



## Capital Eye

Volume 13, No. 4 ~ February 3, 2012

### **Stolen Elections & a Felon for Sheriff?**

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

The major buzz this week was about the Lincoln Co. Sheriff and County Clerk (and an unnamed official) who confessed to rigging their last election by going into people's living rooms and getting them to fill out absentee ballots which, when counted after the election, overturned the results making them winners. In some cases the confessed parties actually filled out the ballots for the voters and, in the rest of them, "suggested" who the best candidates might be.

This revelation is in addition to the candidacy of the former Lincoln County official who, after getting out of prison for his conviction on vote rigging, has now filed to run for the office of Sheriff. It seems like Lincoln County could use some United Nations observers to monitor their elections. Too bad it is illegal to have outside observers monitor elections in West Virginia. I wonder why?

One thing I do know is the Daily Mail's fix includes a call for requiring picture id's of all citizens who show up to vote. This would not have prevented the vote-fixing in Lincoln County, but would provide a barrier to law-abiding voters exercising their right to vote. We already have a good system to prevent folks from voting if they're not allowed. Let's not go the way of other states that, in the name of election protection, enact voter suppression instead. Senate Judiciary Chair, Corey Palumbo, has introduced a bill to prevent felons from running office which at least addresses the real problem.

### **Right to Work (for Less)**

Indiana this week became the first state in over a decade to pass the misnamed "Right to Work" law. Their Tea Party legislature and governor rammed through this union-busting bill being the first "rust belt" state to do so. Formerly, this type of

legislation has successfully run in the conservative south where workers' wages are at the bottom of the barrel. Just today we heard that Sen. Karen Facemyer (R Jackson Co.) thinks our state should join in and introduced a WV "Right to Work for Less" bill. We were glad to hear she is not running for reelection.

### **Marcellus Musings II**

Gov. Tomblin came back from his Texas Cracker expedition empty-handed saying that we might have to throw more money at, oops, I mean provide additional incentives, to woo a sought after "Cracker Plant" to our state to process our Marcellus-drilled natural gas.

Meanwhile, Delegate Mike Manypenny has been working overtime for the people introducing around 20 bills to reign in the drillers and make them behave. One is HB 4393 which seeks to help reunite the surface with the mineral estate. It would require surface owners to be notified when their minerals come up for tax sale gives them first refusal to purchase. Another HB4386 would require drillers to provide "emergency, temporary and permanent water supply when gas and oil operations have resulted in contamination, diminution or interruption" of a landowners' water. A study of unusual seismic activity near Fracking and Injection wells is in HB 4394. Del. Manypenny and the other sponsors of these pro-citizen bills should be thanked for standing with the 99%!

### **Grow Map is Warming**

A short AP article caught our attention this week on the updated US Dept. of Agriculture's growing zones map. It's not your imagination, even the plants are telling us it's getting warmer as now we may grow our own tea in southern WV just like they do in India and China!

### **Federal Transit Funding at Risk**

The Tea Party Republicans in Congress are threatening to derail secure federal funding for transit in WV and the whole nation. At a time when more and more folks are using buses, trains and other public transit to get to work to escape ever-rising gas prices, the House has cut loose dedicated

funding for transit (through the gas tax) throwing it to the mercy of the annual appropriations process.

The Republican majority on the Transportation and Infrastructure (T&I) Committee has zeroed out all funding for pedestrians and safer streets for hikers and bikers cutting out money for sidewalks, crosswalks and such. Contact Reps Rahall and Capito (both members of T&I) to let them know that we need safer streets for walkers and bike riders and that public transit needs stable funding so our busses run when & where we need them.

Rep Rahall supported amendments to put pedestrian funding back in while Capito did not. Meanwhile, Sen. Rockefeller should be thanked for working out a funding deal in the Senate that keeps our small regional airports open here in WV.

### **Next Week – Progressives Occupy the Capitol!**

Check out our article and calendar at the end of this newsletter for all the activities going on for citizens to become active on issues at the legislature and progressive public policy. Inspired by the citizen movements here and abroad, state groups are all pulling together for one big day (Wed. Feb 8<sup>th</sup>) at the capitol to push for changes we believe in. If you can only come down to Charleston once this session this is the day to do it!

### **Your Support is Appreciated**

One of my tasks as Director is to sign all the thank you letters we send out to every one of our supporters. No matter if it's a \$10 senior/student WV-CAG membership or a \$1,000 tax deductible gift to our education fund, every bit helps keep us fighting for you and the rest of the 99%. Most of our members can't take off work to come down and make sure the lawmakers are paying attention to citizen issues, not just the bills pushed by the high-priced lobbyists. That is why we're here for you. I am humbled by the retiree who regularly sends in a modest check with an apology about not sending in more to help. We are empowered by those who can afford to and do send in generously. Wherever you fall in the spectrum, please accept our sincere thanks.

