Opinion: Voting Rights Act still matters

Publisher's note: ***This editorial is from the Dec. 27, 2011, Los Angeles Times.***

Next month the Supreme Court will consider a controversy over congressional redistricting in Texas that will highlight the importance of a crucial part of the 1965 Voting Rights Act: Section 5, which requires states and localities with a history of voting discrimination to "pre-clear" changes in their election practices with the Justice Department or a federal court. In 2009 the court declined to rule on the constitutionality of Section 5, but it could return to the issue. If they are in any doubt about the continued need for it, they should read a recent speech by Attorney General Eric H. Holder Jr.

Holder did not confine his remarks to Section 5. He spoke more generally about contemporary threats to the voting rights of minorities, who decades ago took what Holder called "extraordinary risks, and willingly confronted hatred, bias and ignorance — as well as billy clubs and fire hoses, bullets and bombs" — to ensure the right of all Americans to vote. But he emphasized Section 5 and offered an example: In October, the Justice Department forced changes in a redistricting map in a Louisiana parish that had been approved without participation by African American officeholders and diminished the voting strength of blacks. Another example emerged Friday when the Justice Department used Section 5 to reject a new South Carolina law requiring voters to show photo ID at the polls, saying the law made it harder for minorities to vote.

Read the whole story

Opinion: Pension reform hindered by contract protections

By Daniel Borenstein, San Jose Mercury News

When it comes to public-employee pensions in California, what goes up usually can't come down.

At least that's the prevailing legal theory, severely restricting reform options across the state. As the state pension squeeze intensifies, we soon could see those limits tested.

Pensions typically are based on the number of years an employee works. Each additional year adds to future retirement payments. Starting in 1999, most public agencies in California increased that annual accrual rate.

For example, pensions for some police and firefighters were increased from 2 percent of final salary for each year worked to 3 percent. Thus, the pension for a 30-year employee went from 60 percent of final salary to 90 percent.

But what if pension benefits become too costly? In the private sector, the answer is simple: Reduce the formula. For future years of employment, the multiplier might be cut to 2 percent, or lower.

Note: Benefits already earned for past labor are protected, as they should be. The issue is the future rate of accrual. Smart business people know that when they are in a financial hole, they should stop digging.

The California public-sector rules are different. Once employees start working, they usually are guaranteed that initial multiplier their entire careers, many lawyers say. If, for example, that 2 percent per year is increased to 3 percent, it cannot be subsequently reduced.

The protection stems from the state and federal constitutions, which say government agencies shall not impair contract obligations. In California, the state Supreme Court ruled that a public employee with a pension holds a "vested contractual right" that is "in effect not only when employment commences, but … thereafter conferred during the employee's subsequent tenure."

Read the whole story

Opinion: Pledging allegiance to a lobbyist is bad for the country

By Anna G. Eshoo

The Constitution gave birth to the world's greatest democracy and stands as our country's timeless statement of our fundamental laws, beliefs and ideals. It requires an oath of office for those selected as guardians of our principles.

At the opening of each new Congress, we "solemnly swear … to support and defend the Constitution of the United States … to bear true faith and allegiance …" and to "well and faithfully discharge the duties of the office." I took this oath, and I keep this oath sacred. But today, the Founding Fathers' shared ideals enshrined in the Constitution stand marred by special interests.

Sadly, before taking the oath to our Constitution, 233 of my colleagues in the House of Representatives and 41 members of the Senate had already pledged their allegiance to a lobbyist, Grover Norquist, the president of Americans for Tax Reform. By signing his Taxpayers Protection Pledge, these members have vowed to oppose any and all efforts to ever increase taxes on businesses and individuals, and to protect all tax breaks and deductions.

On the surface, this pledge might seem tolerable, to some admirable. But in practice, this special-interest oath is jeopardizing our country's fiscal health. In recent years, the pledge has effectively prevented any compromise. Pledge legislators have kept Congress from moving forward or accomplishing vital legislative goals, such as deficit reduction and job creation.

