



Capital Eye

Fall/Winter Edition ~ December 21, 2012

Wow, What a Year of Citizen Action

by Gary Zuckett, garyz@wvcag.org

This has been one of those years that issues, crisis and opportunities just keep coming in non-stop. In January, with the support of several of our long-time activists, we started a new campaign that has since coalesced under the name West Virginians for Democracy. Our first activity was a demonstration outside the RC Byrd Federal Courthouse in downtown Charleston. About 60-70 folks showed up in the dreary, damp weather to watch a dressed up “Uncle Sam” give those decked out as Supreme Court Justices a lesson (complete with flip charts) on what exactly was and was not a real person (hint: corporations are not people).



West Virginians for Democracy (WVFD) has grown into a dedicated cadre of activists that are now ready to move the legislature to send a resolution to Congress calling for a constitutional amendment to fix the “Citizens United” vs. FEC court decision that flooded our recent elections with corporate cash.

Transportation funding was a big issue the first half of 2012. We worked with Rep. Rahall, Sen. Rockefeller and our labor allies to make sure the conservatives in Congress didn’t slash federal funding for repairing and rebuilding our roads, bridges and for keeping our

busses and trains going. This was a tough fight but a mostly successful one.

All through the year, our Energy Efficient WV coalition (EEWV) was chugging along intervening at the Public Service Commission and educating our policymakers promoting the best and cleanest form of energy – i.e. conservation. It’s sooo much cheaper to save energy than to burn it up. WV is now 49th in energy efficiency so we still have a long way to go.

We took to the courts to protect landowners from Marcellus drillers this year after Governor Tomblin gutted the legislation diligently crafted by the legislature all last year. So far success has been mixed but we’ll keep on fighting for landowners through our WV Surface Owners’ Rights Organization.

And then there were the 2012 elections. The presidential race was over for WV in the primary. However, the fallout from the flood of “Citizen United” mystery money from national billionaires and corporations even washed away several progressive incumbents here in Charleston. Attorney General Darrell McGraw will especially be missed as a champion of consumer protection against corporate scams and abuse.

After the election there was still no rest for the weary. We jumped right into the fray over the so-called “Fiscal Cliff” and the fight to let the Bush era tax cuts expire for the top 2% but to keep them in place for the middle class. This national fight will probably overlap the next WV legislative session where we’ll be fighting both on the home front to keep the corporate lobbyists from dismantling our state consumer and environmental protections, while working with our Congressional reps to keep the conservatives from giving more tax cuts to the wealthy and cutting Social Security, Medicaid, Medicare and other critical social programs to pay for it.

You can help make a difference in all these campaigns - log on to www.wvcag.org and sign up for our action alerts and “like” our Facebook page. While you’re there take a minute to renew your membership too.

IMPORTANT! *If you want to continue (or begin) receiving a paper copy of this newsletter, you need to e-mail stacy@wvcag.org and ask to be put on the paper mail list. Otherwise, if we have your e-mail*

address we'll save time and trees by sending you this electronically.

West Virginians for Democracy Seek Amendment to Fix “Citizens

United” by Hedda Haning & Barbara Frierson

Over a year ago WV-CAG agreed that it was important to fight for a Constitutional amendment to overturn the U.S. Supreme Court’s 2010 *Citizens United* decision. That decision says essentially that corporations are people and that political expenditures cannot be limited (for anyone) because that would be equivalent to limiting speech.

As a brief reminder, let us re-cap where we stand on the issue as a nation and state. First, huge, record breaking amounts of money were spent on our just concluded election. Perhaps that was related to the lack of limitation. No joke.

But on the good side, eleven states—including Montana and Colorado, which have each passed a referendum with 75% positive votes—have come down on the side of overturning *Citizens United*. So have over 300 localities, including St. Albans, Jefferson County, Charles Town and Martinsburg right here in WV.

Recently WV-CAG became a sponsor of West Virginians for Democracy (WVFD), a citizen group devoted exclusively to overturning *Citizens United*. WVFD and CAG have been working with other civic and environmental groups to help us approach other local governments and particularly our state legislature. Nationally, over 100 non-profits understand that overcoming *Citizens United* is definitely in their best interest.

What we all recognize is that all of our concerns and efforts -- whether on behalf of the environment, health care, education, human rights, labor rights, peace, economic fairness, popular control of elections and anything else you care to name -- are doomed to failure against unrestricted, self-interested corporate funding, which cannot now be challenged. Robert Kennedy, Jr. said essentially the same thing in his address at Blair Mountain two years ago.

