

## Common Cause Nebraska

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# Common Cause Nebraska

NEWSLETTER / JULY 2008

*Summer speeds along, wetter than usual, and getting warm. But this is July...we'll heat up, and with the national conventions approaching, so will campaigning... Common Cause is non-partisan, so there will be no partisan campaigning here. Which will perhaps encourage you to read on.*

**Cover** Do you know how much schools in Nebraska spend on lobbying the legislature each year? An eye-opener.

**Page 2** Dick Herman writes, in his erudite fashion, about the recent Supreme Court decision to uphold, *to an extent*, the writ of habeas corpus for Guantanamo detainees--and (bet you didn't know this) how the writ differs in the Nebraska Constitution

**Page 3** Although more campaign money is being raised than before, no doubt because term limits have given us new people in the race, it is encouraging to find that all but ten of the 42 candidates agreed to abide by the Campaign Finance Limitation Act.

**Page 4** Something new in elections, in operation in some state and cities, is called, variously, Clean Elections, Fair Elections or Voter-Owned Elections. This is a major focus for Common Cause now and for the future, It's interesting stuff.

**Page 5** A few pats-on-the-back for what CCNE has done in the last eight years.

**Insert** We sent a questionnaire to senators and wannabes. How would you reply?

## 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  
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Lincoln, NE 68506  
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commoncausenebraska.org

*Questions, comments:*  
Charlotte Manton

*Please make your check payable to:*

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Enclosed are my dues for:

Regular membership – \$30     Student – \$15  
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## Education and Lobbying: Is It Worth \$8 million?

Jack Gould, CCNE Issues Chair

During a recent interview with KMTV News, Senator Friend of Omaha indicated his next-door neighbor had as much influence on him as lobbyist Kermit Brashear. Over and over again state elected officials publicly declare the lobby doesn't have any effect on them. Why then is so much corporate money wasted on our politicians?

In 2007, Union Pacific spent \$91,997.76 lobbying within the state of Nebraska. The same corporation contributed an additional \$80,300 in campaign funds to both Democrats and Republicans. It would appear that this was just wasted money. No influence gained. No special access acquired. No obligations felt.

Why would an insurance company like AFLEC waste \$114,937.83 lobbying Nebraska officials? Why would Pfizer Inc. provide nearly every state senator with a campaign contribution, even senators they knew were term

limited? Why would First National of Nebraska spend \$97,275.46 on lobbying and campaign contributions if elected officials were beyond their touch?

The major firms reporting compensations in 2007 were Radcliffe and Associates: \$1,049,544.93; Bruce Cutshall: \$1,148,000.00; Ruth, Mueller, Roback LLC: \$1,232,524.54. In total, Nebraska Accountability and Disclosure records show 339 paid lobbyists earned \$13,011,514 in 2007.

While it is difficult to trace the specifics of the influence of money in politics, it is a fact that during 2007 lobbyists were being paid an average \$35,600 per day to make sure their client's interests were protected even if no one was listening.

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

# CCNE 2008 Legislative Questionnaire

This questionnaire was mailed to all candidates for the Nebraska Legislature, incumbents and those new to this election. You could help us a great deal by asking the candidate(s) in your district, by phone or mail, to fill out and return the form in the stamped envelope provided. District numbers are by the names in the previous article.

The members of Common Cause Nebraska will be grateful if you take a few moments to fill out this questionnaire. Only results aggregated from all or groups of respondents will be made public.

1. Would you support legislation that prevents Public Service Commissioners from accepting gifts and campaign contributions from the utilities the Commission regulates?

Yes  No  Undecided

2. Would you support legislation to grant election-day voter registration?

Yes  No  Undecided

3. Would you support legislation to prevent state elected officials from becoming paid lobbyists for one year after leaving office? For two years after leaving office?

