From: Aspen, Blake
To: Aspen, Blake
Cc: Pinkerman, Justin
Subject: Governor"s Office Daily Update - 6-6-22
Date: Monday, June 6, 2022 9:18:02 AM
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AG VALLEY CO-OP

Eustis, NE

Commodity	Delivery	Price	Basis	Date (as of)
Corn	Jun 2022	7.39	2.00	09:01
Corn	Oct 2022	6.55	-45.00	09:01
Milo	Jun 2022	6.77	-60.00	09:01
Milo	Oct 2022	6.45	-55.00	09:01
Soybeans	Jun 2022	15.78	-55.00	09:01
Soybeans	Oct 2022	14.59	-70.00	09:01
Wheat	Jun 2022	10.93	-85.00	09:01
Wheat	Jul 2022	10.93	-85.00	09:01

TV and Radio
KMTV: Nebraska Republican politicians say gun control won't curb violence, add it's about mental health
NPM: If Pansing Brooks Wins Special Election, Ricketts Could Appoint Anti-Abortion Replacement
NPM: Sen Fischer: Emphasize mental health in gun violence debate

Governor
LJS: Listen: Ricketts talks politics and family on Axelrod podcast
LJS: See which Nebraska license plate designs didn't get picked this time around
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State Capitol
Nebraska Examiner: Nebraska AG joins free-speech case involving Colorado web designer
LJS: Nebraska joins push for business owners' right to deny service to same-sex couples

KNEB: State Auditor Questions Agencies Over Pandemic Virus Testing, Contact Tracing Contracts

Agency

OWH: Nebraska's tourism slogan is 'not for everyone,' but commission calls it a success

OWH: Nebraska education commissioner expresses frustration over board's handling of his contract

State, Local and Regional

LJS: Dueling court briefs in medical marijuana lawsuit disagree on history, intent of initiative powers

Nebraska Examiner: Nebraska counties inconsistent in who is sent early ballot request cards

OWH: New complaints allege voter ID petition circulators are misleading would-be signers

OWH: Nebraska hospital officials decry violence against health care workers

OWH: Before Roe v. Wade, some Nebraska abortion practitioners faced prosecution

Nebraska Examiner: EPA violation filed over slow response to mitigate damage to Sandhills stream

OWH: Many other Omaha-area school districts not considering stipends for staff

LJS: State ed board: Schuyler High School no longer needs intervention for low performance

Opinion

OWH Editorial: Finding and honoring graves of Genoa students would help Nebraska heal

OWH Midlands Voices: We need to do more to support expecting mothers during and after pregnancy

OWH Public Pulse

1. School security
2. License plates
3. North Viking Battalion
4. Experience matters
5. Climate change
6. Higher tax bite to come

LJS Editorial, 6/5: Crash carries sobering lessons for the future

LJS Letters

1. Same old song and dance
2. 'Media' missing important story
3. Tragic end of our nation
4. Time for political 911 call
5. Call on senators to take action
6. If lawmakers won't, voters will
7. Magical thinking won't work
8. Amazed at contradictions
9. Another name for tax break
10. Pansing Brooks is the choice
11. Time to vote them out

National/Federal

LJS: Flood hosts Kevin McCarthy; Pansing Brooks cites local endorsements

AP: Local governments turn away $73M of federal pandemic aid

AP: Abbott restarts baby formula plant linked to contamination

LJS: Listen: Ricketts talks politics and family on Axelrod podcast

Pete Ricketts and David Axelrod engaged in a revealing and wide-ranging discussion while the governor was in Chicago a week ago for an appearance at the University of Chicago and you can listen in on their conversation on the latest Axe Files podcast online.
Axelrod, a guiding figure in President Barack Obama's historic 2008 election as the first Black president, his successful reelection bid in 2012 and as senior advisor to the Democratic president for eight years, and Ricketts, Nebraska's two-term conservative Republican governor.
They talked about topics ranging from the Ricketts family, the family-owned Chicago Cubs, the governor's unsuccessful bid for a 2006 Senate seat, his sister's same-sex marriage, his pro-life views opposing abortion.
And the governor's support of the death penalty as a Catholic despite Pope Francis' encyclical calling upon all Catholics to advocate for the abolition of capital punishment.
And his 2nd Amendment defense of gun rights in the wake of the latest massacre of 19 elementary school students and two teachers in Texas.
"You can't buy a bazooka or a cannon," Axelrod said. "Why semi-automatic guns?"
All those tough and sometimes uncomfortable questions were raised by Axelrod during their lively interchange.
Lots of interesting Ricketts family history emerged too along with the fact that it was former Sen. Chuck Hagel who suggested that he pursue the Senate seat held by Democratic Sen. Ben Nelson in 2006.
Ricketts did and lost big-time, hated losing, but said he "loved the experience."
The discussion with Axelrod was friendly and respectful and often punctuated by the governor's explosive laughter.
"You're a super-smart guy," Axelrod said at one point. "And a data guy."
When Axelrod raised concerns about the dangerous divisions that led to the insurrection at the nation's Capitol a year and a half ago and the lingering "terror of our politics," the governor said "we'll get though it."
"Use your formidable voice," Axelrod urged Ricketts.

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Sen. Ben Sasse called for creation of "a NATO for the Pacific" during his address at the Reagan Library in southern California last week.
And he suggested that the United States should "arm the Taiwanese military to the teeth" in the face of a growing threat by China to reclaim its former island territory.
It's time to "sound the alarm for Taiwan," secure and protect an ally and friend as the United States does in Europe, Sasse said, and assure "free navigation of the seas" in the Pacific Ocean.
"I want us to be America again," Sasse said.

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Finishing up:
* House Republican Leader Kevin McCarthy closed his luncheon appearance in Lincoln in support of GOP congressional nominee Mike Flood to coverage by the news media. Afterwards, guests whom I asked said McCarthy said nothing that would have been damaging or uncomfortable in print.
* McCarthy wouldn't do a newspaper interview while he was in Lincoln, only a brief Lincoln TV appearance and a friendly interview with Omaha talk radio.
* Reminder: Flood and Democratic congressional nominee Patty Pansing Brooks will meet for a one-hour, live televised debate next Sunday on KETV, beginning at 6 p.m.
* Ugly reminder of what might lie ahead in Ukraine: When Russian troops invaded Afghanistan in

late 1979 and encountered stubborn resistance that kept the war going on and on, Russia did not leave until early 1989, almost a decade later.
* Sen. Tom Brewer of Gordon has signaled his intention to attempt to end selection of committee chairpersons in the non-partisan Legislature by secret ballot when the 2023 Legislature convenes, requiring each senator to make his or her choice public.
* Impossible to accurately predict what a new Legislature will be like, but signs point to a more conservative — and perhaps more partisan — edition next year with a huge turnover and the departure of a number of moderate, independent and essentially non-partisan Republicans, most of whom were legislative leaders.
* Nebraska's new motor vehicle license plate design is artistic and attractive, but the Capitol mosaic artwork that adorns the new plates appears to be barely perceptible, at least in the modeling unveiled at a gubernatorial news conference.
* "And what is so rare as a day in June? Then, if ever, come perfect days." — James Russell Lowell.
By Don Walton

LJS: See which Nebraska license plate designs didn't get picked this time around

Honeybees, windmills, cottonwood trees and Chimney Rock were among several design options submitted for Nebraska's next license plate.
After rejecting vibrant blue skies, classic sunsets and an all-black option, a design featuring a mosaic from the floor of the state Capitol was ultimately selected.
Known as the "Genius of Creative Energy," the mosaic features planets, suns, moons and stars. It will be displayed on an estimated 8 million license plates from 2023-2028, according to Rhonda Lahm, director of the state Department of Motor Vehicles.
The plate was chosen for its nod to Nebraska's rich history, which is told in various art forms throughout the Capitol.
Several other design options alluded to the relationship between the rural and urban aspects of Nebraska, with city sky lines, cornfields and farm houses — themes that have been used for the state license plate in the past.
"I think a lot of people around the country know that Nebraska is an agricultural state, and that has certainly been the theme of many of our license plates in the past," Gov. Pete Ricketts said Tuesday at a news conference.
Other options honed in on the celebration of Arbor Day, featuring blue skies, green grass and flourishing trees.
Another design focused on Nebraska's state insect: the honeybee. With a yellow border and honeycomb design, the plate also was emblazoned with the saying "the Western Honey Bee State."
A third design kept things simple with a black background and white lettering.
When searching for the next license plate, first lady Susanne Shore and others working on the project had to be wary of certain limitations set by the Legislature.
Shore had to make sure certain font, letter and number sizes, colors and visibility levels were up to code — which is not something she initially anticipated.
“I originally thought when we started that you just find a nice attractive image and stylistically plop it on that plate and you’re ready to go. I couldn’t have been more wrong," Shore said during the news conference.
The chosen design was instantly under public scrutiny, with mixed opinions surfacing across social

media platforms, but Shore is satisfied with the decision.
“I think it’s incredibly unique and I’m willing to stand behind it," she said. "It’s inevitable that there’s going to be criticism. It’s sort of a state sport in every state to criticize the license plate. I think time will show that this will become a very beloved license plate.”
By Jenna Ebbers

OWH: Nebraska State Ed Board authorizes funding to continue Safe2Help hotline

A school tip line that state officials say has successfully thwarted shootings in Nebraska will be funded for another year with federal COVID-19 aid.
But officials with the Nebraska Department of Education said Friday that they will eventually make a case to state lawmakers that it’s worth receiving state funding.
Members of the Nebraska State Board of Education voted Friday to approve a one-year, $809,445 contract with Boys Town to operate the Safe2Help line.
The money is coming from the Elementary and Secondary School Emergency Relief fund.
Brian Halstead, assistant Nebraska commissioner of education, said the law that created the program calls for collecting data and reporting back to the Legislature.
“We’ll collect the data,” Halstead said. “We think we can show and justify why this is a wise investment for everyone to continue to fund this with state general funds.”
Jolene Palmer, director of school safety with the Nebraska Department of Education, briefed the board on the program, which is already up and running.
She said the line has received 1,300 reports, including 41 for weapons in school and 59 for alleged attacks.
The anonymous line gives a “voice to the voiceless, so that they can have somewhere to go with the information,” Palmer said.
Legislative Bill 322, passed last year and signed by Gov. Pete Ricketts, expanded the reporting system statewide, giving students, staff and parents an anonymous way to make reports.
The reports can be made via phone, website or email.
The reports are fielded by trained crisis counselors, managed by Boys Town.
Reports are directed back to the local district or nonpublic school, where school-based threat assessment teams evaluate the report and, if necessary, take action.
If there’s an immediate threat, then the crisis counselors can alert emergency services, law enforcement or child protective services directly.
The most common reports were about someone considering suicide, followed by bullying.
Other concerns reported were dating violence, and threats against people and property.
In more than 80% of violent school incidents someone leaked information before the actual incident.
In other words, four of five times someone knew what was about to happen.
“Our goal is to save lives, and our other goal is to make life better for kids, especially, like, if they’re being bullied,” Palmer said.
She said they’re serving about 40% of the students in Nebraska.
Every week a couple of more schools join the program, she said.
“We hope that we can get up to 100% in the very near future,” she said.
Chad Denker, superintendent with David City Public Schools, said he was initially skeptical about joining the line. Now he thinks it was one of the district’s best decisions.
He said his district took a “leap of faith,” assembled a threat assessment team to field the calls and

trained students about the program.
He said they've received reports about teachers providing vaping materials to kids and about kids harming themselves.
"They were cutting themselves," he said. "We've had kids call in and say, 'My friend has been talking about committing suicide.' And so we've been able to prevent some of the self-harm."
By Joe Dejka

