From: Pinkerman, Justin
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Commodity	Delivery	Price	Basis	Date (as of)
Corn	Mar 2022	6.89	-26.00	12:12
Corn	Oct 2022	5.99	-50.00	12:12
Milo	Mar 2022	6.70	-45.00	12:12
Milo	Oct 2022	5.99	-50.00	12:12
Soybeans	Mar 2022	15.40	-108.00	12:12
Soybeans	Oct 2022	14.05	-75.00	12:12
Wheat	Mar 2022	10.03	-95.00	12:12
Wheat	Jul 2022	9.83	-85.00	12:12

TV and Radio

NCN: Lawmakers get personal as gun debate heats up
WOWT: Nebraska conceal-carry permit changes bill clears first Unicameral hurdle
NPM: Permitless Concealed Carry Advances; Budget Debates Loom
WOWT: Nebraska Medicine returning to normal operating status Monday

Governor

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OWH: Late to join the race, Thibodeau says next governor needs to put 'Nebraska first'
Nebraska Examiner: Memory expert blocked from testifying at Fortenberry trial, which will begin Wednesday
Nebraska Examiner: L.A. jury to decide if Fortenberry lied to federal agents or was 'set up' by them

Agency

LJS: Inmate advocacy group alleges Nebraska prison's book policy is unconstitutional

Legislature

LJS: Bill allowing concealed guns without a permit moves ahead in Legislature

OWH: Nebraska lawmakers advance expanded concealed carry bill

LJS: Bill giving environmental regulators more power gets first-round approval

University

OWH: 'A true Maverick': Joanne Li outlines vision for UNO during ceremony

Coronavirus

Kearney Hub: COVID-19: As cases fall, vaccination rates are inching upward with 52 percent in Two Rivers district

State, Local and Regional

OWH: Near record dry winter comes to an end for Nebraska with 98% of state in drought

OWH: 300 snow geese killed, then abandoned along road near Falls City

GII: Fonner Park barn under quarantine after two horses euthanized

Flatwater Free Press: Albion, investing in itself, shows how small towns can thrive

OWH: Glitch delayed some Iowa tornado warnings during deadly outbreak

LJS: Lincoln-based Nebraska National Guard brigade returns from deployment

Opinion

OWH Editorial: Find a way to shut off the pipeline that helps fill Nebraska prisons

OWH Laura Ebke: The importance of breaking bread (or muffins) and civil discourse

OWH Midlands Voices: Putin's war, Russian oil and climate change

OWH Public Pulse

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3. Ukraine support
4. Gas prices
5. Good story
6. Vote question
7. Letter response
8. Prison staff shortages
9. 'Threatening' behavior
10. Rent assistance

LJS Editorial, 3/13: LPD needs to share answers with public on independent survey

LJS Letters

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2. Ordinance no threat to women
3. Tax cuts are never free
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National/Federal
OWH: U.S. Rep. Jeff Fortenberry set to go on trial, which will focus on his memory and money
LJS: Fischer says Biden response in Ukraine was too late
AP: Texas clinics' lawsuit over abortion ban 'effectively over'

OWH: Bill would give first-year Nebraska teachers up to $5,000 to make up for low pay

LINCOLN — Nebraska lawmakers are looking to up the ante on a package of incentives meant to attract more teachers to Nebraska.

Legislative Bill 1218 would create the Teach in Nebraska Today Program, which would provide first-year educators up to $5,000 a year for up to five years. The bill is one of the Education Committee's priorities this year, as lawmakers look to address the teacher shortage impacting Nebraska schools.

The program was added as an amendment to a bill that, as introduced, would strike the requirement for a basic skills test and provide other avenues for candidates to enter the teaching profession.

State Sen. Lou Ann Linehan of Elkhorn, a member of the Education Committee, said the teaching crisis is "a long time coming." Teaching vacancies have been increasing for years across the U.S., but the COVID-19 pandemic exacerbated the issue. Some educators left the profession due to burnout.

According to the Nebraska Department of Education, 14% of teacher positions across 143 school districts were unfilled during the 2021-22 school year. In addition, the number of districts that reported open positions increased from 53 to 143 from 2020-21 to 2021-22.

Linehan said one of the reasons for the shortage is the low pay most teachers earn early in their careers, which discourages many students from pursuing teaching jobs. She said many teachers don't earn high pay until later in their careers.

"It's not a 21st century pay scale," Linehan said.

The Teach in Nebraska Today Program would incentivize Nebraska's teaching students to stay in the state, but could also recruit teachers from out of state, said Sen. Lynne Walz of Fremont, chair of the Education Committee.

The Nebraska Department of Education would choose which applicants receive aid. Though Walz said the program would prioritize first-year teachers, remaining money could be allocated to teachers in their second or third year. The program could award up to $5 million each fiscal year, according to the bill.

The program is designed as student loan assistance, according to the bill, but Linehan and Walz confirmed that teachers would not need student loan debt to qualify for the program. Linehan said the aid could also help teachers with other financial needs, such as submitting a down payment on a house or buying a car.

"We've got to do something," Linehan said.

Teachers would need to be working full time in order to qualify for the program. The bill defines full time as, at a minimum, working an average of four hours per contract day.

The Education Committee recently approved LB 1218, but it has not been debated by the full Legislature yet. It needs to clear three rounds of debate and pass Gov. Pete Ricketts' desk before the program becomes reality.

If passed, the program would begin in 2023.

By Erin Bamer

LJS: Don Walton: Gun rights bill advancement big victory for Tom Brewer

That was a big win for Sen. Tom Brewer -- and I wonder if any other member of the Legislature could have achieved it.

Brewer has earned the respect of his colleagues, not only with his life story of military valor, but also with his hard work in the Legislature, which he pursues while combating health challenges that would have grounded most of us long ago.

Brewer, Nebraska's only Native senator, is a warrior.

He battles for his constituents in District 43, which encompasses a dozen counties in north-central Nebraska along with a slice of another.

Heck, he even climbs mountains.

All of that showed last week when he guided his "constitutional carry" gun rights bill that would allow Nebraskans to carry a concealed handgun without the need to acquire a $100 state permit through a filibuster and on a path to potential enactment.

It was a closer call than the final vote indicates: Three senators changed their votes to yes on a motion to invoke cloture and end a filibuster after the number of affirmative votes reached the required number of 33.

The bill was then advanced on a 35-9 tally.

That battle may not be over yet, with opponents raising the volume on concerns that the bill, without further amendment, could allow individuals to carry concealed handguns without any need to acquire a permit, even if it's cost-free, or receive gun safety training.

* * *

Ahead this week in the Legislature at the two-thirds mark with 20 legislative days to go:

* Monday: Debate on Sen. Tom Briese's bill to move Nebraska to year-round daylight saving time just a day after this year's time change occurs.

* Tuesday: The beginning of what looks like a long and consequential debate on the state budget.

* Wednesday: Debate on Sen. Justin Wayne's bill to create the North Omaha Recovery Act, an ambitious proposal to designate $450 million in federal pandemic recovery funds for housing and community recovery.

Big issues piling up now as the Legislature approaches its end game.

* * *

A political and human drama unfolds this week as Rep. Jeff Fortenberry goes on trial in Los Angeles on federal charges accusing him of making false statements to FBI agents in connection with illegal foreign contributions to his 2016 re-election campaign.

There's a ton on the line for Fortenberry, including his seat in Congress, his political future, perhaps his congressional pension and, of course, the personal burden borne by his wife and five daughters.

Fortenberry is facing a dangerous Republican primary election challenge from Sen. Mike Flood of Norfolk, who has the endorsement of Gov. Pete Ricketts, the leader of the Republican Party in Nebraska, and former Gov. Dave Heineman.

This is both a personal and political story.

And it is unfolding 1,500 miles away less than two months before Nebraska's May 10 primary election.

Finishing up

* War is brutal, but the Russian assault on Ukraine and its people is barbaric.

* Aren't higher gas prices a really small payment for us to make while others are paying for this war

of aggression with their lives, their families, their homes and their future?
* Although Sen. Anna Wishart of Lincoln was recorded as not voting on a motion to advance so-called STARWARS legislation that includes construction of a new lake between Lincoln and Omaha, she does support the bill.
* Who fills the role of driving continued legislative support for STARWARS water development projects next year when Speaker Mike Hilgers of Lincoln is likely to be the state's new attorney general? Probably Sen. Mike McDonnell of Omaha, who designated the legislation as his priority this session, although the next Speaker would also play a leadership role.
* The long legislative debate over "constitutional carry" or "concealed carry" gun rights once again demonstrated the sharp divide between the Lincoln-Omaha metropolitan complex and the rest of Nebraska. And it has shown up dramatically in recent election results.
* It shouldn't take an infusion of federal funds to make us begin to think big.
* Wonder what Mikhail Gorbachev, now 91, is quietly thinking as Russia regresses farther and farther away from the opening he forged three decades ago.
It's much safer for Gorbachev to remain silent now, and that's a reminder of the joke he told during an appearance at the Lied Center in Lincoln about the angry guy who went to the Kremlin to kill Gorbachev, but returned without success because the line was too long.
* Spring lies a scant week ahead.
Play ball!
By Don Walton

AP: Nebraska advances permitless concealed carry measure

LINCOLN, Neb. (AP) — Nebraska inched closer Friday to allowing gun owners to carry concealed firearms without a permit, background check or special training, as more than 20 other conservative states already have done.
Lawmakers gave the measure initial approval on a 35-9 vote after overcoming a filibuster from opponents who echoed law enforcement agencies' public safety concerns. Two more votes are required before it goes to Republican Gov. Pete Ricketts.
The vote came one day after Alabama became the 22nd state to pass such a law. At least three other states have measures pending. Nebraska already allows legal gun owners to carry their weapons in the open in most public places.
Sen. Tom Brewer, of Gordon, said the bill acknowledges the constitutional rights of legal gun owners who want to carry their weapon without displaying it. Supporters refer to the measure as "constitutional carry," in reference to the Second Amendment right to keep and bear arms.
"We don't need to see good people run up on charges because they simply want to carry a gun concealed," Brewer said.
Opponents objected to portions of the bill that would abolish mandatory safety training and background checks. Law enforcement agencies including Lincoln police have said the permits help combat crime and enhance public safety, and Omaha police have voiced concerns despite being officially neutral.
Some lawmakers also objected to a proposed compromise that would increase penalties for people committing crimes while carrying a hidden gun.
"While this is called 'constitutional carry,' it should really be called the training-less and permit-less concealed carry law," said Sen. Adam Morfeld, of Lincoln.

Debate in the Legislature turned heated and bitterly personal. Brewer railed against “an orchestrated attempt to kill this bill by those who are anti-Second Amendment,” and warned that the filibuster would come back to haunt state lawmakers who are running for other offices.
Another lawmaker, Sen. Patty Pansing Brooks, of Lincoln, said the argument could easily be flipped.
“I can just as easily say that if you vote (to stop the filibuster), you don’t support Nebraska law enforcement,” she said.
Pansing Brooks also chastised fellow lawmakers for their infighting and said the senators overseeing the debate should have stopped it.
“As a mom, I want to send everybody to their rooms,” she said.
Sen. Steve Lathrop, who served from 2007 to 2015, then returned in 2019, said the Legislature had became nastier, with more personal squabbles and “choreographed” debates.
Lathrop, of Omaha, said he decided not to run again this year because “everything’s decided before it gets to the floor” and lawmakers routinely lie to each other. He said the Legislature’s culture has become less respectful, a reflection of term limits and polarization nationally.
“Your responsibility is to this place, to its culture, and it’s gone to hell,” he said to lawmakers.
By Grant Schulte

OWH: State ed board leaders say they're in no rush to revive health standards

The president and vice president of the Nebraska State Board of Education said Friday they’re in no rush to revive the controversial health education standards the board put on ice last September.
Board president Patsy Koch Johns and vice president Robin Stevens said the board has no plans at this time to revive the standards. They said the board must address concerns about the standards-writing process before considering a restart.
“We at this time have not discussed any plans about bringing it back,” Koch Johns said.
The two leaders commented in a press release aimed at clarifying the board’s recent actions regarding academic standards. Koch Johns also spoke to The World-Herald.
They pushed back on the perception that the board’s recent actions regarding standards were bringing it closer to reviving the standards.
In February, a majority of board members voted down a motion by member Kirk Penner to permanently scrap the health standards.
This month, the majority voted to draft a policy expressing the board’s intent to develop academic standards in “all subject matter areas,” including health. That policy has yet to be adopted.
In the release, Stevens said the board will need a specific vote to restart the health education standards process, “and this is not currently an item under consideration by the Board.”
“To be clear,” he said, “the conversations, around ensuring the proper policies and processes are in place, are necessary before even considering future draft health education standards.”
In an interview Friday, Nebraska Commissioner of Education Matt Blomstedt told The World-Herald that it’s unlikely the standards would be revived this year.
Reviewing the process the department uses to develop standards, and potentially making changes, will take time, he said.
“I think I’m pretty confident in saying it’s not 2022, and I would find it highly unlikely it’s 2023,” he said.
For more than a year, the state has wrestled with the idea of writing health standards for Nebraska schools. Local school districts currently write their own. The state standards would be recommended

but not required for districts.
The initial draft of the standards proposed a year ago was praised by advocates of LGBTQ children as inclusive. The standards contained language recognizing diverse family structures, gender identities and sexual orientations. After complaints the material was not appropriate for children and reflected a political agenda, most of those references were stripped in a second draft. But that draft was still was criticized by Gov. Pete Ricketts, who said it promoted "gender ideology."
The board postponed them indefinitely Sept. 3.
Subsequently, then-board president Maureen Nickels appointed an ad hoc board committee to troubleshoot what went wrong with the process.
On March 4, the board adopted six recommendations from the committee. One of the recommendations was to draft the policy expressing the board's intent to develop academic standards in all areas.
Penner, who voted against the recommendations, said he disagrees with the board's position that it can write standards beyond the core academic areas authorized by the Legislature.
He said the reason the standards failed has nothing to do with process.
"The issue isn't the process, it's the content of the health standards," he said.
Another recommendation adopted by the board at its March 4 meeting calls for writing a policy to define the board's role in the standards-writing process.
Board members also voted to have the Nebraska Department of Education hire a consultant to review the standards process and suggest improvements.
Blomstedt said Friday that he probably wouldn't get a consultant on board until summer.
"I would probably aim for June time frame, that's usually when we have some chance to dive into those things," he said.
The intent is to examine the process, including looking at how other states do it, before attempting a redo of health standards, he said.
Meantime, critics have been unsuccessful in stopping the health standards with legislative action.
A bill in the Legislature this session would have made clear that the board can write standards only in core academic areas. With 20 days left in the session, that bill proposed by State Sen. Joni Albrecht remained in the Education Committee on Friday.
In his budget request to state lawmakers, Ricketts included language that would have barred the education department from using any of its appropriation to research, adopt or implement state sex education standards for schools.
Members of the Appropriations Committee this past week advanced the budget to the full body without the language, but an amendment has been offered to add it in.
By Joe Dejka

