

# THE OKLAHOMA Observer

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## Execution Debacle



**Special Report:  
Will Bungled Lethal  
Injection Steer  
Oklahoma Away From  
Capital Punishment?**

*Pages 24-27*

# THE OKLAHOMA Observer

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

- Adapted from Thomas Wolfe

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# Observations

## Chickens Roosting

Gov. Mary Fallin and her plutocratic brethren, especially State Chamber boss Fred Morgan, have no one to blame but themselves.

They helped create the Animal House at NE 23rd and Lincoln Blvd. that has yielded one of the most reckless legislative sessions ever – one so odious the governor publicly ripped the House [dominated by members of her own party] and vetoed 15 of its bills.

The Republican civil war between corporatists and government-hating Tin Foil Hatters has thwarted efforts to solve the state's most pressing problems – mental health, corrections, roads and bridges, education, to name a few.

Even the GOP establishment's pet projects have stalled, including funding for the unfinished American Indian Cultural Center and to repair the decaying state Capitol.

The intra-party gridlock was broken long enough to pass yet another income tax cut – one policy on which plutocrats [the cuts disproportionately benefit the state's wealthiest residents] and wingnuts [who sing from Grover Norquist's anti-tax hymnal] can agree.

And the splintered Republicans managed to unite behind a scheme to strip voters in municipalities and counties of their right to demand a vote on increasing the minimum wage – a breathtaking display of hypocrisy from a party that claims devotion to local control.

We have little sympathy for Fallin, Morgan and the plutocrats. In their quest for political power, they jumped into bed with the Birchers and theocrats to win control of a Legislature dominated by Democrats for nearly a century.

The GOP's monied interests figured they were smarter than the fringeers – and could control them. They can't. And the result is a legislative nightmare that threatens to haunt Oklahomans for generations.

The most egregious offense, so far, is the income tax scheme that would cut the top rates from 5.25% to 5% in FY 2016 if state revenue projections top December 2014 projections – and another .15% two years

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# THE OKLAHOMA Observer



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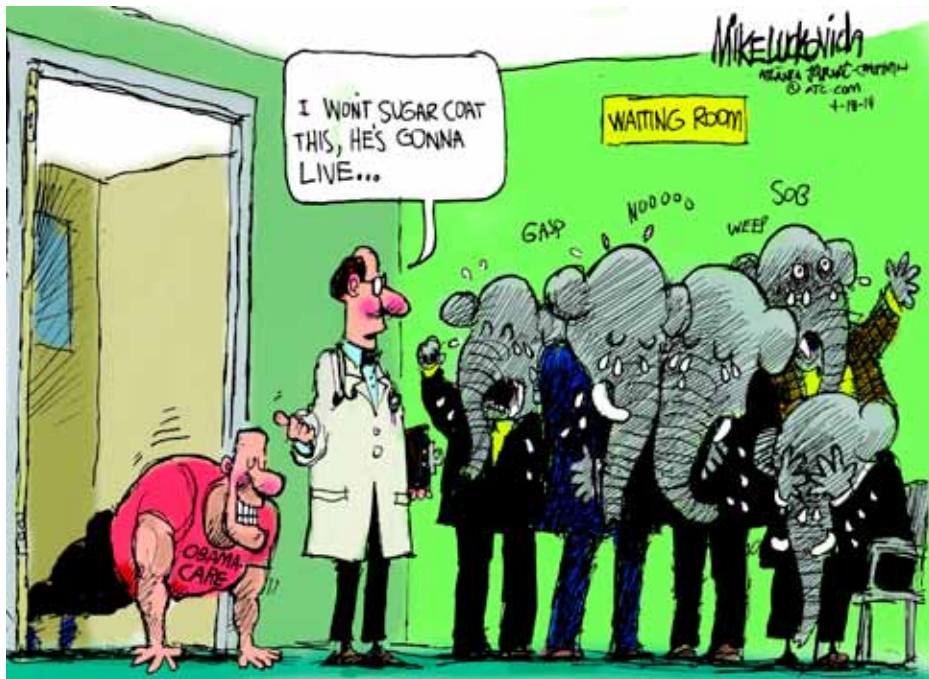
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# Observerscope



As a Baptist minister, GOP Senate wannabe James Lankford should well know the phrase “bearing false witness.” Yet his TV ad scorning ObamaCare is full of whoppers. Everyone we know that secured health insurance via the exchange *kept all their doctors*.

Laurel: To Muneer Awad, former CAIR Oklahoma executive director, honored with a Hugh Hefner First Amendment Award for helping overturn the state’s bigoted anti-Sharia Law amendment.

The state’s GOP elected elite can’t have it both ways: The 8th Amendment protecting against “cruel and unusual punishment” is just as important as the 2nd Amendment right to bear arms.

Dart: To Gov. Mary Fallin, vetoing a measure that would have prevented private security types from engaging in traffic stops. They aren’t state certified law officers. A judge slapped Caddo County DA over the practice.

Good news: Oklahoma’s teen pregnancy rate is down 30% since 1991. Bad news: Oklahoma still has nation’s second highest rate.

Finally, Senate Democrats show signs of life, bouncing leader-elect John Sparks after he promoted wholly unnecessary tax breaks for horizontal drilling that cost the treasury [and vital state services] \$250 million a year. Lawton’s Randy Bass will lead the D’s next year.

Laurel: To Legal Aid Services of Oklahoma, helping thousands of uninsured sign-up for ObamaCare. Since September, Legeal Aid Navigators staged 192 events and served 10,288 clients, thanks to an Oklahoma Primary Care Association grant. Their sign-up efforts won national praise.

We’re worried about state Treasurer Ken Miller. By endorsing T.W. Shannon’s U.S. Senate bid, the normally clear-eyed Miller joins a rogue’s gallery of the unhinged – including Sarah Palin, who told the NRA “waterboarding is how we baptize terrorists.”

Dart: To state Rep. Rebecca Hamilton, D-OKC, up to her old anti-choice zealotry, promoting Personhood. She’s entitled to believe an embryo is a human being, but not entitled to force her religious views onto all Oklahomans.

What are Oklahoma Republicans going to do when they don’t have the black man in the White House to kick around anymore? We haven’t seen a single campaign ad that tells us what they’d do – only that they hate ObamaCare.

Laurel: To Oklahoma Masons, raising \$500,000 to help create satellite Alzheimer’s Association offices in McAlester, Enid and Lawton to serve rural residents. Sixty-thousand Oklahomans suffer from this nasty disease.

We mourn the passing of long-time state Supreme Court Justice Rudolph Hargrave, a remarkable jurist and even better person. He was 89.

Priorities? U.S. taxpayers paid \$260 each in 2010 for the nation’s jails and prisons, compared with \$227 each on food stamps for children and others. – NY Times

Uh-oh. Two oilfield service companies announce layoffs in Woodward. Is OK’s latest energy boom waning? Impact on state revenues would be devastating – especially with more tax cuts possible.

What century is this? All three major GOP Senate hopefuls want the U.S. out of the United Nations. Goofball ex-state Sen. Randy Brogdon even wants UN off U.S. soil. Somewhere John Birch grins.

Dart: To evangelist Franklin Graham, praising Vladimir Putin’s crackdown on gays and lesbians. Graham’s history of hateful rhetoric spells doom for his father’s evangelistic empire.

We’re not opposed to the American Indian Cultural Center, but it’s not a higher priority than education, mental health, corrections, etc. How about OKC luminaries cut TV spots urging lawmakers to fully fund vital state services first?

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# Letters



Editor, The Observer:

It seems to me that Oklahoma officials from the Executive Mansion of Failed Fallin on down to the Department of Transportation going on to the Department of Corrections, ending last but not least with Department of Human Services and child welfare are all infected with BOTCH-ULISM.

Symptoms of BOTCH-ULISM are bloviated lungs, diarrhea of the mind, and a general feeling of uselessness supported by an insatiable urge to spend taxpayer money with no accountability.

What takes the cake is using secret drugs, secretly obtained, and secretly paid for, to use untested on a convicted prisoner as if he were a lab test. This was done in the name of all us Oklahoma citizens. I'd say the state of Oklahoma failed the test and is failing in the Humanities.

A comment I saw on a friend's Facebook page illustrated perfectly the mess caused by a single political party being in complete control of state government:

*"Botched applies to so damn many things right now, but this is the absolute worst. Also the Department of Transportation screw-*

*ing up the Purcell bridge so bad that it's closed to traffic for at least six months. Or the State Department of Education's inability to hire a testing vendor that doesn't crash and ruin high stakes tests for thousands of kids two years in a row. And then there's Department of Human Services inability to protect our state's most vulnerable children because even after a federal court order we don't fund them to hire enough child welfare workers. Botched, botched, botched. So disappointed in our state's governance today."*

James Nimmo  
Oklahoma City

Editor, The Observer:

I know what is causing all these earthquakes in Oklahoma.

It is the bodies of all the late, great Democratic leaders – such as Carl Albert, Bob Kerr, Mike Monroney, etc. – spinning in their graves because our once great state is in such ruins, thanks to the repugnant Republicans.

Iris Lochner  
Edmond

Editor, The Observer:

The "death panels" of Obam-

aCare have been found.

After five years of Republican lying " ... we see [them] working – poor Americans dying because they were shut out of Medicaid by Republican governors and legislators" [quoting James M. Cullin, editor, the Progressive Populist].

Welcome to Oklahoma!

Al Engel  
Oklahoma City

Editor, The Observer:

Gov. Mary Fallin recently signed SB 1023 authored by Sen. Newberry. The engrossed version of SB 1023 prohibits a municipality or subdivision from establishing a mandatory minimum number of vacation or sick days or minimum wage rate which an employer would be required to pay or grant employees. The measure also voids any existing or future ordinances requiring such.

Gov. Fallin stated that "most minimum-wage workers are young, single people working part-time or entry-level jobs" and that "mandating an increase in the minimum wage would require businesses to fire many of those part-time workers." Fallin also noted that "it would create a hardship for small business owners, stifle job creation and increase costs for consumers ... and it would do all of these things without even addressing the goal of reducing poverty."

Gov. Fallin clearly does not know her statistics about the workers of Oklahoma. According to the Economic Policy Institute, workers who would see wage increases do not fit the stereotypes. Women would be disproportionately affected, comprising 56% of those who would benefit and 88% of workers who are at least 20 years old. Almost half of the workers have at least some college education and 70% are in families with incomes of less than \$60,000, more than a quarter are parents, and over a third are married. The average affected worker earns about half of

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# *My Bleeding Heart Bleeds Even More*

**L**os Angeles Clippers' owner-in-exile Donald Sterling is Exhibit A that just because someone has lots of money doesn't guarantee they have much sense.

We've always known this, of course. But it seems we are routinely reminded these days that our would-be oligarchs really do put their pants on one leg at a time, just like the rest of us.

Even so, I remain aghast at the stupidity and the total lack of self-awareness often on display.

Sterling, for example, must have no sense of irony – a team owner whose on-court fortunes depend primarily on extraordinary African-American athletes, yet he doesn't want blacks attending his games?

Frankly, the 1%'s displays of narrow-mindedness, bigotry and selfishness have left me with no choice but to keep a list of where I'm willing to spend my money – and where I'm not.

For example, I will not darken Hobby Lobby's doors. The Greens have a long history of mistreating employees – including union-busting – and now are deploying their greenbacks to cram their religious views down the rest of us [for latest example, see page 9].

I've avoided Chick-fil-A since Dan Cathy's disdain for homosexuals became public [even though he's supposedly made peace with some in the LGBTQ community].

And I haven't ordered a Papa John's pizza since CEO John Schnatter's bone-headed attack on ObamaCare – which shows how little he cares about his workers access to health care.

The great thing about those three examples is we have alternatives. We can go local for pizza or chicken. Arts and crafts supplies are more problematic, so we shop around – carefully.

Sometimes, especially if we're visiting family in a small town, out of state, we have no choice but to shop Walmart, though we always prefer the local merchants or the co-ops, like Ace Hardware.

I can't help but wonder if eventually I'll have few places left to shop, with clear conscience, in red-state Oklahoma – especially after reading/editing a story in our latest issue entitled *Hypocrisy 101: Food Chain CEO's Collect Taxpayer Subsidies For Their Salaries,*

*Yet Oppose Hiking Workers' Pay* [page 28].

I confess I'm hooked on Starbucks' coffee – no, really, I'm addicted; according to a study some years ago, Starbucks' coffees had the highest concentrations of caffeine on the market. I love the vegetarian bowl at Chipotle. And I frequently take the grandkids to Dunkin' Donuts when they're in town [though mainly because it's close by].

I like much of what Starbucks and Chipotle are doing to be socially conscious, but I can't help but be troubled by the accounting games they play that benefit their big-wigs.

Check out the reporting for yourself, then decide if these establishments deserve your hard-earned bucks.

The report also appears just weeks after the Republican-dominated Legislature rammed through a bill – which Gov. Mary Fallin promptly signed – aimed at short-circuiting local efforts to force votes on raising the minimum wage.

The new law almost certainly will be challenged in court – and may well be unconstitutional. It usurps our constitutional rights as Oklahomans to petition our governments for redress of grievances. And it would seem to violate – yet again – the state Constitution's single subject rule [it also prevents municipalities and counties from imposing vacation or sick leave requirements on businesses].

The measure was placed on the legislative fast-track because of a petition drive aimed at getting the minimum wage on the ballot in Oklahoma City. As you might suspect, the State Chamber and other big business interests went ballistic. And GOP lawmakers, who rely on those interests for campaign contributions, did their part – even though they always claim to be for local control.

One lawmaker told me – but I haven't been able to verify – that among the most influential opponents of the local minimum wage proposal is one of Oklahoma City's most successful, locally-owned restaurant groups.

I'll keep poking around to sift fact from fiction, but if it turns out I need to expand my no-go list, I'll let you know. ■

## *Ten Reasons Public Ed Must Be Preserved – Warts and All*



*This Best of Frosty column first appeared in the Aug. 25, 2007 edition of The Observer.*

**S**.O.S. – Save Our Schools! This is no false alarm. Public education is under withering extremist attack in Oklahoma and across the nation.

From the vicious staff at the Oklahoma Council of Public Affairs to newspapers that will print anything that comes over the transom, the assaults go on.

Now that the Oklahoma Legislature has fallen into Republican hands, the war against the schools is out in the open. Leader of this attack is GOP House Speaker Lance Cargill who announced there will be no more teacher pay raises.

The reform facade is another misnomer – “merit pay.” There is nothing wrong with merit pay when it is done correctly, but that ignores the fact that Oklahoma teachers rank 49th in salary and are \$1,500 below the regional average.

Cargill previously supported getting teachers to the regional average, but that was before he put on the uniform of a little dictator.

This “merit pay” moniker ranks up there with TABOR [Taxpayers Bill Of Rights] and the 65% Solution. Both are cleverly-named relentless attacks on public education. Because you put lipstick on a pig doesn't mean she's Miss America.

We can give you 10 reasons why public education – warts and all – should be preserved.

1. An educated populace is the cornerstone of democracy. In a democratic society, the well-being of the nation depends on the decisions of an educated, informed electorate.

2. Education reduces costs to taxpayers. Every dollar spent to keep a child in school reduces the future costs of welfare, prison and intervention services that correlate so highly with school dropouts. It costs far less to educate a child now than to support a teen parent or a repeat offender in the future. Education expenditures help secure the future of all citizens.

3. Public schools are the only schools that must meet the needs of all students. Public schools serve children with physical, emotional and mental disabilities, those who are extremely gifted and those who

are learning challenged, and everything in between.

4. Public schools foster interaction and understanding among people of different ethnic, religious and socioeconomic backgrounds. They are a true melting pot.

5. The future support of our aging population depends on strong public schools. In 1954 there were 17 workers to pay the Social Security cost for each retiree. By 1996, there were only three for each retiree. The productivity of these three workers will likely depend on the strength of our public school system.

6. More than 95% of our future jobs will require at least a high school education. An educated workforce will be essential.

7. The nation pays a high price for poorly educated workers. The cost of retraining and remediation to prepare a worker for his or her tasks is paid by both employers and consumers. The process raises the price of American products and makes it more difficult for our nation to compete in the world marketplace.

8. The cost of school dropouts affects us all. Our nation loses more than \$240 billion per year in earnings and taxes that dropouts would have generated over their lifetimes. Well-supported public schools can engage all students in learning and graduate productive and competent taxpaying citizens.

9. Some say children are our nation's future. The reality is that we are their future. Their development affects all of us. Good education is not cheap, but ignorance costs far more.

10. Public education is a worthy investment of public funds. We can invest now, or we can pay later. That's the inescapable truth. ■

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# Sorry, Chicken Little

## *Oklahoma's Pension Sky Isn't Falling*

BY JOHN R. WOOD

"Oklahoma faces a pension crisis," said House Speaker Jeff Hickman, R-Fairview, regarding the estimated \$11.5 billion dollars the state owes its employees in retirement over the next 30 years. In response, the Oklahoma Legislature has pushed HB 2630 [Rep. Randy McDaniel] and SB 2120 [Sen. Rick Brinkley]. If

passed, either would create a mandatory defined contribution plan for all Oklahoma employees who first become employed by any participating employer of Oklahoma Public Employees Retirement System [OPERS] on or after Nov. 1, 2015. Unfortunately, if state workers were successful in getting a raise after many years of not having one, they'll likely trade that off with an assault on their pension.

Wow, \$11.5 billion in pension debt – that's a lot of money! Our state budget is only \$7 billion, what are we going to do?

"The sky is falling!" says Chicken Little.

Slow down! Slow down everyone! Let's put this in context, please.

Not everyone is running around like Chicken Little in hysteria and paralysis about our pension system, so take a deep breath.

In fact, at least two organizations find that pension reform is a distortion and actually disastrous in the end.

"The idea of imminent [public pension] insolvency is a gross distortion," according to an Institute for America's Future report, which states: "In addition, a recent Center for American Progress report also finds, it is an illusion that pretends a short-term shortfall caused by a large recession requires moving to a more expensive system that will cost [taxpayers] more in the long run."

In Oklahoma, there are two major systems administered by the state – the first is the OPERS and the second is the Oklahoma Teachers Retirement System [OTRS]. Actually, \$11.5 billion is over a 30-year period of time, essentially meaning that the state's liability is really only \$383 million a year. That might mean a lot of money to you, but did you know that Oklahoma has given the oil industry a horizontal drilling tax break amounting to \$252 million this year?

You might ask, "Is that fracking right?" Do they need it?

Well, conservative former OKC Mayor Kirk Humphries doesn't think so; he says: "80% of our wells are



horizontal. It's where the action is. I don't think that government should incentivize anything that is going to happen without the incentive and, believe me, baby, horizontal drilling is going to happen without the incentive."

Just think about it, making the oil industry pay the 7% they used to instead of the measly 1% they do now would largely shore up the retirement system quickly. Happening in an oil state? Not likely!

What if the state Legislature could stop the use of offshore tax havens? In January 2013, the U.S. PIRG Education Fund published a report in which it calculated the impact on this practice on each state. For Oklahoma alone, the estimated cost is \$239 million.

