



Nebraska Report

There is no Peace without Justice

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STOP THE WAR ON IRAQ

by Robert Hitchcock
UNL Professor of Anthropology

The Bush Administration is seriously considering invading Iraq. Talks currently being held in Washington, D.C. are concentrating on the issue of whether or not the United States should carry out a preemptive strike against Iraqi President Saddam Hussein and his military. This plan raises many serious questions. First, would such a military attack be legal under U.S. domestic law, not to mention international law? Second, what would the costs of such an attack be in human terms? What effects would such an invasion have on the Iraqi people? And how many American military personnel would be lost?

Third, what would the long-term implications of the ouster of Saddam Hussein be? Who would replace him? Would the new administration in Iraq be better or worse than the present regime? Finally, what would be the long-term costs of ending the regime of Saddam Hussein? How much would it cost to reconstruct Iraq whose physical and social infrastructure was seriously damaged in the Gulf War a decade ago? Is the United States, which is already suffering economically from the events of the past year—including the September 11 terrorist attacks on the World Trade Center and the Pentagon, the downturn in the stock market and corporate wrong-doing and mismanagement—in a position where it can expend billions of taxpayer dollars on a new

war, the results of which are largely unknown.

From an economic standpoint, the Gulf War of 1991 cost approximately \$60 billion, 80 percent of which was paid for by America's allies. The costs of a new war, with even more expensive technology being employed, would have to be borne largely by the

United States. Most if not all of the former Gulf War coalition partners from the Middle East, Europe, Africa, and Asia do not agree with America's

militaristic approach to Iraq. Many of America's allies in the war in Afghanistan do not want to see military action initiated against Iraq. And while some people, largely civilians in the Pentagon, the Department of Defense, and the White House are arguing for an invasion of Iraq and the toppling of Saddam Hussein, most military leaders in the United States are urging caution. It is perhaps not surprising that the U.S. military does not want to open a second front in the Middle East when the situation in Afghanistan is far from stable.



Robert Hitchcock

And most observers do not agree with Defense Secretary Donald Rumsfeld that there are members of Al-Qaeda who are living and operating with state support in Iraq.

Iraq as a nation-state has been involved in two major wars since 1980: (1) the Iran-Iraq War (1980-1988), and (2) the Gulf War (1990-1991). Both wars resulted in massive hardships for the Iraqi people as well as people in the surrounding countries and as far afield as Pakistan, Somalia, and Egypt, whose citizens lost jobs and livelihoods as a result of the fighting. Another problem has been the imposition by the United Nations of economic sanctions, which have had enormous negative impacts on civilians, especially women, children, the elderly and the infirm. These sanctions, which have indirectly caused the deaths of tens of thousands of people, rising morbidity (illness) and malnutrition among the Iraqi citizenry, have failed to affect Saddam Hussein's regime. Over half of Iraq's women and children were receiving less than 40 percent of their basic daily caloric requirements in 1996, according to UNICEF, and the situation has worsened since then. It is for this reason that many countries, humanitarian groups and non-government organizations have called for the lifting of the sanctions against Iraq.

Saddam and his supporters in Iraq are still going about re-establishing the military and expanding the country's science and

technology programs, including those involving weapons of mass destruction (nuclear, chemical and biological). We know that the current Iraqi regime has delivery systems to deploy those weapons. At the same time, judging from the results of the weapons inspections programs of the United Nations, the vast majority of the laboratories and weapon-building capacity of Iraq were destroyed during the Gulf War, and it is unlikely that the scientists working for the Hussein regime have been able to replace the facilities and make them fully functional in order to carry out attacks on their opponents inside and outside of the country.

There is no question that Saddam Hussein and his military are willing and able to use chemical weapons as they did against the Kurds in 1988—as documented so searingly in Jeffrey Goldberg's article on 'The Great Terror,' (*The New Yorker*, March 25, 2002, pp. 52-75). As many Iraqi dissidents have pointed out, the United States and the coalition forces abandoned the Kurds and other opponents of Saddam Hussein after the Gulf War in spite of the fact that the opposition forces and civilians had been exposed to revenge attacks by the Iraqi military, as occurred in the marshes of the Tigris and Euphrates River where Iraqi Shi'ites and others resided.

The United States has had many opportunities to support more effectively

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Nebraskans for Peace

Nebraskans for Peace is a statewide grassroots advocacy organization working nonviolently for peace with justice through community-building, education and political action.

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and efficiently the Iraqi opposition—some of whom want a peaceful transition to a democratically governed Iraq—but has always backed away. Even those dissidents who the United States said that it was committed to assisting were not treated very well by the Immigration and Naturalization Service when they came to the United States after having been interned on Guam for a lengthy period of time after the Gulf War.

Historical and Cultural Background

Formerly part of the Ottoman Empire, after the First World War Britain helped establish a monarchy in Iraq under the Hashemite King Faisal, who had been in Syria. Iraq became an independent republic in 1958 with the overthrow of the Iraqi monarchy. Saddam Hussein became president of the Republic of Iraq in 1979, having served as vice president of the country for over a decade. Iraq covers the region of the Middle East that formerly was known as Mesopotamia—the 'cradle of civilization'—where some of the world's earliest cities were established in the fourth millennium B.C., with some of the earliest monumental architecture, writing and complex legal codes in the world.

Iraq, which is 437,072 square kilometers in size, about twice the size of Idaho, is bordered by Iran, Saudi Arabia, Kuwait, Jordan, Syria and Turkey. It is an oil-rich country, and indeed, oil is at the center of much of the current conflict. It was competition over access to huge on-shore oil fields that helped give the impetus to Saddam Hussein to invade Kuwait in August 1990, after years of complaining about the ill-defined border between the two countries.

Iraq is also a downstream riparian state, with two of the world's most important rivers, the Tigris and the Euphrates, flowing through the country from Turkey and Syria. It is not surprising, therefore, that the Iraqi government has been opposed to the construction of large dams by the Turks and the extraction of water from the Euphrates for irrigated agriculture by Syria. Some of Iraq's agricultural land is already experiencing salinization—increased salts in the soils), water-logging, and generalized environmental degradation as a result of the ways in which the rivers have been managed. "Iraq is facing a water and agricultural crisis of enormous proportions," an Iraqi resident of Lincoln said recently, and he went on to say, "A country of nearly 25 million people faces not only massive political, social, and economic problems, but possibly famine and devastation of the land and waters as well." Iraq already suffers chronic water and food shortages, problems that have been exacerbated by poorly thought out international development programs and poorly targeted sanctions, which have seriously restricted access to seeds, tools and technology that could be used to enhance food production and sustainable environmental management.

The Republic of Iraq is socially and culturally diverse country, with 80-85 percent of the country's population being Arab, some 15-18 percent Kurds (mainly in the north of Iraq), and the balance of the population being from various

minority groups, including 700,000 Turkoman, 20,000 Sabians, and several thousand Shabak. There are both Sunni and Shi'ite Muslims in Iraq, and some of the struggles in the country have been between these groups, with the Shi'ites having been denied power systematically by the ruling Sunni. In the 18 provinces of contemporary Iraq, a legal system prevails that includes Islamic law in special religious courts and a civil law system applies elsewhere. If Iraq is to achieve full democracy, broad-based political empowerment is necessary.

Planning for War

According to an article published in the *New York Times* by Eric Schmitt on July 5, 2002, the Bush administration has had plans drafted to attack Iraq from three sides. It would take some 200,000 American troops with support from thousands of local Kurdish and Shi'ite rebels to make headway against Saddam Hussein and his military. There is no guarantee that Hussein would not unleash the various chemical and biological weapons that still exist in the country's arsenal. The U.S. military told President Bush on May 23, 2002 that it should postpone its invasion of Iraq. Hearings being held on Capitol Hill by the Foreign Relations Committee have indicated that there are varying positions on invading Iraq, but all of the people with extensive knowledge of Iraq interviewed thus far have said that there is no imminent danger of an attack on U.S. interests by Iraq and that therefore the War Powers Act cannot be used as a reason to invade a sovereign state.

There are numerous alternatives to a military solution to what some people have termed the "Saddam Hussein problem." One alternative is to employ a peaceful negotiating approach with an eye toward resolving differences between the United States and Iraq through diplomatic means. Another alternative is to end the sanctions and to provide Iraq with large-scale humanitarian assistance in the form of food, medicines and other goods, as well as technical expertise, to help re-establish Iraq's ravaged economy and infrastructure. The UN weapons inspectors should be allowed back into Iraq not only by Saddam Hussein but also by the Bush Administration, which has been reluctant to support open-ended monitoring and weapons inspections. More attention needs to be paid to nation-building, human rights promotion, and democratic governance as strategies in Iraq.

The majority of Americans either do not want a new war or have not registered an opinion. Now is the time to call for a peaceful resolution to the Iraqi situation and to seek a socially just and sustainable long-term set of solutions to Iraq's (and the Middle East's) complex problems so that the Iraqi people can live long, healthy and happy lives, free of the kinds of pressures to which they have been exposed for so long.

Robert Hitchcock is the co-editor (with Alan Osborn) of a new book, Endangered Peoples of Africa and the Middle East: Struggles to Survive and Thrive (Greenwood Press, Westport, Connecticut) due out in August, 2002.

