstream. MacLean, though, was able to explore Buchanan's largely abandoned archives unimpeded. As the chair for the George Mason University economics department, he was able to hire and shape a department that quickly fell along his Libertarian agenda.

MacLean found his papers, correspondence, meeting minutes, etc. in piles throughout his office. From this work, she was able to piece together Buchanan's key role in solidifying the Right's organizing tactics nationwide "to staff the far-flung and purportedly separate, yet intricately connected, institutions funded by the Koch brothers and their now large network of fellow wealthy donors."

MacLean writes that Buchanan, an academic who favored polemic rhetoric and activism over empirical research, helped create a falling out with his former colleague Milton Friedman. Friedman was nearly as radical as Buchanan, but at least he wouldn't make claims without data backing him up. Not true for Buchanan.

Buchanan used his freewheeling "research" to centralize power in Virginia. Not unlike Ayn Rand, he felt taxes were tantamount to "slavery." One of his earliest

fighths was to stop school integration in Virginia schools. With early monetary backing, Buchanan was able to pursue this long game for transforming Virginia and America seriously.

MacLean said that such policy has created disastrous results even today. MacLean claims that you should look no further than the DeVos funded Mackinac Center, a rightwing think tank not unlike the OCPA, for the cause of Flint, MI's water crisis.

Mackinac recommended what is called the "emergency manager law," which allowed appointed city managers, who were not hired by city councils, to dissolve the local government, privatize city services, and cancel all union contracts.

One of these city managers chose to cut costs by supplying Flint citizens with untreated water that would later end up poisoning them with lead – an undemocratic decision from which Flint may never recover.

While majorities choose politicians and they hire administrators to carry out policy, Buchanan feared that democracy would lead to overinvestment in public services. He worried that the majority of the populace would be too eager to tax the wealthy minority [Orwellian for "rich"] to support services the wealthy do not need.

To this end, Buchanan realized he could frame his problem essentially as the majority equal to simply an economic problem. Later, in his 1975 book *The Limits of Liberty*, described "Despotism" as the only alternative to majority rule. Scary stuff!

MacLean points out that what is dangerous about this movement is that it has prioritized the "Golden Calf," essentially the accumulation of private wealth over the "Golden Rule" and democracy, no matter the cost.

Buchanan had a two-pronged agenda: First, "curbing the appetites of majority coalitions" through rulemaking that limits majority power. He knew this wouldn't be popular with the majority, of course, so his agenda had

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to be one of "stealth" – undermining public trust in public institutions while ignoring the wealth gap.

It has certainly worked. I find that in 1958, 73% of Americans said they trusted government most of the time. Now, it is closer

to 20%. That's a sea shift!

"Is this the country we want to live in and bequeath to our children and future generations? That's the real public choice," MacLean says. We will see.

I find that in 2018, the Koch brothers were "all in," donating

\$400 million to conservative candidates, according to CBS News. The New York Times found that they spent nearly \$900 million in 2016, which is more than the Republican National Committee and the party's two congressional campaign committees spent in 2012 combined.

MacLean indicates not everything was kosher in the Koch Network at the time of her writing this book in 2017. For example, she points out that many Libertarians have questioned the top-down nature of the Koch Brothers at the Cato Institute, which they view as compromising the point of Libertarianism. She might be onto something.

Last December, I learned from Politico reporting that Chase Koch, Charles Koch's 41-year-old son, is not nearly as partisan as his father. Chase is likely to take over the Koch network with a "kinder, gentler libertarian philanthropy" in the wake of a 2018 blue wave and bleak prospects in 2020. On top of this, DC's gridlock has left their political investments wanting.

It's a business, after all!

MacLean interestingly notes at the end of her book that we should take heed of the Koch maxim: "Playing it safe is slow suicide." From this I think she means that we need *not* stay on the sidelines, while

the Koch network takes political-economic risks to undermine public trust in public institutions while ignoring Oklahoma's and the nation's wealth gap.

I hope that MLK's words still resonate today: the "arc of the moral universe is long, it bends toward justice." Because it is also true that concentrated wealth is not going away any time soon. Even with the Koch operation in transition, their legacy can still be found in the likes of the OCPA and others.

We certainly need to make our choice. As Justice Brandies once said, "We may have democracy, or we may have wealth concentrated in the hands of a few, but we can't have both."

