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Sen. Coffee's Hot Coffee Tort Myth Machine

By Frosty Troy

Suing a company because its coffee is too hot? Picking up a cool \$2.7 million from McDonald's? Wow! Lead us to the courthouse.

When will the media expose the Tort Reform Myth Machine created by corporate America?

To believe the Oklahoman we're all bearing the burden of higher insurance rates because there is an epidemic of lawsuits, right? Malpractice lawsuits are driving doctors out of business, right?

What the pundits and editorial writers neglect to mention is the truth about the McDonald's coffee burn case.

Stella Liebeck, 79, suffered third-degree burns on her groin and inner thighs while trying to add sugar to her coffee at a McDonald's drive-through.

Third-degree burns are the most serious kind of burn. McDonalds knew it had a problem. There were at least 700 previous cases of scalding coffee incidents at McDonalds before Liebeck's case.

McDonalds had settled many claims before but refused Liebeck's request for \$20,000 compensation, forcing the case into court.

Lawyers found that McDonald's made its coffee 30-50 degrees hotter than other restaurants, about 190 degrees.

Doctors testified that it only takes 2-7 seconds to cause a third-degree burn at 190 degrees.

McDonald's knew its coffee was exceptionally hot but testified that they had never consulted with a burn specialist.

The Shriner Burn Institute had previously warned McDonald's not to serve coffee above 130 degrees. And



Artwork from Newsday by Bernie Cootner. Copyright © 1996, Newsday. Distributed by Los Angeles Times Syndicate.

so the jury came back with a decision of \$160,000 for compensatory damages.

But because McDonald's was guilty of "willful, reckless, malicious or wanton conduct" punitive damages were also applied. The jury set the award at \$2.7 million.

Read our lips: the judge then reduced the fine to less than half a million. Ms. Liebeck then settled with McDonald's for less than a half million dollars.

Today McDonald's coffee is sold at the same temperature as most other restaurants.

The McDonald's fairy tale is the most prominent but there are other

silly myths out there.

LIE No. 1: A woman was awarded a large sum after breaking her ankle tripping over a toddler who was running amuck inside a furniture store. The toddler was her own child!

LIE No. 2: A man injured when a neighbor ran over his hand supposedly won a lawsuit even though he had been trying to steal a hubcap at the time the car's owner ran over him.

LIE No. 3: A man was trapped in a garage for several days subsisting on dry dog food and Pepsi when the automatic garage-door opener malfunctioned. The man had been burglarizing the house, but was awarded a large jury verdict!

LIE No. 4: A woman successfully sued a nightclub for knocking out her two front teeth when she fell while trying to sneak through a bathroom window to avoid paying the \$3.50 cover charge!

Contrary to popular belief, since 1975 the number of lawsuits has declined. Government data show that the median jury verdict for punitive damages is only \$37,000, significantly

less than the \$65,000 median award in 1992.

Nitwits in the Legislature bow and scrape before Corporate Oklahoma, but there is no epidemic of frivolous lawsuits and doctors are not leaving Oklahoma in droves.

Brace yourself for this fact: The vast majority of lawsuits are brought by corporations! Moreover, judges dismiss corporate lawsuits as frivolous 69% more often than the lawsuits brought by individuals.

So why are Republican leaders in the Legislature pushing so-called tort reform to end "Lawsuit Hell"?

Why is there a common perception of a "lawsuit crisis"? Why is Senate Leader Glenn Coffee talking about the need for "tort reform," pushing legislation that limits citizens' rights to a jury trial and limits juries' abilities to set punitive damage awards?

It's because Republicans pucker up at the softest sound emanating from the sorry Oklahoman and the State Chamber.

Critics couldn't very well attack consumer and environmental protections or victims. Instead they scapegoated trial lawyers.

Dozens of tort reform measures were introduced in state legislatures, primarily pushed by the American Legislative Exchange Council [ALEC], a corporate shill.

Teams of lobbyists are mobilized to push the tort reform bills through state legislatures. The insurance industry mobilized rightwing think tanks to focus on the "crisis."

They target journalists and circulate bogus statistics about the "costs of frivolous lawsuits." Large corporations created fake grassroots groups [called "Astroturf"] like Citizens Against Lawsuit Abuse and set up chapters in local Chambers of Commerce.

Anecdotes of bizarre lawsuits buzzed on the Internet, and major media outlets like U.S. News and World Report picked up on the stories without fact checking.

Did you hear the one about the man
See MYTH Page 19

Observations

Keating

Who said dead men tell no tales? Ex-Gov. Frank Keating probably wishes it were true after the death of billionaire financier Jack Dreyfus.

He's the guy who hyped a drug known as Dilantin, talking Keating into using it on Oklahoma prisoners. Dreyfus claimed it would control violent tendencies in inmates.

Keating wanted it used on Oklahoma prisoners but the Corrections director balked. Funny thing happened – he was out of a job shortly thereafter.

When Dreyfus died at 95 the New York Times obituary went into detail about the fact that he spent \$100 million promoting the drug.

Among the lucky recipients was Keating to the tune of \$250,000. When Newsweek broke the story, Keating told the Oklahoma media that Dreyfus was "like a grandfather" to the Keating children and it was out of the kindness of his heart that the money flowed.

Nonsense! The New York Times got it right.

"From 1990 to 1997 he also sought the help of Gov. Frank Keating of Oklahoma to promote the use of the drug to control violent tendencies in inmates.

"Gov. Keating wrote every governor in the country, as well as President Bill Clinton, to recommend experimenting with Dilantin on inmates.

"Over the course of a decade, Gov. Keating and his family also received \$250,000 in gifts from Mr. Dreyfus, which they returned after the gifts came to public attention."

All hell broke loose in Oklahoma but Keating tried to put a kind face on it – not quid pro quo for his campaign for the untested, unproved drug.

At a news conference Keating said he had returned the money. Oklahoma reporter Paul English asked if he could see the canceled check.

An angry Keating blew up at the suggestion. A few days later English was forced into early retirement. [That backfired since the Tulsa World im-

mediately hired English and he scooped the Oklahoman constantly.]

It was widely believed that although Keating was on the G.W. Bush short list for vice president, he didn't get the nod because the FBI background check turned up the Dreyfus story.

Some speculate Keating may run for office again, leaving his cushy job as a Washington insurance industry lobbyist. If he does, we will reprise the Dreyfus story in greater detail.

What Law?

How could anyone forget it! It was one of those dramatic moments in legislative history – Republicans insisted on a law forcing the Legislature to pass the education bill by April 1.

The maneuver caught the Democratic majority by surprise and they had to go along. GOP office doors blossomed with signs saying Education First!

That was in 2003 and the Democrats failed to follow the law when they governed. When the Republicans took control of the Legislature this year for the first time in history, educators just knew they would follow their own law.

Guess what? After weeks of passing frivolous resolutions and legislating nonexistent problems, Republicans, with easy majorities in the House and Senate, missed presenting a public school bill to the governor by April 1. "Republicans pushed for an earlier date for funding education to give school districts a chance to plan for fall," Rep. Jerry McPeak, D-Warner, said. "Since the law passed, the Republicans who have been the majority party have failed to meet their own deadline."

McPeak acknowledged that creating an education budget by April 1 is no easy task, especially with many factors – including final revenue collection totals – up in the air until only recently. However, he noted, that should be no excuse for not following



the law.

"The general public doesn't get to pick and choose which laws they follow. Why should the Legislature be different?" he asked.

Good question.

Keep 'em Dumb

According to Oklahoma Vital Statistics, our state is ranked eighth highest in the nation for birth rates in females age 15-19.

Another astonishing fact: Last year 78.7% of teen births were to unmarried teenage mothers.

Oklahoma's political leaders think that teen pregnancy prevention is accomplished with "abstinence-only" sex education in the public schools.

According to a health survey of high school students in Oklahoma, the Centers for Disease Control found:

- Fifty-plus percent of males and 48.2% of females have had sexual intercourse.

- Sadly, 6.5% of students have had sexual intercourse before 13 years of age.

- Among those who had sex in the past three months, only 61.7% of teens reported using a condom to reduce the risk of both pregnancy and sexually transmitted infections, including HIV.

About the only group working to educate the young is Planned Parenthood of Oklahoma, striving daily to educate adolescents on the basics of reproductive health and sexuality and offering age-appropriate information on contraceptives and family planning services.

They are the epitome of good citizenship, not the funky fundamentalist crowd who sincerely believe it is better not to wholly educate our young.

Bush Legacy?

Far too many Americans would rewrite history, bestowing upon George W. Bush a better legacy than he deserves. When all else fails, they should try the truth.

When he took office 32.9 million Americans lived in poverty. When he left, 37.3 million were poor – a 13% hike.

When he took office, the unemployment figure stood at 4.2%. When he left it was 7.8%.

When he took office 41.2 million were uninsured. When he left it was 45.7 million – up 11%.

When he took office Bill Clinton left him a balanced budget and \$257 billion surplus. Thanks to his poor stewardship, the country has plunged into recession – the worst since the Great Depression.

The deregulation frenzy started under Ronald Reagan, but Bush took it to a new low, appointing anti-regulation individuals who saw to it that enforcement of the laws stopped dead in its tracks.

Our sources? The Congressional Budget Office, the Bureau of Labor Statistics and the Census Bureau.

Bush was doubtless the worst president in history. It may take a decade or more to repair the destruction he brought to America.

Oh, No!

Quick! Someone call a meeting of Republican legislators and break the news: public school kids outpace private school peers in math.

A new study by the University of Illinois has found that public-school students outperform their private-school classmates on the National Assessment of Educational Progress exam, thanks to certified math teachers and a modern, reform-oriented math curriculum.

To account for the difference in test scores, Sarah Lubienski and her co-authors looked at five critical factors: school size, class size, parental involvement, teacher certification, and instructional practices.

There are so many reasons why you would think that the results should be reversed – that private schools would outscore public schools in standardized math test scores.

This study looks at the underlying reasons why that's not necessarily the case.

Of the five factors, school size and parental involvement were "mixed or marginally significant predictors" of student achievement, while smaller class sizes – which are more prevalent in private schools than in public schools – significantly correlate with achievement.

Despite this, many private schools aren't accountable to an external body when designing curricula, and thus may not be keeping up with trends.

There's been a false assumption that private schools are more effective because they're autonomous and don't have all the bureaucracy that public schools have. Now we know that isn't true.

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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

Observerscope

That gaping hole on your Observer cover is courtesy of new postal regulations, requiring we relocate subscriber addresses to the bottom left corner.

Laurel: To Sen. Kenneth Corn, D-Poeteau and Rep. Glen Bud Smithson, D-Sallisaw, for House Bill 1308 making it a ticket offense to drive in the left lane on a four-lane highway, impeding the flow of traffic.

A village somewhere is missing two idiots. Oklahoma U.S. Sens. Jim Inhofe and Tom Coburn were among 19 senators voting against the AmeriCorps volunteer teachers bill.

Dart: To the Republican Conjugal Police for a bill by Rep. Dan Sullivan, R-Tulsa, and Sen. Todd Lamb, R-Edmond, throwing up more roadblocks for women. Stay out of people's private lives!

Sen. Randy Brogdon, R-Owasso, is considering a run for governor. No! No! No! Brogdon for class clown.

Laurel: To the Cherokee Nation for \$3 million to be divided among schools in northeastern Oklahoma. It will fill the gap caused by declining state vehicle tag revenue.

We extend our heartfelt condolences to Lt. Gov. Jari Askins on the loss of her mother, Jarita Askins. She was 85 and a real mover and shaker in Duncan.

Dart: To President Obama for naming Tony Dungy, an outspoken religious right fanatic and gay basher to the President's Advisory Council on Faith Based and Neighborhood Partnerships.

Poverty and untreated illnesses claim 27,000 poor children worldwide every day. Meanwhile, America squanders billions on armed conflicts when we could be saving lives.

Laurel: To State Auditor Steve Burge for pointing out his agency has top-flight auditors yet the Republican Legislature spends millions on outside audits.

Rank and file Oklahomans may be opposed to earmarks, but OU President David Boren and OSU President Burns Hargis issued a joint statement strongly supporting them – what some folks call pork-barrel politics.

Dart: To the anonymous Daily Disappointment editorial writer claiming the OEA has stood in the way of education progress. What a pity Oklahoma didn't have special education when the editorial writer was in school.

Surprise? State agencies have hired private law firms to the tune of \$24 million last year. Attorney General Drew Edmondson has repeatedly asked for more help – to no avail.

Laurel: To Oklahoma, ranking 11th nationally in the use of technology in the public schools. It was good news so it didn't make page one or the evening newscast.

Did you catch the OETA program in which the nose of Rep. Mike Ritze, R-Broken Arrow, grew a foot long when he said his Ten Commandments bill is strictly historical. You could carve a better state representative out of a banana.

Dart: To the Tulsa World for endorsing that god-awful Republican Senate Bill 834 that would dismantle public education. Where is Ken Neal when you need him?

Three percent of residents in the District of Columbia have HIV or AIDS – highest rate in the nation, with 75% of them being African-Americans. The increase since 2006 is 22%.

Laurel: To President Obama for going after tax shelters abroad which the IRS says costs the federal treasury \$100 billion a year in uncollected taxes. President Bush left them alone.

The economy meltdown has cost Oklahoma Teachers Retirement a decline of 29.17% – \$2,770,398,000. Public Employees have lost 28.46% of their retirement value. Firefighters and police systems are down 24.7% and 24.45%, respectively.



Dart: To Oklahoma's perpetual embarrassment, Republican Sen. Jim Inhofe, nailed by the General Accountability Office for trying to rush production of a new cannon before bugs can be worked out.

Good news! The Oklahoma adult smoking rate has fallen from 28.7% to 24.7%. If you have ever sat with a person dying from emphysema you would try again to quit.

Laurel: To the State Senate for paying special tribute to Capitol reporter John Greiner for four decades of superb reporting. When we fuss about the Oklahoman, it is the editorial page not some of the best reporters in Oklahoma.

GOP Congressman Tom Cole has taken his name out of speculation for governor, leaving GOP Rep. Mary Fallin a clear front-runner. Speculation is that J.C. Watts will run. That should excite the FBI.

Dart: To Oklahoma's leadership for clinging to abstinence only sex education, resulting in the eighth highest teen birthrate – 78.7% of births out of wedlock.

This is a good news/bad news story. The good news is that there is a Frosty Troy Fan Club on Facebook. The bad news? It only has eight members. Ouch!

Laurel: To House Speaker Pro Tempore Kris Steele, honored with the Terry Hyman Child Advocacy of the Year Award. No other House member works as hard for Oklahoma's children.

No! You mean 27,000 health care providers – hospitals, nursing homes and doctors – now owe more than \$2 billion in back taxes even as they continue collecting Medicare payments.

Dart: To Rep. Todd Thomsen, R-Ada, and Rep. Rebecca Hamilton, D-OKC, for their drive to kill free speech at OU because evolution is taught there. Please forgive them – they haven't evolved yet.

The Oklahoma League of Women Voters urged Gov. Brad Henry to veto the so-called voter ID bill. It's a dagger aimed at the hearts of senior citizens and minorities.

Laurel: To the State Mental Health Department, revealing that 40% of mentally ill children and 80% of those with substance abuse go untreated for lack of funding by the Legislature.

Barbara Blaine, founder of the Survivors Network [those abused by priests], said it was "shameful" Tulsa Bishop Slattery failed to come into timely compliance on child abuse. He was probably too busy trying to defeat Barack Obama.

Dart: To Rep. Dan Sullivan, R-Tulsa, an attorney specializing in physician malpractice. He obviously hasn't read the statute on legislative conflict of interest. Someone read it to him.

A reader notes that the Vatican is upset with President Obama speaking to Notre Dame graduates but had nothing to say when the Pope welcomed George W. Bush – a man who presided over dozens of executions while governor of Texas.

Laurel: To AARP of Oklahoma, attacking that sorry House Bill 1750 by Speaker Chris Benge. It would eventually tilt the cost on a \$6 billion to \$10 billion nuclear power plant to consumers.

Heads should roll as a result of \$100 million in unpaid health claims that should have gone to more than 200,000 state workers.

Dart: To the Republican leadership for trying to put workers compensation back in politics – the Senate and House leaders would be added to the commission.

In 2007, 68 Oklahoma children were killed in vehicle crashes, with 41 not restrained. – The Oklahoma Child Death Review Board

Laurel: To the Center For Education Reform for a new report showing 13% of America's 657 charter schools have closed due to mismanagement and financial hanky-panky.

Pay now or pay later. A whopping one in 42 Oklahomans are under correctional control. In 1982 it was one in 90. [Pew Charitable Trust poll]

Dart: To Rep. Dan Boren, D-OK, one of only 19 Democrats voting against President Obama's budget.