OWH: Older generations of women lived under abortion ban in Nebraska

LINCOLN — Three generations of women have grown up with abortion being legal and available, even though restricted, in Nebraska.
But older women lived through a time when Nebraska law, like most around the nation, banned abortion except when necessary to preserve a woman's life or when advised by two physicians.
Their memories offer a glimpse of what could be in store if the U.S. Supreme Court strikes down Roe v. Wade, the landmark 1973 ruling that legalized abortion, and if abortion opponents in Nebraska succeed in changing state law, although there have obviously been some changes in health care and cultural attitudes in 50 years.
The high court is expected to rule by the end of June. Gov. Pete Ricketts has said he will work with Speaker of the Legislature Mike Hilgers to call a special legislative session on abortion if Roe is overturned.
Both men supported a bill this spring that would have banned all abortions, with no exceptions. However, it would have provided an affirmative defense for a doctor performing an abortion to save a woman's life. The measure failed after a filibuster-ending cloture motion fell two votes short.
The 93-year-old
Looking back, Marcia Kushner calls herself "pretty naive" when she was young. The Lincoln woman didn't know anyone who got "in trouble," as they said then.
She was careful to avoid any risk of pregnancy herself before getting married in 1949. That meant avoiding sex, even with her fiancé, because condoms were the only birth control available to unmarried couples at the time.
"There was no way I was going to not engage in abstinence because of the fear of pregnancy," she said.
Decades later, she learned that four women close to her had undergone abortions in secret and, in three cases, in violation of the law. Kushner is a supporter of abortion rights and spent years volunteering to escort women seeking abortions at Lincoln's Planned Parenthood clinic past anti-abortion protesters.
She said her mother didn't talk about her own abortion until she reached her 90s. It happened in the early 1930s, during the depths of the Great Depression. She had two children already and Kushner's father was barely managing to support the family by peddling produce from a truck.
When her mother got pregnant, Kushner said, she was determined to go where the rich women in Omaha went for their abortions. The procedure cost $100, a huge sum for the cash-strapped family. They managed only by borrowing from a relative.
Nearly three decades later, in the late 1950s or early 1960s, a pair of friends went together to get abortions, Kushner said. One was a married woman with three children and severe financial struggles. The other was married with four children and couldn't handle more.
When both wound up pregnant again, they reached out to a more worldly relative in another state,

who connected them with someone offering abortions. They got on the train in Nebraska for a supposed family visit.
"It was not a real savory experience," Kushner said. "They really put their lives on the line."
One woman returned with a pelvic infection, a common but potentially deadly risk of such unregulated procedures. She recovered, thanks to antibiotics.
The fourth abortion happened shortly before the Roe v. Wade decision made the procedure legal in Nebraska. The woman was 19 years old, unmarried, a college student, pregnant and ashamed. Kushner said the young woman went to Planned Parenthood in Lincoln. Workers there helped her arrange an abortion in New York City, where the procedure had been newly legalized. She borrowed money for travel and the procedure, a debt it took a long time to pay off.
"She didn't tell a soul," Kushner said. "To this day, she does not want her name known."

The 88-year-old

Shirley Lang was aware of abortion in the years before Roe v. Wade, but she didn't give it much thought. She knew abortions were forbidden in her church and in the Catholic hospital where she worked. They were also illegal in every state well into the 1960s.
She certainly never knew any woman who had one.
"They would never tell it," the Lincoln woman said. "That would be something so hidden."
The few girls in her acquaintance who wound up pregnant outside of marriage mostly ended up marrying the guy who got them pregnant, Lang said.
As a student nurse in the early 1950s in Iowa, she assisted at what was called an abortion. But it wasn't what is commonly thought of as abortion. It happened after the fetus had died and the dilation and curettage procedure was being done to clear out the woman's uterus and prevent complications.
Lang also remembered one patient with chronic health problems. The doctor asked what was wrong, and the woman confessed she had had an abortion and started to weep.
Other patients came in with pelvic infections. At the time, big-city hospitals had special wards for abortions that turned septic. Where Lang worked, while some cases may have resulted from illegal abortions, the records did not reflect that.
The mother of six was propelled to action when the U.S. Supreme Court ruled that women had a constitutional right to abortion and that states could put few restrictions on it before the third trimester of pregnancy. She co-founded Lincoln Right to Life and has been a leader in the decades-long fight against abortion.
"When that happened, I was so shocked by it all," Lang said. "I remember thinking this can't happen. I knew that this is an innocent; the fetus is a living human being."

The 77-year-old

Sue Ellen Wall remembers the gut-punch when she first saw the photo in a magazine she pulled from a Lincoln drugstore rack.
A police photo of a woman, later identified as Gerri Santoro of Connecticut, naked, kneeling and collapsed on a motel room floor. Bloody towels between her legs and another towel by her right hand. She had bled to death from an illegal abortion attempted with the help of her partner.
"I was old enough to know it was happening and there would be stories in the paper about women found dead," Wall said. "That was just kind of a visual shocker."
The photo became an abortion-rights symbol, representing the dangers of driving the procedure underground. Wall, a retired attorney, became an outspoken abortion-rights advocate.
In her personal life, she didn't know anyone ready to reveal they had gotten an abortion. But she

knew the toll that pregnancy could take on a woman's life.
While in junior high school, she knew a classmate who got pregnant and disappeared. The girl did not return to attend high school. Several years later, two students at the junior high where she was student teaching got pregnant. Those girls stayed and finished out the year.
There was also the family story about her Presbyterian grandmother who had 13 pregnancies, Wall said. To spare her the danger of additional pregnancies, relatives arranged for her husband to visit a prostitute in town on a regular basis and set up violin lessons for Wall's father as a cover story.
The 64-year-old
Sandy Danek was in her mid-teens when abortion became legal in Nebraska. One month after the Supreme Court decided Roe v. Wade, a federal court tossed out Nebraska's abortion ban. That May, state lawmakers passed a law allowing abortions in Nebraska for the first time in a century.
Still Danek, now executive director of Nebraska Right to Life, was old enough to experience the time before Roe. She remembers being surprised when a friend of a friend in junior high school got pregnant and her mother whisked her off to New York for an abortion.
"It seemed strange to me," she said. "Why go all the way to New York?"
That mother's reaction contrasted with how two others in Danek's life handled pregnancies outside of marriage. In neither case was abortion considered, she said.
One young woman got married and left school after winding up pregnant at age 16. She later got her GED and went to college. Danek said the girl was terrified to tell her parents, who could be abusive. But they remained calm when a doctor's bill for a pregnancy test arrived in the mail and her secret was revealed.
Another young woman Danek knew had gotten pregnant several years earlier. That young woman spent her pregnancy at a Lincoln home for unwed mothers, but kept the baby. Her own father helped her raise the child until she got married.
"There's no erasing the fact that women struggle with these issues," she said.
By Martha Stoddard

Washington Examiner: 'Pro-life flag' created to rally around possible Roe v. Wade reversal

An organization has designed and manufactured a flag for those who oppose abortion access to rally behind.
Last summer, the Pro-Life Flag Project solicited potential designs for the flag and then put them to a vote. Now, the winning design, crafted by Brazilian freelancer Nanda Gasperini, has been manufactured and is up for distribution.
The flag features two baby footprints, one pink and the other blue, which has been the international pro-life symbol since 1979. Two feet arches form a white heart in the middle, representing nonviolence in its color and the love between mother and child in its shape. Two hands encircle the feet to evoke a mother's womb and protection.
Lt. Gov. Mike Foley of Nebraska, a Republican, has recognized the flag as the symbol of the anti-abortion movement with the approval of Gov. Pete Ricketts. Sen. Deb Fischer (R-NE) has also received a flag.
"Nebraskans consistently and courageously take action to protect preborn life by volunteering at pregnancy centers, aiding expectant mothers, giving generously to young families, taking part in prayer walks and vigils, and displaying their support for life on signs along state highways,"

the proclamation recognizing the flag read.
Neither Ricketts nor Fischer responded to the Washington Examiner's request for comment to verify if the flags are on display.
Pro-Life Flag Project Founder Will McFadden told the Washington Examiner that his organization is in contact with other pro-life organizations, politicians, and influencers to utilize and popularize the flag.
"The rainbow flag didn't become a universally recognized flag overnight," McFadden said.
In the meantime, the flag has been flying over individuals' homes, right to life groups, and churches.
By Jenny Goldsberry

Grist: Is Nebraska building a $500 million 'canal to nowhere' just to own the libs?

Earlier this spring, Nebraska lawmakers passed a bill authorizing construction of a canal that would siphon water from neighboring Colorado, igniting a war of words between the two states' leaders. Nebraska's governor, Republican Pete Ricketts, says that the canal will "protect Nebraska's water rights for our kids, grandkids, and generations beyond." Colorado's Democratic governor, Jared Polis, calls the scheme a "canal to nowhere" that is "unlikely to ever be built."
The two states share rights to water from the South Platte River, and Republican politicians in Nebraska say that a new canal is necessary to guard the state's water supply from encroachment by its fast-growing neighbor to the west.
The strange thing about the political firestorm, according to water experts, is that the canal wouldn't really do anything. The water Nebraska wants to protect doesn't face an immediate threat from Colorado, and in any case it's not clear the canal would provide Nebraska any additional water beyond what it already receives. The total amount of water that could flow through the planned $500-million-dollar canal is unlikely to change the course of either state's future.
"It's sort of a weird claim," said Anthony Schutz, an associate law professor at the University of Nebraska-Lincoln and an expert on water issues. "I'm not sure what exactly this thing would protect us from."
Even if the canal doesn't alter the balance of water between the two states, however, it does help Nebraska lawmakers spend down federal funding they received from the $1.9 trillion stimulus package passed by Congressional Democrats last year. It might also allow them to score political points by antagonizing the Democrats who govern Colorado. The episode comes as other parts of the western U.S. really do face wrenching, zero-sum tradeoffs in allocating water during an ongoing megadroughtt that has been exacerbated by climate change — and it may be a preview of how anxieties around those issues can be mobilized for partisan warfare.
The history behind the canal project is a curious footnote in the larger story of western water. Way back in 1923, Colorado and Nebraska signed a treaty that governed the use of one segment of the South Platte River, which flows from the Colorado Rockies through Denver and into Nebraska. The treaty required Colorado to send 150 cubic feet of water per second to Nebraska for the duration of the irrigation season—in other words, it prevented Colorado from drying up the river before Nebraska farmers could use it. The treaty also gave Nebraska the right to build a canal large enough to divert an additional 500 cubic feet of water per second during the irrigation offseason, but the project never came to fruition: Engineers had already tried and failed to build a canal through the rocky territory connecting the states in the late 1800s, and no one ever revived the idea.
For about a century, the treaty collected dust. Nebraska has perhaps the largest groundwater

resources of any state, not to mention thousands of miles of rivers, so water wasn't a huge issue. Plus, Colorado often exceeded its treaty obligations on the South Platte: From 1996 through 2015, the state delivered Nebraska almost 8 million more acre feet than it was required to deliver under the treaty. Around the same time, however, Colorado began drawing more from the South Platte to support booming population growth, primarily in the Denver area.

In January of this year, Colorado officials released an updated plan for the South Platte, outlining almost 300 possible water diversion projects along the river. This list of projects was just hypothetical, but it caught the attention of Nebraska lawmakers. Governor Ricketts released a statement saying he was "vigilantly watching" the construction of new water infrastructure in Colorado, and he told the legislature "they are trying to take our water." Even though water from the South Platte is far from essential to the survival of Nebraskan agriculture, and even though Colorado already delivered far more to Nebraska than it needed to under the treaty, Ricketts insisted the state needed to protect its water rights from the growing liberal metropolis to the west.

"It's a bit of a straw man," Schutz, the University of Nebraska water law expert, said of Nebraska's concern about the Colorado projects. "A lot of those projects that [Colorado] is proposing wouldn't actually decrease the availability of water."