I don't know about you, but I choose an enriched democracy protecting our state's core services, which pursue the Golden Rule and not the Golden Calf, with or without the Koch's influence.

We must also heed what historian Timothy Snyder in *On Tyranny* reminds us about our public institutions: schools, transportation, health care, etc., they won't protect themselves – that's our job.

John Wood is an associate professor of political science at the University of Central Oklahoma. The views he expresses are his and not necessarily the university's.

Setting The Record Straight

CHEROKEE AMERICA

A Novel

By Margaret Verble

Houghton Mifflin Harcourt

400 pages, \$27

BY JOSEPH H. CARTER SR.

Margaret Verble's second historic novel about Cherokee women of Oklahoma won praise in a New York Times book review as "an essential corrective to the racially-tinted myths created to justify the annihilation of indigenous cultures and the theft of native lands."

The 400-page novel, released in February, is an 1875 prequel to *Maud's Line*, depicting the 1920s – both set in parts of what once was sovereign Cherokee Nations land.

Verble's first novel was a Pulitzer Prize finalist. She holds a doctorate in English from the University of Kentucky and heads a consultancy that deals with human organ donations. She is listed as part Cherokee, like the women portrayed in her two novels.

Check Singer, heroine matriarch with five sons and a dying husband, deals with the family's successful potato farm along with numerous subplots and, in re-

viewer Melissa Lenhardt's words, "is also about the Cherokee culture and rules" in the late 19th century.

"That culture is both ancient and forward-thinking," she writes. "Women in the Cherokee Nation have more right than women in the States, but those rights only extend so far," she says the novel reflects.

"African Americans are treated better in the Nation than outside," the reviewer claims.

Verble's earlier book "tells a compelling story, peopled with flawed yet sympathetic characters, sharing insights into Cherokee society on the parcels of land allotted them after the Trail of Tears," Kirkus Review said.

Joseph H. Carter Sr. is author of *President or Precedent: Carl Albert's History Changing Choice* [Amazon], *Never Met A Man I Didn't Like: The Life and Writings of Will Rogers* [HarperCollins] and *The Quotable Will Rogers* [Gibbs Smith Publishers].

Observations

CONTINUED FROM PAGE 2

it's hardly surprising that cash-strapped lawmakers often cast longing eyes at TSET's pot of gold – musing about ways to modify the Constitution and access the lock box largesse.

Will legislators scrambling to fund another teacher pay raise, steer more money into classrooms, and give retirees a cost-of-living boost seek to tap into Purdue settlement dollars?

Don't be surprised if they do. Bipartisan rumblings in both the House and Senate suggest displeasure the Legislature was sidestepped in the deal.

"The AG should not be deciding where Oklahoma money is appropriated," said Democratic Rep. Jason Dunnington. "That is the constitutional authority of the Legislature."

It remains to be seen whether lawmakers could even alter the court-ordered plan that requires most of the settlement proceeds to be sent to the OSU Center for Health Sciences via a foundation that is being created. But even if they can't, it's possible they will attempt to require legislative input or approval on future settlements and how proceeds are spent.

Legislators like Dunnington and Republican Rep. Mark McBride make an important point about constitutional separation of powers and the Legislature's authority to determine how state dollars are spent.

Especially when considering tax dollars already are being spent in response to the opioid crisis.

Even so, it seems prudent to treat the Purdue settlement as a one-time windfall – its proceeds dedicated to the crisis that opioids helped create.

Execution Obsession

As lawmakers slowly but surely modernize Oklahoma's punitive, costly criminal justice system, the state clings to its ultimate punishment: death.

Twenty states now ban capital punishment. Eleven others haven't executed anyone in more than a decade. And California's new governor recently imposed an indefinite death penalty moratorium in his state.

Yet Oklahoma swims against the national tide, remaining laser-focused in its quest to become the first state to deploy nitrogen gas as its death agent.

The question is, why?

Years of social science research made clear that capital punishment isn't a deterrent. It often costs taxpayers more to carry out an execution than to lock up a convicted murderer for a lifetime. And then there's that nagging issue of wrongful convictions – 10 death row inmates exonerated in Oklahoma alone.

Rather than focusing energy on re-starting the death row conveyor belt, shouldn't we be identifying and taking steps to deal with poverty, mental health and addiction that often seem to be the underlying

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for over 30 years and counting.*



causes of violent behavior?