THE OKLAHOMA Observer


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Letters

Editor, The Observer:

My sister-in-law passed away recently. The desolation in my heart and numbness in my soul is something I can't wash away. I am devastated. This wonderful woman, who was part of our family for 14 years, is gone forever. We had spent 14 Christmases, 14 birthdays and 14 other sets of holidays together. Emmy was a fabulous pianist who brought music to our lives and happiness to our hearts.

At a time like this, most people can turn to their neighbors for consolation and comfort. Talking to others about this death in our family usually brings a little relief to the anguish and depression I'm feeling over my sister-in-law's death. Yet, it's something I can't talk about to most people in Oklahoma. They do not acknowledge this pain because my sister-in-law was married to my sister. In the eyes of Oklahomans, Emmy was not a part of my family and was just "a friend." Oklahomans do not recognize this family bond.

I don't know why those in power won't acknowledge my grief. They do not realize that gays love just as deeply and touch many family members as much as straight people. Those in power do not realize that people will love one another, despite the laws of the land. I don't have to be gay to understand this. I love my husband as much as my sister loved Emmy. Their genders did not stand in the way of their love for one another.

Lissa Wohltmann
Edmond

Editor, The Observer:

Democratic Rep. Rebecca Hamilton has demanded the disclosure of private donors to Dr. Richard Dawkins' recent appearance at OU as well as the sources of any public money spent in connection with his appearance.

Evidently she wants some of GOPer Rep. Todd Thomsen's spotlight created when he introduced two resolutions condemning the spirit of free inquiry and the right of free speech in connection with Dr. Dawkin's speech for which he waived his regular fee since he was speaking before a largely student audience.

There is nothing illegal or immoral about private donations being made to bring any speaker to an Oklahoma public school campus whether one supports or disagrees with the ideas being presented.

However, it IS morally and legally abhorrent for legislators like Hamilton and Thomsen to use the inquisitorial police power of the state to intimidate

the future funding and appearances of speakers who don't kow-tow to the same belief system.

James Nimmo
Oklahoma City

Editor, The Observer:

All these high-dollar bills going through the U.S. Senate and House and getting approved, yet it looks like no one has even read the bills completely, so they don't know what they are voting for.

Maybe what We The People should require is that senators and representatives not only fully read the bills, but also take a test before being allowed to vote. If they can't pass a test, they have to read the bill again and take the test again and pass the test before being allowed to vote. If they still can't pass the test, then send them to remedial class.

Maybe we could call this requirement the No Congressperson Left Behind Mandate.

Jim Maxey
Tulsa

Editor, The Observer:

Regarding your article about how Oklahoma will benefit from the stimulus package [3.25.09, page 13], most Oklahomans must not really want that money, since both U.S. senators and four of the members of the House voted against it.

All, or at least most, of the package should be spent in Rep. Dan Boren's district. We not only want it, but we'll put it to good use.

Elbert Hill
Durant

Editor, The Observer:

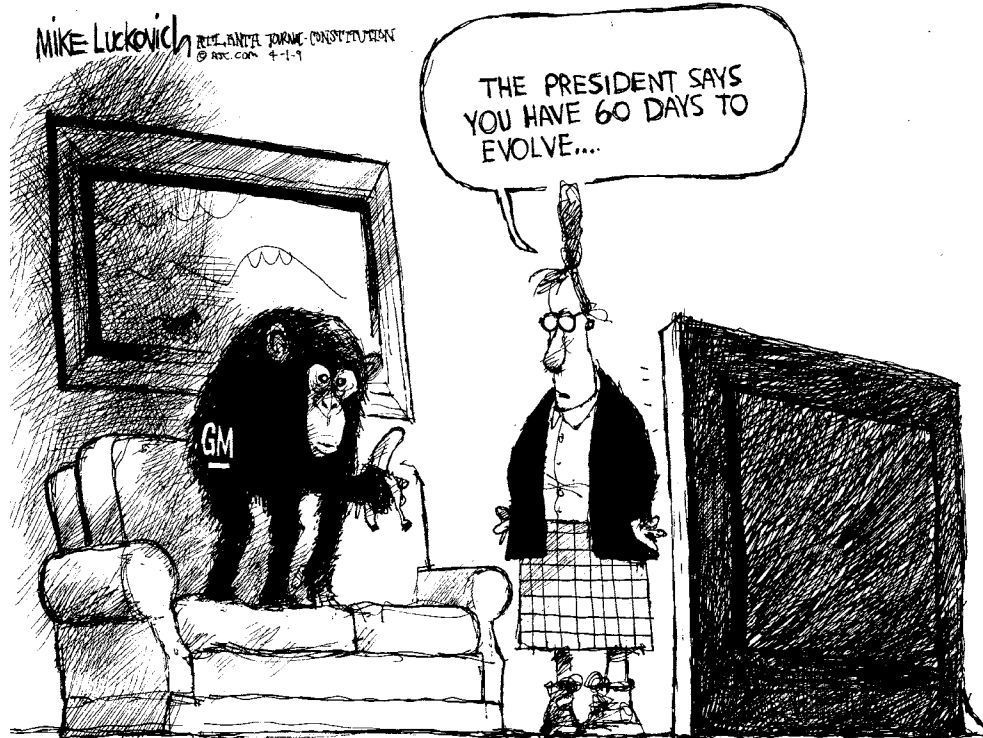
The Bible is a book of FAITH and not SCIENCE and should be taught in a purely voluntary setting and to force it on anyone is very un-Christ-like.

What Would Jesus Do [WWJD]? He would not force his words on anyone. If you can't accept it on faith, then you lose it all.

Karen Webb
Moore

Editor, The Observer:

In "Downtrodden Women: Oklahoma Sad Place for Females" [3.25.09, cover], Frosty Troy has written well about our plight. I live 50% below the poverty line and I am a human being who happens to be mentally ill. Poverty can rob one of their sanity. I thought education would be the key to getting out from under, but when you're hanging onto the bottom rung of the ladder it is survival.



Change has to happen from the bottom-up, not from the top-down. At the end of every month I am concerned about whether or not I will eat. And having been homeless, I fear it constantly again.

I graduated from college Summa Cum Laude. However, my mental illness gets in the way when I work - I am let go. And the jobs I am offered are pretty much minimum wage.

I just wanted to put a face to the article - that we are real women who are downtrodden.

Tracy-Lee La Tour
Oklahoma City

Editor, The Observer:

The [3.25.09] cover story, "Downtrodden Women," by Frosty Troy is an excellent assessment of the condition of Oklahoma's women. On page 8 is another interesting article entitled "Campaign Against Dating Violence." On page 16 is a small story entitled "I See How It Is ..." It's a story about three men who get married and how well their new brides complete their domestic duties. The third man is one who married a girl from Oklahoma. Apparently, rather than following his instructions, she beat him up.

I realize what the story is supposed to be. I understand the train of thought. I get the punch line. My question: When is violence, in any form, funny - whether it is against women, men or children? Violence isn't funny. I found it ironic that I read this "humorous story" in a newspaper whose cover story is "Downtrodden Women."

Come on, Observer. You are the best this state has to offer in a printed form. Pay attention.

Deborah Astley
Fletcher

Editor, The Observer:

The front-page story [3.25.09] describes in great detail the plight of Oklahoma's mistreated women. The mistreatment of anyone, male or female, is to be abhorred. As a male victim of spousal abuse, I often feel that this side of the issue is overlooked or treated as non-existent.

This feeling was reinforced when, on page 16 of the same issue, I read a "gem" of a "joke" that described a woman beating her husband to the point where he could not see for three days.

Why is this funny? I feel that if the story were told so that the wife was

the victim, the teller would be pilloried for being an insensitive brute and you would be advocating his immediate incarceration.

You seem to be operating under a double standard. Is it truly fine and dandy if a wife beats her spouse? Is it only a crime if the husband beats his wife? Judging from the response in your paper, it is.

Carmen Caputo
Midwest City

Editor, The Observer:

An open letter to Richard P. Rush, President & CEO, Oklahoma State Chamber of Commerce:

It's high time the State Chamber intervened in our state Legislature's nonsense that is rendering Oklahoma the laughingstock of the nation.

Surely, wise economic leaders at the chamber see the damage done to Oklahoma's national image by backwards and backwater legislative efforts by religious fundamentalists in our Legislature.

I'm sure this is "bad for business." Enlightened corporations will avoid locating in Oklahoma. Enlightened conventions will meet somewhere else. Enlightened travelers will steer clear of Oklahoma.

Examples:

- Resolutions and bills introduced to censure the University of Oklahoma for teaching evolution, or bringing in speakers on evolution.

- Resolutions and bills opposing gay rights and protecting discriminatory speech and behavior against homosexuals.

- Resolutions and bills blocking action by Oklahoma companies into medical stem cell research.

- Resolutions and bills diminishing women's access to reproductive choices and reproductive freedoms.

Oklahoma is embarrassing itself, nationally, as a redneck state where ignorance and religious literalism prevail over reason, tolerance, and civility.

WHERE IS THE CHAMBER??

Nathaniel Batchelder
Oklahoma City

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Toxic Politics

In a few short years a Democratic governor and Republican legislators have effectively morally bankrupted state government, leaving vital programs in shambles.

Facing a \$900 million shortfall out of a budget that's slightly less than \$7 billion, our "leaders" are hoping the federal stimulus money will help bail out the sinking ship of state.

Citizens in need of social services – mental health, public health, education, etc. – will pay a price, but not the lucky corporations that have co-opted the functions of government to serve their own ends.

Are you an Oklahoma teacher? Tough luck. Unwarranted tax cuts took political preference – leaving teachers the 48th lowest paid in the nation and Oklahoma 48th in what is spent on a student's education.

Are you a new high school graduate looking for a college degree? Education is so expensive you will work a sizable portion of your career paying off student loans.

Health care? Oklahoma's rank on the "wellness" chart is 43rd. Mental health suffers year after year, with nearly 4,000 seriously ill Oklahomans waiting for treatment.

Even 40% of the seriously mentally children are without treatment because giving fat cats a tax cut was deemed more important to the ruling Republicans. Not that Democrats did much better when they were in control.

Brainwashing of Oklahomans – mainly by the urban media – have many convinced they are overtaxed to support a bloated state government. That's false.

The nonpartisan Tax Foundation ranks Oklahoma 50th in local, state and federal taxes combined. Yet not only have \$720 million in tax cuts been granted, now more than \$200 million in additional cuts are wending their way through this bankrupt legislative session.

How could they get away with it? The endless refrain that Oklahoma has dodged the economic meltdown is true when it comes to the affluent. So what if 500,000 children go to bed hungry.

Every battle has two sides, so you'll need to divide and conquer. This session's example? The State School Board Association and school administrators supporting a Republican bill [SB 834] that could destroy teachers' rights and responsibilities.

Oklahoma's crown jewel, the CareerTech Department, turns away thousands of young people. Last year that included more than 700 dropouts who wanted to learn a skill.

You think the GOP hasn't screwed over the Corrections Department? Nobody campaigns for the guards and staff. Republicans gleefully attack criminals as undeserving of adequate facilities and a professional staff.

The Legislature is the perennial lap dog for corporate excess. Do you know that a \$100 million "gift" was made to the likes of Chesapeake as a thank-you for the political contributions the oil and gas industry makes?

Of course the welfare crisis is supposedly the fault of greedy deadbeats groveling for financial help, food stamps and day care. The mythical welfare queen is kept alive by pandering politicians.

The Department of Human Services is chronically underfunded, unable to serve deserving people for lack of staff. DHS is 157 child welfare specialists short, pummeled incessantly by third-rate politicians.

The State Health Department is 150 nurses short, one reason the state leads the nation in domestic abuse and the murder of children – 31 last year.

The media spend more time on political tax troubles and other misdeeds, deflecting attention from serious problems.

Legislative Republicans don't want anyone to make a peep as they gut the schools, emptying the state treasury for the privileged few.

Now that you've gotten Democrats and Republicans bickering [and ignoring the real issues], you can get to work dismantling vital government programs.

Remember how the pols tricked the populace into voting for a constitutional



amendment making tax increases virtually impossible?

That wouldn't have happened if people weren't victims of the media, especially the Daily Disappointment propaganda. TV "news" is a joke.

Oklahoma's rank and file were quick to latch on to Abstinence Only money and the No Child Left Behind law that has allowed tests to replace learning in the classroom.

Republicans, along with the kept press, fabricate another crisis – an epidemic of frivolous lawsuits and runaway jury awards – neither of which is true.

Government isn't inherently bad and [gasp!] it might be useful for something other than rewarding campaign contributors and paying part-time legislators \$54,000 a year [counting fringe benefits].

Thus does Oklahoma sit at the bottom of virtually every criteria used to measure the quality of life.

Bullying

Oklahoma was the first state in the nation to adopt an anti-bullying law. It has been replicated across the country as bullying intensifies.

A new study conducted by scientists at York University and Queens University finds that students who bully tend to have difficulties with other relationships, such as those with friends and parents.

Consequently, targeting these relationships may offer ideas for intervention and prevention. The study, which was published in Child Development, notes that children who bullied tended to be aggressive and lacked a moral compass.

Bullies also typically experience a lot of conflict in their relationships with parents and friends.

The findings indicate that bullying is a relationship problem that requires relationship solutions – i.e., the key is in a focus on a particular bully's strained interactions with parents and risky associations with peers.

Bullying is a primary reason some kids join gangs. Often there is no dad in the home so the gang becomes the protector.

Real School Reform

A well-known anecdote from President Obama's childhood – his mother waking him at 4:30 each morning to tutor him before school – perfectly encapsulates what's required to reform American education.

When he complained, his mother responded, "This is no picnic for me, either, Buster."

That exchange contains the crucial traits for academic success: rigor and relationships. Obama had an adult passionately invested in his future.

Many millions needed for public schools are spent on ways to restructure schools when what matters most is the relationship between one student and one teacher.

You ask any high school graduate to list the teachers who mattered in his life, and he will reel off names. Ask a student who dropped out, and he can't understand the question.

No Child Left Behind supposedly ushered in the ability to measure student progress and predict success. It is not only an unfunded mandate, it has failed miserably.

President Obama's so-called merit pay plan will be stillborn unless real life

experiences count for more than test scores.

Not all schools are equal. In too many schools, too many students suffer an education of drill and memorization but are deprived of high-level thinking activities, of intellectual discussions, of opportunities to synthesize information and respond creatively – elements that form the basis of education for other students in other schools.

Too many poor kids encounter expectations that deem them worthy of discipline and the basics rather than nurturing high-level thinking. We owe every child a rich, intellectually rigorous curriculum filled with all sorts of writing.

While writing, more than any other intellectual endeavor, sharpens our thinking, in too many schools, especially schools overwhelmed by poverty, writing is not about thinking but about copying, not about creating but about editing.

According to a new report from NCTE, unless we can reduce the number of schools that turn to scripted programs and highly structured class routines – sometimes almost militaristic environments – we will continue to be left with an education of America's poor that cannot be seen as anything more than a segregation by intellectual rigor.

What Empowerment? Schools Disemboweled

By Ed Holzberger

An open letter to Oklahoma legislators, Gov. Brad Henry and First Lady Kim Henry:

SB 834, the so-called school "Empowerment" bill, guts the work of Henry Bellmon, a Republican governor who spearheaded HB 1017 that set higher standards for schools.

This disembowelment repeals a statewide vote of the people in 1990 that invested in, not divested, our schools.

SB 834 lowers standards for schools; so we can achieve higher results for students???

Such Alice in Wonderland logic might pass for logic in the Oklahoma Senate, not in a real school.

My wife already serves 700 students as a traveling elementary music teacher at two tough, working-class Oklahoma City Public Schools while teaching on a stage at the end of an all-purpose room at the same time an adjacent gym class screams and bounces basketballs only slightly muted by a thin curtain.

Even with a mutually negotiated contract for the district that addresses some work site issues, she labors under very stressful conditions.

No SB 834 stipulations about class size. Not teacher certification. Not planning time. Not extended work days without compensation. Not seniority. Not negoti-

The Truth About State Employment

The Oklahoma Council of Public Affairs has once again dusted off its tired old argument that Oklahoma has too many government employees.

In an Oklahoman guest editorial by Brandon Dutcher, OCPA suggests Oklahoma's lawmakers should use the current budget shortfall to trim Oklahoma's "bloat" of state employees.

OPEA carefully analyzed detailed data from the U.S. Census Bureau to determine the source of Dutcher's argument. The editorial indicates that "Oklahoma's ratio of government employment to private sector employment is a startling fifth highest in the nation."

Oklahoma ranks high not because of what is traditionally thought of as state employees - corrections, child welfare, transportation and nursing. The high ranking can be attributed to the state's rate of federal and higher education employees.