Even so, the century-old treaty gave Nebraska the theoretical rights to build a canal of its own, and the state had plenty of money to pursue such a project. That was thanks to President Biden's American Rescue Plan, which doled out billions of dollars of pandemic recovery aid to Nebraska and left the state with a significant budget surplus. The state's unicameral legislature has spent most of this year's session trying to find ways to spend down that surplus, and the $500 million canal project was a perfect candidate. The legislature passed a bill in April that allocated $50 million to start canal construction, enough to start purchasing land in Colorado and conduct preliminary designs.

The legislature's sudden move on the bill came as a shock to water experts. As one Colorado water manager put it, "the water world was rocked" when the bill passed.

That's because, according to Schutz, the very premise of the canal project is flawed. Ricketts argued that the canal would avert a "decrease [in] agricultural water supplies and [increased] pumping costs," but neither scenario is in the cards, even if Colorado's population keeps growing. Nebraska relies on groundwater for more than 80 percent of its farming irrigation, and the water that comes from the hypothetical canal would only arrive during the offseason anyway, so it wouldn't help the state's farmers. Meanwhile, the state's water rights only cover one section of the South Platte, and Colorado has unlimited rights over a section of the river farther upstream, meaning the Centennial State can sustain future growth even without encroaching on Nebraska's water.

Furthermore, Schutz says, it isn't clear that there's even enough water in the river to fill the canal, should it ever be built.

"If you look at the amount that's coming in right now, that's probably the maximum amount of water that we would ever get in the canal," he told Grist. "And that is not a lot of water." Not only that, but the treaty also only gives Nebraska the right to build a canal that can divert 500 cubic feet of water per second. It doesn't actually give the state the right to that much water.

"From a political perspective, I think that the governor had to make Colorado into a bad guy, but then when you really get into the weeds I don't know how bad of a guy Colorado is," Schutz said, arguing that the state's conservative government has been straining to find ways to spend away the federal stimulus money so that lawmakers "don't have to deal with the political dynamics of having a bunch of extra cash to spend on social programs."

As the bill neared passage this spring, the two governors sniped back and forth at each other in the

media. Colorado Governor Polis called the project a "boondoggle" and said his state would "aggressively assert" its water rights. Ricketts shot back: "I didn't know Jared Polis was so concerned about taxpayers here in Nebraska…. In fact, he's never really talked to me."

For now the debate is just a war of words, but it could escalate if the canal moves forward. Colorado and Nebraska have sued each other in the past over water, and indeed Colorado reached a settlement with Nebraska just a few years ago over claims that Colorado violated a water-sharing compact on a different river. Building the canal would require Nebraska to purchase or condemn farmland across state lines in Colorado, which would likely lead to litigation from private landowners as well. Colorado probably wouldn't sue Nebraska until the latter actually began to build the canal, but if it did sue, the dispute would go straight to the U.S. Supreme Court.

The fact that such a minor water project can generate so much controversy is a sign that water security is becoming a key political issue even in places where the drought situation is not yet catastrophic. The century-old compact between Nebraska and Colorado, like the treaties that anchor the use of the Colorado River farther to the west, was designed in an era of cooperation and compromise between the states. As water supplies across the region continue to vanish, though, that interstate friendliness is vanishing with them. In its place has emerged a conflict over how to balance competing interests like agriculture and urban growth. In this case, though, the conflict is more reminiscent of a schoolyard fight than a grand political debate.

By Jake Bittle

Nebraska Examiner: Nebraska AG joins free-speech case involving Colorado web designer

LINCOLN — Nebraska Attorney General Doug Peterson has joined a coalition of 19 other conservative states in arguing that a Colorado website designer, because of her religious beliefs, shouldn't be legally required to design websites for same-sex weddings.

The case of Lorie Smith, who owns 303 Creative, deals with a free speech question that wasn't answered in 2018 when the U.S. Supreme Court decided another Colorado case, involving a cake shop.

Colorado's Anti-Discrimination Act prohibits a public business from refusing to provide services to customers based on their identity, which includes sexual orientation.

The Supreme Court, in its ruling in the Masterpiece Cake Shop case, didn't answer the main question raised: What has more legal importance, a business's freedom to choose its customers, or the government's interest in stopping discrimination based on sexual orientation?

Legal observers see the 303 Creative appeal as offering the Supreme Court — which is now more conservative than when the Masterpiece Cake Shop case was heard — an opportunity to make a ruling that would have major implications for federal, state and local civil rights laws.

The 10th U.S. Circuit Court of Appeals had ruled that if Smith, the sole employee of 303 Creative, designs websites for opposite-sex weddings, she must also legally do so for same-sex weddings. The court reasoned that Colorado had a compelling interest in ensuring "equal access to publicly available goods and services."

Smith's appeal argues that Colorado law violates her First Amendment rights of free speech. Peterson, in a "friend of the court" amicus brief, argues that because Smith "speaks" through her custom design work, Colorado cannot force her to address the topic of same-sex marriage.

The other states besides Nebraska in the coalition are: Arizona, Alabama, Alaska, Arkansas, Georgia,

Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Ohio, Oklahoma, South Carolina, Tennessee, Utah and West Virginia.
By Paul Hammel

LJS: Nebraska joins push for business owners' right to deny service to same-sex couples

Nebraska has joined an effort to urge the U.S. Supreme Court to rule that states can't use public accommodation laws to force business owners to act contrary to their religious beliefs.
Attorney General Doug Peterson said Thursday he had filed an amicus brief as part of a 20-state coalition in the case 303 Creative v. Elenis.
Lorie Smith, who owns 303 Creative in Colorado, is a graphic artist and website designer. Smith wants to expand her business into wedding websites, but she says her religious beliefs prohibit her from promoting same-sex weddings.
Under Colorado's anti-discrimination law, the 10th Circuit Court of Appeals said that if Smith designs websites for opposite-sex weddings, she is required to create websites for same-sex weddings. Smith sued, alleging that Colorado's law violates her rights under the First Amendment.
Other states besides Nebraska that are part of the coalition are Arizona, Alabama, Alaska, Arkansas, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Ohio, Oklahoma, South Carolina, Tennessee, Utah and West Virginia. All have Republican attorneys general.

KNEB: State Auditor Questions Agencies Over Pandemic Virus Testing, Contact Tracing Contracts

Nebraska's Auditor of Public Accounts is questioning whether the State received the pandemic services it paid for under no-bid contracts related to virus testing and contact tracing efforts from July 2020 through June 2021.
According to management letters issued to the Nebraska Department of Administrative Services and Department of Health and Human Services this week, the APA office outlined questionable issues tied to the TestNebraska efforts by Nomi Health, as well as with the contract for Professional Research Consultants (PRC), which provided services such as contact tracing and operating a vaccine hotline.
In the letter to DAS, auditors say the contract with Nomi Health stated that 1.2 million tests kits were to be received, but based on available documentation, there was support for the receipt of only 803,240 test kits. APA said at a cost between $25 and $32.50 per kit, questioned costs range between $9.919- and nearly $12.895-million. The letter also said a second amendment to the contract for additional services and management provided associated with collection sites did not involve clear language.
DAS responded that their own records indicated a lack of packing slip documentation maintained during the pandemic, particularly in the early months of June, July, and August 2020, however, such test kits were received. They said according to DHHS electronic lab records, a minimum of 789,400 tests were performed, a count of warehouse inventory accounted for an additional 206,500 test kits, providing support for receipt of at least 995,900 test kits, and Nomi Health, Inc. provided documentation supporting over 1.2 million test kits, meaning the contract was fulfilled.
In the DHHS letter, APA said multiple issues were noted when reviewing invoices and underlying

contracts with PRC. It says the Department had agreed informally to pay PRC based on a specified number of guaranteed hours; however, the contractual language appeared to indicate that payment would be based on actual hours worked.

The Department did provide the APA with emails exchanged with PRC, revealing an apparent understanding that payments would be based on guaranteed hours because PRC would have to pay the wages of the workers on hand, regardless of whether they were utilized or not. “Had the Department paid solely for hours worked, based on the existing contractual language and the invoices provided, payments to PRC would have totaled only $1,566,629, during the four month period reviewed. Instead, the actual amount paid was $6,694,200, based on the informal understanding regarding guaranteed hours, resulting in a difference of $5,127,571.”

APA recommended that DHHS implement procedures to ensure contracts are written to reflect clearly the intentions of the parties, providing both transparency and protection from potential liability due to ambiguous terms.

By Scott Miller

OWH: Nebraska's tourism slogan is 'not for everyone,' but commission calls it a success

Nebraska’s current tourism slogan landed with a splash in 2018, stirring a strong social media reaction and generating press coverage on several national platforms, from The Washington Post to “The Late Show with Stephen Colbert.”

The national award-winning slogan — “Nebraska. Honestly, it’s not for everyone” — continues to evoke praise and criticism, with even a few Republican gubernatorial candidates calling for a change. But with a busy summer travel season officially underway, Nebraska’s tourism chief says the state doesn’t plan to shed the striking slogan any time soon.

John Ricks, executive director of the Nebraska Tourism Commission, considers the campaign a success and cites tourism metrics and state rankings to make his case. A few Omaha industry professionals, though, are still unsure about the message and say that determining “success” requires more nuance.

In its research, Ricks said, the commission had found that Nebraska “wasn’t even on people’s shopping list as a potential vacation destination.” They found indifference, apathy — difficult beasts to battle in the advertising world.

“You have to do something unexpected to get people’s attention, to even get in their consideration set,” he said. “So, that’s what we did.”

Barriers to people visiting were entrenched, he said. The commission found that people wouldn’t even take the time to research Nebraska. There were perceptions that the state was all dusty plains, flat and boring, flyover country.

The campaign fed those assumptions back to people, Ricks said, then told them the real story.

One ad from the tongue-in-cheek campaign shows people floating a stream in livestock tanks with the words “Lucky for you, there’s nothing to do here.” Another shows hikers jumping across a rock formation: “Famous for our flat, boring landscape.”

The commission moved advertising out of the state, Ricks said, to attract travelers who tend to stay longer, spend more and bring in new money. For in-state travel, the commission is more focused on the state’s successful Nebraska Passport program.

“When this hit, we somehow connected with people,” Ricks said. “And we’re joking now that … we’re finding that there are a lot more ‘not everyones’ out there than we thought.”

Tourism is a $3.6 billion industry in Nebraska, Ricks said, that generates almost $265 million in state and local taxes.

Analyzing travel data from the last few years can be tricky, with the ongoing COVID-19 pandemic upending the industry in 2020. But Ricks offered some statistics that he said indicate success.

Web traffic on the state's tourism website, visitNebraska.com, increased from about 371,000 visitors in 2017 to about 918,000 in 2021.

Year-to-year changes in visitor spending had been modest each year between 2012 and 2017 (ranging from a 1.3% decrease to a 3.5% increase). In 2018, spending went up by 5.5%. It increased again, by 4.6%, in 2019 before plummeting 40% in 2020. It recovered and then some in 2021, increasing by 68%.

When people started traveling after locking down early in the pandemic, Ricks said, they'd go in their cars to see less-populated places that are outdoorsy, less-traveled and affordable.

"That's just a description of Nebraska," he said.

He expects there's still pent-up demand that drove some of the success in 2021. But not every state got back to where it was in 2019, he said. Nebraska did.

Another metric: Nebraska's ranking on MMGY Global's "Portrait of American Travelers" improved this spring, placing it among eight states that had a statistically significant increase over 2021.

Chris Davidson, executive vice president of MMGY Travel Intelligence, said the company has published its in-depth report for over three decades. It surveys roughly 4,500 adults about their travel habits. In 2021, it changed to a quarterly schedule.

One question asked of "active leisure travelers" in each survey centers on their interest in visiting each of the 50 states and Puerto Rico, along with other specific destinations. That data is used for the rankings Ricks cited.

Nebraska has traditionally been in the bottom five, Davidson said.

Nebraska ranked tied for 45th with Arkansas and Oklahoma in spring 2019, but only 17% of people surveyed were somewhat or extremely interested in visiting. MMGY didn't publish a report in 2020.