Is LB 775 Constitutional?

by Steven M. Virgil, Esq.

The following editorial was written specifically for the Nebraska Report and appeared in the July 31, 2002 Lincoln Journal Star. Omaha attorney Steve Virgil has an interest in corporate accountability and tax equity.

Over the past year, Nebraska's legislature has faced an increasingly devastating revenue shortfall, currently estimated at more than \$130 million. The burden of this shortfall has repeatedly fallen on the poor with significant cuts being made to health care, childcare and other programs benefiting Nebraska's poor. There is every reason to expect that health care, education and other social services that offer individuals and their children an opportunity for a better life will have their budgets cut during the upcoming special session.

Admittedly, Nebraska is in a very difficult situation and the state must decide who will bear the burden of paying for a \$130 million revenue shortfall. Whatever programs the Legislature and Governor decide to cut, the cuts should not undermine bedrock principles of our government, those principles that say all Nebraskans should pay a share of the state's tax burden in proportion to the benefits they receive from the state. The problem is that the Legislature doesn't seem interested in adhering to this principle.

At the same time the state will likely cut funding for healthcare for poor children, the Employment and Investment Growth Act (more commonly known as LB 775) will allow more than \$140 million in tax revenue to be redirected away from the public good and into the hands of some of the largest, most powerful corporations in the country.

Since 1987 LB 775 has redirected at least \$1.5 billion in revenue away from the state budget and into the budgets of companies like ConAgra, Cargill, ADM, IBP Inc. and WorldCom. In the same year the state cut \$4.5 million in funding for child care assistance to low-income working families because of the revenue shortfall, WorldCom will likely file for bankruptcy after receiving an unknown amount of Nebraska tax credits under LB 775.

How is any of this fair? How have we, as a state, come to a point when we tell poor children and families that they must make sacrifices, forego health care and pay burdensome amounts for childcare to address a revenue shortfall while companies like WorldCom can increase their bottom line by receiving tax credits?

We have arrived at the present situation by failing to adhere to the fundamental principle of our government that, as Adam Smith said, "the subjects of every state ought to contribute towards the support of the government as nearly as possible in proportion to their respective abilities." LB 775 has the effect of

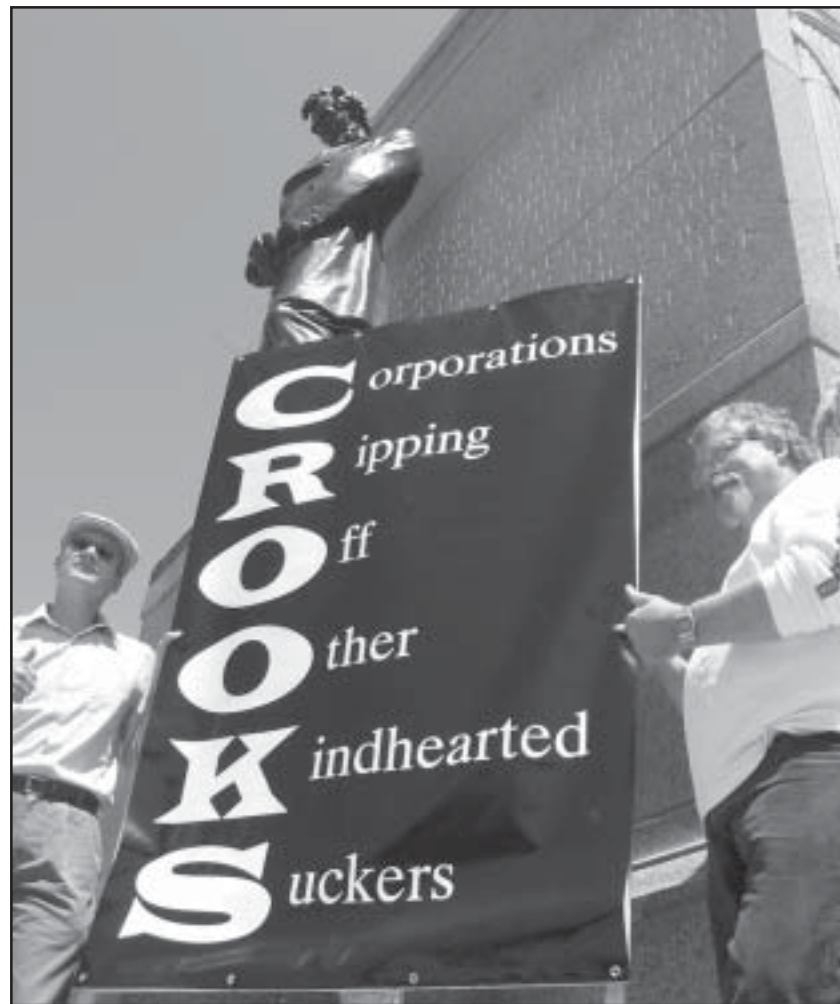
shifting Nebraska's tax burden away from one group of taxpayers to another. Instead of demanding that all citizens pay a fair share of the cost for the common goods and services provided by government, LB775 shifts these costs from the wealthiest corporate taxpayers, who can expect to pay little or no state and local taxes under LB 775, to poor children, low-income families and middle class taxpayers who must either suffer from reduced government services or pay more in taxes to meet revenue shortfalls when they occur.

The Nebraska Constitution does not allow for one group of taxpayers to avoid a proportionate share of the state's tax burden at the expense of another group of taxpayers. Nebraska's Constitution prohibits the legislature from passing any law that protects one group of taxpayers, by commuting their tax liability, from taxes that are levied on all other taxpayers. As such, the Nebraska Constitution reflects the fundamental idea described by Adam Smith, and all Nebraskans are expected to contribute toward the support of Nebraska's government in proportion to their respective abilities.

Another central idea to our government is that all states share in the benefits and burdens of our national economy. The framers of the U.S. Constitution recognized that a country where each state stood pitted against the others in an economic free for all could not prosper as a republic. They therefore provided the Commerce Clause in the U.S. Constitution to prevent "the mutual jealousies and aggression of the States, taking form in customs barriers and other economic retaliation." The Commerce Clause is guided by the vision "that the people of the several states must sink or swim together, and that in the long run prosperity and salvation are in union and not division."

LB 775 would seem to violate the Commerce Clause of the U.S. Constitution because this state program serves as an impediment to the unfettered flow of interstate commerce. The purpose of LB 775 is to encourage and reward in-state investment by private corporations while withholding these same rewards from other businesses. The U.S. Supreme Court has repeatedly struck down state laws having a prejudicial effect on out-of-state commerce. The Court has yet to consider a program such as LB 775, but there is every reason to believe that LB 775 would be found unconstitutional if considered by the Court in light of prior Commerce Clause case law.

Nebraskans are already concerned about the fairness of LB 775. They may now add to their concerns questions about the programs legality. LB 775 on its face stands contrary to fundamental principles of our government, principles that are protected by our state and federal constitutions. It is time to correct this situation.



LB 775 Q & A

A Mock Interview with CROOKS

The plaza of the west entrance of the State Capitol was the setting for an informal get-together of the LB 775 corporate tax break advocacy group CROOKS (Corporations Ripping Off Other Kindhearted Suckers), prior to the legislature's July 30 special session to cut the state budget. A collection of about two dozen CROOKS, with a few representative SERFS (Serving Every Rich & Famous Stockholder) thrown in to serve the drinks and hors d'oeuvres, gathered for "martinis and protesting" in the shade of the Abraham Lincoln statue to voice their support for corporate tax giveaways—and rich white men in general.

Holding signs that read "If God wanted YOU to be Rich, He'd have given YOU the Money," "We're Rich, You're Not, Ha Ha," "SPARE the Rich, SOAK the Middle Class" and "Make the Rich Richer, Cut Funds for Children," CROOKS took their message directly to the people. "What the citizens of Nebraska have to understand," a spokesperson for the "protest" patiently explained, "is that the Rich are better than the rest of you. We not only deserve everything we've already got. We deserve more. And we're going to get it, even if we have to bankrupt this state." On cue, several SERFS also displayed class-appropriate signs. "I'm just a worthless, no account family farmer grateful for the crumbs that fall from Big Business's table" read a rural person's placard. And a positively adorable "Welfare Poster Child" held a sign that was almost bigger than her that said, "Don't take from the Rich. Take from me." The festivities concluded with the reading of the mock interview.

The media that were invited to cover the event appeared to enjoy themselves. The *Lincoln Journal Star* story the following day led off with the statement, "Bashing the rich. Waging class warfare. Engaging in cheap theatrics. The state coordinator of Nebraskans for Peace was ready to admit to all those charges Friday after a half-hour, satire-laced protest on the steps of the State Capitol. But there was no apology attached... 'It's all true, but you know what? We didn't start this class warfare,' he said." The blame for that, he noted, can be traced back to ConAgra's 1987 blackmail threat "to move its corporate headquarters out of Omaha and out of Nebraska" unless the legislature passed LB 775.