RANKS HIGH IN FEDERAL EMPLOYEES

The data used to calculate the ratio cited in the Dutcher article includes Oklahoma's high rate of federal employees, or approximately 100,000 of the state's government employees. Oklahoma is ninth in the nation in per capita federal employees.

In many communities, the large number of federal employees is considered to be economic development. Meetings of the federal Base Closure and Realignment Commission cause Oklahomans to rally around the flag and send our delegation to Washington ready to fight for our bases.

Oklahoma is 16th in the nation in per capita state employees. Oregon, with a population similar to Oklahoma, has 59,619 state employees, compared to Oklahoma, which has 69,916 state employees, or 10,000 more than Oregon.

EXAMINE THE DATA CLOSELY

If you examine the data closely you will find that Oklahoma has 29,111 full-time-equivalent employees [FTEs] in higher education and Oregon has 19,708 higher education FTEs. The source of this data is the latest available from the Census Bureau's 2007 state comparisons.

Here is a comparison of the number of employees in higher education and other state government positions since 1982. The source of this data is the Office of State Finance, which has the most recent numbers on Oklahoma state employees.

[In 1982 higher education had 21,207 employees while all other functions of state government was 34,179. This year higher education has 32,351 employees and all other function of state government totals 37,187.]

CHECK OUT THESE HIGHER ED SALARIES

OCPA, which annually attacks "government employees" at the beginning of each legislative session, has a group of "adjunct scholars" who are faculty members at Oklahoma's colleges and universities and, hence, they receive state paychecks. These "scholars" are some of the highest paid state employees in Oklahoma.

Here are a few of OCPA's "Adjunct Scholars" and their February 2009 monthly paycheck from the state of Oklahoma:

Will Clark, PhD, University of Oklahoma \$11,652; Russell W. Jones, PhD, University of Central Oklahoma \$5,659; Michael Scaperlanda, JD, University of Oklahoma \$14,502; David Deming, PhD, University of Oklahoma \$7,738; J. Rufus Fears, PhD, University of Oklahoma \$19,264.

Sources: U.S. Census Bureau: State Government Employment and Payroll 2007; Oklahoma Office of State Finance FTE data; CQ Press' State Fact Finder Series, State Rankings 2008.

- From the March Advocate, Oklahoma Public Employees Association



ated teacher transfer or evaluation. Not grievance or due process. Not counselors or librarians or nurses. Not collective bargaining rights. Not Arts.

Dedicated teachers, like my wife - justly due a well-earned, but meager pension - should trust lawmakers who have underfunded Teacher Retirement? Ignore a \$700 million plus TRS shortfall, and accept a SB 834 downgrade?

After 30 years service, she deserves better than SB 834 "WalMart-izing" her profession. She needs more than the accolades of former students who thank her for her inspiration.

When a small minority of parents tried to assume management of Classen School of Advanced Studies [in Oklahoma City] and run it as an enterprise school [a half-step from a charter school?] the vast majority of parents and teachers [almost all AFT members] together rejected a proposal short on details, logic and transparency. Like this bill.

Not long ago, the SB 834 party touted a slogan: Education First! Echoes hollow. It is not about education. SB 834 erases power for educators to collectively advocate for children.

"God bless the child that's on his own," if this leap backwards from HB 1017 is enacted.

Henry Bellmon was right. Class size and resources count. Just ask the rich patrons at Casady School.

Uphold HB 1017. Please punt SB 834.

- The author is a geologist/educator and unpaid union steward at Classen School of Advanced Studies

THE OKLAHOMA Observer

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Kern Spearheads Religion In Schools

By Sandhya Bathija

Oklahoma State Rep. Sally Kern said she has a calling to return America to its roots as a "Christian nation."

"I'm not the typical legislator," Kern said, according to a report last year in the Norman Transcript. "My Lord made it very clear to me that I am a cultural warrior."

Kern, an Oklahoma City Republican, gained national notoriety for her views that homosexuality is worse than terrorism, and she has always been upfront about her belief that the United States should be based on Christianity.

"What made us great is that we were a nation founded on Christian principles," Kern told a crowd in January 2008. "If you go to the primary sources and read our Founding Fathers, what they had to say, they gave preferential treatment to Christianity."

MOST HISTORIANS DISAGREE

The legislator's version of history runs counter to most historians, but she's still taking steps to put it into action. That's why Kern introduced a bill that would inject religion into Oklahoma public schools.

HB 1001, the so-called "Religious Viewpoints Anti-discrimination Act," is a sweeping measure that invites students to express religious viewpoints in the classroom or in assignments and prohibits students from being penalized for the religious content of their work.

It also allows religious groups and clubs the same access to school facilities as secular groups and requires schools to incorporate policies that allow students to broadcast religious views over the loudspeakers.

IT IS A NATIONAL CAMPAIGN

Kern is not alone in her attempts to erode church-state separation in public schools. Her Religious Right counterparts across the country are introducing similar measures in their own state legislatures – pushing creationism in the science classroom and urging schools to include unconstitutional Bible study courses in their curriculum.

"These types of bills aren't going to go away," said Dr. Bruce Prescott, a member of the board of trustees of Americans United for Separation of Church and State and president of the Norman AU chapter.

"If they don't succeed with this, they will keep trying to find something else to get through, maybe under a different name."

GOV. HENRY VETOED HER BILL

Last year, another version of Kern's "Religious Viewpoints Anti-discrimination" Act was vetoed by Oklahoma Gov. Brad Henry, who accurately insisted that students are already allowed to voluntarily express their faith and that the bill would subject school officials to "an explosion of costly and protracted litigation."

Finding Henry's veto to be "totally bogus," Kern brought the proposal back for another round, claiming on her Web site that all the bill does is codify U.S. Supreme Court decisions and guide school administrators.

According to a report by The Tulsa World, state Senate President Pro Tem Glenn Coffee said, "I have a lot of concerns about that bill. Some who have worked in educational settings say it creates more problems than it solves."

"There is plenty of First Amendment protection already," he continued. "There are a lot of issues with that measure. I doubt that it would make it out of the Senate."

AMERICANS UNITED FIGHTING HER

Coffee's stance may stem in part from the groundwork put in by Americans United and its allies. Prescott lobbied hard against the legislation in both this session and last. So did the Americans United legislative team.

"Last year, we learned that Coffee was reasonable to work with," said Prescott, who is also an ordained minister and executive director of Oklahoma Mainstream Baptists.

"So we worked with him, and gave him the information the Americans United legislative team provided us. So we think that may have something to do with his recent statements."

Prescott said the school religion bill is part of a larger agenda.

PART OF A NATIONAL MOVEMENT

"Sally is the ringleader in the 'Christian Nationalist' movement," he said. "What's happened in the last 30 years in Oklahoma is that a group of people seized political power and forced a majoritarian faith on the entire state, by force of legislation. Sally has a lot of influence."

Six states – Georgia, South Carolina, Mississippi, Indiana, Kentucky and Arizona – also introduced similar "Religious Viewpoints Anti-discrimination" bills this year.

Proponents claim these measures simply codify existing law to "protect" school boards in case they are sued.

As Kern's co-sponsor, Rep. Mike Reynolds, said about the Oklahoma bill: "There's nothing new about this bill. It makes it very clear that we agree with the Supreme Court."

If that's true, said AU's State Legislative Counsel Dena Sher, the bills are pointless. The measures are unnecessary to protect truly voluntary student expression, she noted, so there must be more at stake.

MODEL POLICY SOUGHT

"These bills ask schools to create a model policy that provides students a fo-



rum to say anything, including praying, proselytizing or quoting the Bible," Sher said.

"What they say will be deemed to be sponsored by the schools and that is unconstitutional."

She added, "Schools have a responsibility to protect all students' religious liberties not just those who hold 'positions of honor' and are chosen to speak. If a chosen speaker ended the morning announcements with a prayer to her 'Lord and Savior, Jesus Christ,' how will Jewish, Hindu or Muslim students feel? How will their parents react?"

According to the National Center for Science Education [NCSE], the term "academic freedom" in the title or text of a bill is creationist code language.

INTELLIGENT DESIGN A SHAM

The terminology is used by groups such as the Discovery Institute, a Seattle-based think tank that promotes "intelligent design" and coordinates these types of bills throughout the country.

"Academic freedom" was the creationist catch phrase in 2008, but this year, that term is not always present in the current crop of creationist bills, according to the NCSE's Glenn Branch and Eugenie C. Scott in an article written for Scientific American.

ABSTRACT TERMINOLOGY

Popular creationist code language – such as asking schools to teach the "strengths and weaknesses" of evolution – has now been replaced with even more abstract terminology concocted by the Discovery Institute and its allies.

The political climate in some states makes defeating these anti-evolution measures an uphill battle, according to Victor Hutchison, professor emeritus in the zoology department of the University of Oklahoma.

Every year for the past 10 years, Hutchison has lobbied to stop these threats to science education in Oklahoma's public schools.

He is founder and the former president of Oklahoma Excellence in Science Education [OESE], a group that puts on workshops for science teachers to better

See RELIGION Page 9

An Ex-Liberal Icon, Cleta Mitchell Now NRA Darling

From an early age, Cleta Mitchell was interested in the law. After earning her BA and JD at the University of Oklahoma, she worked with the Oklahoma Legislature on issues impacting women.

Running for a seat in the Legislature seemed like a natural progression.

"I defeated an incumbent and served for eight years," Mitchell recalls.

She became acquainted with Wayne LaPierre when she provided NRA with legal representation.

"I've always been interested in politics and public policy and I represented the NRA in some campaign finance cases," notes Mitchell, who serves on the NRA Legal Affairs and Ethics committees and was elected to the NRA Board in 2007.

As co-counsel in the U.S. Supreme Court challenge to McCain-Feingold, Mitchell feels the decision was wrong.

It "restricts the ability of an organization such as NRA to speak for its members using members' dues" she explains.

Mitchell defended NRA's right to air ads on TV and radio depicting [then] Sen. Obama's anti-gun position. Obama's people demanded station managers remove NRA's ad from the air.

"Their bullying tactics did not work when we were able to demonstrate the truth of our ads and not a single NRA ad was pulled," Mitchell says.

LaPierre's speech at the NRA Annual Meetings in Louisville, KY last year struck a chord with Mitchell.

"Wayne said that NRA defends the fundamental constitutional rights of all Americans," recalls Mitchell. "It doesn't matter if you hunt or shoot, the NRA protects your right to own a gun."

With this in mind, she feels the NRA is perfectly positioned to broaden its appeal to all Americans concerned with preserving all our freedoms, especially as the gun-ban crowd in the White House and Congress may soon set their sights on the Second Amendment.

– American Rifleman, April 2009

AARP Oklahoma Opposes Nuke Bills

House Bill 1750 and Senate Bill 831 would allow electric companies to begin raising electric rates to pay for the financing costs of multi-billion dollar power plants – well before those plants are finished or producing electricity.

This type of financing is known as “construction work in progress” or “CWIP.” In addition, this bill would also fundamentally tilt the ratemaking system against electric consumers.

HB 1750/SB 831 is a particularly bad idea in a bad economy. As Oklahomans face layoffs, wage cuts and high cost mortgages, HB 1750/SB 831 would expose them to higher electric bills far sooner than the current law allows.

A claim that HB 1750/SB 831 might allow customers to pay less over the 60-year life of a plant is cold comfort to families struggling to make ends meet today.

THEY ALREADY HAVE THE AUTHORITY

The Oklahoma Corporation Commission [OCC], with its mission to balance the interests of regulated utilities and the public, is already equipped to handle the issue of financing large power plants without passing this one-sided law.

Oklahoma law already gives OCC the tools to address upfront costs of major investments. However, under 17 Okla. Stat. § 286, each case is decided on its own merits. HB 1750/SB 831 would take away the OCC’s current ability to arrive at a balanced outcome for all interests.

It would raise rates dramatically during construction periods. A new nuclear power plant is expected to cost between \$6 billion and \$10 billion. CWIP charges could raise rates significantly during construction [rate increases of 20%-40% are possible based on analysis of similar legislation in other states].

IT WOULD MEAN MUCH HIGHER BILLS

These costs would be on top of the significant electric rate increases recently approved for the state’s major utilities.

If passed it would force consumers to make risky investments. Consumers must take on the role of investors, bearing huge risks, while utilities continue to earn double-digit returns on investment.

The National Regulatory Research Institute [NRRRI] confirms that CWIP and similar advanced-payment schemes involve “upfront shifting, from regulated utilities to ratepayers, of the economic and timing risks associated with implementing a major capital project.”

Meanwhile, Oklahoma’s electric monopolies would continue to be permitted to earn returns on equity, plus a bonus, that assumes its shareholders, not its customers, are actually financing the plant.

SAVINGS CLAIMS OVERSTATED

Claims of estimated “savings” through CWIP are overstated. Supporters of CWIP claim that “savings” would accrue to consumers through CWIP over the life of a nuclear plant, typically 60 years.

Such calculations fail to recognize that consumers who are forced to incur financing costs now must incur debt at a high rate or lose investment opportunities.

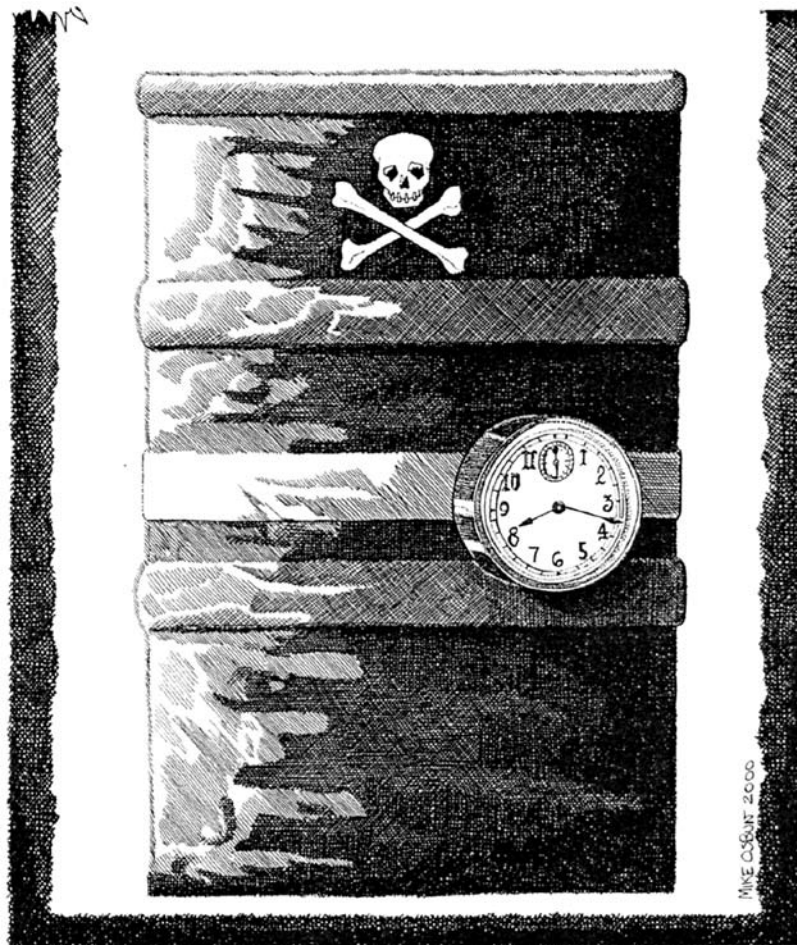
Moreover, many small business and residential customers would pay higher rates, but never receive the benefit of future power plants.

HB 1750/SB 831 would eliminate new nuclear power plants from the current requirement that utilities competitively bid for power procurement.

It reduces risk to utility shareholders and grants them a bonus rate of return, which is both costly and unfair to consumers.

OVER AND ABOVE FAIR RATE OF RETURN

This legislation would boost earnings by an arbitrary 200 basis points for nuclear power, over and above the overall fair rate of return set by the Oklahoma



Corporation Commission.

This provision alone could cost Oklahoma ratepayers hundreds of millions in excessive rate increases each year. Worse, the utilities earn a bonus even while shifting risk on to ratepayers.

HB 1750/SB 831 would tilt the process of prudence reviews against consumers. The current process of after-the-fact prudence reviews would be replaced with a process of more limited review that presumes all costs are appropriate. The rights to appeal such pre-approval would also be seriously curtailed.

WILL REGULATORS DO THEIR JOB?

It would tie the hands of the OCC, dramatically reducing accountability and oversight. Hindsight tells us that much of the blame for the financial market meltdown falls on regulators who did not have the authority or the tools to address problems that arose last year.

Yet HB 1750/SB 831 follows the same failed approach by tying the hands of the OCC regarding electric rates, regardless of what the future holds.