In spring 2021, 21% of people were somewhat or extremely interested in visiting Nebraska in the next two years, and it ranked 48th. In its most recent report, spring 2022, that number rose to 25% and Nebraska ranked 45th.

Just people who were extremely interested went from 5% in 2019 to 9% in 2022. The percentage of people who weren't at all interested was 41% in 2019 and dropped to 36% in 2022. The state's average score went from 2.2 on a five-point scale to 2.4 — about a 9% improvement.

Davidson's assessment of those numbers was twofold: "It's some encouraging, incremental positive momentum," he said. And, there's a lot of work to be done.

"The reality is, it's still in the bottom five states for interest in visiting," he said.

Jeremy Lipschultz, a social media professor at the University of Nebraska at Omaha, said he guessed the initial attention the slogan received cut both ways — some people were positive about it, but some were negative because it sounds exclusive.

Terry Kroeger, president and CEO of Omaha marketing firm Smith Kroeger, said it was "unfortunate that the message was contrary to the truth that Nebraskans are very welcoming to newcomers and visitors."

"This message says the opposite," he said in an email.

During the recent gubernatorial primary, Republican candidates talked about changing the slogan.

"Right now, 'Nebraska is not for everyone' is not the message that I want to send as governor," State Sen. Brett Lindstrom said at a debate. "We simply can't. We have too many jobs in the state of

Nebraska — 60,000-plus unfilled jobs — we're not going to be able to grow organically and bring people and retain and recruit talent by sending that message that Nebraska is not for everyone."
Lipschultz thinks that most of the attention was short-term, and that a lot of factors could drive the long-term, positive results, including work going on in communities across the state to promote downtown development, tourism and community engagement — such as UNO Social Media Lab projects in towns including Ashland, Ravenna and Valentine.
"I'm sure that some of those local efforts would add up in the larger numbers across the state," he said.
Leanne Prewitt, president and chief creative officer at Ervin & Smith in Omaha, drew a distinction between effectiveness and success. If the goal was to have national recognition for the state's tagline, it was certainly effective. And it's likely the most memorable tourism slogan the state has ever had, she said.
With tourism numbers up, she questions whether it's the campaign or the fact that people were forced to visit flyover states the last two years because they were reluctant to fly. Even if the slogan did cause the boost, she said, she'd challenge whether it's been a complete success because she thinks it offends Nebraskans.
"Even if you get effectiveness in any or all of those three areas, if you shame and piss off the residents of the state or the people that the campaign is about, I think it's not a success," she said.
She thinks it was a mistake that the commission used an out-of-state firm (Colorado-based advertising agency Vladimir Jones) for the campaign and that there could've been a way to launch it within the state that let people in on the joke, rather than letting them feel mocked.
Back in 2018, Lipschultz told The World-Herald that his initial grade for the tourism tagline would be only a C. Now, he said, he might raise that grade. He's not quite sure it's an A, he said, but "it's a contributor to this overall momentum."
Ricks is aware that some people have disparaged the slogan. But, he said there's a lot of uniformity across the industry — states touting great restaurants, events, hotels.
"You can't differentiate on sameness," he said. The audience for the campaign, he said, is people who like to take time to enjoy and wander, who want to "peel back the onion and learn a little more."
"That's the 'not everyones.' Those are the people," he said. "And, as long as it keeps working, we'll stick to it."
Nebraska currently has its largest campaign of Ricks' tenure: $3 million in media buys. It has added Minneapolis and spot markets in Madison, Wisconsin, and Oklahoma City to the lineup of Denver, Kansas City, Des Moines, and Sioux Falls, South Dakota.
New ads that are part of the campaign still confront the barriers travelers encounter when deciding whether to travel here, while broadcasting the state's quirkiness.
"We'd install mountains, but they'd just block the view" one says, over a landscape photo of the sun setting over rolling hills. Another, advertising the Ashfall Fossil Beds, says "Some of us have been waiting 12 million years for you."
The commission's advertising agency will change June 30, with Florida-based Miles Partnership coming out on top in a request for proposals. The firm also has a Denver location, and the commission has worked with it before.
Ricks said the campaign won't change.
"The long-term objective was to at least get on people's shopping lists," Ricks said. "We had a big job in terms of changing these perceptions. We had to take people unexpectedly and — not necessarily

shock them — but we had to get their attention. The self-deprecating humor was all intentional, and it continues to work."
By Sara Gentzler

OWH: Nebraska education commissioner expresses frustration over board's handling of his contract

Nebraska Education Commissioner Matt Blomstedt publicly expressed frustration Friday over the way the Nebraska State Board of Education was handling the renewal of his employment contract, telling board members that he felt he was excluded from the process.
He commented during the monthly meeting of the board at the Nebraska Innovation Campus in Lincoln.
"It's uncomfortable for me to sit here while you talk about me without me," Blomstedt said. "I will say, and I do feel, as if I've not been in the process at this point in time. So, you all are agreeing to an offer that I have yet to consider."
The comments were a rare display of emotion for Blomstedt, a self-deprecating consensus-builder with a steady demeanor.
Since taking the job in 2014, his contract renewals have been uneventful, punctuated with atta-boys from board members for a job well done.
This time, board members offered motions and counter motions over the proposed new contract that would have given him a pay raise and set performance goals. Unable to reach agreement when first brought up in the meeting, they postponed consideration until later in the meeting.
After completing other business items on the agenda, they adjourned to closed session for more than an hour to discuss it again.
They returned to open session to discuss it more. Then they rejected a motion to table it until their next meeting.
Finally, a motion to adopt the contract changes failed, 3-5.
Voting in favor were Deborah Neary, Robin Stevens and Jacquelyn Morrison. Against were Lisa Fricke, Maureen Nickels, Kirk Penner, Patti Gubbels and Patsy Koch Johns.
Because no action was taken, Blomstedt remains on his existing contract. That contract, approved last year, was for three years, running from July 1, 2021, to June 30, 2024. His salary for the current fiscal year is $237,273. Under the current contract, that was already going to increase to $242,019 for the year starting July 1.
The proposed change would have raised it even more to $246,764.
It wasn't clear why board members struggled to come to agreement.
The money didn't appear to be the issue.
Rather, it appeared to be partly a disagreement over the set of performance goals but also a concern that the proposed contract terms were reached by a committee without input from other board members.
The committee proposed an eight-page list of "performance standards, indicators and targets." The listed goals ranged from leading with dignity and respect to encouraging high expectations for student achievement.
Morrison expressed concern that not all board members had a chance to give input.
"Right now, it's not feeling like it's very collaborative," she said.
She wanted more discussion, particularly on how the committee arrived at the proposal.

“I would like to hear the thought process of how you got to that.”
She questioned whether the goals were measurable and attainable.
Stevens made a motion to go forward with approval, but it went nowhere.
During the meeting, Blomstedt sat listening to several minutes of the back-and-forth about whether the agenda was worded properly on the proposal, jockeying over motions, clarification of motions, and whether an executive session was needed, before he weighed in with obvious frustration.
“I’m gonna be honest with you,” he said. “I don’t think I’m where I want to be with you, and I don’t think we’re going to get there in this type of conversation.”
He said it was difficult to “sit here and watch the board struggle ... I don’t want that. I actually feel guilty, like it’s my fault. Actually I don’t think it’s my fault.”
Blomstedt told board members that they didn’t have to rush to approve a new contract. He said he would be willing to delay any changes until August while the board worked on a contract that he and the board could agree on.
He also said, “I’m not walking away from this job.”
“I’m here for you, and I’m here for the state of Nebraska, to do my job as effectively as I can,” Blomstedt said. “I can’t do that ... unless you can figure out how to work with me on that very point.”
When Blomstedt was done, Fricke responded, “Thank you for your candor. That shows leadership.”
By Joe Dejka

LJS: Dueling court briefs in medical marijuana lawsuit disagree on history, intent of initiative powers

Riding a progressive wave in the early 20th century, Nebraska lawmakers approved a measure asking voters to amend the power of the initiative into the state constitution.
More than 92% of voters in the 1912 general election backed the proposal, adding Nebraska to the growing list of states where voters reclaimed the right to initiate legislation themselves or enact a referendum on laws they found objectionable.
The question about how much direct democracy elected leaders and voters intended more than a century ago is at the heart of a federal lawsuit challenging the requirements that a petition gather support from 5% of voters in 38 of Nebraska’s 93 counties.
Crista Eggers, statewide campaign coordinator for Nebraskans for Medical Marijuana, sued Secretary of State Bob Evnen last month, arguing the requirement was unconstitutional because it diluted the votes of residents who live in the state’s more populated urban areas.
The lawsuit seeks a preliminary injunction against the provision ahead of the July 7 deadline for submitting signatures.
Last week, the Nebraska Attorney General’s Office, which is representing Evnen, said the multicounty requirement could not be severed from the right to initiative granted in the state constitution because they have been linked since the 1912 origin.
The dueling briefs filed in U.S. District Court paint different interpretations of the legislative and constitutional history that led to the creation of the initiative power, which is the first reserved to the people under Nebraska’s constitutional framework.
Relying on a plain reading of Article III, Section 2 of the Nebraska State Constitution, the attorney general’s office argued the requirement that a petition be signed by 10% of legal voters, including 5% in two-fifths of the state’s 93 counties, was “integral to the initiative right from its inception” in 1912.

“That requirement was inextricably intertwined with — embedded into the same sentence as — the overall signature requirement,” wrote Solicitor General James Campbell in a brief filed with the court Tuesday.

Less than a decade after voters amended the constitution, during the 1919-20 state constitutional convention, the right to a petition was maintained, even if the total signature requirement was reduced somewhat, the attorney general’s office said.

But, Campbell pointed out, “the multicounty signature requirement remained a central aspect of the initiative right.”

According to the proceedings of the convention, a committee recommended “many changes in the wording and arrangement” of the initiative proposal, but “it has not intentionally recommended any alteration that would affect any essential feature of the proposal.”

It was not changed during any of the three subsequent amendments to Article III, Section 2 approved by voters in the century since.

In 1988, voters approved an amendment changing “electors” — people eligible to vote — to registered voters; in 1998, the single-subject clause was added; and in 2004, an amendment was adopted that prevents the Legislature from changing or repealing any law enacted by the initiative unless by a two-thirds vote.

Both the text and the history, according to the attorney general’s argument, demonstrate the people envisioned an initiative process that required petitioners to solicit support from across a broad swath of Nebraska, from urban centers to rural areas.

“Given this history, conceiving of the initiative right in Nebraska without the multicounty signature requirement is like ‘the play of Hamlet with Hamlet left out,’” Campbell wrote, citing language from a 1935 Nebraska Supreme Court case.

In other words, Campbell argued, if the court chooses to strike down the multicounty qualification requirement in Nebraska’s petition process as unconstitutional, it would essentially eliminate the right altogether because that provision was inseparable.

Attorneys for Eggers and Nebraskans for Medical Marijuana, in a response filed in federal court Friday, said nothing in the historical record indicates the multicounty requirement was linked with the right to petition from its origin, which allows for a court to rule that portion unconstitutional.

Mindy Rush-Chipman of ACLU of Nebraska, and Daniel Gutman, a contract attorney working on the case, pointed to a 1911 message from Democratic Gov. Ashton Shallenberger to state lawmakers on the third day of the session pushing for Nebraska to join the growing number of states that granted citizens the right to petition their government.

“The initiative is designed to place in the hands of the people the power to make laws for themselves when legislatures through indifference or ulterior influences shall refuse to enact the legislation they desire,” Shallenberger’s message states, according to the Legislature’s records.

While he was a champion of the cause, Shallenberger warned that a “deluge of measures” would be put before voters without certain checks being put in place — raising the required number of signatures needed, for example, or limiting how many initiatives could be considered in a given election cycle.