Both reforms would bring in an estimated \$491 million in revenue to the state. This alone leaves the state of Oklahoma with \$108 million in revenue and in the black. Can you imagine, if this could happen, it's a way to shore up the pension question and still make the state money, and – heaven forbid – give state employees a raise after several years without one!

### **VEGAS RETIREMENT**

Rep. Kevin Matthews, D-Tulsa, characterized defined contribution plans as "casino-type retirement" that is analogous to gambling. "This argument boils down to risk," said Rep. James Lockhart, D-Heavener. He said employees who invest their retirement savings in stocks could have their retirement wiped out in a stock market crash.

Remember the 2008 recession? Should public employees, who spend 20-30 or more years serving you and me, be subject to the ups-and-downs and turns of the market?

### **MORE COST EFFECTIVE**

Actually, defined-benefit pensions held by public employees are much more cost effective than 401[k]-style retirement plans, according to the America's Future report.

How is that? Well, it's because defined benefits bring hundreds of people together to invest in a single portfolio. With a defined-contribution plan, employees bear the risk, while with defined-benefit pensions more risk is borne by the employer.

Overall, defined-benefit plans cost about half as much as defined-contribution plans in providing the same level of benefit, according to research by the National Institute on Retirement Security Defined-benefit plans.

Defined benefit plans realize these cost savings through the way they are structured as a large, diversified, professionally managed investment fund, with the ability to maximize returns over a long time horizon, whereas, 401[k]s are individualized with short-time horizons. The difference for the worker is dramatic!

To illustrate, the aforementioned study finds that providing workers with a secure level of retirement income would cost only 12.5% of payroll with a defined-benefit plan but an astonishing 22.9% of payroll with a defined-contribution plan. That's a huge differ-

ence to the worker!

### **DON'T TOSS BABY OUT WITH BATHWATER**

In a 2008 report, Beth Almeida and William B. Forina, who wrote *A Better Bang for the Buck*, found that rather simple changes to public-pension plans – such as to increase contributions from employers and workers – should significantly correct the underfunding problem that many plans currently face. It is better to adopt best practices – for example, the Legislature should require state workers to make annual contributions that reflect their share of plan costs. This will likely shore up most defined-benefit plans for the long haul, and minimize the need for making additional contributions in the future.

Can this be done? It already is!

Oklahoma has already adopted several reforms, according to the Oklahoma Policy Institute, such as prohibiting any unfunded benefits, increasing employer and employee contributions, and raising the retirement age for new employees. For example, OPERS has more than an 81% funded ratio on an actuarial basis, according to the Oklahoma Public Employees Retirement System, the liability is only 15% of the state's total unfunded liability as referred to by Gov. Fallin. OPERS is essentially a healthy system that has surpassed its Actuarial Required Contribution [ARC], meaning that contributions to the system are greater than what is needed to fully pay benefits for current and future retirees. This is good news!

What will truly be a disaster is that if the defined contribution system wins the day, the OPERS and the OTRS employee will not have new money coming into the system. This may very well destroy the system and security of workers, especially current retirees, who have placed all their eggs in the defined benefit in a single proverbial basket. When asked at a recent public meeting [by a ready-to-retire public employee] what is going to happen when no one is contributing to the defined benefit system, even conservative former Speaker T.W. Shannon pointed out that the pensions are obligations. "You can sue," he said. "We made a promise to these employers, we have to keep them."

Let's hope it doesn't come to that. ▀

*John R. Wood, PhD, is a political science professor at Rose State College.*

## **Still Dancin'**

A husband takes his wife to a disco.

There's a guy on the dance floor living large – break dancing, moon walking, back flips, the works.

The wife turns to her husband and says, "See that guy? Twenty-five years ago he proposed to me and I turned him down."

Husband: "Looks like he's still celebrating!"

– Thanks to A.J. Henshaw



# Green-Designed Bible Course More Sunday School Than Scholarly



BY TRAVIS GETTYS

A pair of religious liberty watchdogs urged an Oklahoma school district to drop its plans to implement a Bible-based curriculum designed by a conservative Christian business owner.

Americans United for Separation of Church and State and the Freedom from Religion Foundation sent letters in late April to the Mustang Public School District board expressing concerns about the implementation of the “Museum of the Bible” curriculum.

The groups, which are based in Washington, DC, and Madison, WI, said the course work designed by Hobby Lobby owner Steve Green was taught from a sectarian perspective and would expose the district to costly, time-consuming lawsuits.

“The courts have been clear: there is to be no proselytization in public schools,” said the Rev. Barry W. Lynn, executive director of Americans United. “Schools are welcome to teach religion objectively, but they’re not welcome to teach any one religion as literal truth. That’s exactly what the Mustang public schools are about to do.”

Americans United noted that Green, who has mounted a U.S. Supreme Court challenge to the birth control mandate in the Affordable Care Act, explained that the curriculum was intended to show the reliability of the Bible and to complement his planned Bible museum.

Green has also said the class would teach the doctrine of Bible inerrancy, the groups said, which they said undermined his claims that the course would be taught from an objective standpoint.

“The materials show a clear Christian bias, treat the Bible as historically accurate and true in all respects, and make theological claims, to name but a few problems,” said FFRF staff attorney Andrew Seidel.

The attorney lists dozens of potential constitutional violations in the curriculum, although he admits there are likely more because he sent the letter before conducting a thorough examination of the materials.

Seidel said the curriculum asks and answers the question, “What is God like?” and asks students to consider the various aspects of God, including His love, promise, justice, and presence.

He also noted that only four translations of the Bible are used, each of them associated with Protestant sects, and treats the material as historically factual and accurate – including the questionable claim that Moses wrote the Book of Genesis and critical examination of the fictional novel *The Da Vinci Code*.

“The book assumes all the stories to be true, going so far as to list biblical artifacts yet to be discovered including: Noah’s Ark, the Ark of the Covenant, the Holy Grail, and Moses’ magic wand,” Seidel said.

The course also teaches that constitutional principles, including freedom of the press, were based on biblical teachings.

“This book reads like a Sunday school lesson for elementary schoolchildren, not a legitimate public high school text,” Seidel said.

Both groups urged the school district to cancel the elective curriculum, which was approved for next fall.

© *The Raw Story*



# Tribes Soar While State Crashes

*Sadly, State Legislators Have 'Titles Behind Their Names, Nothing Between Their Ears'*

BY CAL HOBSON

Ten years ago the Legislature passed and the voters confirmed so-called Class III gaming in Oklahoma. However, casinos had to be located on federally recognized Indian land. In effect, tribes can now offer Las Vegas-style wagering on table games, such as poker, blackjack, roulette and craps, as well as both bingo and non-bingo slot machines. There are now over 64,000 one-armed bandits within our state, more than is found in all of California.

For the hassle-free opportunity to operate such games of chance legally, tribes that have entered into formal compacts with our state government must pay 10% on card games and 6% on slots of net profits de-

rived from their now well-regulated and audited casinos. They were neither prior to the vote in 2004.

A majority of the Sooner state's 37 federally-recognized tribes have signed compacts with Oklahoma state government and will pay about \$130 million into the treasury this year – most of which is earmarked for public education.

Prior to 2004, there were 85 casinos within our borders, mostly small and lacking in top-flight amenities. They paid nothing for the right to operate in Oklahoma, sometimes legally but often not so much.

Local, county, state and federal law enforcement agencies spent millions of dollars and thousands of

hours trying to enforce a patchwork of regulations and laws generated by the federal Indian Gaming Regulatory Act of 1989. Their efforts for the most part were futile.

After watching this foolish goat-rope for over a decade, I – and many others – including then-Gov. Brad Henry, D-Shawnee, and House Speaker Larry Adair, D-Stilwell, were determined to deal with this contentious, complicated and, frankly, absurd issue once and for all.

The results are evident throughout the state where 135 casinos now operate. In fact, Winstar, located near Thackerville in far southern Oklahoma, is the largest gaming establishment in the world. Beautiful hotels, first-class entertainment venues, immaculate golf courses and superb restaurants now generate more than \$14 billion in economic activity – twice the entire general fund of this year’s state government.

Additionally, and as I will explain later in this column, tribes spend their revenues much more wisely than our current crowd of pols sitting in their spacious offices at the Capitol.

A decade ago the minefield to get to where we are today concerning a well-regulated gaming industry was difficult, to say the least, with almost every elected Republican voting no, as usual, on this progressive initiative while 98% of Democrats cast yes votes.

Native Americans, led by Chickasaw Nation Gov. Bill Anoatubby, as well as race horse owners, farmers, ranchers, and small business folks joined hands, smoked the peace pipe and pushed the legislation over the top during a public vote in 2004.

Their work led to the economic and social success that has benefitted all of us but especially our rural residents and tribal members. The reason is simple: That is where most of the gaming outlets are located.

Casinos are clearly the source of most tribal profits. However, wise chiefs, governors, council members and elders have long understood their gaming largesse cannot last forever.

For example, when and if the Texas Legislature legalizes Class III activities in the Lone Star state, wagering in Oklahoma will slow if not begin to decrease. For proof, please know that 90% of the bettors at Winstar drive cars with Texas tags and about 70% of the gamblers at Durant’s Choctaw casino motor up from Baja Oklahoma.

However, when the Dallas-Fort Worth megaplex is finally authorized to build a few “Devon Tower” gaming edifices, our Native American tribes will already be highly diversified, solvent, modern and, as they are now, well led by highly competent, professional 21st Century-oriented men and women.

[By the way, I strongly believe that Chickasaw leader Anoatubby is the best governor in America, tribal or otherwise. On Apr. 29 I visited the Chickasaw Nation headquarters in Ada, and it is a modern complex in every sense of the word.]

Now back to my comment concerning wise spending priorities by the tribes while the opposite is true

of Gov. Mary Fallin and state legislators.

Last month in Ada, while waiting to make a presentation to the aforementioned Gov. Anoatubby, I noticed pictures of all former Chickasaw governors with quotes taken from their inaugural addresses. One struck me as quite compelling. In 1856, this particular governor intoned that education for Chickasaw children is, and always will be, the great equalizer, the best conduit of opportunity, the most powerful ingredient to finding happiness in life. That is why the Chickasaws and many other tribes, after arriving in Indian Territory via the bitter and deadly Trail of Tears, built their own schools, developed alphabets, and treasured their forefathers, traditions, and heritages.

That work continues exponentially today with new construction of schools, colleges, hospitals, mental health complexes, roads and bridges, senior citizen centers, heritage attractions and museums that benefit not just Native Americans but all Oklahomans and indeed many citizens living on this great globe.

Compare this to the sad record established during the current state legislative session. Even Gov. Fallin came off the campaign trail – or out of winter hibernation – to harshly criticize the Republican dunces calling the shots at NE 23rd and Lincoln Blvd.

These elected dunderheads, who have titles behind their names and nothing between their ears, spend their time and our tax dollars either passing irrelevant legislation, such as declaring that teachers may say Merry Christmas to their students, or authoring proposals that are unconstitutional on their face. Our solons contemplate only their next elections, the size of their campaign kitties and apparently their navels.

By contrast, tribal members build for the future while our self-designated do-gooders and know-it-alls stick their fingers in the wind, or elsewhere, to determine how they should vote.

Hell, the boys and girls who role play as adults in “The People’s Building” while receiving the 8th highest legislative salaries in America apparently can agree on only two things: First – that the nearly 100-year-old structure they so proudly inhabit is falling down around them and the odors they, their staffs, tourists and school children endure come from – let’s be delicate here – *them*. Regrettably this predicament gives new meaning to the term “legislative hot air.” And second, they are genetically and intellectually incapable of doing *anything about it*.

Therefore let me make a suggestion. Next time one of our finest minds currently mildewing at the Capitol [along with the Capitol] shakes down a tribal leader for a campaign contribution, I ask my Native American friend to please tell the groveling House or Senate member how to run a government in which the poor taxpayer can take pride instead of feeling shame. You know how. He or she doesn’t.

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





# *Fifty Years Later, Bigotry And Injustice Haunt LBJ's Dream*

**BY JOSEPH H. CARTER SR.**

*Above: Author Joseph H. Carter Sr. recreates the famous LBJ "lean-in" powers of persuasion in front of a mural at the LBJ Library in Austin*

**I**n quaint historic events, four U.S. presidents swooped into Austin, TX last month to praise President Lyndon B. Johnson's pivotal and unlikely leadership in passage of Civil Rights laws five decades ago. After all, LBJ spawned into law these controversial ideals as a Southerner and an elected Texan.

Many folks seem to have forgotten. LBJ's image even among Democrats was blemished by the war in Vietnam. Now, a dramatic turn, the late Texan president drew rave reviews from Presidents Barack Obama, Bill Clinton, Jimmy Carter and even Republican President George W. Bush. The ailing elder President George Bush sent a letter extoling LBJ's landmark changes in America's racial landscape.

It happened during LBJ's five-year stint in the White House where Johnson championed and signed more than 200 new laws under the heading of creating a "Great Society." Chief among the initiatives were laws of civil rights designed to impact minority people such as blacks, gays and even women but plainly improving civilization for everyone.

The 1964 Civil Rights Act was signed by the Texan on the 47th day of the presidency Johnson inherited when President John F. Kennedy was assassinated. The bill that LBJ signed on Jan. 7, 1964 was only the start of courageous federal initiatives ordained to free blacks and other classes of America, including folks living in poverty and with few educational and economic chances.

Right-wing Southerners, Texans and Okies who previously had figured Johnson was their ideological servant were bewildered. Sure, voters elected LBJ by his own right overwhelmingly in 1964.

But just 58 months after the civil rights bills were signed, Republicans narrowly won the office of chief executive. Methodically, GOP President Richard M. Nixon set out to undermine, repeal or defund the LBJ social programs and set the stage for a long line of right-wing operatives to succeed.

As a former speechwriter for LBJ, during a pleasant afternoon with the retired president at his Texas ranch, Johnson told me bluntly: "When we passed the Civil Rights bills, Democrats lost the South."

The truth of his observation is reflected in the totally Republican dominance of once liberal, populist Oklahoma, Texas and southern states that lost the war of 1861-65.

Famous civil rights activist Andrew Young said in Austin that “in 1968, we lost the Nixon-Humphrey race by one vote per precinct. That was when we lost the Supreme Court and that’s where we lost the movement.”

In recent months, the Republican-dominated U.S. Supreme Court nullified key elements of the LBJ-led 1965 Voting Rights Act. President Obama’s 2014 civil rights battles concern immigration, a reform that Republican Tea Party lawmakers – including Oklahoma’s seven Congressional members – are fighting and

in the White House months after months? Jones also had been an aide to U. S. Rep. Ed Edmondson, a top thinker-leader in Congress.

Many of the key lobbyists/bill writers of the LBJ era, like Lyndon Johnson himself, are dead. In a large sense, the Austin conference was inspired by LBJ’s two fiery daughters to bring a new, favorable and just spotlight on their father.

One front-line fighter and White House aide, Joe Caliafano, was present and spoke powerfully about the legislative battles where he played a role. Harry Middleton, the former speechwriter who spent 30 years building the LBJ library, spoke, as well as ex-aides Larry Temple and Tom Johnson.

My tenure in the White House came in the final nine

**As a former speechwriter for LBJ, during a pleasant afternoon with the retired president at his Texas ranch, Johnson told me bluntly: “When we passed the Civil Rights bills, Democrats lost the South.”**

seem to be blocking.

Back in 1964-68, Oklahoma’s senators and congressmen were allies with LBJ. While U.S. Sen. Robert S. Kerr fought Medicare and Medicaid, he was a top Johnson pal. Carl Albert of “Little Dixie” skillfully lined up votes in the House to ratify the Great Society although he cleverly worked behind the scenes, betraying the redneck culture of Southeastern Oklahoma.

President Obama recalled that when aides warned of the dangers of a Southern president championing civil liberties, LBJ said, “What the hell is the presidency for?”

On April 8-10, in a widely-watched celebration in Austin, some 50 speakers including the four presidents openly and proudly hailed the legacy of President Lyndon Baines Johnson, Democrat of Texas.

Yet, many warned that major fights are ahead in areas such as minimum wage, economic equity, immigration reform and women’s rights.

As for rights of black Americans, quoted was something attributed to Martin Luther King, to the effect: “the civil rights laws didn’t mean you had to like us, but it means you can’t lynch us.”

Without exception, each speaker at the summit rendered an appreciation of Johnson’s adept leadership. Sadly, “The Civil Rights Summit” included only four former LBJ staffers and ignored the critical efforts by great Oklahomans like former House Speaker Carl Albert.

Missing were great behind-the-scenes persons such as Oklahoma’s Mike Reed, aide to Carl Albert during his time as Democratic whip who is still alive despite these 50 years. Where was Muskogee’s James R. Jones, top aide to LBJ who worked 16-hour days

months of the administration, long after the great battles in Congress raged and I expected no spot on the agenda – sitting contently in the audience, enjoying the accolades LBJ deserved.

I simply wished that the legislative machinery that Johnson employed had been defined and shown as a pathway to overcoming today’s problems.

The event staged at Austin’s presidential library spotlighted many aged black civil rights leaders who were strong in praise of LBJ’s effort. But without the final touches that LBJ pried from Congress, their firebrand speeches and marches would have been in vain.

The 50th anniversary of the Civil Rights Act seemed to shine inordinately on the marches and doings outside of Congress. Even President Obama, facing a hostile racist and ignorant House of Representatives ruled by the ultra-right, could have learned from the legislative tactics that had succeeded during the 1960s.

Little was shown during the summit about the inside workings of lawmakers – many who had been elected by racists back home – who voted into law the civil rights and social reforms that President Johnson proposed.

While the right-wing Tea Party folks still revile and fight the Great Society legacy, the results of LBJ’s work remains obvious because Medicare, Medicaid, Head Start and aid to education are revered institutions today in America. The results of the teamwork between Congressional leaders [many Republicans during that kinder era] and the LBJ White House are even more glaring.

“We’re here,” former President Bill Clinton said bluntly, “because the Civil Rights Act and the Vot-

ing Rights Act made it possible for Jimmy Carter, Bill Clinton and Barack Obama to be elected as presidents of the United States.”

Absolutely – without the votes unleashed by those two bills passed by Congress, none of three would have won the presidency.

Hatred toward those laws is what fired up the Republicans who prefer to elect presidents that used the office to appoint Supreme Court justices and members of Congress like Oklahoma’s who would openly fight concepts of civil and equal rights for all people, including racial minorities, gays and women.

The two Bush family presidents, in giving faint praise to LBJ’s extraordinary administration, both seemed to have been more victims of the anti-government, ultra-right wing Republicans than White House victors who won votes spawned by the hatred.

In today’s America, the support of civil rights laws by mainstream Republicans like the Bushes preclude repeal of the legislation by those fundamentalist

Christians and other extremists who spell the word Negro with two G’s. On the other hand, minions of the Republican Party work nefariously to circumvent the Voting Rights Act of 1965 by various schemes.

In his summation of the challenge faced in passing his programs, on Mar. 15, 1965, Lyndon B. Johnson said: “It is all of us who must overcome the crippling legacy of bigotry and injustice. And we shall overcome.”