It would remove the incentive to avoid cost overruns and to complete power plants on time. Because the monopoly utilities would receive financing payments upfront, it reduces the pressure to bring a plant in service in on schedule.

DELAY MEANS HIGHER COSTS

The longer the delay, the higher the cost of construction borne by ratepayers, and the higher the costs, the greater the profit earned by the utility based on the bonus rate of return.

It would even force consumers to pay the costs of a canceled nuclear power plant.

Florida already regrets passing similar legislation. Electric bills for customers of Progress Energy in Florida will already increase 11% due to up-front CWIP payments for two proposed nuclear power plants, much higher than the rate increases Florida legislators were promised.

Several regretful lawmakers are now asking for suspension of those CWIP surcharges because they would further burden financially-strapped customers in the middle of a deep recession.

‘Hysteria’ Clouds Rational Debate On Nukes

By Nathan Wilson

As I read your [2.25.09] cover story, Nuclear Revival?, by Morton Skorodin, I was appalled that you have chosen to be a conduit for this sort of unscientific superstitious misinformation. In demonizing “man-made nuclear radiation,” he makes several critical errors.

Sure, radiation can kill, but on average, it takes a huge amount to result in a single probable death. The two biggest sources of radiation exposure for Americans [even those with a nuclear power plant in their back yards] are naturally occurring radiation [from the ground, the sky, and their food] and from medical x-rays. Accidents and routine releases at nuclear plants are truly small by comparison.

Skorodin implies that man-made radiation is somehow worse than that from nature, but that’s wrong by scientific standards. A millirem [a common unit of measure for radiation] has the same effect on a person whether it comes from a dental x-ray, a nuclear material spill, or from a long airplane flight.

Skorodin does not tell us to avoid medical x-rays [and rightly so], because he knows the benefits far out-weigh the miniscule risk of tiny radiation doses.

LESS THAN APPEALING ALTERNATIVES

Another thing Skorodin neglects to mention is that every time a community says no to nuclear power, a fossils fuel burning plant must be built instead.

OG&E makes 66% of our electricity from coal, the dirtiest fuel known. As a physician, he should know that air pollution from coal-fired plants [ash, sulfur

dioxide, oxides of nitrogen, and mercury] contributes to the deaths of tens of thousands of Americans each year, in addition to being the direct cause of the deaths of many workers in mining accidents. In contrast, objective studies indicate that nuclear power is the safest electricity source.

OG&E has made a good first step in clean energy by beginning to invest in wind power. But because the wind is not always blowing, we’ll never be able to get more than about a quarter of our electricity from wind. There is simply no cost-effective way to store wind power.

DON’T DISCREDIT ENERGY COMPANIES

The article also credits greedy energy companies for the recently renewed interest in nuclear power. Wrong again. It turns out the biggest advocates of nuclear power are people concerned about the environment [nuclear power really is clean], and people who are concerned either about global warming or about a possible carbon tax.

The energy issue is a complex one. To deal with it effectively, we must attack the problem objectively, and not be drawn in by hysterical exaggerations and distortions of fact like Skorodin’s article.

For a more objective reference on the nuclear issue, I suggest *The Nuclear Energy Option* by Bernard Cohen [free on-line] or in-print *Power to Save the World* by Gwyneth Cravens.

– The author lives in Edmond

Dan Boren Is Opposed

The Truth About The Free Choice Act

By Frosty Troy

What do the Daily Disappointment and the State Chamber have in common? They both hate unions and deliberately skew the Employee Free Choice Act pending in Congress.

Only Democrat in Congress to come out against it is Rep. Dan Boren of Oklahoma.

Polls repeatedly show workers should have the right to organize and be represented by a union if the majority of workers wanted. They also should have the right to reject unionization.

In fact, the majority of U.S. workers have told pollsters that they themselves would join a union if they could, to have a strong voice on the job and to work together to improve their wages, benefits and working conditions.

WORKERS TARGET OF EMPLOYERS

Currently, employers can voluntarily recognize a union when the majority of workers signs up for a union [by signing authorization cards].

However, employers often insist that workers vote on the proposal in an "NLRB election" [National Labor Relations Board].

This gives employers the opportunity to run a campaign opposing the union, and many do everything possible to "persuade" their employees to vote no, if the election even occurs.

The Employee Free Choice Act would give workers the choice to have an NLRB election in addition to signing cards.

OPPONENTS PUSH PROPAGANDA

Opponents argue that allowing workers to only sign cards and not also go through a "secret ballot" election will undermine the fabric of democracy itself. Let's separate the rhetoric from the reality.

The Employee Free Choice Act is a common-sense bill that would make it easier for workers to form unions and achieve fair contracts. It would:

- Allow workers who have gathered signatures from the majority of workers [on union authorization cards] to have their union recognized, and proceed directly to contract negotiations [called "majority sign-up"], if they choose.
- Increase penalties against employers who violate labor laws.
- Resolve first-contract impasses through neutral arbitrators.

WORKERS WILL DECIDE

Would the Employee Free Choice Act eliminate secret ballot elections? No. Under the bill, workers would choose the union formation process – elections or majority sign-up. Under current law, the employer chooses the process.

What's wrong with choosing a union through a secret ballot election? Trick question. Union elections bear little or no resemblance to political elections.

A free election would have to include the following elements, all of which workers and unions lack under the current NLRB system:

Equal Access to the Media. Employers have a monopoly on communications at work.

Freedom of Speech. Speech is monitored, and wearing union buttons, passing out literature, or even telling a co-worker that you think a union is a good idea can lead to extremely negative consequences, including losing your job.

Equal Access to Voters. Unions can only try to find workers after business hours. Employers have access eight hours a day and more at the job.

Free Choice. Voters have little protection from employer coercion during the campaign period leading up to an NLRB election. The campaigns frequently involve legal and illegal pressure tactics, intimidation, threats, and bribes.

WORKERS ARE INTIMIDATED

During union drives, workers are routinely forced to go to meetings at work to learn the horrors of unions, are forced to have one-on-one sessions with supervisors to talk about their union allegiance, and are threatened with bad shift changes and closure of the business.

That's precisely what happened at Oklahoma City's Hobby Lobby when workers called for a union. Outside strike breakers were called in and did a number on workers. [They passed out sponges, saying workers would be soaked.]

A Secret Ballot. Employers almost always know which way a worker plans to vote, through intimidating meetings with supervisors, when workers are coerced into telling their own and others' positions, and even by spying on workers' meetings.

Campaign Finance Regulations. There are no limits on what can be spent in a union representation election campaign. Employers know that they must share power and increase employee costs if the union wins, and the 80% of employers who launch anti-union campaigns often spend beyond what is even rational to defeat the union.

Timely Implementation. Delays in implementing union election results can take years, with legal and sometimes illegal delaying tactics, including numerous appeals of the election results. An employer can claim an impasse if a contract is not reached after one year and then decertify the union.

WORKERS WOULD MAKE THE DECISION

Won't union organizers coerce workers into signing cards?

Hardly. The Employee Free Choice workers must sign cards stating that they want a union. What it does is place the approval process for union sign-up into the hands of workers, who themselves will choose card check or an NLRB election.



Signing a union card can place a worker at tremendous risk of retaliation from an employer – but workers sign cards anyway when they want to form a union.

Although it is possible that employees may feel some pressure from union organizers or fellow workers, neither the union organizers nor the fellow worker holds power over a worker.

On the other hand, an employer holds real power over an employee – the power to hire or fire, set pay levels, determine work schedules, approve vacation schedules and dozens more issues that are serious matters for workers and their families.

EMPLOYERS LAUNCH VICIOUS CAMPAIGN

Intimidation and coercion from employers is very real. They can and do, under current law, fight union organizing drives through coercion – 80% of employers hire expensive, outside "consultants" to wage an anti-union campaign.

Ninety percent of employers require employees to attend closed-door, one-on-one meetings with their boss where they are told why the union is bad and why they should vote against it.

Fifty percent of employers illegally coerce union opposition through bribes and favors. More than 25% of employers illegally fire pro-union employees while 49% of employers threaten to eliminate all workers' jobs if they form a union.

When over-worked and under-paid butchers in Texas Wal-Mart stores organized, the company eliminated their jobs and switched to packaged meat.

One-third of employers never negotiate a contract when workers vote to form a union.

So employers always choose an NLRB election?

No. Actually, many employers allow their workers to decide on unionization in peace under majority-sign up [voluntary recognition].

These employers recognize that this process encourages less contentious organizing campaigns and the development of constructive, positive labor-management relations.

RELIGION

From Page 7

prepare them for teaching evolution.

"I know of many instances where teachers in Oklahoma are afraid to teach evolution," Hutchison said. "They never even mention the 'E' word for fear of parents, students or administrators ... This isn't going to stop being a problem in Oklahoma."

That's why Hutchison has written about this issue, passed out literature and talked to key legislators on the dangers of SB 320.

In an op-ed for The Oklahoma Observer, Hutchison and current OESE President Richard E. Broughton explained that there are no "scientific weaknesses" to evolution.

Suggesting that there are will undermine students' understanding of science and their entire education.

"This bill," he concluded, "is part of a nationwide effort by the Discovery Institute ... to transform the United States into a fundamentalist Christian theocracy."

According to AU's Sher, Bible courses must be academic, neutral and objective to pass constitutional muster in the federal courts.

"Bible courses cannot be used to push a narrow religious viewpoint," Sher said. "This bill would allow public schools to teach the moral code of a particular religion, something our Constitution does not allow."

Prescott is ready and willing to handle any more of these challenges in Oklahoma, not just because he believes these measures are unconstitutional, but also because he finds them offensive as a deeply religious person.

"Agents of the state have no business leading in acts of worship," he said. "When they do, they dilute it, demean and diminish religion. They just water it down until it is meaningless – and all for political power."

Church & State

BOOKS

April: A Month To Celebrate Poetry

By Mike Nobles

April is the 13th anniversary of National Poetry Month. It is a time to celebrate what W. Somerset Maugham called the Crown of Literature. I have selected a few volumes from what I consider some of the best practitioners of the art working today. This eclectic collection I believe will give the reader a good idea of why poetry is gaining in popularity and acceptance. Some of the selections are new, some older but all are for readers that think they don't like poetry.

HOLDING THREE THINGS AT ONCE

By Rosemerry Wahtola Trommer
Turkey Buzzard Press
63 pages, \$15.00

I have always felt – indeed, previously have put in writing – that Rosemerry Trommer is one of the best poets working today. She has a knack for placing the reader at ease and pointing out in a gentle manner things that matter in a hectic world. Things like family, the changing of the seasons, and the daily distractions of life that ultimately have a way of bringing solace and peace and thanks if you will but listen.

This is a remarkable book that writer Gary Ferguson says will "... lead us softly, surely toward home." And so it will. If you only buy one book of poetry this year, make it this one.

WHAT GOES ON

Selected and New Poems 1995-2009
By Stephen Dunn
W.W. Norton & Co.
203 pages, \$24.95

Stephen Dunn is a Pulitzer Prize winning poet with 14 volumes of poetry to his credit. This long awaited volume presents some of his finest work from six of his best books. It also contains 20 new poems written from 1995 to the present.

The beauty of this volume, aside from the fact it is written by a Pulitzer Prize winner, is the reader can choose from a number of themes and genres and upon finding one that is particularly interesting can find similar ones in one of the six volumes from which these selections are taken.

The selections range from the physical and emotional landscape of southern New Jersey to the prose poems [poem/essays] that examine subjects ranging from "Democracy" to "Faces"; from the poet's Pulitzer Prize winning work Different Hours to a re-imagining of literary figures like Poe and Shelley in present day South Jersey settings; from his meditations on relationships and the sometimes odd beauty of the unlikely to the new poems that contain profound metaphysical musings.

This is a must-have volume of poetry that showcases the work of an artist at the height of his powers.

Just Visiting

By Mary McAnally

"Congregations, individuals, or groups of Christians who exclude, dominate, or patronize their fellow men [sic], however subtly, resist the Spirit of God and bring contempt on the faith which they profess ..."

"The Christian finds parallels between other religions with openness and respect. Repeatedly, God has used the insight of non-Christians to challenge the church to renewal ..."

- The Confession of 1967
The Presbyterian Church, USA

Repulsed by the pious and their phony postcard sunsets,
by the confines of their literature and the eternal opening
of their basic precepts to Fundamentalism 101: These
blabbermouths and their elaborations,
lofty interpretations and holy tomes: Who,
paint the illusions, are the subtle professionals
of disguise, masquerading reality with philosophy.
They can be so wise, so pompous as to propose,
surmise in the eye of life's enormity,
then refute the notion of the unknown
with their pie in the sky theologies.
So I dabble in my darkness,
in my scriptures of time,
and I must concede
as should we all with a collective sanity,
EXISTENCE IS AN ENIGMA. We are but mere visitors.

- The author is an ordained Presbyterian minister, an Oblate of St. Benedict, state director of Pastors for Peace and Poets for Peace. She serves on the board of Tulsa Interfaith Alliance and the Oklahoma Coalition for Reproductive Choice. She received the National Endowment for the Arts Creative Writing Fellowship and many other poetry awards.

MARS BEING RED

By Marvin Bell
Copper Canyon Press
83 pages, \$15.00

This book has been out for awhile but after re-reading it I decided it deserves the attention of thoughtful readers.

I was reminded of an encounter with a man from Nebraska just before the presidential election last November. He saw the writing on my T-shirt [Poets Against the War] and proceeded to tell me why God approved of the war and why I should be proud of our government and military.

I wish I had his name and address. I would send him a copy of this book. Outraged by what he sees as the United States aggression and alarming politics he rails against war and asks: "What shall we do, we who are at war but are asked to pretend we are not?" It is a searing anti-war book by an esteemed poet and teacher.


Bell has authored 19 books and taught for over 30 years at the prestigious Iowa Writers Workshop. Regardless of the reader's position on the war, these poems are painfully relevant.

THE LAST FIVE MILES TO GRACE

By David Lerner
Zeitgeist Press
169 Pages, \$12.95

I hesitated before including this title because, well, it surely will not sit well with some readers. Lerner was a poet and journalist with articles in Mother Jones, the San Francisco Examiner and the San Francisco Chronicle to his credit. He also published four volumes of poetry. He died at the age of 46 of a drug

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Disloyal Dem Gives Housemates Heartburn

Editor's Note: The Oklahoma Observer blog offers readers an up-to-the-minute take on the day's news. What follows are recent excerpts from our bloggers. To read blog postings in full, visit www.okobserver.net.

APRIL 1, 2009

How much longer are Democrats going to put up with state Rep. Rebecca Hamilton?

The south OKC rep, who's been trending Republican for years, stabbed her Democratic colleagues in the back today with a procedural move that cut off discussion of one of the GOP's most sinister [potentially] bills: Voter ID.

House Democrats were pursuing a line of questioning aimed at determining whether Senate Bill 4 does, in fact, require voters to produce a state- or government-issued photo ID before casting their ballots.

The bill's authors, Sen. John Ford, R-Bartlesville, and Rep. Sue Tibbs, R-Tulsa, insist it doesn't – that it allows for county-issued voter registration cards [which do not include a photo and are mailed at no cost to registered voters] to be accepted as identification.

But Democrats think language in the measure is so ambiguous that election officials will end up demanding a photo ID before allowing would-be voters to cast anything but provision ballots – 80% of which end up being thrown out and not counted.

This is a serious issue deserving serious debate for two reasons:

First, it threatens to disenfranchise the poor and elderly for which obtaining a state- or government-issued photo ID is a hardship, if not often impossible.

Second, it seeks to impose a solution to a problem that does not exist – no one has produced any evidence of significant voter fraud in Oklahoma.

This is not about voter fraud – it's about voter suppression.

The poor and elderly tend to vote Democratic. Making it more difficult for them to vote helps Republicans win elections. Period.

Rebecca Hamilton betrayed her Democratic colleagues in the most undemocratic way possible: She stifled the kind of give-and-take that is essential to democracy. She moved to "advance the question" – which prevented her fellow Democrats from potentially exposing flaws in SB 4.

House Republicans were all too happy to oblige, voting mostly along party lines to fast-track the legislation.

Moments later, without debate, the bill passed – with more than a few Democratic votes, but not Hamilton's. She screwed her Democratic colleagues in the all-important procedural maneuver – then voted against the bill to make it look like she was a loyal soldier.

Hamilton, meanwhile, told her colleagues she felt sorry for the Republican author, Sue Tibbs, who is undergoing chemotherapy and isn't feeling well. She didn't want Tibbs to have to stand for a long time and answer questions – some of which had been asked previously in committee and on the House floor.

But GOP and Democratic leaders already had discussed Tibbs' health, and Dems offered to let Tibbs sit while answering questions or debating, if it helped.

Dems also suggested it wouldn't have been a big deal to delay the vote a day or two until Tibbs was feeling better.