We can't do what we must do here without all your support, large or small! If you haven't yet, please take a minute to contribute to our education fund ([www.wvcaef.org/donate](http://www.wvcaef.org/donate)) or renew your membership ([www.wvcag.org/membership](http://www.wvcag.org/membership)). For those who don't like on-line transactions, a good old check in the mail sent to 1500 Dixie St., Charleston, WV 25311 still works just fine. And thanks in advance!

### **Update on Least-Cost Planning**

By Cathy Kunkel, [cathykunkel@gmail.com](mailto:cathykunkel@gmail.com)

It has been exciting week for Senate Bill 162, which would establish a least-cost planning process (also known as integrated resource planning) in West Virginia. This bill would require the power companies to analyze the costs and benefits of a full range of options (including energy efficiency and demand management) for meeting the states long-term electricity needs.

The bill is currently in the Senate Judiciary committee, and most of the committee members are supportive of the bill as a means to hold down electric rates. We have thought, for the past week, that Sen. Corey Palumbo, chairman of the Senate Judiciary Committee was ready to put SB162 on the committee agenda for passage. Power company lobbyists have swooped in and are trying to gut the bill. AEP subsidiary Appalachian Power CEO Charles Patton made a special trip to the Capitol on Wednesday to talk with Chairman Palumbo and sponsor Sen. Foster. That is how worried the power companies are about having their decisions reviewed openly in public.

More than half of the states in the US have already established a least-cost planning process. A West Virginia least cost planning process would:

1. Give ratepayers an opportunity to comment on power company plans during the creation of the plan, instead of forcing them to challenge individual decisions in rate cases, after those decisions have already been made by power companies,
2. Give citizens, the Consumer Advocate and Public Service Commission staff a tool to push the power companies toward increasing efficiency

programs and demand management, instead of simply building more plants and buying more electricity,

3. Open real discussion at the PSC about the real costs and benefits of existing generation technologies in comparison with home/business based renewable power generation.

We need your help to keep the power companies from diluting Senate Bill 162. Please call your senator(s) on the Judiciary Committee in support of a strong least-cost planning bill. See below for more information about Monday's energy efficiency call-in day.

### ***West Virginia Energy Efficiency Call-in Day!***

**Who: YOU!**

**What: Calling your legislators to let them know West Virginians support Energy Efficiency**

**When: February 6, 2012**

**Where: West Virginia**

This Monday February 6, Energy Efficient West Virginia (EEWV) is holding a statewide call-in day. We're asking everyone to take a few minutes to let their legislators know they support an Energy Efficiency Resource Standard (H.B. 4363) and Least Cost Planning (S.B. 162) legislation.

We recently found out that the utility companies oppose S.B. 162 and are working against it. There is also a rumor that the Association of Coal is against these bills as well. So now, more than ever, we need you to call your legislators! We're up against a lot of powerful people, but energy efficiency will create jobs and save citizens money and if you call, we can make sure these bills pass!

Here is more information about each bill and what to say to your legislators when you call.

### **Energy Efficiency Resource Standard (H.B. 4363)**

- [Fact Sheet](#)
- Sample of [what to say](#) when you call. If no one picks up, make sure to leave a message!

### **Least Cost Planning (S.B. 162)**

- [Fact Sheet](#)
- Sample of [what to say](#) when you call. If no one picks up, make sure to leave a message!

**Find your legislators' contact information** at [www.legis.state.wv.us](http://www.legis.state.wv.us) under "Who's my Legislator?" in the bottom right.

After you've called, please let us know how it went by recording your call [here](#).

### ***Real Solutions to Rising Energy Rates***

Our pockets feel it – electricity rates are rising. What's really happening and what can we do about it?

Coal is becoming costly, so West Virginia's utility companies – Appalachian Power, Wheeling Power, Mon Power, and Potomac Edison - have received approval from the Public Service Commission to increase our electricity rates. What if our utility companies helped more citizens to become energy efficient, rather than making citizens pay for the cost of electric waste and new power plants? We invite you to discuss how the Public Service Commission sets electric rates and how we can voice our demand for stronger energy efficiency programs from our utility companies.

Light refreshments will be provided.

### **Wheeling, WV**

*When:* February 23 @ 6:30PM

Doors open @ 5:30PM

*Where:* Wheeling Jesuit University  
316 Washington Avenue  
Wheeling, WV 26003

### **Beckley, WV**

*When:* March 22 @ 6:00PM

Doors open @ 5:00PM

*Where:* Beckley Council Chambers  
409 S. Kanawha St.  
Beckley, WV 25801

**Huntington, WV** (Date and location TBD)

## Unite as ONE WV Supporting Justice for ALL on February 8

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

WV Citizen Action Group is teaming up with our progressive allies to display a united front against injustice. We ask you to stand with us February 8th as ONE West Virginia in an effort to show legislators West Virginians demand Justice for ALL.