Nationally, we are working with Public Citizen and Move to Amend. Locally, the following groups have signed on to our letter asking the WV Legislature to take action, and plan to assist in lobbying:

- AFSCME West Virginia
- American Federation of Teachers, WV
- American Friends Service Committee
- Coal River Mountain Watch
- CWA Local 2001
- Fairness West Virginia
- Ohio Valley Environmental Coalition
- Public Citizen
- Seneca 2
- Sierra Club, West Virginia Chapter
- West Virginia Citizen Action Group
- West Virginians for Affordable Health Care
- West Virginians for Democracy

Please support WVFD and WV-CAG in this effort. As of December, lobbying continues and more is scheduled for January. A huge rally at the Capitol is scheduled during the legislative session is also being planned. We’re not going to give up especially if all of our supporters help. If you would like to participate in these upcoming events, contact Norm Steenstra at (304) 346-5891 or norm@wvcag.org.

WV Makes History with Election of “Clean Money” Supreme Court Candidate by Julie Archer, julie@wvcag.org

Together we made history with the passage of the WV Supreme Court Public Campaign Financing Pilot Project in 2010, followed by its success in this year's election. Admittedly, the pilot did not go as smoothly as we had hoped, due to a series of U.S. and State Supreme Court rulings, which struck down the program’s matching funds provision. However, despite these legal challenges, the courts affirmed the constitutionality of public financing itself, and Allen Loughry, the only candidate who participated in the program, won one of two contested seats even though he was considerably out spent by two of his three opponents. Whether or not you supported Loughry's candidacy, his positive campaign and his ultimate victory in the election is a win for public financing -- making our case that the pilot project was successful.

As a member of the Citizens for Clean Elections coalition, WV-CAG is looking forward to continuing to advance public financing of elections during the 2013 legislative session. With the legislation that established the pilot project scheduled to sunset July 1, our goal for the coming year is to make this law permanent. At the very least we want to secure an extension of the pilot project through the next Supreme Court elections in 2016. In either case, we must come up with a viable alternative to the matching fund provision, which was at issue in the previously mentioned court challenges. (That provision triggered the release of additional funds to participating candidates when outspent by non-participating opponents or independent expenditures.)

Coalition partners have already secured commitments from the Secretary of State and key legislative leaders to push for keeping the program going, but we will need your continued support to accomplish this goal. Starting now, and through the 2013 legislative session, we need supporters to contact their legislators and urge them to make the Supreme Court Public Campaign Financing Program permanent. It is essential that judges be impartial, with no possibility of influence by financial supporters. Let your representatives know that public financing of judicial elections is vital to protecting the impartiality, and the appearance of impartiality, of the West Virginia Supreme Court of Appeals.

To learn more about Citizens for Clean Elections visit www.wvoter-owned.org. Contact Julie Archer at julie@wvcag.org or (304) 346-5891, or Dan Taylor at dan@ohvec.org or (304) 522-0246 to become active in the coalition's work.

The Affordable Care Act's State Health Exchanges

by Lisa Diehl, lisadiehl@zoominternet.net

With the re-election of President Obama, the Affordable Care Act is here to stay. The Act gives the states a great deal of flexibility in the planning and setting up the State Health Care Exchanges. These Exchanges will serve as a marketplace for consumers and small businesses to purchase health insurance.

The goal of the State Health Exchange is to make purchasing health insurance policies easier. It will

operate much like websites designed to find a good deal on hotels or airfare. To accomplish this, there will be three options. You can call an 800 number, schedule to meet with someone, or go to the website. The website will allow an individual will put in some basic information and find out what policies are available, what the costs are, and whether or not that individual qualifies for tax credits. Uninsured individuals earning between 133 and 400% of the federal poverty line (currently, between \$24, 400 and \$73,200 for a family of three) qualify on a sliding scale for significant tax credits when purchasing insurance through the Exchange.

On December 10th, Governor Tomblin announced that West Virginia will set up its exchange as a state and federal partnership. "Our tentative plans are to proceed with the state partnership exchange to retain the ability to assist consumers and industry, while avoiding the financial liability of a state-based exchange," said Jeremiah Samples, a state Insurance Commission employee who's heading the project. "We're still working out details with the federal government of what exactly the partnership entails." The Commission estimates that 37,000 to 60,000 West Virginians will seek health-care coverage through the new online health insurance marketplace.

For more information go to www.wvahc.org or www.healthcare.gov



In October, WV-CAG, West Virginians for Affordable Health Care, WV Free and the WV Chapter of the Sierra Club joined Kathie McClure (aka the Purple Bus Lady) and VoteHealthcare.org for a Get Out the Vote for Health Care rally in Charleston.