Yes  No  Undecided

4. Should there be another method of recounting voter's ballots other than running them back through the same machines?

Yes  No  Undecided

5. Do you feel that Nebraska lobbyists (check all that apply):

- Provide helpful information
- Provide biased information
- Frequently influence your vote
- Rarely influence your vote
- Never influence your vote

6. Would you support legislation to prevent state officials from accepting gifts?

- Eliminate all gifts
- Limit gifts to \$5.00 (a cup of coffee and a doughnut)
- Allow only food and beverages

7. Should the legislature or an independent committee conduct redistricting?

Yes  No  Undecided

8. Would you support legislation to reduce the number of petition signatures needed to put a statute question on the ballot?

Yes  No  Undecided

9. Would you support legislation to increase the number of petition signatures needed to put a constitutional question on the ballot?

Yes  No  Undecided

10. Should a publicly funded election system be adopted in Nebraska?

Yes  No  Undecided

Signature, by your choice



## 6. Redistricting:

In 1991, the Nebraska Supreme Court declared the legislature's "secret redistricting plan" unconstitutional. A special session was called for a new plan. In 2000, working with Senator George Coordsen, CCNE pushed to make sure the redistricting plan was disclosed before public meetings were held. Changes to the plan could be brought to the floor only if they met federal guidelines. The State Research Office played a key role making computer software available to the Senators and the public. In 2008 Senator DiAnna Schimek put the procedure in statute form and we are optimistic that the bill will pass.

## 7. Conflict of Interests:

Nebraska laws dealing with conflicts of interest are weak. The situation is often justified by the fact that we have a citizen's legislature, not a professional body. CCNE monitors the Conflict of Interest Statements filed in each session. When in 2006, Speaker Kermit Brashear introduced the Broadband Prohibition Bill, it was CCNE that made the legislature and the public aware that Brashear was being paid for legal services by Cox Cable.

## 8. Public Access

The Broadband Prohibition Bill prevents publicly owned electric companies and municipalities from providing low cost, high-speed computer service in rural areas. The bill permits phone and cable companies to maintain local monopolies. CCNE was one of a small group of organizations that opposed the legislation in 2006. We continue to work for its repeal.

### IDEAS, please. Comments? Suggestions? Knocks?

CCNE invites your opinions on the newsletter and on our activities. We will publish your name with your permission.

We can be reached at:

Char7221@aol.com or Common Cause  
7221 South St. #17  
Lincoln, NE 68506

## 9. Watch Dog Role:

CCN works hard to keep the public informed of questionable practices within our state government. When the Insurance Commissioner decided to hold a golf outing for insurance company executives at taxpayer expense, CCNE made it public and put an end to it.

When Governor Mike Johanns created the Governor's Council to provide funds for his wife's travel expenses and other miscellaneous items, CCNE revealed that the Council was made up of wealthy donors and lobbyists. It was our legislation that ended the organization.

CCNE found out that Metabolife spent \$216,000 lobbying our legislators to make their ephedra-based diet products available over the counter. Our information was used in Washington to help ban all ephedra products and show how the industry was working against the public interest.

Governor Mike Johanns declared a \$800 in expenses for an Alaskan cruise. It was CCNE that informed the public that his Alaskan Vacation took place on the yacht owned by a contractor doing business with the state.

CCNE identified the 15 Senators who spent a long weekend at the Venetian Hotel in Las Vegas while the legislature was addressing gambling legislation, which then failed.

When the University of Nebraska began raising tuitions, CCNE made public Foundation perks to administrators and coaches: \$100,000 deferred payments, \$5,000 expense accounts, \$18,000 housing allowances, automobiles, country club memberships, maid service, lawn care, etc. None of the above went to professors.

## 10. Recognition Awards

Since 2000, six Senators who have demonstrated high standards of ethical behavior while representing the public interest have been given eight awards to by CCNE. The Senators are as follows: Ernest Chambers, DiAnna Schimek, Ed Schrock, Don Preister, Nancy Thompson, Chris Beutler.

## Accomplishments of Common Cause Nebraska 2000- 2008

### 1. Campaign Finance Reform:

Every year since 1996 Common Cause Nebraska (CCNE) has had to defend the Campaign Finance Limitation Act (CFLA). A long list of legislators has attempted to repeal the campaign spending limits. In 2006, Senator Beautler introduced LB188 to strengthen the statute and it passed with Common Cause help. In 2008, Senator Erdman introduced LB1112 in another effort to repeal the act. Once again Common Cause led the opposition at the hearing resulting to the defeat of the bill.