If you support comprehensive criminal justice reform, domestic violence prevention, women's health, LGBT equality, fair and clean elections and protecting the environment, help us show legislators how much West Virginians care about these issues. Members of the legislature are stepping up with the introduction of legislation to provide birth control coverage for dependents, civil union legislation and other bills to address inequality and injustice. *We can't let their courage go unnoticed.* Lend your voice to the fight at ONE WV Lobby Day!

We will begin the day with an advocacy training and issue briefing; participate in a visibility event and attend a floor session with LGBTQ, reproductive, environmental and civil liberties advocates; visit with legislators and attend important committee meetings (see details below). All Lobby Day events are free, and breakfast and lunch are provided.

### Lobby Day Activities:

**8:30 AM - 10:00 AM** ~ Advocacy Training at Asbury United Methodist Church, 501 Elizabeth St., Charleston, WV

**9:00 AM – 3:00 PM** ~ Displays & Exhibits by WV Progressive Organizations, Lobby Visits with Your Legislators, & Much More... State Capitol, Charleston, WV

Questions? E-mail [julie@wvcag.org](mailto:julie@wvcag.org).

## Body Politics, This Week's Victory in the Fight for Women's Health

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

Advocates for women's health celebrate today's announcement from The Susan G. Komen Foundation for the Cure that it will reverse a decision made earlier this week to end its five year funding partnership with Planned Parenthood. The announcement came in the wake of a wave of public outrage.

On Tuesday, Komen said that it would rescind its breast cancer screening funds, citing a rule instituted in January that prevents the foundation from issuing grants to any organization under local, state or federal investigation. Of the more than two thousand organizations funded by Komen, the rule had only applied to Planned Parenthood, and it seemed designed for that purpose. The move comes in response Florida Republican Cliff Stearn's allegation that Planned Parenthood spends public funds on abortions, a practice prohibited since the Hyde Amendment of 1976. Planned Parenthood is regularly audited to ensure compliance with the amendment, and has never been cited for any problems.

Most credit both this rule and Komen's decision to recently appointed Senior Vice President for Public Policy, Karen Handel. Handel is the former Georgia gubernatorial candidate endorsed by Sarah Palin for her strong anti-choice political stance. This is the latest in a series of moves to the right by Komen, marked perhaps most strongly with its donations to the policy making arm of the George W. Bush Foundation earlier this year.

Women's health advocates see this as a very troubling trend and have sent Komen and right wing policy makers a strong message. According to Planned Parenthood, donors contributed more than \$3 million dollars for PP's cancer screening services in the three days between Komen's initial decision and today's reversal. We are pleased that Komen responded to the public outcry and have pledged to continue a partnership that puts low income women's lives before political posturing.

## **Josh Fox's Arrest a Sign of the Times**

*By Joe Dickerson, joe@wvsoro.com*

Reading the news that Gasland director Josh Fox had been arrested while filming a Congressional session was a shock. Learning that the session was an EPA study linking Fracking with ground water contamination was one another one. Learning that House Republicans were the ones who voted to eject him...well the Onion would have difficulty coming up with news this perfectly farcical. Truth be told this shouldn't come as a surprise.

Like so many issues in America the truth about fracking is obscured by political agendas. The debate over natural gas is rife with buzzwords such as: job creation, energy independence, and economic regrowth. Here in West Virginia we've been promised that Fracking and an associated Cracking plant will bring numerous jobs to the area. What promises do we have that these jobs will be West Virginian jobs? How are we to become energy independent when we lack an infrastructure to utilize natural gas on large scale? If the mining of this gas is such a patriotic effort why is so much of it exported?

What matters is looking beyond the hype and for West Virginians a trip to Wetzel County is a clear way to see the effects of gas exploration and development. Slips, destroyed roads, ruined farms, and stolen dreams can be found there.

Environmental effects are present as well. What is essential in the fracking debate is research, understanding, and critical thinking. One area where we need to think beyond buzzwords is with the composition and disposal of fracking ingredients. Ask yourself: Why do both industry and Republicans delay the disclosure of ingredients in fracking fluid? Are trade secrets more important than Americans knowing what is being pumped into our aquifers? I feel the issue is a simple matter of expense. As long as Americans do not know what fracking fluid is we're not going to be outraged enough to demand industry pay the true cost of properly disposing of the waste. We are told it is not more dangerous than chemicals found under our

sinks. Last time I checked...that stuff was pretty toxic.