Instead, Hamilton blind-sided her teammates – and may have left unexplored several key details about this legislation that the public needs to know.

As a result, there are more than a few House Democrats who think it might be time to find some way to punish Hamilton for her disloyalty. Others think it's time for her to make her true party loyalty official – and move over to the GOP side.

– ARNOLD HAMILTON

MARCH 31, 2009

If this writer could deliver only one message to our new president, he would pose tall in his most Reaganesque stance, muster his most authoritative actor's voice with a tone of gravitas, and declare, "Mr. Obama: Get us out - now!"

While the economy has been the chief focus of the new administration, and for all America as well, the urgency of the need to get us out of the morass of foreign military entanglements is not being felt appropriately.

Other than the blunders and greed of the capitalists, one must remember that another cause of our economic problems was the profligacy of the Bush Administration in waging its costly wars on credit while cutting tax income.

Those costly wars and resultant "nation-building" activities off budget got us into huge deficits and built a foreboding national debt. That national debt is now handicapping our effectiveness in managing the current economic crisis.

So, we say again: Get us out of all our foreign wars and military commitments abroad! Please do this now, not next year. Don't listen to those who say we must stay in Iraq 18 months more, and especially do not listen to those military planning experts who say we may have to stay in Afghanistan through your two-term tenure in office.

Mr. Obama, please call in your military leaders and tell them they may have their choice of time to leave Iraq, but then limit them to three choices – this fall, next winter, and next spring. Please specify "no residual forces." Just get us out! ...

– EDWIN E. VINEYARD

MARCH 28, 2009

If the Obama Administration seems too sane at the moment to give comedians material, never fear because the GOP is carrying on the legacy of strategy and stupidity. They are becoming nearly slapstick, but I am sure it is purely by accident.

Not even Mel Brooks could be this funny on purpose.

It is like the political version of Dumb, Dumber and Dumbest, all in one week.

DUMB: The Dubya First-Term Revival Tour

"Let the Eagle Soar" and he will soar right into Austin and say something stupid. He cleaned up the smut at the Justice Department by draping Lady Justice with \$8,000 worth of blue drapes. He wrote most of the Bill of Rights-busting Patriot Act and his conscience is clear.

Former Attorney General John

Ashcroft said history will be kind to George W. Bush. If history is, then history is blinder than justice. Alberto Gonzales visited Ashcroft in ICU and tried to get him to sign off on firing attorneys for religious or political reasons and I guess he has forgiven him. He did not write the torture memos, but he is supporting them.

"There are things that you could call waterboarding that I am firmly convinced are not torture. There are things that you could call waterboarding that might be torture. And the point that ought to be understood is that throwing a term around recklessly for its emotional content, doesn't really get you anywhere."

Which waterboarding is, and which isn't?

The part that isn't I suggest we use on Ashcroft just to make sure. Who better to talk about throwing terms around recklessly for emotional content, like a color-coded warning system or WMD or mushroom cloud or stuff like that?

This is a Code Red warning on the hypocrisy scale. ...

– KAREN WEBB

MARCH 25, 2009

We're delighted that the new Attorney General will concentrate on real crime instead of chasing medical marijuana.

Five times as many people die from alcohol each year as from illicit drugs and misuse of legal pharmaceuticals.

More than five times as many people die from poor diets and activity patterns. Twenty times as many people die from tobacco. Why arrest 1.6 million people each year for drugs?

Does jailing drug users make more sense than jailing over-weight people and smokers?

Here are the real figures: Estimated deaths attributed to illicit use of legal and illegal drugs - 20,000; alcohol - 100,000; diet and activity patterns - 300,000; tobacco - 400,000.

Our Source? Substance Abuse and Mental Health Statistics Source Book, Washington, DC: Department of Health and Human Services. Page 218.

– FROSTY TROY

'Too Big To Fail' Is Too Big – Period

By Jim Hightower

As skiers and backcountry hikers know, a whiteout is a blizzard that's so intense that those caught in it can't even see the blizzard.

That's how I think of the Wall Street bailout now swirling around us. So many trillions of our tax dollars are being blown at the financial giants that we're blinded by the density of it, unable to see where we are or know what direction we're headed.

However, one way to get your bearings in this bailout blizzard is to focus on the central point that both the bailors [Washington] and the bailees [Wall Street] keep pounding as an irrefutable truth that everyone simply has to accept – namely, the institutions being rescued are *too big to fail*.

Even sheep know to flee when coyotes howl in unison – and we commoners need to confront the absurdity of this "too big" claim, which forms the rationale for the entire diversion of regular people's money into rich people's pockets. Wachovia, Merrill Lynch, Citigroup, Bank of America, AIG – omigosh, cried the Powers That Be, these behemoths are linked to every other behemoth, so if we don't stuff them with tax dollars ... well, we have no choice, because they're just

too big for the government to let fail.

Point No. 1: They *have* failed. They are kaput. It costs more to buy a snickerdoodle than to buy a share of Citigroup stock. AIG is 80% owned by you and I, the taxpayers. These once haughty outfits are insolvent – wards of the state.

Point No. 2: If they're too big, why should we sustain them? Let's be clear about something the establishment doesn't want you and me to understand – these giants did not get so big and interconnected because of natural market forces and free-enterprise efficiencies. They amassed power the old fashioned way: They got the government to give it to them. In the past 20 years or so, they lobbied furiously to get Washington to rig the rules so they could latterly bloat ... and float out of control.

A new report by wallstreetwatch.org reveals that from 1998 to 2008 the finance industry made \$1.7 billion in contributions to Washington politicians [55% to Repubs, 45% to Dems], spent \$3.4 billion on lobbyists [3,000 of them on the industry payroll in 2007 alone] and won a dozen key deregulatory victories that led

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Obama Warned To Ignore Republicans

By Frank Schaeffer

Dear President Obama: I know that from time to time you read Huffington Post because you've written for it. As a Huffington Post reader you'll know that no one on this website has more faithfully supported your candidacy and now your presidency than me.

As a former lifelong Republican, son of a co-founder of the Religious Right – my late evangelical leader father, Francis Schaeffer – I'm in a unique position to tell you a few things about the Republicans from inside perspective. [As you know I left that movement in the mid 1980s.]

The lack of cooperation you're getting from the Republican Party will continue. You were right to indulge in a little bit of tokenism when you had Pastor Rick Warren pray at your inauguration.

REPUBLICANS OBSTRUCT

But if you think that the Republicans in Congress and the Senate are going to do more than their utmost to obstruct everything you are and what you stand for, you're dreaming.

As someone who appeared numerous times on the 700 Club with Pat Robertson, as someone for whom Jerry Falwell used to send his private jet to bring me to speak at his college, as an author who had James Dobson give away 150,000 copies of one of my fundamentalist books, allow me to explain something:

The Republican Party is controlled by two ideological groups. First, is the Religious Right. Second, are the neoconservatives. Both groups share one thing in common: they are driven by fear and paranoia. Between them there is no Republican "center" for you to appeal to, just two versions of hate-filled extremes.

SOME WISH YOU DEAD

The Religious Right supply the kind of people who at McCain and Palin rallies were yelling things such as "kill him" about you. That's the constituency to which your hand was extended when looking for compromise on your financial bailout bill.

There's only one thing that makes sense for you now. Mr. President, you need to forget a bipartisan approach and get on with the business of governing by winning each battle.

You will never be able to work with the Republicans because they hate you. Believe me. Rush Limbaugh and Ann Coulter are the norm not the exception.

James Dobson and the rest are praying for you to fail. The neoconservatives are gnashing their teeth and waiting for you to "sell out Israel" or "show weakness" in Afghanistan, whatever, so they can declare you a traitor.

POLISHED REPUBLICANS

The problem is that when you deal with the Republican Party you're talking to the polished characters in Washington. I wish you could see the hate e-mails that I have received over the last two years because I supported you – letters calling for God to kill me, telling me that I hate God because I supported you and that I am "an abortionist" and worse a "fag lover" because I've written that I believe that you will be a great president.

Pro-Obama Catholics Slammed By Cleric

By Electa Draper

Denver Catholic Archbishop Charles Chaput, on a book tour in Canada, stirred controversy with remarks about U.S. Catholics, who he says exhibit "a spirit of adulation bordering on servility" toward President Barack Obama.

"In democracies, we elect public servants, not messiahs," Chaput told more than 700 people in St. Basil's Church on the University of Toronto campus, the Catholic News Agency reported.

Reaction lit up cyberspace, ranging from admiration for his defense of Catholic doctrine on sanctity of life to furious perceptions that Chaput is insulting Catholic Democrats and improperly meddling in politics.

Chaput's speech focused on his new book on faithful citizenship, *Render Unto Caesar*.

He called Obama "a man of intelligence and some remarkable gifts" who has great ability to inspire.



What those senators and congressmen are telling you is not what their rabid core constituents are telling them. Their loyalty is to a fundamentalist Christian ideology on the one hand and American exceptionalism of perpetual warfare and hatred and fear of the "other" on the other hand.

Between the neoconservatives and evangelical Religious Right Republicans you have no friends.

SICK OF REPUBLICANS

The good news is that most Americans support you. And if you will just get in the face of the Republican Party and call their bluff you'll be surprised how many individual ordinary Republicans will support you, not to mention the rest of us. America is sick of the Republicans.

The Democratic Party won for a reason: the Republicans failed and have taken us all down with them! You're doing your presidency and America no favor by extending an open hand to the perpetually knotted fist of what has become the embittered lunatic fringe of our country. They would rather go down in flames than "compromise" their ideology.

As you showed us again at your press conference, you are a brilliant, articulate and decent man. Your Republican opponents are not decent people but ideologues bent on destroying you. To quote the biblical adage, sir, don't cast your pearls before swine.

– Frank Schaeffer is the author of *Crazy For God: How I Grew Up As One Of The Elect, Helped Found The Religious Right, And Lived To Take All [Or Almost All] Of It Back*. Now in paperback.

"But whatever his strengths," Chaput said, "there's no way to reinvent his record on abortion and related issues with rosy marketing about unity, hope and change."

Chaput said that modern society has "a phony unwillingness to offend that poses as prudence and good manners but too often turns out to be cowardice."

"Tolerating grave evil within a society by itself is a form of serious evil," Chaput said.

Many Colorado Catholics reacted angrily during the election season to what they perceived as church attempts to coerce them into being one-issue voters. Chaput said Americans focused on one issue, the economy.

"It's worth recalling that despite two ugly wars, an unpopular Republican president, a fractured Republican Party, the support of most of the American news media and massively outspending his opponent, our new president actually trailed in the election polls the week before the economic meltdown," Chaput said.

© Denver Post

All About Marriage

"Never go to bed mad. Stay up and fight." – Phyllis Diller

"No man is truly married until he understands every word his wife is NOT saying." – Unknown

"I love being married. It's so great to find one special person you want to annoy for the rest of your life." – Rita Rudner

"Marriage is a fine institution, but I'm not ready for an institution." – Mae West

"My advice to you is get married: if you find a good wife you'll be happy; if not, you'll become a philosopher." – Socrates

"The General was essentially a man of peace, except of course in his domestic affairs." – Oscar Wilde

"I was married by a judge. I should have asked for a jury." – Groucho Marx

INSIGHT. ANALYSIS. PERSPECTIVE.

With three decades on the front lines of national and state political reporting, Oklahoma Observer Editor Arnold Hamilton is the perfect choice to address your civic club, political gathering or classroom.

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Rightwing Is Going After Barack Obama

Idiot wind, blowing like a circle around, my skull,
From the Grand Coulee Dam to the Capitol.
Idiot wind, blowing every time you move your teeth,
You're an idiot, babe.
It's a wander that you still know how to breathe. – Bob Dylan

By William Rivers Pitt

One thing is certain: martial arts movie star Chuck Norris does not like President Obama. Not at all. Not one little bit.

Norris dislikes Obama so much, he discussed running for the office of president of Texas which doesn't exist, as part of a larger move by him and a variety of other rightwing groups to overthrow the American government and return honor and decency to the country.

No, really, he said all that, and more. Read it yourself if you don't believe me. The best part is where he writes, "Remember the Alamo!" Great stuff. Or something.

There's more. The owner of rightwing web forum Free Republic, Jim Robinson, was recently forced to post a truly deranged piece of apologia regarding the attention his web site recently earned from the Secret Service.

OBAMA COMMIE SYMPATHIZER?

"Unfortunately," wrote Robinson, "we are saddled with a communist sympathizer in the White House. I don't know whether or not he's an actual card carrying commie, but he's definitely an America-hating, anti-capitalist marxist leftist who thinks communism is the way to go.

"So now comes the problem. If you feel it's your duty to call Obama a traitor and use salty language in your proposed resolution – suggest the commie be keelhailed, walked off the plank, run up the yardarm, tarred and feathered and run out of Dodge, etc, etc, etc, you may be facing a visit from your friendly Secret Service."

REBELLION TO OUST OBAMA

Last month, Fox News celebrity Sean Hannity ran a poll on his web site. It asked readers what kind of revolution they'd prefer: military coup, armed rebellion or war for succession?

"Number three seems most realistic," Hannity said, "It does present an opportunity for more homogeneous states to sort of capitalize on their homogeneity.

"It seems the very foundation of representative democracy is threatened if we accept that we exchange the power of ideas for the power of the sword upon each other. Nevertheless, I am still very interested in your own preferred form of revolt."

A VISIT FROM THE SECRET SERVICE?

That page has since been removed from Hannity's web site, surely due to some technical glitch, but before it was taken down, "armed rebellion" appeared to be

Obama's Triple Surge Into Afghanistan

By Jim Hightower

Hi-ho, hi-ho, it's off to war we go!

As President Barack Obama begins winding down the Bush war in Iraq, he is building up his own war farther east. We're told that it will be a new, expanded, extra-special American adventure in Afghanistan, involving a vigorous surge strategy to "stabilize" this perpetually unstable land.

The initial surge will add 17,000 troops to the 36,000 already there. Then, later this year, there is to be a second troop surge of another 17,000 or so. This mass of soldiers is expected to be deployed to a series of new garrisons to be built in far-flung regions of this impoverished, rural, mostly illiterate warlord state that is ruled by hundreds of fractious, heavily armed tribal leaders. We're not told how much this escalation will cost, but it will at least double the \$2 billion a month that American taxpayers are already shelling out for the Afghan war.

A 'CIVILIAN SURGE' THIS TIME

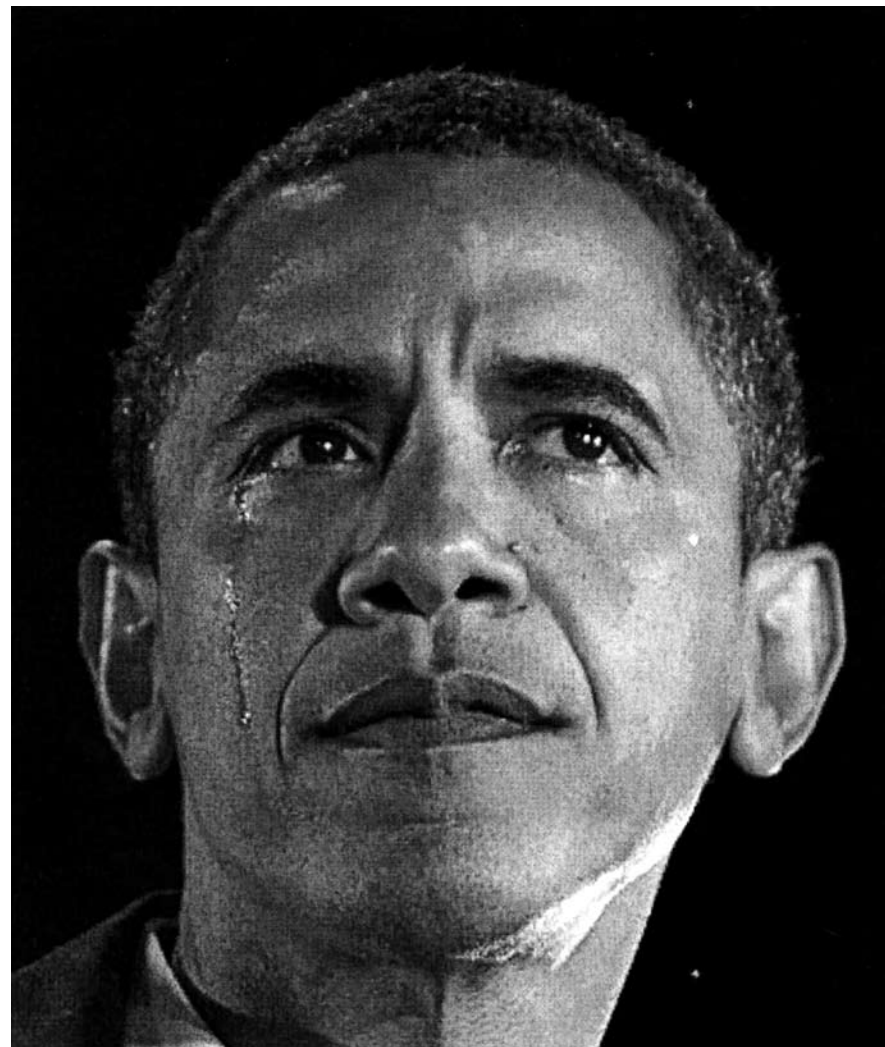
The extra-special part of this effort is to come from a simultaneous "civilian surge" of hundreds of U.S. economic development experts. "What we can't do," said Obama in an interview, "is think that just a military approach in Afghanistan is going to be able to solve our problems."