We most recently witnessed the destructive power of this pledge with the failure of the so-called supercommittee that was tasked with finding $1.2 trillion in cuts to the federal budget for deficit reduction. Its failure sadly surprised nobody. Every Republican on the supercommittee had signed this pledge and refused to consider closing tax loopholes, raising revenue or increasing any taxes.

Anna G. Eshoo, a Democrat, represents California's 14th Congressional District.

Read the whole story

Opinion: Nevada should feel threatened by gaming expansion

Publisher's note: ***This editorial is from the Dec. 23, 2011, Reno Gazette-Journal.***

If we learned anything from the Great Recession, it's that gambling can't save anyone's budget from the effects of a severe economic downturn.

Nevada is the poster child for what happens when state government is too reliant on the gaming industry to keep the revenues flowing.

The Silver State, which once believed that gaming is a recession-proof industry, has suffered the highest unemployment rate in the nation for the past couple of years. The once booming construction industry has nearly disappeared, and the state's foreclosure rate is also highest in the nation. Government at every level is suffering. Three years after the recession, the state is only now showing a few hopeful signs of recovery — too late for many jobseekers, who are pursuing jobs elsewhere.

The recession has had a similar impact on Atlantic City, N.J., the first jurisdiction outside of Nevada to allow casino gaming. The state recently took over Atlantic City's casino district in hopes of breathing some new life into the suffering industry.

The lesson: The market for casino gambling isn't infinite.

Read the whole story

Opinion: Why TMDL is good policy for Lake Tahoe

By Harold Singer

Recent news articles and guest opinions have raised questions about the science behind the Lake Tahoe Total Maximum Daily Load (TMDL) and the decision to implement it in a recently adopted stormwater discharge permit. While some may take exception to how science is used in policy and regulatory decisions, it is important for those of us who enjoy this wonderful place to evaluate the TMDL based on the facts.

In the late 1960s, the average depth of clarity at Lake Tahoe was measured at over 100 feet. For many years, the lake's clarity has declined at a troubling rate of one foot per year. In 2010, it was 65 feet.

Harold Singer

As disturbing as those numbers are, there is little doubt that without the efforts of all levels of government, as well as the private sector, the rate of clarity loss would have continued at that alarming rate. Fortunately, the rate of loss is slowing, although it has not yet stabilized or started to recover. In addition, over the last decade, algae growth has increased along the lake's shoreline, causing unsightly conditions.

To stop the decline and begin the restoration of clarity, the California Lahontan Regional Water Quality Control Board (Water Board) and the Nevada Division of Environmental Protection have developed a plan – The Lake Tahoe Total Maximum Daily Load. The research supporting the development of the plan found that very fine sediment particles have a more significant role in the loss of clarity than algae.

Stormwater, which drains into the lake from the developed areas around the lake, contributes more than 70 percent of these fine sediment particles, which are also a source of harmful phosphorus. Since many storm water pipes discharge near shore, reductions in the amount of sediment flowing into the lake will have the added benefit of reducing the amount of phosphorus in the near-shore areas, which, along with other factors, contribute to algae growth.

This scientific peer reviewed TMDL was adopted by both states and was ultimately approved by the U.S. Environmental Protection Agency in August 2011. The TMDL is the adopted regulatory framework for controlling pollutants from various sources, including both the urban and forested areas in the Lake Tahoe basin.

The loss of clarity did not happen overnight and will not be reversed overnight. The TMDL sets a goal to reverse the decline in clarity and achieve an average clarity in the mid-to-high 70-foot range between 2026 and 2031. This goal is technically feasible, but it will take an amount of money similar to that put forth in the last decade to achieve it.

Nationwide, cities, counties, other local jurisdictions, along with state highway departments have responsibility for ensuring that storm water runoff does not pollute our lakes, rivers and oceans. The TMDL, based on its supporting science, concluded that efforts must focus on reducing fine sediment and nutrients from urban storm water if there is any chance of stabilizing or improving the lake’s clarity.