“Never once, however, did Governor Shallenberger mention the multicounty distribution requirement as a possible solution to the perceived problems associated with the initiative process,” Rush-Chipman and Gutman wrote in their brief.

Nebraskans for Medical Marijuana said the issue was not discussed in either branch of the Legislature at that time, either, at least according to the journal of both the House and Senate, and

the proposal ultimately won bipartisan support.
The question put to voters, while creating the process that required support from two-fifths of the state's counties, did not include that language on the ballot created by voters, attorneys for the petition campaign argued.
A sample ballot from the 1912 general election asks voters whether they are for or against a "proposed amendment to the constitution reserving to the people the right of direct legislature through the initiative and referendum."
The text of the ballot itself, Rush-Chipman and Gutman wrote, where the right to referendum won by a vote of 189,200 to 15,315, "is the best and most conclusive indicator of voter intent," and renders the multicounty requirement severable from the rest of the right.
The question of whether or not the requirement that petitions gather support from a coalition of counties across the state is one of several that are before U.S. District Court Judge John Gerrard and Magistrate Judge Michael Nelson.
Nebraskans for Medical Marijuana, which is trying to qualify two petitions for the November general election ballot, said the multicounty requirement violated the equal protection and due process clauses of the 14th Amendment, as well as the First Amendment rights of voters.
The campaign is joined with ACLU of Nebraska in the lawsuit.
Their arguments rely upon a 1969 U.S. Supreme Court decision that found an Illinois requirement that requires petitions to obtain 200 signatures from at least 50 of the state's 102 counties was discriminatory against residents of populated areas.
By Chris Dunker

Nebraska Examiner: Nebraska counties inconsistent in who is sent early ballot request cards

LINCOLN — Individual decisions by a dozen county election officials about mail notifications could affect which voters turn out for the June 28 special election in Nebraska's 1st Congressional District.
The election between Republican State Sen. Mike Flood and Democratic Sen. Patty Pansing Brooks will determine who represents the district through the end of the year, replacing former Rep. Jeff Fortenberry, who resigned at the end of March after being convicted of three felonies in federal court.
Counties are going their own way in sending postcards to voters to request early ballots, much like during the 2020 election, in the early part of the pandemic, before the state stepped in and sent the cards to every registered voter.
What they're doing
Five 1st District counties sent cards to voters who had signed up for long-term vote-by-mail lists: Lancaster, Madison, Platte, Dodge and Cuming. The cards provide information about how to request an early ballot for the next election.
Four counties — Butler, Colfax, Seward and Sarpy — never send out such cards. None of them operates an indefinite vote-by-mail list, though Butler is considering creating one.
Stanton County mails a ballot to every voter before every election, including this one. Stanton is one of 11 rural Nebraska counties that vote entirely by mail.
Then there are Polk and Cass Counties, which typically send ballot-request cards to people who voted early in the last election. They ended up on different paths for the special election.
Polk spent $850 to send ballot request cards to every active registered voter in the county. Cass

considered doing the same but was too late. Instead, it sent cards to people who voted early in the May primary.

Budget issue

The Nebraska Examiner probed the inconsistencies after a Cass County resident complained that Cass had not sent voters the usual ballot request cards before the May 2022 primary.

Cass County Election Commissioner Linn Moore said she didn't send cards for the primary election because of the expense. She said it would have cost $4,800 to send the cards to a record 6,000 people who voted early in 2020.

Her annual budget for postage is about $10,000, she said.

"I just couldn't justify the cost," she said.

Moore said she has sought help from the Nebraska Secretary of State's Office on how to create a long-term, vote-by-mail list that will determine who receives cards from the county in the future. She said she couldn't create it in time for the special election.

Moore said she had enough in her budget to send cards during the special election because a smaller number of people voted early in May. She said she understands people prefer consistency from the office.

"I'm rectifying that," she said last week. "I agree on the consistency thing."

Polk County also sent cards to people who voted early in 2018, the last primary election before the pandemic, said Debra Girard, Polk County election commissioner.

"We threw out 2020," she said, also citing concerns about cost during that atypical election year.

Comparing 2020 to 2022

Nebraska Secretary of State Bob Evnen declined to comment about the issue. In 2020, some GOP state leaders questioned letting local election officials make their own choices about sending ballot request cards.

The state's most populous counties sent ballot request cards to all residents, but many smaller counties did not follow suit. Most Democrats in Nebraska live in the most populous counties, while Republicans outnumber Democrats in many rural counties.

Now it is Democrats, including state party chair Jane Kleeb, questioning whether political motivations might play a part in decisions for an off-peak election where more than half of the district's voters live in blue-leaning Lancaster County.

Kleeb said voters are confused, and state and local election officials need to remember that regular folks don't live and breathe election processes.

Misinformation about early voting by people like former President Donald Trump magnifies fear and misunderstanding, Kleeb said.

"What it feels like is that Republican-dominated counties want to restrict the use of vote-by-mail because Democrats very much support the use of vote-by-mail," Kleeb said. "This is not a secret, and we shouldn't be dancing around it."

Taylor Gage, executive director of the Nebraska Republican Party, said the state GOP supports local control to ensure that elections are run in ways that people trust, because they know the people who run them.

"There are going to be different policies in different counties. But over time as people are consistent (locally), those communities can build processes that work for them," Gage said.

"I think we have to have a little bit of grace," he said. "Those things will work themselves out over time."

The value of consistency

Election officials cited practical reasons, not political ones, for their decisions.
But political observers said people might become suspicious if they see a neighbor post on social media about receiving a request card and haven't received one themselves.
Lancaster County mailed 66,000 cards to voters who signed up for the indefinite vote-by-mail list, said Dave Shively, Lancaster County election commissioner. The county has nearly 200,000 registered voters.
"That list grew out with the pandemic because when we did send cards out during the pandemic, both in the primary and general, people then, you know, added their name to the list," Shively said.
Colfax County, with 5,252 registered voters, has no long-term vote-by-mail list and few early voters. About 200 people voted early in May, Colfax County Election Commissioner Rita Mundil said.
"We just don't have that much interest in it," she said.
Inconsistencies in how elections are run county to county and race to race risk raising questions that can get out of hand, said Steve Smith, a spokesman for voting rights advocacy group Civic Nebraska.
"In the minds of voters, consistency is extremely important," Smith said. "They reasonably expect specific patterns and processes from election to election.
"Procedural changes – no matter how small, no matter how necessary or justified – can be hyper-politicized."
By Aaron Sanderford

OWH: New complaints allege voter ID petition circulators are misleading would-be signers

LINCOLN — In the past week, the Nebraska Secretary of State's Office has received at least five new complaints against a voter identification petition, this time alleging that petition circulators are being misleading about the petition's intent.
But unlike a previous complaint, which alleged a signature gatherer falsely claimed to be a state employee, the more recent claims have not been forwarded to the Nebraska Attorney General's Office for further investigation. That's because Secretary of State Bob Evnen said his office does not consider them to be criminal in nature.
Meanwhile, State Sen. Julie Slama of Dunbar, the initiative's sponsor, said the allegations are part of a "Democrat-led hit club" meant to undermine the initiative.
Sen. Carol Blood of Bellevue, a Democrat running for governor, submitted one of the more recent complaints, as well as the initial complaint. She said she hears from people daily about questionable encounters they've had with signature gatherers for the ballot initiative.
Last week, Blood shared a tweet that included a video of a signature gatherer who claimed the ballot initiative would give registered voters the option of using their ID before casting their vote, and later claimed the petition would allow there to be a debate about the issue. Blood said she's heard from at least one other person who said a petitioner claimed the ballot initiative "doesn't do anything, it just allows a debate."
According to the ballot petition's object statement, the initiative — if approved by Nebraska voters — would amend the state Constitution to require registered voters present a valid photo ID before casting a ballot.
Citizens for Voter ID is leading the effort to put the initiative on the November ballot. The group needs valid signatures from 10% of registered voters, or about 124,000 people, by July 7 to qualify.
State law requires petition circulators read the object statement of the ballot initiative before

collecting an individual's signature.
Slama, a conservative lawmaker in the Legislature, said this is part of the training petitioners receive for the voter ID initiative. She said she has not seen any evidence that the petition circulators have been lying about the initiative's intent, and she dismissed the allegations as a purposeful effort by Blood and other Democrats to prevent the initiative from getting on the ballot.
Blood said she has nothing against giving voters a choice on the issue, but she wants the petition effort to be conducted the right way.
"They're basing this ballot initiative on unproven fraud by being actually fraudulent," Blood said.
The latest complaints follow allegations last month from Blood and others who said they had been approached by signature gatherers claiming to be state employees. State employees are not allowed to circulate petitions or otherwise engage in political activities while on the clock.
Evnen said his office sent the previous complaint — lodged by Blood — to the Attorney General's Office because they considered the allegations to be criminal in nature.
However, Evnen said he didn't consider the new complaints to be at the same level, so his office followed its normal process of forwarding complaints to the initiative's sponsor.
Slama said she has not been contacted by the Secretary of State's Office regarding the recent complaints.
Though he does not consider the new allegations to be criminal, Evnen said there have been court cases filed in the past regarding misrepresentation of ballot initiatives.
That occurred in 2008 when opponents filed a lawsuit seeking to keep a proposed constitutional amendment off the ballot. The opponents alleged, among other claims, that petition circulators failed to fully explain the initiative, which sought to put a ban on affirmative action into the Nebraska Constitution. The ban ultimately stayed on the ballot and voters overwhelmingly approved it. A judge later ruled in the ban's favor, upholding the legality of the petition drive that put it on the ballot.
Blood said she expects the voter ID petition will be challenged in court. She said the company hired by Citizens for Voter ID to manage the signature-gathering effort, Vanguard Field Strategies, raises "a red flag."
Vanguard, a GOP firm based in Austin, Texas, managed signature gathering for a leading candidate in Michigan who, according to reporting by the Detroit Free Press, likely will not appear on the Republican ballot for governor after the state's election bureau found that thousands of his petition signatures were fraudulent.
Joe Williams, president of Vanguard Field Strategies, did not respond to an email Friday seeking comment.
By Erin Bamer

OWH: Nebraska hospital officials decry violence against health care workers

Nebraska hospital officials and health care workers spoke out Friday against the growing incidence of abuse, from name-calling to physical assaults, aimed at health care workers by patients, family members and visitors.
The occasion was the sixth annual Hospitals Against Violence Day, an day of awareness intended to focus on ending violence in hospitals and communities.
"Violence is certainly one of our nation's major public health crises and safety issues, both in our communities and inside our workplaces," said Jeremy Nordquist, president of the Nebraska Hospital

Association.
But Nordquist said hospital officials had no idea as they prepared for the event that they would be dealing with the aftermath of two hospital shootings this week.
In the first, two orthopedic surgeons, a medical office staffer and a patient visitor were killed in a mass shooting Wednesday on the campus of St. Francis Health System in Tulsa. The gunman, police say, also killed himself.
St. Francis' president and CEO is Dr. Cliff Robertson, who went to Tulsa in June 2021 after seven years in Omaha as president and CEO of CHI Health.
Also Wednesday, a jail inmate shot and killed a security guard in a hospital emergency room in Dayton, Ohio.
"While these horrific events got the national attention they deserve," Nordquist said, "violence against our health care workers is not uncommon or isolated to just a few incidents. More and more, our health care heroes are facing violence, both physical assaults and verbal threats, and more are reporting it."
A national study, he said, indicated that 44% of nurses experienced physical violence in the workplace during the pandemic, and 68% experienced verbal abuse. And 2018 data from the International Association of Health Care Safety and Security indicated that health care workers were five times more likely to face violence in the workplace than the average worker.
Lisa Vail, vice president of patient care services and system chief nursing officer with Lincoln's Bryan Health, said almost 60% of employee-related incidents reported to the Occupational Safety and Health Administration for lost work time were related to violence against health care workers, from verbal abuse to physical assault.
"These events are increasing the emotional and physical toll on our staff, and that is causing some to leave the health care profession altogether," she said. "We can't afford the loss of these skilled and compassionate caregivers ... if we want to continue to meet the health care needs of our community."
Vail said emergency department staff are most affected, particularly when caring for patients who are under the influence of alcohol or drugs, experiencing mental illness or dealing with the health issue that brought them to the emergency room.
But such incidents happen throughout the hospital, including name-calling, spitting, kicking, inappropriate sexual comments and outright assault.
"Violence against health care workers should not be tolerated," Vail said, "and our staff should not have to accept this as part of the job."
Alex Wilkerson, emergency room clinical director for Great Plains Health in North Platte, said the verbal and physical abuse seems to have increased during and after the pandemic, with patients and family members fighting masking and vaccination requirements as well as visitor policies and other measures established for their safety.
Nicole Thorell, chief nursing officer with Lexington Regional Health Center in Lexington, said the problem is happening everywhere in the state, with increased stressors during the pandemic and decreased access to mental health services.
The angry, aggressive behavior, she said, now is being directed toward upfront staff, including those in billing, registration and front-door screening.
"In the past," Vail said, "much of the anger we'd see on clinical units. Now, they walk through the door angry."
Thorell said she wants people to know that hospital staff are there to care for them and help them.