To win the hearts [and cooperation] of the Afghan people, this development leg of the operation will try to build infrastructure [roads, schools, etc.], create new crop alternatives to lure hardscrabble farmers out of poppy production and generally lift the country's bare-subsistence living standard.

What Obama has not mentioned is that, in addition to soldiers and civilians, there is a third surge in his plan: private military contractors. Yes, another privatized army, such as the one in Iraq. There, the Halliburtons, Blackwaters and other war profiteers ran rampant, shortchanging our troops, ripping off taxpayers, killing civilians and doing deep damage to America's good name.

71,000 PRIVATE CONTRACTORS

Already, there are 71,000 private contractors operating in Afghanistan, and many more are preparing to deploy as Pentagon spending ramps up for Obama's war. The military is now offering new contracts to security firms to provide armed employees [aka, mercenaries] to guard U.S. bases and convoys. Despite the widespread contractor abuses in Iraq, Pentagon chief Robert Gates defends the ongo-



the most popular choice of the three. Of course.

Rightwing loudmouth Glenn Beck asserted during his show that President Obama's lifting of the ban on embryonic stem cell research would open the way for the genetic development of a new master race.

"So here you have Barack Obama," said Beck, "going in and spending the money on embryonic stem cell research. Remember, those great progressive doctors are the ones who brought us Eugenics.

"It was the progressive movement and it was science ... and sane people agreed with it! And it was from the progressive movement in America. Eugenics. In case you don't know what Eugenics led us to: the Final Solution.

"A master race. A perfect person. The stuff that we are facing is absolutely frightening. So I guess I have to put my name on, yes, I hope Barack Obama fails. But I just want his policies to fail; I want America to wake up."

BECK THE DUMBEST OF ALL

One assumes this forthcoming master race will enjoy minds of greater volume and depth than Beck's, because, well, people just can't get much dumber than

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ing privatization push: "The use of contractor security personnel is vital to supporting the forward-operating bases in certain parts of the country," he declared in a February letter to the Senate Armed Services Committee.

What the gentle war secretary is really saying is this: "We don't have a draft, and I don't see a lot of senators' kinfolks volunteering to put their butts on the line in Afghanistan, so I've gotta pay through the nose to find enough privateers to guard America's Army in this forbidding place."

Meanwhile, here's an interesting twist to Obama's contractor surge: the for-hire guards protecting our bases and convoys will not likely be Americans. The Associated Press has reported that of the 3,847 security contractors in Afghanistan, only nine are U.S. firms.

Actually, being an American contractor is not a plus in the eyes of the Afghan people, for they've had bitter experiences with them. They point to DynCorp, a Virginia-based contractor that got nearly a billion dollars in 2006 to train Afghan police.

WAS THAT CLOUSEAU?

The bumbling "Inspector Clouseau" of comic fame could've done a better job. At least he might have amused the people.

What they got from DynCorp was a bunch of highly paid American "advisors" who were unqualified and knew nothing about the country. Some 70,000 police were to be trained, but less than half that number actually went through the ridiculous eight-week program, which included no field training.

A 2006 U.S. report on the DynCorp trainees deemed them to be "incapable of carrying out routine law enforcement work." Meanwhile, no one knows how many of the trainees ever reported for duty, or what happened to thousands of missing trucks and other pieces of police equipment that had been issued for the training.

The punch line of this joke is that DynCorp got another contract [\$317 million] last August to "continue training civilian police forces in Afghanistan."

Excuse me for saying it, but Obama is about to sink us – and his presidency – into a mess.

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Twice-Divorced Newt Is Catholic Convert

By Max Blumenthal

When Catholic University announced in January 2005 that Newt Gingrich would deliver a speech on campus, a group of students rose up in protest, accusing the twice-divorced, admitted philanderer of violating the Catholic values that their school was founded upon.

Four years later, Gingrich blasted another hallowed institution of Catholic higher learning: "It is sad to see Notre Dame invite President Obama to give the commencement address since his policies are so anti-Catholic values."

During the George W. Bush era, Gingrich rose quietly from the ruins of his failed crusade to impeach President Bill Clinton, trying to transform himself from a Republican pariah into a voice of conscience for the badly demoralized conservative movement.

HE HAD TO CONFESS HIS SINS

But winning them over has not been easy. Before earning a seat at their table, Gingrich had to confess his darkest sins and beg for redemption, first on the radio show of his former nemesis, James Dobson, and then before a priest at St. Joseph's Rectory, a Catholic church on Capitol Hill.

Indeed, on Sunday, March 29, Gingrich converted to Catholicism, the faith of his third wife, Calista Bisek.

The anti-Clinton apocalyptic mood resonated inside the halls of Congress, where Gingrich advanced impeaching Clinton as his party's unifying theme ahead of midterm elections in 1998.

But away from the limelight of the press, Gingrich was involved in an extramarital affair with Bisek, a young blond Capitol Hill staffer 23 years his junior who he had arranged to be put on the House Republicans' payroll.

VICTIM OF WILD MOOD SWINGS

The wild mood swings that had always characterized Gingrich's behavior intensified as the president strengthened his position against the impeachment tribunal.

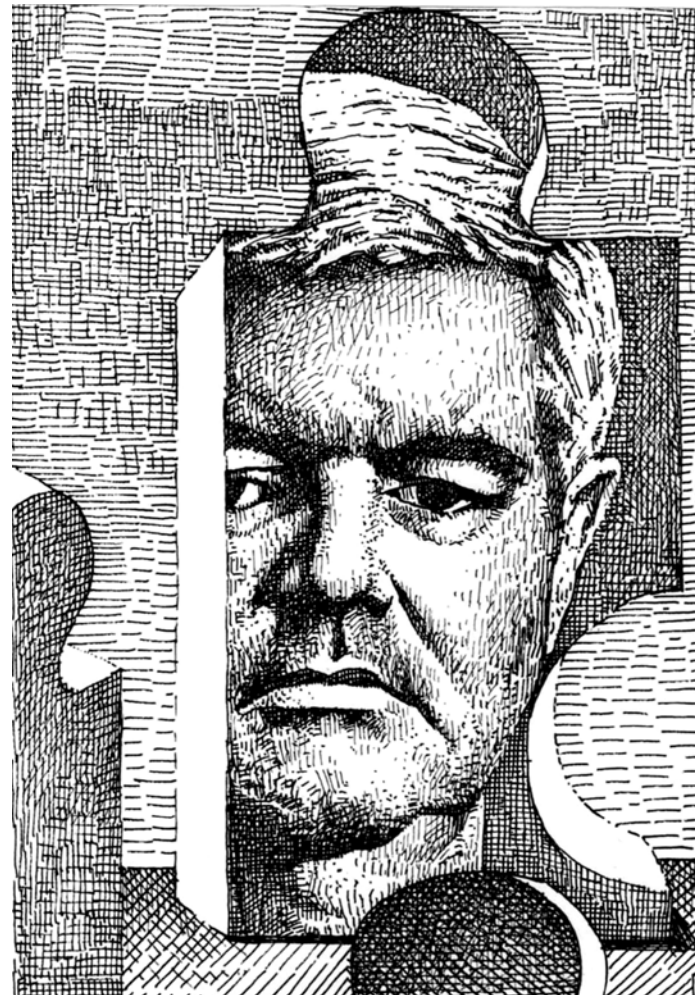
Staffers discovered the Speaker crying at his desk. In the end, Gingrich's strategy backfired in the 1998 midterm elections, resulting in the worst defeat in 64 years for a party that did not control the White House.

House Republicans intimately aware of his affair with Bisek were involved in forcing Gingrich to resign from Congress so they could push on to their apocalyptic impeachment of Clinton without worrying about Gingrich's exposure.

Gingrich promptly turned to matters of the heart, dumping his second wife, Marianne Ginther. He announced his intention to divorce her just as he had done with his first wife, Jackie Battley – while she was lying in a hospital bed, immobilized after a major medical procedure.

HE DIDN'T HAVE COURAGE TO FACE THEM

Battley was recovering from cancer surgery; Ginther's appendix had ruptured. He never bothered to tell his wife in person that he was leaving her for another



woman. He called her on the phone, delivered the news, and hung up.

With Bush back in the White House, Gingrich ignited his comeback campaign. He focused his efforts most intensely on reaching out to the religious right, beginning with a March 2007 phone call to the country's third most popular radio show, Focus on the Family, hosted by Dobson.

A producer promptly transferred Gingrich to a studio line, and the public confession he and Dobson had planned a month earlier began.

"I believe you to be a confessing Christian and you and I have prayed together," Dobson reminded Gingrich. "But when I heard you talk about this dark side of your life when we were in Washington, you spoke about it with a great deal of pain and anguish, but you didn't speak about repentance. Do you understand the meaning of repentance?"

GINGRICH SEARCHES FOR HIS SOUL

With Dobson's questioning of Gingrich's faith, the sinner turned reflective.

"They say when you're younger you want justice and when you're older you want mercy," Gingrich said. "I also believe there are things in my own life that I have turned to God and got on my knees and prayed to God and asked for forgiveness."

See **GINGRICH** Page 18

Texas School 'Prayer' Case A 'Sham Dunk'

By Danny M. Adkison

The U.S. Court of Appeals in New Orleans recently upheld a Texas "moment of silence" law. Lower federal courts do all kinds of weird things. The question is how would the U.S. Supreme Court rule in the case?

The Supreme Court has decided only one moment of silence decision. In 1985 the court struck down Alabama's moment of silence law. Interestingly, that case [the Jaffree decision] has some close parallels with the latest Texas case [the Perry decision].

For example, in the Jaffree case, the issue wasn't just the fact that Alabama had passed a moment of silence law. It was the additional fact that Alabama already had a moment of silence law, but amended it to specifically mention an option students had during the minute of silence: prayer.

Texas passed a law in 1995 that allowed teachers to begin each day with a minute to "reflect or meditate." That law was amended in the fall of 2003. The new law added "pray" to the specific activities the state Legislature saw fit to suggest to students.

OBVIOUS REASON FOR CHANGE

Would you care to guess why the law was changed? [You get three guesses and the first three don't count.]

Here is why this is so important. For a moment of silence law to be judged constitutional it must [1] have a secular purpose, [2] have a secular effect, and [3] not create an excessive entanglement between government and religion. These three "prongs" are known as the Lemon Test.

The Appeals Court in New Orleans noted that Texas's law did not violate the second prong or third prong, and furthermore no moment of silence case ever had. That is true but it masks a more important truth.

That truth is that it just takes one prong to result in a law being declared unconstitutional. If the court rules that a moment of silence law violates the first prong it is as unconstitutional as if it violated all three. And it is this prong that typically results in such a law being declared unconstitutional.

TEST: SECULAR OR RELIGIOUS

The important question hinges on the first prong. Why did the Texas Legislature amend the law? If they amended it for secular reasons the court should de-

cide the law is constitutional. On the other hand, if they amended it for religious reasons, the court should strike the law down.

What does the record show?

State Sen. Jeff Wentworth, R-San Antonio, was the sponsor of the 2003 amended law. It is undisputed that he suggested the modification since the U.S. Supreme Court had recently upheld a similar law in Virginia allowing the students to pray. Not only does the record show this was his purpose in introducing the change, it shows he "repeatedly" made this argument.

It gets worse. In also discussing the need for such a law, Wentworth noted the "coarsening of society" and "the lack of prayer in schools."

There's more. It seems Wentworth had his facts wrong. The Supreme Court, as noted above, has only issued one decision on a "moment of silence" law. In the Virginia case the state senator referred to, the Supreme Court actually denied certiorari [refusing to hear the case on appeal].

PRAYER ON HIS MIND

In Jaffree, the state legislator adding "prayer" to the existing state moment of silence law came right out and admitted that he did it as a way of getting prayer back into public schools. Wentworth did not go this far in the recent Texas case [he would have to be pretty ignorant of the law to make such a blunder], but the record is clear that he had prayer in mind when he suggested the law be amended.

In addition to the comments about the bill he sponsored, it is also important that Wentworth originally introduced his bill as an amendment to the state's "right to pray" law. He only switched it to modifying the "moment of silence" law when this was suggested by a member of the Texas Association of School Boards.

It is true that, when pressed, Wentworth did say his amendment was not a "prayer" bill. However, the Supreme Court, as it proved in the 2000 Friday night football prayer case, can spot a "sham" when it sees one. Of course, the new members on the court make it even more conservative now. But conservatives are supposed to "conserve," and precedent is an unwritten code of the court.

– The author teaches constitutional law at Oklahoma State University

Merit Pay Lowers Teacher Quality

By Jerome Popp

The Obama Administration proposes merit pay for teachers, because of the belief that rewarding good teachers improves education.

That this idea is proposed by people who supposedly understand politics is disappointing, because it reveals their lack of knowledge about institutional politics.

Students, teachers and administrators in any school know full well the best and worst teachers, but this knowledge itself can lower the overall quality of teaching in any educational institution.

How could this be? To understand why merit pay for teachers is destructive to institutions, the dynamics of the politics of institutional teaching must be examined.

TWO KINDS OF TEACHERS

As a working distinction, consider two kinds of teachers:

[1] Those who want to teach well and pursue all the avenues they can find to make or gather better teaching materials, learn more effective methods and seek to better understand students – especially the factors that can inhibit learning;

[2] Those who, for many different reasons, make no effort to improve their teaching.

Many of the latter kinds of teachers find that, after years of investment in their education, either they do not like teaching or, when they begin to teach, students do not respond well to their teaching, which typically calls forth the hostile explanation of blaming the students.

Why do these teachers not seek ways to improve what they do, in place of a defensive hardening of their attitudes? They have graduated from universities, proving they have sufficient intelligence to meet various challenges, so why do they not learn how to become better teachers?

WRONG PERSONALITY

In many cases, it seems, these teachers discover that they do not have the personality to which students respond well. This, in turn, leads them to feel that they cannot become better.

Their attention becomes focused on keeping their jobs and classroom survival. In reality, there is a place for all personalities in teaching, as long as ways are found to draw out strengths and to control weaknesses.

There is a saying in universities that if you can teach well and publish, then teach well and publish; if you cannot, form a power group.

In blunt terms, if you cannot do what is expected of you, find ways to protect yourself and do all that you can to discredit those who are doing their jobs.

Students who are excited by a class, course or teacher will speak in positive terms about their experiences; when they are overheard by the second type of teachers mentioned above, these teachers become exercised defensively and aggressively.

BETTER TEACHERS CRITICIZED

For example, it is frequently said of popular teachers, “The students like her because she makes easy assignments.” Behind-the-hand gossiping is common, with better teachers being the subject of the negative comments.

In the research literature, this phenomenon is known as “mobbing.” The name comes from biology – when a hawk is sighted, a mob of birds do what they can to drive the predator away.

A Lesson Learned In The Classroom

On the first day of school, Martha Cothren, a social studies school teacher at Robinson High School in Little Rock, did something not to be forgotten.

On the first day of school, with the permission of the school superintendent, the principal and the building supervisor, she removed all of the desks from her classroom.

When the first period kids entered the room they discovered that there were no desks.

“Ms. Cothren, where’re our desks?”

She replied, “You can’t have a desk until you tell me what you have done to earn the right to sit at a desk.”

They thought, well, maybe it’s our grades.

“No,” she said.

“Maybe it’s our behavior.”

“No, it’s not even your behavior.”

And so they came and went, the first period, second period, third period.

Still no desks in the classroom.

By early afternoon, television news crews had started gathering in Cothren’s classroom to report about this crazy teacher who had taken all the desks out of her room.

The final period of the day came and as the puzzled students found seats on the floor of the desk-less classroom, Martha Cothren said, “Throughout the day no one has been able to tell me just what he/she has done to earn the right to sit at the desks that are ordinarily found in this classroom. Now I am going to tell you.”

At this point, Martha Cothren went over to the door of her classroom and opened it. Twenty-seven U.S. veterans, all in uniforms, walked into that classroom, each one carrying a school desk.



