

---

---

# Common Cause Nebraska

NEWSLETTER / AUGUST 2010

---

---

*The Legislature not being in session, there is no news on pending legislation, so this Newsletter will cover some regional and national issues.*

July is beginning to feel like July, hot, humid and wetter than usual. So take a cold drink to a cool place and read on. And please send us comments and suggestions: Common Cause Nebraska, 7730 Myrtle St., Lincoln, NE 68506

## Don't Let the Ogallala Aquifer Become Another Oil Disaster

Today we are watching oil leak from deep under the ocean, despoiling the Gulf Coast and killing livelihoods for fishermen dependent on the riches the waters have provided, with little knowledge of how to contain the spill or repair the damage.

Few Americans are aware that under the soil of the high plains of the central United States – Nebraska, Kansas, Oklahoma, Arkansas and Texas – lies one of our greatest treasures. The Ogallala, or High Plains Aquifer, ten million years old, is the largest aquifer in the United States and one of the largest in the world, encompassing an area of 174,050 square miles, with about the same amount of water as Lake Erie. This is pure, potable water.

A project overview provided by TransCanada KeystoneXL of the pipeline across Nebraska lays out a route carrying tar sands oil, and expected to cover 1,980 miles from Alberta through Nebraska and other Great Plains states to the U.S. Gulf Coast. This is one of the worst possible routes, bringing the potential for contamination to aquifers on which we all will depend.

In Nebraska, the route runs directly through the grass-stabilized dunes of the Nebraska Sand Hills that sit atop the Ogallala Aquifer. This is good cattle country, but has

topsoil so shallow that most of the area has never been plowed. In the spring, the meadows between the hills are dotted with shallow lakes formed by the groundwater that is never far from the surface.

Those making comparisons between the Gulf oil spill and tar sands oil imply that pipelines overland are safe – and that leaks are easily remedied. What these comparisons do not take into account is that the aquifer would quickly absorb any leaks like a sponge, contaminating the drinking water and agricultural irrigation waters in America's heartland from South Dakota to Texas. The newer tar sands pipelines are all high-pressure pipelines meant to transport corrosive and dirty bitumen. Yet the companies have all asked for waivers of safety standards that allow them to use less steel to save costs. To save their costs – but increase the cost to this fragile and critically important environment.

A Nebraska rancher feels uncertain about the implications of the pipeline for a water table that typically bubbles up through the soil surface during springtime around Atkinson. He doesn't expect to begin resting easy when the pipeline, 3 feet in diameter, disappears under 4 feet of dirt.

*Continued on page 2...*

### *In This Issue*

**Page 3**  
Lobbying Report

**Page 4**  
60 Vote Filibuster

**Page 5**  
Fair Elections Now!

**Page 6**  
Pot Luck Supper

**Page 7**  
Rogerts Boat

---

---

*The Salvation of the State is Watchfulness in the Citizen*

---

---

*Continued from the cover...*

“Where it runs through my property and my mother’s property, in the fall and spring of the year, we’ve got groundwater that comes up and fills the ditches along roadways with water. Those ditches,” he said, “aren’t 4 feet deep.”

It is estimated that by the end of this century the world will not have enough freshwater to meet our needs, The largest water need is for food production – more than 75 percent of all freshwater use is for agriculture. By 2050, the world population is expected to increase 40 percent and the need for food will double. The highly productive agricultural lands of the plains, irrigated with water from the High Plains Aquifer and the many rivers that flow from it, are a critical piece in feeding the world. Protecting the aquifer from potential contamination is of concern not to the Great Plains alone, but to all of us, everywhere. TransCanada Keystone XL obviously has chosen the shortest and most direct route from Alberta to the Gulf – above the High Plains Aquifer. If there must be a pipeline, the route could be moved eastward, near the Missouri River, to where there is no aquifer. Why don’t they do it? You can bet land will cost them more there than in the Sandhills.

This article appeared in both the Omaha World Herald and the Lincoln Journal Star on the editorial pages, as well as two news stories. People began writing—to the papers and to their Congressmen. And our Congressmen began to wake up. A letter to Senator Johanns brought an immediate response saying he would vote against the pipeline.