The TMDL includes many tools that will aid in focusing and refining the next steps in addressing lake clarity. Governmental and private entities can use these tools to quantify the benefit of their actions, allowing them to focus limited funds on those management practices, including stormwater infiltration or treatment, or road maintenance activities, such as street sweeping, that remove the most pollutants from stormwater. Local government understands its roads and watersheds and is best suited to decide how to use available funding to implement the most beneficial management practices. The recently adopted stormwater discharge permit provided local government with broad flexibility in this area, and the Water Board is committed to working with our partners to make effective and efficient use of those limited funds.

The Water Board and the Nevada Division of Environmental Protection are also working with the Tahoe Regional Planning Agency to ensure consistency between the approved bi-state TMDL and the upcoming Regional Plan update. Ongoing monitoring and further scientific efforts will be considered when the TMDL is reviewed at five year intervals or more frequently, if warranted. The Water Board is committed to adjustments in the TMDL, based on science and fiscal considerations.

The Lake Tahoe TMDL is not a “new” program. Rather, the science behind the TMDL provides significant insights about how to adjust current programs to control pollutants affecting the clarity of the lake. Because of its national and international significance, decisions concerning Lake Tahoe’s environment have always had the benefit of cutting edge science.

It is in the best interest of the long-term health of the lake that we embrace the opportunity to apply the most current science to make optimal use of available funding. Ongoing monitoring at both the federal, state and local levels will allow us to adaptively and continually fine-tune our efforts to improve lake clarity. The TMDL provides the science-based tools to hold government accountable at all levels.

For more information about the Lake Tahoe TMDL, or the science supporting the TMDL, please visit the Lahontan Water Board website, which contains a recently released film on the plan along with supporting science.

Harold Singer is executive director of the Lahontan Water Board.

Opinion: Humanity fumbles its way toward a world without war

By Joshua S. Goldstein

"Peace on Earth." It is each year's Christmas wish and indeed the great wish of the world's religions across history.Of course, any realist or cynic can tell you that this wish is an empty hope that will never come true.

Oddly, the idealists who march in the streets for peace seem to agree: Peace on earth seems further away than ever.

Except, actually, it isn't. While TV images will always show us the most horrible parts of the human experience, the big picture has changed dramatically in our lifetimes. Worldwide, wars today are fewer, smaller, and more localized than at any time in living memory.

Start with the bloodiest form of violence in history – wars between the world’s regular national armies, head-to- head with tanks, artillery, airplanes, missiles, and currently 20 million soldiers worldwide. For centuries, these armies fought regularly, several times a year on average, and the worst of these wars killed millions at a time.

Today, nowhere in the world are these armies fighting each other – a historic development that has received almost no notice. Countries are still armed to the teeth and still have conflicts, but they don’t go to war to solve them, mostly because it’s insanely expensive and doesn’t work very well. Exhibit A is the recently ended U.S. war in Iraq.

In Europe, where major interstate wars followed one after another for centuries, a continent has become a Union where (despite monetary troubles) fighting is unthinkable. China, wracked by wars and revolutions throughout history, has not fought a battle in 25 years. Its leadership derives legitimacy from trade-based prosperity, and follows a “peaceful rise” strategy in the world system. The U.S.-Soviet rivalry no longer exists, and the world’s arsenals of nuclear weapons have shrunk by three-quarters in the past 30 years, again with no hoopla.

Goldstein is professor emeritus of international relations at American University and author of “Winning the War on War: The Decline of Armed Conflict Worldwide”.