While his feats and 200-plus liberal laws were remarkable, effective and so successful that even Tea Party folks shout “Don’t Touch My Medicare,” the “legacy of bigotry and injustice” in Oklahoma and America is yet to be overcome. ■

*This essay was written by Joseph H. Carter Sr. and edited by Michelle Lefebvre-Carter. Joseph H. Carter Sr. was reared in west Tulsa in the 1930-50s era. He is author of Never Met A Man I Didn’t Like: The Life and Writings of Will Rogers [HarperCollins] and The Quotable Will Rogers [Gibbs Smith Publishers].*

# *Oklahoma’s Missed Presidency: Fred Harris’ Failed Campaign*

BY JOSEPH H. CARTER SR.

**W**hen the presidential campaign of Fred R. Harris fizzled in 1972, America and Oklahoma lost.

Harris recently came home to deliver a key speech that rekindled the point when he recalled his history, restated his widely published ideals, and openly showed anew his unique qualifications as a world leader.

At the age of 33, state Sen. Harris of Cotton County in 1964 defeated former Gov. Howard Edmondson to win the Democratic nomination for U.S. senator but then he achieved the imponderable: Fred R. Harris beat the nation’s most famous football coach of the era, Oklahoma Sooner legend Bud Wilkinson.

A firebrand populist born into rural poverty near Walters, Harris worked his way through OU Law School as a linotype operator for the Norman Transcript. It was easy work compared with hot summers following the wheat harvest or bailing hay. At age 26, Harris won a state Senate seat, serving from 1956-64 when he won the U.S. Senate race.

Harris’ talents quickly won national attention. He wrote books; he championed Native American causes; and he stood tall for the downtrodden and poor.

When urban riots set American cities on fire in 1967, Harris gained more fame as a member of a special national commission probing the causes, including unemployment, poverty, poor health services, racism and lack of opportunity in ghettos of America. He offered solid, civilized solutions to those challenges

and festering problems.

Harris’ ideas clashed with editorials in the Daily Oklahoman and were fought by Republicans. Considered as a vice presidential choice in 1968, he took his political platform a step farther running for President four years later and again in 1976.

As a newspaper reporter, I covered Harris’ campaign that defeated Bud Wilkinson. Harris simply was brilliant as a candidate, fiery as a stump speaker, and with an intellect that was reflected in his perfect grades as a student.

Later, I would become a political speechwriter and aide who observed Harris from “inside the tent,” although I never served on his staff.

Despite his youth [he’s two years older than I], Harris clearly grasped the vision of a nation with a government that Lincoln extolled as “of the people, by the people and for the people.”

After failing to gather traction to become president, Harris became a tenured professor at the University of New Mexico and assumed a behind-the-scenes role in Democratic politics and writing books – both humorous fiction and serious academic tomes. His political science textbook is superb.

On Apr. 4, Harris returned to the Norman campus where he won his degrees and delivered an enlightening speech in the traditional “John Lee Lecture” series.

At age 83, Harris showed his intellect, reaffirmed his progressive ideals, and exhibited the unique qual-



ities that would have given America and ideal president.

Following are excerpts of that speech titled *The Issue is Privilege*:

“I am especially proud of the fact that I ran for president and that, doing so, I said exactly what I believed in. One of our campaign slogans was ‘The issue is Privilege.’

“I talked about how the gross and increasing inequity of income and wealth in America was our basic problem. I said ‘too few people have all the money and power, and most people have little or none ... There is plenty of money to what needs to be done in this country, if we take the rich off welfare.’”

Informing the informed OU audience that he didn't get elected president, Harris said, “So I gave up being a politician ... and I never stopped agitating. Haven't yet ...

“We have made some progress on the connected problems of race and poverty during Democratic presidential administrations, fell back during Republican ones. More lately, I exulted in, had helped in, the election of a great progressive Democrat, Barack Obama ... the smartest and best-motivated president I ever had anything to do with. I have strongly backed his policy initiatives, I have taken pride in his successes, and I've fought hard against despair when he's been stymied by mean-spirited intransigence and obstruction. And, so, now, where are we in this country?

“Sad to say, the maldistribution of wealth and income in America is worse than when I was first writing and speaking about it and campaigning on a platform that called for doing something about it.”

Harris ticked off “bald facts” that half of the nation's income goes to the top 10%; 1% of earners have reaped 95% of all income gains since the Great Recession; and 200 new billionaires have been created since 2012. Median income in America dropped more than 8% between 2007-12.

“Nearly one in four American now lives in poverty. The number of households living on \$2 or less in income per person per day in a given month in America went from 636,000 people in 1996 to 1.46 million people in early 2011 ... consider what we are doing about all this. Congress has just extended payment of millions in farm subsidies to a lot of rich people and corporations, at the same time kicking millions of poor and working class Americans off food stamps.

“We've cut taxes for rich people and corporations ... we tax money earned from work a lot harder than we tax money earned from money. CEO pay skyrocketed, workers' wages stagnated or fell. One reason is union power is shrinking ... the portion of American labor represented by union had sunk to only 16%.”

At length, Harris outlined actions to solve the problems of 2014 and expressed optimism that a new wave of populism may emerge nationally.

Fred Harris made sense. ■

*Editor's Note: To read Harris' speech in its entirety, go to [www.okobserver.net](http://www.okobserver.net).*

# The Folly Of Fallin's Veto Rampage

BY DAVID PERRYMAN

**I**n Oklahoma City on Aug. 1, 1904, three brothers-in-law – Frank E. Anderson and William Lockhart Clayton, cotton merchants, and Monroe D. Anderson, a banker – formed Anderson, Clayton and Company [ACCO], a partnership for the sale of cotton and cotton products.

Through the years ACCO diversified into feed and food products and by the 1960's had long since moved to Texas to gain access to international markets through the Houston shipping channels. ACCO's food line included Seven Seas salad dressings, Mrs. Tucker's shortening and controlled about 15% of Brazilian coffee exports.

But perhaps ACCO's most famous merchandising line related to a product that it had sold in Mexico since the early 1950's. The product had simply not taken off in the U.S. until a series of commercials hit the airways in the 1970's starring Dena Dietrich as Mother Nature.

In the television ad, Mother Nature, true to the '70s was dressed in flowing white chiffon with crown of daisies. When given a taste of ACCO's Chiffon margarine, she likes it and remarks that it is her “delicious butter.”

When the narrator tells her: “That's Chiffon margarine, not butter ... Chiffon's so delicious it fooled even you, Mother Nature,” the tone suddenly changes. The previously smiling character that exuded love, peace and all things harmonious, angrily responds with her signature line: “It's not nice to fool Mother Nature,” and for unmistakable emphasis underscores her displeasure by creating a flash of lightening and a loud peal of thunder.

While Gov. Mary Fallin is not Mother Nature, she emphatically and vocally directed her displeasure at the Oklahoma House of Representatives and Speaker Jeff Hickman by using the power of her pen to veto 15 house bills that were on her desk.

Some of the bills the governor vetoed honestly had little impact; however, some did address serious concerns and merit more consideration than being made pawns in a political spitting match.

HB 3417 was an important bill that had passed both the House and the Senate with *no* dissenting votes. It contained necessary legislation to protect the civil rights of citizens by preventing the outsourcing of law enforcement duties to people or companies that

do not hold commissions or are not CLEET certified.

Oklahomans deserve to be secure in their homes and to know that if they are stopped or detained, the person stopping them is truly a qualified law enforcement officer and not a “hired gun” that is being paid through a commission based on how much property or money he can seize.

HB 2609 was legislation to help college students and other young persons clear their records by obtaining expungement of minor and non-violent convictions that might interfere with them obtaining a job or supporting their family.

Unfortunately, the veto actions of Gov. Fallin were calculated to embarrass Speaker Hickman and the House of Representatives and to send a message that the governor wanted *her* agenda to advance.

HB 3457 was a bill to enable counties and municipalities to contract with each other for better efficiency on joint projects such as road and street improvements.

HB 3158 relates to restricted driver's licenses for applicants under 18. Currently, the application must contain a number of signatures including the notarized signature of a parent or guardian. This bill would allow the parent or guardian to sign an alternative affidavit in the event it is not possible for the parent to sign the actual original application.

Finally, the governor vetoed two House bills, 3026 and 3027, because they were “exact duplicates” of Senate bills that she had signed a week earlier.

The veto message and the Daily Oklahoman's opinion page attempted to ridicule Speaker Hickman and the House of Representatives for sending the governor bills that had previously been signed into law and had “apparently not been read” by representatives.

What the governor and the editors at the Oklahoman did not realize [or wanted to conceal for political purposes] was that while the Senate passed the Senate bills over to the House on March 10 and the House had passed the House legislation over to the Senate on March 11, the House had actually approved the Senate bills on April 10 and they had gone to the governor on April 14 and were signed on April 16, six days *before* the Senate approved the House bills that had the identical language.

Consequently, while the governor sought to curry political gain and make the House of Representatives appear reckless, it was actually the Senate that sent unnecessary legislation to the governor.

The bottom line is that the veto power of the chief executive is a powerful tool that enhances the checks and balances in a democracy such as ours; however, it is a power that is intended to prevent bad legislation from becoming law. It is even a power that may be used when an engrossed and enrolled bill is sent to a governor and the bill contains legislation that the

chief executive is fundamentally and philosophically at odds with.

Under a representative democracy, it is the job of each legislator to vote in the best interest of his or her legislative district in a non-partisan manner.

Speaker Hickman is a qualified leader who is doing his job well. His decision to allow the House to vote to override the governor's veto was a reflection of his principled character.

He is to be commended for his courage in the face of angry lightning bolts and the thunder he hears may be the bipartisan applause of the House of Rep-

resentatives. ■

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

## ***It's A Man Thing***

Time is like a river. You cannot touch the water twice, because the flow that has passed will never pass again. Enjoy every moment of life.

As a bagpiper, I play many gigs. Recently I was asked by a funeral director to play at a graveside service for a homeless man. He had no family or friends, so the service was to be at a pauper's cemetery in the Nova Scotia back country.

As I was not familiar with the backwoods, I got lost and, being a typical man, I didn't stop for directions. I finally arrived an hour late and saw the funeral guy had evidently gone and the hearse was nowhere in sight. There were only the diggers and crew left and they were eating lunch.

I felt badly and apologized to the men for being late. I went to the side of the grave and looked down and the vault lid was already in place. I didn't know what else to do, so I started to play.

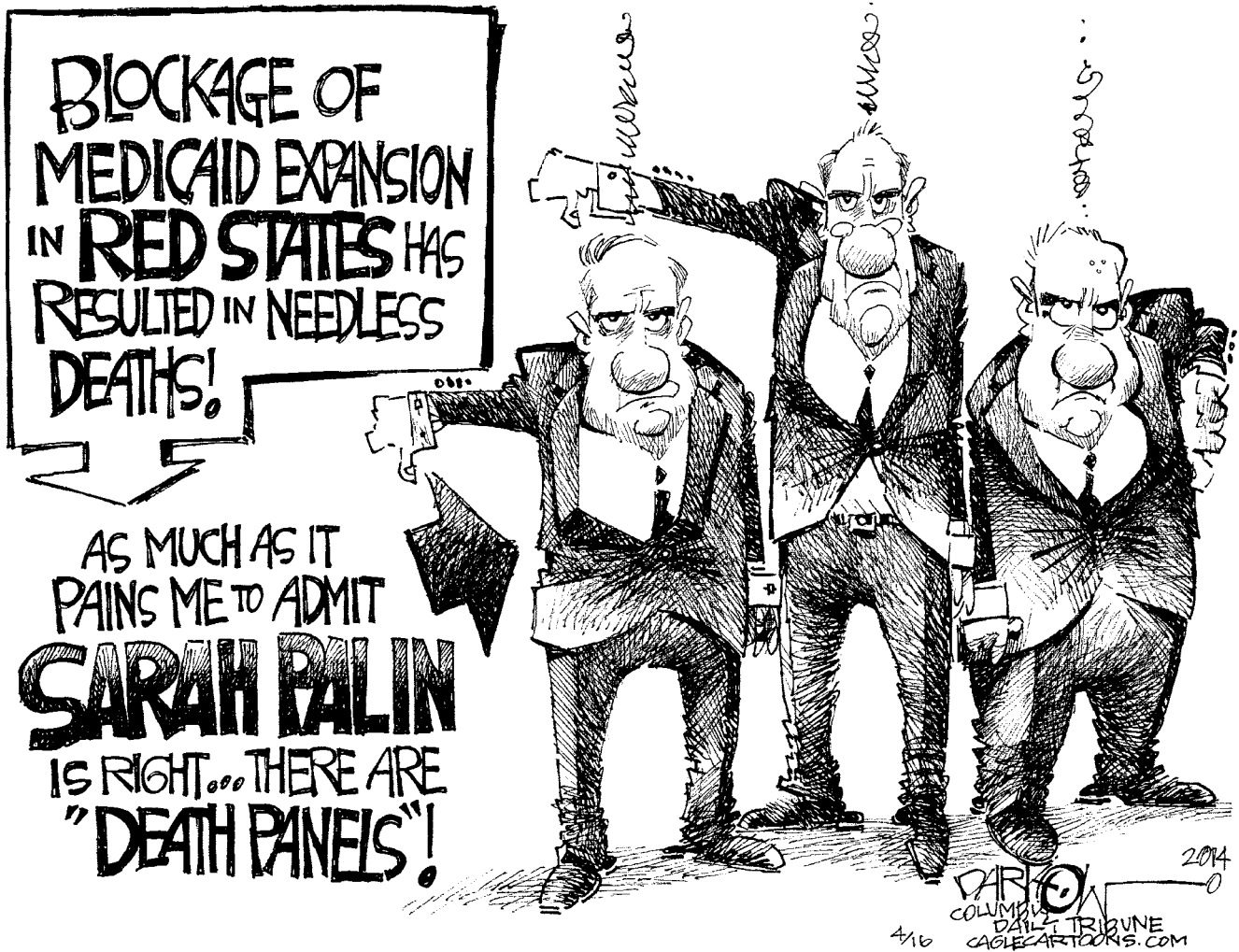
The workers put down their lunches and began to gather around. I played out my heart and soul for this man with no family and friends. I played like I've never played before for this homeless man.

And as I played *Amazing Grace*, the workers began to weep. They wept, I wept, we all wept together. When I finished, I packed up my bagpipes and started for my car.

Though my head was hung low, my heart was full. As I opened the door to my car, I heard one of the workers say, “I never seen nothing like that before and I've been putting in septic tanks for 20 years.”

Apparently I'm still lost ... it's a man thing.

– *Thanks to Iris Lochner for this gem*



## Medicaid On Chopping Block

BY DAVID BLATT

**J**ust prior to the start of the legislative session, Oklahoma Policy Institute ran a blog post titled “Avoiding devastating health care cuts will require hard choices.” Nearly three months later, as legislative leaders begin to look in earnest at crafting a budget deal, the budget outlook for the Oklahoma Health Care Authority [OHCA] and the Department of Mental Health and Substance Abuse Services continues to look grim. Lawmakers have not yet done anything to stave off cuts that would create serious hardship for Oklahomans.

OHCA initially reported it needs an increase of \$144.5 million in FY 2015 just to continue operating current Medicaid services. Of the total increase, \$44.9 million was needed to replace lost funds due to a decline in the federal matching rate, \$47.4 million was due to anticipated growth in enrollment and utilization, and \$42.6 million was to replace one-time carryover in this year’s budget.

Since OHCA is currently running a surplus, it ex-

pects to have a healthy carryover for next year and no longer needs to replace the one-time funding in its budget. It now seeks a \$90 million funding increase to cover the loss of federal matching funds and 4% growth in costs due to enrollment and utilization.

As we’ve discussed previously, the range of options when Medicaid faces shortfalls is both narrow and unappealing, consisting mostly of limiting benefits or cutting provider rates.

OHCA has compiled a list of measures it could take to address budget shortfalls in FY 2015. These include eliminating all optional medical benefits, including adult dental services, podiatry, optometry, therapy, and audiology, and non-life sustaining medical supplies, such as wheelchairs and diabetic supplies [\$10 million state savings]; limiting coverage of various services, such as prescription drugs, doctor visits and hospital visits, increasing co-payments, and requiring prior authorization for various services [\$39 million state savings]; cutting reimbursement



rates to providers serving Medicaid patients. Each 1% across-the-board provider rate cut would save the program \$9.8 million, so the agency would be looking at cuts of about 9% to address a \$90 million shortfall.

Any significant rate cut will affect the financial viability of some Medicaid providers and risk limiting access to medical care for at least some of the nearly 820,000 Oklahomans who rely on Medicaid. Some of the anticipated cost savings will be more apparent than real.

If Medicaid recipients are subject to limits on prescription drug coverage or are no longer covered for diabetes supplies or dental services, they may end up forsaking preventive care and ultimately triggering higher care costs down the road.

It's also important to note that to address a \$90 million shortfall in state funding, OHCA would need to implement a total of \$373.7 million in total cuts because of the loss of federal matching funds.

So far this session, there has been little offered in the way of hope or solutions. The governor's budget provided no additional funds for Medicaid, instead hitting the agency with a 5% cut, which would add \$47.7 million to the \$90 million shortfall.

Rep. Doug Cox authored a bill, HB 2384, that included a number of cost-containing measures, including a 3% provider rate cut, a reduction in monthly allowable prescriptions, prior authorization for various services, and annual caps on emergency room visits, some of which would have required federal approval to implement. The bill, which was estimated to have potential cost savings of \$27.8 million, passed the House but was stripped of its original language in the Senate.

Meanwhile, the Department of Mental Health and

Substance Abuse Services [DMHSAS] and Department of Human Services also need additional funds in FY 2015 to make up for declining federal matching support for the Medicaid programs they operate and other unavoidable cost increases. DMHSAS needs an additional \$20.9 million while DHS needs an additional \$8.3 million just to make up for lost federal match.

And we should remember that Oklahoma's federal match is decreasing due to an increase in the state's per capita income. The federal government is subsidizing us less because our state's relative prosperity can provide the resources to take care of our own.

That we are not taking care of our own isn't because we can't afford it; it's because we are choosing not to.

If significant health care cuts are to be averted, the Legislature will need to put revenue-generating options on the table.

OK Policy recently laid out seven options, which include curbing tax breaks, tapping the Rainy Day Fund, and accepting federal funds to expand health care coverage under the Affordable Care Act, which would shift to the federal government costs now being paid for entirely or partly with state dollars.

Although each of these options are viable, none is likely to receive serious considerations unless those who would be affected by health care cuts, and those who care about our fellow Oklahomans' health, make their voices heard loudly and quickly in the weeks ahead. ■

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

# Corporate Tax Shelters Costing State Treasury Millions

BY GENE PERRY

**B**y most measures of the economy, Oklahoma shouldn't have a budget shortfall this year. At a time when the economy is improving nationwide and most states are debating what to do with budget surpluses, Oklahoma lawmakers are looking at creating a budget with \$188 million less than last year.