**CITIZEN LOBBYING does work, as the success of Common Cause for the last 40 years proves.**

**Wherever you live, call or write your Senators, Representatives and Governor. Notify Secretary of State Clinton and President Obama. [Click here to send your comments to President Obama and the State Department.](#)**

**Most important right now! Mail comments to the State Department, which must give allowances (still not given) for the pipeline to cross the border into the United States: Elizabeth Orlando, KeystoneXL Project Manager, U.S. Department of State. OES/ENV Room 2657, Washington, D.C. 20520. Please note that mail may be delayed due to security screening.**

This is **the** time they will listen.

*Charlotte Manton, with thanks to Eleanor Francke for valuable research.*

## **COMMON CAUSE NEBRASKA BOARD OF GOVERNORS**

CO-CHAIRS - Nancy Comer, *Lincoln*  
Roger Holms, *Lincoln*

ISSUES CHAIR - Jack Gould, *Valparaiso*

TREASURER - Carl Eskridge, *Lincoln*

EDITOR - Charlotte Manton, *Lincoln*

Lois Haupt, *Lincoln*

Dick Herman, *Lincoln*

Frances Mendenhall, *Omaha*

Coleen Seng, *Lincoln*

### **Questions or comments for CCNE?**

roger@rogerholmesworkshops.com

(or)

ncomer@neb.rr.com

**To show your support or opposition to the bills discussed here, or any bill, call 402-471-2311 and ask for your senator, or write Senator’s Name, State Capitol, P.O. 94604, Lincoln, NE 68509**

# Common Cause Lobbying Report for 2009 -2010

2009 might appear to be a down year for the Nebraska Lobby. Principals, those organizations which hire lobbyists, spent \$13,347,028 trying to influence Nebraska's government. In 2008, the figure was \$13,574,351. The expense is down but not by much. During the first quarter of 2010, \$4,172,174 has already been spent.

A total of \$341,374 was spent on entertainment in 2009. Our 49 senators accounted for \$106,055. The executive branch received \$6,786. The category called "other," which includes staff and nearly everyone else in government accepted \$233,655.02. The lobbyist, working on behalf of the principals, is unlimited when providing food and beverages. They are, however, limited to \$50 a month for any other gift. In 2008, legislation was introduced to raise the gift limit to \$100. The primary argument in support of the increase was the growing expense of *golfing!*

The first quarter report for 2010 ( Jan.1 – Mar. 31 ) shows \$175,441 has already been spent on entertainment. \$61,074.63 went legislators, \$2,050.32 to the executive branch, and \$112,833.22 to "other".

By far the largest expense for the principal is lobbyist compensation and reimbursement. In 2009, the total was \$12,584,206.43. The firm of Ruth, Mueller, and Robak LLC led the pack earning \$1,229,217.00. Not far behind was Radcliffe and Associates earning \$1,098,935.08. From the ranks of former senators, Curt Bromm earned the most, grossing \$135,997.57. Bromm was followed by John Lindsay who earned \$106,455.17.

The number of school districts hiring lobbyists continues to grow. In 2010, seventeen school districts spent tax dollars on lobbying. Lincoln Public Schools continues to spend the most shelling out \$23,843.21 in the first three months. Bellevue Public Schools pushed Omaha Public Schools out of second place by spending \$20,025.00.

*Conflicts of interest are not uncommon in the world of lobbying but when spouses of elected official take up the lobbying profession, the public should take note.* Attorney General Bruning's wife, Deonne, earned \$78,099.98 in 2009, representing Century Link, Cox Communications, Northern Natural Gas, and US Cellular.

The figures cited in this essay are easily found at the Nebraska Accountability and Disclosure website, : [www.nadc.state.ne.us](http://www.nadc.state.ne.us).

## Lobbying Money. Big, Very Big

Here are some facts. (You may not want to read this if you have a delicate stomach.)