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LB 775 Q & A

Q. What is LB 775?

A. Manna from heaven. Divine providence. God's gift to His Chosen. How else do you explain that everything else in the state budget—like child-care subsidies for single mothers—is getting butchered, but this program benefiting some of the richest people in the history of the world is left untouched? Specifically though, LB 775 is the common name for the “Employment Investment and Growth Act,” passed in 1987 by the Nebraska Legislature and amended several times since then. LB 775 is a tax incentive program for businesses located in Nebraska, providing reductions in state income tax, state and local sales taxes, and local property taxes to companies that create new jobs in the state with qualifying investment projects. A cash cow (not to mention ‘sacred cow’), to be sure.

Q. Why was LB 775 passed by the Nebraska Legislature?

A. Because the legislature knows which side its bread is buttered on. LB 775 was passed in 1987 as a legislative response to ConAgra's well-timed threat to move its corporate headquarters from Omaha to another state. Lucky for the legislature, ConAgra opted to stay, which proves beyond a shadow of a doubt the program's success. The broader purpose of LB 775 is to stimulate business investment in Nebraska, which would lead to net economic benefits to the rest of Nebraska's residents. In other words, “trickle down” economics at its finest.

Q. Has LB 775 been a success?

A. You're joking, right?

Q. No, really, has LB 775 been a success?

A. Of course it's been a success. Don't you read your Annual Stockholder Reports? The state economy's in the toilet, and we're still making a killing.

Q. Yes, but, shouldn't success be measured in terms of economic benefits and costs? A study of LB 775's economic impact published in 1997 by economics professors at Creighton University found that LB 775 had, at best, a modest impact on job growth in Nebraska between 1988 and 1997 and no impact on personal income growth (Omaha World-Herald, December 28, 1997). In January 2002, the Legislative Fiscal Office reported that projected state tax reductions of \$700 million over the next seven years due to LB 775 would be offset by only \$162 million in new tax revenues generated by LB 775 investment projects, for a loss of \$538 million. Doesn't that discredit the integrity of the program?

A. Little people, little minds. How many more times do we have to explain this to you? If the taxpayers of this state expect to keep corporate giants like ConAgra Foods, Union Pacific and Gallup in this state, you'd better be willing to pony up and pay the carrying charges. Otherwise, we're out of here. We'll do what IBP (since swallowed up by Tyson) did: take your LB 775 benefits, and then move our corporate headquarters across the river to South Dakota, where they don't even have a state income tax. You want that? Do you?

We thought not. Next question.

Q. How much has LB 775 cost Nebraska taxpayers?

A. Not enough. But, trust us, we're working on it. At last count, LB 775 had cost the state \$1.65 billion in lost revenue since its inception. Last year alone, the program enabled beneficiaries to rack up \$140 million in tax credits (an identical sum, now that you mention it, to what the legislature had to cut from the FY2002 budget to address the shortfall in revenue). Thank goodness though that the legislature was smart enough to ditch that stupid idea of postponing for **TWO WHOLE YEARS** \$23 million worth of our hard earned and justly deserved reimbursements! Why, that's nearly the size of the cut made to the University of Nebraska-Lincoln budget! Had that contemptible proposal passed, LB 775 beneficiaries would have been no better than some miserable state agency!

(Well, for two years, anyway, until we got our money.)

Aggravating as episodes like that are, when you sit back and take the long view, overall you'd have to say the program—for government—has performed rather nicely. In 1997, following a banner year in which the LB 775 tax reductions exceeded \$150 million, former State Sen. Don Wesely said that “[LB 775] would be the fifth-largest part of the state budget



Sen. Ernie Chambers looked on as a Distinguished Debutante Daughter (DDD) and a Craggy Corporate CEO (CCC) performed a dramatic reading of the Mock Interview at the “Martinis and Protesting” get-together by the Abraham Lincoln statue at the State Capitol. The sign says “SMILE when you pay our taxes.”

today if it were a spending program rather than a tax abatement” (*Omaha World-Herald*, December 28, 1997). And that doesn't even include local sales tax and property tax receipts, which are also significantly reduced by LB 775 projects and comprise a tidy little sum in their own right.

Q. Who benefits from LB 775?

A. None of your business.

Q. But if it's costing the taxpayers this much money, \$140 to \$150 million a year, don't they have a right to know who the beneficiaries are?

A. No. They don't. That's confidential information. Don't you understand anything about economics? Making such privileged data public could give competing businesses an unfair trade advantage and place the financial health of the LB 775 beneficiary at risk—in addition to undermining the very foundation of the Free Enterprise system, in which corporations are forever “competing” in upright and sportsmanlike fashion to win the favor of the consumer.

Or, given all the bad publicity about insider trading, accounting scandals and unbridled corporate greed, if that “magic of the marketplace” stuff doesn't work for you, look at it this way... Were the governor and the legislature to allow a rival corporation to have access to a LB 775 beneficiary's investment data, they'd in fact be jeopardizing the beneficiary's ability to succeed—and risking all of the money state government just gave to the beneficiary. What politician in their right mind wants to be responsible for helping destroy a perfectly good business on the one hand, and for frittering away the public's hard-earned tax dollars on a failed economic development project on the other? You get the picture.

But here's what we can tell you: **This money is benefiting the right people and they're using it wisely.** For just this last year, the Nebraska Department of Revenue reported 520 active LB 775 projects. The list of beneficiaries reads like a “Who's Who” of corporations doing business in Nebraska. Nebraska taxpayers' money went to these firms. That's really about as much as you, a taxpayer, need to know. But, if you really think you can't live without knowing the identities of these corporations, you can check out the 2001 Annual Report to the Nebraska Legislature on state tax incentive programs on the internet at: www.revenue.state.ne.us/incentiv/01an_rep/01_annrp.htm.

There. See how open and forthright we are?

Q. So which companies have benefited the most from LB 775?

A. You got a learning disorder? We just went over this. The actual amounts of tax reductions for individual companies is a state secret. Efforts to require disclosure of the dollar amounts of LB 775 tax benefits to individual companies have mercifully failed to pass the legislature. Now drop it, before we get really irritated and call your corporate owner, who's probably a LB 775 beneficiary and one of the behind-the-scenes sponsors of today's get-together. Interview over.

ENFORCE BEER LAWS IN WHITECLAY AS WELL AS LINCOLN

The following article written by NFP President and "Whiteclay 7" defendant Carol McShane appeared in the July 5, 2002 Lincoln Journal Star.

On June 10, seven usually law-abiding citizens knowingly and purposefully disobeyed state law by opening and drinking from beer cans on state property. The seven were cited by State Troopers for "drinking in public," a Class IV misdemeanor punishable by a fine. The first court date is July 17.

Many people find this action senseless, others scorn it, some understand the intent but find the premise faulty, and some others and I hold that it is a necessary action to correct lawlessness. I was one of the seven. Since I hold the law in high regard, I write to clarify my position. Although I am president of Nebraskans for Peace, on the topic of civil disobedience, I write for myself only.

If you grant, as I do, that there is gross disregard for and only negligible enforcement of the laws of the state of Nebraska in Whiteclay, and if you grant that the Oglala Tribal government and Nebraskans for Peace have unsuccessfully undertaken many rational and legal steps to bring respect for law to Whiteclay, the option of civil disobedience presents as a proper demonstration both of the magnitude of the problem and a sign of our intent to persist.

Many well-meant arguments are offered as reasons why NFP's campaign is off-base. I will name those most often cited, followed by the NFP response:

Argument: Shutting down beer sales in Whiteclay only moves the problem down the road.

Response: Every day beer dealers in Whiteclay sell over 11,000 cans of beer to a reservation clientele that has no legal place to drink it. Furthermore, Whiteclay has no local law enforcement, despite the state Liquor Control Commission's determination that law enforcement is required for all the hours that alcohol is sold. The fear that these beer sales might move down the

road is simply not a justification for not enforcing the laws of the state in Whiteclay.

Argument: This is a Native problem.

Response: This is true in part, but underenforcement and disregard for law in the state of Nebraska is the problem of the state of Nebraska. Furthermore, the Oglala Tribal government fully supports efforts to close Whiteclay beer stores.

Argument: NFP should expend its energy to get treatment centers in the reservation.

Response: The work of establishing a lawful community must precede social work. When Bishop Desmond Tutu spoke in Lincoln recently about immediately post-apartheid South Africa, he clearly articulated that the need to establish a functional system of law is not only essential to the formation of community; it is the primary responsibility of credible government. The same holds true in Whiteclay. First we will have respect for law, then—at the invitation of tribal leaders—social, mental and other health care services can be offered.

Since I do believe that law and order is primal, I also believe it was essential that state troopers cite me for a clear violation of the law. If I owned a beer store in Lincoln and sold on credit or traded beer for sex or sold to obviously drunk or underage customers, I would expect to be cited, and rightfully so. It is not only a legal violation; it is the expectation of the community.

If this lawless situation prevailed in, say, Havelock or Waverly, it would be cleaned up in short order. But Whiteclay is eight hours away from the state capital and the people involved are four white, obviously wealthy beer dealers and many very poor Indians.

The question my act of civil disobedience asks is: How is it that actions illegal in the state of Nebraska are cited in Lincoln but are not cited in Whiteclay? It is appropriate for me, a citizen of the state of Nebraska, to ask this question and I have asked it in the most effective way I know.