In 2005 CCNE filed the first complaint against Regent David Hergert for violating the CFLA by withholding campaign spending reports during his campaign for University of Nebraska Regent. The reports would have triggered public funds to his opponent. The complaint led to a \$33,000 fine and the impeachment of Regent Hergert.

In 2007 CCNE worked with Senator Avery to introduce legislation that would prevent the Public Service Commissioners from accepting campaign contributions from the utilities they regulate. CCNE made public the fact that the Commissioners were receiving as much as 80% of their campaign funds from the utilities

### 2. Open Meetings

On May 24, 2006, CCN was presented with a Gold Copy of LB898, signed by the Governor and Senator Don Preister. The bill requires presiding officers at all public meetings to post the Open Meetings Statutes and publicly identify the location of the statute in the room. CCNE helped to write and pass the legislation.

CCNE helped to make public the University of Nebraska's secret interviews in Kansas City for the University President's position. We also testified in opposition to the University's efforts to pass legislation that would allow secret interviews. CCNE was successful.

CCNE has played a major role in passing LB962, which prevents public bodies from requiring citizens to be placed on a meeting agenda in order to speak.

### 3. Revolving Door

Over the last nine years CCN has been able to convince at least one Senator to bring a "Revolving Door" bill to the Government Committee. The list of elected officers leaving office and becoming paid lobbyists continues to grow and remains a threat to the integrity of our state government. In 2008, the Governor and the Speaker supported our bill, LB870, which would have put a two-year prohibition on lobbying. LB870 failed in committee but CCNE will bring it back next year.

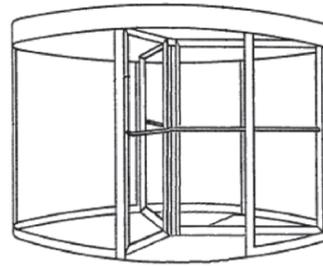
### 4. Gift Disclosure:

Although registered lobbyists are restricted to a \$50 limit on gifts, other individuals have no limits on their gifts. In 2000 CCNE worked with Senator Chambers to require state officials to report all gifts over \$100 with an estimated value. The legislation passed. CCNE would like to eliminate all gifts and will continue to work toward that goal.

The Nebraska Accountability and Disclosure Commission, acting on a CCN lobbying complaint, now requires the University of Nebraska to report all tickets of admission given to public officials.

### 5. Election Reform:

Over the last three years CCN has testified in support of Election Day Registration and Manual Recount legislation. Neither of the bills has reached the floor.



## Guantanamo and the Bill of Rights

Dick Herman, retired editorial editor of the *Journal* and CCNE Board Member

A foundation document in Nebraska, and every other state, is a written constitution. The charter describes the powers of and limitations on sovereign bodies. Nothing in law is more important. Surely all can agree on that generality.

Let me offer another generality. Rare, indeed, is the citizen who has a firm grasp of what's contained in those constitutions. How many Nebraskans,

for example, understand the provision in their own Bill of Rights guaranteeing them an absolute, unfettered privilege of invoking the writ of habeas corpus on their own behalf? The "Great Writ" historically is a firewall against government illegally holding someone in jail, as did president Lincoln, by the way, early in the experience of the Civil War.

Usually, this is a sleepy matter for scholars and historians. But it is currently causing national fireworks and political heads to wobble. On a 5-4 vote in early June, the U.S. Supreme court ruled that the 270 men held for years as military detainees at Guantanamo Bay may seek a judicial hearing. That's all. Just move for a judicial hearing. What *Boumediene v. Bush* doesn't allow is the automatically freeing of prisoners in that Cuban lockup.

John McCain, the likely Republican nominee for president, went off like an ignited fireworks factory. He termed the holding as "one of the worst decisions in the history of this country." That was even too much for conservative columnist George Will, who agreed McCain's blast was pretty much rubbish.

I include this background because of a mild relevance to Nebraska.