OWH: Omaha City Council will consider stripping health director of pandemic authority

A proposal heading before the Omaha City Council on Tuesday would strip decision-making powers from the city health director in the event of an epidemic.
Under the proposed ordinance, the city health director would only have the power to certify the presence of an epidemic. After a threat is recognized, a newly established special epidemic health director would be responsible for coming up with a plan to manage it.
The ordinance states the special epidemic director would assume the powers previously held by the city's health director during an epidemic. However, any order from the new epidemic director could

be rejected by the mayor. The City Council also would have the ability to weigh in on the order.
Omaha Mayor Jean Stothert, who requested the ordinance along with Councilman Vinny Palermo, told The World-Herald that the measure is intended to provide accountability during future epidemics.
Nearly two months ago, Douglas County Health Director Lindsay Huse issued a mask mandate for Omaha amid a surge of COVID-19 infections. Huse issued the mandate under her authority as the city's health director. She cited an "astronomical spike in cases" and already overburdened health care system as her justification for the mandate.
At the time, it appeared to have the backing of a majority of City Council members. Some health officials, including the chief of the University of Nebraska Medical Center's infectious diseases division, also voiced support for the mandate.
But a trio of council members vocally opposed it, as did Gov. Pete Ricketts and Stothert, though she conceded Huse had the authority to issue the mandate. The mayor said neither she nor the council could void the mandate, which Huse eventually lifted in February.
"It was something that I opposed and the council had no say in it," Stothert said. "Those making the decisions for the people of Omaha should be those elected to serve them."
Huse could not be reached for comment Saturday. A spokesperson for the Douglas County Health Department declined to comment on the proposal.
Under the ordinance, the newly created special epidemic health director position would be filled by the physician medical director at the Omaha Fire Department. The Fire Department's current medical director is Dr. Paul Schenarts, a trauma surgeon at UNMC.
Stothert said they opted to designate someone already on the city's payroll so the city wouldn't have to scramble to hire a new person during an epidemic.
The Douglas County health director would still serve as the city's health director. But during an epidemic, their role would be limited to activating the new special epidemic director, who would then make recommendations regarding precautions and regulations.
The mayor would have the power to approve or reject those recommendations. If she decided to take no action, the order would go into effect after 24 hours. The proposed actions would also be placed on the agenda at the City Council's next meeting, during which the council could uphold or reverse the mayor's decision.
"We learned a lot. We learned how the citizens feel about mandates and forcing them to do things," Stothert said Saturday. "We hope that we don't have another one of these, but if we do we have to be prepared."
Tuesday's meeting would be the first time the proposed ordinance comes before the council. A public hearing is scheduled for March 29.
The council's meeting is scheduled to start at 2 p.m. Tuesday in the city's legislative chambers, 1819 Farnam St. A livestream can be accessed via www.cityofomaha.org.
By Luna Stephens

AP: Omaha to weigh reducing health chief's power in an epidemic

OMAHA, Neb. (AP) — The Omaha City Council will consider reducing the decision-making powers for the city health director in the event of an epidemic.
The Omaha World-Herald reports that the proposal up for discussion Tuesday comes two months after Douglas County Health Director Lindsay Huse issued a mask mandate for Omaha amid a surge

of COVID-19 infections. While her decision had the support of the majority of City Council members and some health officials, it drew criticism from Nebraska Gov. Pete Ricketts and a trio of council members.
The proposed ordinance would give the city health director only the power to certify the presence of an epidemic. If a threat is established, a special epidemic health director would be responsible for coming up with a plan to manage it. Any order could be rejected by the mayor. The City Council also would have the ability to weigh in.
Mayor Jean Stothert said the measure is intended to provide accountability.

NP Telegraph: 1- and 6-year road plan, replacing Mike Jacobson on pair of boards on City Council agenda

Other key items on Tuesday's packed North Platte City Council agenda include the city's latest one- and six-year road plan and nominations to replace state Sen. Mike Jacobson on two local boards.
The 2021-22 road plan, required for the city to receive state highway funds toward local projects, mainly highlights top-priority work from last year's plan.
North Platte City Council seeks input on short-term, long-term road plans
Topping the document's one-year project list are the widening of North Lakeview Boulevard from West A to Front streets and asphalt resurfacing on 14 city streets. Work on them all should start soon, depending on the weather, City Engineer Brent Burklund said.
The short-term list also includes the extension of Sunrise Drive between U.S. Highway 83 and South Willow Street.
Mid-Plains Community College is paying for that project to provide additional access to North Plate Community College's South Campus, Burklund said.
Eugene Avenue, Dixie Avenue among projects discussed by public at annual 1- and 6-year road plan hearing
Council members will decide whether to ratify Mayor Brandon Kelliher's nominations of Randy Billingsley to the North Platte Airport Authority board and former Planning Commission Chairman Greg Wilke to the Community Redevelopment Authority board.
Jacobson had been chairman of both boards before Gov. Pete Ricketts appointed him Feb. 23 to complete the last 10½ months of resigned Sen. Mike Groene's final term in District 42.
The five members of the CRA — which primarily works on tax increment financing proposals — are appointed by the mayor subject to council approval.
City voters separately elect the five-member Airport Authority, but state law requires the mayor and council to fill midterm vacancies.
Billingsley, 520 E. Ninth St., would serve the rest of Jacobson's airport board term through July 2025. He had filed for the airport board's lone open seat in the 2022 election prior to Jacobson's resignation.
Billingsley withdrew from that race before the March 1 filing deadline, said Lincoln County Clerk Becky Rossell.
That leaves two candidates — Daren Wilkinson and Corban Heinis — for succeed Greg Hanna for a six-year term.
Wilkinson and Heinis now will automatically advance to the Nov. 8 general election, Rossell said.
Wilke, a retired banker, would serve out Jacobson's CRA term until June 1. Kelliher would have to reappoint him for him to stay on after that.

North Platte City Council to have third vote Tuesday on airport annexation
In other business, the council will:
» Take its third and final vote on an ordinance creating a “street improvement district” for the Nebraska Department of Transportation’s expected 2023 reconstruction of U.S. Highway 83 (South Jeffers Street) from First to Leota streets.
» Decide whether to renew the city’s self-insured health and accident coverage for the policy year starting April 1.
By Todd von Kampen

OWH: Black Omaha high school students can earn $1K for passing calculus test

In a novel approach to address racial inequity and inspire interest in mathematics for Black Omaha high school students, a Chicago-based entrepreneur will pay them to pass a calculus test.
Known as the Alpha Mission Calculus Awards, the program is open to Black students at Omaha high schools in grades 10, 11 and 12. Participants sign up to learn calculus, take a test and earn $1,000 if they pass. The money is not a scholarship — students can spend it any way they wish.
Philanthropists, nonprofits and politicians have spent decades attempting to address Omaha’s long history of racial inequity. Entrepreneur Robert Blackwell Jr. thinks that empowering young people to put effort into a subject as difficult as calculus could be a part of the solution.
Blackwell, who is Black, is the CEO of IT consulting firm EKI Digital and the founder of Alpha Mission, an organization working to strengthen Black business communities through partnerships and mentoring.
“I’ve benefited from a lot of great mentorship,” Blackwell said. “I think all of us owe it to those who came before us to do something for those who are going to come after us.”
Omaha was selected for the initiative because of the city’s history of inequity, and because of what Blackwell sees as a potential for real progress. Blackwell befriended Nebraska Gov. Pete Ricketts at a Republican Governors Association meeting and the two discussed ways to strengthen the state’s relationship with the Black community.
“I told him that the way to mend that relationship is to focus on economics,” Blackwell said. “Omaha is big enough and small enough to be impactful in this area, and there are a lot of people with good will.”
Economic inequality is stark in Omaha. A recent report from the Omaha Economic Development Corporation indicates that Black Omahans experience significantly higher rates of poverty than any other group: nearly 44% of Black households have incomes at or below $24,999.
Blackwell got the calculus competition idea from a young man he met at a university speaking engagement. When the student asked for a meeting, Blackwell obliged. While talking, he learned that the student had spent a summer teaching himself calculus after a subpar math teacher left him confused.
“I remember thinking that anybody who has the desire — who is willing to put in the work — to teach themselves calculus is going to be somebody,” Blackwell said.
Inspired by the story, Blackwell gave the student an analytics project and promised him $1,000 if he liked what he saw. He did, and the man ended up working for Blackwell for years.
After that success, Blackwell sought to find a way to bring the same opportunity to Black students in similar situations.
One such student is Arianna Hill, 16, a junior at Omaha North High School. Hill is looking toward a

future in health care, and she was immediately interested in the contest.
"I think it's really important to have opportunities like this," Hill said. "It's an easy and inclusive way to get people in our community to realize how important STEM and math subjects are. And the thousand dollars draws people in."
Hill is currently taking precalculus but is ready to challenge herself to learn calculus on top of that. She and the other students will attend monthly tutoring sessions until October, but will be able to take the test earlier if they feel ready. If Hill succeeds, she said she will save the money.
Blackwell said this will be the first of many annual calculus competitions. He sees it not only as a way to get Black students interested in math, but also as a way to build a community.
"The most important thing for these kids is to find out that somebody loves and cares for them outside of their mother and father," he said. "That's what a community is about: knowing that people are there who care about you and your outcomes."
Eight students are currently registered to participate, and registration closes on March 15. Interested students can register by submitting their information on the "Contact Us" page on the Alpha Mission website.
By Molly Ashford

LJS: Foley discusses legislative issues at Executive Club meeting

Situated in the middle of the country, Nebraska can seem insulated from the polarizing political posturing of Washington. But those involved with local and statewide politics in the state would surely sing a similar separatist song of woe.
"We pride ourselves on having this one-house unicameral with a non-partisan legislature. Does anybody believe that?" Lt. Gov. Mike Foley asked that rhetorical question this past Monday to Executive Club members at their weekly luncheon at the Hilton Garden Inn in downtown Lincoln.
"Believe me, it's very partisan. It's one house, but this is a very partisan legislature."
Foley is in his eighth year as lieutenant governor under Gov. Pete Rickets' administration, and a good portion of his job is to keep a close eye on the activity and direction of bill making in the Unicameral. Foley knows a lot about the process, being elected to two terms representing the 29th district out of Lincoln starting in 2000.
"Today's a recess day for the legislature, and that makes it perfect for me to come over and visit with you. Typically when they're in session, I'm over there presiding over the session," Foley said.
"Because when you're in the room, you get a real good feel for who's talking, who's talking to who, who's making the deals and what each of the bills are all about."
Foley left his spot in the legislature in 2006 when he took over the position of state auditor. He served in that job until 2014, when he became lieutenant governor. He said he's experienced a lot by serving in government, but these days he's seeing something new.
"This session of the legislature is unlike anything I've ever seen. I've been down there (at the Capitol) 22 years, and I've never seen anything like it before," Foley said. "We are swimming in money, and a lot of it relates to COVID."
He said some of the overflow of funding looks to be channeled toward broadband services for certain areas and water projects across the state.
"There are lots of water projects the legislature is considering, and in particular we have our eyes on the compact with the state of Colorado, which guarantees a certain quantity of flow to Nebraska. Our responsibility is to provide the means to get it here, which requires a canal," he said. "The

governor said the way things are going in Colorado, we're going to need to get that water, because by and large we're an agricultural state."
Foley noted that the legislature has its sights set on a few other water-related projects as well. "They want to build a brand new lake, a big lake of 4,000 acres and seven miles long around the Gretna area, but it's not a fixed location yet," he said. "The legislature is also considering many other recreational projects surrounding lake locations that we're going to be hearing a lot about over the next few weeks."
Speaking of brand new, the next unicameral threatens to look completely different. Foley said that 12 state senators will be "term-limiting out" after this current session, and 10 more are running for separate offices. That accounts for more than half of the legislative seats.
"Next year's legislature may be a brand new place," said Foley, a Rochester, New York native.
Foley said the legislature may have to decide on several hot-button issues before May, and those range from abortion and gun control to sex education standards, casino gambling and the legalization of marijuana.
"Tomorrow is day 37 of the 60-day session, and by the end of the week we'll be two-thirds of the way through it," he said. "Last year was the long session, 90 days. So there's a lot to be done in this session. It should prove to be a very interesting session."
By Tim Brusnahan, Lincoln Executive Club

OWH: Late to join the race, Thibodeau says next governor needs to put 'Nebraska first'