Read the whole story

Opinion: Wrong thinking on jobless benefits

Publisher's note: ***This editorial is from the Dec. 15, 2011, Los Angeles Times.***

The fight in Congress over whether to extend the temporary payroll tax cut has focused in part on the unrelated issues that House Republicans have tied to the measure — most notably the proposed Keystone XL pipeline — and in part on how to make up for the lost revenue. Democrats want to cover the estimated $121-billion tab mainly by raising taxes on the wealthy; Republicans want to cut spending, mainly by reducing federal workers and freezing the pay of those who remain. In a nod to the Democrats' populism, however, the House GOP has also proposed to claw back the unemployment benefits paid to people with income of $1 million or more. It might sound like common sense, but it's bad policy.

Unemployment insurance is financed primarily by taxes that employers pay, the cost of which is typically passed on to workers in the form of lower salaries. States determine how much to pay laid-off workers (the average is a little less than half their previous weekly wage, up to a cap of $450 a week in California) and how long to provide benefits (26 weeks is the norm). The federal government offers extra weeks of benefits during periods of high unemployment. If the demand for benefits outstrips the supply of tax dollars, Washington kicks in money from the general fund.

Read the whole story

Opinion: Court’s decision reinforces public’s right to information

Publisher’s note: ***This editorial is from the Dec. 21, 2011, Reno Gazette-Journal.***

Many Nevadans may not care about the specific contents of the more than 100 emails that former Gov. Jim Gibbons tried to keep secret, but the principle set forth by the Nevada Supreme Court in last week’s decision on the controversy is critical to everyone in the state.

Ruling in a lawsuit brought by the Reno Gazette-Journal, the court rejected Gibbons’ attempt to simply declare the emails private without offering any proof.

The unanimous decision written by Chief Justice Nancy Saitta requires that Gibbons, who lost a bid for re-election in 2010, provide the newspaper with a log of the emails, including a “general factual description” of them and a specific explanation of why he believes they aren’t public.

In other words, the court said that the burden of proof is on an official when he or she wants to prevent the public — not just a newspaper, but all of us — from seeing a document. Otherwise, it’s public.

The Supreme Court’s decision has implications well beyond the governor’s emails, written on a state-owned computer and sent to staffers, family, friends and political campaign contributors.

The principle espoused by the Nevada Public Records Act is rather simple: Unless there’s a specific exemption in law, all government records are considered public.

Read the whole story

Opinion: Shenanigans fuel distrust of Wall Street

By Robert Reich

Wall Street is its own worst enemy. It should have welcomed new financial regulation as a means of restoring public trust. Instead, it's busily shredding new regulations and making the public more distrustful than ever.

The Street's biggest lobbying groups have just filed a lawsuit against the Commodities Futures Trading Commission, seeking to overturn its new rule limiting speculative trading in food, oil and other commodities.

The Street makes bundles from these bets, but they have raised costs for consumers. In other words, a small portion of what you and I pay for food and energy has been going into the pockets of Wall Street. Just another redistribution from the middle class and the poor to the top.

The Street argues that the commission's cost-benefit analysis wasn't adequate. At first blush, it's a clever ploy. There's no clear legal standard for an "adequate" weighing of costs and benefits of financial regulations, since both are so difficult to measure. And putting the question into the laps of federal judges gives the Street a huge tactical advantage because the Street has almost an infinite amount of money to hire so-called "experts" who will say benefits have been exaggerated and costs underestimated.

The Street used the same ploy last year, when the Securities and Exchange Commission tried to make it easier for shareholders to nominate company directors. Wall Street argued that the commission’s cost-benefit analysis was inadequate. Last July, a federal appeals court — inundated by Wall Street lawyers and hired-gun “experts” — agreed with the Street. So much for shareholder rights.

Robert Reich, former U.S. secretary of labor, is professor of public policy at UC Berkeley and the author of “Aftershock: The Next Economy and America’s Future.”

Read the whole story

Opinion: Tahoe’s mantra should be ‘haste makes waste’

By Garry Bowen

Although this column could easily be my swan song, given the dearth of opportunity here for anyone beyond a South Shore job description, as a long-time local I am hardier than that, especially in a hometown which desperately needs to upgrade their entry into the 21st century, if they ever hope to flourish again.