The real crime here was not forced entry but a violation of the first amendment. An American citizen was removed from a public hearing because politicians didn't want him there. It can be cloaked in debates of press credentials, but the fact remains a member of the public was removed because Republicans feared what he would do with the footage. Fox in a statement said: "The truth that fracking contaminates groundwater is out, and no amount of intimidation tactics -- either outright challenges to science or the arrest of journalists -- will put the genie back in the bottle," Fox said. "Such a brazen attempt to discredit and silence the EPA, the citizens of Pavillion and documentary filmmaking will ultimately fail and it is an affront to the health and integrity of Americans." When Mr. Fox was lead out of Congress John Boehner's promises of transparency left with him. Apparently he met the first amendment in the hallway.

## **Legislation to Improve Long Term Care and Protect Home Health Care Workers**

*by Maggie Fry, maggiemfry@gmail.com*

Healthcare for America Now (HCAN) asks you to send the US Department of Labor a message – let them know that you support labor rights for home healthcare workers.

Home healthcare workers provide a valuable service to many Americans who prefer in-home to institutionalized elder care. Yet these workers are invisible in the American workforce and their important service has too long been done in silence, without any basic worker protections.

The Affordable Care Act (HR 3066) will end the 37 year trend of considering these workers "companions," and will empower seniors with safer, more comprehensive long term care options. According the HCAN website, nearly one third of Medicaid spending is used for long term care. And the Affordable Care Act will help ensure that these funds aid those who need, but can't afford in-home care by providing families with access to safe,

accountable options while also protecting the rights of workers who make these options possible.

HCAN urges you to contact your representatives and ask them to oppose attacks on the Affordable Care Act. Find out more about what you can do: [http://action.afscme.org/c/51/p/dia/action/public/?action\\_KEY=3398](http://action.afscme.org/c/51/p/dia/action/public/?action_KEY=3398)

### ***Hot Coffee Comes to Charleston!***

Seinfeld mocked it. Letterman put it on one of his Top Ten lists. More than 15 years after it happened, the McDonald's coffee case is cited as the primary example of how citizens use "frivolous lawsuits" to take unfair advantage of America's legal system.

But what if everything you think you know about the McDonald's coffee case is dead wrong?

Join West Virginians United for Social and Economic Justice for a special screening of the acclaimed documentary film, *Hot Coffee*, with its producer and director, Susan Saladoff. The film will be shown Monday, February 6 at 7:00 p.m. at the Unitarian Universalist Church, located at 520 Kanawha Boulevard, West, Charleston. The screening is free and open to the public.

Informative and entertaining, *Hot Coffee* challenges viewers to reexamine long-held beliefs about lawsuits and so-called "jackpot justice" by featuring the stories of four Americans whose lives were devastated by the attacks in the last decade on our civil justice system—including Stella Liebeck, the grandmother at the center of the McDonald's case. It also examines how and why billion-dollar corporate special interests have attacked our nation's civil justice system and are attempting to restrict our Seventh Amendment right to a jury trial.

View the film's trailer: <http://www.youtube.com/watch?v=bBKRjxeQnT4&feature=youtu.be>

For more information, phone [\(304\)344-0692](tel:3043440692).

## **A Good Week to Get Active! :**

### **Monday:**

Energy Efficient West Virginia Call In Day

When: all day

Where: your phone

Website: <http://www.eewv.org/>

West Virginians United for Social and Economic Justice present *Hot Coffee*

When: 7:00pm- 9:00pm

Where: Unitarian Universalist Church, 520 Kanawha Boulevard, West, Charleston

Website: <http://www.wvpolicy.org/>

### **Tuesday:**

West Virginia Center on Budget and Policy: Annual Meeting: Creating Sustainable Wealth

From Non-Renewable Resources

When: 7:30 AM - 10:30 AM

Where: Charleston Marriott Town Center

Website: <http://www.wvpolicy.org/>

WV FREE's Annual Roe v. Wade Benefit Gala.

When: 7:00pm

Where: Temple Israel, 2312 Kanawha Boulevard East, Charleston, WV

Contact: Amanda Rauma

[amanda@wvfree.org](mailto:amanda@wvfree.org)

Website: <http://www.wvfree.org/action>

### **Wednesday:**

One West Virginia – Progressive Lobby Day

When: 8:30 am – 3:00 pm

Where: Asbury United Methodist Church and the State Capitol, Charleston, WV

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

E-Day Benefit Dinner and Award Ceremony.

When: 6:00 pm – 9:00 pm.

Where: Womans' Club of Charleston - corner of Elizabeth & Virginia Street.

Website:

<http://www.wvecouncil.org/calendar/>

WV Citizen Action  
1500 Dixie Street  
Charleston, WV 25311

*Capital Eye is published by WV-Citizen Action, 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.wvcag.org](http://www.wvcag.org).*



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NOTE: If you would rather make a *tax deductible* donation, you can donate to the WV-CAG Education Fund instead. Make checks payable to WV-CAEF.