Facing a shortage of cash and time, Theresa Thibodeau has taken her campaign for Nebraska governor on the road, racking up miles and handshakes in the process.
The Republican candidate hopes her background and experiences, including stints as a state lawmaker and day care owner, will separate her in the field of GOP hopefuls seeking to advance to the November general election.
Thibodeau, 46, announced her candidacy on Nov. 8 after stepping down as Charles Herbster's running mate in July. She told The World-Herald that she didn't feel like she could continue in the position after seeing what she described as Herbster's inability to set policy or recognize the specific issues facing Nebraska.
"When you're governor of Nebraska, there is a lot of talk of federal issues and 'America first.' But as governor, you have to put Nebraska first," she said. "Governors can have influence, but they cannot be the single person to change something, and I feel like there wasn't really acknowledgement with that. I feel like the two front-runners are out of touch from Nebraska."
Those two front-runners, Herbster and University of Nebraska Regent Jim Pillen, owe their status, at least in part, to flush campaign coffers that have helped them build greater name ID than Thibodeau and the other candidate in the top four, State Sen. Brett Lindstrom. All three of those contenders declared their candidacy months earlier than Thibodeau.
She said she didn't think about running for governor until after she stepped down as Herbster's running mate. After researching the candidates, Thibodeau didn't feel like she could put her support behind any of them.
"As I started looking at my experiences, my background with education, I felt that I was the right person for the job," she said.
Thibodeau opened a franchise location for a day care and preschool center, called Primrose School of La Vista, in 2014 before selling it last fall to campaign full time. At the peak of her business before

the pandemic, she had about 180 children enrolled and 48 employees.
“When you have that opportunity to talk to hundreds of parents a day, you learn a lot and you learn about what they are concerned about,” Thibodeau said.
Thibodeau was born in Kansas City; her family moved to the Omaha area when she was 2 years old. She met her now husband, Joseph, in elementary school and graduated from the University of Nebraska at Omaha with a bachelor’s degree in psychology in 1998. She and her husband have three children.
Thibodeau started her first job in the benefits department at Werner Enterprises in Omaha. She said she eventually transitioned into the field of benefit consulting. Her next move was opening Primrose of La Vista.
By then, she had already gained some experience in politics. She served as campaign manager for her older sister, Omaha City Councilwoman Aimee Melton, who was first elected to the council in 2013.
Omaha Mayor Jean Stothert appointed Thibodeau to the Omaha Personnel Board in 2016. She also served as chair of the Douglas County Republican Party and on the boards of the La Vista Community Foundation and Big Brothers Big Sisters of the Midlands.
She was appointed by Gov. Pete Ricketts to the Legislature in 2017 to fill a vacancy in District 9, which included east-central Omaha.
State Sen. Tom Brewer of Gordon, who worked with Thibodeau on a variety of bills, said he instantly paid attention and listened to her.
“She was thoughtful with how she worked through bills,” he said. “She was thorough, reading bills and making sure when she voted for it, it was the right thing to do — making sure that particular law would change Nebraska in a positive way.”
Thibodeau said she is most proud of her work on Legislative Bill 1120, which was introduced by Sen. Tyson Larson of O’Neill. Thibodeau’s amendment from a previous bill she introduced was included in LB 1120, which empowered the Liquor Control Commission to license and regulate “bottle clubs,” a private business where people can bring their own alcohol.
“We wanted to make sure they were operating safely ... in order to prevent underage drinking,” she said.
Thibodeau lost the 2018 election, a race she was favored to win, to Machaela Cavanaugh by 288 votes.
She faces an uphill challenge in her bid for governor.
Herbster and Pillen have raised millions of dollars since they announced in the spring of 2021, shelling a lot of money into TV commercials. Thibodeau, who spent only $112,985 last year, has opted to hit the road.
She’s been putting thousands of miles on her car as she’s trekked across Nebraska for the past few months, averaging about 1,000 miles a week, she said.
Brewer said she has been well received. He was recently in Taylor, Nebraska, for a community event when he was approached by people with questions about Thibodeau.
“I said, ‘You need to vote with your heart for governor, because she is not going to have the money the rich guys have, but she is a good person and will work hard,’” Brewer said. “Sometimes whoever people hear in the commercials is who they vote for.”
Perre Neilan, political consultant and lobbyist at Neilan Strategy Group, said Thibodeau’s late entry into the race put her at a disadvantage.
“Theresa is a great person,” Neilan said. “Statewide candidates need two things: time and money.

Unfortunately for her, she has neither."

In responding to Thibodeau's criticisms of Herbster, his campaign noted her abbreviated time on the campaign trail.

"Not only does (Herbster) have a full understanding of the issues Nebraskans face, he's lived it. This is not experience you can learn in a few short months on the campaign trail," Ellen Keast, Herbster's campaign manager, said in an email.

Thibodeau said she's not concerned about the cash disadvantage.

"Nebraskans are very informed voters and they don't want the governor's mansion to be bought," she said.

If elected, Thibodeau has her eyes on several initiatives, including tax reform. She said she wants to simplify the property tax structure by cutting out the Tax Equity and Educational Opportunities Support Act, the formula for state aid distribution to school districts. About 60% of property tax revenue goes to pay for schools.

Nebraska needs a new system of funding schools because the current distribution of aid is inequitable, she said.

That would be a heavy lift. For years, lawmakers have attempted — and largely failed — to reinvent state aid for schools.

In February, Sen. Lynne Walz of Fremont, the Education Committee chairwoman, put a bill on hold that would have increased state aid to schools by $728 million a year, thus reducing the need for property taxes. Last year, lawmakers shot down a proposal that would have restructured state aid distribution so rural schools would receive more money.

Thibodeau also wants to address spending via a performance audit team that would look for ways the state can spend more efficiently.

Past candidates have made similar pledges to review state spending. Ricketts initiated such a plan during his first term in office. Thibodeau said she doesn't think Ricketts did a deep enough dive into each government agency's spending.

Voter verification is another priority, especially as the primary election approaches, Thibodeau said. She supports implementing voter ID. She said ballot boxes aren't secure and she would like to get rid of them entirely.

Thibodeau said she doesn't know if voter fraud occurred in the 2020 presidential election, despite the fact that no evidence of widespread election fraud has been found.

"Were the votes counted and were they accurate? Until we can implement some kind of verification, we cannot know," she said. "But Biden is our president right now, whether we like it or not, and we need to move forward."

Parental control in education is another Thibodeau priority. She said when she worked at Primrose, she heard concerns from parents who felt like they were losing control in their child's education.

Thibodeau opposed the controversial health education standards proposed by the Nebraska Department of Education. She believes the content should be taught by parents instead of schools. The standards were shelved in September.

Being Nebraska's first female governor since Kay Orr's term ended in 1991 would also be a positive turn for the state, Thibodeau said.

Thibodeau said she wants to be a role model for women, especially young girls.

"A lot of times, people think they could never get to that high level of a role. Because somehow we put government leaders on a high pedestal," Thibodeau said. "I want to change that narrative. It's an honor and a pleasure for us to serve the people instead of the other way around."

Theresa Thibodeau
Age: 46
Party: Republican
Occupation: Former owner of Primrose School of La Vista
Home: Omaha
Elected offices held: District 6 state senator, 2017-19
Education: Bachelor's degree, psychology, University of Nebraska at Omaha
Family: Married, three children
Faith: Catholic
Website: theresaforgovernor.com
Top priority: Nebraska's governor should concentrate on the issues that most affect our state. My economic priorities would include: Aggressively scouring the state budget to find spending cuts; digging into our tax policy to find taxes we can cut; and stopping the passage of any new taxes. On education, I would push to get parents more involved in their children's school decisions, whether curriculum or social policies. I would also oppose any efforts to reduce voter oversight of education policy. Public safety must also be a priority. That means supporting our law enforcement professionals as they do very difficult jobs.
By Lauren Wagner

Nebraska Examiner: Memory expert blocked from testifying at Fortenberry trial, which will begin Wednesday

LINCOLN — A federal judge has barred the testimony of a memory expert at the upcoming federal trial of U.S. Rep. Jeff Fortenberry and blocked defense lawyers from arguing that the lead prosecutor in the case is biased.
U.S. District Court Judge Stanley Blumenfeld, in pretrial rulings, granted a request from prosecutors to bar the testimony of the memory expert, Dr. Alan Castel.

Memories fade

Lawyers for Fortenberry, 60, had sought to have Castel testify that memories are often inaccurate and that memories fade as we age. The doctor was also being called to tell jurors that "repetitive, suggestive questioning and stress" — in this case, during two interviews with federal agents — can alter memories.
But Blumenfeld, in rulings filed Wednesday, agreed that Castel's testimony would be speculative, based only on his observations of the interviews, and that "the idea that memory fades or alters over time is a concept jurors understand without the need for expert assistance."
The judge also granted a motion by prosecutors to exclude evidence or argument that the lead prosecutor in the case, Mack Jenkins, was motivated by political bias to charge the congressman.

A setup?

Fortenberry's defense lawyers have pointed out that Jenkins has contributed to Democratic Party candidates and contended that he had "set up" the congressman by leading him to believe he wasn't a target of their investigation.
The rulings come as attorneys prepare for a trial that will begin Wednesday in U.S. District Court in Los Angeles. The trial is expected to continue through March 22.
California is where federal agents launched an investigation into $180,000 in illegal, foreign "conduit" campaign contributions from a Nigerian-Lebanese billionaire, Gilbert Chagoury.

Fortenberry, as well as then-U.S. Rep. Lee Terry, R-Neb., were among the recipients.
Fortenberry was given about $30,000 from a group of Lebanese-Americans during a fundraiser in Los Angeles in 2016.

Aide raised concerns

One of his aides raised concerns about whether the money originated with Chagoury, because foreigners cannot donate to U.S. political campaigns, and all the donations came from one family.
Later, an organizer of the L.A. fundraiser — by then working as an informant for the FBI — told Fortenberry that the money likely came from Chagoury, a resident of Paris who shared the congressman's concerns over persecution of Christians in the Middle East.
But when federal agents interviewed Fortenberry in 2019, he had no recollection that the money came from a foreigner.
Terry gave away the donations he received from Chagoury to charities. Fortenberry, meanwhile, was seeking a second L.A. fundraiser for his 2018 campaign. He gave away the $30,000 to charities in late 2019, after his two interviews with federal authorities.
Fortenberry, who has served eastern Nebraska's 1st Congressional District since 2005, has pleaded not guilty to three felony charges.
He faces a tough challenge in the GOP primary from State Sen. Mike Flood of Norfolk, who has been endorsed by Gov. Pete Ricketts and former Gov. Dave Heineman.
By Paul Hammel

Nebraska Examiner: L.A. jury to decide if Fortenberry lied to federal agents or was 'set up' by them

LINCOLN — Until last fall, U.S. Rep. Jeff Fortenberry was expected to easily breeze to re-election in 2022 in his Republican-dominated district spanning eastern Nebraska.
Instead, he'll be fighting for his political life this week in a federal courthouse in downtown Los Angeles.
Fortenberry, who has represented the 1st Congressional District since 2005, is charged with lying about, and then trying to conceal, his knowledge of $30,200 in illegal, "conduit" political campaign contributions.

'Conduit' contributions illegal

The gifts in 2016 originated from the pocketbook of a Nigerian-Lebanese billionaire living in Paris, Gilbert Chagoury. Foreigners are barred from donating to U.S. political campaigns, either directly or through "conduits" — in Fortenberry's case, through a group of Lebanese-Americans living in the Los Angeles area.
Fortenberry's trial begins Wednesday and is expected to continue through March 22. A campaign spokesman said it's not certain that the 61-year-old congressman will testify in his own defense.
The outcome could be a decisive factor in whether the congressman is re-elected. He faces a formidable challenge in the May primary from State Sen. Mike Flood of Norfolk, who has picked up endorsements from Gov. Pete Ricketts and former Gov. Dave Heineman, who said they fear losing the safe GOP seat to a Democrat because of Fortenberry's legal issues.
When the jury hears the facts in this case, they will recognize his innocence.
– Fortenberry spokesman Chad Kolton
Prosecutors in California, where the investigation into illegal campaign donations from Chagoury began in 2015, allege that Fortenberry lied repeatedly to them during interviews in 2019 when asked

if the money originated from Chagoury.
Federal prosecutors maintain that Fortenberry then failed to immediately "disgorge" the Chagoury funds — something his then-fellow U.S. Rep. Lee Terry did — and correct his federal campaign spending report. Instead, federal authorities say, Fortenberry asked for another fundraiser in 2018.

'Specific legislative actions'

Prosecutors also allege that Fortenberry took "specific legislative actions" after getting the 2016 donations.
Fortenberry supporters reject the claims. They maintain that the congressman was the victim of a political "setup" by federal agents, who used an informant to tell him the donations "probably" originated from Chagoury and then "misled" into talking to agents.
They insist that when Fortenberry was asked about the $30,200, he simply couldn't recall what he had been told by the host of the L.A. fundraiser — who was by then working as an FBI informant— in a phone call a year earlier.
The congressman, they claim, didn't willfully lie to federal investigators — something prosecutors must prove to win a conviction.

'A set up?'

"California prosecutors knew that Rep. Jeff Fortenberry had no information about illegal contributions to his campaign and have produced no evidence that he did," said campaign spokesman Chad Kolton.
"Rather than enlist his help as the victim of these illegal contributions," Kolton said, "they set Fortenberry up by directing an informant to feed him that information with the intention of trying to prosecute him."
Credibility will be a key issue at the trial — the credibility of the FBI and federal prosecutors vs. that of Fortenberry, an ardent Catholic whose recent career has included work to help those persecuted in the Middle East by ISIS and others.
How much politics will creep into the trial of a politician from a deeply red state in a blue stronghold remains to be seen. Fortenberry's attorneys attempted, unsuccessfully, to get the trial moved to Nebraska, a request prosecutors slammed as "venue shopping."

Met Chagoury twice

The congressman had become a friend of Chagoury, prosecutors say, over their shared interest in "the cause" of protecting Christians being persecuted in the Middle East. They had twice met in person, once in Paris and once in Washington, D.C.
According to federal prosecutors, Fortenberry would often pass on his regards to Chagoury through the billionaire's associate in Washington, Toufic Baaklini, founder of a group called "In Defense of Christians." Baaklini helped set up the L.A. fundraiser where Fortenberry got the $30,200, at the congressman's request.
Chagoury, a friend of former President Bill Clinton and Hillary Clinton who has served as an ambassador to the Vatican, first won notoriety for donating between $1 million and $5 million to the Clinton Foundation. His notoriety grew in 2016 after he sued several federal agencies when his visa was suspended because of suspicions that he supported Middle East terrorists. The lawsuit was later settled out of court, with the feds agreeing that he should not have been sanctioned.

$180,000 was total donated

In the case of conduit contributions, Chagoury agreed to pay a $1.8 million fine. The U.S. Attorney's Office in California said he gave $180,000 in political gifts to a handful of American politicians, including Mitt Romney, and gave a $50,000 loan to Ray LaHood, who served as U.S. Secretary of

Transportation.
Chagoury is not expected to testify at the Fortenberry trial. But Baaklini, who has since left In Defense of Christians, will, as will the host of the L.A. fundraiser, a physician referred to as "Individual H" in the federal indictment.
Jurors will hear recordings of phone calls between Fortenberry and Individual H, as well as excerpts from recordings of the two interviews with federal agents, one at Fortenberry's house in March 2019 and a second interview, requested by the congressman, in July 2019 in Washington.

Aide was suspicious

The jury will also hear from a former campaign aide of Fortenberry's, Alexandra Kendrick, who told investigators that she grew suspicious about the L.A. fundraiser because she hadn't been provided a guest list prior to the event, which was unusual. She also related a "cautionary tale" of a fundraiser she had handled with another client involving "foreign nationals from the same community."
"In the lead up to the 2016 fundraiser, Kendrick repeatedly emphasized to defendant the potential risk of illegal foreign and conduit contributions with this event," stated a Feb. 15 memorandum from federal prosecutors.
After the fundraiser, Fortenberry asked Baaklini if he thought anything was wrong with it, given that all the money came from members of one family. Baaklini lied and said "no," court records indicate.
In March 2016, just a few weeks after the L.A. fundraiser, the House passed a resolution introduced by Fortenberry and "favored" by Baaklini, Chagoury and In Defense of Christians, according to prosecutors.
Two years later, Fortenberry texted the host of the fundraiser, Individual H, and then later called him, asking for a second fundraiser to continue "the fine generosity" of the 2016 event.