The seven Nebraskans for Peace who drank beer on the lawn of the Governor's Mansion June 10 pleaded "not guilty" in Lancaster County Court and will go to trial in early September for this misdemeanor offense.

THE IMPORTANCE OF BREATHING SPACE

by Byron Peterson

Most of us understand the notion of "giving someone their space." Oftentimes, when someone has fallen or is struggling, we have witnessed the need for people crowding in to be told to "stay back and give them some air." The Oglala Sioux Tribal government on the Pine Ridge Reservation has repeatedly communicated its need to the State of Nebraska to create some breathing space between themselves and the predatory behavior of the modern-day "whiskey peddlers" in Whiteclay. Indeed, the Lakota people for their part have consistently voted as a Tribe to ban alcohol and keep it off the Reservation.

Unfortunately those Nebraskans responsible for setting up, maintaining and continuing to defend as "our right" the selling of over 11,000 cans of beer per day just 200 feet south of the Reservation border have been unwilling to yield to the Tribe's need for space. They have not been willing to "stay back and give 'em some air."

Sometimes, it's enough for those "pushing in" on another's space to just be told about it to get them to stop. Sometimes they have to hear it directly from those being pushed in upon. In extreme situations, those pushing in still "don't get it" or may be too insensitive to care. In that event, it may become necessary to gently "give them a taste of their own medicine"—that is, to do unto them what they are allowing to happen to others.

Due to the fact that the governor, the Liquor Control Commissioners and the enforcement staff have demonstrated such a remarkable indifference to the many reports, narrative descriptions, pictures and even years of direct testimony from Tribal leaders themselves, it has now become necessary for more of us within our state to embarrass them to somehow shock and shame them into "backing off" by "giving them a taste of their own medicine."

And the best way to give them that taste, we concluded, after a year and a half of disdain, double-talk and bad faith, was to symbolically dishonor their space in a way not unlike what they have been doing to the Lakotas. You enter their formal meetings, their offices and even their home space. You attend a meeting of the Liquor Commission, you go to Governor Johanns' office at the Capitol, and you even convene a gathering on his lawn at the Governor's Mansion—and brazenly re-create for them a token of what they have created in Whiteclay for the Lakotas on the Pine Ridge. You defile their space. Not by attempting to peddle over 11,000 cans in a day in those settings, but by just opening and drinking from one.

Remarkably, they seem to take offense to this. They seem to find this disrespectful. And I think they find themselves being put in an awkward situation—a situation that must surely cause one to think "Why am I feeling indignant by these folks

opening cans of beer in my space, but feeling none of the same at what I am condoning in Whiteclay?"

One of the interesting things about our beer-drinking protests on public property is the speed at which so many Nebraskans are picking up on the blatant irony in all of this—the fact that our officials seem to be so out of step on this issue.

But even more significant is the fact that there seems to be a growing mass of quite respectful and thoughtful people who are willing to carefully craft a whole series of these "therapeutic learning situations" for these officials who currently seem to lack the sensitivity to stop their behavior as manifested in Whiteclay. The big question is, will they be able to integrate these lessons and increase their humanity to the degree needed to maintain their leadership positions as our elected officials on this issue? Will they be able to make good on their obligations in giving respect and space to our neighbors and "relatives" (the Lakotas on the Pine Ridge)? Or will we as a state continue to be seen as simply continuing to blame the victims vs. correcting our own thinly veiled predatory behaviors?

If it's the latter, it quite clear that these officials lack the ethical qualifications to maintain the positions they are called upon to fill, and they should either resign or be replaced for malfeasance and dereliction of their duties.



STRATCOM GO

The Nerve Center for War-fighting Will Now Lead the War-fighting

“It’s politically sensitive, but it’s going to happen. Some people don’t want to hear this, and it sure isn’t in vogue, but—absolutely—we’re going to fight in space. We’re going to fight from space and we’re going to fight into space. That’s why the U.S. has development programs in directed energy and hit-to-kill mechanisms. We will engage terrestrial targets someday—ships, airplanes, land targets—from space.”

Commander-in-Chief of U.S. Space Command, Joseph W. Ashy, in *Aviation Week and Space Technology*, August 9, 1996

compiled from various sources by Bud Narveson

Nebraskans, and especially Nebraska politicians, are delighted that the Department of Defense has decided to station part of the U.S. military space command at Offutt Air Base. The state welcomes the likely addition of several hundred well-paying jobs, and imaginations kindle at the possibilities of star-wars technologies being deployed right in our own backyard. In the intoxication from such heady stuff, it is easy to lose sight of what the consequences of the militarization of space might be.

The movement of the U.S. military into space is not exactly new or unforeseen. In an April 18, 2002 report, “Weapons in Space: Silver Bullet or Russian Roulette? The Policy Implications of U.S. Pursuit of Space-Based Weapons,” Theresa Hitchens, Vice President of the Center for Defense Information, outlines the history of military and political thinking about weapons in space.

“For nearly 40 years,” Hitchens says, “there has been an unspoken agreement among the world’s space powers to refrain from putting weapons in orbit. Military use of space has been limited to surveillance and communications satellites, and scientific and commercial endeavors have largely been able to develop with minimal concerns about military interference or the possibility of becoming wartime casualties.

“Even during the height of the Cold War, the two superpower rivals eschewed serious development of offensive space weapons—in fact, though they experimented with the technology, the two sides also refrained from actively deploying weapons that could shoot down satellites from ground, air or sea as well. They even signed a treaty, the 1972 Anti-Ballistic Missile (ABM) Treaty, which forbade either side to tamper with the other’s ‘national technical means,’ i.e., spy satellites.”

One must not suppose that the U.S. and the U.S.S.R. resisted the powerful temptation to deploy futuristic weaponry in space out of any scruples about expanding the possibilities of warfare. Rather, both sides recognized that they could very likely have more to lose than to gain by any such moves.

Such recognition must have motivated the U.S. to sign the United Nations Outer Space Treaty that became effective in October 1967. A summary posted on the UN Office for Outer Space Affairs website quotes these principles for the peaceful exploitation of space:

“the exploration and use of outer space shall be carried out for the benefit and in the interests of all countries and shall be the province of all mankind; outer space shall be free for exploration and use by all States; outer space

is not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means; States shall not place nuclear weapons or other weapons of mass destruction in orbit or on celestial bodies or station them in outer space in any other manner; the Moon and other celestial bodies shall be used exclusively for peaceful purposes; astronauts shall be regarded as the envoys of mankind; States shall be responsible for national space activities whether carried out by governmental or non-governmental activities; States shall be liable for damage caused by their space objects; and States shall avoid harmful contamination of space and celestial

“With regard to space dominance, we have it, we like it, and we’re going to keep it. Space is in the nation’s economic interest.”

Keith Hall, Assistant Secretary of the Air Force for Space, in a 1997 speech to the National Space Club.

bodies.” (See the global issues.org website for details.)

This 1967 treaty was followed in 2000 by a resolution called the “Prevention of Outer Space Arms Race.” This time, however, the U.S. declined to sign. (The U.S. abstention was joined in by just two other states, Israel and the Federated States of Micronesia; whereas 163 states voted in favor.)

“This was a shameful vote,” Karl Grossman, a member of the Commission on Disarmament Education, Conflict Resolution and Peace of the International Association of University Presidents and the United Nations and a professor of journalism at the State

University of New York/College at Old Westbury, wrote in the Progressive magazine, “and it puts the United States on a path toward weaponizing space.”

At about the time of the UN vote on this resolution, Ohio Democratic Rep. Dennis Kucinich warned: “Of course, we know that moving forward with a national missile defense system will set the stage for the advancement and proliferation of nuclear weapons in space. And we know that once we continue down this road, we’re going to be locked into funding an industry that makes missiles, and anti-missiles, and creates policies to promote the use of missiles, and more spending on missiles.”

Thus until recently, the U.S. shared a nearly universal recognition that keeping weapons out of space served everyone’s best interests.

The U.S. Rush To Militarize Space

Yet today, the current administration is practically slaving at the mouth to get on with the militarization of space. In announcing appointment of a four-star general to head his space program, Defense Secretary Donald Rumsfeld said: “More than any other country, the United States relies on space for its security and well-being. It’s only logical to conclude that we must be attentive to [the vulnerabilities of our satellite system] and pay careful attention to protecting and promoting our interests in space” (quoted by editor Matthew Rothschild of the Progressive in “Lasers from Heaven” (May 10, 2001).

Rothschild goes on to quote from a report entitled “Joint Vision 2020,” in which the Joint Chiefs of Staff said, “Information operations are essential to achieving full-spectrum dominance. The joint force must be capable of conducting information operations, the purpose of which is to facilitate and protect U.S. decision-making processes, and, in a conflict, degrade those of an adversary.”

American military strategists are by no means suffering from lack of imagination, much less from an excess of inhibitions. In an article on “The Future of Warfare-Or ‘Single Dumbest’ Bush Idea?” Chris Wattie (National

DOES STAR WARS

igning Nuclear War on Earth

ting Efforts in Space As Well



Post, with files from news services; posted at globalresearch.ca 29 August 2001) writes:

“The U.S. military is drawing up plans for a space bomber that could drop precision bombs from a height of more than 100 kilometers while flying 15 times faster than conventional bombers.”