But she also urged them to use grace and allow hospital staff to find the help they need.
The officials said their hospitals continue to take steps to prevent such incidents, from training staff in de-escalation tactics to providing security guards and surveillance.
By Julie Anderson

OWH: Before Roe v. Wade, some Nebraska abortion practitioners faced prosecution

Abortion is the "dread secret of our society," an author wrote in 1966. At the time, abortion was illegal in most circumstances in all states — and had been since the mid-1800s.
Despite that fact, abortions continued to occur across the country, including in Nebraska, where some practitioners faced criminal penalties.
Estimates of the number of illegal abortions in the U.S. during the 1950s and 1960s ranged from 200,000 to 1.2 million per year, according to the Guttmacher Institute, a research organization that supports abortion rights. A study in the 1930s estimated there were 700,000 abortions annually. Guttmacher reported an annual average of 890,000 abortions in the U.S. between 2015 and 2019.
Some were done by doctors, some by unlicensed people with wide variation in training. Some were undertaken by women themselves, using poisons, pastes, herbs and a variety of sharp objects. As a result, death rates were high.
According to Guttmacher, abortion was listed as the official cause of death for almost 2,700 women in 1930, or nearly one-fifth of maternal deaths nationwide.
The death rate dropped with the advent of antibiotics in the 1940s. There were just under 200 deaths from abortion in 1965, but that still accounted for 17% of all deaths related to pregnancy and childbirth.
Some deaths showed up in local crime news. In 1959, The World-Herald reported on a doctor convicted of manslaughter by abortion in connection with the death of a 21-year-old Arcadia, Nebraska, woman. Her parents testified that they had taken her for the abortion.
A 1968 story concerned a Waterloo, Iowa, woman whose body had been found in a parking lot showing evidence of an abortion. The investigation into her death was reported to have possibly broken up "an abortion ring."
Dr. Roger Jernstrom, an Omaha OB/GYN, testified about the less public toll at a legislative hearing in 1973.
"Some of us have practiced medicine long enough to have taken care of girls who have had abortions by other than physicians," he said. "There have been deaths. Some of us have almost lost patients. We are trying to get away from having these being done in hotel rooms or old medical facilities by non-physicians."
In a 1961 issue, the Saturday Evening Post described criminal abortion as the "third largest racket in the United States." Writer John Barlow Martin followed the abortion squad of the Los Angeles Police Department's homicide division as they went about their work. He quoted one source saying that abortions were rarely reported unless a death occurred and, even then, convictions were hard to get.
In Nebraska, one non-physician who got convicted was Wallace Emerson Whitehead. He was sentenced in 1966 to two four-year prison terms for foeticide and conspiracy to commit a foeticide. The convictions were for an abortion done on an Iowa woman in a west Omaha motel.
The son of a doctor, Whitehead told The World-Herald he started doing abortions in the early 1930s, shortly after arriving in Omaha to open a surgical supply and vitamin business. He said he started at

the request of doctors who feared losing their licenses. He claimed to have never lost a patient or made a profit.
Decades earlier, Dr. Charles Flippin, the father of George Flippin, Nebraska's first Black football star, faced criminal charges nine times over abortions performed in rural Nebraska. He was acquitted or saw the charges dismissed in all but one instance, when he pleaded guilty to performing an illegal operation.
By the 1960s, abortion started emerging as a political and social issue. In 1962, the American Law Institute recommended changes to loosen state abortion laws.
In 1967, Colorado became the first state to permit abortions for a wider range of reasons, including rape, incest and the pregnant woman's physical or mental health. State Sen. Terry Carpenter of Scottsbluff proposed to change Nebraska law that same year. His bill cleared the first of three rounds of approval but did not make it any further.
By 1970, four states had repealed their old laws and allowed abortion on request before the fetus was viable. Of those, Alaska, Hawaii and Washington required a woman to be a state resident for at least 30 days before an abortion. New York did not, which opened the door to legal abortion for Nebraskans who could afford the trip.
But some were able to get legal abortions closer to home. A 1970 World-Herald story reported "at least six abortions" per week were being done by Omaha doctors, most at what is now the University of Nebraska Medical Center. Women had to get the approval of at least two doctors for such abortions.
By Martha Stoddard

Nebraska Examiner: EPA violation filed over slow response to mitigate damage to Sandhills stream

LINCOLN — A federal environmental agency has cited a Sandhills rancher for failing to mitigate and halt damage created when the rancher drained a temporary lake into the Snake River without permission.
A deluge of approximately 1.6 million tons of sand and sediment washed into the spring-fed creek after Dick Minor of Gordon dug a 2.5-mile-long ditch to drain floodwaters off a hay meadow, an event followed by heavy rains.
The erosion turned a 3-mile stretch of the typically narrow and deep channel of the Snake River — a remote site for trout fishing and canoe trips — into a flat, sandy plain like the Platte River.
Unleashing such a deluge into a stream without obtaining permission is a violation of the federal Clean Water Act.
Visible 30 miles away
Evidence of the influx of sediment was visible 30 miles away in Merritt Reservoir, southwest of Valentine, which is partly fed by the Snake.
The sand that washed into the creek would be enough to fill an area the size of a football field about 540 feet deep.
A year ago, the U.S. Environmental Protection Agency reached an agreement with Minor and Cherry County to immediately halt the "illegal discharges" in the Snake River and restore the channel of the creek "to the extent technically feasible."
EPA spokesman Ben Washburn, in a recent email, said Minor and the county submitted a mitigation plan last September.

‘Notice of violation’

But in February, the EPA issued a “Notice of Violation” after required steps to abate the ongoing erosion hadn’t been taken. An aerial photograph submitted by a local pilot appears to show little has been done since the washout in the spring of 2020.

Washburn said Friday that at this point, enforcement actions, such as fines, aren’t being contemplated.

“Right now we’re just focusing on getting the work done,” he said.

Washburn added that “due to the severity of the impacts and the complexity of the restoration,” EPA has enlisted an engineer to review the plan proposed by Minor and Cherry County.

The EPA official said he had no details about a visit by EPA officials this week to the Minor Ranch, which is west of Nebraska Highway 61 along the Snake River.

EPA just left

Minor, when reached Friday morning, said that the EPA had just left his ranch and that there had been an agreement to “do another little deal,” which he described as building a “berm” to halt erosion from the drainage ditch.

“I talked to them. Everything sounded good,” he said. “Me and the county are getting along good, and we’re going to get it fixed up like they want it.”

Minor added that the agreement will likely have to be approved by Region 7 of the EPA, which is headquartered in Kansas City.

The rancher did not say why the mitigation work hadn’t been done yet, but he said in his opinion, the Snake River hadn’t been damaged or altered except on his ranch.

‘Neighbors OK with it’

“The neighbors are OK with it,” he said. “People need to mind their own business.”

Minor said he drained the flooded hay meadow to restore hay production there, to feed his cattle.

“I got to make a living,” he said.

As for aerial photographs of the damage that have been provided to the Nebraska Examiner, he said if an airplane flies “too low” over his place, “he might not have an airplane.”

Cherry County Attorney Eric Scott said he was not aware of the violation order in February but said the county has “acted in good faith and done everything we’ve been asked to resolve the situation.”

County road crews, he said, had worked to drain water off a flooded county road in the area of the Minor Ranch but had not been involved in digging a drainage ditch to the Snake River.

The EPA agreement in June 2021 stated that Minor and the county would share in the cost of the mitigation work.

Roads, highways and pastures were flooded in Cherry County after a “bomb cyclone” hit Nebraska in the spring of 2019, an event that caused damaging flooding along the lower Niobrara River, Platte River and elsewhere. Scott said Cherry County spent $11 million to restore roads in that Sandhills county due to the flooding.

By Paul Hammel

OWH: Many other Omaha-area school districts not considering stipends for staff

It doesn’t appear most other metro-area school districts feel the need to follow the Omaha Public Schools’ lead in offering stipends to recruit and retain staff.

Multiple suburban Omaha districts said this past week that they aren’t experiencing the teacher shortage as acutely as OPS and are not considering stipends at this time. Officials at OPS, the state’s

largest school district, unveiled their plan to use federal COVID-19 relief aid for temporary employee stipends Wednesday.

The proposal appears to be legal, Nebraska Commissioner of Education Matt Blomstedt said. He said the Nebraska Department of Education would review the proposal, if asked, to ensure it is consistent with federal law and U.S. Department of Education guidelines.

"My understanding is such teacher pay plans are acceptable," he said.

Though the head of the Omaha teachers union and several other educators welcomed OPS's announcement, the reception wasn't universally positive.

The taxpayer advocate group Nebraska Taxpayers for Freedom opposes the stipends, saying bonuses won't solve the personnel problems at OPS. Doug Kagan, president of the organization, said teachers tell his group they are leaving because of student discipline problems and indifference from administrators.

OPS wouldn't be the first metro-area district to award stipends since the pandemic began.

In 2020, with the pandemic raging, Millard provided $1,008 stipends to teachers and salaried staff to compensate them for the extra work demands.

Millard spokeswoman Rebecca Kleeman said teachers have been compensated in other ways, including through a new contract. Millard officials and the union settled on an 8% increase in the compensation and benefits package over the next two years, she said.

Kleeman said Millard, like all metro-area districts, is working on long-term solutions to the teacher and staff shortage.

She said officials "anticipate being able to start school in a solid position to meet our students' needs."

In the Council Bluffs Community Schools, stipends have been given out twice using federal aid money.

The first time was last December when the district gave $500 retention stipends to all staff, spokeswoman Diane Ostrowski said.

The second came in April when the State of Iowa allocated $1,000 retention stipends to classroom teachers across the state. The district extended the state stipends to other licensed staff as well, she said.

The OPS pay increase proposal, which would apply to all certified and classified full-time and part-time staff for the next two years, follows an exodus of teachers that occurred last month. Some employees cited poor working conditions that weren't improving.

Under the district's proposal, which will go before the school board for approval Monday, certified and classified full-time staff would receive an additional $4,500 per year, while part-time staff would receive an additional $2,250 per year provided they work 20 or more hours a week.

OPS Superintendent Cheryl Logan said last week that the staff shortages could lead to increased class sizes in the fall.

Several metro-area districts said they are close to finishing up their hiring of teachers. A couple of districts reported some trouble filling noncertified positions like paraprofessionals and custodians.

In districts with growing enrollment, hiring sometimes continues as late as the first week of school.

Jim Frederick, spokesperson for the Ralston Public Schools, said the hiring for next school year has gone well this spring.

"Currently, we just have a couple of open teaching positions for next year," he said.