Feds 'implant' information

Kolton, the Fortenberry spokesman, said the case will hinge on that 10-minute phone call from Individual H in 2018, one that was secretly recorded by the FBI. He also said that Kendrick's warnings were general in nature, and not about Chagoury.
While prosecutors argue Fortenberry wasn't truthful to them, Kolton maintained the feds used the call to "implant" information the congressman did not have — that the $30,200 originated from Chagoury.
"Jeff Fortenberry has always had great faith in the American people's ability to judge what is fair and just," Kolton said. "When the jury hears the facts in this case, they will recognize his innocence."
By Paul Hammel

LJS: Inmate advocacy group alleges Nebraska prison's book policy is unconstitutional

A Florida-based inmate advocacy group has sued Scott Frakes, accusing the Nebraska Department of Correctional Services he leads of censorship.
In the lawsuit filed in U.S. District Court in Lincoln, Human Rights Defense Center said the Nebraska prison system on at least six occasions has prevented it from sending books to state prisoners under its approved vendor policy.
The books were self-help litigation manuals for inmates.
The lawsuit asks a federal judge to block Frakes from enforcing the policy corrections has had since May 2021, which prohibits mailed books unless they are sent from Edward R. Hamilton, a Connecticut-based wholesaler of books.
Paul Wright, executive director of the nonprofit organization that advocates on behalf of people held

in U.S. detention facilities, said in September the group mailed several legal books to prisoners that were "censored" by prison officials.
Some were sent back with "return to sender" or "refused" with no explanation.
The group's general counsel, Dan Marshall, said that Frakes, who worked at the Washington State Department of Corrections before coming to Nebraska, was named in a lawsuit there challenging the constitutionality of similar restrictions.
In 2003, a federal court in Seattle issued injunctions against Frakes and other state prison officials in a decision later affirmed on appeal.
Marshall said the state of Washington ultimately paid $100,000 in damages to Human Rights Defense Center and $442,000 in attorneys fees for violating the center's constitutional rights.
The new lawsuit alleges Nebraska's policy unconstitutionally restricts the group's First Amendment right to free speech and its right to due process because it wasn't allowed to appeal the decision.
"HRDC's books and magazines inform prisoners about educational opportunities, their constitutional rights, and means for self-improvement while incarcerated," Marshall said in a news release.
"Banning these publications from reaching those who are in prison is an affront to the First Amendment, as well as counterproductive to the goals of security and rehabilitation."
The state hasn't yet filed a response to the lawsuit.
By Lori Pilger

LJS: Bill allowing concealed guns without a permit moves ahead in Legislature

With raw emotions erupting on the floor of the Legislature during a morning of intense debate, state senators voted Friday to free Sen. Tom Brewer's "constitutional carry" gun rights bill from a filibuster and sent it on the way to second-round consideration.
The bill advanced on a 35-9 vote following a 36-9 vote to end debate.
Thirty-three votes were required to break the filibuster that threatened to trap the bill and eliminate it from this session's agenda.
The action represented a big step forward for gun rights advocates and a huge victory for Brewer of Gordon, who shepherded the bill through a gantlet of opposition mounted by senators from Lincoln and Omaha.
"We live in a place much different outside of Lincoln," Brewer told his metropolitan colleagues, suggesting that on occasion undermanned law enforcement in rural areas could welcome the assistance of law-abiding citizens in "protecting themselves and their families."
The bill (LB773) would allow people to carry a concealed handgun in Nebraska without paying for a $100 permit.
How they voted
A bill (LB773) to allow people to carry a concealed handgun in Nebraska without paying for a $100 permit advanced 35-9 to the second round Friday.
Voting yes (35): Aguilar, Albrecht, Arch, Blood, Bostelman, Brandt, Brewer, Briese, Clements, Day, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Halloran, B. Hansen, Hilgers, Hilkemann, Hughes, Jacobson, Kolterman, Lindstrom, Linehan, Lowe, McDonnell, Moser, Murman, Pahls, Sanders, Slama, Stinner, Wayne, Williams.
Voting no (9): Bostar, J. Cavanaugh, M. Cavanaugh, DeBoer, M. Hansen, Lathrop, Morfeld, Pansing Brooks, Vargas.
Present, not voting (4): McCollister, McKinney, Walz, Wishart.

Excused, not voting (1): Hunt.
But Sen. Adam Morfeld of Lincoln, who proposed a compromise that would eliminate current fees charged for both permitting and required training for people who carry a concealed handgun, said the bill would also "remove training and background requirements (and) that is a bridge too far."
"I want to be sure that gun owners have the requisite training they need," he said.
Brewer said the bill does not remove the background check requirement that concealed-carry gun owners still would need to clear.
Noting the opposition expressed to the bill by Lincoln senators, Brewer asked "have we forgotten the chaos in Lincoln?" that erupted during Black Lives Matter protests near the state Capitol in 2020.
All of the nine votes to maintain the filibuster and in opposition to the bill itself were cast by senators from Lincoln and metropolitan Omaha.
The proposal is opposed by the Lincoln Police Department.
During the intense debate, Sen. Machaela Cavanaugh of Omaha strode angrily out of the chamber after her shouted demands for a point of order were ignored during remarks by Sen. Julie Slama of Sterling personally criticizing her.
"Wow!" Sen. Patty Pansing Brooks of Lincoln said following that eruption, which grew out of an earlier exchange between Cavanaugh and Brewer prompted by the Omaha senator's expressed concerns about allowing people who might be armed into the gallery overlooking the floor during Thursday's debate.
"This is ridiculous," Pansing Brooks said. "That (criticism of Cavanaugh) should have been stopped. It was not kind, and it embarrassed our state, our colleague and our friend."
Friday's debate often turned angry and confrontational, prompting Sen. Steve Lathrop of Omaha to remark on the changes in the Legislature he has experienced since he returned as a senator in 2019 after being term-limited out in 2015 following two consecutive terms.
Lathrop, who decided not to seek reelection this year, said "I've been lied to in the last four years," declaring that "lying has become a tool" in the Legislature now.
"This culture has changed," he said, and it reflects the national political culture now.
"The culture has gone to hell," he said. "Everything's decided before it gets to the floor. This is choreographed now."
Responding to Lathrop's remarks and his approaching departure, Brewer said: "You have been a true professional. I do hate to see you leave. We are lesser for it."
Sen. Mike Flood of Norfolk said Friday's decision for senators could be simply stated: "Where are you on gun rights?"
By Don Walton

OWH: Nebraska lawmakers advance expanded concealed carry bill

LINCOLN — Nebraskans got one step closer Friday to being able to carry concealed weapons without a permit.
State lawmakers advanced Legislative Bill 773 on a 35-9 vote. The vote came after a 36-9 vote to cut off the two-day filibuster mounted by opponents. That was three more votes than needed.
State Sen. Tom Brewer of Gordon, who introduced the bill, breathed a sigh of relief at getting it through the first round of consideration. He said the debate had been long and painful, both for the Legislature and personally. He has been undergoing chemotherapy during the session and is awaiting back surgery.

But he also observed that the measure would have to clear two more rounds of debate — and potentially two more filibusters — before it could become law.
“This is not to the finish line,” he said. “The question is: Can we hold 33 votes to get to the finish line?”
Under LB 773, which was co-sponsored by a majority of state senators, Nebraska adults who are not otherwise banned from having guns would no longer have to get a permit to carry a concealed weapon.
Measures like this are sometimes called “constitutional carry” in reference to some gun rights advocates’ belief that the U.S. Constitution gives people the right to carry concealed guns without a permit.
On Thursday, Alabama became the 22nd state with such a law when Gov. Kay Ivey signed a constitutional carry bill into law. Three other states have passed legislation this year that is awaiting a governor’s signature.
Currently in Nebraska, getting a concealed-carry permit requires passing a criminal background check, paying a $100 fee and taking an eight- to 16-hour gun safety class.
LB 773 would allow people to still get concealed-carry permits, which Brewer said they may want to do to carry a gun across state lines or potentially expedite a background check for purchasing a gun.
Supporters of the bill cast the issue as one of letting Nebraskans fully exercise their Second Amendment rights and argued that the bill has strong support among Nebraskans. Brewer warned opponents they would pay a price at election time for voting against the bill.
“There’s a lot of gun owners out there,” he said.
Sen. Mike Flood of Norfolk said the bill would not loosen restrictions on gun ownership or change laws governing where concealed weapons can be prohibited, such as schools. Nor would it allow people to carry a concealed weapon while drinking or using drugs.
The bill would require a person carrying a concealed weapon to announce its presence during encounters with law enforcement or emergency services personnel. People without concealed-carry permits would have to carry identification and show it upon request by those authorities.
“If you vote for this bill, you will find that nothing bad is going to happen,” Flood said. “You are not voting for something that will make Nebraska less safe.”
Opponents, who represent urban districts, said they have heard from numerous Nebraskans who don’t want to see the permit and training requirements eliminated.
Sen. Matt Hansen of Lincoln said rural and urban Nebraskans have very different perspectives on the issue, even those who have concealed carry permits. As a non-gun owner, he said it does not make him feel safer to be among more people with guns.
Some opponents pointed to concerns raised by law enforcement agencies. The Lincoln Police Department, Lincoln police union, Police Chiefs Association of Nebraska and the Police Officers Association of Nebraska all oppose LB 773.
The Omaha Police Officers Association and Omaha Police Department have agreed to stop fighting the bill and adopt a neutral position if lawmakers adopt a compromise amendment worked out with Brewer. The amendment will be considered during second-round debate.
But some senators expressed concerns about the compromise, saying it would carve out Omaha residents for different treatment and would add new criminal charges to the books.
By Martha Stoddard

LJS: Bill giving environmental regulators more power gets first-round approval

The Legislature advanced a bill designed to give the Nebraska Department of Environment and Energy more latitude to order environmental cleanups.
The bill (LB1102) from Sen. Bruce Bostelman of Brainard grants the department's director authority to issue cease-and-desist letters to companies that pose a danger to people and the environment.
It also allows the department to initiate cleanups using a $300,000 cash fund also approved by lawmakers Friday, and recover costs from the companies or individuals determined to be responsible for the contamination.
The bill emerged from an interim study conducted last year following the state environmental department's response to AltEn, an ethanol plant near Mead that has been identified as the source of contamination in the surrounding area.
Bostelman said the bill was forward-looking and would help stop polluters in the future.
It advanced to second-round consideration on a 40-0 vote.
Two senators who supported the bill said they questioned whether LB1102 went far enough to give the Department of Environment and Energy power to stop bad actors before serious damage was done.
Omaha Sen. John Cavanaugh, who did not vote to advance the bill out of the Natural Resources Committee, said the bill was not as forceful as he would have liked.
"This is a complicated issue," Cavanaugh said. "We are trying to make it strong, but not so cumbersome we are forcing an agency to take action when it's not necessary."
Sen. Carol Blood of Bellevue, who introduced several bills in response to the AltEn crisis, said she hoped lawmakers could strengthen the bill before the next time it comes up for debate.
"I want to know when we're going to give some things some real teeth," Blood said. "NDEE can already do what we're going to do ... we would like to see it go even further."
Bostelman said the bill was modeled from environmental cleanup laws in Kansas and Missouri, and gave the Department of Environment and Energy more tools to respond to environmental concerns.
By Chris Dunker

OWH: 'A true Maverick': Joanne Li outlines vision for UNO during ceremony

“Dr. Joanne Li is a Maverick in every sense of the word.”
University of Nebraska President Ted Carter uttered that compliment Friday in describing Li, chancellor of the University of Nebraska at Omaha, during a ceremony that symbolically installed her as the 16th chancellor of the metropolitan campus.
With Li being on the job for almost nine months, Carter and other NU officials said she hit the ground running. They praised her for having a Maverick mentality, a play on the university’s team name, in reference to her ability to build relationships and her determination to continually improve the university.
“Like a true Maverick, she has big ideas — lots of them,” Carter said. “Joanne Li is not afraid to think differently, to ask hard questions and take a new path from what has been done in the past.”
Li offered a preview of some of those ideas when speaking to the media before the ceremony. Drawing on experiences from the COVID-19 pandemic, Li said the past two years have created a need to think differently.
“We really have to use this opportunity to reflect,” she said.
Li, who struggled to afford college as a first-generation student from Hong Kong in the late

1980s, outlined a series of goals to help students achieve an affordable and quality education in a timely fashion.
More than one-third of UNO students are eligible for Pell grants and 40% are first-generation college students.
Li said accomplishing those goals would help Nebraska meet its workforce development challenges and be economically competitive. Nebraska reached a new national low when it reported a 1.7% unemployment rate based on seasonally adjusted figures from December. But as of Friday there were more than 48,000 job openings on the state's website NEworks.
"We're going to be laser focused to make sure we invest in our people," she said. "There are a lot of jobs in Nebraska that need to be filled, but they need to be filled with a quality workforce. They need to be filled by people (with) a STEM (Science, Technology, Engineering and Mathematics) kind of discipline. But they also need to be trained as an independent critical thinker with our arts and humanities."
During Friday's ceremony, Li said she sees opportunities for the university to work with community colleges to meet the demands of the workforce. She envisions UNO offering working professionals opportunities to upskill or re-skill. She added a goal for the university to offer more than double the number of internship opportunities for students.
"In fact, this very day and from this point onward, I want to commit to working with our business leaders and employers in the region to provide paid internships so that our students can get one foot in the door of the house of opportunities," she said.
Li positioned UNO as a partner of Omaha and reflective of a growing metropolitan area.
"Our people are our strength," she said. "UNO builds on our collaboration with the community — a true character of an urban university."
That partnership was referenced earlier in the ceremony by Mayor Jean Stothert, who envisions Omaha growing to become one of the top 25 cities in the U.S. during the next 50 years.
"We will accomplish this by building a community of opportunity for all, by growing our economy and by caring for our less fortunate friends and neighbors," she said. "The students, faculty, staff and alumni at the University of Nebraska at Omaha will be part of the next decades of success."
In addition to outlining a vision, Li also reflected on UNO's recent accomplishments. Those include the university reaching a record $31.5 million for sponsored research projects so far this fiscal year, which began July 1, 2021. Li also noted the continued student enrollment growth, which has risen nearly 23% in the past five years.
By Dan Crisler

Kearney Hub: COVID-19: As cases fall, vaccination rates are inching upward with 52 percent in Two Rivers district

KEARNEY — Cases of COVID-19 are falling fast. The Two Rivers Public Health Department lowered its COVID-19 risk dial into the moderate level. This is the lowest the dial has been since Aug. 4, 2021.
Just 40 cases of COVID-19 were recorded in Two Rivers' seven counties between March 2-8. which is six fewer than the week before, and fewer than half the 86 new cases reported Feb. 16-22. It's dramatically down from the 313 cases reported one month ago, and the 1,172 cases recorded in late January when the omicron variant was surging.
As of Thursday, Kearney Regional Medical Center had just one COVID patient, and the University of Nebraska at Kearney reported a single new case this week.