The U.S. planners are hardly keeping their ambitions secret. In “Arms Race in Outer Space,” Karl Grossman (Knight Ridder/Tribune News Service) writes:

“The cover of the ‘Vision For 2020’ report of the Space Command... depicts a laser weapon shooting a beam from space zapping a target below. The report opens: ‘U.S. Space Command-dominating the space dimension of military operations to protect U.S. interests and investment. Integrating Space Forces into warfighting capabilities across the full spectrum of conflict.’

“Once testing [of space weapons] begins, the ‘need’ for destructive capabilities in orbit induces a mindset opposed to rational restraint. The mindset becomes unassailable if testing is completed, for then the system ‘must’ be deployed since, if we have developed the capability, others will want to follow suit and rapidly will do so.”

Colonel Daniel Smith, USA (Ret.) Chief of Research, Center for Defense Information, “Space Wars,” February 2001.

“Vision For 2020’ compares the U.S. effort to ‘control space’ with the effort centuries ago when ‘nations built navies to protect and enhance their commercial interests by ruling the oceans.

“Coupled with the Bush Administration’s national missile defense program, the push toward weaponizing space is nothing less than an effort by the United States to assert its dominance—military and economic—over every other country in the world.

“Weapons in space will enable the United States to shoot down satellites from other countries, thereby devastating their communications systems and wreaking havoc on their economies.

“And far more than rhetoric is involved,” Grossman writes. “Last year, the U.S. signed a multi-million dollar contract for a ‘Space-Based Laser Readiness Demonstrator.’ A promotional poster shows the laser firing its ray from space, a U.S. flag somehow waving in space above it. The main justification that Washington gives for the rapidly expanding U.S. military push into space is that it’s about missile defense.”

In the CDI report cited earlier, Theresa Hitchens writes: “Unlike in Star Trek, the ‘final frontier’ has yet to become a battlefield. But if the current trends continue, that will change—not in the distant future of science fiction, but within the next several decades. Emerging Bush administration plans and policies are clearly aimed at making the United States the first nation to deploy space-based weapons.”

Implications

The implications go far beyond the possibility of a new arms race and renewed nuclear standoff. Not only “liberals” but also “conservative” organizations such as the Cato Institute are urging caution. Its March 18, 2002 release (source: www.cato.org) summarizes the Cato Institute position:

“In ‘Should the United States ‘Weaponize’ Space?’ Cato senior defense policy analyst

“How will the rest of the world take to being dominated from above? One doesn’t have to be particularly unfriendly to the U.S. to feel uncomfortable. More naturally hostile or suspicious countries could well feel they have been given no choice but to develop their own anti-satellite weapons in an attempt to blind U.S. satellites, even though, since the U.S. will far outspend them, the effort would become an ever-receding goal... It will not only make enemies where none exist, it will drive its NATO allies, already nervous and alarmed about the consequences of the ballistic missile shield plan, into a state of antipathy towards America.”

Jonathan Power, “Space-After Tito’s fun it might be Rumsfeld’s nightmare,” May 9, 2001.

Charles V. Peña and former director of regulatory studies Edward L. Hudgins argue that despite the vulnerability of U.S. space-based assets, the United States—which relies heavily on satellites for

military and commercial communications, tactical warning, and surveillance—has the most to lose from an orbital arms race.

“Any move to place weapons in space would likely precipitate a response to counter such capability and encourage adversaries to redirect their resources into developing anti-satellite (ASAT) weapons, the authors say.

“The Cato report finds it unlikely that such an effort would be promising enough that any nation would actually make the attempt, since the price would in all likelihood be too high:

“Even if an adversary chose to use a nuclear blast in space as a means of destroying satellite electronics, it would have to cross the same threshold that exists on Earth—enough to make any country think twice. ‘Although a ‘doctrine’ may not be in place to respond to a low-yield nuclear ASAT scenario, the United States would probably go beyond the use of conventional weapons to retaliate,’ the authors write. ‘Potential adversaries know this.’”

The point these authors make seems to be that the only nation to have ever used nuclear weapons in the past would certainly be thought capable of using them again. If such is the case, there is no need to weaponize space as a protection of the U.S. communications network; the threat of retaliation is deterrent enough. The same point is made by Theresa Hitchens in the CDI essay cited earlier. Bruce Gagnon, coordinator of the Global Network Against Weapons & Nuclear Power In Space, is even more explicit. “Belligerently offensive” is how he describes current U.S. space military doctrine.

“The people of the United States need to oppose this reckless U.S. policy of weaponizing space,” Karl Grossman concludes. “The heavens should not be a war zone.”

In his article “Militarizing Space Would Lead to New Balance of Terror” (Madison *conclusion on page 8*

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conclusion

“Unfortunately, the administration has done little thinking—at least publicly—about the potential for far-reaching military, political and economic ramifications of a U.S. move to break the taboo against weaponizing space. There is reason for concern that doing so could actually undermine, rather than enhance, the national security of the United States, as well as global stability. Thus it behooves the administration, as well as Congress, to undertake an in-depth and public policy review of the pros and cons of weaponizing space. Such a review would look seriously at the threat, both short-term and long-term, as well as measures to prevent, deter or counter any future threat using all the tools in the U.S. policy toolbox: diplomatic, including arms control treaties; economic; and military, including defensive measures short of offensive weapons. There is nothing to be gained, and potentially much to be lost, by rushing such a momentous change in U.S. space policy.”

Theresa Hitchens, “Weapons in Space: Silver Bullet or Russian Roulette? The Policy Implications of U.S. Pursuit of Space-Based Weapons,” Center for Defense Information, April 18, 2002

Capital Times, June 11, 2002), Dan Cromwell links the demise of the ABM treaty to the drive to weaponize space: “For decades, the military has been designing weapons for dominance of space-powerful lasers and projectile launchers in orbit, capable of wreaking devastation anywhere on the surface of the Earth at the command of the president. The ABM Treaty has stood in the way of testing and deploying these weapons, as they could arguably be part of a missile defense system.” (reported at <http://www.converge.org.nz/pma/cra0527.htm>)

Cromwell argues forcefully that “the pressure to terminate the treaty has little to do with defense. Rather, it has to do with removing an obstacle to testing and deploying these offensive weapons in space.

“What is wrong with this strategy?” Cromwell asks. “For a time we could have unchallenged military control of space, but it is naive not to foresee that other nations would eventually succeed in putting weapons into space. From that moment on, we would face a new balance of terror.

“Consider recent history,” Cromwell urges. “In 1945, the United States exploded the first atomic bomb. Within a few years, Russia had one. In 1957, Russia put the first satellite into orbit. The United States soon followed. Surely the lesson is that even a nation less developed than ours can focus its resources to challenge us in specific areas when its vital interests are at stake... It is absurd to suppose that we can continue on this course and not provoke a military challenge.

“There is,” Cromwell concludes, “a better way to protect our future security. Instead of using our current position of dominance to gain temporary control of space, let’s use it to promote international agreements under which no nation will be permitted to put weapons into space, agreements with strong provisions for surveillance and verification to ensure compliance. With our current influence, we could shape these institutions to assure that we could have confidence in them when we come to the time—as surely one day we will—when another nation can challenge our dominance.”

As in so many matters related to military affairs, the Center for Defense Information

sounds a note of calm sanity in an often overheated rhetorical situation:

“Currently, the simplest ways to attack satellites and satellite-based systems involve ground-based operations against ground facilities, and disruption of computerized downlinks... It is obvious that the United States must ensure the integrity of its increasingly important space networks, and find ways to defense against threats to space assets. Still, there is little reason to believe that it is necessary for the U.S. to put weapons in space to do so. Space warfare proponents are making a suspect leap in logic in arguing that space-based weapons are, or will soon be, required to protect the ability of the United States to operate freely in space. One could argue much more rationally that what is needed most urgently is to find ways to prevent computer network intrusion; to ensure redundant capabilities both at the system and subsystem level, including the ability to rapidly replace satellites on orbit; to improve security of ground facilities (perhaps moving to underground facilities); and to harden electronic components on particularly important satellites... Furthermore, the evidence of actual space weapons programs by potential adversaries is thin.”

Like Cromwell in the article cited above, Theresa Hitchens argues that a new arms race is a distinct possibility, with each new escalation leading to demands for more expenditures. She, like others cited in this report, warns of the powerful influence of the U.S. military-industrial complex, which would not be unhappy with such a consequence.

The absurdity of calling any and all expansions of the U.S. military power “defense” should be apparent to all. But such seems not to be the case. Concerned citizens must do all in their power to moderate the inordinate ambitions of generals and politicians. The least we can do is keep informed, inform our neighbors, and let our political representatives know that when we vote we will have in mind their actions during this period of ever-expanding military demands.

