



## Capital Eye

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### **An America “Built to Last”**

by Gary Zuckett, [garyz@wvcag.org](mailto:garyz@wvcag.org)

Tuesday President Obama gave his State of the Union Address – in reality the kick-off for his reelection campaign. He took the gloves off and sounded more like the Obama we elected in 2008.

One of the items president Obama called for was passage of the "Buffett Rule" -- based on the simple idea that middle-class families shouldn't have to pay higher tax rates than millionaires. Duh!

I know many are disappointed and angry with Obama's policies during his first term. On the other hand, Health Care Reform is moving forward and we will begin covering over one hundred thousand West Virginians when it completely rolls out in 2014. It's up to each individual to decide if they think he deserves another term. The Charleston Gazette thinks so. The Republican's pre and post address rebuttals were pathetic, but one that bites was this commentary by Ralph Nader on Democracy Now, an alternative news site. On to the 2012 elections!

### ***Calling all Candidates!***

If you've been thinking about running for office this year (and we'd love to see you do it!) the deadline for filing is tomorrow, Jan. 28th at midnight. For state-wide or multi-county offices, this would require either a drive to the Sec. of State's office in Charleston or a correctly filled-out form (available on their web page) postmarked in that day's mail. For county offices filing is done at the County Clerk's office.

We need more real persons (as opposed to corporate hacks) to step up to the challenge of guiding our ship of state. You could be one of them! I'll be curious to see how many incumbents will be running unopposed this election. Most years it's at

least 25% of them. This is not a sign of a healthy democracy.

Check out the list of who's filed or watch the action live on the Sec. of State's webcam until midnight Saturday. We'll say more on who's running next week when the dust settles from this last minute rush.



*GaryZuckett, Friday, 20 January with Co-Sponsors of the Resolution to Ban Citizens United*

### ***Marcellus Wanna Cracker?***

Week three was punctuated by having the first bill passed and signed by the governor being a massive \$25 million/yr. property tax break for any corporate person who wants to build a natural gas “cracking” plant in our state. While this cracker is a “value added” process that would use the “wet” Marcellus gas now being (and hoped to be) produced, there are many concerns about which process will be used – the old standard “steam” process or a “catalyst” system that supposedly is less polluting and energy intensive. This is high-stakes poker and WV has now put all its cards on the table. See more on “crackers” in Joe's article inside.

### ***Breakfast for Number Crunchers***

The second week of February is packed with progressive public policy activities here in Charleston. One of these is the annual breakfast meeting of the WV Center on Budget & Policy ([www.wvpolicy.org](http://www.wvpolicy.org)). The Center's Executive Director, Ted Boettner is a former WV-CAG staffer and we're proud of his leadership and the team he

has assembled to provide independent analysis and reporting on our WV economy, the state budget and proposed public policy. I know this is not everyone's cup of tea. I will be pouring a strong cup of coffee when I show up at the Charleston Marriott Tuesday, February 7th from 7:30 – 10:30AM. The conference is open to all but pre-registration is requested on their web page above.

### ***Hot Coffee, The Movie?***

Speaking of a strong cup of coffee, West Virginians United is co-sponsoring with the WV Association for Justice a showing of the documentary featuring the famous McDonalds case (now an urban legend) where an elderly woman supposedly received a multi-million dollar settlement after spilling a cup on her lap at the drive through. This film clearly shows the need to keep open access to the courts for those injured by negligent fictional corporate persons. The filmmaker, Susan Saladoff, will be at the screening at 7PM on Feb 6<sup>th</sup> at the Unitarian Fellowship in Charleston. As I said, lots of progressive activities are set for February – more to come!

### **Qualifying Period for Public Financing Pilot Coming to a Close; One Candidate Seeks 'Clean Money' Option**

by Julie Archer, [julie@wvcag.org](mailto:julie@wvcag.org)

This Saturday, January 28, marks the close of the candidate filing period for the 2012 election. It is also the close of the qualifying period for State Supreme Court candidates who want to participate in West Virginia's public campaign financing pilot project. The program was established to give candidates the option of running for office without relying on special interest money and entities whose cases may later be decided by the Court.