CHI Health Good Samaritan had nine COVID patients Wednesday afternoon, but that is fewer than half the 19 new cases reported three weeks ago and the 26 cases recorded in late January.
Two Rivers said overall test positivity rate is around 3%, with 6% reported for tests conducted outside of long-term living and residential facilities.
As of Tuesday morning, about one-third of all ICU beds in Two Rivers were available, along with 31% of medical-surgical beds.
As cases fall, vaccination rates are inching upward. As of Tuesday, 52% of the Two Rivers total population of 97,000 has received at least a full dose of the COVID-19 vaccine, meaning two shots of the Pfizer or Moderna vaccines or one Johnson & Johnson shot.
Almost half of those fully vaccinated people have received either a booster dose or are within the 2 or 5-month waiting interval between a vaccine dose and a booster.
Due to the drop in cases, Two Rivers is now doing COVID-19 testing 9:30-11 a.m. Mondays and Wednesdays at its office at 516 W. 11th St., and no longer at the Buffalo County Fairgrounds. Pre-registration is required at trphd.org before tests are done.
Despite the plunge in new cases, Two Rivers strongly urges all unvaccinated vaccine-eligible residents to get vaccinated at area pharmacies or medical offices. Two Rivers continues to offer vaccination clinics in its seven counties, which include Buffalo, Dawson, Franklin, Gosper, Harlan, Kearney and Phelps. For a schedule, visit trphd.org/covid-19/event-calendar.
By Mary Jane Skala

OWH: Near record dry winter comes to an end for Nebraska with 98% of state in drought

Wintertime brush fires, idle snowplows and parched soil have foretold what recently released national weather data confirms.
Nebraska just closed the books on its second-driest February and fourth- driest winter on record.
Nationally, the last three months were the lower 48 states' 12th-driest winter on record, according to data released last week by the National Centers for Environmental Information, a sibling agency to the National Weather Service.
Records go back 127 years.
Al Dutcher, associate Nebraska state climatologist, said the dry winter bodes poorly for agriculture but has produced some benefits.
On the plus side, Dutcher said reduced snowfall and higher-than-average temperatures have meant less money spent plowing snow and less need to run furnaces. Ag has benefited through lower supplemental feeding costs for livestock, reduced calving losses and opportunities to get more field work done, he said.
The negatives are many, he said. Soils haven't absorbed needed moisture to help sustain plants during the growing season; streams and lakes are low; the Panhandle has likely seen wind erosion; winter wheat yields have been degraded; and conditions have been ripe for brush fires.
For record-keeping purposes, the National Centers for Environmental Information and its sibling agency the National Weather Service consider December-February to be meteorological winter, with the first day of spring occurring March 1. The traditional first day of spring is the equinox, March 22, when daylight and dark are roughly equal.
The dry winter has intensified drought in the central U.S., including Nebraska. At the start of winter, less than a third of Nebraska was in drought, according to the U.S. Drought Monitor. By the end of February, 98% of the state was officially in drought, according to the Drought Monitor.

If drought continues and mountain runoff is disappointing, then it will be a tough year for ag, Dutcher said. Impacts could include: anemic pastures, which would affect already-stressed hay supplies; higher irrigation costs; and dryland crops running out of moisture.
Dutcher said if this winter's habit of roller-coaster temperatures continues, the state could see severe weather similar to the March 5 deadly tornado outbreak in Iowa.
While warmer and drier-than-average weather is expected across much of Nebraska for the next two weeks, snow remains possible for another two months. Omaha's latest snowfall has occurred in May.
Omaha had its 13th-driest and 14th-least snowy winter on record, according to the National Weather Service.
Because of the dry weather, horticulturists have advised people to water plants a couple of times a month, especially around young plants.
By Nancy Gaarder

OWH: 300 snow geese killed, then abandoned along road near Falls City

Whoever killed about 300 snow geese west of Falls City in Richardson County recently could be facing several fines — not because of the number of birds left piled on the side of the road, but because some weren't cleaned and none were disposed of properly.
Duane Arp, assistant administrator with Nebraska Game and Parks' law enforcement division, said only half of the 300 geese were cleaned and breasted.
"Nebraskans value wildlife, and that is based upon the number of calls Wildlife Crimestoppers receives each year. In this case, we've got four or five leads already coming in," Arp said.
Snow geese have no hunting limits during the conservation season because of the huge number of the game birds, which are threatening to overwhelm their breeding grounds to the north.
However, if the person or persons responsible didn't have the required hunting permits and stamps, that could lead to charges resulting in a Class 2 misdemeanor. Littering a waterway is also a Class 2 misdemeanor, and wanton waste is a Class 3 misdemeanor.
Class 2 misdemeanors carry a maximum sentence of six months in jail and a $1,000 fine. For Class 3 misdemeanors, it's a maximum sentence of three months in jail and a $500 fine. In this case, anyone involved could face multiple charges.
Liquidated damages for each bird is $75.
Arp said the agency is investigating how many people were involved. Thousands of the geese are migrating through the area.
"People should know it is illegal to kill game birds and just throw them away," Arp said. "Hunters have a responsibility to the resource to dispose of them properly."
Arp said the dead birds should have been taken to a landfill or buried on a preapproved property.
Although most hunters act responsibly, Game and Parks has received many of these types of complaints during waterfowl season and especially during deer season.
"It certainly is not everyone," Arp said. "But it happens too often.''
Game and Parks encourages people who suspect poaching or other game violations to contact Wildlife Crimestoppers at 800-742-7627.
By Marjie Ducey

GII: Fonner Park barn under quarantine after two horses euthanized

GRAND ISLAND, Neb. — Eight horses were scratched from Friday afternoon's racing at Fonner Park because of a quarantine implemented amid equine health problems.

A 21-day quarantine has been placed on Barn R, where more than 100 horses are stalled. Two horses were euthanized in the last week — one on Wednesday and one on Thursday. The cause of their illness has not yet been identified.

Fonner Park CEO Chris Kotulak described the quarantine as a precautionary step.

"While we have yet to confirm if there has been an outbreak of a virus, we have decided to err on the side of caution and enact immediate precautions," Kotulak said in a statement. "The livelihood of many has been affected. The health and welfare of all beings in our stable is always a grave concern. And everyone has a role to play to return to normalcy."

The illness is believed to be the equine herpes neurological virus.

"But it is only believed that because of some of the symptoms that the horses have shown," Kotulak said in an interview.

On Wednesday, Kotulak was notified that a horse in Barn R had a high temperature and was displaying mobility issues.

Blood and nasal swab samples were taken and immediately driven to the National Veterinary Services Laboratories in Ames, Iowa. Tests were completed on Thursday and the lab results were inconclusive. Additional samples were sent for testing on Thursday.

"That same day a second horse showed similar symptoms. Unfortunately, both horses were euthanized," according to Kotulak's statement.

Late Friday afternoon, Fonner Park was awaiting lab results.

The horses that were scratched Friday came from trainers who are stabled in Barn R. Horses in that barn currently are not allowed to race at Fonner.

The Nebraska Department of Agriculture has been notified. That department was involved in a discussion with the Nebraska Racing and Gaming Commission, the state veterinarian and the Fonner Park board of stewards.

"Among other steps, precautions have been mandated that disallow any horsemen with horses in Barn R to have contact with any other horses in the stable area," according to the Fonner press release. "Any horses that arrive may not leave the entire stable area until the quarantine is lifted. Fonner Park has also begun protocol to routinely sanitize the paddock, the starting gate and other common areas for horses."

Fonner will use a three-stage quarantine process.

During the first seven days of the quarantine, which began Thursday, horsemen from Barn R will be allowed to put their horses on the outdoor walker wheels. Each walker wheel will be designated for use by a specific trainer. Those wheels will be sprayed down with disinfectant after each use.

After seven days, if "there is not another outbreak, we will then allow those horses and only those horses from the R Barn to train on the training track, which is adjacent to the R Barn," Kotulak said.

After two weeks, if there is no longer an outbreak, horses from Barn R will be allowed to train on the main track after standard training hours.

By Jeff Bahr

Flatwater Free Press: Albion, investing in itself, shows how small towns can thrive

If you want to see a small town crackling with energy, drive to Albion and enter the front door of

Boone Beginnings. Nearly two dozen infants, toddlers and young children climb out of car seats and pinball their way into the brand-new child care center, where they commence finger painting, story time and the eating of healthy snacks.

Boone Beginnings opened in November. This option for Albion's young families didn't exist. Not until the town raised $4.5 million to build it.

If you need more proof of this small town's spark, drive out to the Boone County Fairgrounds, where on a Saturday afternoon you may find the parking lot of the arena and ag center jammed with horse trailers.

"People competing in local barrel racing," said Kurt Kruse. "We're drawing people from fifty miles, 80 miles, hundreds of miles away, and they are spending money in Boone County."

The Niewohner Arena and Boone County Agriculture and Education Center opened in May 2020. This option for riding, livestock shows, concerts and rodeos didn't exist. Not until Albion raised $3.6 million to build it.

The child care center and arena are two of the nearly dozen major projects undertaken in and around Albion, pop. 1,699, in the past decade. And they represent something else to local leaders and rural development experts – proof that small towns can build a better future if residents quite literally invest in making that future possible.

Boone County has raised an estimated $14 million – almost all local donations – to build these projects as well as an aquatic center, a walking trail, a theater, an endowment and many more.

Local money has driven the change. And the change has driven more money, and more change, gathering speed and mass like a snowball rolling downhill.

"Once our wealth leaves the community, it's gone forever," said Jeff Yost, president and CEO of the Nebraska Community Foundation, which works with Albion and 270 Nebraska communities. "Once our wealth is endowed in our community, it's here forever."

More than $100 billion in wealth will transfer from one generation to the next in the coming decade, according to an economic study recently released by the Nebraska Community Foundation.

Roughly half of this transfer of money and assets will happen in the Omaha and Lincoln metros. But far more wealth than you might expect will transfer in Nebraska's rural counties.

In Albion's Boone County, an estimated $600 million – the majority tied to farmland and ranching – will change hands in the next 10 years.

The big question: How much of that money will stay?

Much will travel to the bank accounts of sons and daughters spread across the country, say rural development experts. But if the local community foundation and other local philanthropies capture even five percent of that transfer of wealth, it would mean $30 million reinvested in this county of roughly 5,400 people.

Boone County leaders, buoyed by recent success, have set that as their target.

"If your kids can't get along with 95 percent, they probably aren't gonna get along with 100 percent," Kruse said.

It wasn't always like this. The farm crisis of the 1980s devastated Albion. A generation of high school graduates hightailed it after receiving their diplomas. Precious few people put their trust, or their treasure, in Boone County.

"As my dad used to say, it wasn't a place you chose to live necessarily," said Jay Wolf, an area rancher.

Even during the dark times, Albion leaders did manage to avert disaster. Crucially, they held onto their hospital, which today has grown, employs 18 doctors and physicians' assistants and is the

area's single biggest employer, Wolf said.
And Albion started a local community foundation, one that existed sleepily for years before jolting wide awake.
The success started in the 1990s with the construction of a new community fitness center that boasts an indoor swimming pool and spinning classes not available in most small towns.
In 2002, a group of citizens, teachers and high school students renovated the town's historic theater. Today, the Gateway Theater shows first-run movies on weekend evenings. The theater is run by a high school class focused on turning teenagers into budding entrepreneurs.
Roughly 15 years ago, city and community foundation leaders decided they wanted to raise $2.5 million to redo the local nursing home.
One problem: "We had never raised even $250,000 for anything in this town," Wolf said.
They pushed aside doubts and raised the money. And then, when it became clear the nursing home needed it, they raised $2.5 million more. A metaphorical light bulb went on inside the heads of Wolf and other community leaders.
"It started to happen. It happened gradually, but it did happen," Wolf said.
A decade ago, the community raised funds to replace its ancient pool with a brand-new aquatic center. More recently, the community raised money to build a 2-mile walking trail and pickle ball courts. Albion now boasts a local brewery, two new restaurants, two boutiques, a good coffee shop, a nice 9-hole golf course, a renovated school, a renovated hospital and a newfound sense that things are getting better, and can continue to get better still.
"It seems like when one person takes a risk, it nudges someone else on the edge, and they do it, too," said Lindsey Jarecki, a one-time Omaha schoolteacher who moved to town with her husband, an Albion native, when he started a law practice a decade ago. "So much of this stuff simply wasn't here when we got here… You can practically feel the confidence building."
The biggest risk may have been the twin projects that scared Jarecki and other local leaders because of their size and importance.
Boone County, like most rural places, has for years desperately needed affordable, accessible child care.
And many in Boone County wanted to emphasize the area's rural roots by improving the fairgrounds and building a new arena and agricultural center.
These two groups of community leaders wanted to raise money for these projects simultaneously.
"There was fear, so we had to come together." Jarecki said. "We decided we were gonna support each other no matter what…We trusted each other…and the community trusted us."
Here's how much Boone County trusted them: Jarecki and her early childhood counterparts raised some 80 percent of the funds for Boone Beginnings from inside the county line.
For years, panicked parents of young children in Albion clawed to get into the limited spots of area child care providers, Jarecki said.
Since Boone Beginnings opened, nearly two dozen sets of parents "no longer have to worry about where their kids are or how they are being cared for," Jarecki said. "These parents are happy. These parents are calm."
Eight more babies are expected to start soon.
Simultaneously, the leaders of the ag project raised nearly all their money from local donors and county funds.
Since opening, it has hosted major cattle shows that drew attendees from eight different states. And a sold-out bull riding event. And concerts, barrel racing, dog trials, junior rodeo.