Taking Action to Reverse Climate Change

by Robin Wilson, robin@wvcag.org

WV 350 Reversing Climate Change (WV 350 RCC) is a new group leading local action for climate protection.

This summer's Derecho and more recently, Superstorm Sandy, are wake up calls for West Virginians. We are facing the struggle of a lifetime to protect our planet. WV 350 RCC will focus on policy change, climate change education, and building community and individual carbon neutral models.



Safe levels of carbon dioxide at 350 parts per million (ppm) in our atmosphere would make for a safe planet, so that is our goal. We have surpassed this safe level and are now at 392.9 ppm and rising. Luckily, we have some new allies.

First, The World Bank's report, *Turn Down the Heat: Why a 7.2°F (4°C) Warmer World Must Be Prevented*, makes a hard-hitting plea for urgent action now.

Second, local climate activist Regan Quinn (reganequinn@frontier.com) is part of The Climate Reality Corps and is ready to show the updated version of Al Gore's slide show *An Inconvenient Truth*. She is available to do climate education with your group, church, friends or club. Recently, Regan presented to a potluck meeting hosted by WV 350 RCC at the Charleston Re-Store followed by a

discussion about what we can do to reverse climate change.

Finally, we have raised enough money to hire a staff person for WV 350 RCC one day a week. Please share with folks who might be interested in this opportunity. Contact Robin at robin@wvcag.org to request a copy of the job description for this position.

Please let us know if you have time, ideas, or funds to help. Write us at WV 350 RCC, 1500 Dixie St., Charleston, WV 25311 or call (304) 346-5891.

Update on Energy Efficiency

by Stacy Gloss, stacy@wvcag.org

Energy Efficient West Virginia (WWV) was busy in 2012. Our work has continued to build our coalition to maintain pressure on the legislature and Public Service Commission to increase energy efficiency and hold utilities accountable to making responsible investment decisions.

Entering into the public school sector, we began a project with the West Virginia Department of Education to research opportunities to improve energy efficiency in public schools. Our analysis shows that WV schools could save \$20 million-per-year through efficiency measures.

At the state Capitol, integrated resource planning (IRP) garnered significant attention during the legislative session. IRP would ensure that energy efficiency is treated on an equal footing with investments in new power plants in electric utilities' long-term planning. One state senator told us that he had received more phone calls on this issue than any other during the session.

We hired Stacy Gloss as our Project Manager and Cathy Kunkel has now joined CAG as our Policy and Technical Consultant. Dan Taylor has also joined our campaign part time through the Ohio Valley Environmental Coalition. And, in 2012, we say farewell to Molly McLaughlin who has partnered with us through Coal River Mountain Watch on EEWW projects for the past year. She is moving to Denver to pursue her dreams of a Ph.D. in environmental engineering.

If 2012 was a big year, 2013 is going to be a bigger one where we build on our successes, add more members to our coalition, and go to battle for energy efficiency – the most sane and reasonable way to create jobs, while saving money and energy for the future. At the legislature we'll roll out an educational campaign in support of an Energy Efficient Resource Standard and Integrated Resource Planning. We will continue intervening at the Public Service Commission on behalf of our coalition, such as in the current case where FirstEnergy proposes to purchase additional coal fired generation that we currently don't need without considering energy efficiency as an alternative.

In Charleston we are supporting the Energy Efficiency in the East End project, a residential energy efficiency competition in partnership with the Charleston Area Alliance and many other groups. Stacy and Dan are also looking forward to partnering with the WV Sustainable Schools and WV Energy Services Coalition on energy audit training to continue our work making the case for energy efficiency in schools.

For more information about us, visit our website (www.eewv.org) and find us on Facebook (<http://www.facebook.com/energyefficientWV>) and Twitter (<http://twitter.com/eewv>).

E-mail us directly for more information at energyefficientwestvirginia@gmail.com or call us at (304) 346-5891 to learn how you can make a donation to support our organization through Citizen Action. *Happy Holidays!*

A Peace Card for the Season of Peace by Norm Steenstra, norm@wvcag.org

The Sandy Hook Elementary School massacre last week sparked renewed debate over how many guns are enough for one person to protect themselves. The Ryan-Republican budget scheme reminds me of the same type of policy debate. The issue is how much money does the Pentagon need to protect and defend our country? Currently the United States spends more on its military than the next 19 countries combined. Many of these countries are US allies, not potential enemies. Past wars have produced a "Peace Dividend" that diverted money used to conduct the war to social and infrastructure programs.