Of the six candidates who have filed to date, only one -- Allen Loughry -- is seeking public financing. Loughry is currently a Judicial Law Clerk for the West Virginia Supreme Court of Appeals and has served in that position for the past eight years. He has also served as Senior Assistant Attorney

General under Attorney General Darrell McGraw, a direct aide to former Governor Gaston Caperton and a special assistant to former Congressman Harley Staggers, Jr. Loughry also has experience as a prosecuting attorney and has worked as adjunct professor at the University of Charleston

Loughry is the author of "Don't Buy Another Vote, I Won't Pay for a Landslide" (see <http://www.reformwv.com>), which details West Virginia's sordid and continuing history of political corruption.

While it is disappointing that more candidates chose not to participate in the pilot project, in some ways it was not a surprise considering the ongoing challenges facing the program.

As we wrote in the December edition of the Eye, last year the State Senate failed to sign off on a bill to provide additional funding for pilot project, after voting overwhelmingly for passage of the bill to establish the program in 2010. This possibly led some candidates to believe that the program was under-funded and discouraged them from participating. However, what has probably been more damaging to the program is the fall out from a U.S. Supreme Court decision that led to an important mechanism in the program being declared unconstitutional by the Attorney General Darrell McGraw.

This mechanism triggered the release of additional funds to participating candidates when they were outspent by non-participating opponents or independent expenditures. Unless a "fix" is approved by the legislature, without this mechanism, qualifying candidates will only receive grants of \$200,000 in the primary election and \$350,000 in the general, and will not be eligible for or able to raise any additional funds. Unfortunately, these grants alone may not be enough to run a viable campaign in what is expected to be a hotly contested race against well financed opponents, some who have access to personal wealth. However, there is still time for the legislature to adopt a workable alternative to the trigger mechanism before the primary election. Citizens for Clean Elections is working with our legislative

allies and the Secretary of State's office on a "fix" and is seeking to have the program extended to the 2016 election cycle with hopes that it will get a fairer trial run the second time around.

### **Insurance Fairness Legislation Will Protect the Health of WV Women and Children** by Maggie M. Fry, [maggiemfry@gmail.com](mailto:maggiemfry@gmail.com)

Organizers with the Healthy Youth Coalition say there is a good deal of support for Insurance Fairness this legislative session, and are calling on constituents to ask their legislators to pass Contraceptive and Maternity Coverage for Dependents.

The bills, now in the House (HR 4076) and Senate (SB 194), would require insurance companies in West Virginia to cover contraceptive and prenatal care for teens on their parents' insurance. Supporters argue that the legislation will not only improve the health of young women and babies in West Virginia, but will save taxpayers money.

Children born to teen mothers are more likely to suffer from low literacy, neglect, greater health problems, have a higher risk of incarceration and are 33% more likely to become teen parents themselves. In the case that a teen does become pregnant, access to prenatal care is an essential first step in stopping this cycle.

In 2004 teen childbearing cost West Virginia taxpayers \$23 million dollars, and the 10,979 teen births that occurred between 2006 and 2009 cost taxpayers a total of \$194 million.

WVFREE, Planned Parenthood, WVCAG, the American College of Nurse-Midwives, the UMWA, WV Coalition Against Domestic Violence, UE Local 170 and the West Virginia AFL-CIO are among the more than 20 organizations calling on you to support a healthier West Virginia by urging your legislators to pass SB 194 and HR 4076 to provide Contraceptive and Maternity Coverage for Dependents.

If you would like to support WVFREE and Planned Parenthood in their phone banking drive in Charleston Monday, January 30 from 6-8 pm, contact [kira.miskimmin@pphsinc.org](mailto:kira.miskimmin@pphsinc.org).