It's an entertainment option for local families. It's a serious tourist draw that simply didn't exist a few years ago.
"One cool thing that happened is a lot of people gave to both projects," said Kruse, who helped spearhead the project. "But the ag building also attracted some rural people who hadn't previously given.
"Both these things…will help the area grow. They will bring people to town."
The twin projects give Boone County leaders confidence that they can continue to raise millions by capturing some chunk of the coming transfer of wealth.
Baby Boomers are aging in Nebraska's small towns. Many of their sons and daughters live elsewhere. The antidote is a years-long effort to educate residents about the importance of keeping some money in their hometowns, Yost said.
"One thing that divides the haves and the have nots is a handful of community leaders in these places who look at this as generational work. Because that's what it is," he said.
There are still many problems to tackle in Albion. Housing is in crisis, like it is across rural Nebraska. It's hard to find a middle-class home, and wildly costly to build, leaders say.
And the size of the local community endowment needs to get bigger.
Right now, roughly $7 million is parked in the Boone County Community Fund and related charities. Local leaders Wolfe and Kruse say that number needs to get closer to $30 million.
But that fundraising may be easier in Albion than it is in many other small towns, Yost said. It may be easier because Albion has already proven itself.
"My sense is that, in the last 20 years, the conversation has shifted dramatically in Albion," Yost said. "We work with a lot of places that have one or two successes. In Boone County, they now have almost a dozen things they can point to and say: 'Look at that. We did that.'"
By Matthew Hansen

OWH: Glitch delayed some Iowa tornado warnings during deadly outbreak

Some tornado warnings during this month's deadly outbreak in Iowa were slow in reaching the public due to a communications delay at the National Weather Service, underscoring the need for people to have multiple methods for learning about severe weather.
A damaged fiber-optic cable at a National Weather Service network hub in Texas slowed the transmission of some warnings to the public during the peak of the outbreak on March 5.
Every community in the path of a tornado did receive a warning ahead of time, and the average lead time was 20 minutes, said Susan Buchanan, spokeswoman for the weather service. However, some devices that people use to receive warnings didn't sound the alarm until two to seven minutes after the warning was issued, she said.
Emergency officials in Iowa say they don't believe the delays were responsible for the deaths.
"We knew a tornado was coming," said Diogenes Ayala, director of the Madison County Emergency Management Agency. Madison County was where six people died and five were injured. "People had time to get to their basements."
All six who died lived in the same area on the edge of Winterset, and four people were members of the same household. Winterset is about 30 miles southwest of Des Moines.
Their homes were hit by the strongest and longest tornado to strike in Iowa in years — the strongest since 2013 and longest since 1984, according to the weather service. It was at its peak intensity when it went through their neighborhood, according to weather service damage assessment.

Rated an EF4 tornado with winds of up to 170 mph, it was on the ground for nearly 70 miles and about 90 minutes.
“I don’t think the tornado was survivable,” Ayala said, based on the demolished homes he saw.
Anyone in the Winterset area monitoring weather service communications would have received the warning at least 24 minutes before the tornado hit, a lead time that factors in the delayed transmissions, Buchanan said.
Ayala said the county issued its localized warning about 10 minutes before the tornado hit and, upon verifying visually the tornado, sounded the sirens about three to four minutes before it struck.
The different amount of the time between the weather service warnings and the sounding of the sirens locally further underscores why it makes sense for people to have more than one type of an alert.
So far, the weather service has confirmed that 10 tornadoes occurred in Iowa on March 5.
The delays in transmitting the warnings occurred during the peak of the tornadic activity, from about 2:15 p.m. to about 6 p.m., said Daryl E. Herzmann, a researcher and systems analyst at Iowa State University. Herzmann’s area of expertise is the National Weather Service and he is the person who brought the delays to light publicly.
“I have no reason to think that (the delays) were consequential in the deadliness aspect of it,” he said. “There was an ample amount of time for people to get a warning, but having said that, any issue causing a tornado warning to be delayed is a big deal. If a tornado happens out of the blue, this potentially could be a factor leading to the death of someone.”
During the approximately three hours and 45 minutes that Herzmann says some of the communication between the weather service and public was slowed, the weather service says the agency issued 39 thunderstorm and tornado warnings nationwide.
Those warnings came from weather service offices in the Kansas City area, Omaha/Valley area, Des Moines and Milwaukee.
Herzmann has calculated that 17 of the tornado warnings experienced some delays in reaching people.
Whether a member of the public got a delayed warning depended upon how they monitored the weather.
No delays were experienced over the nation’s Emergency Alert System (those buzzing interruptions on radio and television); on NOAA weather radios; and in the verbal communications provided by TV and radio broadcasters to their audiences.
Some delays were experienced with alerts issued via cellphones, on apps, on internet sites and in the software broadcasters use to visually explain the areas at risk.
Weather service meteorologists compensated for the delays by issuing warnings earlier than they normally would and by intensifying public outreach, including through social media, Buchanan said.
Communication problems surrounding this outbreak underscore the need for people to rethink how they stay abreast of severe weather, Herzmann and Buchanan said.
“It’s vitally important that the public have two methods to get warnings,” Herzmann said. “People ... just assume they’ll hear a tornado siren. ... In many ways, that’s wrong.”
Options for receiving alerts include NOAA weather radios, smartphone apps, radio or television broadcasts and outdoor sirens. Additionally, the weather service has long advised that people pay extra attention on days when there is a heightened risk. That some type of severe weather was likely on March 5 in Iowa was understood several days ahead of time, and the weather service had issued a tornado watch for that day.

The communications problem that occurred March 5 resulted from cascading events, Buchanan said. When the fiber-optic cable was damaged in Texas, the hub there switched to the agency's satellite communications system. That satellite system's reduced bandwidth, combined with heavier than normal network traffic due to the severe weather, slowed weather service communications, she said.

The weather service is making changes to prevent the delays from happening again, she said.

By Nancy Gaarder

LJS: Lincoln-based Nebraska National Guard brigade returns from deployment

After more than 10 months away from Nebraska soil — a stint that included nine months in eastern Africa, several weeks at Fort Hood, Texas, and 15 minutes of plane taxi time — about 200 members of the Nebraska National Guard stepped foot in the state again Friday.

The Lincoln-based 67th Maneuver Enhancement Brigade landed at the Lincoln airport just before 2 p.m. after a nine-month tour to Djibouti, in East Africa, where the unit served on the Joint Task Force-Horn of Africa, a multinational counterterrorism operation.

For the camo-clad guardsmen and women who stepped onto the tarmac to the sight of "Welcome Home" signs, flags waving and hundreds of restless family members waiting in 25 mph winds, the longest part of the journey may have been the time from plane touchdown to deplaning Friday.

"It was," said Maj. Luke Ritz, one of six guardsmen who came home to a child who hadn't yet been born when he left last May.

"There was a lot of emotion on the plane, a lot of excitement. Everybody's just grateful to be home and see their friends and family," he said as he held 7-month-old William, who Ritz met for the second time Friday.

William was born three months into dad's deployment. "It was definitely different than the other three (children)," Ritz's wife Colleen said.

The Ritzes' reunion — one of hundreds to take place on the tarmac — came after the brigade's overseas stint, where it was primarily stationed at Camp Lemonnier on the coast of Djibouti, within 10 miles of Somalia.

The task force operates in 12 countries spanning 2.4 million square miles and 6,189 miles of coastline, according to the Defense Visual Information Distribution Service.

Col. Brian Medcalf, who served as the chief of staff to the joint task force's leader, said the tour took the unit throughout East Africa, including to Ethiopia, a country in the midst of "a major civil war," he said.

"This team stood ready to respond to crisis," Medcalf said, before describing threats they faced. "Nebraskans left Africa a better place."

Addressing a crowd of about 500 inside the Army Aviation Support Facility shortly after the plane touched down, Medcalf thanked the community for its support throughout the group's deployment, expressing particular gratitude for care packages members received over the holiday season.

"That's a really tough time to be away," he said. "You guys made it a lot easier."

Most of all, though, Medcalf saved his thanks for the family members who greeted the returning soldiers — and who had held down the fort at home while the group was away.

He mentioned the six fathers who had babies born while they were deployed. And he lamented the events — weddings, funerals, youth soccer games — that those deployed had missed, leaving their loved ones to attend alone.

"This was a tough stretch," he said. "But you persevered. No one — no one — understands the level of sacrifice and hardship deployment has on a family."
On hand for the brief ceremony was 1st District Rep. Jeff Fortenberry, who thanked the brigade and applauded the soldiers' courage and resolve.
Fortenberry, too, highlighted the commitment of family members, who he said made the group's own sacrifice possible.
He recalled the day at Haymarket Park last May, when families and elected officials, including Fortenberry, had sent the brigade off to its deployment.
This time, he offered a greeting, rather than a farewell.
"Sixty-seventh brigade, welcome home," he said.
By Andrew Wegley

OWH Editorial: Find a way to shut off the pipeline that helps fill Nebraska prisons

Omaha Police Chief Todd Schmaderer made an important and provocative statement recently about the value of investing in Nebraska communities as a way to reduce crime and incarceration.
“I’d rather have 1,000 jobs strategically placed in the right part of our city to affect poverty,” Schmaderer told state senators last month. “That would reduce violent crime far more than 1,000 more police officers.”
At a time when Nebraska’s prison system has become the most overcrowded and fastest growing in America, we should pay attention to Omaha’s top law enforcement officer.
In a World-Herald article last Sunday, reporter Henry J. Cordes took a detailed look at racial disparities in the Nebraska’s prison population. He found that Nebraska locks up people of color at far higher rates than the nation as a whole. And Nebraska’s gaps between its low White incarceration rate and high rates for racial minorities are among the widest in the country.
Some readers shrugged at those facts, commenting online that this disparity could be easily explained. Maybe people of color are more heavily represented in prison simply because they commit more crimes.
Actually, the World-Herald story looked at studies about that, and the results aren’t definitive. Blacks are more likely to be arrested than Whites, for example, though it’s not clear whether that’s because of higher levels of offending among the Black population or unequal enforcement by police. It’s a topic that could be debated a long time.
But that wasn’t the key issue raised by last week’s article. Instead, the story examined what has become a “pipeline” from certain neighborhoods into the state’s prisons and jails. Multigenerational poverty, a lack of ready jobs, elevated levels of broken families and school struggles have helped create conditions that make it far more likely that people growing up in those areas will wind up in prison.
Cordes reported on a Harvard University study that traced an entire cohort of Americans who were roughly 27 to 32 years old in the 2010 Census. Using census and tax records, the researchers determined where those people grew up and what their lives were like in 2010.
The analysis showed that a handful of North Omaha neighborhoods produced some of the highest incarceration rates found anywhere in the country. In the four census tracts centered on 30th Street and Ames Avenue, 20% or more of the males who grew up in those tracts were incarcerated on the day of the 2010 Census. Those tracts ranked in the top 250 out of some 73,000 census tracts nationally in terms of male incarceration.

Thankfully, individuals can overcome their environments. A majority of kids from those neighborhoods did not wind up in prison. And when Cordes interviewed some of those who have been incarcerated, they took responsibility for their own mistakes.

But it's indisputable that the circumstances of a young person's upbringing, the prevalence of nearby gangs and the shortage of positive role models in their lives can make those mistakes more likely.

That's what Schmaderer is getting at. Changing the environment — as hard as that might be to do — is ultimately more of a solution than hiring a lot more police officers to arrest wrongdoers. It just makes sense that having fewer wrongdoers in the first place would be better for Nebraska, reducing the need for costly prisons.

Legislative Bill 1024, introduced by State Sens. Justin Wayne and Terrell McKinney of Omaha, is aimed at improving conditions in North and South Omaha. It would tap $450 million in federal pandemic recovery money to fund housing, job training programs and business development in those areas. The proposal is working its way through the Legislature.

We're not in a position to say the amount that should be spent on such efforts. Nor should anyone think it will be easy to fix deep-seated societal problems.

But there's no excuse for failing to try. The alternative is to accept growing numbers of people in prison, swelling the prison population at great cost to Nebraska taxpayers.

More tax dollars for police. More taxes for courts and prosecution. More taxes for prison buildings and guards. That's just the part of the price for not addressing the conditions that have at least contributed to high incarceration rates from North Omaha and other places.

Other ways that Nebraskans pay for crime: the cost to victims, a broader sense of fear in the community, the lifelong impact on those who become unemployable after their release, now that they have a criminal past.

The path we are on isn't a productive one. It's not good for the young people who are lured into a self-destructive lifestyle of crime. It's not good for Nebraska taxpayers, either.

But we're not likely to get off that path merely by hiring more police officers and putting more people in prison.

Omaha's police chief says more jobs, more opportunity and more hope would go a long way toward changing the conditions that contribute to crime. We should listen to him.

OWH Laura Ebke: The importance of breaking bread (or muffins) and civil discourse

Breaking bread and drinking beer. That may be the ticket to working through some of the acrimony we see in the country (and state) these days.

My husband is a family practice physician in Crete. His office has five physicians and five mid-level providers. There was some thought to having a "post-pandemic" party last summer, including providers and all other medical and support staff at the hospital. Then the pandemic didn't end.

Post-omicron, though, it seems like there is a new desire for co-workers to get together socially — and that we might be getting to the point where it's safe to do that. So last week, the clinic providers decided to have a gathering at Lazy Horse Brewing outside of Ohiowa. Ten staff, spouses, and the hospital administrator. It was an experiment — to see whether people were ready to get back together. I'm here to report that not only were they prepared to get together, but they were already talking about the "next event" and where it should be.

For those who have never been to Lazy Horse (it's in this year's Nebraska Tourism Passport package), you should make the trip. They served up their wood-fired pizza, and of course craft beer, for the

group. We broke bread together, talked, had a brew together and even fought about politics. Despite the common medical backgrounds, the political opinions were not monolithic. We found, though, that it's far more unusual for political disagreements to devolve into anything more than pointed banter when you're sitting across the table chewing barbecue brisket pizza and washing it down with salted caramel beer.

Republicans, Democrats and Libertarians sat around a table, arguing about the current state of politics — who was to blame, how it could be better, whether we were facing the end of the republic. And while we didn't reach any conclusions, we proved that it was possible for people who disagreed to have a heated conversation and then walk out the door asking when we would do it again.

I just finished reading Jon Meacham's biography of Thomas Jefferson. It's incredible how many times discussions at taverns (or in private residences) while eating and drinking was part of the discussions in the early days of the republic. Even people who didn't like each other very much (like Jefferson and Alexander Hamilton) could have conversations over dinner and drink.