Part of the reason for the shortfall is skyrocketing tax refunds going to corporations. Through January 2014 of this fiscal year, Oklahoma paid out \$75 million in corporate income tax refunds. That's more than double the refunds paid over the same period last year [\$31.4 million].

Corporate income tax revenue going to Oklahoma's General Revenue Fund is down \$100.1 million

or 33.9% from this time last year. It's a symptom of a larger problem – numerous tax loopholes for corporations that shift the burden onto individuals and small business.

Where's the money going?

One possibility is that profits made in Oklahoma are being shifted to tax shelter states. When someone mentions a tax shelter, most people think of exotic locales like Switzerland or the Cayman Islands. The state of Delaware may not come to mind. Yet for Oklahoma and other states that have not adopted a reform to prevent it, shifting profits to subsidiaries in Delaware is a common way for corporations to avoid taxes.

Delaware has gained notoriety as a state with very



little corporate regulation. That's why many large corporations have subsidiaries in Delaware, no matter where the parent company actually does business. A New York Times investigation found a small office building in the state was the legal address of more than 285,000 separate businesses. The state has more registered corporations than it does people.

Companies sometimes use these subsidiaries to avoid taxes. Delaware assesses no corporate income tax on profits from intangible assets, such as trademarks, so corporations transfer ownership of their trademarks to Delaware subsidiaries, pay the subsidiary to use them, and then deduct those payments from taxable profits.

Companies known to use this loophole include Circuit City, The Gap, Home Depot, Ikea, Kmart, Kohl's, Limited Brands [which owns Bath & Body Works, Victoria's Secret, and other chains], Payless Shoes, Staples, and Toys 'R' Us.

Another especially flagrant example of tax avoidance is a loophole used by Walmart. A Wall Street Journal investigation showed that Walmart had transferred ownership of all its stores to a company that is owned 99% by another Wal-Mart subsidiary and 1% by 100 Walmart executives. Walmart can then effectively pay rent to itself and deduct the rent from its taxable income.

Evidence points to major Oklahoma-based companies that may be taking advantage of this loop-

hole. According to the U.S. Securities and Exchange Commission, ONEOK has dozens of subsidiaries in Delaware and one in the Cayman Islands. Most of Chesapeake Energy's subsidiaries are based in Oklahoma, except for one in Texas, two in Arkansas, one in Pennsylvania, and six in Delaware. Devon Energy has one subsidiary in Oklahoma, several in Canada, and four in Delaware. The Williams Company is incorporated in Delaware and has dozens of subsidiaries there, in addition to several in the Cayman Islands, even though its executive offices are in Tulsa.

Not all of these subsidiaries were created to avoid taxes, but some of their names are suggestive of being passive investment companies whose sole purpose is as a tax shelter [many are listed as "holdings" or "financing" companies]. So it's possible that Oklahoma companies are taking advantage of the loophole, and we know many out-of-state companies are doing so for their profits made in Oklahoma.

Because of this loophole and others, large corporations pay far less than the state's 6% corporate income tax. A report by Citizens for Tax Justice found that from 2008-12, Devon Energy paid an average annual state income tax rate of .5%, ONEOK paid 1%, and Williams paid 1.4%.

Out-of-state subsidiaries aren't the only way these companies reduce their taxes. For oil and gas companies, the intangible drilling cost deduction is even more lucrative. But by reigning in tax shelters, we can keep make sure a fair share of the profits earned

# *Caring For The Least Among Us, Especially The Children*

BY BOB BEARDEN

**O**ur nation's education system was once the envy of the world. Our colleges and universities once rivaled Oxford and Cambridge in England. We once had a political system that was copied around the world. We had statesmen and women who were the envy of nations and peoples everywhere. We did things that made a difference in the world and we cared about people. We made every effort to bring all ... of our citizens into the political process enacted laws to protect our minorities' rights.

Now we have people who want to destroy all of the many gains we made and take us back to the time when all were not believed to be created equal by some.

We elect people to office who want to literally destroy our way of life and who call themselves patriots, who believe that rights only belong to people who are white or who are rich. We have citizens who believe that it is their right to own any kind of weapon and carry it around on display whenever and wherever they choose and who believe that because they can do that it makes them safer and it makes our nation safer.

We have many of our citizens who believe that if

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in Oklahoma by multi-state companies stay in Oklahoma.

What can we do? Oklahoma can address this problem with combined corporate reporting. This simple reform requires companies to add together all of the profits of the parent and subsidiaries in one report. They would then pay taxes on all of the profits earned in Oklahoma, which is determined by a formula that takes into account the activities in Oklahoma of the entire corporate group.

Combined reporting has multiple benefits. Companies shouldn't be able to reduce their taxes just by changing their organizational structure. This reform would prevent several tax avoidance strategies used by the largest corporations. It also levels the playing field for small business by taking away a tax break that's only available to multi-state corporations with large teams of lawyers and accountants.

This reform has already been adopted in more than half of the states with a corporate income tax, including three of Oklahoma's border states – Kansas, Texas, and Colorado.

That's why combined reporting is one of OK Policy's

they have theirs it's because they worked harder and, therefore, because they did, they deserve what they got and anyone who has less than they are just lazy and shiftless and must fend for themselves in the world because they don't deserve to receive help, because they just aren't trying hard enough.

We are the world's largest exporter of war and weapons of mass destruction to the world and a lot of our citizens don't see the wrong in that. We have become exactly what Dwight David Eisenhower warned us against in his farewell speech to the nation. We have become what we have always preached against, the purveyors of war. We export more weapons than all of the other nations combined. We sell war and mayhem and no one seems to care that we above all other nations are now the leading proponents of war in the world.

I am a veteran. I have served my country in time of crisis and proudly, even though at the time I was scared of what might happen to my country, to me, my family and my friends.

I have relatives who served our nation in time of war, even some who died fighting for this country, but I come from a family that always hated wars and believed despite their service that we should not pro-

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recommendations to fix our budget hole. Based on a variety of fiscal notes from states that have considered combined reporting bills, plus analyses of actual tax return data, a conservative estimate is that adopting combined reporting would lead to a 10% to 20% boost in corporate tax collections, or some \$50 million to \$100 million for Oklahoma services.

Just as importantly, it would make our tax system fairer for all businesses and individuals in the state. Oklahoma's lack of combined reporting creates an uneven playing field where small businesses who can't afford the lawyers and accountants necessary to make these tax schemes work end up paying a higher rate than big business.

If state lawmakers want to represent the citizens of Oklahoma more than multi-state companies, they should adopt this common sense reform as soon as possible. ■

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



mulgate war.

My great-grandfather, Andrew Everist, who served under U.S. Grant and William Sherman during the Civil War, once had this to say about war: "There is no reason ever for war. If every politician who advocates war had to fight that war, there would be no war; because if they knew that they would have to be the ones who had to go and fight they would quickly find a way to avoid any hostile action!"

We have too many politicians who are always ready to send our youth off to be killed but who are never ready to serve themselves.

Someone once said, "There is glory in war!" Whoever said that probably never held a lethal weapon in their hand or, like my Uncle Lonnie, who parachuted into Normandy at 0100 on D-Day and fought across France during World War II, once said, "They never looked into the eyes of another man and then pulled the trigger that killed him. If they had they would know there is no glory in killing another human being!"

We need to look at what we are doing to ourselves and our citizens when we elect politicians who want to cut social programs and destroy the safety net we

have created for our seniors and our children.

When we believe that children who are poor should have to work before they are allowed to eat, then we should be asking ourselves what kind of person we are electing to lead us and our nation.

How is it OK for us to elect to public office someone who has no compassion for the least among us? How can that person make us a better nation?

As FDR said, "The test of our progress is not whether we add more to the abundance of those who have much – it is whether we provide enough for those who have little!"

We have a lot of politicians who say we are a Christian nation and yet who do not seem to understand what being a Christian is all about. Jesus was about caring for the least among us, and he said, "What you do unto the least of mine you also do unto me!"

Perhaps we need to hold politicians accountable for what they are doing to provide enough for those who have little and call them out on their oft-professed Christian Values and remind them of Christ's words! *Bob Bearden, an Oklahoma City resident, is trustee of the Central Oklahoma Labor Federation and Mayflower Congregational Church, UCC.*

# *A Deeply Moral Country – When It's Convenient*

BY JAMES NIMMO

**T**here has been much discussion recently of the impending public disclosure of the Senate Intelligence Committee report detailing the alleged illegal use of torture by the CIA and other even more secret sections of our tax-funded government.

Former Vice President Dick Cheney has come out of his war cave to declare once again that waterboarding is not torture and is legal. He also muttered under his breath that "moral" is a four-letter word.

This inhumane action has taken place under administrations of both parties.

A digest version of the committee report – California Sen. Diane Feinstein is chair – has been leaked and it reveals an active and knowing suborning of the facts and evidence to maintain inhumane actions against uncharged detainees in American-controlled facilities and foreign locations as well.

I've read that to compare a group of people or actions as being "like the Nazis" is simplistic and indicates a lack of perspective from the one making the comparison. I used to wonder how the SS, Fascists, Nazi – what have you – could have got their foot in the door in the 1920s.

Now I know, and I don't think I'm being simplistic.

I've had a nagging suspicion that 9/11 was allowed to happen if not actively planned in order to continue the high budget demands of the American war/banking industry. As Napoleon allegedly said, "Never interrupt your enemy when he is making a mistake." This dictum is a two-way street.

America spends more on defense than the next 10 countries combined. This is NOT a defense budget to protect the country from aggression. Our presidents frequently brag on the strength of the American military.

If defense were the true purpose of the large budget, wouldn't it make a better use of tax-money to have a defense budget that was at parity with the rest of the leading countries?

It's rather an offensive budget to wage war on the rest of the world, to make the world bend to corporate/military supremacy demands.

Why do our elected officials think that returning to feudal atrocities is acceptable?

Jon Stewart, host of the Daily Show and who is unafraid to read between the lines of official media, said it best recently referring to reports of the leaked Sen-

ate report on CIA use of torture [paraphrasing]: The U.S. is a deeply moral country – after the fact, when the instigators get caught.

Sen. Feinstein, head of the Senate Intelligence Committee, denounced the revelations in the new report, saying, “This is not what Americans do.”

Only, we did do it.

“Like with your internment camps, or your, what do you call it, slavery, America has a history of doing a tremendous amount of stuff that we ‘don’t do.’ We are a moral people ... in hindsight,” Stewart said. ■

*James Nimmo lives in Oklahoma City and is a frequent contributor to The Oklahoma Observer.*

# The Brad Henry

## I Remember

BY MARK BURKETT

**R**egarding Cal Hobson’s piece in the April 2014 Observer, *The Accidental Governor?*, I wish I had as much respect for former Gov. Brad Henry as I do for former state Sen. Hobson.

I am a fifth-generation Okie, born and raised in Norman. I come from a family of teachers and farmers, and one of my uncles was one of Sen. Hobson’s favorite teachers. Cal is close enough to my family that he gave one of the eulogies at my uncle’s funeral in 1997.

But I am also a lifelong Okie Democrat, and it is that part of me that prompts this criticism of Sen. Hobson’s review of Gov. Henry and his legacy. Brad Henry is a nice guy with a great family and, as Sen. Hobson notes in his column, he also comes from a great Oklahoma family. Unfortunately, I don’t think that any objective view of his actual record shows that Brad Henry was a particularly great governor.

How can this be, considering that good ol’ Brad was one of only a handful of Oklahoma governors to be elected to a second term, leaving office with enviably high approval ratings? [A particularly impressive and miraculous feat for a Democrat in Red State Oklahoma!]

Well, read Oklahoma Observer back issues if you want to know. Frosty Troy, as usual, perfectly expressed my own dismay with Henry’s tenure in his Jan. 25, 2011, cover story *The Henry Legacy – A Political Wreck*. Younger Oklahoma Democrats, and other readers who may not be longtime Observer devotees, would do well to read it before accepting Sen. Hobson’s overwhelmingly positive account of Henry’s eight-year reign of errors.

Cal’s recollection, in my humble opinion, inexplicably goes way too far in glossing over what I would as-

sume Oklahoma Democrats of Hobson’s caliber know all-too-well: even if you want to insist that Brad Henry left the state of Oklahoma in a lot better shape than he found it as governor, after his two terms in office the Oklahoma Democratic Party is in a lot WORSE shape that it was in 2003!

Henry’s record speaks for itself as far as how “genuine” a Democrat he is [or was]. My criticism of Sen. Hobson’s take on the Henry years is not meant to imply that his personal friendship with, and/or support of, Brad Henry therefore lowers my regard for Cal’s authenticity as a fellow Democrat. I hope he knows that this public challenge to his column on Henry, as opposed to a privately expressed rebuke, is simply due to my profound respect for, and concern about, the Oklahoma Democratic Party, and not to any disrespect for him.

Beyond Frosty Troy and myself, I assume that many, many of my fellow Oklahoma Democrats these days view our party as being largely in a shambles, thanks in no small degree to the independent contractor approach to party affiliation taken by Brad Henry. I don’t have to have Sen. Hobson’s long political experience or a PhD in political science to know that one of the most basic job descriptions of a state governor is to balance their leadership of the state as a whole with their duty to *also* lead – and *build up* – the party of which they are the *main* public face.

We’ll never know if the right-wing takeover of our legislature – the first in state history – could have somehow been delayed if Gov. Henry had raised more campaign cash for “his” *party*, given more speeches and/or generally done even half as much *party-building* as Mary Fallin has done on behalf of *her* party since she got the job.

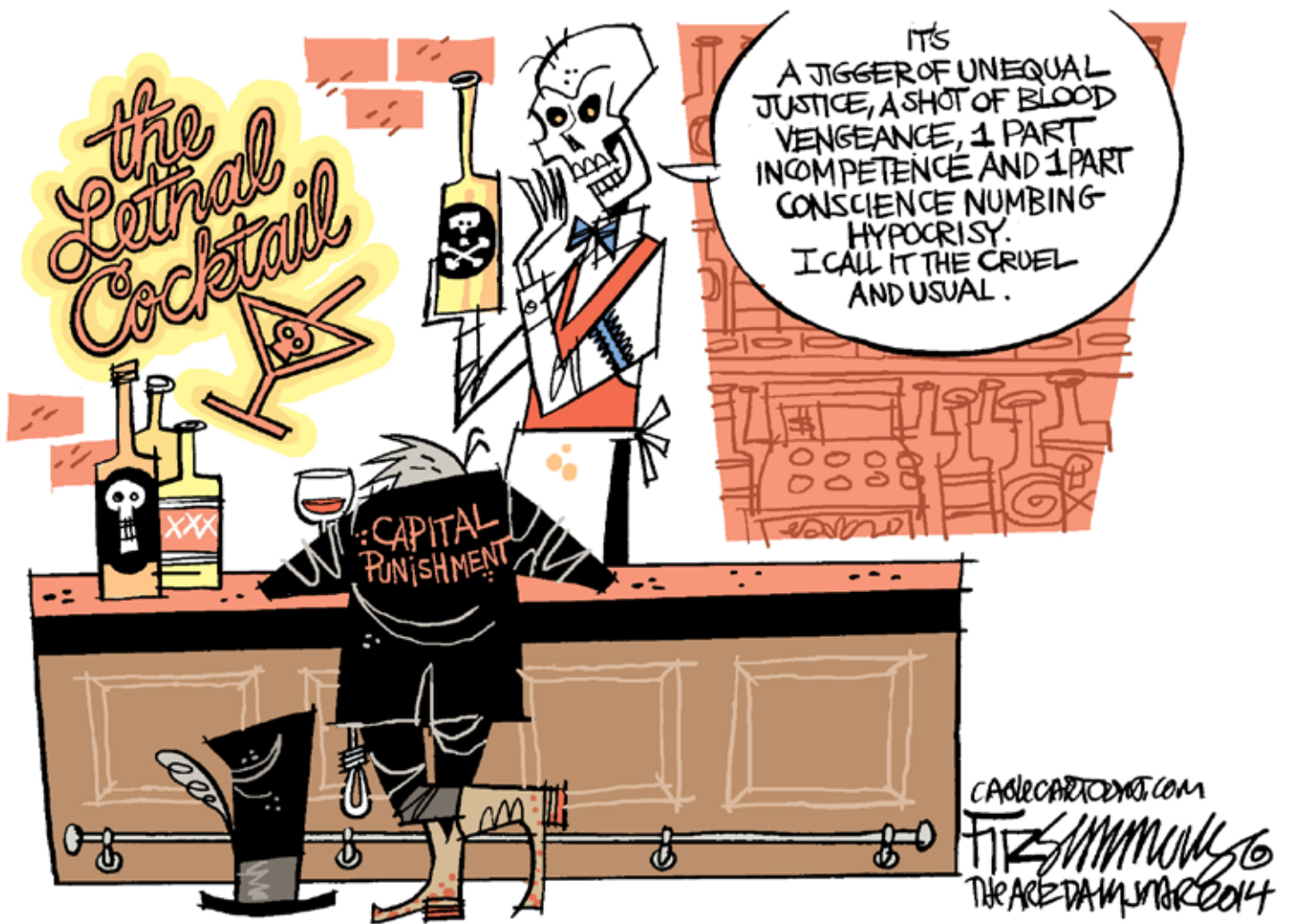
I do know my reaction, as a stalwart Democrat who goes to precinct meetings and attends party conventions, when I saw “my” governor go on KFOR’s Flashpoint on July 24, 2005 and say, in regard to our Legislature, “*I don’t care* who controls either house, frankly ... “ [Burns Hargis asked him about the then-recent – and *unprecedented* – takeover of the Oklahoma House of Representatives by Republicans.]

As Frosty wrote in his 2011 front-page commentary: “In the most arrogant acts of his administration, Henry refused to attend Democratic Party Central Committee meetings despite being the chairman. He refused to return calls to the party’s elected leader, Jay Parmley, who quit in disgust. Until the waning days of his administration, he refused to hold or attend Democratic fundraisers while Republicans were bundling millions. “It’s not my job to *build a party*, it’s my job to build a state,” he said in response to his absurd position. Hello? Anybody in there? *Party politics* determine state leadership. How ignorant can you be?”

As far as I can remember, as a Democratic delegate I managed to go to every county party convention –







## *Botched Execution Prompts Calls For Moratorium*

BY RICHARD L. FRICKER

**C**ivil rights groups focused on the Apr. 29 death of Clayton Lockett in Oklahoma's execution chamber have joined Sen. Constance Johnson in requesting Gov. Mary Fallin declare a moratorium on executions.

What was designed as the state's first double execution in 80 years has become an election year public relations disaster of global proportions for Gov. Fallin.

Lockett died 43 minutes after being injected with drugs which Attorney General Scott Pruitt had assured the courts would render him unconscious. Instead he remained conscious, attempted to rise off the death gurney and spoke, although inaudibly, several times.

The execution was halted when it was learned the state had exhausted the death drugs for Lockett's execution. In the meantime the curtain to the observa-

tion room was closed to witnesses.

Observers were told he died of a heart attack a few minutes later. Department of Corrections Director Robert Patton has declined to say whether or not efforts were made to revive Lockett during his heart attack. Patton says he is prevented by state law from disclosing such information.