Shouldn't we also be discussing the enormous costs taxpayers' bear in carrying out state-sanctioned killings [think: lengthy, but essential appeals]?

And whether rank-and-file Oklahomans are still willing to risk the possibility an innocent might be executed?

Legislative efforts to implement SQs 780 and 781 – coupled with discussions about possible Medicaid expansion – suggest an increasing recognition that poverty, mental health and addiction are persistent problems that no longer can be ignored.

There are roadmaps to progress. Just look at states that enacted criminal justice reform and expanded Medicaid.

Those experiences suggest Oklahoma could spend less taxpayer money long-term by helping create a happier, healthier, more prosperous and less violent society by investing more on the front end [health and education] than on the back [prisons].

Smarter public policy begets a more prosperous future.



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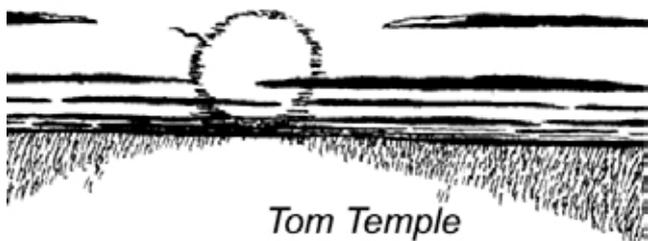
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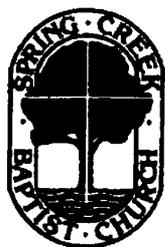
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Only a fool would try to deprive working
 men and women of the right to join the union
 of their choice. —Dwight D. Eisenhower

Observerscope



CONTINUED FROM PAGE 3

Colorado is 11th state to hop aboard the Popular Vote bandwagon, pledging its 2020 Electoral College votes to the national popular vote winner ... but only if approved by enough states to represent at least 270 electoral votes.

Did U.S. Rep. Markwayne Mullin suffer too many blows to the head in an MMA cage? His increasingly erratic behavior includes telling a congressional colleague to “shut up” and spending a closed-door session with statehouse Dems attacking them as “socialists” rather than reporting on DC doings.

The next time Oklahoma’s DC Republicans declare their devotion to the U.S. Constitution, remember their support of Trump’s “border emergency.” You’re not a constitutional conservative if you vote against the Constitution.

Republicans’ latest assault on local control? Bristow Sen. James Leewright’s SB 1001 would prevent municipalities from banning or taxing plastic bags, bottles or other environmental toxicants. Sadly, it’s on the legislative fast track.

Congratulations to our former Capitol press colleague Julie Bisbee, named new executive director of the Tobacco Settlement Endowment Trust.

Gov. Kevin Stitt’s nominee to be OK’s Secretary of Veterans Affairs, Check-6 CEO Brian Brurud, withdrew from consideration after his firm was sued in federal court for allegedly underpaying veterans.

Our condolences to Ashley Kemp, the Oklahoma Ethics Commission’s executive director, in the loss of her husband, state Tax Commissioner Thomas Kemp. He died of flu complications at age 59.

Better than a “hill thrill?” Research shows women who ate four or more servings of blueberries per week cut their risk of heart attack 34%. The fruit contains a blood vessel-aiding antioxidant anthocyanin. – AARP

Wither the ownership society? Households headed by renters 65 and older are projected to jump 80% by 2030 – to 11.5 million. – Harvard’s Joint Center for Housing Studies

Letters



CONTINUED FROM PAGE 4

Editor, The Observer:

Re: "People, We Have A Problem," March Observer: John and I read this article and a cold chill ran up and down our spines!

The information is not something we did not already know.

But to see the data/facts logically spelled out in print and to have Vern Turner ask the same questions we have been struggling to answer – this gives a new depth to our thoughts about this disturbing president and his unthinking base.

Thank you for publishing this article.

Marsha Greiner
Oklahoma City

Editor, The Observer:

We should all be aware of the call for an Article V constitutional convention that is being pushed by Koch, ALEC, etc.

Article V requires two-thirds of state legislatures [34 or 50]. Twenty-eight legislatures, including Oklahoma, have passed the call. Six more are needed.

Common Cause says these are target states: Kentucky, Idaho, Montana, South Carolina and Virginia.

Article V also requires three-fourths of both houses of the U.S. Congress – 75 in the Senate and 326 in the House.