### **Bill to Create Minority Advocate Needs Nudge** by Julie Archer, [julie@wvcag.org](mailto:julie@wvcag.org)

Last week we noted that the House of Delegates was taking swift action on a bill sponsored by Delegate Clif Moore (D-McDowell) to establish the Herbert Henderson Office of Minority Affairs. The bill (HB 4015) would create a cabinet-level office designed to research, advocate for and oversee programs that address issues that disproportionately affect African-Americans and other minorities. The bill was the first piece of legislation passed out of the Judiciary Committee (during the first week of the session), but two weeks later the bill is still awaiting action by the House Finance Committee.

After three years of watching the bill either stall in committee or have its funding stripped, things were looking a little brighter for finally passing it. Then came the editorials in both *the Charleston Gazette* and *the Daily Mail* questioning the need for the bill and it's progress came to a halt. Coincidence? No one can say for sure, but it's disappointing that the bill, which could help the state address economic and other disparities that affect thousands of state residents, appears to have stalled.

Rick Wilson, director of the American Friends Service Committee WV Economic Justice Project, detailed some of these disparities and the importance of addressing them in this op-ed in the *Saturday Gazette-Mail* --

<http://www.wvgazette.com/Opinion/OpEdCommentaries/201201200108>.

Some action on the companion bill in the Senate (SB5), where the bill has been assigned to the Committee on Government Organization, may encourage the House to finish what it started. Please contact Chairman Senator Herb Snyder at (304) 357-7957 or [herb.snyder@wvsenate.gov](mailto:herb.snyder@wvsenate.gov) and ask him to put the bill on his committee's agenda. To contact other committee members or your

legislators and urge their support visit <http://www.legis.state.wv.us> or 877-565-3447.

We hope the legislature doesn't pass up this opportunity to help struggling communities and make a difference and people's lives.

## Cracking Open the Process

by Joe Dickerson, [joe@wvsoro.org](mailto:joe@wvsoro.org)

With all the news surrounding the cracker plant I figured it was worth a look into the technology behind the factory. How do these plants work? What environmental side effects will there be? Before we delve into the technical ire of "cracking", I want to say that I've not made up my mind about these plants. While I'm opposed to the idea of another chemical plant, the simple fact is that these jobs would benefit the state. While the actual number of jobs one of these facilities will generate is debatable, I hope that the majority of these jobs go to West Virginians.

We'll begin with: What technology will be used in this plant? Numerous cracking technologies exist each claiming to be the industry leader. To be frank the issue is confusing. I'm a liberal arts student, and two days of research on the subject has left me miles away from being competent, let alone an expert.

The production of ethylene from ethane is a complex process – "Ethylene is produced in the petrochemical industry by steam cracking. In this process, gaseous or light liquid hydrocarbons are heated to 750–950 °C, inducing numerous free radical reactions followed by immediate quench to stop these reactions. This process converts large hydrocarbons into smaller ones and introduces unsaturation. Ethylene is separated from the resulting complex mixture by repeated compression and distillation. In a related process used in oil refineries, high molecular weight hydrocarbons are cracked over zeolite catalysts. Heavier feedstocks, such as naphtha and gas oils require at least two "quench towers" downstream of the cracking furnaces to recirculate pyrolysis-derived gasoline and process water. When cracking a mixture of

ethane and propane, only one water quench tower is required." – Thank you Wikipedia!

Steam cracking is considered an older technology by most experts, so can often be energy inefficient. The massive amount of energy needed to generate the heat necessary is staggering. Since ethylene production is energy intensive, a great deal of effort has been dedicated to recovering heat from the gas leaving the furnaces. Most of the energy recovered from the cracked gas is used to make high pressure (1200 psig) steam. This steam is in turn used to drive the turbines for compressing cracked gas, the propylene refrigeration compressor, and the ethylene refrigeration compressor. Once these plants are running they are self sufficient in their steam production. A plant which produces 1.5 billion pounds of ethylene per year uses a 45,000 horsepower (34,000 kW) cracked gas compressor, a 30,000 hp (22,000 kW) propylene compressor, and a 15,000 hp (11,000 kW) ethylene compressor.