The Observer learned that federal prosecutors were attempting to contact those who witnessed Lockett's death, including the 12 reporters present. One source said it was unclear what prosecutors hoped to gain from the journalists since most of them reported everything they saw.

Lockett's attorney David Autry and co-counsel Madeline Cohen, federal public defender in Denver, have both said the entire incident should be investigated at the highest level.

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# Former Warden Finds Futility In Death Penalty

BY KATIE FRETLAND

**M**CALESTER – Randy Workman, the former warden of the Oklahoma State Penitentiary, sat at the wooden kitchen table of his home near rolls of bright wrapping paper.

Outside were the 10 acres of land he and his wife own, home to turkeys, dogs, horses and chickens, walking distance to a tranquil lake. His hair was a short buzz. He sported a large salt and pepper goatee and blue jeans. His shirt was emblazoned with “live free,” “ride free” and an eagle, a nod to his love for motorcycles. He spoke of his life since leaving the prison as one of a full-time grandfather to his family and Bible study teacher at the Church of Christ.

After a reporter came to his doorstep, he reflected on the executions at the Oklahoma State Penitentiary. He said he saw 30 lethal injections during his employment at the prison that began in 1986. In two other cases, he made arrangements for the executions at the prison but did not witness them.

Workman said that while he thinks the death penalty is an appropriate sentence in extreme cases, he has also seen it be a very expensive punishment that fails to deter crime or to bring closure to most victims' families.

“The only thing I can tell you for certain whenever people say do you believe that the death penalty will stop crime, I can guarantee you that person will never commit a crime again and that is as far as I’m going to say,” Workman said. “Do we need to have the death penalty? Yeah I’m an advocate for it. I think we do. Is it cost effective? Gosh, no. We spend millions of dollars on these cases and going through the process and the end result is the family, do they feel vindicated? I’d say 90% of the time the people I’ve seen don’t.”

Workman saw intimate details of the death penalty that are kept from the public eye in the United States. As the warden, he handpicked secret executioners and walked people to their deaths. He left the corrections department in 2012 for medical reasons, he said.

“I miss the people,” he said. “I don’t miss the drama.”

In the month before he left, an inmate set a fire in his cell and died, resulting in charges against three guards.

In his experience, Workman said he does not believe the threat of death by the state prevents people from killing.

“I can tell you the people that I’ve executed, when they committed crimes, they didn’t, wasn’t thinking

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*Editor’s Note: Tulsa-based writer Katie Fretland served as The Observer’s representative in the Oklahoma State Penitentiary death chamber during last month’s botched execution of Clayton Lockett. Her eyewitness account of a death sentence that went horribly wrong appears on page 27. Both her stories appearing in The Observer also were published in the UK Guardian.*

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about the death penalty and a lot of them were high or a lot of them in the generation of people we’re dealing with today don’t have a lot of forethought about the end result,” he said. “It’s not out there looming where they see it or they even think they’re going to be applicable to it.”

Workman’s cousin was murdered in 2000. The prosecutor approached his mother and she then sought Workman’s advice about whether to seek the death penalty.

“I said here’s the deal, if you get the death penalty and you’re successful, you going to spend the next eight to 12 years back and forth in court and you’re going to relive your son’s death, because he has all these appeals,” Workman said. He advised her that after the lethal injection, she would likely feel that her son’s killer died too easily.

“I’ve seen some mothers that had some serious broken hearts that said this doesn’t end it for me,” he said. “This isn’t justice to me. This doesn’t do it.”

Asked if he thought the state should put a painful execution on display, Workman said no.

“I wouldn’t be a part of anything like that,” he said.

Workman said he would take time to review inmates’ criminal cases before the executions. He could not sleep during the days around the first execution he witnessed, he said.

“I’ve done 32 cases and I’d say, you know, overwhelmingly 90%, 95% I felt strongly the person was very guilty and needed to be executed according to the laws of the land,” Workman said. “The others I don’t know – I thought maybe they would have been, they would have been good to have probably been converted over to life sentences and would have probably felt better about it, but it wasn’t my call.”

Workman got to know Billy Don Alverson’s case at the Oklahoma State Penitentiary and believed him to have played a lesser role in the murder of convenience store clerk Richard Yost than the others con-

victed in the case. Alverson had also matured during more than a decade in prison. His time was productive. He spoke to children to try to sway them from a life of crime.

“He was doing real well,” Workman said. “But it was a very horrific crime and he was guilty. He was guilty, but he was very young when he committed it. And I would have liked to see him get clemency, but that wasn’t my decision.”

The judge in Alverson’s case, Ned Turnbull, made the rare move of asking the Oklahoma Pardon and Parole Board to spare Alverson, saying he was the least responsible for the killing. The judge said he wished he’d conducted the trials differently, according to an Associated Press account of the hearing. The board voted 3-2 against him, and the state killed Alverson in 2011.

He was one of three people executed for Yost’s death.

By the time Workman and Alverson walked to the execution room, Workman said he felt they both knew they had done everything they could.

“Hate to see him go,” Workman said. “I think there was a lot of value left in him. But it wasn’t my decision.”

Alverson apologized to the victims’ family in his final words. Workman announced to let the execution begin. His sister wailed, said media witness Rachel Petersen.

“It was terrible,” Petersen said in an interview.

Workman saw people react from “one extreme to the other” when facing their own death.

“Some of them were ready and was calm and collected, some of them was scared to death, some was sort of stoic,” he said. “Had a couple of times they was very angry, and very, very angry and condemning us for performing the act, if you will, and basically I’ve had a couple that claimed you’re executing an innocent person.”

## *Moratorium*

CONTINUED FROM PAGE 24

Lockett was slated to die by lethal injection at 6 p.m. Charles Warner, convicted of a different murder, was slated to die at 8 p.m.

Both executions had been forestalled by lengthy court battles over the type and quality of the drugs to be used in the killings. Many manufacturers have refused to supply drugs for executions, often because they have strong European connections where the death penalty has been abolished.

The court battle climaxed when the state Supreme Court issued its own execution stay while it studied a decision by Oklahoma County District Court Judge Patricia Parrish striking down the state statute making much of the execution protocol secret. Gov. Fallin challenged the court by setting her own stay which, in effect, said she would carry out the executions

While many followed a kind of code among prisoners that they should walk bravely to their execution, Workman saw a man lose his composure and fall. Weak-kneed, the man was unable to walk and prison personnel helped him along.

Another man fought back. Former deputy warden Bobby Boone was present at that execution. A group of five officers called the Escort Team was with the man. “So he just kind of started resisting and struggling,” Boone said in an interview. “And they took him by each arm and by each leg and laid him down on the table and the fifth one strapped him in.”

Workman and Boone could not remember the name of the man who resisted.

“He was saying something I couldn’t remember what it was,” Boone said. “Couldn’t understand him.”

While states have struggled to find drugs for executions, Workman said that when he was warden, Oklahoma had a pharmacist order it. And once in 2010, Arkansas supplied Oklahoma for an execution.

“We would get it from a warehouse or a pharmaceutical, third or fourth generation person from the original company, and that’s basically how we would get it,” Workman said. “We didn’t go down to the company and say, ‘Hey I need this for an execution.’ We would get it as a prescription from a physician and go to the pharmacy and the pharmacy would order it either from the warehouse or the distributor, and they could care less what we used it for,” he said.

Workman said he would pick executioners he knew very well. They were paid \$300 cash. Some executioners killed more than one person. Workman said during his employment by the Department of Corrections in various jobs, he never directly pushed the needle during a lethal injection.

“A guilty person it wouldn’t be as much of an issue to me, but on the offhand chance that somebody wasn’t, I would never take that chance with my life,” he said. ■

with or without Supreme Court approval.

The court reversed Judge Parrish and lifted the stay the next day. In so doing, the court avoided a collision with the governor on the separation of powers issue. Fallin then ordered that both men would be executed on the same evening.

Word of Lockett’s 43-minute death struggle spread around the globe instantaneously. News organizations from around the world clamored to find any of the 12 pool reporters who witnessed the death. The BBC, Al Jazeera, Reuters, set about recounting Lockett’s death struggle to the world.

In the meantime, Gov. Fallin issued a press release saying Lockett was unconscious during the ordeal. Reporters at the scene were reporting he was not un-

CONTINUED ON PAGE 47

# 'Thrashing, Writhing, Groaning'

BY KATIE FRETLAND

We had been warned that the execution of Clayton Lockett, a convicted murderer and rapist who had shot his 19-year-old victim and ordered a friend to bury her alive, would take longer than usual.

Jerry Massie, a spokesman for Oklahoma's corrections department, explained to the group of witnesses permitted to watch the procedure that the first drug to be used under the state's new lethal injection protocol would take some time to have its desired effect.

"Don't be surprised," he said.

In the event, the warning rang hollow. It would be a full 43 minutes after the drug was administered before Lockett died – and only after he had thrashed on the gurney, writhing and groaning – as it became clear that the procedure had been botched.

The grim scenes were the culmination of an unprecedented legal and political dispute in Oklahoma that has propelled the state into a nationwide tussle over the growing secrecy surrounding the drugs used by states to kill prisoners.

The governor of Oklahoma, Mary Fallin, had even publicly challenged the authority of a panel of judges who temporarily put a halt to the execution, in order to consider the inmates' challenges over the constitutionality of the secrecy. The court backed down, and denied the prisoners' claims. Then, in a move that attracted international attention, the state scheduled the two executions on the same night, two hours apart, in its first double execution since 1937.

It was a decision that backfired badly.

The execution of Lockett was scheduled for 6 p.m. A group of 12 selected media witnesses, including the Guardian, were shuttled to the white-walled Oklahoma state penitentiary in McAlester from a nearby visitor's building. We waited in the prison law library, as inmates banged on their cells and hollered to mark the event.

When officials were ready, we were taken to a viewing area, where we sat in brown metal chairs on a blue-grey carpet against the back wall. Lawyers and state officials sat in front of us. The family of Lockett's victim were in separate viewing room.

The beige curtain separating the execution chamber from the viewing area was opened and the state prison warden, Anita Trammell, stood over 38-year-old Lockett. She asked him if he had any final words. He said "no."

The process began at 6:23 p.m., but Lockett – as we had been warned – did not appear immediately to fall unconscious. Beneath a white sheet

pulled to his neck, the restrained prisoner blinked and pursed his lips. At first he looked straight ahead, but after four minutes, he turned towards the witness area. By 6:30 p.m., his eyes were closed and his mouth slightly open, but when an official stood over him to check, it was clear something was wrong. "Mr Lockett is not unconscious," Trammell said.

At 6:33 p.m., Lockett was checked again and declared to be sedated. But then, during the following minutes, Lockett lurched forward against his restraints, writhing and attempting to speak. He strained and struggled violently, his body twisting, and his head reaching up from the gurney. Sixteen minutes after the execution began, Lockett said "Man," and Trammell decreed the blinds be lowered. Before they fell, Lockett's right arm was checked.

Then, in a gesture that seemed to echo Oklahoma's fierce commitment to secrecy in the way it carries out lethal injections, the curtains were drawn over the execution chamber, obscuring the gruesome spectacle from public view. Officials picked up prison phones and left the room.

After a few minutes, the corrections department director, Robert Patton, came to the viewing room. "We've had a vein failure in which the chemicals did not make it into the offender," he told the assembled group, which included lawyers for the condemned prisoner, as well as 12 journalists.

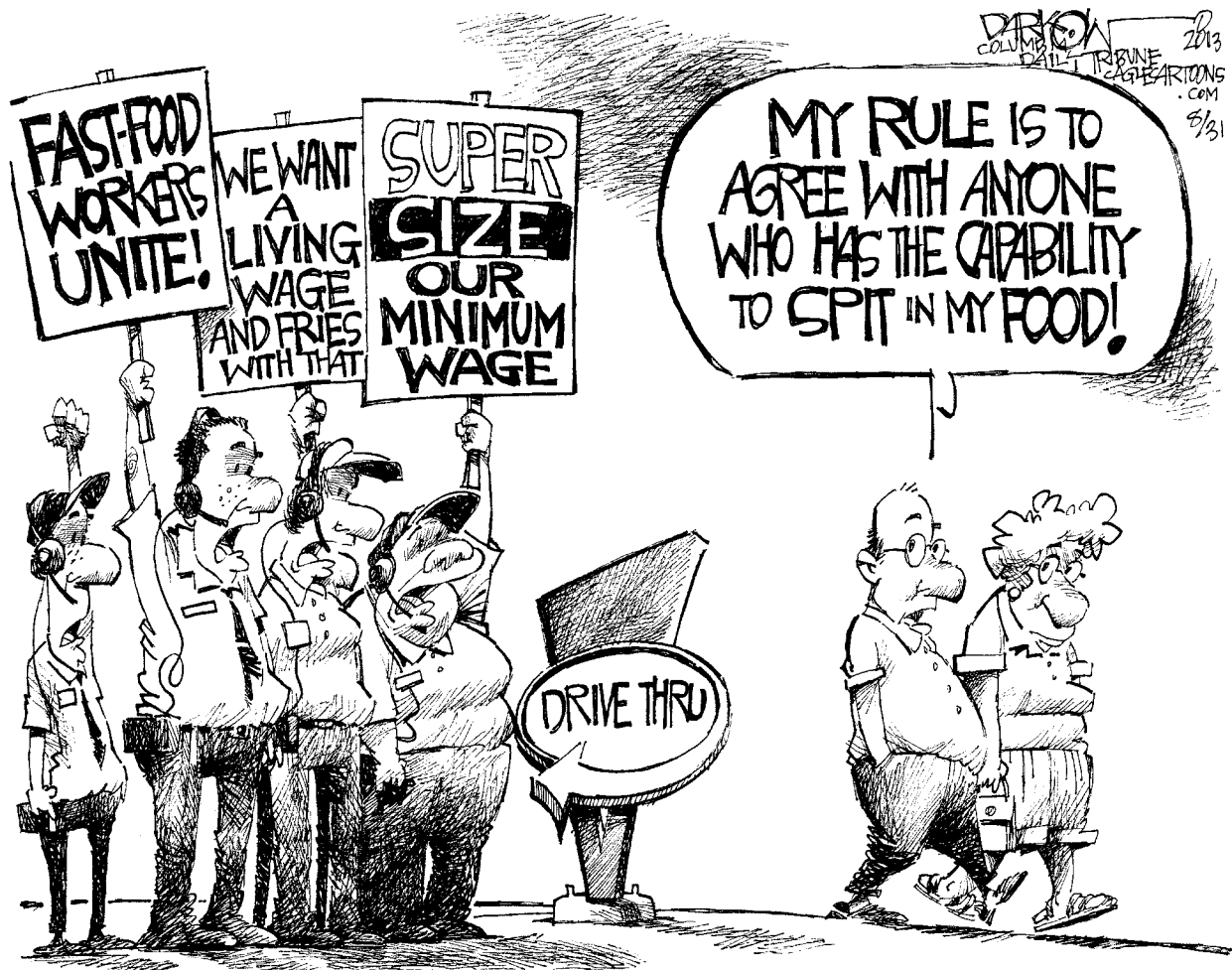
He said the second execution – Charles Warner, who was convicted of the rape and murder of 11-month-old Adrianna Waller – would not go ahead that night.

It was unclear whether Lockett was even dead.

The witnesses left the room, and Patton then appeared before reporters gathered outside the prison, where he attempted to explain what had happened. Lockett, he said, had been administered with all three drugs in the disputed protocol. When it became clear that the drugs were not having the desired effect, the prison doctor investigated and determined that the vein into which the drugs were being administered had "blown".

Patton said he then spoke with the prison warden and notified the state attorney general's office and governor's office that he was going to halt the execution.

It was only then, 43 minutes after the process had begun, that Lockett suffered what "appears to be a massive heart attack" and died inside the execution chamber, away from the eyes of witnesses. ■



# HYPOCRISY 101

## *Food Chain CEO's Collect Taxpayer Subsidies For Their Salaries, Yet Oppose Hiking Workers' Pay*

BY SARAH ANDERSON

**Y**ou might say the chieftains of America's largest restaurant corporations want it every which way and then some.

Having read the polls supporting a minimum wage hike, they're skittish about trashing the idea personally. So they pay their DC lobby machine to do their dirty work. And it's not enough for them to shove the costs of their low-wage model onto Joe Schmo taxpayer. These CEOs are also making the rest of us pay for their own fat paychecks.

How's that again? Yes, ordinary taxpayers are not only covering the cost of billions of dollars in public

assistance for restaurant workers who earn poverty wages. We're also subsidizing the pay of our nation's notoriously overpaid CEOs.

Here's how it works: Under the current tax code, corporations can deduct no more than \$1 million for executive pay from their federal income taxes. But there's a giant loophole that allows unlimited deductions for "performance pay." So, no surprise, what the big corporations tend to do is put about \$1 million of their executive pay packages toward salary and call the rest "performance pay." That way the more they shovel into their CEO's pockets, the less they pay Un-



cle Sam. And the rest of us foot the bill.

A new report I co-authored at the Institute for Policy Studies explains how the 20 largest corporate members of the National Restaurant Association have benefited from this loophole. These corporations aren't necessarily bigger exploiters than those in other sectors. But they deserve extra scrutiny because of the high social costs of their low-wage model – and because they're fighting so hard to preserve it.

Nearly all of the big restaurant corporations are members of the National Restaurant Association, which is leading the charge against minimum wage increases.

### **1. STARBUCKS**

In 2012 and 2013, Starbucks CEO Howard Schultz took in \$1.5 million per year in salary, which is subject to the \$1 million deductibility cap. But that was just the foam on top of a triple venti.

Now we get to the serious money. Schultz cashed in stock options worth \$230 million over this two-year period. For good measure, the board tossed him \$2 million-plus incentive bonuses each year. Both of these types of compensation fall into the "performance pay" loophole.

So how much does Starbucks get to subtract from its tax bill for the cost of this one guy's "performance pay"? \$82 million.

That's a lotta lattes.

Like several other big restaurant CEOs, Schultz has taken a soft line [5] on the minimum wage. That is, when asked about it personally. Meanwhile, Starbucks remains a member in good standing of the National Restaurant Association, which is deploying dozens of lobbyists to block a wage increase.

### **2. YUM! BRANDS**

Next time you're shelling out for a Gordita Supreme at Taco Bell, keep in mind that you're also contributing to a grande-sized paycheck for the CEO of the chain's parent company, Yum! Brands.

Yum! CEO David Novak took \$67 million in "performance pay" over the years 2012 and 2013, which lowered the firm's federal tax bill by about \$23 million.

Low-level workers at Taco Bell and Yum!'s other chains [Pizza Hut and KFC] earn less than \$8 per hour on average. Since that's not a living wage anywhere in the United States, it's no surprise that many Yum! workers must rely on Medicaid or other taxpayer-funded anti-poverty programs to make ends meet. The National Employment Law Project estimates that Yum! employees receive nearly \$650 million in public assistance annually.

In addition to the firm's membership in the NRA, Yum! has also been active with the American Legislative Exchange Council. In 2011, a Yum! official co-lead an ALEC task force focused on blocking paid sick leave benefits. Rather than giving sick employees a break, it seems they'd rather have them sneezing on your Gordita.