Quite frankly, they've got the cash and control to pull this coup off without a shot fired!

Instead of Washington, Hamilton, Madison, etc. for Founding Fathers, we'll have Trump, Cowan, Koch Brothers, etc.

Scared you, didn't I? I'm scared, too! We could start by canceling our approval [but have you seen our Legislature?].

Al Engel
Oklahoma City

Editor, The Observer:

Republican Congress members are asking supporters to contribute to HoaxPac.org, the political action committee backing legislators who sign the pledge to return America to the 1960s. "It was a happier time," asserted Jim Inhofe, U.S. Senator from Oklahoma. "In those days we didn't have an Environmental Protection Agency scaring people, much less all its costly, big-government regulations."

Inhofe is the author of *The Greatest Hoax: How the*

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Global Warming Conspiracy Threatens Your Future, published in 2012. He is better known for tossing a snowball into the Senate Chamber in 2015, to make the point that snow in Washington, DC, disproved global warming.

Vice President Mike Pence agrees. "We used to love driving big convertibles with V-8 engines and showing off our tans in high school," he said. "Kids today should relax and trust the president to worry about the climate."

Republican voters overwhelmingly agree. Gallup polling for early March shows the administration receiving a 90% approval rating from respondents identifying as Republican.

Nathaniel Batchelder
Oklahoma City

Editor's Note: Nathaniel Batchelder is director of The Peace House in OKC.

In The Eye Of The Beholder

BY ANN DAPICE

Lovely white blossomed trees and cedars dot the hill. Daffodil and hyacinth bulbs given me by my mother nearly 30 years ago bloom, announcing that it's spring. I look out from the hillside where I live and can see the lake in the distance.

I have always loved being in nature. It quiets and inspires me at the same time.

As a child I played among rows of corn, rode my horse to water through a native pecan grove and planned my life, legs hanging from the second story hay door of my grandfather's barn.

The rows of corn and the barn are gone now. Remaining pecan trees grow among residential streets and a nearby park. But I can still see them in my mind's eye and remember the flavors of the native pecans — not to be confused with the easier-to-shell but less tasty variety.

I earned a dime a pound picking up pecans and a dime a quart picking blackberries nearby. Stained with blackberry juice, my hands had tattooed scratches from the thorns and I'd come home itching all over from chigger bites. But the berries were worth it.

Knowing the amount of work to shell the "native" pecans and pick the berries, I never complained about the cost of blackberries or pecans. And now those nuts and berries are a "healthy" food.

"Helicopter" parenting was unknown in those days. My brother and I would leave in the morning, come back for lunch and then back again for supper and the night. Often in summer evenings my family would sit outside under the trees in metal chairs that rocked. As they rocked, I'd be moving back and forth, higher and higher, on my swing.

Life was rich with important lessons that remain with me still. My father's business partner had absconded with money and inventory, so for a time, we'd had to move in with my grandparents. Life was not easy.

I would often shadow my beloved grandfather. He lived a life of honesty and kindness to all who knew him. I'd ride with him in his truck on errands in downtown Tulsa. Everyone loved and respected Charlie.

Well, not quite everyone. I still remember the minister of the church we attended telling my grandmother he'd go to hell because when exasperated he'd swear at the cows. He never swore at anybody and the cows didn't seem to mind — and neither did I. I didn't want to be in a heaven that wouldn't let him in.

I saw the actions of other church members and didn't want to be in a heaven with them, either. I

didn't start swearing until I was 40 or so and by then I wished I'd learned more swear words! I would sort of run out and needed more to fully express my feelings.

By then, having observed multiple abuses in often respected institutions — family, school, religion, and state — I knew the ability to show appropriate anger in response to callous and cruel actions to be important. Proper anger doesn't act in destructive ways, it fuels responsible action.

From my family I learned that rules and laws were to be discussed. What was their purpose? Who did they serve? The Golden Rule, central to a number of religions, could be carried out in many ways. Rules and laws were meant to serve ethical purpose — not used to hold power over others.

I had parents, grandparents, aunts and uncles who taught life lessons with the most amazing humor. When you made a mistake, it was gently corrected and from this soft humor you learned why not to do it again. Power and punishment were not the goals, but how-to live-in kindness and goodness.

My aunt had a word for people who were unfair or unkind. She said people who did bad things were acting "ugly." In this case, beauty was not in the physical appearance, but in actions. We can be fooled by appearances.