- \$3.5 billion was spent on lobbyists last year.
- In this decade alone, big energy has pumped more than \$2.9 billion into electing and lobbying federal officials and candidates.
- Energy interests, including oil and gas companies, electric utilities, mining interests and waste-management firms have contributed \$337 million to federal candidates and party organizations since 2000.
- The financial industry is the most active political investor, pouring more than \$176 trillion into parties and campaigns since 2000.
- The energy industry focuses its investments where they can most help its bottom line. Since 2000, big energy has given more than **\$111 million to the campaigns of members of the five Congressional panels assigned to oversee it.**
- **For every \$1 spent on political campaigns, the energy industry spends more than \$7 on lobbying.**

*OK, we'll quit the numbers  
no one can comprehend.*

## The 60 Vote Filibuster

In this Congress, the parties have been unable to agree on any major legislation. The Democratic majority is a slim 3 votes and the 60-vote filibuster has been a constant threat.

The filibuster is not in the Constitution; in fact, for the first 50 years of our country's history, there were none.. The filibuster is a **Senate rule, as is the 60-vote "super majority"**.

The Constitution does set out specific times when we need super majorities: to amend the Constitution; to override a presidential veto; to ratify a treaty; to impeach a president; to expel a member of Congress. It does NOT say a super majority is needed to stop a filibuster.

It takes only 41 Senators to completely obstruct/prevent a vote. Those 41 Senators can represent as few as 12% of the entire population of the United States.

Or think of it this way: two senators from California represent 31 million residents, while two senators from Wyoming represent 540,000 residents. The Senate was to have an equal number from each state to provide a balance for large and small populations, which form the House of Representatives. The filibuster upsets this balance in ways never contemplated by the Founders, giving senators representing as little as 12% of the population a minority veto. It upsets checks and balances already in the Constitution.

The filibuster does not promote bipartisanship. It promotes gridlocks. Worse yet, it leads to an appearance of compromises that are not in the best interests of the country. Remember the Cornhusker Kickback during the health care debate?

There were 139 motions for cloture in the last Congress (cloture: to close debate in the senate by calling for a vote). That was a new record high, and a 100% increase from the senate before that. No one knows how many times a *threat* to filibuster prevented an up or down vote.

## Can We Change It?

Yes! The Senate has changed the number of votes needed to end a filibuster several times. It adopted the rule in 1917, changed it in 1949, 1959, and most recently, in 1975. Before the number was changed to 60 in 1975, the then-record was only 44 filibusters in the previous Congress. That record has more than tripled. It is certainly time to look at the filibuster again.

The problem is that any efforts to challenge the filibuster will themselves be filibustered. Senator Tom Harkin (D, Iowa), top senator on the Health, Education, Labor and Pensions Committee, said on July 10<sup>th</sup> that he plans to reintroduce legislation to reform the filibuster process in the Senate, which he first introduced in 1995 when the Democrats were the minority.

Harkin says the filibuster is being abused by Republicans, who are using it too frequently, thus making it difficult to get things done in the Senate. Harkin's plan would gradually reduce the number of votes needed to break a filibuster: 60 for the first vote, but then the amount of votes needed would drop to 57, then 54, and finally 51 votes.

"If a group of senators filibusters a bill, you have to take their worries seriously. Make sure you're not missing something. My proposal will do that."

Should there be a lawsuit to change the 60-vote number? Isn't that extreme? Remember, our court system is the ultimate arbiter of what is and is not constitutional.

## Fair Elections Now: CHANGING THE FACE OF DEMOCRACY

Our elections have morphed into a nonstop race to see who can collect the most campaign cash. The small slice of our society able to give thousands of dollars in campaign donations gets the access to our elected officials, while the voices of everyday Americans go unheard. The cost of running for office continues to skyrocket, forcing candidates for Congress to spend countless hours dialing for dollars and attending high-priced fundraisers.