### **3. CHIPOTLE**

Chipotle has invested heavily in developing a pro-

gressive customer base by projecting the image of a "sustainable" fast food alternative. So it's not surprising that the firm's top brass have shied away from speaking out personally against the popular push to raise the minimum wage.

Co-CEO Monty Moran has commented that average wages at Chipotle are already \$9 and so the effect of raising the minimum to \$10 would be "not too significant." Like other image-conscious CEOs, Moran appears to prefer to have his Washington lobby shop, the NRA, handle the dirty work on this issue.

Moran is probably also reluctant to draw attention to his own paycheck. The company has an extremely top-heavy pay structure in part because it has two CEOs. In 2012, Moran cashed \$55 million in stock options and his co-CEO, Steve Eells, cashed in \$47 million. In 2013, both men received more than \$20 million in vested performance stock and Eells exercised another \$42 million in options. Altogether, their 2012-2013 "performance pay" generated a CEO pay subsidy for Chipotle of \$69 million.

### **4. DUNKIN' BRANDS**

At the helm of Dunkin' Donuts and Baskin Robbins, CEO Nigel Travis cashed in on more than \$20 million in stock options in both 2012 and 2013, generating a performance pay tax subsidy for the company of more than \$15 million. For comparison's sake, that \$15 million would be enough to cover the cost of one public assistance program on which many fast food workers rely, the Supplemental Nutrition Assistance Program, for 9,608 households for a year.

Like the CEOs of Starbucks and Chipotle, Travis has taken a soft line on the minimum wage when speaking out personally. In one recent interview, he said, "We believe the minimum wage will go up. So there's no point fighting that." Maybe there's no point for Travis. He's got the NRA to do that job.

### **5. McDONALD'S**

In his first six months as CEO in 2012, CEO Donald Thompson took in more than \$10 million in "performance pay," which translates into a \$3.5 million subsidy for the company. Last year, Thompson's haul was more modest because he opted not to cash in any of his hundreds of thousands of exercisable "in-the-money" stock options.

Faced with a wave of worker protest actions, he may have decided to hold off on a big payout until the spotlight on the fast food giant is not quite so bright. On top of growing demands for living wages, the company has also faced a spate of wage theft charges. In 2013, the company settled a New York case for \$500,000 and workers in two additional states recently filed similar suits. Due to the company's notoriously low wages, McDonald's workers rely on an estimated \$1.2 billion in public assistance per year, according to the National Employment Law Project.

### **6. DARDEN**

Among full-service restaurant chains, Darden has enjoyed the largest CEO pay subsidy. The owner of Olive Garden, Red Lobster, LongHorn Steakhouse,

Bahama Breeze, and Capital Grille, Darden is the world's largest full-service restaurant company. In 2012 and 2013, CEO Clarence Otis received nearly \$9 million in fully deductible "performance pay," which works out to a more than \$3 million taxpayer subsidy for the company.

Darden pays at least 20% of its U.S. employees only the federal minimum wage for tipped workers, which has remained at \$2.13 an hour for more than 20 years. Together with the NRA, they're lobbying hard to keep it that way.

The NRA was among the targets of a demonstration organized by several grassroots organizations in late April under the theme of "kicking corporate cash out of Congress."

Restaurant Opportunities Centers United, which has built a network of thousands of restaurant workers and high-road employers to improve industry standards, is partnering with the National Domestic Workers Alliance and National People's Action to urge elected officials to put the interests of regular people first. The following day, members of the NRA will converge in Washington for a major lobby push against increasing the minimum wage.

It's time the big restaurant CEOs were called out on their paycheck hypocrisy. For too long they've been sticking taxpayers with the bill for their bad pay practices – at both the bottom and the top ends of the corporate ladder. ■

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# *Even FDA Doesn't Know What Chemicals Are In Your Food*

BY MARICEL V. MAFFINI

**W**e all have secrets, from small ones [the scale isn't broken, I ate too many cookies!] to bigger ones [yes, we knew for a long time that tobacco kills people].

For more than 50 years, many in the food industry have not had to disclose information to consumers and the Food and Drug Administration [FDA] about the safety of chemicals they put in our food. Additives manufacturers have taken advantage of a dysfunctional regulatory system that allows for minimal or no disclosure, is plagued with conflicts of interest, and provides weak oversight of something as vital to our health as food.

For consumers, it's bad enough that most of the ingredients listed in packaged food have hard to pronounce names and we do not always know why they are there; we don't know how much and how many chemicals leach from the packaging into the food; or little is known about the safety of those chemicals because a small percentage are actually tested.

But it gets worse: Companies can add chemicals into our food without ever telling the FDA about their identity, their uses and [wait for it] their safety!

As long as a company designates a chemical as being "generally recognized as safe," or GRAS in regulatory parlance, according to FDA's interpretation of the law, it has no responsibility to inform the agency. FDA doesn't know about the safety of an estimated 1,000 chemicals because they aren't disclosed.

I'm still a child at heart and what do children do when they are told something is secret? Curiosity is innate. So, we sought to find out what these chemicals are, who is making these safety decisions and why companies choose to forgo FDA's review process.

We identified 56 companies that appear to rely on

undisclosed GRAS safety determinations for 275 chemicals. Sixty-two percent of them responded to our inquiries but did not share their safety determination with us; the remaining 38%, selling 218 chemicals, never responded to us. The great majority of the chemicals were active ingredients in dietary supplements.

How does this impact me and my family, you may ask? As long as FDA doesn't know about the safety of thousands of chemicals, it cannot ensure the safety of the food we eat and cannot protect public health. It's that simple.

FDA has tried to figure out how to be informed about the safety of GRAS chemicals for many years; its last attempt was creating a voluntary program whereby companies submit their safety assessment and the agency's scientists punch holes in their argument. If the company's argument for safety is strong, the agency sends a "no questions" letter to the company.

If FDA starts raising concerns and the company sees that its argument could fail, a company can withdraw the submission without prejudice and can continue marketing the chemical.

We submitted a Freedom of Information Act request to the agency for information about 16 chemicals that companies submitted for review but along the evaluation process asked FDA to stop its assessment.

In reviewing the FDA records we got, we noticed that the agency's scientists asked excellent questions and had many concerns about the safety of chemicals. For instance, they were justifiably concerned about epigallocatechin-3-gallate (EGCG) because of its apparent liver, thyroid, testis, spleen and gastrointestinal toxicity in animal tests, and its ability to break down DNA in human cells which may be associated

with fetal leukemia.

They were also concerned about GABA, a brain chemical, or theobromine, a stimulant, because by the companies' own calculations people could be exposed to five times more than the safe dose if these chemicals were added to food. In other words, if the exposure is several times higher than the safe dose, the chemical's use is not safe.

Although our report shows the value of FDA's reviews, the broken system doesn't stop these potentially unsafe chemicals from reaching our plates, especially for those safety decisions that industry chooses not to disclose to FDA and the public.

How can something be "generally recognized" and not disclosed at the same time? We have heard that these chemicals are "natural" [even though some are highly purified components of the natural source] and people have been eating them for centuries.

We also are told that companies don't disclose because FDA posts the GRAS notifications it receives in its website and competitors can take advantage of it with little investment. But the lack of disclosure – at least of the studies used to justify a finding of

safety – seemingly contradicts the regulations stating that "general recognition of safety through scientific procedures shall ordinarily be based upon published studies..." [21 CFR § 170.30(b)].

Or, as an FDA reviewer told a company "[i]n other words, if a panel of experts reviews data that are not publicly available and subsequently renders an opinion regarding safety, even if the experts are well-recognized, the opinion does not meet the general recognition of safety for GRAS ingredients because the data were not publicly available."

The GRAS exemption, as it is currently being implemented by the FDA, means that the agency is unable to protect our food and our health. The law places the responsibility on FDA to ensure the safety of chemicals in food.

If it doesn't know what chemicals are in our food or have the documentation demonstrating their safety, it can't do its job.

We must demand that FDA require that food manufacturers inform the agency of safety decisions of chemicals in food. ■

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# *Canada's New Medical Marijuana Laws Encourage Booming Industry*

**I**n the U.S., we have a patchwork system of laws when it comes to marijuana – both recreational and medicinal. In Canada, the laws blanket the country, enveloping everyone – no matter the province – under the same regulations.

For companies licensed to grow and supply medical marijuana, this uniformity has translated into millions of dollars from eager investors, investors in such high numbers that the companies are having to turn some of them away.

According to Market Watch, the Canadian government passed new laws last month regarding production and distribution – allowing for any licensed company to grow and ship their product to patients. The laws also banned patients from growing their own medicine.

Unlike in the U.S., these new laws apply throughout Canada, leaving businesses confident that their trade won't risk being legal in one area and illegal in another. So far, 12 companies have been licensed by Health Canada, the agency overseeing the program. Just a year ago, companies like this couldn't find investors, but now they are having to turn some away.

"There's a whole lot of people who think the framework in Canada is better aligned for a real growth sector, as opposed to south of the border," said Tweed's chairman Bruce Linton, referring to the mix of laws in the U.S.

One of those companies, Tweed Inc., is setting up

its growing operations in a former Hershey's chocolate factory, right across from a police station in Ottawa. They were the first marijuana company to list its shares on the Toronto Stock Exchange's Venture Exchange.

In the U.S., things are far less certain. Despite medical marijuana being legal in 20 states and recreational pot in two, the federal government still considers marijuana to be a Schedule I substance, and therefore illegal. Further, marijuana companies, operating legally in some states, can't even use banks for fear of breaking federal laws.

In Canada, however, that money flows freely.

"Canada is the only place where we actually touch the product," says Brendan Kennedy, co-founder of Privateer Holdings, an investment firm in Seattle that puts money solely into marijuana businesses. Privateer Holdings recently invested \$15 million in a Canadian marijuana growing company Lafitte Ventures Ltd.

"There's no disparity between federal and provincial law in Canada. That was extremely appealing to us. You would never invest that amount of capital in a facility in the U.S.," explains Kennedy.

While Canadian officials say recreational marijuana is not on the table for decriminalization, let alone legalization, it's obvious they are measures ahead of the U.S. in some aspects of marijuana reform. ■

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# Jim Hightower

## *Rick Perry's Bespectacled Mess*



**H**e's back. And, this time, he has eyeglasses. Yes, Rick "Oops" Perry, is back, pitching himself for another presidential run. What fun!

Who can forget the Texas governor's nationally televised pratfall during a 2011 presidential debate, when he couldn't remember the third federal agency he intended to ax? Well, he later sniffed on Fox & Friends, "If anybody's looking for ... the smoothest debater, I readily admit I'm not that person." Clearly not.

But Rick, you weren't "debating; "you were simply trying to recite your own three talking points.

One, two ... *oops!*

And the issue isn't whether you're smooth, but whether you're stupid – way too stupid to be president of the United States of America. That's a role in which this Texan would need to match wits, not with such lamebrains as Rick Santorum or Michele Bachmann, but Russia's Vladimir Putin.

But wait – there's a new Rick! As mentioned, this go-round he's sporting black-framed, designer eyeglasses, which his makeover consultants insist make him look smarter.

Actually, the bespectacled Perry looks like a guy squinting at the thermostat to see if he can get his IQ up to room temperature.

This is the governor who's been hunkered down for 14 years as the chief executive of the state with the highest percentage of people with no health coverage, the second-highest percentage of children with no health insurance, and numero uno in the nation for women without coverage.

Then, when ObamaCare was made available to provide insurance for millions of Texans, this menso in eyeglasses said hell no, we don't want no government-provided health benefits.

"We?" For his entire 30-year career in political office, Perry & family have gladly accepted platinum-level health benefits from the government for themselves. I'm guessing that even those \$500 glasses he's wearing were put on the taxpayers' tab.

But eyeglasses aren't the only thing he has been putting on the taxpayers' tab. Even though the 2016 presidential primaries are a long way off, Rick Perry's riding his state's gravy train into the GOP primary.

Technically, he's not campaigning, yet he's popping up from New York to California, holding press conferences, running TV and radio ads, meeting with money people and telling everyone how gosh-darn terrific he is.

In other words: Campaigning.

Officially, his cross-country ramble is meant to promote Texas as a corporate utopia that offers state subsidies, zero income taxes, low wages, hands-off regulation and other cushy deals for corporations that relocate to the Lone Star State.

It's a hustle that glorifies Perry, even though he's using Texas tax dollars to take good-paying jobs from the places he visits and turn them into poor-paying jobs in his state.

But the governor is used to tapping the public treasury to feather his own nest – and he has recently tapped it yet again, to the tune of \$450 an hour. That's for a high-dollar lawyer he's hired at taxpayer expense to try to save his bacon – and his presidential fantasies. He doesn't mention it on his out-of-state Praise Perry tour, but he's presently on the brink of being indicted for corruption back home.

This mess involves the governor's clumsy attempt to stop an investigation by the state's ethics office into one of his pet slush funds that funneled taxpayer money to his corporate campaign donors. Last year, using a personal lapse by the director of the ethics office as an excuse, Perry simply vetoed the office's entire funding. No office, no investigation, no problem!

Clever, huh? Except that other funding was made available, so that investigation continues. And then a special prosecutor was appointed to investigate Perry's ham-handed veto, so now his indictment looms.

This could take the wheels off his taxpayer-sponsored road show. ■

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# *From Farmworkers To Cheerleaders: We're All In This Together*

**I**t doesn't take an IQ much higher than room temperature to realize that it's way past time to raise America's sub-poverty minimum wage of \$7.25 an hour. But let's also pay attention to the millions of people trying to make ends meet on – believe it or not – America's *sub-minimum* wage.

Some of our country's richest corporations have turned national wage laws into Swiss cheese, riddling them with special loopholes that let them escape paying even today's miserly minimum wage. This amounts to wholesale daylight robbery of restaurant workers, farm workers, domestic workers, pro-football cheerleaders, taxi drivers, and ... wait a minute ... back up ... cheerleaders?

Give me an N! "Nnnnnn!" Give me an F! "Ffffff!" Give me an L! "Llllll!" What does it spell? Greeeeeddd!

The monster moneymaking machine known as the National Football League is continuing to run an off-field power play against its valuable and highly marketable female team players. Women on NFL teams? Yes – not running plays, but on the sidelines running the synchronized gymnastics and precision dance routines of professional cheerleaders. These women are an integral part of the spirit, entertainment, promotion and financial success of this \$9 billion-a-year corporate enterprise.

Yes, super-rich NFL football teams, which sop up billions of dollars in subsidies from us taxpayers, pay peanuts to their highly publicized cheerleading squads. Widely assumed to be a glamour job, it's actually a poverty job that requires long hours of arduous practice, involves frequent travel [at their own expense] for media appearances and charity events, and subjects the women to abusive treatment by supervisors.

Members of the Oakland Raiders' squad calculate that their pay works out to less than \$5 an hour, while the Cincinnati Bengals' cheerleaders [who bear the burden of being called "Ben-Gals"] are paid about \$2.85 an hour – far less than the federal minimum wage – to be worked like mules, constantly abused, cheated and disrespected. Astonishingly, though, a recent ruling by the U.S. Labor Department says that this does not violate federal law. Why? Because the macho sports industry got its cheerleaders categorized as "seasonal amusement" – a loophole that exempts them from our national pay rules. Side note: NFL's mascots are considered "employees" of the teams they represent, worthy of a salary between \$23,000 and \$60,000 plus benefits.

Finally fed up, members of the Oakland Raiderettes cheerleading squad have sued their team's corporate hierarch for gross labor violations. You'd think the

billionaire owners of these sports kingdoms would be embarrassed to be publicly exposed as cheapskate exploiters of women. I mean, why wouldn't they just pay \$10 an hour, or – what the hell -- \$100? That's pocket change to them.

Instead, the Oakland Raiders have rolled out their army of lawyers armed with a legalistic bomb called "mandatory arbitration." The lawyers claim that, thanks to the sneaky arbitration proviso tucked into the ladies' employment contracts, the cheerleaders cannot go to court, but must submit any complaints to a private arbiter.

And who would that be? Why the NFL commissioner himself, whose \$44-million-a-year salary is paid by the teams' owners! Why would he side with poverty-pay cheerleaders against the regal owners who feather his own nest? He won't, which is why these indefatigable women are not only challenging the NFL's abuse of them, but also the abuse we all suffer from the absurd corporate-rigged system of forced arbitration.

The Powers That Be are trying to transform our Land of Opportunity into their low-wage, plutocratic province. From farm workers to cheerleaders, we're all in this together – and it's time for us to get together to stop the plutocrats.

To keep up with the cheerleaders' case and see how they are standing up for us, go to [levyvinick.com/blog/news](http://levyvinick.com/blog/news). – *Jim Hightower*

## *NSA Spying Here To Stay*

**O**n Monday, April 14, the Washington Post and the Guardian US newspapers received the Pulitzer for Journalism Public Service for their reports on NSA spying. In light of their hard work, let's recap events of the last year.

Embarrassed and irritated by Edward Snowden's leaks, President Obama charged last year at a press conference that Snowden was presenting a false picture of NSA by releasing parts of its work piecemeal: "Rather than have a trunk come out here and a leg come out there," he said, "let's just put the whole elephant out there so people know exactly what they're looking at. ... America is not interested in spying on ordinary people," he assured us.

The government, he went on, is not "listening in

on people's phone calls or inappropriately reading people's e-mails."

Six days later, a Washington Post headline declared: "NSA broke privacy rules thousands of times per year." In an internal audit in May 2012 of its DC-area spy centers, the agency itself found 2,776 "incidences" of NSA overstepping its legal authority.

As the American Civil Liberties Union noted, surveillance laws themselves "are extraordinarily permissive," so it's doubly troubling that the agency is surging way past what it is already allowed to do. The ACLU adds that these reported incidents are not simply cases of one person's rights being violated – but thousands of Americans being snared, totally without cause, in the NSA's indiscriminate, computer-driven dragnet.

The agency's surveillance net stretches so wide that it is inherently abusive, even though its legal authority to spy on Americans is quite limited.

U.S. Rep. James Sensenbrenner, the sponsor of the PATRIOT Act [which NSA cites as its super-vac authority], said that Congress intended that it should apply only to cases directly tied to national security investigations. No lawmaker, he said, meant that government snoops should be able to conduct a wholesale grab of Americans' phone, e-mail and other personal records and then store them in huge databases to be searched at will.

Yet look at what NSA has become:

- The three billion phone calls made in the U.S. each day are snatched up by the agency, which stores each call's metadata [phone numbers of the parties, date and time, length of call, etc.] for five years.

- Each day telecom giants turn over metadata on every call they have processed.

- Every out-of-country call and e-mail from [or to] a U.S. citizen is grabbed by NSA computers, and agents are authorized to listen to or read any of them.

- The agency searches for and seizes nearly everything we do on the Internet. Without bothering with the constitutional nicety of obtaining a warrant, its

XKeyscore program scoops up some 40 billion Internet records every month and adds them to its digital storehouse, including our emails, Google searches, websites visited, Microsoft Word documents sent, etc. NSA's annual budget includes a quarter-billion dollars for "corporate-partner access" – i.e., payments to obtain this mass of material from corporate computers.