Other cracking processes, namely petroleum, have been utilizing a process which uses fine grains of solid catalyst to stimulate the chemical change. The catalytic method consumes less energy and releases less waste gas. Numerous methods are available for cracking plants. Which one will we get? While no fossil fuel technology is 100% clean, I hope, as Tomblin's pushes for the project, he remembers that while West Virginians want jobs, we want a clean environment as well. It is a balancing act.

To learn more about the 'Fight for a Cracker' check out this story from the Associated Press <http://www.wvpolicy.org/downloads/inthenews/inthenews12/012212AP-HD.pdf>

## One West Virginia, Justice For All – Progressive Lobby Day at the Capitol

by Maggie Fry, [maggiemfry@gmail.com](mailto:maggiemfry@gmail.com)

On February 8<sup>th</sup>, progressive groups across the state will join together to make it clear to legislators that now is the time for justice in the State of West Virginia.

The event, “One West Virginia, Justice for All,” will encompass a wide ranging coalition of environmental and social justice organizations, who say they will join together to ‘occupy’ the capitol rotunda with tables and a strong lobbying presence from 9:00 am – 3:00 pm.

WVFREE, Planned Parenthood, ACLU, Fairness WV and WVCAG will be holding off-site training for supporters at Asbury United Methodist Church from 8:30 – 10:00am. Citizens interested in lobbying are encouraged to attend.

There’s still time for progressive organizations and businesses in the state to join in and make your voice heard. If you’re interested in setting up a table or finding out more, contact Denise Poole at (304) 617-7073 or [deniseap@earthlink.net](mailto:deniseap@earthlink.net)

## **Fighting for Our Health**

by Gary Zuckett, [garyz@wvcag.org](mailto:garyz@wvcag.org)

WV Citizen Action was extremely active in the fight to pass the Affordable Care Act in 2010. As the second anniversary of its passage arrives this March, a new book, *Fighting for Our Health* will be released documenting the enormous nation-wide grassroots effort it took to give Congress the spine to pass this broad reform.

WV-CAG was a state leader in Health Care for America Now (HCAN), the historic campaign to pass health reform. Now, when Republicans are campaigning to repeal the new law, this new book dramatically tells the story of our grassroots, coalition campaign that succeeded over the tea party, Chamber of Commerce, health insurance industry and Republican Party.

Written by HCAN Campaign Manager Richard Kirsch, [Fighting for Our Health: The Epic Battle to Make Health Care a Right in the United States] offers a vivid, first-person account of how health care reform came to be. The book brings readers inside the biggest and most consequential issue campaign in American history. *Fighting for Our Health* recounts how a reform campaign led by

grassroots organizers played a crucial role in President Obama's signing historic health reform legislation in March of 2010.

The action takes place inside the Beltway — the White House, Congressional anterooms, and the streets of DC — and at hundreds of town meetings, demonstrations, and confrontations, in WV and all over where we turned out and raised our voices.

Most powerfully, it is the story of the triumph of thousands of people who had seen loved ones die, families go bankrupt, small businesses ruined, and futures destroyed by the health insurance system in the United States. You can order *Fighting For Our Health* [here!](#)

What people are saying about Richard Kirsch’s new book:

"Finally, a book about intrigue and politics in Washington that has relevance for Americans outside the beltway, written by someone who is actually in a position to know what really happened."

— Howard Dean, former Governor of Vermont

## **Support Sludge Safety Legislation**

Delegate Mike Manypenny, D-Taylor, along with co-sponsors Linda Longstreth, D-Marion, and Don Perdue, D-Wayne are strongly pushing Sludge Safety Legislation that would ban the underground injection of coal waste in the state of West Virginia.

Manypenny told the State Journal "It's obvious that there's heavy metals in coal, and when you grind it down into an ultra-fine coal, which is what coal slurry is, with clays and slate and dirt, it can't be removed." Read the full article here:

<http://www.statejournal.com/story/16610961/2012/01/26/ban-on-coal-slurry-injection-introduced-in-house>

For more information on how to support their efforts visit [www.sludgesafety.org](http://www.sludgesafety.org).

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