*It doesn't have to be this way. The Fair Elections Now Act is modeled on successful state programs that have dramatically altered the way elections are run. In these states, people power trumps insider lobbyists and well-heeled interests. Instead of relying on maxed-out bundled checks, candidates qualify to receive a limited public grant and have donations of \$100 or less matched on a four-to-one basis*

The Fair Elections Now Act (H.R. 1826 & S. 752) will get our elected officials out of the special interest money chase and allow them to do what we elected them to do—focus on addressing our nation's challenges.

Voters support the Fair Elections Now Act by a two-to-one margin (62 to 31 percent), according to recent polling. Support crosses party lines and has strong support from Independent voters (63 percent). Americans want change. It's time to end our pay-to-play political system that puts the interests of Wall Street ahead of Main Street.

Under the leadership of Assistant Senate Majority Leader Dick Durbin (D-Ill.) and House Democratic Caucus Chairman John Larson (D-Conn.), support for the bipartisan Fair Elections Now Act continues to grow at a rapid rate. The bill has broad, bipartisan and cross-caucus support, with Republicans, Blue Dogs, New Democrats, and Congressional Black and Hispanic Caucus members all listed as co-sponsors.

### How Fair Elections Works

The Fair Elections Now Act gives congressional candidates the option to run for office on small donor contributions and limited public funds, rather than relying on wealthy bundlers to fill their campaign coffers. Here's how it works:

- Candidates would raise a large number of small contributions from their communities to qualify for a Fair Elections grant. Qualifying contributions are limited to \$100.
- For example, a candidate for the U.S. House of Representatives would have to collect 1,500 contributions from people in their state and raise a total of \$50,000 to qualify. Qualifications for Senate candidates vary and are dependent on the number of a state's Congressional districts.
- Once qualified, candidates can continue to collect donations of \$100 or less that will be matched on a four-to-one basis, up to a limit.

### Nearly 400 Elected Officials Nationwide

Several states across the country have elected hundreds of people with a Fair Elections modeled program. Almost 400 state legislators, judges, and statewide officials in Arizona, Connecticut, Maine, New Mexico, North Carolina, and Oregon walk the halls of their state capitols, city halls, and judicial chambers without worrying about where their next campaign check will come from.

*Continued on page 6...*

*Continued from page 5...*

***In Connecticut, 82 percent of the state's General Assembly won with the state's Citizens' Election program. Eighty-five percent of the Maine legislature and eight of 10 statewide elected officials in Arizona ran and won using their state's Clean Elections program.***

The Fair Elections Now Act has been endorsed by more than 40 national organizations that represent tens of millions of Americans. These organizations include major labor unions, civil rights, environmental, women's, and advocacy organizations.

More than ***200 faith leaders, 50 prominent business leaders, and nearly 100 former members of Congress*** have sent letters, called members of Congress, or signed on in support of the Fair Elections Now Act.

## **But the Supreme Court Disagrees**

From *The New York Times*, July 12, 2010: It was nothing other than juvenile activism when the court...stepped directly into the gubernatorial race in Arizona, cutting off matching funds to candidates participating in the state's campaign finance system. The message to other states and cities with similar systems was clear: Watch out. When the Robert's court has a goal in mind, niceties like an actual political campaign cannot be allowed to get in the way.

# **Potluck Supper, Alternatives to the Military August 19 at Christ Methodist Church, 45<sup>th</sup> and A Streets.**

## **We are all invited!**

**But first, learn a bit about Alternatives to the Military and their 19 years of service!**

Alternatives to the Military was formed early in 1991, as President George H.W. Bush ordered troops into Kuwait. Army recruiters were allowed to come into the high schools and talk with students. A group of women formed an organization called Alternatives to the Military, to provide high school students with knowledge of educational and business opportunities that could be alternatives to going to war.

After serving for 19 years, Ruth Thone admits they are overburdened or "just old". They are looking for new, younger people willing to be trained in leafleting at the beginning of each semester, keeping libraries well-stocked with good, current literature about alternatives to joining the military, and asking informed questions of recruiters.