Prior to 1996, Nebraska's authority about habeas corpus traced back precisely to the state's 1875 "post Civil War" constitution. It exactly mirrored language in the U.S. Constitution as follows: "The privilege of the writ of habeas corpus shall not be suspended, unless, in case of rebellion or invasion, the public safety requires it, and then

only in a manner as shall be prescribed by law."

A dozen years ago the then Nebraska Constitutional Revision Commission proposed knocking out all condition for refusing to grant the writ. The fear in the commission was that of future executive or judicial tyranny, of selectively putting away people they didn't like. The chance of armed rebellion in Nebraska, or any physical invasion by Iowa, or Kansas seemed awfully unlikely.

The next Legislature agreed with that thinking. It put the question to a popular vote. The electorate in the 1998 primary election also agreed with the Legislature.

The vote to make the treasured guarantee free and clear was 134,333,357 to 119,889. So now Section 8 of the Nebraska Bill of Rights simply reads: "The privilege of the writ of habeas corpus shall not be suspended."

It can be factually acknowledged then that Nebraska moved away from the kind of bad judgment used by the Bush administration nationally to "detain" mostly Muslim captives at Guantanamo for as long as Washington wanted, or at least to the end of Bush reign.

For the record, major Nebraska newspaper editorial opinion about the U.S. Supreme Court's decision was divided. The Lincoln Journal Star reckoned the court majority bolstered "traditional U.S. values." On the contrary, said the Omaha World-Herald. Somehow, the trend lines of neither judgment seems surprising.

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## The CFLA and Candidates for Legislature

The election for Senators to the Nebraska State Legislature will, like the previous one, be different from any before. In the last session almost half of the candidates were seeking seats vacated because of the term-limit law. This year, the remainder of the “old guard” have left, **and there are 42 candidates vying in 26 districts.** Only five of the candidates are unopposed, and these senators were elected or appointed in 2004; under the term-limits law, senators have two four-year terms in office.

All candidates for state office must comply with the Campaign Finance and Liability Act (CFLA) laws. These laws were originally intended to keep campaign spending down, and to provide a more level playing field for all candidates.

This law has worked! Since 1995, when the law went into action, few in the race for the Nebraska State Senate have failed to comply with the CFLA.

### Briefly - Really! - What Are the Regs?

Each candidate must form an election committee, and the committee must report campaign spending on certain dates to the Nebraska Accountability Commission (NADC). If the committee's report is late, the candidate may be fined by the NADC. Campaign spending is limited to \$89,000, \$44,500 each for the primary and general elections.

Signing to abide by the law is voluntary. Candidates must sign an agreement to abide by the campaign finance limitation laws, or they may opt out and estimate what they believe they will spend on the primary and general elections. Estimates must be reasonable. All must raise 25% of \$44,500, or the estimate above this, showing their viability as candidates. Those who choose not to sign will have an opportunity to alter their estimates during the campaign.

### When is an abiding candidate eligible for public funds?

So that a candidate can receive matching funds at a time when the money can still be used to advantage in the campaign, the funds are triggered when the non-abiding candidate spends over 40% of his/her estimate or when the amount spent is over the spending limit.

If funds were not triggered until 100% of the estimate had been reached, the election date could be too close to make funds useful. Television time, for example, must be purchased well before it will appear on air. On some occasions, TV time has been contracted-for but not used, although the candidate has reported it as campaign spending. Illegal!