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U.S. Supreme Court Decisions Place Nebraska's Death Penalty in Chaos

by Tim Butz
Executive Director, ACLU Nebraska

Nebraska's death penalty laws are in a state of chaos as a result of two U.S. Supreme Court decisions released in the final week of the 2001-02 session. Opponents of the death penalty, including ACLU Nebraska, Nebraskans Against the Death Penalty and Nebraskans for Peace, have long talked about the flaws apparent in Nebraska's system of capital punishment. Now the Supreme Court has added its authority to the debate through rulings that have set guidelines for determining what constitutes a cruel and unusual punishment and how death sentences are to be determined.

The two rulings mean that Nebraska's death penalty code must be rewritten. The question has become whether Nebraska will enact a law that will be subjected to a new round of court scrutiny, or in the alternative give serious consideration to abolishing capital punishment.

Nebraska's capital punishment scheme is not constitutionally sound under the Court's recent rulings. Lawmakers will now have to add capital punishment to the list of critical items demanding their time and attention in the January 2003 session, a session that will have bitter battles over budget reductions, tax increases and other controversial issues. Will legislators find the political courage to admit the flaws? Will they abandon capital punishment and adopt a maximum sentence of life without parole? Sen. Ernie Chambers has been advocating such an approach for years, and the recent court rulings may give his effort some additional support among lawmakers if they feel their constituents support it.

Atkins v. Virginia: Cruel and Unusual Punishment

The first blow to the death penalty came on June 20, 2002, when the U.S. Supreme Court gave guidance on determining if a punishment is "cruel and unusual," and therefore prohibited by the Eighth Amendment. In a case called *Atkins v. Virginia* (decided June 24), the Court examined the issue of whether executing a person with mental retardation was prohibited by the Eighth Amendment's ban on cruel and unusual punishment. The Court determined that the standard is an evolving one, and that the existence of a "consensus" among the states could determine if a punishment violated the Eighth Amendment. The *Atkins* case was initially perceived as not affecting Nebraska, which

had already banned such executions. But the underlying framework of *Atkins* can be applied to Nebraska's use of the electric chair.

Nebraska is the lone state to use electrocution as the sole means of execution, and it can be argued that a clear consensus can be seen among the other states that such punishment is "cruel and unusual." At least one state court has already expressed a concern that while the death penalty itself was not cruel or unusual punishment, the method of electrocution required by statute could cause unnecessary suffering. This opens the door to a federal court determining that electrocution is a violation of the Eighth Amendment.

Proponents of capital punishment have been warning of the inevitability of such a possibility for several years. During the two years of the 97th Legislature, four lethal injection bills were introduced, two by Sen. Kermit Brashear and two by Sen. Jon Bruning. Each senator introduced a lethal injection bill in the 2001 session, and another two additional bills in 2002 that reflected their concerns arising from the Nebraska Crime Commission's "Fairness Study." Those bills, along with Sen. Chambers' bill that would abolish the death penalty and replace it with life in prison without parole, had hearings before the legislature's Judiciary Committee but were not reported out to the floor for debate and action.

While the legislative initiative to change the means of execution in Nebraska to lethal injection was unsuccessful, its proponents will certainly press their case in the 2003 session.

Ring v. Arizona: Judge versus Jury

The second blow to Nebraska's death penalty came when the Supreme Court ruled in an appeal from Timothy Ring, an Arizona death row inmate who challenged the process used to determine his sentence. The Court ruled on June 27 that only a jury could make the factual findings that allow a sentence of death. Under Nebraska law, as in the challenged law from Arizona, judges alone determine the existence of aggravating and mitigating circumstances that would result in a death sentence. The Court determined that

these factual findings were the sole province of the jury and not the judge, and reasoned that the Arizona sentencing law violates the Sixth Amendment right to a trial by jury. By extension, it was a direct attack on Nebraska law as well.

In reaching this decision, the Supreme Court relied on its prior decision in a hate crimes case, *Apprendi v. New Jersey*. In *Apprendi*, the Court reviewed a case where a defendant received a two-year increase in his sentence for arson because the crime was racially motivated. The Supreme Court overturned *Apprendi*'s sentence because a judge and not a jury determined the aggravating and mitigating circumstances allowing the enhanced sentence. As Justice Ruth Bader Ginsburg wrote in the majority



Tim Butz, ACLU Nebraska Executive Director, pictured with Amy Miller, ACLU Nebraska Legal Director.

opinion in *Ring*, "The right to a jury trial... would be senselessly diminished if it encompassed factfinding necessary to increase a sentence by two years, but not the factfinding necessary to put him to death."

The practical effect of *Ring* was to give all seven Nebraska death row inmates a new argument on appeal. Defense and prosecuting attorneys differ on whether the decision can be applied retroactively, but the appeal is sure to be raised in all seven cases.

Both *Atkins* and *Ring* should be considered in light of the flaws already detailed by the Nebraska Crime Commission's "Fairness Study" released in August 2001. While Governor Johanns and Attorney General Don Stenberg portrayed the study as showing that the death penalty was reserved for the "worse of the worst," the study's author publicly stated

that such is not the case. In fact, the study found several problems with the way in which Nebraska applies the death penalty. The major problems found by the study's author, Professor David Baldus of the Iowa University School of Law, were:

- Adverse impact (a form of discrimination that looks at results rather than at intent), based upon race, in determining who was charged with a capital crime and who faced criminal charges of a lesser degree of homicide;
- Inconsistency, based on race, in determining who was offered a plea bargain to a lesser offense;
- Inconsistency, based on geography (urban versus rural), in seeking the death penalty;
- Disparate treatment (a form of intentional discrimination) based on the socio-economic status of the crime victim; those who kill an affluent person are treated more harshly by the law than those charged with killing a poor person.

Perhaps the most damning summary of Nebraska's death penalty came from Prof. Baldus, who wrote in his Amended Final Report that "A number of offenders whose cases did not advance to the penalty trial have levels of culpability that are comparable to the defendants who were sentenced to death... In assessing consistency a 50% probability of receiving the death penalty is important because it approximates the outcome of a coin toss." In other words, those who commit the same crimes are not punished in the same way, and the chances of being punished with electrocution are the same as flipping a coin at the start of a football game.

The question now becomes one of determining the level of political energy and resources that proponents and opponents of capital punishment can muster in the 2003 legislature. If the opponents sit on the sidelines this year, a prime opportunity to remove execution from Nebraska's law will be lost forever. It would be a chance that will not be easy to regain.

An excellent summary of the Crime Commission's Fairness Study has been prepared by Christy Aggens of Nebraskans Against the Death Penalty (NADP) and published by ACLU Nebraska. A free copy of it can be obtained from ACLU Nebraska, 941 O St., #706, Lincoln, NE 68509, (402-476-8091) or by e-mail to HuskerACLU@aol.com



Kevin Kamps of the Nuclear Information and Resource Service in Washington, D.C. was the featured speaker at the 15th Annual Lantern Float at Lincoln's Oak Lake Park commemorating the atomic bombing of Hiroshima. The mushroom-shaped cloud pictured above served as the backdrop during Kevin's interview with Channel 10/11.

15th Annual Hiroshima Lantern Float

Memorandum

1970:
Carlsbad Caverns, then I moved to White Sands National Monument. Dr. Albert Einstein, government officials and the Pentagon all watched the mushroom-shaped cloud right here in the Chihuahua desert 25 years ago.

1973:
Jemez Springs, New Mexico, I met a Christian priest. At Tinian Air Base in Micronesia, he held a service for "B-29" pilots who headed for Hiroshima, August 6, 1945.

1945:
Izumi Air Base in Yaponesia 100 miles south of Nagasaki. Three days after the Hiroshima bombing, a "B-29." Due north. 30,000 feet high. 300 m.p.h. Three minutes later someone shouted, "Look, a volcanic eruption!" In the direction of Nagasaki I saw the mushroom-shaped cloud with my own eyes.

1946:
Hiroshima. There, one year after bombing I searched for one of my missing friends. As a substitute for him I found a shadow man. The atomic ray instantly disintegrated his whole body—all but shadow alive on concrete steps.

1972:
Bandelier National Monument. Beautiful ruin of ancient people, the Anasazi. Dead of night, the earth quakes three times. Not by Jemez volcano, but by underground nuclear explosion in Los Alamos. More ruins, more churches!

1975:
The Air Base ruin in Yaponesia, south of Nagasaki. No more "Kamikaze pilots," now 3,000 cranes soaring high in the setting sun.

1979:
Northern edge of Chihuahua desert, Bosque del Apache National Wildlife Refuge. Sandhills crane, "Grus canadensis": 1,700. Whooping crane, "Grus Americana": none. As a substitute for the extincting species Mr. Kerr-McGee wants to dump ever-existing nuclear waste into "The Land of Enchantment."

by Nanao Sakaki
Sangre De Cristo Mountains, March 5, 1979

My name is Kevin Kamps. I serve as the high-level nuclear waste specialist at Nuclear Information and Resource Service in Washington, D.C., fighting the environmentally racist nuclear waste dumps proposed for Native American lands at Yucca Mountain, Nevada and Skull Valley, Utah. These dumps target the very people most harmed by atomic weapons tests, "downwinders" living in Utah and Nevada—states regarded as nuclear sacrifice zones even though they do not generate high-level radioactive waste. I'm thankful for this honor and privilege of speaking to Nebraskans for Peace on this solemn occasion, the commemoration of the atomic bombing of Hiroshima, Japan 57 years ago.