**Each year the ATM awards someone who has helped advance peace. This year's recipient is Jack Gould, for keeping an eagle eye fixed on the revolving door between government and lobbyists. (YES!) *Y'all Come!***

## Senator Rogert, Boat Dealer

In October of 2009, the Nebraska press made the public aware of a serious flaw in our states tax laws. Any individual, regardless of their true occupation, can purchase a boat and avoid paying any sales tax by simply identifying himself as a boat dealer. Apparently there is no punishment for lying and no law enforcement agency will investigate to see how many boats the dealer has sold.

It was Senator Rogert who tested the loophole back in 2003 when he registered his newly purchased 1996 310-horsepower Baja272. The estimated value of the boat at the time the Senator made the purchase was between \$30,000 and \$40,000. By identifying himself as a boat dealer he paid no sales tax.

When the Nebraska Unicameral convened in January of this year, it was expected that the Revenue Committee or the Transportation Committee would do their duty and close the loophole. The budget was being cut, programs were being eliminated and every dollar was being accounted for, yet no legislation was drafted to eliminate the loophole

Joe Jordan, writer of the blog Nebraska Watchdog, decided to call the “dealers”, asking if he could buy a boat. Eighty of them said they had no boats to sell as they weren’t boat dealers, which *could* mean that the other 74 are also using the loop-hole to avoid paying taxes.

The Watchdog received an e-mail from Rogert, explaining that his boat had been purchased in Florida and he was waiting for a duplicate title form to be mailed him from the county where he had purchased the boat.

Two weeks after telling the state’s largest newspaper that he was going to pay the sales tax on the high powered speedboat he bought seven years ago, Nebraska Watchdog has learned that State Senator Kent Rogert of Tekamah hasn’t paid up. According to Rogert, it’s nothing more than a temporary delay and that the check for the sales tax and registration fees are in the hands of the Burt County Treasurer. According to the Burt County Treasurer, the taxes still weren’t paid on July 8<sup>th</sup>.

State Senator Deb Fischer, Chairman of the Legislature’s Transportation and Telecommunication Committee, told Watchdog that she plans to hold a public hearing on the issue sometime in the early fall. According to Fischer, “This is an issue the committee will be taking seriously.”

Want to bet the number of Nebraska boat dealers goes down?

### **Gavin Geis**, *Intern, Common Cause Nebraska, Summer of 2010*

- University of Nebraska at Lincoln, College of Law, 2009 to Present
- University of Nebraska at Omaha, Pre-Law Majoring in English Composition with a Minor in Philosophy
- 2004-2009 Maintained a 3.67 GPA

Gavin Geis is in his second year of law at UNL. This summer, he did research for and attended meetings with Jack Gould. He provided valuable research to the press on campaign contributions from oil companies to the Nebraska Congressmen. They met also with Senator Bill Avery, discussing bills he may bring that will be of interest to CCNE, and with Senator Ken Haar concerning public school foundations, and as to whether they are transparent about sources and uses of donations. He did research at the Accountability and Disclosure Commission on campaigns and spending.

He was a valuable asset to CCNE this summer and we wish him well—we *know* he will *do* well...

# Common Cause Nebraska

7221 SOUTH STREET • SUITE 17

LINCOLN, NE • 68506-6558

NON-PROFIT  
US POSTAGE  
PAID  
LINCOLN, NE  
PERMIT NO 1147

## THE NEWSLETTER OF **Common Cause Nebraska**

# Join Us!

We are looking for people to join Common Cause Nebraska who value ethics in government. Now in our 37th year, we will continue in our nonpartisan, nonprofit and completely volunteer way to work for good government – and the good life – in Nebraska and nationally.

Common Cause Nebraska  
7221 South Street, Suite 17  
Lincoln, NE 68506  
(402) 489-6902  
commoncausenebraska.org

*Questions, comments:*  
Charlotte Manton

Enclosed are my dues for:

Regular membership – \$30     Student – \$15  
 Family – \$45 (Includes 2 members of the same household.  
Please add name of second member.)

*Please make your check payable to:*

*Common Cause Nebraska  
7221 South Street, Suite 17  
Lincoln, NE 68506*

Name \_\_\_\_\_

*Donations are NOT tax deductible.*

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

E-mail \_\_\_\_\_