Ralston officials are not considering stipends at this time, he said.

The Papillion La Vista Community Schools has nearly completed its hiring for the fall, spokeswoman

Annette Eyman said.
As of Thursday, the district had four openings for teachers — two elementary and two secondary — and three for specialists, all of which opened in the last week and a half. The district has applicants for those spots, she said.
“From a certified teaching standpoint, we’re sitting pretty good,” she said.
Hiring paraprofessionals remains a concern, she said.
The Springfield Platteview Community Schools has not had a problem hiring teachers, spokeswoman Nichole Baugh said.
“As of right now, we are 100% hired up for certified staff,” she said.
The district, which encompasses much of rural Sarpy County, historically doesn’t get as many applications as the more urban metro-area districts, she said.
“But when we do, they are people who want to be in that area,” she said.
In the Bellevue Public Schools, so far, officials have been able to find teachers and fill open positions, spokeswoman Amanda Oliver said.
“We are not raising class size, and we are not offering stipends,” Oliver said.
Gretna Public Schools superintendent Rich Beran said that while finding teachers has been tougher this year, he doesn’t anticipate any acute problems in the fall.
By Joe Dejka

LJS: State ed board: Schuyler High School no longer needs intervention for low performance

Schuyler High School, located in a primarily Hispanic community, has shown enough progress to be removed from the Nebraska Department of Education's list of schools needing intervention.
The Nebraska Board of Education voted Friday to remove its designation of the high school as a "priority school," selected from among the lowest-performing schools in the state's classification system.
Schuyler High School landed on the list in 2018 because of a number of factors, including its dropping graduation rate, chronic absenteeism and the number of English language learners not proficient on state assessments.
State law requires the Department of Education designate priority schools for intervention. Schools identified for help work with the state to draft an intervention plan to identify goals and areas for improvement.
After three years, the board can vote to extend or amend the progress plan or remove the priority school label. The 2019-20 school year was not taken into account because of the pandemic.
"It's not easy to name a priority school from our standpoint," said state education Commissioner Matthew Blomstedt.
Schuyler set out seven measurable goals — in addition to strategies for staff — to demonstrate improvement, which the state used to quantify the school's progress.
School officials pointed to a number of tangible changes, including raising the graduation rate from 82.7% in 2016 to 86% in 2022 and reducing the chronic absenteeism rate from 16% to 11%.
A nearby meatpacking plant owned by Cargill has drastically changed Schuyler's demographics over the past two decades. Schuyler High School serves just less than 600 students, 93% of whom are Hispanic.
This year alone, the school welcomed 39 students from Central America and Africa, 27 of whom had

no prior educational experience.
When Schuyler first landed on the list, 25% of its students were English language learners but none were proficient on standardized assessments. This past school year, 9% reached proficiency.
The number of ELL students classified as emerging — the lowest classification on English language proficiency assessments — dropped from 86% five years ago to 38% today.
Schuyler instituted a number of strategies over the past four years, including devoting professional development time to supporting ELL students across all content areas.
The mood was one of celebration at Friday's board meeting in Lincoln. Board member Maureen Nickels recalled when Schuyler landed on the list initially.
"That was a tough, solemn day," Nickels said. "And so to sit here on my last year on the board and to know we made the right decision and you all took the bull by the horn ... this is what we want. This is what education is about."
Schuyler Superintendent Dan Hoesing said the process is an expensive one for schools that take it seriously. The district received $2 million from the state for support, Hoesing said, and the district also passed a bond to build a new gym, cafeteria and fine arts center.
"While this process started out being uncomfortable, it doesn't have to be, but there is a certain amount of uncomfortableness that will push you to change," Hoesing said. "What we want is to change your belief in who we are, remove a label because the label is not who we are."
The state is required to have no fewer than three schools on its priority school list. Santee Community Schools' elementary, middle and high schools on the Santee Sioux Nation Reservation in Knox County are the only remaining ones on the list.
By Zach Hammack

OWH Editorial: Finding and honoring graves of Genoa students would help Nebraska heal

The latest news out of Genoa, Nebraska — the former home of one of the nation's largest federal Native American boarding schools — is both sad and uplifting.
Sad that the recent search for an unmarked burial site near the town is a stark reminder of the shameful past government policy of removing Native American children from their parents.
Sad that some of those children died away from their families while at schools like the Genoa Indian Industrial School, established in a misguided attempt at cultural indoctrination and vocational instruction. Genoa, the fourth such school in the U.S., operated from 1884 to 1934.
And sad that those children were treated so disrespectfully in death.
A federal investigation has so far identified more than 500 deaths at 19 schools, although it's believed that the number could climb to thousands or even tens of thousands. At least 86 children are thought to have died at Genoa.
So where's the uplifting part? Well, as World-Herald staff writer Jessica Wade reported last week, a serious effort is underway to find Genoa's lost school cemetery, which holds out hope that the school's dead will finally be properly honored.
A 1920 plat map suggests the possible location of the cemetery site, although efforts to use ground-penetrating radar produced inconclusive results last fall.
Last month, however, specially trained dogs were able to narrow the search zone. The dogs can detect the odor of gases that remain underground long after a body has started to decompose.
The next step will be additional searches in the area identified by the dogs, including more ground-

penetrating radar and metal detecting. If graves are found, tribal leaders ultimately will decide whether to excavate.

Whatever the final outcome, the efforts to find the cemetery are bringing hope to people like Judi gaiashkibos, executive director of the Nebraska Indian Affairs Commission. “It’s so important,” said gaiashkibos, whose mother attended the school.

As we said last year, paying attention to the school’s history isn’t a matter of living in the past. Instead, it offers a chance for all Nebraskans to try to understand and acknowledge the mistakes of the past, which sets the stage for moving forward.

It’s helpful for us all to consider the impact of those schools on the Native children who were forced to attend them and were forbidden to embrace their own culture. Finding the Genoa school cemetery and properly honoring the lives of the children who died there would aid the process of reconciliation.

OWH Midlands Voices: We need to do more to support expecting mothers during and after pregnancy

Why is it hard to be pregnant on a college campus and does pregnancy have to derail college dreams?

I know firsthand the shame of being pregnant on a college campus. As a 19-year-old college basketball player, I found out I was pregnant in the fall of my sophomore year. I can’t articulate how difficult it was to tell my boyfriend, coach, parents and teammates about my pregnancy. I never really told my classmates or instructors, they just realized it when it was obvious.

After I told my parents, I overheard my dad saying I would never finish college. There were rumors in my hometown about who my baby’s father was. It was a surprise to everyone, including me: I was the high school valedictorian, the person who followed the rules and did everything by the book, including taking my daily birth control pill. However, I was extremely fortunate. My boyfriend was someone I wanted to (and did) marry, he was unsure of his degree program and decided to get a job that had benefits to support our new family. While we wanted to have children someday, it would have ideally been 10 years later. I was determined not to let having a child “keep me from my dreams.” Hearing doubt from others only fueled my determination.

I’m not saying it was easy. I kept playing basketball and stayed on my original course schedule. That meant 15-hour days with workouts starting at 5:30 a.m. and night courses until 8:40 three nights per week. Then homework, housework and do it all again. But I did it and I didn’t stop at undergrad. I worked my way through graduate school, became the first in the history of my institution to receive a competitive national research fellowship during my doctoral studies. I even secured a coveted R01 grant with a first submission within five years of starting my faculty position. I would argue that I would not have achieved any of these goals without having my unexpected pregnancy. Prior to having our daughter, I was only a morning person and found it difficult to do homework in the evening. I was motivated by things I liked but struggled to complete jobs or tasks that weren’t natural or one of my “passions.” Becoming a mother gave me a toughness and resolve like never before. I developed the discipline to mentally focus even when I was exhausted and to do things that were uncomfortable. I also became more efficient and able to problem solve like never before.

Instead of asking the question “How harmful will overturning Roe v. Wade be for higher education?”, why aren’t we asking “How can we support expecting mothers during and after their pregnancy?” If supportive programs and policies could be developed, we could retain this generation and have the

opportunity to educate the next generation of children who were not aborted. Such programs would likely benefit students facing difficult personal situations other than pregnancy. I completely admit that I did not want a child when I was pregnant. But all I can think about is my 19-year-old daughter now, who is a freshman at the institution at which I work (and was pregnant). She is studying to become an early childhood educator and she works at a center teaching young children with autism. She has already impacted many families' lives and she is just getting started. Where would the world be with at least 600,000 more young people per year to serve, innovate, entertain and teach in our society? The truth is we will never know, but maybe we can start to find out.

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LJS Editorial, 6/5: Crash carries sobering lessons for the future

Two young women are dead and 20 others were injured, victims of a fatal crash that sent two cars into spectators who were watching cars on O Street during the annual Memorial Day cruise.

Twelve years ago, a 35-year-old woman was killed while trying to shield her children from a car that had jumped the curb on another cruise night. That event was "sanctioned," taking place under the auspices of Americruise, a national hot rod/classic car gathering that was held in Lincoln in the late '90s and early 2000's but has not been here in two decades.

The May 29 event was, in fact, unsanctioned. And it brought increased enforcement on O Street by Lincoln Police and the Nebraska State Patrol that night and on previous nights.

But there was no way that a police car could be stationed at each intersection down the five miles of O from 17th to 84th streets.

And there were no officers present when a speeding car, driven by an Omaha man hit the young women's vehicle turning left at 52nd and O streets and sent both vehicles into spectators in the Barnes & Noble parking lot.

"We will be changing a lot of things in regards to people that are coming to Lincoln to cause havoc like that," Police Chief Teresa Ewins said at a news conference this week. Understandably, Ewins did not detail those changes. There's still a lot to figure out.

But something must be figured out to prevent another cruise night tragedy.

In the past, police have encouraged O Street businesses to report those who gather in their parking lots for trespassing, enabling them to disperse the crowds. That might be going too far for the cruise night.

But, perhaps, a "curfew" closing time could be set that would send home many if not most of the thousands that gather along O to see the cars before the speeders and burn out artists can disrupt the proceedings.

Other tools -- temporary lane closures and speed limit reductions -- also are available to control traffic on cruise night. But the real changes, and here's the hard part, also must come from drivers taking personal responsibility when they join the other cars in the cruise.

It must be noted that the vast majority of those who take part in the cruise do so responsibly, driving slowing down O to give those in their lawn chairs, sitting on tailgates and standing near the curb, the opportunity to take a good look at their vehicles.

And, as the 5,000 people who have turned out to watch the Memorial Day cruise for 20 years show,

Lincoln loves its classic cars and hot rods.
So it would be a shame for the city and police to have to take measures that would shut down the cruise. But, as Ewins said, some changes must be made to try to ensure the cruise will be safe for spectators and drivers.
And those changes need to be widely publicized and in place by next May so the Memorial Day weekend tradition can continue and the cool vintage cars and hot rods can, again, roll down Lincoln's main street.