- Snowden says that in his days as an analyst, he could sit at his computer and tap into any American's Internet activity – even the President's. A blow-hard Congress critter called that a ridiculous lie, but Snowden was proven right. In 2005, another analyst did tap into ex-President Bill Clinton's personal e-mail account.

- Asked at a Senate hearing whether his agency collects data "on millions or [even] hundreds of millions of Americans," NSA Director James Clapper said: "No." He later apologized, claiming he was confused by U.S. Sen. Ron Wyden's question. But when asked by Wyden to correct his erroneous answer in the hearing record, Clapper refused.

- The sheer volume of information sucked up by the agency is so large that as of 2008, it maintained 150 data processing sites around the world.

- NSA's budget is an official secret, but a Snowden document shows that it gets about \$11 billion a year in direct appropriations, with more support funneled through the Pentagon and other agencies.

President Obama recently announced an "overhaul" of the NSA's collection of bulk phone records. The reform may require phone companies to store metadata it collects for 18 months for the NSA's use with the approval from a special court.

This might sound reasonable, but it is still gathering bulk data on millions of innocent Americans – by corporations for the government. And what about Internet, e-mail and other surveillance?

NSA is too heavily vested in its programs; it is not going to give up spying on us.

– Jim Hightower

# *If Hypocrisy Were A Felony*

BY MARK SHIELDS

**T**o be fair, most Republicans have never hidden their distaste for campaign-finance laws that place limits on how much someone can give to a political candidate or campaign, or how much the candidate or the campaign can spend.

The reform most consistently championed by Republicans and conservative editorial pages has instead been support for complete and timely disclosure of all campaign contributions and spending.

And the GOP made a pretty good case in favor of transparency. The 1996 party platform called for "true reform" to be defined as "requiring full and immediate disclosure of all contributions." Invoking that

year's nominee, the 2000 platform spoke of "Governor [George W.] Bush's agenda for more honest and open politics" that would "require full and timely disclosure on the Internet of all campaign contributions so that the media and the public can immediately know who is giving how much to whom."

The editorial page of The Wall Street Journal has long advocated a trade-off of "disclosing political contributions as part of a larger deregulation that allowed any American to give as much as he wants to any candidate." Proving he is no Johnny-come-lately to the reform cause, Senate Minority Leader Mitch McConnell, R-KY, wrote in a home-state paper in 1997,

“Public disclosure of campaign contributions and spending should be expedited so voters can judge for themselves what is appropriate.”

That’s it: the voters. The ordinary citizens who are now sentenced by Supreme Court decisions to watch helplessly [fewer than a half of 1% of the nation’s adults make political contributions of \$200 or more] as anonymous oligarchs and unidentified corporations reach into their deep pockets and seek to buy more national elections.

Our fundamental American sense of fair play demands that voters be able to “immediately know who is giving how much to whom.”

In making their decisions, voters need to know who is bankrolling the candidates for Congress as well as who is underwriting the TV commercials attacking their home-state senators.

In 2012, the President Barack Obama-affiliated Priorities USA Action, with no requirement to reveal its donors, raised and spent \$65 million – all of it in attack ads against Mitt Romney. Shed no tears for Mitt. The Romney-affiliated Restore Our Future collected \$142 million [from Lord knows whom, but no American civilians] and spent approximately 85% of it attacking the opposition.

Freer and fuller access to information might have helped avoid the Wall Street financial crisis. It would

certainly have put the chill on insider trading and it can only help Americans make more-informed decisions about to whom and to what the candidate who seeks their precious votes could be beholden.

But wait, conservative support for full disclosure has disappeared. Just last week, The Wall Street Journal went looking and miraculously found “another reason to rethink our views on campaign-finance disclosure laws.”

Comparing the call – which The Journal had long endorsed – to make public the contributions of billionaires, such as those of the Koch Brothers and George Soros, to “how Southern racists tried to subpoena NAACP membership lists for intimidation purposes in the Jim Crow era” qualifies as a new high, or low, in the rewriting of history.

The new, unimproved Republican position on campaign-finance disclosure is, “Never heard of it.” Gone without a trace from the party platform.

Bluntly put, it’s the 1%’s country, and whoever in the 1% wants to write a check to, anonymously, destroy an unfriendly incumbent or elect an accommodating challenger, it’s nobody’s business except the purchaser and the purchased.

If hypocrisy were a felony, on the issue of campaign-finance disclosure alone, the GOP would be doing hard time. ■

# *The Scramble For Cash*

BY LEE HAMILTON

**M**any trends in American politics and government today make me worry about the health of our representative democracy. These include the decline of Congress as a powerful, coequal branch of government, the accumulation of power in the presidency, and the impact of money on the overall political process.

Recently, the Supreme Court’s five-member majority declared that it’s unconstitutional to limit the aggregate amount an individual can give to candidates, political parties, and political action committees. Campaign contributions amplify free speech, these justices maintain, and campaign finance laws violate the First Amendment: any limit on the ability of individuals to contribute to candidates is a restraint of free speech. The only legitimate cause for the government to step in is to fight blatant, obvious corruption; it should not act to limit access and influence by well-to-do donors. The result of this decision will almost certainly increase the impact of money on the political system.

The Supreme Court decision seems to be insensitive to this. Politicians need large sums to run for office, and they are keenly attuned to generous donors. Inevitably, this gives more political influence to the relative handful of wealthy donors who choose to “invest” in politics, and it dampens the influence

of voters who don’t have the financial means to command attention.

What can we do? My preference would be that the President and Congress step in and design rules of campaign finance that would reverse the growing influence of money on our campaigns, but that does not appear likely to happen.

Indeed, even as we speak, opponents of campaign finance laws are preparing challenges to the remaining limits on individual contributions and to the easily avoided disclosure laws we already have. I’m certain they’ll get a sympathetic hearing in the Supreme Court.

Paradoxically, this may be our best hope. Because I also believe that Americans are growing tired of the outsized impact that great wealth enjoys in politics, and that a backlash to the Court’s decisions is taking shape. My sense is that growing numbers of ordinary voters are recognizing that money is a poison in our system. I fervently hope that support for public financing and for muscular disclosure laws will grow with time, because our politics will be more democratic, more honest, and more free if we reduce the impact of money on elections. ■

*Lee Hamilton is director of the Center on Congress at Indiana University. He was a Republican member of the U.S. House of Representatives for 34 years.*

MAYBE THE BEST  
WAY TO HONOR THE  
FALLEN...  
...WOULD BE  
TO FIND MORE WAYS  
TO NOT SEND OTHERS  
TO JOIN THEM.



# *On Normandy Beach*

BY BARBARA SANTEE VOWELL

I remember watching a TV commercial about an insurance company that provides various types of coverage to people who were in or retired from the armed services. It said they had “earned the right to better insurance rates” because they had served their country.

I felt disgust that my husband’s military service had been so cheapened just to sell insurance. He most certainly had earned more than a “right” to that crappy insurance – much, much more.

At 6:30 on the morning of June 6, 1944, he was sloshing through water and blood up to his waist in a military operation, code named Omaha Beach, hoping against hope that he would not become a dead body like those floating around him. He was surrounded by young men as terrified as he was, yet they plunged ahead toward the certain death many of them faced.

Finally free of the water, he took only a few steps before he was knocked face down into the sandy

shore. Shrapnel from a land mine had hit his heavy canvas backpack, missing his body by inches, but slamming him hard against the mushy sand. He lay there in shock, as time froze for him.

He felt the concussion waves caused by the huge guns hidden in the concrete bunkers in the bluffs above the shore. The noise was deafening, and the smell of smoke and gun power mixed with the stench of scorched human flesh was overpowering.

He forced himself to open his eyes, still lying there as though paralyzed. Only inches from his face, small sea crabs skittered around, confused by this incredible disruption of their usually tranquil lives. They reminded him of the crawfish back home. The sand here was very much like the sand bars in the Arkansas River where he and his dad went to hunt those delectable little snacks his mom cooked to perfection.

How did a young Indian boy from Glenpool, OK, end up here, fighting a war for a government he didn’t al-



ways trust, and against other young men who spoke a language he didn't understand, a guttural ugly language, not as melodic as English or even the little bit of Creek that he had learned from his Native American grandpa.

He had volunteered to fight for a country he couldn't fully love because of what it had done to his people, but he couldn't hate, either, because of what it had given back to him. It wasn't the country he would have chosen. It was the country he was given.

The pledge to fight for this country included the unspoken promise to die for this country, and today he would see hundreds of young men fulfill that promise. He wondered if he would be one of them.

The Germans had fortified the entire beach and

floated with the tide. Not easy to hear their wounded cries, screaming for the medic to help, the medic who now was lying beside him in the sand, the top of his head blown away.

Within minutes of landing, every allied tank had been destroyed, and every officer in those lead boats had been wounded or killed. But wave after wave of those determined little boats kept coming, discharging their precious cargo until by evening the allied forces had established two critical beachheads; but not without an enormous cost. Of the 50,000 soldiers who landed on Omaha Beach that day, 5,000 were dead by sunset.

They died on that foreign soil, their blood painting the beach a bright red that was picked up by the now

## How did a young Indian boy from Glenpool, OK, end up here, fighting a war for a government he didn't always trust, and against other young men who spoke a language he didn't understand ... ?

the high cliffs above with everything they had: concrete bunkers, pill boxes, machine guns, barbed wire, and hidden land mines planted everywhere. Trails of black smoke marked where the first allied planes had been shot down.

Seeing that beach for the first time, even from a distance, made their small boat seem even smaller and stunned the men into silence. The bluster and bravado were gone.

One soldier silently said his rosary and another repeated the Lord's Prayer as each man sought his own personal god to get him through that man-made hell.

Thousands of allied ships and aircraft were thrown at this massive wall of German defense. Their roar was punctuated by the sickening sound of their targets being destroyed. He watched as, one by one, the tanks rolling onto the shore from the first boats were turned into scrap metal.

The unlucky landing crafts that were hit looked like toy boats being tossed into the air, throwing some of the hapless victims overboard while others rode the boats to a watery grave. These small flat-bottomed boats that some had said would win the war had become floating coffins.

Bullets zinged above and around his head, and he knew that anyone who ran through that barrage of death would be very lucky to make it to the dry shore above the tide line, only the length of a football field away. It had seemed so easy to run the length of the football field carved out of an Oklahoma pasture. So easy to grab the ball and run, dodging his laughing friends and fellow classmates. Not so easy when the football field is already littered with the bodies of the dead, of other Americans who could have become his best friends, but now their young bodies silently

roiling water and returned to the ocean from whence all life came – a part of the eternal cycle of nature, a cycle that had gone on for millions of years before he was born and would continue for millions of years after he was dead.

He reached for his rifle, hefted his body and the heavy backpack from the sandy ooze, and ran the full length of that 100-yard football field just as the morning sun began to rise over those ancient cliffs.

Floyd Vowell Jr., known as "Chief" all of his life, didn't die on that beach or in that war. He died in a super market in Glenpool, OK, from a heart attack while reaching for the Quaker Oats. He was 85 years old, and would never admit he had done anything special so long ago on a beach in France called Normandy.

After he died, I wrote a letter to the government to get a copy of his service papers, only to receive a form letter that read:

"Dear Mrs. Vowell: On July 12, 1973, a disastrous fire at a government storage facility in St. Louis, Missouri, destroyed approximately 16-18 million Official Military Personnel Files. No duplicate copies of these records were ever maintained, nor were microfilm copies produced. A complete listing of the records that were lost is not available. Due to the extensive damages, investigators have never been able to determine the source of the fire. We are sorry that we will not be able to comply with your request."

My husband's file was only one of the millions to burn that night. So the only record I have now of his military service is written here, inside my heart.

And the little sea crabs still dance on Normandy Beach. ■

*Barbara Santee, PhD, lives in Tulsa and is a frequent contributor to The Oklahoma Observer.*

# Changing Face Of Farming

## *Ag Census Shows Increasing Role Of Women, Especially On Organic, Small-Scale Farms*

BY SENA CHRISTIAN

**W**hen Lindsey Morris Carpenter was a college student studying art in Philadelphia, she never expected that, just a decade later, she would spend most of her days fixing up tractors, turning piles of manure, and corraling chickens.

But that's precisely what she's doing. Carpenter, 29, dropped out of school in 2004 and returned to her home state of Wisconsin, where she found a job on a vegetable farm. She went on to apprentice at a larger operation in suburban Chicago and eventually secured employment at an urban farm on the city's south side, teaching previously incarcerated people how to grow food.

By 2007, Carpenter had decided she wanted her own piece of land to farm, so she and her mother, Gail, bought 40 acres in south central Wisconsin and got down to business – an opportunity she's grateful for since she's aware that not everyone has access to the resources that allowed her to purchase this land.

Today, Carpenter's certified-organic operation, Grassroots Farm, grows fruit, vegetables, hops, and herbs; she also sells pesticide-free cut flowers and eggs from the farm's chickens. Being as environmentally sustainable as possible is paramount to Grassroots' operations, Carpenter says. So, too, is a commitment to provide healthy, fresh food to local people regardless of the size of their bank accounts.

"One of my biggest priorities is affordability," Carpenter said. She doesn't want to be the Whole Foods of farm-to-table produce. To that end, she designed her community supported agriculture program to be relatively affordable. She charges only \$25 a week for a box of produce, which she offers 16 weeks out of the year.

Carpenter's been in business for five years and has struggled to make a living; she estimates her take-home income at \$1.75 an hour. And while it's been "shockingly easy" to get support from her neighbors, they're also "sketched out" by her tattoos, short hair, and unmarried status.

Carpenter is one of America's new and growing class of women farmers. Her focus on sustainability and social justice represent part of the promise women bring to the sector, while the difficulties she faces demonstrate some of the challenges that stand in their way. Many of those challenges are shared by

Carpenter's male counterparts: inclement weather, insects, weeds, erratic markets, soil erosion, droughts, labor shortages, urbanization, and the expense of sustainable methods that don't rely on toxic chemicals or machines dependent on fossil fuels. But additional burdens often fall on women farmers, such as childrearing or caring for aging parents.

**LUCKILY, WOMEN FARMERS** from earlier generations have built institutions designed to help newcomers. And Denise O'Brien, a farmer from southwest Iowa, has done more than her share.

O'Brien and her husband, Larry Harris, decided they would grow organically when they first started farming in 1976. They were inspired by the first Earth Day in 1970, she says, and the many environmental issues making headlines in the mid-1970s. She talks about organic agriculture in classic environmental terms of doing no harm and leaving the earth in better shape than how you found it.

But the decision to go organic left the couple feeling isolated from local farmers, who mostly grew corn, soybeans, and hay on conventional farms. No networks existed to provide support to farmers who wanted to do things differently.

"When we started farming, we couldn't even say the 'O-word' out loud," O'Brien said, laughing. "But we're out now."

By the mid-1980s, O'Brien and Harris had started an informal network called the Progressive Prairie Alliance. Ten years later, she'd helped to build several organizations that helped farmers work more sustainably and cooperatively, but hadn't yet done anything specifically to help other women farmers.

That changed in 1995, when O'Brien, then president of the National Family Farm Coalition, was asked to give a presentation at the United Nations Fourth World Conference on Women in Beijing.

**O'BRIEN WENT SEARCHING** for case studies on American women working in agriculture, but couldn't find many. She had read *The Invisible Farmers: Women in Agricultural Production*, a book by Carolyn E. Sachs about women in the industry.

She also had her own personal experience to go on – she had lived through the farm crisis of the 1980s when an estimated 200,000 to 300,000 farmers faced financial failure as land and commodity values boomed and busted, interest rates skyrocketed, and

thousands went bankrupt.

As some farmers sunk into depression, O'Brien says that in many cases their wives were the ones who kept the operations going. She believed the landscape of industrial agriculture would change as more women farmers became decision makers, and suspected their role would only grow.

She was right. The number of women who were named as the principal operator of an American farm or ranch increased by nearly 30% between 2002-07, according to the U.S. Census of Agriculture. Women composed about 14% of principal farm operators in 2007, and that percentage has held steady since then, according to the preliminary 2012 census released in February.

However, that jump may have more to do with what was happening in the census than on the farm. The form used in the 2007 census was the first to allow two primary operators to be listed – so wives now had a place to be named alongside their husbands. The full 2012 census will be released later this spring with data on women as a percentage of all operators, not just the principal ones; in 2007 women made up 30% of all farmers.

Part of the picture is that both men and women are leaving the profession, but women are leaving less quickly. The total number of farms in the United States declined by about 5% to 2.1 million from 2007-12, with nearly all of those losses concentrated among smaller farms of less than 1,000 acres in size.

**AND WOMEN-OPERATED FARMS** are generally smaller and less profitable than others, according to the new census data. Seventy-five percent of American farms grossed less than \$50,000 in 2012; for farms with a female principal operator that figure was 91%. About 69% of U.S. farms were smaller than 180 acres in size; for farms with a female principal operator that figure was 82%.

But it's not just a picture of women farmers barely scraping by. Census data from 2007 showed that women were more likely than men to operate farms with a diversity of crops, and to own a greater percentage of the land they farmed. Women farmers also tended to sell food directly to the consumer rather than to large food-processing corporations – an approach that the United Nations report has found to be important for improving food systems.

Leigh Adcock, executive director of the Women, Food and Agriculture Network, said she believes the U.S. food system will be healthier when more women farm.

Last November, more than 400 women from 20 states and four countries assembled in Des Moines, IA, for the fourth conference hosted by the Women, Food and Agriculture Network, a nonprofit organization that O'Brien founded in 1997.

WFAN's mission is to "link and empower women to build food systems and communities that are healthy, just, sustainable, and that promote environmental integrity." The group encompasses all sorts of women:

some who caught the farming bug after careers in other sectors, widows who inherited land, and some who work side-by-side with their partner.

"We don't just want to link women," Adcock told attendees. "We want to empower you."

The network has been expanding its ranks to provide much-needed camaraderie for women working in a male-dominated field and education on how to lead the sustainable farming movement. This year's conference included sessions on marketing, soil health, cooperatives, research and grants, pricing, pesticide drift, and wildlife and watershed management. Sustainability was a common theme.

The network has grown from 300 members in 2008 to more than 4,000 today, which suggests women in sustainable agriculture aren't going away anytime soon. But whether more women means an improved food system is a question that must be answered with evidence, O'Brien said. For now, she's just trying to get women farmers a seat at the table.

"I believe in my heart of hearts that when portions of the population are left out of things then you're not hearing the whole picture," she said.

Being involved with the Women, Food and Agriculture Network has given Iowan farmer Ellen Walsh-Rosmann an outlet for her message that farmers need to make their voices heard on legislation related to food and agriculture. She has hosted politicians at her in-laws' farm and has lobbied in Washington, DC.

"[Lobbying trips] made me realize this is not an intimidating system," she said. "These people are just like us and they come from where we live, they know the same people we know ... but we as constituents can really inform them and tell them those stories and update them on the current situation. That's what our job needs to be."