When I was in the legislature, I kind of grumbled about all the social events we were expected to attend. But some of those events, when members were willing, helped build relationships that could survive political disagreements. Harsh feelings are slow to exhibit themselves when you've sat next to someone you usually disagree with, but with whom you've had a delightful conversation over dinner and drinks — about vacation plans, or the family or stories from college.

Neither Nebraskans nor Americans are monolithic in their views. There may be majority views, but even those in the majority on one issue likely don't see everything the same way. Dinner and drinks (or coffee and muffins) can force us to listen to others. We all know it's not polite to talk while you're chewing your food, so while we're chewing, we can be listening.

Listening doesn't require agreement, but it can help to build understanding. Understanding helps us to see those with whom we disagree as fellow travelers through this life, with all of us doing the best that we can and struggling to find answers to the problems that vex us, and strategically, understanding what those on the other side are thinking should be able to help us develop plans that can succeed.

Now that we're starting to put the pandemic behind us — whether because it's going away, or we've all just had enough and want to get back to normal — let's not forget the value of breaking bread with those who we might not see eye-to-eye with, as well as with those who think like we do. We might just find that new solutions to the numerous problems our state and country have might make themselves more apparent if we'd listen while we take turns chewing and taking a drink.

Laura Ebke is a wife, mother of three and grandma of one. A lifelong Nebraskan who has lived in Crete for more than 25 years, she has a doctorate in political science from the University of Nebraska, serves as senior fellow at the Platte Institute and previously served four years in the Nebraska Legislature and 12 years on the Crete school board.

OWH Midlands Voices: Putin's war, Russian oil and climate change

Russia's unprovoked and brutal invasion of Ukraine has brought swift condemnation from nearly the whole world. Punishing sanctions by the United States, the EU countries and other global partners have been implemented with the goal of crippling the Russian economy.

At a time when Europeans and Americans are already struggling with rapid inflation, higher energy prices would add to the economic strain. What we have learned is that America's fossil fuel

dependence is hampering our ability to respond to Russia's attack.
A few other highly relevant things happened recently:
Temperatures in Omaha reached over 70 degrees on three consecutive days, reaching a record high of 79 degrees on March 2;
The state is below normal snowfall this winter;
A brush fire erupted in Omaha along Interstate 80, attributed to record high temperature, and perhaps most notably,
The Intergovernmental Panel on Climate Change released it's sixth assessment report summarizing the latest scientific research on climate change impacts, adaptation, and vulnerabilities of the planet and its inhabitants.
The first three events reflect the local effects of climate change. They affirm what we already know: that the world is hotter and drier and that it will become more so in coming decades. We know that these changes are largely the result of excess carbon emissions related to burning fossil fuels. The IPCC report confirms other things we know: climate change has exacerbated food and water insecurity, extreme weather disasters, droughts, floods, wildfires, declines in human physical and mental health, species loss and extinctions, and vector-borne diseases in regions around the world. It emphasized that human efforts to adapt to these changes are woefully inadequate, underfunded and in many cases, too late. The climate is changing at a pace that may outstrip our abilities to adapt.
We urgently need a new approach.
Reducing our dependence on fossil fuels, both foreign and domestic, would give us a geopolitical advantage and alter the calamitous trajectory of climate change. Support for renewable sources like wind and solar, and new carbon capture technologies are a great start but are not a silver bullet to solve immediate problems. A more direct mechanism is to shift the burden for the ongoing damage caused by greenhouse gas emissions (carbon primarily) to those entities responsible for generating them (oil, gas and coal producers) by pricing carbon.
Placing a price on carbon creates an economic signal to emitters that they must either transform their activities and reduce carbon emissions — or pay a price for their continued destructive carbon pollution. A well-designed carbon pricing policy would lead the world in transitioning away from fossil fuels. This would include imposing a steadily increasing carbon price on each ton of greenhouse gas that companies emit, then returning those revenues back to the consumers (the American people) in the form of a "carbon cashback" to offset higher energy prices. A third strategy could include a border carbon adjustment mechanism, a fee on certain imported products, based on the amount of CO2 emissions incorporated in them in order to equalize the cost of carbon-based products between countries. The European Union already plans to implement such a tariff and it is expected to incentivize EU countries to import lower carbon-intensive goods made in the U.S. where higher environmental standards exist. This could include natural gas, which is 40% cleaner than Russian gas, as Rep. Don Bacon pointed out in a recent town hall. A BCAM enforced by the U.S. could inflict far greater damage to Russia's economy than sanctions, especially if coordinated with the EU. Some Republicans in Congress are expressing support for a BCAM, and some, including Republican Sen. Mitt Romney, also want a domestic carbon tax. He noted, "If you're serious about climate, put a price on carbon."
The IPCC's report calls carbon pricing "the most powerful and efficient" strategy available to reduce emissions. It is also a tool that will free us from the bonds of imported oil and gas, allowing the United States to more nimbly and strongly react to Russia and other rogue states.

The war in Ukraine is a terrible moment in human history but it is also an important opportunity for America to pivot from the burden of fossil fuel dependence to a clean energy society that will yield a brighter geopolitical, economic, and climate future by implementing a price on carbon. We urge our Nebraska senators Sasse, Fischer, and representatives Bacon, Fortenberry and Smith to support this policy now.
This article was submitted by Dr. Alison Freifeld, Ann Harms, Dr. Frances Mendenhall, Leanne Paetz, Magan Smith, Annette Smith, Sandy Lehr and Madeleine Para.

OWH: Campaign ads

Call me old fashioned, but I find it inconceivable that no one has called for an end to the false and defamatory TV ads being run in the Republican primary for governor. In reporting by Sara Gentzler in the OWH (March 5), it is clear the TV ads being run by Charles Herbster against Jim Pillen are false and defamatory. The ads falsely state that Pillen voted to increase funding for a University of Nebraska program that supports teaching critical race theory after Vice Chancellor Marco Barker "praised violent race riots on university letterhead." This is false and is asserted with knowledge that it is not true. In days gone by, Nebraskans of all political stripes and religious beliefs would have called for the ads to be taken down and apologies made. But we hear nothing from the candidates running, nothing from the university that is defamed, nothing from the vice chancellor falsely accused, nothing from Gov. Ricketts, nothing from the Republican Party or even the Democratic Party, nothing from the broadcasters being paid to run ads they know are false and defamatory. I have no preference between Herbster and Pillen and think they have both wrongfully misused CRT to inflame fear and hatred for political gain at the expense of useful discourse, but I strongly object to their willingness to defame our University of Nebraska and its dedicated staff and faculty. Their actions damage all of the citizens of Nebraska and I call on them to stop it. We all have a stake in the good name and reputation of the University of Nebraska.
John Cavanaugh, Omaha
Former Member of U.S. House of Representatives
NE 2nd District (1977-80)

OWH: Prison staff shortages

As I read about the Bellevue Sonic killings and the Ricketts prison staff pay raises on the front page of the March 8, Omaha World Herald, I was reminded of an analogy: It is better to be upstream teaching them to swim than downstream pulling them out as they drown. The article states that starting prison corporals are getting a pay raise from $42,00 to $58,000 a year. Most base pay salaries for Nebraska teachers are below $39,000. I commend Gov. Ricketts for creatively addressing the prison staff shortages. They are heroes, as is everyone in law enforcement and frontline healthcare workers. They are very similar in their service to others. The key is finding the best people for the job. The challenge is finding people who are willing. A fact that might not occur to everyone, every incarcerated individual was once in elementary school. That is an opportunity we might be missing. Are we willing to compensate teachers as much as prison guards? I would argue the reward is worth the investment.
Layne Lueders, Blair

OWH: 'Threatening' behavior

Earlier this month, I called the governor, 911, and Nebraska State Patrol about threatening people on all the overpasses between Lincoln and Gretna waving Trump flags. I was afraid we were going to see Jan. 6, 2021, repeated in Nebraska! I was told they were welcoming some sort of "convoy" protesting COVID precautions. It looked more threatening to me. People who won't vaccinate threaten my life. Heaven save us from these people?
Connie McMillan, Omaha

OWH: Rent assistance

In not accepting the second installment of $120 million in rent and utility assistance, Gov. Ricketts lends credibility to the perception that poor and working people's daily challenges do not concern him. This indifference is misguided, because utility and rental assistance is paid directly to the utility or landlord.
This is selective frugality since the governor's ARPA budget includes rent assistance for commercial property. To avoid hypocrisy, he should include residential rent assistance. Renters benefit and so do their landlords. And some landlords are even members of Ricketts' party. That money pays their mortgages and property taxes — a thing Ricketts keeps promising to lower.
In part thanks to misguided leadership, the pandemic is still on. Yet, most aid has stopped. People are still suffering, financially, physically, mentally. Whatever the causes of some funds remaining from the first round — failures of leadership, of staff, of appointed department heads, or a disregard for all things Biden — the deadline was extended to the end of March.
The leading role of government is to safeguard the people. Lending a hand to the down and out is a great and far-reaching legacy. A larger legacy than the land and water grab fantasy canal. A larger legacy than a "public"-private lake development amid two metropolitan well fields and already privately owned cabin communities.
A legacy that may not warrant a photo op or naming rights. But a legacy that will be gratefully remembered by thousands of renters and owners, making a real difference in their lives.
Mike Powers, Palmyra, Neb.

LJS Editorial, 3/13: LPD needs to share answers with public on independent survey

Twelve Lincoln police officers have either been fired or resigned from the department since Dec. 1, a loss of about 3% of LPD's officers in just more than three months.
Even more disturbing is the fact that many of the officers who have resigned or been fired have filed sexual harassment and discrimination reports within the department, sued the city alleging harassment, discrimination and insufficient investigation of complaints, or supported those who did.
From the outside, the firings and resignations, which seem to be forced by the filing of the complaints, appear to be retaliatory and part of an effort to downplay what seems to be a toxic culture that tolerates sexual harassment and discrimination and protects the "thin blue line."
It appears so because little information beyond what is contained in the lawsuits and the acknowledgement of the firings and resignations has been provided by the department or city officials.
In an opinion page column published by the Journal Star on Wednesday, Mayor Leirion Gaylor Baird

and Police Chief Teresa Ewins pledged their commitment to “transparency and accountability,” then cited privacy and legal reasons for limiting public discussion of “employee discipline, termination and litigation.”
They then repeated a standard “trust us” statement — that each complaint had been thoroughly investigated and where violations were found, proper disciplinary action was taken.
The community invests money and trust in its police force. It deserves better.
That LPD has workplace culture issues has been acknowledged, if not explicitly, for more than a year, when Gaylor Baird ordered an assessment of the department in February 2021.
That it hasn’t changed was confirmed by former officer Sarah Williams, who, after settling a suit against the department for $65,000, appeared before the City Council in December in tears, describing the sexual harassment that she encountered at LPD and her sense that, even with the lawsuit, nothing had changed
It is, to be fair, worth noting that there have been no formal complaints requiring internal investigations since Ewins took over as chief Aug. 30.
As part of the Gaylor Baird-ordered assessment, LPD officers are now being anonymously surveyed by an independent agency about their experiences in the department. While no date has been set, the survey results will be made public.
That release will be imperative to provide an unbiased look at the harassment and discrimination reported within the department and the culture that allowed it to continue. It should be accompanied by as much detail as possible about the complaints and their resolution.
The survey results and the information and action that resulted from the complaints then should be used to proscribe remedies that would change that culture and allow women to wear the badge with comfort and security.

OWH: U.S. Rep. Jeff Fortenberry set to go on trial, which will focus on his memory and money

In terms of Nebraska history, it doesn’t get more high-profile than to have a congressman on trial for three felonies while he’s running a reelection campaign.
Historic. Climactic. Dramatic? That’s left to be seen.
Certainly, the result will be dramatic, as U.S. Rep. Jeff Fortenberry, Nebraska’s 1st District congressman, fights for his political, electoral and reputational life. In the past century, Nebraska has seen other high-profile elected officials face felonies, including a Nebraska attorney general in 1984. As a sitting U.S. congressman, Fortenberry takes that potential ignominy to a new level.
But that doesn’t mean Fortenberry’s trial, which starts Wednesday in a downtown Los Angeles courtroom, will be cinematic.
In fact, strip away the fact that he’s a congressman, and Fortenberry is no different from the hundreds of federal defendants who get charged every year with lying to the FBI. In other cases, such charges are exactly as they appear in Fortenberry’s case: essentially secondary charges to the underlying charge. In his case, Fortenberry was being investigated on suspicion of accepting a foreigner’s campaign contributions through a conduit. It is illegal for U.S. politicians to accept money from foreigners or to use U.S. citizens as conduits to obtain foreigners’ money.
Fortenberry’s campaign raised $30,000 of such money at a 2016 fundraiser. And prosecutors say Fortenberry, despite having misgivings about the source of that money, later asked a connection if he would be able to put a second fundraiser together.

Federal prosecutors allege he lied to agents about the contributions during two separate interviews. Fortenberry and his attorneys deny he lied. Attorneys John Littrell and Ryan Fraser said the congressman was set up and that he was misled when he was assured he was "trending towards a witness," not a target, in the investigation into the illegal campaign contributions. They will argue that any misstatements were simply a product of a fallible memory of a 61-year-old man, not of a deliberate attempt to deceive.

The four- to five-day trial — which will take place where Fortenberry's fundraiser did, in Los Angeles — is as high-stakes as it gets.

A preview of the key players and issues, based on numerous court filings and public statements in the case:

Fortenberry

A graduate of Catholic High School in Baton Rouge, Louisiana, Fortenberry was an executive for Sandhills Publishing in Lincoln and was an at-large member of Lincoln's City Council from 1997 to 2001 before running to replace Doug Bereuter, who retired at the end of 2004. His win in 2004 was the only time he faced a Republican primary challenger. He has been reelected eight times and is now seeking a ninth term.

He is stringently anti-abortion and has advanced several conservative causes during his time in office. He also has experience in foreign policy matters. He once co-sponsored the Middle East Partnership for Peace Act, which aims to ease tensions between Israelis and Palestinians by giving grants and loans to startup businesses. In 2014 and 2015, Fortenberry led efforts to obtain the passage of two resolutions publicly condemning the persecution of Christians and other religious minorities in the Middle East.

At some point, those interests led to a relationship with Toufic Baaklini.

Baaklini

In 2014, Baaklini founded In Defense of Christians to advocate for the protection of Christians in the Middle East.