The Republican plan calls for actually increasing the Pentagon budget. Outdated Cold War-era weapon systems are included in that plan, even though the military says it doesn't want them. As the budget battle heats up next month, those of us who want to avoid cuts in critical social programs are facing an uphill battle against what President Eisenhower warned was "an entrenched military-industrial complex." The Military lobby has far more powerful lobbyists advocating for increased spending than groups like WV-CAG that are trying to protect vital social programs.

We need to send a clear message this holiday season to the White House and Congress that they were elected to represent America's working and middle class families — not corporations getting rich off our already bloated Pentagon budget. Visit our Facebook page (www.facebook.com/wvcag) to send a Holiday Peace Dividend Card to our elected officials.

Update on Budget Negotiation

Activities by Maggie Fry, maggie@wvcag.org

Since midsummer, West Virginia Citizen Action has partnered with Americans for Tax Fairness, a national coalition of 230 organizations, to help coordinate national days of action pressuring Congress and the President to reach a tax and budget agreement that doesn't privilege corporations and the wealthiest Americans.

In November, WV-CAG hosted a roundtable bringing together West Virginia progressive and labor groups with representatives from Senator Rockefeller and Senator Manchin's office. With presentations from WV-CAG, WV-AFL-CIO and the WV Center on Budget and Policy, the roundtable explored some of the impacts the proposed Republican cuts would have on citizens of West Virginia. Rockefeller's office has pledged to support ending the Bush Era tax cuts for the richest two percent and opposing all cuts to Social Security and Medicaid.

A mid-November press conference, co-sponsored with the AFL-CIO and the Affiliated Construction Trades Foundation, veterans, home health care workers, representatives from West Virginia Head Start and others asked Senator Manchin not to cut the lifeline to

these vital programs by supporting any bargain that would raise revenue by cutting programs.

On December 1st, we partnered with AFSCME Council 77, the United Mine Workers of America, AFL-CIO and other labor and progressive groups to canvas the Charleston Town Center with postcards asking that Senator Manchin support efforts to raise revenue by increasing taxes on Americans making \$250,000 or more. We collected over 300 signatures.

Though Senator Manchin has made no commitments, at a December 3rd meeting with religious leaders and progressive groups, he agreed that cuts in Pentagon spending should be a part of the package and pledged his support for ending the War in Afghanistan. WV-CAG co-sponsored the meeting, called People before Politics.

Last week, WV-CAG again partnered with labor and progressive leaders to host an International Human Rights Day Observance at the Capitol. About 70 people gathered in the upper Rotunda on December 10th to sign a 3'x5' letter asking that Senator Manchin honor the precepts of International Human Rights by working hard to ensure that budget deals in Washington aren't made off the backs of poor and struggling families. We delivered the letter to Senator Manchin's office that afternoon.

As we draw closer to the end of year deadline for initial budget deals, your voices are key. Call Senator Manchin at 1-888-344-0683 to let him know that you support a fair tax agreement that asks those who've profited most in this country to pay their fair share and to oppose cuts to Social Security, Medicare, Medicaid and other social programs.

WV-SORO Seeks Justice Through the Courts *by Julie Archer, julie@wvsoro.org*

After several years of inaction by the legislature, the WV Surface Owners' Rights Organization (WV-SORO) began focusing on litigation as a means to further our goals to help surface owners have their rights recognized and respected, and give them more say when oil and gas development occurs on their land. Last year, WV-SORO became involved in at least two potentially precedent-setting cases.

The West Virginia Supreme Court heard arguments in one of these cases (James Martin and EQT Production Company v. Matthew Hamblet) in September and issued its opinion in November. At issue in the case was whether a surface landowner has the right to an administrative hearing on, and the right to appeal, the Department of Environmental Protection's (DEP) decision to issue a permit to drill a gas well on the surface owner's land. WV-SORO requested and was granted the right to intervene in the case to support Hamblet's argument that surface owners have a right to appeal state agency decisions and to argue that surface owners also need a hearing before the permit is issued.

Unfortunately, the court ruled against us on the constitutional right to appeal, and declined to address our argument regarding surface owners' rights to an administrative hearing before the permit is issued. The Court is urging the Legislature to reconsider whether surface owners should have the right to an administrative appeal, noting that current laws governing the appeal of permits were written prior to "extensive development of the Marcellus Shale."