In teaching, the “predators” are good teachers who frequently leave their positions because of being mobbed by poor teachers, which, of course, is the point of the mobbing.

The institution of merit pay for teachers simply ups the stakes in the status game. Merit pay is like giving teachers awards – it marks them for mobbing.

TROUBLE DEFENDING THEIR DECISION

Why do administrators allow this to occur? On the one hand, they may not think they know how to defend their judgments as to who the good teachers are.

Just because everyone, including the custodian, knows who are and who are not good teachers, this alone does not provide administrators with reasons for making merit judgments.

They know that any merit judgment they make is open to criticism and public challenge, especially from poor teachers who have developed a firm power-base and are skilled at obfuscating any discussion of teacher evaluation.

On the other hand, administrators can be mobbed along with good teachers. Particularly intense mobbing will find ways to reach an administrator’s peers and superiors. To keep the peace and their jobs, many administrators embrace the will of the mob.

A BETTER IDEA THAN MERIT PAY

Rather than proposing merit pay for teachers, a better idea would be to more adequately prepare educational administrators in methods of making and reporting evaluative judgments.

Secondly, administrative research should be asking why the teachers who can devote so much energy and thought into driving away the good teachers do not focus these resources on becoming better teachers.

If these teachers feel insecure as persons, the selection process should be improved to detect this in candidates.

Merit pay is the final insult to good teachers. It suggests that they make the effort they do for money, when, in fact, good teaching comes from a deep interest in the growth of their students, and a passion for the subject matter they teach.

Good teachers press on, doing good work, even when mobbed intensively. Why? Because they cannot do otherwise. They are best supported by protecting them, not rewarding them.

– The author is Professor Emeritus at Southern Illinois University

The vets began placing the school desks in rows, and then they walked over and stood along the wall.

By the time the last soldier had set the final desk in place, the kids started to understand, perhaps for the first time in their lives, just how the “right to sit at those desks” had been earned.

Martha said, “You didn’t earn the right to sit at these desks. These heroes did it for you. They placed the desks here for you. Now, it’s up to you to sit in them.

“It is your responsibility to learn, to be good students, to be good citizens. They paid the price so that you could have the freedom to get an education. Don’t ever forget it.”

The students applauded and thanked the vets.

A Divine Creation

A Kindergarten teacher was observing her classroom of children while they were drawing. She would occasionally walk around to see each child’s work.

As she got to one little girl who was working diligently, she asked what the drawing was.

The girl replied, “I’m drawing God.”

The teacher paused and said, “But no one knows what God looks like.”

Without missing a beat, or looking up from her drawing, the girl replied, “They will in a minute.”



Myths And Facts About Oil Profits

Editor's Note: With summer driving season just weeks away and prices at the pump on the rise, it's time for a refresher course on gasoline pricing. This "Mythbuster" first appeared in AAA's Home & Away magazine as prices soared to \$4 a gallon.

The rise in gasoline prices has caused numerous problems for the American economy. Automakers' profits have sagged as customers have shunned SUVs or put off buying cars altogether.

Families have changed their driving habits, canceled vacations and devoted a larger portion of their budget to transportation expenses. Airlines and trucking companies have also suffered mightily because of the increased price of doing business.

Stories of record oil company profits abound, and politicians talk about enacting windfall profit taxes on "Big Oil." Some information, however, gets overlooked. Maybe an unbiased look at the facts is in order.

WHERE WE GET OUR OIL

Myth: Most of our oil imports come from the Middle East.

Fact: It is commonly thought most the crude oil we import comes from the Middle East, but according to the American Petroleum Institute, the industry's trade association, nearly half the oil we import comes from the Western Hemisphere.

Canada is our largest supplier at 17.2%, with Mexico next at 12.4%. Saudi Arabia is third with 10.7%, followed by Venezuela at 10.4%. Only 16% of our crude oil comes from Persian Gulf countries.

Myth: Oil companies set prices.

Fact: The global market determines the price of a barrel of crude. The world is getting richer, and more countries are competing for oil and gas.

Growing countries such as India and China have increased demand, plus the U.S. has long been the world's largest consumer of petroleum products.

Myth: Big Oil makes obscene profits.

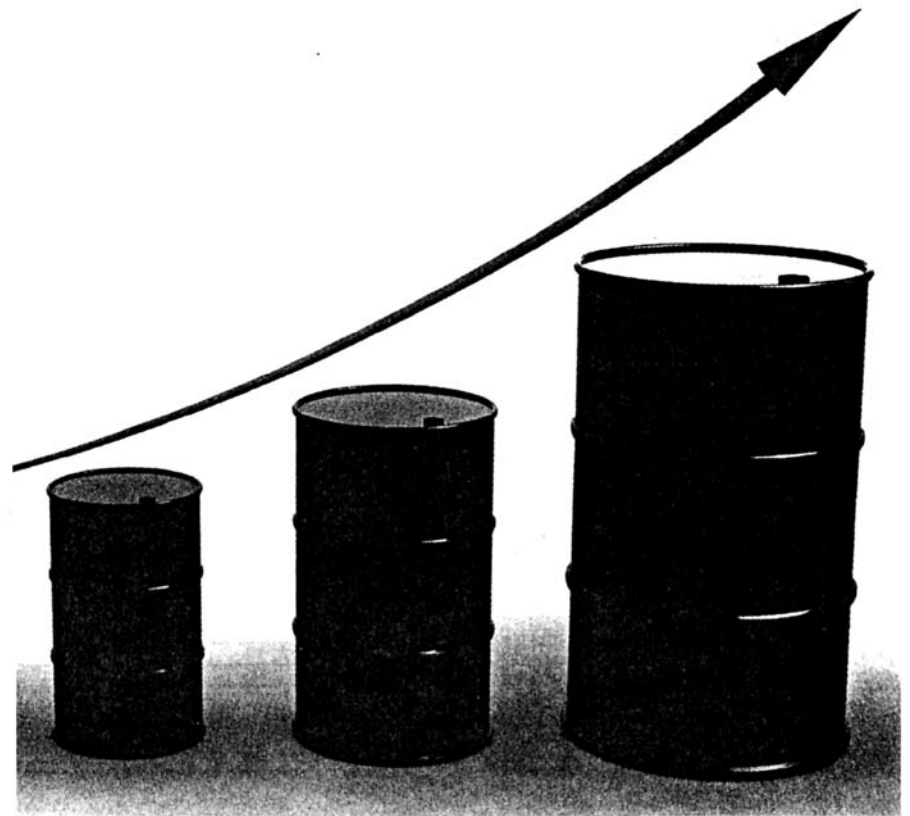
Fact One: There's no question big oil companies have raked in record profits. Exxon Mobil reported second quarter profits of \$11.7 billion for this year [2008].

According to a recent report by the Associated Press, the American Petroleum Institute said Big Oil earnings are not out of line compared with earnings in other industrial sectors.

BELOW DOW JONES AVERAGE

The story goes on to say, "Exxon's earnings amount to about 8.5 cents per dollar of sales versus 11.6 cents per dollar for the companies making up the Dow Jones industrials."

Microsoft, for example, had a net profit margin of 29.3%. Forbes reports McDonald's net profit margin was 12.2%, and Campbell Soup Co.'s profit margin



was 14.2%.

"The oil and natural gas industry is massive because it has to be to effectively compete for global energy resources," said John Felmy, API's chief economist, in AP's article.

"The industry's earnings make possible the huge investments necessary to help ensure America's future energy needs are met."

MILLIONS OWN THEIR STOCK

Felmy added, "Two-fifths of publicly traded oil and gas company stock is owned by tens of millions of investors through retirement accounts and pensions."

In an interview with Charles Gibson of ABC News, Rex Tillerson, chairman and chief executive of Exxon Mobil, said: "I saw someone characterize our profits the other day in terms of \$1,400 in profit per second.

"Well, they also need to understand we paid \$4,000 a second in taxes, and we spent \$15,000 a second in cost. We spend \$1 billion a day just running our business. So this is a business where large numbers are just characteristic of it."

WHAT THEY PAID IN TAXES

Fact Two: "Exxon Mobil has paid an average of \$27 billion annually in taxes," said Mark J. Perry, a University of Michigan economics and finance professor, in a recent article for the Tax Foundation.

"That's as much in taxes annually as the entire bottom 50% of individual taxpayers paid in 2004 [most recent year available], which is 65 million people."

The Tax Foundation's Scott Hodge and Jonathan Williams wrote, "In recent decades, federal, state and local governments have collected far more revenue."

Trillions Of Barrels Of Oil Discovered

America could be energy self-sufficient, thanks to a pair of breathtaking discoveries.

The U.S. Geological Service issued a report in April 2008 that hadn't been updated since 1995 on how much oil was in the area of the western two-thirds of North Dakota; western South Dakota; and extreme eastern Montana.

The Bakken is the largest domestic oil discovery since Alaska's Prudhoe Bay and has the potential to eliminate all American dependence on foreign oil.

The Energy Information Administration [EIA] estimates it at 503 billion barrels. Even if just 10% of the oil is recoverable at \$107 a barrel we're looking at a resource base worth more than \$5.3 trillion.

"When I first briefed legislators on this, you could practically see their jaws hit the floor. They had no idea," says Terry Johnson, the Montana Legislature's financial analyst.

BIGGEST FIND IN SIX DECADES

This sizable find is now the highest-producing onshore oil field found in the past 56 years. It's a formation known as the Williston Basin, but is more commonly referred to as the "Bakken."

It stretches from Northern Montana, through North Dakota and into Canada. For years, U.S. oil exploration has been considered a dead end. Even the big oil companies gave up searching for major oil wells decades ago.

However, a recent technological breakthrough has opened up the Bakken's massive reserves - and we now have access to up to 500 billion barrels.

Because this is light, sweet oil, those billions of barrels will cost Americans just \$16 per barrel. That's enough crude to fully fuel the American economy for 41 years straight.

ROCKY MOUNTAINS HORDE

If that didn't throw you on the floor, then this next one should. Hidden 1,000 feet beneath the surface of the Rocky Mountains is the largest untapped oil reserve in the world - more than two trillion barrels.

In fact, we have more oil inside our borders than all the other proven reserves on earth. Here are the official estimates:

- Eight times as much oil as Saudi Arabia
- 18 times as much oil as Iraq
- 21 times as much oil as Kuwait
- 22 times as much oil as Iran

- 500 times as much oil as Yemen

It's all right here in the Western United States. All efforts have been blocked to help America become independent of foreign oil by agenda-driven politicians and lobbyists.

James Bartis, lead researcher with the study, says we've got more oil in this very compact area than the entire Middle East -- more than two trillion barrels untapped.

Instant Conversion

Sister Mary, who worked for a home health agency, was out making her rounds visiting homebound patients when she ran out of gas.

As luck would have it, a gas station was just a block away. She walked to the station to borrow a gas can and buy some gas.

The attendant told her that the only gas can he owned had been lent out, but she could wait until it was returned. Since the nun was on the way to see a patient, she decided not to wait and walked back to her car.

She looked for something in her car that she could fill with gas and spotted the bedpan she was taking to the patient. Always resourceful, she carried the bedpan to the station, filled it with gas, and carried the full bedpan back to her car.

As she was pouring the gas into her tank, two men watched from across the street. One of them turned to the other and said, "If it starts, I'm becoming a Catholic."

Fridays With Frosty

Join Oklahoma Observer Founding Editor Frosty Troy for commentary every Friday at 7:35 a.m. and 4:44 p.m. on Oklahoma's Public Radio. Neva Hill's commentary airs Thursdays at the same times.

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Greed Of The Rich Caused U.S. Collapse

By Maggie Mahar

As the president recently warned, this is not an “ordinary, run-of-the-mill” recession. In the worst-case scenario, the meltdown could lead to a “lost decade” of growth.

At this point, America’s middle-class finds itself on the edge of a cliff. As unemployment rises, it will become apparent how quickly an upper-middle-class family can find itself part of the middle class – no longer able to afford private school, skiing vacations, or, in the worst case scenario, the payments on a mega-mortgage.

In other countries, the majority of the citizens are middle-class, and they identify with each other. When it comes to healthcare, the French are willing to pay for high quality, universal coverage because they feel that nothing is too good for another Frenchman. Sadly, in the U.S. we do not feel that way about each other.

DISTRIBUTION OF WEALTH

How our nation’s wealth is distributed:

- The richest one percent own 34% of total wealth.
- The richest 20% own 85% of aggregate wealth.
- The remaining 80% own just 15% of the nation’s wealth.

“This isn’t a middle-class country,” Princeton economist Uwe Reinhardt observed after presenting these numbers. “It’s not even a democracy; it’s an aristocracy.”

Wealth and power have become consolidated in the hands of a few because, over the past 29 years, income has been distributed so unevenly, allowing the wealthy to speculate on real estate and high-flying stocks.

Since the early 1980s those who could afford to play this high stakes game have bid prices ever higher, and as a consequence, their net worth has soared.

Despite the stock market crash of 2000, the real estate bubble kept the wealthy afloat: indeed from 1995 to 2004, the wealthiest 25% of the nation saw their net worth [assets minus debt] double while the middle class made meager gains.

FUNDS FOR SPECULATION

At the top of the economic ladder, high salaries gave the affluent the funds they needed to speculate.

According to the Census Bureau, in 2007 the 20% who own 85% of all wealth also commanded roughly 50% of all income while earning an average of \$168,000 that year. [Half earned more than \$168,000 and half earned somewhere between \$100,000 and \$168,000.]

Just one giant step down on a five-step income ladder, upper-middle class households earned 23% of aggregate income, taking home an average of \$79,000.

On the third and middle step, “middle class” households earned 14.5% of the total while receiving an average of \$50,000 – leaving a measly 12% of the pie for the 40% of the population stuck on the bottom two steps – where they averaged \$29,000 and \$11,500 respectively.

WHO EARNED THE MOST

In 2007, the wealthiest 20% earned 50% of all income.

Households one step down on a five-step ladder received 23% of all income. Households on the middle step took home 14.5% of all income. The bottom 40%

Hate Crimes Against Latinos Are Mounting

The annual Federal Bureau of Investigation [FBI] Hate Crimes Statistics Report documents the continued rise of crimes that police report are motivated by bias against Hispanics.

In 2007, local police reported to the FBI that there were 830 victims of anti-Hispanic crimes in 595 incidents around the nation.

Both of these numbers represent increases over the previous year and surpass previous highs dating back to when annual reports were first mandated by the Hate Crimes Statistics Act.

According to the report, Hispanics in 2007 comprised 61.7% of victims of crimes motivated by a bias toward the victims’ ethnicity or national origin. In 2004, the comparable figure was 51.5%.

Since 2003, the number of both victims of anti-Hispanic crimes and incidents increased by nearly 40%.

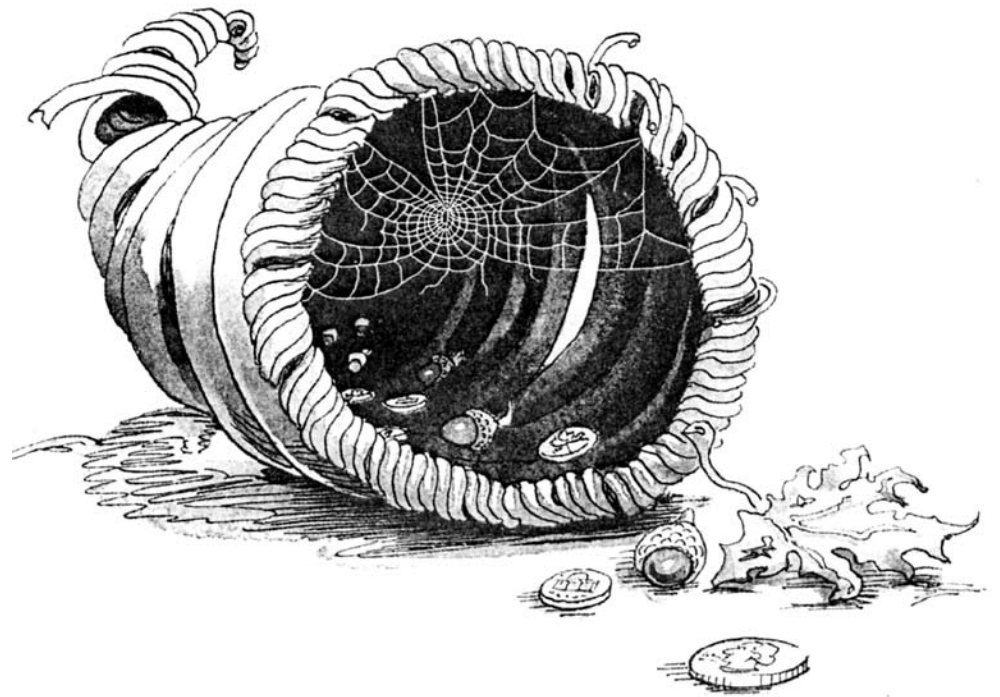
Last summer, Luis Ramirez, a Mexican immigrant who was engaged to be married to the U.S. citizen mother of his two small children, was beaten to death by a group of white teenagers in Shenandoah, PA.