Walsh-Rosmann moved with her husband to the small city of Harlan during the month of September, a good time for local food. But when shopping at the grocery store for the first time, she discovered only produce grown in California and wrapped in plastic.

"We live in Iowa," she thought. "What's going on here?"

When she and her husband started Pin Oak Place, a 10-acre farmstead, in 2010, they were adamant they would focus on nourishing their community with fresh, healthy, organically grown vegetables and certified-organic eggs. The time she'd spent at Iowa State University studying the social, political, and economic forces that affect agriculture cemented this mission.

But putting her mission into practice has been a challenge.

Between raising her son, dealing with her own health problems, and struggling to build a profitable business based in sustainable farming, life has become a balancing act for Walsh-Rosmann. Her network of other women farmers provides invaluable support. ■

## *From Chief Rival To Trusted Advisor*

**HRC**

***State Secrets And The Rebirth  
Of Hillary Clinton***

**By Jonathan Allen and Amie Parnes**

**Crown Publishing Group**

**448 pages, \$26**

**BY WANDA JO STAPLETON**

**P**ublished just this year, *HRC* depicts Hillary Rodham Clinton as a human being with enormous personal strength, intelligence, and a strong work ethic, yet also flawed.

The book tells the story of Hillary from 2008, when she lost the race for president to Obama, up to the present, as she contemplates another run for president in 2016.

After losing the 2008 race, in her concession speech, she said, “Although we weren’t able to shatter the highest, hardest glass ceiling this time, it’s got about 18 million cracks in it.”

Along the way, she accepted President Obama’s offer of a key cabinet position, that of Secretary of State. So the mending of fences and healing of wounds slowly took place.

Finally, Hillary went from being Obama’s chief rival to being his hardest working and most trusted cabinet member.

If she had a “flaw,” it was what the book calls her “bias for action.” This “bias” influenced her to fly into one of the most dangerous parts of one of the most dangerous countries – the Congo.

Here she exposed the plight of women being put through unspeakable horrors – systematic rape perpetuated by Congolese soldiers and militias. In turn, the United States poured \$17 million into the country to prevent attacks and assist survivors.

Her approach to regions in conflict was to foster partnerships with government agencies that allowed diplomats to be on the ground, even in the most dangerous parts of the world. The risk, she believed, was



**Caricature: Donkey Hotey**

<https://www.flickr.com/photos/donkeyhotey/>

necessary to protecting and advancing American interests, influencing policy, opening foreign markets to American businesses, and protecting us at home from another “9/11.”

[Incidentally, she had represented New York in the U.S. Senate when Osama bin Laden, founder of Al-Qaeda, organized and claimed responsibility for the Sept. 11 attacks which killed nearly 3,000 of her constituents in New York City’s Twin Towers.

In turn, when bin Laden was thought to be hiding at a compound in Abbottabad, Pakistan, CIA Director Leon Panetta influenced Hillary to join him and top

military and intelligence advisors to recommend a SEAL-team raid as the best option to find and kill Bin Laden. They recommended that option to President Obama; he agreed, and ordered it done.]

Another region in conflict was Benghazi, Libya. Hillary had sent Chris Stevens to Libya as a special envoy. At the time, there wasn't believed to be a special threat to American diplomats or assets in Libya, just a chaotic environment in which the new government had little authority to rein in hundreds of militia groups across the country.

Stevens, a 23-year career diplomat, fluent in Arabic and French, ended up in Benghazi just as the security situation on the ground was growing worse. When Benghazi was hit with a small bomb, requests to the State Department for more security were denied! There is no evidence that the request ever made it above an undersecretary, two levels below Hillary in the State Department.

Then, on Sept. 11, 2012 [!], dozens of armed militants stormed the Benghazi compound setting fires and killing people. There were seven Americans inside at the time. Four were killed, including Chris Stevens.

In testimony before U. S. House and Senate committees, Hillary laid out her view that it would be far more dangerous for the United States to pull back from violent parts of the world than it was to maintain and build a presence.

"Our security at home is threatened," she said. "That's why I sent Chris Stevens to Benghazi in the first place."

Hillary stayed as President Obama's Secretary of State only during his first term. She needed a rest from all the trauma, so she left his administration in 2012 when he was re-elected.

During 2013, she completed a new memoir that is scheduled to be released June 10.

In conclusion, Hillary has never rested on her laurels. She was First Lady of Arkansas, First Lady of the United States, senator from

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New York, head of the State Department, and possibly future president of the United States.

She's "been there, done that, and seen it all" as she logged almost a million miles as Secretary of State going into 112 countries worldwide.

In my opinion, she's the most qualified person I know to lead the United States "onward ever, backward never." ■

*Wanda Jo [Peltier] Stapleton represented south Oklahoma City in the state House of Representatives from 1986-96.*





## *Congratulations! A New Conspiracy Is Born*

**W**ith the happy news that Chelsea Clinton and Marc Mezvinsky expect their first child later this year, the Clinton family can anticipate warm good wishes from most Americans – and a less uplifting response from all of the usual suspects.

The inane, but mostly harmless, speculation from the pundit class already has begun. How will Hillary Rodham Clinton's prospective future as a grandmother, they ask, affect her potential candidacy for the presidency? [Not at all, except in the minds of the political geniuses who have never noticed that most presidents and many candidates were grandfathers.] Even more inanely, a prominent columnist suggested on television that her daughter's announcement might actually be a scheme to "soften" Hillary's image and improve voters' opinions of her.

It is true, of course, that Bill and Hillary Clinton have persistently and sometimes publicly urged their daughter to produce a grandchild, in that slightly kidding, wholly serious way that almost all parents do with their married offspring. It is not true – except in the deranged fantasies of the minority of Clinton haters in the press and on the political right – that any woman becomes pregnant in order to advance a parent's presidential campaign.

Indeed, like everything else the Clintons do – or that merely happens to them – Chelsea's impending motherhood is fodder for the perverse imagination of their critics. In the bizarre universe inhabited by such people, the Clintons are capable only of political calculation and conspiracy, rather than the range of human behaviors and emotions that all of us experience.

These weird projections have always told us little about the Clintons and everything about the character of adversaries who don't hesitate to fabricate nonsense from nothingness.

Consider the latest moronic episode in the annals of the Hillary conspiracy starring a mentally disturbed woman who hurled a shoe at the former secretary of state during a speech. Within hours, a post on the Fox News website of "media analyst" Bernard Gold-

berg claimed that the shoe thrower had been inspired [paid?] by the Hillary camp to make her seem more presidential – like George W. Bush, who once had to dodge shoes thrown by an angry Muslim protester.

Although Goldberg has long posed as a journalism expert, his site continues to host this absurd accusation without the slightest evidence. And naturally, Rush Limbaugh and Herman Cain, among others, parroted the "shoe-truther" canard on talk radio and Twitter. The crafty Limbaugh went on to offer his own theory about the real motive for the shoe tossing.

"I know these people so well," he said, referring to the Clintons. "I just do not attach much genuineness to them at all and I don't know why anybody would be throwing a shoe at Hillary unless, maybe it's an attempt to make the Benghazi people look like nuts and lunatics and wackos."

Of course, a crazy person just might do something crazy without being inspired by politics at all. The lady who threw that shoe had previously disrupted legal proceedings against James Holmes, the Colorado theater shooter, because she claimed he had "entered" her mind through "subliminal messaging." But that is just another annoying fact, of the kind that the Hillary paranoia-mongers, both respectable and disreputable, have long since learned to ignore.

Perhaps we should be relieved that the Clinton conspiracy industry is no longer marketing allegations of murder and cocaine trafficking to its credulous customers, of whom there still appear to be millions. Strange speculation about shoes and babies seems almost benign compared with the past products peddled by this same gang. But so long as Hillary may run to make history as the nation's first woman president – and so long as she trounces every possible Republican opponent in voter surveys, as she does now – the stream of salacious garbage will swell.

Will her adversaries ever realize how often these tactics have boomeranged? They ought to listen to Bill Clinton: "The definition of insanity is doing the same thing over and over again, and expecting a different result." ■

# Observations

CONTINUED FROM PAGE 2

later if “growth” continues.

If enacted, the tax cut would skim another \$250 million from the state treasury, all but ensuring state services never recover from the cuts that began to be imposed during the 2008 national recession.

Even worse, the 2014 Legislature has hamstrung future Legislatures. No matter how dire the fiscal crisis, future lawmakers won't be able to recoup the losses thanks to SQ 640, which makes it all but impossible to raise taxes in Oklahoma.

This year's Legislature is threatening to make a dire situation even worse by rewarding their political benefactors – the oil and gas moguls that write big campaign checks – with a permanent cut in the horizontal drilling tax.

A temporary drop in the tax – from 7% down to 1% – is set to expire next year, but legislators are considering a variable tax that begins at 2%, which would cost the state treasury hundreds of millions of dollars and is well below the horizontal drilling taxes assessed in other states.

Sadly, the corporate welfare system in Oklahoma is much more extensive than just horizontal drilling, costing the state treasury – by some estimates – \$1 billion annually.

State Rep. David Dank, R-OKC, argues incessantly that there is plenty of revenue to do right by vital state services if lawmakers will systematically review all tax giveaways – keeping those that work, eliminating those that don't or are unnecessary.

But his sensible proposal has fallen on deaf ears. Why? The biggest recipients of corporate welfare are among the most generous campaign contributors. They fear a big-time backlash if the public figures out how they're feasting at the taxpayers' trough.

As the Capitol crumbles, as school class sizes explode, as bridges decay [think Lexington-Purcell], Oklahomans would do well to remember who presided over this train wreck.

## *Koch Addicts*

If anyone doubted the influence of the Koch Brothers – and their political arm, the American Legislative Exchange Council – on the Oklahoma Legislature, doubt no more.

The billionaires won a major victory recently when lawmakers and Gov. Fallin signed off on a utility industry/fossil-fuel producers scheme to impose a surcharge on solar energy.

Not even ultra-conservative Kansas – the Kochs' home state – would approve the short-sighted surcharge.

Oklahoma's willingness to do so reflects the kind of political paybacks doled out to campaign donors,

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especially the power of oil and gas producers and big utilities to scuttle any competition from renewables.

Oklahoma is blessed with lots of sun and wind – the energy sources and economic engines of the future. Unfortunately, money talks.

And when it comes to the Oklahoma Legislature, the Kochs and their ALEC brethren own the biggest checkbooks.



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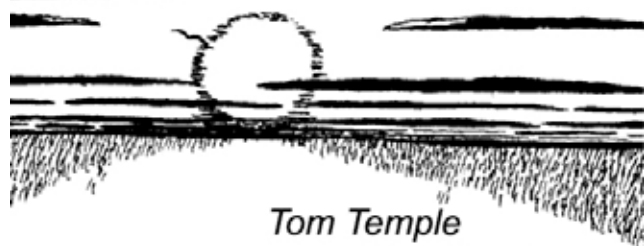
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# Observerscope



CONTINUED FROM PAGE 3

Hmmm. While Oklahoma Legislature's GOP majority works overtime to make voting more difficult, conservative Nebraska approves on-line voter registration – bill introduced by a Republican senator and signed into law by Republican governor.

Dart: To the Daily Disappointment whose editorial page is more reactionary right than under the Gaylords. Owner Phil Anschutz also owns the Washington Examiner, a propaganda rag that produced the anti-union screed the Oklahoman reprinted.

American Exceptionalism? After taxes, Canada's middle class now enjoys higher incomes than its U.S. counterparts. European nations are closing the middle class gap, too. – LIS Group and City University of New York Graduate Center research

Hear ye, hear ye! New research suggests walking two or more hours each week can stem hearing decline – it improves blood flow to the cochlea. – Prevention

For the record: The Obama's 2013 income was \$481,098, down 21% from the previous year, primarily because of lower book sales. – Time

Amid efforts to get medical marijuana on the Oklahoma ballot, consider this: 56% of 1,544 doctors surveyed recently by WebMD say pot should be medically legal – and 69% agree it could be effective treating certain ailments.

Sixty-nine thousand Oklahomans signed up for ObamaCare since Oct. 1 – including 30% of state's Native American population. Fifty-six percent of enrollees were women; 29% were in coveted 18-34 age group.

As expected, House Republicans voted to keep Jeff Hickman as speaker, rejecting a challenge from Rep. Jason Murphey. Hickman was elected in February to fill the remainder of ex-Speaker T.W. Shannon's term.

The state Department of Transportation votes to sell 97.5-mile Sooner Sub line between Sapulpa/Midwest City to longtime operator Stillwater Central Railroad. Is Tulsa-OKC passenger rail finally in the offing?







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have pregnancy related emergencies or active labor then they are instructed to proceed to the closest hospital or emergency room.

No one requires the physicians providing obstetrical care at the Oklahoma City Indian Clinic to have admitting privileges at an appropriately equipped hospital within 30 miles of their practice.

I have been providing services for patients who do not have an obstetrician at INTEGRIS Baptist Medical Center for the past nine years. I can attest to the fact that we see many more complications related to pregnancy in the Indian Health Services patient population than we do from abortion-related complications.

It seems to defy logic that providers who perform abortions would be required to have admitting privileges and yet Indian Health Services obstetric providers, who also deal with ectopic pregnancies, hemorrhage secondary to spontaneous miscarriages, and other pregnancy-related emergencies are allowed to tell their patients, "Go to the nearest hospital or emergency room if you have any problems."

If the legislators of Oklahoma want to tackle an issue that would truly improve services for the women of Oklahoma then the practice of asking a woman in labor to drive to Ada would be a better place to start.

Dr. Larry Kincheloe  
Oklahoma City

Editor, The Observer:

May I ask some questions, questions that may or may not have answers, may or may not deserve answers, may or may not be valid? Here goes:

Why is it that as we are pulling more oil and gas out the ground in this country, the price of gas and gasoline keeps going up instead of down when "they" continue to tell us that is not how it would work? Could anyone track the price of a barrel of oil from the wellhead to the gas pump showing how the mark ups along the way are added to the price at the various steps?

Could someone in the political arena please start telling the truth about why the state's retirement systems are in such dire conditions? The politicians in office continue to vilify state employees and retirees for the trouble when the problems came about as a result of the politicians allowing the various agencies to defer the agency's contributions to the systems, as well as the state raiding the systems to get money to use for other purposes and not reimbursing the systems. I heard, recently, that before a problem can be solved, the cause of the problem has to be acknowledged.

When and how did the CIA's mission change from foreign spying to include domestic spying? Then stir the NSA's big nose into the equation for a real Big Brother environment. Ever wonder if one of those little lights on the front of your free or updated cable or satellite box in your living room is a tiny camera transmitting to a data base somewhere? Maybe Orwell was pretty insightful after all.



Could anyone tally up the body count that La-pee-  
air accumulated during his tenure as god at the NRA?

One last comment: If Jesus were alive on Earth he  
would be a Democrat ...

Tom Ellis  
Okeene

Editor, The Observer:

Last year the Legislature passed laws reforming the  
Oklahoma Department of Veterans Affairs, which was  
a good start, but more is needed.

Recent media reports have revealed that ODVA em-  
ploys MD and DO licensing board-disciplined doctors  
at many of the seven veterans centers it operates in  
the state. These doctors have been found guilty of re-  
peated substance abuse, sexual misconduct and vio-  
lations of federal prescription laws, to name a few.

The ODVA leadership uses these doctors because  
they're cheap and controllable. Oklahoma's veterans  
deserve the best doctors, not the cheapest. The Leg-  
islature should stop this shameful ODVA policy and  
provide funding for vet home physician salaries that  
are more competitive in the market, so veterans have  
a higher caliber of doctors.

Further, the veterans homes are threatened with a

5% budget cut. The Oklahoma Veterans Council op-  
poses this, citing that medical supply costs have ris-  
ing 18% in the past year alone. The seven veterans  
centers should be exempted from these state agency  
budget cuts.

Moreover, the vet centers direct-care staff needs  
to get a salary increase to remedy the rampant staff  
shortages that continue to plague the vet homes.  
The state auditor reported last year that vet home  
staff only make 40% of what similar positions earn  
in states surrounding Oklahoma. The vet home staff  
hasn't had a raise in eight years.

Lastly, the Legislature should pass SB 1970 for bet-  
ter veteran representation on the War Veteran Com-  
mission.

The WVC is the oversight board for the ODVA and  
the seven veteran centers. The current commission  
only represents 15% of the veterans in the state.

Call your legislator and tell them to put Oklahoma's  
veterans first.

Mike Simmons  
Norman

*Editor's Note: Mike Simmons, a U.S. Marine Corps  
veteran, is a resident of the Norman Veterans Center.*

## Moratorium

CONTINUED FROM PAGE 26

conscious; all the reporters gave the same account of  
the ordeal.

The outcry was immediate; The ACLU and the Okla-  
homa Coalition to Abolish the Death Penalty were  
among the first to demand an investigation and mora-  
torium. They were soon followed by religious leaders  
such as Oklahoma City Roman Catholic Archbishop  
Paul Coakley, who said, "It really highlights the bru-  
tality of the death penalty, and I hope it would lead us  
to consider whether we should adopt a moratorium  
on the death penalty or even abolish it altogether."

By the middle of the next day, Gov. Fallin had an-  
nounced an "independent" investigation. The inquiry  
would be undertaken by Department Public Safety Di-  
rector and Cabinet Safety Secretary Mike Thompson.  
Both positions are appointed by the governor.

The group requesting the moratorium has asked  
Fallin hand the review of Lockett's death to a com-

pletely independent investigator  
rather than persons or agencies  
over which she has direct control.

Autry, one of Lockett's attorneys,  
told reporter Katie Fretland, writ-  
ing for The UK Guardian, "I note  
that [Thompson] was at the execu-  
tion in his official capacity, mak-  
ing him both witness and judge of  
not only his own conduct, but his  
boss, the governor's, not inconsid-  
erable contribution."

Other individuals and groups

have made similar observations. The governor has  
not responded.

According to the official state version of events,  
the execution was halted because Lockett's vein col-  
lapsed thus preventing the death drugs from entering  
his body. That assessment has come under scrutiny  
by both his attorneys and medical professionals.

The DOC Director was actually the first to call for  
a moratorium, saying the entire execution protocol  
needed to be revamped and personnel retrained. He  
told the governor in a letter the revamp and training  
could take months.

In the meantime Warner's execution has been  
stayed by the governor for 14 days from Apr. 29. She  
has said she would renew the stay until the investiga-  
tion is complete. ■

*Richard L. Fricker lives in Tulsa, OK and is a regular  
contributor to The Oklahoma Observer.*

### Oklahoma Friends Meetings (Quakers)

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

- Author unknown

#### MEETING FOR WORSHIP SCHEDULE AND CONTACTS

OKLAHOMA CITY: 333 SE 46th St, 73129. Worship  
Sunday evening at 7pm. FMI 405.632.7574)  
<http://www.rsfof-okc.com>

STILLWATER: Sunday morning. Call 405.372.4839

TULSA: Sunday afternoon. Call 918.743.6827

NORMAN: Sunday morning. Call 405.321.7971

KAIAMICHI WORSHIP GROUP (SE OK): Monthly.  
Call 918.569.4803.

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