First of all, thanks go out to all those who have noticed the continual contradictions between what our “powers-that-be” profess to do on our behalf, and what the rest of us observe as reality, starting with the idea that as Lahontan wants to use pesticides to solve the invasive species issue, a western

Nevada entrepreneur has approval from another agency to harvest 220 million crayfish as a "cash crop".

Garry Bowen

The gratitude rests with the idea that this exposes a perfect example of the continual expression that the left hand doesn't know what the right hand is doing with our institutional guidance. The idea that there might be a harvest of crayfish from a lake that uses pesticides to combat other biologic forms has already turned off those intuitive enough to notice the conflict, even absent any biologic knowledge, with this very ironic development.

The EPA considers any additive to our water supply, whether organic or chemical, to be pollution, so it will be interesting to see what happens to Lahontan's supposed July approval for such an idea.

The word "cumulative" is now in play, as too much of either cannot assimilate back into nature – that would be a fundamental for the EPA position, as by definition this is what toxicity is, and a foundation for the proposed TMDL.

As we already know, with Tahoe water columns recirculate only every 700 years (it averages 989 feet deep), this development needs serious scrutiny, and much deeper understanding than prevailing board approval would imply.

Conversely, anyone (from Yerington?) who thinks that they are to invest in equipment, facilities, marketing, and distribution with an approval-in-hand is just as off-balance as are agencies, as their entire product line is now in serious jeopardy, unless they indulge in one of those illegitimately spun PR campaigns extolling “succulent Tahoe shrimp”.

The Swan Song theme doesn’t stop there, as apparently other powers-that-be have announced a misdirection in wanting to change any South Shore reference to Tahoe South. In the alternative, they may be right, as toxic crayfish will perhaps be associated with Tahoe North by default, to mitigate any further damage to our current flat economy – but a divided Tahoe identity will easily counteract that idea.

This is a fertile period for naysayers when you also consider the latest city escapade, and add it to the situations above, upon realizing that any sincere attempt to offset a municipal loss by “outsourcing” its operation with a business proposal that pays the city less than a dime per square foot for a very sophisticated building of almost 40,000 square feet is unworkable. Note that a serious reworking of the original bond takes $75,000 worth of consultancies to effectuate, not to mention a lifespan that may result in several hundred thousand dollars of additional interest.

How long will it take to recoup $75,000, or several hundred thousand, at less than 10 cents a square foot? I know, I know – the private proprietors were to pay a percentage of their profit, but above a certain amount – an amount that the city never reached themselves – what did they think the possibility of that actually was?

I submit that they will be losing way more than the previous $100,000.

Does the idea of “haste makes waste” govern all conduct in the basin? Or, are we going to continue to “shoot ourselves in the foot” in “rearranging the deck chairs on the Titanic” – sorry for the obvious clichés, but they are now very apt.

This is where the Swan Song theme bears fruit, as in the aggregate of the above initiatives; no leeway exists for any thing new, as unfortunately there is only so much daylight to burn. This is the danger of being overly preoccupied with trying to prop up a status quo, especially a declining one, while not allowing any way for necessary sustained transformation to emerge. Time is of course the essence.

It is indeed a sad commentary for the natural beauty of Tahoe to be squandered by trying to maintain ideas that are not even understood by those trying so hard to protect them, while not trying very hard to engage those providing very real and understandable solutions.

You don’t have to believe in the problems to believe in solutions – something apparently lost on those who continue to dwell on the avoidance of problems by creating more of them. None of the above is sustainable to any quality of life here.

Even a Swan Song can be off-key – Tahoe will simply have to do better than this.

Garry Bowen has a 50-year connection to the South Shore, with an immediate past devoted to global sustainability, on most of its current fronts: green building, energy and water efficiencies, and public health. He may be reached at tahoefuture@gmail.com or (775) 690.6900.