As the above autobiographical poem by Nanao Sakaki shows, nuclear weapons and nuclear power are twin evils that threaten us and all life on Earth. In 1955, 12-year-old Sadako died of an A-bomb disease, leukemia, but not before folding many hundreds of paper cranes. She was trying to reach a thousand, to win a wish that she might live. To this day, her courage and determination have inspired children and adults in Japan and around the world to fold paper cranes, in memory of Sadako, in prayer for peace. NFP's logo reflects the powerful symbol of the crane. The annual spring migration of 500,000 Sandhills Cranes, the Birds of Heaven, in Nebraska reflects an ancient, sacred beauty. Nuclear weapons and power threaten that sacred beauty.

Working on nuclear waste dumps can get you down in the dumps. Keeping your spirit healthy and your hope alive in this work is sometimes difficult, but essential. A book that has given me hope in some dark times is Joanna Macy's *Despair and Personal Power in the*

Nuclear Age, written in 1982 at the height of the nuclear arms race. Macy contends that we need to face the nuclear nightmares, no matter how fearful, in order to heal the psychic numbing that begins as a defense mechanism, but ends up paralyzing us. German playwright Bertolt Brecht wrote that "the compassion of the oppressed for the oppressed is indispensable. It is the world's only hope." We are all oppressed by the threats of nuclear war, nuclear accidents, radioactive pollution, and atomic waste shipments through our communities. We must keep hope alive, join together across this country and the world, and chart a course of action. I'll first talk about the ways the Yucca Mountain nuclear waste dump plan threatens us, and then I'd like to share some stories of resistance to nuclear waste shipments in Germany that inspire me and sustain my hope. On July 9, the U.S. Senate voted in favor of moving ahead with the proposed national dumpsite for high-level radioactive waste targeted at Yucca Mountain, Nevada. The vote count was 60 Senators in favor and 39 opposed to overriding the State of Nevada's veto against the dump. George W. Bush's signature sealed the dirty deed, even though he promised Nevadans that "sound science" would make up his mind on Yucca: nearly 300 scientific studies remain unfinished at the site, and those already done show Yucca to be geologically unsuitable in major ways.

Your state is getting to know what it's like to be on the receiving end of such a rigged process: Nebraska is being sued, to the tune of hundreds of millions if not billions of dollars, for refusing to host a so-called "low-level" radioactive waste dump for seven other states on

geologically unsuitable land. Such damages may be a bargain actually if Nebraska avoids becoming the dump, for many "low-level" wastes are intensely radioactive, dangerous forevermore to the environment and human health. Despite this, even though Nebraska knows what it's like to get screwed, both U.S. Senators Chuck Hagel and Ben Nelson voted in favor of the Yucca plan. Rather than rid your state of high-level nuclear waste, however, their thumbs up to Yucca will backfire, launching vast numbers of waste shipments from other states through Nebraska. When it comes to nuclear waste transportation, we all live in Nevada. Nebraska, with only two nuclear power plants, would receive atomic waste truck and train shipments from scores of reactors in dozens of other states if Yucca opens. Of the 71,225 truck shipments targeted to go through Nebraska, 70,147—or 98 percent—would come from other states. Of the 12,890 train shipments, 12,646—again 98 percent—would be from other states. Although the nuclear industry and U.S. Department of Energy (DOE), in charge of the Yucca Mountain Project, consistently lowball shipment numbers by making empty promises that mostly train shipments will be used, 12,890 giant train casks represent 77,340 truckloads of high-level radioactive waste still moving through your state. Looking at Nebraska's share of the national burden, you would see 67 percent of all the truck shipments bound for Nevada roll through; 70 percent of the national total of high-level radioactive waste trains would travel through Nebraska. DOE even proposes barging waste casks from the Cooper reactor up the Missouri River to Omaha, even though the port there lacks cranes strong enough to lift such

heavy casks weighing 125 tons.

Incredibly, Yucca Mountain could open and fill up, and Nebraska's reactors would still keep most of the waste already stored on-site. There are currently 587 metric tons of irradiated fuel rods in Nebraska. After Yucca was full to capacity, 465 tons—or 79 percent of the waste—would remain in Nebraska. This completely undermines the Bush Administration's main argument in favor of moving ahead with Yucca, that a central dump site in Nevada would consolidate nuclear waste far from population centers, to protect it against terrorist attack.

On the contrary, for the vast majority of Americans, Yucca would mean high-level radioactive waste coming much closer to their homes. Yes, there is nuclear waste in Nebraska. But it is not in Lincoln. The closest high-level waste to where we stand right now is at the Fort Calhoun reactor, about 60 miles away. But should Yucca shipments start rolling, this park is a mile from a railway route targeted for train shipments to Nevada. In addition, under the Yucca plan, I-80 would become the atomic waste superhighway for the entire country. Nearly 500,000 Nebraskans live within a mile of these targeted routes. There are 18 hospitals and over 200 schools within a mile of these routes, facilities which are very difficult if not impossible to evacuate quickly in the event of a radiological release.

Nuclear fuel rods, radioactive when first put into a reactor, come out a million times more so. Irradiated fuel rods are among the most deadly substances ever created. An unshielded irradiated fuel rod just removed from a reactor can deliver a fatal dose of radiation in a matter of seconds. Even after decades, a rod can deliver a deadly dose in a matter of minutes.

Each high-level atomic waste truck container would hold up to 40 times the long-lasting radiation released by the Hiroshima atomic bomb. Each of the much larger train containers would hold up to 240 times the radiation released at Hiroshima. The Yucca shipments proposed for Nebraska would hold up to three million times the radiation released at Hiroshima.

Because of this, such shipments would represent potentially catastrophic terrorist targets rolling through major cities such as Lincoln and Omaha. The shipping containers are vulnerable to attack by high explosives and shoulder-fired, anti-tank missiles that are all too available on the international black market. Terrorists could choose from multiple daily shipments through Lincoln over the

course of decades. They wouldn't have to steal radioactive materials and smuggle them into a major population center to explode a "dirty bomb;" they could wait for the U.S. government to do the hard part for them. Shipments cannot be fortified nor safeguarded every mile of a cross-country journey, whereas stationary wastes stored on-site at reactors can be surrounded by thick concrete bunkers and guarded to discourage terrorist attack.

Shipping containers are also vulnerable to severe accidents. Nebraska has seen 295 fatal tractor trailer wrecks on its roadways just between 1994 and 2000. From 1990 to 2001, 2,128 train wrecks have occurred in Nebraska, including a recent derailment near North Platte involving three trains. Despite false claims by nuclear lobbyists, these shipping containers are not required to undergo full-scale physical safety tests. Real life accidents have surpassed the woefully inadequate regulatory standards applied to these shipments. Fires fueled by combustibles and explosives transported on the roads and rails can burn hotter and longer than casks are designed to withstand.

Absurdly, some in government, industry and the media downplay the risks of transport because shipments may not hit the road for some years. DOE says that the site would not begin accepting waste shipments until 2010. But the nuclear industry, spearheaded by eight utilities, is trying to open an "interim" nuclear waste dump called "Private Fuel Storage" on the Skull Valley Goshutes Indian Reservation in Utah. Hundreds of annual shipments there could begin as early as 2004. In addition, the nuclear industry may very well call upon its supporters in Congress to change the law so that shipments to Yucca could begin immediately. They tried to pass such "Mobile Chernobyl" bills into law again and again for the past six years, but grassroots resistance, and a veto by President Clinton, stopped them.

We must be vigilant, for shipments could be pushed at any time. Two train cars loaded with irradiated fuel rods in New York State are ready to roll through Nebraska bound for "temporary" storage in Idaho, although DOE has made the shipment date a secret... So much for informed democratic decision-making... So much for notifying emergency responders who would have to deal with the potentially severe perils of an accident. DOE is testing the waters, looking for the path of least resistance to such shipments. If unopposed, this single shipment through Nebraska could herald tens of thousands to follow.

CARLTON B. PAINE, Ph.D.

CLINICAL PSYCHOLOGIST

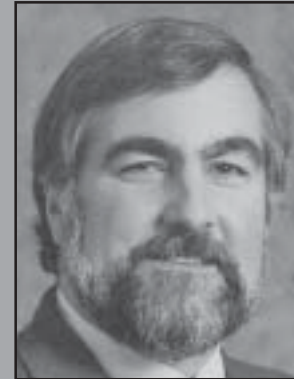
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Amnesty International USA Official To Speak At Nebraska Wesleyan September 18

The Executive Director of Amnesty International (AI) USA, Dr. William F. Schulz, will speak at Nebraska Wesleyan University on Wednesday, September 18, beginning at 7:00 p.m. in O'Donnell Auditorium. The event is free and open to the public.