We are disappointed in the outcome of the Hamblet case, but we will not give up. We understand that surface owners' rights are limited, but do not believe they are so limited as to deprive us of the due process rights property owners should have. The fact that the court declined to take up the issue of whether surface landowners have a constitutional right to a pre-approval hearing on drilling permits could provide a forum for later litigation on the matter.

Over the next year, we will continue to pursue justice in the courts, while also working to advance our public policy goals through the various studies and rulemaking actions required by the Horizontal Well Control Act passed by the legislature in December 2011. Two of the studies are due by the end of 2012: one on dust, volatile organic compounds, light, and noise generated by the drilling of horizontal wells, as they relate to the distance gas wells can be from peoples' homes, and another on the safety of waste pits and water storage impoundments. A third study on air quality is due by July 1, 2013.

To learn more about SORO's efforts visit www.wvsoro.org.

Water and Wellness: Health Impacts of Fossil Fuel Extraction

On September 8, the Ohio Valley Environmental Coalition (OVEC), Sierra Club (WV Chapter), WV Highlands Conservancy (WVHC) and WV-CAG, sponsored a half-day conference in Morgantown on the health impacts of fossil fuel extraction.

The keynote speaker was environmental scientist Dr. Wilma Subra. Committed to protecting the environment and the health and safety of citizens, in 1981 Wilma has received numerous awards and recognitions, including the MacArthur Foundation's Fellowship "Genius Award" for helping citizens understand, cope with and combat environmental issues in their communities.

Wilma's presentation on the Human Health Impacts Associated with the Development of Shale Gas Plays was followed by a panel discussion with Dr. Ben Stout, Aquatic Biologist at Wheeling Jesuit University; Dr. Jill Kriesky, Senior Project Coordinator for the Center for Healthy Environments and Communities at the University of Pittsburgh; and Dr. Michael Hendryx, Research Director for the West Virginia University Institute for Health Policy, whose research is shining a much-needed light on health impacts. Attendees also heard personal testimonies from residents impacted by shale gas drilling and mountaintop removal coal mining.

If you missed it, you can view the entire event here: <http://tinyurl.com/d8r8yjn>.

I'm Back Where I Belong

by Norm Steenstra, norm@wvcag.org

After five years as Director of the Kanawha County Solid Waste Authority, I'm back to where my activism began. As you may recall I worked for nearly 20 years at WV-CAG, the majority of that time with Gary, Julie and Linda. I was pleased to find out that we still often finish each other's sentences. Gary is my new boss and I'll be working on special projects such as election reform, solid waste, surface owners rights' and trying to keep the Democrats in Washington on the straight and narrow. I'll also be doing a considerable amount of lobbying on CAG issues at the legislature.

I'm grateful for the opportunity once again to be a part of the team that has been described as "the legitimate voice of the left in West Virginia." You can contact me at norm@wvcag.org. I look forward to seeing old friends and meeting new ones. It's great to be back.

Upcoming Events

Grassroots Advocacy Trainings in Morgantown & Charleston Once again, WV-CAG is joining with our progressive allies to sponsor free grassroots advocacy trainings. These workshops will help you become an effective advocate for the issues you care about most! Sessions include training on how a bill becomes a law, influencing legislation, effectively interacting with policy makers, an overview of key upcoming legislative issues, and more. Workshops are free and everyone's invited. Plus, there's free food! For more information or to register contact Julie at (304) 346-5891 or julie@wvcag.org.

Morgantown Training: Wednesday, January 23, 2013
Courtroom 1, Monongalia County Courthouse 6-8pm

Charleston Training: Wednesday, February 6, 2013
Covenant House 5:30-7:30pm

The Building Conference

January 31 – February 1, 2013 in Morgantown

To all who have been described as visionary, optimistic, skeptical, an agent of change, brilliant, influential, talented: The organizers of this upcoming conference know what makes you tick. You have the energy, talent, skill and passion to make things better. You are the kind of person who walks into places and immediately thinks of ways to make them more efficient, cost effective, healthier, more accessible, and more beautiful. The Building Conference is for you.

This conference isn't just for designers, builders, and community/economic developers. It's intentionally designed to bring EVERYONE together who gives a d@#m about West Virginia, to share and learn better ways to do most everything that affects our shared existence. Visit www.thebuildingconference.com to find out how you to "build your renewable opportunities."

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Capital Eye is published by WV-Citizen Action Group, a nonprofit membership organization founded in 1974 and dedicated to increasing citizen participation in economic and political decision-making. Our members work for progressive changes in federal, state, and local policies by educating people about key public interest issues ranging from environmental protection and consumer rights to good government. Learn more about us at www.wcag.org.



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