LJS: Amazed at contradictions

I am amazed by the mental gymnastics exhibited by many of our elected officials who proudly label themselves both unwaveringly "pro-life" and unwaveringly "pro-gun."
How do they manage believing that forcing a woman to continue a physically or emotionally difficult pregnancy, a pregnancy that will cause significant hardships for her existing family, or a pregnancy that started under horrible circumstances, is a necessary price to pay to protect the unborn, but asking law-abiding potential gun owners to jump through a few extra hoops before taking possession or accept a few limitations in their gun choices are rights violations that can't be justified by anything, not even trying to protect the lives of 10-year-olds in classrooms?
Why do our governor and some of our state senators believe nothing short of a special legislative session to impose abortion restrictions will do if the Supreme Court overturns Roe v. Wade, but seem to think anything beyond thoughts and prayers are inappropriate politicization of a gun violence tragedy? Why does the attitude of too many of those who call themselves "pro-life" change from "we'll do everything we can to stop it" when the topic is abortion to "there is nothing we can do to stop it" when it is mass shootings?
Joyce Gettman, Walton

LJS: Time to vote them out

The words to a song by John Mellencamp have been stuck in my head recently: "Ain't that America, home of the free ..."
What a proud nation we have become -- where kids are bullied so badly some grow up to be school shooters, and the bullies grow up and get elected. Shame on all of us.
If you think politicians like Donald Trump, Greg Abbott, Mitch McConnell, Ted Cruz, Ron Johnson, Josh Hawley, Kevin McCarthy, Ron DeSantis, Jim Jordan, Matt Gaetz, Pete Ricketts, Jim Pillen and Deb Fischer (to name but a few) are "good Christian" leaders who have America's best interests at heart, then you are dead asleep.
Wake up, America. They don't give a hoot about you. They love money and power. Vote them out!
Nancy Brt, Lincoln

LJS: Flood hosts Kevin McCarthy; Pansing Brooks cites local endorsements

Republican congressional nominee Mike Flood pledged Friday to pursue a conservative agenda that will bring inflation and illegal immigration under control while harnessing the growth of the federal government and protecting the lives of the unborn.
"Under the failed one-party rule of Joe Biden and Nancy Pelosi, it is clear that our nation is on the

wrong track," Flood said.
"People are struggling to pay record-high prices at the gas pump and in the grocery store," he said. "Illegal immigrants are rushing across our southern border in droves (and) job creators are having a hard time meeting their workforce needs and returning to business as usual."
In remarks prepared for delivery at a fundraising luncheon, the Norfolk state senator said he has a conservative legislative record of supporting tax relief, law enforcement officers, preservation of the death penalty and approval of the proposed Keystone XL pipeline to secure the nation's energy future.
Now, Flood said, he wants to be part of a new Republican House majority and work with House Republican Leader Kevin McCarthy of California as he becomes Speaker of the House in the wake of anticipated Republican election victories in November.
McCarthy was featured speaker at the luncheon at the Country Club of Lincoln, an event that attracted a litany of Republican heavyweights and was closed to news media coverage. Accompanied by a security detail, McCarthy arrived shortly before the event began.
Flood will be matched against Sen. Patty Pansing Brooks of Lincoln, the Democratic nominee, in a June 28 special election showdown to serve the remaining six months of former Republican Rep. Jeff Fortenberry's ninth term representing eastern Nebraska's 1st District in the House.
Fortenberry resigned in the wake of his conviction on charges of lying to federal officials about an illegal foreign contribution to his 2016 reelection campaign. The former Lincoln congressman is scheduled to be sentenced in Los Angeles on the same day as the special election.
While Flood was formally receiving the endorsement of McCarthy, Pansing Brooks hosted a news conference at her downtown Lincoln campaign headquarters to announce her endorsement by 57 current and former elected officials in Nebraska, including a number of Republicans.
"In running to change Washington, I look to our local leaders for inspiration," she said in drawing a contrast with the McCarthy endorsement.
"The answers to our nation's problems are found right here at home," she said.
"My opponent is bringing in Kevin McCarthy, who is acting as a roadblock and not complying with subpoenas regarding the Jan. 6 insurrection," Pansing Brooks said.
A costumed protester with a sign stating "traitor" stood outside the entrance to the Country Club grounds before the fundraising event began.
"McCarthy also voted against the infrastructure bill that supported roads, bridges and broadband," Pansing Brooks said. "This is not what we need more of in Congress."
Speakers at her event included state Sens. John McCollister of Omaha and Lynne Walz of Fremont and Lincoln City Councilwoman Sändra Washington.
"Senators on both sides of the aisle listen to Patty," said McCollister, a Republican. "She is able to bridge the gaps like nobody I know and always finds a way to get important bills passed with bipartisan support."
By Don Walton

AP: Local governments turn away $73M of federal pandemic aid

JEFFERSON CITY, Mo. (AP) — From small towns to big cities, every government across the U.S. was offered a slice of $350 billion in federal coronavirus relief funds to help shore up their finances, cover pandemic-related costs and invest in community projects.
Officials in 1,468 local governments effectively said “no," turning away a potential total of $73

million, according to an Associated Press analysis of data compiled from every state. The declined money ranged from $177 for the one-person village of Monowi, Nebraska, to $3.9 million for DeWitt County, Texas, population about 20,000.

The city of West Alton, Missouri — a community of more than 500 at the confluence of the Mississippi and Missouri rivers — turned down a potential $106,341 in federal aid. Though the rejected amount was almost half the size of the city's budget, there wasn't much discussion about accepting it during a city council meeting.

"The conversation probably lasted 15 seconds. Without having really any need for it, it wasn't something we felt like we wanted to get in the middle of," Mayor Willie Richter said.

Other small-town mayors and village administrators provided a variety of reasons for rejecting the federal money. Some thought they had no eligible uses for it. Others didn't want the hassle of dealing with the federal bureaucracy, or were politically opposed to the financial aid approved last year by the Democratic-led Congress and President Joe Biden.

The AP's analysis identified 1,460 small cities, towns, villages or townships that declined a potential allocation of $61 million. That amounts to about 5% of the nation's roughly 28,000 small local governments, but just 0.3% of the total dollars allotted for those entities. Eight counties also have forgone a total of $12 million. No states or territories declined funds.

The U.S. Treasury Department said it was pleased with the overall response to the American Rescue Plan, which marked the first time it had distributed money to such a broad swath of governments across the U.S.

The program "was born out of an understanding that the economic effect of the crisis was being felt by jurisdictions of all sizes," said Jacob Leibenluft, the Treasury's chief recovery officer. He added: "The vast, vast, vast majority of recipients saw a need to use these funds."

The pandemic relief money began flowing to governments one year ago.

Data released by the Treasury show that, as of the end of 2021, a total of 1,756 states, territories and larger cities and counties had budgeted about $106 billion of the initial $208 billion they received. That money helped expand high-speed internet, assist residents with housing costs, provide aid to small businesses, shore up depleted unemployment funds and pay for public health initiatives and government services, among other things.

The Treasury hasn't released data yet on how smaller governments used the money.

A second payment for local governments could come from the Treasury as soon as this month. But smaller governments that rejected the initial payment aren't eligible for the second round — a source of regret among at least some local officials.

The Village of the Branch, on New York's Long Island, probably could have used the federal aid to improve the village hall, pave streets or repair water drainage systems, Mayor Mark Delaney said. But that wasn't clear to Delaney and other village board members when they declined the funds before New York's decision deadline in August. At that time, the eligible uses seemed limited and the federal reporting burdensome, Delaney said.

Under a final Treasury rule issued in January, the village could have used its entire $183,149 allotment for almost any government services. But by then, the village's share already had been reallocated among other local New York governments.

"Because you did the right thing and you responded quickly, you basically lost out on an opportunity," Delaney said.

The Treasury Department said it worked with states and associations for local governments to simplify the application process, clarify the rules and encourage participation.

Larger governments that got paid directly by the federal government had no deadline to accept the money. Among smaller communities, some had more time to make decisions than others.
States were in charge of passing along funds to so-called “non-entitlement units” of government — generally cities with fewer than 50,000 residents. Once a state received that money, it had 30 days to distribute it. But some states requested as many as eight monthly extensions from the Treasury, pushing their deadlines into 2022.
The board of Algoma Township, Michigan, voted last July to decline its $1.3 million allotment.
“We’re very liberty-oriented, and we didn’t want to be stuck as a township with any kind of strings attached or mandates," said township Supervisor Kevin Green, who considers the federal aid a waste.
But as Michigan kept extending the response deadline — and township officials learned that their share would be redistributed to others — Green and some of his colleagues had a change of heart. They ultimately accepted the money. Though they haven't spent it yet, it could help offset the rising costs — due to inflation — of planned park improvements, he said.
“As conservative as we are, we’re also practical,” Green said.
Minnesota, which has a more extensive township form of government than most states, had the greatest number of governments declining to apply for the federal aid. More than 500 local governments — about one-fifth of its “non-entitlement units” — turned away a potential total of $11.8 million.
“We did everything we could to publicize this. We made a huge effort,” said Steve Fenske, general counsel of the Minnesota Association of Townships. But "we certainly don’t have full engagement. So some of them didn’t know it was going on.”
The Treasury's online procedures posed a hurdle to some smaller governments, said Irma Esparza Diggs, senior executive and director of federal advocacy for the National League of Cities.
“If you’re unfamiliar with the federal grant process and what the reporting requirements are, the assumption is that it’s all going to be too complicated, and it’s always easier to give the funding back than to figure it out," she said.
The chief executive of DeWitt County, located between Houston and San Antonio, said he turned down the federal aid because the county already had enough cash for its budget. He also raised concerns about the federal program.
“It seemed pretty selfish to manufacture a need to apply for federal dollars that are borrowed on the backs of the children and grandchildren of our county constituents,” DeWitt County Judge Daryl L. Fowler, a Republican, said in an email to the AP.
The upscale community of Brier, Washington — with fewer than 7,000 residents — turned down the largest amount among cities, at more than $1.9 million. The city north of Seattle has a small staff that includes a police force and public works crew. But it has no sewage treatment plant, mental health facilities, cultural centers or low-income housing.
“We just don’t have a lot of the things that ordinarily cities would have to use the funds for," Mayor Dale Kaemingk said.
As the lone resident of the northern Nebraska village of Monowi, Elsie Eiler runs both the town tavern and town government. She didn't want the “mess” of dealing with the federal government.
“The town is doing fine,” she said. "If it comes down to it and it needs some funds, I’ll put some in myself.”

AP: Abbott restarts baby formula plant linked to contamination

WASHINGTON (AP) — Abbott Nutrition has restarted production at the Michigan baby formula factory that has been closed for months due to contamination, the company said Saturday, taking a step toward easing a nationwide supply shortage expected to persist into the summer.

The February shutdown of the largest formula factory in the country led to the supply problems that have forced some parents to seek formula from food banks, friends and doctor's offices.

Abbott said it initially will prioritize production of its EleCare specialty formulas for infants with severe food allergies and digestive problems who have few other options for nutrition. The company said it will take about three weeks before new formula from the plant begins getting to consumers.

"We will ramp production as quickly as we can while meeting all requirements," Abbott said in a statement.

The plant's reopening is one of several federal actions that are expected to improve supplies in the weeks ahead. President Joe Biden's administration has eased import rules for foreign manufacturers, airlifted formula from Europe and invoked federal emergency rules to prioritize U.S. production.

Abbott closed the Sturgis, Michigan, factory in February after the Food and Drug Administration began investigating four bacterial infections among infants who consumed powdered formula from the plant. Two of the babies died. The company continues to state that its products have not been directly linked to the infections, which involved different bacterial strains.

FDA inspectors eventually uncovered a host of violations at the plant, including bacterial contamination, a leaky roof and lax safety protocols. The FDA has faced intense scrutiny for taking months to close the plant and then negotiate its reopening. Agency leaders recently told Congress they had to enter a legally binding agreement with Abbott to assure all the problems were fixed.

Abbott's February recall of several leading brands, including Similac, squeezed supplies that had already been strained by supply chain disruptions and stockpiling during COVID-19 shutdowns.

The shortage has been most dire for children with allergies, digestive problems and metabolic disorders who rely on specialty formulas. The Abbott factory is the only source of many of those products, providing nutrition to about 5,000 U.S. babies, according to federal officials.

Abbott is one of just four companies that produce about 90% of U.S. formula. The company's recalls and shutdown triggered a cascade of effects: Retailers have limited customer purchasing to conserve supplies and parents have been told to switch brands to whatever formula is in stock.

FDA Commissioner Robert Califf recently told lawmakers it could be about two months before formula supplies return to normal levels. The agency has waived many of its regulatory requirements to accept more formula from the United Kingdom, Australia and other nations.

U.S. manufacturers, including Reckitt and Gerber, have also stepped up production, running plants 24/7 and sourcing more formula from alternate facilities.

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