A U.S. citizen of Lebanese descent, Baaklini has served as a go-to guy for a controversial figure and Nigerian billionaire at the center of this case, Gilbert Chagoury. Baaklini assisted Chagoury with financial and political dealings in the United States, according to federal prosecutors.

One of the aims of Baaklini's IDC group was to "get more U.S. congressional involvement surrounding these issues, and (Fortenberry) became an important political ally for Baaklini and his organization," prosecutors wrote.

In turn, the two developed a close relationship, texting and emailing often.

"How many of you have ever been able to tell Toufic Baaklini 'no'?" Fortenberry once asked at an IDC dinner in 2018, looking into the audience for a show of hands. "It's unanimous: no one," he said.

Prosecutors say that Fortenberry had his own request of Baaklini. In late 2015, after introducing the resolution to condemn the persecution of Christians, Fortenberry "asked Baaklini to assist him in identifying supporters who would contribute to his reelection campaign."

"Baaklini advised defendant that he had a group of Lebanese donors in Los Angeles who wanted to support defendant, and defendant, in turn, directed his fundraising consultant, Alexandra Kendrick, to coordinate the event with Baaklini."

Baaklini is now a cooperating witness in the government's case and has agreed to pay a $90,000 fine for his actions.

Chagoury

He is Nigerian-born, of Lebanese descent and lives in Paris.

Prosecutors allege that Chagoury is the source of $180,000 in illegal political contributions to four political candidates, including the $30,000 that was funneled to Fortenberry's campaign.
It is not the first time Chagoury has sought to purchase influence or been linked to corruption.
"A household name in Nigeria," Chagoury is well-known among people who look into corruption challenges around the world and among people who know about some of the most "corrupt episodes in recent Nigerian political history," said Matthew Page, a former U.S. State Department expert.
Chagoury's role of adviser to a notorious Nigerian dictator in the 1990s is well-documented, and he has had other brushes with scandal since. In addition to the $180,000 in illegal contributions to four political candidates, Chagoury "separately routed $50,000" to then-United States Secretary of Transportation Ray LaHood, in the form of a purported "loan" that LaHood never disclosed, as required.
In 2015 and 2016, national news outlets reported that he was a top Clinton Foundation donor. Such a donation was legal but was nonetheless controversial as Hillary Clinton was campaigning for president at that time.
He was a key initial financial backer for Baaklini's nonprofit, IDC.
"Through Baaklini, Fortenberry also came to know Chagoury based on their shared commitment to (In Defense of Christians) and the 'cause,' and the two personally met twice: once in Washington D.C. and once in Paris," prosecutors wrote.
Chagoury agreed to cooperate with the federal investigation and pay a fine of $1.8 million for his actions.

Individual H

Fortenberry developed a third friend over his work for In Defense of Christians. Prosecutors have referred to the Los Angeles physician in court documents only as "Individual H," who also is of Lebanese descent. A former board member of IDC, he also has agreed to cooperate with the government.
"In January 2016, Baaklini provided $30,000 of Chagoury's money in cash to Individual H at a restaurant in LA with instructions that Individual H host a fundraiser for Fortenberry and recruit other individuals (conduits) to contribute Chagoury's money to defendant's campaign," prosecutors wrote.

Alexandra Kendrick

At the time, Kendrick was a fundraising consultant for Fortenberry.
In early February 2016, Baaklini introduced Kendrick to Individual H as the host of the Los Angeles fundraiser. In the lead-up to the 2016 fundraiser, Kendrick "repeatedly emphasized to (Fortenberry) the potential risk of illegal foreign and conduit contributions with this event," prosecutors said.
She "relayed ... a 'cautionary tale' in which she coordinated for a different client a fundraiser that similarly had ties with foreign nationals from the same community. (She) later learned that the contributions from that event were illegal foreign and conduit contributions."
Kendrick was so concerned that she told Fortenberry that she would insist that the donors "complete the contribution forms in person at her table, given her concerns about possible conduit contributions."

The critical issue

Will prosecutors be able to prove beyond a reasonable doubt that Fortenberry knowingly and intentionally lied or tried to conceal the contributions?
It is not enough for Fortenberry to just have been mistaken; he has to have been deliberate in any

lies to federal agents.
Prosecutors say Fortenberry wasn't just mistaken.
"A short time after the 2016 fundraiser, (Fortenberry) saw Baaklini in Washington, D.C.," prosecutors wrote. "In a private conversation, defendant asked Baaklini if he thought anything was wrong with the 2016 fundraiser. Baaklini falsely told him no and inquired why defendant was asking.
"In response, defendant noted that the money had all come from one family. Baaklini again falsely told defendant nothing was wrong with the fundraiser."
A month later, Fortenberry's resolution condemning the persecution of Christians in the Middle East passed.
Over the next two years, Fortenberry and Individual H kept in contact, largely through texts. In the spring of 2018, Fortenberry was readying for reelection. He went back to Individual H.
Fortenberry "asked Individual H if he would host another fundraising event in Los Angeles for him," prosecutors Mack Jenkins and Susan Har wrote. "Individual H agreed to look into it."
On June 4, 2018, Individual H, who by then was cooperating, called Fortenberry while FBI agents were recording, according to prosecutors.
"During that nine-minute call, Individual H repeatedly discussed with defendant that Baaklini had given Individual H $30,000 cash to contribute to the 2016 fundraiser. He mentioned that Chagoury 'was probably the ultimate source of the money ... because he was so grateful for (Fortenberry's) support (for) the cause.'"
Fortenberry "did not express surprise or concern or seek clarification about Individual H's admissions that illegal foreign cash had been funneled to his campaign," prosecutors wrote.
"Instead, defendant continued to push the second fundraiser, explaining that he hoped to 'have some continuation of the fine generosity' that he had received from the first fundraiser," prosecutors said.

Fortenberry's defense

Fortenberry's attorneys, John Littrell and Ryan Fraser, have argued that the call was a setup, that Fortenberry relied on assurances he was trending toward being a witness and that he never deliberately misled authorities. Littrell and Fraser also tried to introduce a memory expert to testify to the unreliability of memory. But the judge has declined to allow that person's testimony, in part because, he says, the expert is simply stating the obvious when it comes to memory. The attorneys can argue such matters, the judge ruled.
Chad Kolton, Fortenberry's campaign spokesman, said the "case centers on an approximately 10-minute-long phone call prosecutors directed their informant (Individual H) to make to Jeff Fortenberry to implant information with him they knew he did not have."
"FBI agents then used false pretenses to interview Fortenberry in his home nearly a year later, and when he failed to recall the details of the brief call to their satisfaction, California prosecutors moved to indict him," Kolton said. "Something the FBI's own materials show they planned to do before the interview even took place."

The judge

Judge Stanley Blumenfeld Jr. is a longtime judge in California who was on the state bench for 15 years before becoming a federal judge. He was appointed to two judgeships by celebrities-turned-politicians — to the state court bench by then-California Gov. Arnold Schwarzenegger in 2005 and to the federal court bench by then-President Donald Trump in 2020.
No-nonsense but polite, he comes to hearings with a command of issues and pointed questions. He cuts off attorneys who veer off topic. Notably, he has bristled at the Fortenberry team's requests to

delve into the political views of jurors, and the political donations of Mack Jenkins, the lead prosecutor.
He once was incredulous at an attorney's comment that the judge should recuse himself unless he was planning to dismiss the case against Fortenberry. "Maybe give me a serious response," the judge scolded.
Blumenfeld himself served for four years, early in his career, in the same U.S. Attorney's Office that houses the prosecutors in this case. Blumenfeld was, however, an attorney on the civil side. As a state court judge, he presided over more than 200 criminal trials.

The jury

As often is the case in federal court, the judge will do all questioning of prospective jurors. Fortenberry's team fought hard to have the case moved to Nebraska, in part because Fortenberry is from here but also because of their fear of the political views of Californians.
"It's vital that we know if people have a bias against Republicans in our jury pool," Littrell told the judge last week.
Blumenfeld wasn't so sure. He agreed that he would try to detect biases, but said a blanket political party inquiry can lead to jurors seeing an easy way out of jury duty by flatly declaring they don't like one party.
The judge suggested that very few jurors review matters only through a political lens — and he questioned if it will even come up that Fortenberry is Republican. Littrell countered that some jurors will figure it out and might assume that Fortenberry is Republican because he's from Nebraska.
In that downtown L.A. courtroom, Nebraska "will seem like a foreign place," Littrell said. "I think jurors will assume there are different values there."

The consequence

It's hard to overstate this. It's monumental to Fortenberry. A conviction would mean Fortenberry would face up to five years in prison on each of the three counts, though supervised release also is a possibility.
In an interesting twist, it wouldn't necessarily mean that he would be booted from Congress. Congress has had its share of felons over the years — and unless that felony involves treason, it doesn't require automatic dismissal.
That said, Fortenberry is facing a Republican primary challenger for the first time since his original 2004 run. Republican State Sen. Mike Flood of Norfolk has made the indictment the center of a recent ad. Two Democrats are vying to battle the Fortenberry-Flood winner.
Make no mistake: Fortenberry is fighting for his life as a politician and as a free man.
"Jeff Fortenberry has always had great faith in the American people's ability to judge what is fair and just," Kolton said Friday. "When the jury hears the facts in this case, they will recognize his innocence."
By Todd Cooper

LJS: Fischer says Biden response in Ukraine was too late

Sen. Deb Fischer faulted President Joe Biden for having "moved too slowly" in response to the Russian invasion of Ukraine, suggesting that some of the administration's performance reflected "incompetence."
Fischer, however, said she would "give the administration credit" for its actions in working with allies during the ongoing crisis in Ukraine.

The Nebraska senator, who is a senior member of the Senate Armed Services Committee, was interviewed on CNBC.
"I think the president really moved too slowly," Fischer said during the interview. "The sanctions weren't tough enough at the beginning.
"If you're going to deter somebody, you need to show that you mean business on it," Fischer said. "To wait unit after the tanks started rolling in was too late."
By Don Walton

AP: Texas clinics' lawsuit over abortion ban 'effectively over'

AUSTIN, Texas (AP) — The Texas Supreme Court on Friday dealt essentially a final blow to abortion clinics' best hopes of stopping a restrictive law that has sharply curtailed the number of abortions in the state since September and will now fully stay in place for the foreseeable future.
The ruling by the all-Republican court was not unexpected, but it slammed the door on what little path forward the U.S. Supreme Court had allowed Texas clinics after having twice declined to stop a ban on abortions after roughly six weeks of pregnancy.
It spells the coming end to a federal lawsuit that abortion clinics filed even before the restrictions took effect in September — and were then rejected at nearly every turn, and in nearly every court, for six months.
"There is nothing left, this case is effectively over with respect to our challenge to the abortion ban," said Marc Hearron, attorney for the Center for Reproductive Rights, which led the challenge against the Texas law known as Senate Bill 8.
Although Texas abortion clinics are not dropping the lawsuit, they now expect it will be dismissed in the coming weeks or months.
It is likely to further embolden other Republican-controlled states that are now pressing forward with similar laws, including neighboring Oklahoma, where many Texas women have crossed state lines to get an abortion for the past six months. The Republican-controlled Oklahoma Senate on Thursday approved a half-dozen anti-abortion measures, including a Texas-style ban.
Texas' law leaves enforcement up to private citizens, who are entitled to collect what critics call a "bounty" of $10,000 if they bring a successful lawsuit against a provider or anyone who helps a patient obtain an abortion.
The Texas law bans abortion after roughly six weeks of pregnancy and makes no exceptions in cases of rape or incest. Abortions in Texas have plummeted by about 50% since the law took effect, while the number of Texans going to clinics out of state and requesting abortion pills online has gone up.
In December, the U.S. Supreme Court decided to keep the law in place and allowed only a narrow challenge against the restrictions to proceed. The decision by the Texas Supreme Court turned on whether medical licensing officials had an enforcement role under the law, and therefore, could be sued by clinics that are reaching for any possible way to halt the restrictions.
But writing for the court, Justice Jeffrey Boyd said those state officials have no enforcement authority, "either directly or indirectly."
Republican Texas Attorney General Ken Paxton celebrated the decision that he said renders the lawsuit "essentially finished." Anti-abortion groups, who pushed GOP lawmakers to approve the law, also called it a significant victory.
"This is a win for thousands of unborn Texans and I'm proud to defend those who do not yet have a voice," Paxton said. "I will fight relentlessly to stop gruesome abortion practices from taking more

innocent lives."
Texas abortion providers had already acknowledged they were running out of options and that the law would stay in place for the foreseeable future.
"Because of the U.S. Supreme Court's repeated refusal to intervene for more than half a year, Texans are living in a state of sustained chaos, crisis, and confusion – and there is no end in sight," Alexis McGill Johnson, president and CEO of Planned Parenthood Federation of America, said Friday. "Tragically, this attack on reproductive freedom now continues uninterrupted in Texas and across the country."
Even though the Texas law is more restrictive than any in the country, the future of abortion rights in the U.S. is likely to come down to a Supreme Court decision later this year over a separate case out of Mississippi. That one amounts to a direct challenge of Roe v. Wade, the landmark 1973 case that affirmed the constitutional right to an abortion.
In December, the court's conservative majority signaled a willingness to roll back abortion rights across the country, which clinics fear could allow Texas and other GOP-controlled states to ban abortion outright.
The number of abortions in September and October in Texas fell by about 50% compared to the same months a year earlier, from 4,511 in September 2020 to 2,197 in September 2021, and from 4,650 in October 2020 to 2,251 in October 2021, according to state health figures.
But that data only tells part of the story. Researchers say the number of Texas women going to clinics in neighboring states and going online to get abortion pills by mail has risen sharply since the law took effect.
A study released this month showed that from September to December, nearly 1,400 Texans a month were going to neighboring states for abortions. The study from the University of Texas at Austin's Texas Policy Evaluation Project collected data from 34 of 44 open clinics in Arkansas, Colorado, Kansas, Louisiana, Mississippi, New Mexico and Oklahoma.
It found that about 5,600 Texans went to the clinics in nearby states over those months compared to just over 500 for the same period in 2019.
Another study led by a University of Texas researcher found an increase in the number of Texans requesting abortion pills from the overseas nonprofit Aid Access. The study, published in the medical journal JAMA Network Open, found that during the first week of September, requests per day jumped to about 138 compared to a previous average of 11. Over the subsequent weeks in September, requests averaged 37 a day. Then, through December, the average was 30 per day. Researchers noted they didn't know if all requests resulted in abortions.

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