I always thought that people in a beautiful setting would automatically want to behave in good ways. I've worked in some of the loveliest places but I've learned that a pleasant place does not necessarily produce pleasant people.

I remember a long day of enduring the most demeaning of battles among "educated" people. I'd spoken with a colleague who was vying for power in a way that completely disregarded the well being of others — that, in fact, negated the very principles and purposes she pretended to support. Later, in an honest discussion, I said to her, "Power is like a drug, the immediate rush it gives makes you feel good, but eventually, it will destroy you and everyone around you."

In an equally candid response, she had replied, "You may be right, but that will have to happen for me to stop." Eventually, she and the institution, would be stopped, but not before much damage was done.

I sit now in a newly restored metal rocking chair from my family's past and see the beauty around me. As I feel the comfort of the gentle rocking movement, now known by science to be healthy for mind and body, I know that despite their beauty, the blossoming pear and cedar trees have become invasive

species like kudzu, overwhelming life all around them.

Beauty can be good or behave in ugly ways. In order to remain good, norms, rules and laws must change as needed when new information surfaces. Another gentle reminder of lessons learned. *Ann Dapice received a PhD in psychology, sociology and philosophy from the University of Pennsylvania. She has taught and/or served as administrator at a number of universities teaching courses in the social sciences, philosophy and Native American Studies. She is Director of Education and*

Treason?

CONTINUED FROM PAGE 35

do less well. The likelihood that Bernie Sanders will play a very significant role in the nomination process, only to find other Democrats and the media no longer giving him a honeymoon, raises pretty ugly possibilities for a summer convention.

The worst thing the Democrats can do is fritter away the next Congress in endless investigations that allow Trump to play himself as the victim of a Congress who cares more about him than it does about you.

The second worst thing they can do is alienate half the party – either the Bernie half or the Pelosi/Schumer/Biden half – such that whoever wins the nominations is the last choice of a great many of the people at the convention. This is not a good way to go into the fall against a guy like Trump.

But it's hard to resist.

When I was AOC's age – actually, younger – I took 44 platform minority reports to the 1980 Democratic National Convention, not exactly a unity move. But when you believe fervently that the party needs to change, when you're young enough to believe that confrontation is the answer, and that if Trump can do it, so can a 77-year-old Jewish socialist, it's hard to show any restraint at all.

Unless you're dead set on winning.

That is the real generational divide in the Democratic Party. I had done about six presidential campaigns before my old friend Bill Clinton finally broke the drought. The younger generation does not understand what a miracle Barack Obama's victory was. To attack him, as one of the newest members of Congress's AOC wing has done, is downright offensive. The man was a political genius. His critic is not.

The longer the Democrats drag things out, the worse it could hurt the party.

But it's hard to resist. I was about to turn to music when I heard the president's quote on Tuesday about the "evil" people who have done "treasonous" things. So sick was I of the Republican gloating and the Democrats' determination to find some issue to hold onto. One thing the Founding Fathers were very

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aware of was their vulnerability to charges of treason, and they went to the point of spelling out the definition and requirements in the Constitution.

So who was he referring to as treasonous? Adam Kennedy, Trump's deputy director of communications, who sounded like an arrogant young man who simply ignored the president and tanked the Democrats? And there was Kellyanne Conway demanding that one of the most respected Democrats in Congress, Adam Schiff, be booted for insisting that charges be fully investigated.

Who is this little guy reading from the same talking points they send to Sean Hannity, and just ignoring the questions? That would be one of Donald's mini-me's, for sure. No one else can survive?

Nope. Could Trump win again? Absolutely.

And many, many Americans, especially those at the bottom, will suffer. "Meh" – you think it's all meh? Tell that to your constituents, the Americans who need help most and will get the least.

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How Many Bricks?

While a friend and I were visiting the University of Arkansas campus for a recent basketball game, we noticed several students on their hands and knees assessing the courtyard with pencils and clipboards in hand.

"What are they doing?" I asked my friend, who was a graduate of the school.

"Each year," he replied with a grin, "one of the School of Engineering professors asks his freshmen students how many bricks it took to finish paving this courtyard – and the one[s] with the correct answer gets extra credit."

"So what's the answer?" I asked my friend, when we were out of earshot of the freshmen.

The guide replied, "One."

–Thanks to A.J. Henshaw for sharing this rib-tickler

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