According to witnesses and local reports, he was accosted and suffered fatal blows to the head and other parts of the body while the perpetrators shouted racial and ethnic epithets.

The district attorney filed murder and ethnic intimidation charges in the slaying, but the cases have not yet gone to trial.

Hispanics are under assault in America’s neighborhoods, with heightened anti-immigrant sentiment fueled by cable and radio talk show hosts and local police efforts to enforce federal immigration law.

The report goes on to demonstrate the steady growth of anti-Hispanic hate crimes after 2003.



of the population divided 12% of all income.

Some observers point out that the rich pay more in taxes than the rest of us, but even after taxes, the top 20% hauled home 45% of the nation’s earnings.

Conservatives also like to argue that if you add in the benefits that middle-class workers and poorer Americans have been receiving from employers and government, you will find that all Americans are gaining ground.

To test that hypothesis, consider the research done by the Congressional Budget Office. When calculating income, the CBO includes all the standard household revenue streams – wages, dividends, interest, and the like – plus food stamps, Social Security and employer-paid health benefits.

CBO FINDINGS SHOW POOR GROWTH

Using that formula, the CBO discovered that even if you include the health benefits, the incomes of America’s statistical middle class – the 20% in the exact middle of U.S. income distribution – rose only 15% over 25 years, or less than 1% a year.

Finally, the bottom line: To get at the truth of income distribution, adjust all incomes for inflation and you will find that from 1973 to 2005, the average income of all but the wealthiest 10% of the income ladder fell by 11%.

No wonder the middle class has so little savings to fall back on in hard times.

As the 20th Century drew to a close, CEO pay set the bar for our New Rich. Take a look at the truly startling facts: the ratio of executive pay to the average worker’s pay has risen from 41 to 1 in 1960 to as high as 531 to 1 in 2000, at the height of the stock market bubble, when CEOs were cashing in big stock options. In 2005, it stood at 411 to 1. By way of comparison, the same ratio is about 25 to 1 in Europe.

SIGNS OF COLLAPSE

Indeed, the distribution of income is more lopsided in the U.S. than in any other developed country.

The authors of *The Limits to Growth* predicted that the signs of imminent decline would include:

- Rising debt, eroding goals for health and environment.
- Investment in human resources [education, shelter, health care] postponed in order to provide immediate consumption and security demands.
- Deterioration in renewable resources – surface and ground water, forests, fisheries, agricultural land.
- Rising levels of pollution.
- Growing demands for capital, resources, and labor by military and industry to secure, process, and defend resources.
- Growing instability in natural ecosystems.
- Growing gap between rich and poor – between the powerful and the weak.

RICH WERE DRIVING THE ECONOMY

Over the past 29 years as those at the top grew wealthier they spent more. Driving consumption and investment, they pushed the price of everything from mortgage-backed derivatives to condos sheathed in glass into the stratosphere.

Cars began to resemble military vehicles; homes became mansions with 15-foot ceilings, and hospitals became hotels. The problem was that with so much wealth concentrated at the top, too much money was chasing too few things.

Prices levitated far above fundamental values. Meanwhile, everything from homes to healthcare became increasingly unaffordable for the rest of the population. Those who wanted to buy a house had to borrow more. Alan Greenspan’s easy money policy greased the path to insolvency.

An economy hooked on growth would depend on consumers to keep it going. President Bush assured Americans that we could shop our way out of a recession if we just purchased more “stuff.”

By 2005 the share of income held by the top 1% was as large as it had been in 1928, when the last Gilded Age drew to a close. This was an ominous sign.

By 2006, household debt equaled 90% of GDP, up from a low of 12% at the beginning of World War II. U.S. credit card debt currently exceeds \$950 billion.

For two decades consumer spending had been the engine that drove the U.S. economy but now the American consumer is tapped out.

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Bush Failed To Enforce Wage Law

The U.S. Labor Department is hiring 150 more investigators to enforce wage and child labor laws in the wake of a government probe that found the agency failed to effectively fight wage theft under the Bush Administration.

The stepped-up hiring is a signal to employers that attempts to dodge full payment of wages will be met with new focus and the latest sign of the increasingly vigorous approach to workplace regulation President Barack Obama vowed his Labor Department would take.

In addition to the 150 investigators being hired to help enforce wage and child labor laws, the department is hiring another 100 investigators in Wage and Hour as part of the government stimulus plan to ensure contractors on stimulus projects are in compliance with applicable laws.

INCREASING STAFF

The total of 250 will increase staff in the division by more than a third. Labor Secretary Hilda Solis assured the nation's workers that her arrival at the agency means "there's a new sheriff in town."

She targeted worker safety by speeding up the process of setting rules to protect against occupational exposure to a harmful chemical sometimes used in making microwave-popcorn flavoring.

She said she takes the results of the government probe into wage theft "very seriously" and is committed to ensuring all workers are paid at least the minimum wage and proper overtime.

REINVIGORATING THE AGENCY

Solis said in a statement that adding more staff would help "reinvigorate" the agency's work following the loss of experienced personnel over several years.

The results of the probe, conducted by the Government Accountability Office, the investigative arm of Congress, were detailed at a hearing sponsored by the House Education and Labor Committee.

GAO staffers said Wage and Hour Division employees frequently responded inadequately to complaints in a variety of ways: advising callers to get their own lawyers, dropping cases after employers claimed they were unable to pay, failing to be persistent if employers didn't return phone calls, and failing to follow up



on complaints at all.

UNDERCOVER ACTION

In one fictitious undercover call made to the agency by GAO staff, the complainant said he'd seen children working in a meat packing plant in California.

The person who received the call never followed up on the complaint, which like many others, wasn't recorded in the agency database. An agency worker encouraged the caller to have his own conversation with the employer in question.

"You really see an array of failures," said Rep. George Miller, D-CA, chairman of the committee that held the hearing. "It adds up to very serious money" for U.S. workers, he said.

Of the larger complaints made, 19% weren't adequately investigated though 81% were handled appropriately.

ATTACKS

From Page 13

this.

It would be a profound waste of genetic material if we went out and created some master race that, like Beck, Hannity and Robinson was incapable of rational thought or speech.

There is even more out there like this, from all over the place, with each seemingly trying to out-weird the other. So, yeah, it appears a fair portion of America's hard-right population, along with most if not all of their spokespeople and commentators, have been driven absolutely, positively batpoo crazy by the election of and policies of Barack Obama.

SUCKING IN MORE CONSERVATIVES

The trend has been sucking in more and more high-profile members of the conservative community. Newt Gingrich was forced to jump up and down on Rush Limbaugh for saying he wants Obama to fail.

Limbaugh responded by calling Gingrich "a fly-by-night operator, who can't be depended on and who will sell you out."

Republican Sen. Bob Bennett of Utah came close to threatening Arizona with an infestation of crickets to shut John McCain up about earmarks in the budget.

Conservative commentator David Brooks called House Minority Leader John Boehner "insane" after Boehner called for a complete freeze on federal spending as an answer to the ongoing economic crisis.

LAMENTING STATE OF THE PARTY

Perhaps the most resounding cannonade fired at conservatives by a conservative was David Frum's Newsweek article lamenting the sad state of the party, and the ongoing catastrophe represented by the ascendancy of Limbaugh.

"Even before the November 2008 defeat," wrote Frum, "even before the financial crisis and the congressional elections of November 2006 it was already apparent that the Republican Party and the conservative movement were in deep trouble. And not just because of Iraq, either [although Iraq obviously did not help]."

"Every day," Frum said, "Rush Limbaugh reassures millions of core Republican voters that no change is needed: if people don't appreciate what we are saying, then say it louder.

"Isn't that what happened in 1994? Certainly this is a good approach for Rush himself. He claims 20 million listeners per week, and that suffices to make him a very wealthy man.

MOST DISAGREE WITH RUSH

"If another 100 million people cannot stand him, what does he care? What can they do to him other than ... not listen?

"It's not as if they can vote against him. But they can vote against Republican candidates for Congress. They can vote against Republican nominees for president.

"And if we allow ourselves to be over identified with somebody who earns his fortune by giving offense, they will vote against us," Frum said.

Unfortunately for Frum and any conservatives who share his concerns, it does

not appear any of the hard-right noisemakers have any intention of moderating either their tone or their tantrums.

Maybe it will be another couple of months before the swelling from that electoral bruising goes down enough for these people to calm themselves, but at this point, it ain't happening.

The hardest part for the GOP? Neither Obama nor any other Democrat have been required to say a word about any of this.

The rightwing shouters do their shouting, get shouted at by other rightwing shouters, and a perfect circle of Republican self-destruction is formed.

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GINGRICH

From Page 14

"I don't know how you could live with yourself without breaking down and trying to find some way to deal with your own weaknesses and to go to God about them."

Dobson seemed pleased with Gingrich's confession and especially the image of the sorry politician on his knees before the Lord.

After some early feints, Gingrich stayed out of the presidential race in 2008, observing it as a commentator for Fox News. ["There is a gay and secular fascism in this country that wants to impose its will on the rest of us," Gingrich warned during an on-air discussion of California's anti-gay-marriage Proposition 8.]

HE MAKES A CATHOLIC CONFESSION

He would not be ready to consider running until his absolution was granted by Father Milton Jordan, senior priest at St. Joseph's Church in Washington.

With this act and Gingrich's subsequent conversion, he ratified his devotion to the "theocon" agenda.

With more than \$5 million from rightwing casino baron Sheldon Adelson, Gingrich recently founded a conservative nonprofit called Renewing American Leadership.

Among the group's planned activities, which appear coordinated with a who's who of the Christian right, are a series of "tea party" protests against Obama's economic plan, and the production of a film about Pope John Paul II's role in bringing down the Soviet Union.

Gingrich's outrage over Obama's speech at Notre Dame was his first act as a Catholic politician.

With his sins officially expunged, Gingrich appears poised to play a decisive role in the 2012 Republican presidential sweepstakes.

- The author is a writing fellow at The Nation Institute, whose book, Republican Gomorrah [Basic/Nation Books], is forthcoming.

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MYTH

From Page One

who sued Winnebago after setting his R.V. on cruise control and going to the back to make some coffee? The man supposedly received millions of dollars and a new Winnebago when he sued the company for failing to warn him that he couldn't leave the vehicle driverless! How was he supposed to know the R.V. would crash?

The fact that the incident never happened didn't stop papers from printing the story in a column calling for tort reform.

Have insurance rates gone up? Sure. The insurance industry is one of the most

profitable industries. They typically make most of their profits in stocks and bonds. When the bubble burst on Wall Street the industry jacked up premiums to maintain their profit margins.

Will outlawing the right to sue grossly negligent doctors for punitive damages stop the escalating costs of health care? The Congressional Budget Office figures that medical malpractice lawsuits account for one half of one percent of lawsuits filed.

Everybody hates lawyers until they need one.

KAPUT

From Page 11

directly to today's financial meltdown.

Inherent in the industry's push for unbridled expansion was the unstated goal of guaranteeing that they would get taxpayer bailouts if things went badly. So many investors, businesses, employees and others would be hooked into these multi-tentacled blobs that government would be compelled to rescue the banks from their own excesses. Knowing that they could privatize all of the profits from quick-buck schemes and socialize the losses, bankers were unleashed to do their damndest. Which they did.

What to do now? Federal Reserve Chairman Ben Bernanke is calling on Congress to create a "super-regulator" to control the irrational risks that the too-big boys take. Immodestly, Bernanke suggests that the Fed be this overseer. He is backed up by Timothy Geithner, Obama's treasury secretary and point man on rescuing the giants. He has just outlined a new regulatory regime that he suggests we entrust to the Fed.

Bad idea all around. First, the Fed already has far-reaching watchdog authority that it refused to use as today's crisis built up. We heard no bark and got no bite because, while the Fed has enormous *public* authority to regulate America's money supply, interest rates and banks, it is governed by – guess who? – bankers, and it operates essentially as a *private* banking cartel.

Second, and most important, too-big-to-fail is too-big-to-regulate. And too-big-to-regulate means they are too big to tolerate. Period.

The answer is to split their investment, banking and insurance functions into separate companies and reinvigorate America's antitrust laws to restore competition in each of the three sectors of finance. As Newsweek columnist Michael Hirsh put it in an online column in February, "We can't have a free-market economy dominated by institutions so huge that they don't have to play by free-market rules."

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POETRY

From Page 10

overdose.

Lerner spent his writing life describing a private hell he inhabited and searching for what he thought would be truth: "I just want a moment of truth/so vast/that all the lights on the planet/dim for a second ..." [Ground Zero] He also felt beauty in his search for the truth when in his poem Van Gogh, Can You Tell Me, he asks whether "you have your own easel/or if God allows you to paint on the sky."

His hostility toward the world is evident throughout the book as in the poem If I Die Tomorrow: "I've made my peace with crime/any laws I've broken/have broken me first."

This is a disturbing book but I'll wager there is a measure of poets with many of the same feelings as Lerner but simply cannot say them as well.

Reviewer Robert Baldwin said it as well as any in describing Lerner and the book: "While Lerner didn't paint the sky, he painted his soul, tattered as it was." Enough said.

DARK THIRTY

By Santee Frazier

The University of Arizona Press

96 pages, \$15.95

Santee Frazier has an MFA from Syracuse University and is a citizen of the Cherokee Nation of Oklahoma. This is his first book and it is a real page-turner.

The book takes the reader on a no-holds-barred trip through a Native American world seldom seen by readers and provides a snapshot of life's other side. It is not often a pretty picture.

Subjects such as poverty, cruelty, homelessness, hunger, alcoholism, and murder are portrayed in a gritty, sometimes frightening, in-your-face manner that gives one a stark picture of the outskirts of contemporary American culture. Frazier has the knack of being able to write as though he was talking with you face to face and you get the feeling you are a part of the story.

Indeed, even though you read one of the poems, and perhaps are repelled by its language or theme, the writing and imagery are so clear and compelling you will want to continue reading page after page. The literary world will hear more of Frazier in the future.

MEASURED BY STONE

By Sam Hamill

Curbstone Press

91 pages, \$13.95

I am always a bit impatient when awaiting a new volume of Sam Hamill poetry. Not only is he a prolific poet and translator – having authored 14 volumes of original poetry as well as two-dozen volumes of translations and three collections of essays – but he also has the rare ability to speak to the reader in an almost mesmerizing manner.

This volume continues his lifelong commitment to political engagement and social justice in a forceful yet almost gentle manner that is a joy to read. In a sometimes quiet contemplation to his beloved oriental classics to his passionate candor about love, anger, sorrow, compassion, generosity of spirit and patience, ultimate patience, the reader is brought into the circle of those attempting to change the world through poetry. To learn what poetry can really be about, one must read Hamill – first and last.

HOVERING AT A LOW ALTITUDE

The Collected Poetry of Dahlia Ravikovitch

Translated by Chana Block and Chana Kronfeld

W.W. Norton & Company

272 pages, \$39.95

How appropriate that this book is being issued during National Poetry month. Dahlia Ravikovitch [1936-2005] was an Israeli poet considered to be the greatest Hebrew woman poet of all time. That is indeed high praise but in this case is right on the mark.

She was a leading voice among feminist anti-war activists. She advocated support for the Israeli-Palestinian peace process; spoke out against the plight of the Jews in the Diaspora; condemned the complacency of Israeli urbanites in the face of Israeli military atrocities, and generally spoke out against war, power, and on the plight of women, especially in traditional Jewish society.

She had the ability to transfer complex political and social issues into poetic form that resonates with readers of various persuasions. A must-have volume for any poetry library.

BROKEN AND RESET

Selected Poems, 1966 to 2006

By V.B. Price

University of New Mexico Press

388 pages, \$29.95

V.B. Price is a teacher, journalist, columnist, editor, architectural critic, non-fiction essayist and pretty good poet. He has worked his entire life striving for intellectual freedom by adamantly rejecting conformity and being what he calls "... a collector of ideas, of information about how the world works, of other people's writing, of rocks, shells, history, books, and art, and of the kind of experience that only poetry and reporting and reading where your curiosity takes you, can offer."

The 40 years of poetry in this volume are arranged from the most recent to the earliest and include odes to Eros, Chaos, Dionysus and others. His poems on the seven deadly sins will give the reader pause and the ones for his wife and artist Rini Price are touching and almost exquisite. This is a wonderful selection that will appeal to virtually any reader.

– The author, co-founder of A Gathering of Writers, lives in Tulsa

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