Candidate	Abiding with the CFLA	General
01 Lavon Heidemann	Yes	
03 Gail Kopplin	Yes	
03 Scott Price	Yes	
05 Heath Mello	Yes	
05 Rebecca Barrientos -Patlan	Yes	
07 Jeremiah Nordquist	Yes	
07 Christopher Moles	Yes	
09 Gwen Howard	Yes	
11 Brenda Council	Yes	
13 Tanya Cook	Yes	
13 Kurt Geschwender	No	\$44,500
15 Charlie Janssen	No	\$44,500
15 Richard Register	Yes	
17 Doug Garwood	Yes	
17 Robert Giese	Yes	
18 Scott Lautenbaugh	Yes	
18 Carl Lorenzen	No	\$44,500
19 Michael Flood	Yes	
21 Ken Haar	Yes	
21 James Jeffers	No	\$44,500
23 Chris Langemeier	Yes	
25 Kathy Campbell	Yes	
25 Travis Wagner	Yes	
27 Dan Marvin	Yes	
27 Colby Coash	No	\$75,000
29 Susan Scott	Yes	
29 Tony Fulton	No	\$44,500
31 Richard Pahls	Yes	
31 Ben Thompson	Yes	
33 Chuck Shoemaker	Yes	
33 Dennis Utter	Yes	
35 Mike Gloor	No	\$44,500
35 Gregg Neuhaus	Yes	
37 Jim George	Yes	
37 Galen Hadley	Yes	
39 Rex Moats	Yes	
39 Beau McCoy	No	\$44,500
41 Paul Eurek	Yes	
41 Kate Sullivan	Yes	
43 Deb Fischer	Yes	
45 Abbie Cornett	No	\$17,000
47 Bernard Fehringer	Yes	
47 Kenneth Schilz	No	\$44,500
49 Leroy Loudon	Yes	

## Breaking Free with Fair Elections:

### A New Declaration of Independence for Congress

#### From Common Cause

Campaign finance reform has traditionally been a hallmark issue for Common Cause, which believes that the undue influence of big money in politics undermines the public's interest.

**Common Cause is at the forefront of a successful effort to put public financing of congressional campaigns back on the national agenda. Using the momentum of congressional scandals, we have partnered with Public Campaign to lead a strong citizen coalition pushing for 'Fair Elections' for Congress, while continuing to focus on key state efforts.**

Our current focus is on fundamentally changing the way America pays for elections, from top to bottom, by adopting full public financing of campaigns. Through coalition

building, outreach, public education, and research at both the national and state levels, Common Cause is working to:

**Promote**, defend and strengthen publicly funded campaigns - also known as 'Clean Elections, 'Fair Elections,' or 'Voter-Owned Elections' - at the local, state, and federal levels.

**Frame** Clean Elections as the solution to the current climate of corruption.

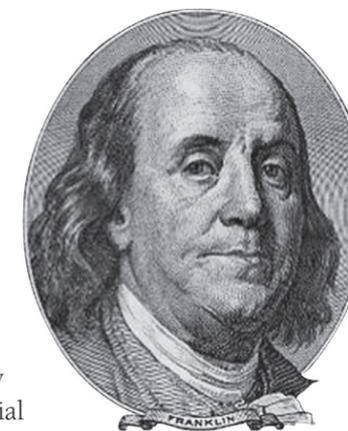
**Build** Common Cause's capacity to lead coalition campaigns on multiple fronts, expand our grassroots base, and develop new reform leaders.

## Clean Elections

Common Cause is focused on the ultimate reform goal of 'Clean Elections, ' a voluntary system of publicly funded political campaigns at the federal and state levels.

Clean Elections give citizens a greater voice in their government, while greatly reducing the undue influence of special interest money in politics.

**Candidates who demonstrate a certain level of public support by collecting small donations from voters in their districts can receive public money to run their campaigns, if they agree to spending limits and to accept only small contributions from individuals.** Clean Elections-style reforms in Maine, Arizona, New Mexico, Connecticut, North Carolina, and New Jersey have proven effective and popular with voters and candidates alike.



**The systems are sensible. They are entirely voluntary and impose no new restrictions on the campaign fundraising or spending of those who do not participate.** And they transform elections into true contests of ideas and merit, rather than fundraising prowess.

**The cost of a full congressional Fair Elections system would be tiny** in the scope of the overall federal budget, which is nearing \$3 trillion. And the program would accrue enormous savings by reducing wasteful expenditures, such as earmarks arranged by lobbyists.

**Democratic, Republican and independent voters all support Fair Elections.** Nearly 75 percent of respondents – including 80 percent of Democrats and 65 percent of Republicans – said in a mid-2006 poll that they supported a voluntary public funding system.