Dr. Schulz is a leading authority and activist on international human rights, an ordained Unitarian Universalist minister, and the author of *In Our Own Best Interest: How Defending Human Rights Benefits Us All* (Beacon Press, 2001). He has long been involved in a wide variety of international and social justice causes, including playing an instrumental role in his denomination's



Dr. William F. Schulz

opposition to U.S. military aid to El Salvador and leading AI fact-finding missions to the Middle East and Ireland. Dr. Schulz is outspoken in his opposition to the death penalty and in

his support of women's rights, gay and lesbian rights and racial justice, and he has organized and participated in demonstrations on numerous occasions on behalf of all four causes.

Under Dr. Schulz's leadership, AI is working more and more in coalition

with others, such as the Sierra Club, who share the organization's values, and has broadened its efforts on behalf of social and economic rights. Just as no government that abuses human rights is immune from AI's reach, neither is any global corporation that acts similarly. AI-USA is the largest section of AI, a worldwide human rights organization whose work is based on the Universal Declaration of Human

Rights adopted by the United Nations in 1948. Founded in 1961, AI was awarded the Noble Peace Prize in 1977 for its contributions to freedom and justice.

So what is to be done to stop these dumps and the Mobile Chernobyls they'd launch? We need to put our heads and hearts together across the country to figure this out, because there are no easy answers. But to guide our search, I would like tell you about the farmers of Wendland, Germany, whose slogan is "Niemals Aufgeben!"—"Never Give Up!" The farming community of Wendland is targeted by the German government for its national nuclear waste dump. But the farmers and residents of the region have fought it from the start for nearly 25 years now. People of all ages have taken to the streets to protest and nonviolently block nuclear waste trains and trucks.

In 1997, 20,000 protestors massed in the streets. The German government deployed 30,000 police to force through the shipment of just six high-level atomic waste train containers. School children occupied their own gymnasiums to prevent the police from using them as barracks. Nine thousand people sat in the road for days on end, blocking the shipments. The police attempted to arrest the sitters-down, but were forced to carry each person individually, for they refused to cooperate. The process was taking so long that the police resorted to high-pressure water cannons, spraying the people with cold water in the freezing weather to break the blockade. The shipment did eventually get through, but it cost the German government a whopping \$100 million, as well as its reputation in Wendland.

The resistance has continued with each attempted shipment. Last year, four

individuals—including a 16-year-old young woman—locked their arms into a concrete box they had buried beneath the train tracks. It took the police 18 hours to remove them, the most effective blockade to date. When the German government banned outdoor camps, which sheltered and fed large numbers of protestors in cold, rainy weather, residents across Wendland put posters in their windows announcing that protestors were welcome in their homes. Despite their past experiences with police attack dogs, aggressive horse-mounted police and police beatings with batons, Wendland organizers are planning to nonviolently block another shipment this November. Since 1978, the German government has only managed to ship a mere 14 casks into Wendland. Refusing to be dumped on, Wendland has instead sent convoys of ambulances filled with medical supplies to aid Chernobyl victims in Belarus, and is moving to become energy self-sufficient by 2020 through the installment of wind and solar power, energy efficiency and conservation.

Although we are just at the very beginning of preparing for it, such blockades may be required in this country. In the meantime, we need to continue to struggle against Yucca at every turn—to slash its budget during annual appropriations in Congress, to challenge it in the courts, and to fight it in the U.S. Nuclear Regulatory Commission licensing process. I look forward to working with all of you in the future to keep hope alive and to stop Yucca Mountain and the Mobile Chernobyl dead in their tracks.

RELIGION IN THE UNITED NATIONS DECADE OF NON-VIOLENCE FOR CHILDREN AND YOUTH

featuring lectures by Theologian Martin E. Marty and "Turn Off the Violence" Workshops

September 19-20, 2002 Lincoln, Nebraska

THURSDAY, SEPTEMBER 19, 2002

The Martin Marty lectures are open to the public at no cost.

1:00 p.m.

"Faith, Education and Non-Violence in Today's World"

Nebraska Wesleyan University
O'Donnell Auditorium
50th and Huntington Avenue
Lincoln, NE

7:30 p.m.

"Faith, Education and Non-Violence in the United States"

University of Nebraska-Lincoln
Kimball Hall
12th and R Streets
Lincoln, NE

Martin E. Marty is the Fairfax M. Cone Distinguished Service Professor Emeritus at the University of Chicago, where he taught for 35 years and where the Martin Marty Center has been founded to promote "public religion" endeavors. He is also the George B. Caldwell Senior Scholar in Residence at the Park Ridge Center for the Study of Health, Faith, and Ethics, where he is editor of *Second Opinion*. Marty is the contributing editor (former senior editor) of the *Christian Century*, and editor of the fortnightly *Context*. Born in West Point, Nebraska, Marty was ordained into the ministry in 1952 and served for a decade as a Lutheran parish pastor before joining the University of Chicago faculty in 1963.

FRIDAY, SEPTEMBER 20, 2002

8:00 a.m.

Breakfast with Martin E. Marty
"The Religious Communities'
Response To Violence"
Southview Christian Church
22nd and South Street
Lincoln, NE
Reservations Required-\$4.00
Call 1-800-580-8851 or e-mail
im50427@alltel.net

10:00 a.m. - 12:00 p.m.

1:00 p.m. - 3:00 p.m.

"Turn Off The Violence" Workshops
Southview Christian Church
22nd and South Street
Lincoln, NE
Lunch Reservations Required-\$5.00
Call 1-800-580-8851 or e-mail
im50427@alltel.net

Workshop Topics

- A. Judaism and Alternatives to Violence
- B. Alternatives to Violence Project
- C. Church of the Brethren Workshop on Peace & Non-Violence
- D. Making Peace in the Family Workshop
- E. Lutheran Peace Education for Families & Youth
- F. Baha'i Approaches to Family & Youth Education
- G. United Methodist Approaches to Non-violence, Local & Int'l
- H. Disciples/Christian Church Teaching & Alternative Responses to the World of Violence

The Meltdown of Corporate Capitalism?

I have long maintained that unfettered capitalism—like all systems—contains the seeds of its own destruction. Environmental disaster, I supposed, would be the tripwire which would bring the great plutocracies—governments of, by and for the wealthiest handful of families—crashing down. Oh sure, they'd take out a lot of life on earth with them that way. But to never, ever again have to see the motto, "He who dies with the most toys wins"—that would be some consolation, surely?

In the long run, global climate change as a result of human activity may well upset the apple cart of monopoly capitalism. Meanwhile, it seems the so-called Accounting Scandals have devastated investor confidence to a degree unmatched in this country in modern times.

The revelations began with the collapse of energy giant Enron and investigations of Enron's accounting firm, Arthur Andersen. It seems stock

options for top executives valued at many millions of dollars were not counted against the bottom line. Turns out this misleading practice—which gives investors a false sense of the security of their investments, by making companies appear more profitable than they actually are—is widespread. In recent months, as the scandal has unfolded, the Securities and Exchange Commission (SEC) has brought forward 122 financial fraud cases, and it seems another indictment is announced every day.

Congress lurched to its feet, as if from a deep sleep, to voice its outrage and to Do Something. "The robber barons have been cheating the widows and orphans out of their mite! Again!" Even as President Bush was calling for reform, demanding "a tough bill," and unveiling an unfunded "financial crimes SWAT team," SEC chairman Harvey Pitt was swearing to "conduct an aggressive examination" of the accounting practices of Halliburton, a corporation formerly headed by Vice President Dick Cheney.

It's unlikely the SEC can be persuaded to reopen its 1990 investigation into Bush's stock transactions at Harken Energy, where the president once served as a director and

consultant. According to the *New York Times* ("The Road to Perdition," 7/20/2002), while the President claims he was "fully vetted" by the SEC (then headed by a George Herbert Bush appointee), George W. also says he himself has still not "figured it out completely."

The same *NY Times* article suggests Bush's problems with Harken may be darker than late and suspect filings or even insider trading. In 1991, the *Wall Street Journal* and *Time* both investigated the deal whereby "tiny Harken, which had never drilled... overseas, miraculously beat out the giant Amoco for a prized drilling contract in Bahrain." The founder of the Center for Public Integrity, a non-partisan watchdog organization, calls Bush and his so-called "business career" a kind of financial Forrest Gump: "Every time he seemed to be in trouble, he would end up with a box of chocolates."

Will Bush's sunny smile and folksy ways be enough to provide him—and the Republican party in the fall—with Reagan-style Teflon coating? Maybe not. The same 1991 investigations suggested links between the terrorist-sponsoring Bank of Credit and

Commerce International (BCCI) and Harken through Saudi Arabian financiers.

Two thirds of Americans in a recent poll felt that the Bush administration is more interested in protecting the interests of big business than those of ordinary Americans and that business interests have too much influence on the Republican Party. Nearly half felt the President is hiding something.

Lack of investor confidence—without which modern capitalism cannot sustain itself, much less grow—is not about Americans not trusting accountants anymore. Accountants acting on orders are working people too. Americans are beginning to understand the country's problems are systemic. Allen Greenspan noted that the "avenues for greed have grown so enormously."

Too many of the Old Boys Club of corporate executives took the money and ran, just before their corporations—and the jobs, savings and pensions of working families—went bust. To the extent that Americans see Bush as poster boy for this kind of cynicism and greed, by so much will confidence in his administration and party—and this economic system—continue to erode.



From the Bottom by Sally Herrin

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